

# **MEETING OF THE**

# TEMPLE CITY COUNCIL

# **MUNICIPAL BUILDING**

### **2 NORTH MAIN STREET**

# 2<sup>ND</sup> FLOOR - CITY COUNCIL CHAMBERS

**THURSDAY, MAY 19, 2016** 

2:00 P.M.

# **AGENDA**

- 1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, May 19, 2016
- 2. Discuss the City's strategic plan, to include the FY 2016-2017 budget process and calendar, and various strategic and budget related policy issues to include but not limited to the receiving presentations from agencies requesting Community Enhancement Grant funding by the following:

Central Texas 4C
Cultural Activities Center
Feed My Sheep
Hill Country Community Action Association
Bell County Human Services (Temple HELP Center)
Hillcrest Cemetery
Hill Country Transit District
Keep Temple Beautiful
Neighborworks
Ronald McDonald House Charities of Temple TX
Temple Symphony Orchestra

### 5:00 P.M.

### MUNICIPAL BUILDING

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

# TEMPLE CITY COUNCIL REGULAR MEETING AGENDA

# I. CALL TO ORDER

- 1. Invocation
- 2. Pledge of Allegiance

# II. 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 three minutes. No <u>discussion</u> or final action will be taken by the City Council.

# **III. ELECTION ITEMS**

3. 2016-8144-R: Consider adopting a resolution electing a Mayor Pro Tem for the City of Temple.

# **IV. PUBLIC APPEARANCE**

- 4. Receive comments from Shirley Mason regarding code enforcement and parking in yards.
- 5. Receive comments from Shirley Mason regarding drainage issue at South 9<sup>th</sup> and Avenue F.

# **V. PROCLAMATIONS & SPECIAL RECOGNITIONS**

6. Recognize Public Works Week as May 15 - 21, 2016.

# **VI. BOND ITEMS**

7. 2016-4770: FIRST & FINAL READING-PUBLIC HEARING-Consider adopting an Ordinance authorizing the issuance and sale of one or more series of City of Temple, Texas Limited Tax Notes; Authorizing the levy of an ad valorem tax in support of the notes; Approving the form of a Paying Agent/Registrar Agreement and other agreements related to the sale and issuance of the Notes; Establishing procedures for selling and delivering one or more series of Notes; and Authorizing other matters related to the issuance of the Notes.

# VII. 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.

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

# <u>Minutes</u>

- (A) May 5, 2016 Special and Regular Meeting
- (B) May 11, 2016 Special Called Meeting

# Contracts, Leases, & Bids

- (C) 2016-8145-R: Consider adopting a resolution authorizing the purchase of two properties necessary for the construction of the proposed Santa Fe Market Trail/MLK Fields festival grounds, authorizing closing costs associated with the purchases, and authorizing the payment of relocation expenses, in an amount not to exceed \$92,000.
- (D) 2016-8146-R: Consider adopting a resolution authorizing additional funds for the purchase of approximately 0.896 acres located at 1002 Old Waco Road, Temple and necessary for the extension of Tarver Drive to Old Waco Road and the payment of relocation expenses in an amount not to exceed \$15,000.
- (E) 2016-8147-R: Consider adopting a resolution authorizing the City Manager to accept the donation of approximately 0.082 acre of right-of-way and two temporary construction easements located along South 31st Street in Temple, Bell County, Texas, necessary for the installation of new signals at the intersection of South 31st Street and Scott Boulevard.
- (F) 2016-8148-R: Consider adopting a resolution authorizing the City Manager to accept the donation of approximately 0.008 acre of sidewalk easements in the C.S. Masters Survey, Abstract No. 550, Temple, Bell County, Texas, necessary for the construction of a sidewalk along North 31st Street.
- (G) 2016-8149-R: Consider adopting a resolution authorizing the City Manager to accept the donation of the property located at 207 and 209 South Main Street and in Block Thirty-Four (34) of the Original Town of Temple, Bell County, Texas to make improvements necessary for the promotion of public safety and for use within the future revitalization plans for the area.
- (H) 2016-8150-R: : Consider adopting a resolution authorizing the purchase of mobile data laptops and associated equipment from Austin Ribbon & Computer Supplies, Inc. of Austin in the amount of \$440,520.08.
- (I) 2016-8151-R: Consider adopting a resolution authorizing the purchase of 85 body cameras systems with three charging systems in an amount of \$43,688.40 from L-3 Communications Mobile-Vision, Inc.

- (J) 2016-8152-R: Consider adopting a resolution authorizing the purchase of 636 plastic 96-gallon garbage and recycling containers for the Solid Waste & Recycling Services Division of Public Works from Toter, Inc., Statesville, NC, utilizing a National IPA cooperative contract, in the amount of \$28,611.98.
- (K) 2016-8153-R: Consider adopting a resolution authorizing the purchase of a tire service truck from Caldwell Country Ford of Caldwell in the amount of \$53,941.
- (L) 2016-8154-R: Consider adopting a resolution authorizing the repair of a solid waste truck by Rush Truck Center of Irving in the estimated amount of \$20,584.51 and by McNeilus of Hutchins in the estimated amount of \$22,140.46, for a total estimated repair cost of \$42,724.97.
- (M) 2016-8112-R: Consider adopting a resolution authorizing estimated FY2016 annual contract expenditure increases to the concrete repair and construction services contract with Wilson Construction Services, LLC of Belton and the carpentry/minor remodel & repair construction contract with Camden Enterprises, LLC of Belton.
- (N) 2016-8155-R: Consider adopting a resolution authorizing service through Grande Communications Networks LLC, of Dallas, in the amount of \$42,000 for high-speed data services to eight City Facilities.
- (O) 2016-8156-R: Consider adopting a resolution authorizing a professional services agreement with Stateside Right-of-Way Services in an amount not to exceed \$45,000, for right-of-way acquisition services associated with the Daniels Drive section of the Bird Creek Interceptor project.
- (P) 2016-8157-R: Consider adopting a resolution authorizing a services agreement in the estimated amount of \$40,000 with Aqua Metric Sales Company of Schertz for large water meter testing and repair services.
- (Q) 2016-8158-R: Consider adopting a resolution authorizing a lease extension with Ducharme Marketing Group, Inc., for lease of space in the E. Rhodes and Leona B. Carpenter Foundation Building (the Temple Public Library).
- (R) 2016-8159-R: Consider adopting a resolution ratifying a two year lease agreement with Morris & Pursley Financial Plans, for lease of space in the E. Rhodes and Leona B. Carpenter Foundation Building (the Temple Public Library).

# <u>Ordinances – Second & Final Reading</u>

(S) 2016-4767: SECOND READING – Z-FY-16-18: Consider adopting an Ordinance authorizing a Conditional Use Permit (CUP) to allow a restaurant where less than 50% of the total gross revenue may be from the sale of all alcoholic beverages with on-premise consumption on Lot 1, Block 1, of the proposed Highline Addition subdivision, located on the north side of Scott Boulevard, west of its intersection with South 31st Street.

# <u>Misc.</u>

(T) 2016-8160-R: Consider adopting a resolution authorizing the acceptance of additional funding through the Victims of Crime Assistance Grant through the Criminal Justice Division of the Governor's Office.

- (U) 2016-8162-R: Consider adopting a resolution approving a negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division regarding the company's 2016 Rate Review Mechanism filings.
- (V) 2016-8163-R: Consider adopting a resolution approving second quarter financial results for Fiscal Year 2016.
- (W) 2016-8164-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2015-2016.

# VIII. REGULAR AGENDA

# ORDINANCES - FIRST READING/PUBLIC HEARING

- 9. 2016-4771: FIRST READING PUBLIC HEARING Z-FY-16-20: Consider adopting an ordinance authorizing a Conditional Use Permit (CUP) to install a proposed 115' stealth monopole for Verizon Wireless at the Mueller building site on a tract of land of 0.0258 +/- acres, situated in the S. Bottsford Survey, Abstract No. 118, Bell County, Texas, located at 7050 North General Bruce Drive.
- 10. 2016-4772: FIRST READING PUBLIC HEARING A-FY-16-02: Consider adopting an ordinance authorizing the abandonment and conveyance of 146.78 feet of a 20-foot-wide alley located between Lot 6, Block 1, Black's Addition, and Lot 6, Block 2, Black's Addition, City of Temple, Bell County, Texas.
- 11. 2016-4773: FIRST READING PUBLIC HEARING Z-FY-16-19: Consider adopting an ordinance authorizing a rezoning from Agricultural (AG) to Light Industrial (LI), and to consider and recommend action on a Conditional Use Permit (CUP) to allow for landfill use in the LI zone on 283.73 +/- acre tract of land, recently annexed into the City of Temple by Ordinance No. 2015-4733, located to the south of Little Flock Road and to the west of Bob White Road.

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 1:30 PM, on Friday, May 13, 2016.

City Secretary, TRMC



# **COUNCIL AGENDA ITEM MEMORANDUM**

05/19/16 Item #3 Regular Agenda Page 1 of 1

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

Daniel A. Dunn, Mayor

**ITEM DESCRIPTION:** 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 4.8(d) of the City Charter states... "the City Council must elect one of its members as Mayor Pro-Tem following each City Council election. The Mayor Pro-Tem will act as Mayor during the absence or disability of the Mayor and, when doing so, will have the rights conferred upon the Mayor."

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

FISCAL IMPACT: None

**ATTACHMENTS:** 

Resolution - to be provided



# **COUNCIL AGENDA ITEM MEMORANDUM**

05/19/16 Item #4 Regular Agenda Page 1 of 1

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

Daniel A. Dunn, Mayor

**ITEM DESCRIPTION:** Receive comments from Shirley Mason regarding code enforcement and parking in yards.

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

<u>ITEM SUMMARY:</u> Mr. Sales submitted a Request for Placement on the City Council Agenda, please see attached the forms.

**FISCAL IMPACT:** None

### **ATTACHMENTS:**

Request for placement on agenda



# CITY OF TEMPLE, TEXAS

# **CITY COUNCIL MEETINGS**

# **REQUEST FOR PLACEMENT ON AGENDA**

1	Priority
NAME OF PRESENTER: Shirley Masor/	
ADDRESS: 415 West AUE. 7	
TELEPHONE NO. 254-742-1234	
DATE REQUESTED TO APPEAR BEFORE THE COUNCIL: (Note - meets the first and third Thursdays of each month.)	
SUBJECT TO BE PRESENTED: (Your description must identify the your appearance in sufficient detail to alert the public what topic you what action you are requesting by the Council.)	vill discuss and
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on the south-side of town for so year and all	1.7
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procedures.	DEOENED
Shirlan Meson-Wigh 4-6-2016	RECEIVED
SIGNATURE OF PRESENTER DATE	APR 06 2016
For Office Use:	CITY OF TEMPLE, TX CITY SECRETARY



# **COUNCIL AGENDA ITEM MEMORANDUM**

05/19/16 Item #5 Regular Agenda Page 1 of 1

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

Daniel A. Dunn, Mayor

**ITEM DESCRIPTION:** Receive comments from Shirley Mason regarding drainage issue at South 9th and Avenue F.

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

<u>ITEM SUMMARY:</u> Mr. Sales submitted a Request for Placement on the City Council Agenda, please see attached the forms.

**FISCAL IMPACT:** None

### **ATTACHMENTS:**

Request for placement on agenda



# CITY OF TEMPLE, TEXAS

# **CITY COUNCIL MEETINGS**

# **REQUEST FOR PLACEMENT ON AGENDA**

1	Priority
NAME OF PRESENTER: Shirley Mason	
ADDRESS: 415 West AUE. 7	
TELEPHONE NO	
DATE REQUESTED TO APPEAR BEFORE THE COUNCIL: (Note meets the first and third Thursdays of each month.)	_ The City Council 5-(4-2ป 6
SUBJECT TO BE PRESENTED: (Your description must identify the your appearance in sufficient detail to alert the public what topic you what action you are requesting by the Council.)	will discuss and
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Note: Separate requests must be completed for each subject prese	Leaches over 100 deg.
I, the above identified presenter, have read the procedures for before the City Council of the City of Temple, Texas, and vaprocedures.	
Shirly Mason-Wight 4-6-2016 SIGNATURE OF PRESENTER  DATE	RECEIVED
SIGNATURE OF PRESENTER DATE	APR 06 2016
For Office Use:	CITY OF TEMPLE, TX CITY SECRETARY
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# **COUNCIL AGENDA ITEM MEMORANDUM**

05/19/16 Item #7 Regular Agenda Page 1 of 2

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

Traci L. Barnard, Director of Finance

**ITEM DESCRIPTION**: FIRST & FINAL READING-PUBLIC HEARING-Consider adopting an Ordinance authorizing the issuance and sale of one or more series of City of Temple, Texas Limited Tax Notes; Authorizing the levy of an ad valorem tax in support of the notes; Approving the form of a Paying Agent/Registrar Agreement and other agreements related to the sale and issuance of the Notes; Establishing procedures for selling and delivering one or more series of Notes; and Authorizing other matters related to the issuance of the Notes.

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

**ITEM SUMMARY:** This item is to delegate authority to the Director of Finance or in her absence, the City Manager to issue notes and finalize pricing within parameters defined in the attached ordinance in a par amount not to exceed \$2,000,000\*. This delegation of authority will allow the City to obtain the most advantageous terms on the notes in order to achieve maximum debt service savings.

The proceeds from the Limited Tax Notes will be used to fund five (5) commercial sanitation trucks, building security upgrades and major building improvements to include HVAC replacement, interior/exterior renovations and roof replacements. These items were included in the FY 2016 capital budget.

The date and method by which the notes will be issued, sold, and delivered will be determined to achieve the most advantageous borrowing costs for the City. The City has requested a bond rating from Standard & Poor's. The ratings will be published prior to the pricing and sale of the notes.

The notes are scheduled for pricing the week of June 27th and delivery of the funds on July 19, 2016.

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

\*The issue size is preliminary and will be sized at the time of pricing.

05/19/16 Item #7 Regular Agenda Page 2 of 2

<u>FISCAL IMPACT:</u> The maximum maturity of the Limited Tax notes will not exceed seven years. The payback for the notes will be from General Fund revenues and sanitation system revenues. The estimated annual debt service for the notes will be \$308,000. This amount was based on an assumed net interest cost of 2.42%.

# **ATTACHMENTS:**

Ordinance

ORDINANCE N	IO. 2016-
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ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF ONE OR MORE SERIES OF CITY OF TEMPLE, TEXAS LIMITED TAX NOTES; AUTHORIZING THE LEVY OF AN AD VALOREM TAX IN SUPPORT OF THE NOTES; APPROVING THE FORM OF A PAYING AGENT/REGISTRAR AGREEMENT AND OTHER AGREEMENTS RELATED TO THE SALE AND ISSUANCE OF THE NOTES; ESTABLISHING PROCEDURES FOR SELLING AND DELIVERING ONE OR MORE SERIES OF NOTES; AND AUTHORIZING OTHER MATTERS RELATED TO THE ISSUANCE OF THE NOTES

**Adopted May 19, 2016** 

ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF ONE OR MORE SERIES OF CITY OF TEMPLE, TEXAS LIMITED TAX NOTES; AUTHORIZING THE LEVY OF AN AD VALOREM TAX IN SUPPORT OF THE NOTES; APPROVING THE FORM OF A PAYING AGENT/REGISTRAR AGREEMENT AND OTHER AGREEMENTS RELATED TO THE SALE AND ISSUANCE OF THE NOTES; ESTABLISHING PROCEDURES FOR SELLING AND DELIVERING ONE OR MORE SERIES OF NOTES; AND AUTHORIZING OTHER MATTERS RELATED TO THE ISSUANCE OF THE NOTES

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Exhibit A - Definitions

Exhibit B - Description of Annual Financial Information

### ORDINANCE NO. 2016-\_\_\_\_

ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF ONE OR MORE SERIES OF CITY OF TEMPLE, TEXAS LIMITED TAX NOTES; AUTHORIZING THE LEVY OF AN AD VALOREM TAX IN SUPPORT OF THE NOTES; APPROVING THE FORM OF A PAYING AGENT/REGISTRAR AGREEMENT AND OTHER AGREEMENTS RELATED TO THE SALE AND ISSUANCE OF THE NOTES; ESTABLISHING PROCEDURES FOR SELLING AND DELIVERING ONE OR MORE SERIES OF NOTES; AND AUTHORIZING OTHER MATTERS RELATED TO THE ISSUANCE OF THE NOTES

THE STATE OF TEXAS § COUNTY OF BELL §

CITY OF TEMPLE §

WHEREAS, the City Council of the City of Temple, Texas (the "City") deems it advisable to issue limited tax notes in an amount not to exceed \$2,000,000 (the "Notes") and finds that the payment in whole or in part of contractual obligations are incurred or to be incurred for: (1) the purchase of materials, supplies, equipment, machinery, buildings, lands and rights-of-way for the City's authorized needs and purposes; and (2) professional services including fiscal, engineering, architectural and legal fees and other such costs incurred in connection therewith, including the costs of issuing the Notes; and

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

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

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

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

**Section 1. RECITALS**. The recitals set forth in the preamble hereof are incorporated herein and shall have the same force and effect as if set forth in this Section.

**Section 2.** <u>**DEFINITIONS**</u>. For all purposes of this Ordinance, except as otherwise expressly provided or unless the context otherwise requires, the terms defined in <u>Exhibit "A"</u> to this Ordinance have the meanings assigned to them in Exhibit "A".

Section 3. AMOUNT AND PURPOSE OF THE NOTES. The notes of the City of Temple, Texas (the "City") are hereby authorized to be issued and delivered in accordance with the Constitution and laws of the State of Texas, including particularly, Chapter 1431 of the Texas Government Code, as amended, and Chapter 1371 of the Texas Government Code, in one or more series in the maximum aggregate principal amount not to exceed \$2,000,000 (the "Notes") for the purpose of paying contractual obligations incurred or to be incurred for: (1) the purchase of materials, supplies, equipment, machinery, buildings, lands and rights-of-way for the City's authorized needs and purposes; and (2) professional services including fiscal, engineering, architectural and legal fees and other such costs incurred in connection therewith, including the costs of issuing the Notes.

# Section 4. DATE, DENOMINATIONS, NUMBERS, MATURITIES AND TERMS **OF NOTES**. (a) Terms of Notes. There initially shall be issued, sold and delivered under this Ordinance fully registered Notes, without interest coupons, in one or more series, numbered consecutively from R-1 upward (except the Initial Note (as defined in Sections 4 and 5 hereof) delivered to the Attorney General of the State of Texas which shall be numbered T-1) payable to the initial registered owner(s) (as designated in subsection (c) of this Section), or to the registered assignee or assignees of said Notes or any portion or portions thereof (in each case, the "Registered Owner" or the "Owner"), in the denomination of \$5,000 or any integral multiple thereof, maturing not later than seven years from the date of initial delivery of the Notes, serially or otherwise on the dates, in the years and in the principal amounts, respectively, and dated, all as set forth in the Pricing Certificate to be executed and delivered by the Pricing Officer pursuant to Subsection (b) of this Section. The Pricing Certificate is hereby incorporated in and made a part of this Ordinance. The Notes shall be designated by the year in which they are awarded. The authority of the Pricing Officer to execute a Pricing Certificate shall expire at 5:00 p.m. C.D.T. on May 19, 2017. Notes priced on or before 5:00 p.m. C.D.T. on May 19, 2017 may be delivered to the initial purchaser after such date.

Selling and Delivering the Notes. As authorized by Chapter 1371, Texas Government (b) Code, as amended, the Pricing Officer is hereby authorized to act on behalf of the City in selling and delivering one or more series of the Notes and carrying out the other procedures specified in this Ordinance, including determining the date of the Notes, any additional or different designation or title by which a series of the Notes shall be known, the price at which each series of the Notes will be sold, the years in which the Notes will mature, the principal amount to mature in each of such years, the aggregate principal amount of the Notes, the rate or rates of interest to be borne by each such maturity, the interest payment periods, the dates, price, and terms upon and at which the Notes shall be subject to redemption prior to maturity at the option of the City, as well as any mandatory sinking fund redemption provisions, obtaining a rating on the Notes, procuring municipal bond insurance, if any, and all other matters relating to the issuance, sale, and delivery of the Notes, all of which shall be specified in the Pricing Certificate; provided that (i) the price to be paid for each series of the Notes shall not be less than 90% of the aggregate original principal amount thereof plus accrued interest thereon from its date to its delivery and (ii) none of the Notes of a series shall bear interest at a rate greater than 3.50%. In establishing the aggregate principal amount of the Notes, the Pricing Officer shall establish an amount not to exceed the amount authorized in Section 4 thereof,

which shall be sufficient to provide for the purposes for which the Notes are authorized and to pay the costs of issuing the Notes.

(c) To achieve advantageous borrowing costs for the City, the Notes shall be sold on a negotiated, placement or competitive basis as determined by the Pricing Officer in the Pricing Certificate. In determining whether to sell the Notes by negotiated, placement or competitive sale, the Pricing Officer shall take into account any material disclosure issues which might exist at the time, the market conditions expected at the time of the sale and any other matters which, in the judgment of the Pricing Officer, might affect the net borrowing costs on the Notes.

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

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

In satisfaction of Section 1201.022(a)(3), Texas Government Code, the City hereby determines that the delegation of the authority to the Pricing Officer to approve the method of sale and final terms and conditions of each series of the Notes as set forth in this Ordinance and the decisions made by the Pricing Officer pursuant to such delegated authority and incorporated in each Pricing Certificate will be, in the best interests and shall have the same force and effect as if such determination were made by the City and the Pricing Officer is hereby authorized to make and include in each Pricing Certificate an appropriate finding to that effect.

- (d) The Notes shall bear interest calculated on the basis of a 360-day year composed of twelve 30-day months from the dates specified in the FORM OF NOTE set forth in this Ordinance to their respective dates of maturity or redemption at the rates per annum set forth in the Pricing Certificate.
- **Section 5. INTEREST.** The Notes shall bear interest from the dates specified in the FORM OF NOTE set forth in this Ordinance to their respective dates of maturity or redemption at the rates per annum as set forth in the Pricing Certificate. Interest shall be payable in the manner

provided and on the dates stated in the FORM OF NOTE set forth in this Ordinance and the Pricing Certificate.

**CHARACTERISTICS OF THE NOTES**. (a) Registration, Transfer and Section 6. Exchange; Authentication. The Pricing Officer shall designate the Paying Agent/Registrar for each series of the Notes in the Pricing Certificate. The Paying Agent/Registrar shall keep the books or records for the registration of the transfer and exchange of the Notes (the "Registration Books"), and the Paying Agent/Registrar shall serve as the City's registrar and transfer agent to keep such books or records and make such registrations of transfers and exchanges under such reasonable regulations as the City and Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such registrations, transfers and exchanges as herein provided. The Paying Agent/Registrar shall obtain and record in the Registration Books the address of the Registered Owner of each Note to which payments with respect to the Notes shall be mailed, as herein provided; but it shall be the duty of each Registered Owner to notify the Paying Agent/Registrar in writing of the address to which payments shall be mailed, and such interest payments shall not be mailed unless such notice has been given. The City shall have the right to inspect the Registration Books during regular business hours of the Paying Agent/Registrar, but otherwise the Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any other entity. The Paying Agent/Registrar shall make the Registration Books available within the State of Texas. The City shall pay the Paying Agent/Registrar's standard or customary fees and charges for making such registration, transfer, exchange and delivery of a substitute Note or Notes. Registration of assignments, transfers and exchanges of Notes shall be made in the manner provided and with the effect stated in the FORM OF NOTE set forth in this Ordinance. Each substitute Note shall bear a letter and/or number to distinguish it from each other Note.

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

(b) <u>Payment of Notes and Interest</u>. The Paying Agent/Registrar shall further act as the paying agent for paying the principal of and interest on the Notes, all as provided in this Ordinance. The Paying Agent/Registrar shall keep proper records of all payments made by the City and the

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

- <u>In General</u>. The Notes (i) shall be issued in fully registered form, without interest (c) coupons, with the principal of and interest on such Notes to be payable only to the Registered Owners thereof, (ii) may be redeemed prior to their scheduled maturities (notice of which shall be given to the Paying Agent/Registrar by the City at least 45 days prior to any such redemption date), (iii) may be converted and exchanged for other Notes, (iv) may be transferred and assigned, (v) shall have the characteristics, (vi) shall be signed, sealed, executed and authenticated, (vii) the principal of and interest on the Notes shall be payable, and (viii) shall be administered and the Paying Agent/Registrar and the City shall have certain duties and responsibilities with respect to the Notes, all as provided, and in the manner and to the effect as required or indicated, in the FORM OF NOTE set forth in this Ordinance and with such changes and additions as required to be consistent with the provisions contained in the Pricing Certificate relating to the Notes. The Notes initially issued and delivered pursuant to this Ordinance are not required to be, and shall not be, authenticated by the Paying Agent/Registrar, but on each substitute Note issued in exchange for any Note or Notes issued Paying shall Agent/Registrar execute this Ordinance the the AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE, in the form set forth in the FORM OF NOTE.
- Substitute Paying Agent/Registrar. The City covenants with the Registered Owners (d) of the Notes that at all times while the Notes are outstanding the City will provide a competent and legally qualified bank, trust company, financial institution, or other agency to act as and perform the services of Paying Agent/Registrar for the Notes under this Ordinance, and that the Paying Agent/Registrar will be one entity. The City reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than 30 days written notice to the Paying Agent/Registrar, to be effective at such time which will not disrupt or delay payment on the next principal or interest payment date after such notice. In the event that the entity at any time acting as Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the City covenants that promptly it will appoint a competent and legally qualified bank, trust company, financial institution, or other agency to act as Paying Agent/Registrar under this Ordinance. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver the Registration Books (or a copy thereof), along with all other pertinent books and records relating to the Notes, to the new Paying Agent/Registrar designated and appointed by the City. Upon any change in the Paying Agent/Registrar, the City promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to each Registered Owner of the Notes, by United States mail, first-class postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar. By accepting the position and performing

as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Ordinance, and a certified copy of this Ordinance shall be delivered to each Paying Agent/Registrar.

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

With respect to Notes registered in the name of Cede & Co., as nominee of DTC, the City and the Paying Agent/Registrar shall have no responsibility or obligation to any securities brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC participants (the "DTC Participant") or to any person on behalf of whom such a DTC Participant holds an interest in the Notes. Without limiting the immediately preceding sentence, the City and the Paying Agent/Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Notes, (ii) the delivery to any DTC participant or any other person, other than a Registered Owner, as shown on the Registration Books, of any notice with respect to the Notes, including any notice of redemption, or (iii) the payment to any DTC Participant or any person, other than a Registered Owner, as shown on the Registration Books of any amount with respect to principal of, premium, if any, or interest on the Notes. Notwithstanding any other provision of this Ordinance to the contrary, but to the extent permitted by law, the City and the Paying Agent/Registrar shall be entitled to treat and consider the person in whose name each Note is registered in the Registration Books as the absolute owner of such Note for the purpose of payment of principal, premium, if any, and interest, with respect to such Note, for the purposes of registering transfers with respect to such Notes, and for all other purposes of registering transfers with respect to such Notes, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of, premium, if any, and interest on the Notes only to or upon the order of the respective Registered Owners, as shown in the Registration Books as provided in the Ordinance, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to payment of principal of, premium, if any, and interest on the Notes to the extent of the sum or sums so paid. No person other than a Registered Owner, as shown in the Registration Books, shall receive a Note evidencing the obligation of the City to make payments of principal, premium, if any, and interest pursuant to the Ordinance. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Ordinance with respect to interest checks being mailed to the registered owner at the close of business on the Record Date the word "Cede & Co." in this Ordinance shall refer to such new nominee of DTC.

(f) <u>Successor Securities Depository; Transfer Outside Book-Entry-Only System</u>. In the event that the City determines to discontinue the book-entry system through DTC or a successor or DTC determines to discontinue providing its services with respect to the Notes, the City shall either (i) appoint a successor securities depository, qualified to act as such under Section 17(a) of the

Securities and Exchange Act of 1934, as amended, notify DTC and DTC Participants of the appointment of such successor securities depository and transfer one or more separate Notes to such successor securities depository or (ii) notify DTC and DTC Participants of the availability through DTC of Notes and transfer one or more separate Notes to DTC Participants having Notes credited to their DTC accounts. In such event, the Notes shall no longer be restricted to being registered in the Registration Books in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names Registered Owner transferring or exchanging Notes shall designate, in accordance with the provisions of this Ordinance.

- (g) Payments to Cede & Co. Notwithstanding any other provision of this Ordinance to the contrary, so long as any Note is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of, premium, if any, and interest on such Note and all notices with respect to such Note shall be made and given, respectively, in the manner provided in the Blanket Representation of the City to DTC.
- (h) <u>Initial Note</u>. The Notes herein authorized shall be initially issued as fully registered Notes, being one Note for each maturity in the denomination of the applicable principal amount and the initial Note shall be registered in the name of the Senior Manager as set forth in the Pricing Certificate. The initial Note shall be the Note submitted to the Office of the Attorney General of the State of Texas for approval, certified and registered by the Office of the Comptroller of Public Accounts of the State of Texas and delivered to the Underwriters. Immediately after the delivery of the initial Note, the Paying Agent/Registrar shall cancel the initial Note delivered hereunder and exchange therefor Notes in the form of a separate single fully registered Note for each of the maturities thereof registered in the name of Cede & Co., as nominee of DTC and except as provided in Section 4(f), all of the outstanding Notes shall be registered in the name of Cede & Co., as nominee of DTC.
- **Section 7. FORM OF NOTE**. The form of the Note, including the form of Paying Agent/Registrar's Authentication Certificate, the form of Assignment and the form of Registration Certificate of the Comptroller of Public Accounts of the State of Texas to be attached to the Notes initially issued and delivered pursuant to this Ordinance, shall be, respectively, substantially as follows, with such appropriate variations, omissions or insertions as are permitted or required by this Ordinance and the Pricing Certificate.

### **FORM OF NOTE**

RUNITED STATES OF AMERICA
STATE OF TEXAS
CITY OF TEMPLE, TEXAS
LIMITED TAX NOTES,

F TEXAS AMOUNT PLE, TEXAS \$\_\_\_\_

**PRINCIPAL** 

INTEREST DATE OF MATURITY CUSIP NO.

**SERIES 2016** 

<u>RATE</u>	<b>NOTES</b>	<b>DATE</b>
-------------	--------------	-------------

REGISTERED	<b>OWNER:</b>
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PRINCIPAL AMOUNT: DOLLARS

ON THE MATURITY DATE	specified above, the City	of remple, rexas (the City),
being a political subdivision of the State	e of Texas, hereby promises	to pay to the Registered Owner
set forth above, or registered assigns	(hereinafter called the "Reg	gistered Owner") the principal
amount set forth above, and to pay inter	est thereon from	*, the initial date of delivery
of the Notes, on	$^st$ , and semiannually on e	each* and
* thereafter to the mat	urity date specified above, or	r the date of redemption prior to
maturity, at the interest rate per annum	specified above; except th	at if this Note is required to be
authenticated and the date of its auth	entication is later than the	first Record Date (hereinafter
defined), such principal amount shall be	ear interest from the interest p	payment date next preceding the
date of authentication, unless such date	of authentication is after an	y Record Date but on or before
the next following interest payment da	te, in which case such princ	cipal amount shall bear interest
from such next following interest pa	lyment date; provided, ho	wever, that if on the date of
authentication hereof the interest on	the Note or Notes, if any,	for which this Note is being
exchanged or converted from is due but	has not been paid, then this	Note shall bear interest from the
date to which such interest has been pai	d in full. Notwithstanding the	he foregoing, during any period
in which ownership of the Notes is deter	rmined only by a book entry	at a securities depository for the
Notes, any payment to the securities de	pository, or its nominee or re	egistered assigns, shall be made
in accordance with existing arrangement	nts between the City and the	e securities depository.
THE PRINCIPAL OF AND I		
United States of America, without exch	ange or collection charges.	The principal of this Note shall

United States of America, without exchange or collection charges. The principal of this Note shall be paid to the Registered Owner hereof upon presentation and surrender of this Note at maturity, or upon the date fixed for its redemption prior to maturity, at \_\_\_\_\_\_\_\_\*, which is the "Paying Agent/Registrar" for this Note at their office in \_\_\_\_\_\_\_\* (the "Designated Payment/Transfer Office"). The payment of interest on this Note shall be made by the Paying Agent/Registrar to the Registered Owner hereof on each interest payment date by check or draft, dated as of such interest payment date, drawn by the Paying Agent/Registrar on, and payable solely from, funds of the City required by the ordinance authorizing the issuance of this Note (the "Note Ordinance") to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided; and such check or draft shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, on each such interest payment date, to the Registered Owner hereof, at its address as it appeared at the close of business on the \_\_\_\_\_\* day of the month preceding such interest payment date (the "Record Date") on the registration books kept by the Paying Agent/Registrar (the "Registration Books"). In addition, interest may be paid by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Registered Owner. In the event of

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<sup>\*</sup>As determined in the Pricing Certificate.

a non-payment of interest on a scheduled payment date, and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each owner of a Note appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice. Notwithstanding the foregoing, during any period in which ownership of the Notes is determined only by a book entry at a securities depository for the Notes, payments made to the securities depository, or its nominee, shall be made in accordance with arrangements between the City and the securities depository.

**DURING ANY PERIOD** in which ownership of the Notes is determined only by a book entry at a securities depository for the Notes, if fewer than all of the Notes of the same maturity and bearing the same interest rate are to be redeemed, the particular Notes of such maturity and bearing such interest rate shall be selected in accordance with the arrangements between the City and the securities depository.

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

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

<b>THIS NOTE</b> is one of a Series of Notes dated	_*, authorized in accordance with
the Constitution and laws of the State of Texas in the principal a	mount of \$* (the
"Notes") for the purpose of (1) paying contractual obligations in	curred or to be incurred for the
purchase of materials, supplies, equipment, machinery, buildings,	lands and rights-of-way for the
City's authorized needs and purposes; and (2) professional service	es including fiscal, engineering,
architectural and legal fees and other such costs incurred in connecti	on therewith, including the costs
of issuing the Notes.	

<sup>\*</sup>As determined in the Pricing Certificate.

**INO LESS THAN** 30 days prior to the date fixed for any such redemption, the City shall cause the Paying Agent/Registrar to send notice by United States mail, first-class postage prepaid to the Registered Owner of each Note to be redeemed at its address as it appeared on the Registration Books of the Paying Agent/Registrar at the close of business on the 45th day prior to the redemption date provided, however, that the failure to send, mail or receive such notice, or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Notes. By the date fixed for any such redemption due provision shall be made with the Paying Agent/Registrar for the payment of the required redemption price for the Notes or portions thereof which are to be so redeemed. If due provision for such payment is made, all as provided above, the Notes or portions thereof which are to be so redeemed thereby automatically shall be treated as redeemed prior to their scheduled maturities, and they shall not bear interest after the date fixed for redemption, and they shall not be regarded as being outstanding except for the right of the Registered Owner to receive the redemption price from the Paying Agent/Registrar out of the funds provided for such payment. If a portion of any Note shall be redeemed a substitute Note or Notes having the same maturity date, bearing interest at the same rate, in any denomination or denominations in any integral multiple of \$5,000, at the written request of the Registered Owner, and in aggregate principal amount equal to the unredeemed portion thereof, will be issued to the Registered Owner upon the surrender thereof for cancellation, at the expense of the City, all as provided in the Note Ordinance.

**DURING ANY PERIOD** in which ownership of the Notes is determined only by a book entry at a securities depository for the Notes, if fewer than all of the Notes of the same maturity and bearing the same interest rate are to be redeemed, the particular Notes of such maturity and bearing such interest rate shall be selected in accordance with the arrangements between the City and the securities depository.

WITH RESPECT TO any optional redemption of the Notes, unless certain prerequisites to such redemption required by the Note Ordinance have been met and moneys sufficient to pay the principal of and premium, if any, and interest on the Notes to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice shall state that said redemption may, at the option of the City, be conditional upon the satisfaction of such prerequisites and receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon any prerequisite set forth in such notice of redemption. If a conditional notice of redemption is given and such prerequisites to the redemption and sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Notes and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Notes have not been redeemed.] \*

**ALL NOTES OF THIS SERIES** are issuable solely as fully registered Notes, without interest coupons, in the denomination of any integral multiple of \$5,000. As provided in the Note

Temple\LTN\16\Del: Ordinance

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<sup>\*</sup> As determined in the Pricing Certificate.

Ordinance, this Note may, at the request of the Registered Owner or the assignee or assignees hereof, be assigned, transferred, converted into and exchanged for a like aggregate principal amount of fully registered notes, without interest coupons, payable to the appropriate Registered Owner, assignee or assignees, as the case may be, having the same denomination or denominations in any integral multiple of \$5,000 as requested in writing by the appropriate Registered Owner, assignee or assignees, as the case may be, upon surrender of this Note to the Paying Agent/Registrar for cancellation, all in accordance with the form and procedures set forth in the Note Ordinance. Among other requirements for such assignment and transfer, this Note must be presented and surrendered to the Paying Agent/Registrar, together with proper instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of this Note or any portion or portions hereof in any integral multiple of \$5,000 to the assignee or assignees in whose name or names this Note or any such portion or portions hereof is or are to be registered. The form of Assignment printed or endorsed on this Note may be executed by the Registered Owner to evidence the assignment hereof, but such method is not exclusive, and other instruments of assignment satisfactory to the Paying Agent/Registrar may be used to evidence the assignment of this Note or any portion or portions hereof from time to time by the Registered Owner. The Paying Agent/Registrar's reasonable standard or customary fees and charges for assigning, transferring, converting and exchanging any Note or portion thereof will be paid by the City. In any circumstance, any taxes or governmental charges required to be paid with respect thereto shall be paid by the one requesting such assignment, transfer or exchange, as a condition precedent to the exercise of such privilege. The Paying Agent/Registrar shall not be required to make any such transfer or exchange (i) during the period commencing with the close of business on any Record Date and ending with the opening of business on the next following principal or interest payment date, or (ii) with respect to any Note or any portion thereof called for redemption prior to maturity, within 45 days prior to its redemption date; provided, however, such limitation of transfer shall not be applicable to an exchange by the Registered Owner of the unredeemed balance of the Note.

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

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

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

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

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

City Secretary

Mayor

(SEAL)

### FORM OF PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

### PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

(To be executed if this Note is not accompanied by an executed Registration Certificate of the Comptroller of Public Accounts of the State of Texas)

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

Dated:		_
	Paying Agent/Registrar	_
	By:	
	Authorized Representative	

### **FORM OF ASSIGNMENT**

**ASSIGNMENT** 

For value received, the undersigned hereby sells	, assigns and transfers unto
Please insert Social Security or Taxpayer Identification Number of Transferee	
(Please print or typewrite name a including zip code, of Transfer	
	nd hereby irrevocably constitutes and appoints, attorney, to register the transfer of the within
Note on the books kept for registration thereof, v	with full power of substitution in the premises.
Dated:	
Signature Guaranteed:	
NOTICE: Signature(s) must be guaranteed by a member firm of the New York Stock Exchange or a commercial bank or trust company.	NOTICE: The signature above must correspond with the name of the Registered Owner as it appears upon the front of this Note in every particular, without alteration or enlargement or any change whatsoever.
	TION CERTIFICATE OF OF PUBLIC ACCOUNTS
COMPTROLLER'S REGISTRATIO	ON CERTIFICATE: REGISTER NO.
	approved by the Attorney General of the State of the Comptroller of Public Accounts of the State of
Witness my signature and seal this	
	Comptroller of Public Accounts of the State of Texas
(COMPTROLLER'S SEAL)	

# INSERTIONS FOR THE INITIAL NOTE

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

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

B. the first paragraph shall be deleted and the following will be inserted (with all blanks to be completed with information contained in the Pricing Certificate.

"City"), being a political subdivision, hereby promises to pay to the Registered Owner specified above, or registered assigns (hereinafter called the "Registered Owner"), on \_\_\_\_\_\* in each of the years, in the principal installments and bearing interest at the per annum rates set forth in the following schedule:

<u>Year</u> <u>Amount</u> <u>Rate</u> <u>Year</u> <u>Amount</u> <u>Rate</u>

(Information from the Pricing Certificate to be inserted)

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

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

**Section 8. INTEREST AND SINKING FUND.** A special "Interest and Sinking Fund" is hereby created and shall be established and maintained by the City at an official depository bank of said City. Said Interest and Sinking Fund shall be kept separate and apart from all other funds and accounts of said City, and shall be used only for paying the interest on and principal of said Notes. All ad valorem taxes levied and collected for and on account of said Notes shall be

<sup>\*</sup>As determined in the Pricing Certificate.

deposited, as collected, to the credit of said Interest and Sinking Fund. During each year while any of said Notes are outstanding and unpaid, the governing body of said City shall compute and ascertain a rate and amount of ad valorem tax which will be sufficient to raise and produce the money required to pay the interest on said Notes as such interest comes due, and to provide and maintain a sinking fund adequate to pay the principal of said Notes as such principal matures (but never less than 2% of the original principal amount of said Notes as a sinking fund each year); and said tax shall be based on the latest approved tax rolls of said City, with full allowances being made for tax delinquencies and the cost of tax collection. Said rate and amount of ad valorem tax is hereby levied, and is hereby ordered to be levied, against all taxable property in said City, for each year while any of said Notes are outstanding and unpaid, and said tax shall be assessed and collected each such year and deposited to the credit of the aforesaid Interest and Sinking Fund. Said ad valorem taxes sufficient to provide for the payment of the interest on and principal of said Notes, as such interest comes due and such principal matures, are hereby pledged for such payment, within the limit prescribed by law. Any accrued interest on the Notes shall be deposited in the Interest and Sinking Fund and used to pay interest on the Notes.

- **Section 9. ESTABLISHMENT OF PROJECT FUND.** (a) <u>Interest Earnings</u>. Interest earnings derived from the investment of proceeds from the sale of the Notes shall be used along with the Note proceeds for the purpose for which the Notes are issued as set forth in Section 3 hereof or to pay principal or interest payments on the Notes; provided that after completion of such purpose, if any of such interest earnings remain on hand, such interest earnings shall be deposited in the Interest and Sinking Fund. It is further provided, however, that any interest earnings on bond proceeds which are required to be rebated to the United States of America pursuant to Section 14 hereof in order to prevent the Notes from being arbitrage notes shall be so rebated and not considered as interest earnings for the purposes of this Section.
- (b) <u>Project Fund</u>. The Project Fund is hereby created and shall be established and maintained by the City at an official depository bank of the City. Proceeds from the sale of the Notes remaining after the deposit of accrued interest in the Interest and Sinking Fund shall be deposited in the Project Fund and shall be used to accomplish the purpose of such proposition.
- (c) <u>Investment of Funds</u>. The City hereby covenants that the proceeds of the sale of the Notes will be used as soon as practicable for the purposes for which the Notes are issued. Obligations purchased as an investment of money in any fund shall be deemed to be a part of such fund. Any money in any fund created by this Ordinance may be invested as permitted by the Public Funds Investment Act, as amended, and the City's investment policy.
- (d) <u>Security for Funds</u>. All funds created by this Ordinance shall be secured in the manner and to the fullest extent required by law for the security of funds of the City.
- (e) <u>Maintenance of Funds.</u> Any funds created pursuant to this Ordinance may be created as separate funds or accounts or as subaccounts of the City's General Fund held by the City's depository, and, as such, not held in separate bank accounts, such treatment shall not constitute a commingling of the monies in such funds or of such funds and the City shall keep full and complete records indicating the monies and investments credited to each such fund.

- Section 10. **<u>DEFEASANCE OF NOTES</u>**. (a) Any Note and the interest thereon shall be deemed to be paid, retired and no longer outstanding (a "Defeased Note") within the meaning of this Ordinance, except to the extent provided in subsections (c) and (e) of this Section, when payment of the principal of such Note, plus interest thereon to the due date or dates (whether such due date or dates be by reason of maturity, upon redemption, or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof (including the giving of any required notice of redemption) or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to the Paying Agent/Registrar or a commercial bank or trust company for such payment (1) lawful money of the United States of America sufficient to make such payment, (2) Defeasance Securities, certified by an independent public accounting firm of national reputation to mature as to principal and interest in such amounts and at such times as will ensure the availability, without reinvestment, of sufficient money to provide for such payment and when proper arrangements have been made by the City with the Paying Agent/Registrar or a commercial bank or trust company for the payment of its services until all Defeased Notes shall have become due and payable or (3) any combination of (1) and (2). At such time as a Note shall be deemed to be a Defeased Note hereunder, as aforesaid, such Note and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the ad valorem taxes herein levied as provided in this Ordinance, and such principal and interest shall be payable solely from such money or Defeasance Securities and thereafter the City will have no further responsibility with respect to amounts available to such Paying Agent/Registrar (or other financial institution permitted by applicable law) for the payment of such Defeased Notes, including any insufficiency therein caused by the failure of the Paying Agent/Registrar (or other financial institution permitted by law) to receive payment when due on the Defeasance Securities.
- (b) The deposit under clause (ii) of subsection (a) shall be deemed a payment of a Note as aforesaid when proper notice of redemption of such Notes shall have been given, in accordance with this Ordinance. Any money so deposited with the Paying Agent/Registrar or a commercial bank or trust company as provided in this Section may at the discretion of the City Council also be invested in Defeasance Securities, maturing in the amounts and at the times as hereinbefore set forth, and all income from all Defeasance Securities in possession of the Paying Agent/Registrar or a commercial bank or trust company pursuant to this Section which is not required for the payment of such Note and premium, if any, and interest thereon with respect to which such money has been so deposited, shall be remitted to the City Council.
- (c) Notwithstanding any provision of any other Section of this Ordinance which may be contrary to the provisions of this Section, all money or Defeasance Securities set aside and held in trust pursuant to the provisions of this Section for the payment of principal of the Notes and premium, if any, and interest thereon, shall be applied to and used solely for the payment of the particular Notes and premium, if any, and interest thereon, with respect to which such money or Defeasance Securities have been so set aside in trust. Until all Defeased Notes shall have become due and payable, the Paying Agent/Registrar shall perform the services of Paying Agent/Registrar for such Defeased Notes the same as if they had not been defeased, and the City shall make proper arrangements to provide and pay for such services as required by this Ordinance.
- (d) Notwithstanding anything elsewhere in this Ordinance, if money or Defeasance Securities have been deposited or set aside with the Paying Agent/Registrar or a commercial bank or

trust company pursuant to this Section for the payment of Notes and such Notes shall not have in fact been actually paid in full, no amendment of the provisions of this Section shall be made without the consent of the registered owner of each Note affected thereby.

(e) Notwithstanding the provisions of subsection (a) immediately above, to the extent that, upon the defeasance of any Defeased Note to be paid at its maturity, the City retains the right under Texas law to later call that Defeased Note for redemption in accordance with the provisions of the Ordinance authorizing its issuance, the City may call such Defeased Note for redemption upon complying with the provisions of Texas law and upon the satisfaction of the provisions of subsection (a) immediately above with respect to such Defeased Note as though it was being defeased at the time of the exercise of the option to redeem the Defeased Note and the effect of the redemption is taken into account in determining the sufficiency of the provisions made for the payment of the Defeased Note.

# Section 11. <u>DAMAGED</u>, <u>MUTILATED</u>, <u>LOST</u>, <u>STOLEN</u>, <u>OR DESTROYED</u> <u>NOTES</u>. (a) <u>Replacement Notes</u>. In the event any outstanding Note is damaged, mutilated, lost, stolen or destroyed, the Paying Agent/Registrar shall cause to be printed, executed and delivered, a new note of the same principal amount, maturity and interest rate, as the damaged, mutilated, lost, stolen or destroyed Note, in replacement for such Note in the manner hereinafter provided.

- (b) Application for Replacement Notes. Application for replacement of damaged, mutilated, lost, stolen or destroyed Notes shall be made by the Registered Owner thereof to the Paying Agent/Registrar. In every case of loss, theft or destruction of a Note, the Registered Owner applying for a replacement note shall furnish to the City and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft or destruction of a Note, the Registered Owner shall furnish to the City and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft or destruction of such Note, as the case may be. In every case of damage or mutilation of a Note, the Registered Owner shall surrender to the Paying Agent/Registrar for cancellation the Note so damaged or mutilated.
- (c) <u>No Default Occurred</u>. Notwithstanding the foregoing provisions of this Section, in the event any such Note shall have matured, and no default has occurred which is then continuing in the payment of the principal of, redemption premium, if any, or interest on the Note, the City may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Note) instead of issuing a replacement Note, provided security or indemnity is furnished as above provided in this Section.
- (d) <u>Charge for Issuing Replacement Notes</u>. Prior to the issuance of any replacement note, the Paying Agent/Registrar shall charge the Registered Owner of such Note with all legal, printing, and other expenses in connection therewith. Every replacement note issued pursuant to the provisions of this Section by virtue of the fact that any Note is lost, stolen or destroyed shall constitute a contractual obligation of the City whether or not the lost, stolen or destroyed Note shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and proportionately with any and all other Notes duly issued under this Ordinance.

- (e) <u>Authority for Issuing Replacement Notes</u>. In accordance with Subchapter D of Chapter 1201, Texas Government Code, this Section 12 of this Ordinance shall constitute authority for the issuance of any such replacement note without necessity of further action by the governing body of the City or any other body or person, and the duty of the replacement of such notes is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver such Notes in the form and manner and with the effect, as provided in Section 4(a) of this Ordinance for Notes issued in exchange for other Notes.
- COUNSEL'S OPINION; CUSIP NUMBERS AND CONTINGENT INSURANCE PROVISION, IF OBTAINED. The Mayor of the City is hereby authorized to have control of the Notes initially issued and delivered hereunder and all necessary records and proceedings pertaining to the Notes pending their delivery and their investigation, examination, and approval by the Attorney General of the State of Texas, and their registration by the Comptroller of Public Accounts of the State of Texas. Upon registration of the Notes said Comptroller of Public Accounts (or a deputy designated in writing to act for said Comptroller) shall manually sign the Comptroller's Registration Note attached to such Notes, and the seal of said Comptroller shall be impressed, or placed in facsimile, on such Note. The approving legal opinion of the City's Bond Counsel and the assigned CUSIP numbers may, at the option of the City, be printed on the Notes issued and delivered under this Ordinance, but neither shall have any legal effect, and shall be solely for the convenience and information of the Registered Owners of the Notes. In addition, if bond insurance is obtained, the Notes may bear an appropriate legend as provided by the insurer.
- Section 13. COVENANTS REGARDING TAX EXEMPTION OF INTEREST ON THE NOTES. (a) Covenants. The City covenants to take any action necessary to assure, or refrain from any action which would adversely affect, the treatment of the Notes as obligations described in section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the City covenants as follows:
  - (1) to take any action to assure that no more than 10 percent of the proceeds of the Notes or the projects financed therewith (less amounts deposited to a reserve fund, if any) are used for any "private business use," as defined in section 141(b)(6) of the Code or, if more than 10 percent of the proceeds or the projects financed therewith are so used, such amounts, whether or not received by the City, with respect to such private business use, do not, under the terms of this Order or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Notes, in contravention of section 141(b)(2) of the Code;
  - (2) to take any action to assure that in the event that the "private business use" described in subsection (1) hereof exceeds 5 percent of the proceeds of the Notes or the projects financed therewith (less amounts deposited into a reserve fund, if any) then the amount in excess of 5 percent is used for a "private business use" which is "related" and not "disproportionate," within the meaning of section 141(b)(3) of the Code, to the governmental use;

- (3) to take any action to assure that no amount which is greater than the lesser of \$5,000,000, or 5 percent of the proceeds of the Notes (less amounts deposited into a reserve fund, if any) is directly or indirectly used to finance loans to persons, other than state or local governmental units, in contravention of section 141(c) of the Code;
- (4) to refrain from taking any action which would otherwise result in the Notes being treated as "private activity bonds" within the meaning of section 141(b) of the Code;
- (5) to refrain from taking any action that would result in the Notes being "federally guaranteed" within the meaning of section 149(b) of the Code;
- (6) to refrain from using any portion of the proceeds of the Notes, directly or indirectly, to acquire or to replace funds which were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) which produces a materially higher yield over the term of the Notes, other than investment property acquired with --
  - (A) proceeds of the Notes invested for a reasonable temporary period of 3 years or less or, in the case of a refunding note, for a period of 30 days or less until such proceeds are needed for the purpose for which the Notes are issued,
  - (B) amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the Treasury Regulations, and
  - (C) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed 10 percent of the proceeds of the Notes;
- (7) to otherwise restrict the use of the proceeds of the Notes or amounts treated as proceeds of the Notes, as may be necessary, so that the Notes do not otherwise contravene the requirements of section 148 of the Code (relating to arbitrage) and, to the extent applicable, section 149(d) of the Code (relating to advance refundings); and
- (8) to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Notes) an amount that is at least equal to 90 percent of the "Excess Earnings," within the meaning of section 148(f) of the Code and to pay to the United States of America, not later than 60 days after the Notes have been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code.
- (b) <u>Rebate Fund</u>. In order to facilitate compliance with the above covenant (8), a "Rebate Fund" is hereby established by the City for the sole benefit of the United States of America, and such fund shall not be subject to the claim of any other person, including without limitation the bondholders. The Rebate Fund is established for the additional purpose of compliance with section 148 of the Code.

- Proceeds. The City understands that the term "proceeds" includes "disposition proceeds" as defined in the Treasury Regulations and, in the case of refunding notes, transferred proceeds (if any) and proceeds of the refunded notes expended prior to the date of issuance of the Notes. It is the understanding of the City that the covenants contained herein are intended to assure compliance with the Code and any regulations or rulings promulgated by the U.S. Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated which modify or expand provisions of the Code, as applicable to the Notes, the City will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Notes under section 103 of the Code. In the event that regulations or rulings are hereafter promulgated which impose additional requirements which are applicable to the Notes, the City agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Notes under section 103 of the Code. In furtherance of such intention, the City hereby authorizes and directs the City Manager or Director of Finance to execute any documents, notes or reports required by the Code and to make such elections, on behalf of the City, which may be permitted by the Code as are consistent with the purpose for the issuance of the Notes. This Ordinance is intended to satisfy the official intent requirements set forth in Section 1.150-2 of the Treasury Regulations.
- Allocation Of, and Limitation On, Expenditures for the Project. The City covenants (d) to account for the expenditure of sale proceeds and investment earnings to be used for the purposes described in Section 3.01(a) of this Ordinance (the "Project") on its books and records in accordance with the requirements of the Code. The City recognizes that in order for the proceeds to be considered used for the reimbursement of costs, the proceeds must be allocated to expenditures within 18 months of the later of the date that (1) the expenditure is made, or (2) the Project is completed; but in no event later than three years after the date on which the original expenditure is paid. The foregoing notwithstanding, the City recognizes that in order for proceeds to be expended under the Code, the sale proceeds or investment earnings must be expended no more than 60 days after the earlier of (1) the fifth anniversary of the delivery of the Notes, or (2) the date the Notes are retired. The City agrees to obtain the advice of nationally-recognized bond counsel if such expenditure fails to comply with the foregoing to assure that such expenditure will not adversely affect the tax-exempt status of the Notes. For purposes of this subsection, the City shall not be obligated to comply with this covenant if it obtains an opinion of nationally-recognized bond counsel to the effect that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.
- (e) <u>Disposition of Project</u>. The City covenants that the property constituting the Project will not be sold or otherwise disposed in a transaction resulting in the receipt by the City of cash or other compensation, unless the City obtains an opinion of nationally-recognized bond counsel that such sale or other disposition will not adversely affect the tax-exempt status of the Notes. For purposes of this subsection, the portion of the property comprising personal property and disposed in the ordinary course shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes of this subsection, the City shall not be obligated to comply with this covenant if it obtains an opinion of nationally-recognized bond counsel to the effect that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

- **Section 14. NOTE PROCEEDS ALLOCATION**. The proceeds of the Notes, including the par amount of the Notes and any net premium derived from the sale of the Notes, shall be allocated as set forth in the Pricing Certificate.
- **Section 15. <u>DEFAULT AND REMEDIES.</u>** (a) <u>Events of Default</u>. Each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an Event of Default:
  - (i) the failure to make payment of the principal of or interest on any of the Notes when the same becomes due and payable; or
  - (ii) default in the performance or observance of any other covenant, agreement or obligation of the City, the failure to perform which materially, adversely affects the rights of the Registered Owners of the Notes, including, but not limited to, their prospect or ability to be repaid in accordance with this Ordinance, and the continuation thereof for a period of 60 days after notice of such default is given by any Registered Owner to the City.

### (b) Remedies for Default.

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

### (c) Remedies Not Exclusive.

- (i) No remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or under the Notes or now or hereafter existing at law or in equity; provided, however, that notwithstanding any other provision of this Ordinance, the right to accelerate the debt evidenced by the Notes shall not be available as a remedy under this Ordinance.
- (ii) The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.
- (iii) By accepting the delivery of a Note authorized under this Ordinance, such Registered Owner agrees that the certifications required to effectuate any covenants or

representations contained in this Ordinance do not and shall never constitute or give rise to a personal or pecuniary liability or charge against the officers, employees or trustees of the City or the City Council.

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

**Section 16. INTEREST EARNINGS ON NOTE PROCEEDS**. Interest earnings derived from the investment of proceeds from the sale of the Notes shall be used along with other note proceeds for the purpose for which the Notes are issued set forth in Section 1 hereof; provided that after completion of such purpose, if any of such interest earnings remain on hand, such interest earnings shall be deposited in the Interest and Sinking Fund. It is further provided, however, that any interest earnings on note proceeds which are required to be rebated to the United States of America pursuant to Section 14 hereof in order to prevent the Notes from being arbitrage notes shall be so rebated and not considered as interest earnings for the purposes of this Section.

**Section 17.** APPROVAL OF THE FORM OF PAYING AGENT/REGISTRAR AGREEMENT, LETTER OF REPRESENTATIONS AND OFFICIAL STATEMENT. The Paying Agent/Registrar Agreement is hereby approved in substantially the form previously used by the City on other financings. The Pricing Officer is hereby authorized to amend, complete or modify the Paying Agent/Registrar Agreement as necessary and is further authorized to execute such agreement.

The City confirms execution of a Blanket Issuer Letter of Representations with DTC establishing the Book-Entry-Only System which will be utilized with respect to the Notes.

The City hereby approves the form and content of the Official Statement relating to the Notes and any addenda, supplement or amendment thereto, and approves the distribution of such Official Statement in the reoffering of the Notes by the Underwriters in final form, with such changes therein or additions thereto as the officer executing the same may deem advisable, such determination to be conclusively evidenced by his execution thereof. The distribution and use of the Preliminary Official Statement, prior to the date hereof is ratified and confirmed. The City Council of the City hereby finds and determines that the Preliminary Official Statement and the Official Statement were and are "deemed final" (as that term is defined in 17 C.F.R. Section 240.15c-12) as of their respective dates.

- **Section 18. AMENDMENT OF ORDINANCE.** The City hereby reserves the right to amend this Ordinance subject to the following terms and conditions, to-wit:
- (a) The City may from time to time, without the consent of any holder, except as otherwise required by paragraph (b) below, amend or supplement this Ordinance in order to (i) cure any ambiguity, defect or omission in this Ordinance that does not materially adversely affect the interests of the holders, (ii) grant additional rights or security for the benefit of the holders, (iii) add

events of default as shall not be inconsistent with the provisions of this Ordinance and that shall not materially adversely affect the interests of the holders, (iv) qualify this Ordinance under the Trust Indenture Act of 1939, as amended, or corresponding provisions of federal laws from time to time in effect, (v) obtain insurance or ratings on the Notes, (vi) obtain the approval of the Attorney General of the State Texas, or (vii) make such other provisions in regard to matters or questions arising under this Ordinance as shall not be inconsistent with the provisions of this Ordinance and that shall not in the opinion of the City's Bond Counsel materially adversely affect the interests of the holders.

- (b) Except as provided in paragraph (a) above, the holders of Notes aggregating in principal amount 51% of the aggregate principal amount of then outstanding Notes that are the subject of a proposed amendment shall have the right from time to time to approve any amendment hereto that may be deemed necessary or desirable by the City; provided, however, that without the consent of 100% of the holders in aggregate principal amount of the then outstanding Notes, nothing herein contained shall permit or be construed to permit amendment of the terms and conditions of this Ordinance or in any of the Notes so as to:
  - (1) Make any change in the maturity of any of the outstanding Notes;
  - (2) Reduce the rate of interest borne by any of the outstanding Notes;
  - (3) Reduce the amount of the principal of, or redemption premium, if any, payable on any outstanding Notes;
  - (4) Modify the terms of payment of principal or of interest or redemption premium on outstanding Notes or any of them or impose any condition with respect to such payment; or
  - (5) Change the minimum percentage of the principal amount of any series of Notes necessary for consent to such amendment.
- (c) If at any time the City shall desire to amend this Ordinance under this Section, the City shall send by U.S. mail to each registered owner of the affected Notes a copy of the proposed amendment and cause notice of the proposed amendment to be published at least once in a financial publication published in The City of New York, New York or in the State of Texas. Such published notice shall briefly set forth the nature of the proposed amendment and shall state that a copy thereof is on file at the office of the City for inspection by all holders of such Notes.
- (d) Whenever at any time within one year from the date of publication of such notice the City shall receive an instrument or instruments executed by the holders of at least 51% in aggregate principal amount of all of the Notes then outstanding that are required for the amendment, which instrument or instruments shall refer to the proposed amendment and that shall specifically consent to and approve such amendment, the City may adopt the amendment in substantially the same form.
- (e) Upon the adoption of any amendatory Ordinance pursuant to the provisions of this Section, this Ordinance shall be deemed to be modified and amended in accordance with such

amendatory Ordinance, and the respective rights, duties, and obligations of the City and all holders of such affected Notes shall thereafter be determined, exercised, and enforced, subject in all respects to such amendment.

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

**CONTINUING DISCLOSURE UNDERTAKING.** (a) Annual Reports. Section 19. The City shall provide annually to the MSRB, (1) within six months after the end of each fiscal year of the City ending in or after 2016, financial information and operating data with respect to the City of the general type included in the final Official Statement authorized by Section 18 of this Ordinance as set forth in the Pricing Certificate by the Pricing Officer, including financial statements of the City if audited financial statements of the City are then available, and (2) if not provided as part of such financial information and operating data, audited financial statements of the City, when and if available. Any financial statements to be provided shall be (i) prepared in accordance with the accounting principles described in Exhibit "B" hereto, or such other accounting principles as the City may be required to employ from time to time pursuant to state law or regulation, and in substantially the form included in the official statement, and (ii) audited, if the City commissions an audit of such financial statements and the audit is completed within the period during which they must be provided. If the audit of such financial statements is not complete within 12 months after any such fiscal year end, then the City shall file unaudited financial statements within such 12-month period and audited financial statements for the applicable fiscal year, when and if the audit report on such statements becomes available.

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

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

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

- B. Non-payment related defaults, if material within the meaning of the federal securities laws:
  - C. Unscheduled draws on debt service reserves reflecting financial difficulties;
  - D. Unscheduled draws on credit enhancements reflecting financial difficulties;
  - E. Substitution of credit or liquidity providers, or their failure to perform;
- F. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701–TEB) or other material notices or determinations with respect to the tax status of the Notes, or other events affecting the tax status of the Notes
- G. Modifications to rights of holders of the Notes, if material within the meaning of the federal securities laws;
  - H. Note calls, if material within the meaning of the federal securities laws;
  - I. Defeasances;
- J. Release, substitution, or sale of property securing repayment of the Notes, if material within the meaning of the federal securities laws;
  - K. Rating changes;
  - L. Bankruptcy, insolvency, receivership or similar event of the City;
- M. The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material within the meaning of the federal securities laws; and
- N. Appointment of a successor or additional trustee or the change of name of a trustee, if material within the meaning of the federal securities laws.

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

(c) <u>Limitations, Disclaimers, and Amendments</u>. The City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an "obligated person" with respect to the Notes within the meaning of the Rule, except that

the City in any event will give notice of any deposit made in accordance with Section 8 that causes the Notes no longer to be outstanding.

The provisions of this Section are for the sole benefit of the holders and beneficial owners of the Notes, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City's financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Notes at any future date.

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

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

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

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

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

amendment and of the impact of any change in the type of financial information or operating data so provided. The City may also amend or repeal the provisions of this continuing disclosure agreement if the SEC amends or repeals the applicable provision of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, but only if and to the extent that the provisions of this sentence would not prevent an underwriter from lawfully purchasing or selling Notes in the primary offering of the Notes.

Section 20. **BOND INSURANCE PROVISIONS**. In connection with the sale of any series of Notes, the City may obtain municipal bond insurance policies from one or more recognized municipal bond insurance organizations (the "Bond Insurer" or "Bond Insurers") to guarantee the full and complete payment required to be made by or on behalf of the City on the Notes as determined by the Pricing Officer. The Pricing Officer is hereby authorized to designate the Bond Insurer and to sign a commitment letter or insurance agreement with the Bond Insurer or Bond Insurers and to pay the premium for the bond insurance policies at the time of the delivery of the Notes to the initial purchaser out of the proceeds of sale of the Notes or from other available funds and to execute such other documents and notes as necessary in connection with the bond insurance policies as the Pricing Officer may deem appropriate. Printing on the Notes covered by the bond insurance policies a statement describing such insurance, in form and substance satisfactory to the Bond Insurer and the Pricing Officer, is hereby approved and authorized. The Pricing Certificate may contain provisions related to the bond insurance policies, including payment provisions thereunder, and the rights of the Bond Insurer or Insurers, and any such provisions shall be read and interpreted as an integral part of this Ordinance.

**Section 21. NO PERSONAL LIABILITY.** No covenant or agreement contained in the Notes, this Ordinance or any corollary instrument shall be deemed to be the covenant or agreement of any member of the City Council or any officer, agent, employee or representative of the City Council in his individual capacity, and neither the directors, officers, agents, employees or representatives of the City Council nor any person executing the Notes shall be personally liable thereon or be subject to any personal liability for damages or otherwise or accountability by reason of the issuance thereof, or any actions taken or duties performed, whether by virtue of any constitution, statute or rule of law, or by the enforcement of any assessment or penalty, or otherwise, all such liability being expressly released and waived as a condition of and in consideration for the issuance of the Notes.

**Section 22. FURTHER ACTIONS.** The officers and employees of the City are hereby authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and under the corporate seal and on behalf of the City all such instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, the Notes, the initial sale and delivery of the Notes, the Paying Agent/Registrar Agreement, any insurance commitment letter or insurance policy and the Official Statement. In addition, prior to the initial delivery of the Notes, the Mayor, the City Manager or Assistant City Manager, the City Attorney and Bond Counsel are hereby authorized and directed to approve any technical changes or corrections to this Ordinance or to any of the instruments authorized and approved by this Ordinance necessary in order to (i) correct any ambiguity or mistake or properly or more completely document the transactions contemplated and approved by this Ordinance and as described in the Official Statement, (ii) obtain

a rating from any of the national bond rating agencies or satisfy requirements of the Bond Insurer, or (iii) obtain the approval of the Notes by the Texas Attorney General's office.

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

- **Section 23. INTERPRETATIONS**. All terms defined herein and all pronouns used in this Ordinance shall be deemed to apply equally to singular and plural and to all genders. The titles and headings of the articles and sections of this Ordinance and the Table of Contents of this Ordinance have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof. This Ordinance and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein and to sustain the validity of the Notes and the validity of the lien on and pledge of the Pledged Revenues to secure the payment of the Notes.
- **Section 24.** <u>INCONSISTENT PROVISIONS</u>. All ordinances, orders or resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict and the provisions of this Ordinance shall be and remain controlling as to the matters contained herein.
- **Section 25.** <u>INTERESTED PARTIES.</u> Nothing in this Ordinance expressed or implied is intended or shall be construed to confer upon, or to give to, any person or entity, other than the City and the registered owners of the Notes, any right, remedy or claim under or by reason of this Ordinance or any covenant, condition or stipulation hereof, and all covenants, stipulations, promises and agreements in this Ordinance contained by and on behalf of the City shall be for the sole and exclusive benefit of the City and the registered owners of the Notes.
- **Section 26.** <u>INCORPORATION OF RECITALS</u>. The City hereby finds that the statements set forth in the recitals of this Ordinance are true and correct, and the City hereby incorporates such recitals as a part of this Ordinance.
- **Section 27. SEVERABILITY**. If any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance and the application thereof to other circumstances shall nevertheless be valid, and this governing body hereby declares that this Ordinance would have been enacted without such invalid provision.
- **Section 28.** <u>REPEALER</u>. All orders, resolutions and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.
- **Section 29. EFFECTIVE DATE.** This Ordinance shall become effective immediately from and after its passage on first and final reading in accordance with Section 1201.028, Texas Government Code, as amended.
- **Section 30.** PERFECTION. Chapter 1208, Government Code, applies to the issuance of the Notes and the pledge of ad valorem taxes and surplus net revenues granted by the City under

Sections 8 and 9 of this Ordinance, and such pledge is therefore valid, effective and perfected. If Texas law is amended at any time while the Notes are outstanding and unpaid such that the pledge of ad valorem taxes and surplus net revenues granted by the City under Sections 8 and 9 of this Ordinance is to be subject to the filing requirements of Chapter 9, Texas Business & Commerce Code, then in order to preserve to the registered owners of the Notes the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Texas Business & Commerce Code and enable a filing to perfect the security interest in said pledge to occur.

**Section 31. PAYMENT OF ATTORNEY GENERAL FEE.** The City hereby authorizes the disbursement of a fee equal to the lesser of (i) one-tenth of one percent of the principal amount of the Notes or (ii) \$9,500, provided that such fee shall not be less than \$750, to the Attorney General of Texas Public Finance Division for payment of the examination fee charged by the State of Texas for the Attorney General's review and approval of public securities and credit agreements, as required by Section 1202.004 of the Texas Government Code. The Pricing Officer is hereby instructed to take the necessary measures to make this payment. The City is also authorized to reimburse the appropriate City funds for such payment from proceeds of the Notes.

**IN ACCORDANCE WITH SECTION 1201.028,** Texas Government Code, finally passed, approved and effective on this 19th day of May, 2016.

	THE	THE CITY OF TEMPLE, TEXAS	
	By:	Mayor City of Temple, Texas	
ATTEST:			
City Secretary City of Temple, Texas			
APPROVED AS TO FORM:			
City Attorney City of Temple, Texas			

#### EXHIBIT "A"

#### **DEFINITIONS**

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

"Accountant" means an independent certified public accountant or accountants or a firm of an independent certified public accountants, in either case, with demonstrated expertise and competence in public accountancy.

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

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

"Book-Entry-Only System" means the book-entry system of bond registration provided in Section 6, or any successor system of book-entry registration.

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

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

"Notes" means one or more Series of the "City of Temple, Texas Limited Tax Notes."

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

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

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

"Defeasance Securities" means (i) Federal Securities, (ii) noncallable obligations of an agency or instrumentality of the United States of America, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the City Council adopts or approves proceedings authorizing the issuance of refunding notes or otherwise provide for the funding of an escrow to effect the defeasance of the Notes are rated as to investment quality by a nationally recognized investment rating firm not less than "AAA" or its equivalent, (iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date the City Council adopts or approves proceedings authorizing the issuance of refunding notes or otherwise provide for the

funding of an escrow to effect the defeasance of the Notes, are rated as to investment quality by a nationally recognized investment rating firm no less than "AAA" or its equivalent and (iv) any other then authorized securities or obligations under applicable State law that may be used to defease obligations such as the Notes.

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

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

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

"Federal Securities" as used herein means direct, noncallable obligations of the United States of America, including obligations that are unconditionally guaranteed by the United States of America.

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

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

"Initial Note(s)" means the Note(s) authorized, issued, and initially delivered as provided in Section 4 of this Ordinance.

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

"Interest and Sinking Fund" means the special fund maintained by the provisions of Section 8 of this Ordinance.

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

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

"MSRB" means the Municipal Securities Rulemaking Board.

"Ordinance" means this ordinance finally adopted by the City Council on May 19, 2016.

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

- (1) Notes theretofore cancelled and delivered to the City or delivered to the Paying Agent/Registrar for cancellation;
  - (2) Notes deemed paid pursuant to the provisions of Section 11 of this Ordinance;
- (3) Notes upon transfer of or in exchange for and in lieu of which other Notes have been authenticated and delivered pursuant to this Ordinance
- (4) Notes under which the obligations of the City have been released, discharged or extinguished in accordance with the terms thereof.

"Permitted Investments" means any security or obligation or combination thereof permitted under the Public Funds Investments Act, Chapter 2256, Texas Government Code, as amended or other applicable law.

"Pricing Certificate" means the Pricing Certificate of the City's Pricing Officer to be executed and delivered pursuant to Section 4 hereof in connection with the issuance of the Notes.

"Pricing Officer" means the Director of Finance of the City, acting as the designated pricing officer of the City to execute the Pricing Certificate but in her absence, the City Manager may act as the designated pricing officer of the City to execute the Pricing Certificate.

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

"Record Date" means Record Date as defined in Section 7 the Form of Note.

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

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

"Replacement Notes" means the Notes authorized by the City to be issued in substitution for lost, apparently destroyed, or wrongfully taken Notes as provided in Section 12 of this Ordinance.

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

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

"Series" means a separate series of Notes as specified by or pursuant to the terms of this Ordinance.

#### EXHIBIT "B"

#### DESCRIPTION OF ANNUAL FINANCIAL INFORMATION

The following information is referred to in Section 19 of this Ordinance.

## **Accounting Principles**

The accounting principles referred to in such Section are the accounting principles described in the current notes to the financial statements used in the Official Statement.



05/19/16 Item #8(A) Consent Agenda Page 1 of 1

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

Lacy Borgeson, City Secretary

#### **ITEM DESCRIPTION:** Approve Minutes:

- (A) May 5, 2016 Special and Regular Meeting
- (B) May 11, 2016 Special Called Meeting

**STAFF RECOMMENDATION**: Approve minutes as presented in item description.

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

FISCAL IMPACT: N/A

## **ATTACHMENTS:**

May 5, 2016 Special and Regular Meeting May 11, 2016 Special Called Meeting



05/19/16 Item #8(C) Consent Agenda Page 1 of 1

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

Kayla Landeros, City Attorney Jim Kachelmeyer, Deputy City Attorney

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing the purchase of two properties necessary for the construction of the proposed Santa Fe Market Trail/MLK Fields festival grounds, authorizing closing costs associated with the purchases, and authorizing the payment of relocation expenses, in an amount not to exceed \$92,000.

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.

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

ITEM SUMMARY: The City is currently in the design phase for the proposed Santa Fe Market Trail and MLK Fields festival grounds. The design requires the acquisition of real property from sixteen different property owners. Appraisals have been performed on all of the parcels and the City has made offers to fifteen of the owners. Two offers were immediately accepted, and Council approved the acquisition of those properties on May 5. Two additional offers were subsequently accepted, and Staff is asking for authorization to purchase the two properties, pay closing costs, and provide relocation benefits as required by law, in an amount not to exceed \$92,000. The addresses of the two properties are listed below:

210 South Main Street 204 South 6<sup>th</sup> Street

<u>FISCAL IMPACT</u>: Funding for the purchase of two (2) properties necessary for construction of the proposed Santa Fe Market Trail/MLK Fields festival grounds is appropriated in account 795-9500-531-6566, project #101262.

#### **ATTACHMENTS:**

Resolution

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF TWO PROPERTIES NECESSARY FOR THE CONSTRUCTION OF THE SANTA FE MARKET TRAIL/MLK FIELDS FESTIVAL GROUNDS; AUTHORIZING CLOSING COSTS ASSOCIATED WITH THE PURCHASES; AUTHORIZING THE PAYMENT OF RELOCATION EXPENSES IN AN AMOUNT NOT TO EXCEED \$92,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas**, the City is currently in the design phase for the proposed Santa Fe Market Trail and MLK Fields festival grounds and the design requires the acquisition of real property from sixteen different property owners;

**Whereas,** appraisals have been performed on all of the parcels and the City has made offers to fifteen of the sixteen owners - two offers were immediately accepted, and Council approved the acquisition of those properties on May 5, 2016;

Whereas, two additional offers were subsequently accepted, and Staff recommends Council authorize the purchase of these two properties, payment of closing costs, and payment of relocation benefits as required by law, in an amount not to exceed \$92,000;

Whereas, the properties are located at:

- 210 South Main Street
- 204 South 6<sup>th</sup> Street

**Whereas,** funding for these two purchases is appropriated in Account No. 795-9500-531-656, Project No. 101262; 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 purchase of two properties located at 210 South Main Street and 204 South 6<sup>th</sup> Street, which are necessary for the construction of the proposed Santa Fe Market Trail/MLK Fields festival grounds, authorizes closing costs associated with the purchases, and authorizes the payment of relocation benefits, in an amount not to exceed \$92,000.

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

<u>Part 3:</u> It is hereby officially found and determined that the meeting at which this Resolution was 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, 2016.

	THE CITY OF TEMPLE, TEXAS	
	DANIEL A. DUNN, Mayor	
ATTEST:	APPROVED AS TO FORM:	
Lacy Borgeson	Kayla Landeros	
City Secretary	City Attorney	



05/19/16 Item #8(D) Consent Agenda Page 1 of 1

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

Kayla Landeros, City Attorney Jim Kachelmeyer, Deputy City Attorney

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing additional funds for the purchase of approximately 0.896 acres necessary for the extension of Tarver Drive to Old Waco Road and the payment of relocation expenses in an amount not to exceed \$15,000.

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.

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

ITEM SUMMARY: The City has completed the design phase for the extension of Tarver Drive to Old Waco Road. On May 5, Council authorized the award of a construction contract to construct the project. The design requires the acquisition of right of way from one remaining parcel. An appraisal was performed on the parcel and the City completed a relocation study. On February 4, based on the appraisal, Council approved the acquisition of the necessary right-of-way, the payment of closing costs, and the reimbursement of relocation expenses as required by law, in an amount not-to-exceed \$185,000. In the course of negotiating the acquisition of the property, the property owners provided their own appraisal for the property, and the parties have settled on an agreed-upon value after reconciling the two appraisals. Staff is asking for authorization of an additional \$15,000 to purchase the necessary right-of-way, pay closing costs, and pay any relocation expenses that may be required by law, for a total amount not to exceed \$200,000.

**FISCAL IMPACT**: Funding for the purchase of 0.896 acres necessary for the extension of Tarver Drive is appropriated in account 365-3400-531-6885, project 100392.

#### **ATTACHMENTS:**

Resolution

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ADDITIONAL FUNDS FOR THE PURCHASE OF APPROXIMATELY 0.896 ACRES, LOCATED AT 1002 OLD WACO ROAD, TEMPLE, TEXAS, 76502 WHICH IS NECESSARY FOR THE EXTENSION OF TARVER DRIVE TO OLD WACO ROAD; AUTHORIZING THE PAYMENT OF RELOCATION EXPENSES IN AN AMOUNT NOT TO EXCEED \$15,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City has completed the design phase for the extension of Tarver Drive to Old Waco Road and on May 5, 2016, Council authorized a construction contract for the construction of the project;

**Whereas,** the design phase of the contract requires the acquisition of right-of-way from one remaining parcel located at 1002 Old Waco Road, Temple, Texas, 76502 - an appraisal was performed on the parcel and the City completed a relocation study on February 4, 2016;

Whereas, based on the appraisal, Council approved the acquisition of the necessary right-of-way, the payment of closing costs, and the reimbursement of relocation expenses as required by law, in an amount not to exceed \$185,000;

Whereas, in the course of negotiating the acquisition of the property, the property owners provided their own appraisal for the property, and the parties have settled on an agreed-upon value after reconciling the two appraisals;

Whereas, Staff recommends Council authorize an additional \$15,000 to purchase the necessary right-of-way, the payment of closing costs, and the payment of any relocation expenses that may be required by law, in a combined not to exceed amount of \$200,000;

**Whereas,** funding for the purchase of 0.896 acres, located at 1002 Old Waco Road, Temple, Texas, 76502 which is necessary for the extension of Tarver Drive is appropriated in Account No. 365-3400-531-6885, Project No. 100392; 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 additional funds for the purchase of approximately 0.896 acres located at 1002 Old Waco Road, Temple, Texas, 76502 which is necessary for the extension of Tarver Drive to Old Waco Road and the payment of relocation expenses, in an amount not to exceed \$15,000.

<u>Part 2:</u> It is hereby officially found and determined that the meeting at which this Resolution was 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, 2016.

	THE CITY OF TEMPLE, TEXAS	
	DANIEL A. DUNN, Mayor	
ATTEST:	APPROVED AS TO FORM:	
Lacy Borgeson	Kayla Landeros	
City Secretary	City Attorney	



05/19/16 Item#8(E) Consent Agenda Page 1 of 1

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

Kayla Landeros, City Attorney
Jim Kachelmeyer, Deputy City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the City Manager to accept the donation of approximately 0.082 acre of right-of-way and two temporary construction easements located along South 31<sup>st</sup> Street in Temple, Bell County, Texas, necessary for the installation of new signals at the intersection of South 31<sup>st</sup> Street and Scott Boulevard.

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

<u>ITEM SUMMARY</u>: The City of Temple, Texas (City) and the Texas Department of Transportation (TxDOT) plan to make signalization improvements to South 31st Street, at the intersection with Scott Boulevard and at the emergency entrance to Scott & White Memorial Hospital. The purpose of the project is to improve the safety of this important corridor, particularly for patients of the Scott & White Memorial Hospital and customers of the businesses along South 31st Street.

In order to make improvements to the eastern half of the intersection at South 31st Street and Scott Boulevard, the City expressed its interest in acquiring 0.082 acre of right-of-way and a 0.010-acre temporary construction easement from Scott & White Memorial Hospital (Scott & White), as depicted in the survey attached to the enclosed Resolution. Scott & White has proposed to donate the necessary right-of-way and temporary construction easement, and Staff is seeking authorization to accept the donation of the property.

Furthermore, in order to make improvements to the southwest corner of the intersection at South 31st Street and Scott Boulevard, the City expressed its interest in acquiring a 0.009-acre (approx. 392.04 SF) temporary construction easement from Morris Venture Partners VI, LLC (MVP), as depicted in the survey attached to the enclosed Resolution. MVP has proposed to donate the necessary temporary construction easement, and Staff is seeking authorization to accept the donation of the property interest.

**FISCAL IMPACT**: The City will be responsible for future maintenance of the properties and any costs associated with the closing transactions on the land which are nominal.

#### **ATTACHMENTS:**

Resolution

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE ACCEPTANCE OF THE DONATION OF AN APPROXIMATELY 0.082 ACRE RIGHT-OF-WAY AND TWO TEMPORARY CONSTRUCTION EASEMENTS LOCATED ALONG SOUTH 31<sup>ST</sup> STREET IN TEMPLE, BELL COUNTY, TEXAS, NECESSARY FOR THE INSTALLATION OF NEW SIGNALS AT THE INTERSECTION OF SOUTH 31<sup>ST</sup> STREET AND SCOTT BOULEVARD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas,** the City of Temple, Texas ("City") and the Texas Department of Transportation ("TxDOT") plan to make signalization improvements to South 31<sup>st</sup> Street, at the intersection with Scott Boulevard, and at the emergency entrance to Scott & White Memorial Hospital;

Whereas, the purpose of the project is to improve the safety of this corridor, particularly for patients of the Scott & White Memorial Hospital and customers of the businesses along South 31st Street;

Whereas, in order to make these improvements to the eastern half of the intersection at South 31<sup>st</sup> Street and Scott Boulevard, the City has expressed interest in acquiring an approximately 0.082 acre of right-of-way and a 0.010 acre temporary construction easement from Scott & White Memorial Hospital ("Scott & White"), as outlined in Exhibit 'A' attached hereto;

Whereas, Scott & White has proposed to donate the necessary right-of-way and temporary construction easement, and Staff recommends Council authorize the acceptance of the donation of the property;

Whereas, in order to make improvements to the southwest corner of the intersection at South 31<sup>st</sup> Street and Scott Boulevard, the City has expressed interest in acquiring an approximately 0.009 acre temporary construction easement from Morris Venture Partners VI, LLC ("MVP"), as outlined in Exhibit 'B' attached hereto;

Whereas, MVP has proposed to donate the necessary temporary construction easement, and Staff recommends Council authorize the acceptance of the donation of the property;

Whereas, the City will be responsible for future maintenance of the property and any costs associated with the closing transaction on the land which will be nominal; 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 accepts the donation of an approximately 0.082 acre of right-of-way and two temporary construction easements located along South 31<sup>st</sup> Street in Temple, Bell County, Texas, necessary for the installation of new signals at the intersection of South 31<sup>st</sup> Street and Scott Boulevard.

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

<u>Part 3:</u> It is hereby officially found and determined that the meeting at which this Resolution was 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, 2016.

	THE CITY OF TEMPLE, TEXAS	
	DANIEL A. DUNN, Mayor	
ATTEST:	APPROVED AS TO FORM:	
Lacy Borgeson	Kayla Landeros	
City Secretary	City Attorney	



05/19/16 Item#8(F) Consent Agenda Page 1 of 1

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

Kayla Landeros, City Attorney Jim Kachelmeyer, Deputy City Attorney

<u>ITEM DESCRIPTION</u>: Consider adopting a resolution authorizing the City Manager to accept the donation of approximately 0.008 acre of sidewalk easements in the C.S. Masters Survey, Abstract No. 550, Temple, Bell County, Texas, necessary for the construction of a sidewalk along North 31<sup>st</sup> Street.

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

**ITEM SUMMARY:** The proposed sidewalk and enhancement project along North 31<sup>st</sup> Street will provide needed connectivity and safety for pedestrians traveling between the HOP bus shelter, Temple High School, and area businesses. The project will provide a new 8-foot sidewalk and enhancements on the west side of the street, as well as connection to existing sections of 5-foot sidewalk along the east side of the street in front of Temple High School. The proposed project would also provide needed safety elements for pedestrians including cross-walks and pedestrian warning flashers to improve driver awareness and visibility of pedestrian traffic. On March 17, City Council authorized a construction contract with Choice Builders for the construction of the project.

In order to complete the construction, the City needs to acquire permanent sidewalk easements and temporary construction easements from the property owners along North 31<sup>st</sup> Street. Temple Independent School District has donated five permanent easements and five temporary construction easements, and Council ratified Staff's acceptance of the donation on May 5. SJD Oak Ridge Investments, LLC, has agreed to donate a permanent sidewalk easement and a temporary construction easement, and Council authorized Staff to accept the donation of the property on May 5.

CFA-NC Townridge Square, LLC ("Chick-Fil-A") has offered to donate 0.008 acre of permanent sidewalk easements, and Staff is requesting Council authorization to accept the donation of the property interests.

**<u>FISCAL IMPACT</u>**: The City will be responsible for future maintenance of the property and any costs associated with the closing transaction on the land which will be nominal.

#### **ATTACHMENTS**:

Resolution

RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE ACCEPTANCE OF THE DONATION OF AN APPROXIMATELY 0.008 ACRE SIDEWALK EASEMENT IN THE C.S. MASTERS SURVEY, ABSTRACT NO. 550, TEMPLE, BELL COUNTY, TEXAS, WHICH IS NECESSARY FOR THE CONSTRUCTION OF A SIDEWALK ALONG NORTH 31<sup>ST</sup> STREET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the proposed sidewalk and enhancement project along North 31<sup>st</sup> Street will provide needed connectivity and safety for pedestrians traveling between the HOP bus shelter, Temple High School, and area businesses;

Whereas, the project will provide a new 8-foot sidewalk and enhancements on the west side of the street, as well as connection to existing sections of 5-foot sidewalk along the east side of the street in front of Temple High School – the project will also provide needed safety elements for pedestrians including crosswalks and pedestrian warning flashers to improve driver awareness and visibility of pedestrian traffic;

**Whereas,** on March 17, 2016, Council authorized a construction contract with Choice Builders, LLC for the construction of the project - in order to complete the construction, the City needs to acquire permanent sidewalk easements and temporary construction easements from property owners along North 31<sup>st</sup> Street;

Whereas, Temple Independent School District has donated five permanent easements and five temporary construction easements, and Council ratified the acceptance of these donations on May 5, 2016;

**Whereas,** SJD Oak Ridge Investments, LLC, donated a permanent sidewalk easement and a temporary construction easement, and Council authorized the acceptance of the donations on May 5, 2016;

Whereas, CFA-NC Townridge Square, LLC ("Chick-Fil-A") has offered to donate an approximately 0.008 acre permanent sidewalk easement, and Staff recommends Council accept the donation of this easement;

Whereas, the City will be responsible for future maintenance of the property and any costs associated with the closing transaction on the land which will be nominal; 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 accepts the donation of an approximately 0.008 acre sidewalk easement in the C.S. Masters Survey, Abstract No. 550, Temple, Bell County, Texas, which is necessary for the construction of a sidewalk along North 31<sup>st</sup> Street.
- <u>Part 2:</u> The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute any documents that may be necessary for acceptance of these donations.
- <u>Part 3:</u> It is hereby officially found and determined that the meeting at which this Resolution was 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, 2016.

	THE CITY OF TEMPLE, TEXAS	
	DANIEL A. DUNN, Mayor	
ATTEST:	APPROVED AS TO FORM:	
Lacy Borgeson	 Kayla Landeros	
City Secretary	City Attorney	



05/19/16 Item#8(G) Consent Agenda Page 1 of 1

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

Kayla Landeros, City Attorney Jim Kachelmeyer, Deputy City Attorney

**ITEM DESCRIPTION**: Consider adopting a resolution authorizing the City Manager to accept the donation of the property located at 207 and 209 South Main Street and in Block Thirty-Four (34) of the Original Town of Temple, Bell County, Texas to make improvements necessary for the promotion of public safety and for use within the future revitalization plans for the area.

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

ITEM SUMMARY: In February 2016, bricks from the façade of the property located at 207 and 209 South Main Street fell from the building onto the public sidewalk below. The City's Transform Temple team secured the area and cleaned the debris from the sidewalk, and the Code Enforcement Division contacted the property owner to ensure that necessary repairs would be made. In April 2016, after the property owner refused to voluntarily take steps needed to repair the structure, Code Enforcement sent the property owner a Notice that the property was a dangerous building and that the owner had ten days to make the necessary repairs. Just before the expiration of the ten days, the property owner contacted the City and offered to donate the property to the City, so that Staff could make the needed repairs.

Staff is interested in acquiring the property at 207 and 209 South Main Street and making the necessary repairs to protect the public welfare. In addition, the property is in the vicinity of the future Santa Fe Market Trail area and would be used in future revitalization plans for the area. In exchange for the donation, Staff recommends waiving the two City liens, totaling \$300, against the property.

Staff is seeking the authority to accept the donation of the property at 207 and 209 South Main Street in order to make repairs necessary to protect the public welfare, as well as the authority to waive the two existing City liens against the property.

**FISCAL IMPACT**: The City will be waiving two City liens against the property totaling \$300. The City will be responsible for future maintenance of the property and any costs associated with the closing transaction on the land which will be nominal.

#### ATTACHMENTS:

Resolution

RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE ACCEPTANCE OF THE DONATION OF THE PROPERTY LOCATED AT 207 AND 209 SOUTH MAIN STREET, BLOCK 34 OF THE ORIGINAL TOWN OF TEMPLE, BELL COUNTY, TEXAS, FOR IMPROVEMENTS NECESSARY FOR THE PROMOTION OF PUBLIC SAFETY AND FOR USE WITHIN THE FUTURE REVITALIZATION PLANS FOR THE AREA; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas,** in February 2016, bricks from the façade of the property located at 207 and 209 South Main Street fell from the building onto the public sidewalk below and the City's Transform Temple team secured the area and cleaned the debris from the sidewalk;

Whereas, the City's Code Enforcement Division contacted the property owner to ensure that necessary repairs would be made and in April 2016, after the property owner refused to voluntarily take steps needed to repair the structure, Code Enforcement sent the property owner a notice that the property was dangerous and the owner had ten days to make the necessary repairs;

Whereas, prior to the expiration of the ten days the property owner had to make the necessary repairs, the owner contacted the City and offered to donate the property to the City, so that Staff could make the needed repairs;

**Whereas,** this property is in the vicinity of the future Santa Fe Market Trail area and will be used in the future revitalization plans for the area;

Whereas, Staff recommends Council authorize the acceptance of the donation of the property located at 207 and 209 South Main Street in order to make the necessary repairs to protect the public welfare, as well as the authority to waive the two existing City liens against the property, totaling \$300;

Whereas, the City will waive two liens on the property in the amount of \$300 – the City will be responsible for future maintenance of the property and any costs associated with the closing transaction on the land which will be nominal; 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 accepts the donation of the property located at 207 and 209 South Main Street, Block 34 of the Original Town of Temple, Bell County, Texas, and waives two liens on the property in the amount of \$300, to make improvements necessary for the promotion of public safety and for use within the future revitalization plans for the area.

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

<u>Part 3:</u> It is hereby officially found and determined that the meeting at which this Resolution was 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, 2016.

	THE CITY OF TEMPLE, TEXAS	
	DANIEL A. DUNN, Mayor	
ATTEST:	APPROVED AS TO FORM:	
Lacy Borgeson	Kayla Landeros	
City Secretary	City Attorney	



05/19/16 Item #8(H) Consent Agenda Page 1 of 2

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

Alan DeLoera, Information Technology Director

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing the purchase of mobile data laptops and associated equipment from Austin Ribbon & Computer Supplies, Inc. of Austin in the amount of \$440,520.08.

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

**ITEM SUMMARY:** The City currently has 116 Mobile Data Laptops installed in Police and Fire vehicles throughout the City. Approximately 116 of these laptops are approximately 5 years in age, and are now considered obsolete equipment by the manufacturer. We cannot obtain any maintenance from the manufacturer on the current equipment, cannot get the necessary parts to maintain for an extended period of time, and the current laptops cannot handle new software applications currently required for future field operations.

The rate of technology change is increasing at a rapid pace, resulting in shorter life cycles and faster system development. In an effort to have an effective and sustainable technology plan, it is recommended that the City replace the Police and Fire Mobile Data Laptops every four years. This will result in a systematic technology replacement that meets industry standards, facilitates standardization efforts, improves operating efficiency, and provides for an effective disposal strategy for used equipment.

The Police Department currently uses the Panasonic CF-31 and would like to continue to use the Panasonic laptops as they have proven very reliable. Panasonic mobile data laptops are engineered to withstand drops, spills, dust and vibration, and to perform in the harshest environments, which is necessary for public safety vehicles. Panasonic Toughbooks are the laptop of choice for most government agencies.

The associated equipment includes docking stations for the new laptops, Cradlepoint routers for data communications, and tablet PC's for staff to use in the field without having to remove their laptops from the docking station which can be a time consuming task as well as a safety concern for officers and firefighters. All of the laptops and associated equipment are being purchased through State of Texas DIR contract and is broken down by the item and DIR Contract below:

QUANTITY	DIR CONTRACT	DESCRIPTION	PRICE
116	DIR-TSO-2520	Panasonic CF-54	\$231,884.00
116	DIR-SDD-1934	Docking Station	\$72,426.92
116	DIR-SDD-1951(R)	Cradlepoint Router	\$74,238.84
116	DIR-SDD-1951(R)	Cradlepoint Cloud	\$10,321.68
116	DIR-SDD-1934	MIMO Attennas	\$21,696.64
40	DIR-SDD-1951(R)	Dell Latitude 11 5175	\$29,952.00

**FISCAL IMPACT:** Funding for the purchase of the mobile data laptops and associated equipment is appropriated in account 110-5900-521-6218, Project 101357, as follows:

Project Budget \$ 480,000 Encumbered/Committed To Date -

Mobile Data Laptops – Austin Ribbon & Computer Supplies Inc. (440,521)

Remaining Funds \$ 39,479

#### **ATTACHMENTS:**

Resolution

RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF MOBILE DATA LAPTOPS AND ASSOCIATED EQUIPMENT, IN THE AMOUNT OF \$440,521.00, FROM AUSTIN RIBBON & COMPUTER SUPPLIES, INC. OF AUSTIN, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City currently has 116 mobile data laptops installed in Police and Fire vehicles throughout the City - these laptops are approximately 5 years old and are now considered obsolete by the manufacturer;

Whereas, because the rate of technology change is increasing at a rapid pace, the City is unable to obtain maintenance on the current equipment, unable to purchase necessary parts to maintain the equipment for an extended period of time, and the current equipment is unable to handle new software applications currently required for future field operations;

Whereas, in an effort to have an effective and sustainable technology plan, Staff recommends that the City replace the mobile data laptops every four years - this will result in a systematic technology replacement that meets industry standards, facilitates standardization efforts, improves operating efficiency and provides for an effective disposal strategy for used equipment;

Whereas, Staff recommends the purchase of mobile data laptops and associated equipment, in the amount of \$440,521, from Austin Ribbon & Computer Supplies, Inc. of Austin, Texas, utilizing a State of Texas Department of Information Resources contract - contracts awarded through the State of Texas Department of Information Resources have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

**Whereas,** funds are available for this purchase in Account No. 110-5900-521-6218, Project No. 101357; 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 purchase of mobile data laptops and associated equipment, in the amount of \$440,521, from Austin Ribbon & Computer Supplies, Inc. of Austin, Texas, utilizing a State of Texas Department of Information Resources contract.

<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 this purchase.

<u>Part 3:</u> It is hereby officially found and determined that the meeting at which this Resolution was 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, 2016.

	THE CITY OF TEMPLE, TEXAS
	DANIEL A. DUNN, Mayor
ATTEST:	APPROVED AS TO FORM:
Lacy Borgeson	 Kayla Landeros
City Secretary	City Attorney



05/19/16 Item #8(I) Consent Agenda Page 1 of 1

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

Floyd O. Mitchell, Chief of Police

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of 85 body cameras systems with three charging systems in an amount of \$43,688.40 from L-3 Communications Mobile-Vision, Inc.

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

<u>ITEM SUMMARY:</u> On December 15, 2015, Council authorized the purchase of 85 body cameras with eight charging systems from L-3 Communications Mobile-Vison, Inc ("L-3") in the amount of \$37,887, utilizing a Houston-Galveston Area Council (HGAC) cooperative contract. Due to a production issue identified with the camera model ordered, L-3 is offering the Police Department the opportunity to cancel this order, and upgrade the cameras to a BodyVISION R4 camera system that has enhanced field of peripheral imagery. The revised cost of the upgraded cameras, with the required three charging systems, is \$43,688.40.

The revised purchase is being recommended utilizing BuyBoard contract #500-15 for \$43,688.40. Contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

**<u>FISCAL IMPACT:</u>** Funding for the purchase of 85 body camera systems with three charging systems from L-3 Communications Mobile-Vision, Inc. is appropriated as follows:

Account #	Project #	Amount
110-2031-521-6229	101474	\$37,887
110-2031-521-6211	101474	5,802
	Total	\$43,689

### **ATTACHMENTS:**

Resolution

RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF 85 BODY CAMERAS AND 3 CHARGING SYSTEMS, IN THE AMOUNT OF \$43,688.40, FROM L-3 COMMUNICATIONS MOBILE VISION, INC.; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on December 15, 2015, Council authorized the purchase of 85 body cameras with eight charging systems, utilizing a Houston-Galveston Area Council cooperative contract;

**Whereas,** due to a productivity issue identified with the camera model ordered, L-3 Communications Mobile Vision, Inc. is offering the Police Department the opportunity to cancel this order and upgrade the cameras to a BodyVISION R4 camera system that has enhanced field of peripheral imagery;

Whereas, Staff recommends Council authorize the purchase of 85 body cameras and 3 charging systems from L-3 Communications Mobile Vision, Inc., in the amount of \$43,688.40, utilizing a Houston-Galveston Area Council Interlocal Cooperative contract – all contracts awarded through the H-GAC have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

**Whereas,** funding is available for this purchase in Account No. 110-2031-521-6229 and Account No. 110-2031-521-6211, Project No. 101474; 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 purchase of 85 body cameras and 3 charging systems, in the amount of \$43,688.40, from L-3 Communications Mobile Vision, Inc., utilizing a Houston-Galveston Area Council Interlocal Cooperative contract.
- <u>Part 2:</u> The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute any documents that may be necessary for this purchase.
- <u>Part 3:</u> It is hereby officially found and determined that the meeting at which this Resolution was 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, 2016.

THE CITY OF TEMPLE, TEXAS
DANIEL A. DUNN, Mayor
APPROVED AS TO FORM:
Kayla Landeros City Attorney



05/19/16 Item #8(J) Consent Agenda Page 1 of 1

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

Nicole Torralva, Public Works Director Lisa Sebek, Solid Waste Services Director

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing the purchase of 636 plastic 96-gallon garbage and recycling containers for the Solid Waste & Recycling Services Division of Public Works from Toter, Inc., Statesville, NC, utilizing a National IPA cooperative contract, in the amount of \$28,611.98.

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

<u>ITEM SUMMARY:</u> Each year, the Solid Waste Division purchases new 96-gallon residential refuse containers both for new service and for regular container replacement, for both garbage and recycling services. This agenda item will provide for routine growth and normal container replacement. Current pricing is \$43.90 per container, plus \$0.25 hot stamp recycling symbol on half, plus \$612.08 for freight to Temple. Staff believes this to be a good cost per container.

The city has done business with Toter, Inc. and finds them to be a responsible vendor. Utilizing this contract through the National IPA cooperative purchasing organization satisfies competitive bid requirements.

**<u>FISCAL IMPACT:</u>** Funding has been appropriated for the purchase of the garbage and recycling contatiners in the account listed below:

Description	Account #	Budget	Proposed Expenditure
96 Gallon Carts	110-2330-540-2211	\$28,612	\$28,611.98

#### **ATTACHMENTS:**

RESOLUTION NO.	

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF PLASTIC GARBAGE AND RECYCLING CONTAINERS FOR THE SOLID WASTE AND RECYCLING SERVICES DIVISION OF THE PUBLIC WORKS DEPARTMENT IN THE AMOUNT OF \$28,611.28, FROM TOTER, INC. OF STATESVILLE, NORTH CAROLINA; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, each year, the Solid Waste Division purchases new 96-gallon residential refuse containers both for new service and regular container replacement, for both garbage and recycling services:

Whereas, Staff recommends the purchase of 636 plastic, 96-gallon garbage and recycling containers to be used for routine growth and normal container replacement;

Whereas, the current pricing is \$43.90 per container, \$0.25 for a hot stamp recycling symbol on half of the containers, plus \$612.08 for freight - Staff believes this to be a good cost per container and recommends Council authorize this purchase;

**Whereas,** the City has done business with Toter, Inc. in the past and finds them to be a responsible vendor – this purchase will be made utilizing a National IPA Cooperative Purchasing contract which satisfies the competitive bid requirements;

**Whereas,** funding for the purchase of 636 plastic, 96-gallon garbage and recycling containers is available 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 the purchase of 636 plastic, 96-gallon garbage and recycling containers, in the amount of \$28,611.98 from Toter, Inc., of Statesville, North Carolina, utilizing the National IPA Cooperative Contract.
- <u>Part 2:</u> The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute any documents that may be necessary for this purchase.
- <u>Part 3:</u> It is hereby officially found and determined that the meeting at which this Resolution was 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.

	THE CITY OF TEMPLE, TEXAS
	DANIEL A. DUNN, Mayor
ATTEST:	APPROVED AS TO FORM:
Lacy Borgeson	Kayla Landeros
City Secretary	City Attorney



05/19/16 Item #8(K) Consent Agenda Page 1 of 1

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

Nicole Torralva, P.E., Public Works Director Kirk Scopac, Interim Fleet Services Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of a tire service truck from Caldwell Country Ford of Caldwell in the amount of \$53,941.

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

<u>ITEM SUMMARY:</u> Currently the Public Works Fleet Services Division has one tire service truck in their fleet that has been identified for routine replacement by the Director of Fleet Services in the annual vehicle replacement review. This truck is used daily to make service calls to repair tires and make vehicles repairs. The truck that will be purchased will replace an existing 19 year old truck.

The truck being purchased is a Ford F-350 6.7L diesel with a special service package.

Caldwell Country Ford has been awarded contract #430-13 by BuyBoard, which staff is recommending be used for this purchase. Contracts award through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

<u>SUSTAINABILITY IMPACT:</u> The vehicle scheduled for replacement has been evaluated to ensure the most sustainable and fuel efficient vehicle that meet the needs of the department is being purchased. The evaluation for this vehicle was focused on right-sizing the vehicle and fuel options. The vehicle provided has been right-sized for the intended use and utilizes the best fuel option for current costs and availability.

**FISCAL IMPACT:** Funding for the purchase of the tire service truck is appropriated in account 110-5938-519-6213, project #101352, as follows:

Project Budget \$ 60,000
Encumbered/Committed To Date 
Purchase Truck – Caldwell Country Ford (53,941)

Remaining Funds \$ 6.059

#### **ATTACHMENTS:**

RESOLUTION NO.	

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A TIRE SERVICE TRUCK, IN THE AMOUNT OF \$53,941, FROM CALDWELL COUNTRY FORD OF CALDWELL, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Public Works Fleet Services Division currently has one tire service truck in its fleet that has been identified for routine replacement by the Director of Fleet Services in the annual vehicle replacement review;

**Whereas,** this truck is used daily to make service calls to repair tires and vehicle repairs and will replace an existing 19 year old truck;

Whereas, Staff recommends the purchase of a 2016 Ford F-350 6.7 liter diesel with a special service package through Caldwell Country Ford of Caldwell, Texas in the amount of \$53,941;

Whereas, Caldwell Country Ford has been awarded a BuyBoard contract, which Staff is recommending be used for this purchase - contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

Whereas, the evaluation for this vehicle was focused on right-sizing the vehicle and fuel options - the above listed vehicle has been right-sized for the intended use, has a high MPG and utilizes the best fuel options for current costs and availability;

**Whereas**, funding for this vehicle purchase is available in Account No. 110-5938-519-6213, Project No. 101352; 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 purchase of a 2016 Ford F-350 6.7 liter diesel truck, in the amount of \$53,941, from Caldwell Country Ford of Caldwell, Texas, utilizing the BuyBoard Local Government Online Purchasing Cooperative.
- <u>Part 2:</u> The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute any documents that may be necessary for this purchase.
- <u>Part 3:</u> It is hereby officially found and determined that the meeting at which this Resolution was 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.

	THE CITY OF TEMPLE, TEXAS
	DANIEL A. DUNN, Mayor
ATTEST:	APPROVED AS TO FORM:
Lacy Borgeson	Kayla Landeros
City Secretary	City Attorney



05/19/16 Item #8(L) Consent Agenda Page 1 of 1

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

Nicole Torralva, P.E., Public Works Director Kirk Scopac, Interim Fleet Services Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the repair of a solid waste truck by Rush Truck Center of Irving in the estimated amount of \$20,584.51 and by McNeilus of Hutchins in the estimated amount of \$22,140.46, for a total estimated repair cost of \$42,724.97.

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

**ITEM SUMMARY:** Asset #13276, a 2011 Peterbilt/McNeilus commercial front-loader, was involved in an accident in July of 2015. The complexity of this equipment and the depth of the repair needed is above and beyond the capabilities of local body shops or truck repair service centers. The best course of action has been determined to have the original equipment manufacturers, Rush Peterbilt for the cab & chassis and McNeilus for the body, perform the repairs in order to guarantee continued reliable service from the equipment. Accordingly, staff is requesting to single-source the repairs through these two manufacturers.

**FISCAL IMPACT:** A budget adjustment is being presented to Council for approval to appropriate the insurance proceeds to be received for the repairs, estimated at \$18,000. The City is responsible for the insurance deductible for the repair on the equipment of \$25,000. Upon approval of the budget adjustment, funding for the repairs will be appropriated in account 110-2350-540-2516.

#### **ATTACHMENTS:**

Budget Adjustment Resolution

FY 2016
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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.

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ACCOUNT NUMBER	PROJECT#	ACCOUNT DESCRIPTI	ON	INC	CREASE		DECREASE	
110-2350-540-25-16		Other Services / Judgment & D	amages	\$	18,000			
110-0000-461-05-54		Insurance Claims			18,000			Г
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TOTAL				\$	36,000		\$ -	
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DATE OF COUNCIL MEETIN	G	5/19/2016						
WITH AGENDA ITEM?			Х	Yes		No	)	
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Department Head/Divisio	n Director	<u> </u>	Date			-	proved sapproved	
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City Manager		_	Date			-	sapproved	

RESOLUTION NO.	

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE REPAIR OF A SOLID WASTE TRUCK, IN THE ESTIMATED AMOUNT OF \$42,724.97, THROUGH RUSH TRUCK CENTER OF IRVING, TEXAS, AND MCNEILUS OF HUTCHINS, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in July 2015, a 2011 Peterbilt/McNeilus commercial front-loader was involved in an accident – due to the complexity of this equipment and the depth of the repairs needed, the repairs are above and beyond the capabilities of local body shops or truck repair centers;

Whereas, Staff has determined that the best course of action would be to have the original equipment manufacturers, Rush Peterbilt for the chassis and McNeilus for the body, perform the repairs in order to guarantee continued reliable service from the equipment;

Whereas, Staff is requesting to single-source the repairs through these two manufacturers with McNeilus serving as the invoicing entity;

**Whereas**, funds mare available for these repairs, but an amendment to the fiscal year 2016 budget needs to be approved to transfer the funds into Account No. 110-2350-540-2516; 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 a single source purchase for the repair of a 2011 Peterbilt/McNeilus commercial front-loader solid waste truck, in the estimated amount of \$42,724.97 through Rush Truck Center of Irving, Texas and McNeilus of Hutchins, Texas.

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

- <u>Part 3:</u> The City Council authorizes an amendment to the fiscal year 2016 budget, substantially it the form of the copy attached hereto as Exhibit 'A.'
- <u>Part 4:</u> It is hereby officially found and determined that the meeting at which this Resolution was 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.

	THE CITY OF TEMPLE, TEXAS
	DANIEL A. DUNN, Mayor
ATTEST:	APPROVED AS TO FORM:
Lacy Borgeson	Kayla Landeros
City Secretary	City Attorney



05/19/16 Item #8(M) Consent Agenda Page 1 of 1

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

Belinda Mattke, Director of Purchasing

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing estimated FY2016 annual contract expenditure increases to the concrete repair and construction services contract with Wilson Construction Services, LLC of Belton and the carpentry/minor remodel & repair construction contract with Camden Enterprises, LLC of Belton.

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

<u>ITEM SUMMARY:</u> On September 3, 2015, Council authorized an annual contract with Wilson Construction Services, LLC for concrete repair and construction services in the <u>estimated</u> annual amount of \$80,000. Year to date, approximately \$100,000 of services have been procured under this contract due to increased volumes of necessary repairs, and it is anticipated that another \$50,000 in repairs may be needed through September 30, 2016, for a total estimated annual expenditure of \$150,000.

On October 15, 2015, Council authorized an annual contract with Camden Enterprises, LLC for carpentry and minor building remodel and repair services in the <u>estimated</u> annual amount of \$50,000. Year to date, approximately \$68,000 of services have been procured under this contract, and it is anticipated that an additional \$30,000 in services under this contract may be needed through September 30, 2016, for a total estimated annual expenditure of \$98,000.

Both of these contracts were structured as 'unit price' contracts to allow for flexibility in the contract based on the needs of the City during the fiscal year. Accordingly, no change order is required to the executed construction contracts. However, staff desires to acknowledge to Council that expenditures have exceeded the estimated annual expenditures which were previously disclosed.

**FISCAL IMPACT:** Services under both the concrete repair and construction services and the carpentry/minor remodel & repair construction contracts are purchased on an as needed basis by various departments. Services are contingent upon funding being available in the appropriate account for the services being provided.

#### **ATTACHMENTS:**

RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ESTIMATED FISCAL YEAR 2016 ANNUAL CONTRACT EXPENDITURE INCREASES TO THE CONCRETE REPAIR AND CONSTRUCTION SERVICES CONTRACT WITH WILSON CONSTRUCTION SERVICES, LLC OF BELTON, TEXAS AND THE CARPENTRY/MINOR REMODEL AND REPAIR CONSTRUCTION CONTRACT WITH CAMDEN ENTERPRISES, LLC OF BELTON, TEXAS: AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 3, 2015, Council authorized an annual contract with Wilson Construction Services, LLC for concrete repair and construction services in the estimated annual amount of \$80,000;

Whereas, year-to-date figures reflect approximately \$100,000 of services have been procured under this contract due to increased volumes of necessary repairs and it is anticipated that another \$50,000 in repairs may be needed through September 30, 2016;

Whereas, on October 15, 2015, Council authorized an annual contract with Camden Enterprises, LLC for carpentry, minor building remodel and repair services in the estimated annual amount of \$50,000;

**Whereas,** year-to-date figures reflect approximately \$68,000 of services have been procured under this contract, and it is anticipated that another \$30,000 in services may be needed through September 30, 2016;

Whereas, both of these construction contracts were structured as 'unit price' contracts to allow for flexibility in the contract, based on the needs of the City during the fiscal year;

Whereas, Staff advises Council that expenditures to these two contracts have exceeded the estimated annual expenditures and recommends that Council authorize estimated fiscal year 2016 annual contract expenditure increases to the concrete repair and construction services contract with Wilson Construction Services, LLC and the carpentry/minor remodel and repair construction contract with Camden Enterprises, LLC;

Whereas, services under both of these construction contracts are purchased on an 'as needed' basis by various departments and services are contingent upon funding being available in the appropriate accounts for the services being provided; 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 estimated fiscal year 2016 annual contract expenditure increases to the concrete repair and construction services contract with Wilson Construction Services, LLC of Belton, Texas, and the carpentry/minor remodel and repair construction contract with Camden Enterprises, LLC of Belton, Texas.

<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 annual contract increases.

<u>Part 3:</u> It is hereby officially found and determined that the meeting at which this Resolution was 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.

	THE CITY OF TEMPLE, TEXAS
	DANIEL A. DUNN, Mayor
ATTEST:	APPROVED AS TO FORM:
Lacy Borgeson	Kayla Landeros
City Secretary	City Attorney



05/19/16 Item #8(N) Consent Agenda Page 1 of 1

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

Alan DeLoera, Information Technology Director

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing service through Grande Communications Networks LLC, of Dallas, in the amount of \$42,000 for high-speed data services to eight City Facilities.

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

<u>ITEM SUMMARY:</u> Grande Communications (formerly Centrovision) currently provides us with high-speed data services to multiple City departments which include the Municipal Court, Utility Business Office, Fire Station 8/EOC, Public Works, Fleet Services, Purchasing, and Airport. This year we added the Mayborn Center, Animal Services and Wilson Park to this contract. They have provided us with a service at these facilities where no one else could provide service or much less expensive than ATT.

We currently use services through Grande Communications, Time Warner and ATT in an effort to avoid a catastrophic outage at all City facilities if we were only to use one company. We also use this plan successfully by having internet service provided by all three companies for backup due to the critical nature of providing access to Police, Fire, email services and other critical city applications

As part of our plan to diversify services we recommend to continue this contract with Grande as they already have the equipment and services at these locations.

The \$42,000 will be for services provided from March 16 – September 30.

**FISCAL IMPACT:** Funding for the services provided by Grande Communications Networks, LLC for high-speed data is available in account 110-1900-519-2610.

#### <u> ATTACHMENTS:</u>

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING HIGH-SPEED DATA SERVICES THROUGH GRANDE COMMUNICATIONS NETWORKS, LLC, OF DALLAS, TEXAS, IN THE AMOUNT OF \$42,000, FOR SERVICE TO EIGHT CITY FACILITIES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Grande Communications (formerly Centrovision) currently provides the City with high-speed data services to multiple City departments which include the Municipal Court, Utility Business Office, Fire Station 8/EOC, Public Works, Fleet Services, Purchasing, and Airport;

Whereas, this year the City added the Mayborn Center, Animal Services and Wilson Park to this contract;

Whereas, in an effort to avoid a catastrophic outage to all City facilities, the City currently uses the services of three providers - Grande Communications, Time Warner and ATT - by having internet service provided by all three providers, this plan has been successful for backup due to the critical nature of providing access to Police, Fire, email services and other critical city applications;

Whereas, as part of the City's plan to diversify services, Staff recommends Council authorize high-speed data services through Grande Communications Networks, in the amount of \$42,000, for services to eight additional City facilities;

Whereas, funds are available for these services in Account No. 110-1900-519-2610; 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 high-speed data services through Grande Communications Networks, LLC of Dallas, Texas, in the amount of \$42,000, to eight additional City facilities.
- <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 this purchase.
- <u>Part 3:</u> It is hereby officially found and determined that the meeting at which this Resolution was 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.

	THE CITY OF TEMPLE, TEXAS
	DANIEL A. DUNN, Mayor
ATTEST:	APPROVED AS TO FORM:
Lacy Borgeson	Kayla Landeros
City Secretary	City Attorney



05/19/16 Item #8(O) Consent Agenda Page 1 of 2

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

Kayla Landeros, City Attorney James Kachelmeyer, Deputy City Attorney

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing a professional services agreement with Stateside Right-of-Way Services in an amount not to exceed \$45,000, for right-of-way acquisition services associated with the Daniels Drive section of the Bird Creek Interceptor project.

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

**ITEM SUMMARY:** In 2007, Council authorized a professional services agreement with Carter Burgess, Inc., now Jacobs Engineering Group, Inc., for engineering services related to the Bird Creek Interceptor. This project, targeted toward reducing sanitary sewer overflows, will rehabilitate existing deteriorated infrastructure through the heart of the city. To date, the City has constructed three phases of the Bird Creek Interceptor project. Design of Phases 4 and 5 is underway and acquisition of the necessary easements is partially complete.

The design of Phase 4 includes a realignment of the interceptor beneath Daniels Drive, currently a private street in South Temple that runs parallel to Bird Creek, with a steep slope in between. Erosion from the creek may require significant repairs to Daniels Drive in the future in order to ensure its integrity and protect the welfare of residents in the neighborhood. Accordingly, Staff believes that the in order to conduct repairs needed on Daniels Drive, to take necessary steps to prevent the erosion of the slope between Daniels Drive and Bird Creek, and to realign the Bird Creek interceptor beneath the roadway, it would be in the public interest to acquire the right-of-way necessary to convert the private road into a public street.

At Staff's request, Stateside Right-of-Way Services ("Stateside"), Lone Star Right-of-Way Services, H.W. Lochner, Inc., and Phillip Reed Energy Group, L.P., submitted proposals to complete the activities associated with the acquisition of this right-of-way. Stateside's proposed fee was the second-lowest of the four, but Staff believes that Stateside's experience with similar projects in Temple provides the firm with experience that would be well-suited for this particular project. Accordingly, Staff recommends entering into a services agreement with Stateside Right-of-Way Services, in an amount not to exceed \$45,000, for right-of-way acquisition services for the Daniels Drive portion of the Bird Creek Interceptor project.

**FISCAL IMPACT:** Funding for award of a professional services agreement with Stateside Star Right-of-Way Services is appropriated in account 520-5900-535-6110, project #101213, as follows:

Right-of-Way Acquisition – Stateside Right-of-Way Services	(45,000)
Remaining Funds	\$ 769,490

## **ATTACHMENTS:**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH STATESIDE RIGHT OF WAY SERVICES, INC. OF TEMPLE, TEXAS, IN THE AMOUNT OF \$45,000, FOR RIGHT-OF-WAY ACQUISITION ASSOCIATED WITH THE DANIELS DRIVE SECTION OF THE BIRD CREEK INTERCEPTOR PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas**, in 2007, Council authorized a professional services agreement with Carter Burgess, Inc., now Jacobs Engineering Group, Inc., for engineering services related to the Bird Creek Interceptor - this project, targeted toward reducing sanitary sewer overflows, will rehabilitate existing deteriorated infrastructure through the heart of the city;

**Whereas,** to date, the City has constructed three phases of the Bird Creek Interceptor project and design of Phases 4 and 5 are underway and acquisition of the necessary easements is partially complete;

Whereas, the design of Phase 4 includes a realignment of the interceptor beneath Daniels Drive, currently a private street in South Temple that runs parallel to Bird Creek, with a steep slope in between - erosion from the creek may require significant repairs to Daniels Drive in the future in order to ensure its integrity and protect the welfare of residents in the neighborhood;

Whereas, Staff believes that in order to conduct the repairs needed on Daniels Drive, and take necessary steps to prevent the erosion of the slope between Daniels Drive and Bird Creek to realign the Bird Creek interceptor beneath the roadway, it would be in the public's best interest to acquire the right-of-way necessary to convert the private road into a public street;

Whereas, at Staff's request, Stateside Right-of-Way Services ("Stateside"), Lone Star Right-of-Way Services, H.W. Lochner, Inc., and Phillip Reed Energy Group, L.P., submitted proposals to complete the activities associated with the acquisition of this right-of-way;

Whereas, Stateside submitted the second-lowest bid of the four bids, but Staff believes that Stateside's experience with similar projects in Temple provides the firm with experience that would be well-suited for this particular project;

Whereas, Staff recommends Council authorize a professional services agreement with Stateside Right-of-Way Services, in an amount not to exceed \$45,000, for right-of-way acquisition services for the Daniels Drive portion of the Bird Creek Interceptor project;

**Whereas,** funding is available for this professional services agreement in Account No. 520-5900-535-6110, Project No. 101213; 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, after approval as to form by the City Attorney, to execute a professional services agreement with Stateside Right of Way Services, Inc., in an amount not to exceed \$45,000, for right-of-way acquisition services associated with the Daniels Drive section of the Bird Creek Interceptor project.

<u>Part 2:</u> It is hereby officially found and determined that the meeting at which this Resolution was 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.

	THE CITY OF TEMPLE, TEXAS
	DANIEL A. DUNN, Mayor
ATTEST:	APPROVED AS TO FORM:
Lacy Borgeson	Kayla Landeros
City Secretary	City Attorney



05/19/16 Item #8(P) Consent Agenda Page 1 of 1

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

Heather Mikulas, Utility Business Office Manager Belinda Mattke, Director of Purchasing

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing a services agreement in the estimated amount of \$40,000 with Aqua Metric Sales Company of Schertz for large water meter testing and repair services.

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

**ITEM SUMMARY:** Approval of this item will allow for large meter testing services for the remainder of FY2016. The services provided will include inspection, testing, repair and the capture of GPS data and information on large water meters within the City of Temple. Meters are tested for accuracy in order to insure that the cost of water service is equitably distributed among all customers and that revenue is not be loss as the result of inefficient meters. Large meters are described as meters three inches or larger, serving apartments, commercial and industrial customers.

On September 3, 2015, Council authorized a one-year renewal to a services agreement with Great Southwest Meters, Inc. of Waxahachie, for these meter testing services based on their informal commitment to renew the agreement. However, based on changes within the Great Southwest Meters organization, they never executed the FY2016 agreement.

Staff is recommending Council authorize a contract with Aqua Metric Sales Company for this service utilizing a Houston-Galveston Area Council (HGAC) Cooperative contract #WM08-14. All contracts available through the HGAC Cooperative have been awarded by virtue of a public competitive procurement process compliant with state statues.

Pricing under the contract is as follows: 3" meter testing, \$161.11 each; 4" meter testing, \$166.67 each; 6" meter testing, \$183.33 each; and 8" meter testing, \$194.44 each.

**FISCAL IMPACT:** Funding for large meter testing is included in the adopted FY2016 budget in account 520-5300-535-26-23, Other Contracted Services, in the amount of \$40,000

#### **ATTACHMENTS:**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A SERVICES AGREEMENT WITH AQUA METRIC SALES COMPANY OF SCHERTZ, TEXAS, IN THE ESTIMATED AMOUNT OF \$40,000, FOR LARGE WATER METER TESTING AND REPAIR SERVICES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, water meters are tested for accuracy in order to insure that the cost of water service is equitably distributed among all customers and that revenue is not being lost as the result of inefficient meters;

Whereas, services to be provided under the proposed Services Agreement include inspection, testing, repair and the capture of GPS data and information on large water meters within the City of Temple - large meters are described as meters three inches or larger, serving apartments, commercial and industrial customers;

Whereas, on September 3, 2015, Council authorized a one-year renewal to a services agreement with Great Southwest Meters, Inc. of Waxahachie, for large water meter testing services based on its informal commitment to renew the agreement - however, based on changes within the Great Southwest Meters organization, the renewal agreement was never executed;

Whereas, Staff recommends Council authorize a contract with Aqua Metric Sales Company of Schertz, Texas, in the estimated amount of \$40,000 for large water meter testing and repair services utilizing a Houston-Galveston Area Council ("HGAC") Cooperative contract - all contracts available through the HGAC Cooperative have been awarded by virtue of a public competitive procurement process compliant with state statutes;

**Whereas**, funding for large meter testing and repair service is included in Account No. 520-5300-535-2623; 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, after approval as to form by the City Attorney, to execute a services agreement with Aqua Metric Sales Company, in the estimated amount of \$40,000, for large water meter testing and repair services.

<u>Part 2:</u> It is hereby officially found and determined that the meeting at which this Resolution was 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.

	THE CITY OF TEMPLE, TEXAS
	DANIEL A. DUNN, Mayor
ATTEST:	APPROVED AS TO FORM:
Lacy Borgeson	Kayla Landeros
City Secretary	City Attorney



05/19/16 Item #8(Q) Consent Agenda Page 1 of 1

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

Kayla Landeros, City Attorney

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing a lease extension with Ducharme Marketing Group, Inc., for lease of space in the E. Rhodes and Leona B. Carpenter Foundation Building (the Temple Public Library).

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

<u>ITEM SUMMARY:</u> Ducharme Marketing Group, Inc. ("Tenant") currently leases Suites 308-309 in the Temple Public Library. The current lease expires May 31, 2016 and they have requested to renew the lease for another two year period. The lease will run from June 1, 2016 to May 31, 2018.

Tenants will pay \$1,200 per month for the term of the lease.

**FISCAL IMPACT:** The annual rent to be received from Ducharme Marketing Group, Inc. is \$14,400 and will be deposited into account 110-0000-461-0937.

#### **ATTACHMENTS:**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A LEASE EXTENSION WITH DUCHARME MARKETING GROUP, INC., FOR SPACE IN THE E. RHODES AND LEONA B. CARPENTER FOUNDATION BUILDING (TEMPLE PUBLIC LIBRARY); AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas**, Ducharme Marketing Group, Inc., currently leases Suites 308-309 in the Temple Public Library – the current lease expires May 31, 2016;

**Whereas,** Ducharme has requested to renew the lease for another two year period - the lease term will run from June 1, 2016 to May 31, 2018 and tenants will pay annual rent in the amount of \$1,200 per month;

**Whereas,** Staff recommends Council authorize a two year lease extension with Ducharme Marking Group, Inc. for office space in the E. Rhodes and Leona B. Carpenter Foundation Building (Temple Public Library);

**Whereas,** the lease agreement allows for a 30-day termination clause should the lessee or the City desire to terminate the lease;

**Whereas,** the annual rent the City will receive from Ducharme Marking Group, Inc., is \$14,400 and will be deposited into Account No. 110-0000-461-0937; 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, after approval as to form by the City Attorney, to execute a two year lease renewal with Ducharme Marking Group, Inc. for office space in the E. Rhodes and Leona B. Carpenter Foundation Building (Temple Public Library), with a lease term from June 1, 2016 to May 31, 2018 and an rental rate of \$1,200 per month.

<u>Part 2:</u> It is hereby officially found and determined that the meeting at which this Resolution was 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.

TABBLE AND ATTROVED this the 17	day of <b>way</b> , 2010.
	THE CITY OF TEMPLE, TEXAS
	DANIEL A. DUNN, Mayor
ATTEST:	APPROVED AS TO FORM:
Lacy Borgeson	Kayla Landeros
City Secretary	City Attorney



05/19/16 Item #8(R) Consent Agenda Page 1 of 1

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

Kayla Landeros, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution ratifying a two year lease agreement with Morris & Pursley Financial Plans, for lease of space in the E. Rhodes and Leona B. Carpenter Foundation Building (the Temple Public Library).

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

**ITEM SUMMARY:** On August 20, 2015, Council authorized a two-year lease agreement with Morris & Pursley Financial Plans for the lease of Suite 306B in the Temple Public Library. The term of that lease was August 21, 2015 to August 20, 2017. Morris & Pursley has requested to vacate Suite 306B and move into Suite 310, which is approximately 340 square feet larger.

Morris & Pursley Financial Plans is owned and operated by Jack M. Morris and Melissa K. Pursley. If Council approves this lease, the lease term will run from May 1, 2016 to April 30, 2018. Morris & Pursley will pay \$625.10 per month in rent. (.94 per sq ft)

**FISCAL IMPACT:** The annual rent to be received from Morris & Pursley Financial Plans is \$7,501.20 and will be deposited into account 110-0000-461-0937.

#### ATTACHMENTS:

RESOLUTION NO.	

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING A TWO YEAR LEASE AGREEMENT WITH MORRIS & PURSLEY FINANCIAL PLANS, FOR LEASE OF SPACE IN THE E. RHODES AND LEONA B. CARPENTER FOUNDATION BUILDING; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas**, on August 20, 2015, Council authorized a two-year lease agreement with Morris & Pursley Financial Plans for the lease of Suite 306B in the Temple Public Library – the term of that lease was August 21, 2015 to August 20, 2017;

Whereas, Morris & Pursley has requested to vacate Suite 306B and move into Suite 310, which is approximately 340 square feet larger – Morris & Pursley Financial Plans is owned and operated by Jack M. Morris and Melissa K. Pursley;

**Whereas,** the term of this lease will run from May 1, 2016 to April 30, 3018 and Morris & Pursley will pay a rental rate of \$.94 per square foot (\$625.10 per month);

**Whereas,** Staff recommends Council ratify a two year lease agreement with Morris & Pursley Financial Plans for lease of space in the E. Rhodes and Leona B. Carpenter Foundation Building (Temple Public Library);

**Whereas**, the lease agreement allows for a 30-day termination clause for any reason should the lessee or the City desire to terminate the lease;

**Whereas,** the City will receive annual rent in year one of \$7,501.20, and those funds will be deposited into Account No. 100-0000-461-0937; 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 ratifies a two-year lease agreement with Morris & Pursley Financial Plans for lease of space in the E. Rhodes and Leona B. Carpenter Foundation Building (Temple Public Library).

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

**Part 3:** It is hereby officially found and determined that the meeting at which this Resolution was 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.

	THE CITY OF TEMPLE, TEXAS
	DANIEL A. DUNN, Mayor
ATTEST:	APPROVED AS TO FORM:
Lacy Borgeson	Kayla Landeros
City Secretary	City Attorney

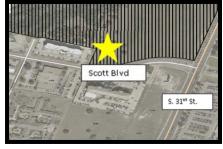


05/19/16 Item #8(S) Consent Agenda Page 1 of 3

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

Mark Baker, Senior Planner

**ITEM DESCRIPTION:** SECOND READING – Z-FY-16-18: Consider adopting an Ordinance authorizing a Conditional Use Permit (CUP) to allow a restaurant where less than 50% of the total gross revenue may be from the sale of all alcoholic beverages with on-premise consumption on Lot 1, Block 1, of the proposed Highline Addition subdivision, located on the north side of Scott Boulevard, west of its intersection with South 31st Street.



**PLANNING & ZONING COMMISSION RECOMMENDATION**: At their April 4, 2016 meeting, the Planning & Zoning Commission voted 7 to 0 to recommend approval of the proposed conditional use permit as described in the Item Description.

Discussion at the meeting included the following topics and clarification:

- The restaurant would have an outside dining area, with a lockable gate, would allow outdoor onpremise consumption of alcohol, being one factor, in accordance with the TABC licensing and permit,
- 2. A drive through is proposed but alcoholic beverage distribution would not be included, and
- 3. Since the property is unplatted, public notification included a larger area than normal.

#### **STAFF RECOMMENDATION:** Based on the following analysis that:

- 1. The project has demonstrated compliance with the specific standards in Unified Development Code (UDC) Section 5.3.15;
- 2. The project has demonstrated compliance to Chapter 4 of the City of Temple Code of Ordinances related to alcoholic beverages; and
- 3. The request is compatible with existing adjacent and anticipated retail and service uses.

Staff recommends approval of the requested Conditional Use Permit to allow establishments where less than 50% of the total gross revenue may be from the sale of all alcoholic beverages with onpremise consumption, subject to the following conditions:

- That the sale of alcoholic beverages be restricted to on-premise consumption only, contained within the developed site of Lot 1, Block 1 of the Highline Addition subdivision, located on Scott Boulevard, west of its intersection with South 31<sup>st</sup> Street;
- 2. The use is subject to compliance to Chapter 4 of the City Code of Ordinances related to alcoholic beverages; and
- 3. That the Conditional Use, complies with UDC Section 5.3.15 related to all alcoholic beverage sales with on-premise consumption.

<u>ITEM SUMMARY:</u> The applicant, Bobby Cox Companies on behalf of Highline Temple 39, Ltd., requests a Conditional Use Permit to allow the sale of less than 50% of the total gross revenue being from the sale of all alcoholic beverages with on-premise consumption only. Although the proposed use includes a drive-thru, the approval would not permit sale of alcoholic beverages at the drive-thru, such as sales with a package store. This request is for a proposed Rosa's Café restaurant on Lot 1 of the proposed Highline Addition subdivision, located on the north side of Scott Boulevard, west of its intersection with South 31<sup>st</sup> Boulevard.

**BACKGROUND:** The 2.27 +/- acre subject property is within Lot 1 of the proposed Highline Addition subdivision (attached). The Highline Addition subdivision is within the 40.389 +/- acre mixed use development known as "The District", which was rezoned on February 4, 2016, by Ordinance 2016-4749, to Planned Development - Temple Medical Education District (TMED) with an underlying transect zone designation of T-5C. Discussion related to Comprehensive Plan compliance was addressed during the related analysis of that request. Specific to this request, a restaurant that generates less than 50% of its total gross revenue from the sale of all alcoholic beverages is a compatible use subject to approval of a Conditional Use Permit. The use as a restaurant with on-premise consumption of all alcohol is compatible with the anticipated retail and service uses to be developed within "The District" and the surrounding area along South 31st Street

Although not part of this request, it is noteworthy that included with Ordinance 2016-4749, exceptions to site plan standards were granted by City Council. Compliance to both Ordinance 2016-4749 as well as the Ordinance for the Conditional Use Permit will be confirmed during the review of the building permit.

Section 5.3.15 of the Unified Development Code provides for multiple performance standards related to the provision of a Conditional Use Permit for the on-premise sale of alcoholic beverages. Some of which include, but not limited to:

- Compliance with applicable licensing & permit provisions of the Alcoholic Beverage Code within 6 months from the date of the issuance of the Conditional Use Permit;
- Demonstrate the granting of permit would not be detrimental to the public welfare of the Citizens of the City; and
- Maintain at all times, an adequate number of employees for security purposes to adequately control or prevent incidents of drunkenness, disorderly conduct and raucous behavior. Permittee must consult with the Chief of Police, who acts in an advisory capacity.

#### Additionally, the UDC states:

The City Council may deny or revoke a Conditional Use Permit in accordance with UDC Section 3.5 if is affirmatively determines that the issuance of the permit is:

- a. Incompatible with the surrounding uses of property;
- b. Detrimental or offensive to the neighborhood or contrary to the health, safety and general welfare of the City and its inhabitants; and
- c. Per UDC Section 3.5.5, the City Council may impose additional conditions of approval.

Adherence to UDC Section 5.3.15 in its entirety is included by reference in the Ordinance as conditions of approval. A Conditional Use Permit runs with the property and a change in ownership or change in the lessee does not affect the Conditional Use Permit.

Further, UDC Section 5.3.15B provides standards for all establishments with alcoholic beverage sales with on-premise consumption that is less than 75% of the gross total revenue. The standards include a distance requirement of not being within 300 feet of a place of worship, public school or public hospital as well as how the distance is measured. None of the identified uses are within 300 feet of the proposed restaurant. However, it is noteworthy of mentioning that the existing Scott & White Hospital is located more than 1,000 feet to the east across South 31st Street.

Lastly, Chapter 4 of the City of Temple Code of Ordinances reiterates state laws for distancing with regard to alcohol sales and on-premise consumption. Compliance to Chapter 4 standards are required and are included as a condition.

**<u>DEVELOPMENT REVIEW COMMITTEE (DRC)</u>**: The DRC reviewed the proposed Highline Addition subdivision on March 24, 2016. No compatibility issues were identified during the review. The plat will proceed to the Planning & Zoning Commission when deemed administratively complete.

<u>PUBLIC NOTICE:</u> Owners of 46 properties within 200-feet of the subject property, were sent notice of the public hearing as required by State law and City Ordinance. As of Tuesday April 26, 2016 at 9:00 AM, four notices in agreement and three notices, representing five properties, in disagreement have been received.

The newspaper printed notice of the public hearing on March 24, 2016, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

#### ATTACHMENTS:

Chapter 4 – Code of Ordinances – Alcoholic Beverages / Ordinance 2016-4749 Site and Surrounding Property Photos
Highline Addition subdivision - Final Plat / Rosa's Cafe (Site Plan) (Exhibit A)
Aerial Map / Location Map / Zoning Map / Notification Map
Returned Property Notices
Ordinance

### Chapter 4

#### ALCOHOLIC BEVERAGES

#### ARTICLE I. EXTENDED HOURS

#### Sec. 4-1. Extended hours.

The City of Temple is an "extended hours area" as that term is defined in the Texas Alcoholic Beverage Code. (Ref. V.T.C.A., Alcoholic Beverage Code § 105.06)

#### ARTICLE II. SPACING

#### Sec. 4-2. Sales near school, church or hospital.

It is an offense for any person to sell alcoholic beverages at a place of business which is within 300 feet of a church, public school or public hospital. (Ref. V.T.C.A., Alcoholic Beverage Code § 109.33)

### Sec. 4-3. Measurement for church or public hospital.

The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections.

#### Sec. 4-4. Measurement for public school.

The measurement of the distance between the place of business where alcoholic beverages are sold and the public school shall be:

- (a) in a direct line from the property line of the public school to the property line of the place of business, and in a direct line across intersections; or
- (b) if the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.

#### Sections 4-5 through 4-10 reserved.

#### ARTICLE III. LICENSE AND PERMIT FEES

#### Sec. 4-11. Alcoholic beverage license and permit fees.

A license fee and permit fee is levied in the amount of one-half of the state license and permit fees for each permit issued for premises located within the City, except for permits that are exempted from municipal fees. The city license and permit fees shall be paid to the City at the same time that the state license and permit fees are paid to the state. (Ref. V.T.C.A. Alcoholic Beverage Code § 11.38, § 61.36.

#### Sec. 4-12. Display.

It is an offense for any person licensed under this article to fail to display such the City license and keep the same displayed in a conspicuous place in the place of business licensed.

Sections 4-13 through 4-20 reserved.

#### ARTICLE IV. SALE OF ALCOHOLIC BEVERAGES ON CITY PROPERTY

# Sec. 4-21. Sale of alcoholic beverages on city property prohibited except where specially permitted.

- (a) City Property. It shall be unlawful for any person to sell alcoholic beverages in any public park of the city, or on or in other publicly owned property, save and except that the city and concessionaires or caterers having a contract with the city to sell alcoholic beverages at the Frank W. Mayborn Civic and Convention Center, Santa Fe Depot, and at Sammons Park, if properly licensed, may sell alcoholic beverages upon the premises of the civic and convention center, depot, and within the Sammons Park Restaurant, Clubhouse, and deck exclusively. The city manager or his designee may authorize a special event permit for the sale of alcoholic beverages on city property other than a city park.
- (b) Criteria for Permits. The City Council shall from time to time by resolution establish criteria for special event permit applications and approvals under this section.

(Ordinance No. 2009-4323, 11-05-09)

#### **ORDINANCE NO. 2016-4749**

(PLANNING NO. Z-FY-16-03)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING REZONING FROM T4 TO PD-T5-e AND FROM T5-c TO PD-T5-c TO ACCOMMODATE A COMBINATION OF MULTIPLE-FAMILY AND NONRESIDENTIAL DEVELOPMENT ON APPROXIMATELY 40.389 ACRES OF LAND IN THE TEMPLE MEDICAL AND EDUCATIONAL DISTRICT, BEING A PART OF THE REDDING ROBERTS SURVEY, ABSTRACT NO. 692, BELL COUNTY, TEXAS, LOCATED AT THE 31<sup>ST</sup> **STREET NORTHWEST CORNER** OF SOUTH AND SCOTT BOULEVARD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

<u>Part 1</u>: The City Council approves rezoning from T4 General Urban Zone to Planned Development T5e-Neighborhood Edge Zone (PD-T5-e) and from T5-c Urban Center Zone (T5-c) to Planned Development T5-c Urban Center Zone (PD-T5-c) to accommodate a combination of multiple-family and nonresidential development in the Temple Medical and Educational District (TMED) on approximately 40.389 acres of land, being a part of the Redding Roberts Survey, Abstract No. 692, Bell County, Texas, located at the northwest corner of South 31<sup>st</sup> Street and Scott Boulevard, and more particularly described in Exhibit A.

<u>Part 2:</u> The City Council approves the PD-T5-e and PD-T5-c districts described in Exhibit A, subject to applicable TMED standards, with the exceptions and conditions listed as follows:

#### Multiple-Family Phase (PD-T5-e) Exceptions:

- 1. Setback Dimensional Standards (Sec. 6.3.5.B)
  - a. Maximum 12' front yard setback and maximum 30' side yard setback are waived to allow the configuration shown in Exhibit B, Site/Landscaping Plan.
- 2. Building Configuration (Sec. 6.3.5.D)
  - a. Minimum 14' building story height is reduced to 10'6".
- 3. Alleys (Sec. 6.3.8.3.b)
  - a. Requirement for parking areas and garages to be accessed by rear alleys is waived.
- 4. Public Frontage Standards (Sec. 6.3.11.B.5)
  - a. Six-foot street yard planting strip may be located behind the 6' sidewalk to accommodate utilities.
- 5. Materials Required (Sec. 6.3.13.B)
  - a. The limit of 20% cementitious siding per façade plane is waived to allow materials as shown in Exhibit C, Apartment Elevations.

- 6. Building Design (Sec. 6.3.13.D)
  - a. Minimum 5:12 roof pitch is reduced to 4:12.
- 7. Parking and Garage Standards (Sec. 6.3.14)
  - a. Minimum of 1 enclosed garage space per 2 units is reduced to 1 space per 3.25 units.
- 8. Private Property Common Area Standards (Sec. 6.3.15.E)
  - a. The multiple-family phase will provide the alternative amenities listed as follows: new trees, swimming pool, grill house, pool water feature, dog wash station, benches, trail, club house, office center, and exercise facility.

#### Multi-Family Phase (PD-T5-e) Conditions:

- 1. Private Property Common Area Standards (Sec. 6.3.15.E)
  - a. The multiple-family development will include approximately 22,826 sf of common area, exceeding the required minimum area of approximately 18,600 sf.
- 2. Development must achieve substantial compliance with the approved plans shown in Exhibits B, C, and D.
- 3. The Planning Director is authorized to approve minor changes. Substantial changes require approval by City Council.

#### Nonresidential Phase (PD-T5-c) Exceptions:

- 1. Setback Dimensional Standards (Sec. 6.3.5.B)
  - a. Maximum 12' front yard setback is waived to allow configurations shown in Exhibit B, Site/Landscaping Plan.
- 2. Building Configuration (Sec. 6.3.5.D)
  - a. Two-story minimum building height is waived.
- 3. Use Standards (Sec. 6.3.6.D)
  - a. Prohibition of commercial surface parking lot is waived.
  - b. Prohibition of drive-through lane for restaurant is waived for Tracts 1, 2, 4, 5 and 6.
- 4. Specific Use Standards (Sec. 6.3.6.E)
  - a. Development may exceed maximum 10,000 sf gross floor area.
- 5. Block Perimeter (Sec. 6.3.7.C)
  - a. Maximum block perimeter standard of 2,000 sf is waived.
- 6. Parking Lot Landscaping (Sec. 6.3.10.D)
  - a. Requirement for one landscape parking island per 10 parking spaces is reduced to one island per 12 spaces.
- 7. Parking Lot Screen (Sec. 6.3.10.E)
  - a. Parking lot screening is waived.
- 8. Public Frontage Standards (Sec. 6.3.11)
  - a. Trees may be clustered instead of being regularly spaced. (Sec. 6.3.11.D.1)
  - b. Six-foot street yard planting strip may be located behind the 8' sidewalk. (Sec. 6.3.11.D.2)
  - c. Requirement for groundcover in street yard planting strip is waived. (6.3.11.D.2)
- 9. Architectural Standards (Sec. 6.3.13.D)
  - a. For horizontal articulation, the minimum offset per 50' building façade length is reduced from 5' to 2'.
  - b. Windows and doors for transparency are waived for public-facing façades for the hotel site.

#### 10. Signage (Sec. 6.3.16.C)

- a. Wall Signs
  - i. Multi-tenant signs are limited to 1 wall sign per façade of tenant's premises (3' tall x 80% of maximum of façade length of tenant space).
  - ii. Single-tenant signs are limited to 1 wall sign per façade (sign area not to exceed 25% of elevation area).

### b. Monument Signs

- i. One 25' tall project multi-tenant monument sign is allowed at the South 31st Street entrance.
- ii. One 20' tall multi-tenant monument sign is allowed at the West Avenue T entrance, and one 20' tall multi-tenant monument sign is allowed at the Scott Boulevard entrance.
- iii. No more than 1 single-tenant or multi-tenant 10' tall monument sign is permitted for each individual lot.
- c. Approved sign standards are illustrated in Exhibit D, Wall Sign Specifications and Monument Sign Elevations.

#### Nonresidential Phase (PD-T5-c) Conditions:

- 1. Each restaurant with a drive-through lane must provide at least 150 sf of outdoor dining space.
- 2. For buildings located at public street corners (on Tracts 1 and 4):
  - a. The building must have a parapet or vertical roof element that is at least 3' higher than the top of parapet height or roof height.
  - b. The length of the parapet or roof element must be at least 15% of the length of the façade on the side of the building that has the main entrance.
- 3. Multi-tenant project signs may not exceed 25' in height.
- 4. Development must achieve substantial compliance with the approved plans shown in Exhibits B, C, and D.
- 5. The Planning Director is authorized to approve minor changes. Substantial changes require approval by City Council.
- <u>Part 3:</u> The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.
- <u>Part 4</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 5</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.

Part 6: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the 21st day of **January**, 2016.

PASSED AND APPROVED on Second Reading on the 4th day of February, 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

**ATTEST:** 

APPROVED AS TO FORM:

City Attorney

## Exhibit A Z-FY-16-03 Zoning Map







31st and Scott Boulevard Temple, Texas

Job #: 14243.00 File Name: SP-9 Overall.psd Date: 12.01.2015 Drawn by: JWW





# Site & Surrounding Property Photos



Site - Undeveloped (TMED - T5-C)



Site (Close-up) – Undeveloped (TMED – T5-C)



North: Aerial - Undeveloped - Unplatted Lots within the District (TMED-T5-C & T-4)



North: Street-Level - Undeveloped - Unplatted Lots within the District (TMED-T5-C & T-4)



South: Hilton Garden Inn (Commercial - C)



South: Commercial, Service & Office Uses (Commercial - C)



East: Undeveloped portions of the District & Scott & White Hospital (Across S. 31st St. (TMED – T5-C & SD-H)



West: Candlewood Suites Hotel (Commercial - C)



West: Candlewood Suites Hotel & Scattered Service Uses (Commercial – C & GR)

This project is referenced to the City of Temple Coordinate System, referenced in

and all bearings are grid bearings. All coordinates are referenced to City of

the subject tract is S 71° 22' 44" E 1,867.79 feet.

NAD 1983 Central Texas State Plane. All distances are horizontal surface distances

Temple Monument No. 3. The theta angle at Monument No. 3 is 01°31'42". The

combined correction factor (CCF) is 0.999857. Grid distance = Surface distance X

CCF. Geodetic North = Grid North + theta angle. Published City coordinates for City Monument No. 3 are N.=10,368,408.891 E.=3,225,333.768 Reference tie

from the City Monument No. 3 to the Southwest corner and Point of Beginning of

# FINAL PLAT OF HIGHLINE ADDITION

WITHIN THE CITY LIMITS OF TEMPLE, BELL COUNTY, TEXAS

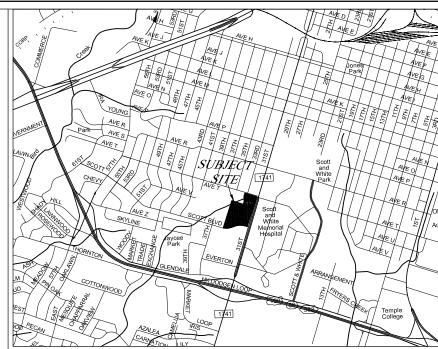
being a part of the REDDING ROBERTS SURVEY, ABSTRACT NO. 692, in Bell County, Texas, and being a part of that 40.389 acre tract conveyed to HIGHLINE TEMPLE 39, LTD., of record In Document No. 2015—18857, Deed Records of Bell County, Texas (DRBCT).

OWNER:

HIGHLINE TEMPLE 39 LTD. 300 CRESCENT COURT, SUITE 1113 DALLAS, TEXAS 75201

LOTS - 11 BLOCKS - 1 TOTAL ACREAGE - 40.389 ACRES

This plat is to accompany a metes and bounds description of the herein shown 40.389 acre tract.



VICINITY MAP

(0.268 ACRE EXHIBIT A) AFFIDAVIT FORTY-FIRST AND AVENUE T CHURCH OF CHRIST OF TEMPLE, TEXAS, INCORPORATED VOL. 3681 PG. 30 WESTAVENUE "T" (0.27 ACRE TRACT ONE) DEED TO ROBERT MCFARLAND AND OY STEPHENS, TRUSTEES FOR SOUTHSIDE CHURCH OF CHRIST 60.12 (Rec Call S 71\*48'10" E 1452.59') (S 71°48'10" E 60.12') S 73°15'46" E 343.77' S 73°15'46" E 898.83' S 73°15'46" E 210.00' 20' DRAINAGE EASEMENT VOL 862 PG 598 Lot 1 Blk 13 | Lot 2 Blk 13 | Nancy J. Rybeck | Vol 4302 Pg 87 . S 72°33'06" E 315.76' S 73°14'34" E | 44.66' LOT 4 1.17 AC LOT 8 9.66 AC (S 71°46'03" E 44.67') (Rec Call N 71°49'48" W 299.07') S 73°17'24" E 299.07' This right-of-way is not improved.

WESTAVENUE "U" L1 S 72°33'06" E L2 N 66°26'54" E L3 S 49°59'31" E Public Roadway (70' ROW) W. AVENUE V S <u>72°33'06" E 359.42'</u> Private Access & N 72°33'14" W 274.21 Lot 1 Blk 14 Henry S. Wooddell Vol 3193 Pg 103 0.85 AC L16 N 17°26'54" E 10.04 S 72°33'03" E 289.71' Lot 3 Blk 14 Sam Wooddell Vol 4782 Pg 43 4.16 AC S 72°33'07" E 246.08' 1.31 AC 3.81 AC TXU Gas Company Vol 4884 Pg 89 38.50' -L28 N 17°26'54" E LOT 1 2.27 AC POINT OF R40.00' A62.83' 30.62 BEGINNING BS 62'01'04" W N 72°30'55" W C56.57' L33 S 62'26'54" W L34 S 09'01'52" W L35 S 17'26'54" W L36 S 17'19'36" W L37 N 62'26'54" E N 72°37'21" W 403.47' N 72\*41'21" W 200.40' (Rec Call N 71\*09'48" W 406.27') (N 71°09'52" W, 577.51') S 16.58'44" W Lot 6 & N. Pt Lot 9 Blk 14

Skyline Addition
Oscor R. & Shirley White
Revocable Living Trust
Vol 2129 Pg 334 9.93' (S 18\*26'20" W 9.93') 1/2" IRON ROD FOUND LOT 1 BLOCK 1 LOT 1 BLOCK 1 LOT 1 BLOCK 1 MARRS ADDITION CAB. D, SL. 107-A CAB. D, SL. 380-A TXDOT MON FOUND CAB. C, SL. 148-A S. 115' of Lot 9 Blk 14 Ryan Hodge Jencer Investments, Inc. Doc. 201300026001 LOT 1 BLOCK 1 L44 S 17°26'53" W Year 2014, Plat # 147 L45 S 72°33'07" E Morris Venture Partners VI, LLC Doc. 201400044400 SCOTT BOULEVARD PUBLIC ROADWAY (70' ROW) 1/2" IRON ROD FOUND SCOTT BOULEVARD Vol. 1504 Pg. 363 L49 S 16°44'41" W 50 S 73°15'19" E TXDOT MON FOUND L51 N 16°44'41" E SCOTT AND WHITE PROPERTIES SUBDIVISION \_53 N 17 36 25 E \_54 N 72°21'35" W \_55 N 17°26'54" E Scott & White Properties, Inc. Vol. 4980, Pg. 12 BLOCK ONE, SECTION ONE SOUTHWEST COMMERCIAL PARK 47.86 Farmers Mutual Protective Vol. 1625, Pg. 887 L56 N 17°26'54" E L57 S 72°21'35" E L58 N 17°38'25" E L59 N 72°21'35" W L60 S 46°45'01" W LOT CORNERS WILL BE 1/2" IRON ROD SET WITH "ADVANCED SURVEYING" CAP UPON COMPLETION OF UTILITY CONSTRUCTION Floodplain Notes \* L61 N 87°22'43" E 49.62 S 17°26'54" W Based upon what can be scaled from graphics shown on FEMA Flood Insurance Rate (FIRM) L63 N 72°38'18" W Map Number 48027c0355e, Effective date: September 26, 2008, the above shown property RECORDATION INFORMATION: does not appear within the 100-Year Flood Plain. This flood statement does not guarantee that flooding will not occur. Nor does it create any liability in such event on the part of FILED THIS THE \_\_\_\_\_\_ DAY OF \_\_\_\_\_\_\_, 2016 this surveyor or company. IN YEAR \_\_\_\_\_, PLAT #\_\_\_\_\_, PLAT RECORDS OF BELL COUNTY, TEXAS Sidewalk Note: DEDICATION RECORDED IN INSTRUMENT NUMBER Sidewalks are required along South 31st Street (major arterial) and Scott Boulevard (collector), OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BELL COUNTY, TEXAS in accordance with the City of Temple Unified Development Code, Section 6.3 (TMED). 5/8" IRON ROD FOUND

ADDITION FINAL P HIGHLINE

> Ste. outh 31st St., Texas 76504 0-1894 254e, 7 161( 254-www

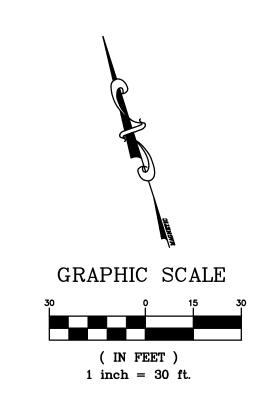
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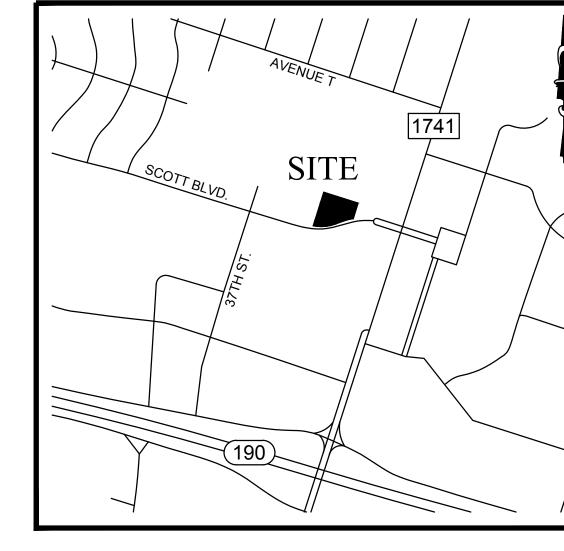
<u>1" = 100'</u> Scale: 140144-2 Dwg No. <u>140144-P3</u> Surveyor <u>TLK #6119</u> Plot Date <u>03-02-16</u>

Copyright 2016 Advanced Surveying & Mapping, LLC

# CAUTION NOTICE TO CONTRACTOR THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS ARE BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANY AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSE IMPROVEMENTS SHOWN ON THE PLANS. **BENCHMARKS** BENCHMARK #1; THE BENCHMARK USED FOR VERTICAL CONTROL OF THE PROJECT WAS THE CITY OF TEMPLE CONTROL POINT NO. 3 MONUMENT. PUBLISHED ELEVATION = 738.18' BENCHMARK #2; AN "X" CUT FOUND IN CONCRETE AT THE SOUTHWEST CORNER OF THE INTERSECTION OF THE WEST LINE OF S. 31ST ST. AND THE NORTH LINE OF SCOTT BLVD. OBSERVED ELEVATION = 739.07'

SITE DAT	TA	TABLE	
LOCATION:		SCOTT BOULE TEMPLE, TX 7	
LOT AREA:		2.27 AC. (98	,928 S.F.)
ZONING:		T5-C-COMME	RCIAL
CURRENT USE:		VACANT	
PROPOSED USE:		RESTAURANT/	W DRIVE-THRU
BUILDING DATA:		•	
BUILDING AREA		6,940 S.F.	
BUILDING HEIGHT		27'-3" (1 STORY)	
BUILDING COVERAGE		0.07	
F.A.R.		7%	
PARKING SUMMARY: *1 SP PER 150 S.F.		REQUIRED	PROVIDED
PARKING SPACES (9'x18')		45	113
HANDICAP SPACES (9'x18')		2	4
TOTAL SPACES		47	117
LANDSCAPE:			
PERVIOUS:	20	),702 S.F.	
IMPERVIOUS:	78	3,226 S.F.	





## **LOCATION MAP** NOT TO SCALE

## LEGEND:

PROPERTY LINE PROPOSED CURB & GUTTER LIMITS OF FULL DEPTH SAWCUT **PARKING** ⊏Ğ⊃ LIGHT POLE SPACES □ BUILDING UP LIGHTS FIRELANE

HANDICAP SPACES CLEAN—OUT

BOLLARD TRAFFIC/HANDICAP DIRECTIONAL SIGN 

## SITE KEY NOTES:

CONCRETE CURB AND GUTTER. (PER LOCAL CODES)

LIMITS OF FULL DEPTH SAWCUT AND PAVEMENT REMOVAL.

EXISTING PAVEMENT TO REMAIN. CONCRETE SIDEWALK. 2% MAX. CROSS SLOPE AND 5% MAX. STRAIGHT SLOPE.

SIDEWALK RAMP @ 8.33% MAX. (PER LOCAL CODES)

DIRECTIONAL TRAFFIC ARROW. (PER LOCAL CODES)

4" WIDE PAINTED STRIPES, 2' OFF CENTER @ 45°.

PROPOSED LIGHT POLE.

**15** 

MONUMENT/PYLON SIGN. (PER ARCH. PLANS) DUMPSTER ENCLOSURE. (PER ARCH. PLANS)

BUILDING LIGHTS.

PREVIEW MENU BOARD.

"EXIT ONLY" MARKING.

PAINTED FIRE LANE

TRANSFORMER FIRE HYDRANT

DETAIL A-A CURB CUTTING

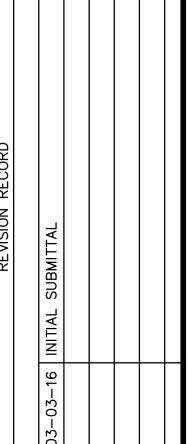
SCALE: NTS

RETAINING WALL CURB INLET

CONC. JUNCTION BOX LIMIT OF CONCRETE PAVEMENT

CONCRETE SIDE STEP STEEL PLATE COVER FOR SIDE WALK (SEE DETAIL A-A)





FIRM NO. F-12225

JOHN THOMAS MEASELS

NO.

SHEET NO.

C - 3.0

GREASE TRAP "NOWAL ENGINE 03-03-DOUBLE CLEAN-OUT GM GAS METER WM WATER METER IM IRRIGATION METER S MANHOLE SPEAKER BOX CURB INLET ── MENU BOARD TAPER CURB TO MATCH EXISTING. MATCH EXISTING PAVEMENT ELEVATION. STOP BAR. (PER LOCAL CODES) PARKING STALL STRIPING. (PER LOCAL CODES) PEDESTRIAN/HANDICAP CROSSWALK STRIPING. HANDICAP STRIPING & SYMBOL. (TYPICAL—PER ADA AND LOCAL REQUIREMENTS) HANDICAP SIGNS. (TYPICAL—PER ADA AND LOCAL REQUIREMENTS) BOLLARD. "STOP" SIGN. LANDSCAPE AREA. (PER LANDSCAPE PLAN) MENU BOARD AND SPEAKER BOX. DIRECTIONAL SIGN FOR DRIVE THRU. TRAFFIC SENSOR. STORAGE UNIT. (PER ARCH. PLANS) "DRIVE THRU" MARKING. THICKENED EDGE OF PAVING.

S 72°33'06" E 289.71' "NO CURB" TYPE "Y" INLET (BY OTHER) LOT 7 1.04 AC LOT 9 18.20 AC BY OTHERS 32 —19'<del>--|--</del>19'<del>--</del> 18'-1) BY OTHERS BY OTHERS (1) BY OTHERS TOCHULA GASTORY

6,940 S.F.

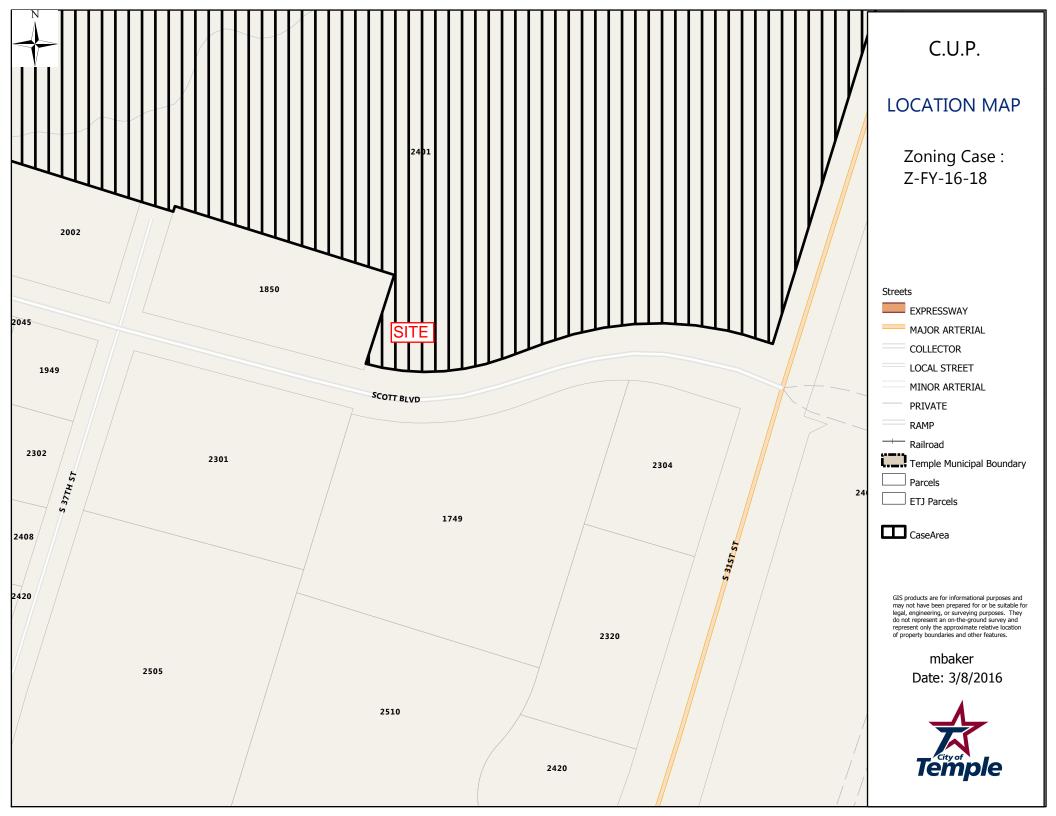
F.F.E. = 715.85 PROP. ACCESS & PUBLIC UTIL. ESM'T BY OTHERS 1 SS MH Rim=727.84' FL out=717.92' SS MH Rim=725.03' FL out=715.29' -WELD FLAT WITH SURFACE LOT 1 BLOCK 1 GOSNEY PROFESSIONAL PLAZA CAB. D, SL. 107—A \_\_1/2" STEEL PLATE — CURB OTHERS STEEL ANGLE (TYP) 12" CURB CUT BY OTHERS 19

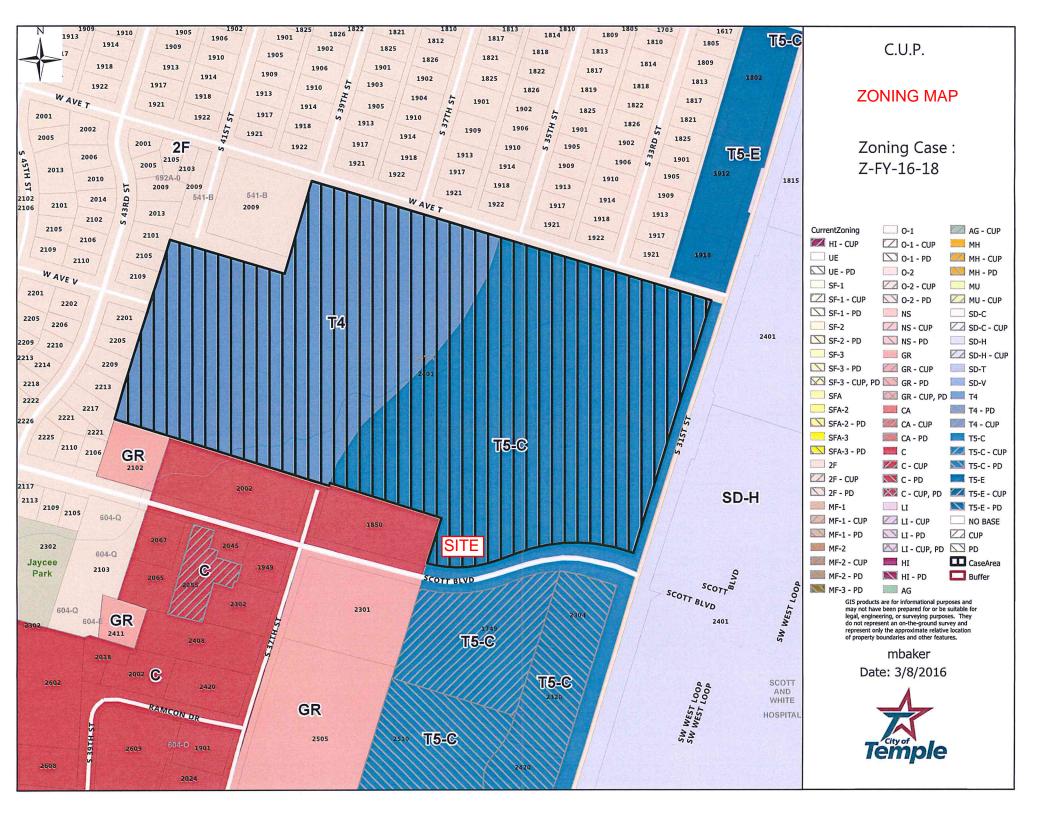
Rim=713.48' FL out=705.04'

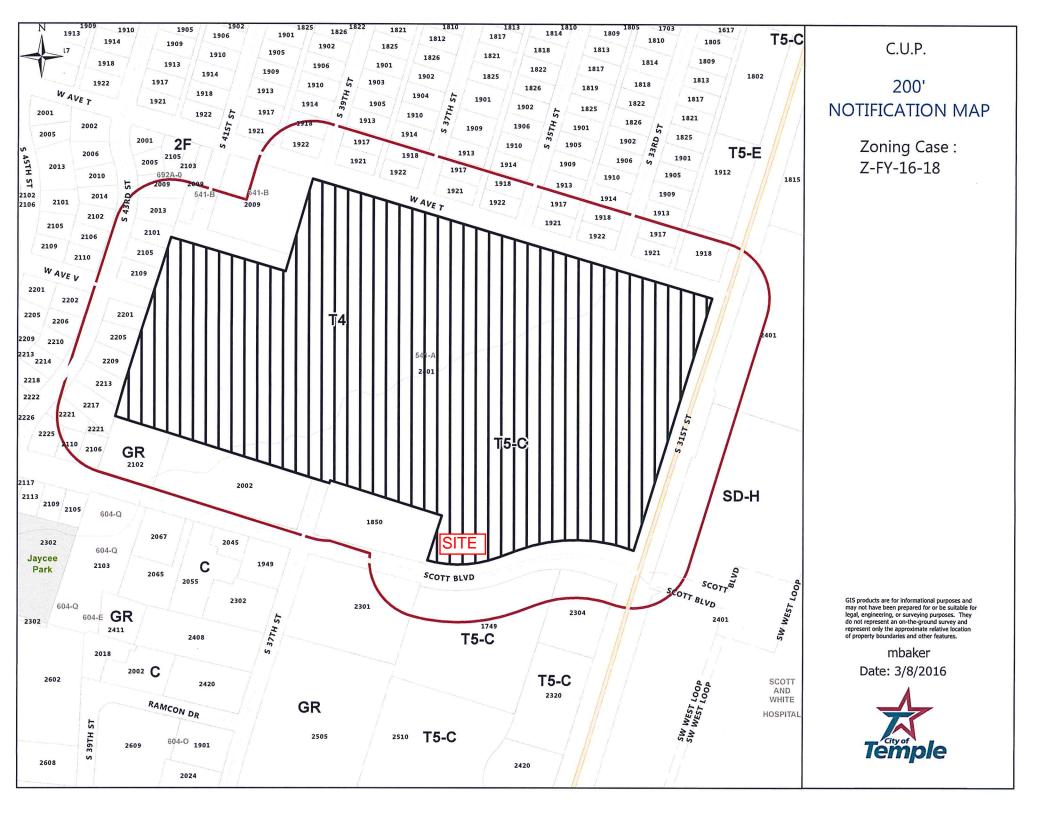
SS MH Rim#714.35'













SEBESTA, CHARLES E JR ETUX KATHY A 1914 S 33RD ST TEMPLE, TX 76504-6757

Zoning Application Number: Z-FY-16-18	Project Manager:	Mark Baker
Location: 2401 South 31st Street		
The proposed rezoning is the area shown in har own property within 200 feet of the requested this form to indicate whether you are in favor on the attached notice, and provide any additional transfer of the proposed rezoning is the area shown in har own property within 200 feet of the requested on the attached notice, and provide any additional transfer of the proposed rezoning is the area shown in har own property within 200 feet of the requested on the requested of the reques	change, your opinions of the <u>possible</u> rezonin	are welcomed. Please use g of the property described
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Charles E. Selvesta, Sv. Signature	CHARLES E.	SEBESTA, JR.
Please mail or hand-deliver this comment fo April 4, 2016.	rm to the address sho	own below, no later than

**City of Temple** 

**Room 102** 

**Planning Department** 

Municipal Building Temple, Texas 76501

Number of Notices Mailed: 46

Date Mailed: Ma



HIGHLINE TEMPLE 39 LTD 300 CRESCENT CT STE 1113 DALLAS, TX 76201

Zoning Application Number: Z-FY-16-1	18 Project Manager:	Mark Baker
Location: 2401 South 31st Street		
The proposed rezoning is the area shown own property within 200 feet of the reque this form to indicate whether you are in f on the attached notice, and provide any account of the straightful to the stra	ested change, your opinions favor of the <u>possible</u> rezonin	are welcomed. Please use g of the property described
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		APR - 1 2016
	Pla	City of Temple Inning & Developme
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Signature	_ Besta. Print	P. CENT
Please mail or hand-deliver this common April 4, 2016.	ent form to the address sh	own below, no later than
F F N	City of Temple Planning Department Room 102 Municipal Building Femple, Texas 76501	

Number of Notices Mailed: 46

Date Mailed:



FARMERS MUTUAL PROTECTIVE ASSOC OF TEXAS PO BOX 6106 TEMPLE, TX 76503-6106

Zoning Application Number: Z-FY-16-18	Project Manager:	Mark Baker
Location: 2401 South 31st Street		
The proposed rezoning is the area shown in har own property within 200 feet of the requested this form to indicate whether you are in favor on the attached notice, and provide any additional transfer or the strain of the strai	change, your opinions of the possible rezonir	are welcomed. Please use
I (2) agree	( ) disagree with this i	request
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		APR - 1 2016
		City of Temple Planning & Development
Signature	Janes E.	Ser if
Please mail or hand-deliver this comment fo April 4, 2016.	rm to the address sh	own below, no later than
City o	f Temple	

**Planning Department** 

Municipal Building Temple, Texas 76501

**Room 102** 

Number of Notices Mailed: 46

Date Mailed: N



CASTILLO, FRANK JR REVOCABLE LIVING TRUST C/O CASTILLO, FRANK JR TRUSTEE 2217 S 43RD ST TEMPLE, TX 76504

Zoning Application Number: Z-FY-16	-18 Project Manager: <u>Mark Baker</u>
Location: 2401 South 31st Street	
own property within 200 feet of the requ	on in hatched marking on the attached map. Because you lested change, your opinions are welcomed. Please use favor of the possible rezoning of the property described additional comments you may have.
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,	No housing 18 built by himid my Professor.  I be built by AVFWT.  my my Profesty what Typo at France ard my property
Signature	Print Name
	City of Temple Planning Department Room 102 Municipal Building City of Temple Planning & Development
	Temple, Texas 76501

Number of Notices Mailed: 46

Date Mailed:



TERMARK PROPERTIES LLC 2608 N MAIN ST STE B-123 BELTON, TX 76513-1546

Number of Notices Mailed: 46

Because you Please use by described
IVED
2016
mple velopment
1 Marie
later than

Date Mailed:

Zoning Application Number: Z-FY-16-18

TERMARK PROPERTIES LLC 2608 N MAIN ST STE B-123 BELTON, TX 76513-1546

March 30, 2016

**I DISAGREE WITH THIS REQUEST** 

**COMMENTS:** 

A restaurant providing, serving, and/or selling alcohol in the immediate area of single family homes provides increased potential for disruptive foot and vehicle traffic, and increases the potential for vehicles operated by drivers under the influence of alcohol.

Rezoning of this area also would likely increase vehicle traffic all nearby residential streets as well as S. 31<sup>st</sup> street – streets already burdened by traffic flow challenges and congestion. Increased foot and vehicle traffic, potentially burdened by the influence of alcohol, jeopardizes the peaceful sanctuary of each home in the area. This likely would increase any potential for confrontational conflict between individuals patronizing the business. Peaceful evenings and weekends would be eliminated for the residents in the area.

A professional office complex would likely provide more value to the City and neighborhood.



HENTSCHEL FAMILY TRUST C/O HENTSCHEL, E M & AUDICE L 2105 S 43RD ST TEMPLE, TX 76504-6966

Zoning Application Number: Z-FY-1	6-18 Project Manager:	Mark Baker
Location: 2401 South 31st Street		
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Comments:		
neighour. No work	guet neighborhood The to keep it is	Land good that way.
Janice Muchalle Signature Please mail or hand-deliver this con		ailie
April 4, 2016.	City of Temple	RECEIVED

**City of Temple** 

**Room 102** 

**Planning Department** 

**Municipal Building** 

Temple, Texas 76501

Number of Notices Mailed: 46

Date Mailed:

March 24, 2016

APR - 6 2016

City of Temple

Planning & Development



Number of Notices Mailed: 46

# RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

WHITE, OSCAR R & SHIRLEY REV LIVING TRUST AGREEMENT C/O WHITE, SHIRLEY TRUSTEE 2225 S 43RD ST TEMPLE, TX 76504-6911

Zoning Application Number: Z-FY-16-18	Project Manager:	
Location: 2401 South 31st Street	+WHITE !	address
The proposed rezoning is the area shown in har own property within 200 feet of the requested of this form to indicate whether you are in favor on the attached notice, and provide any addition	change, your opinions of the <u>possible</u> rezoni	s are welcomed. Please use ing of the property described
I ( ) agree	(1) disagree with this	request
Comments:		
I have been	out	El Jaron
		RECEIVED
		APR 1 5 2016
Shirley White	Shilley (	City of Temple  Planning & Development
Signature	Prir	nt Name
Please mail or hand-deliver this comment fo April 4, 2016.	rm to the address sl	nown below, no later than
Planni Room Munici	Temple ng Department 102 pal Building e. Texas 76501	

Date Mailed:

ORDINANCE NO	
(Z-FY-16-18)	

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A CONDITIONAL USE PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISE CONSUMPTION WHERE THE GROSS REVENUE FROM THE SALE OF ALCHOLIC BEVERAGES IS LESS THAN 50% OF THE TOTAL GROSS REVENUE OF THE ESTABLISHMENT FOR PROPERTY SITUATED ON LOT 1, BLOCK 1 OF THE PROPOSED HIGHLINE ADDITION SUBDIVISION, LOCATED ON THE NORTH SIDE OF SCOTT BOULEVARD AND WEST OF THE INTERSECTION WITH SOUTH 31<sup>ST</sup> STREET; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE: AND PROVIDING AN OPEN MEETINGS CLAUSE.

\_\_\_\_\_

Whereas, the Comprehensive Zoning Ordinance of the City of Temple, Texas, provides for the issuance of conditional use permits under certain conditions and authorizes the City Council to impose such developmental standards and safeguards as the conditions and locations indicate to be important to the welfare or protection of adjacent property and for the protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions, and for the establishment of conditions of operation, time limits, location, arrangement and construction for any use for which a permit is authorized;

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, operation and location of property on lot 1, block 1, of the proposed Highline Addition subdivision, located on the north side of Scott Boulevard and west of the intersection with South 31<sup>st</sup> Street, recommends that the City Council approve the application for this Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption where the gross revenue from the sale of alcoholic beverages is less than 50% of the total gross revenue of the establishment sales; and

Whereas, the City Council of the City of Temple, Texas, after public notice as required by law, has at a public hearing, carefully considered all the evidence submitted by the applicant concerning the proposed plans for operation of said establishment and has heard the comments and evidence presented by all persons supporting or opposing this application at said public hearing, and after examining the conditions, operation and the location of said establishment, finds that the proposed use of the premises substantially complies with the comprehensive plan and the area plan adopted by the City Council.

## Now, therefore, be it ordained by the city council of the city of temple, texas, that:

<u>Part 1:</u> The City Council approves a Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption where the gross revenue from the sale of alcoholic beverages is less than 50% of the total gross revenue of the establishment for property on lot 1, block 1, of the proposed Highline Addition subdivision, located on the north side of Scott Boulevard and west of the intersection with South 31<sup>st</sup> Street, more fully described in Exhibit 'A', attached hereto and made a part hereof for all purposes.

- <u>Part 2:</u> The owners/applicants, their employees, lessees, agents or representatives, hereinafter called "permittee" operating an establishment with alcoholic beverage sales for onpremise consumption shall comply with following standards:
  - A. The permittee must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within six months from the date of the issuance of the Conditional Use Permit, such limitation in time being subject to City review and possible extension.
  - B. The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
  - C. The permittee must, at all times, provide an adequate number of employees for security purposes to adequately control the establishment to prevent incidents of drunkenness, disorderly conduct and raucous behavior. The permittee must consult with the Chief of Police, who acts in an advisory capacity, to determine the number of qualified employees necessary to meet such obligations.
- <u>Part 3</u>: The Director of Planning is hereby directed to make the necessary changes to the City Zoning Map accordingly.
- <u>Part 4:</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.
- Part 5: 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 6:</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 7:</u> It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.
- PASSED AND APPROVED on First Reading and Public Hearing on the 5<sup>th</sup> day of May, 2016.

# PASSED AND APPROVED on Second Reading on the 19th day of May, 2016. THE CITY OF TEMPLE, TEXAS DANIEL A. DUNN, Mayor ATTEST: APPROVED AS TO FORM: Lacy Borgeson City Secretary Kayla Landeros City Attorney



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

05/19/16 Item #8(T) Consent Agenda Page 1 of 1

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

Floyd Mitchell, Chief of Police Ashley Williams, General Services Manager

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing the acceptance of additional funding through the Victims of Crime Assistance Grant through the Criminal Justice Division of the Governor's Office.

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

<u>ITEM SUMMARY:</u> Council previously approved an application for the Victims of Crime Assistance (VOCA) Grant through the Criminal Justice Division (CJD) of the Governor's Office, which was received. The City received such a high score throughout the award process that the agency doubled the award and granted it for a two-year period, instead of one. The total award was increased to \$41,718.75, with the City's match equal to \$10,846.88. The City's required match will be fulfilled through in-kind volunteer hours from criminal justice students of Texas A&M Central Texas and Temple College. The City will use the funds to continue expanding the crisis assistance program of the Temple Police Department.

**FISCAL IMPACT:** The City was awarded a total grant in the amount of \$41,718.75. The City's required 20% match, \$10,846.88, will be met through the use of in-kind volunteer hours from criminal justice students of Texas A&M Central Texas and Temple College.

A budget adjustment is being presented to Council for approval of the additional award in the amount of \$20,025; the original award budget adjustment was approved by Council on November 15, 2015 in the amount of \$21,694. Upon approval of the this budget adjustment, total grant funds of \$41,719 are being used to provide the services of licensed Professional Counselor's (\$32,469), general supplies (\$6,250), and training and travel for CISM training (\$3,000).

#### ATTACHMENTS:

Budget Adjustment Resolution

FY	<b>7</b>	20	116	

#### **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 DESCRIPTION INCREASE DECREASE** 260-0000-431-02-61 State Grant Revenue 20,025 260-2000-521-21-10 Office Supplies 2,125 260-2000-521-21-36 Public Safety Expenditure 600 260-2000-521-25-14 1,500 Travel & Training 15,800 260-2000-521-26-16 **Professional Services** \$ 40,050 EXPLANATION OF ADJUSTMENT REQUEST- Include justification for increases AND reason why funds in decreased

**EXPLANATION OF ADJUSTMENT REQUEST-** Include justification for increases AND reason why funds in decreased account are available.

To appropriate funding for additional Grant award of the Victims of Crime Assistance Grant (VOCA). The City's grant award was doubled from the initial application due to a revision of the grant period from twelve (12) to twenty-five (25) months by the Criminal Justice Division (CJD) of the Governor's office. The total award was \$41,718.75, with the City's match equal to \$10,846.88. The City's required match will be fulfilled through in-kind volunteer hours from criminal justice students of Texas A&M Central Texas and Temple College. The City will use the funds to continue expanding the crisis assistance program of the Temple Police Department.

DOES THIS REQUEST REQUIRE COUNCIL AF	PPROVAL?	X	No
DATE OF COUNCIL MEETING	5/19/2016		
WITH AGENDA ITEM?		X Yes	No
Department Head/Division Director		Date	Approved Disapproved
 Finance		Date	Approved Disapproved
City Manager		Date	Approved Disapproved

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO ACCEPT ADDITIONAL FUNDING THROUGH A VICTIMS OF CRIME ASSISTANCE GRANT THROUGH THE CRIMINAL JUSTICE DIVISION OF THE GOVERNOR'S OFFICE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas**, Council previously approved the submission of an application for a Victims of Crime Assistance Grant through the Criminal Justice Division of the Governor's Office, which was received:

Whereas, the City received such a high score throughout the award process that the agency doubled the award and granted it for a two-year period, instead of a one-year period the total award was increased to \$41,718.75, with a City match of \$10,846.88;

Whereas, the City's required match will be fulfilled through 'in-kind' volunteer hours from criminal justice students of Texas A&M Central Texas and Temple College;

**Whereas**, the crisis assistance program utilizes and expands services for crime victims, crisis services, peer support services, professional therapy, counseling, protective order assistance and public education presentations through a 24/7 volunteer program;

Whereas, a budget adjustment needs to be approved for the additional award in the amount of \$20,025 – these funds will be used to provide the services of licensed Professional Counselor's, general supplies, and training and travel for CISM training.

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

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

<u>Part 1:</u> The City Manager, or his designee, is authorized to accept additional funding through the Victims of Crime Assistance Grant through the Criminal Justice Division of the Governor's Office which has been increased to \$41,718.75 with a City match of \$10,846.88.

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

<u>Part 3:</u> The City Council authorizes an amendment to the fiscal year 2016 budget, substantially in the form of the copy attached hereto as Exhibit 'A.'

<u>Part 4:</u> It is hereby officially found and determined that the meeting at which this Resolution was 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, 2016.

	THE CITY OF TEMPLE, TEXAS
	DANIEL A. DUNN, Mayor
ATTEST:	APPROVED AS TO FORM:
Lacy Borgeson	Kayla Landeros
City Secretary	City Attorney
City Secretary	City Attorney



## **COUNCIL AGENDA ITEM MEMORANDUM**

05/19/16 Item #8(U) Consent Agenda Page 1 of 2

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

Kayla Landeros, City Attorney

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution approving a negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division regarding the company's 2016 Rate Review Mechanism filings.

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

<u>ITEM SUMMARY:</u> The City of Temple, along with other similarly situated cities served by Atmos Energy Corp., Mid-Tex Division ("Atmos"), is a member of the Atmos Cities Steering Committee ("ACSC"). The Rate Review Mechanism ("RRM") Tariff was originally adopted by ACSC member cities in 2007 as an alternative to the Gas Reliability Infrastructure Program ("GRIP"), the statutory provision that allows Atmos to bypass the City's rate regulatory authority to increase its rates annually to recover capital investments. The RRM Tariff has been modified several times, most recently in 2013.

The 2016 RRM filing is the fourth RRM filing under the renewed RRM Tariff. On March 1, 2016, Atmos made a filing requesting \$35.4 million additional revenues on a system-wide basis. Because the City of Dallas has a separate rate review process, exclusion of Dallas results in Atmos requesting \$28.6 million from other municipalities.

If Atmos had used the GRIP process rather than the RRM process it would have received a \$41 million increase, or about \$11 million more than will be approved by the proposed resolution. ACSC and Atmos have reached an agreement, reflected in the draft resolution, to reduce Atmos's request by \$5.5 million, such that the proposed resolution approving new rates reflect an increase of \$29.9 million on a system-wide basis, or \$21.9 million for Mid-Tex Cities, exclusive of the City of Dallas.

The tariffs attached to the draft resolution approve rates that will increase Atmos's revenues by \$29.9 million for the Mid-Tex Rate Division, effective for bills rendered on or after June 1, 2016. The monthly residential customer charge will be \$19.10. The consumption charge will be \$0.11378 per Ccf. The monthly bill impact for the typical residential customer consuming 46.8 Ccf will be an increase of \$1.26, or about 2.43%. The typical commercial customer will see an increase of \$3.81, or 1.43%. Attached to this memorandum is a summary of the impact of new rates on the average bills of all customer classes.

The ACSC Executive Committee and its designated legal counsel and consultants recommend that all Cities adopt the resolution with its attachments approving the negotiated rate settlement resolving the 2016 RRM filing, and implementing the rate change.

05/19/16 Item #8(U) Consent Agenda Page 2 of 2

**FISCAL IMPACT:** The City spent \$99,102.78 for gas utilities in FY 2015. The budget for FY 2016 for gas utilities is \$114,285. It is estimated that the rate increase impact to the city will be approximately 1.43% of the total amount spend for gas utilities.

#### **ATTACHMENTS**:

Resolution

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2016 RATE REVIEW MECHANISM FILINGS: DECLARING EXISTING RATES UNREASONABLE; ADOPTING TARIFFS THAT REFLECT ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES: DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL.

Whereas, the City of Temple, Texas ("City") is a gas utility customer of Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "Company"), and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex;

Whereas, the City is a member of the Atmos Cities Steering Committee ("ACSC"), a coalition of similarly-situated cities served by Atmos Mid-Tex ("ACSC Cities") that have joined together to facilitate the review of, and response to, natural gas issues affecting rates charged in the Atmos Mid-Tex service area;

Whereas, ACSC and the Company worked collaboratively to develop a new Rate Review Mechanism ("RRM") tariff that allows for an expedited rate review process by ACSC Cities as a substitute to the Gas Reliability Infrastructure Program ("GRIP") process instituted by the Legislature, and that will establish rates for the ACSC Cities based on the system-wide cost of serving the Atmos Mid-Tex Division;

**Whereas**, on March 1, 2016, Atmos Mid-Tex filed its 2016 RRM rate request with ACSC Cities;

**Whereas**, ACSC coordinated its review of the Atmos Mid-Tex 2016 RRM filing through its Executive Committee, assisted by ACSC's attorneys and consultants, to resolve issues identified in the Company's RRM filing;

**Whereas**, the Executive Committee, as well as ACSC's counsel and consultants, recommend that ACSC Cities approve an increase in base rates for Atmos Mid-Tex of \$29.9 million on a system-wide basis;

**Whereas**, the attached tariffs implementing new rates are consistent with the recommendation of the ACSC Executive Committee, are agreed to by the Company, and are just, reasonable, and in the public interest; and

Whereas, the RRM Tariff contemplates reimbursement of ACSC's reasonable expenses associated with RRM applications.

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

- **Part 1:** The findings set forth in this Resolution are hereby in all things approved.
- <u>Part 2:</u> The City Council finds that the settled amount of an increase in revenues of \$29.9 million on a system-wide basis represents a comprehensive settlement of gas utility rate issues affecting the rates, operations, and services offered by Atmos Mid-Tex within the municipal limits, that Atmos Mid-Tex's 2016 RRM filing is in the public interest, and is consistent with the City's authority under Section 103.001 of the Texas Utilities Code.
- <u>Part 3:</u> That the existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable. The new tariffs attached hereto and incorporated herein as Exhibit A, are just and reasonable, and are designed to allow Atmos Mid-Tex to recover annually an additional \$29.9 million in revenue over the amount allowed under currently approved rates, as shown in the Proof of Revenues attached hereto and incorporated herein as Exhibit B; such tariffs are hereby adopted.
- <u>Part 4:</u> That the ratemaking treatment for pensions and other post-employment benefits in Atmos Mid-Tex's next RRM filing shall be as set forth on Exhibit C, attached hereto and incorporated herein.
- <u>Part 5:</u> That Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC in processing the Company's 2016 RRM filing.
- <u>Part 6:</u> That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Resolution, it is hereby repealed.
- <u>Part 7:</u> That the meeting at which this Resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.
- <u>Part 8:</u> That consistent with the City Ordinance that established the RRM process, this Resolution shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after June 1, 2016.
- <u>Part 9:</u> That a copy of this Resolution shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs Mid-Tex Division, Atmos Energy Corporation, 5420 LJB Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

## PASSED AND APPROVED on the **19**th day of **May**, 2016.

	THE CITY OF TEMPLE, TEXAS
	DANIEL A. DUNN, Mayor
ATTEST:	APPROVED AS TO FORM:
Lacy Borgeson	Kayla Landeros
City Secretary	City Attorney



## **COUNCIL AGENDA ITEM MEMORANDUM**

05/19/16 Item #8(V) Consent Agenda Page 1 of 2

#### **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 2016.

**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, 2016, for the General, Water & Sewer, Hotel/Motel Tax, and Drainage Funds.

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

FISCAL IMPACT: N/A

#### **ATTACHMENTS:**

Quarterly Financial Statements Resolution

# Second Quarter Financial Statements



For the six months ended 03-31-2016

**Prepared by the Finance Department** 



## Quarterly Financial Statements

# For the six months ended March 31, 2016

#### Prepared by:

#### **City of Temple Finance Department**

Traci L. Barnard, CPA Melissa A. Przybylski, CPA

Director of Finance Assistant Director of Finance

Stacey Reisner, CPA

Treasury/Grants Manager

Jennifer Emerson

**Budget Coordinator** 

Rhonda Scally

Senior Accountant



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May 19, 2016

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, and Special Revenue Funds of the City of Temple, Texas for the six months ended March 31, 2016. 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, 2016, as compared to the FY 2016 amended budget, is shown in the following table (presented in thousands):

	1					Percent of Budget
Revenues:						
Taxes	\$	23,101	\$	33,468	69%	
Franchise fees		5,190		6,539	79%	
Licenses and permits		343		594	58%	
Intergovernmental		34		89	39%	
Charges for services		11,078		23,728	47%	
Fines		1,088		1,966	55%	
Interest and other		606		872	69%	
Total revenues	\$	41,440	\$	67,255	62%	

# Transmittal Letter

Revenues compared to the amended budget for FY 2016 are at 62% with 50% of the year completed. A detail of the revenues as compared to budget is shown below:

Revenues	% of Budget
Ad valorem taxes	97.78%
Sales tax receipts	50.99%
Other taxes	48.18%
Franchise fees	79.37%
Licenses and permits	57.72%
Intergovernmental revenues	38.86%
Charges for services	46.69%
Fines	55.34%
Interest and other	69.48%

Expenditures by major function for the six months ended March 31, 2016, as compared to the FY 2016 amended budget are shown in the following table (presented in thousands):

	Amended F Actual Budget of			
Expenditures:				
General government	\$ 7,684	\$	16,018	48%
Public safety	15,314		31,312	49%
Highways and streets	1,785		3,725	48%
Sanitation	3,101		5,994	52%
Parks and recreation	4,062		9,456	43%
Education	837		1,744	48%
Airport	1,126		2,995	38%
Debt Service:				
Principal	24		48	49%
Interest	 4		7	53%
Total expenditures	\$ 33,937	\$	71,299	48%



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

Expenditures	% of Budget
Personnel	47.69%
Operations	42.87%
Capital	69.76%
Debt service	50.00%

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

#### WATER/SEWER FUND -

Operating revenue has increased by \$978,614 over the same time period as last fiscal year. Operating expenses increased by \$558,323 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 48. 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 August 27, 2015. The City's primary investment objectives, in order of priority, are as follows:

- Safety
- Liquidity
- Yield

As of March 31, 2016, the City had cash and investments with a carrying value of \$187,536,439 and a fair value of \$187,636,750. Total interest earnings for the six months ended are \$287,127. The investment schedules presented in Exhibit F-1 through F-3 are prepared in accordance with Generally Accepted Accounting Principles (GAAP).

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

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

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

Details of our current investment portfolio begin on page 77, Exhibit F-1 through F-3.



#### **SUPPLEMENTAL INFORMATION –**

This section has details of General Fund balances and designations (page 82). 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; Budget Coordinator, Jennifer Emerson; and, Senior Accountant, Rhonda Scally 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.

# CITY OF TEMPLE, TEXAS GENERAL FUND COMPARATIVE BALANCE SHEETS March 31, 2016 and 2015

	2016 2015		Increase (Decrease)	
ASSETS				
Cash	\$ 5,700	\$ 5,145	\$ 555	
Investments	40,567,161	40,299,048	268,113	
Receivables (net of allowance for estimated				
uncollectibles):				
State sales tax	1,792,732	1,421,812	370,920	
Accounts	1,166,173	1,135,404	30,769	
Ad valorem taxes	507,738	572,630	(64,892)	
Inventories	306,340	304,255	2,085	
Prepaid items	469,199	606,130	(136,931)	
Total current assets	44,815,043	44,344,424	470,619	
Restricted cash and investments:				
Drug enforcement	337,578	322,993	14,585	
Public safety	32,412	32,962	(550)	
R.O.W. Escrow	269,603	269,226	377	
Parks Escrow {Table VI, pg. 89}	340,793	311,329	29,464	
Rob Roy MacGregor Trust - Library	12,804	12,786	18_	
Total restricted cash and investments	993,190	949,296	43,894	
TOTAL ASSETS	\$ 45,808,233	\$ 45,293,720	\$ 514,513	

	2016	2015	Increase (Decrease)
LIABILITIES AND FUND BALANCES			
Liabilities:  Vouchers payable	\$ 8,292,858	\$ 6,781,044	\$ 1,511,814
Retainage payable	5,349	10,354	(5,005)
Accrued payroll	1,660,588	2,530,914	(870,326)
Deposits	64,226	61,294	2,932
Deferred revenues:	04,220	01,234	2,332
Ad valorem taxes	480,153	545,045	(64,892)
R.O.W. Escrow	269,603	269,226	(04,092)
Parks Escrow	340,793	311,329	29,464
Other	197,466	218,349	(20,883)
Total liabilities	11,311,036	10,727,555	583,481
Fund Balance:			
Nonspendable:			
Inventories and prepaid items	375,039	435,073	(60,034)
Restricted for:	,	,	, ,
Drug enforcement	158,653	266,814	(108,161)
Public safety	32,975	33,381	(406)
Rob Roy MacGregor Trust - Library	11,290	13,875	(2,585)
Municipal court	617,769	517,930	99,839
Vital statistics preservation	48,504	41,940	6,564
Public education channel	110,932	117,704	(6,772)
Assigned to:			
Technology replacement	8,099	210,571	(202,472)
Capital projects {Table I, pg. 82}	1,958,688	1,745,532	213,156
Unassigned:	18,293,530	17,540,678	752,852
Budgeted decrease in fund balance	5,713,777	5,183,726	530,051
Total fund balance	27,329,256	26,107,224	1,222,032
Excess revenues over expenditures YTD	7,167,941	8,458,941	(1,291,000)
TOTAL LIABILITIES AND FUND BALANCES	\$ 45,808,233	\$ 45,293,720	\$ 514,513

CITY OF TEMPLE, TEXAS
GENERAL FUND
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES
IN FUND BALANCE - ACTUAL AND BUDGET

For the six months ended March 31, 2016

	2016		2015	Analytical	
	Actual	Budget	Percent of Budget	Actual	\$ Increase (Decrease) Prior yr.
Revenues:	Actual	Duaget	or budget	Actual	1 Hor yr.
Taxes	\$ 23,101,125	\$ 33,467,720	69.03%	\$ 23,949,374	\$ (848,249)
Franchise fees	5,190,134	6,538,949	79.37%	5,171,451	18,683
Licenses and permits	342,584	593,570	57.72%	272,908	69,676
Intergovernmental	34,431	88,602	38.86%	24,269	10,162
Charges for services	11,078,340	23,728,003	46.69%	10,565,167	513,173
Fines	1,087,928	1,965,808	55.34%	980,302	107,626
Interest and other	605,755	871,863	69.48%	644,087	(38,332)
Total revenues	41,440,297	67,254,515	61.62%	41,607,558	(167,261)
Expenditures:	· · ·				
General government	7,683,713	16,017,846	47.97%	7,312,308	371,405
Public safety	15,313,725	31,311,575	48.91%	15,209,191	104,534
Highways and streets	1,785,051	3,725,185	47.92%	1,540,586	244,465
Sanitation	3,101,184	5,994,053	51.74%	2,766,632	334,552
Parks and recreation	4,061,756	9,455,663	42.96%	3,464,900	596,856
Education	837,360	1,743,806	48.02%	771,469	65,891
Airport	1,126,481	2,995,291	37.61%	1,327,741	(201,260)
Debt Service:					
Principal	23,813	48,106	49.50%	22,863	950
Interest	3,772	7,065	53.39%	4,722	(950)
Total expenditures	33,936,855	71,298,590	47.60%	32,420,412	1,516,443
Excess (deficiency) of revenues					
over expenditures	7,503,442	(4,044,075)	<u> </u>	9,187,146	(1,683,704)
Other financing sources (uses):					
Transfers out:					
Debt Service	(113,135)	(941,270)	12.02%	(119,635)	6,500
Capital Projects - Designated	(191,249)	(524,513)	36.46%	(608,570)	417,321
Grant Fund	(31,117)	(126,269)	24.64%	-	(31,117)
Bond Programs		(77,650)	0.00%		
Total other financing sources (uses)	(335,501)	(1,669,702)	20.09%	(728,205)	392,704
Excess (deficiency) of revenues and other					
financing sources over expenditures					
and other financing uses	7,167,941	(5,713,777)	-	8,458,941	(1,291,000)
Fund balance, beginning of period	27,329,256	27,329,256		26,107,224	1,222,032
Fund balance, end of period	\$ 34,497,197	\$ 21,615,479	\$ -	\$ 34,566,165	\$ (68,968)

	2016			2015	Analytical	
_	Actual	Budget	Percent of Budget	Actual	\$ Increase (Decrease) Prior yr.	
Taxes:						
Ad valorem:	<b>A</b> 40 <b>-</b> 04 040	<b>A</b> 40 000 00 <del>0</del>	22 722/	<b>A</b> 40 4 <b></b> 40-		
Property, current year	\$ 12,501,019	\$ 12,690,837	98.50%	\$ 12,177,187	\$ 323,832	
Property, prior year	72,198	131,883	54.74%	40,247	31,951	
Penalty and interest	53,481	90,000	59.42%	42,935	10,546	
Total ad valorem taxes	12,626,698	12,912,720	97.78%	12,260,369	366,329	
Non-property taxes:						
City sales {Table V, pg. 88}	10,368,440	20,335,000	50.99%	11,580,097	(1,211,657)	
Mixed beverage	70,463	160,000	44.04%	74,419	(3,956)	
Occupation	24,890	42,000	59.26%	23,363	1,527	
Bingo	10,634	18,000	59.08%	11,126	(492)	
Total non-property taxes	10,474,427	20,555,000	50.96%	11,689,005	(1,214,578)	
Total taxes	23,101,125	33,467,720	69.03%	23,949,374	(848,249)	
Franchise Fees:						
Electric franchise	3,200,418	3,045,000	105.10%	3,057,345	143,073	
Gas franchise	521,147	650,000	80.18%	687,255	(166,108)	
Telephone franchise	215,818	405,000	53.29%	212,639	3,179	
Cable franchise	371,323	663,630	55.95%	342,558	28,765	
Water/Sewer franchise	836,660	1,673,319	50.00%	824,920	11,740	
Other	44,768	102,000	43.89%	46,734	(1,966)	
Total franchise fees	5,190,134	6,538,949	79.37%	5,171,451	18,683	
Licenses and permits:						
Building permits	128,263	250,000	51.31%	88,606	39,657	
Electrical permits and licenses	49,080	67,525	72.68%	34,983	14,097	
Mechanical	33,880	72,000	47.06%	34,181	(301)	
Plumbing permit fees	64,479	107,545	59.96%	57,016	7,463	
Other	66,882	96,500	69.31%	58,122	8,760	
Total licenses and permits	342,584	593,570	57.72%	272,908	69,676	
Intergovernmental revenues:						
Federal grants	10,687	5,237	204.07%	-	10,687	
State grants	3,750	35,025	10.71%	4,275	(525)	
State reimbursements	-	8,352	0.00%	-	-	
Department of Civil						
Preparedness	19,994	39,988	50.00%	19,994		
Total intergovernmental revenues	\$ 34,431	\$ 88,602	38.86%	\$ 24,269	\$ 10,162	
					(Continued)	

Library fees			2016		2015	Analytical
Natual   Budget   Percent   Property   P						
Library fees						Increase
Library fees 5 15,994 \$ 24,512 65,25% \$ 14,389 \$ 1,605 Recreational entry fees 50,496 128,800 39,20% 50,382 1144 Summit recreational fees 223,653 479,000 46,65% 235,496 (11,843) Golf course revenues 286,546 956,500 29,96% 299,469 (12,923) Swimming pool 1,240 40,000 3,10% 3,305 (2,065) Lions Junction water park 17,340 294,800 5,88% 16,753 587 Sammons indoor pool 38,339 91,500 41,90% 37,328 1,011 Vital statistics 61,809 110,000 56,19% 58,004 3,805 Police revenue 886,332 1,381,725 64,15% 723,608 162,724 Contractual services -proprietary fund 1,889,183 3,750,356 50,37% 1,847,600 41,583 Curb and street cuts 54,102 25,000 216,41% 19,502 34,600 Other 74,500 49,67% 902 (157) Solid waste collection - residential 2,135,079 4,243,000 50,32% 2,068,269 66,810 Solid waste collection - commercial 1,552,574 3,075,582 50,48% 1,472,075 80,499 Solid waste collection - commercial 1,552,574 3,075,582 50,48% 1,472,075 80,499 Solid waste collection - roll-off 1,086,074 2,143,414 50,67% 1,094,155 (8,081) Landfill contract 892,057 1,182,900 48,77% 907,699 (15,542) Aliport sales and rental 1,172,723 3,151,449 37,21% 1,156,989 15,734 Subdivision fees 11,254 15,000 75,03% 6,658 4,596 Recreational services 507,007 1,269,228 39,95% 466,261 40,746 Fire department 18,912 87,137 21,70% 11,323 7,589 Reinvestment Zone reimbursements 176,881 630,500 28,05% 75,000 101,881 7044 charges for services 11,078,340 23,728,003 46,69% 15,651,67 513,173 Fines:  Court 767,974 1,450,288 52,95% 690,054 77,920 Administrative fees 291,539 467,520 62,36% 260,631 31,008 7044 fines 1,087,928 1,965,808 55,34% 980,302 107,662 interest and other:  Interest 75,935 95,000 79,93% 47,581 28,354 Lease and rental 18,156 35,600 56,600 98,40% 130,499 (62,051) Bullding rental -				Percent		(Decrease)
Library fees 5 15,994 \$ 24,512 65,25% \$ 14,389 \$ 1,605 Recreational entry fees 50,496 128,800 39,20% 50,382 1114 Summit recreational fees 223,653 479,000 46,69% 235,496 (11,843) Golf course revenues 286,546 956,500 29,96% 299,469 (12,923) Swimming pool 1,240 40,000 3,10% 3,305 (2,065) Lions Junction water park 17,340 294,800 5,88% 16,753 587 Sammons indoor pool 38,339 91,500 41,90% 37,328 1,011 Vital statistics 61,809 110,000 56,19% 58,004 3,805 Police revenue 886,332 1,381,725 64,15% 723,608 162,724 Contractual services -proprietary fund 1,889,183 3,750,356 50,37% 1,847,600 41,583 Curb and street cuts 54,102 25,000 216,41% 19,502 34,600 Other 74,500 21,300 49,67% 902 (157) Solid waste collection - residential 2,135,079 4,243,000 50,32% 2,068,269 66,810 Solid waste collection - commercial 1,552,574 3,075,582 50,48% 1,472,075 80,499 Solid waste collection - roll-off 1,086,074 2,143,414 50,67% 1,094,155 (8,081) Landfill contract 892,057 1,182,900 48,77% 907,699 (15,642) Airport sales and rental 1,172,723 3,151,449 37,21% 1,156,989 15,734 Subdivision fees 11,254 15,000 75,03% 6,658 4,596 Recreational services 507,007 1,269,228 39,55% 466,261 40,746 Fire department 1,568,811 1,078,340 23,728,003 46,69% 15,662 140,746 Fire department 2 for eimbursements 176,881 630,500 28,05% 75,000 101,881 7044 friess 11,078,340 23,728,003 46,69% 15,665,167 513,173 7044 friess 1,078,398 47,598 1,086,808		Actual	Budget	of Budget	Actual	` ,
Summit recreational fees   223,653   479,000   46.69%   235,496   (11,843)   Golf course revenues   286,546   956,500   29,96%   299,469   (12,923)   Swimming pool   1,240   40,000   3.10%   3.305   (2,065)   Lions Junction water park   17,340   294,800   5.88%   16,753   587   Sammons indoor pool   38,339   91,500   41,90%   37,328   1,011   Vital statistics   61,809   110,000   56.19%   58,004   3,805   Police revenue   886,332   1,381,725   64.15%   723,608   162,724   Contractual services   -proprietary fund   1,889,183   3,750,356   50,37%   1,847,600   41,583   Curb and street cuts   54,102   25,000   216,41%   19,502   34,600   Cther   745   1,500   49,67%   902   (157)   Solid waste collection - residential   2,135,079   4,243,000   50,32%   2,068,269   66,810   Solid waste collection - commercial   1,552,574   3,075,582   50,48%   1,472,075   80,499   Solid waste collection - roll-off   1,086,074   2,143,414   50,67%   1,094,155   (8,081)   Landfill contract   892,057   1,289,000   48,77%   907,699   15,542   Albidision fees   11,254   15,000   75,03%   6,653   4,596   Recreational services   507,007   1,269,228   39,95%   466,261   40,746   Fire department   18,912   87,137   21,70%   11,323   7,589   Recreational services   507,007   1,269,228   39,95%   466,261   40,746   Fire department   18,912   87,137   21,70%   11,323   7,589   75,000   101,881   70tal charges for services   11,078,340   23,728,003   46,69%   10,565,167   71,091,076   71,092   71,092   71,092   71,093   71,093   71,093   71,094   71,092   71,094   71,092   71,094   71,095   7	Library fees	\$ 15,994	\$ 24,512		\$ 14,389	
Summit recreational fees   223,653   479,000   46,69%   235,496   (11,843)   Golf course revenues   286,546   956,500   29,96%   299,469   (12,923)   Swimming pool   1,240   40,000   3,10%   3,305   (2,065)   Lions Junction water park   17,340   294,800   5,88%   16,753   587   Sammons indoor pool   38,339   91,500   41,90%   37,328   1,011   Vital statistics   61,809   110,000   56,19%   58,004   3,805   Police revenue   886,332   1,381,725   64,15%   723,608   162,724   Contractual services   -proprietary fund   1,889,183   3,750,356   50,37%   1,847,600   41,583   Curb and street cuts   54,102   25,000   216,41%   19,502   34,600   Other   745   1,500   49,67%   902   (157)   Solid waste collection - residential   2,135,079   4,243,000   50,32%   2,068,269   66,810   Solid waste collection - commercial   1,552,574   3,075,582   50,48%   1,472,075   80,499   Solid waste collection - roll-off   1,086,074   2,143,414   50,67%   1,094,155   (8,081)   Landfill contract   892,057   1,229,000   48,77%   907,699   (15,642)   Aligority sales and rental   1,172,723   3,151,449   37,21%   1,156,989   15,734   Subdivision fees   11,254   15,000   75,03%   6,658   4,596   Ferrare department   18,912   87,137   21,70%   11,323   7,589   1,784   1,784,178		50,496	128,800	39.20%	50,382	
Golf course revenues         286,546         956,500         29,96%         299,469         (12,923)           Swimming pool         1,240         40,000         3.10%         3,305         (2,065)           Lions Junction water park         17,340         294,800         5.88%         16,753         587           Sammons indoor pool         38,339         91,500         41,90%         37,328         1,011           Vital statistics         61,809         110,000         56,19%         58,004         3,805           Police revenue         886,332         1,381,725         64,15%         723,608         162,724           Contractual services         -         -         -         725,005         216,41%         723,608         162,724           Curb and street cuts         54,102         25,000         216,41%         19,502         34,600           Other         745         1,500         49,67%         902         (157)           Solid waste collection - residential         2,135,079         4,243,000         50,32%         2,068,269         66,810           Solid waste collection - commercial         1,562,574         3,075,582         50,48%         1,475,675         80,499           Solid waste collecti	Summit recreational fees	223,653	479,000	46.69%		(11,843)
Lions Junction water park 17,340 294,800 5.88% 16,753 587 Sammons indoor pool 38,339 91,500 41,90% 37,328 1,011 Vital statistics 61,809 110,000 56,19% 58,004 3,805 Police revenue 886,332 1,381,725 64,15% 723,608 162,724 Contractual services	Golf course revenues	286,546	956,500	29.96%	299,469	(12,923)
Sammons indoor pool         38,339         91,500         41,90%         37,328         1,011           Vital statistics         61,809         110,000         56,19%         58,004         3,805           Police revenue         886,332         1,381,725         64,15%         723,608         162,724           Contractual services         -proprietary fund         1,889,183         3,750,356         50,37%         1,847,600         41,583           Curb and street cuts         54,102         25,000         216,41%         19,502         34,600           Other         745         1,500         49,67%         902         (157)           Solid waste collection - residential         2,135,079         4,243,000         50,32%         2,068,269         66,810           Solid waste collection - commercial         1,552,574         3,075,582         50,48%         1,472,075         80,499           Solid waste collection - reli-off         1,086,074         2,143,414         50,67%         1,094,155         (8,081)           Landfill contract         892,057         1,829,000         48,77%         907,699         (15,642)           Aliropt sales and rental         1,172,723         3,151,449         37,21%         1,156,999         15,744	Swimming pool	1,240	40,000	3.10%	3,305	(2,065)
Vital statistics         61,809         110,000         56,19%         58,004         3,805           Police revenue         886,332         1,381,725         64,15%         723,608         162,724           Contractual services         -proprietary fund         1,889,183         3,750,356         50,37%         1,847,600         41,583           Curb and street cuts         54,102         25,000         216,41%         19,502         34,600           Other         745         1,500         49,67%         902         (157)           Solid waste collection - residential         2,135,079         4,243,000         50,32%         2,068,269         66,810           Solid waste collection - commercial         1,552,574         3,075,582         50,48%         1,472,075         80,499           Solid waste collection - commercial         1,552,574         3,075,582         50,48%         1,472,075         80,499           Solid waste collection - commercial         1,552,574         3,075,582         50,48%         1,472,075         80,499           Solid waste collection - commercial         1,562,074         2,143,414         50,67%         1,094,155         (8,081)           Landill Contract         892,057         1,829,000         48,77%         907	Lions Junction water park	17,340	294,800	5.88%	16,753	587
Police revenue 886,332 1,381,725 64.15% 723,608 162,724 Contractual services -proprietary fund 1,889,183 3,750,356 50.37% 1,847,600 41,583 Curb and street cuts 54,102 25,000 216.41% 19,502 34,600 Other 745 1,500 49.67% 902 (157) Solid waste collection - residential 2,135,079 4,243,000 50.32% 2,068,269 66,810 Solid waste collection - commercial 1,552,574 3,075,582 50.48% 1,472,075 80,499 Solid waste collection - roll-off 1,086,074 2,143,414 50.67% 1,094,155 (8,081) Landfill contract 892,057 1,829,000 48,77% 907,699 (15,642) Airport sales and rental 1,172,723 3,151,449 37.21% 1,156,989 15,734 Subdivision fees 11,254 15,000 75,03% 6,658 4,596 Recreational services 507,007 1,269,228 39,95% 466,261 40,746 Fire department 18,912 87,137 21,70% 11,323 7,589 Reinvestment Zone reimbursements 176,881 630,500 28,05% 75,000 101,881 Total charges for services 11,078,340 23,728,003 46,69% 10,565,167 513,173  Fines:  Court 767,974 1,450,288 52,95% 690,054 77,920 Animal pound 25,800 42,000 61,43% 24,332 1,468 Overparking 2,615 6,000 43,58% 5,385 (2,770) Administrative fees 291,539 467,520 62,36% 260,531 31,008 Total fines 1,087,928 1,965,808 55,34% 980,302 107,626  Interest and other:  Interest and other:  Interest and other:  Interest 75,935 95,000 79,93% 47,581 28,354 Lease and rental 181,536 353,602 51,34% 202,207 (20,671) Sale of fixed assets 111,520 96,500 115,56% 61,202 50,318 Insurance claims 68,448 69,560 98,40% 130,499 (62,051) Payment in lieu of taxes 15,195 14,548 104,45% 114,548 647 Building rental -	Sammons indoor pool	38,339	91,500	41.90%	37,328	1,011
Contractual services     -proprietary fund		61,809	110,000	56.19%	58,004	3,805
-proprietary fund 1,889,183 3,750,356 50.37% 1,847,600 41,583 Curb and street cuts 54,102 25,000 216,41% 19,502 34,600 Other 745 1,500 49,67% 902 (157) Solid waste collection - residential 2,135,079 4,243,000 50.32% 2,068,269 66,810 Solid waste collection - commercial 1,552,574 3,075,582 50.48% 1,472,075 80,499 Solid waste collection - roll-off 1,086,074 2,143,414 50.67% 1,094,155 (8,081) Landfill contract 892,057 1,829,000 48,77% 907,699 (15,642) Airport sales and rental 1,172,723 3,151,449 37.21% 1,156,989 15,734 Subdivision fees 11,254 15,000 75,03% 6,658 4,596 Recreational services 507,007 1,269,228 39,95% 466,261 40,746 Fire department 18,912 87,137 21,70% 11,323 7,589 Reinvestment Zone reimbursements 176,881 630,500 28,05% 75,000 101,881 Total charges for services 11,078,340 23,728,003 46,69% 10,565,167 513,173 Fines:  Court 767,974 1,450,288 52,95% 690,054 77,920 Animal pound 25,800 42,000 61,43% 24,332 1,468 Overparking 2,615 6,000 43,58% 5,385 (2,770) Administrative fees 291,539 467,520 62,36% 260,531 31,008 Total fines 1,087,928 1,965,808 55,34% 980,302 107,626 Interest and other:  Interest 75,935 95,000 79,93% 47,581 28,354 Lease and rental 181,536 353,602 51,34% 202,207 (20,671) Sale of fixed assets 111,520 96,500 115,56% 61,202 50,318 Insurance claims 68,448 69,560 98,40% 130,499 (62,051) Payment in lieu of taxes 15,195 14,548 104,45% 14,548 647 Building rental -	Police revenue	886,332	1,381,725	64.15%	723,608	162,724
Curb and street cuts         54,102         25,000         216.41%         19,502         34,600           Other         745         1,500         49.67%         902         (1577)           Solid waste collection - residential         2,135,079         4,243,000         50.32%         2,068,269         66,810           Solid waste collection - commercial         1,552,574         3,075,582         50.48%         1,472,075         80,499           Solid waste collection - roll-off         1,086,074         2,143,414         50.67%         1,094,155         (8,081)           Landfill contract         892,057         1,829,000         48,77%         907,699         (15,642)           Airport sales and rental         1,172,723         3,151,449         37,21%         1,156,989         15,734           Subdivision fees         11,254         15,000         75.03%         6,658         4,596           Recreational services         507,007         1,269,228         39.95%         466,261         40,746           Fire department         18,912         87,137         21.70%         11,323         7,589           Reinvestment Zone reimbursements         176,881         630,500         28.05%         75,000         101,881 <td< td=""><td>Contractual services</td><td></td><td></td><td></td><td></td><td></td></td<>	Contractual services					
Curb and street cuts         54,102         25,000         216.41%         19,502         34,600           Other         745         1,500         49.67%         902         (1577)           Solid waste collection - residential         2,135,079         4,243,000         50.32%         2,068,269         66,810           Solid waste collection - commercial         1,552,574         3,075,582         50.48%         1,472,075         80,499           Solid waste collection - roll-off         1,086,074         2,143,414         50.67%         1,094,155         (8,081)           Landfill contract         892,057         1,829,000         48,77%         907,699         (15,642)           Airport sales and rental         1,172,723         3,151,449         37,21%         1,156,989         15,734           Subdivision fees         11,254         15,000         75.03%         6,658         4,596           Recreational services         507,007         1,269,228         39.95%         466,261         40,746           Fire department         18,912         87,137         21.70%         11,323         7,589           Reinvestment Zone reimbursements         176,881         630,500         28.05%         75,000         101,881 <td< td=""><td>-proprietary fund</td><td>1,889,183</td><td>3,750,356</td><td>50.37%</td><td>1,847,600</td><td>41,583</td></td<>	-proprietary fund	1,889,183	3,750,356	50.37%	1,847,600	41,583
Solid waste collection - residential         2,135,079         4,243,000         50.32%         2,068,269         66,810           Solid waste collection - commercial         1,552,574         3,075,582         50.48%         1,472,075         80,499           Solid waste collection - roll-off         1,086,074         2,143,414         50.67%         1,094,155         (8,081)           Landfill contract         892,057         1,829,000         48.77%         907,699         (15,642)           Airport sales and rental         1,172,723         3,151,449         37.21%         1,156,889         15,734           Subdivision fees         11,254         15,000         75.03%         6,658         4,596           Recreational services         507,007         1,269,228         39.95%         466,261         40,746           Fire department         18,912         87,137         21.70%         11,323         7,589           Reinvestment Zone reimbursements         176,881         630,500         28.05%         75,000         101,881           Total charges for services         11,078,340         23,728,003         46,69%         10,565,167         513,173           Fines:         Court         767,974         1,450,288         52,95%         690,054				216.41%		
Solid waste collection - residential         2,135,079         4,243,000         50.32%         2,068,269         66,810           Solid waste collection - commercial         1,552,574         3,075,582         50.48%         1,472,075         80,499           Solid waste collection - foll-off         1,086,074         2,143,414         50.67%         1,094,155         (8,081)           Landfill contract         892,057         1,829,000         48.77%         907,699         (15,642)           Airport sales and rental         1,172,723         3,151,449         37.21%         1,156,889         15,734           Subdivision fees         11,254         15,000         75.03%         6,658         4,596           Recreational services         507,007         1,269,228         39.95%         466,261         40,746           Fire department         18,912         87,137         21.70%         11,323         7,589           Reinvestment Zone reimbursements         176,881         630,500         28.05%         75,000         101,881           Total charges for services         11,078,340         23,728,003         46,69%         10,565,167         513,173           Fines:         Court         767,974         1,450,288         52,95%         690,054	Other	745	1,500	49.67%	902	(157)
Solid waste collection - commercial         1,552,574         3,075,582         50.48%         1,472,075         80,499           Solid waste collection - roll-off         1,086,074         2,143,414         50.67%         1,094,155         (8,081)           Landfill contract         892,057         1,829,000         48,77%         907,699         (15,642)           Airport sales and rental         1,172,723         3,151,449         37.21%         1,156,989         15,734           Subdivision fees         11,254         15,000         75.03%         6,658         4,596           Recreational services         507,007         1,269,228         39,95%         466,261         40,746           Fire department         18,912         87,137         21,70%         11,323         7,589           Reinvestment Zone reimbursements         176,881         630,500         28,05%         75,000         101,881           Total charges for services         11,078,340         23,728,003         46,69%         10,565,167         513,173           Fines:         Court         767,974         1,450,288         52,95%         690,054         77,920           Animal pound         25,800         42,000         61,43%         24,332         1,468	Solid waste collection - residential	2,135,079		50.32%	2,068,269	
Solid waste collection - roll-off         1,086,074         2,143,414         50.67%         1,094,155         (8,081)           Landfill contract         892,057         1,829,000         48.77%         907,699         (15,642)           Airport sales and rental         1,172,723         3,151,449         37.21%         1,156,989         15,734           Subdivision fees         11,254         15,000         75.03%         6,658         4,596           Recreational services         507,007         1,269,228         39.95%         466,261         40,746           Fire department         18,912         87,137         21,70%         11,323         7,589           Reinvestment Zone reimbursements         176,881         630,500         28.05%         75,000         101,881           Total charges for services         11,078,340         23,728,003         46.69%         10,565,167         513,173           Fines:           Court         767,974         1,450,288         52.95%         690,054         77,920           Animal pound         25,800         42,000         61,43%         24,332         1,468           Overparking         2,615         6,000         43.58%         5,385         (2,770)	Solid waste collection - commercial			50.48%		
Landfill contract         892,057         1,829,000         48.77%         907,699         (15,642)           Airport sales and rental         1,172,723         3,151,449         37.21%         1,156,989         15,734           Subdivision fees         11,254         15,000         75,03%         6,658         4,596           Recreational services         507,007         1,269,228         39,95%         466,261         40,746           Fire department         18,912         87,137         21.70%         11,323         7,589           Reinvestment Zone reimbursements         176,881         630,500         28.05%         75,000         101,881           Total charges for services         11,078,340         23,728,003         46.69%         10,565,167         513,173           Fines:           Court         767,974         1,450,288         52,95%         690,054         77,920           Animal pound         25,800         42,000         61,43%         24,332         1,468           Overparking         2,615         6,000         43,58%         5,385         (2,770)           Administrative fees         291,539         467,520         62,36%         260,531         31,008           Tota	Solid waste collection - roll-off			50.67%		
Airport sales and rental         1,172,723         3,151,449         37.21%         1,156,989         15,734           Subdivision fees         11,254         15,000         75.03%         6,658         4,596           Recreational services         507,007         1,269,228         39.95%         466,261         40,746           Fire department         18,912         87,137         21.70%         11,323         7,589           Reinvestment Zone reimbursements         176,881         630,500         28.05%         75,000         101,881           Total charges for services         11,078,340         23,728,003         46.69%         10,565,167         513,173           Fines:         Court         767,974         1,450,288         52.95%         690,054         77,920           Animal pound         25,800         42,000         61.43%         24,332         1,468           Overparking         2,615         6,000         43.58%         5,385         (2,770)           Administrative fees         291,539         467,520         62.36%         260,531         31,008           Total fines         1,087,928         1,965,808         55.34%         980,302         107,626           Interest and other:         1 </td <td>Landfill contract</td> <td>892,057</td> <td>1,829,000</td> <td></td> <td></td> <td></td>	Landfill contract	892,057	1,829,000			
Subdivision fees         11,254         15,000         75.03%         6,658         4,596           Recreational services         507,007         1,269,228         39.95%         466,261         40,746           Fire department         18,912         87,137         21.70%         11,323         7,589           Reinvestment Zone reimbursements         176,881         630,500         28.05%         75,000         101,881           Total charges for services         11,078,340         23,728,003         46.69%         10,565,167         513,173           Fines:           Court         767,974         1,450,288         52.95%         690,054         77,920           Animal pound         25,800         42,000         61.43%         24,332         1,468           Overparking         2,615         6,000         43.58%         5,385         (2,770)           Administrative fees         291,539         467,520         62.36%         260,531         31,008           Total fines         1,087,928         1,965,808         55.34%         980,302         107,626           Interest and other:           Interest         75,935         95,000         79.93%         47,581         28,354 <td>Airport sales and rental</td> <td>•</td> <td></td> <td></td> <td>1.156.989</td> <td></td>	Airport sales and rental	•			1.156.989	
Recreational services         507,007         1,269,228         39,95%         466,261         40,746           Fire department         18,912         87,137         21.70%         11,323         7,589           Reinvestment Zone reimbursements         176,881         630,500         28.05%         75,000         101,881           Total charges for services         11,078,340         23,728,003         46.69%         10,565,167         513,173           Fines:           Court         767,974         1,450,288         52.95%         690,054         77,920           Animal pound         25,800         42,000         61.43%         24,332         1,468           Overparking         2,615         6,000         43.58%         5,385         (2,770)           Administrative fees         291,539         467,520         62.36%         260,531         31,008           Total fines         1,087,928         1,965,808         55.34%         980,302         107,626           Interest and other:           Interest and rental         181,536         353,602         51.34%         202,207         (20,671)           Sale of fixed assets         111,520         96,500         115.56%         <	·			75.03%		
Fire department         18,912         87,137         21.70%         11,323         7,589           Reinvestment Zone reimbursements         176,881         630,500         28.05%         75,000         101,881           Total charges for services         11,078,340         23,728,003         46.69%         10,565,167         513,173           Fines:         Court         767,974         1,450,288         52.95%         690,054         77,920           Animal pound         25,800         42,000         61.43%         24,332         1,468           Overparking         2,615         6,000         43.58%         5,385         (2,770)           Administrative fees         291,539         467,520         62.36%         260,531         31,008           Total fines         1,087,928         1,965,808         55.34%         980,302         107,626           Interest and other:         Interest and other:         181,536         353,602         51.34%         202,207         (20,671)           Sale of fixed assets         111,520         96,500         115.56%         61,202         50,318           Insurance claims         68,448         69,560         98.40%         130,499         (62,051)           Payment in		•	·			
Reinvestment Zone reimbursements         176,881         630,500         28.05%         75,000         101,881           Total charges for services         11,078,340         23,728,003         46.69%         10,565,167         513,173           Fines:           Court         767,974         1,450,288         52.95%         690,054         77,920           Animal pound         25,800         42,000         61.43%         24,332         1,468           Overparking         2,615         6,000         43.58%         5,385         (2,770)           Administrative fees         291,539         467,520         62.36%         260,531         31,008           Total fines         1,087,928         1,965,808         55.34%         980,302         107,626           Interest and other:         Interest and other:         181,536         353,602         51.34%         202,207         (20,671)           Sale of fixed assets         111,520         96,500         115.56%         61,202         50,318           Insurance claims         68,448         69,560         98.40%         130,499         (62,051)           Payment in lieu of taxes         15,195         14,548         104.45%         14,548         647		•			•	•
Total charges for services         11,078,340         23,728,003         46.69%         10,565,167         513,173           Fines:           Court         767,974         1,450,288         52.95%         690,054         77,920           Animal pound         25,800         42,000         61.43%         24,332         1,468           Overparking         2,615         6,000         43.58%         5,385         (2,770)           Administrative fees         291,539         467,520         62.36%         260,531         31,008           Total fines         1,087,928         1,965,808         55.34%         980,302         107,626           Interest and other:         Interest and other:         181,536         353,602         51.34%         202,207         (20,671)           Sale of fixed assets         111,520         96,500         115.56%         61,202         50,318           Insurance claims         68,448         69,560         98.40%         130,499         (62,051)           Payment in lieu of taxes         15,195         14,548         104.45%         14,548         647		•	·		•	•
Court         767,974         1,450,288         52.95%         690,054         77,920           Animal pound         25,800         42,000         61.43%         24,332         1,468           Overparking         2,615         6,000         43.58%         5,385         (2,770)           Administrative fees         291,539         467,520         62.36%         260,531         31,008           Total fines         1,087,928         1,965,808         55.34%         980,302         107,626           Interest and other:         Interest         75,935         95,000         79.93%         47,581         28,354           Lease and rental         181,536         353,602         51.34%         202,207         (20,671)           Sale of fixed assets         111,520         96,500         115.56%         61,202         50,318           Insurance claims         68,448         69,560         98.40%         130,499         (62,051)           Payment in lieu of taxes         15,195         14,548         104.45%         14,548         647           Building rental -         47,548         104.45%         14,548         647						
Animal pound 25,800 42,000 61.43% 24,332 1,468 Overparking 2,615 6,000 43.58% 5,385 (2,770) Administrative fees 291,539 467,520 62.36% 260,531 31,008  Total fines 1,087,928 1,965,808 55.34% 980,302 107,626  Interest and other:  Interest 75,935 95,000 79.93% 47,581 28,354 Lease and rental 181,536 353,602 51.34% 202,207 (20,671) Sale of fixed assets 111,520 96,500 115.56% 61,202 50,318 Insurance claims 68,448 69,560 98.40% 130,499 (62,051) Payment in lieu of taxes 15,195 14,548 104.45% 14,548 647  Building rental -	Fines:					
Animal pound 25,800 42,000 61.43% 24,332 1,468 Overparking 2,615 6,000 43.58% 5,385 (2,770) Administrative fees 291,539 467,520 62.36% 260,531 31,008  Total fines 1,087,928 1,965,808 55.34% 980,302 107,626  Interest and other:  Interest and rental 181,536 353,602 51.34% 202,207 (20,671) Sale of fixed assets 111,520 96,500 115.56% 61,202 50,318 Insurance claims 68,448 69,560 98.40% 130,499 (62,051) Payment in lieu of taxes 15,195 14,548 104.45% 14,548 647  Building rental -	Court	767,974	1,450,288	52.95%	690,054	77,920
Overparking         2,615         6,000         43.58%         5,385         (2,770)           Administrative fees         291,539         467,520         62.36%         260,531         31,008           Total fines         1,087,928         1,965,808         55.34%         980,302         107,626           Interest and other:         Interest and rental         75,935         95,000         79.93%         47,581         28,354           Lease and rental         181,536         353,602         51.34%         202,207         (20,671)           Sale of fixed assets         111,520         96,500         115.56%         61,202         50,318           Insurance claims         68,448         69,560         98.40%         130,499         (62,051)           Payment in lieu of taxes         15,195         14,548         104.45%         14,548         647           Building rental -         Interest and other:	Animal pound	25,800	42,000	61.43%	24,332	
Administrative fees         291,539         467,520         62.36%         260,531         31,008           Total fines         1,087,928         1,965,808         55.34%         980,302         107,626           Interest and other:           Interest         75,935         95,000         79.93%         47,581         28,354           Lease and rental         181,536         353,602         51.34%         202,207         (20,671)           Sale of fixed assets         111,520         96,500         115.56%         61,202         50,318           Insurance claims         68,448         69,560         98.40%         130,499         (62,051)           Payment in lieu of taxes         15,195         14,548         104.45%         14,548         647           Building rental -         647		2,615	6,000	43.58%		
Total fines         1,087,928         1,965,808         55.34%         980,302         107,626           Interest and other:           Interest         75,935         95,000         79.93%         47,581         28,354           Lease and rental         181,536         353,602         51.34%         202,207         (20,671)           Sale of fixed assets         111,520         96,500         115.56%         61,202         50,318           Insurance claims         68,448         69,560         98.40%         130,499         (62,051)           Payment in lieu of taxes         15,195         14,548         104.45%         14,548         647           Building rental -         647         647         647         647         647         647	· -	291,539		62.36%		
Interest         75,935         95,000         79.93%         47,581         28,354           Lease and rental         181,536         353,602         51.34%         202,207         (20,671)           Sale of fixed assets         111,520         96,500         115.56%         61,202         50,318           Insurance claims         68,448         69,560         98.40%         130,499         (62,051)           Payment in lieu of taxes         15,195         14,548         104.45%         14,548         647           Building rental -         647         647         647         647         647         647	Total fines	1,087,928	1,965,808		980,302	
Lease and rental       181,536       353,602       51.34%       202,207       (20,671)         Sale of fixed assets       111,520       96,500       115.56%       61,202       50,318         Insurance claims       68,448       69,560       98.40%       130,499       (62,051)         Payment in lieu of taxes       15,195       14,548       104.45%       14,548       647         Building rental -       647       647       647       647       647       647	Interest and other:					
Sale of fixed assets       111,520       96,500       115.56%       61,202       50,318         Insurance claims       68,448       69,560       98.40%       130,499       (62,051)         Payment in lieu of taxes       15,195       14,548       104.45%       14,548       647         Building rental -       647       647       647       647       647       647	Interest	75,935	95,000	79.93%	47,581	28,354
Insurance claims       68,448       69,560       98.40%       130,499       (62,051)         Payment in lieu of taxes       15,195       14,548       104.45%       14,548       647         Building rental -       647 <t< td=""><td>Lease and rental</td><td>181,536</td><td>353,602</td><td>51.34%</td><td>202,207</td><td>(20,671)</td></t<>	Lease and rental	181,536	353,602	51.34%	202,207	(20,671)
Payment in lieu of taxes 15,195 14,548 104.45% 14,548 647  Building rental -	Sale of fixed assets	111,520	96,500	115.56%	61,202	50,318
Building rental -	Insurance claims	68,448	69,560	98.40%	130,499	(62,051)
	Payment in lieu of taxes	15,195	14,548	104.45%	14,548	647
BOA bldg. 48,614 85,580 56.81% 44,720 3,894	Building rental -					
	_	48,614	85,580	56.81%	44,720	3,894
Other104,507157,07366.53%143,330(38,823)	_	104,507	<u>1</u> 57,073	66.53%	143,330	(38,823)
Total interest and other         605,755         871,863         69.48%         644,087         (38,332)	Total interest and other	605,755	871,863	69.48%	644,087	(38,332)
Total revenues         \$ 41,440,297         \$ 67,254,515         61.62%         \$ 41,607,558         \$ (167,261)	Total revenues	\$ 41,440,297	\$ 67,254,515	61.62%	\$ 41,607,558	\$ (167,261)

#### SCHEDULE OF EXPENDITURES- ACTUAL AND BUDGET

For the six months ended March 31, 2016

	2016			2015	Analytical	
					\$	
					Increase	
			Percent		(Decrease)	
	Actual	Budget	of Budget	Actual	Prior yr.	
General government:						
City council	\$ 86,199	\$ 209,210	41.20%	\$ 106,786	\$ (20,587)	
City manager	384,100	1,028,567	37.34%	235,172	148,928	
Assistant city manager	118,776	253,072	46.93%	75,437	43,339	
Administrative services	129,744	308,158	42.10%	91,177	38,567	
Finance	712,276	1,544,398	46.12%	658,603	53,673	
Purchasing	184,109	383,771	47.97%	181,039	3,070	
City secretary	174,520	436,918	39.94%	153,500	21,020	
Special services	626,019	1,225,457	51.08%	475,584	150,435	
Legal	403,640	826,389	48.84%	318,322	85,318	
City planning	287,931	648,954	44.37%	279,500	8,431	
Information technology services	1,667,816	2,892,098	57.67%	1,912,953	(245, 137)	
Human resources	377,015	878,443	42.92%	241,976	135,039	
Economic development	1,073,190	2,165,687	49.55%	1,058,643	14,547	
Fleet services	557,574	1,164,022	47.90%	560,344	(2,770)	
Inspections/Permits	238,612	486,296	49.07%	247,825	(9,213)	
Facility services	662,192	1,566,406	42.27%	715,447	(53,255)	
	7,683,713	16,017,846	47.97%	7,312,308	371,405	
Public safety:						
Municipal court	366,844	750,253	48.90%	337,835	29,009	
Police	8,340,329	17,011,950	49.03%	8,049,757	290,572	
Animal control	222,274	499,696	44.48%	213,908	8,366	
Fire	5,638,150	11,568,561	48.74%	5,904,924	(266,774)	
Communications	421,874	843,748	50.00%	374,610	47,264	
Code enforcement	324,254	637,367	50.87%	328,157	(3,903)	
	15,313,725	31,311,575	48.91%	15,209,191	104,534	
Highways and streets:						
Street	1,264,548	2,693,915	46.94%	1,147,251	117,297	
Traffic signals	274,347	460,493	59.58%	159,581	114,766	
Engineering	246,156	570,777	43.13%	233,754	12,402	
	1,785,051	3,725,185	47.92%	1,540,586	244,465	
Sanitation:	\$ 3,101,184	\$ 5,994,053	51.74%	\$ 2,766,632	\$ 334,552	
					(Continued)	

	-	2016			Analytical \$	
	Actual	Budget	Percent of Budget	Actual	Increase (Decrease) Prior yr.	
Parks and recreation:						
Administration	\$ 271,254	\$ 546,807	49.61%	\$ 281,912	\$ (10,658)	
Parks	1,649,256	3,767,507	43.78%	1,425,484	223,772	
Recreation	1,391,928	3,692,277	37.70%	1,214,369	177,559	
Golf course	749,318	1,449,072	51.71%	543,135	206,183	
	4,061,756	9,455,663	42.96%	3,464,900	596,856	
Library:	837,360	1,743,806	48.02%	771,469	65,891	
Airport:	1,126,481	2,995,291	37.61%	1,327,741	(201,260)	
Debt service:	27,585	55,171	50.00%	27,585		
Totals	\$ 33,936,855	\$ 71,298,590	47.60%	\$ 32,420,412	\$ 1,516,443	

	2016			2015	Analytical \$
	Actual	Budget	Percent of Budget	Actual	Increase (Decrease) Prior yr.
General government:					
City council:	Ф 0.070	ф <u>ос</u> ооо	0.050/	Ф 2.275	ф (coo)
Personnel services	\$ 2,676	\$ 26,900	9.95%	\$ 3,375	\$ (699) (19,888)
Operations	83,523 86,199	182,310 209,210	45.81% 41.20%	103,411 106,786	(20,587)
City manager:					
Personnel services	304,063	607,089	50.09%	217,787	86,276
Operations	60,386	373,678	16.16%	17,385	43,001
Capital outlay	19,651	47,800	41.11%		19,651
	384,100	1,028,567	37.34%	235,172	148,928
Assistant city manager:					
Personnel services	113,306	228,979	49.48%	72,137	41,169
Operations	5,470 118,776	24,093 253,072	22.70% 46.93%	3,300 75,437	<u>2,170</u> 43,339
Administrative confess:					
Administrative services:  Personnel services	90,789	183,782	49.40%	86,269	4,520
Operations	21,289	103,762	20.60%	4,908	16,381
Capital outlay	17,666	21,035	83.98%	4,906	17,666
Capital Odilay	129,744	308,158	42.10%	91,177	38,567
Finance:					
Personnel services	452,805	939,795	48.18%	406,104	46,701
Operations	246,971	544,603	45.35%	252,499	(5,528)
Capital outlay	12,500	60,000	20.83%	, -	12,500
, ,	712,276	1,544,398	46.12%	658,603	53,673
Purchasing:					
Personnel services	175,115	368,658	47.50%	167,172	7,943
Operations	8,994	15,113	59.51%	13,867	(4,873)
	184,109	383,771	47.97%	181,039	3,070
City secretary:					
Personnel services	154,869	344,589	44.94%	123,386	31,483
Operations	19,651	92,329	21.28%	30,114	(10,463)
	174,520	436,918	39.94%	153,500	21,020
Special services: Personnel services	270,726	351,081	77.11%	210,176	60,550
Operations	355,293	864,464	41.10%	265,408	89,885
Capital outlay (Contingency)	555,295	9,912	0.00%	200,400	09,000
Capital Outlay (Contingency)	626,019	1,225,457	51.08%	475,584	150,435
Legal:					
Personnel services	377,166	757,704	49.78%	290,530	86,636
Operations	26,474	68,685	38.54%	27,792	(1,318)
·	403,640	826,389	48.84%	318,322	85,318
City planning:					
Personnel services	267,938	592,037	45.26%	262,771	5,167
0	19,993	56,917	35.13%	16,033	3,960
Operations					
Operations Capital outlay	\$ 287,931	\$ 648,954	<u>0.00%</u> 44.37%	\$ 279,500	\$ 8,431

		2016		2015	Analytical	
	Actual	Budget	Percent of Budget	Actual	\$ Increase (Decrease) Prior yr.	
Information technology services:						
Personnel services	\$ 661,128	\$ 1,309,227	50.50%	\$ 542,558	\$ 118,570	
Operations	719,800	1,274,101	56.49%	713,329	6,471	
Capital outlay	286,888	308,770	92.91%	657,066	(370,178)	
	1,667,816	2,892,098	57.67%	1,912,953	(245,137)	
Human resources:						
Personnel services	256,793	581,712	44.14%	189,698	67,095	
Operations	120,222	296,731	40.52%	52,278	67,944	
op ottomore	377,015	878,443	42.92%	241,976	135,039	
Economic development:						
Operations	1,073,190	2,165,687	49.55%	1,058,643	14,547	
Operations	1,073,190	2,165,687	49.55%	1,058,643	14,547	
Fleet services:						
Personnel services	478,862	976,250	49.05%	450,042	28,820	
Operations	32,483	82,832	39.22%	33,372	(889)	
Capital outlay	46,229	104,940	44.05%	76,930	(30,701)	
Capital Outlay	557,574	1,164,022	47.90%	560,344	(2,770)	
Inspections/Permits:						
Personnel services	215,617	419,742	51.37%	186,014	29,603	
Operations	22,495	66,054	34.06%	13,811	8,684	
Capital outlay	500 238,612	500 486,296	<u>100.00%</u> 49.07%	48,000 247,825	(47,500) (9,213)	
	<del></del>			,		
Facility services:						
Personnel services	268,862	691,601	38.88%	278,114	(9,252)	
Operations	279,029	663,962	42.02%	290,347	(11,318)	
Capital outlay	114,301	210,843	54.21%	146,986	(32,685)	
Total general government	662,192 7,683,713	1,566,406 16,017,846	<u>42.27%</u> 47.97%	715,447 7,312,308	(53,255)	
	.,,.	,,		.,,		
Public safety:  Municipal court:						
Personnel services	327,063	666,415	49.08%	304,203	22,860	
Operations	39.781	83.838	47.45%	33.632	6.149	
Operations	366,844	750,253	48.90%	337,835	29,009	
Police:						
Personnel services	6,584,233	13,912,972	47.32%	6,416,602	167,631	
Operations	751,651	1,553,243	48.39%	842,511	(90,860)	
Capital outlay	1,004,445	1,545,735	64.98%	790,644	213,801	
Capital Outlay	8,340,329	17,011,950	49.03%	8,049,757	290,572	
A wise all a control.						
Animal control:	470.004	070 004	40.4007	470.040	7.074	
Personnel services	179,684	373,321	48.13%	172,013	7,671	
Operations	37,890	97,964	38.68%	41,895	(4,005)	
Capital outlay	4,700	28,411	16.54%	<u>-</u>	4,700	
	\$ 222,274	\$ 499,696	44.48%	\$ 213,908	\$ 8,366 (Continued)	

		2016		2015	Analytical
			Percent		\$ Increase (Decrease)
	Actual	Budget	of Budget	Actual	Prior yr.
Fire:	<b>* - - - - - - - - - -</b>		40.000/	Φ 4.007.000	<b>A</b> == 00.4
Personnel services	\$ 5,042,68		48.68%	\$ 4,987,389	\$ 55,294
Operations	473,43		47.03%	410,434	62,999
Capital outlay	122,03		60.23%	507,101	(385,067)
	5,638,15	0 11,568,561	48.74%	5,904,924	(266,774)
Communications:					
Operations	421,87	4 843,748	50.00%	374,610	47,264
	421,87	4 843,748	50.00%	374,610	47,264
Code enforcement:					
Personnel services	215,14	3 429,282	50.12%	196,296	18,847
Operations	49,59		39.54%	108,861	(59,265)
Capital outlay	59,51	•	72.01%	23,000	36,515
Capital Callay	324,25		50.87%	328,157	(3,903)
Total public safety	15,313,72		48.91%	15,209,191	104,534
Highways and streets: Street:					
Personnel services	526,27	4 1,128,170	46.65%	431,408	94,866
Operations	567,86	2 1,258,245	45.13%	533,988	33,874
Capital outlay	170,41	2 307,500	55.42%	181,855	(11,443)
	1,264,54	8 2,693,915	46.94%	1,147,251	117,297
Traffic signals:					
Personnel services	134,44	5 266,924	50.37%	120,415	14,030
Operations	29,29		37.58%	15,751	13,545
Capital outlay	110,60		95.66%	23,415	87,191
	274,34	7 460,493	59.58%	159,581	114,766
Engineering:					
Personnel services	210,15	2 457,097	45.98%	198,282	11,870
Operations	36,00		31.67%	35,472	532
·	246,15		43.13%	233,754	12,402
Total highways and streets	1,785,05	1 3,725,185	47.92%	1,540,586	244,465
Sanitation:					
Personnel services	1,140,97	2 2,282,681	49.98%	1,024,662	116,310
Operations	1,483,58		46.93%	1,495,622	(12,036)
Capital outlay	476,62		86.67%	246,348	230,278
Total sanitation	3,101,18		51.74%	2,766,632	334,552
Parks and recreation:					
Administration					
Personnel services	201,29		49.93%	182,935	18,364
Operations	69,95		48.69%	98,977	(29,022)
	\$ 271,25	4 \$ 546,807	49.61%	\$ 281,912	\$ (10,658) (Continued)

		2016			2015	Analytical	
	 Actual	 Budget	Perce of Bud		Actual	(D	\$ ncrease ecrease) Prior yr.
Parks							
Personnel services	\$ 744,021	\$ 1,601,953	_	14%	\$ 687,683	\$	56,338
Operations	607,175	1,776,649	_	18%	646,685		(39,510)
Capital outlay	 298,060	 388,905		64%	 91,116		206,944
	 1,649,256	 3,767,507	43.7	78%	1,425,484		223,772
Recreation							
Personnel services	825,936	2,157,818	38.2	28%	741,324		84,612
Operations	474,152	1,378,664	34.3	39%	406,700		67,452
Capital outlay	 91,840	 155,795	58.9	95%	 66,345		25,495
	 1,391,928	3,692,277	37.	70%	1,214,369		177,559
Golf course							
Personnel services	339,434	705,926	48.0	08%	312,720		26,714
Operations	168,747	474,075	35.6	60%	150,938		17,809
Capital outlay	241,137	269,071	89.6	62%	79,477		161,660
	 749,318	1,449,072		71%	543,135		206,183
Total parks and recreation	4,061,756	9,455,663	42.9	96%	3,464,900		596,856
Library:							
Personnel services	563,745	1,180,274	47.	76%	495,519		68,226
Operations	273,615	563,532		55%	258,448		15,167
Capital outlay	-	-		00%	17,502		(17,502)
Total library	837,360	1,743,806		)2%	771,469		65,891
Airport:							
Personnel services	416,539	865,993	48 -	10%	378,132		38,407
Operations	703,792	2,119,431	_	21%	871,985		(168,193)
Capital outlay	6,150	9,867		33%	77,624		(71,474)
Total airport	1,126,481	2,995,291		61%	1,327,741		(201,260)
Debt service:							
Principal	23,813	48,106	40 4	50%	22,863		950
Interest	3,772	7,065	_	39%	4,722		(950)
Total debt service	 27,585	 55,171		00%	 27,585		-
Total	\$ 33,936,855	\$ 71,298,590		50%	\$ 32,420,412	\$	1,516,443
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### General Fund Financial Forecast

The Projected financial statements for the General Fund are presented for purposes of additional analysis, and in our opinion, these forecasts are fairly stated in all material respects in relation to the financial forecast taken as a 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 for statements 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, 2016

(With forecasted amounts for the year ending September 30, 2016)

	Actual - 03/31/2016			Forecasted - 09/30/16			
			Percent	12 months	Compared to	Percent	
	Actual	Budget	of Budget	9/30/2016	Budget	of Budget	
Revenues:							
Taxes	\$ 23,101,125	\$ 33,467,720	69.03%	\$ 33,667,129	\$ 199,409	100.60%	
Franchise fees	5,190,134	6,538,949	79.37%	6,642,210	103,261	101.58%	
Licenses and permits	342,584	593,570	57.72%	692,501	98,931	116.67%	
Intergovernmental	34,431	88,602	38.86%	94,052	5,450	106.15%	
Charges for services	11,078,340	23,728,003	46.69%	22,884,899	(843, 104)	96.45%	
Fines	1,087,928	1,965,808	55.34%	2,152,361	186,553	109.49%	
Interest and other	605,755	871,863	69.48%	987,889	116,026	113.31%	
Total revenues	41,440,297	67,254,515	61.62%	67,121,041	(133,474)	99.80%	
Expenditures:							
General government	7,683,713	16,017,846	47.97%	15,788,191	229,655	98.57%	
Public safety	15,313,725	31,311,575	48.91%	31,001,017	310,558	99.01%	
Highways and streets	1,785,051	3,725,185	47.92%	3,580,914	144,271	96.13%	
Sanitation	3,101,184	5,994,053	51.74%	5,720,891	273,162	95.44%	
Parks and recreation	4,061,756	9,455,663	42.96%	9,156,803	298,860	96.84%	
Education	837,360	1,743,806	48.02%	1,682,896	60,910	96.51%	
Airport	1,126,481	2,995,291	37.61%	2,261,269	734,022	75.49%	
Debt Service:							
Principal	23,813	48,106	49.50%	48,106	-	100.00%	
Interest	3,772	7,065	53.39%	7,065	-	100.00%	
Total expenditures	33,936,855	71,298,590	47.60%	69,247,152	2,051,438	97.12%	
Excess (deficiency) of revenues							
over expenditures	7,503,442	(4,044,075)		(2,126,111)	1,917,964		
Other financing sources (uses):							
Debt Service - transfer out	(113,135)	(941,270)	12.02%	(941,270)	-	100.00%	
Capital Projects - Desg transfer out	(191,249)	(524,513)	36.46%	(524,513)	-	100.00%	
Grant Fund - transfer out	(31,117)	(126,269)	24.64%	(126,269)	-	100.00%	
Bond Programs - transfer out		(77,650)	0.00%	(77,650)		100.00%	
Total other financing sources (uses)	(335,501)	(1,669,702)	20.09%	(1,669,702)		100.00%	
Excess (deficiency) of revenues and other							
financing sources over expenditures							
and other financing uses	7,167,941	(5,713,777)	-	(3,795,813)	1,917,964	-	
Fund balance, beginning of period	27,329,256	27,329,256		27,329,256			
Fund balance, end of period	\$ 34,497,197	\$ 21,615,479	\$ -	\$ 23,533,443	\$ 1,917,964		
•							

For the six months ended March 31, 2016 (With forecasted amounts for the year ending September 30, 2016)

		Actual - 03/31/2016		Forecasted - 09/30/16			
			Percent	12 months	Compared to	Percent	
	Actual	Budget	of Budget	9/30/2016	Budget	of Budget	
Taxes:							
Ad valorem:							
Property, current year	\$ 12,501,019	\$ 12,690,837	98.50%	\$ 12,627,383	\$ (63,454)	99.50%	
Property, prior year	72,198	131,883	54.74%	95,000	(36,883)	72.03%	
Penalty and interest	53,481	90,000	59.42%	88,200	(1,800)	98.00%	
Total ad valorem taxes	12,626,698	12,912,720	97.78%	12,810,583	(102,137)	99.21%	
Non-property taxes:							
City sales	10,368,440	20,335,000	50.99%	20,650,913	315,913	101.55%	
Mixed beverage	70,463	160,000	44.04%	145,000	(15,000)	90.63%	
Occupation	24,890	42,000	59.26%	40,000	(2,000)	95.24%	
Bingo	10,634	18,000	59.08%	20,633	2,633	114.63%	
Total non-property taxes	10,474,427	20,555,000	50.96%	20,856,546	301,546	101.47%	
Total taxes	23,101,125	33,467,720	69.03%	33,667,129	199,409	100.60%	
Franchise Fees:							
Electric franchise	3,200,418	3,045,000	105.10%	3,200,418	155,418	105.10%	
Gas franchise	521,147	650,000	80.18%	521,147	(128,853)	80.18%	
Telephone franchise	215,818	405,000	53.29%	424,268	19,268	104.76%	
Cable franchise	371,323	663,630	55.95%	722,000	58,370	108.80%	
Water/Sewer franchise	836,660	1,673,319	50.00%	1,673,319	-	100.00%	
Other	44,768	102,000	43.89%	101,058	(942)	99.08%	
Total franchise fees	5,190,134	6,538,949	79.37%	6,642,210	103,261	101.58%	
Licenses and permits:							
Building permits	128,263	250,000	51.31%	245,000	(5,000)	98.00%	
Electrical permits and licenses	49,080	67,525	72.68%	102,060	34,535	151.14%	
Mechanical	33,880	72,000	47.06%	78,900	6,900	109.58%	
Plumbing permit fees	64,479	107,545	59.96%	132,828	25,283	123.51%	
Other	66,882	96,500	69.31%	133,713	37,213	138.56%	
Total licenses and permits	342,584	593,570	57.72%	692,501	98,931	116.67%	
Intergovernmental revenues:							
Federal grants	10,687	5,237	204.07%	10,687	5,450	204.07%	
State grants	3,750	35,025	10.71%	35,025	-	100.00%	
State reimbursements	-	8,352	0.00%	8,352	-	100.00%	
Department of Civil							
Preparedness	19,994	39,988	50.00%	39,988	-	100.00%	
Total intergovernmental revenues	\$ 34,431	\$ 88,602	38.86%	\$ 94,052	\$ 5,450	106.15%	
-						(Continued)	

#### SCHEDULE OF REVENUES - ACTUAL AND BUDGET

For the six months ended March 31, 2016

(With forecasted amounts for the year ending September 30, 2016)

	Actual - 03/31/2016		Forecasted - 09/30/16			
			Percent	12 months	Compared to	Percent
	Actual	Budget	of Budget	9/30/2016	Budget	of Budget
Charges for services:						
Library fees	\$ 15,994	\$ 24,512	65.25%	\$ 31,819	\$ 7,307	129.81%
Recreational entry fees	50,496	128,800	39.20%	118,500	(10,300)	92.00%
Summit recreational fees	223,653	479,000	46.69%	464,500	(14,500)	96.97%
Golf course revenues	286,546	956,500	29.96%	783,300	(173,200)	81.89%
Swimming pool	1,240	40,000	3.10%	45,000	5,000	112.50%
Lions Junction water park	17,340	294,800	5.88%	380,250	85,450	128.99%
Sammons indoor pool	38,339	91,500	41.90%	91,500	-	100.00%
Vital statistics	61,809	110,000	56.19%	124,961	14,961	113.60%
Police revenue	886,332	1,381,725	64.15%	1,439,093	57,368	104.15%
Contractual services				-		
-proprietary fund	1,889,183	3,750,356	50.37%	3,771,482	21,126	100.56%
Curb and street cuts	54,102	25,000	216.41%	75,000	50,000	300.00%
Other	745	1,500	49.67%	1,540	40	102.67%
Solid waste collection - residential	2,135,079	4,243,000	50.32%	4,276,582	33,582	100.79%
Solid waste collection - commercial	1,552,574	3,075,582	50.48%	3,123,725	48,143	101.57%
Solid waste collection - roll-off /other	1,086,074	2,143,414	50.67%	2,166,132	22,718	101.06%
Landfill contract	892,057	1,829,000	48.77%	1,893,830	64,830	103.54%
Airport sales and rental	1,172,723	3,151,449	37.21%	2,124,012	(1,027,437)	67.40%
Subdivision fees	11,254	15,000	75.03%	18,800	3,800	125.33%
Recreational services	507,007	1,269,228	39.95%	1,285,361	16,133	101.27%
Fire department	18,912	87,137	21.70%	39,012	(48, 125)	44.77%
Reinvestment Zone reimbursements	176,881	630,500	28.05%	630,500		100.00%
Total charges for services	11,078,340	23,728,003	46.69%	22,884,899	(843,104)	96.45%
Fines:						
Court	767,974	1,450,288	52.95%	1,519,331	69,043	104.76%
Animal pound	25,800	42,000	61.43%	49,870	7,870	118.74%
Overparking	2,615	6,000	43.58%	3,000	(3,000)	50.00%
Administrative fees	291,539	467,520	62.36%	580,160	112,640	124.09%
Total fines	1,087,928	1,965,808	55.34%	2,152,361	186,553	109.49%
Interest and other:						
Interest	75,935	95,000	79.93%	148,000	53,000	155.79%
Lease and rental	181,536	353,602	51.34%	352,136	(1,466)	99.59%
Sale of fixed assets	111,520	96,500	115.56%	115,193	18,693	119.37%
Insurance claims	68,448	69,560	98.40%	94,000	24,440	135.14%
Payment in lieu of taxes	15,195	14,548	104.45%	15,195	647	104.45%
Building rental -						
BOA bldg.	48,614	85,580	56.81%	85,580	-	100.00%
Other	104,507	157,073	66.53%	177,785	20,712	113.19%
Total interest and other	605,755	871,863	69.48%	987,889	116,026	113.31%
Total revenues	\$ 41,440,297	\$ 67,254,515	61.62%	\$ 67,121,041	\$ (133,474)	99.80%

#### SCHEDULE OF EXPENDITURES- ACTUAL AND BUDGET

For the six months ended March 31, 2016

(With forecasted amounts for the year ending September 30, 2016)

	Ad	ctual - 03/31/2016		Forecasted - 09/30/16		
			Percent	12 months	Compared to	Percent
	Actual	Budget	of Budget	9/30/2016	Budget	of Budget
General government:						
City council	\$ 86,199	\$ 209,210	41.20%	\$ 184,057	\$ 25,153	87.98%
City manager	384,100	1,028,567	37.34%	1,026,367	2,200	99.79%
Assistant city manager	118,776	253,072	46.93%	251,980	1,092	99.57%
Administrative services	129,744	308,158	0.00%	305,084	3,074	99.00%
Finance	712,276	1,544,398	46.12%	1,458,841	85,557	94.46%
Purchasing	184,109	383,771	47.97%	367,756	16,015	95.83%
City secretary	174,520	436,918	39.94%	402,621	34,297	92.15%
Special services	626,019	1,225,457	51.08%	1,495,436	(269,979)	122.03%
Legal	403,640	826,389	48.84%	825,430	959	99.88%
City planning	287,931	648,954	44.37%	579,872	69,082	89.35%
Information Technology Services	1,667,816	2,892,098	57.67%	2,860,807	31,291	98.92%
Human Resources	377,015	878,443	42.92%	808,364	70,079	92.02%
Economic development	1,073,190	2,165,687	49.55%	2,287,687	(122,000)	105.63%
Fleet Services	557,574	1,164,022	47.90%	1,146,365	17,657	98.48%
Inspections	238,612	486,296	49.07%	483,036	3,260	99.33%
Facility services	662,192	1,566,406	42.27%	1,304,488	261,918	83.28%
	7,683,713	16,017,846	47.97%	15,788,191	229,655	98.57%
D. I. France (c)						
Public safety:	000 044	750.050	40.000/	744.050	0.005	00.040/
Municipal court	366,844	750,253	48.90%	741,358	8,895	98.81%
Police	8,340,329	17,011,950	49.03%	16,672,606	339,344	98.01%
Animal control	222,274	499,696	44.48%	486,570	13,126	97.37%
Fire	5,638,150	11,568,561	48.74%	11,624,436	(55,875)	100.48%
Communications	421,874	843,748	50.00%	843,748	-	100.00%
Code enforecement	324,254	637,367	50.87%	632,299	5,068	99.20%
	15,313,725	31,311,575	48.91%	31,001,017	310,558	99.01%
Highways and streets:						
Street	1,264,548	2,693,915	46.94%	2,586,456	107,459	96.01%
Traffic signals	274,347	460,493	59.58%	459,490	1,003	99.78%
Engineering	246,156	570,777	43.13%	534,969	35,808	93.73%
0 0	1,785,051	3,725,185	47.92%	3,580,914	144,271	96.13%
Sanitation:	3,101,184	5,994,053	51.74%	5,720,891	273,162	95.44%
Parks and leisure services:						
Administration	271,254	546,807	49.61%	546,513	294	99.95%
Parks	1,649,256	3,767,507	43.78%	3,638,510	128,997	96.58%
Recreation	1,391,928	3,692,277	37.70%	3,618,198	74,079	97.99%
Golf course	749,318	1,449,072	51.71%	1,353,583	95,489	93.41%
Con course	4,061,756	9,455,663	42.96%	9,156,803	298,860	96.84%
Library:	837,360	1,743,806	48.02%	1,682,896	60,910	96.51%
Airport:	1,126,481	2,995,291	37.61%	2,261,269	734,022	75.49%
	67.505		F0 000/			400.000
Debt Service:	27,585	55,171 \$ 74,208,500	50.00%	55,171	÷ 2.054.420	100.00%
Totals	\$ 33,936,855	\$ 71,298,590	47.60%	\$ 69,247,152	\$ 2,051,438	97.12%





#### 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.

	2016	2015	Increase (Decrease)
ASSETS			
Current assets:			
Cash	\$ 6,100	\$ 4,850	\$ 1,250
Investments	29,465,747	27,899,957	1,565,790
Customer receivables	902,351	913,064	(10,713)
Accounts receivable	224,308	306,115	(81,807)
Inventories	358,462	354,627	3,835
Total current assets	30,956,968	29,478,613	1,478,355
Restricted cash and investments:			
Revenue bond debt service	3,960,074	2,974,030	986,044
Customer deposits	686,299	653,144	33,155
Construction account	23,293,604	3,234,142	20,059,462
	27,939,977	6,861,316	21,078,661
Property and equipment:			
Land	1,940,240	1,717,329	222,911
Improvements other than buildings	169,820,480	154,096,963	15,723,517
Buildings	47,894,344	47,789,023	105,321
Machinery and equipment	9,521,016	9,482,783	38,233
	229,176,080	213,086,098	16,089,982
Less accumulated depreciation	(104,383,062)	(99,427,007)	(4,956,055)
Construction in progress	28,701,384	31,128,054	(2,426,670)
Net property and equipment	153,494,402	144,787,145	8,707,257
Total assets	212,391,347	181,127,074	31,264,273
DEFERRED OUTFLOWS OF RESOURCES			
Deferred amounts on refunding	2,900,977	2,850,483	50,494
Deferred amounts of contributions	430,622	-	430,622
Deferred amounts of investment experience	165,726	<u> </u>	165,726
Total deferred outflows of resources	\$ 3,497,325	\$ 2,850,483	\$ 646,842

	2016	2015	Increase (Decrease)	
LIABILITIES				
Current liabilities:				
Vouchers & contracts payable	\$ 3,076,495	\$ 4,140,527	\$ (1,064,032)	
Retainage payables	30,136	100,625	(70,489)	
Accrued payroll	161,368	247,518	(86,150)	
Deferred revenue	70,641	70,641		
Total current liabilities	3,338,640	4,559,311	(1,220,671)	
Liabilities payable from restricted assets:				
Customers deposits	686,299	653,144	33,155	
Vouchers & contracts payable	7,891,443	3,893,137	3,998,306	
Retainage payables	187,360	140,029	47,331	
Accrued interest - revenue bonds	393,262	607,864	(214,602)	
Current maturities of long-term liabilities	4,715,000	3,450,000	1,265,000	
	13,873,364	8,744,174	5,129,190	
Long-term liabilities, less current maturities:				
Revenue bonds payable	87,140,000	68,150,000	18,990,000	
Vacation and sick leave payable	388,688	347,752	40,936	
Net pension liability	2,735,225	549,532	2,185,693	
Other post-employement benefits payable	619,388	377,726	241,662	
Premium on bonds payable	5,925,118	2,848,195	3,076,923	
Discount on bonds payable	(543,208)	(418,053)	(125,155)	
	96,265,211	71,855,152	24,410,059	
Total liabilities	113,477,215	85,158,637	28,318,578	
DEFERRED INFLOWS OF RESOURCES				
Deferred amounts on expected and actual experience	173,553		173,553	
Total deferred inflows of resources	173,553	<u>-</u>	173,553	
NET POSITION				
Invested in capital assets, net of related debt	83,191,512	77,076,719	6,114,793	
Restricted for debt service	3,960,074	2,974,030	986,044	
Unrestricted	14,845,648	18,972,063	(4,126,415)	
Total net position	101,997,234	99,022,812	2,974,422	
Net income {YTD}	240,670	(203,892)	444,562	
Total liabilities and net position	\$ 215,888,672	\$ 183,977,557	\$ 31,911,115	

CITY OF TEMPLE, TEXAS
WATER AND SEWER ENTERPRISE FUND
STATEMENT OF REVENUES, EXPENSES,
AND CHANGES IN FUND NET POSITION
For the six months ended March 31, 2016

		2016 2015		Increase (Decrease)		
Operating revenues:						
Water service	\$	7,793,463	\$	7,056,605	\$	736,858
Sewer service		5,646,392		5,473,909		172,483
Other		1,097,964		1,028,691		69,273
Total operating revenues		14,537,819		13,559,205		978,614
Operating expenses:						
Personnel services		2,326,935		2,159,569		167,366
Supplies		668,054		669,119		(1,065)
Repairs and maintenance		511,204		500,678		10,526
Depreciation		3,114,499		3,070,636		43,863
Other services and charges		6,265,222		5,927,589		337,633
Total operating expenses		12,885,914		12,327,591		558,323
Operating income		1,651,905		1,231,614		420,291
Nonoperating revenues (expenses):						
Interest income		331,973		169,380		162,593
Interest expense		(1,806,546)		(1,684,518)		122,028
Total nonoperating revenues						
(expenses)		(1,474,573)		(1,515,138)		40,565
Income before transfers and contributions		177,332		(283,524)		460,856
Contributions from TxDot		63,338		79,632		(16,294)
Change in net position		240,670		(203,892)		444,562
Net position, beginning of period		101,997,234		99,022,812		2,974,422
Net position, end of period	\$ ^	102,237,904	\$	98,818,920	\$	3,418,984

	2016	2015	Increase (Decrease)
Current water service:			
Residential	\$ 3,665,704	\$ 3,262,007	\$ 403,697
Commercial	3,313,950	3,332,584	(18,634)
Wholesale	301,808	286,302	15,506
Effluent	512,001	175,712	336,289
Total water service	7,793,463	7,056,605	736,858
Current sewer service:			
Residential	3,100,184	3,123,654	(23,470)
Commercial	2,546,208	2,350,255	195,953
Total sewer service	5,646,392	5,473,909	172,483
Other:			
Transfers and rereads	74,450	70,935	3,515
Penalties	223,301	197,619	25,682
Reconnect fees	144,300	152,210	(7,910)
Tap fees	121,358	140,113	(18,755)
Panda reimbursements	414,413	414,413	-
Other sales	120,142	53,401	66,741
Total other	1,097,964	1,028,691	69,273
Total operating revenues	\$ 14,537,819	\$ 13,559,205	\$ 978,614

For the six months ended March 31, 2016

			Increase
	2016	2015	(Decrease)
Administrative:			
Personnel services	\$ 283,385	\$ 220,632	\$ 62,753
Supplies	7,475	3,436	4,039
Repairs and maintenance	1,322	409	913
Other services and charges	2,533,604	2,498,381	35,223
	2,825,786	2,722,858	102,928
Water treatment and production:			
Personnel services	581,144	523,647	57,497
Supplies	360,713	362,054	(1,341)
Repairs and maintenance	229,330	208,095	21,235
Other services and charges	1,039,069	1,049,775	(10,706)
	2,210,256	2,143,571	66,685
Distribution system:			
Personnel services	350,087	379,413	(29,326)
Supplies	110,286	102,007	8,279
Repairs and maintenance	188,688	155,127	33,561
Other services and charges	43,783	36,296	7,487
	692,844	672,843	20,001
Metering:			
Personnel services	167,070	163,360	3,710
Supplies	106,839	129,650	(22,811)
Repairs and maintenance	21,903	20,996	907
Other services and charges	141,298	138,538	2,760
	437,110	452,544	(15,434)
Sanitary sewer collection system:			
Personnel services	677,109	629,619	47,490
Supplies	67,612	69,107	(1,495)
Repairs and maintenance	49,112	96,282	(47,170)
Other services and charges	305,336	110,849	194,487
	1,099,169	905,857	193,312
Sewage treatment and disposal:			
Other services and charges	1,761,523	1,666,191	95,332
	\$ 1,761,523	\$ 1,666,191	\$ 95,332
			(Continued)

### COMPARATIVE SCHEDULE OF OPERATING EXPENSES BY DEPARTMENT

Exhibit B-4 (Continued)

For the six months ended March 31, 2016

			Ir	ncrease
	2016	2015	(De	ecrease)
Water collection offices:				
Personnel services	\$ 232,240	\$ 210,251	\$	21,989
Supplies	13,548	2,600		10,948
Repairs and maintenance	20,793	19,497		1,296
Other services and charges	 437,204	 422,730		14,474
	 703,785	 655,078		48,707
Water purchasing:				
Personnel services	35,900	32,647		3,253
Supplies	1,581	265		1,316
Repairs and maintenance	56	272		(216)
Other services and charges	 3,405	 4,829		(1,424)
	 40,942	38,013		2,929
Depreciation	3,114,499	 3,070,636		43,863
Totals	\$ 12,885,914	\$ 12,327,591	\$	558,323

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

For the six months ended March 31, 2016

			FY 2016			FY	2015		FY 16 vs. FY 15
				% of				% of	Increase
	Actual		Budget	Budget	 Actual		Budget	Budget	(Decrease)
Operating revenues:									
Water service	\$ 7,281,	462 \$	17,712,005	41.11%	\$ 7,056,605	\$	18,422,126	38.31%	\$ 224,857
Sewer service	5,646,	392	12,384,995	45.59%	5,473,909		12,326,848	44.41%	172,483
Effluent	512,	001	1,080,550	47.38%	175,712		801,525	21.92%	336,289
Other	1,097,	964	1,940,384	56.58%	 852,979		1,124,859	75.83%	244,985
Total operating revenues	14,537,	819	33,117,934	43.90%	13,559,205		32,675,358	41.50%	978,614
Operating expenses:									
Personnel services	2,326,	935	4,969,392	46.83%	2,159,569		4,481,509	48.19%	167,366
Supplies	668,	054	1,948,596	34.28%	669,119		1,992,134	33.59%	(1,065)
Repairs and maintenance	511,	204	1,209,129	42.28%	500,678		1,585,091	31.59%	10,526
Depreciation	3,114,	499	6,500,000	47.92%	3,070,636		6,500,000	47.24%	43,863
Other services and charges	6,265,	222	13,743,756	45.59%	5,927,589		12,824,899	46.22%	337,633
Total operating expenses	12,885,	914	28,370,873	45.42%	12,327,591		27,383,633	45.02%	558,323
Operating income	1,651,	905	4,747,061	34.80%	1,231,614		5,291,725	23.27%	420,291
Nonoperating revenues									
(expenses):									
Interest income	331,	973	348,444	95.27%	169,380		321,444	52.69%	162,593
Interest expense	(1,806,	546)	(4,033,303)	44.79%	(1,684,518)		(3,565,296)	47.25%	122,028
Total nonoperating revenues									
(expenses)	(1,474,	573)	(3,684,859)		 (1,515,138)		(3,243,852)	-	40,565
Income before transfers and contributions	177,	332	1,062,202	-	(283,524)		2,047,873	-	460,856
Contributions from TxDot	63,	338	778,070	8.14%	 79,632		1,069,103	7.45%	(16,294)
Net income	\$ 240,	670 \$	1,840,272	<u>-</u>	\$ (203,892)	\$	3,116,976		\$ 444,562



### Special Revenue Fund

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

<u>Hotel-Motel Fund:</u> To account for the levy and utilization of the hotel-motel room tax. State law requires that revenues from this tax be used for advertising and promotion of the City.

**Drainage Fund:** To account for the levy and assessment of the drainage fee.

ASSETS	2016	2015	Increase (Decrease)
Cash	\$ 4,600	\$ 4,550	\$ 50
Investments	1,252,840	1,152,268	100,572
Accounts receivable	178,143	180,215	(2,072)
Inventories	16,443	16,708	(265)
Prepaid items	7,825	3,325	4,500
Museum collection	18,561_	18,561	
Total assets	\$ 1,478,412	\$ 1,375,627	\$ 102,785
LIABILITIES AND FUND BALANCES  Liabilities:  Vouchers payable  Accrued payroll  Deposits  Total liabilities	\$ 149,143 35,683 74,398 259,224	\$ 89,871 56,615 66,323 212,809	\$ 59,272 (20,932) 8,075 46,415
Fund Balance: Nonspendable:			
Inventories and prepaid items	7,825	3,325	4,500
Restricted for:			
Promotion of tourism	667,339	1,012,010	(344,671)
Budgeted decrease in fund balance	660,203	143,829	516,374
Total fund balance	1,335,367	1,159,164	176,203
Excess revenues over expenditures YTD	(116,179)	3,654	(119,833)
Total liabilities and fund balances	\$ 1,478,412	\$ 1,375,627	\$ 102,785

**HOTEL-MOTEL FUND** 

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

IN FUND BALANCE - ACTUAL AND BUDGET

For the six months ended March 31, 2016

		2016		2015	Analytical
	Actual	Budget	Percent of Budget	Actual	Increase (Decrease) Prior year
Revenues:					
Taxes	\$ 695,995	\$1,459,320	47.69%	\$ 701,731	\$ (5,736)
Charges for services					
Civic center and Visitor center	179,803	402,200	44.70%	192,702	(12,899)
Musuem	35,042	66,000	53.09%	38,451	(3,409)
Interest and other	13,260	9,200	144.13%	20,214	(6,954)
Total revenues	924,100	1,936,720	47.71%	953,098	(28,998)
Expenditures:					
Civic center	521,016	1,412,013	36.90%	548,235	(27,219)
Railroad museum	254,872	594,521	42.87%	207,942	46,930
Tourism marketing	264,391	590,389	44.78%	193,267	71,124
Total expenditures	1,040,279	2,596,923	40.06%	949,444	90,835
Excess (deficiency) of revenues					
over expenditures	(116,179)	(660,203)	-	3,654	(119,833)
Fund balance, beginning of period	1,335,367	1,335,367		1,159,164	176,203
Fund balance, end of period	\$ 1,219,188	\$ 675,164		\$1,162,818	\$ 56,370

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

For the six months ended March 31, 2016

		2016		2015	Analytical
	Actual	Budget	Percent of Budget	Actual	Increase (Decrease) Prior yr.
Civic center:					
Personnel services	\$ 325,666	\$ 704,098	46.25%	\$ 337,335	\$ (11,669)
Operations	150,178	372,603	40.31%	161,991	(11,813)
Capital outlay	45,172	335,312	13.47%	48,909	(3,737)
	521,016	1,412,013	36.90%	548,235	(27,219)
Railroad museum:					
Personnel services	130,700	268,623	48.66%	121,334	9,366
Operations	93,934	232,054	40.48%	79,361	14,573
Capital outlay	30,238	93,844	32.22%	7,247	22,991
	254,872	594,521	42.87%	207,942	46,930
Tourism marketing:					
Personnel services	67,168	149,194	45.02%	41,212	25,956
Operations	173,912	412,117	42.20%	152,055	21,857
Capital outlay	23,311	29,078	80.17%		23,311
	264,391	590,389	44.78%	193,267	71,124
Totals	\$ 1,040,279	\$ 2,596,923	40.06%	\$ 949,444	\$ 90,835

	0010	0045	Increase
	2016	2015	(Decrease)
ASSETS			
Investments	\$ 1,731,505	\$ 1,970,242	\$ (238,737)
Accounts receivable	38,917	39,514	(597)
Total assets	\$ 1,770,422	\$ 2,009,756	\$ (239,334)
LIABILITIES AND FUND BALANCES			
Liabilities:			
Vouchers payable	\$ 326,874	\$ 191,077	\$ 135,797
Accrued payroll	31,890	43,034	(11,144)
Total liabilities	358,764	234,111	124,653
Fund balance:			
Committed to:			
Drainage	1,348,983	1,566,330	(217,347)
Budgeted decrease in fund balance	634,179	226,685	407,494
Total fund balance	1,983,162	1,793,015	190,147
Excess revenues over expenditures YTD	(571,504)	(17,370)	(554,134)
Total liabilities and fund balances	\$ 1,770,422	\$ 2,009,756	\$ (239,334)

IN FUND BALANCE - ACTUAL AND BUDGET

For the six months ended March 31, 2016

		2016		2015	Analytical
					\$ Increase
			Percent		(Decrease)
	Actual	Budget	of Budget	Actual	Prior yr.
Revenues:					
Drainage fee - commercial	\$ 251,944	\$ 499,150	50.47%	\$ 247,914	\$ 4,030
Drainage fee - residential	315,717	635,000	49.72%	302,340	13,377
Interest and other	67,890	68,632	98.92%	13,974	53,916
Total revenues	635,551	1,202,782	52.84%	564,228	71,323
Expenditures:					
Drainage					
Personnel services	386,586	828,887	46.64%	305,411	81,175
Operations	124,547	270,098	46.11%	87,348	37,199
Capital outlay	695,922	737,976	94.30%	188,839	507,083
Total expenditures	1,207,055	1,836,961	65.71%	581,598	625,457
Excess (deficiency) of revenues					
over expenditures	(571,504)	(634,179)	-	(17,370)	(554,134)
Fund balance, beginning of period	1,983,162	1,983,162	<u> </u>	1,793,015	190,147
Fund balance, end of period	\$1,411,658	\$1,348,983	-	\$1,775,645	\$ (363,987)

### 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 Proceeds	Adjusted Bond Fund Revenues	Total Project Costs (1)	emaining unds (2)
E-2	2006, 2008, 2010 & 2015 Utility Revenue Bond Issue (Fund 561)	Various Utility Infrastructure Improvements	\$ 80,448,345	\$ 84,121,588	\$ 84,087,277	\$ 34,311
E-3	2006 & 2008 Combination Tax & Revenue CO Issue (Fund 361)	Various General Government Capital Improvements	24,046,141	25,205,431	25,200,094	5,337
E-4	2009 GO Bond Issue (Fund 363)	Public Safety	13,995,000	14,099,580	14,099,525	55
E-5	2012 Pass-Through Revenue and Limited Tax Bonds (Fund 261)	Pass-Through Finance- Northwest Loop 363 Improvements	26,088,247	46,733,973	46,313,301	420,672
E-6	2012 Taxable Combination Tax & Revenue Certificates of Obligation Bond Issue (Fund 365)	Landfill Infrastructure Improvements	4,715,804	4,720,898	4,691,560	29,338
E-7	2012, 2014 & 2016 Combination Tax & Revenue Certificates of Obligation Bond Issue (Fund 365)	Street Improvements	52,530,453	56,654,624	56,610,913	43,711
E-8	2013 Combination Tax & Revenue Certificates of Obligation Bond Issue (Fund 795)	Various Reinvestment Zone Infrastructure Improvements	25,313,032	25,407,545	25,283,872	123,673
E-9	2014 Utility Revenue Bonds, Taxable Series Issue (Fund 562)	Temple-Belton WWTP Reclaimed Effluent Waterline (Panda)	12,901,635	12,903,960	12,698,339	205,621
E-10	2015 Parks General Obligation Bond Issue (Fund 362)	Parks Infrastructure Improvements	27,786,449	27,820,003	27,786,449	33,554
			\$ 267,825,106	\$ 297,667,601	\$ 296,771,330	\$ 896,271

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.

For the period beginning October 11, 2006 and ending March 31, 2016

Expenditures	Expenditures				Revenue & Bond Proceeds			
Construction in Progress								
Expenditures		\$ 61,74	0,678		Original Issue {October 2006} CIP FY 2007		\$	20,510,000
Encumbrances as of 03/31/16	(1)	7,37	2,640		Additional Issue {July 2008} CIP FY 2008			15,030,000
Estimated Costs to Complete Projects		14,97	3,959		Additional Issue {August 2010} CIP FY 2010			17,210,000
	_	\$ 84,08	7,277		Additional Issue {September 2015} CIP FY 2015	(3)		23,685,000
	_				Issuance Premium			4,013,345
					Interest Income	(2)		1,743,104
					Reimbursement Received from TxDOT	_		1,930,139
						· <u> </u>	\$	84,121,588

			of Construction C							
		Original	BUDGET Adjustments to Original	Ad	ljusted		otal Costs	ACTUAL Estimated Costs to		Total Designated
Project	-	Budget	Budget	Bu	idgeted	<u>En</u>	cumbered	Complete	Р	roject Cost
Bond Issue Costs	*	\$ 1,057,739	\$ -	\$	1,057,739	\$	1,057,739	\$ -	\$	1,057,739
CIP Management Cost		-	583,401		583,401		587,054	-		587,054
Completed Projects - Prior to FY 2016	*	45,139,582	1,629,409	4	6,768,991		46,768,991	-		46,768,99
317 Waterline Relocation 2305/439	(3)	2,000,000	328,540		2,328,540		2,266,349	62,191		2,328,540
South Temple Water Sys Improvements	(-)	1,000,000	(114,453)		885,547		885,547	-		885,547
Utilities Relocation - Tarver to Old Waco		200,000	(166,000)		34,000		34,000	_		34,000
Temple Belton Regional Sewerage System		2,250,000	(785,676)		1,464,324		1,004,423	459,901		1,464,324
WL Replacement - Charter Oak	(3)	7,650,000	(1,880,856)		5,769,144		2,766,879	3,002,265		5,769,14
TCIP Utilities-W Ave U/13th-17th St Connector	(3)	300,000	-		300,000		, , -	300,000		300,00
Leon River Interceptor	(-)	-	1,122,880		1,122,880		818,545	304,335		1,122,88
WWL Replacement - Birdcreek (Phase 3)		-	1,549,625		1,549,625		1,529,794	19,831		1,549,62
TCIP Utilities-Prairie View(Research-N Pea Ridge), Ph. I	(3)	742,450	-		742,450		742,450	-		742,45
Hickory LS Pump	(3)	188,008	308,741		496,748		496,748	_		496,74
WWTP Scada	(-)	-	300,000		300,000		78,253	221,747		300,00
WTP-Generator Replacement @ Ave G Pump Station	* (3)	-	-		-		, -	-		
Leon River Trunk Sewer, LS and FM, Phase I	(4)	-	-		-		-	-		
WL Replacement - Lamar from 7th St to Nugent Tank	* (3)	572,777	(178)		572,599		572,510	89		572,59
WWL Extension - Westfield, Phase I	* (3)	291,170	-		291,170		291,170	-		291,17
Utilities Relocation - Western Hills	(3)	1,915,886	77,270		1,993,156		1,881,542	111,614		1,993,15
Temple-Belton WWTP Expansion	(3)	750,000	-		750,000		656,166	93,834		750,00
WTP Rehabilitation Project #1	(3)	1,000,000	-		1,000,000		242,832	757,168		1,000,00
WTP Rehabilitation Project #2	(3)(4)	1,000,000	-		1,000,000		-	1,000,000		1,000,00
WTP-Generator Installation @ Critical Booster Pump St.	(3)	1,450,000	-		1,450,000		-	1,450,000		1,450,00
South 23rd Street Extension	* (3)	111,000	(6,100)		104,900		-	104,900		104,90
Barton Ave to East French Ave (Between 2nd & 4th Sts)	(3)	378,577	6,100		384,677		384,677	-		384,67
S. 18th Street - Ave H South	(3)	359,726	-		359,726		359,726	-		359,72
S. 20th Street - Ave H to dead end	(3)	285,064	-		285,064		285,064	-		285,06
WL Improvements-McLane Pkwy to Research Connector	(3)	800,000	(20,338)		779,662		501,788	277,874		779,66
WL Replacement-3rd St. Between Irvin & Nugent	(3)	679,500	447,562		1,127,062		1,127,062	-		1,127,06
WWL Replacement-3rd & 11th St/Ave D to Ave H	(3)	610,000	-		610,000		-	610,000		610,000
WWL Replacement-3rd & 9th St/Ave K to Ave N	(3)	550,000	-		550,000		-	550,000		550,00
WWL Replacement-Ave M to Ave N & Dunbar Trunk	(3)	571,609	20,338		591,947		591,945	2		591,94
WWL Replacement-Avenue P	(3)	400,000	-		400,000		95,500	304,500		400,00
WL Replacement-Along E Adams	(3)	510,500	173,913		684,412		684,412	-		684,41
						İ				(Continued

For the period beginning October 11, 2006 and ending March 31, 2016

Exhibit E-2 (Continued)

**Detail of Construction Costs** 

			BUDGET					CTUAL	
Project		Original Budget	Adjustments to Original Budget	Adjusted Budgeted		Total Costs Incurred & Encumbered	Co	mated sts to oplete	Total esignated roject Cost
WTP-High Voltage Transformer/MCC Replacement	(3)	800,000	-	800,0	00	625,870		174,130	800,000
WTP-Ave H Tank Rehabilitation (North Tank)	(4)	-	-		-	-		-	-
Little Flock Lift Station Rehailitation	(3)(4)	300,000	(300,000)		-	-		-	-
WWTP-Lift Station Transfer Switches	(3)(4)	400,000	(400,000)		-	-		-	-
N. Temple (Eim Creek) WL Improvements	(3)	1,500,000	-	1,500,0	00	675,036		824,964	1,500,000
WTP-Lagoon #1 Repair	(3)	750,000	-	750,0	00	-		750,000	750,000
WWTP - Shallowford Lift Station		-	641,530	641,5	30	641,530		-	641,530
WWL Improvements - Jackson Park		-	244,072	244,0	72	244,072		-	244,072
Bird Creek, Phase V		-	91,370	91,3	70	91,370		-	91,370
WWL - Airport Rd/Crossroads Park		-	124,275	124,2	75	124,275		-	124,275
Contingency	(3)(5)	3,934,651	(340,052)	3,594,5	99	-	;	3,594,599	3,594,599
	=	\$ 80,448,239	\$ 3,635,968	\$ 84,084,2	05	\$ 69,113,318	\$ 14	4,973,959	\$ 84,087,277
					F	Remaining (Need	led) Fun	ds	\$ 34,311

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): Reclassification of capitalized interest expense allowing the use of interest income on eligible projects.

Note (3): With the adoption of the FY 2015 Budget, Utility System Revenue Bonds, Series 2015 were issued on September 30, 2015.

Note (4): Project reprioritized to FY 2016 and beyond.

Note (5): Contingency funds will be used for FY2016 projects proposed in the FY2016 Annual Operating and Capital Budget.

<sup>\*</sup> Project Final

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

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

For the period beginning October 11, 2006 and ending March 31, 2016

Expenditures			Revenue & Bond Proceeds	
Construction in Progress				
Expenditures		\$ 24,998,438	Original Issue {October 2006}	\$ 10,220,000
Encumbrances as of 03/31/16	(1)	112,771	Additional Issue {July 2008}	13,520,000
Estimated Costs to Complete Projects		88,885	Net Offering Premium	306,141
		\$ 25,200,094	Cost Sharing Received 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}	93,222
			Interest Income	 816,526
				\$ 25,205,431

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

			BUDGET			ACTUAL	
		-	Adjustments		Total Costs	Estimated	Total
Desirat		Original	to Original	Adjusted	Incurred &	Costs to	Designated
Project		Budget	Budget	Budgeted	Encumbered	Complete	Project Cost
Bond Issue Costs	*	\$ 511,141	\$ (4,957)	\$ 506,184	\$ 507,241	\$ -	\$ 507,241
CIP Management Cost	*	-	81,485	81,485	80,432	-	80,432
Completed Projects - Prior to FY 2016	*	21,901,423	(1,760,340)	20,141,083	20,156,989	-	20,156,989
Tarver Road Extension	٨	1,360,000	(1,204,220)	155,780	155,780	-	155,780
1st Street Gateway (STEP Grant)	*	-	310,310	310,310	308,141	2,169	310,310
Northwest Loop 363 Improvements	**	-	2,154,390	2,154,390	2,154,390	-	2,154,390
Outer Loop - Phase 3		-	1,748,237	1,748,237	1,748,237	-	1,748,237
Clarence Martin Elevator Repair		-	33,000	33,000	-	33,000	33,000
Contingency			53,716	53,716		53,716	53,716
		\$ 23,772,564	\$ 1,411,621	\$ 25,184,185	\$ 25,111,209	\$ 88,885	\$ 25,200,094
					Remaining (Need	ed) Funds	\$ 5,337

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

Exhibit E-3

<sup>\*</sup> Project Final

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

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

For the period beginning November 19, 2009 and ending March 31, 2016

Expenditures			Revenue & Bond Proceed	is
Construction in Progress				
Expenditures		\$ 14,074,688	Original Issue (November 2009)	\$ 13,995,000
Encumbrances as of 03/31/16	(1)	24,837	Interest Income	35,577
Estimated Costs to Complete Projects		-	Sale of Land	15,000
	_	\$ 14,099,525	Insurance Proceeds {T1 Aerial Ladder Truck}	41,744
			Transfer In-General Fund {Platform Truck}	12,259
				\$ 14,099,580

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

		BUDGET							ACTUAL					
				Ad	justments		_	Т	otal Costs	Estir	nated		Total	
		0	riginal	to	Original	-	Adjusted	li	ncurred &	Cos	ts to	D	esignated	
Project	_	B	udget		Budget		Budgeted	_ <u>E</u> r	ncumbered	Com	plete	_Pr	oject Cost	
Bond Issue Costs	*	\$	83,100	\$	-	\$	83,100	\$	69,367	\$	-	\$	69,367	
Completed Projects - Prior to FY 2016	*	1	3,911,900		48,081		13,959,981		13,959,981		-		13,959,981	
Defibrillator Monitor			-		24,837		24,837		24,837		-		24,837	
Replace '02 Ford Excursion Command Vehi	icle				45,340		45,340		45,340				45,340	
		\$ 1	3,995,000	\$	118,258	\$	14,113,258	\$	14,099,525	\$	-	\$	14,099,525	

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

PASS-THROUGH AGREEMENT REVENUE AND LIMITED TAX BONDS 2012 - CAPITAL PROJECTS BOND FUND 261

For the period beginning June 14, 2012 and ending March 31, 2016

Expenditures		Revenue & Bond P	roceeds
Construction in Progress			
Expenditures	\$ 45,772,317	Original Issue - {June 2012}	\$ 24,700,000
Encumbrances as of 03/31/16	(1) 540,985	Net Offering Premium	1,388,247
Estimated Costs to Complete Projects	<u>-</u> _	Category 12 Funds - TxDOT	20,000,000
	\$ 46,313,301	Interest Income	57,531
		Reimbursement from Oncor	588,195
			\$ 46,733,973

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

Original to Original Adjusted Incurred & Costs	Adjusted Budgeted         Incurred & Encumbered         Costs to Complete         Designated Project Cost           \$ 320,163         \$ 311,653         \$ - \$ 311,653           328,127         328,127         - 328,127			BUDGET					ACTUAL					
Bond Issue Costs * \$ 320,163 \$ - \$ 320,163 \$ 311,653 \$	\$ 320,163 \$ 311,653 \$ - \$ 311,653 328,127 328,127 - 328,127			Original	•		A	djusted					De	
DOITH ISSUE COSIS \$ 320,103 \$ - \$ 320,103 \$ 311,003 \$	328,127 - 328,127 - 328,127	Project		Budget	B	udget	B	udgeted	En	cumbered	Com	plete	Pro	oject Cost
ROW Acquisition * 383,567 (55,440) 328,127 328,127	,	Bond Issue Costs	* (	\$ 320,163	\$	_	\$	320,163	\$	311,653	\$	_	\$	311,653
	46,028,151 45,673,522 - 45,673,522	ROW Acquisition	*	383,567		(55,440)		328,127		328,127		-		328,127
Northwest Loop 363 Improvements ** 45,384,517 643,634 46,028,151 45,673,522		Northwest Loop 363 Improvements	**	45,384,517		643,634		16,028,151		15,673,522		-	4	15,673,522
\$ 46,088,247 \$ 588,194 \$ 46,676,441 \$ 46,313,301 \$	\$ 46,676,441			\$ 46,088,247	\$	588,194	\$ 4	16,676,441	\$ 4	46,313,301	\$	-	\$ 4	16,313,301

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

Exhibit E-5

<sup>\*</sup> Project Final

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

TAXABLE COMBINATION TAX & REVENUE CERTIFICATES OF

**OBLIGATION BONDS 2012 - CAPITAL PROJECTS BOND FUND 365** 

For the period beginning November 15, 2012 and ending March 31, 2016

Expenditures				Revenue & Bond Proceeds			
Construction in Progress							
Expenditures	\$	4,563,622		Original Issue - Taxable Combination Tax & Revenue	\$	4,645,000	
Encumbrances as of 03/31/16	(1)	90,503		Certificates of Obligation Bonds, Series 2012			
Estimated Costs to Complete Projects		37,434	_	Net Offering Premium		70,804	
	\$	4,691,560		Interest Income		5,094	
			•		\$	4,720,898	

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

			E	BUDGET				A	CTUAL		
			Ad	justments		T	otal Costs	Es	stimated		Total
		Original	to	Original	Adjusted	lr	ncurred &	C	osts to	D	esignated
Project	_	Budget		Budget	 Budgeted	Er	cumbered	C	omplete	Pr	oject Cost
Bond Issue Costs	*	\$ 112,657	\$		\$ 112,657	\$	105,447	\$	_	\$	105,447
CIP Management Cost	*	-		131,188	131,188		98,146		33,042		131,188
Completed Projects - Prior to FY 2016	*	4,603,147		(1,069,060)	3,534,087		3,540,567		-		3,540,567
Outer Loop - Phase III		-		909,967	909,967		909,967		-		909,967
Contingency				4,392	 4,392		-		4,392		4,392
		\$ 4,715,804	\$	(23,513)	\$ 4,692,291	\$	4,654,126	\$	37,434	\$	4,691,560

Remaining (Needed) Funds \$ 29,338

Exhibit E-6

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): With the adoption of the FY 2016 Budget, Certificate of Obligation Bonds, Series 2016 were issued on January 21, 2016.

<sup>\*</sup> Project Final

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

Expenditures			Revenue & Bond Proceeds	
Construction in Progress				
Expenditures	\$	23,403,668	Series 1 Issue - Combination Tax & Revenue Certificates of	\$ 9,420,000
Encumbrances as of 03/31/16	(1)	7,055,318	Obligation Bonds, Series 2012	
Estimated Costs to Complete Projects		26,151,927	Series 2 Issue - Combination Tax & Revenue Certificates of	21,230,000
	\$	56,610,913	Obligation Bonds, Series 2014	
	·		Series 2 Issue - Combination Tax & Revenue Certificates of	18,285,000
			Obligation Bonds, Series 2016	
			Net Offering Premium	3,595,453
			KTMPO Category 7 Grant (Prairie View Construction)	3,888,000
			Transfer In - Street Perimeter Fees	112,695
			Transfer In - Street Perimeter Fees (Hogan Road)	77,650
			Interest Income	45,826
				\$ 56,654,624

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

			BUDGET			ACTUAL	
Project		Original Budget	Adjustments to Original Budget	Adjusted Budgeted	Total Costs Incurred & Encumbered	Estimated Costs to Complete	Total Designated Project Cost
Bond loave Coate		\$ 559,153	\$ 338,229	¢ 007.000	\$ 883.689		Ф 000 coo
Bond Issue Costs CIP Management Cost		\$ 559,153	\$ 338,229 245,518	\$ 897,382 245,518	\$ 883,689 211,818	-	\$ 883,689 211,818
Completed Projects - Prior to FY 2016	*	10,885,763	(909,985)	9,975,778	9,975,778	-	9,975,778
Legacy Pavement Preservation Program - FY 2016	(2)	5,425,000	(909,983)	5,425,000	2,694,541	2,730,459	5,425,000
Westfield Boulevard Improvements	(2)	5,425,000	126,878	126,878	126,878	2,730,459	126,878
Hogan Road Improvements	(2)	1,377,650	120,076	1,377,650	357,200	1,020,450	1,377,650
Western Hills Roadway Improvements	(2)	5,455,437	(647,793)	4,807,644	4,806,287	1,357	4,807,644
S. Pea Ridge Road (Hogan - Poison)		1,000,000	(860,000)	140,000	4,000,207	140,000	140,000
Prairie View Road Improvements Phase I		7,445,000	886,850	8,331,850	8,328,109	3,741	8,331,850
South 23rd Street		7,443,000	371,278	371,278	371,266	12	371,278
Outer Loop - Phase III	(2)	5,600,000	383,725	5,983,725	939,443	5,044,282	5,983,725
East Temple - Greenfield Development	(=)	-	90,792	90,792	-	90,792	90,792
Avenue U - S&W - 1st/13th-17th		3,360,000	(51,003)	3,308,997	99,434	3,209,563	3,308,997
Parking at Summit	*	-	73,585	73,585	73,585	-	73,585
Prairie View Road Improvements, Ph. II	(2)	4,862,000	(2,777,202)	2,084,798	908,297	1,176,501	2,084,798
Prairie View Road Improvements, Ph. II - Construction	(3)	-	6,480,000	6,480,000	-	6,480,000	6,480,000
Tarver Roadway Extension (to Outer Loop)	(2)	1,950,000	-	1,950,000	47,500	1,902,500	1,950,000
Signal - S 1st St. @ W Ave R/W Ave U	( )	300,000	-	300,000	240,886	59,114	300,000
Poison Oak-SH 317 to S Pea Ridge, Phase I		490,000	(191,266)	298,734	-	298,734	298,734
SH317 Sidewalks		-	200,000	200.000	200,000	-	200,000
N 31st St Sidewalk			1,950	1,950	1,950	-	1,950
Kegley Road Improvements	(2)	700,000	101,600	801,600	101,600	700,000	801,600
Tanglehead Road Improvement		-	78,000	78,000	78,000	-	78,000
Replace Fire Department Quint #6	(2)	1,300,000	=	1,300,000	· •	1,300,000	1,300,000
Replace Fire Department Engine #7	(2)	600,000	-	600,000	-	600,000	600,000
Signal-Kegley Rd @ W. Adams	(2)	50,000	-	50,000	10,750	39,250	50,000
S. Pea Ridge Sidewalk		-	2,000	2,000	1,975	25	2,000
Contingency	(2)	1,038,195	201,952	1,240,147	-	1,240,147	1,240,147
Contingency - CIP Management Cost	(2)	115,000		115,000	<u>-</u> _	115,000	115,000
		\$ 52,513,198	\$ 4,145,108	\$ 56,658,306	\$ 30,458,986	\$26,151,927	\$ 56,610,913

Remaining (Needed) Funds

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

Note (2): With the adoption of the FY 2016 Budget, Certificate of Obligation Bonds, Series 2016 were issued on January 21, 2016.

Note (3): Includes funding from KTMPO Category 7 Grant funding of \$3,888,000.

<sup>\*</sup> Project Final

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

COMBINATION TAX & REVENUE CERTIFICATES OF OBLIGATION BONDS 2013 - CAPITAL PROJECTS BOND FUND - 795 For the period beginning August 8, 2013 and ending March 31, 2016

Expenditures		Revenue & Bond	Proceeds
Construction in Progress			
Expenditures	\$ 15,446,280	Original Issue {August 2013}	\$ 25,260,000
Encumbrances as of 03/31/16	(1) 1,862,109	Net Offering Premium/Discount	53,032
Estimated Costs to Complete Projects	7,975,483	Interest Income	94,513
	\$ 25,283,872		\$ 25,407,545

#### \*\*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			
Bond Issue Costs	* \$ 120,000	\$ (15,305)	\$ 104,695	\$ 99,850	\$ -	\$ 99,850			
TMED Avenue R - Intersections	φ 120,000	+ ( -//	1,077,710	1,077,710	Ψ -	1,077,710			
		1,077,710		, ,	-	, ,			
Research Parkway (IH-35 to Wendland Ultimate)	2,705,000	-	2,705,000	1,801,620	903,380	2,705,000			
Research Parkway (Wendland to McLane Pkwy)	5,960,000	(3,700,000)	2,260,000	741,579	1,518,421	2,260,000			
Pepper Creek Trail-Hwy 36 to McLane Pkwy	750,000	(295,100)	454,900	350,000	104,900	454,900			
McLane Pkwy / Research Pkwy Connection	710,000	(212,959)	497,041	497,041	-	497,041			
Research Pkwy (McLane Pkwy to Cen Pt Pkwy)	1,500,000	-	1,500,000	521,399	978,601	1,500,000			
Crossroads Park @ Pepper Creek Trail	1,750,000	-	1,750,000	366,115	1,383,885	1,750,000			
Synergy Park Entry Enhancement	500,000	-	500,000	-	500,000	500,000			
Lorraine Drive / Panda Drive Asphalt *	* 610,000	(239,851)	370,149	337,327	32,822	370,149			
Santa Fe Plaza (Design)	300,000	238,600	538,600	538,600	-	538,600			
Downtown Master Plan	125,000	-	125,000	105,500	19,500	125,000			
Loop 363 Frontage (UPRR to 5th)	6,450,000	-	6,450,000	6,159,349	290,651	6,450,000			
31st Street/Loop 363/Monumentation	520,000	1,650,000	2,170,000	352,880	1,817,120	2,170,000			
Avenue U - TMED Ave to 1st Street	1,275,000	1,375,000	2,650,000	2,348,948	301,052	2,650,000			
TMED Master Plan (Health Care Campus)	125,000	-	125,000	104,850	20,150	125,000			
TMED Master Plan & Throughfare Plan	55,000	-	55,000	-	55,000	55,000			
Friar's Creek Trail to Ave R Trail	500,000	72,759	572,759	522,757	50,002	572,759			
Airport Enhancement Project	1,320,000	60,237	1,380,237	1,382,864		1,382,864			
	\$ 25,275,000	\$ 11,091	\$ 25,286,091	\$ 17,308,389	\$ 7,975,483	\$ 25,283,872			

Remaining (Needed) Funds \$ 123,673

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

<sup>\*</sup> Project Final

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

Exhibit E-9

Expenditures			Revenue & Bo	nd Proceeds
Construction in Progress				
Expenditures	\$ 1	2,698,339	Original Issue {April 2014}	\$ 12,990,000
Encumbrances as of 03/31/16	(1)	-	Bond Issuance Discount	(88,365)
Estimated Costs to Complete Projects		<u>-</u> _	Interest Income	2,325
	\$ 1	2,698,339		\$ 12,903,960

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

				BUDGET					AC <sup>-</sup>	ΓUAL		
Project		Original Budget	to	ljustments Original Budget		Adjusted Budgeted	In	tal Costs curred & cumbered		nated ts to plete		Total esignated oject Cost
Bond Issue Costs	*	\$ 101,635	\$	-	\$	101,635	\$	101,635	\$	-	\$	101,635
Temple-Belton WWTP Reclaimed Waterline:												
Phase I	*	1,714,219		10,654		1,724,873		1,724,873		-		1,724,873
Phase II	*	2,916,580		(144,340)		2,772,240		2,772,240		-		2,772,240
Phase III	*	6,794,224		168,283		6,962,507		7,170,018		-		7,170,018
ROW/Easements	*	929,573		=		929,573		929,573		-		929,573
Contingency		445,404		(240,014)		205,390						-
		\$ 12,901,635	\$	(205,417)	\$ 1	12,696,218	\$ 1	2,698,339	\$	-	\$ 1	2,698,339

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

<sup>\*</sup> Project Final

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

Expenditures			Revenue & Bond Proceeds	
Construction in Progress				
Expenditures		\$ 3,457,801	Original Issue {September 2015}	\$ 25,130,000
Encumbrances as of 03/31/16	(1)	1,847,564	Net Offering Premium/Discount	2,656,449
Estimated Costs to Complete Projects		22,481,084	Interest Income	33,554
		\$ 27,786,449		\$ 27,820,003

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

		BUDGET		ACTUAL	ACTUAL				
		Adjustments		Total Costs	Estimated	Total			
	Original	to Original	Adjusted	Incurred &	Costs to	Designated			
Project	Budget	Budget	Budgeted	Encumbered	Complete	Project Cost			
Bond Issue Costs	* \$ 111,449	\$ -	\$ 111,449	\$ 111,449	\$ -	\$ 111,449			
CIP Management Cost	55,464	6,119	61,583	33,562	28,021	61,583			
Carver Park	177,915	(25,000)	152,915	123,772	29,143	152,915			
Crossroads Athletic Park	11,900,000	-	11,900,000	1,202,560	10,697,440	11,900,000			
Jaycee Park	989,570	-	989,570	2,880	986,690	989,570			
Jefferson Park	377,675	(75,000)	302,675	290,855	11,820	302,675			
Korampai Soccer Fields	254,745	-	254,745	35,205	219,540	254,745			
Linkage Trails-Echo Village	490,000	(285,200)	204,800	121,880	82,920	204,800			
Linkage Trails-Windham Trail	-	285,200	285,200	-	285,200	285,200			
Lions Junction	1,925,000	-	1,925,000	1,923,980	1,020	1,925,000			
Mercer Fields	677,610	-	677,610	450	677,160	677,610			
Northam Complex	647,090	100,000	747,090	505,598	241,492	747,090			
Oak Creek Park	458,415	-	458,415	4,200	454,215	458,415			
Optimist Park	496,285	-	496,285	17,929	478,356	496,285			
Prairie Park	440,000	-	440,000	2,938	437,062	440,000			
Sammons Community Center	1,750,000	-	1,750,000	131,989	1,618,011	1,750,000			
Scott & White Park	300,590	-	300,590	11,665	288,925	300,590			
Southwest Community Park	3,330,000	-	3,330,000	-	3,330,000	3,330,000			
Western Hills Park	302,140	-	302,140	3,795	298,345	302,140			
Wilson Basketball Cover	203,770	-	203,770	198,160	5,610	203,770			
Wilson Football Field	611,375	-	611,375	493,164	118,211	611,375			
Wilson Recreation Center	1,300,000	-	1,300,000	89,014	1,210,986	1,300,000			
Wilson South	789,755	-	789,755	320	789,435	789,755			
Contingency	78,215	-	78,215	-	78,215	78,215			
Contingency - CIP Management Cost	119,386	(6,119)	113,267		113,267	113,267			
	\$ 27,786,449	\$ -	\$ 27,786,449	\$ 5,305,365	\$ 22,481,084	\$ 27,786,449			

Remaining (Needed) Funds

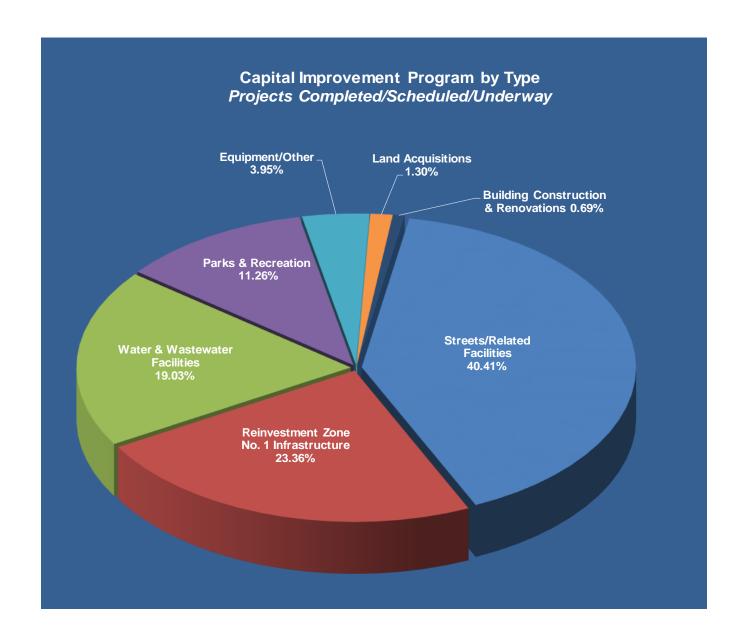
Note (1): Encumbered amounts are included in total construction in progress due to the obligation of funds by contract(s) or purchase order(s).

\$ 33,554

<sup>\*</sup> Project Final

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

Streets/Related Facilities	\$ 101,629,423
Reinvestment Zone No. 1 Infrastructure	58,744,852
Water & Wastewater Facilities	47,852,184
Parks & Recreation	28,314,623
Equipment/Other	9,943,753
Land Acquisitions	3,278,351
Building Construction & Renovations	1,745,339
Total of Capital Improvement Projects Underway/Scheduled	\$ 251,508,525



Project	Project #	Funding	Acct #	Project Budget	Actual Commit / Spent	Status	Scheduled Completion
HVAC Replacement	100750	BUDG-12	110-5924-519-6310	\$ 73,855	\$ 20,400	Complete	Oct-15
Parking at the Summit	100876	BUDG-14 CO-14	110-5924-519-6310 110-5935-552-6310 351-3500-552-6310 365-3400-531-6874	214,285	212,840	Complete	Dec-15
Roof Replacements	101025	BUDG-14	110-5924-519-6310	165,232	165,231	Bidding Construction	May-17
FY 2014 General Building Painting and Repairs	101026	BUDG-14	110-5924-519-6310	20,823	9,902	Planning	TBD
Replace Roof - Mayborn Center	101057	Hotel/Motel	240-4400-551-6310	160,800	60,131	Engineering	TBD
Golf - Addition - Maintenance Shop	101146	BUDG-15	110-5931-551-6310	69,226	69,226	Complete	Mar-16
Woodbridge Park - Pergola, Table	101270	BUDG-14	110-3500-552-6332	10,350	10,350	Complete	Dec-15
Upgrade 3rd Base Dugout - Bakers Field	101362	BUDG-16	110-5935-552-6310	25,000	1,320	Planning	TBD
Addition of Pavilion - Little Blue Stem Park	101367	BUDG-16	110-5935-552-6310	35,000	30,286	Complete	May-16
Weight Room Rubber Flooring Installation, Summit	101376	BUDG-16	110-5932-551-6310	16,000	-	Planning	TBD
Electrical System Upgrade at Mayborn	101387	Hotel/Motel	240-4400-551-6310	18,000	-	Construction begins in May	Aug-16
Install Family/Special Needs Restroom	101388	Hotel/Motel	240-4400-551-6310	25,000	5,000	Engineering	Aug-16
Construction Phase I of Mayborn Exterior Master Plan	101389	Hotel/Motel	240-4400-551-6310	150,000	-	On Hold	TBD
Paint & Repair Sheetrock at Museum to Correct Foundation Issues at RR Museum	101391	Hotel/Motel	240-7000-551-6310	9,493	-	Engineering	Sep-16
Signage Update at RR Museum	101392	Hotel/Motel	240-7000-531-6310	6,000	-	Engineering	Sep-16
Reconfigure and Expand Restroom Area, Amtrak Station and Visitor Center	101393	Hotel/Motel	240-7000-551-6310	16,000	15,511	Complete	Mar-16
Updated Exterior Lighting at Service Center	101403	BUDG-U	520-5000-535-6310	20,000	-	Design	Jun-16
Security Upgrade at Service Center - Video Surveillance and Door Access Control System	101404	BUDG-U LTN-16	520-5000-535-6310 364-3800-519-6310	75,000	42,512	Substantially Complete	Sep-16
Upgrade Gate at Service Center	101405	BUDG-U LTN-16	520-5000-535-6310 364-3800-535-6310	90,000	9,400	Substantially Complete	Sep-16
Clarence Martin Elevator Repair	101464	CO-08	361-2400-519-6807	33,000	-	Engineering	TBD
Sammons Golf - Drainage Culvert Repair	101479	BUDG-16	110-5931-551-6310	17,550	17,550	Construction	Jul-16
Library - Replace 2nd Floor Carpet	101481	LTN-16	364-4000-555-6310	95,000	495	Planning	TBD
City Hall - Replace Carpet	101482	LTN-16	364-2400-519-6310	100,000	710	Planning	TBD
Renovate 31st St. Fire Station - Code Enforcement	101483	BUDG-16	110-5900-524-6310	20,000	4,268	Construction	May-16
Dog Park Equipment	101493	BUDG-16	110-3500-552-6310	17,467	17,467	Received Ready to Install	Jun-16
City Manager's Office Conference Room Remodel	101494	BUDG-16	110-1100-513-6310	21,300	18,151	Complete	Mar-16
Waste Water Line - Hilliard Rd & West Adams	101499	BUDG-16	351-3400-531-6315	13,761	13,761	Cost Sharing Agreement Authorized	TBD
Repair/Replace Sidewalk in Front of Police Department	101500	BUDG-16	110-1195-513-6315	25,000	25,000	Construction	Apr-16
Upgrade School Zones - Westfield Blvd (Tarver Elementary) and Cedar Lane (Lake Belton Middle School)	101165	BUDG-15	110-2840-532-6323	36,000	33,290	Complete	Feb-16
Paint Exterior Trim Depot	101170	Hotel/Motel	240-7000-551-6310	16,327	16,327	Complete	Mar-16
WTP - Admin Bldg Upgrades (Lobby and Breakroom)	101240	BUDG-U	520-5110-535-6310	31,942	31,942	Complete	Mar-16

Project	Project #	Funding	Acct #	Project Budget	Actual Commit / Spent	Status	Scheduled Completion
Sammons Roof Replacement	101444	BUDG-15	110-3270-551-6310	\$ 46,478	\$ -	Planning	Apr-17
Animal Shelter Roof Replacement	101445	BUDG-15	110-2100-529-6310	20,373	-	Bidding Construction	May-17
Old Market Depot Roof Replacement	101446	BUDG-15	110-2410-519-6310	19,230	-	Bidding Construction	May-17
Moody Depot Roof Replacement	101447	Hotel/Motel	240-7000-551-6310	31,847	-	Bidding Construction	May-17
Total Building Construction & F	Renovations			\$ 1,745,339	\$ 831,070		
WTP - Upgrade Existing Cable Trays and Wiring to Accommodate Additional SCADA Capacity, Control Capabilities, and Programming Modifications	101074	BUDG-U	520-5100-535-6218	60,466	60,466	Construction	Aug-16
Rplc 10 Marked Units - Police	101153	BUDG-15	110-2031-521-6213	460,113	441,149	Complete	Oct-15
3 Marked Units - FY14 Officers (Additions to Fleet)	101155	BUDG-15	110-2020-521-6213 110-2031-521-6213	138,515	132,225	Complete	Oct-15
3 Marked Units - FY15 Officers (Additions to Fleet)	101156	BUDG-15	110-2031-521-6213	46,172	44,075	Complete	Oct-15
Rplc 08 Brush Truck-#12578-Solid Waste	101160	BUDG-15	110-5900-540-6222	227,376	227,376	Complete	Dec-15
Rplc 99 Dump Truck - #10470	101171	BUDG-15	292-2922-534-6213 292-2923-534-6213	100,403	100,003	Complete	Oct-15
Crew Cab Utility Truck	101172	BUDG-15	292-2921-534-6213 292-2922-534-6213 292-2923-534-6213	49,115	49,112	Complete	Dec-15
Auto Meter Reading System - Large Meters	101173	BUDG-U	520-5300-535-6250	450,000	54,680	Engineering	Jul-16
Replacement of Quint 6, Asset #11192	101338	CO-16	365-2200-522-6776	1,300,000	-	Ordering in June	Feb-17
Replacement of Engine 7, Asset #11324	101339	CO-16	365-2200-522-6776	600,000	-	Ordering in June	Feb-17
Replace Forklift, Asset #17	101341	BUDG-16	110-5921-529-6222	8,038	4,700	Complete	Dec-15
Replace '03 F150 Pickup, Asset #11624	101342	BUDG-16	110-5900-524-6213	26,487	22,227	Complete	Apr-16
Replace '08 Super Z Mower, Asset #12803	101343	BUDG-16	110-5900-524-6222	12,750	9,605	Complete	Feb-16
Replace '08 Ford Ranger, Asset #12788	101344	BUDG-16	110-5924-519-6213	32,835	24,730	Ordered	May-16
Replace '03 Ford F250, Asset #11477	101345	BUDG-16	110-5924-519-6213	41,165	41,164	Ordered	Jun-16
Install Outdoor Warning Signals	101348	BUDG-16	110-5900-522-6211	51,962	51,962	Received Ready to Install	Jun-16
Defibrillator Monitor Replacement	101349	BUDG-16	110-5900-522-6211 363-2200-522-6856	36,438	24,837	Ordered	May-16
Replace '05 Chevy Van, Asset #12121	101350	BUDG-16	110-5900-522-6213	29,575	29,574	Ordered	Jun-16
Replace '02 Ford Excursion, Asset #11478	101351	BUDG-16	110-5900-522-6213 363-2200-522-6856	81,940	57,528	Complete	Apr-16
Replace '97 Ford F350 Pickup, Asset #10251	101352	BUDG-16	110-5938-519-6213	60,000	-	Planning	TBD
Replace Tri-Plex Mower at Golf Course	101354	BUDG-16	110-5931-551-6222	33,477	33,477	Complete	Feb-16
Replace Range Ball Picker	101355	BUDG-16	110-5931-551-6222	16,675	16,506	Complete	Mar-16
Lety Fertilizer Spreader for Golf Course	101356	BUDG-16	110-5931-551-6222	5,960	5,959	Complete	Feb-16
Replace 105 Public Safety Laptops	101357	BUDG-16	110-5900-521-6218	480,000	-	Planning	Sep-16
Budget Management Software	101358	BUDG-16	110-5912-515-6221	60,000	12,500	Ordered	May-16
Purchase 10' Shredder	101359	BUDG-16	110-5935-552-6222	10,200	10,200	Complete	Jan-16

Project	Project #	Funding	Acct #	Project Budget	Actual Commit / Spent	Status	Scheduled Completion
Replace '08 Super Z Mower, Asset #12804	101360	BUDG-16	110-5935-552-6222	\$ 10,364	\$ 10,363	Complete	Jan-16
Replace '08 Super Z Mower, Asset #12874	101361	BUDG-16	110-5935-552-6222	10,364	10,363	Complete	Jan-16
Replace '03 Dodge 2500 Pickup, Asset #11612	101363	BUDG-16	110-5935-552-6213	38,813	38,812	Ordered	Jun-16
Replace '04 Top Dresser, Asset #10394	101364	BUDG-16	110-5935-552-6222	9,932	9,931	Complete	Mar-16
Replace Spray Rig, Chem Technician	101365	BUDG-16	110-5935-552-6211	11,760	-	Planning	TBD
Purchase Large Aerator	101366	BUDG-16	110-5935-552-6211	31,887	31,663	Complete	Apr-16
Replace 10 Marked Units, Asset #121168, 11646, 11644, 12172, 12166, 12155, 12370, 12160, 12371, 12367	101368	BUDG-16	110-2031-521-6213	490,000	479,496	Ordered	Aug-16
Purchase 3 Marked Units - FY 15 Officers {Additions to Fleet}	101369	BUDG-16	110-5900-521-6213	147,000	143,729	Ordered	Aug-16
Replace 1 Unmarked Unit, Asset #11313	101370	BUDG-16	110-5900-521-6213	28,000	27,960	Ordered	Aug-16
Replace (1) Unmarked Unit - CV Investigation (Seized Unit)	101372	BUDG-16	110-5900-521-6213	27,330	27,330	Ordered	Aug-16
Replace (1) Pickup Truck - Training (Seized Unit)	101373	BUDG-16	110-5900-521-6213	32,740	29,574	Ordered	May-16
Precor TRM Treadmills, Summit	101375	BUDG-16	110-3250-551-6211 110-5935-551-6211	75,880	75,879	Complete	Jan-16
Purchase (1) Automated Sideloader Garbage Truck	101377	LTN-16	364-2300-540-6220	308,964	308,964	Complete	Apr-16
Replace 2010 Freightliner/Heil Garbage Collection Vehicle, Asset #13073	101378	LTN-16	364-2300-540-6220	308,964	308,964	Complete	Apr-16
Replace 2010 Freightliner/Heil Garbage Collection Vehicle, Asset #13074	101379	LTN-16	364-2300-540-6220	296,755	296,755	Ordered	May-16
Replace 2010 Freightliner/Heil Garbage Collection Vehicle, Asset #13075	101380	LTN-16	364-2300-540-6220	296,755	296,755	Ordered	May-16
Replace 2007 International/Hood Refuse Brush Truck, Asset #12505	101381	LTN-16	364-2300-540-6220	223,057	223,057	Ordered	Jul-16
Replace 2003 F250 Pickup, Asset #11639	101382	BUDG-16	110-5900-540-6213	29,416	29,415	Ordered	May-16
Purchase 1/2 Ton Pickup for Streets Foreman	101383	BUDG-16	110-5900-531-6213	27,500	26,753	Ordered	May-16
Replace 2006 Freightliner M-2106, Asset #12197	101384	BUDG-16	110-5900-531-6220	165,000	143,659	Ordered	Jul-16
Replace 1997 New Holland LX665 Skid Steer, Asset #10256	101385	BUDG-16	110-5900-531-6220	115,000	-	Planning	TBD
Upgrade (5) Intersection Traffic Signals, currently without detection equipment	101386	BUDG-16	110-5900-532-6211	75,000	72,695	Complete	Mar-16
Purchase 2016 Ford Fusion	101390	Hotel/Motel	240-4400-551-6213	20,500	19,029	Complete	Apr-16
Replace Directional Signs in Downtown Area	101394	Hotel/Motel	240-4600-551-6310	5,000	-	Planning	TBD
Exterior Christmas Decorations	101395	Hotel/Motel	240-4600-551-6210	24,078	23,416	Complete	Dec-15
Replace 1999 Dodge Ram 3500, Asset #10468	101396	BUDG-16	292-2900-534-6213	47,989	44,953	Ordered	Jun-16
Replace 2008 Tymco Sweeper, Asset #12802	101397	BUDG-16	292-2900-534-6222	200,000	197,027	Complete	Apr-16
Replace 1999 International Dump Truck, Asset #10470	101398	BUDG-16	292-2900-534-6222	99,106	98,644	Complete	Feb-16
Replace 2005 Chevy 3500 Utility Bed Truck, Asset #12191	101399	BUDG-16	292-2900-534-6213	51,500	47,219	Ordered	Jun-16
Replace 1999 Brush Bandit Brush Chipper, Asset #10451	101400	BUDG-16	292-2900-534-6222	50,154	50,154	Complete	Jan-16
Replace Tractor with Boom Mower Attachment, Asset #6907	101401	BUDG-16	292-2900-534-6222	134,548	134,548	Complete	Jan-16
GPS and Elevation Unit	101402	BUDG-16	292-2900-534-6211	30,000	-	Planning	TBD

(Continued)

#### CITY OF TEMPLE, TEXAS CAPITAL IMPROVEMENT PROGRAM-PROJECTS UNDERWAY/SCHEDULED - DETAIL March 31, 2016

Project	Project #	Funding	Acct #	Project Budget	Actual Commit / Spent	Status	Scheduled Completion
Replace 2006 Sterling/Vactor, Asset #12217	101410	BUDG-U	520-5400-535-6220	\$ 345,000	\$ -	Planning	TBD
Replace 2005 CAT 304CR, Asset #12272	101411	BUDG-U	520-5400-535-6220	55,000	54,683	Complete	Jan-16
Doshier Farms WWTP - Rehab Rake and Baffles in Clarifier #3	101412	BUDG-U	520-5500-535-6211	15,000	-	Planning	Sep-17
Replace (3) Variable Drive Units in Critical Lift Stations	101413	BUDG-U	520-5500-535-6211	26,500	-	Planning	TBD
Replace 2001 Freightliner Dump Truck, Asset #11191	101414	BUDG-U	520-5200-535-6220	110,000	103,462	Complete	Jan-16
Replace 2002 CAT Mini Excavator, Asset #11457	101415	BUDG-U	520-5200-535-6220	35,000	28,735	Complete	Dec-15
Replace South Pump Station at Golf Course, Phase I	101438	BUDG-16	110-5931-551-6310	128,770	100,273	Construction	Nov-16
Purchase Extrication Equipment	101454	BUDG-16	110-5900-522-6211	61,625	23,410	Ordered	Jun-16
Security Camera at Summit	101459	BUDG-15	110-1900-519-6221	6,800	6,800	Complete	Dec-15
Purchase Chevy 1500 Pickup - Utility Tech	101468	BUDG-U	520-5000-535-6213	24,731	24,730	Ordered	Jun-16
Purchase Chevy 1500 Pickup - Utility Tech	101469	BUDG-U	520-5000-535-6213	24,731	24,730	Ordered	Jun-16
FY 2016 Dell Server	101471	BUDG-16	110-1900-519-6228 351-1900-519-6218	21,000	21,000	Complete	Jan-16
Purchase Body Cameras and Server	101474	BUDG-16	110-2031-521-6229	55,490	55,490	Ordered	Jul-16
Video Editing Computer	101478	BUDG-16	110-1900-519-6228	11,200	11,103	Complete	Jan-16
Fiber Fusion Splicer	101484	BUDG-16	351-1900-519-6224	10,900	10,872	Complete	Feb-16
Zero-Turn Riding Mower	101485	BUDG-16	110-3500-552-6222	10,527	10,526	Complete	Apr-16
Zero-Turn Riding Mower	101486	BUDG-16	110-3500-552-6222 110-5935-552-6222	10,526	10,526	Complete	Apr-16
Radwin 5000 Radio	101489	BUDG-16	110-1900-519-6228 351-1900-519-6218	19,600	19,585	Received Ready to Install	May-16
TCIP - Traffic Signal - Kegley Rd @ West Adams	101490	CO-16	365-2800-532-6810	50,000	10,750	Engineering	TBD
L3 Video Camera System	101491	Seized Funds	110-2031-521-6229	88,614	88,614	Complete	Mar-16
Purchase City Patrol Cruiser	101492	Seized Funds	110-2055-521-6229	12,495	12,495	Ordered	Oct-16
Cellebrite Software	101495	Seized Funds	110-2041-521-6229	15,800	13,655	Complete	Mar-16
Golf Maintenance Vehicle	101496	BUDG-16	110-3120-551-6222	23,544	23,544	Complete	Mar-16
Brocade Core Network Replacement	101498	BUDG-16	110-1900-519-6228 351-1900-519-6218	37,497	-	Planning	TBD
FASTER Fleet Maintenance Software Program	100878	BUDG-13	110-5938-519-6221	150,000	150,000	Complete	Mar-16
Bar Code Interfacing for Fleet Maintenance Software	101032	BUDG-14	110-5938-519-6221	5,700	5,700	Complete	Mar-16
VR System - Permits	101152	BUDG-15	110-5948-519-6221 351-1900-519-6221	51,850	51,850	Complete	Mar-16
ITS-Intergraph Web RMS	101188	BUDG-15	110-1900-519-6221 351-1900-519-6221	554,340	554,340	Implementing	Jul-16
2016 Microsoft Agreement	101299	BUDG-15	351-1900-519-6221	122,195	122,195	Implementing	May-16
Professional Standard Software System - PD	101307	BUDG-15	110-1900-519-6221	16,300	16,100	Complete	Feb-16

**Total Equipment / Other** 

\$ 9,943,753 \$ 6,216,331

Project	Project #	Funding	Acct #	Project Budget	Actual Commit / Spent	Status	Scheduled Completion
Kegley Road Improvements (ROW Acquisition)	100346	ROW ESCROW	351-3400-531-6110	\$ 189,180	\$ 9,340	Planning	Sep-16
TCIP - Hogan Road Improvements {ROW}	100952	CO-12	365-3400-531-6858	1,000,000	-	Engineering	Dec-16
Bird Creek Interceptor {ROW}	101213	Util-RE	520-5900-535-6110	982,691	-	Planning	Dec-16
Airport Improvements - FY 16	101340	GRANT	260-3600-560-6310	100,000	-	Planning	TBD
Landfill Expansion, Phase II	101453	CO-14	365-2300-540-6110	6,480	6,480	Complete	Oct-15
Total Land Acquisition	ons			\$ 2,278,351	\$ 15,820		
Caboose Renovations	101303	Hotel/Motel	240-7000-551-6310	18,527	2,750	Planning	TBD
Carver Park	101310	Parks GO Bonds-2015	362-3500-552-6401	152,915	123,772	Construction	May-16
Crossroads Athletic Park	101311	Parks GO Bonds-2015	362-3500-552-6402	11,900,000	1,202,560	Engineering	Sep-17
Jaycee Park	101312	Parks GO Bonds-2015	362-3500-552-6403	989,570	2,880	Planning	Sep-16
Jefferson Park	101313	Parks GO Bonds-2015	362-3500-552-6404	302,675	290,855	Construction	May-16
Korampai Soccer Fields	101314	Parks GO Bonds-2015	362-3500-552-6405	254,745	35,205	Planning	Sep-16
inkage Trails - Echo Village	101315	Parks GO Bonds-2015	362-3500-552-6406	204,800	121,880	Construction	May-16
ions Junction	101316	Parks GO Bonds-2015	362-3500-552-6407	1,957,800	1,951,444	Construction	May-16
Mercer Fields	101317	Parks GO Bonds-2015	362-3500-552-6408	677,610	450	Planning	Aug-19
Northam Complex	101318	Parks GO Bonds-2015	362-3500-552-6409	747,090	505,598	Construction	May-16
Oak Creek Park	101319	Parks GO Bonds-2015	362-3500-552-6410	458,415	4,200	Planning	Nov-16
Optimist Park	101320	Parks GO Bonds-2015	362-3500-552-6411	496,285	17,929	Construction	Jul-16
Prairie Park	101321	Parks GO Bonds-2015	362-3500-552-6412	440,000	2,938	Planning	Jan-17
Sammons Community Center	101322	Parks GO Bonds-2015	362-3500-552-6413	1,750,000	131,989	Engineering	Apr-17
Scott & White Park	101323	Parks GO Bonds-2015	362-3500-552-6414	300,590	11,665	Engineering	Sep-16
Southwest Community Park	101324	Parks GO Bonds-2015	362-3500-552-6415	3,330,000	-	Planning	Nov-17
Vestern Hills Park	101325	Parks GO Bonds-2015	362-3500-552-6416	302,140	3,795	Engineering	Jan-17
Vilson Basketball Cover	101326	Parks GO Bonds-2015	362-3500-552-6417	203,770	198,160	Construction	Jul-16
Nilson Football Field	101327	Parks GO Bonds-2015	362-3500-552-6418	611,375	493,164	Construction	Sep-16
Vilson Recreation Center	101328	Parks GO Bonds-2015	362-3500-552-6419	1,300,000	89,014	Engineering	Feb-17
Vilson South	101329	Parks GO Bonds-2015	362-3500-552-6420	789,755	320	Planning	Sep-18
Bend of River Master Plan	101465	GRANT	260-3500-552-2623	150,000	145,399	Engineering	Sep-16
Linkage Trails - Windham Trail	101466	Parks GO Bonds-2015	362-3500-552-6406	285,200	-	Planning	TBD
Parks Deferred Maintenance	350009	DESCAP	351-3500-552-2311 351-3500-552-2324 351-3500-552-6310	103,844	96,198	Purchasing Food Trailer for Lions Junction	Sep-16
Park Improvements - Wilson Park	101124	BUDG-15 GRANT	110-3500-552-6310 110-5935-552-6310 260-6100-571-6516	482,523	482,516	Complete	Oct-15

Project	Project #	Funding	Acct #	Project Budget	Actual Commit / Spent	Status	Scheduled Completion
Sidewalk/Trail Repair - Wilson, Jackson, Lions & S. Temple	101149	BUDG-15	110-5935-552-6310	\$ 25,144	\$ -	Engineering	Jun-16
New Trail - Valley Ranch Park	101150	BUDG-15	110-5935-552-6310	60,000	58,646	Complete	Mar-16
Summit - Racquetball Improvements	101436	BUDG-15	110-3250-551-6310	19,850	18,374	Complete	Dec-15
Total Parks & Recreation	n			\$ 28,314,623	\$ 5,991,701		
Southeast Industrial Park {Engineering Only}	100258	RZ	795-9500-531-6317 795-9700-531-6317 795-9700-531-6828	265,200	265,200	Complete	Dec-15
Rail Maintenance	100692	RZ	795-9500-531-6514	524,521	146,617	On Going	TBD
Road/Sign Maintenance	100693	RZ	795-9500-531-6317	608,574	215,207	On Going	TBD
Avenue R {West of 25th Street to East of 19th Street}	100696	RZ	795-9500-531-6553 795-9700-531-6553 795-9800-531-6553	3,127,710	3,099,197	Complete	Mar-16
Rail Safety Zone - Downtown Improvements	100697	RZ	795-9500-531-2539 795-9500-531-6528	1,194,032	1,154,567	Complete	Nov-15
Airport Corporate Hangar, Phase II	100811	RZ	795-9500-531-6558	450,000	306,835	Engineering	Sep-16
Pepper Creek Regional Detention Pond	100994	RZ	795-9500-531-6562	1,139,201	1,139,201	Complete	Mar-16
Femple Industrial Park - Research Pkwy {IH35 to Wendland Ultimate - Design & ROW Only}	101000	RZ	795-9500-531-6863 795-9800-531-6863	4,705,000	1,801,620	Engineering	Dec-16
Temple Industrial Park - Research Pkwy {Wendland to WcLane Pkwy - Design & ROW Only}	101001	RZ	795-9800-531-6864	2,260,000	741,579	Engineering	Dec-16
Corporate Campus Park - McLane Pkwy/Research Pkwy Connection	101003	RZ	795-9500-531-6866 795-9800-531-6866	3,885,108	3,884,814	Complete	Mar-16
Corporate Campus Park - Research Pkwy {McLane Pkwy to Cen Pt Pkwy - Construction}	101004	RZ	795-9800-531-6881	1,500,000	521,399	Engineering	Dec-18
Crossroads Park @ Pepper Creek Trail at Pepper Creek)	101005	RZ	795-9500-531-6867 795-9800-531-6867	2,675,000	371,115	Engineering	Sep-17
Synergy Park - Entry Enhancement	101006	RZ	795-9800-531-6868	500,000	-	On Hold	TBD
TMED - Loop 363 Frontage {UPRR to 5th TRZ Portion}	101010	RZ	795-9500-531-6872 795-9800-531-6872	6,750,000	6,159,343	Bidding Construction	TBD
TMED - 31st St./Loop 363 Improvements/Monumentation	101011	RZ	795-9800-531-6873	2,170,000	352,880	Engineering	TBD
TMED - Avenue U Ave to 1st	101012	RZ	795-9500-531-6874	4,025,000	153,862	Bidding Construction	May-17
TMED - Avenue U Ave to 1st {ROW}	101012	RZ	795-9800-531-6874	2,405,000	2,195,261	Complete	Mar-16
TMED - Friar's Creek Trail to Ave R Trail	101015	RZ	795-9800-531-6876	572,759	522,757	Complete	Mar-16
Airport Enhancement Project (Fuel Farm Loop Roadway, Terminal Access Enhancements, Entry Landscaping & Signage, NW Parking & Entrance)	101019	RZ	795-9500-531-6880 795-9800-531-6880	3,536,871	3,536,871	Substantially Complete	May-16
N Lucius McCelvey Ext	101252	RZ	795-9500-531-6564	2,294,576	2,264,766	Substantially Complete	Apr-16
/eteran's Memorial Boulevard, Phase II {ROW}	101263	RZ	795-9500-531-6567	250,000	-	Engineering	TBD
/eteran's Memorial Boulevard, Phase II Design & Construction}	101263	RZ	795-9500-531-6567	1,425,000	896,700	Engineering	TBD
N. 31st Street Sidewalks	101288	RZ	795-9500-531-6315	30,775	-	Planning	Oct-16
Northern Y Rail Project	101456	RZ	795-9500-531-6563	1,500,000	78,400	Engineering	TBD
R & D Rail Tracks Preliminary Design & ROW Only}	101457	RZ	795-9500-531-6568	550,000	124,400	Engineering	TBD
31st Street Sidewalks	101458	RZ	795-9500-531-6315	350,000	-	Planning	TBD
Corporate Campus Park - Bioscience Trail Connection o Airport {Extending Trail to 36}	101002	RZ	795-9500-531-6865 795-9800-531-6865	2,754,900	350,000	Engineering	Dec-16

Project	Project #	Funding	Acct #	Project Budget	Actual Commit / Spent	Status	Scheduled Completion
Downtown - Santa Fe Plaza {Land Acquisition}	101008	RZ	795-9500-531-6870 795-9800-531-6870	\$ 2,650,000	\$ 630,628	Planning	Aug-16
Downtown - Santa Fe Plaza {Design}	101008	RZ	795-9500-531-6870 795-9800-531-6870	876,400	565,740	Engineering	Aug-16
MED - Master Plan {Health Care Campus}	101013	RZ	795-9800-531-6875	125,000	104,850	Engineering	May-16
MED - Master Plan & Thoroughfare Plan	101014	RZ	795-9800-531-6875	55,000	-	Planning	TBD
Santa Fe Market Trail {ROW}	101262	RZ	795-9500-531-6566	1,000,000	711,903	Planning	Sep-16
anta Fe Market Trail (Design & Construction)	101262	RZ	795-9500-531-6566	1,690,000	199,100	Engineering	Sep-17
Total Reinvestment Zone No. 1	Projects		<u> </u>	\$ 57,845,627	\$ 32,494,813	· ·	
CIP - Kegley Road Improvements	100346	CO-14	365-3400-531-6888	801,600	101,600	Engineering	Oct-17
CIP - Tarver Road Extension to Old Waco Sidewalk}	100392	CO-14	365-3400-531-6885	356,027	356,027	Construction	Aug-16
CIP - Tarver Road Extension to Old Waco ROW, Design & Construction}	100392	CO-08 CO-14	361-3400-531-6847 365-3400-531-6885	1,763,596	1,629,306	Construction Awarded in May	Aug-16
CIP - Ave U - Scott & White to 1st/13th- 17th Construction}	100718	CO-12	365-3400-531-6874	3,308,997	99,434	Construction	May-18
D'Antonie's Crossing Subdivision - Sidewalks	100943	DESCAP	351-3400-531-6315	64,500	64,500	Cost Sharing Agreement Authorized	TBD
CIP - Hogan Road Improvements {Design}	100952	CO-12	365-3400-531-6858	377,650	357,200	Engineering	Dec-16
CIP - Legacy Pavement Preservation Program FY 015	100955	CO-14	365-3400-531-6527	6,676,890	6,474,937	Complete	Oct-15
CIP - Legacy Pavement Preservation Program FY 016	100955	CO-16	365-3400-531-6527	5,223,048	2,694,541	In Progress	Oct-16
CIP - Western Hills - Roadway Improvements	100967	CO-12	365-3400-531-6858	4,807,644	4,806,287	Construction	May-16
CIP - Prairie View (Research to N Pea Ridge), Ph. 1	100984	CO-14	365-3400-531-6862	8,331,850	8,328,109	Construction	Apr-16
TCIP - S. 23rd Street Extension	101107	CO-12 Util-RE UR-15	365-3400-531-6882 520-5900-535-6361 561-5400-535-6882	779,749	672,211	Complete	Dec-15
TCIP - Outer Loop, Phase 3	101121	CO-12 CO-14	361-3400-531-6813 365-3400-531-6813	8,641,929	3,597,647	Construction	Feb-17
CIP - East Temple - Greenfield	101234	CO-12	365-3400-531-6884	90,792	-	Planning	TBD
Summit - Drainage Improvements (Design)	101254	BUDG-15	110-5935-552-6310	17,970	17,970	Engineering	TBD
Prairie View (N Pea Ridge to FM 2483), Ph. 2 Design & ROW}	101257	GRANT	260-3400-531-6862	6,480,000	-	Engineering	TBD
CIP - Prairie View (N Pea Ridge to FM 2483), Ph. 2 Design & ROW}	101257	CO-14	365-3400-531-6862	2,084,798	908,297	Engineering	TBD
TCIP - SH317 Sidewalks	101285	CO-14	365-3400-531-6315	200,000	200,000	Planning	TBD
Sidewalk/Transportation Enhancement (HOP Bus Stops)	101434	CDBG	260-6100-571-6315	100,000	-	Engineering	Jan-17
N. 31st Street Sidewalks	101440	GRANT	260-3400-531-6315	414,575	75,099	Construction	Oct-16
/leadows, Phase IV - Tanglehead Development - KAM Homebuilders	101467	CO-14	365-3400-531-6889	78,000	78,000	Cost Sharing Agreement Authorized	TBD
Sidewalk Replace at 6102 W Adams, Boeselt Group Properties, Inc.	101470	BUDG-16	351-3400-531-6315	11,883	11,882	Cost Sharing Agreement Authorized	TBD
Northwest Loop 363 Improvements	100681	CO-08 UR-10 TxDOT/PTF Bonds RZ	361-3400-531-2588 561-5200-535-6940 795-9500-531-2587 795-9500-531-2588 795-9700-531-2588 795-9700-531-2588	51,586,886	50,690,347	Substantially Complete	May-16
TCIP - S. Pea Ridge Road (Hogan to Poison Oak)	101214	CO-14	365-3400-531-6860	140,000	-	On Hold	TBD

Project	Project #	Funding	Acct #	Project Budget	Actual Commit / Spent	Status	Scheduled Completion
TCIP - Poison Oak - Phase I {Design & ROW}	101215	CO-14	365-3400-531-6886	\$ 298,734	\$ -	On Hold	TBD
S. 1st St @ W Ave R/W Ave U	101225	CO-14	365-2800-532-6810	300,000	240,886	Complete	Feb-16
Total Streets / Related Facilities			\$102,937,119	\$ 81,404,282			
SH 317 Water Line Relocation from FM2305 to FM439 as part of TxDOT SH 317 Road Improvement Project	100223	UR-08	561-5200-535-6907	2,328,540	2,266,349	Construction	May-16
South Temple Water System Improvements: Pipeline, Storage Tank, and Pump Station	100333	UR-08	561-5200-535-6909	885,547	885,547	On Hold	TBD
Utilities Relocation - Tarver to Old Waco	100391	UR-08	561-5200-535-6936	124,763	124,763	Construction Awarded in May	Sep-19
TB WWTP Expansion, Phase I	100584	UR-10	561-5500-535-6938	1,464,324	1,004,423	Engineering	Nov-16
Water Line Replacement - Charter Oak	100608	Util-RE UR-15	520-5900-535-6110 561-5200-535-6939	6,769,144	2,840,185	Construction	Jun-16
Ave U - Scott & White to 1st/13th- 17th	100718	UR-15	561-5200-535-6969	300,000	-	Construction	May-18
Leon River Interceptor	100851	UR-10	561-5400-535-6941	1,122,880	818,545	Engineering	Nov-17
Western Hills - Utility Improvements	100967	Util-RE UR-15	520-5900-535-6521 561-5200-535-6950	2,121,496	2,121,496	Complete	Jan-16
Prairie View (Research to N Pea Ridge), Ph. 1	100984	UR-15	561-5200-535-6862	742,450	742,450	Construction	Apr-16
WWTP - Doshier SCADA	100992	UR-10	561-5500-535-6944	300,000	78,253	Construction	Nov-16
Utility Improvements (Greenfield Development) - FY 2014	101064	BUDG-U	520-5000-535-6370	342,893	-	Planning	TBD
Westfield Boulevard - Utility Improvements	101084	UR-15	561-5400-535-6948	291,170	291,170	Complete	Oct-15
Temple-Belton WWTP Expansion	101086	Util-RE UR-15	520-5900-535-6310 561-5500-535-6938	1,100,000	1,006,166	Engineering	May-18
WTP Rehabilitation Project - #2	101088	UR-15	561-5100-535-6954	1,000,000	-	On Hold	TBD
Generator Design	101089	BUDG-U UR-15	520-5123-535-6310 561-5100-535-6960	1,713,673	83,060	Engineering	Feb-17
Water Line Improvement Projects - FY 2014	101090	BUDG-U	520-5200-535-6357	1,111,270	1,033,094	Complete	Dec-15
Outer Loop - Phase 3 {Utilities}	101121	Util-RE	520-5900-535-65-21	1,428,071	730,268	Construction	Feb-17
Water/Wastewater Replacement - 2nd & 4th; Ave C to Adams Ave	101186	Util-RE	520-5900-535-6521	642,000	83,715	On Hold	TBD
SLR - S 20th St - Ave H Dead-end	101196	Util-RE UR-16	520-5900-535-6361 561-5400-535-6963	891,967	891,966	Construction	May-17
WW Master Plan Update	101197	Util-RE	520-5900-535-2616	600,000	-	On Hold	TBD
WTP - Airport & Range Rd Tank	101198	Util-RE	520-5900-535-6522	1,402,102	1,402,102	Complete	Dec-15
WWL-McLane/Research Connector	101199	UR-15	561-5400-535-6956	779,662	501,788	Construction	Aug-16
WL Replace - 3rd/Irvin & Nugent	101200	UR-15	561-5400-535-6952	1,127,062	1,127,061	Construction	Aug-16
WL Replace - Along E Adams	101205	UR-15	561-5400-535-6953	684,413	684,412	Construction	Aug-16
WTP - High Voltage Transfer MCC Replacement	101206	BUDG-U UR-15	520-5100-535-6222 561-5100-535-6931	885,815	692,870	Construction	Aug-16
FY 2015 WL Improvements	101227	BUDG-U	520-5200-535-6357	310,590	-	Planning	TBD
FY 2015 SL Improvements	101228	BUDG-U	520-5400-535-6361	134,601	-	Planning	TBD
Membrane Water Treatment Plant Assessment	101284	Util-RE	520-5100-535-6310	64,500	24,500	Planning	TBD
WL Improvements - N. Temple (Elm Creek)	101308	UR-15	561-5200-535-6955	1,500,000	675,036	Construction	Aug-16

Project	Project #	Funding	Acct #	Project Budget	Actual Commit / Spent	Status	Scheduled Completion
In House Sewer: Bunker Hill-Patrick Henry; Yorktown- Betsy Ross	101406	BUDG-U	520-5400-535-6359	\$ 136,000	\$ -	On Hold	TBD
n House Sewer: Ticonderoga-West Point; Trenton- iberty	101407	BUDG-U	520-5400-535-6359	187,000	-	On Hold	TBD
n House Sewer: Lexington-Yorktown; Bunker Hill-Valley	101408	BUDG-U	520-5400-535-6359	110,500	-	On Hold	TBD
FY 2016 In House Sewer: Install Additional Man Holes in Sewer Collection System	101409	BUDG-U	520-5400-535-6359	20,000	6,684	Complete	Dec-15
NTP - Lagoon #1 Repair	101416	UR-15	561-5100-535-6967	750,000	-	Engineering	TBD
FY 2016 Repair/Replace Pumps, Drives and Valves	101417	BUDG-U	520-5100-535-6310	120,000	12,854	Construction	Sep-16
FY 2016 Replacement Parts for Membrane Plant	101418	BUDG-U	520-5100-535-6211	100,000	5,823	On Hold	TBD
FY 2016 Purchase Membrane Modules	101419	BUDG-U	520-5100-535-6310	504,000	-	On Hold	TBD
NTP Membrane Plant - Repaint Piping, Floors, and Concrete Slab	101420	BUDG-U	520-5100-535-6310	125,000	-	Engineering	Mar-17
NTP Maintenance Shop - Expand Shop for Additional Storage of Parts, Materials and Oil Drums	101421	BUDG-U	520-5100-535-6310	44,000	-	On Hold	TBD
NTP Membrane Plant - Upgrade Lab and Redesign to Provide More Counter & Storage Space	101422	BUDG-U	520-5100-535-6310	25,000	-	On Hold	TBD
Ave G & Loop 363 Pump Stations - Install Overhead  Monorail and Chain Hoist System	101433	BUDG-U	520-5100-535-6222	30,000	-	Planning	TBD
FY 2016 Waterline Improvement Projects	101435	BUDG-U	520-5200-535-6357	243,248	-	Planning	TBD
Y 2016 Sewer Line Improvement Projects	101439	BUDG-U	520-5400-535-6361	243,248	-	Planning	TBD
FY 2016 Approach Mains	101450	BUDG-U	520-5000-535-6369	347,156	-	Planning	TBD
NTP Conventional - Lab Upgrades	101452	BUDG-U	520-5100-535-6310	109,172	7,025	Construction	Sep-16
NTP Mobile Computer & Software	101460	BUDG-U	520-5100-535-6211	12,621	12,621	Complete	Feb-16
Williamson Creek Basin - Sewer Line Replacement	101463	BUDG-15	520-5900-535-6361	14,250	-	Planning	TBD
Shallowford Lift Station Reconstruction & Relocation	101475	UR-15	561-5400-535-6905	641,530	641,530	Engineering	Sep-16
Jackson Park Vicinity Water & Wastewater Line	101476	UR-15	561-5400-535-6970	244,072	244,072	Engineering	Jul-16
Bird Creek Interceptor, Phase V	101477	UR-15	561-5400-535-6925	91,370	91,370	Engineering	Jun-16
Waste Water Line - Airport Road/Crossroads Park	101480	UR-15	561-5400-535-6971	124,275	124,275	Engineering	Sep-17
nstall (2) Water Lines - Highland Park	101488	BUDG-U	520-5900-535-6366	152,844	152,844	Cost Sharing Agreement Authorized	TBD
Naste Water Line - Hilliard Rd & West Adams	101499	BUDG-U	520-5400-535-6361	19,601	19,601	Cost Sharing Agreement Authorized	TBD
Western Hills Water Improvements, Phase II	101503	UR-15	561-5200-535-6950	387,823	387,823	Engineering	Mar-18
Hidden Villages Subdivision Utility Extension	520004	Util-RE	520-5900-535-6366	54,685	54,685	Cost Sharing Agreement Authorized	TBD
fills of Westwood, Phase IV, Utility Extension	540003	Util-RE	520-5900-535-6368	21,025	21,025	Cost Sharing Agreement Authorized	Mar-17
-35 Utility Relocation Project {North Loop 363 to Northern Temple City Limits - Engineering Only}	100682	TxDOT	520-5900-535-6618	193,240	193,240	Construction	Oct-16
-35 Utility Relocation Project (South Loop 363 to Nugent- Engineering Only)	100687	TxDOT	520-5900-535-6618	557,690	492,690	Construction	Oct-16
-35 Utility Relocation Project (Nugent to North Loop 363- Engineering Only)	100688	TxDOT	520-5900-535-6618	467,190	404,675	Construction	Oct-16
N Loop 363 / IH35 Utility Improvements	100986	Util-RE	520-5900-535-6521 520-5900-535-6110	2,244,280	2,004,006	Construction	Apr-16
Rplc Hickory LS Pump	100991	UR-15	520-5900-535-6110	496,749	496,748	Complete	Mar-16
							(Continued)

Project	Project #	Funding	Acct #	Project Budget	Actual Commit / Spent	Status	Scheduled Completion
Water Line Replacement - along Lamar from 7th Street to Nugent Tank	101082	UR-15	561-5200-535-6949	\$ 572,510	\$ 572,510	Complete	Oct-15
WTP Rehabilitation Project - #1	101087	UR-15	561-5100-535-6954	1,000,000	242,832	Engineering	TBD
Meadows @ Creekside Subdivision - Sidewalk, Utility Rerouting, Drainage Improvements	101135	BUDG-15 CO-14 BUDG-U	292-2900-534-6312 365-3400-531-6863 520-5000-535-6370	140,000	140,000	Complete	Dec-15
FY 2015 In-house sewer: Install Manhole	101175	BUDG-U	520-5400-535-6359	20,000	20,000	Complete	Jan-15
n-house sewer: W Irvin Ave - W French Ave	101176	BUDG-U	520-5400-535-6359	57,422	57,422	Complete	Mar-15
n-house sewer: E Houston Ave - E French Ave	101177	BUDG-U	520-5400-535-6359	134,100	37,001	Construction	Sep-16
n-house sewer: Ave B and 24th Street	101178	BUDG-U	520-5400-535-6359	98,161	65,538	Complete	Dec-15
Cycle Stop Valves or Variable Frequency Drive Units for ligh Service Pumps Discharge	101179	BUDG-U	520-5100-535-6310	100,000	850	On Hold	TBD
TY 2015 Repair and Replace Pumps, Drives and Valves	101180	BUDG-U	520-5100-535-6310	120,000	58,223	Construction	Sep-16
FY 2015 Rplc Parts - Membrane Plant	101181	BUDG-U	520-5121-535-6211	100,000	37,344	On Hold	TBD
FY 2015 Rplc Membrane Modules	101182	BUDG-U	520-5121-535-6310	437,600	57,549	On Hold	TBD
VL Rehab - Bird Creek Basin	101189	BUDG-U	520-5460-535-6361	1,000,000	-	On Hold	TBD
SLR - Barton Ave to E French Ave	101192	Util-RE UR-15	520-5900-535-6361 561-5400-535-6957	748,090	747,651	Construction	May-16
SLR - N 5th St to Jackson Creek	101193	Util-RE	520-5900-535-6361	375,000	73,710	Engineering	Jan-17
Vaterline Improvements - S 22nd St - Ave H to Ave I	101194	Util-RE	520-5900-535-6357	151,727	151,726	Construction	May-17
SLR - S 18th St - Ave H South	101195	Util-RE UR-15	520-5900-535-6361 561-5400-535-6962	564,500	564,498	Construction	May-17
Old Town South Sewer Line 3rd & 11th/Ave D to Ave H & 3rd & 9th/Ave K to Ave N}	101201	UR-15	561-5400-535-6964	610,000	-	Engineering	Jun-17
fillages of Westfield Subdivision	101202	UR-15	561-5400-535-6965	94,275	-	Cost Sharing Agreement Authorized	TBD
SLR - Ave M - Ave N & Dunbar Trunk	101203	Util-RE UR-15	520-5900-535-6361 561-5400-535-6966	733,826	733,823	Construction	May-17
VWL Replace - Avenue P	101204	UR-15	561-5400-535-6958	400,000	95,500	Engineering	Oct-16

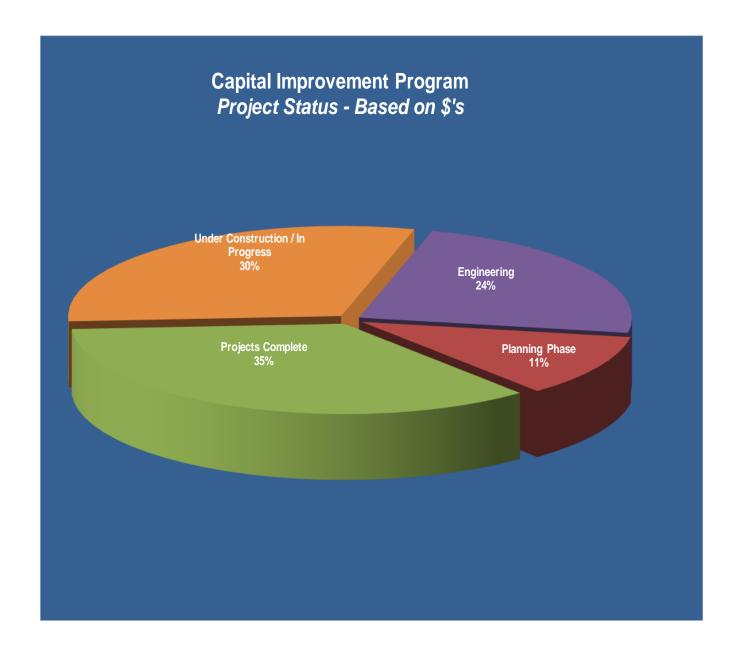
**Total Water & Wastewater Facilities** 

\$ 48,443,713 \$ 29,138,986

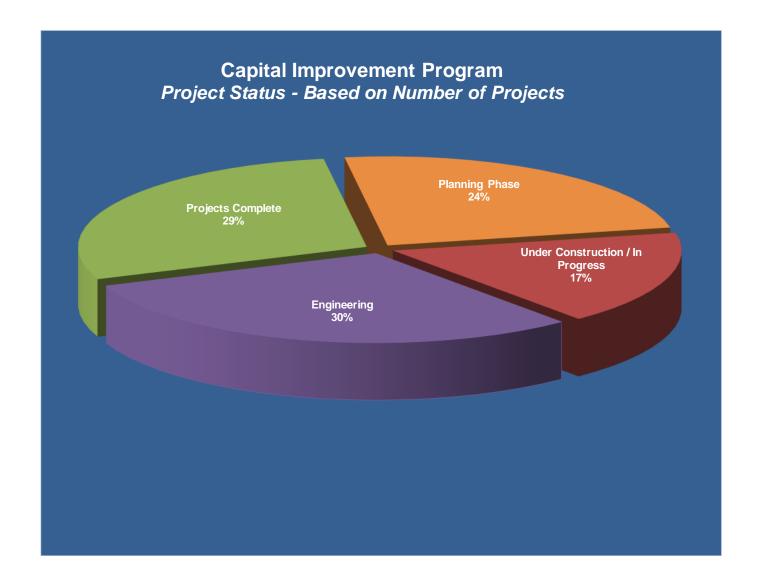
**Total Capital Projects** 

\$251,508,525 \$ 156,093,003

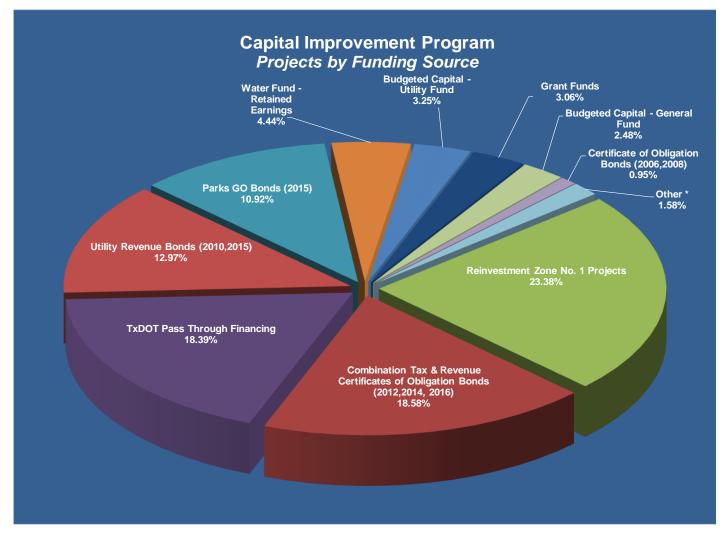
Total Estimated Costs of City Funded Projects	\$ 251,508,525
Planning Phase	 28,135,418
Engineering	58,801,412
Under Construction / In Progress	76,096,351
Projects Complete	\$ 88,475,344



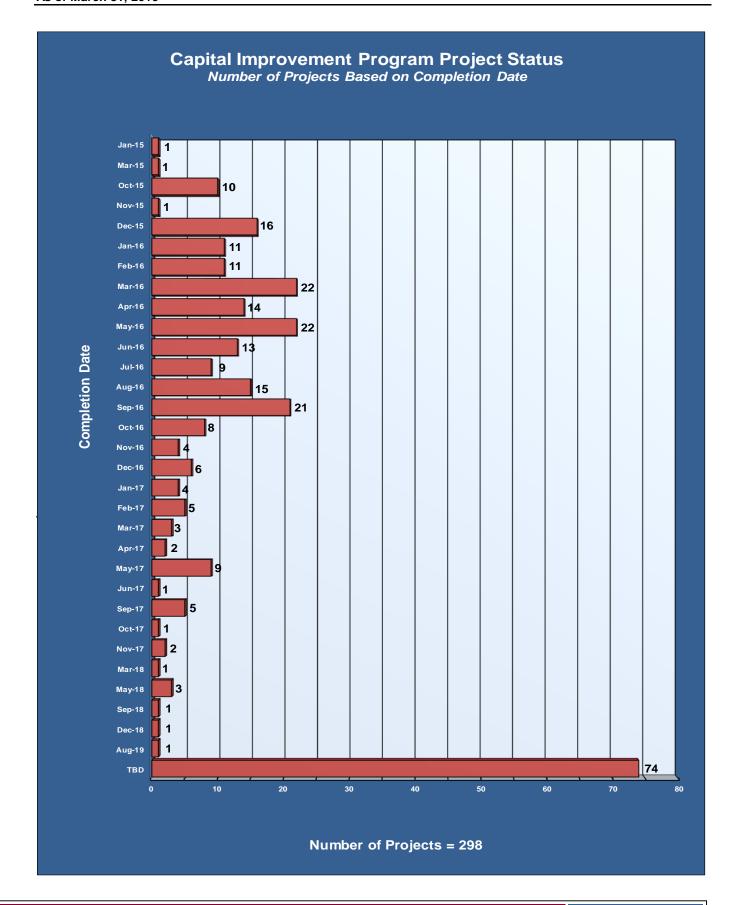
Engineering	90
Projects Complete	85
Planning Phase	72
Under Construction / In Progress	51
Total Number of Capital Improvement Projects	298



	T	otal Dollars	% of Total	
Reinvestment Zone No. 1 Projects	\$	58,775,627	23.38%	
Combination Tax & Revenue Certificates of Obligation Bonds (2012,2014, 2016)		46,736,327	18.58%	
TxDOT Pass Through Financing		46,256,278	18.39%	
Utility Revenue Bonds (2010,2015)		32,632,917	12.97%	
Parks GO Bonds (2015)		27,454,735	10.92%	
Water Fund - Retained Earnings		11,176,575	4.44%	
Budgeted Capital - Utility Fund		8,183,492	3.25%	
Grant Funds		7,704,826	3.06%	
Budgeted Capital - General Fund		6,239,402	2.48%	
Certificate of Obligation Bonds (2006,2008)		2,396,886	0.95%	
Limited Tax Notes (2016) *		1,711,995	0.69%	
TxDOT Reimbursable Utility Agreements *		1,218,120	0.48%	
Hotel-Motel Fund - Designated from Fund Balance *		501,572	0.20%	
General Fund - Designated from Fund Balance/Other *		357,524	0.14%	
Forfeited Funds *		116,909	0.05%	
General Obligation Bonds (2009) - Fire *		45,340	0.02%	
Total Capital Improvement Projects (by funding source)	\$	251,508,525	100.00%	



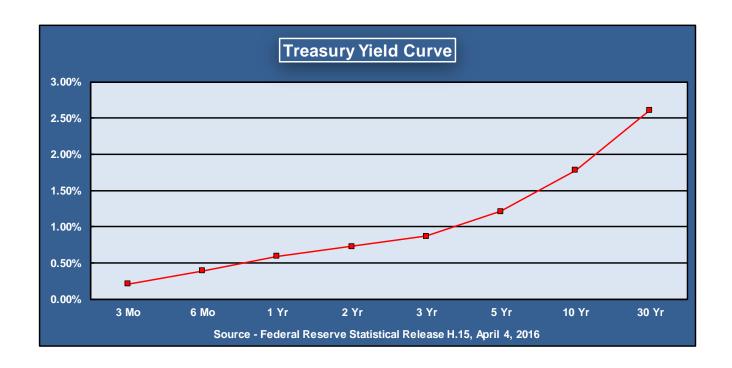
<sup>\*</sup>Funding source is reflected in "other" on graph

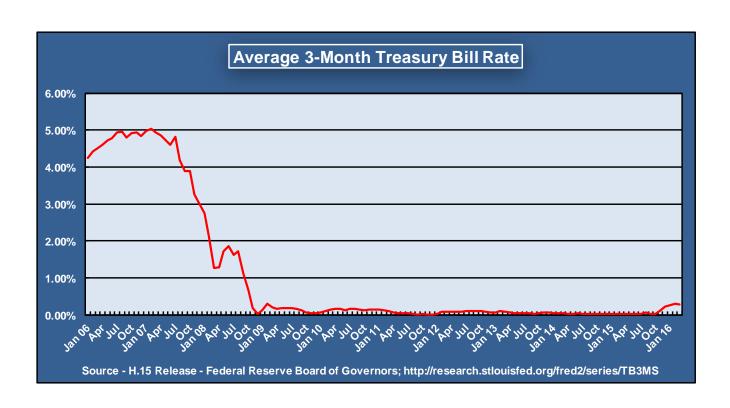




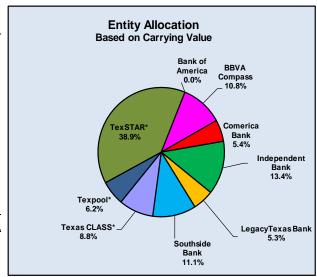


The Public Funds Investment Act, Chapter 2256 of the Texas Government Code, requires the investment officer to prepare and submit a written report of investments to the governing body of the entity not less than quarterly.

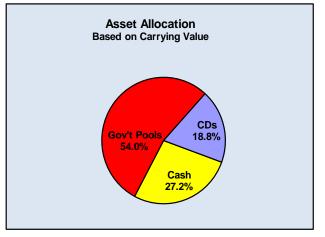




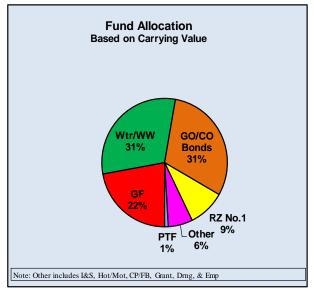
	Carrying Value	Bank Balance/ Fair Value
Entity Allocation		
Bank of America	\$ 1	7 \$ 17
BBVA Compass	20,191,16	20,291,473
Comerica Bank	10,193,41	0 10,193,410
Independent Bank	25,143,09	25,143,092
LegacyTexas Bank	10,006,34	0 10,006,340
Southside Bank	20,826,09	9 20,826,099
Texas CLASS*	16,557,96	7 16,557,967
Texpool*	11,573,17	6 11,573,176
TexSTAR*	73,045,17	73,045,176
Gov't Securities		
	\$ 187,536,43	9 \$ 187,636,750



	Carrying	Bank Balance/
	Value	Fair Value
Asset Allocation		
Cash	\$ 51,023,618	\$ 51,123,929
Gov't Pools	101,176,319	101,176,319
CDs	35,336,502	35,336,502
T-Bills	-	-
Agencies		
	\$ 187,536,439	\$ 187,636,750



	Carrying	Carrying
	 Value	Value
Fund Allocation		
General Fund (GF)	\$ 41,560,351	22.16%
Water & Wastewater (Wtr/WW)	57,405,724	30.61%
GO Interest & Sinking (I&S)	8,375,521	4.47%
Hotel / Motel (Hot/Mot)	1,252,840	0.67%
Capital Projects - GO/CO Bond		
Program (GO/CO Bonds)	57,225,700	30.51%
Capital Projects - Designated		
Fund Balance (CP/FB)	15,691	0.01%
PTF Project Fund (PTF)	1,764,668	0.94%
Federal / State Grant Fund (Grant)	(31,990)	-0.02%
Drainage (Drng)	1,731,505	0.92%
Employee Benefits Trust (Emp)	450,881	0.24%
Reinvestment Zone No.1 (RZ No.1)	 17,785,548	9.48%
	\$ 187,536,439	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.

% of

March 31, 2016

Time	Par	Term*	Violal 0/	Maturity	Carrying	Fair		air vs
Туре	Value	(Days)	Yield %	Date	Value	Value	Ca	rrying
Independent Bank CD	\$ 10,045,200	1	0.4500	01-Apr-16	\$ 10,047,677	\$ 10,047,677	\$	_
Independent Bank CD	10,055,265	92	0.5500	01-Jul-16	10,058,295	10,058,295		-
Independent Bank CD	5,035,188	278	0.7000	03-Jan-17	5,037,120	5,037,120		-
Comerica Bank CD	5,087,921	312	0.9500	06-Feb-17	5,091,364	5,091,364		-
Comerica Bank CD	5,098,196	400	1.0600	05-May-17	5,102,046	5,102,046		-
TexPool Investment Pool	11,573,176	72	0.3273	-	11,573,176	11,573,176		-
TexSTAR Investment Pool	73,045,176	86	0.3450	-	73,045,176	73,045,176		-
Texas CLASS Investment Pool	16,557,967	57	0.5400	-	16,557,967	16,557,967		-
Bank of America Money Market	17	1	0.1500	-	17	17		N/A
BBVA Compass Cash	10,014,346	1	0.0000	-	10,014,346	10,114,657		N/A
BBVA Compass Money Market	10,176,816	1	0.1500	-	10,176,816	10,176,816		N/A
LegacyTexas Money Market	10,006,340	1	0.4000	-	10,006,340	10,006,340		N/A
Southside Bank Money Market	20,826,099	1	0.4700	-	20,826,099	20,826,099		N/A
	\$ 187,521,707				\$ 187,536,439	\$ 187,636,750	\$	-

Fair Value as a % of Carrying Value

Key Rates

4.00% 3.50% 3.00% 2.50% 2.00% 1.50% 1.00% 0.50% 0.00% 100.00%

Weighted Average

0.41% Yield Maturity 75.04 Days

Key Rates: Cash Markets * Rate	Year ago	Mar 31				
City of Temple	0.26	0.41				
Texpool	0.05	0.33				
TexSTAR	0.06	0.35				
Texas Class	0.12	0.54				
Fed funds	0.06	0.39				
CDs: Three months	0.09	0.09				
CDs: Six months	0.13	0.14				
T- bill 91-day yield	0.03	0.22				
T- bill 52-week yield	0.26	0.59				
Bond Buyer 20- bond						
municipal index	3.49	3.28				
*Source - GFOA Treasury Management, April 26, 2016						

■Year ago

■ Mar 31

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

Melissa Przybylski **Assistant Director of Finance**  Zhonda M. Scally

Rhonda M. Scally **Senior Accountant** 

Melina a fizedhic

				Carrying Value					
	Par							ı	ncrease /
Туре		Value	Maturity		12/31/2015		3/31/2016	(	Decrease)
Independent Bank CD	\$	10,045,200	01-Apr-16	\$	10,036,417	\$	10,047,677	\$	11,260
Independent Bank CD		10,055,265	01-Jul-16		10,044,522		10,058,295		13,773
Independent Bank CD		5,035,188	03-Jan-17		5,028,344		5,037,120		8,776
Comerica Bank CD		5,087,921	06-Feb-17		5,079,325		5,091,364		12,039
Comerica Bank CD		5,098,196	05-May-17		5,088,587		5,102,046		13,459
TexPool Investment Pool		11,573,176	-		11,097,547		11,573,176		475,629
TexSTAR Investment Pool		73,045,176	-		81,960,877		73,045,176		(8,915,701)
Texas CLASS Investment Pool		16,557,967	-		10,424,521		16,557,967		6,133,446
Bank of America Money Market		17	-		151,967		17		(151,950)
BBVA Compass Cash		10,014,346	-		7,112,451		10,014,346		2,901,895
BBVA Compass Money Market		10,176,816	-		17,171,180		10,176,816		(6,994,364)
LegacyTexas Money Market		10,006,340			0		10,006,340		10,006,340
Southside Bank Money Market		20,826,099	-		10,805,288		20,826,099		10,020,811
	\$	187,521,707		\$	174,001,026	\$	187,536,439	\$	13,535,413

				Fair Value					
Par									ncrease /
Туре		Value	Maturity		12/31/2015		3/31/2016	(Decrease)	
Independent Bank CD	\$	10,045,200	01-Apr-16	\$	10,036,417	\$	10,047,677	\$	11,260
Independent Bank CD		10,055,265	01-Jul-16		10,044,522		10,058,295		13,773
Independent Bank CD		5,035,188	03-Jan-17		5,028,344		5,037,120		8,776
Comerica Bank CD		5,087,921	06-Feb-17		5,079,325		5,091,364		12,039
Comerica Bank CD		5,098,196	05-May-17		5,088,587		5,102,046		13,459
TexPool Investment Pool		11,573,176	-		11,097,547		11,573,176		475,629
TexSTAR Investment Pool		73,045,176	-		81,960,877		73,045,176		(8,915,701)
Texas CLASS Investment Pool		16,557,967	-		10,424,521		16,557,967		6,133,446
Bank of America Money Market		17	-		151,967		17		(151,950)
BBVA Compass Cash		10,014,346	-		7,695,360		10,114,657		2,419,297
BBVA Compass Money Market		10,176,816	-		17,171,180		10,176,816		(6,994,364)
LegacyTexas Money Market		10,006,340			0		10,006,340		10,006,340
Southside Bank Money Market		20,826,099	-		10,805,288		20,826,099		10,020,811
	\$	187,521,707		\$	174,583,935	\$	187,636,750	\$	13,052,815

Investments with a \$0 Carrying and Fair Value at 12/31/2015 were purchased after 12/31/2015.



# Supplemental Information

## Supplemental Information includes ...

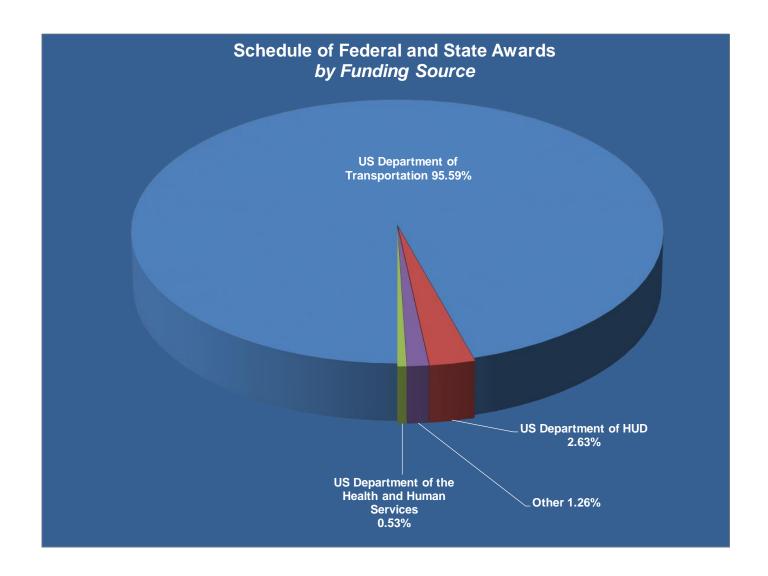
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		Council	Approved	
			Appropriation	
	Balance		Increase	Balance
	10/01/15	Reallocation	(Decrease)	03/31/16
CAPITAL PROJECTS:				
Various Projects:				
Assistance to Firefighters Grant Program (AFG) 10% Grant Match {01/21/1	6 \$ -	\$ 46,363	\$ -	\$ 46,363
TOTAL Various Projects		46,363		46,363
2015/2016 Budgetary Supplement-Capital/SIZ/TEDC Matrix:				
Capital Equipment Purchases	2,095,522	-	(2,095,522)	-
TEDC Matrix Allocation	700,000		(700,000)	
TOTAL BUDGETARY SUPPLEMENT	2,795,522		(2,795,522)	
TOTAL - PROJECT SPECIFIC	2,795,522	46,363	(2,795,522)	46,363
CAPITAL PROJECTS -				
***ASSIGNED***	2,124,816	(46,363)	(166,128)	1,912,325
TOTAL CAPITAL PROJECTS	\$ 4,920,338	\$ -	\$ (2,961,650)	\$ 1,958,688
				(Continued)

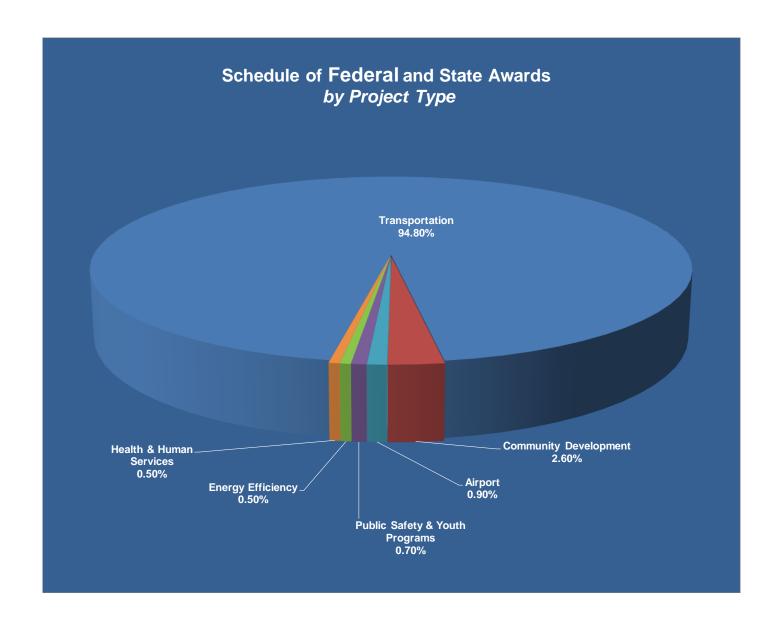
March 31, 2016 **Council Approved** Appropriation **Balance** Increase **Balance** 10/01/15 Reallocation (Decrease) 03/31/16 Other Fund Balance Classifications: **Encumbrances:** \$ 2,106,551 \$ (2,106,551)\$ Nonspendable: Inventory & Prepaid Items 375,039 375,039 Restricted for: Rob Roy MacGregor Trust - Library 12,790 11,290 (1,500)Drug enforcement (Forfeiture Funds) 345,852 (187, 199)158,653 Municipal Court Restricted Fees 617,769 617,769 Vital Statistics Preservation Fund 48,504 48,504 Public Safety 32,975 32,975 Public Education Government (PEG) Access Channel 155,432 (44,500)110,932 Assigned to: Technology Replacement 420,476 (412,377)8,099 **Budgeted decrease in Fund Balance** (5,713,777) 5,713,777 Unassigned: { 4 months operations } 18,293,530 18,293,530 **Total Fund Balance** \$ 27,329,256 \$ 27,329,256

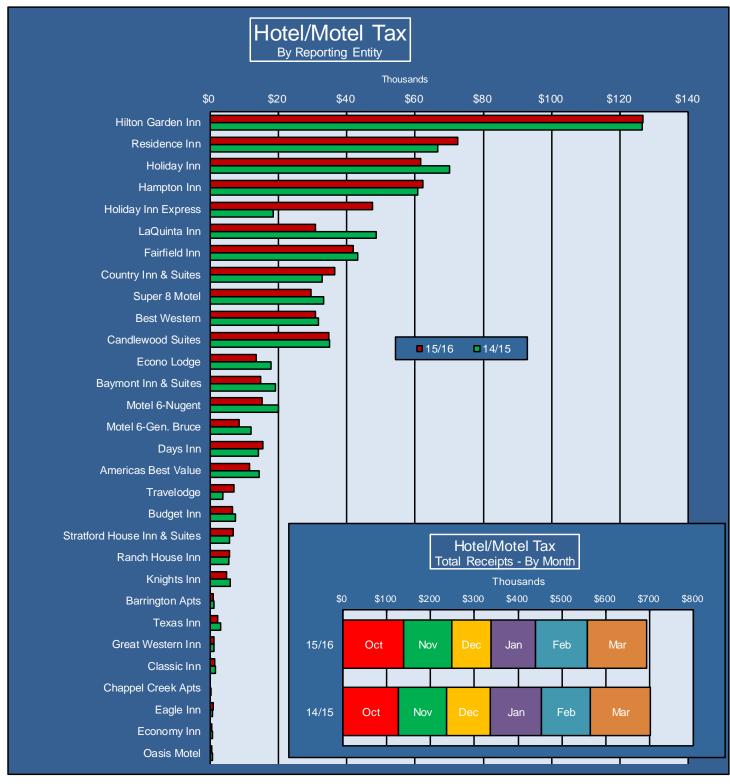
Federal/State Grantor Agency or Pass-Through	Federal CFDA	Grant	Program or Award	Program		
Program Title	Number	Number	Amount	Expenditures		
Federal Assistance:						
U.S. Department of H.U.D. CDBG 2014	14.218	B-14-MC-48-0021	\$ 390,268	\$ 65,988		
CDBG 2015	14.218	B-15-MC-48-0021	357,357	31,573		
0000 2010	11.210	D 10 MC 10 0021	301,301	97,561		
U.S. Department of Homeland Security						
Texas Department of Public Safety:						
Civil Defense	97.042	16TX-EMPG-1142	39,988	19,994		
Texas Engineering Extension Service						
Urban Search and Rescue	97.025	2178-PP12 2015	5,449	5,449		
U.S. Department of Justice				25,443		
2015 Bullet Proof Vests Grant	16.607	2015-BU-BX-13069168	27,920	10,657		
Equitable Sharing Program	16.922	TX0140700	24,504	24,504		
Killeen Police Department:	.0.022	17.61.161.66	2.,00.	2 .,00 .		
2015 Edward Byrne Memorial Justice Assistance Grant	16.738	2015-DJ-BX-0695	33,377	<u> </u>		
II.C. Department of Health and Human Canicas				35,161		
U.S. Department of Health and Human Services 2016 Community Health Related to Contamination at Land						
Reuse/Brownfield Sites Grant	93.07	1E11TS000265-01	150,000			
U.S. Department of Transportation						
Texas Department of Transportation:						
Surface Transportation Program (through KTMPO)	20.205		3,888,000	-		
Pass-Through Agreement	20.205	0320-06-001	16,555,000	1,339,427		
Transportation Alternatives Project North 31st.	20.205	0909-36-150	234,064	<u> </u>		
Institute of Museum and Library Services				1,339,427		
Texas State Library and Archives Commission						
Interlibrary Loan Program	45.310	LS-00-13-0044-13	5,238	5,238		
, ,				5,238		
Total Federal Financial Assistance			21,711,165	1,502,830		
State Financial Assistance:						
Office of the Attorney General						
Chapter 59 Asset Forfeitures	-	-	41,777	41,777		
				41,777		
Office of the Governor - Criminal Justice Division						
Crisis Assistance Program	-	-	21,694	9,388 9,388		
Texas Commission on Environmental Quality						
Texas Natural Gas Vehicle Grant Program	-	582-13-32486-1795	150,000	75,975		
Ü				75,975		
Texas Department of Transportation						
2016 Routine Airport Maintenance Program (RAMP)	-	M1609TEMP	50,000			
Texas A&M Forest Service						
TIFMAS Grant Assistance Program	-	-	2,220	1,500		
Texas State University System				1,500		
Texas School Safety Center						
Tobacco Prevention and Community Services Division	-	-	5,025	3,750		
Tobacco Enforcement Program			5,025	3,750		
Total State Financial Assistance			\$ 270,716	\$ 132,390		
Total Otale I manda Assistance			Ψ 210,110	ψ 132,390		

TOT THE SIX MENTILE CHASE MENTILE CT CT, 2010				
Federal/State Grantor	Federal		Program	
Agency or Pass-Through	CFDA	Grant	or Award	Program
Program Title	Number	Number	Amount	Expenditures
State Administered Financial Assistance:				
Texas Department of Transportation - Aviation Division				
Capital Improvement Program - Airport Master Plan	-	15MPTMPLE	\$ 215,683	\$ 40,306
				40,306
U.S. Department of Transportation				
Texas Department of Transportation:				
Loop 363 & Spur 290 (1st Street)				
Phase I Intersection Reconstruction	20.205	0184-04-046	6,236,650	
				<u> </u>
Total State Administered Financial Assistance			6,452,333	40,306
Total Federal, State and State Administered Financial Ass	sistance		\$ 28,434,214	\$ 1,675,526



Transportation	\$ 26,913,714
Community Development	747,625
Airport	265,683
Public Safety & Youth Programs	207,192
Energy Efficiency	150,000
Health & Human Services	150,000
	\$ 28,434,214

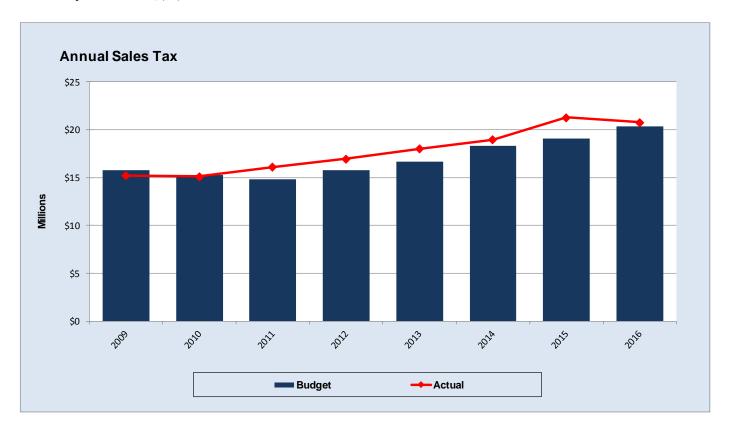




		Hotel/M	otel Tax	
	# Reporting			
Fiscal Year	at 3/31	Actual YTD	Budget	% of Budget
15/16	30	\$695,995	\$1,459,320	47.69%
14/15	30	\$701,388	\$1,391,500	50.41%

										% Increase
		FY	FY	FY	FY	FY	FY	FY	FY	(Decrease)
Month		09	10	11	12	13	14	15 *	16	16 Vs. 15
Oct	\$	1,485,778	\$ 1,422,026	\$ 1,511,535	\$ 1,519,727	\$ 1,534,807	\$ 1,675,339	\$ 3,489,994	\$ 1,857,540	-46.78%
Nov		1,165,941	1,070,438	1,128,208	1,167,140	1,392,450	1,479,695	1,566,784	1,524,999	-2.67%
Dec		1,113,925	1,055,403	1,165,367	1,214,504	1,462,327	1,419,763	1,430,286	1,514,737	5.90%
Jan		1,691,046	1,724,078	1,797,063	1,861,602	1,838,329	1,960,221	2,213,612	2,260,144	2.10%
Feb		1,094,010	1,085,180	1,059,335	1,157,552	1,258,123	1,433,592	1,457,610	1,418,289	-2.70%
Mar		1,054,277	1,051,792	1,284,123	1,299,150	1,414,245	1,400,219	1,421,812	1,792,732	26.09%
Apr		1,509,532	1,593,190	1,599,804	1,645,580	1,687,794	1,835,107	1,826,749	1,997,512	9.35%
May		1,212,407	1,153,658	1,223,805	1,271,981	1,317,625	1,489,931	1,486,686	1,583,618	6.52%
Jun		1,099,533	1,138,979	1,182,645	1,476,697	1,478,838	1,493,886	1,461,142	1,556,408	6.52%
Jul		1,550,197	1,546,654	1,679,085	1,623,468	1,693,502	1,709,959	1,880,703	2,003,325	6.52%
Aug		1,158,194	1,125,091	1,173,941	1,342,609	1,459,520	1,593,968	1,567,111	1,669,286	6.52%
Sept		1,103,971	1,167,649	1,320,951	1,387,390	1,480,015	1,489,789	1,509,256	1,607,659	6.52%
	\$ 1	15,238,812	\$ 15,134,138	\$ 16,125,862	\$ 16,967,401	\$ 18,017,575	\$ 18,981,471	\$ 21,311,743	\$ 20,786,249	-2.47%
Annual:										
\$ Increase	\$	(272,101)	\$ (104,674)	\$ 991,724	\$ 841,539	\$ 1,050,174	\$ 963,895	\$ 2,330,272	\$ (525,494)	_
				 	 	 	 	 	 	-
% Increase		-1.75%	-0.69%	6.55%	5.22%	6.19%	5.35%	12.28%	-2.47%	=

 $<sup>\</sup>ast$  - Includes audit adjustment in the amount \$1,798,088.19.



			Total	
Addition	Date of	Amount of	Expenditures/	Balance
Name	Deposit	Deposit	Refunds	3/31/2016
Bell Addition	08/13/97	\$ 450.00	\$ -	\$ 450.00
Colwell	03/31/99	2,250.00	-	2,250.00
Alford	11/06/03	450.00	-	450.00
Chesser-Pitrucha	02/05/04	450.00	-	450.00
Simpson	03/05/04	225.00	-	225.00
Ditzler	07/09/04	225.00	-	225.00
Avanti	11/22/04	450.00	-	450.00
Meadow Bend I & II	07/08/05	26,662.50	-	26,662.50
Willow Grove	10/12/05	225.00	-	225.00
Berry Creek	03/17/06	450.00	-	450.00
Krasivi	04/13/06	900.00	-	900.00
Bluebonnet Meadows	08/21/06	2,025.00	-	2,025.00
Pecan Pointe Apts.	09/29/06	26,100.00	-	26,100.00 4
Lantana II	10/03/07	1,350.00	415.87	934.13
Chappell Hill II	10/03/07	5,400.00	1,779.00	3,621.00 3
Meadow Oaks	11/05/07	225.00	-	225.00
Eagle Oaks at the Lake III	02/14/08	4,725.00	-	4,725.00
Clark	02/14/08	225.00	-	225.00
Downs First I	07/30/08	1,125.00	-	1,125.00
Country Lane III	05/07/09	7,200.00	-	7,200.00
Westfield III	06/24/09	12,150.00	-	12,150.00 4
Scallions	08/18/09	900.00	-	900.00
Overlook Ridge Estates	11/13/09	3,375.00	-	3,375.00
Hamby	06/11/10	225.00	-	225.00
Villa Andrea	02/07/11	450.00	-	450.00
Northcliffe IX	09/21/11	13,050.00	-	13,050.00
West Ridge Village	07/27/12	5,850.00	-	5,850.00
Liberty Hill III	09/17/12	10,350.00	10,230.00	120.00 2
Nathans	10/18/12	225.00	-	225.00
Lago Terra	11/06/12	17,550.00	-	17,550.00
Wildflower Meadows I	11/14/12	16,200.00	-	16,200.00
Westfield III	01/28/13	12,150.00	-	12,150.00 4
Westfield VIII	01/28/13	11,700.00	-	11,700.00 4
Creeks at Deerfield	02/25/13	7,875.00	306.99	7,568.01
Porter	05/07/13	450.00	-	450.00
				(Continued)

			Total	
Addition	Date of	Amount of	Expenditures/	Balance
Name	Deposit	Deposit	Refunds	3/31/2016
Prairie Crossing	06/14/13	\$ 7,200.00	\$ 2,397.96	\$ 4,802.04 3
King's Cove	07/10/13	1,125.00	-	1,125.00
Residences at D'Antoni's V	10/22/13	1,125.00	-	1,125.00
Prairie Crossing	10/30/13	900.00	-	900.00 3
Brazos Bend	02/27/14	8,550.00	-	8,550.00
Oaks at Lakewood	02/27/14	8,325.00	-	8,325.00
Alta Vista II	03/06/14	55,125.00	-	55,125.00
Westfield VIII	04/22/14	4,275.00	-	4,275.00 4
Ranch at Woodland Trails	04/22/14	4,500.00	-	4,500.00
Ranch at Woodland Trails #2	04/22/14	4,950.00	-	4,950.00
Villas at Friars Creek	12/31/14	15,300.00	-	15,300.00
Salusbury VII	01/26/15	1,350.00	-	1,350.00
North Gate	06/30/15	15,300.00	-	15,300.00 4
Westfield X	09/09/15	12,600.00	-	12,600.00 4
Villas at Friars Creek	09/28/15	14,850.00	-	14,850.00
Phillips	10/13/15	225.00	-	225.00
Hartrick Valley Estates	12/02/15	5,400.00	-	5,400.00
Accumulated Interest <sup>1</sup>		92,889.88	91,679.07	1,210.81
	Total	\$ 447,602.38	\$ 106,808.89	\$ 340,793.49

#### 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 appropriated for amenities for Woodbridge Park.
- 3. Funds appropriated for amenities for Hodge Park and Walker Park/Pool.
- 4. Funds appropriated for cost sharing agreement with Kiella Development for the construction of sidewalks in the Villages of Westfield subdivision.

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.

### Strategic Investment Zones

The City's Strategic Investment Zone (SIZ) is designed to encourage redevelopment of strategically important neighborhoods and corridors that might otherwise not occur in the absence of incentives. The incentives would include the availability of a matching grant where the City participates with dollars or in-kind services to encourage redevelopment. The grant matrix includes funds or services related to façade replacement or upgrading, sign improvements, landscaping improvements, asbestos abatements, demolitions and sidewalk replacement.

Boundaries of the SIZ incentive zones include Downtown Zone – Single Façade or Double Façade and Commercial Zones.

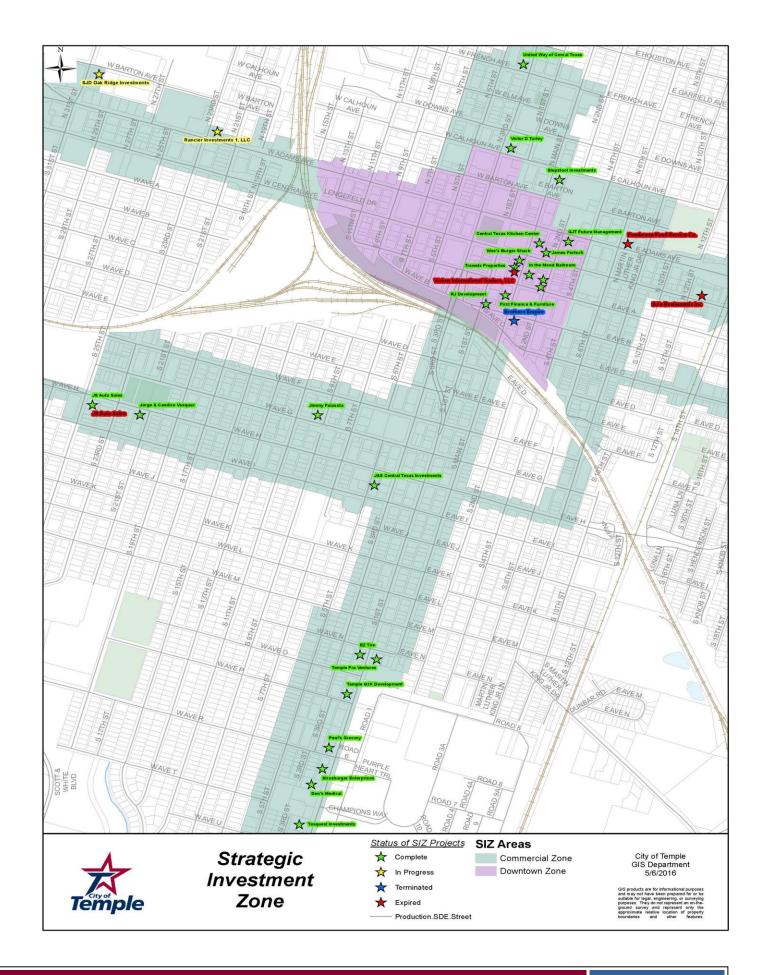
Line#	Contract/ Council Award Date	Grantee	Original Match Amount	Actual City Match	Expiration Date	Payment Date	Improvement Status	Improvement Description
1	2/24/2009	The Wallace Group	\$ 1,668	\$ 1,668	NA	3/13/2009	Complete	Drainage Study
2	3/26/2009	JZI Primetime LLC (Pool's Grocery)	23,877	20,198	12/31/2009	8/21/2009	Complete	Facade, Landscaping and Sidewalks
3	6/29/2009	The Wallace Group	2,332	2,332	N/A	10/23/2009	Complete	S. 1st Street Drainage Study
4	7/13/2009	Texquest Investments LLC	44,000	42,050	3/31/2010	2/26/2010	Complete	Facade, Landscaping, Monument Sign, Asbestos Survey/Removal and Sidewalks
5	7/13/2009	Don's Medical	14,400	12,457	12/31/2009	2/26/2010	Complete	Facade and Landscaping
6	9/17/2009	J&S Central Texas Investments	13,500	10,000	11/1/2010	9/3/2010	Complete	Facade and Landscaping
7	9/17/2009	J&S Central Texas Investments	5,000	4,900	5/31/2010	6/25/2010	Complete	Residential Improvements for 819 S. 5th
8	11/19/2009	Kelum Pelwatta (EZ Tire)	39,700	30,128	4/30/2011	12/27/2013	Complete	Facade, Landscaping and Sidewalks
-		John Deere Landscapes		418	N/A	7/8/2014	Complete	Landscaping - Plant Material
-		Cooper & Company Nurseries		77	N/A	7/11/2014	Complete	Landscaping - Plant Material
-		Bourland Landscape, LLC		704	N/A	7/18/2014	Complete	Landscaping - River Rock
-		Pops Tree Farm		1,645	N/A	8/20/2010	Complete	Trees
-		BJS Park & Recreation Products		3,165	N/A	5/28/2010	Complete	Tree Grates
9	2/4/2010	Jorge and Candice Vasquez	10,000	10,000	5/30/2010	3/19/2010	Complete	Facade Improvements
10	5/20/2010	James Fertsch - 14 E Central	28,500	25,215	5/30/2011	1/7/2011	Complete	Facade, Sidewalks, Asbestos Survey and Demolition
11	5/20/2010	James Fertsch - 12 E Central	28,500	19,993	5/30/2011	7/23/2010	Complete	Facade, Sidewalks, Asbestos Survey and Demolition
12	5/20/2010	First Finance & Furniture	22,500	14,794	5/30/2011	10/15/2010	Complete	Facade, Sign and Demolition
13	10/7/2010	Temple G2K Development	35,250	31,529	12/31/2011	1/6/2012	Complete	Facade, Sidewalks and Landscaping
14	10/21/2010	Jimmy Palasota	27,500	27,500	7/31/2011	8/19/2011	Complete	Facade, Landscaping and Sign
15	11/4/2010	James & Jana Warren (JS Auto Sales) - 807 S 25th Street	5,000	5,000	10/30/2011	1/28/2011	Complete	Residential Improvements for 807 S. 25th Street
16	11/4/2010	James & Jana Warren (JS Auto Sales) - 1217 W Ave H	29,500	-	10/30/2011	N/A	Expired	Facade, Landscaping, Sign, Irrigation and Demolition
17	3/17/2011	Victor D. Turley, P.E., R.P.L.S.	9,985	7,997	9/20/2011	11/11/2011	Complete	Upgrade Fencing
18	4/7/2011	Rudy & Karen Gonzales (In The Mood Ballroom)	15,000	15,000	12/31/2011	10/14/2011	Complete	Facade Improvements
19	5/19/2011	Brothers Empire LLC	30,000	-	12/31/2011	N/A	Terminated	Façade, Sidewalk, Sign and Demolition
20	5/19/2011	Temple Pro Ventures Commercial, LP	30,000	30,000	12/31/2012	12/7/2012	Complete	Utility Relocation
21	11/3/2011	Strasburger Enterprises	22,300	19,933	N/A	5/18/2012	Complete	Landscaping, Sidewalks and Tree Grates
22	3/14/2012	Stepstool Investments, LLC	19,864	18,532	N/A	10/5/2012	Complete	Façade, Sign, Sidewalks & Asbestos Survey and Abatement

(Continued)

Line #	Contract/ Council Award Date	Grantee	Original Match Amount	Actual City Match	Expiration Date	Payment Date	Improvement Status	Improvement Description
23	6/7/2012	Central Texas Kitchen Center	\$ 31,020	\$ 23,197	12/31/2012	12/7/2012	Complete	Façade, Sign, Sidewalks & Asbestos Survey and Abatement
24	10/4/2012	Temple Pro Ventures Commercial, LP	44,000	42,597	12/30/2013	2/10/2014	Complete	Façade, Sign, Sidewalks, Asbestos Survey and Abatement, Landscaping and Demolition
25	11/15/2012	Trawets Properties, Inc.	29,000	29,000	5/15/2014	10/24/2014	Complete	Façade, Sign, Asbestos Survey and Abatement, Landscaping and Demolition
26	1/3/2013	Ponderosa Food Service Company Inc.	44,000	-	N/A	N/A	Expired	Façade, Sign, Asbestos Survey and Abatement, Landscaping, Sidewalks and Demolition
27	3/21/2013	R.J. Development	18,000	12,587	9/1/2013	11/5/2013	Complete	Façade, Sign, Asbestos Survey and Abatement, Demolition and Landscaping
28	8/15/2013	United Way of Central Texas	42,000	32,605	2/1/2014	12/27/2013	Complete	Façade, Sign, Sidewalks, Landscaping and Demolition
29	11/7/2013	Vicken International Traders, LLC	40,000	-	12/1/2014		Expired	Façade, Sign, Sidewalks, Landscaping, Asbestos Abatement and Demolition
30	12/19/2013	GJT Future Management	33,000	22,508	2/1/2015	11/21/2014	Complete	Façade, Sign, Sidewalks, Landscaping, Asbestos Abatement and Demolition
31	8/21/2014	BJ's Restaurants, Inc.	43,000	-	6/30/2015	N/A	Expired	Façade, Sign, Sidewalks, Landscaping, Asbestos Abatement and Demolition
32	8/7/2015	Pignetti's (Ledia Marely, LLC)	11,270	8,931	12/1/2015	10/15/2015	Complete	Façade, Sign, Sidewalks, Landscaping, Asbestos Abatement and Demolition
33	8/7/2015	Heartland Resources, Inc.	10,040	8,651	12/1/2015	11/13/2015	Complete	Façade, Sign, Sidewalks, Landscaping, Asbestos Abatement and Demolition
34	8/7/2015	Wes's Burger Shack	24,950	24,550	N/A	11/13/2015	Complete	Façade, Sign, Sidewalks, Landscaping, Asbestos Abatement and Demolition
35	10/1/2015	Pool's Grocery	40,800	40,800	5/1/2016	TBD	In Progress	Façade, Sign, Sidewalks, Landscaping, Asbestos Abatement and Demolition
36	11/5/2015	Rancier Investments 1, LLC	10,000	10,000	N/A	TBD	In Progress	Façade, Sign, Sidewalks, Landscaping, Asbestos Abatement and Demolition
37	2/18/2016	SJD Oak Ridge Investments, LLC	47,763	47,763	8/31/2016	TBD	In Progress	Façade, Sign, Sidewalks, Landscaping, Asbestos Abatement and Demolition

\$ 658,423

Budget Allocation Summa	ry	
FY 2008	\$	85,000
FY 2009		85,000
FY 2010		95,714
FY 2011		142,437
FY 2012		100,000
FY 2013		100,000
FY 2014		100,000
FY 2015		100,000
FY 2016		-
Committed/Encumbered/Pending		(658,423)
Remaining Funds	\$	149,728



A RESC	LUTION	OF THE	CITY CO	UNCIL O	F THE CI	TY OF	TEMPLE,
TEXAS.	APPROV	ING THE	SECONE	OUART	ER FINA	NCIAL	RESULTS

CLAUSE.

**Whereas**, the Director of Finance has prepared the second quarter 2016 fiscal year financial results which details the second quarter ending March 31, 2016, for the General, Water & Sewer, Hotel/Motel Tax and Drainage funds;

FOR FISCAL YEAR 2016; AND PROVIDING AN OPEN MEETINGS

RESOLUTION NO.

Whereas, included in the second quarter results are various schedules detailing grants, sales tax, capital projects, investments and an update on redevelopment grants and incentive programs within the Strategic Investment Zones; and

**Whereas**, the City Council deems it in the public interest to approve the second quarter financial results for the fiscal year 2016.

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

**Part 1**: The City Council approves the second quarter 2016 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 was 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, 2016.

	THE CITY OF TEMPLE, TEXAS
	DANIEL A. DUNN, Mayor
ATTEST:	APPROVED AS TO FORM:
Lacy Borgeson	Kayla Landeros
City Secretary	City Attorney



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

05/19/16 Item #8(W) Consent Agenda Page 1 of 1

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

Traci Barnard, Director of Finance

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing budget amendments for fiscal year 2015-2016.

**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 2015-2016 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

FISCAL IMPACT: The total amount of budget amendments is \$11,924.

### **ATTACHMENTS:**

Budget Amendments Resolution

## CITY OF TEMPLE BUDGET AMENDMENTS FOR FY 2016 BUDGET May 19, 2016

			APPROP	RIA	TIONS
ACCOUNT #	PROJECT # DESCRIPTION		Debit		Credit
110-4000-555-2623	Contracted Services / Other Contract Services	\$	85		
110-4000-555-2511	Other Services / Printing/Publication	\$	300		
110-4000-555-2110	Supplies / Office Supplies	\$	215	_	
110-0000-461-0841	Other / Donations/Gifts			\$	600
	To appropriate revenues and expenditures related to donations received for the Sum Reading program in the amount of \$600.	mer			
110-4000-555-2225	Capital < \$5,000 / Books & Periodicals	\$	1,256		
110-4000-555-2522	Other Services / Micro Firm/Audio Visual	\$	103		
110-0000-445-0232	Library / Lost Books			\$	1,359
	To appropriate revenue and expenditures related to lost books and audio visual materials for the 2nd quarter of FY 2016.				
10-4000-555-2225	Capital < \$5,000 / Books & Periodicals	\$	215		
110-4000-555-2515	Other Services / Dues & Subscriptions	\$	250		
10-0000-461-0841	Other / Donations/Gifts			\$	465
	To appropriate revenues and expenditures related to donations received designated books in the amount of \$215 and Foundation Center subscription for \$250.	for			
10-2020-521-2533	Other Services / DARE CJD Expenses	\$	500	_	
10-0000-442-0723	Police Revenue / DARE Donations			\$	500
	To appropriate DARE donation received from Divyang Investments, LLC for summer camps.				
10-2032-521-2221 10-0000-452-0455	Capital < \$5,000 / Communication Equipment Administrative Fees / Technology Fee	\$	9,000	\$	9,000
	To appropriate technology fees for purchasing four replacement ticket writers.				
	TOTAL AMENDMENTS	\$	11,924	\$	11,924
	GENERAL FUND				
	Beginning Contingency Balance			\$	_
	Added to Contingency Sweep Account			Ψ	_
	Carry forward from Prior Year				_
	Taken From Contingency				_
	Net Balance of Contingency Account			\$	-
	Beginning Judgments & Damages Contingency			\$	44,230
				φ	44,230
	Added to Contingency Judgments & Damages from Council Contingency Taken From Judgments & Damages				(34,318
	Net Balance of Judgments & Damages Contingency Account			\$	9,912
	Net balance of duagnients & ballages contingency Account			Ψ	9,912
	Beginning Compensation Contingency			\$	375,000
	Added to Compensation Contingency				-
	Taken From Compensation Contingency				(375,000
	Net Balance of Compensation Contingency Account			\$	-
	Net Balance Council Contingency			\$	9,912
	• •			\$	9,912
	Beginning Balance <b>Budget Sweep</b> Contingency			<b>\$</b>	9,912 - -
	• •			\$	9,912 - - -
	Beginning Balance <b>Budget Sweep</b> Contingency Added to Budget Sweep Contingency			<b>\$</b> \$	9,912 - - -

## CITY OF TEMPLE BUDGET AMENDMENTS FOR FY 2016 BUDGET May 19, 2016

			APPROP	RIAT	IONS
ACCOUNT #	PROJECT #	DESCRIPTION	Debit		Credit
		WATER & SEWER FUND			
		Beginning Contingency Balance		\$	50,000
		Added to Contingency Sweep Account			-
		Taken From Contingency			(23,198)
		Net Balance of Contingency Account		\$	26,802
		Beginning Compensation Contingency		\$	64,000
		Added to Compensation Contingency			-
		Taken From Compensation Contingency			(64,000)
		Net Balance of Compensation Contingency Account		\$	-
		Net Balance Water & Sewer Fund Contingency		\$	26,802
		HOTEL/MOTEL TAX FUND			
		Beginning Contingency Balance		\$	_
		Added to Contingency Sweep Account		Ψ	_
		Carry forward from Prior Year			_
		Taken From Contingency			_
		Net Balance of Contingency Account		\$	_
		Total Balanco or Contingono, riccount		<u> </u>	
		Beginning Compensation Contingency		\$	13,300
		Added to Compensation Contingency			-
		Taken From Compensation Contingency			(13,300)
		Net Balance of Compensation Contingency Account		\$	-
		Net Balance Hotel/Motel Tax Fund Contingency		\$	-
		DRAINAGE FUND			
		Beginning Contingency Balance		\$	-
		Added to Contingency Sweep Account			-
		Carry forward from Prior Year			-
		Taken From Contingency			-
		Net Balance of Contingency Account		\$	-
		Beginning Compensation Contingency		\$	10,300
		Added to Compensation Contingency		*	(10,300)
		Taken From Compensation Contingency			-
		Net Balance of Compensation Contingency Account		\$	-
		Net Balance Drainage Fund Contingency		\$	-
		FEDICTATE OR ANT FUND			
		FED/STATE GRANT FUND Beginning Contingency Balance		Ф	
				\$	60.000
		Carry forward from Prior Year			69,089
		Added to Contingency Sweep Account			- (E 4 4 4 4 0 )
		Taken From Contingency			(54,142)
		Net Balance of Contingency Account		\$	14,947

KESOLUTION NO.	ESOLUTION NO.
----------------	---------------

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2015-2016 CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

\_\_\_\_\_

**Whereas,** on the 27<sup>th</sup> day of August, 2015, the City Council approved a budget for the 2015-2016 fiscal year; and

**Whereas,** the City Council deems it in the public interest to make certain amendments to the 2015-2016 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 2015-2016 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.
- Part 2: It is hereby officially found and determined that the meeting at which this Resolution was 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, 2016.

	THE CITY OF TEMPLE, TEXAS
	DANIEL A. DUNN, Mayor
ATTEST:	APPROVED AS TO FORM:
Lacy Borgeson City Secretary	Kayla Landeros City Attorney



05/19/16 Item #9 Regular Agenda Page 1 of 5

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

Tammy Lyerly, Senior Planner

<u>ITEM DESCRIPTION:</u> FIRST READING – PUBLIC HEARING - Z-FY-16-20: Consider adopting an ordinance authorizing a Conditional Use Permit (CUP) to install a proposed 115' stealth monopole for Verizon Wireless at the Mueller building site on a tract of land of 0.0258 +/- acres, situated in the S. Bottsford Survey, Abstract No. 118, Bell County, Texas, located at 7050 North General Bruce Drive.

PLANNING AND ZONING COMMISSION RECOMMENDATION: At its May 2, 2016, meeting the Planning and Zoning Commission voted 7/0 to recommend approval of a Conditional Use Permit (CUP) to install a proposed 115' stealth monopole for Verizon Wireless at the Mueller building site at 7050 North General Bruce Drive.

**STAFF RECOMMENDATION:** Staff recommends approval of the requested Conditional Use Permit (CUP) for the following reasons:

- 1. Compliance with the Future Land Use Plan:
- 2. Compliance with surrounding zoning and land uses;
- 3. Compliance with the Thoroughfare Plan; and
- 4. Public and private facilities are available to serve the subject property.

<u>ITEM SUMMARY:</u> The applicant requests this Conditional Use Permit to allow installation of a 115' stealth monopole for Verizon Wireless at the Mueller building site located at 7050 North General Bruce Drive. The property is zoned Light Industrial District (LI) and is located within the I-35 Interstate Corridor Overlay Industrial Sub-District. The applicants were unable to find a suitable collocation site in this area and propose a stealth monopole to resemble a flagpole with a flag. The applicants have submitted a letter regarding the inability to collocate.

Although the Unified Development Code (UDC) prohibits freestanding personal wireless service facilities in the other I-35 interstate Corridor Overlay Sub-District, **UDC Section 5.4.4.C permits freestanding monopoles in the Industrial Sub-District.** 

**UDC Section 5.4.3. (I-35 Interstate Corridor Overlay District Standards)** allows the Director of Planning to consider Freestanding Stealth Personal Wireless Service Facilities in all I-35 Interstate Corridor Overlay Sub-Districts.

A Conditional Use Permit is required because the applicant's proposed stealth monopole placement of 345 feet within adjacent residential uses does not meet the condition that requires freestanding towers within Light Industrial and Heavy Industrial Districts to be located no closer than 1,000 feet to the boundary of any residential use or district, per UDC Section 5.4.4. (Chief Building Official Review and Final Action).

Personal wireless cell towers pursuing C.U.P.s are subject to the following design standards in Section 5.4.5 of the UDC:

#### A. Boundary and Use Setbacks

- 1. A guy or guy anchor for a facility must not be closer than 20 feet to a bounding property line. Staff note: The proposed freestanding monopole does not have a guy or guy anchors. It is a stealth monopole that will resemble a flagpole without a flag.
- 2. The distance between the base of a self-supported tower and the property line of any residential zoning district or use must not be less than 3 times the height of the tower structure. Staff note: The proposed monopole is located within an existing Light Industrial zoning district and is located no closer than 345 feet from the nearest residential use. The nearest residential use is located within the Agricultural zoning district.

#### **B. Security Screening Fence**

- 1. A solid, wood or masonry fence, a minimum of eight feet in height, must completely enclose the base of every tower. Staff note: The site plan proposes a six foot high wood fence enclosed around the tower base and equipment shelter.
- 2. In a residential zoning district or on property that abuts a residential zoning district or use, a solid wood or masonry fence, a minimum of eight feet in height, must complete enclose all mechanical equipment and accessory structures. Staff note: The request is in an existing Light Industrial District and proposes a six foot high wood fence enclosed around the tower base and equipment shelter.
- 3. A security screening fence for a facility built or permitted after May 17th, 2001, may not be less than 6 feet in height. **Staff note: This request proposes a six foot high wood fence.**
- 4. A security fence must be built to safely discourage unauthorized access to facilities by climbing. Staff note: The applicants propose a six foot high fence topped with barbed wire, as allowed by UDC Section 7.7.5 D.
- 5. External and internal gates and doors that provide access to a facility must be equipped with a self-locking or self-latching mechanism for purposes of preventing unauthorized access. **Staff note: The site plan reflects compliance with this requirement.**
- 6. Screening is not required for a facility located on a building that is not designed or built primarily to support the facility, if the ancillary equipment, including but not limited to the equipment enclosure, is not visible from an abutting property line or public street right-of-way.

Staff note: The site plan reflects a six foot high wood fence for screening around the site's perimeter.

#### C. Screening

- 1. As much of the total facility as possible must be screened or located so as to not be visible from prevalent views. Staff note: The proposed tower base and equipment shelter will be screened by a six foot high wood fence.
- 2. Landscaping must be continuously maintained in a healthy, growing condition and be trimmed as necessary to comply with ordinances governing height of grass, corner sight obstruction and street and sidewalk obstruction. Staff note: The applicant proposes to remove the five existing trees within the fenced area and plant six new trees along the along the outer border of the proposed 6-foot high wooden privacy fence. Placement of the six new replacement trees will be free of any corner sight obstructions.

#### D. Collocation

A new freestanding tower is not permitted unless the applicant demonstrates to the satisfaction of the approving authority that existing, permitted or proposed alternative support structures cannot accommodate the proposed facilities for the following reasons:

- 1. Height is not sufficient to meet applicant's engineering requirements;
- 2. Structural strength is not sufficient to support applicant's proposed facilities and cannot be reinforced in accordance with engineering requirements;
- 3. Other aspects of structure do not meet applicant's technical design requirements;
- 4. Electromagnetic interference would result from collocation;
- 5. Fees or costs for sharing or adapting are unreasonable; any cost that is less than the cost to construct and develop a new tower is presumed to be reasonable;
- 6. Owners of alternative structures are unwilling to accommodate the applicant's needs within 30 days after the date such owners received applicant's written request; or
- 7. Other factors render alternative support structures unsuitable.

Staff note: The applicants have submitted a letter regarding the inability to collocate.

**SURROUNDING PROPERTY AND USES:** The following table provides the direction from the property, Future Land Use Plan (FLUP) designation, existing zoning and current land uses:

<b>Direction</b>	<u>FLUP</u>	<u>Zoning</u>	Current Land Use
Site	Suburban Commercial	LI	Industrial/ Manufacturing
North	Suburban Commercial	AG	Industrial/ Manufacturing
			& Rural Residential
South	Suburban Commercial	LI	Undeveloped Industrial Property
East	Suburban Commercial	LI	Industrial/ Manufacturing & I-35
West	Agricultural / Rural	AG	Agricultural / Rural Residential

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

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use and Character (FLUP)	Yes
CP	Map 5.2 - Thoroughfare Plan	Yes
СР	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Yes

#### Future Land Use and Character Plan (FLUP) (CP Map 3.1)

The property is within the Suburban Commercial character district of the *Choices '08* City of Temple Comprehensive Plan. The property is also within the I-35 Interstate Corridor Overlay Industrial Sub-District, which specifically allows freestanding monopoles in the Industrial Sub-District, **per UDC Section 5.4.4.C.** 

#### Thoroughfare Plan (CP Map 5.2) and Temple Trails Master Plan Map and Sidewalk Ordinance

The subject property fronts North General Bruce Drive/ I-35, a highway, which is appropriate for commercial and industrial uses. Pegasus Drive, a collector, is appropriate for the applicant's requested stealth monopole.

#### Availability of Public Facilities (CP Goal 4.1)

An existing 10-inch water line is located within the right-of-way of Pegasus Drive. A 6-inch water line is located on the northern portion of the applicant's property. Sewer services to the property are provided by septic system.

<u>PUBLIC NOTICE:</u> Eight (8) notices of the **May 2, 2016**, Planning and Zoning Commission public hearing were sent out to property owners within **500-feet** of the subject property as required by State law and City Ordinance. As of Wednesday, April 27, 2016, no notices have been received in favor of the requested Conditional Use Permit and no notices have been returned in opposition to the requested Conditional Use Permit.

Staff sent out notices to all property owners within 500 feet, per UDC Section 5.4.5.D (Conditional Use Permit), which requires a notification boundary of 500 feet. Since Staff initially only notified property owners within 200 feet, new notification maps were sent out to property owners within 500 feet for the May 2, 2016, Planning and Zoning meeting.

The newspaper printed notice of the public hearing on **April 21**, **2016**, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

05/19/16 Item #9 Regular Agenda Page 5 of 5

### ATTACHMENTS:

Site and Surrounding Property Photos
Zoning Map
Location map with Aerial
Future Land Use and Character Map
Thoroughfare & Trails Map
Utility Maps
Applicant's Collocation Letter
Applicant's Site Plan Exhibits
Ordinance

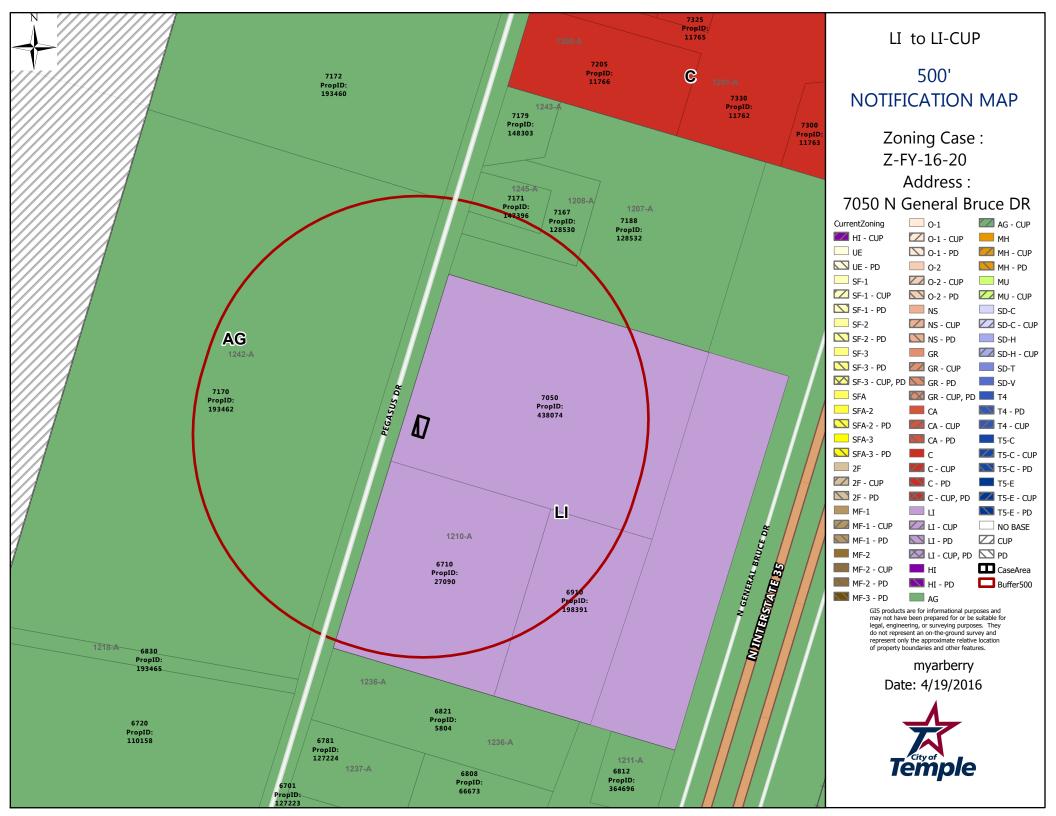
<u>SURROUNDING PROPERTY AND USES:</u>
The following table shows the subject property, existing zoning and current land uses:

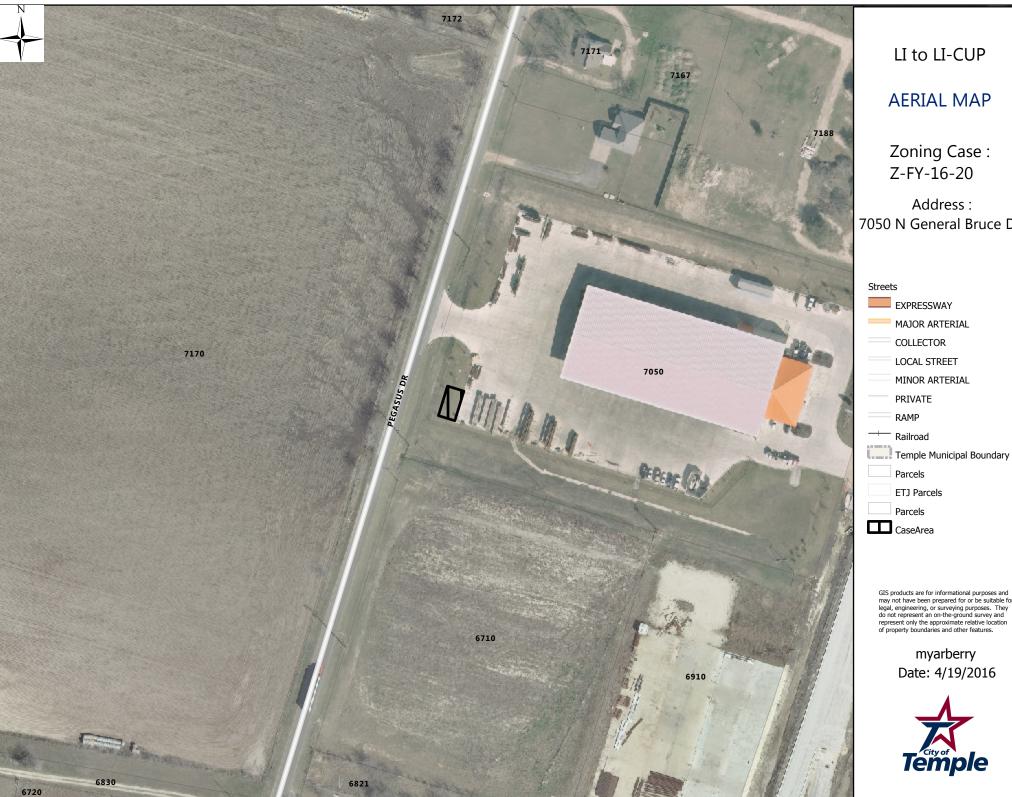


Direction	Zoning	Current Land Use	Photo
East	LI	Industrial/ Manufacturing & I-35	Stealth Monopole Site  MUELLER, INC.  MITHEREDINGS, BOUNGS & COMPRIATS
West	AG	Agricultural / Rural Residential	Pegasus DR

Direction	Zoning	Current Land Use	Photo
South	LI	Undeveloped Industrial Property	Pegasus DR
North	AG	Industrial / Manufacturing & Rural Residential	Stealth Monopole Site

Direction	Zoning	Current Land Use	Photo



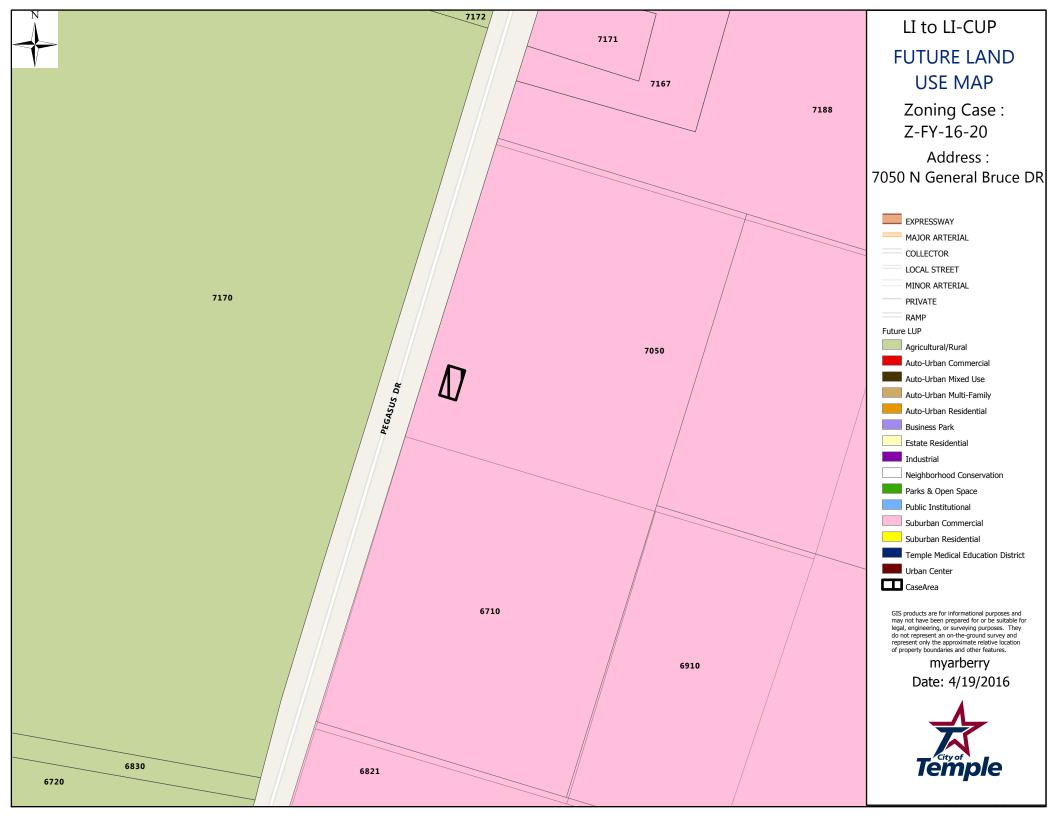


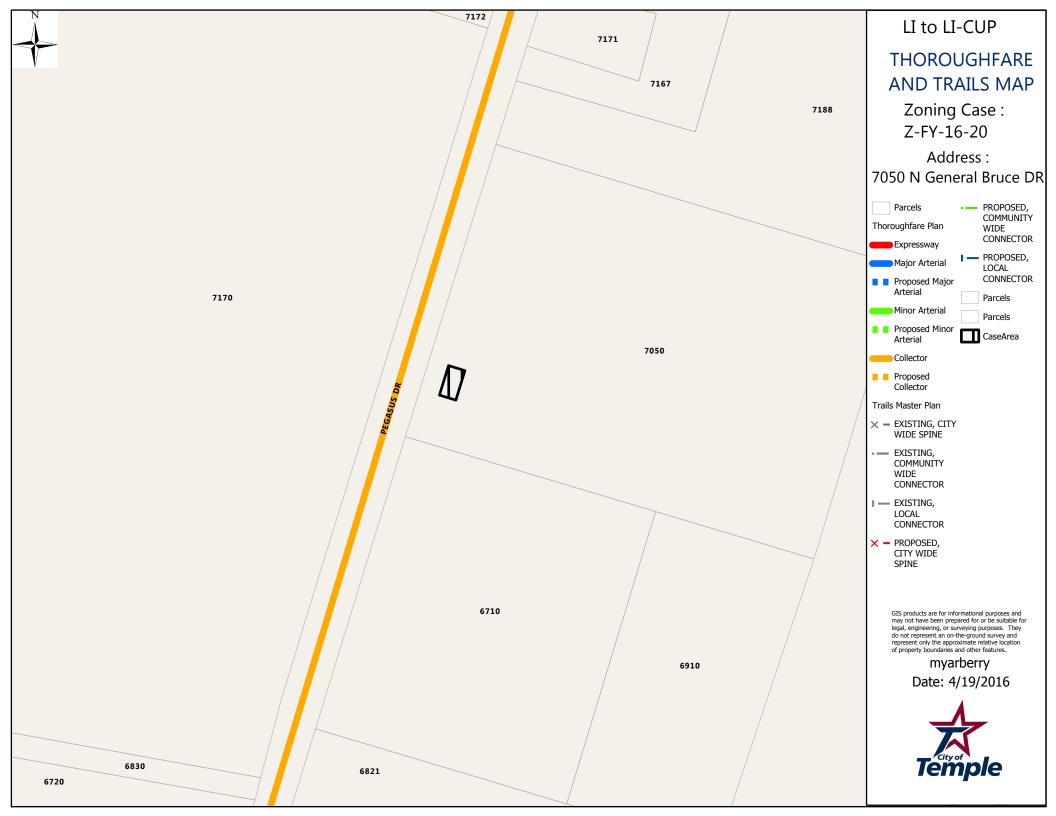
7050 N General Bruce DR

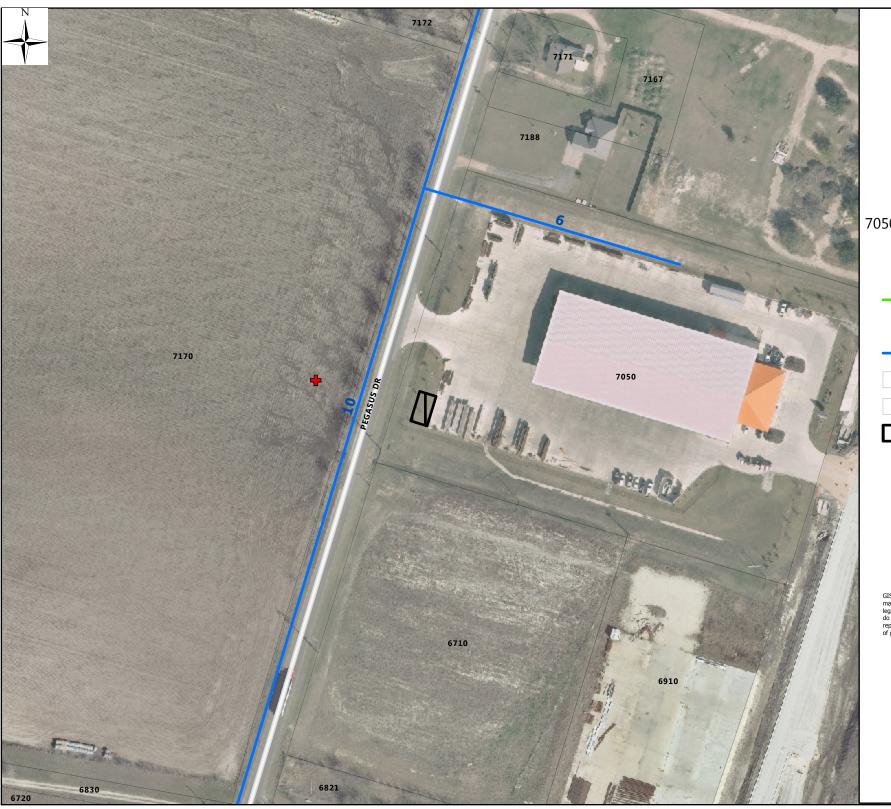
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.

Date: 4/19/2016









LI to LI-CUP

# **UTILITY MAP**

Zoning Case: Z-FY-16-20

Address : 7050 N General Bruce DR

- Manhole
- Gravity Main
- **+** Hydrant
- Main
- Parcels
- Parcels
- CaseArea

GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.

myarberry Date: 4/19/2016



# WIRELESS COMMUNICATION FACILITY RF LOCATION STATEMENT

Re: Verizon Wireless – Verizon Mueller/Telecommunication facility located at 7050 N. General Bruce Drive, Temple Texas 76501

Verizon Wireless hereby states that a careful review of the geographical area to be served by the proposed new tower was made, which revealed that an antenna height of one hundred (115') feet would be required.

This tower will be located on a specific parcel, and sits in a location designed to enhance and expand both the available coverage and the necessary capacity for the citizens of Temple, Texas. This location will provide Verizon customers with enhanced communications and added capacity for adjacent highway traffic along IH 35 for Temple, Texas.

Verizon Wireless considered other immediate locations, structures and possibilities, but no other option was available that would allow Verizon Wireless to utilize a tower less than one hundred fifteen (115') feet while serving the intended coverage area and providing sufficient capacity. No other structure has sufficient height to meet these engineering requirements.

This RF Location Statement confirms the importance of this specific location in order to provide service, i.e. coverage and capacity, to the citizens of Temple Texas.

_Kathryn L. Foster	3/16/2016
R.F. Engineer for Verizon Wireless	Date



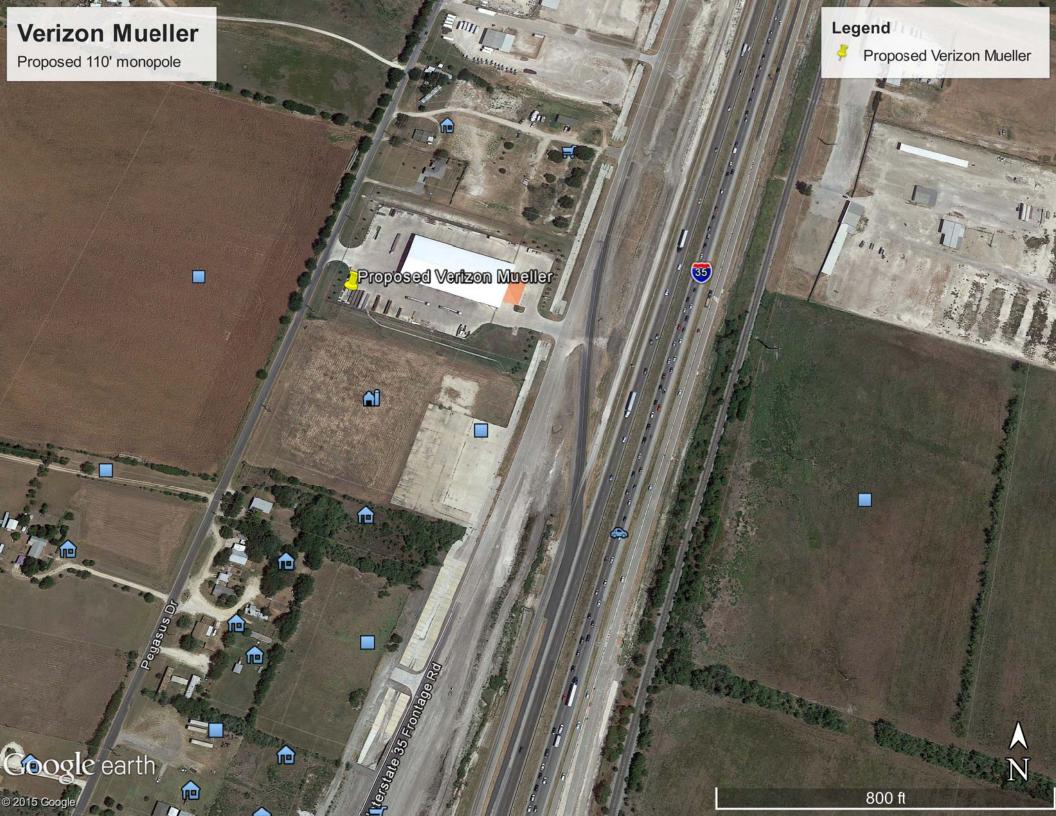
5804 Tri County Parkway Schertz, TX 78154

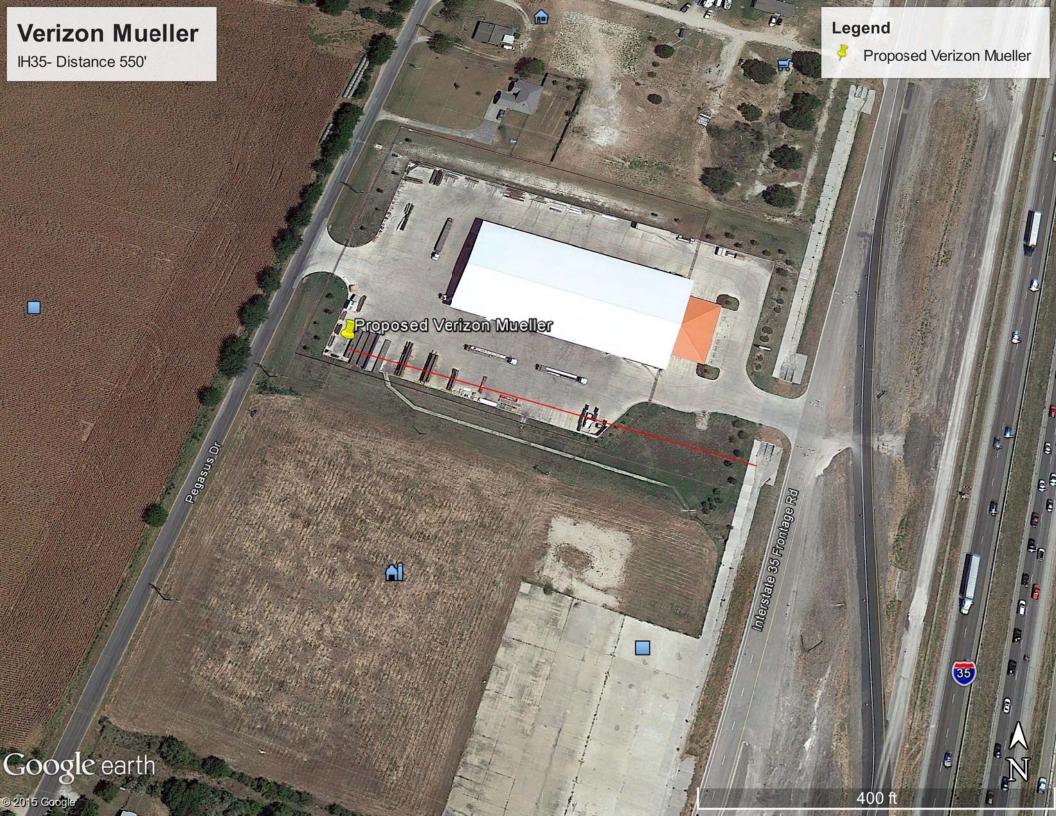
#### To Whom it may concern:

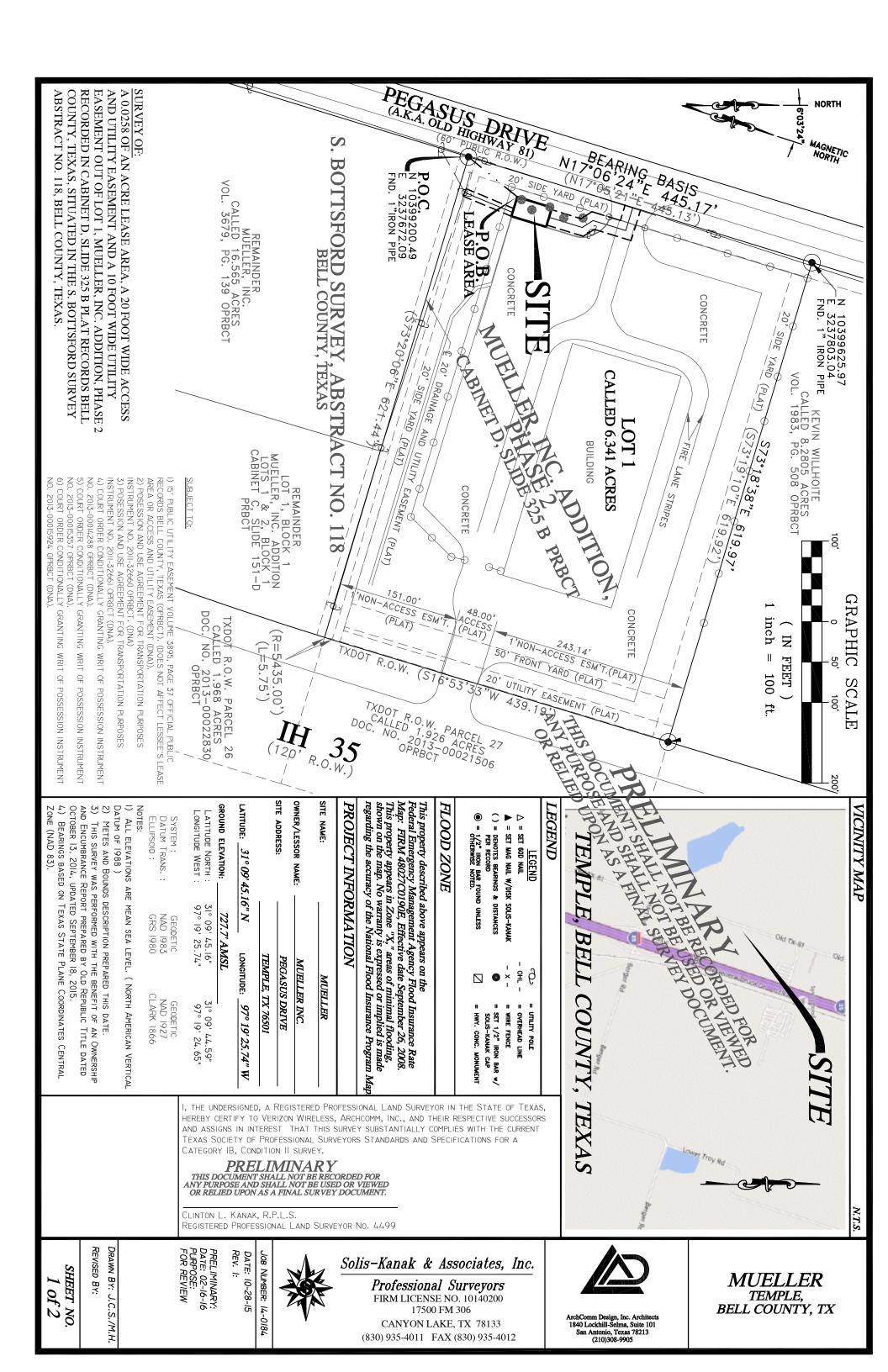
I, Tim Caletka (Principal Const. Engineer-Verizon Wireless) hereby authorize Vincent Gerard & Associates to file and pull all appropriate documents, permits and applications with respect to Verizon permits on our projects. Vincent Gerard & Associates is an authorized agent for Verizon Wireless.

Thank You,

Tim Caletka –Sr. Construction Engineer







#### **ZONING MAP**



#### **ZONING DISTRICT LEGEND**

- Agricultural Open Space District "LI" - Limited Industrial DistrictPermit"UD"

#### SITE INFORMATION

JURISDICTION: CITY OF TEMPLE, TEXAS 76501

BELL COUNTY
Latitude 31'09'44071"N, Longitude — 97'19'70.00"W
OCCUPANCY: N/A (UNMANNED)

USE: TELECOMMUNCATIONS FACILITY ZONING FILE NO.: NA

### **CONTACT INFORMATION**

VINCENT GERARD & ASSOCIATES 1715 S. CAPITAL OF TEXAS HWY SUITE 207 AUSTIN, TEXAS 78746

CARRIER INFORMATION

MNG., REAL ESTATE & REGULATORY 7 VILLAGE CIRCLE STE. 400

EMAIL: viengxai.vangsombath@vzw.com

PHONE: (512) 328-2693

VINCE HUEBINGER

VERIZON WIRELESS

KANDI VONGSOMBATH

WESTLAKE TX 76262

PHONE: (817) 961-2596

#### SITE ADDRESS

**CONDITIONAL USE PERMIT** 

PROJECT TYPE

115' MONOPOLE TOWER SITE

DATE

FEBRUARY 29, 2016

7050 N. GENERAL BRUCE DRIVE TEMPLE, TX., 76501

#### **LEGAL DESCRIPTION**

MUELLER ADDITION PHASE 2 LOT 1 BLOCK 1, BELL COUNTY, TEXAS

#### SITE NAME:

MUELLER /VERIZON - SITE LOCATED IN 'LI' ZONING

- SITE LOCATED IN IH 35 CORRIDOR (STEALTH MONOPOLE)

-SITE MEETS 3X HEIGHT SETBACK FROM RESIDENTIAL USE

#### **CONSULTANTS**

# **ZONING SITE PLAN**

AN IDENTIFICATION SIGN FOR EACH SERVICE PROVIDER RESPONSIBLE FOR THE

VINCENT GERARD & ASSOCIATES 1715 S. CAPITAL OF TEXAS HWY SUITE 207 AUSTIN, TEXAS 78746 PHONE: (512) 328-2693

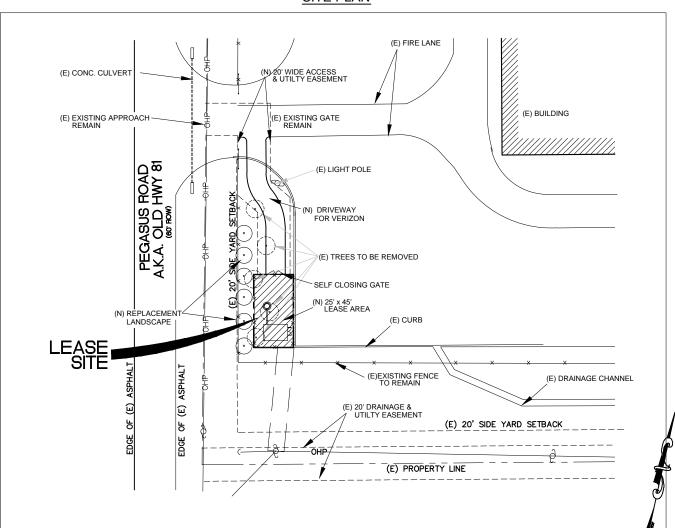
VINCE HUEBINGER

#### (NOT FOR CONSTRUCTION)

ADVERTISING IS PROHIBITED ANYWHERE ON A WTF, WITH THE EXCEPTION OF THE MINIMUM SIGNAGE AS REQUIRED BY THE FEDERAL COMMUNICATIONS COMMISION (FCC) REGULATIONS OR NECESSARY FOR THE OPERATIONS OF A WTF.

OPERATION AND MAINTENANCE OF A WTF AT THE SITE, NOT LARGER THAN TWO SQUARE FEET, SHALL BE POSTED AT A LOCATION FROM WHICH IT CAN BE EASILY READ FROM OUTSIDE THE PERMETER OF THE WTF, AND SHALL PROVIDE THE NAME, ADDRESS, AND EMERGENCY NUMBER OF THE RESPONSIBLE SERVICE PROVIDER.

### **SITE PLAN**





NOT TO SCALE

**rerizon** wireless

VERIZON COMMUNICATIONS 7050 N. GENERAL BRUCE DRIVE TEMPLE, TEXAS 76501

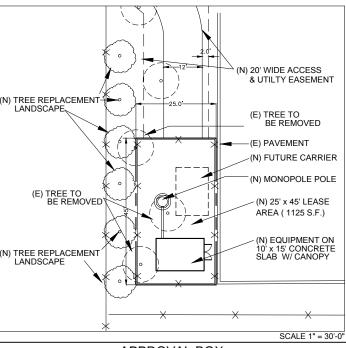
# **AERIAL IMAGERY**



NOTE: SETBACK INDICATES 3X HEIGHT OF TOWER FROM RESIDENTIAL USE

## NOT TO SCALE

# **DETAIL SITE PLAN**



APPROVAL BOX

ORIGINAL SUBMITTAL DATE:

CITY OF TEMPLE, TEXAS

SCALE 1" = 60'-0"

ZONING SITE F MUELLER

**ASSOCIATES** સ્ર GERARD **MINCENT** 

ACCEPTED FOR APPROVAL:

(N) NEW ANTENNAS ON MOUNT (N) PROPOSED MONOPOLE TOWER 유 (N) METER FRAME METER, DISC TELCO BOX (E) EQUIPMENT CONC. SLAB W/ CANOPY (N) 6' HT. WOOD FENCE W/ BARBED WIRE (N) 6' HT WOOD **FÉNCE W/ BARBED** WIRF

NOTE: TYPICAL LEASE AREA, ACTUAL EQUIPMENT LOCATIONS MAY VARY.

**TOWER - TYPICAL** 

H:\VERIZON\SOUTH TEXAS\Mueller - 299934\20141079122-NB\Mueller-ENSITE BASE DRAWING.dwg, 10/7/2015 4:08:33 PM, mlopez

verizonwireless

MUELLER \*\*\*

PEGASUS DRIVE TEMPLE, BELL COUNTY, TEXAS (299934)

APPROVAL SIGNATURES LANDLORD

LEASING

CONSTRUCTION

THIS IS AN INCOMPLETE **SET NOT FOR CONSTRUCTION OR** PERMITTING. **APPROPRIATE PROFESSIONAL SEAL WILL BE APPLIED TO FINAL CONSTRUCTION** SET



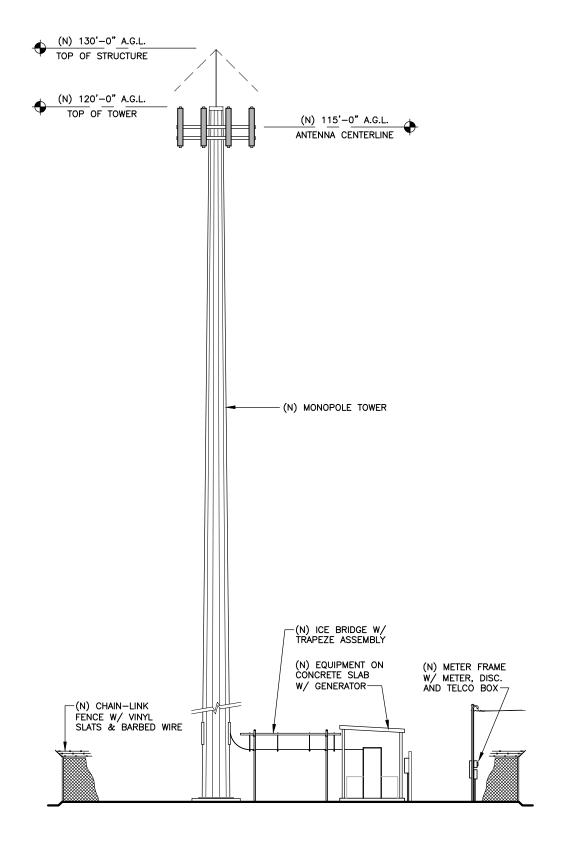
ARCHCOMM, LLC. 1006 Beckett San Antonio, Texas 78213 (210) 308-9905 TBPE NO. F-15659

SHEET TITLE SITE PLAN

SHEET HISTORY

10.01.15 ISSUE

H:\VERIZON\SOUTH TEXAS\Mueller - 299934\20141079122-NB\Mueller-ENSITE BASE DRAWING.dwg, 10/7/2015 4:06:58 PM, mlopez





MUELLER \*\*\* PEGASUS DRIVE
TEMPLE, BELL COUNTY, TEXAS
(299934)

APPROVAL SIGNATURES LANDLORD

LEASING

CONSTRUCTION

THIS IS AN INCOMPLETE
SET NOT FOR
CONSTRUCTION OR
PERMITTING.
APPROPRIATE
PROFESSIONAL SEAL
WILL BE APPLIED TO
FINAL CONSTRUCTION
SET



ARCHCOMM, LLC. 1006 Beckett San Antonio, Texas 78213 (210) 308-9905 TBPE NO. F-15659

SHEET TITLE

SITE ELEVATION

SHEET HISTORY
10.01.15 ISSUE

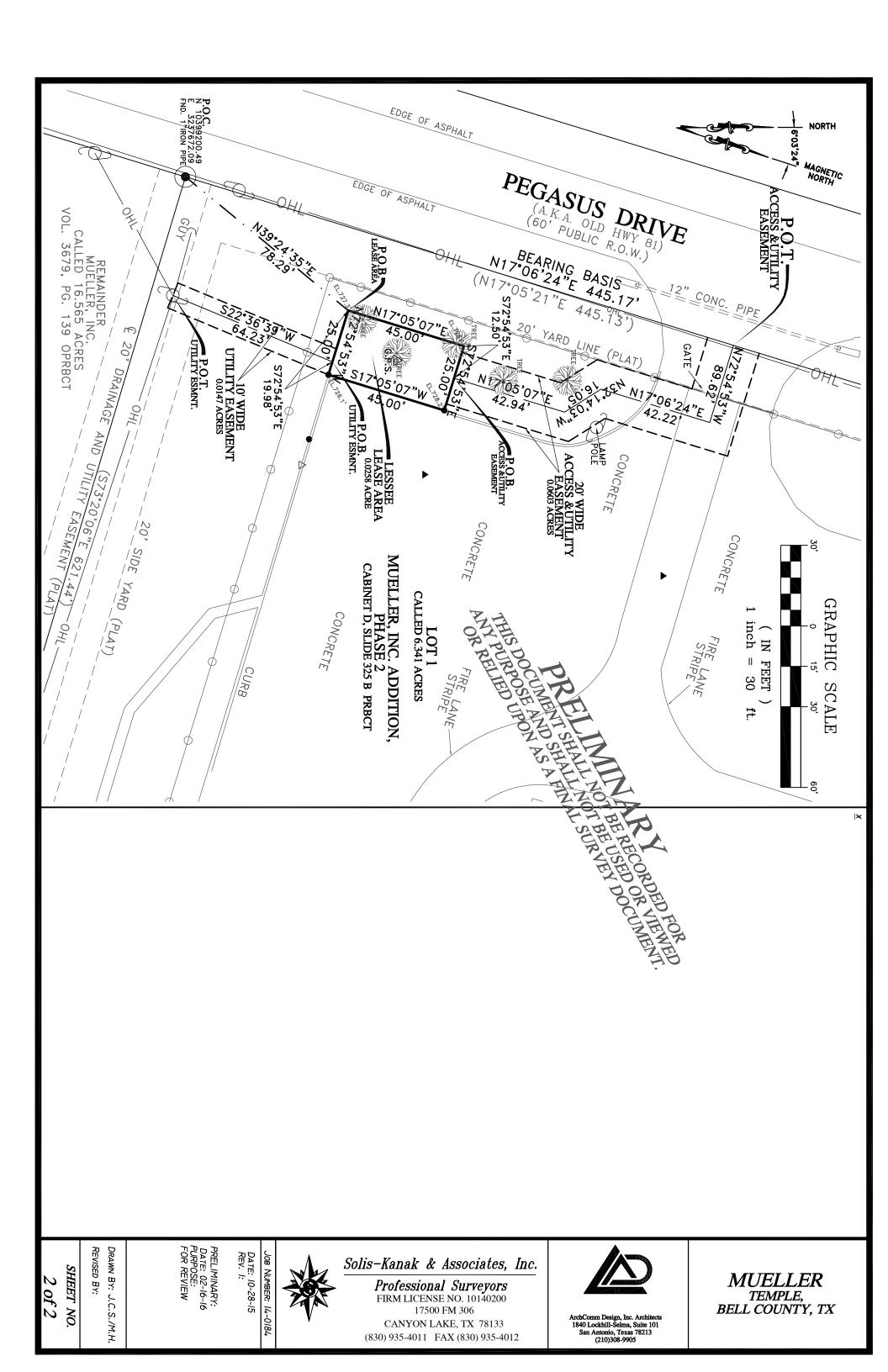
EN3

	SITE ELEVATION
U	SCALE: N.T.S.

(N) = NEW LESSEE

(E) = EXISTING

(F) = FUTURE



ORDINANCE NO. \_\_\_\_\_(Z-FY-16-20)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR THE INSTALLATION OF A PROPOSED 115 FOOT STEALTH MONOPOLE ON AN APPROXIMATELY 0.0258 ACRE TRACT OF LAND SITUATED IN THE S. BOTTSFORD SURVEY, ABSTRACT NO. 118, BELL COUNTY, TEXAS, AND LOCATED AT 7050 NORTH GENERAL BRUCE DRIVE; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas,** the applicant has requested a Conditional Use Permit (CUP) to allow for the installation of a 115-foot stealth monopole for Verizon Wireless at the Mueller building site located at 7050 North General Bruce Drive – this property is zoned Light Industrial and located within the I-35 Corridor Overlay Industrial Sub-District;

Whereas, the Comprehensive Zoning Ordinance of the City of Temple, Texas, provides for the issuance of conditional use permits under certain conditions and authorizes the City Council to impose such developmental standards and safeguards as the conditions and locations indicate to be important to the welfare or protection of adjacent property and for the protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions, and for the establishment of conditions of operation, time limits, location, arrangement and construction for any use for which a permit is authorized;

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions and operation of said property located on an approximately 0.0258 acre tract of land, situated in the S. Bottsford Survey, Abstract No. 118, Bell County, Texas, and located at 7050 North General Bruce Drive, recommends that the City Council approve the application for this Conditional Use Permit for the installation of a proposed 115-foot stealth monopole for Verizon Wireless at the Mueller building site; and

Whereas, the City Council of the City of Temple, Texas, after public notice as required by law, has at a public hearing, carefully considered all the evidence submitted by the applicant concerning the proposed plans and has heard the comments and evidence presented by all persons supporting or opposing this application at said public hearing, and after examining the conditions, operation and the location of said establishment, finds that the proposed use of the premises substantially complies with the comprehensive plan and the area plan adopted by the City Council.

Now, therefore, be it ordained by the city council of the city of temple, texas, that:

<u>Part 1:</u> The City Council approves a Conditional Use Permit (CUP) to allow for the installation of a proposed 115-foot monopole for Verizon Wireless at the Mueller building site located at 7050 North General Bruce Drive, more fully described in Exhibit 'A', attached hereto and made a part hereof for all purposes.

### <u>Part 2:</u> The owners/applicants, shall comply with following standards:

#### A. Boundary and Use Setbacks

- 1. A guy or guy anchor for a facility must not be closer than 20 feet to a bounding property line.
- 2. The distance between the base of a self-supported tower and the property line of any residential zoning district or use must not be less than 3 times the height of the tower structure.

#### B. Security Screening Fence

- 1. A solid, wood or masonry fence, a minimum of eight feet in height, must completely enclose the base of every tower.
- 2. In a residential zoning district or on property that abuts a residential zoning district or use, a solid wood or masonry fence, a minimum of eight feet in height, must completely enclose all mechanical equipment and accessory structures.
- 3. A security screening fence for a facility built or permitted after May 17, 2001, may not be less than 6 feet in height.
- 4. A security fence must be built to safely discourage unauthorized access to facilities by climbing.
- 5. External and internal gates and doors that provide access to a facility must be equipped with a self-locking or self-latching mechanism for purposes of preventing unauthorized access.
- 6. Screening is not required for a facility located on a building that is not designed or built primarily to support the facility, if the ancillary equipment, including but not limited to the equipment enclosure, is not visible from an abutting property line or public street right-of-way.

#### C. Screening

- 1. As much of the total facility as possible must be screened or located so as to not be visible from prevalent views.
- 2. Landscaping must be continuously maintained in a healthy, growing condition and be trimmed as necessary to comply with ordinances governing height of grass, corner sight obstruction and street and sidewalk obstruction.

#### D. Collocation

A new freestanding tower is not permitted unless the applicant demonstrates to the satisfaction of the approving authority that existing, permitted or proposed alternative support structures cannot accommodate the proposed facilities for the following reasons:

- 1. Height is not sufficient to meet applicant's engineering requirements;
- 2. Structural strength is not sufficient to support applicant's proposed facilities and cannot be reinforced in accordance with engineering requirements;
- 3. Other aspects of structure do not meet applicant's technical design requirements;
- 4. Electromagnetic interference would result from collocation;

- 5. Fees or costs for sharing or adapting are unreasonable; any cost that is less than the cost to construct and develop a new tower is presumed to be reasonable;
- 6. Owners of alternative structures are unwilling to accommodate the applicant's needs within 30 days after the date such owners received applicant's written request; or
- 7. Other factors render alternative support structures unsuitable.

<u>Part 3</u>: The Director of Planning is hereby directed to make the necessary changes to the City Zoning Map accordingly.

<u>Part 4:</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.

Part 5: 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 6:</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 7:</u> It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **19**<sup>th</sup> day of **May**, 2016.

PASSED AND APPROVED on Second Reading on the 2<sup>nd</sup> day of June, 2016.

	THE CITY OF TEMPLE, TEXAS
	DANIEL A. DUNN, Mayor
ATTEST:	APPROVED AS TO FORM:
I acy Borgeson	– Kayla Landeros
Lacy Borgeson City Secretary	Kayla Landeros City Attorney



# **COUNCIL AGENDA ITEM MEMORANDUM**

05/19/16 Item #10 Regular Agenda Page 1 of 1

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

Dessie Redmond, Planner

<u>ITEM DESCRIPTION:</u> FIRST READING – PUBLIC HEARING - A-FY-16-02: Consider adopting an ordinance authorizing the abandonment and conveyance of 146.78 feet of a 20-foot-wide alley located between Lot 6, Block 1, Black's Addition, and Lot 6, Block 2, Black's Addition, City of Temple, Bell County, Texas.

**STAFF RECOMMENDATION:** Staff recommends approval of the abandonment of 146.78 feet of a 20-foot-wide alley in Black's Addition between Lot 6, Block 1, Black's Addition, and Lot 6, Block 2, Black's Addition, City of Temple, Bell County, Texas, which will be more particularly described in a surveyed description provided by the applicant and attached as Exhibit A to the ordinance. This is a recommendation for approval since the alley contains no utilities and is not used for other public services or access.

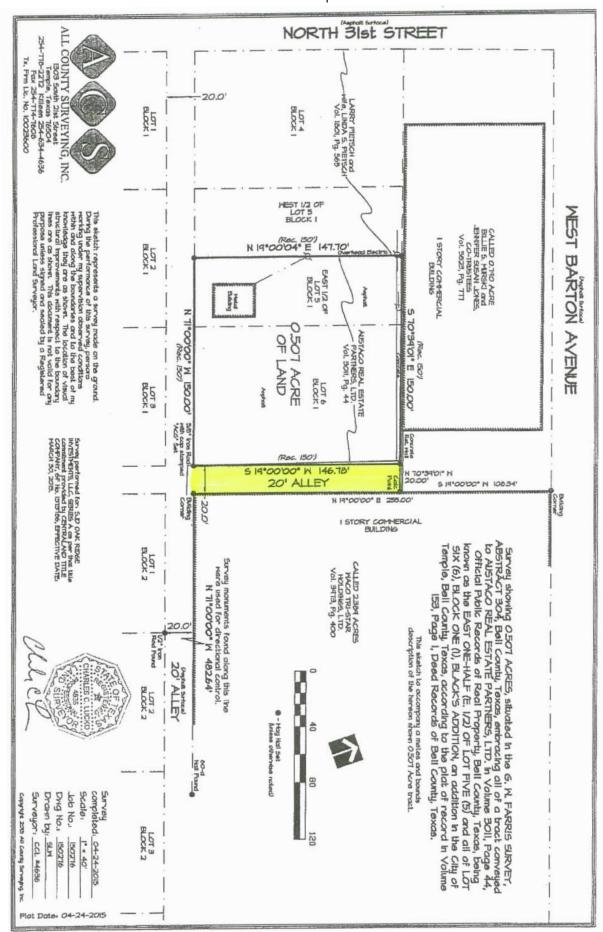
<u>ITEM SUMMARY:</u> The applicant, Bobby Spradley, submitted a request on behalf of SJD Oak Ridge Investments, LLC, for the abandonment and conveyance of 146.78 feet of a 20-foot-wide alley. SJD owns all of the property bounding the west side and north end of the alley. Waco Tri-Star Holdings, Ltd. owns all of the property on the east side of the alley, where Tri-Star Self Storage is located. Tri-Star's representative, Linda Clemmons, submitted a letter to the City stating that Tri-Star has no interest in owning a portion of the alley. The south end of the 146.78-foot alley terminates at a public alley that runs parallel to West Adams Avenue. The alley is vacant and undeveloped.

Planning staff contacted all public service providers, including the Public Works Department. The alley may be conveyed without reserving utility or drainage easements, as the providers' responses indicate there are no existing public facilities in the alley and no objections to abandoning the alley.

**FISCAL IMPACT:** If approved, SJD Oak Ridge Investments, LLC will be allowed to purchase the abandoned alley rights-of-way at the fair market value of \$1000, as recommended by a 3<sup>rd</sup> party broker's opinion.

#### **ATTACHMENTS:**

Map Tri-Star Self Storage Letter 3<sup>rd</sup> Party Broker's Opinion Ordinance



#### Tri-Star Self Storage Letter

March 1, 2016

TRI STAR
SELF STORAGE
2518 LaSalle Ave.
Waco Tx.76706

254-756-5024

City of Temple

Attn: Planning Department

Sent via email: bobby@spradlevproperties.com

RE: Alley Abandonment located adjacent to Tri-Star Self Storage

Thank you, Linda Clemmers

To Whom It May Concern:

Please let this letter serve as my written notice that I have no interest in owning any portion of the alley located adjacent to the west boundary of my property Tri-Star Self Storage. I have discussed the alley abandonment with Bobby Spradley and how he would like to fence his property as well as the alley way (if abandoned). I am fully in favor of the fence and the ability to stop the foot traffic and vandalism between our properties.

# RK MARSHALL

Brian Chandler Director of Planning City of Temple 2 N. Main Street Temple, Texas 76501

April 7, 2016

RE: 1510 W. Adams, Temple, Texas

Dear Mr. Chandler,

Pursuant to the city's request, please let this letter serve as my opinion of value for the commercial property located at 1510 W. Adams Avenue, Temple, Texas 76504. Based on my review of recently sold and currently available properties, along with my general understanding of the real estate market in the greater Temple, Texas area, I believe the property will have an ultimate sale price in the range of \$1,000 to \$1,500. This is based upon current market and economic conditions which are unpredictable and the somewhat subjective valuation process more prevalent in a tract of land with no access to a city street.

Please note that I personally inspected the property, but that I am not a participant in the proposed sale of the property to Bobby Spradley. My basis for this letter is that of a licensed real estate broker in the state of Texas, actively working within the real estate market of the subject property. This is solely my professional, independent opinion.

Should you have any questions or need anything further, please let me know.

Sincerely,

Rob Marshall

President

DISCLAIMER: THIS IS AN OPINION OF VALUE AND SHOULD NOT BE CONSIDERED AN APPRAISAL. I have not followed the Uniform Standards of Professional Appraisal Practice guidelines in reaching the value estimate shown. If an appraisal of the property is performed under USPAP, the value conclusions could be different than indicated herein. Neither Rob Marshall nor RK Marshall Group will be held liable for any claims or loss as a result of the information contained herein. The information contained herein is based on my general understanding of the real estate market in the greater Temple, Texas area, but has not been independently verified. Any projections, opinions, assumptions or estimations are for example only and do not necessarily represent the current or future sale price of the property. This opinion of value is based upon certain salient (and sometimes limited) information and is not intended to constitute an "appraisal" of the property.

PO Box 216 Temple, TX 76503 | 254.421.5757

ORDINANCE NO. (A-FY-16-02)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE ABANDONMENT AND CONVEYANCE OF AN APPROXIMATELY 146.78 FOOT PORTION OF A 20 FOOT WIDE ALLEY LOCATED BETWEEN LOT 6, BLOCK 1, BLACK'S ADDITION, AND LOT 6, BLOCK 2, BLACK'S ADDITION, CITY OF TEMPLE, BELL COUNTY, TEXAS; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas**, the applicant, Bobby Spradley, submitted a request on behalf of SJD Oak Ridge Investments, LLC, for the abandonment and conveyance of an approximately 146.78 foot portion of a 20 foot wide alley located between lot 6, block 1, Black's Addition and lot 6, bock 2, Black's addition, City of Temple, Bell County, Texas;

Whereas, SJD Oak Ridge Investments, LLC ("SJD Oak Ridge") owns all of the property bounding the west side and north end of the alley and Waco Tri-Star Holdings, Ltd. owns all of the property on the east side of the alley - Tri-Star Self Storage submitted a letter to the City stating that Tri-Star Self Storage has no interest in owning a portion of the alley;

Whereas, the south end of the approximately 146.75 foot alley terminates at a public alley that runs parallel to West Adams Avenue and the subject alley is vacant and undeveloped;

Whereas, Staff has contacted all public and private service providers, including the Public Works Department, and confirmed that the alley may be conveyed without reserving utility or drainage easements, as the providers' responses indicate there are no existing public facilities or utilities in the alley and there are no objections to abandoning the alley because it is not used for other public services or access;

**Whereas**, once abandoned, SJD Oak Ridge will be allowed to purchase the abandoned portion of the alley at the fair market value of \$1,000, as determined by a third party broker's opinion; and

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

# Now, Therefore, Be It Ordained By the City Council of the City of Temple, Texas, That:

Part 1: The City Council abandons approximately 146.78 feet of a 20 foot wide alley located between lot 6, block 1, Black's Addition, and lot 6, block 2, Black's Addition, City of Temple, Bell County, Texas as depicted on the surveyed description attached hereto and incorporated herein as Exhibit A and authorizes conveyance of the abandoned portion of the alley to the adjoining property owner, SJD Oak Ridge Investments, LLC, upon payment to the City of the fair market value of the property which has been determined to be \$1,000.

<u>Part 2:</u> If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

<u>Part 3</u>: It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **19**<sup>th</sup> day of **May**, 2016.

PASSED AND APPROVED on Second Reading on the 2<sup>nd</sup> day of June, 2016.

	THE CITY OF TEMPLE, TEXAS
	DANIEL A. DUNN, Mayor
ATTEST:	ATTEST:
Lacy Borgeson	Kayla Landeros
City Secretary	City Attorney

	Notary Public State of Texas	
	as acknowledged before me on the day of, 2 of the City of Temple, Texas.	016, by
COUNTY OF BELL	§	
STATE OF TEXAS	§	



## **COUNCIL AGENDA ITEM MEMORANDUM**

05/19/16 Item #11 Regular Agenda Page 1 of 5

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

Dessie Redmond, Planner

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING - Z-FY-16-19: Consider adopting an ordinance authorizing a rezoning from Agricultural (AG) to Light Industrial (LI), and to consider and recommend action on a Conditional Use Permit (CUP) to allow for landfill use in the LI zone on 283.73 +/- acre tract of land, recently annexed into the City of Temple by Ordinance No. 2015-4733, located to the south of Little Flock Road and to the west of Bob White Road.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At their April 18, 2016 meeting, the Planning & Zoning Commission voted 8 to 0 to recommend approval of the proposed rezoning and the approval with conditions for the CUP, as presented by Planning staff.

During the meeting, the Planning & Zoning Commission discussed how long the proposed expansion would add to the life of the landfill. It is estimated approximately 75 years. The existing landfill still has an estimated 15 years left. The subject property was purchased and annexed long before needed because the permitting process for a landfill can take years to complete, especially if there is opposition from surrounding property owners.

There was also discussion on if the diminished values of the sounding property owners would occur within 20 years. This is one of the criteria for reviewing a CUP. It is very challenging on speculating how and when the use of the landfill will impact the neighboring properties and how that is quantified.

Discussion about the creek and the existing floodplain was also mentioned. The creek is isolated from the dump area and a drainage system collects runoff from the landfill before it gets to the creek. The area in the floodplain within the subject property and the existing landfill is not used as landfill use.

**STAFF RECOMMENDATION:** Staff recommends approval for a rezoning from AG district to LI district. Staff also recommends approval with conditions on the CUP to allow for landfill use in the LI zone. These recommendations are based on for the following reasons:

- 1. The proposed rezoning is in compliance with the overall purpose of the Comprehensive Plan.
- 2. The proposed zoning is compatible with surrounding zoning.
- 3. The request complies with the Thoroughfare Plan.
- 4. The landfill use is compatible with the adjacent landfill use to the west of the property.
- 5. The request has demonstrated compliance to Section 3.5.4 of the Unified Development Code (UDC).

The conditions are similar conditions as the CUP on the existing landfill and are as follows:

- A. The development of the property must conform to the Light Industrial Zoning District standards.
- B. The landfill shall comply with all applicable State and Federal regulations.
- C. The operator shall work with Planning staff to develop a fence and tree buffering plan to preserve some of the perimeter canopy trees and mitigate negative visual appearance.
- D. An expansion beyond the 283.73 +/- acres of the landfill is subject to proper permit processes, including an additional conditional use permit.
- E. The permittee shall operate the establishment in such a manner as to prevent excessive noise, dirt, litter, and odors on the establishment or in the surrounding area and shall operate the establishment in such a manner as to minimize disturbance to surround property owners.
- F. A conditional use permit issued under this sections runs with the property and is not affected by a change in the land ownership.
- G. The City Council may revoke, suspend or modify the conditional use permit after notice to property owner and hearing before the city Council if the City Council fins evidence of fraud or deception, violation of conditions of the conditional use permit, or as provided in Section 7-609 and 7-610 of the Zoning Ordinance.

ITEM SUMMARY: The applicant has requested a rezoning of approximately 283.73 acres from AG to LI with a CUP to allow for the use of landfill. The subject property includes the land that was recently annexed into city limits by Ordinance No. 2015-4733. The annexation of the property was conducted in accordance with Chapter 42 of the Texas Local Government Code. The subject property includes properties to the south of Little Flock Road, to the west of Bob White Road, to the north of Tower Road and to the east of the existing landfill. The subject property is proposed for the purpose of expanding the landfill. The LI zoning district requires the applicant obtain a CUP for a landfill use.

It is proposed the property will be developed as a landfill use, there are other uses allowed in the LI zoning district. The uses allowed in the LI, include but are not limited to:

Permitted & *Conditional Use Table – Light Industrial (LI)			
Residential Uses	Convent or monastery *Family or group home		
Agricultural Uses	Farm, Ranch, orchard or garden Kennel without veterinary hospital		
Commercial Uses	Heavy machinery sales, storage and repair Welding or machine shop		

Education & Institutional Uses	*Cemetery, crematorium or mausoleum Place of worship
Industrial Uses	*Landfill Distribution center
Office Uses	Office Warehouse office
Overnight Accommodations Uses	Hotel *Recreational vehicle park
Recreational & Entertainment Uses	Amusement, commercial (indoor and outdoor) *Shooting range (outdoor)
Restaurant Uses	Restaurant (not drive-in and drive-in)
Retail Sales and Service Uses	Barber shop Medical appliances, fitting, sales or rental
Transportation and Related Uses	Airport or landing field Railroad freight terminal
Utility and Service Uses	Electrical energy generating plant *Sewage treatment plant
Vehicle Sales and Services Uses	Car wash Truck stop

Prohibited uses include Cleaning plant (commercial), animal feedlot, and cement or hydrated lime plant.

#### The Unified Development Code:

The Unified Development Code (UDC) Section 3.5.4 Review Criteria states, in determining whether to approve, approve with conditions or deny a CUP application, the review bodies in Sec. 3.5.2 above must consider the following criteria.

- A. The conditional use is compatible with and not injurious to the use and enjoyment of the property, and does not significantly diminish or impair property values within the immediate vicinity.
- B. The establishment of the conditional use does not impede the normal and orderly development and improvement of surrounding vacant property.
- C. Adequate utilities, access roads, drainage, and other necessary support facilities have been or will be provided.
- D. The design, location and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development.
- E. Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odors, fumes, dust, noise and vibration.
- F. Directional lighting is provided so as not to disturb or adversely affect neighboring properties.
- G. There is sufficient landscaping and screening to insure harmony and compatibility with adjacent property.

UDC Section 3.5.5, states the Planning & Zoning Commission may recommend and the City Council may impose additional conditions of approval.

<u>Surrounding Property and Uses:</u> The following tables provide information regarding the subject property and surrounding properties on Future Land Use Plan (FLUP) designations, existing zoning and current land uses:

	Surrounding Property & Uses		
<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	Current Land Use
Site	Agricultural/Rural	AG	Annexed into city limits in 2015
North	Agricultural/Rural	ETJ*	Existing Residence and Rural
South	Agricultural/Rural	ETJ	Existing Residence and Rural
East	Agricultural/Rural	ETJ	Existing Residence and Rural
West	Industrial	LI	Landfill

\*ETJ – Extraterritorial Jurisdiction

<u>Comprehensive Plan Compliance:</u> The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan:

Document	Policy, Goal, Objective or Map	Compliance?
Comp Plan	Map 3.1 - Future Land Use Plan (FLUP)	Yes
Comp Plan	Map 5.2 - Thoroughfare Plan	Yes
Comp Plan	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Yes
Trails Plan	Temple Trails Master Plan Map	N/A

#### Future Land Use Plan (FLUP) (Comp Plan Map 3.1)

The subject property is located in the Agricultural/Rural character district according to the Comp Plan. The propose zoning is not compatible with the Agricultural/Rural character district as described in the Choice '08 Comprehensive Plan (Comp Plan) – Future Land Use Map. This designation is meant to protect areas in active farm and/or ranch use. However, it should be noted, due to the proximity of the existing landfill, the proposed landfill use does comply with the overall purpose of the Comp Plan. The Comp Plan lays out a "big picture" vision for the growth of the community. The landfill use is a necessary component of a community. As Temple grows, the expansion of the landfill is inevitable and is therefore, part of the "big picture" vision for the growth of the community.

#### Thoroughfare Plan (Comp Plan Map 5.2)

The subject property is bounded to the north by Little Flock Road (major arterial), to the east by Bob White Road (collector road) and to the south by Tower Road (minor arterial). There is a proposed major arterial that runs just east of the property and abuts the property at the south east corner.

#### Availability of Public Facilities (Comp Plan Goal 4.1)

There are no existing utilities in the subject properties because it was recently annexed into city limits. There are also no existing utilities in the existing landfill as depicted in the Utility Map.

#### Temple Trails Master Plan Map and Sidewalks Ordinance

There are no proposed trails in or around the subject property as shown in as shown in the Thoroughfare and Trails Map.

**<u>DEVELOPMENT REGULATIONS:</u>** The request does not propose to develop the property and there are no proposed buildings.

<u>PUBLIC NOTICE:</u> 21 notices to property owners within 200-feet of the subject property were sent notice of the public hearing as required by State law and City Ordinance. As of Wednesday, May 11, 2016, nine notices have been received in disagreement with the request (five returned letters were from the same property owner who owns five separate properties within the 200' buffer area).

The newspaper printed notice of the public hearing on April 7, 2016, in accordance with state law and local ordinance.

**PROPOSED CITY COUNCIL MEETING SCHEDULE:** This rezoning is scheduled for the 1<sup>st</sup> Reading on May 19, 2016 and a 2<sup>nd</sup> Reading on June 2, 2016.

**FISCAL IMPACT:** Not Applicable

#### **ATTACHMENTS:**

Site Photos
Location Map
Future Land Use Map
Thoroughfare & Trails Map
Utility Map
Notification Map
(8) Returned Property Notice
Existing Zoning District vs Proposed Zoning District
Ordinance



Standing on Bob White Road at the central east boundary looking south into the property.



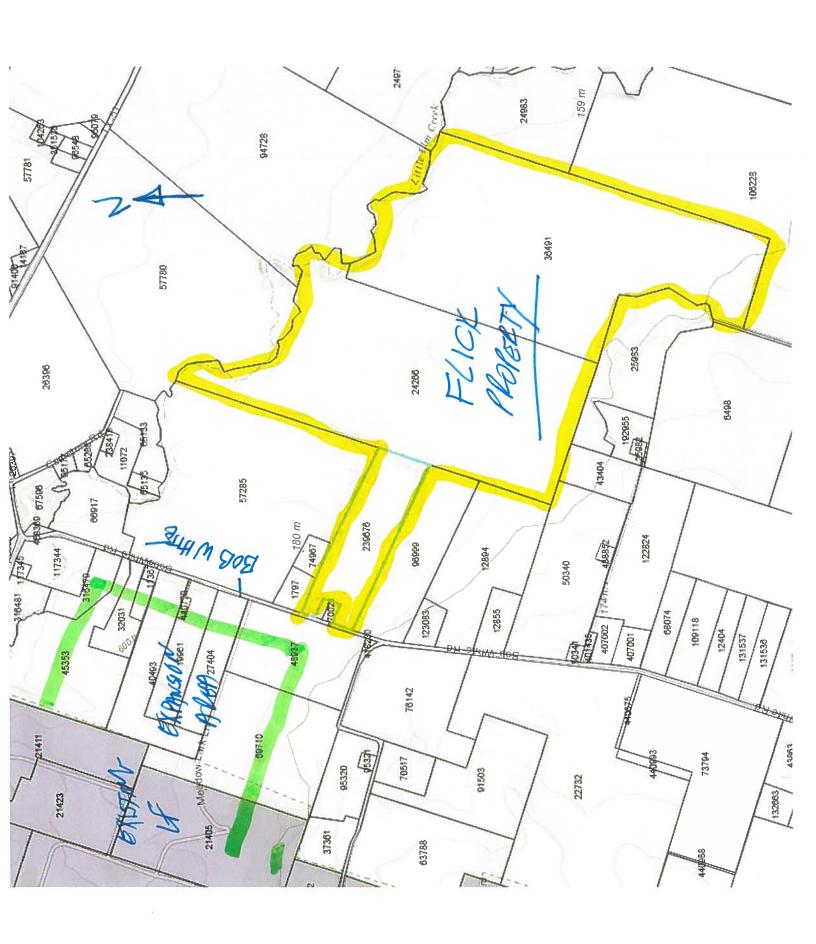
Standing on Little Flock Road at the northwest corner of the property looking south into the property.

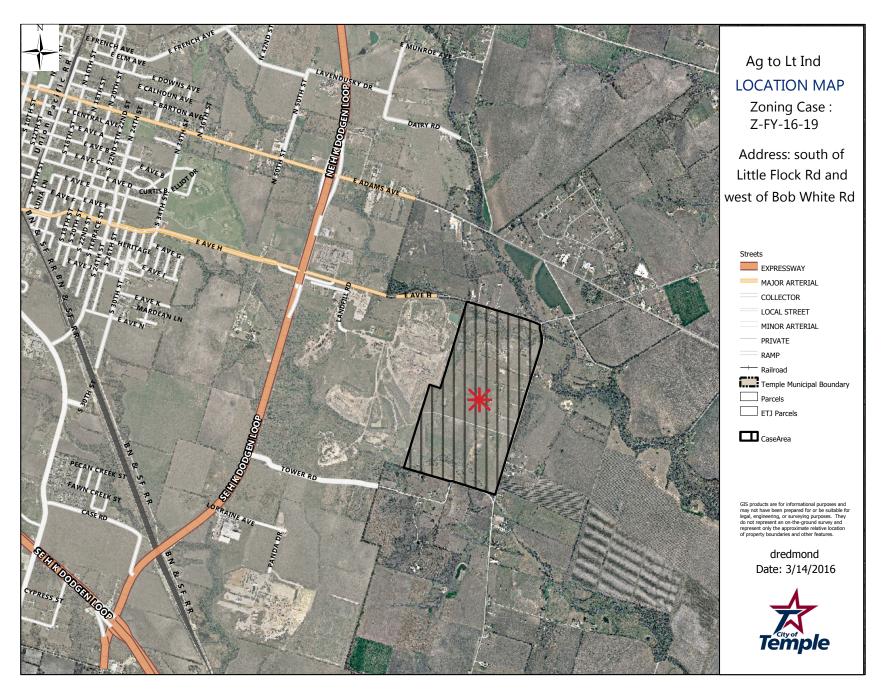


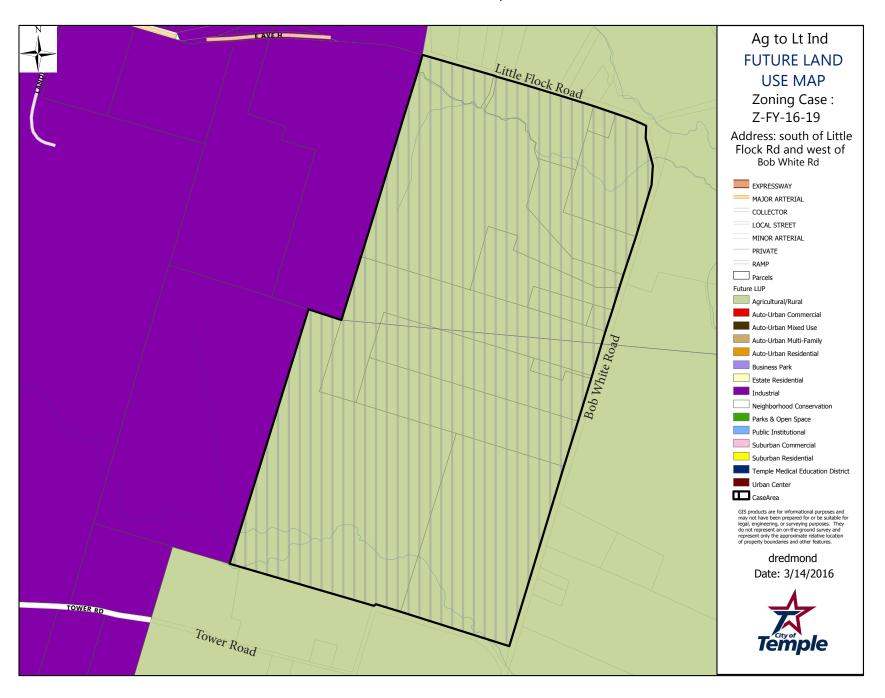
Existing landfill abutting the west boundary of the subject property.

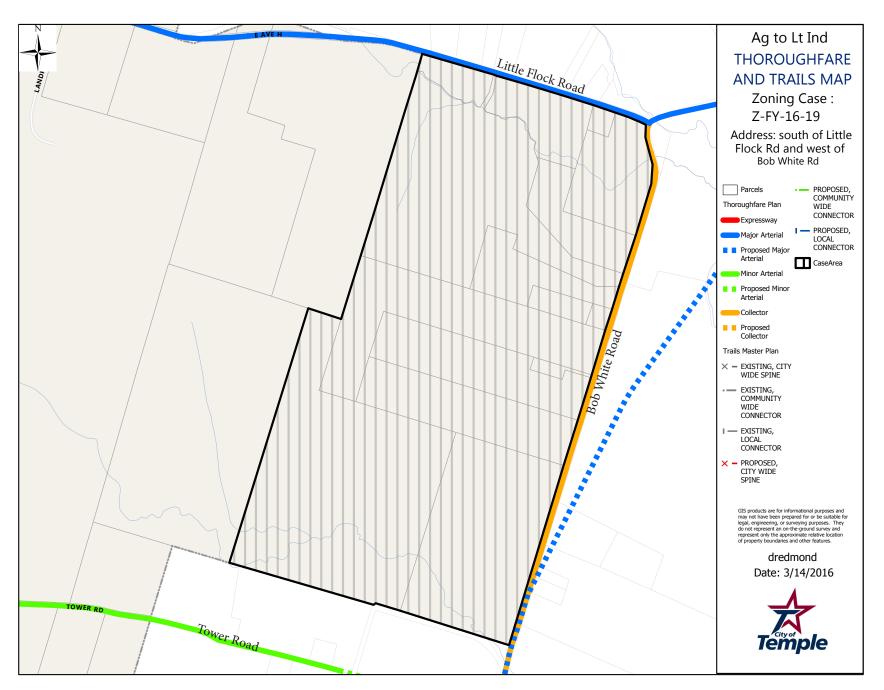


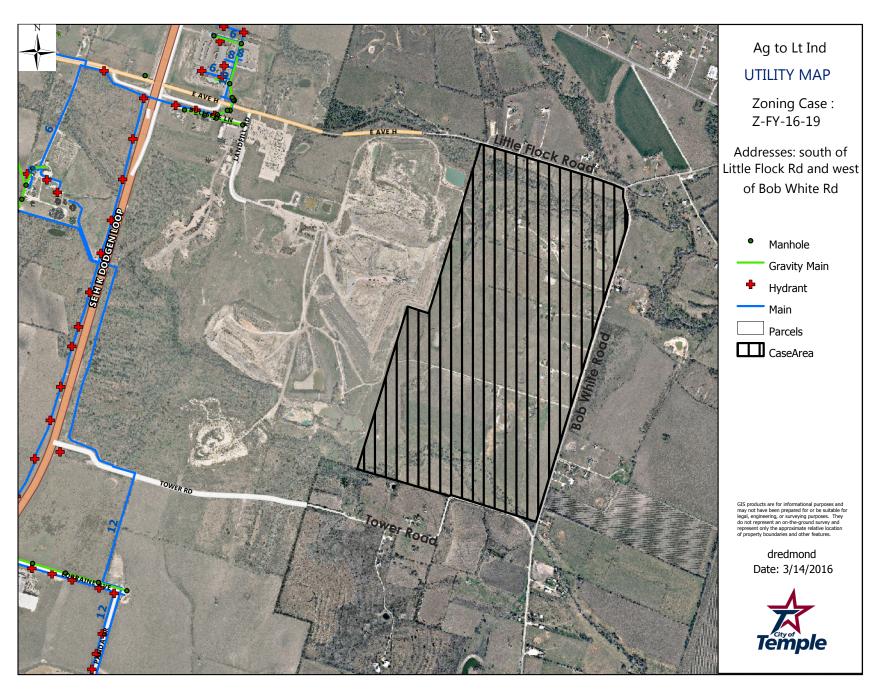
Standing on Little Flock Road looking south into the property.



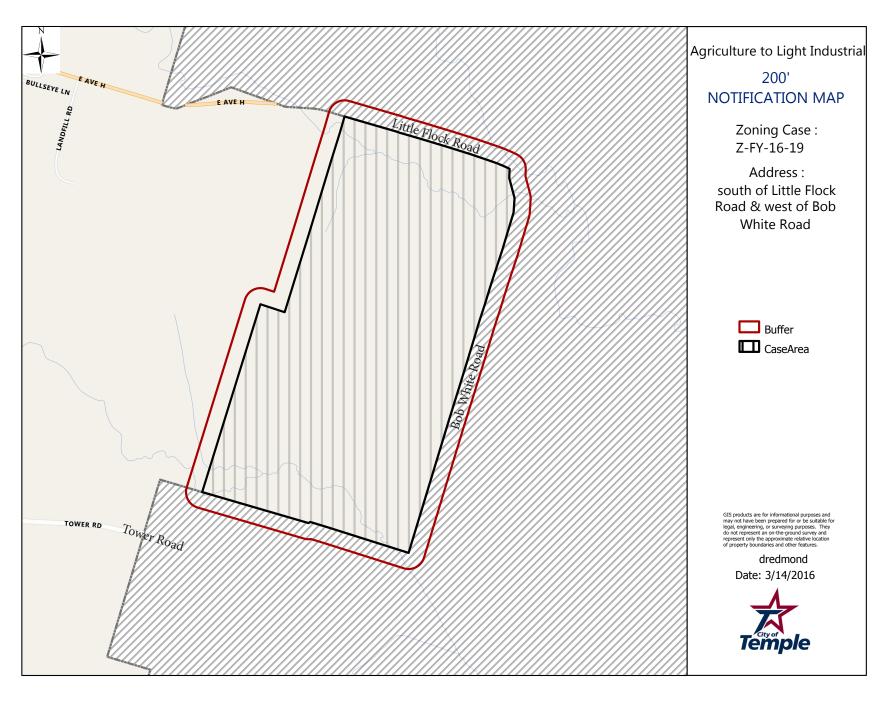








# **Notification Map**





JAROSEK, JOHNNY & LISA 4698 LITTLE FLOCK RD TEMPLE, TX 76501-7178

Zoning Application Number: Z-FY-16-19 Project Manager: Dessie Redmond

Location: South of Little Flock Road and to the west of Bob White Road

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

l () agree	( disagree with this request
Comments: Decrease in	property value's
Smell	
Signature	Print Name  To the address shown below, no later than April 19

Please mail or hand-deliver this comment form to the address shown below, no later than **April 18 2016.** 

City of Temple Planning Department Municipal Building, Room 102 Temple, Texas 76501

RECEIVAN

APR 1 4 2016

City of Temple

Number of Notices Mailed: 21

Date MailedanninApriP6ye2016



JAROSEK, JOHNNY & LISA 4698 LITTLE FLOCK RD TEMPLE, TX 76501-7178

Zoning Application Number: Z-FY-16-19 Project Manager: Dessie Redmond

Location: South of Little Flock Road and to the west of Bob White Road

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

the attached notice, and provide any ad	ditional comments you may have.	
I () agree	(c) disagree with this reque	est
Comments: $5me = 3$	decreased	property
Value		
Signature	Print Name	elc
Please mail or hand-deliver this comme <b>2016.</b>	nt form to the address shown below,	no later than April 18,
2010.	City of Temple	RECEIVED
	Planning Department Municipal Building, Room 102	APR 1 5 2016
Temple, Texas 76501		City of Temple Planning & Development

Number of Notices Mailed: 21



JAROSEK, JOHNNY & LISA 4698 LITTLE FLOCK RD TEMPLE, TX 76501-7178

Number of Notices Mailed: 21

Zoning Application Number: Z-FY-16-19 Project Manager: <u>Dessie Redmond</u>

Location: South of Little Flock Road and to the west of Bob White Road

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

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I ( ) agree ( ) disagree with this request
Comments: Small blowing trash of
decreased value of property
). ) av oselc
Signature Print Name
Please mail or hand-deliver this comment form to the address shown below, no later than <b>April 18</b> 2016.  RECEIVED
City of Temple APR 1 8 2016
Planning Department  Municipal Building, Room 102  City of Temple  Temple, Texas 76501  Planning & Development



JAROSEK, JOHNNY & LISA 4698 LITTLE FLOCK RD TEMPLE, TX 76501-7178

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> City of Temple **Planning Department** Municipal Building, Room 102

APR 1 8 2016

City of Temple Temple, Texas 76501 Planning & Development

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KIRK, DOROTHY 901 PALMETTO ST BELTON, TX 76513-2845			
Zoning Application Number: Z-FY-16-19	Project Manager: <u>Dessie Redmond</u>		
Location: South of Little Flock Road and to the	e west of Bob White Road		
The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the <u>possible</u> rezoning of the property described on the attached notice, and provide any additional comments you may have.			
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Comments:			
Signature	Print Name		
Please mail or hand-deliver this comment form to the address shown below, no later than April 18,			
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Plar	of Temple APR 1 8 2016		
	nple, Texas 76501 City of Temple Planning & Development		
Number of Notices Mailed: 21	Date Mailed: April 6, 2016		



MALCIK, JOHN JR 550 CEMETERY RD TEMPLE, TX 76501-7109

Zoning Application Number: Z-FY-16-19 Project Manager: Dessie Redmond

Location: South of Little Flock Road and to the west of Bob White Road

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Number of Notices Mailed: 21



PROCTOR, WILLIAM P 4420 TOWER RD TEMPLE, TX 76501-7153			
Zoning Application Number: Z-FY-16-19 Project Manager: _	Dessie Redmond		
Location: South of Little Flock Road and to the west of Bob White Road			
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Please mail or hand-deliver this comment form to the address shown be 2016.	low, no later than April 18,		
City of Temple Planning Department Municipal Building, Room 10 Temple, Texas 76501	APR 1 9 2016  City of Temple Planning & Development		
Number of Notices Mailed: 21 Date N	Mailed: April 6, 2016		



FLICK, PAIGE D & MILTON J 9525 KATY FWY, STE 305 HOUSTON, TX 77024-1439 **Zoning Application Number: Z-FY-16-19** Project Manager: \_\_ Dessie Redmond Location: South of Little Flock Road and to the west of Bob White Road The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have. (X) disagree with this request I () agree Comments: Please see attacked lette MiltON J FLICK 16.

Kells K. Tikfit & gw 254, 298, 3700

D Relm on @ Templ Tx. City of Temple Please mail or hand-deliver this comment form to the address shown below, no later than April 18, Municipal Building, Room 102 Temple, Texas 76501 Number of Notices Mailed: 21 Date Mailed: April 6, 2016

MILTON J. FLICK Attorney at Law - Mediator 9525 Katy Freeway, Suite 305 Houston, Texas 77024-1439 713/932-8300 Fax 713/932-9172

May 9, 2016

City of Temple Planning Department Municipal Building, Room 102 Temple, Texas 76501

Re: Zoning Application Z-FY-16-19
Project Manager: Dessie Redmond

#### Gentlemen:

Due to illness in the family, I was not able to respond by the date of April 18, 2016 to the Notice of Proposed Rezoning that was sent out under date of April 07, 2016, according to the Pitney Bowes Postage Machine. Because the response date was set at a mere 11 days after the date of mailing per the date stamped by the Pitney-Bowes Postage Machine, I will respond even though the cut-off date has passed.

I live in the Houston area. Our local newspaper does not cover proposed zoning requests in Temple, Texas as "news" items for the Houston market. I also subscribe to the Temple Daily Telegram, but – unfortunately – I do not routinely read the legal notices. I was not aware of this proposed re-zoning until I received the notice in the mail.

We oppose this rezoning. The landfill does not merely serve the needs of the City of Temple. The City has taken on the role of waste-handler for other cities, handling the garbage for every city in the area. The City is going to handle such a volume that the landfill will have a life of a mere 17 years, according to a recent newspaper article in the Temple Daily Telegram discussing the need to recycle to take the pressure off of landfills. This huge volume is going to increase the stench and traffic affecting my property on the East side of Bob White Road. We believe that if the City is going to go beyond the needs of its citizens and accept the trash from its neighbors, the City must be extra careful not to damage people and property subject to its jurisdiction when it locates and operates a landfill. We object to an expansion of the current site.

My family owns an active farm containing 495 contiguous acres that front on the East side of Bob White Road directly across from the planned expansion of the landfill. That farm is important to the future growth of the City of Temple. As the crow flies, we are approximately four miles from Scott & White Hospital, the VA Hospital, Temple College, and from Downtown Temple. Our land is close enough to the major employers in Temple to be valuable in the foreseeable future for residential or commercial use. But the proposed action of the City of Temple guarantees that our land will never be useful for anything except agricultural use.

#### Returned Property Notice

Not even commercial use, industrial use, or warehouse use will be possible for our property with the City unloading the waste of the entire area into the expanded landfill and subjecting our land first to the traffic as the landfill is filled up and then perpetually to odors that will pour forth from such a monster landfill as the garbage rots - forever. In imposing these huge adverse conditions upon our farm, the City of Temple has narrowed the possible uses for our land to solely agricultural use, causing great reduction in the value of the farm and perhaps rendering it unmarketable at any reasonable price.

For example, as the landfill operations expand closer to Bob White Road, those operations may soon cause us to wind up with a farm of almost 500 acres that contains not one suitable site upon which to build an on-premises farmhouse from which to operate that farm. The planned expansion of this Landfill will wreak tremendous damage upon our farm.

And, moreover, by the City's having annexed the land necessary to allow this landfill to expand, the City has concomitantly extended the reach of its ETJ, requiring us now to comply with the burden of many codes, rules, and regulations of the City of Temple, even though we have become separated and isolated from the rest of the City by this very landfill and we will receive no City Services. The steps that the City are taking to accommodate this landfill are imposing a great burden on our 495 acre farm.

But even worse, expanding this landfill at its present location is a mistake for the future of the City of Temple. The property under consideration for rezoning is too valuable to the future growth of the City. The location is too close to the Loop, to Scott & White, to downtown, to the VA Hospital, to Temple College, and to residential areas for the City to slam the door shut on development of the City to the East. By adding 282 acres to the landfill, the City will forever kill the East side of Temple. The East side, otherwise, would be a viable direction for growth for the City, which is already boxed in on the South and West by Belton and the lakes.

This landfill, like all landfills, with its anaerobic decomposition of waste, will create methane, which we conclusively know to be a very dangerous greenhouse gas. In the future, the City of Temple will have to live with the burden of containing and controlling the methane for a thousand years or longer. The future of huge landfills will prove to be difficult and dangerous to the environment. Let us not forget the landfill northwest of the City of San Antonio that caught fire several years ago by spontaneous combustion and smoldered for years, if not until the present day, causing odors, ash, and soot to flow out large distances for years. If and when the landfill catches on fire, it will be like the coal seams in Appalachia that will burn forever; the fires cannot be extinguished but must run their course. In approving this expansion of the landfill, the City of Temple will be sacrificing its future to a ruinous, monstrous landfill.

We object to this Request. We urge the City of Temple to deny the rezoning request.

Yours Truly,

Milton J. Flick

Milton J. Flick

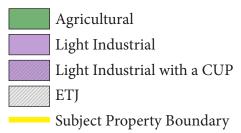
20160509





**Existing Agricultural Zoning District** 

Proposed Light Industrial Zoning District



ORDINANCE NO. \_\_\_\_\_(Z-FY-16-19)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL TO LIGHT INDUSTRIAL AND APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR LANDFILL USE IN THE LIGHT INDUSTRIAL ZONE ON AN APPROXIMATELY 283.73 ACRE TRACT OF LAND, RECENTLY ANNEXED INTO THE CITY OF TEMPLE BY ORDINANCE NO. 2015-4733, LOCATED TO THE SOUTH OF LITTLE FLOCK ROAD AND TO THE WEST OF BOB WHITE ROAD; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant has requested a rezoning of an approximately 283.73 acre tract of land located to the south of Little Flock Road and to the west of Bob White Road from Agricultural to Light Industrial with a Conditional Use Permit (CUP) to allow for a landfill use;

**Whereas,** the property includes land that was recently annexed into the Temple city limits by Ordinance No. 2015-4733 and the annexation of the property was conducted in accordance with Chapter 42 of the Texas Local Government Code;

Whereas, the property is located to the south of Little Flock Road, to the west of Bob White Road, to the north of Tower Road and to the east of the existing landfill – the property is proposed to be used for the expansion of the existing landfill and the Light Industrial zoning district requires the applicant obtain a CUP for a landfill use;

Whereas, the Comprehensive Zoning Ordinance of the City of Temple, Texas, provides for the issuance of conditional use permits under certain conditions and authorizes the City Council to impose such developmental standards and safeguards as the conditions and locations indicate to be important to the welfare or protection of adjacent property and for the protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions, and for the establishment of conditions of operation, time limits, location, arrangement and construction for any use for which a permit is authorized;

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, operation and location of the property in question, recommends that the City Council approve the rezoning of the property from Agricultural to Light Industrial and approve the application for the Conditional Use Permit for landfill use in the Light Industrial zone; and

Whereas, the City Council of the City of Temple, Texas, after public notice as required by law, has at a public hearing, carefully considered all the evidence submitted by the applicant concerning the proposed plans for this tract of land, and has heard the comments and evidence presented by all persons supporting or opposing this application at said public hearing, and after examining the conditions, operation and the location of said property, finds that the proposed use of the property substantially complies with the comprehensive plan and the area plan adopted by the City Council.

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

<u>Part 1:</u> The City Council approves a rezoning of an approximately 283.73 acre tract of land located to the south of Little Flock Road and to the west of Bob White Road from Agricultural to Light Industrial with a Conditional Use Permit (CUP) to allow for a landfill use. The property is more fully described in Exhibit 'A', attached hereto and made a part hereof for all purposes.

# <u>Part 2:</u> The owners/applicants, shall comply with following standards:

- A. the development of the property must conform to the Light Industrial Zoning District standards:
- B. the landfill shall comply with all applicable State and Federal regulations;
- C. the permittee shall work with Planning Staff to develop a fence and tree buffering plan to preserve some of the perimeter canopy trees and mitigate negative visual appearance;
- D. an expansion beyond the approximately 283.73 acres of the landfill is subject to proper permit processes, including an additional conditional use permit;
- E. the permittee shall operate in such a manner as to prevent excessive noise, dirt, litter, and odors on the property or in the surrounding area and shall operate in such a manner as to minimize disturbance to surrounding property owners;
- F. a conditional use permit issued under this section runs with the property and is not affected by a change in the land ownership;
- G. the City Council may revoke, suspend or modify the conditional use permit after notice to the property owner and hearing before the City Council if the City Council finds evidence of fraud or deception, violation of conditions of the conditional use permit, or as provided in Section 7-609 and 7-610 of the Zoning Ordinance.

<u>Part 3</u>: The Director of Planning is hereby directed to make the necessary changes to the City Zoning Map accordingly.

<u>Part 4:</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 5:</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 6:</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 7:</u> It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the  $19^{th}$  day of May, 2016.

PASSED AND APPROVED on Second Reading on the 2<sup>nd</sup> day of June, 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney