

MEETING OF THE

TEMPLE CITY COUNCIL MUNICIPAL BUILDING 2 NORTH MAIN STREET 3rd FLOOR – CONFERENCE ROOM THURSDAY, FEBRUARY 16, 2017 3:30 P.M.

AGENDA

- 1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, February 16, 2017.
- 2. Receive a presentation regarding the TMED South Master Plan.
- 3. Receive an update and discuss modifications to the Transportation Capital Improvement Program.
- 4. Discuss various upcoming board appointments.

5:00 P.M.

MUNICIPAL BUILDING

2 NORTH MAIN STREET CITY COUNCIL CHAMBERS – 2ND 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. PUBLIC APPEARANCE

3. Receive comments from Mr. Larry Wachel regarding the need for a sidewalk along West Adams to allow a safe route for citizens and disabled vets from Woodbridge Boulevard to the Exxon.

IV. CONSENT AGENDA

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

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

Minutes

(A) February 2, 2017 Special and Regular Meeting

Contracts, Leases, & Bids

(B) 2017-8539-R: Consider adopting a resolution authorizing the purchase of one 10 acre property necessary for the construction of the proposed Prairie Park and authorizing closing costs associated with the purchase in an amount not to exceed \$55,000.

- (C) 2017-8540-R: Consider adopting a resolution authorizing the acquisition of 0.195 acre of right of way necessary for the expansion of Prairie View Road through a land exchange of City owned property, purchasing a temporary construction easement, and authorizing closing costs associated with the purchase and exchange in an amount not to exceed \$2,000.
- (D) 2017-8541-R: Consider adopting a resolution authorizing an Emergency Medical Services Medical Director Agreement between the City of Temple and Scott and White Clinic.
- (E) 2017-8542-R: Consider adopting a resolution authorizing joint election agreements with the Temple Health & Bioscience Economic Development District, and Temple Independent School District for the May 6, 2017 election.
- (F) 2017-8543-R: Consider adopting a resolution ratifying submission of an application for funding through the Texas Historical Commission, Texas Preservation Trust Fund 2018 grant program in an amount not to exceed \$40,000, with \$20,000 reimbursed through grant funding, to fund a Historic Preservation Economic Development program.

Ordinances - Second & Final Reading

- (G) 2017-4825: SECOND READING Z-FY-17-07: Consider adopting an ordinance authorizing a rezoning from the Single Family Three-Planned Development zoning district to the General Retail zoning district, on 0.647 +/- acres, Lots 8 & 9 and Part of Lots 10-12 & 18-20, Block 13, Hilldell Estates Subdivision, 30 & 50 South Pea Ridge Road, Temple, Texas.
- (H) 2017-4826: SECOND READING Z-FY-17-08: Consider adopting an ordinance authorizing a rezoning from Commercial to Multi-Family Two on 34.80 +/- acres, situated in the Maximo Moreno Survey, Abstract 14, Bell County, Texas, located between South 5th Street and Lowes Drive.
- (I) 2017-4828: SECOND READING Z-FY-17-10: Consider adopting an ordinance authorizing a rezoning from Planned Development-Commercial to Planned Development-General Retail on Lots 1, 2, 3 and 4, Block 33, Temple Heights Subdivision, 2015 West Avenue M, and 1305 and 1307 South 41st Street.
- (J) Consider adopting ordinances:
 - (1) 2017-4829: SECOND READING Consider adopting an ordinance amending Temple Unified Development Code Section 5.1.3, "Use Table," and Section 5.3.15, "Alcoholic Beverage Sales for On-Premise Consumption" adding a reference to the City's Code of Ordinances, Chapter 4 "Alcoholic Beverages" and amending section 5.3.15(B) to delete unnecessary language and clarify additional standards; and
 - (2) 2017-4830: SECOND READING Consider adopting an ordinance amending Code of Ordinances, Chapter 4 "Alcoholic Beverages," to apply certain distance requirements to private schools and better align the City's regulations with State law.

Misc.

- (K) 2017-8544-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2016-2017.
- (L) 2017-8545-R: Consider adopting a resolution approving first quarter financial results for Fiscal Year 2017.
- (M) 2017-8546-R: Consider adopting a resolution authorizing a Memorandum of Understanding between the City of Temple and the Federal Bureau of Investigation in support of the Central Texas Violent Crimes Task Force.
- (N) 2017-8547-R: Consider adopting a resolution authorizing the City Manager to submit an application and accept funding through a Victims of Crime Assistance Grant through the Criminal Justice Division of the Governor's Office.
- (O) 2017-8548-R: Consider adopting a resolution authorizing the acceptance of a donation of 2.002 acres of right of way from Belton Independent School District which is necessary for the expansion of Prairie View Road.
- (P) 2017-8549-R: A-FY-17-04: Consider adopting a resolution authorizing the abandonment of a portion of the 15 foot wide public utility easement encompassing approximately .009 acres under the foundation of a constructed residence, located on Lot 6, Block 2, Carriage House Trails Phase I, addressed as 8305 Split Trail Cove in the City of Temple, Bell County, Texas.
- (Q) Consider adopting resolutions:
 - (1) 2017-8550-R: A resolution of support for a housing tax credit elderly project by Picerne Affordable Development, LLC.
 - (2) 2017-8551-R: A resolution of commitment to local funding through fee reductions not to exceed \$100 for a housing tax credit elderly project by Picerne Affordable Development, LLC.

V. REGULAR AGENDA

<u>ORDINANCES – SECOND AND FINAL READING</u>

5. 2017-4827: SECOND READING – Z-FY-17-09: Consider adopting an ordinance authorizing rezoning from Agricultural district to Planned Development Urban Estate district, with Development / Site Plan approval on 31.043 +/- acres, situated in the Sarah Fitzhenry Survey, Abstract No. 312, Bell County, Texas, located at 8260 Cedar Creek Road.

ORDINANCES – FIRST READING/PUBLIC HEARING

6. 2017-4831: FIRST READING – PUBLIC HEARING: Consider adopting an ordinance amending Ordinance No. 2014-4686 to change the name of the franchised company from Serenity EMS, LLC d/b/a Ameristat Ambulance to Serenity EMS, LLC d/b/a Texas Star Ambulance.

BOARD APPOINTMENTS

- 7. 2017-8552-R: Consider adopting a resolution appointing members to the following City boards and commissions:
 - (A) Animal Services Advisory Board one member to fill an unexpired term through September 1, 2018;
 - (B) Building Board of Appeals one member to fill an expired term through 2019; six members to fill expired terms through 2020; three members to fill expired terms through 2021:
 - (C) Building and Standards Commission three alternate members to fill expiring terms through March 1, 2019; two members to fill expiring terms through March 1, 2019;
 - (D) Development Standards Advisory Board –three members to fill expiring terms through March 1, 2020;
 - (E) Parks and Leisure Services Advisory Board two members to fill expiring terms through March 1, 2020;
 - (F) Zoning Board of Adjustment two members to fill expiring terms through March 1, 2019; and two alternate members to fill expiring terms through March 1, 2019

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 10:30 am, on Friday, February 10, 2017.

City Secretary, TRMC



02/16/17 Item #3 Regular Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Daniel A. Dunn, Mayor

<u>ITEM DESCRIPTION:</u> Receive comments from Mr. Larry Wachel regarding the need for a sidewalk along West Adams to allow a safe route for citizens and disabled vets from Woodbridge Boulevard to the Exxon.

STAFF RECOMMENDATION: Receive comments as presented in item description.

ITEM SUMMARY: Mr. Wachel 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

Priority
NAME OF PRESENTER: Larry Wachel
ADDRESS: 4/02 West Adams, Temple, TX. 76504
TELEPHONE NO. 254 - 760 - 8652
DATE REQUESTED TO APPEAR BEFORE THE COUNCIL: (Note – The City Council meets the first and third Thursdays of each month.) 2-16-17
SUBJECT TO BE PRESENTED: (Your description must identify the subject matter of your appearance in sufficient detail to alert the public what topic you will discuss and what action you are requesting by the Council.)
Sidewalk from Woodbridge Blud. to the
Exxon Convenient Store along West Adams
next to the Bluff's Apartments to allow say
Note: Separate requests must be completed for each subject presented.
I, the above identified presenter, have read the procedures for public appearances before the City Council of the City of Temple, Texas, and will abide by these procedures.
SIGNATURE OF PRESENTER 2-9-17 DATE
For Office Use:



02/16/17 Item #4(A) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) February 2, 2017 Special and Regular Meeting

STAFF RECOMMENDATION: Approve minutes as presented in item description.

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

FISCAL IMPACT: N/A

ATTACHMENTS:

February 2, 2017 Special and Regular Meeting



02/16/17 Item #4(B) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney Christina Demirs, Deputy City Attorney

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing the purchase of one 10 acre property necessary for the construction of the proposed Prairie Park and authorizing closing costs associated with the purchase in an amount not to exceed \$55,000.

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 as presented in item description.

ITEM SUMMARY: Land acquisition and development of a Prairie Park was identified in the 2014 Parks, Recreation and Open Space Master Plan. This was also included in the 2015 Parks bond package. Staff, along with the help of community leaders, were able to identify a parcel of land that still has native species of plants that have not been disturbed. After the purchase, staff plans on installing a parking lot and a trail system with plant identification in the first phase of development. The goal is to ultimately build an education house and other amenities to encourage school groups and the community to learn about the importance of native plants.

At this time, Staff is asking for authorization to purchase the ten acre property necessary for the construction of the proposed Prairie Park and authorizing closing costs associated with the purchase in an amount not to exceed \$55,000. The address and Bell CAD ID Number of the property is listed below:

Tower Road, Temple, Texas (Bell CAD #70517)

<u>FISCAL IMPACT</u>: Funding is available for the purchase of the ten acre property necessary for the construction of the proposed Prairie Park in an amount not to exceed \$55,000 in account 362-3500-552-6412, project 101321.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2017-8539-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF PROPERTY NECESSARY FOR THE CONSTRUCTION OF THE PROPOSED PRAIRIE PARK; AUTHORIZING THE PAYMENT OF CLOSING COSTS ASSOCIATED WITH THIS PURCHASE IN AN AMOUNT NOT TO EXCEED \$55,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, land acquisition and development of a Prairie Park was identified in the 2014 Parks, Recreation and Open Space Master Plan, as well as the 2015 Parks bond package;

Whereas, Staff, along with the help of community leaders, were able to identify a parcel of land which still has native species of plants that has not been disturbed;

Whereas, Staff will install a parking lot and trail system with plant identification in the first phase of development with a goal to ultimately build an education house and other amenities to encourage school groups and the community to learn about the importance of native plants;

Whereas, Staff recommends Council authorize the purchase of an approximately ten acre tract of property necessary for the construction of the proposed Prairie Park and authorize closing costs associated with the purchase in an amount not to exceed \$55,000;

Whereas, the proposed property is located on Tower Road in Temple, Texas (Bell CAD #70517);

Whereas, funding is available for this purchase in Account No. 362-3500-552-6412, Project No. 101321; 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>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.
- <u>Part 2:</u> The City Council authorizes the purchase of an approximately 10 acre tract of property located on Tower Road in Temple, Texas, which is necessary for the construction of the proposed Prairie Park, and authorizes closing costs associated with the purchases, in an amount not to exceed \$55,000.
- <u>Part 3:</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 this property.

<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 **16**th day of **February**, 2017.

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



02/16/17 Item #4(C) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the acquisition of 0.195 acre of right of way necessary for the expansion of Prairie View Road through a land exchange of City owned property, purchasing a temporary construction easement, and authorizing closing costs associated with the purchase and exchange in an amount not to exceed \$2,000.

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 as presented in item description.

ITEM SUMMARY: The City is currently in the design phase for the proposed expansion of Prairie View Road from North Pea Ridge Road to the water tower approximately 0.4 miles west of FM 317, including a realigned intersection at FM 317. The design requires the acquisition of right-of-way from seventeen different property owners. The City has reached agreements to acquire all of the properties, and the acquisitions of those properties are nearly complete or complete. Council authorized eminent domain for two properties at its December 15, 2016 meeting, in the event an agreement was not reached with the owners of those properties. At this time, agreements have been reached.

In October 2016, the City purchased 1.460 acres located at 8750 Prairie View Road for the expansion of Prairie View Road. Only 0.619 acre of right of way is needed for the road expansion, as well as a 0.115 acre drainage easement on the remainder, leaving 0.841 acre in excess property. Prior to acquisition by the City, the owners of this property and the owners of 8710 Prairie View Road agreed to an easement that allowed the lateral lines of 8710 Prairie View's septic system to be on 8750 Prairie View Road. The lateral lines are in the excess property owned by the City.

The City needs 0.195 acre of right of way from the property located at 8710 Prairie View Road. In exchange for the needed right of way, the City will deed the excess 0.841 acre to the owners, subject to the drainage easement.

02/16/17 Item #4(C) Consent Agenda Page 2 of 2

At this time, Staff is asking for authorization for the acquisition of 0.195 acre of right of way necessary for the expansion of Prairie View Road through a land exchange of City owned property, purchasing a temporary construction easement, and authorizing closing costs associated with the purchase and exchange in an amount not to exceed \$2,000.

The address of the property is 8710 Prairie View Road, Temple, Bell CAD ID 118317.

FISCAL IMPACT: At the present time, the 0.841 acres being conveyed to the owners of 8710 Prairie View Road by the City is exempt from property taxes. When the property is conveyed to them it will be added back to the property tax rolls. At the present time, the 0.195 acres being conveyed by the owners to the City is subject to property taxes. When the property is conveyed to the City, it will be exempt from property taxes.

Funding in an amount not to exceed \$2,000, for the closing costs associated with the purchase and exchange, is available in account 365-3400-531-6862, project #101257.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2017-8540-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE ACQUISITION OF APPROXIMATELY 0.195 ACRE OF RIGHT-OF-WAY NECESSARY FOR THE EXPANSION OF PRAIRIE VIEW ROAD THROUGH A LAND EXCHANGE OF CITY OWNED PROPERTY; AUTHORIZING THE PURCHASE OF A TEMPORARY CONSTRUCTION EASEMENT; AUTHORIZING THE PAYMENT OF CLOSING COSTS ASSOCIATED WITH THE PURCHASE AND EXCHANGE IN AN AMOUNT NOT TO EXCEED \$2,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is currently in the design phase for the proposed expansion of Prairie View Road from North Pea Ridge Road to the water tower approximately 0.4 miles west of FM 317, including the realigned intersection of FM 317;

Whereas, the design requires the acquisition of right-of-way from 17 different property owners – the City has reached agreements to acquire all of the properties, and the acquisitions of the properties are nearly complete or complete;

Whereas, in October 2016, the City purchased 1.460 acres located at 8750 Prairie View Road for the expansion of Prairie View Road, however, only 0.619 acre of right of way is needed for the road expansion, as well as a 0.115 acre drainage easement on the remainder, leaving 0.841 acre in excess property;

Whereas, prior to acquisition by the City, the owners of this property and the owners of 8710 Prairie View Road agreed to an easement that allowed the lateral lines of 8710 Prairie View's septic system to be on 8750 Prairie View Road - those lateral lines are in the excess property owned by the City;

Whereas, the City is in need of an approximately 0.195 acre of right of way from the property located at 8710 Prairie View Road and in exchange for the needed right of way, the City will deed the excess 0.841 acre to the owners, subject to the drainage easement;

Whereas, Staff recommends Council authorize the acquisition of an approximately 0.195 acre of right of way necessary for the expansion of Prairie View Road through a land exchange of City owned property, purchasing a temporary construction easement, and authorizing closing costs associated with the purchase and exchange, in an amount not to exceed \$2,000;

Whereas, the 0.841 acres being conveyed by the City to the owners of 8710 Prairie View Road is currently exempt from property taxes - once the property is conveyed, it will be added back to the property tax rolls;

Whereas, the 0.195 acres being conveyed by the owners to the City is currently subject to property taxes - once the property is conveyed to the City, it will be exempt from property taxes;

Whereas, funding for the closing costs associated with the purchase and exchange is available in Account No. 365-3400-531-6862, Project No. 101257; 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>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>Part 2:</u> The City Council authorizes the acquisition of an approximately 0.195 acre of right of way necessary for the expansion of Prairie View Road through a land exchange of City owned property, authorizes the purchase of a temporary construction easement, and authorizes closing costs associated with the purchase and exchange, in an amount not to exceed \$2,000.

<u>Part 3:</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 right of way purchase and land exchange.

<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 16th day of February, 2017.

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



02/16/17 Item #4(D) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney Chief Mitch Randles, Fire Chief

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing an Emergency Medical Services Medical Director Agreement between the City of Temple and Scott and White Clinic.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> For several years, the City has contracted with Scott and White Clinic to provide medical direction to the Temple Fire & Rescue Department. The previous agreement has expired and Staff would like to enter into a new agreement with Scott and White Clinic for medical director services.

Under the proposed agreement, Scott and White Clinic will appoint a physician to serve as the City's Medical Director. The appointed physician will provide several services for the City, including assistance with establishing and monitoring compliance with field performance guidelines for EMS personnel, establishing and monitoring compliance with training guidelines, and developing and revising protocols for pre-hospital care and the medical aspects of patient triage and transfer. The Medical Director will devote approximately twenty hours per month to providing services under the proposed agreement.

The City will compensate Scott & White Clinic for these services at set rate of \$9,000 per year. The term of the Agreement is for one year and will automatically renew for additional one year terms unless either party provides written notice of termination.

FISCAL IMPACT: The City would receive 3.5% of the company's total amount billed for ambulance service fee and other income derived from the operation of the ambulance service within the City. During FY 2016, the City received \$22,216.13 from Serenity EMS, LLC d/b/a Ameristat Ambulance.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2017-8541-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN EMERGENCY MEDICAL SERVICES MEDICAL DIRECTOR AGREEMENT BETWEEN THE CITY OF TEMPLE AND SCOTT AND WHITE CLINIC; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, for several years, the City has contracted with Scott and White Clinic to provide medical direction to the Temple Fire & Rescue Department;

Whereas, the previous agreement has expired and Staff recommends Council enter into a new agreement with Scott and White Clinic for medical director services;

Whereas, under the proposed agreement, Scott and White Clinic will appoint a physician to serve as the City's Medical Director - the appointed physician will provide several services for the City, including assistance with establishing and monitoring compliance with field performance guidelines for EMS personnel, establishing and monitoring compliance with training guidelines, and developing and revising protocols for pre-hospital care and the medical aspects of patient triage and transfer;

Whereas, the Medical Director will devote approximately twenty-hours per month to providing services under the proposed agreement and the City will compensate Scott & White Clinic for these services at a set rate of \$9,000 per year;

Whereas, the term of the Agreement is for one-year and will automatically renew for additional one-year terms unless either party provides written notice of termination;

Whereas, funding for the Emergency Medical Services Medical Director agreement is available in Account No. 110-2230-522-2616; 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>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>Part 2:</u> The City Council authorizes an Emergency Medical Services Medical Director Agreement between the City of Temple and Scott and White Clinic at a set rate of \$9,000 per year.

<u>Part 3:</u> The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute the Agreement.

<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 16th day of February, 2017.

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



02/16/17 Item #4(E) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, TRMC, City Secretary

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing joint election agreements with the Temple Health & Bioscience Economic Development District, and Temple Independent School District for the May 6, 2017 election.

STAFF RECOMMENDATION: Adopt resolutions as presented in item description.

<u>ITEM SUMMARY:</u> This proposed resolution authorizes joint election agreements with the Temple Health & Bioscience Economic Development District, and Temple Independent School District to conduct joint elections and share expenses for the May 6, 2017 general election. The City will be responsible for all duties associated with conducting the election and the costs will be shared equally between those parties holding elections. Should any of the entities declare the May 6, 2017 election to be canceled because of unopposed candidates, then the agreement will become void.

<u>FISCAL IMPACT:</u> Funding in the amount of \$14,800 is appropriated in account 110-1400-511-2517, as part of the City Secretary's budget for the 2017 General Election. All other entities holding joint elections with the City will pay their pro rata share of the total cost of conducting the election.

ATTACHMENTS:

Resolutions

RESOLUTION NO. 2017-8542-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A JOINT ELECTION AGREEMENT WITH THE TEMPLE HEALTH & BIOSCIENCE ECONOMIC DEVELOPMENT DISTRICT AND TEMPLE INDEPENDENT SCHOOL DISTRICT FOR THE MAY 6, 2017 ELECTION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, State law authorizes two or more political subdivisions to enter into an agreement to hold elections jointly when the political subdivisions are holding elections on the same day in all or part of the same territory or when State law makes holding a joint election mandatory;

Whereas, the Temple Health & Bioscience Economic Development District and Temple Independent School District share all or part of the voting districts of the City of Temple and desire to conduct joint elections with the City of Temple for the May 6, 2017, election;

Whereas, the City will be responsible for all duties associated with conducting the election and the costs of the election will be shared equally between the parties;

Whereas, funds are allocated in the City Secretary's 2017 General Election budget in Account No. 110-1400-511-2517; 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>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.
- <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 a Joint Election Agreement between the City of Temple, the Temple Health & Bioscience Economic Development District, and Temple Independent School District for the May 6, 2017 election.
- <u>Part 3:</u> Should any of the entities declare the May 6, 2017 election to be canceled because of unopposed candidates, then the agreement will become void.
- <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 16th day of February, 2017.

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



02/16/17 Item #4(F) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Ashley Williams, Director of General Services

ITEM DESCRIPTION: Consider adopting a resolution ratifying submission of an application for funding through the Texas Historical Commission, Texas Preservation Trust Fund 2018 grant program in an amount not to exceed \$40,000, with \$20,000 reimbursed through grant funding, to fund a Historic Preservation Economic Development program.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> The Texas Historical Commission announced a matching grant program entitled Texas Preservation Trust Fund (TPTF). The TPTF is an interest-earning pool of public and private monies, that utilizes the interest earned to distribute matching grants to qualified applicants for acquisition, survey, restoration, preservation, planning and heritage education activities leading to the preservation of historic properties and archaeological sites. Competitive grants are awarded on a one-to-one match basis and are paid as reimbursement of eligible expenses incurred during the project. The purpose is to save and protect Texas' threatened historic structures and significant archaeological sites.

The initial application was due January 31, 2017. If chosen for the next round the City will be notified on March 31, 2017 to submit a detailed project proposal by July 14, 2017. Full project proposals will be considered for award by the Texas Historical Commission in October 2017.

The project scope involves the development of a Historic Preservation Economic Development program, which will assist in the completion of feasibility studies of endangered buildings along Main Street in the downtown core. The goal is to assist in the rejuvenation and preservation of well-known buildings through the assessment of historic preservation needs. The proposed study will focus on 6-8 buildings along Main Street, with preference given to older and most distressed.

The feasibility study may include historical and architectural value, structural integrity/ condition assessment, building code analysis, suggested/proposed use for each building, market data supporting suggested/proposed use, professional plan drawings, development and/or restoration cost estimates, green technology potential and potential funding strategies. Through these analytic efforts the City will be able to work with building owners and the Economic Development Corporation to present the Temple community with a sense of direction of the potential of these buildings. The goal is to provide a catalyst for the preservation of Main Street, in order to create interest in current and potential business owners to pursue Downtown, activating vacancy.

02/16/17 Item #4(F) Consent Agenda Page 2 of 2

Staff recommends matching local funds with \$20,000. The grant application requests and additional \$20,000 in funding from the Texas Historical Commission, creating a project budget of \$40,000.

FISCAL IMPACT: The grant application requested \$20,000 in grant funds with the City matching \$20,000 for a total project cost of \$40,000. If awarded the grant, the City will allocate the \$20,000 matching funds.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2017-8543-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING THE SUBMISSION OF AN APPLICATION FOR FUNDING THROUGH THE TEXAS HISTORICAL COMMISSION, TEXAS PRESERVATION TRUST FUND 2018 GRANT PROGRAM, IN AN AMOUNT NOT TO EXCEED \$40,000, WITH \$20,000 BEING REIMBURSED THROUGH GRANT FUNDING, TO FUND A HISTORIC PRESERVATION ECONOMIC DEVELOPMENT PROGRAM; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Texas Historical Commission announced a matching grant program entitled Texas Preservation Trust Fund which is an interest-earning pool of public and private monies that utilizes the interest earned to distribute matching grants to qualified applicants for acquisition, survey, restoration, preservation, planning and heritage education activities leading to the preservation of historic properties and archaeological sites;

Whereas, competitive grants are awarded on a one-to-one matching basis and are paid as reimbursement of eligible expenses incurred during the project - the purpose of this grant program is to save and protect Texas' threatened historic structures and significant archaeological sites;

Whereas, the initial application was due January 31, 2017 and if chosen the City will be notified on or about March 31, 2017 to submit a detailed project proposal by July 14, 2017 - full project proposals will be considered for award by the Texas Historical Commission in October 2017;

Whereas, the project scope involves the development of a Historic Preservation Economic Development program which will assist in the completion of feasibility studies of endangered buildings along Main Street in the downtown area with a goal to assist in the rejuvenation and preservation of well-known buildings through the assessment of historic preservation needs;

Whereas, the feasibility study may include historical and architectural value, structural integrity/condition assessment, building code analysis, suggested/proposed use for each building, market data supporting suggested/proposed use, professional plan drawings, development and/or restoration cost estimates, green technology potential and potential funding strategies;

Whereas, through these analytic efforts, the City will work with building owners and the Temple Economic Development Corporation to present the Temple community with a sense of direction of the potential use of these buildings while providing a catalyst for the preservation of Main Street, in order to create interest in current and potential business owners to pursue Downtown;

Whereas, the grant application requests \$20,000 in grant funds with the City matching \$20,000 for a total project cost of \$40,000 - if awarded the grant, the City will allocate the \$20,000 matching fund; 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>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>Part 2:</u> The City Council ratifies the submission of an application for funding through the Texas Historical Commission, Texas Preservation Trust Fund 2018 grant program in an amount not to exceed \$40,000, with \$20,000 reimbursed through grant funding, to fund a Historic Preservation Economic Development program.

<u>Part 3:</u> The City Manager, or his designee, after approval as to form by the City Attorney, is authorized to execute any documents which may be necessary to ratify this grant, and accepts any funds that may be received for this grant,

<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 **16**th day of **February**, 2017.

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



02/16/17 Item #4(G) Consent Agenda Page 1 of 3

DEPARTMENT / DIVISION SUBMISSION & REVIEW;

Dessie Redmond, Planner

<u>ITEM DESCRIPTION:</u> SECOND READING – Z-FY-17-07: Consider adopting a ordinance authorizing a rezoning from the Single Family Three-Planned Development zoning district to the General Retail zoning district, on 0.647 +/- acres, Lots 8 & 9 and Part of Lots 10-12 & 18-20, Block 13, Hilldell Estates Subdivision, 30 & 50 S. Pea Ridge Road, Temple, Texas.

PLANNING & ZONING COMMISSION RECOMMENDATION: At their January 3, 2017 meeting, the Planning & Zoning Commission voted six to zero to recommend approval of the proposed rezoning as presented by staff.

STAFF RECOMMENDATION: Based on the following compliance factors, staff recommends approval for a rezoning from the SF3-PD zoning district to the GR zoning district:

- 1. Surrounding zoning and anticipated non-residential development and growth along South Pea Ridge Road and West Adams Avenue;
- 2. Thoroughfare Plan;
- 3. Availability of public facilities to serve the subject property.

ITEM SUMMARY: The subject property contains 0.647 +/- acres and is currently undeveloped. There are existing retaining walls that run along the west and north property lines. It is anticipated the property will be developed with non-residential uses, similar to development and growth along South Pea Ridge Road and West Adams Avenue.

The subject property was originally platted in 1962 (attachments: Hilldell Estates Final Plat) and not within city limits. At that time, the plat showed the subject property as residential lots and the original alignment of West Adams Avenue. In 1978, Hilldell Estates was annexed into the city limits under "A" zoning. The original Master Plan, adopted in 1944, says that "A" zoning was "one-family district" (attachments: 1944 Zoning Map). In 1995, the Planned Development was adopted by Ordinance (attachments: Ordinance 95-2321) and identifies zoning classification for a portion of Hilldell Estates subdivision and identifies development and dimensional standards for (1) single family detached homes, (2) industrialized modular homes and (3) mobile homes, which were occupied and existed at the time of ordinance adoption.

In 1999, West Adams Avenue was realigned for the West Temple Community Park (attachments: West Temple Community Park Final Plat). The West Temple Community Park abuts the subject property to the west. With the realignment of West Adams Avenue the properties to the south of the subject property were encompassed for right-of-way (R-O-W) dedication. Currently, the subject property is the SF3-PD zoning district and the applicant is requesting a rezoning to the GR zoning district.

There is an existing 10 foot wide utility easement running north-south that bisects the property, which is also shown on the original plat (attachments: Surveyor's Sketch – Utility Abandonment Request - draft). The property owner has requested a utility easement abandonment. As of Wednesday, December 28, 2016, there were no objections from outside utility providers or city staff. This abandonment request is tentatively scheduled for a consent item agenda at the City Council meeting on January 19, 2017.

Along with the rezoning and abandonment request is a companion re-plat to subdivide the property into two lots (attachments: P-FY-17-04 JDLG Addition Final Plat - draft). Before the platting process can be finalized, the abandonment request must first be approved by Council.

There are other residential and non-residential uses that are permitted in the GR zoning district (attachments: Use Comparison Summary Table)

To the north is an existing residence* and to the south the property abuts West Adams Avenue. To the east is Big Chew Chew's Restaurant and to the west is West Temple Community Park (attachments: Surrounding Properties Summary Table).

*For Reference: This residence was the site of a rezoning request in Fiscal Year 2016 (Z-FY-16-21) located at 18 South Pea Ridge Road. Council approved a rezoning from the SF3-PD zoning district to the Neighborhood Service (NS) zoning district (attachments: Ordinance 2016-4775).

<u>COMPREHENSIVE PLAN (CP) COMPLIANCE</u>: The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan. A table summarizing the following discussion is attached: Comprehensive Plan Compliance Summary Table.

Future Land Use Map (CP Map 3.1)

The subject property is within the Suburban Residential character district. This character district is intended for mid-size single-family lots. This request is for future general retail development; therefore, this request is not consistent with the Suburban Residential character district. However, the area lends itself to transitioning into non-residential zoning and uses due to its location south of Georgia Avenue and adjacency to West Adams Avenue and South Pea Ridge Road. If the zoning is approved, the Future Land Use Map will need to be updated.

Thoroughfare Plan (CP Map 5.2)

The subject property is accessed off of South Pea Ridge Road, a proposed collector. If additional R-O-W needs to be dedicated to meet the road standards, this will be addressed with the plat. While not funded, Series Three Transportation Capital Improvement Program (TCIP) improvements to this section of Pea Ridge Road are scheduled for fiscal year 2019.

Temple Trails Master Plan Map and Sidewalks Ordinance

The Trails Master Plan identifies a proposed community wide connector trail that runs along the north boundary of Lot 12 and crosses West Adams Avenue and continues to the south. Trail requirements will be addressed with the plat.

Availability of Public Facilities (CP Goal 4.1)

Sewer is available to the subject property through an existing 10-inch sewer line to the west of the property. Water is available through an existing 14-inch waterline along West Adams Avenue. There are public facilities available to the site; therefore, the request complies with the City's public service capacities.

<u>DEVELOPMENT REGULATIONS</u>: A comparison summary table for non-residential dimensional standards in the SF3-PD & GR zoning districts is located in the (attachments: Non-Residential Dimensional Standards Comparison Table).

<u>PUBLIC NOTICE</u>: Seven 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 Thursday, December 29, 2016, zero returned notices have been received.

The newspaper printed notice of the public hearing on December 22, 2016, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Site and Surrounding Property Photos

Field Notes

Hilldell Estates Final Plat

1944 Zoning Map

Ordinance 95-2321

West Temple Community Park Final Plat

Surveyor's Sketch - Utility Abandonment Request - draft

P-FY-17-04 JDLG Addition Final Plat – draft

Location Map / Aerial

Zoning Map / Future Land Use Map

Thoroughfare & Trails Map / Utility Map

Notification Map

Use Comparison Summary Table

Surrounding Properties Summary Table/Comprehensive Plan Compliance Summary Table / Non-

Residential Dimensional Standards Comparison Table

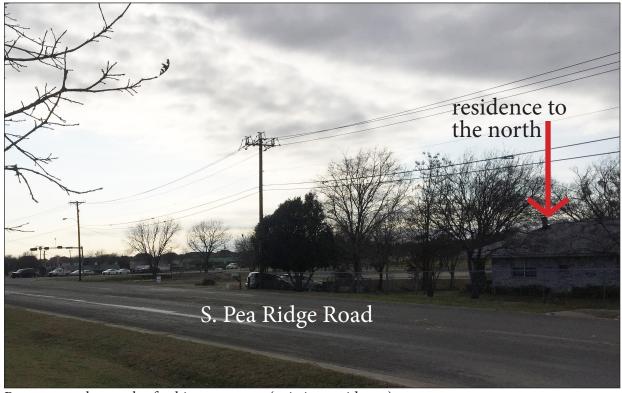
Ordinance 2016-4775

Ordinance

Site Photos



Looking north across W. Adams Avenue into the subject property.



Property to the north of subject property (existing residence).

Site Photos



Looking south across the subject property towards W. Adams Avenue.



Property to the west (West Temple Community Park).

Site Photos



Property to the east (Big Chew Chew's).

FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

November 22, 2016

Surveyor's Field Notes for:

0.647 ACRE, situated in the **B. ROBERTSON SURVEY**, **ABSTRACT 17**, Bell County, Texas, being all of Lots 8 and 9 and a portion of Lots 10, 11, 12, 18, 19 and 20, Block 13 of Hilldell Estates, an addition in the City of Temple, Bell County, Texas of record in Cabinet A, Slide 210-A, Plat Records of Bell County, Texas, and being more particularly described as follows:

BEGINNING at a 3/8" iron rod found on the west right of way of Pea Ridge Road, Being the northeast corner of said Lot 8, same being the southeast corner of Lot 7 of said Block 13, for the northeast corner of this tract;

THENCE in a southerly direction, with the east line of said Block 13, same being the west right of way of Pea Ridge Road, the following two (2) courses and distances:

- 1) S. 16° 41' 22" W., 149.89 feet, to a ½" iron rod with "Tibbit" cap found, being the southeast corner of said Lot 10, same being the northeast corner of said Lot 11, for a corner of this tract;
- 2) S. 16° 45' 56" W., 28.87 feet, to a concrete TxDot monument found on the north right of way of F. M. 2305 (West Adams Avenue) (*Vol. 3288, Page 323*), for the southeast corner of this tract;

THENCE in a southwesterly direction, with the north right of way of F. M. 2305, **S. 71° 56' 44" W., 64.98 feet**, (R.O.W. S. 71° 43' 15" W.), to a calculated point, for the southwest corner of this tract;

THENCE in a northwesterly direction, over and across said Block 13, **N. 20° 32' 56" W., 270.42 feet**, to a calculated point on the north line of said Lot 20, same being the south line of Lot 21 of said Block 13, for the northwest corner of this tract;

THENCE in an easterly direction, with the north line of said Lot 20, same being the south line of said Lot 21, **S. 73° 29' 33" E., 107.60 feet**, to a 3/4" iron pipe found, being a common corner of said Lots 20, 21, 7 and 8, for a corner of this tract;

THENCE continuing in an easterly direction, with the north line of said Lot 8, same being the south line of said Lot 7, S. 73° 23' 46" E., 109.47 feet, to the POINT OF BEGINNING and containing 0.647 Acre of Land.

This project is referenced to the City of Temple Coordinate System, NAD 83, Texas Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 3. The theta angle at City Monument No. 3 is 01°31'42". The combined correction factor (CCF) is 0.999847. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Published City coordinates for City Monument No. 3 are N.= 10,368,408.89 E.= 3,225,333.77 Reference tie from City Monument No. 3 to the northeast corner of this 0.647 acre tract is N 53°53'59" W 24994.22 feet.

This document is not valid for any purpose unless signed and sealed by a Registered Professional Land Surveyor.

Surveyed October 6, 2016

ALL COUNTY SURVEYING, INC. 1-800-749-PLAT

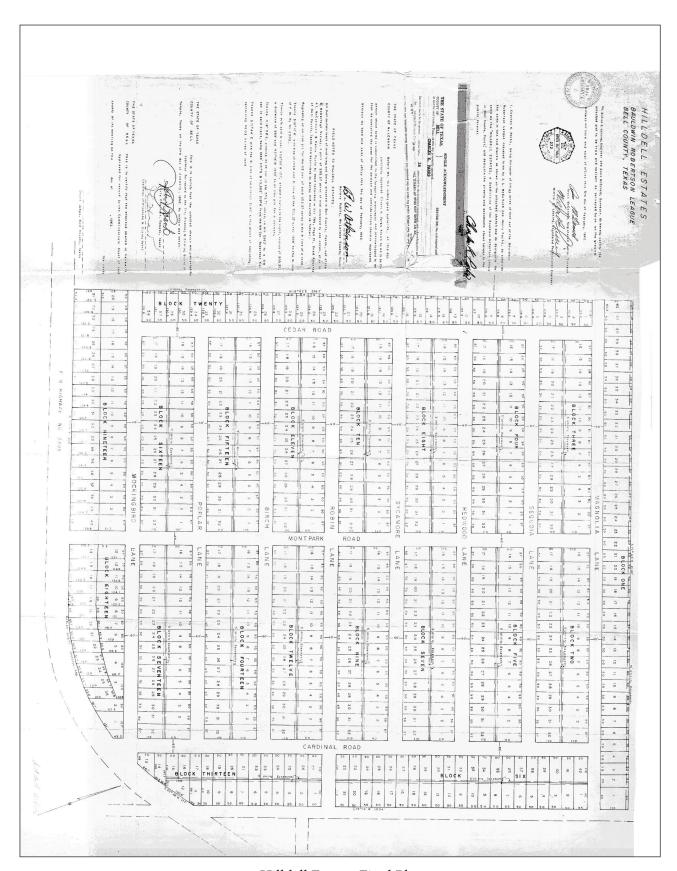
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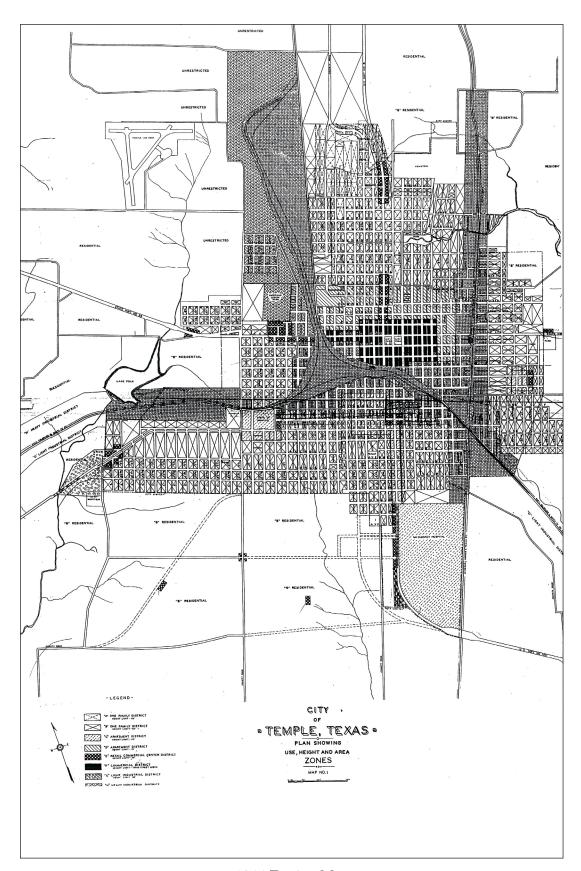
Charles C. Lucko

Registered Professional Land Surveyor

Registration No. 4636



Hilldell Estates Final Plat



1944 Zoning Map

ORDINANCE NO. 95-2321

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A CITY-INITIATED ZONING CHANGE FROM AGRICULTURAL DISTRICT TO PLANNED DEVELOPMENT DISTRICT FOR RESIDENTIAL USE IN THE HILLDELL ESTATES SUBDIVISION, LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF PEA RIDGE ROAD AND FM 2305, WITH MODIFIED BASE ZONING DISTRICTS-SINGLE FAMILY-3, MOBILE HOME AND AGRICULTURAL, TO ALLOW: (1) SINGLE FAMILY DETACHED HOMES; (2) INDUSTRIALIZED/MODULAR HOMES; AND/OR (3) MOBILE HOMES UNDER CERTAIN CONDITIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on January 23, 1995, the Planning and Zoning Commission approved the City-initiated zoning change from Agricultural District to Planned Development District for residential use in the Hilldell Estates Subdivision, located at the corner of the intersection of Pea Ridge Road and FM 2305, with modified base zoning districts--Single Family-3, Mobile Home and Agricultural, to allow: (1) single family detached homes, (2) industrialized/modular homes, and/or (3) mobile homes under certain conditions; and

Whereas, consistent with the Comprehensive Plan, surrounding zoning conditions and proposed uses, the Staff recommends approval of this zone change.

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

<u>Part 1:</u> The zoning classification of a portion of the Hilldell Estates Subdivision, described as:

```
Block 1
                         Block 11
                         Block 12, Lots 11-16
Block 2
                         Block 13
Block 3
Block 4
                         Block 15
                         Block 16
Block 5, Lots 1-16
                         Block 19, Lots 1-20
Block 6
Block 7, Lots 12-21
                         Block 20
Block 8
Block 9, Lots 12-21
Block 10
```

located at the northwest corner of the intersection of Pea Ridge Road and FM 2305, more fully shown on Exhibit "A," attached hereto and made a part hereof for all purposes, is changed from Agricultural District to Planned Development District for residential use in the Hilldell Estates Subdivision

- Part 2: The use and development of this property shall conform in all respects to the Single Family-3 District, except as conditioned below.
- A. Single family detached homes are allowed and may be built under the following conditions:
 - (1) A minimum of 3 lots, 50 feet by 110 feet, for a total of 16,500 square foot minimum shall be assembled for any new construction (TRACT).

Septic tank permits must be authorized by Bell County.

Adequate public water supply must be available and adequate to serve the site. Tract must be located on or adjacent to a publicly improved and maintained

Tax delinquency on the tract must be cleared prior to the issuance of the

building permit.

Site development standards shall conform in all respects to a SF-3 base zoning district, with dimensions measured from the "TRACT" boundary with the (6) exception that the minimum front yard setback shall be 20 feet.

- B. Industrialized Modular homes are allowed by right and may be built under the following conditions:
 - A minimum of 3 lots, 50 feet by 110 feet, for a total of 16,500 square foot (1) minimum shall be assembled for any new construction (TRACT).

Septic tank permits must be authorized by Bell County.

Adequate public water supply must be available and adequate to serve the site. Tract must be located on or adjacent to a publicly improved and maintained

Tax delinquency on the tract must be cleared prior to the issuance of the (5)

building permit.

- Site development standards shall conform in all respects to a SF-3 base zoning (6) district, with dimensions measured from the "TRACT" boundary with the exception that the minimum front yard setback shall be 20 feet.
- C. Mobile homes existing and occupied on the effective date of this rezoning are nonconforming uses, which are subject to the restrictions on nonconforming uses provided in the Zoning Ordinance, except that during the five (5) year period following adoption of this ordinance a building permit shall be authorized for replacement of an existing mobile home with another mobile home under the following conditions:
 - A minimum of 3 lots, 50 feet by 110 feet, for a total of 16,500 square foot minimum shall be assembled for any new construction (TRACT).

Septic tank permits must be authorized by Bell County.

Adequate public water supply must be available and adequate to service the site. Tract must be located on or adjacent to a publicly improved and maintained

Tax delinquency on the tract must be cleared prior to the issuance of the

building permit.

Site development standards shall conform in all respects to a SF-3 base zoning district, with dimensions measured from the "TRACT" boundary with the (6) exception that the minimum front yard setback shall be 20 feet.

The replacement mobile home must be inspected and meet state specifications (7)

for mobile homes used as dwellings.

- The replacement mobile home must be placed on a permanent foundation and (8) have the axle and tongue removed.
- D. No modifications of the City's minimum housing standards are adopted for this property.
- Part 3: The Director of Planning is hereby directed to make the necessary changes to the City Zoning Map accordingly.
- **Part 4:** 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 5:</u> This ordinance shall take effect immediately from and after its passage and publication 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 is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading on the 2nd day of February, 1995.

PASSED AND APPROVED on Second Reading on the 16th day of February, 1995.

PASSED AND APPROVED on Third Reading on the 2nd day of March, 1995.

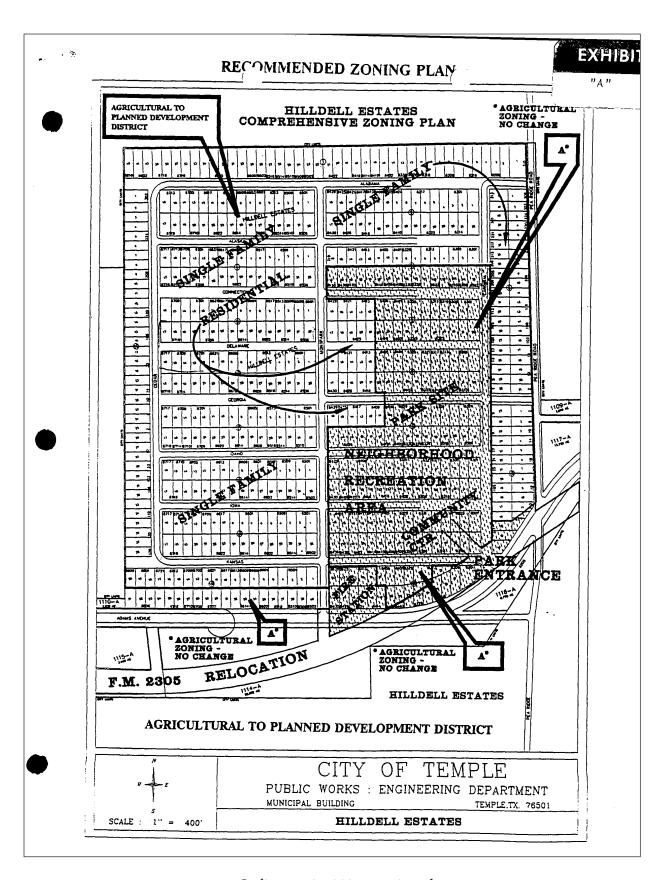
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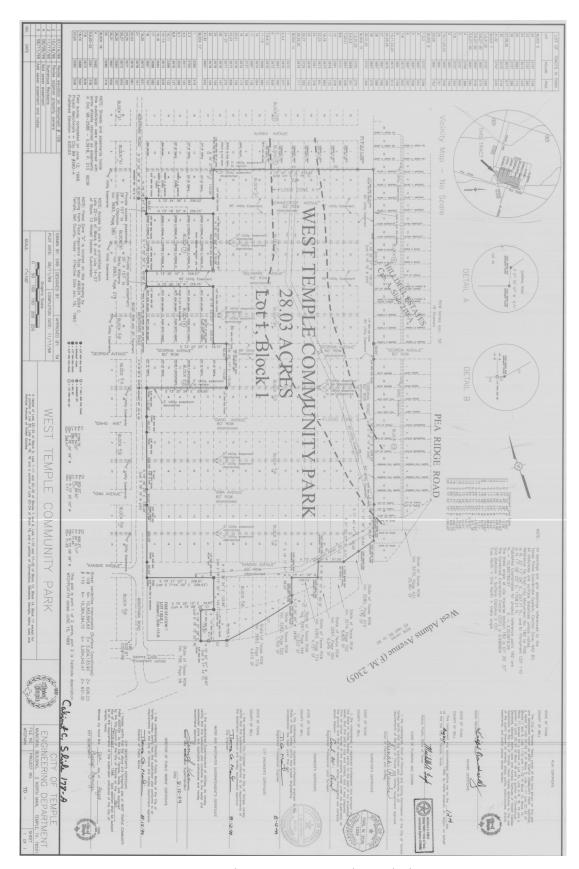
ATTEST:

Clydette Entzminger City Secretary THE CITY OF TEMPLE, TEXAS

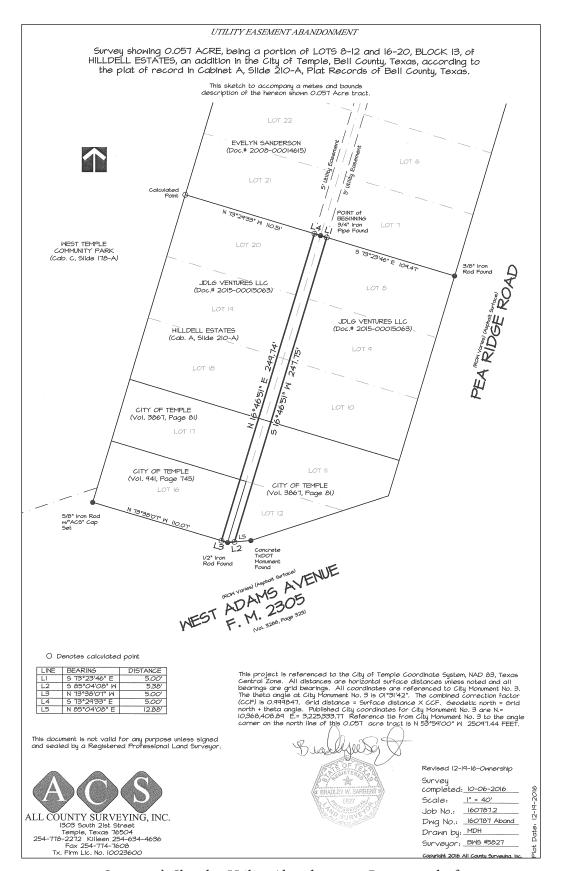
APPROVED AS TO FORM:

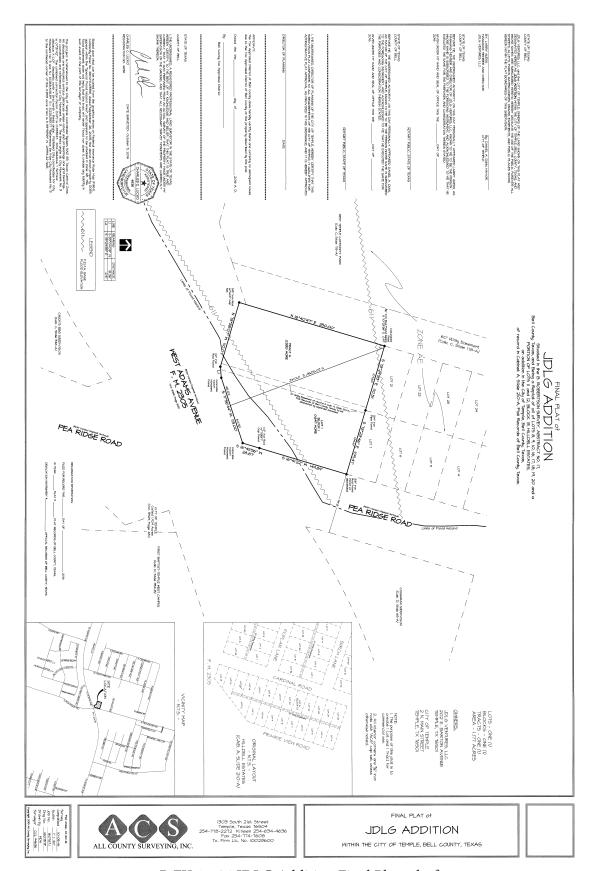
Jonathan Graham City Attorney



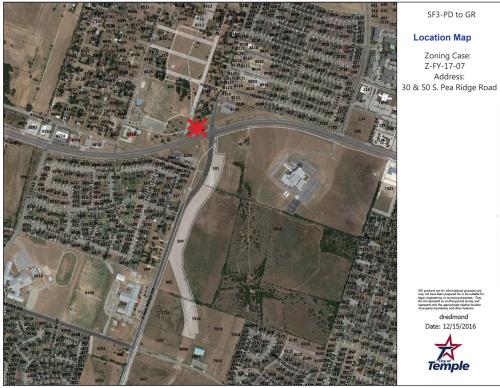


West Temple Community Park Final Plat





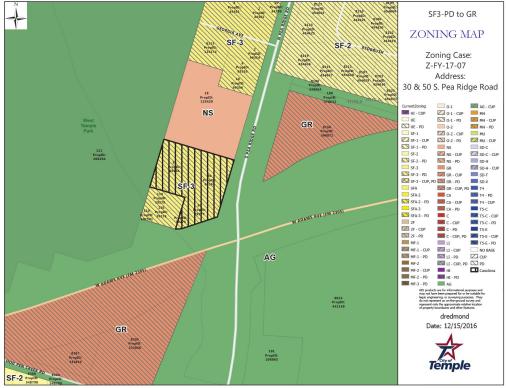
P-FY-17-04 JDLG Addition Final Plat - draft



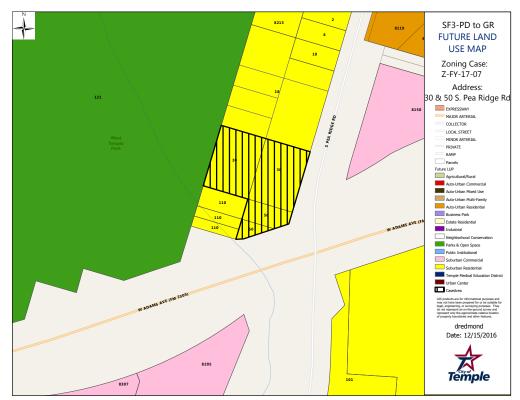
Location Map



Aerial



Zoning Map



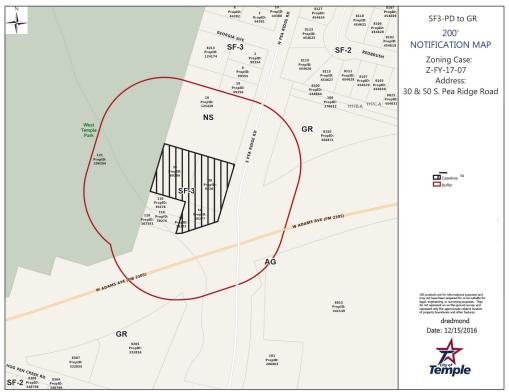
Future Land Use Map



Thoroughfare & Trails Master Plans



Utility Map



Notification Map

Use Comparison Summary Table

	- ·	n Summary Table
	Existing SF3	Proposed GR
Residential Uses	Single-family detached dwelling Zero lot line dwelling	Boarding or rooming house *Family or group home Home for the aged Two-family dwelling (duplex)
Agricultural Uses	Farm, ranch, orchard	Farm, ranch, orchard *Kennel without veterinary hospital
Commercial Uses	none	Flea market (indoors) Print shop Plumbing shop Upholstery shop
Education & Institutional Uses	*Child care: group day care home *Community Center Place of Worship	Place of worship *Transitional shelter Art gallery or museum *Emergency shelter
Industrial Uses	none	Laboratory medical, dental, scientific or research Recycling collection location (L)
Office Uses	none	Office *Warehouse office
Overnight Accommodations	none	Hotel or motel *Recreational vehicle park
Entertainment Uses	Park or playground *Playfield or stadium	Alcoholic beverage sales for on premise consumption - beer and wine only less than 75% revenue from alcohol Country club Roller or ice rink
Restaurant Uses	none	Restaurant (drive-in and not drive-in)
Retail & Service Uses	none	Most retail and service uses
Transportation Uses	none	Emergency vehicle service Parking lot or structure
Utility & Service Uses	Fire station *Utility and service uses	Radio or television tower Shop yard
Vehicle Service Uses	none	Auto leasing, rental Car wash Fuel sales (L) Vehicle servicing, minor (L)

*Conditional Use Permit required

(L) Permitted by Right Subject to Limitations

Surrounding Properties Summary Table

Direction	FLUM	Zoning	Current Land Use
Site	Suburban Residential	SF3-PD	vacant
North	Suburban Residential	NS	existing residence
South	major arterial	n/a	major arterial
West	Parks & Open Space	AG	West Temple Park
East	Suburban Commercial	GR	Big Chew Chew's

Comprehensive Plan Compliance Summary Table

Document	Policy, Goal, Objective or Map	Compliance?
СР	Map 3.1 - Future Land Use Map	No
СР	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
UDC	Surrounding zoning and anticipated non-residential development and growth algon S. Pea Ridge Road and W. Adams Avenue	Yes

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

Non-Residential Dimensional Standards Comparison

	Existing Proposed	
	SF3	GR
Minimum Lot Size	n/a	n/a
Minimum Lot Width	n/a	n/a
Minimum Lot Depth	n/a	n/a
Front Setback	15 ft	15 ft
Side Setback	20 ft	10 ft
Side Setback (corner)	15 ft	10 ft
Rear Setback	10 ft	0*
Max Building Height	2.5 stories	3 stories

^{* =} See Section 4.4 Measurements & Special Cases

ORDINANCE NO. 2016-4775

(PLANNING NO. Z-FY-16-21)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM SINGLE FAMILY THREE PLANNED DEVELOPMENT DISTRICT TO NEIGHBORHOOD SERVICE DISTRICT ON LOTS 4-7 AND LOTS 21-25, BLOCK 13, HILLDELL ESTATES, LOCATED AT 18 SOUTH PEA RIDGE ROAD; 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 a rezoning from Single Family Three Planned Development District to Neighborhood Service District on Lots 4-7 and Lots 21-25, Block 13, Hilldell Estates, located at 18 South Pea Ridge Road, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

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

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

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

<u>Part 5</u>: It is hereby officially found and determined that the meeting at which this Ordinance 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 2nd day of **June**, 2016.

PASSED AND APPROVED on Second Reading on the 16th day of June, 2016.

THE CITY OF TEMPLE, TEXAS

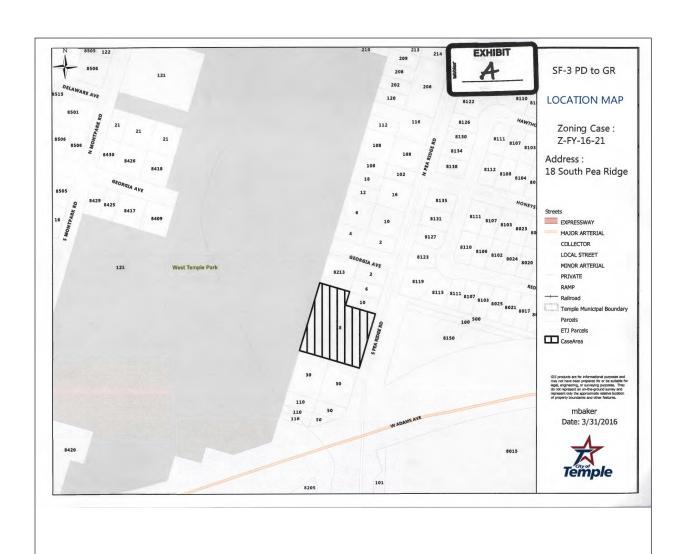
DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Kayla Landeros
City Secretary

Kayla Landeros
City Attorney



ORDINANCE NO. <u>2017-4825</u> (Z-FY-17-07)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM SINGLE FAMILY THREE-PLANNED DEVELOPMENT ZONING DISTRICT TO GENERAL RETAIL ZONING DISTRICT, ON APPROXIMATELY 0.647 ACRES OF LOTS 8 AND 9 AND PART OF LOTS 10 THROUGH 12 AND 18 THROUGH 20, BLOCK 13, HILLDELL ESTATES SUBDIVISION, LOCATED AT 30 AND 50 SOUTH PEA RIDGE ROAD, TEMPLE, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

- Part 1: The City Council approves a rezoning from Single Family Three-Planned Development zoning district to General Retail zoning district, on approximately 0.647 acres of lots 8 and 9 and part of lots 10 through 12 and 18 through 20, block 13, Hilldell Estates Subdivision, located at 30 and 50 South Pea Ridge Road, Temple, Texas, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.
- <u>Part 2:</u> Staff recommends approval of a rezoning from Single Family Three-Planned Development zoning district to General Retail zoning district.
- <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.
- <u>Part 6</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 **2nd** day of **February**, 2017.

PASSED AND APPROVE	D on Second Reading on the 16th day of February
2017.	
	THE CITY OF TEMPLE, TEXAS
	DANIEL A. DUNN, Mayor
ATTEST:	APPROVED AS TO FORM:
Looy Domoscon	Varila Landanas
Lacy Borgeson	Kayla Landeros
City Secretary	City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

02/16/17 Item #4(H) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tammy Lyerly, Senior Planner

<u>ITEM DESCRIPTION:</u> SECOND READING – Z-FY-17-08: Consider adopting an ordinance authorizing a rezoning from Commercial to Multi-Family Two on 34.80 +/- acres, situated in the Maximo Moreno Survey, Abstract 14, Bell County, Texas, located between South 5th Street and Lowes Drive.

PLANNING AND ZONING COMMISSION RECOMMENDATION: At its January 3, 2017, meeting the Planning and Zoning Commission voted six to zero to recommend approval of the requested rezoning from Commercial (C) to Multi-Family Two (MF-2).

STAFF RECOMMENDATION: Staff recommends approval of the requested rezoning from Commercial (C) District to Multi-Family Two (MF-2) District for the following reasons:

- 1. Compliance with surrounding zoning and land uses;
- 2. Compliance with the Thoroughfare Plan; and
- 3. Compliance with availability of public facilities to serve the subject property

<u>ITEM SUMMARY:</u> The applicant requests this rezoning from Commercial (C) to Multi-Family Two (MF-2) to allow future multiple family development. The applicant has indicated he is considering a mix of multi-family uses, as well as other residential uses. Although the current Commercial zoning district allows several types of single-family and multi-family uses, such as duplexes, it does not allow apartments.

The purpose of the MF-2 zoning district is to allow more modest sized dwelling units and an increased number of units within the multifamily complex. Maximum density is 20 units per acre in buildings 3 to 4 stories. The MF-2 zoning district provides more modest sized dwelling units within the multifamily complex. This district should be designed for a higher density use of the land with the amenities and facilities, such as a major thoroughfare, parks, transit, and utilities close by and adequate for the volume of use. The MF-2 zoning district allows most residential uses, except for manufactured homes. It also allows some residential support uses such as school and places of worship.

<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:

Future Land Use and Character Plan (FLUP) (CP Map 3.1)

The subject property is within the **Auto-Urban Commercial**, **Suburban Commercial**, and **Parks & Open Space** character districts of the *Choices '08* City of Temple Comprehensive Plan. The applicant's requested MF-2 District does not comply with these character districts, but it does appear compatible with the surrounding uses, especially with the **Barrington Suites & Apartments** to the north on South 13th Street and with the **Encore Landing Apartment Homes** to the south along Marlandwood Road.

Thoroughfare Plan (CP Map 5.2) and Temple Trails Master Plan Map and Sidewalk Ordinance

The entrance into the subject property is from South 13th Street, a local street. Multiple Family developments are appropriate along local streets. A small portion of the subject property fronts the frontage road along SW H.K. Dodgen Loop (Loop 363) at its intersection with Friar's Creek. It appears ingress/egress into the subject property is limited. Staff anticipates discussing additional thoroughfare options during the future platting process for the subject property.

Availability of Public Facilities (CP Goal 4.1)

An existing 8-inch water line is located within the South 13th Street right-of-way at the property's frontage and an existing 6-inch water line along the subject property's west boundary near the Lowes Store. Existing sewer lines are located within the west right-of-way of South 13th Street and within the subject property's east boundary along Friar's Creek.

Proposed City Council Meeting Schedule

This item is tentatively scheduled for a City Council public hearing (first reading) on February 2, 2017. The second reading of City Council is tentatively scheduled for February 16, 2017.

<u>PUBLIC NOTICE:</u> Twenty-One notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of Monday, January 23, 2017, four notices have been received in favor of the proposed rezoning and no notices have been returned in opposition to the proposed rezoning.

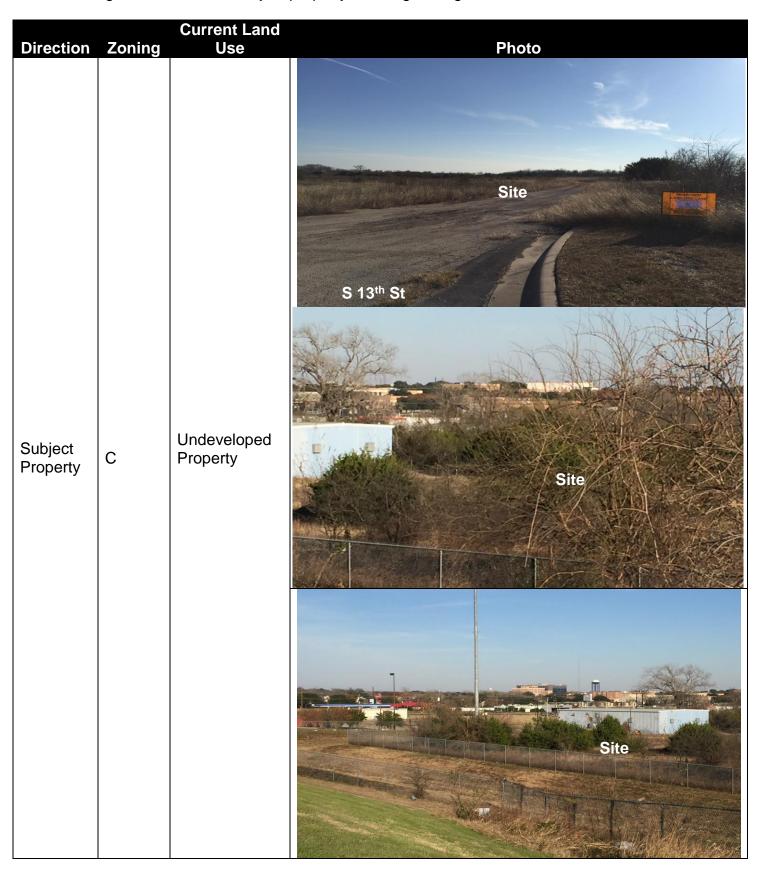
The newspaper printed notice of the public hearing on December 22, 2016, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Site and Surrounding Property Photos
Location map with Aerial
Zoning Map
Future Land Use and Character Map
Thoroughfare Map
Utility Map
Notification Map
Development Regulations
Surrounding Property and Uses
Comprehensive Plan Compliance
Notification Response Letters
Ordinance

<u>SURROUNDING PROPERTY AND USES:</u>
The following table shows the subject property, existing zoning and current land uses:



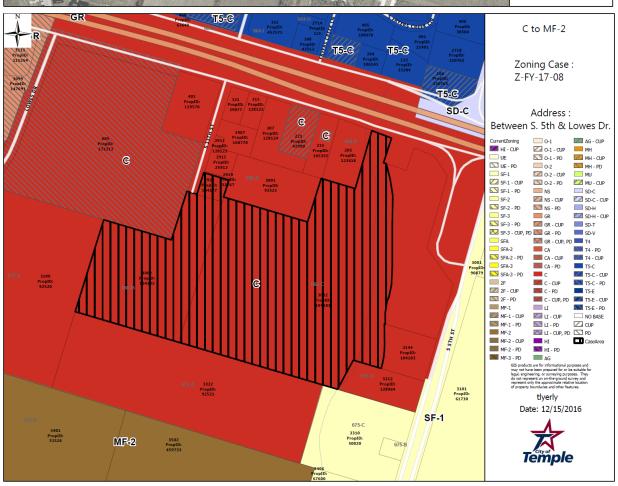
Direction	Zoning	Current Land Use	Photo
East	C	Undeveloped Property, Office, & Personal Service	S 5th St

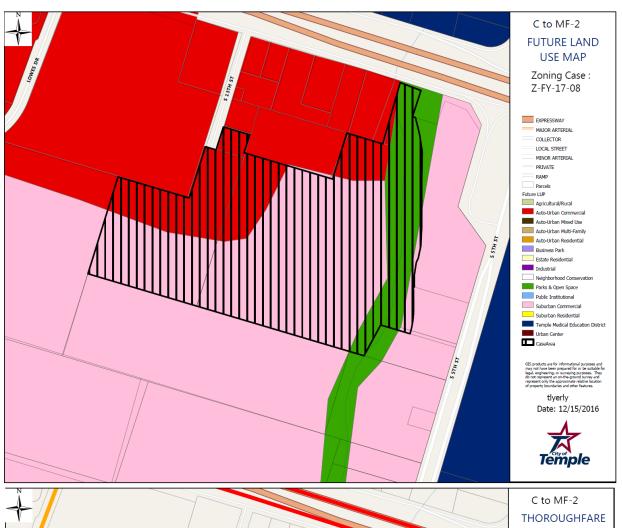
Direction	Zoning	Current Land Use	S 5 th St Photo
West	С	Retail & Undeveloped Property	Lowes Store Lowes Store
South	C and SF-1	Undeveloped Property & Personal Service	

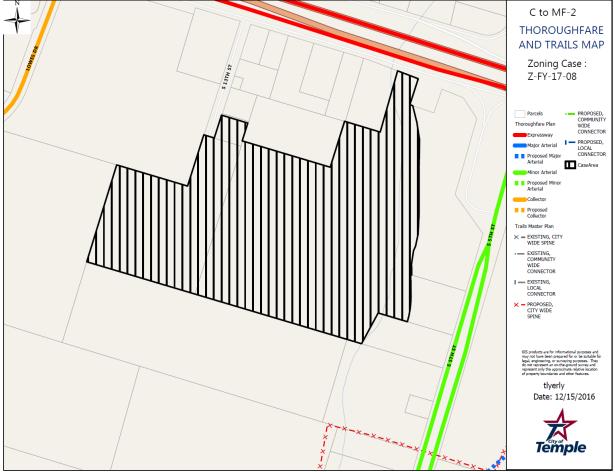
Direction	Zoning	Current Land Use	Photo
North	С	Retail, Commercial & Freeway	
			S 13 th St

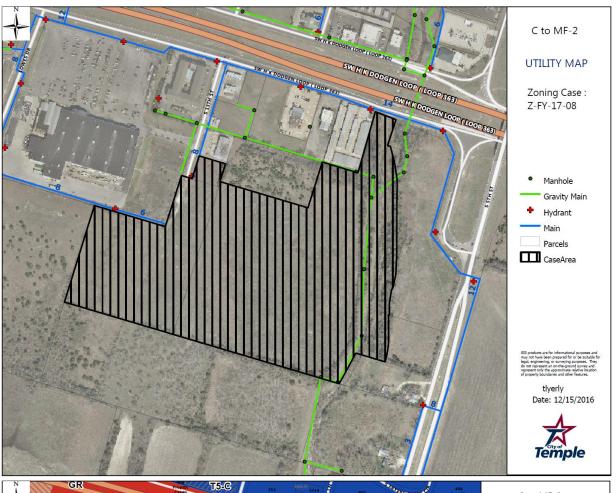


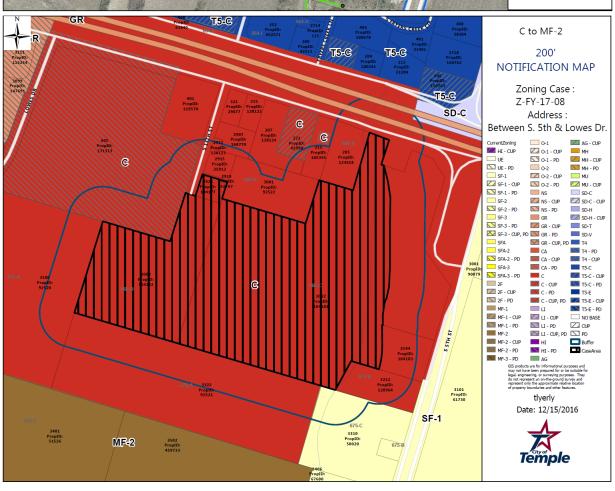












DEVELOPMENT REGULATIONS:

	Proposed (MF-2)	Current (C)	
Minimum Lot Size	N/A	N/A	
Minimum Lot Width	N/A	N/A	
Minimum Lot Depth	N/A	N/A	
Front Setback	15 Feet	30 Feet Centerline (UDC Sec. 4.4.4F.d	
Side Setback	20 Feet	**0 Feet	
Side Setback (corner)	UDC Sect. 5.3.3	10 Feet	
Rear Setback	UDC Sect. 5.3.3	0 Feet	
Max Building Height	4 Stories	* ALH	
* ALH - Any Legal Height not Prohibited by other Laws			
** UDC Sect 4.4 - Measurements a	nd Special Case		

Use Type	Multi-Family Two (MF-2)	Commercial (C)
Agricultural Uses	* Farm, Ranch or Orchard	* Farm, Ranch or Orchard * Animal Shelter (CUP)
Residential Uses	* Single Family Residence (Detached & Attached) * Duplex * Townhouse * Triplex * Apartment * Home for the Aged	* Single Family Residence (Detached & Attached) * Duplex * Townhouse * Industrialized Housing * Family or Group Home (CUP) * Home for the Aged
Retail & Service Uses	* Exercise Gym (CUP)	* All Retail & Service Uses * Veterinary Hosp. (Kennels (CUP)
Commercial Uses	* None	* Bakery / Confectionary * Cabinet Shop * Open Storage of furniture, appliances or machinary
Industrial Uses	* None	* Temporary Asphalt & Concrete Batching Plat (CUP) * Laboratory, medical, dental, scientific or research * Recycling collection location
Recreational Uses	* Park or Playground	* Park or Playground * All Alcohol (On Premise Consumption) > 75% (CUP)
Vehicle Service Uses	* None	* Auto Leasing, Rental * Auto Sales - New & Used * Car Wash * Vehicle Servicing (Minor)
Overnight Accomodations	* Hotel or Motel	* Hotel or Motel

	Surrounding Property & Uses			
Direction	Future Land Use Map	Zoning	Current Land Use	
Site	Auto-Urban Commercial, Suburban Commercial, and Parks & Open Space	С	Undeveloped Property	
North	Auto-Urban Commercial and Expressway	С	Retail, Commercial, and Freeway	
South	Suburban Commercial and Parks & Open Space	C and SF-1	Undeveloped Property and Personal Service	
East	Suburban Commercial and Parks & Open Space	С	Undeveloped Property, Office, and Personal Service	
West	Auto-Urban Commercial and Suburban Commercial	С	Retail and Undeveloped Property	

<u>COMPREHENSIVE PLAN (CP) 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 Map	No
СР	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
STP	Temple Trails Master Plan Map and Sidewalks Ordinance	Yes

CP = Comprehensive Plan STP = Sidewalk and Trails Plan



RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

FRIARS RIDGE LTD 4212 S 5TH ST TEMPLE, TX 76502-3344

Zoning Application Number: Z-FY-17-08	<u>Case Manager</u> :	Tammy Lyerly
Location: Between South 5th Street and Lowes I	<u> Drive</u>	
The proposed rezoning is the area shown in hat own property within 200 feet of the requested of this form to indicate whether you are in favor of the attached notice, and provide any additional of the attached notice.	hange, your opinions are the <u>possible</u> rezoning of t	e welcomed. Please use he property described on
Comments:		
Signature For	Down Fraction Print Name	

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, <u>tlyerly@templetx.gov</u>, or mail or hand-deliver this comment form to the address below, no later than **January 3, 2017.**

City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501

Number of Notices Mailed: 21 Date Mailed: December 22, 2016



RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

DACYN INVESTMENTS LTD 4212 S 5TH ST TEMPLE, TX 76502-3344

Zoning Application Number: Z-FY-17-08	Case Manager:	Tammy Lyerly
Location: Between South 5th Street and Lowes Di	rive	
The proposed rezoning is the area shown in hatcown property within 200 feet of the requested chathis form to indicate whether you are in favor of the attached notice, and provide any additional control of the attached notice.	ange, your opinions are ne <u>possible</u> rezoning of t	e welcomed. Please use the property described on
Comments:	_	
Signature	Davio Po4/c Print Name	1 NOV.

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2 North Main Street, Suite 102
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RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

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Zoning Application Number: Z-FY-17-08	<u>Case Manager</u> :	Tammy Lyerly
Location: Between South 5th Street and Lowe	es Drive	
The proposed rezoning is the area shown in own property within 200 feet of the requeste this form to indicate whether you are in favor the attached notice, and provide any addition	ed change, your opinions a of the possible rezoning of	re welcomed. Please use the property described or
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If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, <u>tlyerly@templetx.gov</u>, or mail or hand-deliver this comment form to the address below, no later than **January 3, 2017.**

City of Temple Planning Department 2 North Main Street, Suite 102 Temple, Texas 76501

Number of Notices Mailed: 21 Date Mailed: December 22, 2016



RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

DACYN INVESTMENTS LTD 4212 S 5TH ST TEMPLE, TX 76502-3344

Zoning Application Number: Z-FY-17-08	<u>Case Manager</u> :	Tammy Lyerly
Location: Between South 5th Street and Lowe	s Drive	
The proposed rezoning is the area shown in hown property within 200 feet of the requested this form to indicate whether you are in favor of the attached notice, and provide any additional	I change, your opinions are of the <u>possible</u> rezoning of t	e welcomed. Please use he property described on
l () agree	() disagree with this req	uest
Comments:		
Signature Fax	Down Putters Print Name	

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, tlyerly@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **January 3, 2017**.

City of Temple Planning Department 2 North Main Street, Suite 102 Temple, Texas 76501

Number of Notices Mailed: 21 Date Mailed: December 22, 2016

ORDINANCE NO. <u>2017-4826</u> (Z-FY-17-08)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM COMMERCIAL ZONING DISTRICT TO MULTI-FAMILY TWO ZONING DISTRICT, ON APPROXIMATELY 34.80 ACRES, SITUATED IN THE MAXIMO MORENO SURVEY, ABSTRACT NO. 14, BELL COUNTY, TEXAS, AND LOCATED BETWEEN SOUTH 5^{TH} STREET AND LOWES DRIVE; 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 a rezoning from the Commercial zoning district to Multi-Family Two zoning district on approximately 34.80 acres, situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, and located between South 5th Street and Lowes Drive, as outlined in Exhibit 'A' attached hereto and made a part hereof for all purposes.
- <u>Part 2:</u> The Planning and Zoning Commission recommended approval of a rezoning from Commercial zoning district to Multi-Family Two zoning district.
- <u>Part 3:</u> The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.
- Part 4: 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.
- <u>Part 6</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 **2nd** day of **February**, 2017.

PASSED AND APPROVE 2017.	ED on Second Reading on the 16th day of February
	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

02/16/17 Item #4(I) Consent Agenda Page 1 of 4

DEPT./DIVISION SUBMISSION & REVIEW:

Lynn Barrett, Assistant Director of Planning

ITEM DESCRIPTION: SECOND READING – Z-FY-17-10: Consider adopting an ordinance authorizing a rezoning from Planned Development-Commercial to Planned Development-General Retail on Lots 1, 2, 3 and 4, Block 33, Temple Heights Subdivision, 2015 West Avenue M, and 1305 and 1307 South 41st Street.

PLANNING & ZONING COMMISSION RECOMMENDATION: At their January 3, 2017 meeting, the Planning and Zoning Commission voted unanimously six to zero to recommend approval of the proposed rezoning from Planned Development Commercial (PD-C) district to Planned Development General Retail (PD-GR) district as recommended by Planning staff.

STAFF RECOMMENDATION: The proposed PD is to allow auto sales along with major vehicle servicing and heavy equipment storage/repair of property owner's equipment on Lots 1-3 only, subject to Zoning Ordinance standards. Occasional parking of property owner's personal tractor/implements would be allowed on lot 4, with no other commercial use of the lot permitted.

Based on the following, staff recommends approval with conditions for a rezoning from the current PD-C zoning district to the PD-GR zoning district for the following reasons:

- That the proposed Development Plan/Site Plan reflects compliance with the provisions of the Planned Development Criteria as required by Unified Development Code (UDC) Section 3.4.5;
- 2. The base zoning remains GR with the PD bringing forward those C uses on Lots 1-3 desired by the applicant appropriate for the area; and Lot 4 is not being used commercially;
- 3. That the PD request complies with UDC, Section 5.3.19 that states for an auto sales use new or used, outdoor lot that the office must be less than 10% of the lot area;
- 4. That the request complies with UDC, Section 5.3.22 that states for Vehicle Servicing-major that servicing occurs inside a building and any vehicle parts stored outside must be behind a building, screened from public view and occupy less than 10% of the lot;
- 5. That limited heavy equipment storage is a similar use, with repair allowed inside a building;
- 6. The request is in compliance with the Future Land Use Map (FLUM) Auto-Urban Mixed Use character district designation and current auto uses nearby along West Avenue M;
- 7. The proposed zoning is compatible with surrounding zoning and anticipated retail and service uses along this section of West Avenue M;
- 8. The request complies with the Thoroughfare Plan and Trails Master Plan; and
- 9. Public facilities serve the subject property.

Staff recommends approval of the request, subject to the following conditions:

- 1. Substantial compliance with the Buffering requirements utilizing a fence constructed on two sides of Lot 4 to screen from adjacent residential properties;
- 2. That the Planned Development uses will be allowed exclusively on Lots 1-3; and Lot 4 will not be developed or used until paved, but may be used for temporary storage of the owner's personal tractor/implements, and, as such, is not required to be paved at this time,(but can be used for GR uses if paved);
- 3. All buildings on the property will be maintained in good repair
- 4. All refuse, rubbish or building materials are removed and the premises kept mowed
- 5. Previous conditions of the former PD (Ordinance 2010-4363) are repealed;

ITEM SUMMARY:

A 2010 PD on this property (Ordinance 2010-4363) limited the owner to the uses of truck and van rental and parking, minor vehicle servicing and any non-residential use by right in Neighborhood Services or Office zoning districts. The applicant now has a tenant who began an auto sales lot on Lots 1-3 of the property, but which is not in compliance with the previous PD. Further, the requirements of the 2010 PD were that lot 4 be paved. No commercial activity is occurring on Lot 4, thus a pavement requirement would no longer apply. A screening fence which was a condition of the previous PD has been installed between this vacant property and the residential neighbors to the south and east. Previous to the 2010 PD Lots 1-3 were zoned C; Lot 4 was zoned GR. The proposed allowed uses mirror existing current conditions on the property.

Planned Development

UDC Section 3.4.1 defines a PD as:

"A flexible overlay zoning district designed to respond to unique development proposals, special design considerations and land use transitions by allowing evaluation of land use relationships to surrounding areas through development plan approval."

Per UDC Section, 3.4.3.A, a PD is subject to review and approval by City Council.

Enhancements are typically an expectation of a PD to off-set the unique manner of the request. While staff has worked closely with the applicant, enhancements for the site are in the form of limiting uses, screening and buffering, and have been discussed and agreed upon with the applicant and are described as follows:

Screening / Buffering: Applicant has constructed a screening fence on two sides of Lot 4 as required for the previous PD

Proposed Allowed Uses: Auto sales, major vehicle servicing and heavy equipment storage/repair of property owner's equipment on Lots 1-3 only per Zoning Ordinance requirements. Occasional storage of property owner's personal tractor/implements allowed on lot 4.

<u>SURROUNDING PROPERTIES AND USES:</u> A table in the attachments provides the surrounding properties, FLUM designations, existing zoning and current land uses (attachment: Surrounding Properties & Uses Table).

SCREENING / BUFFERING

UDC, Section 7.7 Screening & Buffing details that a continuous buffering is required along the common boundary between nonresidential uses and residential zoning districts or uses. The design of this required buffer must either consist of evergreen hedges with a minimum of six feet high and placed on 36 inches center or consist of fences or walls constructed of wood, masonry, stone or pre-cast concrete, with integrated color, texture and pattern.

There are two existing residences that abut Lot 4 to the south and to the east across an alley. The previous PD required continuous screening along this portion of the property. Installation of a solid wood fence has been completed.

<u>COMPREHENSIVE PLAN COMPLIANCE:</u> The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan (CP) and Sidewalk and Trails Plan. A summary table of the CP compliance is located the attachments: Comprehensive Plan Compliance Summary Table.

Future Land Use Map (CP Map 3.1)

In the FLUM, the subject property is designated as the Auto-Urban Mixed Use character district. This district is intended for a mixture of commercial and residential uses with appropriate screening and buffering.

The proposal is in compliance with the FLUM and current zoning as it includes several proposed commercial uses that are similar to many along Avenue M and a fence is installed to shield adjacent residential properties.

Thoroughfare Plan (CP Map 5.2)

The subject property takes access from West Avenue M, which is designated as minor arterial in the Thoroughfare Plan and 41st Street, a local street. Therefore, this request is compliant with the Thoroughfare Plan.

Availability of Public Facilities (CP Goal 4.1)

Water and Sewer are available to and currently service the subject property.

DEVELOPMENT REVIEW COMMITTEE: As required by UDC Section 3.4.2 B, the Development/Site Plan for the proposed PD was reviewed by the Development Review Committee (DRC) on December 19, 2016. Site characteristics and history of the property were discussed.

<u>PUBLIC NOTICE:</u> Thirty-four notices were mailed to property owners within the 200 feet buffer area of the subject property. The notices included information on the public hearing as required by State Law and City Ordinance. As of noon on Tuesday, January 3, 2017, zero notices were received in disagreement; and five in agreement were returned, with one notice returned undeliverable.

The newspaper printed notice of the public hearing on December 22, 2016 in accordance with state law and local ordinance.

<u>CITY COUNCIL MEETING SCHEDULE</u>: This request is scheduled for a first reading on February 2, 2017 and a second reading on February 16, 2017.

FISCAL IMPACT: Not Applicable

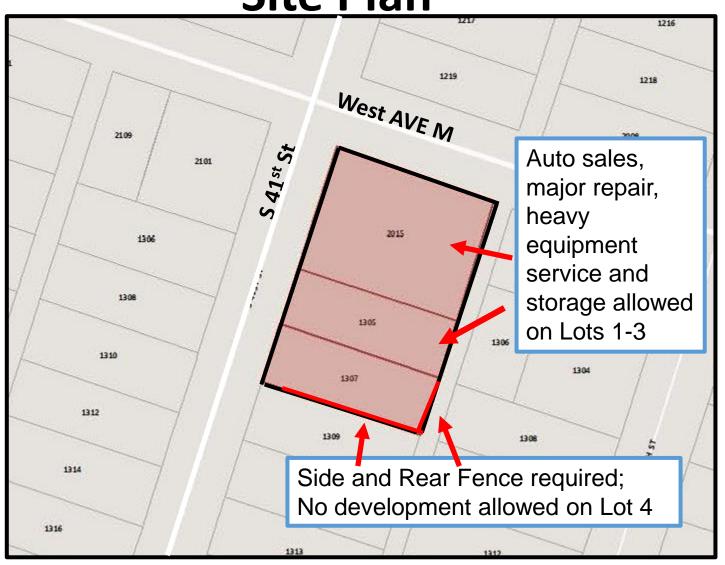
02/16/17 Item #4(I) Consent Agenda Page 4 of 4

ATTACHMENTS:

Ordinance

Development/Site Plan
Site Photos
Maps
Aerial Map / Utility Map
Zoning Map/ Future Land Use and Character Map
Thoroughfare & Trails Map / Notification Map
Uses Tables
Surrounding Properties & Uses Table
Comprehensive Plan Compliance Summary Table
Returned Property Notices
Previous PD Ordinance (2010-4363)

Site Plan



Site Photos

Along 41st St





Front View of property



View Along Avenue M



Across Ave M





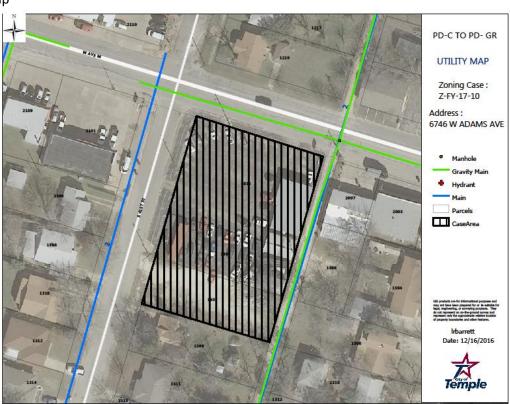
Installed Fence



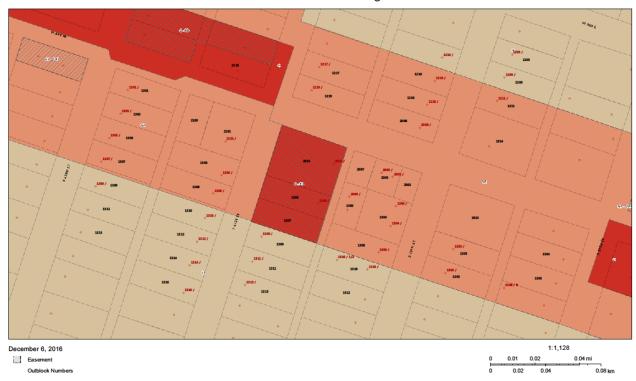
Aerial Map



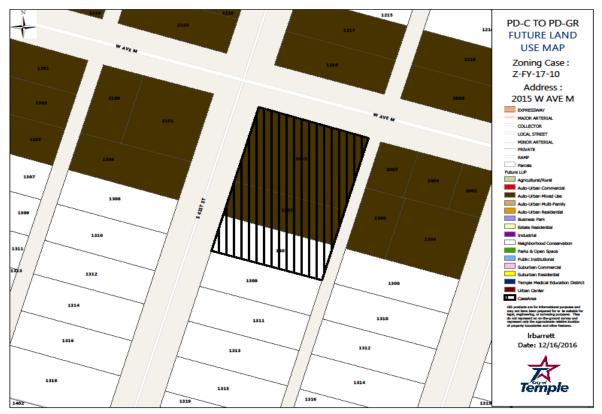
Utility Map



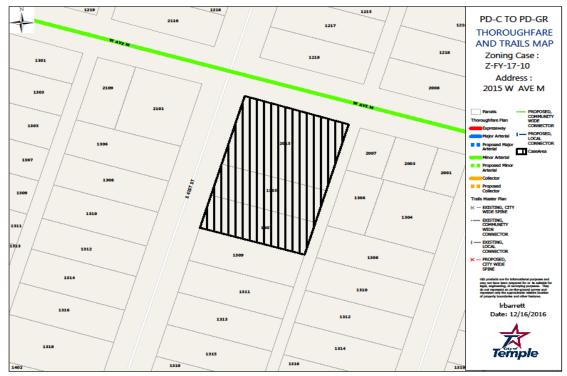
Pellawatta zoning



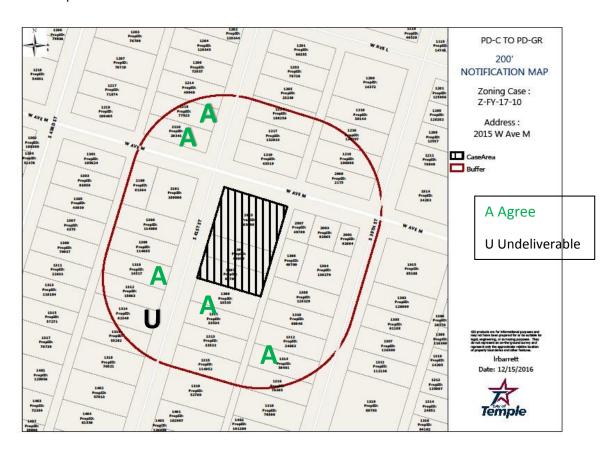
Future Land Use



Thoroughfare/Trails Map



Notification Map



Surrounding Properties & Uses Table

Direction	FLUM	Zoning	Current LandUse
Site	Auto-Urban Mixed Use	C-PD	Business
North	Auto-Urban Mixed Use	NS	Business
South	Neighborhood Conservation	2F	single family residential
West	Auto-Urban Mixed Use	NS	Business/ residential
East	Auto-Urban Mixed Use	NS	single family residential

Comprehensive Plan Compliance Summary Table

Document	Policy, Goal, Objective or Map	Compliance?
СР	Map 3.1 - Future Land Use Map	Yes
СР	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
STP	Temple Trails and Thoroughfare Plan	Yes
UDC	UDC, Section 3.4.5 Planned Development Criteria	Yes

CP = Comprehensive Plan STP = Sidewalk and Trails Plan



NAUTILUS HOLDINGS, LP 905 BLAYLOCK DR SALADO, TX 76571

Zoning Application Number: Z-FY-17	-10 <u>Case Manager</u> : Lynn Barrett
Location: 2015 West Avenue M and 130	95 & 1307 South 41st Street
own property within 200 feet of the requ	
l (//) agree	() disagree with this request RECEIVED
Comments:	JAN 0 3 2017
	City of Temple
	Planning & Development
	NAUTILUS HOLDINGS LP
	By TWIN ACORN, LLC, General Partner
	By: R. D. SON
Şignature	Printed Name: R - H - DLS 12 N Printed Name: Presides
Signature	rilligio de la companya del companya de la companya del companya de la companya d
If you would like to submit a response,	please email a scanned version of this completed form to
the Case Manager referenced above, Irb	parrett@templetx.gov, or mail or hand-deliver this comment
form to the address below, no later than	January 3, 2017.
	City of Temple Planning Department 2 North Main Street, Suite 102 Temple, Texas 76501
Number of Notices Mailed: 34	Date Mailed: December 22, 2016



ENGHOLM, BENHARDT G ETUX NATALIE 1309 S 41ST ST TEMPLE, TX 76504-6603

TEMPLE, TX 76504-6603	
Zoning Application Number: Z-FY-17-10	Case Manager: Lynn Barrett
Location: 2015 West Avenue M and 1305 & 13	307 South 41st Street
own property within 200 feet of the requested this form to indicate whether you are in favor of the attached notice, and provide any additional	
Ⅰ 💢 agree	() disagree with this request RECEIVED
Comments:	JAN 0 3 2017
	City of Temple Planning & Development
Signature Signature	Print Name
	e email a scanned version of this completed form to otenpletx.gov , or mail or hand-deliver this commentary 3, 2017.
City	of Temple

City of Temple
Planning Department
2 North Main Street, Suite 102

Temple, Texas 76501

Number of Notices Mailed: 34 Date Mailed: December 22, 2016



TAYLOR, MABLE MARIE 1308 S 41ST ST TEMPLE, TX 76504-6604

Location: 2015 West Avenue M and 1305 & 1307 South 41st Street

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: I agree to a point. I	disagree to Mr. Pelawatta parking Budget
trucks on this property & using 1	307 So.41 as an entry + exit. Before, in
2004 + 2005 When the Budget to	-ucks were parked on said property +
USING lot 1307 going in 1 out. Co	ming out the larger trucks would jump the
	1 \ 10 \
SONS pick up parked at the cur	b was hit on drivers dier + side view
mirror, breaking the mirror + den	by the tires made ruts in the grass. My by was hit on drivers diet + side view ting the door + left no notice. Not witnessed so had to be one of those trucks.
police couldn't do Anything. Damage	had to be one of those trucks.
Signature M. Jaylo	Mable M. Taylor Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, lrbarrett@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **January 3, 2017**.

RECEIVED

City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501

JAN 0 3 2017

City of Temple
Planning & Development

Number of Notices Mailed: 34 Date Mailed: December 22, 2016



OLIVAREZ, DAVID S ETUX CHRISTINA CONDE 83 DEW LN BELTON, TX 76513

Zoning Application Number: Z-FY-17-10	Case Manager: Lynn Barrett
. 4	
Location: 2015 West Avenue M and 1305 &	1307 South 41st Street
own property within 200 feet of the request	n hatched marking on the attached map. Because you ed change, your opinions are welcomed. Please use r of the <u>possible</u> rezoning of the property described or nal comments you may have.
l (Vagree	() disagree with this request
Comments:	RECEIVED
	JAN 0 3 2017
	City of Temple Planning & Development
# Manager To Signature	David Solivarez Print Name
If you would like to submit a response also	

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, lrbarrett@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than January 3, 2017.

City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501

Number of Notices Mailed: 34

Date Mailed:

December 22, 2016



OLIVAREZ, DAVID S ETUX CHRISTINA CONDE 83 DEW LN BELTON, TX 76513

Zoning Application Number: Z-FY-17-10

Location: 2015 West Avenue M and 1305 &	1307 South 41st Street
own property within 200 feet of the requeste	hatched marking on the attached map. Because you ed change, your opinions are welcomed. Please use r of the <u>possible</u> rezoning of the property described or nal comments you may have.
l (V) agree	() disagree with this request
Comments:	RECEIVED
	JAN 0 3 2017
	City of Temple Planning & Developmer
C. LLC Varey Signature	Christina Olivarez Print Name
If you would like to submit a response plea	se email a scanned version of this completed form to

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, lrbarrett@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than January 3, 2017.

City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501

Number of Notices Mailed: 34

Date Mailed:

Case Manager: Lynn Barrett

December 22, 2016

ORDINANCE NO. 2010-4363

[PLANNING NO. Z-FY-10-29]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM COMMERCIAL DISTRICT AND GENERAL RETAIL DISTRICT TO PLANNED DEVELOPMENT – COMMERCIAL DISTRICT (PD-C) ON LOTS 1—4, BLOCK 33, TEMPLE HEIGHTS ADDITION, LOCATED AT 2015 WEST AVENUE M, 1305 AND 1307 SOUTH 41ST STREET, IN ACCORDANCE WITH SECTIONS 7-500 THROUGH 7-509 OF THE COMPREHENSIVE ZONING ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the owner of the property on Lots 1—4, Block 33, Temple Heights Addition, located at 2015 West Avenue M, 1305 and 1307 South 41st Street, has requested that the property be rezoned from Commercial District and General Retail District to Planned Development – Commercial District (PD-C); and

Whereas, the City Council, after notice and a public hearing, finds that it is in the public interest to authorize this action.

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

Part 1: The City Council approves a zoning change from Commercial District and General Retail District to Planned Development – Commercial (PD-C) on Lots 1—4, Block 33, Temple Heights Addition, located at 2015 West Avenue M, 1305 and 1307 South 41st Street, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: In accordance with Sections 7-500 through 7-509 of the Comprehensive Zoning Ordinance of the City of Temple, Texas, Ordinance No. 91-2101, is amended by changing the zoning classification of the property described in Part 1 above, to Planned Development-Commercial District (PD-C), and shall comply with all applicable sections of the Code of Ordinances of the City of Temple, Texas, and all local, State and Federal laws and regulations as they may now read or hereafter be amended, including but not limited to the following conditions:

- (a) Except as modified by the binding site development plan and the ordinance granting the Planned Development designation, the use and development standards of the property shall conform to the requirements of the Commercial zoning district.
- (b) In the event of a conflict between the development plan, attached hereto as Exhibit B, and the text of this ordinance, the stricter standard applies.

- (c) All standards of the Zoning Ordinance apply unless the development plan or the text of this ordinance specifically modifies such standards.
- (d) The following uses, and no other uses, are permitted on the subject property:
 - 1. Truck and van rental and parking;
 - 2. Minor vehicle serving; and
 - 3. Any nonresidential use permitted in the NS, Neighborhood Service, or O-1, Office One, zoning districts.
- (e) Rental van and truck parking is allowed only in the area designated on the development plan as the enclosed van and truck parking area.
- (f) Buffering between the parking area and the property line as depicted on the development plan must consist of an opaque fence that is between six feet and eight feet in height. The fence must not contain openings constituting more than 20 square inches in each square foot of wall or fence surface. Gates must be equal in height and screening characteristics to the fence or wall.
- (g) The enclosed van and truck parking area must be striped to accommodate all trucks available for rental.
- (h) Any new buildings or additions require a building permit and must meet all City Code requirements.
- (i) The standards in Section 7-631, Minor Vehicle Servicing, of the Zoning Ordinance applies to any minor vehicle servicing to take place on the property.
- (j) Portable buildings, if any are erected, require a building permit and must be located in the rear half of lots 3 and 4. Such buildings must meet all City Code requirements including but not limited to the masonry requirements in Sec. 13-300 of the Zoning Ordinance.
- (k) The following activities or conditions are prohibited:
 - 1. Outdoor junk and debris;
 - 2. Storage of commodities in a street or alley;
 - 3. Dilapidated signs;
 - 4. Stagnant water in tires;
 - 5. Indoor display of high combustible materials within five feet of doorways; and
 - 6. Sign in r-o-w.
- (1) After the completion of the property owner's vehicle repair facility at 1402 South 1st Street, semi-trailers, shipping containers or any other moveable accessory storage structures are prohibited on the subject property.

- (m) On-street parking of rental vehicles is prohibited. All drop-off, parking and storage of trucks and trailers must take place on-site.
- (n) Lot 4 on the attached binding development plan must be paved with asphalt or concrete.

These conditions shall be expressed conditions of any building permit issued for construction on the property which may be enforced by the City of Temple by an action either at law or in equity, including the right to specifically enforce the requirements of the ordinance, and these requirements shall run with the land.

<u>Part 3:</u> The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

Part 4: 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.

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

PASSED AND APPROVED on First Reading and Public Hearing on the 20th day of May, 2010.

PASSED AND APPROVED on Second Reading on the 17th day of June, 2010.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

APPROVED AS TO FORM:

Markova Entraria

Clydette Entzminger

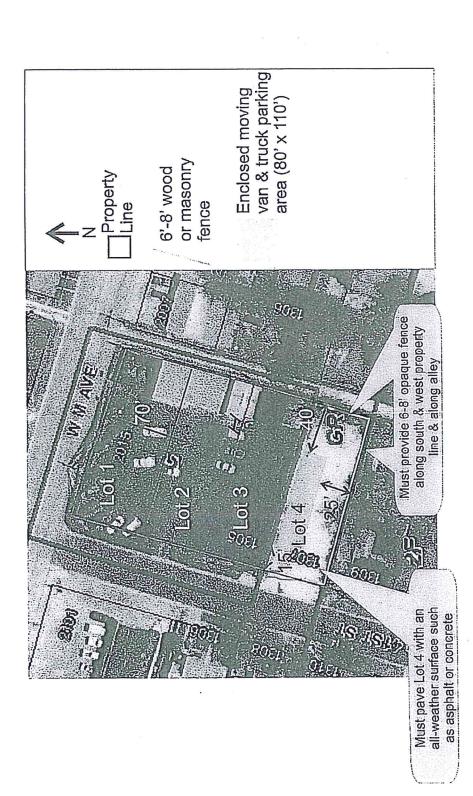
City Secretary

ATTEST:

Jonathan Graham

City Attorney







Temple Heights Addition, Block 33, Lots 1 - 4

In the event of a conflict between this development plan and the text of the PD ordinance for this project, the stricter standard applies,

All standards of the Zoning Ordinance apply unless this development plan or the text of the PD ordinance for this project specifically modifies such standards.

ORDINANCE NO. <u>2017-4828</u> (Z-FY-17-10)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM PLANNED DEVELOPMENT-COMMERCIAL ZONING DISTRICT TO PLANNED DEVELOPMENT-GENERAL RETAIL ZONING DISTRICT, ON LOTS 1, 2, 3, AND 4, BLOCK 33, TEMPLE HEIGHTS SUBDIVISION, LOCATED AT 2015 WEST AVENUE M AND 1305 AND 1307 SOUTH 41ST STREET; 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 a rezoning from Planned Development-Commercial zoning district to Planned Development-General Retail zoning district on Lots 1, 2, 3 and 4, Block 33, Temple Heights Subdivision, 2015 West Avenue M, and 1305 and 1307 South 41st Street, as outlined in the attached site plan notes attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

<u>Part 2:</u> Staff recommends approval for a rezoning from Planned Development-Commercial zoning district to Planned Development-General Retail zoning district with the following conditions:

- 1. The base zoning on the property to remain GR with the PD bringing forward those C uses on Lots 1-3 desired by the applicant listed below;
 - a. That any auto sales use complies with UDC, Section 5.3.19 to allow for auto sales new or used;
 - b. Any auto servicing use on Lots 1-3 complies with UDC, Section 5.3.22 that states for Vehicle Servicing-major that servicing occurs inside a building and any vehicle parts stored outside must be behind a building, screened from public view and occupy less than 10% of the lot;
 - c. Heavy equipment storage is considered a similar use, with repair allowed inside a building;
- 2. Substantial compliance with the buffering requirements utilizing a fence constructed on two sides of Lot 4 to screen from adjacent residential properties;
- 3. The Planned Development uses will be allowed exclusively on Lots 1-3 and Lot 4 will not be developed or used until paved, but may be used for temporary storage of the owner's limited agricultural equipment, and, as such, is not required to be paved at this time (but can be used for GR uses if paved);
- 4. All buildings on the property will be maintained in good repair;
- 5. All refuse, rubbish or building materials are removed and the premises kept mowed; and
- 6. Previous conditions of the former Planned Development (Ordinance 2010-4363) are repealed;

<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.

<u>Part 6</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 2^{nd} day of **February**, 2017.

2017.	PASSED AND APPROVED on Second Reading on the 16 th day of February,
	THE CITY OF TEMPLE, TEXAS
	DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

Lacy Borgeson Kayla Landeros
City Secretary City Attorney

ATTEST:



COUNCIL AGENDA ITEM MEMORANDUM

02/16/17 Item #4(J) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney Brian Chandler, Planning Director

ITEM DESCRIPTION: Consider adopting ordinances:

- (1) SECOND READING Consider adopting an ordinance amending Temple Unified Development Code Section 5.1.3, "Use Table," and Section 5.3.15, "Alcoholic Beverage Sales for On-Premise Consumption" adding a reference to the City's Code of Ordinances, Chapter 4 "Alcoholic Beverages" and amending section 5.3.15(B) to delete unnecessary language and clarify additional standards; and
- (2) SECOND READING Consider adopting an ordinance amending Code of Ordinances, Chapter 4 "Alcoholic Beverages," to apply certain distance requirements to private schools and better align the City's regulations with State law.

STAFF RECOMMENDATION: Adopt ordinances as presented in second and final readings.

<u>ITEM SUMMARY</u>: Code of Ordinances, Chapter 4 "Alcoholic Beverages" requires that businesses selling alcoholic beverages be more than 300 feet from a church, public school, or public hospital. This spacing requirement is authorized by Texas Alcoholic Beverage Code Section 109.33.

City Staff was approached by a representative of Holy Trinity Catholic High School and a representative of Central Texas Christian School last year. Each school is interested in applying spacing requirements between businesses that sell alcoholic beverages and private schools which is also allowed by TABC Section 109.33.

The proposed amendments to Chapter 4 would prohibit the sale of alcoholic beverages by a person whose place of business is within (1) 300 feet of a church, public or <u>private</u> school, or public hospital; or (2) 1,000 feet of a private school if the City Council receives a request from the governing body of the private school in accordance with TABC Section 109.33.

The proposed amendments also list certain exceptions to the spacing requirements and tracks the language of TABC Section 109.33.

In accordance with TABC Section 109.33, "private school" would be defined as a private school that offers a course of instruction for students in one or more grades from kindergarten through grade 12; and has more than 100 students enrolled and attending courses at a single location.

02/16/17 Item #4(J) Consent Agenda Page 2 of 2

Amendments are also needed within the Unified Development Code to align with the proposed changes in Chapter 4. Within Section 5.1.3 "Use Table," the table should be amended to state that the use "alcohol beverage sales, off-premise consumption, beer and wine store" is subject to the standards in Chapter 4. Section 5.3.15(A) "Alcoholic Beverage Sales for On-Premise Consumption" should also reference Chapter 4. The proposed amendments would delete subsection (B) to delete unnecessary language and clarify additional standards.

The Planning & Zoning Commission approved the proposed UDC amendments at its January 3, 2017 meeting.

FISCAL IMPACT: N/A

ATTACHMENTS:

Amendments to Unified Development Code Amendments to Chapter 4 Ordinances

5.3.15 Alcoholic Beverage Sales for On-Premise Consumption

An establishment with alcoholic beverage sales for on-premise consumption may be permitted in accordance with the use table in Sec. 5.1 subject to the following standards.

- **A.** The following standards apply to all establishments with on-premise consumption of alcoholic beverages.
 - 1. The permittee must design and operate the establishment in such a manner that the use of the premises does not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.
 - 2. 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.
 - 3. The permittee bears the burden of showing that the establishment does not exceed the limitation on gross receipts from sales of alcoholic beverages applicable to its Conditional Use Permit. The permittee must maintain accounting records of the sources of its gross revenue and allow the City to inspect such records during reasonable business hours.
 - 4. The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
 - 5. 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.
 - 6. The establishment must provide adequate parking spaces in accordance with the standards in Sec. 7.5.
 - 7. The permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter and odors in the establishment or in the surrounding area and operate the

- establishment in such a manner as to minimize disturbance to surrounding property owners.
- 8. The City Council may deny or revoke a Conditional Use Permit in accordance with Sec. 3.5 if it affirmatively determines that the issuance of the permit is:
 - a. Incompatible with the surrounding uses of property; or
 - **b.** Detrimental or offensive to the neighborhood or contrary to the health, safety and general welfare of the City and its inhabitants.
- A Conditional Use Permit runs with the property and a change in the owner or lessee of a permitted establishment does not affect the Conditional Use Permit.
- 10. All Conditional Use Permits must be further conditioned that the permit may be canceled, suspended or revoked in accordance with the revocation clause set forth in paragraph 8 above.
- 10.11. The use must comply with City of Temple Code of Ordinances, Chapter 4, "Alcoholic Beverages."
- B. In addition to the standards in subsection A above, the following standards apply to all establishments where the gross revenue from the on-premise sale of alcoholic beverages is less than 75% of the total gross revenue of the establishment, including establishments in Central Area zoning district where sale of alcoholic beverages is more than 50% and less than 75% of the total gross revenue of the establishment.
 - 1. The establishment must not be within 300 feet of a place of worship, public school or public hospital.
 - 2. The distance between the establishment where alcoholic beverages are sold and the place of worship or public hospital must be measured along the property lines of the street fronts and from front door to front door, and in a direct line across intersections. The distance between the place of business where alcoholic beverages are sold and the public school must be measured in a straight, direct line from the property line of the public school to the property line of the establishment, and in a direct line across intersections.

- 3. 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 permittee is located.
- C.B. In addition to the standards in subsection A above, the following standards apply to all establishments where the gross revenue from the sale of alcoholic beverages for on-premise sale-consumption of alcoholic beverages is 75% or more of the total gross revenue of the establishment.
 - 1. The establishment must not be within 300 feet of a place of worship, elementary or secondary school, public hospital, public park or any residentially zoned or developed lot.
 - 2. The distance between the establishment where alcoholic beverages are sold and a protected use <u>listed in (B)(1) or Code of Ordinances</u>, <u>Chapter 4</u>, must be measured in a straight, direct line from the property line of the establishment to the nearest property line of a <u>place of worship</u>, elementary or secondary school, <u>public hospital</u>, <u>public park or any residentially zoned or developed lotthe property where a protected use is located</u>.
 - 3. An establishment in a multi-storied building on other than the ground floor must be treated as though it were on the ground floor for purpose of the measurement between property lines.

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 ALCOHOLIC BEVERAGE SALES NEAR SCHOOL, CHURCH, OR HOSPITAL

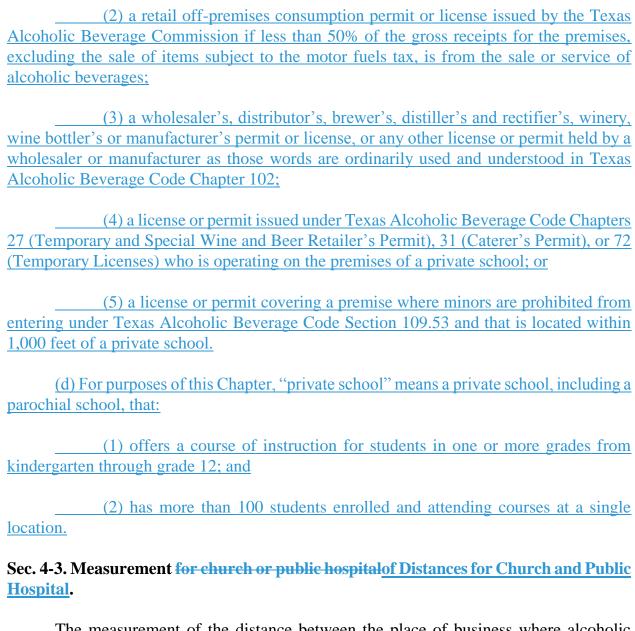
Sec. 4-2. Sales near school, church or hospital. Sales Prohibited

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) (a) The City of Temple prohibits the sale of alcoholic beverages by a dealer whose place of business is within: (1) 300 feet of a church, public or private school, or public hospital; or (2) 1,000 feet of a private school if the City Council receives a request from the governing body of the private school in accordance with Texas Alcoholic Beverage Code Section 109.33. (b) Subsection (a)(1) does not apply to the holder of: (1) a license or permit issued by the Texas Alcoholic Beverage Commission who also holds a food and beverage certificate issued by the Texas Alcoholic Beverage Commission covering a premise that is located within 300 feet of a private school; or (2) a license or permit issued by the Texas Alcoholic Beverage Commission covering a premises where minors are prohibited from entering under Texas Alcoholic Beverage Code Section 109.53 and that is located within 300 feet of a private school. (c) Subsection (a)(2) does not apply to the holder of:

(1) a retail on-premises consumption permit or license issued by the Texas

Alcoholic Beverage Commission if less than 50% of the gross receipts for the premises is

from the sale or service of alcoholic beverages:



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 <u>public Public and Private schoolSchool</u>.

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

- (a) in a direct line from the property line of the public <u>or private</u> 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 <u>or private</u> 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)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING TEMPLE UNIFIED DEVELOPMENT CODE SECTION 5.1.3, "USE TABLE," AND SECTION 5.3.15, "ALCOHOLIC BEVERAGE SALES FOR ON-PREMISE CONSUMPTION" ADDING A REFERENCE TO THE CITY'S CODE OF ORDINANCES, CHAPTER 4 "ALCOHOLIC BEVERAGES" AND AMENDING SECTION 5.3.15(B) TO DELETE UNNECESSARY LANGUAGE AND CLARIFY ADDITIONAL STANDARDS; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Code of Ordinances, Chapter 4 "Alcoholic Beverages" requires that businesses selling alcoholic beverages be more than 300-feet from a church, public school, or public hospital - this spacing requirement is authorized by Texas Alcoholic Beverage Code ("TABC") Section 109.33;

Whereas, Staff was approached by a representative of Holy Trinity Catholic High School and a representative of Central Texas Christian School last year – both schools are interested in applying spacing requirements between businesses that sell alcoholic beverages and private schools which is also allowed by TABC Section 109.33;

Whereas, the proposed amendments to Chapter 4 would prohibit the sale of alcoholic beverages by a person whose place of business is within 300-feet of a church, public or private school, or public hospital; or 1,000-feet of a private school if the City Council receives a request from the governing body of the private school in accordance with TABC Section 109.33;

Whereas, the proposed amendments also list certain exceptions to the spacing requirements and tracks the language of TABC Section 109.33;

Whereas, in accordance with TABC Section 109.33, "private school" would be defined as a private school that offers a course of instruction for students in one or more grades from kindergarten through grade 12 and has more than 100 students enrolled and attending courses at a single location;

Whereas, amendments are also needed within the Unified Development Code (UDC) to align with the proposed changes in Chapter 4;

Whereas, Staff recommends Council amend Temple Unified Development Code Section 5.1.3, "Use Table," to state that the use "alcohol beverage sales, off-premise consumption, beer and wine store" is subject to the standards in Chapter 4 and amend Section 5.3.15, "Alcoholic Beverage Sales for On-Premise Consumption" to add a reference to Chapter 4 - Staff also recommends amending section 5.3.15(B) to delete unnecessary language and clarify additional standards; 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:

- <u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.
- <u>Part 2</u>: The City Council amends Temple Unified Development Code Section 5.1.3, "Use Table," and Section 5.3.15, "Alcoholic Beverage Sales for On-Premise Consumption" adding a reference to the City's Code of Ordinances, Chapter 4 "Alcoholic Beverages" and amending section 5.3.15(B) to delete unnecessary language and clarify additional standards, as set forth more fully in Exhibit A, attached hereto and incorporated herein for all purposes.
- <u>Part 3</u>: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.
- <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 and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid 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.
- <u>Part 6</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 **2nd** day of **February**, 2017.

PASSED AND APPROVED on Second Reading on the 16th day of February, 2017.

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

ORDINANCE NO. 2017-4830

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING THE CODE OF ORDINANCES, CHAPTER 4 "ALCOHOLIC BEVERAGES," TO APPLY CERTAIN DISTANCE REQUIREMENTS TO PRIVATE SCHOOLS AND BETTER ALIGN THE CITY'S REGULATIONS WITH STATE LAW; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Code of Ordinances, Chapter 4 "Alcoholic Beverages" requires that businesses selling alcoholic beverages be more than 300-feet from a church, public school, or public hospital - this spacing requirement is authorized by Texas Alcoholic Beverage Code ("TABC") Section 109.33;

Whereas, Staff was approached by a representative of Holy Trinity Catholic High School and a representative of Central Texas Christian School last year – both schools are interested in applying spacing requirements between businesses that sell alcoholic beverages and private schools which is also allowed by TABC Section 109.33;

Whereas, the proposed amendments to Chapter 4 would prohibit the sale of alcoholic beverages by a person whose place of business is within 300-feet of a church, public or private school, or public hospital; or 1,000-feet of a private school if the City Council receives a request from the governing body of the private school in accordance with TABC Section 109.33:

Whereas, the proposed amendments also list certain exceptions to the spacing requirements and tracks the language of TABC Section 109.33;

Whereas, in accordance with TABC Section 109.33, "private school" would be defined as a private school that offers a course of instruction for students in one or more grades from kindergarten through grade 12 and has more than 100 students enrolled and attending courses at a single location;

Whereas, Staff recommends Council amend the Code of Ordinances, Chapter 4 "Alcoholic Beverages," to apply certain distance requirements to private schools and better align the City's regulations with State law; 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:

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

- <u>Part 2</u>: The City Council amends the Code of Ordinances, Chapter 4 "Alcoholic Beverages," to apply certain distance requirements to private schools and better align the City's regulations with State law, as set forth more fully in Exhibit A, attached hereto and incorporated herein for all purposes.
- <u>Part 3</u>: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.
- Part 4: 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 and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid 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.
- <u>Part 6</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 **2nd** day of **February**, 2017.

PASSED AND APPROVED on Second Reading on the 16th day of February, 2017.

	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

02/16/17 Item #4(K) 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 2016-2017.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to recommend various budget amendments, based on the adopted FY 2016-2017 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

FISCAL IMPACT: The total amount of budget amendments is \$99,038.

ATTACHMENTS:

Budget Amendments Resolution

CITY OF TEMPLE BUDGET AMENDMENTS FOR FY 2017 BUDGET February 16, 2017

ACCOUNT #	PROJECT#	DESCRIPTION		APPROPI Debit		ONS Credit
260-3500-552-6316	100629	Capital Buildings & Grounds / Hike & Bike Trails - STEP Grant	\$	4,545	`	Jiedit
260-0000-490-2582	100020	Transfer In - General Fund	Ψ	1,0 10	\$	4,545
110-9100-591-8160		Transfer Out - Grant Fund	\$	4,545	*	.,0 .0
110-0000-352-1345		Designated Capital Projects - Unallocated	•	1,010	\$	4,545
		To appropriate additional funding needed for the payment of the Final Statement of Adminis Costs to TxDOT totaling \$6,713.62 for STEP grant CSJ #090-36-133 - Bicycle and Pedestri trails in the Temple Medical Education District.		/e		
110-2210-522-2513		Other Services / Special Services	\$	6,645		
110-0000-442-1629		Fire Department Revenue / Fire Donations/Gifts			\$	6,645
		To appropriate revenue and expenditures related to donations received on behalf of the Rescue Elves program and Friends of Fire to cover purchases of gifts for children and the department Christmas party.				
110-1800-525-2221		Capital < \$5,000 / Computer Equipment	\$	330		
110-0000-452-0455		Administrative Fees / Technology Fee			\$	330
		To appropriate Municipal Court technology fees for the replacement of courtroom projector.				
110-4000-555-2122		Supplies / Other	\$	25,000		
110-0000-461-0840		Other / Library Donations			\$	25,000
		To appropriate funds from the Friends of Temple Public Library donation. Funds will be use for Library supplies, programs, etc.	ed			
520-5000-535-2516		Other Services / Judgments & Damages	\$	1,648		
520-0000-461-0554		Insurance Claims / Insurance Claims			\$	1,648
		To appropriate insurance proceeds received from State Farm Mutual Automobile Insurance Company in the amount of \$1,647.84 for damages to asset # 13705 that occurred on 01/03				
110-1400-511-1115		Salaries / Skilled	\$	18,148		
110-1400-511-1220		Personnel Benefits / Retirement/Pension	\$	3,241		
110-1400-511-1221		Personnel Benefits / Social Security	\$	283		
110-1400-511-1223		Personnel Benefits / Worker Compensation	\$	43		
110-1400-511-1226		Personnel Benefits / Life Insurance	\$	29		
110-1400-511-1227		Personnel Benefits / AD&D Insurance	\$	6		
110-1400-511-1228		Personnel Benefits / Retirement/Pension	\$	47	•	0.4 =0
110-0000-318-0000		Fund Balance / Vital Statistics Preservation			\$	21,79
		To appropriate funding for 50% of City Secretary's Administrative Assistant III position with Vital Statistics Preservation funds.				
110-2230-522-2516		Other Services / Judgments & Damages	\$	26,696		
110-0000-461-0554		Insurance Claims / Insurance Claims			\$	26,696
		To appropriate insurance proceeds received from TML in the amount of \$26,695.32 for damages to asset # 11887 (Engine 5) that occurred in November 2016.				
110-2370-540-2516		Other Services / Judgments & Damages	\$	3,336		
110-0000-461-0554		Insurance Claims / Insurance Claims		,	\$	3,336
		To appropriate insurance proceeds received from Farmers Insurance in the amount of \$3,3 for damages to asset # 12386 that occurred on 10/31/16.	35.10)		

CITY OF TEMPLE BUDGET AMENDMENTS FOR FY 2017 BUDGET February 16, 2017

110.2030-522.2516	ACCOUNT # PROJECT #	DESCRIPTION	APPROP Dobit	RIAT	
110-0000 481-0554 Insurance Claims / Insurance Claims To appropriate proceeds received from Temple Towing in the amount of \$1,500 for damages to asset at 11953 (Rescue 3) that occurred on 09/22/16.	ACCOUNT # PROJECT # 110-2230-522-2516		Debit 1.500		Credit
110-3630-560-2311 Repair & Maintenance (Paulidings & Grounds \$ 2,996 \$ 2,996 \$ 2,996 \$ 1 \$ 2,996 \$ 2,996 \$ \$ 2,996 \$ \$ 2,996 \$ \$ \$ \$ \$ \$ \$ \$ \$.,000	\$	1,500
for damages to asset # 11953 (Rescue 3) that occurred on 09/22/16. 110-0900-481-0554 Repair & Maintenance / Publidings & Grounds \$ 2,996 \$ 2,996 \$ 1		To appropriate proceeds received from Tomple Towing in the amount of \$1,500			
110-0800-560-2311 Repair & Maintenance / Buildings & Grounds \$ 2,996 \$ 2					
To appropriate insurance proceeds received from Direct General Insurance Company in the amount of \$2,986 to repair fencing that was damaged on 12/23/16 from an auto accident. TOTAL AMENDMENTS TOTAL AMENDMENTS S 99,038 S 99,038 Beginning Contingency Balance Added to Contingency Sweep Account Carry forward from Prior Year Taken From Contingency Net Balance of Contingency Judgments & Damages From Council Contingency Added to Contingency Judgments & Damages From Council Contingency Added to Contingency Judgments & Damages From Council Contingency Added to Contingency Judgments & Damages From Council Contingency Added to Contingency Judgments & Damages From Council Contingency Taken From Judgments & Damages From Council Contingency Added to Contingency Judgments & Damages From Council Contingency Added to Compensation Contingency Added to Compensation Contingency Net Balance of Compensation Contingency Net Balance Council Contingency Net Balance Council Contingency Added to Budget Sweep Contingency Added to Contingency Sweep Account Taken From Compensation Contingency Net Balance of Budget Sweep Contingency Added to Cornegensation Contingency Net Balance of Compensation Contingency Net Balance of Compensat					
To appropriate insurance proceeds received from Direct General Insurance Company in the amount of \$2,996 to repair fencing that was damaged on 12/23/16 from an auto accident. TOTAL AMENDMENTS GENERAL FUND Beginning Contingency Balance Added to Contingency Sweep Account Carry forward from Pror Year Taken Priom Company Net Balance of Contingency Account Beginning Judgments & Damages Contingency Added to Contingency Judgments & Damages Contingency Taken From Judgments & Damages Contingency Added to Contingency Judgments & Damages Contingency Taken From Judgments & Damages Contingency Added to Compensation Contingency Added to Compensation Contingency Taken From Budget Sweep Contingency Added to Budget Sweep Contingency Taken From Compensation Contingency Net Balance of Compensation Contingency Taken From Compensation Contingency Taken From Compensation Contingency Net Balance of Contingency Account MOTEL/MOTEL TAX FUND Beginning Contingency Balance Added to Compensation Contingency Net Balance of Compensation Contingency Net Balance of Compensation Contingency Taken From Compensation Contingency Taken From Compensation Contingency Net Balance of Compensation Contingency Taken From Compensation Cont	110-3630-560-2311	Repair & Maintenance / Buildings & Grounds \$	2,996		
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HOTEL/MOTEL TAX 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 Added to Compensation Contingency Taken From Compensation Contingency Net Balance of Compensation Contingency Taken From Compensation Contingency Net Balance of Compensation Contingency Net Balance of Compensation Contingency Account \$ 28,300		Net Balance Water & Sewer Fund Contingency		\$	147,942
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Added to Compensation Contingency Taken From Compensation Contingency Net Balance of Compensation Contingency Account \$28,300		Beginning Compensation Contingency		\$	28,300
Net Balance of Compensation Contingency Account \$ 28,300					-
				\$	28 300
Net Balance Hotel/Motel Tax Fund Contingency \$ 28,300		rect balance of compensation contingency Account		φ	20,300
		Net Balance Hotel/Motel Tax Fund Contingency		\$	28,300

CITY OF TEMPLE BUDGET AMENDMENTS FOR FY 2017 BUDGET February 16, 2017

			APPROP	RIATIO	ONS
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	С	redit
		DRAINAGE FUND			
	E	Beginning Contingency Balance		\$	-
	,	Added to Contingency Sweep Account			-
	(Carry forward from Prior Year			-
	7	Taken From Contingency			-
	1	Net Balance of Contingency Account		\$	-
	E	Beginning Compensation Contingency		\$	24,300
	,	Added to Compensation Contingency			-
		Taken From Compensation Contingency			-
	1	Net Balance of Compensation Contingency Account		\$	24,300
	ı	Net Balance Drainage Fund Contingency		\$	24,300
		FED/STATE GRANT FUND			
	E	Beginning Contingency Balance		\$	-
	(Carry forward from Prior Year			14,947
	,	Added to Contingency Sweep Account			22,397
	7	Taken From Contingency			-
	ı	Net Balance Fed/State Grant Fund Contingency		\$	37,344

RESOLUTION NO. 2017-8544-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2016-2017 CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on the 26th day of August, 2016, the City Council approved a budget for the 2016-2017 fiscal year; and

Whereas, the City Council deems it in the public interest to make certain amendments to the 2016-2017 City Budget.

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

- <u>Part 1:</u> Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.
- <u>Part 2:</u> The City Council approves amending the 2016-2017 City Budget by adopting the budget amendments which are more fully described in Exhibit 'A,' attached hereto and made a part hereof for all purposes.
- <u>Part 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 16th day of February, 2017.

	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

02/16/17 Item #4(L) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution approving first quarter financial results for Fiscal Year 2017.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

BACKGROUND: This item will present in detail the first quarter ending December 31, 2016, for the General, Water & Sewer, Hotel/Motel Tax, and Drainage Funds.

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

FISCAL IMPACT: N/A

ATTACHMENTS:

Quarterly Financial Statements Resolution

















Prepared by the Finance Department













For the three months ended December 31, 2016

Prepared by:

City of Temple Finance Department

Traci L. Barnard, CPA

Director of Finance

Melissa A. Przybylski, CPA

Assistant Director of Finance

Stacey Reisner, CPA

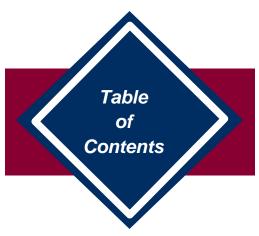
Treasury/Grants Manager

Jennifer Emerson
Budget Coordinator

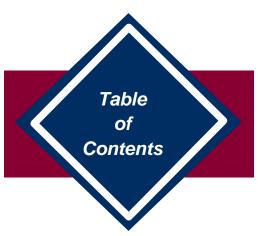
Sherry M. Pogor Financial Analyst

Erica Glover
Senior Accountant

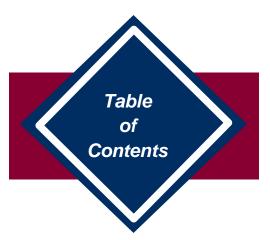




Exhibit/ Page Table Introductory Section -Letter of Transmittal 9 Financial Section -General Fund A-1 Schedule of Revenues, Expenditures, and Changes in Fund Balance – Actual and Budget...... 18 A-2 A-3 A-4 A-5 Water and Sewer Fund B-1 Statements of Revenues, Expenses, B-2 B-3 Comparative Schedule of Operating Expenses B-4 Comparative Statement of Revenues and Expenses -B-5



Exhibit/ Page Table Special Revenue Funds Hotel-Motel Tax Fund -C-1 Statement of Revenues, Expenditures, and Changes in Fund Balance – Actual and Budget 37 C-2 C-3 Drainage Fund -D-1 Statement of Revenues, Expenditures, and Changes in Fund Balance – Actual and Budget 40 D-2 **Capital Projects** Schedule of Capital Projects Bond Proceeds & Related Expenditures – Summary of all Bond Issues42 E-1 E-2 Certificates of Obligation Bonds 2006 & 2008.......45 E-3 Pass-Through Agreement Revenue and Limited Tax Bonds 2012...... 46 E-4 Combination Tax & Revenue Certificates of Obligation Bonds 2012... 47 E-5



Exhibit/
Page Table

Capital Projects (Continued)

Schedule of Capital Projects Bond Proceeds & Related Expenditures (Continued)	<u> </u>
Reinvestment Zone No. 1 Combination Tax & Revenue	
Certificates of Obligation Bonds 2013	E-6
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Projects Underway/Scheduled51	E-9
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Project Status {Based on \$'s}60	E-11
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Project Status {Based on Completion Date}63	E-14
<u>Investments</u>	
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Investment Portfolio – Marked to Market	F-2
Carrying Value and Fair Value Comparison	F-3



Exhibit/
Page Table

Supplemental Financial Information -

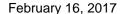
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Fund Balance – General Fund	. 72	I
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Schedule of Expenditures of Federal and State Awards –		
By Project Type	. 76	Ш
Hotel/Motel Tax Receipts – By Reporting Entity	. 77	IV
Historical Sales Tax Revenue – By Month	. 78	V
Parks Escrow Funds – By Addition Name	. 79	VI

Strategic Investment Zones

Redevelopment Grants and Incentive Programs within

VII





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 three months ended December 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.

THREE-MONTH REVIEW

GENERAL FUND -

The amount of revenues from various sources for the three months ended December 31, 2016, as compared to the FY 2017 amended budget, is shown in the following table (presented in thousands):

	1	Actual	nended Judget	Percent of Budget
Revenues:				
Taxes	\$	14,236	\$ 34,106	42%
Franchise fees		1,616	6,505	25%
Licenses and permits		155	708	22%
Intergovernmental		17	119	14%
Charges for services		5,581	24,287	23%
Fines		478	2,014	24%
Interest and other		288	 733	39%
Total revenues	\$	22,370	\$ 68,473	33%



Revenues compared to the amended budget for FY 2017 are at 33% with 25% of the year completed. A detail of the revenues as compared to budget is shown below:

Revenues	% of Budget
Ad valorem taxes	70.61%
Sales tax receipts	23.89%
Other taxes	25.29%
Franchise fees	24.84%
Licenses and permits	21.88%
Intergovernmental revenues	14.30%
Charges for services	22.98%
Fines	23.72%
Interest and other	39.30%

Expenditures by major function for the three months ended December 31, 2016, as compared to the FY 2017 amended budget are shown in the following table (presented in thousands):

			Amended		Percent
	Actual		В	udget	of Budget
Expenditures:		_		_	
General government	\$	3,998	\$	16,659	24%
Public safety		8,314		31,114	27%
Highways and streets		750		3,350	22%
Sanitation		1,475		6,639	22%
Parks and recreation		2,183		9,586	23%
Education		429		1,730	25%
Airport		541		2,351	23%
Debt Service:					
Principal		12		50	25%
Interest		1_	5		29%
Total expenditures		17,705	\$	71,485	25%



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

Expenditures	% of Budget
Personnel	24.26%
Operations	25.02%
Capital	29.18%
Debt service	25.00%

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

WATER/SEWER FUND -

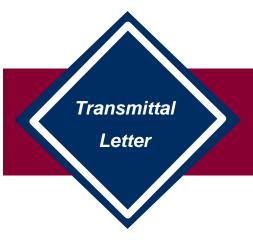
Operating revenue has increased by \$59,660 over the same time period as last fiscal year. Operating expenses increased by \$124,866 compared to the same period of last fiscal year. First quarter financials for this fund begin on page 28.

HOTEL-MOTEL FUND -

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

DRAINAGE FUND -

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



CAPITAL PROJECTS -

The City of Temple has in the past and is currently investing heavily in improving infrastructure. This section contains detailed schedules that review current capital projects funded by bond proceeds and begins on page 42. 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 26, 2016. The City's primary investment objectives, in order of priority, are as follows:

- Safety
- Liquidity
- Yield

As of December 31, 2016, the City had cash and investments with a carrying value of \$167,818,491 and a fair value of \$167,684,009. Total interest earnings for the three months ended are \$257,448. 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 67, Exhibit F-1 through F-3.



SUPPLEMENTAL INFORMATION –

This section has details of General Fund balances and designations (page 72). 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; Financial Analyst, Sherry Pogor; and Senior Accountant, Erica Glover 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 December 31, 2016 and 2015

	FY 2017	FY 2016	Increase (Decrease)
ASSETS			
Cash	\$ 5,700	\$ 5,100	\$ 600
Investments	37,570,840	38,906,734	(1,335,894)
Receivables (net of allowance for estimated			
uncollectible):			
State sales tax	1,642,007	1,514,737	127,270
Accounts	1,291,775	1,076,980	214,795
Ad valorem taxes	3,946,488	2,763,751	1,182,737
Inventories	335,607	312,207	23,400
Prepaid items	613,131	673,242	(60,111)
Total current assets	45,405,548	45,252,751	152,797
Restricted cash and investments:			
Drug enforcement	176,401	335,098	(158,697)
Public safety	31,895	32,984	(1,089)
R.O.W. Escrow	192,639	269,402	(76,763)
Parks Escrow {Table VI, pg. 79}	257,711	340,540	(82,829)
Rob Roy MacGregor Trust - Library	9,867	12,794	(2,927)
Total restricted cash and investments	668,513	990,818	(322,305)
TOTAL ASSETS	\$ 46,074,061	\$ 46,243,569	\$ (169,508)

	FY 2017 FY 2016		Increase (Decrease)		
LIABILITIES AND FUND BALANCES				 	
Liabilities:					
Vouchers payable	\$ 4,889,414	\$	6,419,509	\$ (1,530,095)	
Retainage payable	2,894		11,710	(8,816)	
Accrued payroll	2,423,654		2,189,446	234,208	
Deposits	57,462		57,327	135	
Deferred revenues:					
Ad valorem taxes	3,918,903		2,736,166	1,182,737	
R.O.W. Escrow	190,889		269,402	(78,513)	
Parks Escrow	257,711		340,540	(82,829)	
Electric franchise	1,708,948		1,658,159	50,789	
Gas franchise	193,486		185,845	7,641	
Other	 217,073		202,136	 14,937	
Total liabilities	 13,860,434		14,070,240	(209,806)	
Fund Balance:					
Nonspendable:					
Inventories and prepaid items	441,741		375,039	66,702	
Restricted for:					
Drug enforcement	204,399		290,362	(85,963)	
Public safety	31,867		32,975	(1,108)	
Rob Roy MacGregor Trust - Library	11,327		11,290	37	
Municipal court	660,072		617,769	42,303	
Vital statistics preservation	34,543		48,504	(13,961)	
Public education channel	125,197		144,932	(19,735)	
Assigned to:					
Technology replacement	199,099		218,992	(19,893)	
Capital projects {Table I, pg. 72}	2,157,392		1,990,575	166,817	
Unassigned:	19,130,910		18,293,530	837,380	
Budgeted decrease in fund balance	 4,555,224		5,305,288	 (750,064)	
Total fund balance	 27,551,771		27,329,256	 222,515	
Excess revenues over expenditures YTD	 4,661,856		4,844,073	 (182,217)	
TOTAL LIABILITIES AND FUND BALANCES	 46,074,061	\$	46,243,569	\$ (169,508)	

CITY OF TEMPLE, TEXAS

GENERAL FUND

SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES

IN FUND BALANCE - ACTUAL AND BUDGET

For the three months ended December 31, 2016

		FY 2017	FY 2017		
	Actual	Budget	Percent of Budget	Actual	\$ Increase (Decrease) Prior yr.
Revenues:	A. 44.005.570		44 740/	Φ 44 000 000	(454.407)
Taxes	\$ 14,235,572	\$ 34,106,421	41.74%	\$ 14,690,009	\$ (454,437)
Franchise fees	1,615,987	6,505,329	24.84%	1,703,373	(87,386)
Licenses and permits	154,792	707,500	21.88%	171,111	(16,319)
Intergovernmental	17,062	119,282	14.30%	17,185	(123)
Charges for services	5,580,700	24,287,334	22.98%	5,522,150	58,550
Fines	477,850	2,014,263	23.72%	475,109	2,741
Interest and other	287,867	732,496	39.30%	298,122	(10,255)
Total revenues	22,369,830	68,472,625	32.67%	22,877,059	(507,229)
Expenditures: General government	3,998,210	16,659,375	24.00%	3,924,151	74,059
Public safety	8,313,823	31,113,612	26.72%	8,156,082	157,741
Highways and streets	750,393	3,350,235	22.40%	951,411	(201,018)
Sanitation	1,475,403	6,639,482	22.22%	1,846,781	(371,378)
Parks and recreation	2,183,086	9,585,687	22.77%	2,043,672	139,414
Education	429,305	1,729,675	24.82%	439,904	(10,599)
Airport	540,678	2,351,429	22.99%	609,988	(69,310)
Debt Service:					, ,
Principal	12,334	50,097	24.62%	11,844	490
Interest	1,458	5,074	28.73%	1,949	(491)
Total expenditures	17,704,690	71,484,666	24.77%	17,985,782	(281,092)
Excess (deficiency) of revenues					
over expenditures	4,665,140	(3,012,041)		4,891,277	(226,137)
Other financing sources (uses):					
Transfers out:					
Debt Service	-	(1,284,316)	0.00%	-	-
Capital Projects - Designated	-	(243,874)	0.00%	(31,754)	31,754
Grant Fund	(3,284)	(14,993)	21.90%	(15,450)	12,166
Total other financing sources (uses)	(3,284)	(1,543,183)	0.21%	(47,204)	43,920
Excess (deficiency) of revenues and other					
financing sources over expenditures					
and other financing uses	4,661,856	(4,555,224)	-	4,844,073	(182,217)
Fund balance, beginning of period	27,551,771	27,551,771		27,329,256	222,515
Fund balance, end of period	\$ 32,213,627	\$ 22,996,547	\$ -	\$ 32,173,329	\$ 40,298

GENERAL FUND

SCHEDULE OF REVENUES - ACTUAL AND BUDGET

For the three months ended December 31, 2016

		FY 2017		FY 2016	Analytical \$	
	Actual	Budget	Percent of Budget	Actual	Increase (Decrease) Prior yr.	
Taxes:						
Ad valorem:						
Property, current year	\$ 9,158,737	\$ 12,798,760	71.56%	\$ 9,689,853	\$ (531,116)	
Property, prior year	23,992	133,661	17.95%	39,487	(15,495)	
Penalty and interest	12,293	90,000	13.66%	12,846	(553)	
Total ad valorem taxes	9,195,022	13,022,421	70.61%	9,742,186	(547,164)	
Non-property taxes:						
City sales {Table V, pg. 78}	4,986,429	20,870,000	23.89%	4,897,276	89,153	
Mixed beverage	39,313	150,000	26.21%	35,521	3,792	
Occupation	9,100	45,000	20.22%	11,250	(2,150)	
Bingo	5,708	19,000	30.04%	3,776	1,932	
Total non-property taxes	5,040,550	21,084,000	23.91%	4,947,823	92,727	
Total taxes	14,235,572	34,106,421	41.74%	14,690,009	(454,437)	
Franchise Fees:						
Electric franchise	737,362	3,120,636	23.63%	763,676	(26,314)	
Gas franchise	145,659	475,000	30.67%	213,515	(67,856)	
Telephone franchise	105,848	415,000	25.51%	106,935	(1,087)	
Cable franchise	185,321	696,202	26.62%	181,368	3,953	
Water/Sewer franchise	425,373	1,701,491	25.00%	418,330	7,043	
Other	16,424	97,000	16.93%	19,549	(3,125)	
Total franchise fees	1,615,987	6,505,329	24.84%	1,703,373	(87,386)	
Licenses and permits:						
Building permits	51,845	266,500	19.45%	69,908	(18,063)	
Electrical permits and licenses	23,731	81,500	29.12%	24,941	(1,210)	
Mechanical	18,006	72,000	25.01%	15,262	2,744	
Plumbing permit fees	32,737	115,000	28.47%	29,495	3,242	
Other	28,473	172,500	16.51%	31,505	(3,032)	
Total licenses and permits	154,792	707,500	21.88%	171,111	(16,319)	
Intergovernmental revenues:						
Federal grants	5,918	5,917	100.02%	5,238	680	
State grants	1,200	65,025	1.85%	1,950	(750)	
State reimbursements	-	8,352	0.00%	-	-	
Department of Civil						
Preparedness	9,944	39,988	24.87%	9,997	(53)	
Total intergovernmental revenues	\$ 17,062	\$ 119,282	14.30%	\$ 17,185	\$ (123)	

SCHEDULE OF REVENUES - ACTUAL AND BUDGET For the three months ended December 31, 2016 (With comparative amounts for the three months ended December 31, 2015)

		FY 2017		FY 2016	Analytical	
	Actual	Budget	Percent of Budget	Actual	\$ Increase (Decrease) Prior yr.	
Library fees	\$ 6,593	\$ 26,000	25.36%	\$ 7,118	\$ (525)	
Recreational entry fees	21,878	117,000	18.70%	20,585	1,293	
Summit recreational fees	77,575	464,500	16.70%	107,899	(30,324)	
Golf course revenues	132,843	873,500	15.21%	143,291	(10,448)	
Swimming pool	-	43,000	0.00%	3	(3)	
Lions Junction water park	-	400,250	0.00%	405	(405)	
Sammons indoor pool	9,938	91,500	10.86%	14,751	(4,813)	
Vital statistics	22,360	115,000	19.44%	25,921	(3,561)	
Police revenue	412,568	1,411,716	29.22%	486,571	(74,003)	
Contractual services						
-proprietary fund	1,010,186	4,017,550	25.14%	940,630	69,556	
Curb and street cuts	20,956	50,000	41.91%	20,250	706	
Other	768	60,500	1.27%	634	134	
Solid waste collection - residential	1,169,548	4,645,620	25.18%	1,064,491	105,057	
Solid waste collection - commercial	794,244	3,129,719	25.38%	768,332	25,912	
Solid waste collection - roll-off	606,776	2,143,000	28.31%	536,568	70,208	
Landfill contract	460,454	2,085,000	22.08%	454,162	6,292	
Airport sales and rental	460,154	2,301,078	20.00%	583,309	(123, 155)	
Subdivision fees	5,832	15,000	38.88%	4,290	1,542	
Recreational services	187,070	1,292,500	14.47%	241,801	(54,731)	
Fire department	13,753	59,232	23.22%	12,450	1,303	
Reinvestment Zone reimbursements	167,204	945,669	17.68%	88,689	78,515	
Total charges for services	5,580,700	24,287,334	22.98%	5,522,150	58,550	
Fines:						
Court	336,203	1,442,672	23.30%	336,959	(756)	
Animal pound	12,817	45,000	28.48%	12,970	(153)	
Overparking	95	3,000	3.17%	1,340	(1,245)	
Administrative fees	128,735	523,591	24.59%	123,840	4,895	
Total fines	477,850	2,014,263	23.72%	475,109	2,741	
Interest and other:						
Interest	59,853	128,000	46.76%	32,732	27,121	
Lease and rental	87,959	321,070	27.40%	91,419	(3,460)	
Sale of fixed assets	15,855	24,200	65.52%	11,837	4,018	
Insurance claims	53,405	62,589	85.33%	29,095	24,310	
Payment in lieu of taxes	17,230	15,195	113.39%	15,195	2,035	
Building rental -						
BOA bldg.	27,335	91,742	29.80%	27,619	(284)	
Other	26,230	89,700	29.24%	90,225	(63,995)	
Total interest and other	287,867	732,496	39.30%	298,122	(10,255)	
Total revenues	\$ 22,369,830	\$ 68,472,625	32.67%	\$ 22,877,059	\$ (507,229)	

CITY OF TEMPLE, TEXAS GENERAL FUND SCHEDULE OF EXPENDITURES- ACTUAL AND BUDGET For the three months ended December 31, 2016

		FY 2017		FY 2016	Analytical
	Actual	Budget	Percent of Budget	Actual	\$ Increase (Decrease) Prior yr.
General government:					
City council	\$ 50,687	\$ 234,074	21.65%	\$ 35,022	\$ 15,665
City manager	290,972	1,433,438	20.30%	178,975	111,997
Assistant city manager	-	-	0.00%	59,419	(59,419)
Administrative services	56,667	246,111	23.02%	62,165	(5,498)
Finance	393,393	1,524,992	25.80%	351,318	42,075
Purchasing	90,522	367,802	24.61%	92,558	(2,036)
City secretary	109,373	448,194	24.40%	89,569	19,804
Special services	247,763	1,731,950	14.31%	174,783	72,980
Legal	206,601	847,551	24.38%	202,752	3,849
City planning	159,849	633,737	25.22%	150,576	9,273
Information technology services	899,282	2,840,946	31.65%	1,087,528	(188,246)
Human resources	234,894	805,777	29.15%	212,009	22,885
Economic development	563,508	2,187,072	25.77%	505,865	57,643
Fleet services	269,139	1,126,139	23.90%	301,685	(32,546)
Inspections/Permits	117,175	578,536	20.25%	123,618	(6,443)
Facility services	308,385	1,653,056	18.66%	296,309	12,076
	3,998,210	16,659,375	24.00%	3,924,151	74,059
Public safety:					
Municipal court	170,426	742,171	22.96%	174,560	(4,134)
Police	4,625,031	16,654,286	27.77%	4,683,136	(58,105)
Animal control	108,513	485,964	22.33%	109,333	(820)
Fire	3,055,895	11,660,409	26.21%	2,820,909	234,986
Communications	246,949	987,796	25.00%	210,937	36,012
Code enforcement	107,009	582,986	18.36%	157,207	(50,198)
	8,313,823	31,113,612	26.72%	8,156,082	157,741
Highways and streets:					
Street	525,758	2,423,267	21.70%	701,416	(175,658)
Traffic signals	92,250	362,947	25.42%	118,697	(26,447)
Engineering	132,385	564,021	23.47%	131,298	1,087
	750,393	3,350,235	22.40%	951,411	(201,018)
Sanitation:	\$ 1,475,403	\$ 6,639,482	22.22%	\$ 1,846,781	\$ (371,378) (Continued)

SCHEDULE OF EXPENDITURES- ACTUAL AND BUDGET For the three months ended December 31, 2016

	 FY 201		<u>/ 2017</u>	Percent	 FY 2016		Analytical \$ Increase (Decrease)	
	 Actual		Budget	of Budget	 Actual	•	rior yr.	
Parks and recreation:								
Administration	\$ 132,208	\$	543,477	24.33%	\$ 144,231	\$	(12,023)	
Parks	969,385		3,972,293	24.40%	814,149		155,236	
Recreation	726,751		3,761,277	19.32%	742,177		(15,426)	
Golf course	 354,742		1,308,640	27.11%	 343,115		11,627	
	 2,183,086		9,585,687	22.77%	 2,043,672		139,414	
Library:	 429,305		1,729,675	24.82%	 439,904		(10,599)	
Airport:	 540,678		2,351,429	22.99%	 609,988		(69,310)	
Debt service:	 13,792		55,171	25.00%	13,793		(1)	
Totals	\$ 17,704,690	\$	71,484,666	24.77%	\$ 17,985,782	\$	(281,092)	

DETAILED SCHEDULE OF EXPENDITURES - ACTUAL AND BUDGET

For the three months ended December 31, 2016

		FY 2017			FY 2016		Analytical			
	Ac	ctual	E	Budget	Percer of Budg			Actual	\$ Increase (Decrease) Prior yr.	
General government:										
City council:									_	
Personnel services	\$	2,521	\$	26,374		6%	\$	1,346	\$	1,175
Operations		48,166 50,687		207,700 234,074	23.1 21.6			33,676 35,022		14,490 15,665
City manager:										
Personnel services		199,195		826,739	24.0	9%		152,457		46,738
Operations		90,309		587,771	15.3	6%		25,018		65,291
Capital outlay		1,468		18,928	7.7	'6 %		1,500		(32)
		290,972		1,433,438	20.3	80%		178,975		111,997
Assistant city manager:						.00/				(== 0==)
Personnel services		-		-		0%		55,657		(55,657)
Operations						0% 0%		3,762 59,419		(3,762) (59,419)
		<u>-</u>		<u>-</u>	0.0	10 76		39,419		(59,419)
Administrative services:										
Personnel services		46,806		184,692	25.3			41,229		5,577
Operations		9,861		61,419	16.0			3,523		6,338
Capital outlay	-	56,667	-	246,111	_	00%		17,413 62,165		(17,413)
		56,667		246,111	23.0	12%	-	62,165		(5,498)
Finance:										
Personnel services		236,191		950,019	24.8			233,955		2,236
Operations		157,202 393,393		574,973 1,524,992	27.3 25.8			117,363 351,318		39,839 42,075
		000,000		1,024,002		70		331,310		42,010
Purchasing:										/··
Personnel services		86,281		348,276	24.7			88,172		(1,891)
Operations		4,241 90,522		19,526 367,802	21.7 24.6			4,386 92,558		(145)
		90,322		307,002		71 /0		92,330		(2,030)
City secretary:										
Personnel services		93,118		354,173	26.2			77,310		15,808
Operations		10,172		87,930	11.5			12,259		(2,087)
Capital outlay	-	6,083 109,373		6,091 448,194	99.8 24.4			89,569		6,083 19,804
	-	.00,0.0		0,		070				,
Special services:		44070		0=4 004	4.0			40.000		(05.005)
Personnel services		14,279		351,081		7%		40,206		(25,927)
Operations		233,484		815,612	28.6			134,577		98,907
Capital outlay (Contingency)		247,763		565,257 1,731,950	14.3	0 <u>%</u> 31%		174,783		72,980
				.,,		,		,		,000
Legal:				700 170	0.4 =			100 110		(405)
Personnel services		187,954		760,172	24.7			188,149		(195)
Operations		18,647 206,601		87,379 847,551	21.3 24.3			14,603 202,752		4,044 3,849
		200,001		0-1,001		.5 /0		202,102		0,040
City planning: Personnel services		145,377		589,033	24.6	Q0/_		137,453		7,924
Operations		145,377		44,704	24.6 32.3			137,453		1,349
Operations	\$	159,849	\$	633,737	25.2		\$	150,576	\$	9,273
	Ψ	.00,040	Ψ	000,101		/0	Ψ	100,010		ontinued)
									`	

DETAILED SCHEDULE OF EXPENDITURES - ACTUAL AND BUDGET For the three months ended December 31, 2016 (With comparative amounts for the three months ended December 31, 2015)

	FY 2017			FY 2016	Analytical	
	Actual	Budget	Percent of Budget	Actual	\$ Increase (Decrease) Prior yr.	
Information technology services: Personnel services	\$ 296,604	\$ 1,317,473	22.51%	\$ 328,426	\$ (31,822)	
Operations	485,680	1,344,675	36.12%	502,532	(16,852)	
Capital outlay	116,998	178,798	65.44%	256,570	(139,572)	
Capital Callay	899,282	2,840,946	31.65%	1,087,528	(188,246)	
Human resources:	407.050	504.000	00.040/	447.470	00.077	
Personnel services	137,853	591,399	23.31%	117,176	20,677	
Operations	97,041	214,378	45.27%	94,833	2,208	
	234,894	805,777	29.15%	212,009	22,885	
Economic development:						
Operations	563,508	2,187,072	25.77%	505,865	57,643	
	563,508	2,187,072	25.77%	505,865	57,643	
Fleet services:						
Personnel services	196,480	969,770	20.26%	236,596	(40,116)	
Operations	18,718	79,928	23.42%	18,899	(181)	
Capital outlay	53,941	76,441	70.57%	46,190	7,751	
oop	269,139	1,126,139	23.90%	301,685	(32,546)	
Inspections/Permits:						
Personnel services	107,626	497,718	21.62%	107,646	(20)	
Operations	9,549	54,818	17.42%	15,472	(5,923)	
Capital outlay	-	26,000	0.00%	500	(500)	
Capital Gattay	117,175	578,536	20.25%	123,618	(6,443)	
Facility services:						
Personnel services	155,228	694,461	22.35%	135,453	19,775	
Operations	144,870	663,705	21.83%	152,531	(7,661)	
Capital outlay	8,287	294,890	2.81%	8,325	(38)	
Capital Odilay	308,385	1,653,056	18.66%	296,309	12,076	
Total general government	3,998,210	16,659,375	24.00%	3,924,151	74,059	
Public safety:						
Municipal court:						
Personnel services	154,734	662,452	23.36%	162,620	(7,886)	
Operations	15,692	79,719	19.68%	11,940	3,752	
	170,426	742,171	22.96%	174,560	(4,134)	
Police:						
Personnel services	3,587,882	14,386,881	24.94%	3,388,606	199,276	
Operations	472,956	1,510,181	31.32%	468,346	4,610	
Capital outlay	564,193	757,224	74.51%	826,184	(261,991)	
	4,625,031	16,654,286	27.77%	4,683,136	(58,105)	
Animal control:						
Personnel services	90,905	372,466	24.41%	87,030	3,875	
Operations	17,608	93,125	18.91%	17,638	(30)	
Capital outlay	-	20,373	0.00%	4,665	(4,665)	
,	\$ 108,513	\$ 485,964	22.33%	\$ 109,333	\$ (820)	
	, -	•			(Continued)	
					,,	

			FY 2017		FY 2016	Analytical	
Fire:	Actual Bud		Budget	Percent of Budget	Actual	\$ Increase (Decrease) Actual Prior yr.	
Personnel services	\$ 2.76	2,022	\$ 10,491,224	26.33%	\$ 2,549,577	\$ 212,445	
Operations		3,323	1,017,808	26.85%	254,244	19,079	
Capital outlay		0,550	151,377		17,088	3,462	
Suprial Sullay		5,895	11,660,409	26.21%	2,820,909	234,986	
Communications:							
Operations	24	6,949	987,796	25.00%	210,937	36,012	
	24	6,949	987,796	25.00%	210,937	36,012	
Code enforcement:							
Personnel services	8	9,274	450,350	19.82%	107,158	(17,884)	
Operations	1	7,735	132,636	13.37%	26,634	(8,899)	
Capital outlay				0.00%	23,415	(23,415)	
		7,009	582,986		157,207	(50,198)	
Total public safety	8,31	3,823	31,113,612	26.72%	8,156,082	157,741	
Highways and streets: Street :							
Personnel services	25	7,213	1,100,979	23.36%	265,524	(8,311)	
Operations	26	8,545	1,258,238	21.34%	292,233	(23,688)	
Capital outlay		-	64,050	0.00%	143,659	(143,659)	
	52	5,758	2,423,267	21.70%	701,416	(175,658)	
Traffic signals:							
Personnel services	6	7,780	271,250	24.99%	68,824	(1,044)	
Operations	2	4,470	91,697	26.69%	12,151	12,319	
Capital outlay				0.00%	37,722	(37,722)	
	9	2,250	362,947	25.42%	118,697	(26,447)	
Engineering:							
Personnel services	11	2,473	454,201	24.76%	111,110	1,363	
Operations		9,912	109,820	18.13%	20,188	(276)	
		2,385	564,021	23.47%	131,298	1,087	
Total highways and streets	75	0,393	3,350,235	22.40%	951,411	(201,018)	
Sanitation:							
Personnel services	56	7,484	2,271,939	24.98%	579,616	(12,132)	
Operations	90	7,919	3,261,313	27.84%	819,954	87,965	
Capital outlay			1,106,230	0.00%	447,211	(447,211)	
Total sanitation	1,47	5,403	6,639,482	22.22%	1,846,781	(371,378)	
Parks and recreation: Administration							
Personnel services	9	3,862	400,228	23.45%	100,040	(6,178)	
Operations		8,346	143,249	26.77%	44,191	(5,845)	
		2,208	\$ 543,477		\$ 144,231	\$ (12,023)	
						(Continued)	

DETAILED SCHEDULE OF EXPENDITURES - ACTUAL AND BUDGET For the three months ended December 31, 2016 (With comparative amounts for the three months ended December 31, 2015)

	FY 2017			FY 2016	Analytical	
D. J.	Actual	Budget	Percent of Budget	Actual	\$ Increase (Decrease) Prior yr.	
Parks Personnel services	Ф 274.007	Ф 4 C4E 222	22.400/	Φ 272.250	ф 04 7	
	\$ 374,097	\$ 1,615,322	23.16%	\$ 373,250	\$ 847	
Operations	349,563	1,840,250	19.00%	328,655	20,908	
Capital outlay	245,725	516,721	47.55%	112,244	133,481	
	969,385	3,972,293	24.40%	814,149	155,236	
Recreation						
Personnel services	397,429	2,153,193	18.46%	415,091	(17,662)	
Operations	266,428	1,500,884	17.75%	235,246	31,182	
Capital outlay	62,894	107,200	58.67%	91,840	(28,946)	
	726,751	3,761,277	19.32%	742,177	(15,426)	
Golf course						
Personnel services	161,129	693,882	23.22%	170,369	(9,240)	
Operations	96,960	497,791	19.48%	76,345	20,615	
Capital outlay	96,653	116,967	82.63%	96,401	252	
Capital Odday	354,742	1,308,640	27.11%	343,115	11,627	
Total parks and recreation	2,183,086	9,585,687	22.77%	2,043,672	139,414	
Library:						
Personnel services	277,926	1,163,762	23.88%	276,434	1,492	
Operations	151,379	565,913	26.75%	163,470	(12,091)	
Total library	429,305	1,729,675	24.82%	439,904	(10,599)	
Total library	429,000	1,723,073	24.02/0	400,004	(10,555)	
Airport:						
Personnel services	203,207	816,731	24.88%	206,094	(2,887)	
Operations	337,471	1,507,698	22.38%	397,624	(60,153)	
Capital outlay		27,000	0.00%	6,270	(6,270)	
Total airport	540,678	2,351,429	22.99%	609,988	(69,310)	
Debt service:						
Principal	12,334	50,097	24.62%	11,844	490	
Interest	1,458	5,074	28.73%	1,949	(491)	
Total debt service	13,792	55,171	25.00%	13,793	(1)	
Total	\$ 17,704,690	\$ 71,484,666	24.77%	\$ 17,985,782	\$ (281,092)	



Enterprise Fund

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

CITY OF TEMPLE, TEXAS WATER AND SEWER ENTERPRISE FUND STATEMENT OF FUND NET POSITION December 31, 2016 and 2015

	FY 2017	FY 2016	Increase (Decrease)
ASSETS			
Current assets:			
Cash	\$ 4,850	\$ 5,110	\$ (260)
Investments	32,356,519	30,023,434	2,333,085
Customer receivables	978,147	967,007	11,140
Accounts receivable	262,297	326,097	(63,800)
Inventories	302,306	329,206	(26,900)
Prepaid items	134,182	8,000	126,182
Total current assets	34,038,301	31,658,854	2,379,447
Restricted cash and investments:			
Revenue bond debt service	3,675,721	3,435,381	240,340
Customer deposits	705,052	676,314	28,738
Construction account	16,112,580	25,434,978	(9,322,398)
	20,493,353	29,546,673	(9,053,320)
Property and equipment:			
Land	2,153,038	1,940,240	212,798
Improvements other than buildings	180,023,798	168,418,379	11,605,419
Buildings	47,926,285	47,894,344	31,941
Machinery and equipment	9,662,695	9,521,016	141,679
,	239,765,816	227,773,979	11,991,837
Less accumulated depreciation	(109,108,592)	(102,812,140)	(6,296,452)
Construction in progress	26,215,905	26,607,897	(391,992)
Net property and equipment	156,873,129	151,569,736	5,303,393
Total assets	211,404,783	212,775,263	(1,370,480)
DEFERRED OUTFLOWS OF RESOURCES			
Deferred amounts on refunding	2,660,334	2,981,191	(320,857)
Deferred amounts of contributions	422,517	430,622	(8,105)
Deferred amounts of investment experience, net	1,031,732	165,726	866,006
Total deferred outflows of resources	\$ 4,114,583	\$ 3,577,539	\$ 537,044

	FY 2017	FY 2016	Increase (Decrease)
LIABILITIES			
Current liabilities:			
Vouchers & contracts payable	\$ 2,807,711	\$ 2,347,375	\$ 460,336
Retainage payables	43,359	38,622	4,737
Accrued payroll	221,642	216,500	5,142
Deferred revenue	70,641	70,641	
Total current liabilities	3,143,353	2,673,138	470,215
Liabilities payable from restricted assets:			
Customers deposits	705,052	676,314	28,738
Vouchers & contracts payable	6,484,422	7,711,043	(1,226,621)
Retainage payables	249,628	232,898	16,730
Accrued interest - revenue bonds	569,690	393,262	176,428
Current maturities of long-term liabilities	4,650,000	4,715,000	(65,000)
	12,658,792	13,728,517	(1,069,725)
Long-term liabilities, less current maturities:			
Revenue bonds payable	82,490,000	87,140,000	(4,650,000)
Vacation and sick leave payable	353,853	388,688	(34,835)
Net pension liability	3,877,326	2,735,225	1,142,101
Other post-employement benefits payable	677,293	619,388	57,905
Premium on bonds payable	5,526,906	6,057,855	(530,949)
Discount on bonds payable	(489,225)	(561,203)	71,978
	92,436,153	96,379,953	(3,943,800)
Total liabilities	108,238,298	112,781,608	(4,543,310)
DEFERRED INFLOWS OF RESOURCES			
Deferred amounts on expected and actual experience, net	75,828	173,553	(97,725)
Total deferred inflows of resources	75,828	173,553	(97,725)
NET POSITION			
Invested in capital assets, net of related debt	85,138,438	83,345,712	1,792,726
Restricted for debt service	3,675,721	3,435,381	240,340
Unrestricted	17,078,539	15,216,141	1,862,398
Total net position	105,892,698	101,997,234	3,895,464
Net income {YTD}	1,312,542	1,400,407	(87,865)
Total liabilities and net position	\$ 215,519,366	\$ 216,352,802	\$ (833,436)

CITY OF TEMPLE, TEXAS WATER AND SEWER ENTERPRISE FUND STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN FUND NET POSITION

For the three months ended December 31, 2016

		FY 2017	FY 2016		Increase Decrease)
Operating revenues:					
Water service	\$	4,441,047	\$	4,508,574	\$ (67,527)
Sewer service		3,044,802		2,866,749	178,053
Other		517,958		568,824	 (50,866)
Total operating revenues		8,003,807		7,944,147	59,660
Operating expenses:					
Personnel services		1,134,768		1,153,893	(19,125)
Supplies		372,580		400,108	(27,528)
Repairs and maintenance		266,158		283,489	(17,331)
Depreciation		1,591,233		1,543,578	47,655
Other services and charges		3,423,586		3,282,391	 141,195
Total operating expenses		6,788,325		6,663,459	124,866
Operating income		1,215,482		1,280,688	(65,206)
Nonoperating revenues (expenses):					
Interest income		193,447		163,535	29,912
Interest expense		(98,209)		(98,209)	-
Total nonoperating revenues		_		_	_
(expenses)		95,238		65,326	 29,912
Income before transfers and contributions		1,310,720		1,346,014	(35,294)
Contributions from TxDot		1,822		54,393	(52,571)
Change in net position		1,312,542		1,400,407	(87,865)
Net position, beginning of period		105,892,698		101,997,234	 3,895,464
Net position, end of period	\$ ^	107,205,240	\$ ^	103,397,641	\$ 3,807,599

CITY OF TEMPLE, TEXAS

WATER AND SEWER ENTERPRISE FUND

COMPARATIVE SCHEDULE OF OPERATING REVENUES

For the three months ended December 31, 2016

	FY 2017	FY 2016	Increase (Decrease)
Current water service:			
Residential	\$ 2,162,943	\$ 2,122,595	\$ 40,348
Commercial	1,890,319	1,884,817	5,502
Wholesale	179,397	142,545	36,852
Effluent	208,388	358,617	(150,229)
Total water service	4,441,047	4,508,574	(67,527)
Current sewer service:			
Residential	1,684,771	1,542,256	142,515
Commercial	1,360,031	1,324,493	35,538
Total sewer service	3,044,802	2,866,749	178,053
Other:			
Transfers and rereads	38,720	37,080	1,640
Penalties	109,469	119,225	(9,756)
Reconnect fees	74,130	77,970	(3,840)
Tap fees	49,015	65,663	(16,648)
Panda reimbursements	207,206	207,206	-
Other sales	39,418	61,680	(22,262)
Total other	517,958	568,824	(50,866)
Total operating revenues	\$ 8,003,807	\$ 7,944,147	\$ 59,660

CITY OF TEMPLE, TEXAS WATER AND SEWER ENTERPRISE FUND COMPARATIVE SCHEDULE OF OPERATING EXPENSES BY DEPARTMENT

For the three months ended December 31, 2016

			Increase
	FY 2017	FY 2016	(Decrease)
Administrative:			
Personnel services	\$ 144,656	\$ 133,339	\$ 11,317
Supplies	3,649	3,008	641
Repairs and maintenance	427	179	248
Other services and charges	1,340,254	1,254,166	86,088
	1,488,986	1,390,692	98,294
Water treatment and production:			
Personnel services	226,345	285,739	(59,394)
Supplies	241,579	245,187	(3,608)
Repairs and maintenance	95,952	100,783	(4,831)
Other services and charges	636,112	633,144	2,968
	1,199,988	1,264,853	(64,865)
Distribution system:			
Personnel services	271,798	175,628	96,170
Supplies	55,771	60,310	(4,539)
Repairs and maintenance	77,909	109,573	(31,664)
Other services and charges	26,012	26,937	(925)
	431,490	372,448	59,042
Metering:			
Personnel services	83,031	85,091	(2,060)
Supplies	37,006	57,264	(20,258)
Repairs and maintenance	4,986	11,362	(6,376)
Other services and charges	74,546	50,849	23,697
	199,569	204,566	(4,997)
Sanitary sewer collection system:			
Personnel services	275,375	341,671	(66,296)
Supplies	33,179	31,279	1,900
Repairs and maintenance	68,631	43,519	25,112
Other services and charges	138,304_	128,228	10,076
	515,489	544,697	(29,208)
Sewage treatment and disposal:			
Other services and charges	969,394	955,417	13,977
	\$ 969,394	\$ 955,417	\$ 13,977
			(Continued)

COMPARATIVE SCHEDULE OF OPERATING EXPENSES BY DEPARTMENT

Exhibit B-4 (Continued)

For the three months ended December 31, 2016

				li	ncrease
	F	Y 2017	FY 2016	(D	ecrease)
Water collection offices:					
Personnel services	\$	116,353	\$ 114,750	\$	1,603
Supplies		1,241	2,995		(1,754)
Repairs and maintenance		18,253	18,073		180
Other services and charges		237,130	232,002		5,128
		372,977	367,820		5,157
Water purchasing:					
Personnel services		17,210	17,675		(465)
Supplies		155	65		90
Other services and charges		1,834	1,648		186
		19,199	19,388		(189)
Depreciation		1,591,233	1,543,578		47,655
Totals	\$	6,788,325	\$ 6,663,459	\$	124,866

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

For the three months ended December 31, 2016

			F	Y 2017			F	Y 2016		FY 17 vs. FY 16
					% of				% of	Increase
	Actua	ıl		Budget	Budget	 Actual		Budget	Budget	(Decrease)
Operating revenues:										
Water service	\$ 4,232	2,659	\$	17,950,015	23.58%	\$ 4,149,957	\$	18,792,555	22.08%	\$ 82,702
Sewer service	3,044	1,802		12,387,106	24.58%	2,866,749		12,384,995	23.15%	178,053
Effluent	208	3,388		1,097,974	18.98%	358,617		1,080,550	33.19%	(150,229)
Other	517	7,958		1,959,784	26.43%	568,824		859,834	66.16%	(50,866)
Total operating revenues	8,003	3,807		33,394,879	23.97%	7,944,147		33,117,934	23.99%	59,660
Operating expenses:										
Personnel services	1,134	1,768		5,012,381	22.64%	1,153,893		4,965,585	23.24%	(19,125)
Supplies	372	2,580		2,013,285	18.51%	400,108		1,937,748	20.65%	(27,528)
Repairs and maintenance	266	6,158		1,275,779	20.86%	283,489		1,215,815	23.32%	(17,331)
Depreciation	1,591	1,233		6,500,000	24.48%	1,543,578		6,500,000	23.75%	47,655
Other services and charges	3,423	3,586		13,705,870	24.98%	 3,282,391		13,462,741	24.38%	141,195
Total operating expenses	6,788	3,325		28,507,315	23.81%	 6,663,459		28,081,889	23.73%	124,866
Operating income	1,215	5,482		4,887,564	24.87%	1,280,688		5,036,045	25.43%	(65,206)
Nonoperating revenues										
(expenses):										
Interest income	193	3,447		634,949	30.47%	163,535		348,444	46.93%	29,912
Interest expense	(98	3,209)		(4,881,344)	2.01%	(98,209)		(4,033,303)	2.43%	-
Total nonoperating revenues										
(expenses)	95	5,238		(4,246,395)	-	 65,326		(3,684,859)	-	29,912
Income before transfers and contributions	1,310	0,720		641,169	-	1,346,014		1,351,186	-	(35,294)
Contributions from TxDot		1,822		670,241	0.27%	54,393		778,070	6.99%	(52,571)
Net income	\$ 1,312	2,542	\$	1,311,410	-	\$ 1,400,407	\$	2,129,256	-	\$ (87,865)



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.

CITY OF TEMPLE, TEXAS HOTEL-MOTEL FUND COMPARATIVE BALANCE SHEETS December 31, 2016 and 2015

ASSETS	FY 2017	FY 2016	Increase (Decrease)
Cash	\$ 4,600	\$ 4,600	\$ -
Investments	1,408,871	1,272,890	135,981
Accounts receivable	134,876	132,209	2,667
Inventories	13,561	17,454	(3,893)
Prepaid items	6,450	2,450	4,000
Museum collection	18,561	18,561	
Total assets	\$ 1,586,919	\$ 1,448,164	\$ 138,755
LIABILITIES AND FUND BALANCES			
Liabilities:			
Vouchers payable	\$ 84,683	\$ 71,773	\$ 12,910
Accrued payroll	61,326	52,678	8,648
Deposits	52,768	64,526	(11,758)
Total liabilities	198,777	188,977	9,800
Fund Balance:			
Nonspendable:			
Inventories and prepaid items	20,011	2,450	17,561
Restricted for:			
Promotion of tourism	813,951	672,714	141,237
Budgeted decrease in fund balance	538,408	660,203	(121,795)
Total fund balance	1,372,370	1,335,367	37,003
Excess revenues over expenditures YTD	15,772	(76,180)	91,952
Total liabilities and fund balances	\$ 1,586,919	\$ 1,448,164	\$ 138,755

CITY OF TEMPLE, TEXAS
HOTEL-MOTEL FUND
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES
IN FUND BALANCE - ACTUAL AND BUDGET

For the three months ended December 31, 2016

		FY 2017		 Y 2016		alytical
	 Actual	Budget	Percent of Budget	 Actual	(De	crease ecrease) ior year_
Revenues:						
Taxes						
City	\$ 351,853	\$ 1,462,000	24.07%	\$ 334,646	\$	17,207
County	69,204	69,204	100.00%	-		69,204
Charges for services						
Civic center and Visitor center	126,474	383,200	33.00%	106,311		20,163
Musuem	15,146	52,000	29.13%	19,309		(4,163)
Interest and other	 4,255	3,600	118.19%	 2,768		1,487
Total revenues	 566,932	1,970,004	28.78%	 463,034		103,898
Expenditures:						
Civic center	281,802	1,360,833	20.71%	254,928		26,874
Railroad museum	123,023	553,965	22.21%	121,996		1,027
Tourism marketing	146,335	593,614	24.65%	162,290		(15,955)
Total expenditures	551,160	2,508,412	21.97%	 539,214		11,946
Excess (deficiency) of revenues						
over expenditures	15,772	(538,408)	-	(76,180)		91,952
Fund balance, beginning of period	1,372,370	1,372,370		 1,335,367		37,003
Fund balance, end of period	\$ 1,388,142	\$ 833,962		\$ 1,259,187	\$	128,955

Exhibit C-3

(With comparative amounts for the three months ended December 31, 2015)

For the three months ended December 31, 2016

		F	Y 2017		F	Y 2016		alytical
	 Actual		Budget	rcent udget		Actual	(De	crease ecrease) rior yr.
Civic center:								
Personnel services	\$ 172,066	\$	680,318	25.29%	\$	168,092	\$	3,974
Operations	87,623		356,433	24.58%		70,193		17,430
Capital outlay	 22,113		324,082	 6.82%		16,643		5,470
	281,802		1,360,833	 20.71%		254,928		26,874
Railroad museum:								
Personnel services	69,368		266,652	26.01%		65,347		4,021
Operations	47,722		218,189	21.87%		51,098		(3,376)
Capital outlay	 5,933		69,124	8.58%		5,551		382
	 123,023		553,965	 22.21%		121,996		1,027
Tourism marketing:								
Personnel services	36,808		148,666	24.76%		36,971		(163)
Operations	109,527		439,948	24.90%		101,904		7,623
Capital outlay	-		5,000	 0.00%		23,415		(23,415)
	146,335		593,614	 24.65%		162,290		(15,955)
Totals	\$ 551,160	\$	2,508,412	21.97%	\$	539,214	\$	11,946

ASSETS	FY 2017	FY 2016	Increase (Decrease)
Investments	\$ 1,550,922	\$ 1,923,751	\$ (372,829)
Accounts receivable	46,531	40,380	6,151
Total assets	\$ 1,597,453	\$ 1,964,131	\$ (366,678)
LIABILITIES AND FUND BALANCES			
Liabilities:			
Vouchers payable	\$ 178,630	\$ 296,335	\$ (117,705)
Accrued payroll	41,700	41,840	(140)
Total liabilities	220,330	338,175	(117,845)
Fund balance:			
Committed to:			
Drainage	1,311,214	1,348,983	(37,769)
Budgeted decrease in fund balance	178,475	634,179	(455,704)
Total fund balance	1,489,689	1,983,162	(493,473)
Excess revenues over expenditures YTD	(112,566)	(357,206)	244,640
Total liabilities and fund balances	\$ 1,597,453	\$ 1,964,131	\$ (366,678)

CITY OF TEMPLE, TEXAS

DRAINAGE FUND

STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES
IN FUND BALANCE - ACTUAL AND BUDGET
For the three months ended December 31, 2016

		FY 2017		FY 2016	Analytical
	Actual	Budget	Percent of Budget	Actual	\$ Increase (Decrease) Prior yr.
Revenues:					
Drainage fee - commercial	\$ 126,955	\$ 509,380	24.92%	\$ 125,744	\$ 1,211
Drainage fee - residential	165,372	660,360	25.04%	160,476	4,896
Interest and other	8,481	6,000	141.35%	1,891	6,590
Total revenues	300,808	1,175,740	25.58%	288,111	12,697
Expenditures:					
Drainage					
Personnel services	180,101	834,814	21.57%	193,418	(13,317)
Operations	56,844	291,771	19.48%	48,917	7,927
Capital outlay	176,429	227,630	77.51%	402,982	(226,553)
Total expenditures	413,374	1,354,215	30.52%	645,317	(231,943)
Excess (deficiency) of revenues					
over expenditures	(112,566)	(178,475)	-	(357,206)	244,640
Fund balance, beginning of period	1,489,689	1,489,689		1,983,162	(493,473)
Fund balance, end of period	\$ 1,377,123	\$ 1,311,214		\$ 1,625,956	\$ (248,833)



The Capital Projects Fund is used to account for financial resources to be used for the acquisition or construction of major capital facilities.

- New construction, expansion, renovation, or replacement project for an existing facility or facilities. The project must have a total cost of at least \$10,000 over the life of the project. Project costs can include the cost of land, engineering, architectural planning, and contract services needed to complete the project.
- Purchase of major equipment (assets) costing \$50,000 or more with a useful life of at least 10 years.
- Major maintenance or rehabilitation project for existing facilities with a cost of \$10,000 or more and an economic life of at least 10 years.

Exhibit	Bond Issue	Focus of Issue	Issue Proceeds	Adjusted Bond Fund Revenues	Total Project Costs (1)	Remaining Funds (2)
E-2	2006, 2008, 2010 & 2015 Utility Revenue Bond Issue (Fund 561)	Various Utility Infrastructure Improvements	\$ 80,448,345	\$ 84,184,616	\$ 83,716,239	\$ 468,377
E-3	2006 & 2008 Combination Tax & Revenue CO Issue (Fund 361)	Various General Government Capital Improvements	24,046,141	25,206,534	25,147,085	59,449
E-4	2012 Pass-Through Revenue and Limited Tax Bonds (Fund 261)	Pass-Through Finance- Northwest Loop 363 Improvements	26,088,247	46,736,797	46,731,829	4,968
E-5	2012, 2014 & 2016 Combination Tax & Revenue Certificates of Obligation Bond Issue (Fund 365)	Street Improvements	52,530,453	56,749,047	56,629,657	119,390
E-6	2013 Combination Tax & Revenue Certificates of Obligation Bond Issue (Fund 795)	Various Reinvestment Zone Infrastructure Improvements	25,313,032	25,447,582	25,179,976	267,606
E-7	2015 Parks General Obligation Bond Issue (Fund 362)	Parks Infrastructure Improvements	27,786,449	27,900,717	27,708,234	192,483
E-8	2016 Limited Tax Notes (Fund 364)	Capital Equipment and Facility Improvements	1,950,000	1,968,103	1,967,087	1,016
			\$ 238,162,667	\$ 268,193,396	\$ 267,080,107	\$ 1,113,289

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 December 31, 2016

Expenditures		
Construction in Progress		
Expenditures		\$ 69,070,055
Encumbrances as of 12/31/16	(1)	5,737,936
Estimated Costs to Complete Projects		8,908,248
		\$ 83,716,239

Revenue & Bond Proceeds		
Original Issue {October 2006} CIP FY 2007		\$ 20,510,000
Additional Issue (July 2008) CIP FY 2008		15,030,000
Additional Issue (August 2010) CIP FY 2010		17,210,000
Additional Issue {September 2015} CIP FY 2015		23,685,000
Issuance Premium		4,013,345
Interest Income	(2)	1,806,132
Reimbursement Received from TxDOT		1,930,139
		\$ 84,184,616

Exhibit E-2

			BUDGET					AC	CTUAL	
Project	_	Original Budget	Adjustments to Original Budget	Adjusted Budgeted		Inc	tal Costs curred & umbered	Co	nated sts to plete	Total signated oject Cost
Bond Issue Costs	*	\$ 1,057,739	\$ -	\$	1,057,739	\$	1,057,740	\$	-	\$ 1,057,740
CIP Management Cost		-	671,041		671,041		645,536		-	645,536
Completed Projects - Prior to FY 2017	*	50,797,000	245,970	5	51,042,970	5	51,042,969		-	51,042,969
317 Waterline Relocation 2305/439	*	2,000,000	369,954		2,369,954		2,347,770		22,184	2,369,954
South Temple Water Sys Improvements		1,000,000	(114,453)		885,547		885,547		-	885,547
Utilities Relocation - Tarver to Old Waco		200,000	23,441		223,441		223,388		53	223,441
Temple Belton Regional Sewerage System		2,250,000	(1,245,577)		1,004,423		1,004,423		-	1,004,423
WL Replacement - Charter Oak		7,650,000	(1,880,856)		5,769,144		2,792,626	2	,976,518	5,769,144
TCIP Utilities-W Ave U/13th-17th St Connector		300,000	(271,254)		28,746		13,180		15,566	28,746
Leon River Interceptor		-	1,122,880		1,122,880		935,315		187,565	1,122,880
WWL Replacement - Birdcreek (Phase 3)		-	1,549,625		1,549,625		1,461,635		87,990	1,549,625
CIP Utilities-Prairie View(Research-N Pea Ridge), Ph. I	*	742,450	-		742,450		742,450		-	742,450
VWTP Scada	**	-	390,553		390,553		386,873		3,680	390,553
emple-Belton WWTP Expansion		750,000	1,434,000		2,184,000		2,184,000		-	2,184,000
NTP Improvements - Tasks 1-3 (Prelim Eng Only)		1,000,000	(757,168)		242,832		242,832		-	242,832
VTP Improvements - Tasks 4-6 (Prelim Eng Only)		1,000,000	(455,000)		545,000		141,315		403,685	545,000
NTP-Generator Installation @ Critical Booster Pump St.		1,450,000	-		1,450,000		1,356,171		93,829	1,450,000
S. 18th Street - Ave H South		359,726	-		359,726		359,726		-	359,726
S. 20th Street - Ave H to dead end		285,064	83,402		368,466		285,064		-	285,064
NL Improvements-McLane Pkwy to Research Connector	*	800,000	(221,253)		578,747		497,788		80,959	578,747
NL Replacement-3rd St. Between Irvin & Nugent	*	679,500	452,361		1,131,861		1,103,601		28,260	1,131,861
WWL Replacement-3rd & 11th St/Ave D to Ave H		610,000	550,000		1,160,000		219,388		940,612	1,160,000
NWL Replacement-3rd & 9th St/Ave K to Ave N		550,000	(550,000)		-		-		-	
WWL Replacement-Ave M to Ave N & Dunbar Trunk		571,609	20,338		591,947		591,947		-	591,947
VWL Replacement-Avenue P		400,000	86,872		486,872		486,080		-	486,080
VL Replacement-Along E Adams	*	510,500	183,563		694,063		694,063		-	694,063
VTP-High Voltage Transformer/MCC Replacement	**	800,000	-		800,000		650,855		149,145	800,000
VTP-Ave H Tank Rehabilitation (North Tank)	(3)	-	500,000		500,000		-		500,000	500,000
VTP-Lagoon #1 Repair		750,000	-		750,000		-		750,000	750,000
WWTP - Shallowford Lift Station		-	1,561,530		1,561,530		641,530		920,000	1,561,530
VWL Improvements - Jackson Park		-	271,199		271,199		271,199		-	271,199
Bird Creek, Phase V		-	91,370		91,370		85,929		5,441	91,370
										(Continue

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

Detail of Construction Costs

				BUDGET				ACTUAL						
Project	_	Original Budget	Adjustments to Original Budget		Adjusted Budgeted		Total Costs Incurred & Encumbered		Estimated Costs to Complete			Total esignated roject Cost		
WWL - Airport Rd/Crossroads Park	\$	-	\$	874,275	\$	874,275	\$	737,371	\$	136,904	\$	874,275		
Western Hills Waterline Improvements, Phase II		-		387,823		387,823		387,823		-		387,823		
FM Shallowford LS - TBP		-		275,100		275,100		275,100		-		275,100		
Jeff Hamilton Park Util Imp		-		300,000		300,000		-		300,000		300,000		
WTP Chlorine Storage Safety		-		56,760		56,760		56,760		-		56,760		
WTP Improvements - Tasks 3 - Lagoon Improvements		-		434,978		434,978		-		434,978		434,978		
WTP Improvements - Tasks 2 - MWTT Optimization		-		517,414		517,414		-		517,414		517,414		
WTP Improvements - Tasks 1 - Zebra Mussels		-		259,776		259,776		-		259,776		259,776		
Pressure Valve Improvement @ Harley Davidson		-		93,091		93,091		-		93,091		93,091		
Contingency	(4)	3,934,651		(3,634,477)		300,174		-		-		-		
	\$	80,448,239	\$	3,677,873	\$	84,126,112	\$	74,807,991	\$	8,908,248	\$	83,716,239		
							Re	maining (Nee	ded)	Funds	\$	468,377		

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): Project reprioritized to FY 2017 and beyond.

Note (4): Contingency funds were used for FY 2016 projects in the FY 2016 Annual Operating and Capital Budget.

^{*} Project Final

^{**} Substantially Complete

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

Expenditures											
\$	25,142,480										
	2,436										
	2,169										
\$	25,147,085										
	\$										

Revenue & Bond Proceeds	
Original Issue {October 2006}	\$ 10,220,000
Additional Issue (July 2008)	13,520,000
Net Offering Premium	306,141
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	 817,629
	\$ 25,206,534

Detail of Construction Costs

		BUDGET							ACTUAL						
				A	djustments			To	otal Costs	Est	imated		Total		
			Original	to	Original		Adjusted		curred &		osts to		esignated		
Project			Budget		Budget		Budgeted	En	cumbered	Co	mplete	P	roject 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 2017	*		21,901,423		(1,760,340)		20,141,083		20,156,989		-		20,156,989		
Tarver Road Extension	^ **		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	*		-		2,155,097		2,155,097		2,155,097		-		2,155,097		
Outer Loop - Phase 3	*		-		1,748,237		1,748,237		1,748,237		-		1,748,237		
HVAC Replacement - Historic Post Office	*		-		33,000		33,000		33,000		-		33,000		
Contingency			-		53,009		53,009						-		
		\$	23,772,564	\$	1,411,621	\$	25,184,185	\$	25,144,916	\$	2,169	\$	25,147,085		
		Remaining (Needed) Funds			ınds	\$	59,449								

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

Note (2): Facility Improvements designated for funding from the 2006 & 2008 CO Issues are as follows: (a) Sears Building roof replacement, (b) Municipal Building roof replacement, (c) Clarence Martin Recreation Center HVAC system installation, (d) Gober Party House flooring improvements, (e) Sammons Club House flooring renovations, (f) Municipal & Sears

^{*} Project Final

^{**} Substantially Complete

[^] Funding for project reallocated for Northwest Loop 363 Improvements

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

Expenditures			Revenue & Bond F	Proceeds
Construction in Progress				
Expenditures	\$	46,426,935	Original Issue - {June 2012}	\$ 24,700,000
Encumbrances as of 12/31/16	(1) \$	304,894	Net Offering Premium	1,388,247
Estimated Costs to Complete Projects	\$	<u>-</u>	Category 12 Funds - TxDOT	20,000,000
	\$	46,731,829	Interest Income	60,355
			Reimbursement from Oncor	588,195
				\$ 46,736,797

Detail	of	Construction	Costs
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					BUDGET			ACTUAL						
				Ad	ljustments			Total Costs		Estimated		Total		
Project		Original Budget		to Original Budget		Adjusted Budgeted		Incurred & Encumbered		Costs to Complete		Designated Project Cost		
Bond Issue Costs	*	\$	320,163	\$	-	\$	320,163	\$	311,653	\$	-	\$	311,653	
ROW Acquisition	*		383,567		(55,440)		328,127		328,127		-		328,127	
Northwest Loop 363 Improvements	*		45,384,517		707,532		46,092,049		46,092,049				46,092,049	
		\$	46,088,247	\$	652,092	\$	46,740,339	\$	46,731,829	\$	-	\$	46,731,829	

Remaining (Needed) Funds \$ 4,968

Exhibit E-4

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

^{*} Project Final

^{**} Substantially Complete

|--|

Construction in Progress

 Expenditures
 \$ 38,784,323

 Encumbrances as of 12/31/16
 (1) 3,987,069

 Estimated Costs to Complete Projects
 13,858,265

 \$ 56,629,657

Revenue & Bond Proceeds

Series 1 Issue - Combination Tax & Revenue Certificates of 9,420,000 Obligation Bonds, Series 2012 Series 2 Issue - Combination Tax & Revenue Certificates of 21,230,000 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 140,249 56,749,047

Detail of Construction Costs

	L		BUDGET		ACTUAL					
Project		Original Budget	Adjustments to Original Budget	Adjusted Budgeted	Total Costs Incurred & Encumbered	Estimated Costs to Complete	Total Designated Project Cost			
Bond Issue Costs	\$	559,153	\$ 338,229	\$ 897,382	\$ 883,689	\$ -	\$ 883,689			
CIP Management Cost		-	352,092	352,092	265,459	86,633	352,092			
Completed Projects - Prior to FY 2017	*	27,366,200	(9,473,075)	17,893,124	17,893,124	-	17,893,124			
Legacy Pavement Preservation Program - FY 2017			2,897,455	2,897,455	2,897,455	-	2,897,455			
Westfield Boulevard Improvements, Phase II		-	412,210	412,210	412,210	-	412,210			
Hogan Road Improvements		1,377,650	-	1,377,650	363,278	1,014,372	1,377,650			
S Pea Ridge Road (Hogan - Poison)		1,000,000	(889,800)	110,200	-	110,200	110,200			
Prairie View Road Improvements, Phase I	*	7,445,000	982,414	8,427,414	8,425,228	2,186	8,427,414			
Outer Loop - Phase IIIB		-	5,500,869	5,500,869	932,458	4,568,411	5,500,869			
East Temple - Greenfield Development		-	90,792	90,792	-	90,792	90,792			
Avenue U - S&W - 1st/13th-17th		3,360,000	(512,194)	2,847,806	2,829,659	18,147	2,847,806			
Prairie View Road Improvements, Phase II		4,862,000	(2,489,362)	2,372,638	2,230,855	141,783	2,372,638			
Prairie View Road Improvements, Phase II - Construction	(2)	-	6,576,960	6,576,960	96,960	6,480,000	6,576,960			
Tarver Roadway Extension (to Outer Loop)		1,950,000	242,332	2,192,332	2,178,624	13,708	2,192,332			
Signal - S 1st St @ W Ave R	*	300,000	(32,064)	267,936	262,109	5,827	267,936			
Poison Oak - SH 317 to S Pea Ridge, Phase I		490,000	(380,888)	109,112	-	109,112	109,112			
SH317 Sidewalks		-	200,000	200,000	200,000	-	200,000			
S 31st St Sidewalk			1,950	1,950	1,950	-	1,950			
Kegley Road Improvements		700,000	101,600	801,600	103,800	697,800	801,600			
Tanglehead Road Improvement		-	78,000	78,000	78,000	-	78,000			
Replace Fire Department Quint #6		1,300,000	(105,000)	1,195,000	1,181,697	13,303	1,195,000			
Replace Fire Department Engine #7		600,000	105,000	705,000	697,918	7,082	705,000			
Signal - Kegley Rd @ W Adams		50,000	-	50,000	31,209	18,791	50,000			
S Pea Ridge Sidewalk		-	114,173	114,173	8,355	105,818	114,173			
Summit Drainage Improvements	**		92,466	92,466	92,466	-	92,466			
Signal -S 1st @ W Ave R			250,000	250,000	-	250,000	250,000			
Upgrade 5 Traffic Signals			75,000	75,000	-	75,000	75,000			
Kegley Road Improvements - Phase II			398,800	398,800	398,800	-	398,800			
Kegley Road Improvements - Phase III & IV			306,090	306,090	306,090	-	306,090			
Signal - N Kegley @ Airport			24,650	24,650	-	24,650	24,650			
Signal - Adams-LP/Greenview			24,650	24,650	-	24,650	24,650			
Contingency		1,588,195	(1,588,195)	-	-	-	-			
Contingency - CIP Management Cost		115,000	(115,000)							

Remaining (Needed) Funds \$ 119,390

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

^{*} Project Final

^{**} Substantially Complete

For the period beginning August 8, 2013 and ending December 31, 2016

Expenditures **Revenue & Bond Proceeds** Construction in Progress Expenditures \$ 17,980,039 Original Issue (August 2013) \$ 25,260,000 Encumbrances as of 12/31/16 2,788,878 Net Offering Premium/Discount (1) 53,032 Estimated Costs to Complete Projects 4,411,059 Interest Income 134,550 25,179,976 25,447,582

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 Issue Costs	*	\$ 120,000	\$ (15,305)	\$ 104,695	\$ 99,850	\$ -	\$ 99,850	
TMED Avenue R - Intersections	*	-	1,077,710	1,077,710	1,077,710	-	1,077,710	
Research Parkway (IH-35 to Wendland Ultimate)		2,705,000	-	2,705,000	1,848,080	856,920	2,705,000	
Research Parkway (Wendland to McLane Pkwy)		5,960,000	(3,700,000)	2,260,000	1,321,675	938,325	2,260,000	
Pepper Creek Trail-Hwy 36 to McLane Pkwy		750,000	(295,100)	454,900	454,900	-	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	551,249	948,751	1,500,000	
Crossroads Park @ Pepper Creek Trail		1,750,000	-	1,750,000	1,750,000	-	1,750,000	
Synergy Park Entry Enhancement		500,000	-	500,000	62,100	437,900	500,000	
Lorraine Drive / Panda Drive Asphalt	*	610,000	(272,673)	337,327	337,327	-	337,327	
Santa Fe Plaza (Design)		300,000	238,600	538,600	538,600	-	538,600	
Downtown Master Plan	*	125,000	(19,500)	105,500	105,500	-	105,500	
Loop 363 Frontage (UPRR to 5th)		6,450,000	-	6,450,000	6,450,000	-	6,450,000	
31st Street/Loop 363/Monumentation		520,000	1,650,000	2,170,000	1,015,987	1,154,013	2,170,000	
Avenue U - TMED Ave to 1st Street		1,275,000	1,375,000	2,650,000	2,650,000	-	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	36,558	536,558	536,558	-	536,558	
Airport Enhancement Projects	* _	1,320,000	47,490	1,367,490	1,367,490		1,367,490	
	_	\$ 25,275,000	\$ (90,179)	\$ 25,184,821	\$ 20,768,917	\$ 4,411,059	\$ 25,179,976	

Remaining (Needed) Funds \$ 267,607

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

^{*} Project Final

^{**} Substantially Complete

Expenditures]	Revenue & Bond Proceeds		
Construction in Progress						
Expenditures		\$ 7,335,490		Original Issue {September 2015}	\$	25,130,000
Encumbrances as of 12/31/16	(1)	5,163,116		Net Offering Premium/Discount		2,656,449
Estimated Costs to Complete Projects	_	15,209,628	_	Interest Income	_	114,268
		\$ 27,708,234	_		\$	27,900,717

		Detail o	f Construction Cos	ts				
			BUDGET			ACTUAL		
Project		Original Budget	Adjustments to Original Budget	Adjusted Budgeted	Total Costs Incurred & Encumbered	Estimated Costs to Complete	Total Designated Project Cost	
Bond Issue Costs	*	\$ 111,449	\$ -	\$ 111,449	\$ 111,449	\$ -	\$ 111,449	
CIP Management Cost		55,464	60,603	116,067	74,181	41,886	116,067	
Carver Park	*	177,915	(52,643)	125,272	125,272	-	125,272	
Crossroads Athletic Park		11,900,000	-	11,900,000	3,736,635	8,163,365	11,900,000	
Jaycee Park		989,570	-	989,570	535,312	454,258	989,570	
Jefferson Park	*	377,675	(75,000)	302,675	295,722	6,953	302,675	
Korampai Soccer Fields	*	254,745	-	254,745	229,336	25,409	254,745	
Linkage Trails-Echo Village	*	490,000	(360,943)	129,057	129,057	-	129,057	
Linkage Trails-Windham Trail		-	285,200	285,200	23,745	261,455	285,200	
Lions Junction	**	1,925,000	31,239	1,956,239	1,947,819	8,420	1,956,239	
Mercer Fields		677,610	-	677,610	450	677,160	677,610	
Northam Complex	*	647,090	91,881	738,971	653,093	85,878	738,971	
Oak Creek Park		458,415	-	458,415	4,200	454,215	458,415	
Optimist Park	**	496,285	-	496,285	429,383	66,902	496,285	
Prairie Park		440,000	-	440,000	2,938	437,062	440,000	
Sammons Community Center		1,750,000	-	1,750,000	1,673,105	76,895	1,750,000	
Scott & White Park		300,590	71,408	371,998	353,988	18,010	371,998	
Southwest Community Park		3,330,000	-	3,330,000	-	3,330,000	3,330,000	
Western Hills Park		302,140	-	302,140	266,848	35,292	302,140	
Wilson Basketball Cover	**	203,770	8,858	212,628	201,527	11,101	212,628	
Wilson Football Field	**	611,375	-	611,375	494,518	116,857	611,375	
Wilson Recreation Center		1,300,000	-	1,300,000	1,159,328	140,672	1,300,000	
Wilson South		789,755	-	789,755	50,700	739,055	789,755	
Contingency		78,215	-	78,215	-	-	-	
Contingency - CIP Management Cost		119,386	(60,603)	58,783		58,783	58,783	
		\$ 27,786,449	\$ -	\$ 27,786,449	\$ 12,498,606	\$ 15,209,628	\$ 27,708,234	

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

192,483

Remaining (Needed) Funds

^{*} Project Final

^{**}Substantially Complete

Expenditures			Revenue & Bond Proceeds	
Construction in Progress				
Expenditures		\$ 1,746,558	Original Issue {September 2016}	\$ 1,950,000
Encumbrances as of 12/31/16	(1)	9,929	Transfer In - Library Foundation (Carpet Replacement)	17,087
Estimated Costs to Complete Projects		 210,600	Interest Income	 1,016
		\$ 1,967,087		\$ 1,968,103

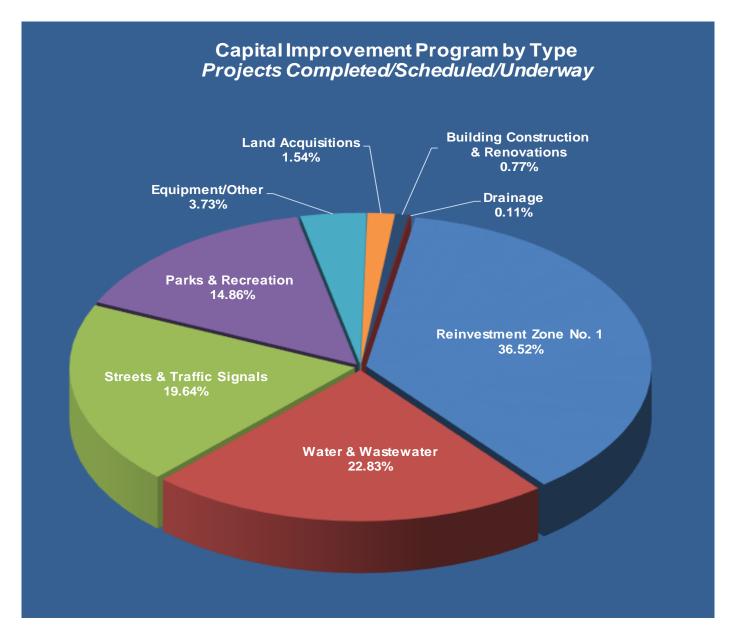
			BUDGET			ACTUAL			
Project	!	Original	Adjustments to Original	Adjusted	Total Costs Incurred & Encumbered	Estimated Costs to	Total Designated Project Cost		
Project Bond Issue Costs		Budget \$ 24,695	Budget \$ -	Budgeted \$ 24,695	\$ 24,695	Complete \$ -	\$ 24,695		
Purchase (1) Automated Sideloader Garbage Truck	*	308,964	-	308,964	308,964	-	308,964		
Purchase (1) 2016 Autocar - Solid Waste Dept	*	308,964	-	308,964	308,964	-	308,964		
Purchase (1) 2016 Autocar ACX64 - Solid Waste Dept	*	296,755	-	296,755	296,755	-	296,755		
Purchase (1) 2016 Autocar ACX64 - Solid Waste Dept	*	296,755	-	296,755	296,755	-	296,755		
Purchase (1) 2016 Freightliner Solid Waste Truck	*	192,681	-	192,681	192,681	-	192,681		
Roof Replacement - Summit		119,947	-	119,947	119,947	-	119,947		
Update Exterior Lighting - Service Center		20,000	-	20,000	1,391	18,609	20,000		
Security Upgrade at Service Center		42,099	-	42,099	42,099	-	42,099		
Upgrade Gate - Service Center		40,401	-	40,401	30,813	9,588	40,401		
Replace 2nd Floor Carpet - Library		95,000	17,087	112,087	495	111,592	112,087		
Upgrade Lights to LED - Police Department		75,000	-	75,000	5,481	69,519	75,000		
HVAC Correction - Lions Junction		7,962	-	7,962	7,962	-	7,962		
Roof & HVAC Replacement - Wilson Rec Center		119,485	-	119,485	119,485	-	119,485		
Contingency	,	1,292		1,292		1,292	1,292		
		\$ 1,950,000	\$ 17,087	\$ 1,967,087	\$ 1,756,487	\$ 210,600	\$ 1,967,087		

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

^{*} Project Final

^{**} Substantially Complete

Reinvestment Zone No. 1	\$ 65,624,234
Water & Wastewater	41,022,894
Streets & Traffic Signals	35,301,127
Parks & Recreation	26,714,911
Equipment/Other	6,703,931
Land Acquisitions	2,766,314
Building Construction & Renovations	1,382,389
Drainage	 202,430
Total of Capital Improvement Projects Underway/Scheduled	\$ 179,718,230



Project	Project #	Funding	Acct #	Project Budget	Actual Commit / Spent	Status	Scheduled Completion
Roof Replacement - Summit	101025	BUDG-14 LTN-16	110-5924-519-6310 364-3250-551-6310	\$ 165,232	\$ 165,231	Complete	Dec-16
Roof Replacement - Mayborn Center	101057	Hotel/Motel	240-4400-551-6310	160,800	60,131	Engineering	TBD
Weight Room Rubber Flooring Installation - Summit	101376	BUDG-16	110-5932-551-6310 110-3250-551-6310	17,700	16,416	Substantially Complete	Jan-17
Electrical System Upgrade - Mayborn	101387	Hotel/Motel	240-4400-551-6310	15,500	6,600	Engineering	Apr-17
Install Family/Special Needs Restroom - Mayborn	101388	Hotel/Motel	240-4400-551-6310	28,070	28,070	Substantially Complete	Jan-17
Exterior Master Plan Construction, Phase I - Mayborn	101389	Hotel/Motel	240-4400-551-6310	150,000	-	On Hold	TBD
Updated Exterior Lighting - Service Center	101403	LTN-16 BUDG-U	364-3800-519-6310 520-5000-535-6310	40,000	2,781	Construction	June-17
Security Upgrade at Service Center - Video Surveillance and Door Access Control System	101404	LTN-16 BUDG-U	364-3800-519-6310 520-5000-535-6310	84,199	84,198	Construction	Mar-17
Upgrade Gate - Service Center	101405	LTN-16 BUDG-U	364-3800-519-6310 520-5000-535-6310	80,801	61,806	Construction	Mar-17
Roof Replacement - Sammons Community Center	101444	BUDG-15 BUDG-16	110-3270-551-6310 110-5932-551-6310	71,000	46,478	Construction	Apr-17
Roof Replacement - Animal Shelter	101445	BUDG-15	110-2100-529-6310	20,373	-	Planning	May-17
Roof Replacement - Old Market Depot	101446	BUDG-15	110-2410-519-6310	19,230	-	Planning	May-17
Roof Replacement - Moody Depot	101447	Hotel/Motel	240-7000-551-6310	36,847	-	Planning	May-17
Elevator Repair - Clarence Martin	101464	BUDG-16	110-5924-519-3610	33,000	8,900	Engineering	TBD
Drainage Culvert Repair - Sammons Golf Course	101479	BUDG-16	110-5931-551-6310	17,550	17,550	Complete	Nov-16
Replace 2nd Floor Carpet - Library	101481	LTN-16	364-4000-555-6310	112,087	495	In Progress	Mar-17
Trees/Landscaping - Police Department	101511	BUDG-16	110-1195-513-6319	15,000	-	Planning	Apr-17
FY 2017 - HVAC Major Repairs & Replacements	101515	BUDG-17	110-5924-519-6310	65,000	-	Planning	Sept-17
FY 2017 - Roof Major Repairs & Replacements	101516	BUDG-17	110-5924-519-6310	70,000	-	Planning	Sept-17
FY 2017 - General Building Paint & Repairs	101517	BUDG-17	110-5924-519-6310	65,000	-	Planning	Sept-17
FY 2017 - Carpet Replacement at City Hall	101518	BUDG-17	110-5924-519-6310	40,000	-	Planning	Sept-17
Upgrade Lights to LED - Police Department	101568	LTN-16	364-2011-521-6310	75,000	5,481	Planning	June-17
	Total Build	ling Constru	uction & Renovations	\$ 1,382,389	\$ 504,137		
Meadowbrook/Conner Park Drainage {Design & ROW}	101592	Drainage	292-2900-534-6312	176,430	176,429	Engineering	July-17
Saulsbury Gardens Drainage	101593	BUDG-D	292-2900-534-6312	26,000	-	Planning	TBD
	l		Total Drainage	\$ 202,430	\$ 176,429		
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	In Progress	Mar-17
Auto Meter Reading System - Large Meters	101173	BUDG-U	520-5300-535-6250	450,000	54,680	Engineering	Dec-17
Intergraph Web RMS - ITS	101188	BUDG-15 DESCAP	110-1900-519-6221 110-5919-519-2221 351-1900-519-6221	590,336	590,336	In Progress	Mar-17
Replacement of Quint 6, Asset #11192	101338	CO-16	365-2200-522-6776	1,195,000	1,181,697	Ordered	May-17

Project	Project #	Funding	Acct #	Project Budget	Actual Commit / Spent	Status	Scheduled Completion
Replacement of Engine 7, Asset #11324	101339	CO-16	365-2200-522-6776	\$ 705,000	\$ 697,918	Ordered	June-17
Install Outdoor Warning Signals	101348	BUDG-16	110-5900-522-6211	51,962	51,962	Substantially Complete	Jan-17
Replace '97 Ford F350 Pickup, Asset #10251	101352	BUDG-16	110-5938-519-6213	58,441	55,585	Substantially Complete	Jan-17
Replace 2006 Sterling/Vactor, Asset #12217	101410	BUDG-U	520-5400-535-6220	345,000	344,990	Ordered	June-17
Replace South Pump Station, Phase I - Golf Course	101438	BUDG-16	110-5931-551-6310	124,337	104,024	Complete	Dec-16
FY 2016 - Extrication Equipment	101454	BUDG-16	110-5900-522-6211	61,625	60,764	Complete	Nov-16
Replace Patrol Car, Asset #12569	101509	BUDG-16	110-2031-521-6213	51,450	49,172	Ordered	Mar-17
Replace Defibrillator Monitor	101519	BUDG-17	110-5900-522-6211	26,500	-	Planning	Sept-17
Replace (5) Portable Radios	101520	BUDG-17	110-5900-522-6224	22,500	-	Planning	Apr-17
Gear Lockers	101521	BUDG-17	110-5900-522-6211	15,000	-	Planning	June-17
FY 2017 - Extrication Equipment	101522	BUDG-17	110-5900-522-6211	60,000	-	Planning	July-17
Lubrication Dispense System	101524	BUDG-17	110-5938-519-6211	18,000	-	Planning	Aug-17
Pickup Truck - Building Inspector - Permits **Addition to Fleet**	101525	BUDG-17	110-5947-519-6213	26,000	-	Planning	July-17
Replace Planning/Inspection/Land Management Software	101527	BUDG-17 BUDG-U	110-5919-519-6221 520-5000-535-6221	75,000	32,653	In Progress	Sept-17
Replace '02 Toro Workman 2100, Asset #11456	101528	BUDG-17	110-5935-552-6222	14,000	10,371	Ordered	Feb-17
Replace '06 Toro Ground Master Mower, Asset #12438	101529	BUDG-17	110-5935-552-6222	92,500	91,767	Complete	Oct-16
Replace '08 Toro 580D Mower, Asset #12815	101530	BUDG-17	110-5935-552-6222	92,500	91,767	Complete	Oct-16
Replace '12 Hustler Super Z Mower, Asset #13464	101531	BUDG-17	110-5935-552-6222	11,000	-	Planning	Apr-17
Utility Carts (2) with Attachments - Parks **Addition to Fleet**	101533	BUDG-17	110-5935-552-6222	28,000	-	Planning	Aug-17
Pickup with Attachments - Parks **Addition to Fleet**	101535	BUDG-17	110-5935-552-6213	32,000	-	On Hold	TBD
Batwing Reel Mower - Parks **Addition to Fleet**	101536	BUDG-17	110-5935-552-6222	77,000	-	On Hold	TBD
Pickup - Utility Technician - Parks **Addition to Fleet**	101537	RZ	110-3595-552-6213	22,500	-	Planning	Aug-17
Pickup - Aquatics - Parks **Addition to Fleet**	101538	BUDG-17	110-5935-552-6213	35,000	-	Planning	Aug-17
Unmarked Vehicle with Radio - Lt Admin ***Addition to Fleet**	101539	BUDG-17	110-2011-521-6213	25,000	-	Planning	Aug-17
Unmarked Vehicle - Lt Prof Stds **Addition to Fleet**	101540	BUDG-17	110-2011-521-6213	25,000	-	Planning	Aug-17
Explorer with MDT & Radio - SRO **Addition to Fleet**	101541	BUDG-17	110-2020-521-6213	50,600	46,647	Ordered	May-17
Unmarked Vehicle with Radio - SVU **Addition to Fleet**	101542	BUDG-17	110-2011-521-6213	25,000	-	Planning	Aug-17
Replace (8) Marked Units - Police	101543	BUDG-17	110-2031-521-6213 110-5900-521-6213	400,600	379,525	Ordered	May-17
Replace (3) Unmarked Units - Police	101544	BUDG-17	110-5900-521-6213	86,500	60,595	Ordered	May-17
Replace (10) Radios	101545	BUDG-17	110-5900-521-6224	32,638	-	Planning	Sept-17

Project	Project #	Funding	Acct #	Project Budget	Actual Commit / Spent	Status	Scheduled Completion
Radios and Body Cameras (4)	101546	BUDG-17	110-2031-521-6224	\$ 18,960	\$ -	Planning	Sept-17
Renovate Women's Sauna - Summit	101547	BUDG-17	110-5932-551-6310	13,000	-	Planning	May-17
Replace '12 Freightliner/Heil Garbage Truck, Asset #13383	101549	BUDG-17	110-5900-540-6222	322,700	-	Planning	Aug-17
Replace '08 Intl/Hood Brush Truck, Asset #12578	101550	BUDG-17	110-2320-540-6222 110-5900-540-6222	230,000	-	Planning	Aug-17
Replace '05 Ford F150 Pickup, Asset #12141	101551	BUDG-17	110-5900-540-6213	30,875	-	Planning	Aug-17
Replace '07 Freightliner G&H Rolloff Truck, Asset #12386	101552	BUDG-17	110-2370-540-6222 110-5900-540-6222	199,955	-	Planning	Aug-17
Automated Sideloader Garbage Collection Vehicle **Addition to Fleet**	101553	BUDG-17	110-5900-540-6222	322,700	-	Planning	Aug-17
Replace '05 Chevy Silverado 3500, Asset #12194	101554	BUDG-17	110-5900-531-6213	49,750	-	Planning	Aug-17
Replace '04 Line Lazar 5900 Striping Machine, Asset #11748	101555	BUDG-17	110-5900-531-6211	14,300	-	Planning	June-17
Replace '07 Floor Scrubber	101557	Hotel/Motel	240-4400-551-6211	11,600	11,600	Ordered	Mar-17
Towable Road Base Compactor **Addition to Fleet**	101560	BUDG-U	520-5200-535-6220 520-5400-535-6220	17,750	-	Planning	Mar-17
Replace '08 Ford F350 Utility Truck, Asset #12588	101561	BUDG-U	520-5400-535-6213	40,000	-	Planning	Aug-17
IVR Server Upgrade - Utility Business Office	101564	BUDG-U	520-5800-535-6218	15,100	15,100	In Progress	Apr-17
Replace '00 John Deere 410E Backhoe, Asset #10988	101565	BUDG-U	520-5200-535-6220	120,000	-	Planning	Apr-17
Replace '03 Caterpillar 416D Backhoe, Asset #11622	101566	BUDG-U	520-5200-535-6220	80,000	-	Planning	Apr-17
1/2 Ton Pickup - Enviro Prog Tech **Addition to Fleet**	101567	BUDG-U	520-5200-535-6213	28,000	-	Planning	June-17
Replace '00 Dodge Van, Asset #10650	101573	BUDG-17	110-5900-560-6213	27,000	-	Planning	June-17
Replacement Servers	101608	DESCAP	351-1900-519-6218	58,336	58,336	In Progress	Mar-17
Storage Area Network	101609	BUDG-17	110-1900-519-6228 351-1900-519-6218	90,450	90,449	In Progress	Mar-17
6-Foot Mower (2) - Parks **Addition to Fleet**	105322	BUDG-17	110-5935-552-6222	27,000	-	On Hold	TBD
		Т	otal Equipment/Other	\$ 6,703,931	\$ 4,140,405		
Kegley Road Improvements {ROW}	100346	ROW ESCROW	351-3400-531-6110	189,180	11,090	In Progress	TBD
Water Line Replacement - Charter Oak {ROW}	100608	Util-RE	520-5900-535-6110	800,000	125,741	In Progress	July-17
TCIP - Hogan Road Improvements {ROW}	100952	CO-12	365-3400-531-6857	1,000,000	84,078	In Progress	TBD
Bird Creek Interceptor {ROW}	101213	Util-RE	520-5900-535-6110	777,134	142,818	In Progress	July-17
		To	otal Land Acquisitions	\$ 2,766,314	\$ 363,726		
Park Improvements - Wilson Park {Rebuild}	101124	BUDG-15 GRANT	110-3500-552-6513 260-6100-571-6516	187,368	187,368	Construction	May-17
Sidewalk/Trail Repair - Wilson, Jackson, Lions & South Temple	101149	BUDG-15	110-5935-552-6310	39,894	9,999	In Progress	June-17
Caboose Renovations	101303	Hotel/Motel	240-7000-551-6310	18,527	7,733	Construction	May-17
Crossroads Athletic Park {RZ Funds in Project 101005}	101311	GO-15	362-3500-552-6402	11,900,000	3,736,635	Construction	May-18
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Project	Project #	Funding	Acct #	Project Budget	Actual Commit / Spent	Status	Scheduled Completion
Jaycee Park	101312	GO-15	362-3500-552-6403	\$ 989,570	\$ 535,312	Construction	June-17
Korampai Soccer Fields	101314	GO-15	362-3500-552-6405	254,745	229,336	Complete	Oct-16
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Lions Junction	101316	BUDG-16 GO-15 LTN-16	110-3500-552-6364 362-3500-552-6407 364-3500-552-6364	1,997,001	1,988,581	Construction	Apr-17
Mercer Fields	101317	GO-15	362-3500-552-6408	677,610	450	Planning	Aug-19
Oak Creek Park	101319	GO-15	362-3500-552-6410	458,415	4,200	Planning	Aug-17
Optimist Park	101320	GO-15	362-3500-552-6411	496,285	430,587	Construction	Feb-17
Prairie Park	101321	GO-15	362-3500-552-6412	440,000	2,938	Planning	TBD
Sammons Community Center	101322	GO-15	362-3500-552-6413	1,750,000	1,674,063	In Progress	Apr-17
Scott & White Park	101323	GO-15	362-3500-552-6414	371,998	359,748	Construction	Feb-17
Southwest Community Park	101324	GO-15	362-3500-552-6415	3,330,000	-	Planning	TBD
Western Hills Park	101325	GO-15	362-3500-552-6416	302,140	266,848	Construction	Jan-17
Wilson Basketball Cover	101326	GO-15	362-3500-552-6417	212,628	205,501	Construction	Feb-17
Wilson Football Field	101327	GO-15	362-3500-552-6418	611,375	494,518	Construction	Apr-17
Wilson Recreation Center	101328	BUDG-16 GO-15 LTN-16	110-5935-552-6310 362-3500-552-6419 364-3500-522-6310	1,452,400	1,314,766	In Progress	Feb-17
Wilson South	101329	GO-15	362-3500-552-6420	789,755	50,700	Planning	Sept-18
Bend of the River Master Plan	101465	GRANT	260-3500-522-2514 260-3500-552-2623	150,000	145,399	In Progress	Mar-17
Linkage Trails - Windham Trail	101466	GO-15	362-3500-552-6406	285,200	23,745	Engineering	May-17
		Tota	al Parks & Recreation	\$ 26,714,911	\$ 11,668,427		
Rail Maintenance	100692	RZ	795-9500-531-6514	374,521	160,131	In Progress	Sept-17
Road/Sign Maintenance	100693	RZ	795-9500-531-6317	458,574	213,562	In Progress	TBD
Airport Corporate Hangar, Phase II	100811	RZ	795-9500-531-6558	2,437,881	2,418,096	Construction	Jan-17
Temple Industrial Park - Research Pkwy (IH35 to Wendland)	101000	RZ	795-9500-531-6863 795-9600-531-6863 795-9800-531-6863	19,130,000	1,851,680	Engineering	Aug-17
Temple Industrial Park - Research Pkwy (Wendland to McLane Pkwy) {Design & ROW}	101001	RZ	795-9800-531-6864	2,260,000	1,321,675	Engineering	Aug-17
Corporate Campus Park - Bioscience Trail Connection to Airport (Extending Trail to 36)	101002	RZ	795-9500-531-6865 795-9800-531-6865	2,154,900	2,094,577	Construction	May-17
Corporate Campus Park - Research Pkwy (McLane Pkwy to Cen Pt Pkwy) {Design & ROW}	101004	RZ	795-9800-531-6881	1,500,000	551,249	Engineering	June-17
Crossroads Park @ Pepper Creek Trail {Park Bond Funds in Project 101311}	101005	RZ	795-9500-531-6867 795-9800-531-6867	4,175,000	2,733,543	Construction	May-18
Synergy Park - Entry Enhancement	101006	RZ	795-9800-531-6868	500,000	62,100	Engineering	TBD
Downtown - Santa Fe Plaza	101008	RZ	795-9500-531-6870 795-9600-531-6870 795-9800-531-6870	11,326,400	6,106,390	Construction	Dec-18
TMED - Loop 363 Frontage (UPRR Bridge to 5th TRZ Portion)	101010	RZ	795-9500-531-6872 795-9800-531-6872	6,632,935	6,567,065	Construction	Apr-18
TMED - 31st St./Loop 363 Improvements/Monumentation	101011	RZ	795-9800-531-6873	2,170,000	1,031,161	Construction	Aug-17

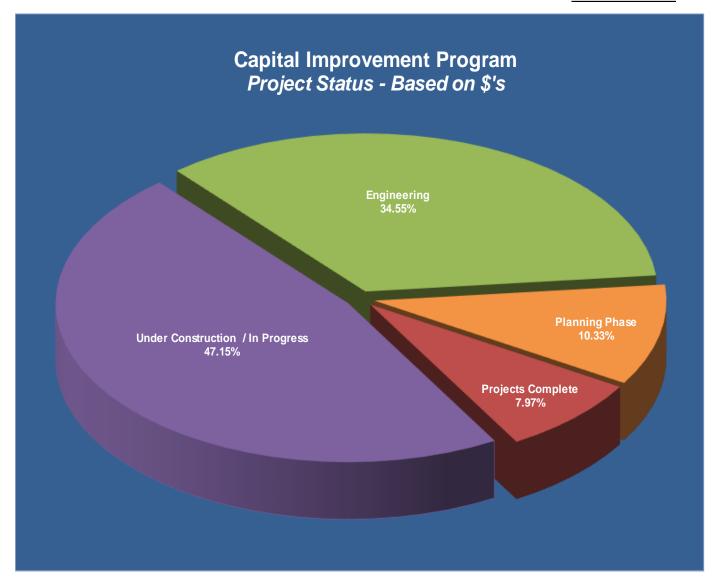
Project	Project #	Funding	Acct #	Project Budget	Actual Commit / Spent	Status	Scheduled Completion
TMED - Avenue U Ave to 1st	101012	RZ	795-9500-531-6874	\$ 2,780,000	\$ 2,639,010	Construction	July-17
TMED - Master Plan & Thoroughfare Plan	101014	RZ	795-9800-531-6875	55,000	-	On Hold	TBD
N Lucius McCelvey Extension	101252	RZ	795-9500-531-6564	2,264,766	2,082,553	Complete	Dec-16
Santa Fe Market Trail	101262	RZ	795-9500-531-6566 795-9600-531-6566	2,890,000	1,332,981	Engineering	Feb-18
Veteran's Memorial Boulevard, Phase II {Design & ROW}	101263	RZ	795-9500-531-6567	925,000	622,217	Engineering	TBD
N. 31st Street Sidewalks (Zone Match for Project 101440)	101288	RZ	795-9500-531-6315	74,857	25,561	Construction	Feb-17
R & D Rail Tracks {Preliminary Design}	101457	RZ	795-9500-531-6568	124,400	124,400	Engineering	Feb-17
N. 31st Street Sidewalks, Phase II	101458	RZ	795-9500-531-6315	350,000	-	On Hold	TBD
Taxiway for Airport {Design Only}	101563	RZ	795-9500-531-6558	90,000	88,600	Engineering	Jan-17
Outer Loop (IH35 South)	101585	RZ	795-9600-531-6557	2,500,000	-	On Hold	TBD
FY2017 - Airport RAMP Grant	101586	RZ	795-9500-531-6558	100,000	-	Planning	Sept-17
MLK Festival Fields	101588	RZ	795-9500-531-6569	350,000	35,600	Engineering	Feb-18
		Total Rein	vestment Zone No. 1	\$ 65,624,234	\$ 32,062,151		
TCIP - Kegley Road Improvements	100346	CO-14	365-3400-531-6888	801,600	103,800	Engineering	Feb-18
Tarver Road Extension to Old Waco {Design, ROW, Construction}	100392	CO-08 CO-14	361-3400-531-6847 365-3400-531-6885	1,992,085	1,991,411	Construction	Feb-17
TCIP - Tarver Road Extension to Old Waco {Sidewalk Project}	100392	CO-14	365-3400-531-6885	356,027	356,027	Construction	Mar-17
TCIP - Ave U - Scott & White to 1st/13th- 17th {Construction}	100718	CO-12	365-3400-531-6874	2,847,806	2,833,280	Construction	July-17
TCIP - Hogan Road Improvements {Design}	100952	CO-12	365-3400-531-6857	377,650	279,200	Engineering	Aug-17
Westfield Boulevard Improvements, Phase II {Design Only}	100970	CO-12	365-3400-531-6859	412,210	412,210	On Hold	TBD
TCIP - Prairie View (Research to N Pea Ridge), Phase I	100984	CO-14	365-3400-531-6862	8,427,414	8,425,228	Substantially Complete	Jan-17
TCIP - Outer Loop, Phase IIIB	101121	CO-12 CO-14	365-3400-531-6813 365-3400-531-6813	5,691,449	1,122,338	Engineering	TBD
TCIP - S Pea Ridge Road (Hogan - Poison) - ROUTE STUDY	101214	CO-14	365-3400-531-6860	110,200	-	On Hold	TBD
TCIP - Poison Oak (SH 317 to Future Outer Loop) ROUTE STUDY	101215	CO-14	365-3400-531-6886	109,112	-	On Hold	TBD
TCIP - East Temple - Greenfield	101234	CO-12	365-3400-531-6884	90,792	-	On Hold	TBD
TCIP - Prairie View (N Pea Ridge to FM 2483), Phase II	101257	GRANT CO-14	260-3400-531-6862 365-3400-531-6862	8,949,598	2,358,228	Engineering	Aug-18
TCIP - SH317 Sidewalks	101285	CO-14	365-3400-531-6315	200,000	200,000	Construction	Aug-18
Sidewalk/Transportation Enhancement (HOP Bus Stops)	101434	CDBG	260-6100-571-6315	200,000	98,057	Construction	Feb-17
N. 31st Street Sidewalks	101440	GRANT	260-3400-531-6315	423,900	404,429	Construction	Feb-17
TCIP - Meadows, Phase IV - Tanglehead Development {KAM Homebuilders}	101467	CO-14	365-3400-531-6889	78,000	78,000	Cost Sharing Agreement Authorized	TBD
TCIP - Traffic Signal - Kegley Rd @ West Adams	101490	CO-16	365-2800-532-6810	50,000	32,249	Engineering	Feb-18
South Pea Ridge Sidewalk	101497	CO-16	365-3400-531-6315	114,173	9,915	Engineering	Apr-17
Upgrade 5 Traffic Signals	101556	CO-16	365-2800-532-6810	75,000	-	Planning	Sept-17
Drainage Improvements - Summit {Construction}	101581	CO-16	365-3400-531-6874	92,466	92,466	Substantially Complete	Jan-17
Traffic Signal Upgrade - S. 1st St @ W Ave U	101584	CO-16	365-2800-532-6810	250,000	-	On Hold	TBD

Project	Project #	Funding	Acct #	Project Budget	Actual Commit / Spent	Status	Scheduled Completion
TCIP - Legacy Pavement Preservation Program FY 2017	101587	CO-16	365-3400-531-6527	\$ 2,897,455	\$ 2,897,455	Construction	Feb-17
Kegley Road, Phase II {Design}	101606	CO-16	365-3400-531-6888	398,800	398,800	Engineering	Sept-17
Kegley Road, Phase III & IV {Preliminary Design}	101607	CO-16	365-3400-531-6888	306,090	306,090	Engineering	June-17
Traffic Signal Upgrade - N Kegley @ Airport Rd (Design)	101611	CO-16	365-2800-532-6810	24,650	-	Engineering	May-17
Traffic Signal Upgrade - Adams @ Greenview {Design}	101612	CO-16	365-2800-532-6810	24,650	-	Engineering	May-17
		Total St	treets & Traffic Signals	\$ 35,301,127	\$ 22,399,182		
South Temple Water System Improvements: Pipeline, Storage Tank, and Pump Station {Design & ROW}	100333	UR-08	561-5200-535-6909	885,547	885,547	Engineering	TBD
Utilities Relocation - Tarver to Old Waco	100391	UR-08	561-5200-535-6936	34,000	34,000	Construction	Feb-17
TCIP Utilities - Tarver Road Extension to Old Waco	100392	UR-15	561-5200-353-6936	189,441	189,388	Construction	Feb-17
Temple-Belton WWTP Expansion, Phase I (Engineering Only)	100584	UR-10	561-5500-535-6938	1,004,423	1,004,423	Engineering	Feb-17
Water Line Replacement - Charter Oak	100608	UR-15	561-5200-535-6939	5,769,144	2,792,626	Construction	Dec-17
I-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	July-17
Lass Utility Relocation Project (South Loop 363 to Nugent) (Engineering Only)	100687	TxDOT	520-5900-535-6618	557,690	492,690	Construction	July-17
l-35 Utility Relocation Project (Nugent to North Loop 363)	100688	TxDOT	520-5900-535-6618	467,190	404,675	Construction	July-17
{Engineering Only} Ave U - Scott & White to 1st/13th-17th	100718	UR-15	561-5200-535-6969	28,746	13,180	Construction	July-17
Leon River Interceptor {Design & ROW}	100851	UR-10	561-5400-535-6941	1,122,880	935,315	Engineering	Nov-17
Prairie View (Research to N Pea Ridge), Phase I	100984	UR-15	561-5200-535-6862	742,450	742,450	Complete	Dec-16
WWTP - Doshier SCADA	100992	UR-10	561-5500-535-6944	390,553	386,873	Construction	Mar-17
Utility Improvements - FY 2014 {Greenfield Development}	101064	BUDG-U	520-5000-535-6370	342,893	-	On Hold	TBD
Temple-Belton WWTP Expansion, Phase II {Engineering Only}	101086	Util-RE UR-15	520-5900-535-6310 561-5500-535-6938	2,534,000	2,533,999	Engineering	Sept-17
WTP Improvements - Tasks 1-3 {Preliminary Engineering Only}	101087	UR-15	561-5100-535-6954	242,832	242,832	Engineering	May-17
WTP Improvements - Tasks 4-6 {Preliminary Engineering Only}	101088	UR-15	561-5100-535-6954	545,000	141,315	Engineering	July-17
Install Backup Generators - Pump Station (2), Mobile (1)	101089	BUDG-U UR-15	520-5100-535-6310 561-5100-535-6960	1,713,673	1,439,231	Construction	Mar-17
Outer Loop - Phase III-B (Utilities)	101121	Util-RE	520-5900-535-6521	682,087	-	Engineering	TBD
Cycle Stop Valves or Variable Frequency Drive Units for High Service Pumps Discharge	101179	BUDG-U	520-5100-535-6310	100,000	850	In Progress	TBD
FY 2017- Replace Parts - Membrane Plant	101181	BUDG-U	520-5100-535-6211	87,344	37,344	In Progress	Sept-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
WL Rehab - Bird Creek Basin	101189	BUDG-U	520-5400-535-6361	1,000,000	-	Planning	Sept-18
SLR - N 5th St to Jackson Creek	101193	Util-RE	520-5900-535-6361	780,557	780,557	Planning	Sept-17
Waterline Improvements - S 22nd St - Ave H to Ave I	101194	Util-RE	520-5900-535-6357	151,726	151,726	Construction	May-17

Project	Project #	Funding	Acct #	Project Budget	Actual Commit / Spent	Status	Scheduled Completion
SLR - S 18th St - Ave H South	101195	Util-RE UR-15	520-5900-535-6361 561-5400-535-6962	564,500	564,499	Construction	May-17
SLR - S 20th St - Ave H Deadend	101196	Util-RE UR-15	520-5900-535-6361 561-5400-535-6963	975,369	975,367	Construction	May-17
WW Master Plan Update	101197	Util-RE	520-5900-535-2616	600,000	-	Planning	Oct-17
WL Replace - 3rd St - Irvin to Nugent	101200	UR-15	561-5200-535-6952	1,131,861	1,103,601	Complete	Nov-16
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	1,160,000	219,388	Engineering	Feb-17
SLR - Ave M - Ave N & Dunbar Trunk	101203	Util-RE UR-15	520-5900-535-6361 561-5400-535-6966	733,826	733,825	Construction	May-17
WWL Replace - Avenue P	101204	UR-15	561-5400-535-6958	486,872	486,080	Construction	Mar-17
WL Replace - Along E Adams	101205	UR-15	561-5200-535-6953	694,063	694,062	Complete	Nov-16
WTP - High Voltage Transfer MCC Replacement	101206	BUDG-U UR-15	520-5100-535-6222 561-5100-535-6931	885,815	717,855	Construction	Feb-17
WTP - Ave H Tanks/Pump Station	101209	UR-15	561-5100-535-6975	500,000	-	On Hold	TBD
FY 2015 - WL Improvements	101227	BUDG-U	520-5200-535-6357	264,907	636	Planning	TBD
In House Sewer: Bunker Hill-Patrick Henry; Yorktown Betsy Ross	101406	BUDG-U	520-5400-535-6359	136,000	-	Engineering	TBD
In House Sewer: Ticonderoga-West Point; Trenton- Liberty	101407	BUDG-U	520-5400-535-6359	187,000	-	Engineering	TBD
In House Sewer: Lexington-Yorktown; Bunker Hill- Valley Forge	101408	BUDG-U	520-5400-535-6359	110,500	-	Engineering	TBD
FY 2016 - Repair/Replace Pumps, Drives and Valves	101417	BUDG-U	520-5100-535-6310	27,895	27,895	In Progress	Sept-17
FY 2016 - Replacement Parts for Membrane Plant	101418	BUDG-U	520-5100-535-6211	95,000	5,823	In Progress	Sept-17
FY 2016 - Purchase Membrane Modules	101419	BUDG-U	520-5100-535-6310	504,000	34,119	In Progress	Sept-17
WTP Membrane Plant - Repaint Piping, Floors, and Concrete Slab	101420	BUDG-U	520-5100-535-6310	294,000	-	Planning	Mar-17
WTP 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	-	On Hold	TBD
FY 2016 - Waterline Improvement Projects	101435	BUDG-U	520-5200-535-6357	243,248	-	Planning	TBD
FY 2016 - Sewer Line Improvement Projects	101439	BUDG-U	520-5400-535-6361	148,847	-	Planning	TBD
WTP Conventional - Lab Upgrades	101452	BUDG-U	520-5100-535-6310	109,172	7,025	Planning	May-17
Williamson Creek Basin - Sewer Line Replacement	101463	Util-RE	520-5900-535-6361	14,250	-	Planning	TBD
Shallowford Lift Station Reconstruction & Relocation	101475	UR-15	561-5400-535-6905	1,561,530	641,530	Engineering	Mar-18
Jackson Park Vicinity Water & Wastewater Line Improvements {Design Only}	101476	UR-15	561-5400-535-6970	271,199	271,198	Engineering	June-17
Bird Creek Interceptor, Phase V {Design Only}	101477	UR-15	561-5400-535-6925	91,370	85,929	Engineering	June-17
Waste Water Line - Airport Road/Crossroads Park {Design Only}	101480	UR-15	561-5400-535-6971	874,275	737,371	Construction	Feb-18

Project	Project #	Funding	Acct #	Project Budget	Actual Commit / Spent	Status	Scheduled Completion
Install (2) Water Lines - Highland Park	101488	Util-RE	520-5900-535-6366	152,844	152,844	Construction	Aug-17
Western Hills Water Improvements, Phase II	101503	Util-RE UR-15	520-5900-535-6357 561-5200-535-6950	3,087,823	387,823	Engineering	Mar-18
Force Main - Shallowford to TBP	101512	Util-RE UR-15	520-5900-535-6352 561-5400-535-6211	1,575,100	425,500	Engineering	Mar-18
FY 2017 - Approach Mains	101558	BUDG-U	520-5000-535-6369	500,000	-	Planning	Sept-17
In House Sewer: S. 55th to S. 43rd; Ave R to Ave T	101559	BUDG-U	520-5400-535-6359	100,000	-	Planning	Aug-17
FY 2017 - Install Additional Man Holes	101562	BUDG-U	520-5400-535-6359	20,000	-	Planning	Sept-17
FY 2017 - Repair/Replace Pumps, Drives and Valves	101569	BUDG-U	520-5100-535-6310	50,000	-	Planning	Sept-17
WTP Clarifiers #1 & #2 Rehabilitation	101571	BUDG-U	520-5100-535-6310	781,483	436,582	Construction	May-17
Jeff Hamilton Park - Utility Improvements	101575	UR-15	561-5200-535-6974	300,000	-	Planning	TBD
WTP Chlorine Storage Safety {Design}	101591	UR-15	561-5100-535-6976	56,760	56,760	Engineering	Feb-17
Water Line Improvements - Henderson between E Ave H and E Ave I	101594	BUDG-U	520-5200-535-6357	90,000	24,447	Construction	Mar-17
WTP Improvements - Tasks 3 - Lagoon Improvements	101613	UR-15	561-5100-535-6954	434,978	-	Engineering	Mar-18
WTP Improvements - Tasks 2 - MWTT Optimization	101614	UR-15	561-5100-535-6954	517,414	-	Engineering	Mar-18
WTP Improvements - Tasks 1 - Zebra Mussels	101618	UR-15	561-5100-535-6954	259,776	-	Engineering	Mar-18
Pressure Valve Improvement @ Harley Davidson	101620	UR-15	561-5200-535-6977	93,091	-	Planning	June-17
Hidden Villages Subdivision Utility Extension	520004	Util-RE	520-5900-535-6366	54,685	54,685	Cost Sharing Agreement Authorized	TBD
Hills of Westwood, Phase IV, Utility Extension	540003	Util-RE	520-5900-535-6368	21,025	21,025	Cost Sharing Agreement Authorized	Mar-17
		Tot	al Water & Wastewater	\$ 41,022,894	\$ 22,351,842		
			Total Capital Projects	\$ 179,718,230	\$ 93,666,301		

Under Construction / In Progress	\$ 84,739,992
Engineering	62,095,209
Planning Phase	18,565,347
Projects Complete	14,317,682
Total Estimated Costs of Capital Improvement Projects	\$ 179,718,230

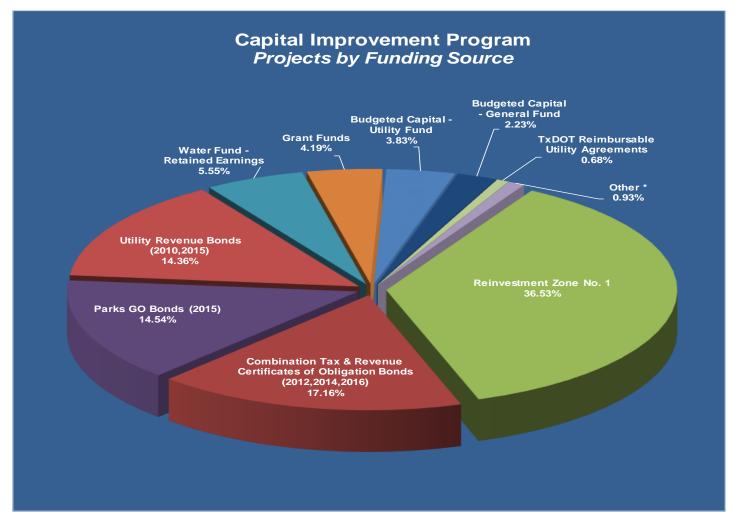


CAPITAL IMPROVEMENT PROGRAM - PROJECT STATUS {BASED ON NUMBER OF PROJECTS} As of December 31, 2016

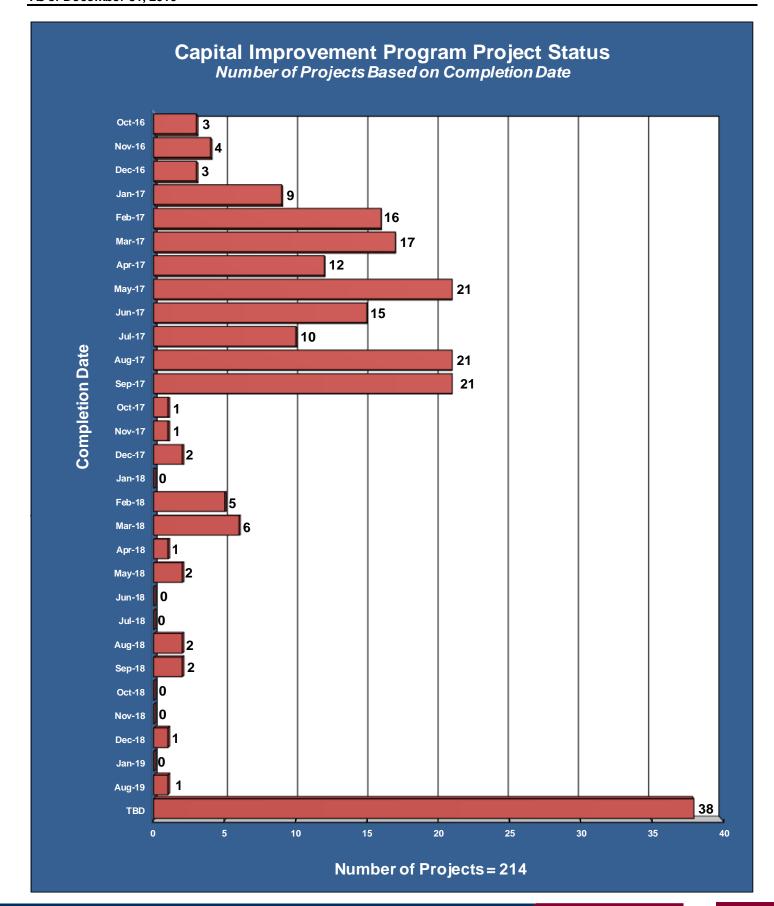
Planning Phase	81
Under Construction / In Progress	73
Engineering	44
Projects Complete	16
Total Number of Capital Improvement Projects	214



	Total Dollars	% of Total
Reinvestment Zone No. 1	\$ 65,646,734	36.53%
Combination Tax & Revenue Certificates of Obligation Bonds (2012,2014,2016)	30,844,487	17.16%
Parks GO Bonds (2015)	26,125,960	14.54%
Utility Revenue Bonds (2010,2015)	25,805,267	14.36%
Water Fund - Retained Earnings	9,979,864	5.55%
Grant Funds	7,533,228	4.19%
Budgeted Capital - Utility Fund	6,885,593	3.83%
Budgeted Capital - General Fund	4,014,476	2.23%
TxDOT Reimbursable Utility Agreements	1,218,120	0.68%
Limited Tax Notes (2016) *	536,981	0.30%
Hotel-Motel Fund - Designated from Fund Balance *	421,344	0.23%
General Fund - Designated from Fund Balance/Other *	347,966	0.19%
Drainage Fund - Designated from Fund Balance *	176,430	0.10%
Certificate of Obligation Bonds (2006,2008)*	155,780	0.10%
Budgeted Capital - Drainage Fund *	 26,000	0.01%
Total Capital Improvement Projects (by funding source)	\$ 179,718,230	100.00%



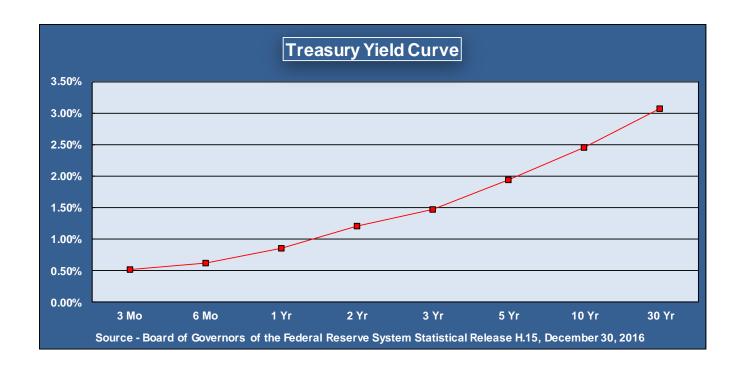
^{*}Funding source is reflected in "other" on graph

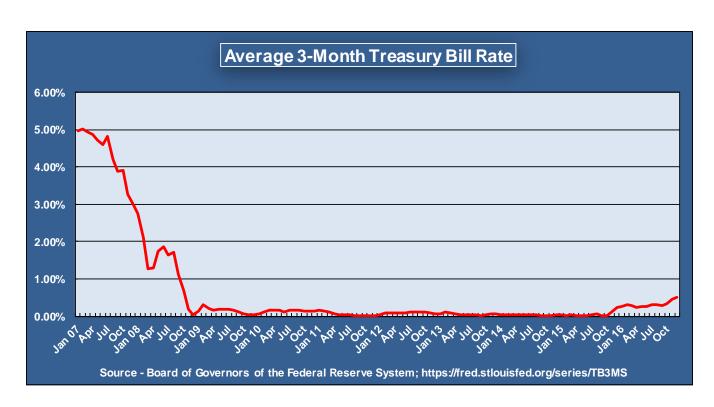




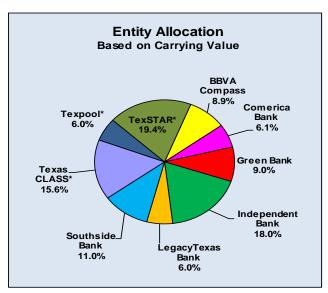


The Public Funds Investment Act, Chapter 2256 of the Texas Government Code, requires the investment officer to prepare and submit a written report of investments to the governing body of the entity not less than quarterly.

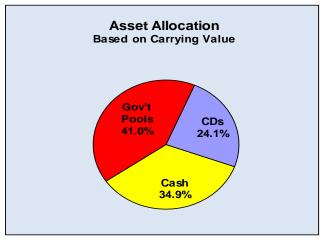




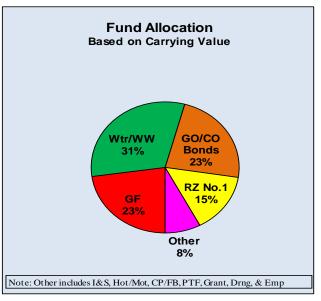
	Carrying Value	Bank Balance/ Fair Value
Entity Allocation		
BBVA Compass	\$ 14,946,702	\$ 14,812,220
Comerica Bank	10,270,855	10,270,855
Green Bank	15,055,054	15,055,054
Independent Bank	30,255,047	30,255,047
LegacyTexas Bank	10,036,454	10,036,454
Southside Bank	18,468,804	18,468,804
Texas CLASS*	26,206,088	26,206,088
Texpool*	10,054,961	10,054,961
TexSTAR*	32,524,526	32,524,526
Gov't Securities		
	\$167,818,491	\$167,684,009



	Carrying	Bank Balance/
	Value	Fair Value
Asset Allocation		
Cash	\$ 58,507,014	\$ 58,372,532
Go√t Pools	68,785,575	68,785,575
CDs	40,525,902	40,525,902
T-Bills	-	-
Agencies		
	\$167,818,491	\$167,684,009



		% of
	Carrying	Carrying
	Value	Value
Fund Allocation		
General Fund (GF)	\$ 38,239,353	22.79%
Water & Wastewater (Wtr/WW)	52,849,872	31.49%
GO Interest & Sinking (I&S)	9,083,361	5.41%
Hotel / Motel (Hot/Mot)	1,408,871	0.84%
Capital Projects - GO/CO Bond		
Program (GO/CO Bonds)	38,884,325	23.17%
Capital Projects - Designated		
Fund Balance (CP/FB)	8,026	0.00%
PTF Project Fund (PTF)	994,867	0.59%
Federal / State Grant Fund (Grant)	(453,037)	-0.27%
Drainage (Drng)	1,550,922	0.92%
Employee Benefits Trust (Emp)	457,633	0.27%
Reinvestment Zone No.1 (RZ No.1)	24,794,298	14.77%
	\$167,818,491	100.00%



^{*} The City's investments in local government investment pools are stated at carrying value, which also represents the value of the investments upon withdrawal.

December 31, 2016

	Par	Term*		Maturity	Carrying	Fair	Fair vs
Туре	Value	(Days)	Yield %	Date	Value	Value	Carrying
Independent Bank CD	\$ 5,061,791	3	0.7000	03-Jan-17	\$ 5,063,732	\$ 5,063,732	\$ -
Comerica Bank CD	5,124,454	37	0.9500	06-Feb-17	5,127,922	5,127,922	-
Comerica Bank CD	5,139,053	125	1.0600	05-May-17	5,142,933	5,142,933	-
Independent Bank CD	5,014,221	184	0.8500	03-Jul-17	5,016,673	5,016,673	-
Independent Bank CD	5,013,233	244	1.0500	01-Sep-17	5,020,588	5,020,588	-
Independent Bank CD	10,104,271	456	1.1200	01-Apr-18	10,132,485	10,132,485	-
Independent Bank CD	5,013,863	548	1.1000	02-Jul-18	5,021,569	5,021,569	-
TexPool Investment Pool	10,054,961	90	0.4570	-	10,054,961	10,054,961	-
TexSTAR Investment Pool	32,524,526	100	0.4815	-	32,524,526	32,524,526	-
Texas CLASS Investment Pool	26,206,088	50	0.8900	-	26,206,088	26,206,088	-
BBVA Compass Cash	9,997,594	1	0.3400	-	9,997,594	9,863,112	N/A
BBVA Compass Money Market	4,949,108	1	0.1500	-	4,949,108	4,949,108	N/A
Green Bank Money Market	15,055,054	1	0.6600	-	15,055,054	15,055,054	N/A
LegacyTexas Money Market	10,036,454	1	0.4000	-	10,036,454	10,036,454	N/A
Southside Bank Money Market	18,468,804	1	0.6000	-	18,468,804	18,468,804	N/A
	\$ 167,763,475				\$ 167,818,491	\$ 167,684,009	\$ -

Fair Value as a % of Carrying Value

Key Rates

■ Year ago ■ Dec 31

100.00%

Weighted Average

Maturity 94.62 Days 0.67% Yield

Benchmark Yield

Average rolling 90-day T-Bill rate

0.43%

Key Rates: Cash Markets *								
Rate	Year ago	Dec 31						
City of Temple	0.29	0.67						
Texpool	0.19	0.46						
TexSTAR	0.19	0.48						
Texas Class	0.29	0.89						
Fed funds	0.40	0.68						
CDs: Three months	0.09	0.09						
CDs: Six months	0.14	0.15						
T- bill 91-day yield	0.26	0.51						
T- bill 52-week yield	0.47	0.81						
Bond Buyer 20- bond								
municipal index	3.37	3.87						
*Source - GFOA Treasury Management, February 1, 2017								

Stacey Ro

Stacey Reisner **Treasury Manager**

4.50% 4.00% 3.50% 3.00% 2.50% 2.00% 1.50% 1.00% 0.50% 0.00%

> om Paga Sherry M. Pogor Financial Analyst

Traci L. Barnard **Director of Finance**

Melissa Przybylski

Assistant Director of Finance

Erica Glover **Senior Accountant**

^{*} The term reported for the City's investments in local government investment pools is stated as the pools weighted average maturity in days.

				Carrying Value	
	Par				Increase /
Туре	Value	Maturity	9/30/2016	12/31/2016	(Decrease)
Independent Bank CD	\$ 5,061,791	03-Jan-17	\$ 5,054,813	\$ 5,063,732	\$ 8,919
Comerica Bank CD	5,124,454	06-Feb-17	5,115,663	5,127,922	12,259
Comerica Bank CD	5,139,053	05-May-17	5,129,217	5,142,933	13,716
Independent Bank CD	5,014,221	03-Jul-17	5,005,940	5,016,673	10,733
Independent Bank CD	5,013,233	01-Sep-17	5,007,336	5,020,588	13,252
Independent Bank CD	10,104,271	01-Apr-18	10,103,961	10,132,485	28,524
Independent Bank CD	5,013,863	02-Jul-18	5,007,685	5,021,569	13,884
TexPool Investment Pool	10,054,961	-	7,976,044	10,054,961	2,078,917
TexSTAR Investment Pool	32,524,526	-	38,983,877	32,524,526	(6,459,351)
Texas CLASS Investment Pool	26,206,088	-	11,728,982	26,206,088	14,477,106
BBVA Compass Cash	9,997,594	-	11,474,892	9,997,594	(1,477,298)
BBVA Compass Money Market	4,949,108	-	5,748,569	4,949,108	(799,461)
Green Bank Money Market	15,055,054	-	15,033,255	15,055,054	21,799
LegacyTexas Money Market	10,036,454	-	10,026,369	10,036,454	10,085
Southside Bank Money Market	18,468,804	-	18,442,826	18,468,804	25,978
	\$167,763,475		\$ 159,839,429	\$ 167,818,491	\$ 7,979,062

				Fair Value		
	Par				li	ncrease /
Туре	Value	Maturity	 9/30/2016	 12/31/2016	(Decrease)	
Independent Bank CD	\$ 5,061,791	03-Jan-17	\$ 5,054,813	\$ 5,063,732	\$	8,919
Comerica Bank CD	5,124,454	06-Feb-17	5,115,663	5,127,922		12,259
Comerica Bank CD	5,139,053	05-May-17	5,129,217	5,142,933		13,716
Independent Bank CD	5,014,221	03-Jul-17	5,005,940	5,016,673		10,733
Independent Bank CD	5,013,233	01-Sep-17	5,007,336	5,020,588		13,252
Independent Bank CD	10,104,271	01-Apr-18	10,103,961	10,132,485		28,524
Independent Bank CD	5,013,863	02-Jul-18	5,007,685	5,021,569		13,884
TexPool Investment Pool	10,054,961	-	7,976,044	10,054,961		2,078,917
TexSTAR Investment Pool	32,524,526	-	38,983,877	32,524,526		(6,459,351)
Texas CLASS Investment Pool	26,206,088	-	11,728,982	26,206,088		14,477,106
BBVA Compass Cash	9,997,594	-	12,832,419	9,863,112		(2,969,307)
BBVA Compass Money Market	4,949,108	-	5,748,569	4,949,108		(799,461)
Green Bank Money Market	15,055,054	-	15,033,255	15,055,054		21,799
LegacyTexas Money Market	10,036,454	-	10,026,369	10,036,454		10,085
Southside Bank Money Market	18,468,804	-	18,442,826	18,468,804		25,978
	\$167,763,475		\$ 161,196,956	\$ 167,684,009	\$	6,487,053

Investments with a \$0 Carrying and Fair Value at 9/30/2016 were purchased after 9/30/2016.





Supplemental Information includes ...

Fund Balance Reserves/Designations – General Fund	72
Expenditures of Federal and State Awards	74
Awards of Federal & State Grants by Project Type	76
Hotel/Motel Tax Receipts by Reporting Entity	77
Historical Sales Tax Revenue by Month	78
Parks Escrow Deposits by Addition Name	79

			Council Approved		wod			
				Council		propriation		
	F	Balance				Increase		Balance
		0/01/16			Decrease)	12/31/16		
CAPITAL PROJECTS:		0,01,10	Hound	<u>oution</u>		200104007		12/01/10
Various Projects:								
Assistance to Firefighters Grant Program (AFG) 10% Grant Match {01/21/16}	\$	46,363	\$	_	\$	_	\$	46,363
Partners for Places 50% Grant Match (07/21/16)	Ÿ	25,000	Ψ	_	Ψ	_	Ψ	25,000
TOTAL Various Projects		71,363		_		-		71,363
2016/2017 Budgetary Supplement-Capital/SIZ/TEDC Matrix:								
Capital Equipment Purchases		2,359,218		-		(2,359,218)		-
Strategic Investment Zone		100,000		-		(100,000)		-
TEDC Matrix Allocation		522,000				(522,000)		-
TOTAL BUDGETARY SUPPLEMENT		2,981,218		-		(2,981,218)		-
TOTAL - PROJECT SPECIFIC		3,052,581				(2,981,218)		71,363
CAPITAL PROJECTS -								
ASSIGNED		2,039,232		-	_	46,797		2,086,029
TOTAL CAPITAL PROJECTS	\$	5,091,813	\$	-	\$	(2,934,421)	\$	2,157,392
								(Continued)

Schedule of Fund Balance - General Fund

December 31, 2016

		Council	Approved		
			Appropriation		
	Balance		Increase	Balance	
	10/01/16	Reallocation	(Decrease)	12/31/16	
Other Fund Balance Classifications:					
Encumbrances:	\$ 1,429,303	\$ -	\$ (1,429,303)	\$ -	
Nonspendable:					
Inventory & Prepaid Items	441,741	-	-	441,741	
Restricted for:					
Rob Roy MacGregor Trust - Library	12,827	-	(1,500)	11,327	
Drug enforcement (Forfeiture Funds)	204,399	-	-	204,399	
Municipal Court Restricted Fees	660,072	-	-	660,072	
Vital Statistics Preservation Fund	34,543	-	-	34,543	
Public Safety	31,867	-	-	31,867	
Public Education Government (PEG) Access Channel	135,197	-	(10,000)	125,197	
Assigned to:					
Technology Replacement	379,099		(180,000)	199,099	
Budgeted decrease in Fund Balance	-	\$ -	\$ (4,555,224)	4,555,224	
Unassigned: { 4 months operations }	19,130,910			19,130,910	
Total Fund Balance	\$ 27,551,771			\$ 27,551,771	

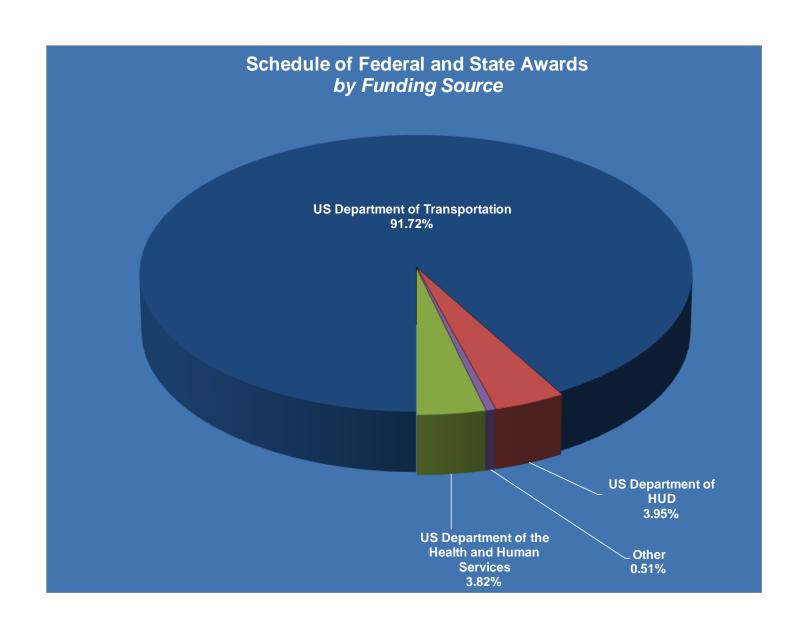
SCHEDULE OF EXPENDITURES OF FEDERAL AND STATE AWARDS

For the three months ended December 31, 2016

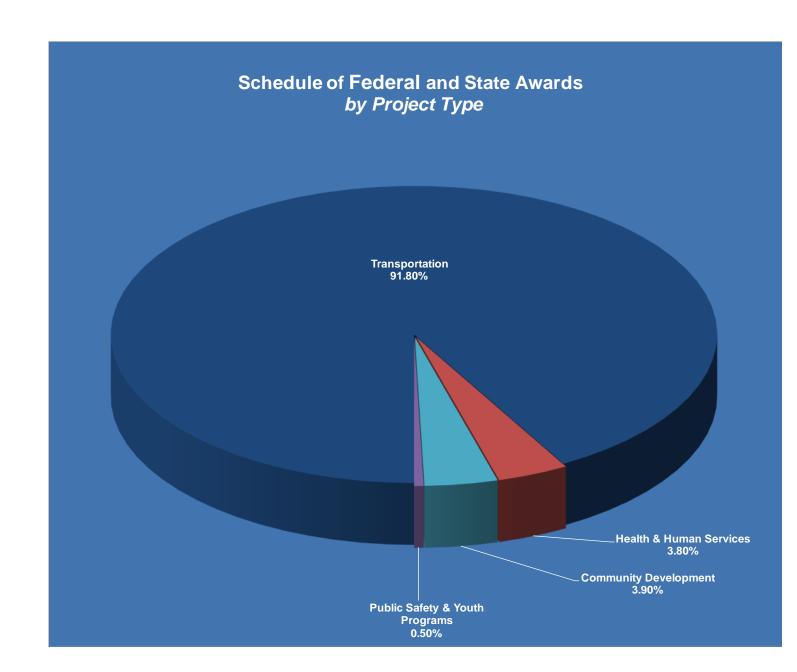
Federal/State Grantor Agency or Pass-Through Program Title	Federal CFDA Number	Grant Number	0	rogram r Award Amount	rogram enditures
Federal Financial Assistance:					
U.S. Department of H.U.D.					
CDBG 2014	14.218	B-14-MC-48-0021	\$	390,268	\$ -
CDBG 2015	14.218	B-15-MC-48-0021		357,357	84,424
CDBG 2016	14.218	B-16-MC-48-0021		410,971	84,424
U.S. Department of Homeland Security					
Texas Department of Public Safety:					
Civil Defense	97.042	16TX-EMPG-1142		39,778	 9,944
II.C. Department of hyptics					 9,944
U.S. Department of Justice 2015 Bullet Proof Vests Grant	16.607	2015-BU-BX-13069168		27,920	1,776
2016 Bullet Proof Vests Grant	16.607	2016-BU-BX-13069168			
Equitable Sharing Program	16.922	TX0140700		11,438	3,126
Killeen Police Department:	10.922	170140700		-	-
2016 Edward Byrne Memorial Justice Assistance Grant	16.738	2016-DJ-BX-0626		18,061	
2010 Edward Byrne Memorial Justice Assistance Grant	10.730	2010-03-68-0020		10,001	4,902
U.S. Department of Transportation					
Texas Department of Transportation:					
Surface Transportation Program (through KTMPO)	20.205	0909-36-155		3,888,000	-
Pass-Through Agreement	20.205	0320-06-001		16,555,000	-
Transportation Alternatives Project North 31st Sidewalks	20.205	0909-36-150		234,064	 15,951
					 15,951
U.S. Environmental Protection Agency					
Special Appropriation Act Projects	66.202	01F18601		970,000	 <u>-</u>
Institute of Museum and Library Services					
Texas State Library and Archives Commission					
Interlibrary Loan Program	45.310	LS-00-13-0044-16		5,918	 5,918
					 5,918
Total Federal Financial Assistance				23,058,775	 121,139
State Financial Assistance:					
Office of the Governor - Criminal Justice Division					
Crisis Assistance Program	-	2820001		41,719	 4,056
T O U O					 4,056
Texas State University System					
Texas School Safety Center					
Tobacco Prevention and Community Services Division				E 00E	4.050
Tobacco Enforcement Program	-	-		5,025	 1,950
					 1,950
Total State Financial Assistance			\$	46,744	\$ 6,006
				-	

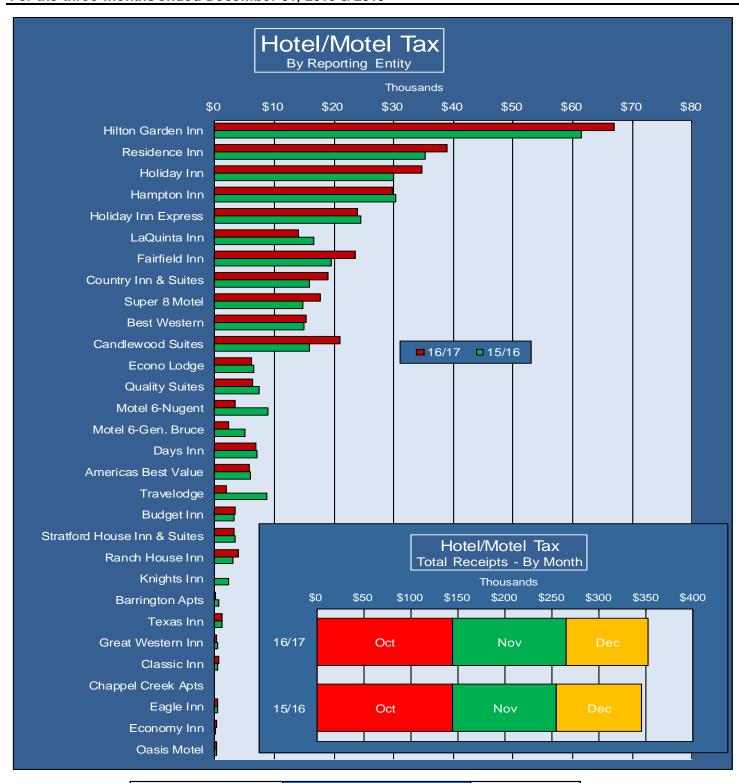
For the three months ended December 31, 2016

Federal/State Grantor Agency or Pass-Through Program Title	Federal CFDA Number	Grant Number	Program or Award Amount	Program Expenditures
State Administered Financial Assistance: 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	\$ - -
Total State Administered Financial Assistance			6,236,650	
Total Federal, State and State Administered Financial	Assistance		\$ 29,342,169	\$ 127,145



Transportation	\$26,913,714
Health & Human Services	1,120,000
Community Development	1,158,596
Public Safety & Youth Programs	149,859
	\$29,342,169

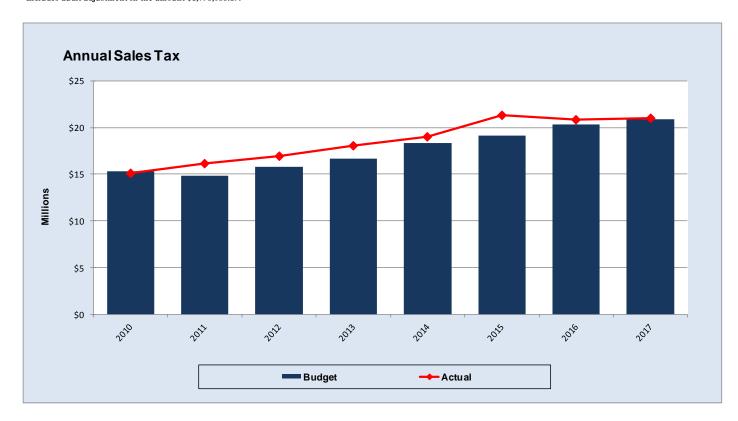




		Hotel/Mo		
	# Reporting			
Fiscal Year	at 12/31	Actual YTD	Budget	% of Budget
16/17	30	\$351,853	\$1,462,000	24.07%
15/16	30	\$344,664	\$1,459,320	23.62%

									% Increase
	FY	(Decrease)							
Month	10	11	12	13	14	15 *	16	17	17 Vs. 16
Oct	\$ 1,422,026	\$ 1,511,535	\$ 1,519,727	\$ 1,534,807	\$ 1,675,339	\$ 3,489,994	\$ 1,857,540	\$ 1,782,147	-4.06%
Nov	1,070,438	1,128,208	1,167,140	1,392,450	1,479,695	1,566,784	1,524,999	1,562,275	2.44%
Dec	1,055,403	1,165,367	1,214,504	1,462,327	1,419,763	1,430,286	1,514,737	1,642,007	8.40%
Jan	1,724,078	1,797,063	1,861,602	1,838,329	1,960,221	2,213,612	2,260,144	2,214,514	-2.02%
Feb	1,085,180	1,059,335	1,157,552	1,258,123	1,433,592	1,457,610	1,418,289	1,426,940	0.61%
Mar	1,051,792	1,284,123	1,299,150	1,414,245	1,400,219	1,421,812	1,792,732	1,803,667	0.61%
Apr	1,593,190	1,599,804	1,645,580	1,687,794	1,835,107	1,826,749	1,997,512	2,009,697	0.61%
May	1,153,658	1,223,805	1,271,981	1,317,625	1,489,931	1,486,686	1,536,106	1,545,477	0.61%
Jun	1,138,979	1,182,645	1,476,697	1,478,838	1,493,886	1,461,142	1,583,839	1,593,500	0.61%
Jul	1,546,654	1,679,085	1,623,468	1,693,502	1,709,959	1,880,703	2,076,129	2,088,794	0.61%
Aug	1,125,091	1,173,941	1,342,609	1,459,520	1,593,968	1,567,111	1,611,072	1,620,900	0.61%
Sept	1,167,649	1,320,951	1,387,390	1,480,015	1,489,789	1,509,256	1,685,981	1,696,266	0.61%
	\$ 15,134,138	\$ 16,125,862	\$ 16,967,401	\$ 18,017,575	\$ 18,981,471	\$ 21,311,743	\$ 20,859,081	\$ 20,986,184	0.61%
Annual:									
\$ Increase	\$ (104,674)	\$ 991,724	\$ 841,539	\$ 1,050,174	\$ 963,895	\$ 2,330,272	\$ (452,662)	\$ 127,102	<u>.</u>
% Increase	 -0.69%	6.55%	5.22%	6.19%	5.35%	12.28%	-2.12%	0.61%	

^{* -} Includes audit adjustment in the amount \$1,798,088.19.



			Total	
Addition	Date of	Amount of	Expenditures/	Balance
Name	Deposit	Deposit	Refunds	12/31/2016
Dall Addition	00/42/07	\$ 450.00	¢.	¢ 450.00
Bell Addition	08/13/97	•	\$ -	\$ 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
Lantana II	10/03/07	1,350.00	415.87	934.13
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
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
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
Creeks at Deerfield	02/25/13	7,875.00	306.99	7,568.01
Porter	05/07/13	450.00	-	450.00
Prairie Crossing	06/14/13	7,200.00	7,200.00	_ 2
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	10/22/13	900.00	900.00	1,123.00
Brazos Bend	02/27/14	8,550.00	900.00	- 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
Ranch at Woodland Trails	04/22/14	4,500.00	-	4,500.00
				(Continued)

			Total	
Addition	Date of	Amount of	Expenditures/	Balance
Name	Deposit	Deposit	Refunds	12/31/2016
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
Westfield X	09/09/15	12,600.00	7,037.25	5,562.75 ³
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
Plains at Riverside I	06/17/16	10,350.00	-	10,350.00
Spurlock's Arbour	07/11/16	450.00	-	450.00
Long View Estates	07/27/16	2,925.00	-	2,925.00
Bluebonned Ridge Estates II	09/29/16	225.00	-	225.00
Barnhardt	10/31/16	225.00	-	225.00
Accumulated Interest ¹		93,788.08	91,679.01	2,109.07
	Total	\$ 365,250.58	\$ 107,539.12	\$ 257,711.46

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 Hodge Park and Walker Park/Pool.
- 3. 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.



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.

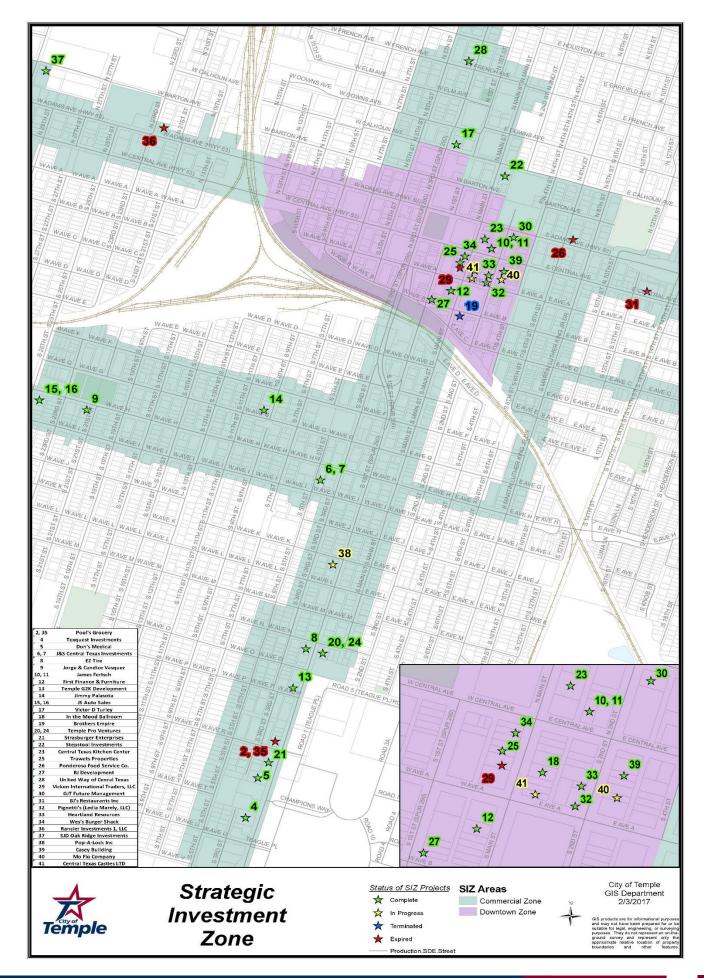
Line #	Contract/ Council Award Date	Grantee	Original Match Amount	Actual City Match	Expiration Date	Payment Date	Improvement Status	Improvement Description
1	2/24/2009	The Wallace Group	\$ 1,668	\$ 1,668	N/A	3/13/2009	Complete	Drainage Study
2	3/26/2009	JZI Primetime LLC (Pool's Grocery)	23,877	20,198	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

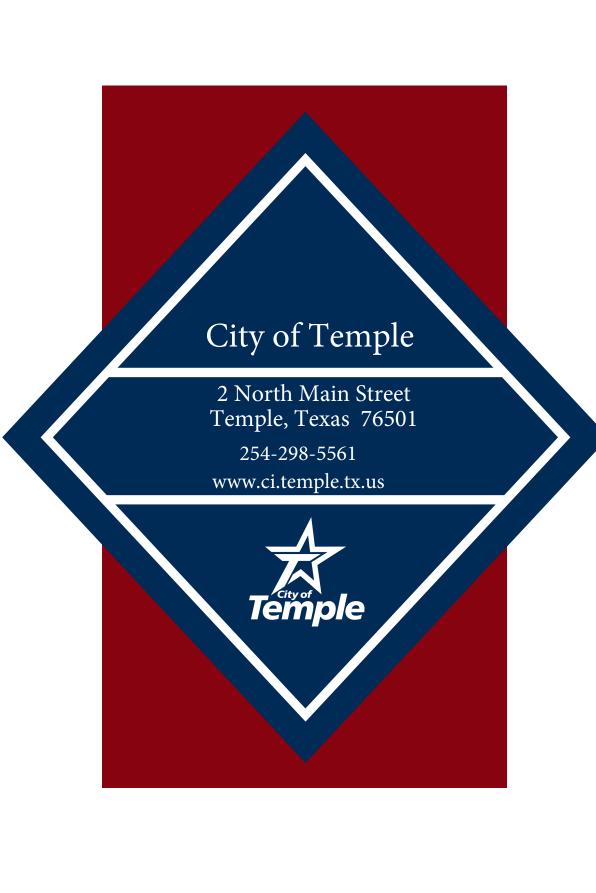
(Continued)

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	N/A	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	-	5/1/2016	N/A	Expired	Façade, Sign, Sidewalks, Landscaping, Asbestos Abatement and Demolition
36	11/5/2015	Rancier Investments 1, LLC	10,000	-	7/20/2016	N/A	Expired	Façade, Sign, Sidewalks, Landscaping, Asbestos Abatement and Demolition
37	2/18/2016	SJD Oak Ridge Investments, LLC	47,763	43,935	11/30/2016	12/9/2016	Complete	Façade, Sign, Sidewalks, Landscaping, Asbestos Abatement and Demolition
38	6/10/2016	Pop-A-Lock, Inc.	24,961	24,961	1/15/2017	TBD	In Progress	Façade, Sign, Sidewalks, Landscaping and Asbestos Abatement
39	7/7/2016	Casey Building, LLC	129,979	107,104	2/1/2017	12/14/2016	Complete	Façade, Sign, Sidewalks, Lighting and Asbestos Abatement
40	7/21/2016	Mo Flo Company, LLC	42,900	42,900	2/15/2017	TBD	In Progress	Façade, Sign, Sidewalks, Landscaping and Asbestos Abatement
41	10/20/2016	Central Texas Castles, Ltd.	57,218	57,218	3/1/2017	TBD	In Progress	Façade, Sign, Sidewalks, Landscaping and Asbestos Abatement

\$ 835,977

Budget Allocation Summa	ary	
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		-
FY 2017		100,000
Committed/Encumbered/Pending		(835,977)
Remaining Funds	\$	72,174





RESOLUTION NO. 2017-8545-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE FIRST QUARTER FINANCIAL RESULTS FOR FISCAL YEAR 2017; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Director of Finance has prepared the first quarter 2017 fiscal year financial results which details the first quarter ending December 31, 2016, for the General Fund, Water & Sewer Fund, Hotel/Motel Tax Fund and Drainage Fund;

Whereas, included with these first 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 first quarter financial results for fiscal year 2017.

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

- <u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.
- <u>Part 2</u>: The City Council approves the first quarter financial results for fiscal year 2017, more fully described in Exhibit 'A,' attached hereto and made a part hereof for all purposes.
- <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 **16th** day of **February**, 2017.

	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

02/16/17 Item #4(M) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Floyd Mitchell, Chief of Police

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing a Memorandum of Understanding between the City of Temple and the Federal Bureau of Investigation in support of the Central Texas Violent Crimes Task Force.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> The intent of this agreement is to enhance the effectiveness of interstate, multijurisdictional fugitive investigations of major violent offenders through aggressive use of the Unlawful Flight to Avoid Prosecution (UFAP) statutes. The Central Texas Violent Crimes Task Force (CTVCTF) is a cooperative network comprised of state and local law enforcement agencies and the FBI, created to identify, investigate and prosecute crime groups and/or individuals responsible for Violent Incident Crimes, including Aggravated Robbery, both personal and commercial; Carjacking; Kidnapping, and Extortion.

Overall management of the Task Force is the shared responsibility of the participating agency heads. All personnel and investigative matters pertaining to the Task Force will be the direct, daily responsibility of the FBI Special Agent in Charge (SAC) of the San Antonio Division. The head of each participating agency will retain discretionary authority to determine the resources, including personnel, to be dedicated to the Task Force, and will be fully apprised of all investigative developments by his or her subordinates.

Temple Police Department will remain responsible for all personnel costs for its Task Force representatives, including salaries, overtime compensation, benefits, and basic equipment. Subject to funding availability, the FBI will reimburse to TPD the cost of overtime worked as a result of Task Force-related duties by personnel assigned full-time to the Task Force. Temple Police officers assigned to the Task Force will continue to be supervised by Temple Police supervisory personnel and will abide by the Temple Police Department and City of Temple Policies and Procedures.

Temple Police Department currently has one officer prospectively assigned on a full-time basis to this Task Force.

<u>FISCAL IMPACT:</u> There is no requirement for the City of Temple to provide any funding for this agreement. All costs for the Temple Police Department's Task Force has been included in the FY 2017 Operating Budget. No additional personnel, equipment, or funding is required for the item.

ATTACHMENTS:

Memorandum of Understanding Resolution

FEDERAL BUREAU OF INVESTIGATION CENTRAL TEXAS VIOLENT CRIMES TASK FORCE (CTVCTF) MEMORANDUM OF UNDERSTANDING

PARTIES

This Memorandum of Understanding (MOU) is entered into by and between the Federal Bureau of Investigation (FBI) and the Temple Police Department (TPD). Nothing in this MOU should be construed as limiting or impeding the basic spirit of cooperation which exists between these agencies.

AUTHORITIES

Authority for the FBI to enter into this agreement can be found at Title 28, United States Code (U.S.C.), Section (§) 533; 42 U.S.C. § 3771; Title 28, Code of Federal Regulations (C.F.R.), § 0.85; and applicable United States Attorney General's Guidelines.

PURPOSE

The purpose of this MOU is to delineate the responsibilities of Central Texas Violent Crimes Task Force (CTVCTF) personnel: formalize relationships between participating agencies for policy guidance, planning, training, public and media relations; and maximize inter-agency cooperation. This MOU is not intended, and should not be construed, to create any right or benefit, substantive or procedural, enforceable at law or otherwise by any third party against the parties, the United States, or the officers. employees, agents, or other associated personnel thereof.

MISSION

The mission of the CTVCTF is to identify and target for prosecution organized crime groups and/or individuals responsible for Violent Incident Crimes, to include: Aggravated Robbery, both personal and commercial; Carjackings; Kidnappings; and Extortions. Through an aggressive utilization of the Unlawful Flight to Avoid Prosecution (UFAP) Statutes, CTVCTF will enhance the effectiveness of interstate, multi-jurisdictional fugitive investigations of major violent offenders. The CTVCTF will enhance the effectiveness of Federal/State/Local law enforcement resources through a well coordinated initiative seeking the most effective investigative/prosecutive avenues by which to convict and incarcerate dangerous offenders.

SUPERVISION AND CONTROL

A. Supervision

- 4. Overall management of the CTVCTF shall be the shared responsibility of the participating agency heads and/or their designees.
- The Special Agent in Charge (SAC) of the San Antonio Division shall designate one Supervisory Special Agent (SSA) to have direct and daily responsibility for all personnel and investigative matters pertaining to the CTVCTF.
- Conduct undertaken outside the scope of an individual's CTVCTF duties and assignments under this MOU shall not fall within the oversight responsibility of the SSA or Task Force Coordinator. As stated in paragraph 73, below, neither the United States nor the FBI shall be responsible for such conduct.
- CTVCTF personnel will be subject to the laws, regulations, policies, and personnel rules applicable to their respective agencies. FBI employees will continue to adhere to the Bureau's ethical standards, including Department of Justice (DOJ)/FBI regulations relating to outside employment and prepublication review matters, and will remain subject to the Supplemental Standards of Ethical conduct for employees of the DOJ.
- CTVCTF personnel will continue to report to their respective agency heads for noninvestigative administrative matters not detailed in this MOU.
- Continued assignment of personnel to the CTVCTF will be based on performance and at the discretion of appropriate management. The FBI SAC and CTVCTF Supervisor will also retain discretion to remove any individual from the CTVCTF.

B. Case Assignments

- 10. The FBI CTVCTF Supervisor will be responsible for opening, monitoring, directing, and closing CTVCTF investigations in accordance with existing FBI policy and the applicable United States Attorney General's Guidelines.
- 11. Assignments of cases to personnel will be based on, but not limited to, experience, training and performance, in addition to the discretion of the CTVCTF Supervisor.
- 12. For FBI administrative purposes, CTVCTF cases will be entered into the relevant FBI computer system.
- 13. CTVCTF personnel will have equal responsibility for each case assigned. CTVCTF personnel will be responsible for complete investigation from predication to resolution.

C. Resource Control

14. The head of each participating agency shall determine the resources to be dedicated by that agency to the CTVCTF, including personnel, as well as the continued dedication of those resources. The participating agency head or designee shall be kept fully apprised of all investigative developments by his or her subordinates.

<u>OPERATIONS</u>

A. Investigative Exclusivity

- 15. It is agreed that matters designated to be handled by the CTVCTF will not knowingly be subject to non-CTVCTF law enforcement efforts by any of the participating agencies. It is incumbent on each agency to make proper internal notification regarding the CTVCTF's existence and areas of concern.
- 16. It is agreed that there is to be no unilateral action taken on the part of the FBI or any participating agency relating to CTVCTF investigations or areas of concern as described in paragraph 3. All law enforcement actions will be coordinated and cooperatively carried out.
- 17. CTVCTF investigative leads outside of the geographic areas of responsibility for FBI San Antonio Division will be communicated to other FBI offices for appropriate investigation.

B. Confidential Human Sources

- 18. The disclosure of FBI informants, or Confidential Human Sources (CHSs), to non-CTVCTF personnel will be limited to those situations where it is essential to the effective performance of the CTVCTF. These disclosures will be consistent with applicable FBI guidelines.
- 19. Non-FBI CTVCTF personnel may not make any further disclosure of the identity of an FBI CHS, including to other individuals assigned to the CTVCTF. No documents which identify, tend to identify, or may indirectly identify an FBI CHS may be released without prior FBI approval.
- 20. In those instances where a participating agency provides a CHS, the FBI may, at the discretion of the SAC, become solely responsible for the CHS's continued development, operation, and compliance with necessary administrative procedures regarding operation and payment as set forth by the FBI.
- 21. The United States Attorney General's Guidelines and FBI policy and procedure for operating FBI CHSs shall apply to all FBI CHSs opened and operated in furtherance of CTVCTF investigations. Documentation of, and any payments made to, FBI CHSs shall be in accordance with FBI policy and procedure.

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22. Operation, documentation, and payment of any CHS opened and operated in furtherance of a CTVCTF investigation must be in accordance with the United States Attorney General's Guidelines, regardless of whether the handling agency is an FBI CTVCTF participating agency. Documentation of state, county, or local CHSs opened and operated in furtherance of CTVCTF investigations shall be maintained at an agreed upon location.

C. Reports and Records

- 23. All investigative reporting will be prepared in compliance with existing FBI policy. Subject to pertinent legal and/or policy restrictions, copies of pertinent documents created by CTVCTF personnel will be made available for inclusion in the respective investigative agencies' files as appropriate.
- 24. CTVCTF reports prepared in cases assigned to CTVCTF personnel will be maintained at an FBI approved location; original documents will be maintained by the FBI.
- 25. Records and reports generated in CTVCTF cases which are opened and assigned by the FBI SSA with designated oversight for investigative and personnel matters will be maintained in the FBI investigative file for CTVCTF.
- 26. CTVCTF investigative records maintained at the San Antonio Field Office of the FBI will be available to all CTVCTF personnel, as well as their supervisory and command staff subject to pertinent legal, administrative and/or policy restrictions.
- 27. All evidence and original tape recordings (audio and video) acquired by the FBI during the course of the CTVCTF investigations will be maintained by the FBI. The FBI's rules and policies governing the submission, retrieval and chain of custody will be adhered to by CTVCTF personnel.
- 28. All CTVCTF investigative records will be maintained at an approved FBI location. Placement of all or part of said information into participating agency files rests with the discretion of supervisory personnel of the concerned agencies, subject to SSA approval.
- 29. Classified information and/or documents containing information that identifies or tends to identify an FBI CHS shall not be placed in the files of participating agencies unless appropriate FBI policy has been satisfied.
- 30. The Parties acknowledge that this MOU may provide CTVCTF personnel with access to information about U.S. persons which is protected by the Privacy Act of 1974 and/or Executive Order 12333. The Parties expressly agree that all such information will be handled lawfully pursuant to the provisions thereof. The Parties further agree that if this access to information by CTVCTF personnel requires a change in privacy compliance documents, those changes will be accomplished prior to access being granted.

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INFORMATION SHARING

- 31. No information possessed by the FBI, to include information derived from informal communications between CTVCTF personnel and FBI employees not assigned to the CTVCTF, may be disseminated by CTVCTF personnel to non-CTVCTF personnel without the approval of the CTVCTF Supervisor and in accordance with the applicable laws and internal regulations, procedures or agreements between the FBI and the participating agencies that would permit the participating agencies to receive that information directly. Likewise, CTVCTF personnel will not provide any participating agency information to the FBI that is not otherwise available to it unless authorized by appropriate participating agency officials.
- 32. Each Party that discloses Personally Identifiable Information (PII) is responsible for making reasonable efforts to ensure that the information disclosed is accurate, complete, timely, and relevant.
- 33. The FBI is providing access to information from its records with the understanding that in the event the recipient becomes aware of any inaccuracies in the data, the recipient will promptly notify the FBI so that corrective action can be taken. Similarly, if the FBI becomes aware that information it has received pursuant to this MOU is inaccurate, it will notify the contributing Party so that corrective action can be taken.
- 34. Each Party is responsible for ensuring that information it discloses was not knowingly obtained or maintained in violation of any law or policy applicable to the disclosing Party, and that information is only made available to the receiving Party as may be permitted by laws, regulations, policies, or procedures applicable to the disclosing Party.
- 35. Each Party will immediately report to the other Party each instance in which data received from the other Party is used, disclosed, or accessed in an unauthorized manner (including any data losses or breaches).
- 36. The Parties agree that either or both may audit the handling and maintenance of data in electronic and paper recordkeeping systems to ensure that appropriate security and privacy protections are in place.

PROSECUTIONS

- 37. CTVCTF investigative procedures, whenever practicable, are to conform to the requirements which would allow for either federal or state prosecution.
- 38. A determination will be made on a case-by-case basis whether the prosecution of CTVCTF cases will be at the state or federal level. This determination will be based on the evidence obtained and a consideration of which level of prosecution would be of the greatest benefit to the overall objectives of the CTVCTF.

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39. In the event that a state or local matter is developed that is outside the jurisdiction of the FBI or it is decided to prosecute a CTVCTF case at the state or local level, the FBI agrees to provide all relevant information to state and local authorities in accordance with all applicable legal limitations.

A. Investigative Methods/Evidence

- 40. For cases assigned to an FBI Special Agent or in which FBI CHSs are utilized, the parties agree to conform to federal standards concerning evidence collection, processing, storage, and electronic surveillance. However, in situations where the investigation will be prosecuted in the State Court where statutory or common law of the state is more restrictive than the comparable federal law, the investigative methods employed by FBI case agents shall conform to the requirements of such statutory or common law pending a decision as to venue for prosecution.
- 41. In all cases assigned to state, county, or local law enforcement participants, the parties agree to utilize federal standards pertaining to evidence handling and electronic surveillance activities as outlined in the Domestic Investigations and Operations Guide to the greatest extent possible. However, in situations where the statutory or common law of the state is more restrictive than the comparable federal law, the investigative methods employed by state and local law enforcement agencies shall conform to the requirements of such statutory or common law pending a decision as to venue for prosecution.
- 42. The use of other investigative methods (search warrants, interceptions of oral communications, etc.) and reporting procedures in connection therewith will be consistent with the policies and procedures of the FBI.

B. Undercover Operations

43. All CTVCTF undercover operations will be conducted and reviewed in accordance with FBI guidelines and the Attorney General's Guidelines on Federal Bureau of Investigation Undercover Operations. All participating agencies may be requested to enter into an additional agreement if an employee of the participating agency is assigned duties which require the officer to act in an undercover capacity.

USE OF LESS-THAN-LETHAL-DEVICES¹

Pursuant to Section VIII of the DOJ Less-Than-Lethal Devices Policy dated May 16, 2011, all state/local officers participating in joint task force operations must be made aware of and adhere to the policy and its limits on DOJ officers.

- 44. The parent agency of each individual assigned to the CTVCTF will ensure that while the individual is participating in FBI-led task force operations in the capacity of a task force officer, task force member, or task force participant, the individual will carry only lesslethal devices that the parent agency has issued to the individual, and that the individual has been trained in accordance with the agency's policies and procedures.
- 45. The parent agency of each individual assigned to the CTVCTF will ensure that the agency's policies and procedures for use of any less-lethal device that will be carried by the task force officer, task force member, or task force participant are consistent with the DOJ policy statement on the Use of Less-Than-Lethal Devices.

DEADLY FORCE AND SHOOTING INCIDENT POLICIES

46. CTVCTF personnel will follow their own agencies' policies concerning firearms discharge and use of deadly force.

DEPUTATIONS

- 47. Local and state law enforcement personnel designated to the CTVCTF, subject to a limited background inquiry, may be sworn as federally deputized Special Deputy United States Marshals, with the FBI securing the required deputation authorization. These deputations should remain in effect throughout the tenure of each investigator's assignment to the CTVCTF or until the termination of the CTVCTF, whichever comes first.
- 48. Deputized CTVCTF personnel will be subject to the rules and regulations pertaining to such deputation. Administrative and personnel policies imposed by the participating agencies will not be voided by deputation of their respective personnel.

VEHICLES

- 49. In furtherance of this MOU, employees of TPD may be permitted to drive FBI owned or leased vehicles for official CTVCTF business and only in accordance with applicable FBI rules and regulations, including those outlined in the FBI Government Vehicle Policy Directive (0430D) and the Government Vehicle Policy Implementation Guide (0791PG). The assignment of an FBI owned or leased vehicle to TPD CTVCTF personnel will require the execution of a separate Vehicle Use Agreement.
- 50. The participating agencies agree that FBI vehicles will not be used to transport passengers unrelated to CTVCTF business.
- 51. The FBI and the United States will not be responsible for any tortious act or omission on the part of TPD and/or its employees or for any liability resulting from the use of an FBI owned or leased vehicle utilized by TPD CTVCTF personnel, except where liability may

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- fall under the provisions of the Federal Tort Claims Act (FTCA), as discussed in the Liability Section herein below.
- 52. The FBI and the United States shall not be responsible for any civil liability arising from the use of an FBI owned or leased vehicle by TPD task force personnel while engaged in any conduct other than their official duties and assignments under this MOU.
- 53. To the extent permitted by applicable law, TPD agrees to hold harmless the FBI and the United States, for any claim for property damage or personal injury arising from any use of an FBI owned or leased vehicle by TPD CTVCTF personnel which is outside the scope of their official duties and assignments under this MOU.

SALARY/OVERTIME COMPENSATION

- 54. The FBI and TPD remain responsible for all personnel costs for their CTVCTF representatives, including salaries, overtime payments and fringe benefits consistent with their respective agency, except as described in paragraph 56 below.
- 55. Subject to funding availability and legislative authorization, the FBI will reimburse to TPD the cost of overtime worked by non-federal CTVCTF personnel assigned full-time to CTVCTF, provided overtime expenses were incurred as a result of CTVCTF-related duties, and subject to the provisions and limitations set forth in a separate Cost Reimbursement Agreement to be executed in conjunction with this MOU. A separate Cost Reimbursement Agreement must be executed between the FBI and TPD for full-time employee(s) assigned to CTVCTF, consistent with regulations and policy, prior to any reimbursement by the FBI. Otherwise, overtime shall be compensated in accordance with applicable TPD overtime provisions and shall be subject to the prior approval of appropriate personnel.

PROPERTY AND EQUIPMENT

56. Property utilized by the CTVCTF in connection with authorized investigations and/or operations and in the custody and control and used at the direction of the CTVCTF, will be maintained in accordance with the policies and procedures of the agency supplying the equipment. Property damaged or destroyed which was utilized by CTVCTF in connection with authorized investigations and/or operations and is in the custody and control and used at the direction of CTVCTF, will be the financial responsibility of the agency supplying said property.

FUNDING

57. This MOU is not an obligation or commitment of funds, nor a basis for transfer of funds, but rather is a basic statement of the understanding between the parties hereto of the tasks and methods for performing the tasks described herein. Unless otherwise agreed in writing, each party shall bear its own costs in relation to this MOU. Expenditures by

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each party will be subject to its budgetary processes and to the availability of funds and resources pursuant to applicable laws, regulations, and policies. The parties expressly acknowledge that the above language in no way implies that Congress will appropriate funds for such expenditures.

FORFEITURES

- 58. The FBI shall be responsible for processing assets seized for federal forfeiture in conjunction with CTVCTF operations.
- 59. Asset forfeitures will be conducted in accordance with federal law, and the rules and regulations set forth by the FBI and DOJ. Forfeitures attributable to CTVCTF investigations may be equitably shared with the agencies participating in the CTVCTF.

DISPUTE RESOLUTION

- 60. In cases of overlapping jurisdiction, the participating agencies agree to work in concert to achieve the CTVCTF's objectives.
- 61. The participating agencies agree to attempt to resolve any disputes regarding jurisdiction, case assignments, workload, etc., at the field level first before referring the matter to supervisory personnel for resolution.

MEDIA RELEASES

- 62. All media releases and statements will be mutually agreed upon and jointly handled according to FBI and participating agency guidelines.
- 63. Press releases will conform to DOJ Guidelines regarding press releases. No release will be issued without FBI final approval.

SELECTION TO CTVCTF AND SECURITY CLEARANCES

- 64. If a TPD candidate for the CTVCTF will require a security clearance, he or she will be contacted by FBI security personnel to begin the background investigation process prior to the assigned start date.
- 65. If, for any reason, the FBI determines that a TPD candidate is not qualified or eligible to serve on the CTVCTF, the participating agency will be so advised and a request will be made for another candidate.
- 66. Upon being selected, each candidate will receive a comprehensive briefing on FBI field office security policies and procedures. During the briefing, each candidate will execute non-disclosure agreements (SF-312 and FD-868), as may be necessary or required by the FBI.

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- 67. Before receiving unescorted access to FBI space identified as an open storage facility, CTVCTF personnel will be required to obtain and maintain a "Top Secret" security clearance. CTVCTF personnel will not be allowed unescorted access to FBI space unless they have received a Top Secret security clearance.
- 68. Upon departure from the CTVCTF, each individual whose assignment to the CTVCTF is completed will be given a security debriefing and reminded of the provisions contained in the non-disclosure agreement to which he or she previously agreed.

LIABILITY

- 69. The participating agencies acknowledge that this MOU does not alter the applicable law governing civil liability, if any, arising from the conduct of personnel assigned to the CTVCTF.
- 70. The participating agency shall immediately notify the FBI of any civil, administrative, or criminal claim, complaint, discovery request, or other request for information of which the agency receives notice, concerning or arising from the conduct of personnel assigned to the CTVCTF or otherwise relating to the CTVCTF. The participating agency acknowledges that financial and civil liability, if any and in accordance with applicable law, for the acts and omissions of each employee detailed to the CTVCTF remains vested with his or her employing agency. In the event that a civil claim or complaint is brought against a state or local officer assigned to the CTVCTF, the officer may request legal representation and/or defense by DOJ, under the circumstances and pursuant to the statutes and regulations identified below.
- 71. For the limited purpose of defending against a civil claim arising from alleged negligent or wrongful conduct under common law under the FTCA, 28 U.S.C. § 1346(b), and §§ 2671-2680: An individual assigned to the CTVCTF who is named as a defendant in a civil action as a result of or in connection with the performance of his or her official duties and assignments pursuant to this MOU may request to be certified by the Attorney General or his designee as having acted within the scope of federal employment at the time of the incident giving rise to the suit. 28 U.S.C. § 2679(d) (2). Upon such certification, the individual will be considered an "employee" of the United States government for the limited purpose of defending the civil claim under the FTCA, and the claim will proceed against the United States as sole defendant. 28 U.S.C. § 2679(d) (2). Once an individual is certified as an employee of the United States for purposes of the FTCA, the United States is substituted for the employee as the sole defendant with respect to any tort claims. Decisions regarding certification of employment under the FTCA are made on a case-by-case basis, and the FBI cannot guarantee such certification to any CTVCTF personnel.
- 72. For the limited purpose of defending against a civil claim arising from an alleged violation of the U.S. Constitution pursuant to 42 U.S.C. § 1983 or <u>Bivens v. Six Unknown Named</u>

Agents of the Federal Bureau of Narcotics, 403 U.S. 388 (1971): An individual assigned to the CTVCTF who is named as a defendant in a civil action as a result of or in connection with the performance of his or her official duties and assignments pursuant to this MOU may request individual-capacity representation by DOJ to defend against the claims. 28 C.F.R. §§ 50.15, 50.16. Any such request for individual-capacity representation must be made in the form of a letter from the individual defendant to the U.S. Attorney General. The letter should be provided to Chief Division Counsel (CDC) for the FBI San Antonio Division, who will then coordinate the request with the FBI Office of the General Counsel. In the event of an adverse judgment against the individual, he or she may request indemnification from DOJ. 28 C.F.R. § 50.15(c) (4). Requests for DOJ representation and indemnification are determined by DOJ on a case-by-case basis. The FBI cannot guarantee the United States will provide legal representation or indemnification to any CTVCTF personnel.

73. Liability for any conduct by CTVCTF personnel undertaken outside of the scope of their assigned duties and responsibilities under this MOU shall not be the responsibility of the FBI or the United States and shall be the sole responsibility of the respective employee and/or agency involved.

DURATION

- 74. The term of this MOU is for the duration of the CTVCTF's operations, contingent upon approval of necessary funding, but may be terminated at any time upon written mutual consent of the agency involved.
- 75. Any participating agency may withdraw from the CTVCTF at any time by written notification to the SSA with designated oversight for investigative and personnel matters or program manager of the CTVCTF at least 30 days prior to withdrawal.
- 76. Upon termination of this MOU, all equipment provided to the CTVCTF will be returned to the supplying agency/agencies. In addition, when an entity withdraws from the MOU, the entity will return equipment to the supplying agency/agencies. Similarly, remaining agencies will return to a withdrawing agency any unexpended equipment supplied by the withdrawing agency during any CTVCTF participation.

MODIFICATIONS

- 77. This agreement may be modified at any time by written consent of all involved agencies.
- 78. Modifications to this MOU shall have no force and effect unless such modifications are reduced to writing and signed by an authorized representative of each participating agency.

SIGNATORIES

Christopher H. Combs

Special Agent in Charge

Federal Bureau of Investigation/

San Antonio Field Office

Floyd Mitchell Chief of Police

Temple Police Department

Date

COST REIMBURSEMENT AGREEMENT

BETWEEN

THE FEDERAL BUREAU OF INVESTIGATION (FBI)

AND

TEMPLE (TEXAS) POLICE DEPARTMENT (TPD)

TASK FORCE FILE # 91-SA-C60251

- 1) Commencing upon execution of this agreement, the FBI will, subject to availability of the required funding, reimburse the agency for overtime payments made to the officers assigned full-time to the task force.
- 2) Requests for reimbursement will be made on a monthly basis and should be forwarded to the FBI field office as soon as practical after the first of the month which follows the month for which reimbursement is requested. Such requests should be forwarded by the Supervisor of the agency to the FBI Task Force Squad Supervisor and Special Agent in Charge for their review, approval, and processing for payment.
- 3) Overtime reimbursements will be made directly to the agency by the FBI. All overtime reimbursement payments are made by electronic fund transfer (EFT). An ACH Vendor/Miscellaneous Payment Enrollment Form must be on file with the FBI to facilitate EFT.
- 4) Overtime reimbursements will be calculated at the usual rate for which the individual officer's time would be compensated in the absence of this agreement. However, said reimbursement, per officer, shall not exceed monthly and/or annual limits established annually by the FBI. The limits, calculated using Federal pay tables, will be in effect for the Federal fiscal year running from October 1st of one year through September 30th of the following year, unless changed during the period. The FBI reserves the right to change the reimbursement limits, upward or downward, for subsequent periods based on fiscal priorities and appropriations limits. The FBI will notify the agency of the applicable annual limits prior to October 1st of each year.
- 5) The number of agency officers assigned full-time to the task force and entitled to overtime reimbursement by the FBI shall be approved by the FBI in advance of each fiscal year. Based on the needs of the task force, this number may change periodically, upward or downward, as approved in advance by the FBI.
- 6) Prior to submission of any overtime reimbursement requests, the agency must prepare an official document setting forth the identity of each officer assigned full-time to the task force, along with the regular and overtime hourly rates for each officer. Should any officers change during the year, a similar statement must be prepared regarding the new officers prior to submitting any overtime reimbursement requests for the officers. The document

should be sent to the field office for FBI review and approval.

- 7) Each request for reimbursement will include the name, rank, ID number, overtime compensation rate, number of reimbursable hours claimed, and the dates of those hours for each officer for whom reimbursement is sought. The request must be accompanied by a certification, signed by an appropriate Supervisor of the agency, that the request has been personally reviewed, the information described in this paragraph is accurate, and the personnel for whom reimbursement is claimed were assigned full-time to the task force.
- 8) Each request for reimbursement will include an invoice number, invoice date, taxpayer identification number (TIN), and the correct banking information to complete the electronic fund transfer. The necessary banking information is the Depositor Account Title, Bank Account Number, Routing Number, and Type of Account (either checking, savings, or lockbox). If the banking information changes, a new ACH Vendor/Miscellaneous Payment Enrollment Form must be submitted to the FBI.
- 9) Requests for reimbursement must be received by the FBI no later than December 31st of the next fiscal year for which the reimbursement applies. For example, reimbursements for the fiscal year ending September 30, 2016, must be received by the FBI by December 31, 2016. The FBI is not obligated to reimburse any requests received after that time.
- 10) This agreement is effective upon signature of the parties and will remain in effect for the duration of the agency's participation in the task force, contingent upon approval of necessary funding, and unless terminated in accordance with the provisions herein. This agreement may be modified at any time by written consent of the parties. It may be terminated at any time upon mutual consent of the parties, or unilaterally upon written notice from the terminating party to the other party at least 30 days prior to the termination date.

FOR THE AGENCY:		FOR THE FBI:	
	Date	Special Agent in Charge	Date
		Contracting Officer FBI Headquarters	Date

RESOLUTION NO. 2017-8546-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF TEMPLE AND THE FEDERAL BUREAU OF INVESTIGATION IN SUPPORT OF THE CENTRAL TEXAS VIOLENT CRIMES TASK FORCE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Central Texas Violent Crimes Task Force is a cooperative network comprised of state and local law enforcement agencies and the Federal Bureau of Investigation (FBI) created to identify, investigate and prosecute crime groups and/or individuals responsible for violent incident crimes, including aggravated robbery, both personal and commercial, carjacking, kidnapping, and extortion;

Whereas, overall management of the Task Force is the shared responsibility of the participating agency heads - all personnel and investigative matters pertaining to the Task Force will be the direct, daily responsibility of the FBI Special Agent in Charge of the San Antonio Division;

Whereas, the head of each participating agency will retain discretionary authority to determine the resources, including personnel, to be dedicated to the Task Force, and will be fully apprised of all investigative developments by his or her subordinates;

Whereas, the Temple Police Department (TPD) will remain responsible for all personnel costs for its Task Force representatives, including salaries, overtime compensation, benefits, and basic equipment and subject to funding availability, the FBI will reimburse TPD the cost of overtime worked as a result of Task Force-related duties by personnel assigned full-time to the Task Force;

Whereas, Temple Police officers assigned to the Task Force will continue to be supervised by Temple Police supervisory personnel and will abide by the Temple Police Department and City of Temple Policies and Procedures - Temple Police Department currently has one officer prospectively assigned on a full-time basis to this Task Force;

Whereas, Staff recommends Council authorize a Memorandum of Understanding between the City of Temple and the Federal Bureau of Investigation in support of the Central Texas Violent Crimes Task Force;

Whereas the intent of this MOU is to enhance the effectiveness of interstate, multijurisdictional fugitive investigations of major violent offenders through aggressive use of the Unlawful Flight to Avoid Prosecution statutes;

Whereas, there is no funding requirement for this agreement and all costs associated with the Police Department's Task Force have been included in the fiscal year 2017 Operating Budget; 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>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.
- <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 a Memorandum of Understanding between the City of Temple and the Federal Bureau of Investigation in support of the Central Texas Violent Crimes Task Force.
- <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 16th day of February, 2017.

	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

02/16/17 Item #4(N) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Floyd Mitchell, Chief of Police

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing the City Manager to submit an application and accept funding through a Victims of Crime Assistance Grant through the Criminal Justice Division of the Governor's Office.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> The Central Texas Council of Governments' (CTCOG) Criminal Justice Advisory Committee (CJAC) will review the grant application and make their recommendations to the CJD. This would be the fourth year we would have received funding through this grant that we call the Crisis Assistance Program. The Crisis Assistance Program would provide services to victims and survivors of crime through intervention, counseling, advocacy, education and information and referral 24/7 to meet the needs of victim and survivors as well as law enforcement by freeing them up to attend to other calls.

The grant-funded projects must begin on or after October 1, 2017 and will be funded for 2 years, through September 30, 2019. If funding is available, we can reapply every two years. We would ask for services of a Licensed Professional Counselor (\$30,000), General Supplies (\$1,250), Training Material for Volunteers (\$600), and CISM Training (\$2,500).

FISCAL IMPACT: If awarded the grant, the City would receive \$34,350 of grant funding. There is a match of 20% required that can be fulfilled through in-kind contributions and donations. The City's required match of \$6,870 would be met through the use of in-kind volunteer hours from criminal justice students of Texas A&M Central Texas and Temple College.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2017-8547-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR A VICTIMS OF CRIME ASSISTANCE GRANT THROUGH THE CRIMINAL JUSTICE DIVISION OF THE GOVERNOR'S OFFICE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Central Texas Council of Governments' Criminal Justice Advisory Committee will review all grant applications and make their recommendations to the Criminal Justice Division;

Whereas, the Crisis Assistance Program provides services to victims and survivors of crime through intervention, counseling, advocacy, education and information and referral 24/7 to meet the needs of victim and survivors as well as law enforcement by freeing them to attend to other calls:

Whereas, the grant-funded projects must begin on or after October 1, 2017 and will be funded through September 30, 2019 – if funding is available, the City can reapply every two years;

Whereas, if awarded, the City will receive \$34,350 of grant funding – the City's required match of 20% can be fulfilled through in-kind contributions and donations;

Whereas, the City's required match will be met through the use of in-kind volunteer hours from criminal justice students of Texas A&M Central Texas and Temple College; 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>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

- <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 apply for the Victims of Crime Assistance Grant and accept these grant funds.
- <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 **16th** day of **February**, 2017.

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



COUNCIL AGENDA ITEM MEMORANDUM

02/16/17 Item #4(O) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney Christina Demirs, Deputy City Attorney

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing the acceptance of a donation of 2.002 acres of right of way from Belton Independent School District which is necessary for the expansion of Prairie View Road.

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 as presented in item description.

<u>ITEM SUMMARY:</u> The City is currently in the design phase for the proposed expansion of Prairie View Road from North Pea Ridge Road to the water tower approximately 0.4 miles west of FM 317, including a realigned intersection at FM 317. The design requires the acquisition of right-of-way from seventeen different property owners. The City has reached agreements to acquire all of the properties, and the acquisitions of those properties are nearly complete or complete. Council authorized eminent domain for two properties at its December 15, 2016 meeting, in the event an agreement was not reached with the owners of those properties. At this time, agreements have been reached.

Approximately 2.002 acres of right of way along FM 2483 is needed for the road expansion. Belton Independent School District ("BISD") is the property owner. An appraisal was not conducted for this property since the owner agreed to donate the needed right of way. In exchange for this donation, the City has agreed to include in the design of Prairie View Road certain improvements adjacent to the BISD's remainder property, including an eastbound right turn lane into BISD's driveway, a concrete drive approach, and sidewalks.

At this time, Staff is seeking authorization for the acceptance of the donation of 2.002 acres of right of way from BISD which is necessary for the expansion of Prairie View Road.

The address of the property is FM 2483, Temple, Bell CAD ID 389845 and 389846.

<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 are nominal.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2017-8548-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE ACCEPTANCE OF THE DONATION OF APPROXIMATELY 2.002 ACRES OF RIGHT OF WAY FROM BELTON INDEPENDENT SCHOOL DISTRICT, WHICH IS NECESSARY FOR THE EXPANSION OF PRAIRIE VIEW ROAD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is currently in the design phase for the proposed expansion of Prairie View Road from North Pea Ridge Road to the water tower approximately 0.4 miles west of FM 317, including the realigned intersection of FM 317;

Whereas, the design requires the acquisition of right-of-way from 17 different property owners – the City has reached agreements to acquire all of the properties, and the acquisitions of the properties are nearly complete or complete;

Whereas, approximately 2.002 acres of right of way along FM 2483 is needed for the Prairie View Road expansion and Belton Independent School District ("BISD") is the property owner and has agreed to donate the right of way to the City;

Whereas, an appraisal was not conducted for this property since the owner agreed to donate the needed right of way - in exchange for this donation, the City has agreed to include in the design of Prairie View Road certain improvements adjacent to BISD's remainder property, including an eastbound right turn lane into BISD's driveway, a concrete drive approach, and sidewalks;

Whereas, Staff recommends Council accept the donation of approximately 2.002 acres of right of way from Belton Independent School District which is necessary for the expansion of Prairie View Road;

Whereas, the City will be responsible for future maintenance of the property and any costs associated with the closing transaction on the land, which are 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>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>Part 2:</u> The City Council accepts the donation of approximately 2.002 acres of right of way from Belton Independent School District which is necessary for the expansion of Prairie View Road.

<u>Part 3:</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 to accept this donation.

<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 **16th** day of **February**, 2017.

	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

2/16/17 Item #4(P) Consent Agenda Page 1 of 1

DEPT. / DIVISION SUBMISSION & REVIEW:

Lynn Barrett, Assistant Planning Director

<u>ITEM DESCRIPTION:</u> A-FY-17-04: Consider adopting a resolution authorizing the abandonment of a portion of the 15 foot wide public utility easement encompassing approximately .009 acres under the foundation of a constructed residence, located on Lot 6, Block 2, Carriage House Trails Phase I, addressed as 8305 Split Trail Cove in the City of Temple, Bell County, Texas.

STAFF RECOMMENDATION: Staff recommends approval of the abandonment of a portion of the 15 foot wide public utility easement encompassing approximately .009 acres, located in the side setback of the property at 8305 Split Trail Cove, in the City of Temple, Bell County, Texas, more particularly described in Exhibit A and Field Notes. This is a recommendation for approval since the easement contains no existing public facility or utilities and is not used for other public services or access.

ITEM SUMMARY: The applicant, Chuck Lucko, submitted a request on behalf of Jason Carothers and requests the abandonment of approximately one half of the 15 foot wide public utility easement encompassing approximately .009 acres on the eastern edge of the subject property, more particularly described in Exhibit A to this resolution and located under the existing home's foundation. This abandonment is a companion file to a requested Board of Adjustment case number B-FY-17-02 requesting a variance from the side setback of a home inadvertently built approximately seven and one half feet into the side setback on a corner lot. The utility easement in this case to be abandoned is located under the home's foundation comprising a rectangle 52 feet long and 7.5 feet wide along the side setback line.

Planning staff has contacted all public and private service providers, including the Public Works Department, and confirmed that the easement may be abandoned, as the providers' responses indicate there are no existing public facilities or utilities in the easement and there are no objections to abandoning this portion of the easement because it is not needed for other public services. Staff felt that it was also desirable not to abandon the entire easement since it continues north and south along Wagon Gap Road and some use for it might present itself in the future.

FISCAL IMPACT: None

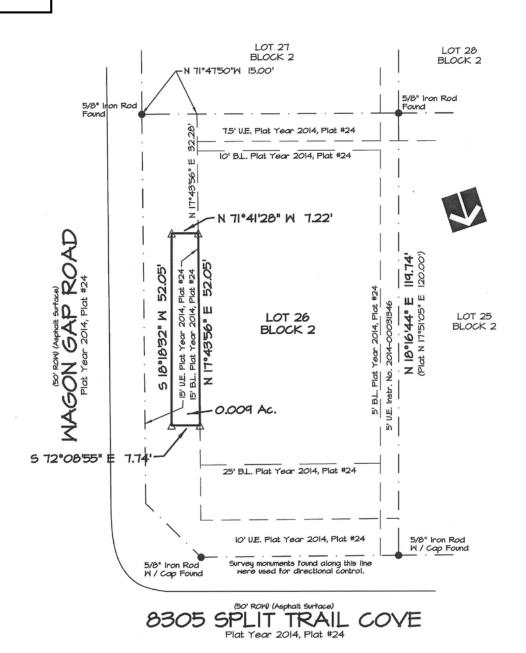
ATTACHMENTS:

Exhibit A and Field Notes Resolution

Proposed portion of an Easement to be abandoned being part of LOT TWENTY-SIX (26), BLOCK TWO (2), of CARRIAGE HOUSE TRAILS, PHASE I, an addition in the City of Temple, Bell County, Texas, according to the plat of record in Plat Year 2014,

Plat #24, Plat Records of Bell County, Texas.

EXHIBIT A



This sketch represents a survey made on the ground. During the performance of this survey, persons working under my supervision observed conditions within and along the boundaries and to the best of my knowledge they are as shown. The location of visual structural improvements with respect to the boundary lines are as shown. This document is not valid for any purpose unless signed and sealed by a Registered Professional Land Surveyor.



FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

February 6, 2017

Surveyor's Field Notes

0.009 ACRE, being part of the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, and the land herein described being a portion of an easement to be abandoned, being part of Lot 26, Block 2, Carriage House Trails, Phase I, an addition to the City of Temple, Texas, being of record in Plat Year 2014, Plat #24, Plat Records of Bell County, Texas and is more particularly described by these metes and bounds as follows:

BEGINNING at a point in the west line of a 15' Utility Easement, which bears N 71° 47' 50" W - 15.00' and N 17° 43' 56" E - 32.28' from the southeast corner of said Lot 26, for the southwest corner of this.

THENCE with the west line of said 15' Utility Easement, N 17° 43' 56" E -**52.05**' to a point, for the northwest corner of this.

THENCE S 72° 08' 55" E – 7.74' to a point, for the northeast corner of this.

THENCE S 18° 18' 32" W - 52.05' to the point, for the southeast corner of this.

THENCE N 71° 41' 28" W - 7.22' to the POINT OF BEGINNING containing 0.009 acre of land

Survey monuments found on the north line of said Lot 26 were used for directional control. This description is to accompany a Surveyor's Sketch showing the herein described 0.009 acre tract. This document is not valid for any purpose unless signed and sealed by a Registered Professional Land Surveyor.

Surveyed January 9, 2017

ALL COUNTY SURVEYING, INC. 1-800-749-PLAT

Tx Firm Lic No. 10023600 Server/projects/pro161000/16100/161023/161023.doc

Gary W. Mitchell

SURVEYOR Registered Professional Land Surveyor

ARY W. MITCHELL

4982

Registration No. 4982

RESOLUTION NO. <u>2017-8549-R</u> (A-FY-17-04)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE ABANDONMENT OF A PORTION OF A 15-FOOT WIDE PUBLIC UTILITY EASEMENT ENCOMPASSING APPROXIMATELY .009 ACRES UNDER THE FOUNDATION OF A CONSTRUCTED RESIDENCE, LOCATED ON LOT 26, BLOCK 2, CARRIAGE HOUSE TRAILS PHASE 1, ADDRESSED AS 8305 SPLIT TRAIL COVE, IN THE CITY OF TEMPLE, BELL COUNTY, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, Chuck Lucko, submitted a request on behalf of Jason Carothers and requests the abandonment of approximately 1/2 of the 15-foot wide public utility easement encompassing approximately .009 acres on the eastern edge of the property located under the existing home's foundation on Lot 26, Block 2, Carriage House Trails Phase 1, addressed as 8305 Split Trail Cove in the City of Temple, Bell County, Texas, and more particularly described in Exhibit A, attached hereto and made a part hereof for all purposes;

Whereas, this abandonment is a companion file to a variance from the side setback of a home inadvertently built approximately 7.5-feet into the side setback on a corner lot - the utility easement in this case to be abandoned is located under the home's foundation comprising a rectangle 52-feet long and 7.5-feet wide along the side setback line;

Whereas, Staff contacted all public and private utility service providers, including the Public Works Department, and confirmed that the easement may be abandoned, as the providers' responses indicated there are no existing public facilities or utilities in the easement and there are no objections to abandoning the easement;

Whereas, Staff has chosen not to abandon the entire easement since it continues north and south along Wagon Gap Road and there may be some future use for the remaining portion of the easement; and

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

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

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>Part 2:</u> The City of Temple, Texas permanently abandons a portion of the 15-foot wide public utility easement encompassing approximately .009 acres under the foundation of a constructed residence, located on Lot 26, Block 2, Carriage House Trails Phase I, addressed as 8305 Split Trail Cove in the City of Temple, Bell County, Texas, and more particularly described in Exhibit A.

<u>Part 3:</u> Upon request, the City of Temple will provide a copy of this Resolution and any other evidence of abandonment of the utility easement, which may be reasonably required.

<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 on the 16th day of February, 2017.

	THE CITY OF TEMPLE, TEXAS	
	DANIEL A. DUNN, Mayor	
ATTEST:	APPROVED AS TO FORM:	
Lacy Borgeson	Kayla Landeros	
City Secretary	City Attorney	
STATE OF TEXAS §		
COUNTY OF BELL §		
This instrument was acknoby Daniel A. Dunn, Mayor of the C	wledged before me on the day of February, 2017 City of Temple, Texas.	
	Notary Public, State of Texas	

Return Recorded Document to:

City Attorney's Office 2 North Main Street, Suite 308 Temple, TX 76501



COUNCIL AGENDA ITEM MEMORANDUM

02/16/17 Item #4(Q) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, Assistant City Manager

ITEM DESCRIPTION: Consider adopting the following:

- (1) A resolution of support for a housing tax credit elderly project by Picerne Affordable Development, LLC.
- (2) A resolution of commitment to local funding through fee reductions not to exceed \$100 for a housing tax credit elderly project by Picerne Affordable Development, LLC.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> Picerne Affordable Development, LLC has submitted a pre-application to the Texas Housing and Development Corporation housing tax credit program for the development of a senior housing project. The developer anticipates a project investment of approximately \$17,000,000 to include 100 total units with 80 subsidized and 20 market rate. The proposed development would be located 500 feet south of 8000 West Adams.

The tax credit is an indirect Federal subsidy, begun in 1986, as a market-based incentive to encourage investment and development of affordable rental housing. The program works by reducing the debt that the developer would otherwise borrow, allowing them to offer lower, more affordable rents. The program provides equity financing for the developer and is not a direct benefit to individuals.

The Tax Credit program is a competitive system, largely based on point categories, including points related to community support and engagement. Up to 17 points are available to the developer if a resolution of support is obtained from the municipality in which the development will be located. Up to an additional 1 points are available to the developer if the municipality provides a commitment to local funding of the project.

The City Council has adopted a resolution that established a policy regarding lending support for tax credit projects. As part of the resolution, the following criteria were established for evaluation of proposed projects:

- Alignment with the priorities stated in the City's 5-year Consolidated Plan;
- Alignment with the Comprehensive Plan, Future Land Use Map, and zoning;
- Involvement and support from local stakeholders and neighborhood organizations;

- Impact on existing affordable housing in a neighborhood;
- Quality of design and construction;
- Impact on City infrastructure;
- Provision of both tax credit and market rate units;
- Level of funding assistance requested;
- Developments that pay property taxes;
- Demonstrated development team experience
- Impact on elimination of blight
- Impact of traffic associated with the project
- Availability of and impact on public transit service
- Impact on area schools:
- Preservation of environmental assets and/or enhancement of landscaping;
- Impact on surrounding neighborhood(s); and
- Any other factor relevant to the best interest of the City (includes consideration for fair housing).

The developer is requesting a resolution of support for their proposed project and \$100 in waived permit fees.

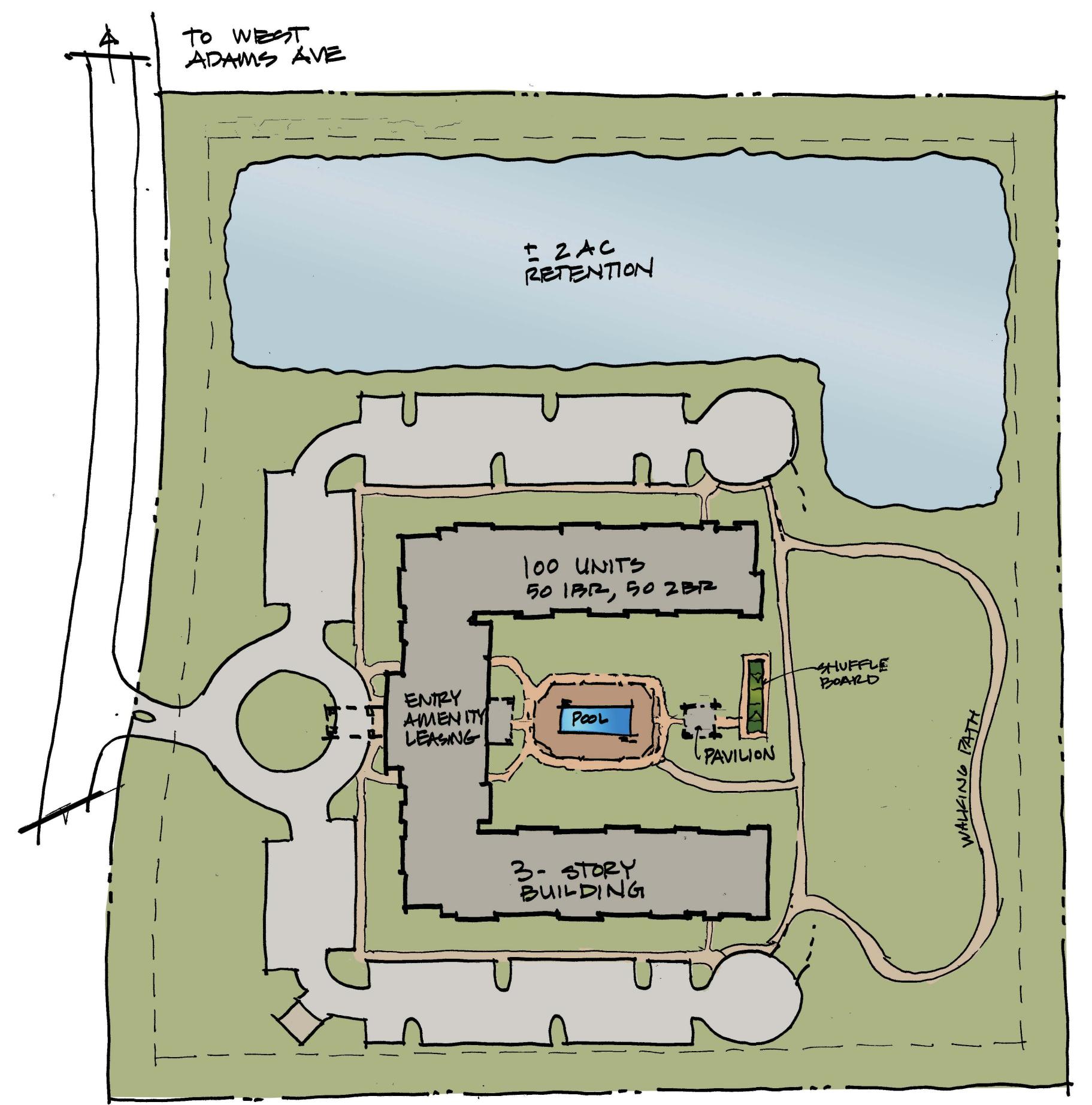
FISCAL IMPACT: Capital investment by Picerne Affordable Development, LLC would be approximately \$17,000,000 with the land and improvements being subject to property taxes. Upon approval of resolution (2), the City will commit to the reduction of permit fees in an amount not to exceed \$100.

ATTACHMENTS:

Project Location Map Conceptual Site Plan Resolutions



ITEM A AREA MAP

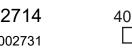


30' Landscape Buffer possible on all sides. Parking Min. 1.1 Spaces per Unit.



Conceptual Site Plan

SANTA FE PLACE SENIORS





RESOLUTION NO. 2017-8550-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, EXPRESSING SUPPORT OF THE APPLICATION OF PICERNE AFFORDABLE DEVELOPMENT, LLC, TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR 2017 COMPETITIVE NINE-PERCENT HOUSING TAX CREDITS IN CONNECTION WITH THE DEVELOPMENT OF SANTA FE PLACE APARTMENTS TO BE LOCATED ON APPROXIMATELY 10.199 ACRES OUT OF AN APPROXIMATE 41.755 ACRE TRACT OF LAND LOCATED 500 FEET SOUTH OF 8000 WEST ADAMS ROAD, TEMPLE, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Picerne Affordable Development, LLC, ("Applicant") has brought to the City of Temple ("City") a proposal to develop a 100 unit affordable rental housing community named Santa Fe Place Apartments to be located on approximately 10.199 acres out of an approximate 41.755 acre tract of land located 500 feet south of 8000 West Adams, Temple, Bell County, Texas 76502 (the "Project") - this property will be owned by the Applicant and used to provide 80 units of income restricted housing for seniors and 20 market rate units for seniors;

Whereas, the Applicant intends to file an application to the Texas Department of Housing and Community Affairs (TDHCA) for an allocation of 2017 Competitive 9% Housing Tax Credits (HTC) for the construction and development of the Project;

Whereas, pursuant to the rules that govern the allocation of HTCs by TDHCA, applicants who secure a Resolution of support from a municipality for a development which will be located in such municipality's jurisdiction, will improve the overall success of its application;

Whereas, the Applicant has requested from the City, a Resolution of support for its application to TDHCA and the development of the Project at its proposed location as herein described; 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>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>Part 2:</u> The City recognizes that the Applicant intends to submit an application to TDHCA for HTCs in connection with development of the Project for affordable rental housing on approximately 10.199 acres out of an approximate 41.755 acre tract of land located 500 feet south of 8000 West Adams, Temple, Bell County, Texas 76502.

<u>Part 3:</u> For the purpose of supporting the Project and qualifying for points pursuant to the rules that govern the allocation of HTCs by TDHCA, the City hereby confirms that it supports the Project.

<u>Part 4:</u> The City Manager of the City is hereby authorized and empowered, after approval as to form by the City Attorney, to do or cause to be done all such acts and to sign and deliver, or cause to be signed and delivered, all such documents, instruments and certificates in the name and on behalf of the City or otherwise, as he, in his sole discretion, may deem necessary or advisable to effectuate or carry out the purposes and intent of the foregoing Resolution and to perform the obligations of the City under all instruments executed in connection with or contemplated by the foregoing Resolution.

<u>Part 5:</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 **16th** day of **February**, 2017.

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

RESOLUTION NO. 2017-8551-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RECOGNIZING THE APPLICATION OF PICERNE AFFORDABLE DEVELOPMENT, LLC, TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR 2017 COMPETITIVE NINE-PERCENT HOUSING TAX CREDITS IN CONNECTION WITH THE DEVELOPMENT OF SANTA FE PLACE APARTMENTS TO BE LOCATED ON APPROXIMATELY 10.199 ACRES OUT OF AN APPROXIMATE 41.755 ACRE TRACT OF LAND LOCATED 500 FEET SOUTH OF 8000 WEST ADAMS ROAD, TEMPLE, TEXAS; AND PROVIDING A CONDITIONAL COMMITMENT OF FUNDING ASSISTANCE TO THE PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Picerne Affordable Development, LLC, ("Applicant") has brought to the City of Temple ("City") a proposal to develop a 100 unit affordable rental housing community named Santa Fe Place Apartments to be located on approximately 10.199 acres out of an approximate 41.755 acre tract of land located 500 feet south of 8000 West Adams, Temple, Bell County, Texas 76502 (the "Project") - this property will be owned by the Applicant and used to provide 80 units of income restricted housing for seniors and 20 market rate units for seniors;

Whereas, the Applicant intends to file an application to the Texas Department of Housing and Community Affairs (TDHCA) for an allocation of 2017 Competitive 9% Housing Tax Credits (HTC) for the construction and development of the Project;

Whereas, pursuant to the rules that govern the allocation of HTCs by TDHCA, applicants who provide a resolution from a City, or a qualifying instrumentality of such City, committing to provide a certain level of development funding to a project proposed to be located on a development site within the City, or the ETJ of such City, will improve the overall success of its application;

Whereas, the Applicant has requested from the City, recognition of its application to TDHCA and the development of the Project at its proposed location as herein described and for a commitment of funding assistance to the Project; 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>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>Part 2:</u> The City recognizes that the Applicant intends to submit an application to TDHCA for HTCs in connection with development of the Project for affordable rental housing on approximately 10.199 acres out of an approximate 41.755 acre tract of land located 500 feet south of 8000 West Adams, Temple, Bell County, Texas 76502.

<u>Part 3:</u> The City hereby approves a conditional commitment to the Applicant of funds in an amount of \$100 in the form of waived permit fees. The commitment shall be void upon the withdrawal of a tax credit application by the Applicant, upon termination of the application by TDHCA or upon failure to receive a 2017 award of tax credits.

<u>Part 4:</u> Notwithstanding anything herein to the contrary, the funding commitment by the City as set forth in this Resolution shall be contingent on (i) the Applicant securing HTCs from TDHCA in an amount sufficient to develop Project, (ii) zoning and site plan approval of the proposed development by the City, and (iii) approval by the City of all matters discovered through the due diligence conducted by or on behalf of the City in connection with the development of the Project.

<u>Part 5:</u> The City of Temple is not a related party to the Applicant, and any funding assistance committed by the City of Temple to the development of the Project pursuant to this resolution will not have been provided to the City by the Applicant or any related party to the Applicant.

<u>Part 6:</u> The City Manager of the City is hereby authorized and empowered, after approval as to form by the City Attorney, to do or cause to be done all such acts and to sign and deliver, or cause to be signed and delivered, all such documents, instruments and certificates in the name and on behalf of the City or otherwise, as he, in his sole discretion, may deem necessary or advisable to effectuate or carry out the purposes and intent of the foregoing Resolution and to perform the obligations of the City under all instruments executed in connection with or contemplated by the foregoing Resolution.

<u>Part 7:</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 16th day of February, 2017.

	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

02/16/17 Item #5 Regular Agenda Page 1 of 5

DEPT. / DIVISION SUBMISSION & REVIEW:

Mark Baker, Senior Planner

<u>ITEM DESCRIPTION:</u> SECOND READING – Z-FY-17-09: Consider adopting an ordinance authorizing rezoning from Agricultural district to Planned Development Urban Estate district, with Development / Site Plan approval on 31.043 +/- acres, situated in the Sarah Fitzhenry Survey, Abstract No. 312, Bell County, Texas, located at 8260 Cedar Creek Road.

STAFF RECOMMENDATION: Staff recommends approval for a rezoning from Agricultural (AG) district to Planned Development-Urban Estate (PD-UE) district for the following reasons:

- 1. That the proposed Planned Development demonstrates compliance with the provisions of the Planned Development Criteria as required by UDC Section 3.4.5;
- 2. The Planned Development-Urban Estate (PD-UE) zoning is compatible with the Future Land Use Map's Agricultural/Rural District;
- 3. The Planned Development-Urban Estate (PD-UE) zoning is compatible with surrounding zoning, existing and anticipated uses;
- 4. The Planned Development-Urban Estate (PD-UE) complies with the Thoroughfare Plan; and
- 5. Public and on-site facilities are available to serve the subject property.

Staff recommends approval of Planned Development - Urban Estate (PD-UE), subject to the following conditions:

- 1. Submittal of a Development / Site Plan confirming minimum lot size of 22,500 square feet in area,
- 2. Development / Site Plan showing rural street design with a minimum twenty-two (22') feet of pavement, rollover curb and drainage ditches,
- 3. Detached single-family residential development meeting the following minimum dimensional standards:
 - a. 60 feet wide
 - b. 100 feet deep
 - c. 25 foot front.
 - d. 7.5 foot side,
 - e. 15 foot (corner) side,
 - f. 10 foot rear
 - a. 3 Stories in height
- 4. Street signage prohibiting on-street parking, and

5. That the Director of Planning, with consultation as needed by the Development Review Committee (DRC), may be authorized to approve minor changes to the Development / Site Plan which include but not limited to: lot configuration and size, reduction of density and overall Development / Site Plan layout.

<u>PLANNING & ZONING COMMISSION RECCOMMENDATION:</u> At their December 19, 2016 meeting, the Planning & Zoning Commission voted five to zero to recommend approval of the proposed rezoning from Agricultural (AG) district to Planned Development – Urban Estate (PD-UE) district, per staff's recommendation.

During the meeting, drainage was discussed as well as the appropriateness of the agricultural zoning of the area initially proposed for the off-site detention. Since the Planning & Zoning Commission meeting, staff has met with the applicant's engineer regarding detention alternatives and on-site detention needs. After re-evaluation by the applicant's engineer and review by Public Works Department, the Public Works Department has confirmed that no separate detention is required. No changes to the Development / Site Plan layout are needed or proposed. The attached Development / Site Plan will be included in the Planned Development Ordinance.

As a result of 20% or more of the land area within the notification area in opposition (32.16%), a 4/5 vote by City Council is required, per UDC Section 3.3.4.

<u>UPDATE:</u> During City Council's February 2, 2017, 1st Reading of the Ordinance, anticipated TxDOT improvements along SH 317 were discussed. Staff has confirmed with TxDOT that the section of SH 317, which includes the intersection with Cedar Creek Road, will not include a left-center turn lane. This section of roadway will consist of two 12-foot wide travel lanes with 10-foot wide shoulders on either side.

According to the project engineer, Turley Associates, while the current cross-section does not show access to the proposed project, the presence of the 10-wide shoulder may include function as a deceleration lane. A separate TxDOT permit is required for the access into the proposed subdivision from SH 317.

<u>ITEM SUMMARY:</u> The applicant, Turley Associates, on behalf of Omar Crisp proposes rezoning of the subject property containing a 31.043 +/- acre tract, from Agricultural (AG) district to Planned Development – Urban Estate (PD-UE) district to allow for the development of a 51-lot single family residential subdivision. The property is currently developed with one single family residence on the larger 41 +/- acre tract.

While the applicant initially requested Single-Family One (SF-1), which allows 7,500 square foot lots, staff has since met with the applicant, who has agreed to proceed with the request as a Planned Development as described in the Item Summary. Future development will consist of minimum ½ acre lots, so that on-site septic can be provided consistent with UDC Section 8.2.7F.2. In addition, the requested density will be consistent with that of the Urban Estate (UE) zoning district, requiring the minimum 22,500 square foot lot size, yielding approximately 51 lots. It is noteworthy, that desired dimensional standards are typical of the SF-1 district. The 7.5-foot side yard setback, in particular, is better accommodating for some of the narrower lots for side entry garages, than the UE's 15-foot side yard setback.

<u>PLANNED DEVELOPMENT (UDC SEC. 3.4):</u> A Planned Development is a flexible overlay zoning district designed to respond to unique development proposals, special design considerations and land use transitions by allowing evaluation of land use relationships to surrounding areas through Development / Site Plan approval.

As a Planned Development, per UDC Sec.3.4, a Development / Site Plan is binding and subject to review and approval by City Council as part of the rezoning. As opposed to a standard rezoning, conditions of approval can be included into the rezoning Ordinance.

Further, this Planned Development (PD) concept, as a hybrid of the SF-1 & UE districts, provides for the dimensional standards that the applicant is desiring. At the same time, the PD concept codifies the rural characteristics of the surrounding area to be maintained. As discussed above, the Development / Site Plan layout will be included as Exhibit B with the Planned Development Ordinance.

In determining whether to approve, approve with conditions or deny a Planned Development application, the Planning & Zoning Commission and City Council must consider criteria as set forth in UDC Section 3.4.5 A-J. The Planned Development Criteria and Compliance Summary is attached.

A formal subdivision plat is anticipated to be submitted in the future and will be reviewed by the Development Review Committee (DRC). Additionally, parkland dedication will be addressed during this time. While no parkland is proposed to be dedicated, parkland dedication fees will be paid instead. The plat will be scheduled for the Planning & Zoning Commission, when it is deemed administratively complete. It is not known at this time whether the Planning & Zoning Commission will be the final plat authority.

While it is anticipated for the property to be developed with detached single-family uses, there are a number of residential and non-residential uses that are permitted by right in the UE zoning district. The SF-1 is also provided as a point of reference. However, the permitted uses for the Planned Development will be reflective of the underlying UE district. The uses include but are not limited to those shown in the attached table.

<u>COMPREHENSIVE PLAN (CP) COMPLIANCE:</u> Compliance to goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan are summarized by the attached Comprehensive Plan Compliance table but further described below:

Future Land Use Map (CP Map 3.1)

The subject property is entirely within the Agricultural / Rural land use district. The Agricultural / Rural district is intended for areas that do not have adequate public facilities and may, therefore have on-site utilities. This district is also meant to protect areas in active farm and/or ranch use. It is also a "holding" district along with the Agricultural (AG) zoning designation after annexation until another district is requested by the property owner. While the proposed lots will be a minimum ½ acre in size, the recommended Planned Development – Urban Estate is consistent with the Agricultural / Rural Future Land Use Map designation.

Thoroughfare Plan (CP Map 5.2)

The subject property takes access from both State Hwy 317 and Cedar Creek Road. While SH 317 is shown as a major arterial, Cedar Creek Road is shown on the Thoroughfare Plan as a proposed minor arterial. The anticipated final plat will address any needed right of way dedication for both. To date, no dedication issues have been identified by staff but will be further evaluated with a forthcoming plat. No Transportation Capital Improvement Program (TCIP) improvements scheduled through FY 2024 have been identified.

Availability of Public Facilities (CP Goal 4.1)

Sewer is available within the airport property, approximately 6700 feet away by direct "line of sight". As indicated earlier in this report, the applicant would be seeking to provide on-site septic on the ½ acresized lots. Water is available and provided through Pendleton Water Supply Corporation. The Letter of Water Availability from Pendleton Water Supply Corporation is attached.

Temple Trails Master Plan Map and Sidewalks Ordinance

No trails are shown on the Trails Master Plan, however, as a major arterial, a 6' sidewalk is required along SH 317. Additionally, as a proposed minor arterial, a 6-foot sidewalk will be required along Cedar Creek Road. Provisions for the sidewalk will be addressed during the plat review stage.

<u>DEVELOPMENT REGULATIONS:</u> The attached table compare and contrast, the current Agricultural development standards with the proposed Planned Development – Urban Estate (PD-UE) standards. The PD-UE standards in this case, are a hybrid of both the Single-Family One (SF-1) and the Urban Estate (UE) standards as provided for in UDC Section 4.5.

DEVELOPMENT REVIEW COMMITTEE (DRC): The DRC reviewed the Development Plan layout for the Planned Development on January 23, 2017. Public Works has confirmed that no on-site detention is required. It is noteworthy that the remainder of the applicant-owned tract is more than 5 acres and as provided for in UDC Section 3.6.2, will not need to be platted. No other issues were identified.

<u>PUBLIC NOTICE:</u> Ten 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 Tuesday January 24, 2017 at 9:00 AM, 2 notices in agreement and 2 notices in disagreement have been received. Staff has calculated that 32.16% of the land area within the 200-foot buffer is in opposition. As identified in the Planning & Zoning Commission recommendation, 20% or more of the land area within the notification buffer in opposition triggers a 4/5 vote by City Council, per UDC Section 3.3.4. A map showing the current opposition is attached. Per the attached email dated January 23, 2017, the applicant and his engineer have considered neighbor comments. No additional correspondence has been received by staff.

The newspaper printed notice of the public hearing on December 22, 2016, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

02/16/17 Item #5 Regular Agenda Page 5 of 5

ATTACHMENTS:

TxDOT Improvements along SH 317 (Cross Sections) (UPDATE)

Boundary Survey & Field Notes (Exhibit A)

Planned Development / Site Plan (Exhibit B)

Planned Development Criteria Compliance Summary (UDC Sec. 3.4.5)

Photos

Maps

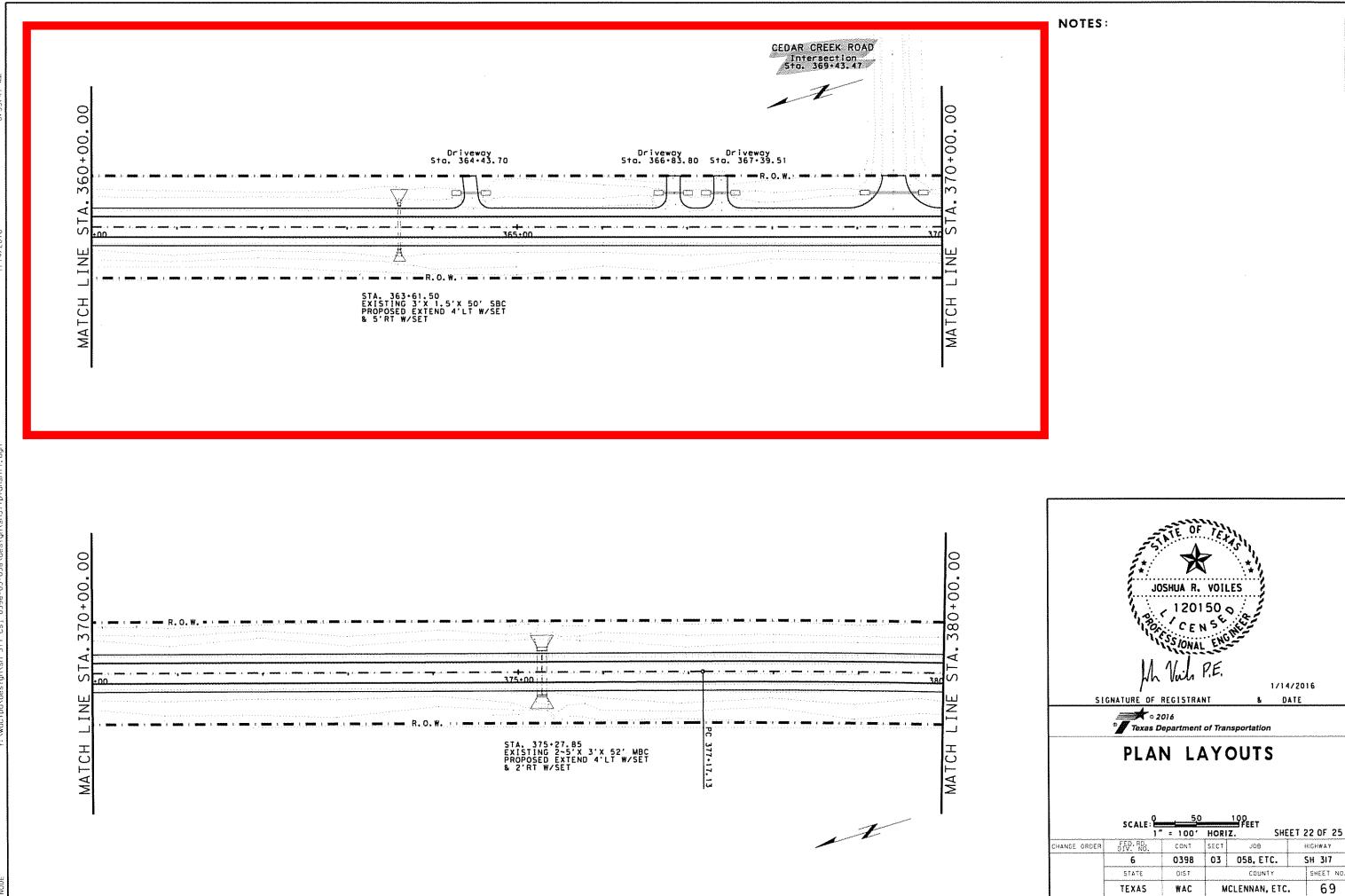
Tables

Letter of Water Availability (Pendleton Water Supply Corporation)

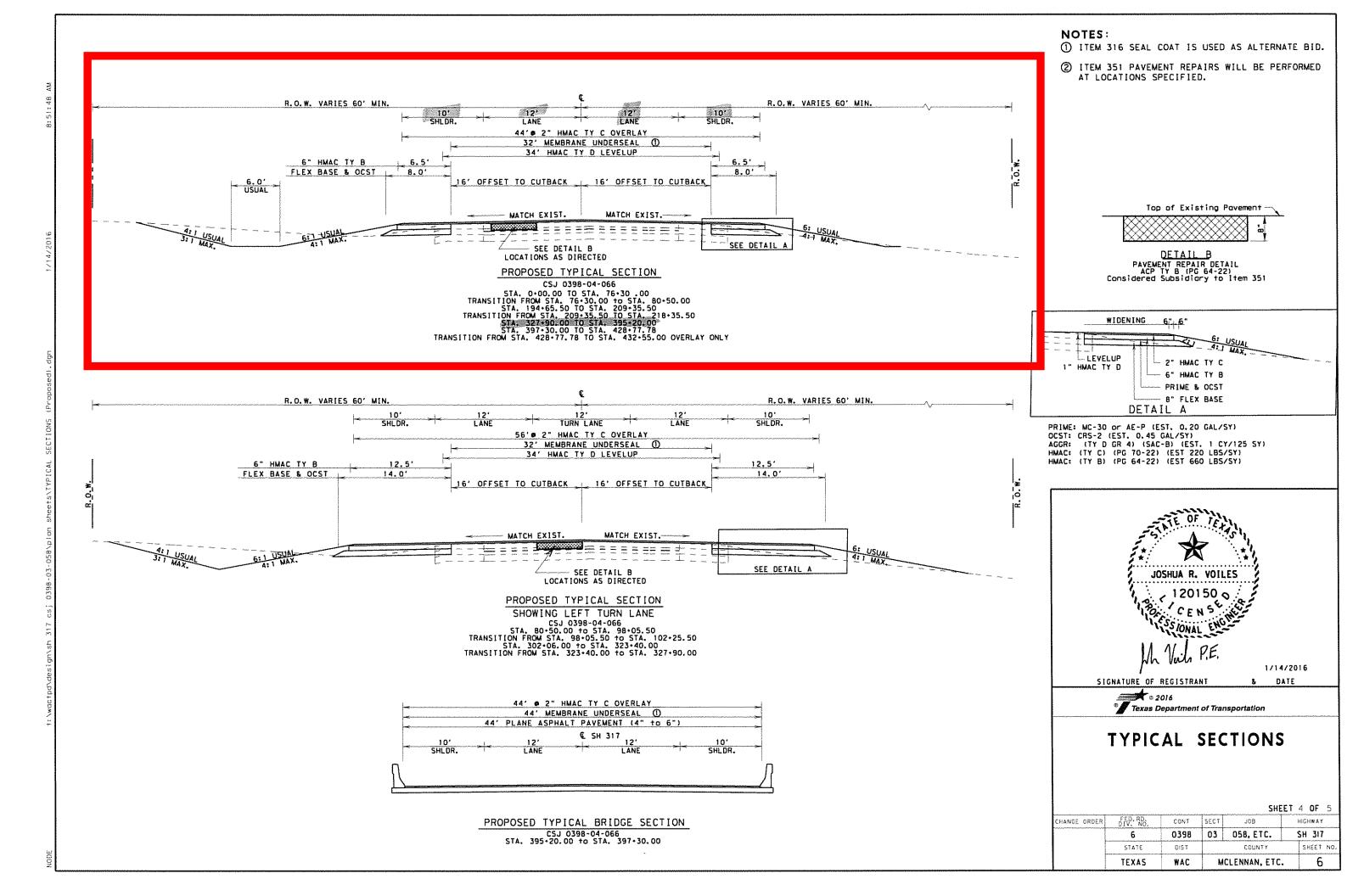
Returned Property Notices

P&Z Excerpts (January 3, 2017)

Ordinance



i





16 1261

BEING a 31.043 acre tract of land situated in the SARAH FITZHENRY SURVEY, ABSTRACT No. 312, Bell County, Texas and being all of that certain 41.0 acre tract of land described in a Warranty Deed with Vendor's Lien dated February 14, 2002 from Karen Ann Stagner to Omar Crisp and being of record in Volume 4610, Page 515, Official Public Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1" iron pipe found being an exterior ell corner in the west boundary line of the said 41.0 acre tract and being the northwest corner of that certain 1.331 acre tract of land described in a Warranty Deed with Vendor's Lien dated August 28, 1997 from Josh Edward Foegelle and Jackie Kay McKenzie to Martin Gonzalez and wife, Olga Gonzalez and being of record in Volume 3668, Page 21, Official Public Records of Bell County, Texas and being in the east right-of-way line of State of Texas Highway No. 317 (a publicly maintained roadway) as occupied and evidenced of the ground and as described in right-of-way maps provided by Texas Department of Transportation for corner;

THENCE N. 16° 39′ 53″ E., 845.96 feet (calls N. 18° 21′ E., 846.05 feet) departing the said 1.331 acre tract and with the said east right-of-way line and with the said west boundary line to a 5/8″ iron rod with cap stamped "ACS" found being the northwest corner of the said 41.0 acre tract and being the southwest corner of that certain 18.9 acre tract of land referenced in a Deed from Veterans Land Board of the State of Texas to Ronald S. Valdez and Biolanda R. Valdez and being of record in Document No. 2013-00002962, Official Public Records of Bell County, Texas for corner;

THENCE S. 73° 16′ 00″ E., 1339.87 feet departing the said east right-of-way line and with the north boundary line of the said 41.0 acre tract (calls S. 71° 34′ 40″ E., 1339.87 feet) and with the south boundary line of the said 18.9 acre tract to a ½″ iron rod with cap stamped "RPLS 2475" set being the northeast corner of the said 41.0 acre tract and being the southeast corner of the said 18.9 acre tract and being in the west boundary line of that certain 21.159 acre tract of land described in a General Warranty Deed with Vendor's Lien dated September 9, 2004 from Doyle Bounds and Willie Bounds, husband and wife to Sherry A. Stewart and Allen L. Stewart, wife and husband and being of record in Volume 5488, Page 1, Official Public Records of Bell County, Texas for corner;

THENCE S. 17° 35′ 50″ W., 494.72 feet departing the said 18.9 acre tract and with the east boundary line of the said 41.0 acre tract (calls erroneously S. 19° 16′ 45″ W., 464.72 feet) and with the said west boundary line (calls N. 19° 45′ 46″ E., 831.48 feet) to a ½″ iron rod with cap stamped "RPLS 2475" set being a southwest corner of the said 21.159 acre tract and being the northwest corner of that certain 6.60 acre tract of land described in a Warranty Deed dated October 4, 1988 from Camille M. Lemiex to Raymond David Jirasek and wife, Rebecka Jean Jirasek and being of record in Volume 2474, Page 329, Official Public Records of Bell County, Texas for corner;

THENCE S. 17° 36′ 43″ W., 201.12 feet departing the said 21.159 acre tract and continuing with the east boundary line of the said 41.0 acre tract (calls S. 19° 35′ 57″ W., 200.02 feet) and with the west boundary line of the said 6.60 acre tract (calls N. 19° 48′ 41″ E., 199.77 feet) to a ½″ iron rod found being a southwest corner of the said 6.60 acre tract and being the northwest corner of that certain 5.63 acre tract of land described in a Warranty Deed with Vendor's Lien dated February 14, 2002 from Karen Ann Stagner to Omar Crisp and being of record in Volume 4610, Page 526, Official Public Records of Bell County, Texas for corner;

THENCE S. 16° 58′ 52″ W., 698.38 feet departing the said 6.60 acre tract and continuing with the east boundary line of the said 41.0 acre tract (calls S. 18° 34′ 36″ W., 699.52 feet) and with the west boundary line of the said 5.63 acre tract (calls N. 18° 49′ 52″ E., 700.22 feet) to a $\frac{1}{2}$ ″ iron rod with cap stamped "RPLS 2475" set being the southeast corner of the said 41.0 acre tract and being



Exhibit A

Page 1 of 2

the southwest corner of the said 5.63 acre tract and being in the north right-of-way line of Cedar Creek Road (a publicly maintained roadway) as occupied and evidenced on the ground for corner;

THENCE N. 74°33′ 05″ W., 406.14 feet departing the said 5.63 acre tract and with the south boundary line of the said 41.0 acre tract (calls N. 72° 52′ 10″ W., 1325.02 feet) and with the said north right-of-way line to a $\frac{1}{2}$ ″ iron rod with cap stamped "RPLS 2475" set for corner;

THENCE departing the said south boundary line and the said north right-of-way line and over and across the said 41.0 acre tract the following two (2) calls:

- 1) N. 16° 44′ 00" E., 558.00 feet to a ½" iron rod with cap stamped "RPLS 2475" set for corner;
- 1) N. 73° 16′ 00″ W., 709.03 feet to a 1″ iron pipe found being the northeast corner of the aforementioned 1.331 acre tract and being an interior ell corner in the west boundary line of the said 41.0 acre tract for corner;

N. 73° 27′ 41″ W., 210.23 feet (calls N. 71° 49′ 34″ W., 209.83 feet) with the north boundary line of the said 1.331 acre tract (calls S. 71° 48′ 22″ E., 210.16 feet) to the Point of BEGINNING and containing 31.043 acres of land.

I, Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that these field notes are a correct representation of a survey made on the ground.

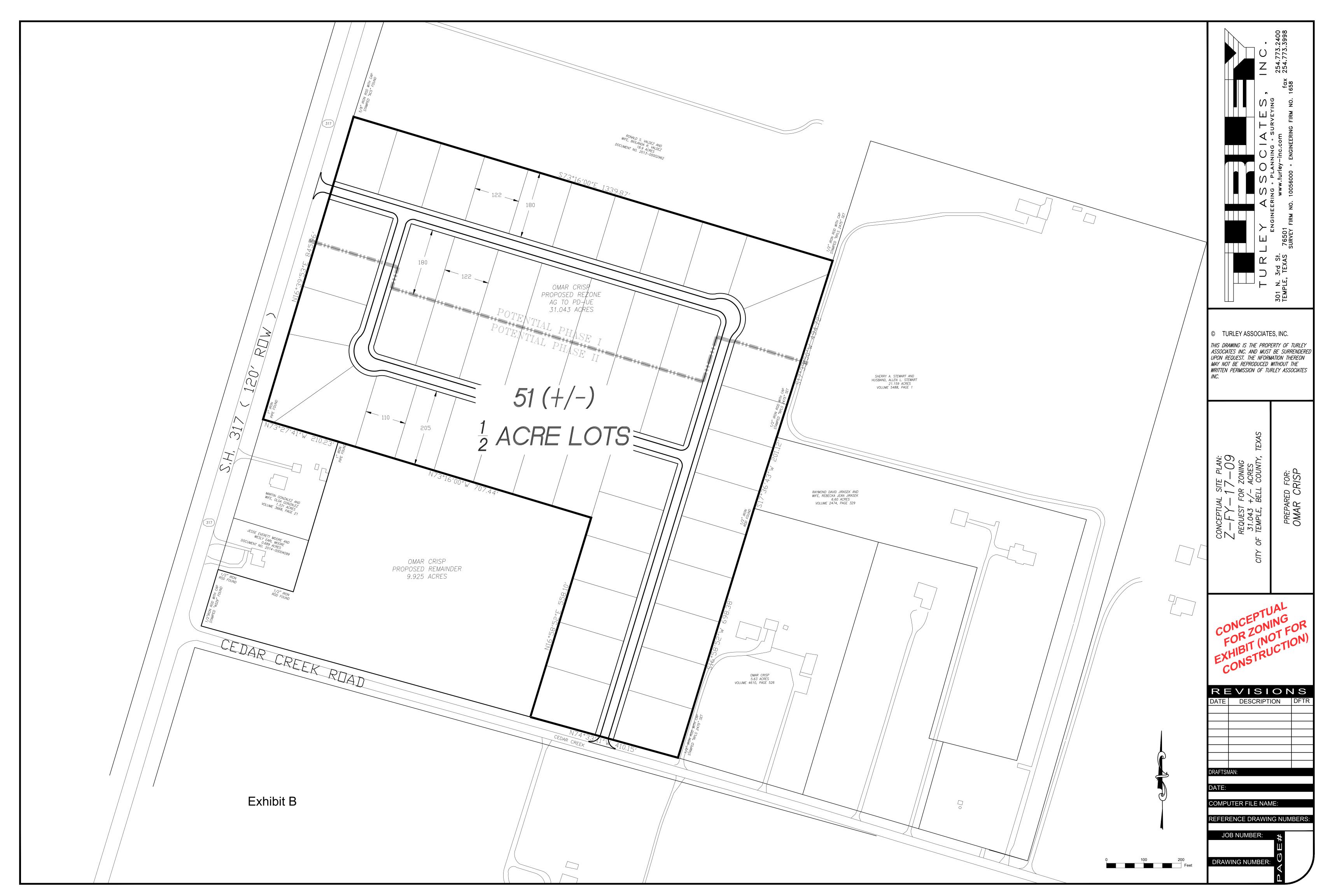
Michael E. Alvis, R.P.L.S. #5402

December 1, 2016

Bearing Base: Texas State Plane Coordinate System, NAD 1983, Central Zone by G.P.S. observation.

Exhibit A





Planned Development Criteria and Compliance Summary

UDC Code Section 3.4.5 (A-J)	Yes/No	Discussion / Synopsis
A. The Plan Complies with all provisions of the Design and Development Standards Manual, this UDC and other Ordinances of the City.	YES	It is fully anticipated that the development / site plan attached with the rezoning ordinance will conform to all applicable provisions of the UDC as well as to dimensional, developmental and design standards adopted by the City for any new residential development.
B. The environmental impact of the development relating to the preservation of existing natural resources on the site and the impact on natural resources of the surrounding impacts and neighborhood is mitigated.	YES	Drainage and other related engineering will be addressed at the platting stage. No issues have been identified related to the preservation of existing natural resources on the property.
C. The development is in harmony with the character, use and design of the surrounding area.	YES	The project site is located at the northeast corner of State Highway 317 & Cedar Creek Road. The surrounding area is rural in character and the proposed Planned Development - Urban Estate zoning will be keeping with that character, which will include a Development Plan for residential development. The residential development will include platted lots with a minimum 22,500 square feet, which is the minimum square footage necessary for on-site septic systems.
D. Safe and efficient vehicular and pedestrian circulation systems are provided.	YES	Vehicular circulation will be formally addressed during the platting stage. No circulation issues have been identified with the companion development / site plan.
Off-street parking and loading facilities are designed to ensure that all such spaces are usable and are safely and conveniently arranged.	YES	Parking will be provided for each single family residence in accordance with UDC Section 7.5
F. Streets are designed with sufficient width and suitable grade and location to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings.	YES	Streets will be developed in accordance with the design standards in accordance with UDC Section 8.2 requirements and reviewed during the platting stage of development.
G. Streets are coordinated so as to compose a convenient system consistent with the Thoroughfare Plan of the City.	YES	Compliance and consistancy with the Thoroughfare Plan will be addressed during the subdivision plat stage. No compliance issues have been identified.
 H. Landscaping and screening are integrated into the overall site design: 1. To provide adequate buffers to shield lights, noise, movement or activities from adjacent properties when necessary. 2. To complement the design and location of buildings. 	YES	Landscaping requirements will be addressed during the building permit stage as each individual residence is developed. If non-residential development occurs adjacent to this development, buffering and screening per UDC Section 7.7 will be evaluated at that time. No additional screening or buffering requirements are proposed with this planned development.
Open space areas are designed to ensure that such areas are suitable for intended recreation and conservation uses.	YES	Parkland dedication in accordance with UDC Section 8.3 is required. However, as part of this project, no parkland is proposed to be dedicated, however, the developer will be paying fees instead. Fees will be addressed during the platting stage with review by the Development Review Committee (DRC).
J. Water, drainage, wastewater facilities, garbage disposal and other utilities necessary for essential services to residents and occupants are provided.	YES	Water will be provided by Pendleton Water Company. Wastewater will be addressed by on-site septic. Drainage facilities as well as other utilities will be formally addressed during the development review stage. To date, no issues have been identified.

Site & Surrounding Photos



Site: Undeveloped as seen from Cedar Creek Road (AG)



Site: Undeveloped as seen from State Highway 317 (AG)



East: Scattered SF residential uses on acreage along Cedar Creek Road (ETJ)



West: Scattered SF residential uses on acreage, fronting along State Highway 317 (Photo perspective from Cedar Creek Road (AG)



West: Scattered SF residential uses on acreage looking across State Highway 317 (ETJ)



South: Scattered SF residential uses on acreage across Cedar Creek Rd (ETJ)



South: Scattered SF residential uses on acreage along eastside of State Highway 317 (AG)

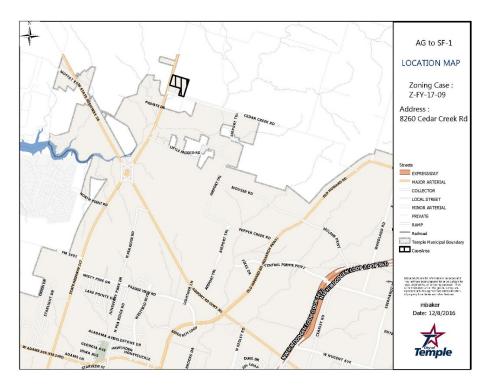


North: Undeveloped but scattered SF residential uses on acreage along State Highway 317 (ETJ)

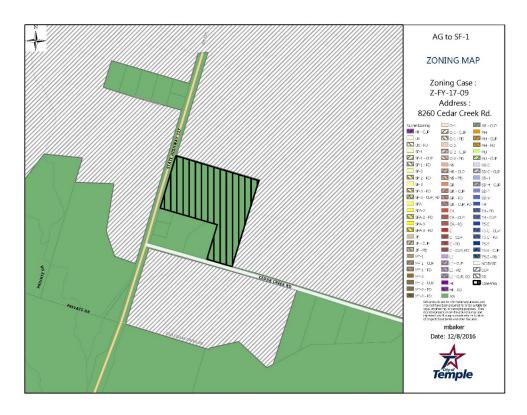
Maps



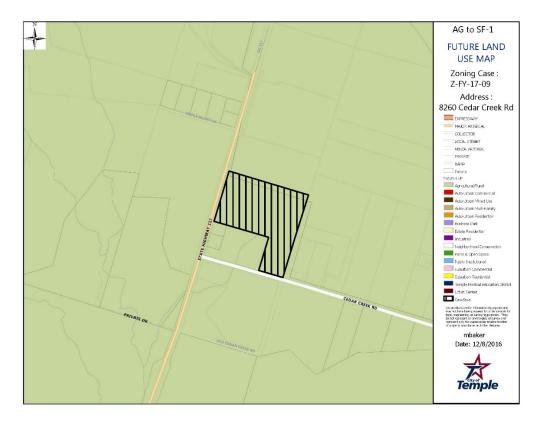
Aerial Map



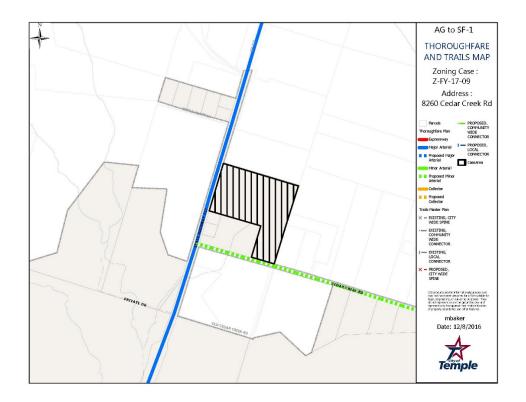
Location Map



Zoning Map



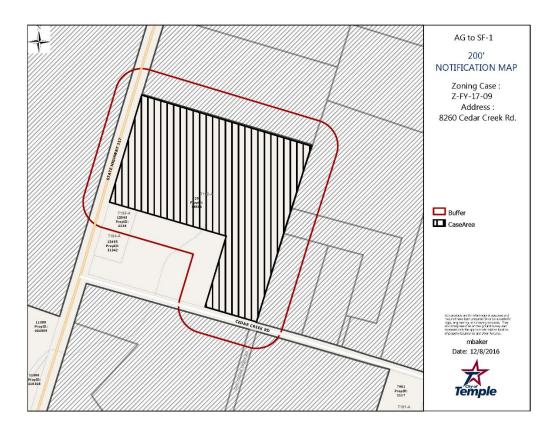
Future Land Use Map



Thoroughfare & Trails Map



Utility Map



Notification Map



Opposition Map

Tables

Permitted & Conditional Uses Table (Comparison between AG, UE & SF-1)

Use Type	Agricultural (AG)	Urban Estate (UE)	Single Family One (SF-1)
Agricultural Uses	* Farm, Ranch or Orchard	* Same as AG	* Same as AG
Residential Uses	* Single Family Residence (Detached & Attached) * Industrialized Housing * Family or Group Home * Home for the Aged (CUP)	* Same as AG	* Same as AG (Except Home for the Aged – Not Permitted)
Retail & Service Uses	* None	* Same as AG	* Same as AG
Commercial Uses	* None	* Same as AG	* Same as AG
Industrial Uses	* Temporary Asphalt & Concrete Batching Plat (CUP)	* Same as AG	* Same as AG
Recreational Uses	* None	* Same as AG	* Same as AG
Vehicle Service Uses	* None	* Same as AG	* Same as AG
Restaurant Uses	* None	* Same as AG	* Same as AG
Overnight Accommodations	* None	* Same as AG	* Same as AG
Transportation Uses	* None	* Same as AG	* Same as AG

Surrounding Property Uses

	Surrounding Property & Uses				
<u>Direction</u>	<u>FLUP</u>	Zoning	Current Land Use		
Site	Agricultural / Rural	AG	Single Family Residence on Acreage		
North	Agricultural / Rural	ETJ	Scattered SF Uses on acreage		
South	Agricultural / Rural	AG	Scattered SF Uses on Acreage		
East	Agricultural / Rural	ETJ	Scattered SF Uses on Acreage		
West	Agricultural / Rural	AG & ETJ	Scattered SF Uses on Acreage		

Comprehensive Plan Compliance

Document	Policy, Goal, Objective or Map	Compliance?		
СР	Map 3.1 - Future Land Use Map	YES		
СР	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		
STP	Temple Trails Master Plan Map and Sidewalks Ordinance	YES		
CP = Comprehensive Plan STP = Sidewalk and Trails Plan				

Development Standards

	Current (AG)	Proposed (SF-1)	<u>(UE)</u>	<u>Staff</u> <u>Recommends</u> (PD-UE)
Minimum Lot Size	1 Acre	7,500 SF	22,500 SF	22,500 SF
Minimum Lot Width	100 Feet	60 Feet	80 Feet	60 Feet
Minimum Lot Depth	150 Feet	100 Feet	125 Feet	100 Feet
Front Setback	50 Feet	25 Feet	30 Feet	25 Feet
Side Setback	15 Feet	10% Lot Width 6' Min - 7.5' Max	15 Feet	7.5'
Side Setback (corner)	15 Feet	15 Feet	15 Feet	15 Feet
Rear Setback	10 Feet	10 Feet	10 Feet	10 Feet
Max Building Height	3 Stories	2 Stories	3 Stories	3 Stories

PENDLETON WATER SUPPLY CORPORATION

PO BOX 100 9675 SPUR 1237

PENDLETON, TEXAS 76564

254-773-5876 FAX 254-773-0105

October 24, 2016

Omar Crisp

8260 Cedar Creek Rd.

Temple, TX 76504-6096

Re: Water availability – Omar Crisp Development

To Whom It May Concern:

This is to verify that water service for the Omar Crisp Development located on the northeast intersection State Highway 317 and Cedar Creek Rd. is available through Pendleton Water Supply Corporation.

If you should need further assistance, please contact the office at the number listed above.

Respectfully submitted,

PENDLETON WSC

Velva Moody, Office Manager

"This institution is an equal opportunity employer and provider"



RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

JIRASEK, RAYMOND DAVID ETUX REBECKA 8088 CEDAR CREEK RD TEMPLE, TX 76504-6096

Zoning Application Number: Z-FY-	17-09 <u>Case</u>	Manager:	Mark Ba	ker
Location: 8260 Cedar Creek Road				
The proposed rezoning is the area sh own property within 200 feet of the re this form to indicate whether you are i the attached notice, and provide any	equested change, n favor of the pos	your opinior sible rezonin	ns are we	comed Please use
I (Magree	() disaç	ree with thi	s reques	t
Comments:				
Raymond Caried Jeruse	ir Ra	imond.	David	Tirasek
Signature	Prin	t Name		
If you would like to submit a response the Case Manager referenced above, form to the address below, no later th	mbaker@templet	x.gov, or mai	I or hand-	is completed form to deliver this comment
	City of Templ Planning Dep 2 North Main Temple, Texa	artment Street, Suite	102	EC 3 1 2016 Dity of Temple and & Development
Number of Notices Mailed: 7 (ETJ no	tices mailed)	Date M	lailed:	December 22, 2016

<u>OPTIONAL</u>: Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.

Mark Baker

From:

allen stewart <peace-love-13@hotmail.com>

Sent:

Monday, January 02, 2017 12:06 PM

To:

Mark Baker

Subject:

Response to proposed rezoning request application #Z-FY-17-09

Mr. Baker

Since the letter from the city of Temple was mailed during a major holiday being Dec 22, 2016 and then the public hearing held on 3 January 2017 @ 5:30pm in which the comment form needs to be returned no later than January 3, 2017.

Can we start a petition to stop this action?

Concerns of rezoning see attached:



RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE



RECEIVED

STEWART, SHERRY A ETUX ALLEN I. 8022 CEDAR CREEK RD TEMPLE, TX 74504

JAN 0 2 2017

City of Temple ıt

,			Planning & Developmen
Zening Application Number: Z-FY-17-09	Case Manager:	Mark Baker	

Location: 8260 Cedar Creek 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.

1():	agree	(v) disagree with this requ	est
Comments: WEARE CONT. PROPERTY, HAVE	FARD ABOUT TRAFF	PK CRIME PROME CO.	WING ON OUR
TAXES ENIME	LIGHT FROM THA LIGHT FROM THA UP. LIVE STOCK	GLL WATER CONTOMINET FFIC. VALVE OF PEPER OSING CHASEN BY BOGS	CON BARKING DOGS SUTY GOLDE DOULD DRAINNGE RUNDFF
Izznez' ONG WO	ivery and than coll	IN WILL BE AFFECTED	•
Men Handel	Drawy a Street		SHEADY STEADYET
Signature		Print Name	

If you would like to submit a response, please chall a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than January 3, 2017.

> City of Temple **Planning Department** 2 North Main Street, Suite 102 Temple, Texas 76501

Date Mailed: December 22, 2016 Number of Notices Mailed: 7 (ETJ notices mailed)

OPTIONAL: Please feel free to email questions or comments directly to the Case Manager or call us at 254,298,5668.

Comments above

We are concerned about additional traffic, crime, people coming on our property, having 50 or 60 houses directly next to our rural property. Blowing trash, noise, well water contamination, barking dogs, additional

stray animals, light from traffic, value of property going down and taxes rising, live stock being chased by dogs, drainage run off issues, our privacy and tranquility will be affected.				
		3		

TO MARK BAKER

/ GOT WITH MY OTHER NEIGHBOR

RONALD VALDEZ, AND HE DISAGREES

WITH THIS ZONLING APPL & Z-FY-17-09

HIS SIGNATURE IS AHACHED.

RONALD IS PROPERTY OWNER FROM

MY BACK FENCE ALL THE WAY TO HWY 317

X Roner S. Vally x Ronald S. Valdez

THANK FOR HELPING ME GET THIS ADDED TO TODAYS MEETING

> STENASHERRY STENART Alle Slewy Sherfttunt

(254) 563-5983 14017, NHung 317

RECEIVED

JAN 0 3 2017

City of Temple Planning & Development



RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

GONZALEZ, MARTIN ETUX OLGA 13563 STATE HIGHWAY 317 TEMPLE, TX 76504-6035

Zoning Application Number: Z-FY-17-09	Case Manager:	Mark Bake	r
Location: 8260 Cedar Creek Road			
The proposed rezoning is the area shown in ha own property within 200 feet of the requested this form to indicate whether you are in favor of the attached notice, and provide any additional	change, your opinio the <u>possible</u> rezonii	ns are welcong of the pro	omed. Please use
l (agree () disagree with th	is request	
Comments:			RECEIVED
			JAN 0 5 2017
		Pla	City of Temple
Martin Gonzalel Signature	Marfin		
Signature	Print Name		
If you would like to submit a response, please the Case Manager referenced above, mbaker@ form to the address below, no later than Janua	templetx.gov, or ma		
Planni 2 Nort	f Temple ing Department h Main Street, Suit e, Texas 76501	e 102	
Number of Notices Mailed: 3 (COT notices mailed)	iled) Date	Mailed: De	ecember 22, 2016

<u>OPTIONAL</u>: Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.

From: Will Sisco
To: Mark Baker

Cc:crispomar@hotmail.com; Brian ChandlerSubject:RE: Disagreement of app# z-FY-17-09Date:Monday, January 23, 2017 1:41:15 PM

Mark,

Please let the record indicate that Turley Associates has discussed the concerns submitted by Ms. Sherry Stewart with Mr. Crisp. Each concern has been considered by Mr. Crisp and by Turley Associates.

Thank you.

Will Sisco, P.E., Project Engineer

Turley Associates, Inc. 254-773-2400 Ext. 205

From: Mark Baker [mailto:mbaker@templetx.gov]

Sent: Thursday, January 5, 2017 11:29 AM

To: Sherry Stewart <peacelovefarm8022@gmail.com>; Allen Stewart <peacelove8022@gmail.com> **Cc:** r.valdez5240@yahoo.com; wsisco@turley-inc.com; crispomar@hotmail.com; Brian Chandler

<bchandler@templetx.gov>; Lynn R. Barrett <lrbarrett@templetx.gov>

Subject: RE: Disagreement of app# z-FY-17-09

Thank you for your email, it has been received and will become part of the official record. Your comments are noted and will be forwarded to the City Council for their consideration.

In terms of your specific questions, I have provided answers in RED text below.

Thank you again for your participation in this process,

Mark

From: Sherry Stewart [mailto:peacelovefarm8022@gmail.com]

Sent: Wednesday, January 04, 2017 9:15 PM

To: Allen Stewart peacelove8022@gmail.com>; Mark Baker <mbaker@templetx.gov>

Cc: r.valdez5240@yahoo.com

Subject: Disagreement of app# z-FY-17-09

Our water lines run on the west side of our driveway, it runs the enter length of our property (that is in the buffer zone of this project, approximately one foot from our fence and 1.5 feet from Mr. Crisp North East property line, of this project) concerned about waterline contamination.

Photos attached





Water line runs between driveway and fence, on the right side of fence is survey stick. Looking South.



Looking North with project on left.



Looking North West



Looking South West Water lines at this corner less than 4 feet from survey stick



Looking South water line runs entire fence line



Showing distance of water lines from fence property on right of fence is proposed site.



This is my home from the NE survey stick



NE view Also have 60 ft water tower concern kids climbing fence and tower





solar panels



Concern evening sun blocked Vandalism, theft



Neighbors not shown in project rural photos



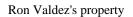
More neighbors not shown in project rural photos



More neighbors not shown in project rural photos









I was looking at the notice of meeting and the planning and zoning members



A follow up email was sent by staff to Mrs. Stewart clarifying that Mr. Crisp did not participate in discussion or voting action.

Mr Omar crisp is one of the members, what does this mean? Will he be able to vote on this? Mr. Crisp has been advised that there is a conflict of interest. Prior to this item being discussed, Mr. Crisp publically acknowledged the conflict and left the immediate City Council Chambers. He did participate in discussion or voting action. His Engineer was available to answer questions during discussion as needed. This is in compliance with Texas Local Government Code for conflicts of interest.

Also on the meeting minutes it states that 10 notices were sent out? The letter dated Dec 22 2016 stated 7 notices sent out? A total of 10 notices were sent out, 7 within the ETJ and 3 within the City limits.

Also read in minutes that no responses had been received? At the time of staff report preparation, no returned notices had been received.

Sent from my iPhone



This email has been checked for viruses by Avast antivirus software. www.avast.com

EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

TUESDAY, JANUARY 3, 2017

ACTION ITEMS

Item 5: <u>Z-FY-17-09</u> - Hold a public hearing to discuss and recommend action on a rezoning from Agricultural (AG) district to Planned Development Urban Estate (PD-UE) district, with Development / Site Plan approval on 31.043 +/- acres, situated in the Sarah Fitzhenry Survey, Abstract No. 312, Bell County, Texas, located at 8260 Cedar Creek Road.

Commissioner Crisp disclosed that he would need to abstain from this item and left the Council Chambers:

Mr. Mark Baker, Senior Planner, stated this item was scheduled to go forward to City Council for first reading on February 2, 2017 and second reading on February 26, 2017.

This project was initially submitted to Staff for Single-Family One (SF-1) zoning. The applicant and Staff have agreed upon proceeding as a Planned Development–Urban Estate (PD-UE). There are aspects of both SF-1 and UE included into the PD:

Dimensional Standards – (hybrid of SF-1 and UE);

The applicant requested seven and a half-foot) (7.5) side yard setback for the potential of side entry garages; and

The minimum lot size of 22,500 square foot to accommodate septic systems since sewer will not be extended or provided in this area.

A subdivision plat would be forthcoming. The conceptual layout for 51 lots is part of the request as the Development/Site Plan and if approved, will be an exhibit to the Ordinance.

UDC Section 3.4 states a Planned Development is a flexible overlay zoning district designed to respond to unique development proposals, special design considerations and land use transitions by allowing evaluation of land use relationships to surrounding areas through Development/Site Plan approval.

As a Planned Development (AG to PD-UE):

SF-1 and Urban Estate (Hybrid) Dimensional Standards;

Development/Site Plan that has been submitted with rezoning:

The approval is binding – Condition compliance is required.

Proposal:

51 one-half acre lots with reduced setbacks to accommodate potential for side-entry garages on some narrower lots;

Density is consistent with Urban Estate and maintains the rural character;

Public review of Development/Site Plan is part of this process;

Subject to UDC Section 3.4.5

10 Criteria (A through J – Separate Table).

Conceptual Development/Site Plan shown.

The 51 lots are being proposed under two phases: Phase I - 19 Lots Phase II – 32 Lots

Zoning map shown. Primarily AG which contain rural land uses or undeveloped acreage and can also be used as a holding-zone after annexation.

The proposed UE zoning is consistent and compliant with the zoning and does support the rural character of AG zoning.

The Future Land Use and Character Map designates the property as Agricultural/Rural which is intended for areas lacking adequate public facilities, a "holding" designation after annexation and areas of active farming or ranching activities. The rural character is also consistent with the zoning district as opposed to the single family.

Water is available through Pendleton Water Supply and sewer is on-site septic system.

The Thoroughfare Plan designates State Highway 317 as a Major Arterial and Cedar Creek Road as a proposed Minor Arterial. Requirements for right-of-way, primarily Cedar Creek, would be addressed through the platting process.

Required sidewalks, a six-foot wide along State Highway 317 and along Cedar Creek, would also be addressed during platting.

Applicant has indicated that fees will be paid in lieu of parkland dedication.

Surrounding properties include undeveloped and scattered single family residential uses on acreage along State Highway 317 (ETJ) to the north, scattered single family residential uses on acreage along Cedar Creek Road (ETJ) to the east, scattered single family residential uses on acreage (ETJ) to the south, and scattered single family residential uses on acreage (fronting State Highway 317 in ETJ) to the west.

Comparison of allowed and prohibited uses for AG, UE, and SF shown, along with current and proposed development standards for all three districts.

Ten notices (three in the City and seven in ETJ) were mailed in accordance with all state and local regulations with one notice returned in agreement and two notices returned in disagreement.

Based on the two notices in disagreement, the 20 percent property ownership threshold is very close but has not yet been calculated and determined since receipt of further notices is anticipated. A 20 percent threshold does trigger a 4/5^{ths} vote at City Council.

The request is in compliance with the Future Land Use and Character Map, the Thoroughfare Plan, UDC Section 3.4.5 (PD Criteria), public facilities are available to serve the property, and is compatible with surrounding uses and zoning.

Staff recommends approval of the request for a rezoning from AG district to PD-UE district, subject to the following conditions:

- Submittal of a Development/Site Plan confirming minimum lot size of 22,500 square feet in area;
- 2. Development/Site Plan showing rural street design with a minimum 22-feet of pavement, rollover curb, and drainage ditches;
- Detached single-family residential development meeting the following minimum dimensional standards:
 - a. 60-feet wide
 - b. 100-feet deep
 - c. 25-foot front setback
 - d. 7.5-foot side setback
 - e. 15-foot (corner) side setback
 - f. 10-foot rear setback
 - g. Three stories in height;
- 4. Street signage prohibiting on-street parking; and
- 5. That the Director of Planning, with consultation as needed by the Development Review Committee (DRC), may be authorized to approve minor changes to the Development/Site Plan which include but not limited to, lot configuration and size, reduction of density, and overall Development/Site Plan layout

Mr. Baker explained that response notices may be received up until City Council dates in order to determine the 20 percent opposition.

Mr. Baker clarified that P&Z is voting on the zoning request and the Development/Site Plan is part of the rezoning request. P&Z approval, if approved, would include Development/Site Plan approval and the layout configuration of the 51 lots.

Commissioner Jones asked where the water drainage would be located.

Mr. Baker stated it was his understanding the drainage would be handled off-site, outside of the boundaries of the development; however, he would also defer to the engineer to respond.

Chair Rhoads opened the public hearing.

Mr. Will Sisco, Turley Associates, 911 North 9th Street, responded that the current layout is conceptual and once they go to plat the detention for the 51 lots would be off-site.

Mr. Brian Chandler, Director of Planning, stated after discussing with Ms. Trudi Dill, Deputy City Attorney, that if the detention for drainage for the single family development is off-site then it probably needs to be included as part of this zoning request since that is not drainage associated with an AG use. The detention as currently proposed is not part of the zoning request; it is on land zoned

AG. Mr. Chandler was not certain this had been discussed with the applicant but is something that needs to be considered.

Mr. Chandler explained there are off-site drainage facility options and he would defer to the engineers to respond. However, it is a land use question--whether an AG zoned piece of property can have a detention pond that is associated with a single family development that otherwise would not be allowed. This subject would get addressed at platting depending on Staff interpretation as to whether that detention is an allowable use on the AG zoned property.

Mr. Sisco stated they were at the zoning stage and have not calculated drainage at this point. They could get rid of a lot and put the drainage on that lot. If it is decided the drainage would be off-site, then it would have to be rezoned.

Mr. Chandler explained P&Z could specify it would be a condition that gives direction to come back since it cannot be zoned based on an arbitrary undetermined boundary. Ultimately, the applicant would need to come back for that piece. However, if it were decided to incorporate the drainage on the site and eliminate a lot, then that is a decrease in intensity and lots. With this Development/Site Plan P&Z would be approving a maximum of 51 lots. As proposed, there is an administrative flexibility to approve that and Staff would allow that on-site, if required.

Mr. Chandler added that Legal suggested it could be a permanent easement option as well.

Chair Rhoads suggested that if this recommendation is approved, it should be stated to retain the 51 lots. Since the possibility of a super majority exists for City Council, clearer direction should be made at that presentation.

Mr. Victor Turley, Turley Associates, 301 North 3rd Street, explained it was anticipated the piece of property would have to be connected to the lower property where the detention pond is going to be. This is often done with a drainage easement and make it a permanent part during the platting process. That way there will be a connection from the southern part of the area where the natural drainage comes to the low point at Cedar Creek Road, which would then discharge into the pipe that goes under Cedar Creek Road.

Mr. Chandler commented based on consultation with Legal Staff, it is a question of whether the existing AG zoning would allow drainage facilities associated with a denser single family product. It is a zoning question; not an engineering question. An easement would be required for drainage in the future and that would be incorporated into the plat. As proposed now, if it is off-site that drainage easement would need to be on adjacent property not part of the zoning. Legal is suggesting that the AG zoning may not accommodate that use for denser single family development.

There being no speakers, the public hearing was closed.

Commissioner Langley made a motion to approve Item 5, **Z-FY-17-09**, and Commissioner Ward made a second.

Motion passed: (5:0)

Commissioner Crisp abstained; Commissioners Armstrong and Marshall and Vice-Chair Fettig absent

ORDINANCE NO. <u>2017-4827</u> (Z-FY-17-09)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL DISTRICT TO PLANNED DEVELOPMENT URBAN ESTATE DISTRICT, WITH DEVELOPMENT/SITE PLAN APPROVAL ON APPROXIMATELY 31.043 ACRES, SITUATED IN THE SARAH FITZHENRY SURVEY, ABSTRACT NO. 312, BELL COUNTY, TEXAS, AND LOCATED AT 8260 CEDAR CREEK ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE: AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a rezoning from Agricultural District to Planned Development Urban Estate District, with development/site plan approval on approximately 31.043 acres, situated in the Sarah Fitzhenry Survey, Abstract No. 312, Bell County, Texas, and located at 8260 Cedar Creek Road, as outlined in the attached map and field notes attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

<u>Part 2:</u> Staff recommends approval for a rezoning from Agricultural District to Planned Development Urban Estate District with the following conditions:

- 1. Submittal of a development/site plan confirming the minimum lot size of 22,500 square feet in area which is attached hereto as Exhibit 'B,' and made a part hereof for all purposes;
- 2. Development/site plan showing rural street design with a minimum of 22-feet of pavement, rollover curb and drainage ditches;
- 3. Detached single-family residential development meeting the following minimum dimensional standards:
 - a. 60 feet wide;
 - b. 100 feet deep;
 - c. 25 foot front;
 - d. 7.5 foot side:
 - e. 15 foot (corner) side;
 - f. 10 foot rear; and
 - g. 3 Stories in height;
- 4. Street signage prohibiting on-street parking; and
- 5. Authorizing the Director of Planning, with consultation as needed by the Development Review Committee (DRC), to approve minor changes to the development/site plan which includes but is not limited to: lot configuration and size, reduction of density and overall development/site plan layout.

<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.

<u>Part 6</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 **2nd** day of **February**, 2017.

PASSED AND APPROVED on Second Reading on the 16th day of February, 2017.

	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

02/16/17 Item #6 Regular Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney Chief Mitch Randles, Fire Chief

<u>ITEM DESCRIPTION</u>: FIRST READING – PUBLIC HEARING: Consider adopting an ordinance amending Ordinance No. 2014-4686 to change the name of the franchised company from Serenity EMS, LLC d/b/a Ameristat Ambulance to Serenity EMS, LLC d/b/a Texas Star Ambulance.

STAFF RECOMMENDATION: Adopt ordinance on first reading as presented in item description and conduct a public hearing. Second reading will be scheduled for the March 2, 2017 City Council meeting.

ITEM SUMMARY: On November 6, 2014, the City Council passed Ordinance No. 2014-4686 which granted a franchise to Serenity EMS, LLC d/b/a Ameristat Ambulance to operate and maintain a non-emergency ambulance transfer service within the City. The term of the franchise is five years and will expire in 2019.

In December 2016, the "Ameristat Ambulance" name was acquired by Acadian Ambulance. Serenity EMS, LLC will no longer be doing business as "Ameristat Ambulance." Serenity will continue to operate an office in Temple for its "Medical Air" transports and would like to keep the franchise in place. However, Serenity EMS, LLC will be doing business as "Texas Star Ambulance." Due to the name change, an amendment to the original franchise is needed.

FISCAL IMPACT: The City would receive 3.5% of the company's total amount billed for ambulance service fee and other income derived from the operation of the ambulance service within the City. During FY 2016, the City received \$22,216.13 from Serenity EMS, LLC d/b/a Ameristat Ambulance.

ATTACHMENTS:

Ordinance No. 2014-4686 Ordinance

ORDINANCE NO. 2014-4686

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

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

Whereas, Serenity EMS, LLC d/b/a Ameristat Ambulance ("Ameristat Ambulance") has requested a franchise for a non-exclusive, non-emergency transfer service within the City of Temple;

Whereas, Ameristat Ambulance wishes to offer non-emergency ambulance transfer services to health care providers, including skilled nursing facilities, assisted living facilities, hospice agencies and other related entities - this would include transports from facilities to hospitals, clinics, diagnostic centers, physician offices and other locations under circumstances that do not constitute an emergency;

Whereas, Ameristat Ambulance has leased, and is proposing to operate out of, a station located at 401A Cottingham Drive in Temple - the station will be staffed with one MICU/CCT Ambulance with one EMT and one Paramedic 24 hours a day, 7 days a week;

Whereas, the City will receive a franchise fee of three and one-half (3 ½%) of the total amount billed for ambulance service fees and other income derived from the operation of the ambulance service within the City from AmeriStat Ambulance in return for the right to use the public streets and rights of way for non-emergency ambulance transfer service.

Whereas, franchise fees received will be deposited into account 110-0000-413-0936; and

Whereas, Ameristat Ambulance has established to the satisfaction of the City Council by clear, cogent and convincing evidence that public convenience and necessity will be served by the granting of said franchise.

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

<u>Part 1</u>: A non-exclusive franchise to operate and maintain a non-emergency ambulance transfer service is granted to Serenity EMS, LLC d/b/a AmeriStat Ambulance pursuant to Chapter 5 of the Code of Ordinances of the City of Temple, as amended, and the Charter of the City of Temple, as provided herein.

Part 2: Definitions.

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

- (a) *City* shall mean the City of Temple, a municipal corporation of the State of Texas, situated in Bell County; the words *in the City* or any similar reference to the territorial limits of the City of Temple, Texas, shall mean the area within the corporate limits of the City of Temple, Texas, as they now exist or as they may hereafter be lawfully modified or extended.
- (b) Company, Transfer Service Franchise Holder, as used herein, unless the context clearly indicates otherwise, shall mean AmeriStat Ambulance, or its legally approved successors and assigns.
- (c) Ambulance or Transfer Service shall mean any motor vehicle used, designed, redesigned or constructed and equipped for the transportation of sick or injured persons, which vehicles for the purposes of this ordinance shall be of the classification of basic life support vehicle or higher, according to the definitions and standards of the City of Temple, Texas or the Bureau of Emergency Management of the Texas Department of Health.
- (d) *Non-Emergency Ambulance Transfer Service* means a response made by a transfer vehicle or ambulance for the transportation of individuals to or from a medical facility, a nursing home or residence under circumstances which do not constitute an emergency.
- (e) *Emergency* is any circumstance that calls for an immediate action and which the element of time in transporting the sick, wounded or injured for medical treatment at an emergency room or a facility providing emergency medical care is or may be essential to the health or life of any person. Such circumstances include, but are not limited to, general accidents, traffic accidents and acts of violence resulting in personal injury, and sudden illness.
- (f) All other words, terms or phrases shall have the meaning assigned to them by Chapter 5 of the City Code, to the extent that such words, terms or phrases have not been assigned other meanings by Chapter 773 of the Texas Health and Safety Code; as amended, or the regulations of the Bureau of Emergency Management of the Texas Department of Health, in which case those assigned meanings shall prevail. In the absence of an assigned meaning by the above-referenced ordinance, statute, or regulations of the Bureau, the meanings of such words, terms and phrases shall have the ordinary meanings applied at law generally or by common usage in the English language.

Part 3: Notice and Extent of Grant.

The City grants the non-exclusive right and authority to operate and maintain ambulances solely for non-emergency ambulance transfer service of persons upon the public streets and highways of the City of Temple, Texas, for a term ending on **November 5, 2019**, to Company in consideration of the payment of a franchise fee as provided in Part 5 of this ordinance.

Part 4: Standards and Requirements for Personnel, Vehicles and Equipment.

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

Part 5: Payment to the City Required; Franchise Fee.

- (a) The transfer service franchise holder shall, during the life of said franchise, pay to the City of Temple at the Office of the Director of Finance in lawful money of the United States, three and one-half (3 ½%) percent of the total amount billed for the transfer service fees and other income derived from the operation of the transfer service, which said remittance shall be made monthly on or before the tenth day of each calendar month for the preceding calendar month. The compensation provided for in this section shall be in lieu of any other fees or charges imposed by any other ordinance now or hereafter in force during the life hereof, but shall not release the grantee from the payment of ad valorem taxes levied, or to be levied, on property of its own.
- (b) It shall be the duty of the franchise holder to file with the Director of Finance a sworn statement for each calendar quarter showing the total amount billed for the preceding three (3) months which statement shall be filed within ten (10) days following the end of the third month. The franchise holder herein shall be required to install and adequately keep a system of bookkeeping to be approved by the Director of Finance, which books shall be subject to inspections of the governing body of the City of Temple and such person or persons as the City may designate, or either of them, so as to enable the City of Temple to check the correctness of the accounts kept and to compute fairly and accurately the amount billed that may be due to the City.

Part 6: Rates.

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

with reference to the application and shall either approve or disapprove the proposed changes or make such order as may be reasonable.

Part 7: Liability Insurance Required.

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

- (a) provide liability coverage for each vehicle of not less than two hundred and fifty thousand dollars (\$250,000) per person, or five hundred thousand dollars (\$500,000) per occurrence for personal injury or death, and one hundred thousand dollars (\$100,000) for property damage;
- (b) name the City of Temple as an additional insured, and provide a waiver of subrogation in favor of the City;
- (c) not contain a passenger liability exclusion; and
- (d) provide for at least thirty (30) days prior written notice of cancellation to the City.

Part 8: Conditions of Franchise Granted.

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

Part 9: Manner of Giving Notice.

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

Part 10: Public Convenience and Necessity.

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

Part 11: Performance Bond and Revocation Clause.

- (a) The transfer service franchise holder shall establish a Ten Thousand Dollar (\$10,000) performance bond. The purpose of this bond is to recover costs to the City of Temple for accepting and administering the applications for a transfer service franchise in the event the franchise is revoked.
- (b) If the transfer service franchise holder violates any provision or standard of this ordinance or Chapter 5 of the City Code the franchise will be subject to revocation by the City Council of the City of Temple and forfeiture of the performance bond.
- <u>Part 12</u>: This franchise shall become effective as provided in Article 10, Section 10.3 of the Charter of the City of Temple, if Company shall have filed its written acceptance of the franchise within thirty (30) days after the final passage and approval of this ordinance.
- <u>Part 13</u>: The declarations, determinations and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.
- <u>Part 14</u>: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.
- <u>Part 15</u>: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading on the 2nd day of October, 2014.

PASSED AND APPROVED on Second Reading and Public Hearing on the 16th day of October, 2014.

PASSED AND APPROVED on Third and Final Reading on the 6th day of November, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

Kayla Landeros

City Attorney

ATTEST:

City Socretor

Agreement of Franchisee

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

The franchisee, Serenity EMS, LLC d/b/a AmeriStat Ambulance, acting by and through its duly authorized and empowered officer, hereby accepts the terms and conditions of Ordinance No. 2014-4686 granting a non-exclusive franchise to operate and maintain a non-emergency ambulance transfer service upon the public streets and highways of the City of Temple.

SIGNED this 12 day of November, 2014.

SERENITY EMS, LLC D/B/A AMERISTAT AMBULANCE

By:

ORDINANCE NO. 2017-4831

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE NO. 2014-4686 TO CHANGE THE NAME OF THE FRANCHISED COMPANY FROM SERENITY EMS, LLC D/B/A AMERISTAT AMBULANCE TO SERENITY EMS, LLC D/B/A TEXAS STAR AMBULANCE; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on November 6, 2014, Council passed Ordinance No. 2014-4686 which granted a franchise to Serenity EMS, LLC d/b/a Ameristat Ambulance, to operate and maintain a non-emergency ambulance transfer service within the City - the term of the franchise is five years and will expire in 2019;

Whereas, in December 2016, the "Ameristat Ambulance" name was acquired by Acadian Ambulance and Serenity EMS, LLC will no longer be doing business as "Ameristat Ambulance;"

Whereas, Serenity will continue to operate an office in Temple for its "Medical Air" transports, and desires to keep the franchise in place and do business as "Texas Star Ambulance" - due to the name change, an amendment to the original franchise is necessary;

Whereas, the City receives 3.5% of the company's total amount billed for ambulance service fee and other income derived from the operation of the ambulance service within the City; and

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

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

- <u>Part 1:</u> Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.
- <u>Part 2</u>: The City Council amends Ordinance No. 2014-4686, changing the name of the franchised company known as Serenity EMS, LLC d/b/a Ameristat Ambulance to Serenity EMS, LLC d/b/a Texas Star Ambulance.
- <u>Part 3</u>: All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

Part 4: 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 and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid 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.

<u>Part 6</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 16th day of February, 2017.

PASSED AND APPROVED on Second Reading on the 2nd day of March, 2017.

	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

02/16/17 Item #7 Regular Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

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

- (A) Animal Services Advisory Board one member to fill an unexpired term through September 1, 2018;
- (B) Building Board of Appeals one member to fill an expired term through 2019; six members to fill expired terms through 2020; three members to fill expired terms through 2021:
- (C) Building and Standards Commission three alternate members to fill expiring terms through March 1, 2019; two members to fill expiring terms through March 1, 2019;
- (D) Development Standards Advisory Board –three members to fill expiring terms through March 1, 2020;
- (E) Parks and Leisure Services Advisory Board two members to fill expiring terms through March 1, 2020;
- (F) Zoning Board of Adjustment two members to fill expiring terms through March 1, 2019; and two alternate members to fill expiring terms through March 1, 2019

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> In accordance with the City Council adopted policies governing the appointment and training of citizens to City boards, appointments to the above stated boards are to be made with an effective date of March 1, 2014.

Please see the attached board summary forms, which list current board members, purpose, membership requirements, term and meeting time/place for the boards. Also attached is a summary listing of all applications received for board appointments. Individual board application forms on file for these boards have already been provided. New application forms received will be forwarded to the Council as received by the City Secretary.

FISCAL IMPACT: N/A

ATTACHMENTS:

Board Summary Forms
Board Applications – to be provided



APPLICATION SUMMARY

BOARD APPOINTMENTS

ANIMAL SERVCIES ADVISORY BOARD – 3 YEAR TERMS: Meets 2ND Monday of each month at 11:00 am

1 Unexpired Term: Esperanza Castro (General) forfeit due to lack of attendance

Eligible for Reappointment: Alisha Cordoncillo

Board Forms on File: Alisha Cordoncillo

BUILDING & STANDARDS COMMISSION – 2 YEAR TERMS: Meets 1st Monday of each month at 2 p.m.

<u>5 Terms Expiring: (3 alternate members & 2 Regular Members)</u> – Russell Stenman; Kevin Bonner; *Bruce Normand; *Jeff Byd; *Jeremy Langley

<u>Eligible for Reappointment:</u> Russell Stenman (Regular Member); Kevin Bonner (Regular Member); Bruce Normand (Alt. Member); Jeff Byrd (Alt. Member); and Jeremy Langley (Alt. Member) are eligible.

<u>Board Forms on File:</u> Brian Bezner; Damon Gottschalk, Kay Guedea; Daniel Jeanes; Jeremy Langley; Michael Medrano; Bruce Normand; and Russell Stenman

DEVELOPMENT STANDARDS ADVISORY BOARD – 3 YEAR TERMS: Meet on called basis

<u>3 Terms Expiring:</u> Charles Lucko (surveying); Michael Brock (Real Estate); and David Patterson (homebuilder)

<u>Eligible for Reappointment:</u> All three members have termed out; therefore are ineligible for reappointment.

<u>Board Forms on File:</u> Joel Berryman (Banker); Brian Bezner (real estate); Scott Horsak (Gen. Construction/ Builder); Tom Brautigan (Real estate)

NOTE: The members of this board must represent 9 of 7 professions: civil engineering; general construction; utility construction; street construction; real estate; banking; insurance; land development; architecture; homebuilding and/or surveying.

PARKS AND RECREATION SERVICES ADVIOSRY BOARD - 3 YEAR TERMS: Meets the 2^{nd} Tuesday each month

2 Terms Expiring: Scott Allen and John Bailey

<u>Eligible for Reappointment:</u> Both members have termed out; therefore are ineligible for reappointment.

<u>Board Forms on File:</u> Robert Curtis; Bryan Daniel; Melissa Davis; Alesia Dawson; Damon Gottschalk; Chuck Lucko; and Russell Stenman

ZONING BOARD OF ADJUSTMENT – 2 YEAR TERMS: Meets 1st / 3rd Wednesday each month

<u>4 Terms Expiring (2 Regular Members & 2 *Alternate Members)</u> – Kay Guedea; Blake Pitts; *Joel Amos; and *Jeremy Langley

<u>Eligible for Reappointment:</u> All members are eligible for reappointment; except Joel Amos. Mr. Amos has termed out; therefore are ineligible for reappointment.

<u>Board Forms on File:</u> Monty Clark; Bryan Daniel; Damon Gottschalk; Scott Kiella; and Mat Naegele; Tom Brautigan

ANIMAL SERVICES ADVISORY BOARD (Services as an advisory board to the City Council and City staff on matters relating to the City's Animal Services Division and its operations. The Board is specifically charged with ensuring that the City complies with State law requirements relating to the operation of animal shelters (currently found in Chapter 823 of the Texas Health and Safety Code. The Board shall submit each March a report to the City Council describing the Board's activities during the preceding year.)

Dr. Lance Crews	Veterinarian	amctempletx@gmail.com	913-8450	Standing
Shirley Lynkins	General	carolkinsley@yahoo.com	833-4119	09/2016
Paula Siebel	Animal Welfare Org.	seibelpaula@aol.com	231-2486	09/2017
Municipal Official	Municipal Official	VACANT		Standing
Amy Strunk	Animal Shelter Operator	astrunk@templetx.gov	298-5732	09/2018
Nancie Etzel Chair	General	Netzel27@aol.com	(443)742-1478	09/2018
	General	VACANT		09/2018
Walter Hetzel, Animal Shelter Director	Ex-Officio	Whetzel@templetx.gov	298-5732	Standing

BUILDING AND STANDARDS COMMISSION (This Board has the authority to hear and determine cases concerning alleged violations of City ordinances related to building codes, including the minimum housing code; conditions covered by accumulation of matter that creates unsanitary and unhealthy conditions; functions of the Historic Preservation ordinance; and serves as a screening committee for the rental rehabilitation and the owner-occupied housing rehabilitation program. The Building & Standards Commission's final decisions may be appealed to any district court in Bell County within 30 days of the date of final decision.)

Sonjanette Crossley		sbaicros@sbcglobal.net	421-0146	03/2018
Chuck Borgeson		chuckborgeson@gmail.com	493-7743	03/2018
David Lesko		dave@davelesko.com	654-3016	03/2018
Russell Stenman Eligible		roadhand@msn.com	(512)635-0189	03/2017
Kevin Bonner Eligible		kevinbonner@bcswlaw.com	774-8333	03/2017
*Bruce Normand Eligible	Alternate	Brucenormand254@yahoo.com	541-2581	03/2017
*Jeff Byrd Eligible	Alternate	jeff@bccgeneralcontractor.com	541-7701	03/2017
*Derek Marshall	Alternate	derek@bwconst.com	913-9674	03/2018
*Jeremy Langley	Alternate	jeremy.langley19@gmai.com	718-4918	03/2017

DEVELOPMENT STANDARDS ADVISORY BOARD (Standing advisory board to advise the City Council and Planning & Zoning Commission on matters relating to the Subdivision Ordinance, City's standard construction details, and

related development standards and regulations.)

Gary Freytag	General Construction	gary.freytag@belfairdev.com	541-3098	03/2019
Ginger Tolbert	Engineer	gtolbert@kapaengineers.com	722-0239	03/2019
Bruce Flanigan	Utility Construction	bwflanigan@gmail.com	718-3543	03/2019
Charles Lucko Ineligible	Surveying	chuck@allcountysurveying.com	534-1225	<mark>03/2017</mark>
Michael Brock Ineligible	Real Estate	texaslumar@yahoo.com	718-7346	03/2017
David Patterson Ineligible	Homebuilder	david.patterson@patcoconstructionllc.com	<mark>760-9199</mark>	03/2017
Brian Reinhardt	Banking	breinhardt@extrobanks.com	717-9180	03/2018
Blake Pitts	Construction	blake@matousconstruction.com	534-1638	03/2018
Jeffrey Schneider	Street Construction	jschneider@rtschneider.com	534-2410	03/2018

PARKS & RECREATION SERVICES ADVISORY BOARD (To advise the City Council and the Director of Parks & Leisure Services Recreation on matters relating to the City's parks, recreational programs, Sammons Golf Course, Frank W. Mayborn Civic & Convention Center and tourism generally. To develop public awareness and education programs relating to trees; promote Arbor Day; develop and update 5-year plan for planting trees on City property; advise Parks &

Leisure Services on issues relating to planting or maintenance of trees and other landscaping on City property.)

Fabian Gomez	fgomez@kpaengineers.com	493-4864	03/2018
James Stafford	Stafford.james@gmail.com	366-7128	03/2018
Albert Nebgen	anebgen@panelspec.com	534-3363	03/2018
Roney Castro	ritmotejano@aol.com	931-7933	03/2018
Scott Allen Ineligible	svallen@sbcglobal.net	718-3025	03/2017
<mark>John Bailey</mark> Ineligible	john@johnbaileyfinancial.com	<mark>760-1486</mark>	<mark>03/2017</mark>
Lacy Adams	lacya@johnsonbrosford.com	760-3430	03/2019
Dr. Mark Smith	mark.smith@templejc.edu	760-6301	03/2019
Scott Kiella	scottk@kiella.com	541-2999	03/2019

ZONING BOARD OF ADJUSTMENT (Hear appeals and rule on special exceptions to the Zoning Ordinance.)

Mark Fryar	Chair	mfryar2@yahoo.com	(512)413-6617	03/2018
Tyler Johnson	V-Chair	tyler.johnson@bbvacompass.com	(214)404-9753	03/2018
Kay Guedea Eligible		kguedea@hott.rr.com	(512)633-6330	03/2017
Monty Clark		mclark@clark-fuller.com	913-1732	03/2018
Blake Pitts Eligible		blake@matousconstruction.com	534-1638	03/2017
Joel Amos Ineligible	Alternate	ioelamos@amoselectric.com	534-0177	03/2017
Jeremy Langley Eligible	Alternate	jeremy.langley19@gmail.com	718-4918	03/2017
Derek Marshall	Alternate	derek@bwconst.com	913-9674	03/2018
Lee Armstrong	Alternate	lee@Imarmstrongconstruction.com	913-0461	03/2018