

MEETING OF THE

TEMPLE CITY COUNCIL MUNICIPAL BUILDING 2 NORTH MAIN STREET 3rd FLOOR – CONFERENCE ROOM THURSDAY, AUGUST 17, 2017 3:00 P.M.

AGENDA

- 1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, August 17, 2017.
- 2. Receive an overview briefing of the FY2018 Preliminary Budget, including, but not limited to, the following strategic and budget related policy issues:
 - A. Proposed amendments to the City's Investment Policy
- 3. Receive a presentation on the City's financial statements for the nine month period ending June 30, 2017.
- 4. Discuss the City's purchasing procedures relating to annual contract bidding and renewals.
- 5. Receive a presentation on and discuss proposed amendments to Chapter 38 of the City's Code of Ordinances related to the regulation of liquid waste.
- 6. Discuss implementation of civil fines for parking violations under City Code of Ordinance, Chapter 37.
- 7. Receive a presentation on and discuss State and local law related to disannexation of property in the City.

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. BUDGET / PUBLIC HEARING

3. PUBLIC HEARING – Conduct the second of two public hearings to receive comments on the proposed tax rate of 67.72 cents per \$100 valuation for fiscal year 2018 (2017 tax year), and announce meeting to adopt the proposed tax rate on August 25, 2017.

IV. BONDS

4. 2017-4860: FIRST & FINAL READING – PUBLIC HEARING - Consideration and action with respect to the "Sixth Supplemental Ordinance to the Master Ordinance Establishing the City of Temple, Texas Utility System Revenue Financing Program" related to the issuance of City of Temple, Texas Utility System Revenues Bonds, Series 2017.

<u>V. CONSENT AGENDA</u>

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.

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

Contracts, Leases, & Bids

(A) 2017-8742-R: Consider adopting a resolution authorizing the purchase of easements necessary for the construction of the Charter Oak Water Line and authorizing closing costs associated with the purchase, in an estimated amount of \$175,000.

- (B) 2017-8743-R: Consider adopting a resolution authorizing a construction contract with FCO Construction Services, LLC., of Killeen in the amount of \$1,218,024 for renovations to Wilson Park Softball Complex.
- (C) 2017-8744-R: Consider adopting a resolution ratifying change order #1 to the construction contract with Loftin Equipment Company, Inc. of Universal City, in the amount of \$26,429 for the City Hall emergency generator project.
- (D) 2017-8745-R: Consider a resolution authorizing an Interlocal Agreement with the Temple Independent School District to provide school locations for after school latchkey programming.
- (E) 2017-8746-R: Consider adopting a resolution authorizing the submission of an application and acceptance of funding if awarded for the State of Texas Governor's Criminal Justice Division Rifle-Resistant Body Armor Grant Program.
- (F) 2017-8747-R: Consider adopting a resolution authorizing the renewal of an Interlocal Cooperation Agreement with the Texas Department of Public Safety for participation in the Department's Breath Testing and Laboratory Alcohol and Drug Testing Program.
- (G) 2017-8748-R: Consider adopting a resolution authorizing the renewal of an Interlocal Agreement with the Texas Department of Public Safety for participation in the Department's Sex Offender Registration program.
- (H) 2017-8749-R: Consider adopting a resolution authorizing an amendment to the Memorandum of Understanding with the Office of the Attorney General for participation in the Internet Crimes Against Children Task Force.
- (I) 2017-8750-R: Consider adopting a resolution authorizing the renewal of an Interlocal Assistance Agreement with the Bell County Sheriff's Office, Bell County, and the cities of Belton, Harker Heights and Killeen for participation in the Bell County Organized Crime Unit.
- (J) 2017-8751-R: Consider adopting a resolution authorizing an agreement with First Southwest Asset Management, Inc., a Hilltop Holdings Company, for arbitrage rebate compliance services for a period of five years.
- (K) 2017-8752-R: Consider adopting a resolution authorizing a Developer Participation Agreement with KAM Homebuilders, Inc., in the not to exceed amount of \$110,938, for construction of a portion of Tanglehead Drive as a part of The Meadows Phase IV subdivision.
- (L) 2017-8753-R: Consider adopting a resolution authorizing an amendment to a professional services agreement with BSP Engineers, Inc., to include professional services to design a 12" water main and an 18" water main, in an amount not to exceed \$196,800 for the widening of Hogan Road from State Highway 317 to South Pea Ridge Road.

Ordinances - Second & Final Reading

(M) 2017-4856: SECOND READING – Z-FY-17-34: Consider adopting an ordinance and accompanying Site Development Plan for rezoning from Agricultural zoning to Planned Development Single Family One zoning district on 12.48 +/- acres, situated in the S.P. Terry Survey, Abstract No. 812, Bell County, Texas, located west of the cul-de-sac of Lago Del Norte Drive.

<u>Misc.</u>

- (N) 2017-8754-R: Consider adopting a resolution approving third quarter financial results for Fiscal Year 2017.
- (O) 2017-8755-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2016-2017.
- (P) 2017-8756-R: Consider adopting a resolution authorizing the cancellation of the December 21, 2017 and the January 4, 2018 City Council meetings.

V. REGULAR AGENDA

ORDINANCES – SECOND READING

6. 2017-4857: SECOND READING: Consider adopting an ordinance authorizing the closure of a section of West Avenue B, a public street, beginning at the western boundary of Lot 2, Block 2 and extending to the eastern boundary of Lot 5, Block 2, Final Plat of Santa Fe Plaza West.

ORDINANCES - FIRST READING/PUBLIC HEARING

7. 2017-4861: FIRST READING – PUBLIC HEARING Z-FY-17-35: Consider adopting an ordinance rezoning 102.290 +/- acres from Agricultural district to Single-Family Two district, situated in the Redding Roberts Survey, Abstract No. 692, Bell County, Texas, located at 5900 South 31st Street.

RESOLUTIONS

- 8. 2017-8757-R: Consider adopting a resolution pursuant to Chapter 2206, Government Code § 2206.053 finding that a 0.087-acre permanent easement situated in the George Givens Survey, Abstract No. 345, Bell County, Texas is necessary for the construction of the Charter Oak Water Line and authorizing the use of eminent domain to condemn the property.
- 9. 2017-8758-R: Consider adopting a resolution pursuant to Chapter 2206, Government Code § 2206.053 finding that a 0.088-acre right of way situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, is necessary for the proposed expansion of Hogan Road, and authorizing the use of eminent domain to condemn the property.
- 10. 2017-8759-R: Consider approving a resolution adopting the City of Temple's Wireless Services Design Manual, setting the Right-of Way Permit application fee, and setting the public right-of-way rate to be charged to wireless service providers for use of the City's right-of-way.

Texas Open Meetings Act.	any items in executive (closed) session whenever permitted by the
I hereby certify that a true and correct cop 12:20 pm, on Friday, August 11, 2017.	py of this Notice of Meeting was posted in a public place at
City Secretary, TRMC	
	ns with disabilities who have special communication or end this meeting should notify the City Secretary's Office by seting date.
,	a was removed by me from the outside bulletin board in front
of the City Municipal Building on	day of2017.
Ti	itle



COUNCIL AGENDA ITEM MEMORANDUM

08/17/17 Item #3 Regular Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, Interim City Manager Traci L. Barnard, Director of Finance

<u>ITEM DESCRIPTION:</u> PUBLIC HEARING – Conduct the second of two public hearings to receive comments on the proposed tax rate of 67.72 cents per \$100 valuation for fiscal year 2018 (2017 tax year), and announce meeting to adopt the proposed tax rate on August 25, 2017.

STAFF RECOMMENDATION: Conduct a public hearing but no action is required.

<u>ITEM SUMMARY:</u> At the August 3, 2017 regular meeting, Council discussed the proposed tax rate of 67.72 cents per \$100 valuation and adopted a resolution scheduling the adoption of the proposed tax rate for August 25, 2017, and setting public hearings for August 11, 2017 and August 17, 2017 on the proposed tax rate for FY 2017-2018.

The proposed meeting dates and publication schedules comply with the Truth-In-Taxation requirements set forth by State Law and the City Charter.

The FY 2017-2018 budget was prepared with a preliminary total tax rate of 67.72 cents per \$100 valuation and a preliminary tax base of \$4,189,452,803 (an estimated 5.52% increase from prior year).

On July 17, 2017, the Chief Appraiser certified the tax roll of \$4,148,669,011 (a 4.49% increase from prior year). On July 17, 2017, the Chief Appraiser calculated the effective tax rate of 64.68 cents. Changes in the tax rate components as compared to the preliminary budget filed June 23, 2017 are as follows:

Comparing proposed tax rate of 67.72 cents to the *preliminary* rate of 67.72 cents as proposed in the budget filed on June 23, 2017:

	PRELIMINARY FY 2018	PROPOSED FY 2018	Increase (Decrease)
Proposed Tax Rate			
M&O (Maintenance & Operation)	\$ 0.3142	\$ 0.3142	\$ -
I&S (Interest & Sinking - Debt)	0.3630	0.3630	
-	\$ 0.6772	\$ 0.6772	\$ -

An adjustment of the certified taxable value (\$4,148,669,011) from the preliminary taxable value (\$4,189,452,803); and a decrease in the frozen tax levy to \$2,382,511 from a preliminary levy of 2,390,280 will result in a net decrease to the M&O revenue by \$129,197 as compared to the preliminary budget filed on June 23, 2017. The decrease in the certified taxable value as compared to the preliminary taxable value will result in a net decrease in the I&S debt revenue by \$141,795.

Comparing the proposed tax rate of 67.72 cents to the *current FY 2017 adopted* tax rate of 65.72 cents:

	FY 2017	PROPOSED FY 2018	Increase (Decrease)
Proposed Tax Rate M&O (Maintenance & Operation) I&S (Interest & Sinking - Debt)	\$ 0.3142	\$ 0.3142	\$ -
	0.3430	0.3630	0.0200
	\$ 0.6572	\$ 0.6772	\$ 0.0200

The I&S component of the tax rate includes the estimated additional tax rate adjustment to support the enhanced transportation capital improvement program.

Example 1 – Annual Property Tax - \$100,000 Taxable Value:

With the proposed tax rate of 67.72 cents per \$100 valuation, the cost to a homeowner with a taxable value of \$100,000 would increase by \$20.00 per year (\$1.67 per month) if there was no change in taxable value from the prior year.

Example 2 – Annual Property Tax - Average Taxable Value for City of Temple:

The preceding tax year's average taxable value of a residence homestead in Temple was \$106,267. In the current tax year, the average taxable value a residence homestead in Temple is \$112,302. With the proposed tax rate of 67.72 cents per \$100 valuation, there would be an annual increase of \$62.12 in taxes (\$5.18 per month).

FISCAL IMPACT:

Changes from the preliminary tax rate and base used to calculate the filed budget on June 23, 2017 to the proposed rate with the certified tax roll as presented August 17, 2017 are as follows:

	Filed Budget 06/23/17	Proposed Budget 08/17/17	Increase/ (Decrease)
Tax Base*	\$4,189,452,803	\$4,148,669,011	(\$40,783,792)
Tax Rate:			
(General) M&O	31.42¢	31.42¢	0.00¢
(Debt) I&S	36.30¢	36.30¢	0.00¢
Total Tax Rate	67.72¢	67.72¢	0.00¢
Tax Levy:			
(General) M&O	\$11,709,140	\$11,586,407	(\$122,733)
Frozen Taxes	2,390,280	2,382,511	(7,769)
(Debt) I&S	13,527,746	13,385,951	(141,795)
Total Tax Levy*	\$27,627,166	\$27,354,869	(\$272,297)
Budget:			
Projected Revenues	\$70,519,883	\$70,460,686	(\$59,197)
Proposed Expenditures	73,330,973	73,262,639	\$68,334

^{*}Excludes Reinvestment Zone No. 1

FY 2018 GENERAL FUND PROPOSED BUDGET SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET

	Proposed	d Budget	
	Filed Copy	Current	Increase
	as of 06-23-17	as of 08-17-17	(Decrease)
			(======)
Projected Revenues	\$ 70,519,883	\$ 70,460,686	\$ (59,197) A
Proposed Budget Expenditures	71,823,048	71,754,714	(68,334) ^B
Excess Revenues Over (Under) Expenditures	(1,303,165)	(1,294,028)	9,137
Transfers In (Out):			
Less: Transfer Out To Debt Service Fund -			
LTN 2013 - Sanitation Vehicles, CNG Facility and Recycling Containers	(981,800)	(981,800)	-
CO 2017 - Sanitation Vehicles	(273,575)	(273,575)	-
CO 2017 - PS P25 Radios	(252,550)	(252,550)	
Total Transfer In (Out)	(1,507,925)	(1,507,925)	
Excess Revenues Over (Under) Expenditures for FY 2018	\$ (2,811,090)	\$ (2,801,953)	\$ 9,137
Recommended Use of Undesignated Fund Balance:			
- TEDC Matrix Funding	\$ 230,283	\$ 221,146	\$ (9,137)
- Strategic Investment Zone Funding	150,000	162,000	12,000
- Capital Funded with Fund Balance	1,541,182	1,529,182	(12,000)
- Capital Replacement - Sanitation Vehicles	273,575	273,575	-
- Capital Replacement - PS P25 Radios	252,550	252,550	_
	\$ 2,447,590	\$ 2,438,453	\$ (9,137)
Recommended Use of Designated Fund Balance:			
- FY 2017 General Government Compensation Plan	\$ 363,500	\$ 363,500	\$ -
1 1 2017 Concial Conformatic Compensation 1 lain	\$ 363,500	\$ 363,500	\$ -
	Ψ 303,300	Ψ 303,300	Ψ
Explanation of Changes from Filed Budget to Proposed Budget @ 08/03/2017:			
^A Revenue Changes:			
Required adjustment from preliminary to certified tax roll		\$ (129,197)	
Adjusted revenue estimates		70,000	
Total Revenue Changes		\$ (59,197)	
^B Expenditure Changes:			
Adjusted contingency for Public Safety		\$ (37,945)	
Adjusted fuel estimates		(19,647)	
Adjusted TEDC - O&M Component		(11,605)	
Adjusted Community Enhancement Grants		10,000	
Total Expenditures Changes		\$ (59,197)	
Net Revenue Over (Under) Expenditures		\$ -	

FY 2018 **DEBT SERVICE FUND PROPOSED BUDGET** SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET

	Proposed	1 Budget	
	Filed Copy as of 06-23-17	Current as of 08-17-17	Increase (Decrease)
Projected Revenues	\$ 14,955,882	\$ 14,814,088	\$ (141,794) A
riojecteu nevenues	φ 14,955,662	\$ 14,614,066	
Proposed Budget Expenditures	16,740,207	16,740,207	B
Excess Revenues Over (Under) Expenditures	\$ (1,784,325)	\$ (1,926,119)	(141,794)
Transfers In (Out):			
Plus: Transfer In From General Fund -			
LTN 2013 - Sanitation Vehicles, CNG Facility and Recycling Containers	981,800	981,800	-
CO 2017 - Sanitation Vehicles	273,575	273,575	-
CO 2017 - PS P25 Radios	252,550	252,550	-
Plus: Transfer In From Drainage Fund -			
CO 2017 - Drainage CIP	276,400	276,400	
Total Transfer In (Out)	1,784,325	1,784,325	
Excess Revenues Over (Under) Expenditures for FY 2018	<u> </u>	\$ (141,794)	\$ (141,794)
Recommended Use of Undesignated Fund Balance	<u>-</u> \$ -	141,794	141,794 A
	Ψ -	Ψ -	Ψ
Explanation of Changes from Filed Budget to Proposed Budget @ 08/03/2017: A Revenue Changes:			
Required adjustment from preliminary to certified tax roll		\$ (141,794)	
Increase recommended use of Undesignated Fund Balance		141,794	
Total Revenue Changes		\$ -	
^B Expenditure Changes:			
None		\$ -	
Total Expenditures Changes		\$ -	
Not Povenue Over (Inder) Expenditures		\$ -	
Net Revenue Over (Under) Expenditures		φ -	

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

08/17/17 Item #4 Regular Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

<u>ITEM DESCRIPTION:</u> FIRST & FINAL READING – PUBLIC HEARING - Consideration and action with respect to the "Sixth Supplemental Ordinance to the Master Ordinance Establishing the City of Temple, Texas Utility System Revenue Financing Program" related to the issuance of City of Temple, Texas Utility System Revenues Bonds, Series 2017.

STAFF RECOMMENDATION: Adopt ordinance as presented in item description.

ITEM SUMMARY: This item is to award the sale of \$35,000,000* to the lowest responsible bidder of this series of bonds.

The proceeds of the bonds will be used for the purpose of (i) paying costs of acquiring, purchasing, constructing, improving, renovating, enlarging or equipping the City's Utility System and (ii) paying the costs of issuing such Bonds. Specific major project construction and improvements for which the proceeds will be used for include the Temple Belton Wastewater Treatment Facility, Shallowford lift station and force main, Charter Oak water transmission main – Phase II, Bird Creek wastewater interceptor – Phase V and the Old Town South sewer main.

The Bonds authorized to be issued by this Sixth Supplement are to be issued and delivered pursuant to the City Charter and Chapters 1502 of the Texas Government Code, as amended, and other applicable State laws.

The bids for the bonds will be received on August 17, 2017. City Council will consider an Ordinance authorizing the award of the Utility System Revenue Bonds to the Purchaser.

The City's financial advisor, Specialized Public Finance Inc., will be at the meeting to review the offers with Council and designate the low interest rate bidder and bond counsel, McCall, Parkhurst & Horton, L.L.P, will be at the meeting to review the details of the ordinance.

On September 21, 2006, the City Council adopted a "Master Ordinance Establishing the City of Temple, Texas Utility System Revenue Financing Program" (referred to as the "Master Ordinance"). In order to enable the City to provide for the financing and refinancing of the utility system projects authorized by Chapter 1502, Texas Government Code, as amended, and any other applicable provisions of State law, the Master Ordinance establishes a revenue financing program pursuant to which the City can issue and enter into obligations, including bonds and other types of obligations, secured by and payable from a pledge of and lien on all or part of the Security.

Staff, with recommendations from bond counsel, deems it necessary to issue Parity Debt pursuant to this "Sixth Supplemental Ordinance to the Master Ordinance establishing the City of Temple, Texas Utility System Revenue Financing Program" (the "Sixth Supplement"). The City has previously issued and has outstanding several series of obligations payable from water and sewer utility system revenues pursuant to the Master Ordinance.

Ratings for the bonds have been applied for Standard & Poor's. The ratings were published on Monday, August 14, 2017.

Funds will be delivered to our depository for use on September 12, 2017.

FISCAL IMPACT: The par amount of the bonds will be \$35,000,000* and a maximum maturity of not greater than 20 years. The current water/waste water rates were adjusted in FY 2013 to fund the debt service for this issue.

* THE ISSUE SIZE IS PRELIMINARY AND WILL BE SIZED AT THE TIME OF PRICING.

<u>ATTACHMENTS:</u>

Ordinance

ORDINANCE NO.	
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SIXTH SUPPLEMENTAL ORDINANCE TO THE MASTER ORDINANCE ESTABLISHING THE CITY OF TEMPLE, TEXAS UTILITY SYSTEM REVENUE FINANCING PROGRAM

Adopted August 17, 2017

SIXTH SUPPLEMENTAL ORDINANCE TO THE MASTER ORDINANCE ESTABLISHING THE CITY OF TEMPLE, TEXAS UTILITY SYSTEM REVENUE FINANCING PROGRAM

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EXHIBIT A - Definitions

EXHIBIT B - Form of Bonds

EXHIBIT C - Description of Annual Financial Information

ORDINA	NCE NO.	

SIXTH SUPPLEMENTAL ORDINANCE TO THE MASTER ORDINANCE ESTABLISHING THE CITY OF TEMPLE, TEXAS UTILITY SYSTEM REVENUE FINANCING PROGRAM

THE STATE OF TEXAS §

CITY OF TEMPLE §

WHEREAS, on September 21, 2006, the City Council of the City of Temple, Texas (the "City") adopted a "Master Ordinance Establishing the City of Temple, Texas Utility System Revenue Financing Program" (referred to herein as the "Master Ordinance"); and

WHEREAS, in order to enable the City to provide for the financing of the utility system projects authorized by Chapter 1502, Texas Government Code, as amended, and any other applicable provisions of State law, the Master Ordinance establishes a revenue financing program pursuant to which the City can issue and enter into obligations, including bonds and other types of obligations, secured by and payable from a pledge of and lien on all or part of the Security, as hereinafter defined; and

WHEREAS, for such purposes, the City deems it necessary to issue Parity Debt, as hereinafter defined, pursuant to this "Sixth Supplemental Ordinance to the Master Ordinance establishing the City of Temple, Texas Utility System Revenue Financing Program" (the "Sixth Supplement"); and

WHEREAS, the City Council of the City deems it advisable to issue additional new money bonds to improve and extend the City's Utility System; and

WHEREAS, the Bonds authorized to be issued by this Sixth Supplement are to be issued and delivered pursuant to the City Charter and Chapter 1502 of the Texas Government Code, as amended, and other applicable State laws; and

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

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

ARTICLE I BONDS ISSUED UNDER UTILITY SYSTEM REVENUE FINANCING PROGRAM

- **Section 1.01. DEFINITIONS**. (a) <u>Definitions</u>. The capitalized terms used herein (except in the FORM OF BONDS set forth in <u>Exhibit "B"</u> hereto) and not otherwise defined shall have the meanings given in the Master Ordinance or in <u>Exhibit "A"</u> to this Sixth Supplement. The recitals to this Sixth Supplement and the exhibits hereto are incorporated herein and made a part hereof for all purposes.
- (b) <u>Construction of Terms</u>. If appropriate in the context of this Sixth Supplement, words of the singular number shall be considered to include the plural, words of the plural number shall be considered to include the singular, words of the masculine, feminine, or neuter gender shall be considered to include the other genders, and words importing persons shall include firms, associations, and corporations.
- **Section 1.02. ESTABLISHMENT OF FINANCING PROGRAM AND ISSUANCE OF PARITY DEBT.** (a) Sixth Supplement. By adoption of the Master Ordinance, the City has established the City of Temple, Texas Utility System Revenue Financing Program for the purpose of enabling the City to provide for the financing of utility system projects authorized by Chapter 1502 of the Texas Government Code, as amended, and any other applicable provisions of State law pursuant to which, subject to the payment of maintenance and operating expenses, the City may issue and enter into obligations, including bonds and other types of obligations, secured by and payable from a pledge of and lien on all or part of the Security. This Sixth Supplement provides for the authorization, form, characteristics, provisions of payment and redemption, and security of the Bonds. This Sixth Supplement is subject to the terms of the Master Ordinance and the terms of the Master Ordinance are incorporated herein by reference and as such are made a part hereof for all purposes.
- (b) <u>Bonds Are Parity Debt</u>. As required by Section 7 of the Master Ordinance governing the issuance of Parity Debt such as the Bonds, the City hereby finds that, upon the issuance of the Bonds, the Security will be sufficient to meet the financial obligations relating to the Financing Program, including Security in amounts sufficient to satisfy the Annual Debt Service Requirements of the Financing Program. The Bonds are hereby declared to be Parity Debt under the Master Ordinance.
- SECURITY. In consideration of the acceptance of the Bonds by those who shall hold the same from time to time, this Sixth Supplement shall be deemed to be and shall constitute a contract between the City and the Owners from time to time of the Bonds, and the pledge made in this Sixth Supplement by the City and the covenants and agreements set forth in this Sixth Supplement to be performed by the City shall be for the equal and proportionate benefit, security, and protection of all Owners from time to time of the Bonds, without preference, priority, or distinction as to security or otherwise of any of the Bonds authorized hereunder over any of the other Bonds by reason of time of issuance, sale, or maturity thereof or otherwise for any cause whatsoever, except as expressly provided in or permitted by this Sixth Supplement and the Master Ordinance.
- Section 1.04. <u>LIMITATION OF BENEFITS WITH RESPECT TO THIS SIXTH</u>
 <u>SUPPLEMENT</u>. With the exception of the rights or benefits herein expressly conferred, nothing

expressed or contained herein or implied from the provisions of this Sixth Supplement or the Bonds is intended or should be construed to confer upon or give to any person other than the City, the Owners, and the Paying Agent/Registrar, any legal or equitable right, remedy, or claim under or by reason of or in respect to this Sixth Supplement or any covenant, condition, stipulation, promise, agreement, or provision herein contained. This Sixth Supplement and all of the covenants, conditions, stipulations, promises, agreements, and provisions hereof are intended to be and shall be for and inure to the sole and exclusive benefit of the City, the Owners, and the Paying Agent/Registrar as herein and therein provided.

ARTICLE II BOND AUTHORIZATION AND SPECIFICATIONS

Section 2.01. <u>AMOUNT, PURPOSE AND DESIGNATION OF THE BONDS</u>. The Bonds designated "CITY OF TEMPLE, TEXAS UTILITY SYSTEM REVENUE BONDS, SERIES 2017" (the "Bonds") are hereby authorized to be issued pursuant to this Sixth Supplement in the aggregate principal amount of \$35,000,000 for the purpose of (i) paying costs of acquiring, purchasing, constructing, improving, renovating, enlarging or equipping the City's Utility System and (ii) paying the costs of issuing such Bonds. The Bonds are authorized pursuant to authority conferred by and in conformity with State law, particularly the provisions of Chapter 1502 of the Texas Government Code, as amended.

The Bonds will be in the form of Current Interest Bonds as provided in Section 2.02 and the FORM OF BONDS in Exhibit B to this Sixth Supplement.

Section 2.02. DATE, DENOMINATIONS, NUMBERS, MATURITIES AND TERMS OF BONDS. (a) Terms of Bonds. There shall initially be issued, sold, and delivered hereunder fully registered bonds, without interest coupons, in the form of Current Interest Bonds, numbered consecutively from R-1 upward, payable to the respective initial registered owners thereof, or to the registered assignee or assignees of said bonds or any portion or portions thereof (in each case, the "Registered Owner"), in Authorized Denominations, maturing and payable serially on August 1 in each of the years and in the principal amounts respectively as forth in the following schedule:

YEAR	<u>PRINCIPAL</u> <u>AMOUNT</u>	YEAR	PRINCIPAL AMOUNT
2018		2028	
2019		2029	
2020		2030	
2021		2031	
2022		2032	
2023		2033	
2024		2034	
2025		2035	
2026		2036	
2027		2037	

- (b) <u>In General</u>. The Bonds (i) may and shall be redeemed prior to the respective scheduled maturity dates, (ii) may be assigned and transferred, (iii) may be exchanged for other Bonds, (iv) shall have the characteristics, and (v) shall be signed and sealed, and the principal of and interest on the Bonds shall be payable, all as provided, and in the manner required or indicated, in the FORM OF BONDS set forth in <u>Exhibit B</u> to this Sixth Supplement.
- (c) <u>Interest</u>. The Bonds shall bear interest calculated on the basis of a 360-day year composed of twelve 30-day months from the dates specified in the FORM OF BONDS set forth in <u>Exhibit B</u> to this Sixth Supplement to their respective dates of maturity or redemption at the rates per annum set forth in the following schedule:

YEAR	INTEREST RATE	YEAR	INTEREST RATE
2018		2028	
2019		2029	
2020		2030	
2021		2031	
2022		2032	
2023		2033	
2024		2034	
2025		2035	
2026		2036	
2027		2037	

(d) <u>Payments on Holidays</u>. In the event that any date for payment of the principal of or interest on the Bonds is a Saturday, Sunday, legal holiday, or day on which banking institutions in the city where the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment will be the next succeeding day that is not a Saturday, Sunday, legal holiday, or day on which such banking institutions are authorized to close. Payment on such later date will not increase the amount of interest due and will have the same force and effect as if made on the original date payment was due.

Section 2.03. PAYMENT OF BONDS; PAYING AGENT/REGISTRAR. The principal of, premium, if any, and the interest on the Bonds shall be payable, without exchange or collection charges to the Owner thereof, in any coin or currency of the United States of America that at the time of payment is legal tender for the payment of public and private debts.

The Bank of New York Mellon Trust Company, National Association is hereby appointed as Paying Agent/Registrar for the Bonds. By accepting the appointment as Paying Agent/Registrar, the Paying Agent/Registrar acknowledges receipt of copies of the Master Ordinance and this Sixth Supplement and is deemed to have agreed to the provisions thereof and hereof.

The City agrees and covenants to cause to be kept and maintained at the designated office of the Paying Agent/Registrar a Security Register, all as provided herein, in accordance with the terms and provisions of the Paying Agent/Registrar Agreement and such reasonable rules and regulations as the Paying Agent/Registrar and the City may prescribe. In addition, to the extent required by law,

the City covenants to cause to be kept and maintained the Security Register or a copy thereof in the State.

The City expressly reserves the right to appoint one or more successor Paying Agent/Registrars, by filing with the Paying Agent/Registrar a certified copy of a resolution or minute order of the City making such appointment. The City further expressly reserves the right to terminate the appointment of the Paying Agent/Registrar by filing a certified copy of a resolution of the City giving notice of the City's termination of the City's agreement with such Paying Agent/Registrar and appointing a successor. The City covenants to maintain and provide a Paying Agent/Registrar at all times until the Bonds are paid and discharged, and any successor Paying Agent/Registrar shall be a bank, trust company, financial institution, or other entity duly qualified and legally authorized to serve as and perform the duties and services of Paying Agent/Registrar for the Bonds. If a Paying Agent/Registrar is replaced, such Paying Agent/Registrar, promptly upon the appointment of the successor, will deliver the Security Register (or a copy thereof) and all other pertinent books and records relating to the Bonds to the successor Paying Agent/Registrar. Upon any change in the Paying Agent/Registrar, the City agrees promptly to cause a written notice thereof to be sent to each Owner by United States mail, first-class postage prepaid, which notice shall also give the address of the new Paying Agent/Registrar.

The principal of, premium, if any, and interest on the Bonds due and payable by reason of maturity, redemption, or otherwise, shall be payable only to the Owner thereof appearing on the Security Register, and, to the extent permitted by law, neither the City nor the Paying Agent/Registrar, nor any agent of either, shall be affected by notice to the contrary.

Principal of, and premium, if any, on the Bonds shall be payable only upon the presentation and surrender of said Bonds to the Paying Agent/Registrar at its designated office. Interest on the Bonds shall be paid to the Owner whose name appears in the Security Register at the close of business on the Record Date and shall be paid (i) by check sent on or prior to the appropriate date of payment by United States mail, first-class postage prepaid, by the Paying Agent/Registrar to the address of the Owner appearing in the Security Register on the Record Date or (ii) by such other method, acceptable to the Paying Agent/Registrar, requested in writing by, and at the risk and expense of, the Owner.

In the event of a nonpayment of interest on a scheduled payment date on a Bond, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be fifteen (15) days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each Owner of a Bond appearing on the Security Register at the close of business on the last business day next preceding the date of mailing of such notice.

Section 2.04. <u>**REDEMPTION.**</u> (a) <u>Generally.</u> The Bonds shall be subject to redemption prior to scheduled maturity at such times and with such provisions as provided in the FORM OF BOND.

- (b) Notices of Redemption and Defeasance. (i) Unless waived by any Owner of the Bonds to be redeemed, the Chief Financial Officer shall give notice of redemption or defeasance to the Paying Agent/Registrar at least thirty-five (35) days prior to a redemption date in the case of a redemption (unless a lesser period is acceptable to the Paying Agent/Registrar) and the defeasance date in the case of a defeasance and the Paying Agent/Registrar shall give notice of redemption or of defeasance of Bonds by mail, first-class postage prepaid at least thirty (30) days prior to a redemption date and within thirty (30) days after a defeasance date to each Owner.
- (ii) Each notice of redemption or defeasance shall contain a description of the Bonds to be redeemed or defeased including the complete name of the Bonds, the date of issue, the interest rate, the maturity date, the CUSIP number, the amounts called of each certificate, the publication or mailing date for the notice, the date of redemption or defeasance, the redemption price, if any, the name of the Paying Agent/Registrar and the address at which the Bonds may be redeemed or paid, including a contact person telephone number.
- (iii) All redemption payments made by the Paying Agent/Registrar to the Owners of the Bonds shall include a CUSIP number relating to each amount paid to such Owner.

The failure of any Owner of the Bonds to receive notice given as provided in this Section 2.04, or any defect therein, shall not affect the validity of any proceedings for the redemption of any Bonds. Any notice mailed as provided in this Section 2.04 shall be conclusively presumed to have been duly given and shall become effective upon mailing, whether or not any Owner receives such notice.

So long as DTC is effecting book-entry transfers of the Bonds, the Paying Agent/Registrar shall provide the notices specified in this Section 2.04 only to DTC. It is expected that DTC shall, in turn, notify its participants and that the participants, in turn, will notify or cause to be notified the beneficial owners. Any failure on the part of DTC or a participant, or failure on the part of a nominee of a beneficial owner of a Bond to notify the beneficial owner of the Bond so affected, shall not affect the validity of the redemption of such Bonds.

Conditional Notice of Redemption. With respect to any optional redemption of the Bonds, unless certain prerequisites to such redemption required by the Master Ordinance or this Sixth Supplement have been met and moneys sufficient to pay the principal of and premium, if any, and interest on the Bonds to be redeemed shall have been received by the Paying Agent prior to the giving of such notice of redemption, such notice shall state that said redemption may, at the option of the City, be conditional upon the satisfaction of such prerequisites and receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon any prerequisite set forth in such notice of redemption. If a conditional notice of redemption is given and such prerequisites to the redemption and sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Bonds and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Bonds have not been redeemed.

Section 2.05. REGISTRATION; TRANSFER; EXCHANGE OF BONDS; PREDECESSOR BONDS; BOOK-ENTRY-ONLY SYSTEM; SUCCESSOR SECURITIES DEPOSITORY; PAYMENTS TO CEDE & CO. (a) Registration, Transfer, Exchange, and Predecessor Bonds. The Registrar shall obtain, record, and maintain in the Security Register the name and address of each Owner issued under and pursuant to the provisions of this Sixth Supplement. Any Bond may, in accordance with its terms and the terms hereof, be transferred or exchanged for Bonds in Authorized Denominations upon the Security Register by the Owner, in person or by his duly authorized agent, upon surrender of such Bond to the Registrar for cancellation, accompanied by a written instrument of transfer or request for exchange duly executed by the Owner or by his duly authorized agent, in form satisfactory to the Registrar.

Upon surrender for transfer of any Bond at the designated office of the Registrar, there shall be registered and delivered in the name of the designated transferee or transferees, one or more new Bonds, executed on behalf of, and furnished by, the City, of Authorized Denominations and having the same Maturity and of a like aggregate principal amount as the Bond or Bonds surrendered for transfer.

At the option of the Owner, Bonds may be exchanged for other Bonds of Authorized Denominations and having the same Maturity, bearing the same rate of interest, and of like aggregate principal amount or Maturity Amount and the Bonds surrendered for exchange, upon surrender of the Bonds to be exchanged at the principal office of the Registrar. Whenever any Bonds are so surrendered for exchange, there shall be registered and delivered new Bonds executed on behalf of, and furnished by, the City to the Owner requesting the exchange.

All Bonds issued upon any transfer or exchange of Bonds shall be delivered at the principal office of the Registrar or sent by United States mail, first-class, postage prepaid to the Owners or the designee thereof, and, upon the registration and delivery thereof, the same shall be the valid obligations of the City, evidencing the same debt, and entitled to the same benefits under the Master Ordinance and this Sixth Supplement, as the Bonds surrendered in such transfer or exchange.

All transfers or exchanges of Bonds pursuant to this Section shall be made without expense or service charge to the Owner, except as otherwise herein provided, and except that the Registrar shall require payment by the Owner requesting such transfer or exchange of any tax or other governmental charges required to be paid with respect to such transfer or exchange.

Bonds canceled by reason of an exchange or transfer pursuant to the provisions hereof are hereby defined to be "Predecessor Bonds," evidencing all or a portion, as the case may be, of the same debt evidenced by the new Bond or Bonds registered and delivered in the exchange or transfer therefor. Additionally, the term "Predecessor Bonds" shall include any mutilated Bond that is surrendered to the Paying Agent/Registrar or any Bond for which satisfactory evidence of the loss of which has been received by the City and the Paying Agent/Registrar and, in either case, in lieu of which a Bond or Bonds have been registered and delivered pursuant to Section 3.05 hereof.

Neither the City nor the Registrar shall be required to issue or transfer to an assignee of an Owner any Bond called for redemption, in whole or in part, within forty-five (45) days of the date

fixed for the redemption of such Bond; provided, however, such limitation of transfer shall not be applicable to an exchange by the Owner of the unredeemed balance of a Bond called for redemption in part.

- (b) Ownership of Bonds. The entity in whose name any Bond shall be registered in the Security Register at any time shall be deemed and treated as the absolute Owner thereof for all purposes of this Sixth Supplement, whether or not such Bond shall be overdue, and, to the extent permitted by law, the City and the Paying Agent/Registrar shall not be affected by any notice to the contrary; and payment of, or on account of, the principal of, premium, if any, and interest on any such Bond shall be made only to such Owner. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.
- (c) <u>Book-Entry-Only System</u>. The Bonds issued in exchange for the Initial Bond issued as provided in Section 2.06 shall be issued in the form of a separate single fully-registered Bond for each of the maturities thereof registered in the name of Cede & Co., as nominee of DTC, and except as provided in this subsection (c) all of the Outstanding Bonds shall be registered in the name of Cede & Co., as nominee of DTC.

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

- (d) Successor Securities Depository; Transfers Outside Book-Entry-Only System. In the event that the City determines to discontinue the book-entry-only system through DTC or a successor or DTC determines to discontinue providing its services with respect to the Bonds, the City shall either (i) appoint a successor securities depository, qualified to act as such under Section 17(a) of the Securities and Exchange Act of 1934, as amended, notify DTC and DTC Participants of the appointment of such successor securities depository, and transfer one or more separate Bonds to such successor securities depository or (ii) notify DTC and DTC Participants of the availability through DTC of Bonds and transfer one or more separate Bonds to DTC Participants having Bonds credited to their DTC accounts. In such event, the Bonds shall no longer be restricted to being registered in the Security Register in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names Owners transferring or exchanging Bonds shall designate, in accordance with the provisions of this Sixth Supplement.
- (e) <u>Payments to Cede & Co.</u> Notwithstanding any other provision of this Sixth Supplement to the contrary, so long as any Bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of, premium, if any, and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, in the manner provided in the representation letter of the City to DTC.
- (f) <u>Blanket Issuer Letter of Representations.</u> The City heretofore has executed and delivered to DTC a "Blanket Issuer Letter of Representations" with respect to the utilization by the City of DTC's book-entry-only system and the City intends to utilize such book-entry-only system in connection with the Bonds.
- **Section 2.06.** <u>INITIAL BOND.</u> The Bonds shall initially be issued as a fully registered bond, being one bond (the "Initial Bond"). The Initial Bond shall be registered in the name of the initial purchaser of the Bonds. The Initial Bond shall be submitted to the Office of the Attorney General of the State for approval and registration by the Office of the Comptroller of Public Accounts of the State and delivered to the initial purchaser thereof. Immediately after the delivery of the Initial Bond on the Issuance Date, the Registrar shall cancel the Initial Bond and exchange therefor Bonds in the form of a separate single fully-registered Bond for each of the maturities thereof registered in the name of Cede & Co., as nominee of DTC and, except as provided in Section 2.05(d), all of the Outstanding Bonds shall be registered in the name of Cede & Co., as nominee of DTC.
- Section 2.07. FORM OF BOND. The Bonds (including Initial Bond), the Registration Certificate of the Comptroller of Public Accounts of the State or the Authentication Certificate, and the form of Assignment to be printed on each of the Bonds shall be substantially in the form set forth in Exhibit "B" to this Sixth Supplement with such appropriate insertions, omissions, substitutions, and other variations as are permitted or required by this Sixth Supplement, may have such letters, numbers, or other marks of identification and such legends and endorsements (including any reproduction of an opinion of counsel and information regarding the issuance of any bond insurance policy) thereon as may, consistently herewith, be established by the City or determined by the

officers executing such Bonds as evidenced by their execution thereof. Any portion of the text of any Bonds may be set forth on the reverse thereof, with an appropriate reference thereto on the face of the Bond.

The Bonds shall be typewritten, photocopied, printed, lithographed, engraved, or produced in any other similar manner, all as determined by the officers executing such Bonds as evidenced by their execution thereof.

ARTICLE III EXECUTION; REPLACEMENT OF BONDS; AND BOND INSURANCE

Section 3.01. EXECUTION AND REGISTRATION. The Bonds shall be executed on behalf of the City by the Mayor under its seal reproduced or impressed thereon and attested by the City Secretary. The signature of said officers on the Bonds may be manual or facsimile. Bonds bearing the manual or facsimile signatures of individuals who are or were the proper officers of the City as of their authorization shall be deemed to be duly executed on behalf of the City, notwithstanding that such individuals or either of them shall cease to hold such offices at the time of delivery of the Bonds to the initial purchaser(s) and with respect to Bonds delivered in subsequent exchanges and transfers, all as authorized and provided in Chapter 1201, Texas Government Code, as amended.

No Bond shall be entitled to any right or benefit under this Sixth Supplement, or be valid or obligatory for any purpose, unless there appears on such Bond either a certificate of registration substantially in the form provided in <u>Exhibit "B"</u> to this Sixth Supplement, executed by the Comptroller of Public Accounts of the State or its duly authorized agent by manual signature, or the Paying Agent/Registrar's Authentication Certificate substantially in the form provided in <u>Exhibit "B"</u> to this Sixth Supplement executed by the manual signature of an authorized officer or employee of the Registrar, and either such certificate duly signed upon any Bond shall be conclusive evidence, and the only evidence, that such Bond has been duly certified, registered, and delivered.

Section 3.02. CONTROL AND CUSTODY OF BONDS. The Chief Financial Officer shall be and is hereby authorized to take and have charge of all necessary orders and records pending investigation and examination by the Attorney General of the State, including the printing and supply of printed Bonds, and shall take and have charge and control of the Initial Bond pending the approval thereof by the Attorney General, the registration thereof by the Comptroller of Public Accounts, and the delivery thereof to the Initial Purchaser.

Furthermore, each Authorized Representative is hereby authorized and directed to furnish and execute such documents relating to the Utility System, the City and its financial affairs as may be necessary for the issuance of the Bonds, the approval of the Attorney General, and the registration by the Comptroller of Public Accounts and, together with the City's Bond Counsel and the Paying Agent/Registrar, make the necessary arrangements for the delivery of the Initial Bond to the underwriters and the initial exchange thereof for Bonds other than the Initial Bond.

Section 3.03. PRINTED OPINION. The Initial Purchaser's obligation to accept delivery of the Bonds is subject to the initial purchaser being furnished the final opinion of McCall, Parkhurst & Horton L.L.P. approving the Bonds as to their validity, said opinion to be dated and delivered as of the date of delivery and payment for the Bonds. If bond insurance is obtained for the Bonds, the Bonds may bear an appropriate insurance legend.

Section 3.04. <u>CUSIP NUMBERS.</u> CUSIP numbers may be printed or typed on the Bonds. It is expressly provided, however, that the presence or absence of CUSIP numbers on the Bonds shall be of no significance or effect as regards the legality thereof and neither the City nor attorneys approving the Bonds as to legality are to be held responsible for CUSIP numbers incorrectly printed or typed on the Bonds.

Section 3.05. MUTILATED, DESTROYED, LOST, AND STOLEN BONDS. If (1) any mutilated Bond is surrendered to the Paying Agent/Registrar, or the City and the Paying Agent/Registrar receive evidence to their satisfaction of the destruction, loss, or theft of any Bond, and (2) there is delivered to the City and the Paying Agent/Registrar such security or indemnity as may be required to save each of them harmless, then, in the absence of notice to the City or the Paying Agent/Registrar that such Bond has been acquired by a bona fide purchaser, the City shall execute and, upon its request, the Paying Agent/Registrar shall register and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost, or stolen Bond, a new Bond of the same Maturity and of like tenor and principal amount, bearing a number not contemporaneously outstanding.

In case any such mutilated, destroyed, lost, or stolen Bond has become or is about to become due and payable, the City in its discretion may, instead of issuing a new Bond, pay such Bond and the interest due thereon to the date of payment.

Upon the issuance of any new Bond under this Section, the City may require payment by the Owner of a sum sufficient to cover any tax or other governmental charge imposed in relation thereto and any other expenses (including the fees and expenses of the Paying Agent/Registrar) connected therewith.

Every new Bond issued pursuant to this Section in lieu of any mutilated, destroyed, lost, or stolen Bond shall constitute a replacement of the prior obligation of the City, whether or not the mutilated, destroyed, lost, or stolen Bond shall be at any time enforceable by anyone, and shall be entitled to all the benefits of this Sixth Supplement equally and ratably with all other Outstanding Bonds.

ARTICLE IV PAYMENTS, REBATE FUND AND RESERVE FUND

Section 4.01. PAYMENTS. (a) Accrued and Capitalized Interest. Immediately after the delivery of the Bonds the City shall deposit any accrued interest and any sale proceeds to be used to pay capitalized interest received from the sale and delivery of such Bonds to the credit of the Interest and Sinking Account to be held to pay interest on such Bonds.

- (b) <u>Debt Service Payments</u>. Semiannually on or before each principal or interest payment date while any of the Bonds are outstanding and unpaid, commencing on the first interest payment date for the Bonds, the City shall make available from the Interest and Sinking Account to the Paying Agent/Registrar, money sufficient to pay such interest on and such principal of the Bonds as will accrue or mature, or be subject to mandatory redemption prior to maturity, on such principal, redemption, or interest payment date. The Paying Agent/Registrar shall cancel all paid Bonds and shall furnish the City with an appropriate certificate of cancellation.
- **Section 4.02. REBATE ACCOUNT**. A separate and special account to be known as the Rebate Account is hereby established by the City pursuant to the requirements of Section 148(f) of the Code and the tax covenants of the City contained in Section 5.01 of this Sixth Supplement for the benefit of the United States of America and the City, as their interests may appear pursuant to this Sixth Supplement. Such amounts shall be deposited therein and withdrawn therefrom as is necessary to comply with the provisions of Section 5.01. Any moneys held within the Rebate Account shall not constitute Security under the Master Ordinance.
- Section 4.03. **RESERVE ACCOUNT**. (a) To accumulate and maintain a reserve for the payment of the Bonds equal to the Average Annual Debt Service Requirements of the Bonds (calculated by the City at the beginning of each Fiscal Year) (the "Required Reserve Amount"), the Reserve Account has been established and shall be maintained by the City. Earnings and income derived from the investment of amounts held for the credit of the Reserve Account shall be retained in the Reserve Account until the Reserve Account contains the Required Reserve Amount; thereafter, such earnings and income shall be deposited to the credit of the System Account. The City shall deposit and credit to the Reserve Account amounts required to maintain the balance in the Reserve Account in an amount equal to the Required Reserve Amount by making monthly deposits and credits in amounts equal to not less than 1/60th of the Required Reserve Amount or by the deposit of a Reserve Account Obligation. There shall be deposited into the Reserve Account any Reserve Account Obligations so designated by the City. All funds, investments and Reserve Account Obligations on deposit and credited to the Reserve Account shall be used solely for (i) the payment of the principal of and interest on the Bonds, when and to the extent other funds available for such purposes are insufficient, (ii) to make Reserve Account Obligation Payments and (iii) to retire the last Stated Maturity or Stated Maturities of or interest on the Bonds. The Reserve Account is solely for the benefit of this series of Bonds and is not available to pay Annual Debt Service Requirements on any other Parity Debt.
- (b) When and for so long as the cash, investments and Reserve Account Obligations in the Reserve Account equal the Required Reserve Amount, no deposits need be made to the credit of the Reserve Account; but, if and when the Reserve Account at any time contains less than the Required Reserve Amount, the City covenants and agrees that the City shall cure the deficiency in the Reserve Account by resuming the deposits to such Account from the Pledged Revenues by monthly deposits and credits in amounts equal to not less than 1/60th of the Required Reserve Amount with any such deficiency payments being made on or before each interest payment date until the Required Reserve Amount has been fully restored; provided, however, that no such deposits shall be made into the Reserve Account during any six month period beginning on an interest payment date until there has been deposited into the Interest and Sinking Account the full amount

required to be deposited therein by the next following semi-annual payment date, as the case may be. In addition, in the event that a portion of the Required Reserve Amount is represented by a Reserve Account Obligation, the Required Reserve Amount shall be restored as soon as possible from monthly deposits of Pledged Revenues on deposit in the System Account, but subject to making the full deposits and credits to the Interest and Sinking Account required to be made by the next following interest payment date, as the case may be. The City further covenants and agrees that, subject only to the prior deposits and credits to be made to the Interest and Sinking Account, the Pledged Revenues shall be applied and appropriated and used to establish and maintain the Required Reserve Amount, including by paying Reserve Account Obligation Payments when due, and to cure any deficiency in such amounts as required by the terms of this Sixth Supplement.

During such time as the Reserve Account contains the Required Reserve Amount, the obligation to maintain the Required Reserve Amount has been suspended pursuant to subsection (d) below or any cash is replaced with a Reserve Account Obligation pursuant to subsection (c) below, the City may, at its option, withdraw all surplus funds in the Reserve Account and deposit such surplus in the Interest and Sinking Account or otherwise use such amount in any manner permitted by law unless such surplus is required to be rebated in which case such event shall be deposited into the Rebate Account.

- (c) A Reserve Account Obligation issued in an amount equal to all or part of the Required Reserve Amount for the Bonds may be used in lieu of depositing cash into the Reserve Account. In addition, a Reserve Account Obligation may be substituted for monies and investments in the Reserve Account if the substitution of the Reserve Account Obligation will not, in and of itself, cause any ratings then assigned to the Bonds by any rating agency to be lowered and the ordinance authorizing the substitution of the Reserve Account Obligation for all or part of the Required Reserve Amount contains a finding that such substitution is cost effective.
- (d) Notwithstanding anything to the contrary contained herein, the requirement set forth in subsection (a) above to maintain the Required Reserve Amount in the Reserve Account shall be suspended for such time as the Net Revenues for each Fiscal Year are equal to at least 1.35 times the average Annual Debt Service Requirements. In the event that the Net Revenues for any Fiscal Year are less than 1.35 times the average Annual Debt Service Requirements, the City will be required to commence making Required Reserve Account Deposits, as provided in subsection (b) above, and to continue such Required Reserve Account Deposits until the earlier of (i) such time as the Reserve Account contains the Required Reserve Amount or (ii) the Net Revenues in each of two consecutive years have been equal to not less than 1.35 times the average Annual Debt Service Requirements. Notwithstanding the provisions of Section 4.03(a) of this section, if the City commences deposits in the Reserve Account and later is authorized to suspend payments into the fund under this section any funds so accumulated may, at the discretion of the City: (i) remain in the Reserve Account or (ii) be used for any lawful purpose including additional projects or to pay debt service on the Bonds.
- (e) A Reserve Account Obligation permitted under (a) above, must be in the form of a surety bond or insurance policy meeting the requirements described below.

- (1) (i) A surety bond or insurance policy issued to the Paying Agent/Registrar, as agent of the Holders, by a company licensed to issue an insurance policy guaranteeing the timely payment of debt service on the Bonds (a "municipal bond insurer") if the claims paying ability of the issuer thereof shall be rated "AAA" or "Aaa", respectively, by S&P and Moody's, or (ii) a surety bond or insurance policy issued to the Paying Agent/Registrar, as agent of the Holders, by an entity other than a municipal bond insurer, if the form and substance of such instrument and the issuer thereof shall be approved in writing by each Bond Insurer of record.
- (2)The obligation to reimburse the issuer of a Reserve Account Obligation for any claims or draws upon such Reserve Account Obligation in accordance with its terms, including expenses incurred in connection with such claims or draws, to the extent permitted by law, (a Reserve Account Obligation Payment) shall be made from the deposits made to the Reserve Account as provided in this Section. The Reserve Account Obligation shall provide for a revolving feature under which the amount available thereunder will be reinstated to the extent of any reimbursement of draws or claims paid. If the revolving feature is suspended or terminated for any reason, the right of the issuer of the Reserve Account Obligation to reimbursement will be subordinated to the cash replenishment of the Reserve Account to an amount equal to the difference between the full original amount available under the Reserve Account Obligation and the amount then available for further draws or claims. In the event (a) the issuer of a Reserve Account Obligation becomes insolvent, or (b) the issuer of a Reserve Account Obligation defaults in its payment obligations thereunder, or (c) the claims paying ability of the issuer of the insurance policy or surety bond falls below "AAA" or "Aaa", by S&P and Moody's, respectively, the obligation to reimburse the issuer of the Reserve Account Obligation shall be subordinated to the cash replenishment of the Reserve Account.
- In the event (a) the revolving reinstatement feature described in the preceding paragraph is suspended or terminated, or (b) the rating of the claims paying ability of the issuer of the surety bond or insurance policy falls below "AAA" or "Aaa", by S&P and Moody's, respectively, the City shall either (i) deposit into the Reserve Account, in accordance with this Section, an amount sufficient to cause the cash or investments credited to the Reserve Account to accumulate to the Required Reserve Amount, or (ii) replace such instrument with a surety bond or insurance policy meeting the requirements of 1 and 2 above, within six months of such occurrence. In the event (a) the rating of the claims-paying ability of the issuer of the surety bond or insurance policy falls below "A" by S&P and Moody's, or (b) the issuer of the Reserve Account Obligation defaults in its payment obligations hereunder, or (c) the issuer of the Reserve Account Obligation becomes insolvent, the City shall either (i) deposit into the Reserve Account, in accordance with this Section, amounts sufficient to cause the cash or investments on deposit in the Reserve Account to accumulate to the Required Reserve Amount, or (ii) replace such instrument with a surety bond or insurance policy meeting the requirements of 1 and 2 above within six months of such occurrence.

(4) The Paying Agent/Registrar shall ascertain the necessity for a claim or draw upon any Reserve Account Obligation and provide notice to the issuer of the Reserve Account Obligation in accordance with its terms not later than three days (or such appropriate time period as will, when combined with the timing of required payment under the Reserve Account Obligation, ensure payment under the Reserve Account Obligation on or before the interest payment date) prior to each date upon which the principal of or interest on the Parity Obligations will be due.

It is recognized that a Reserve Account Obligation may be issued which is payable only with respect to a part of the Bonds with the remainder of the Required Reserve Amount being satisfied by monies and investments and in that case any draws upon the Reserve Account will have to be made on a pro-rata basis. Therefore, (i) draws upon one or more such Reserve Account Obligations shall be made on a pro-rata basis with cash and investments available in the Reserve Account and (ii) deposits and credits to the Reserve Account to restore it to the Required Reserve Amount shall be utilized on a pro-rata basis to pay Reserve Account Obligation Payments to reimburse the issuers of the Reserve Account Obligations, thus restoring that part of the Required Reserve Amount, and to restore with cash and investments the balance of the Required Reserve Amount.

ARTICLE V COVENANTS REGARDING TAX EXEMPTION

Section 5.01. COVENANTS REGARDING TAX EXEMPTION ON TAX-EXEMPT

BONDS. (a) Covenants. The City covenants to take any action necessary to assure, or refrain from any action which would adversely affect, the treatment of the Tax Exempt Bonds as obligations described in section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the City covenants as follows:

- (1) to take any action to assure that no more than 10 percent of the proceeds of the Tax Exempt Bonds or the projects financed therewith (less amounts deposited to a reserve fund, if any) are used for any "private business use," as defined in section 141(b)(6) of the Code or, if more than 10 percent of the proceeds of the Tax Exempt Bonds or the projects financed therewith are so used, such amounts, whether or not received by the City, with respect to such private business use, do not, under the terms of this Ordinance or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Tax Exempt Bonds, in contravention of section 141(b)(2) of the Code;
- (2) to take any action to assure that in the event that the "private business use" described in subsection (1) hereof exceeds 5 percent of the proceeds of the Tax Exempt Bonds or the projects financed therewith (less amounts deposited into a reserve fund, if any) then the amount in excess of 5 percent is used for a "private business use" which is "related" and not "disproportionate," within the meaning of section 141(b)(3) of the Code, to the governmental use;

- (3) to take any action to assure that no amount which is greater than the lesser of \$5,000,000, or 5 percent of the proceeds of the Tax Exempt Bonds (less amounts deposited into a reserve fund, if any) is directly or indirectly used to finance loans to persons, other than state or local governmental units, in contravention of section 141(c) of the Code;
- (4) to refrain from taking any action which would otherwise result in the Tax Exempt Bonds being treated as "private activity bonds" within the meaning of section 141(b) of the Code;
- (5) to refrain from taking any action that would otherwise result in the Tax Exempt Bonds being "federally guaranteed" within the meaning of section 149(b) of the Code;
- (6) to refrain from using any portion of the proceeds of the Tax Exempt Bonds, directly or indirectly, to acquire or to replace funds which were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) which produces a materially higher yield over the term of the Tax Exempt Bonds, other than investment property acquired with --
 - (A) proceeds of the Tax Exempt Bonds invested for a reasonable temporary period,
 - (B) amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the Treasury Regulations, and
 - (C) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed 10 percent of the proceeds of the Tax Exempt Bonds;
- (7) to otherwise restrict the use of the proceeds of the Tax Exempt Bonds or amounts treated as proceeds of the Tax Exempt Bonds, as may be necessary, so that the Tax Exempt Bonds do not otherwise contravene the requirements of section 148 of the Code (relating to arbitrage) and, to the extent applicable, section 149(d) of the Code (relating to advance refundings); and
- (8) to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Tax Exempt Bonds) an amount that is at least equal to 90 percent of the "Excess Earnings," within the meaning of section 148(f) of the Code and to pay to the United States of America, not later than 60 days after the Tax Exempt Bonds have been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code.
- (b) Rebate Fund. In order to facilitate compliance with the above covenant (9), a "Rebate Fund" is hereby established by the City for the sole benefit of the United States of America, and such fund shall not be subject to the claim of any other person, including without limitation the

bondholders. The Rebate Fund is established for the additional purpose of compliance with section 148 of the Code.

(c) <u>Proceeds</u>. The City understands that the term "proceeds" includes "disposition proceeds" as defined in the Treasury Regulations and, in the case of refunding bonds, transferred proceeds (if any) and proceeds of the refunded bonds expended prior to the date of issuance of the Bonds. It is the understanding of the City that the covenants contained herein are intended to assure compliance with the Code and any regulations or rulings promulgated by the U.S. Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated which modify or expand provisions of the Code, as applicable to the Tax Exempt Bonds, the City will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Tax Exempt Bonds under section 103 of the Code. In the event that regulations or rulings are hereafter promulgated which impose additional requirements which are applicable to the Tax Exempt Bonds, the City agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Tax Exempt Bonds under section 103 of the Code. In furtherance of such intention, the City hereby authorizes and directs the Chief Financial Officer to execute any documents, certificates or reports required by the Code and to make such elections, on behalf of the City, which may be permitted by the Code as are consistent with the purpose for the issuance of the Bonds.

PROJECT. The City covenants to account for the expenditure of sale proceeds and investment earnings to be used for the purposes described in Section 2.01 of this Sixth Supplement on its books and records by allocating proceeds to expenditures within 18 months of the later of the date that (i) the expenditure is made, or (ii) the purposes for which the Bonds are issued have been accomplished. The foregoing notwithstanding, the City shall not expend sale proceeds or investment earnings thereon more than 60 days after the earlier of (i) the fifth anniversary of the delivery of the Bonds, or (ii) the date the Bonds are retired, unless the City obtains an opinion of nationally-recognized bond counsel that such expenditure will not adversely affect the tax-exempt status of the Bonds. For purposes hereof, the City shall not be obligated to comply with this covenant if it obtains an opinion that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

Section 5.03. <u>DISPOSITION OF PROJECT</u>. The City covenants that the property financed with the Bonds will not be sold or otherwise disposed in a transaction resulting in the receipt by the City of cash or other compensation, unless the City obtains an opinion of nationally-recognized bond counsel that such sale or other disposition will not adversely affect the tax-exempt status of the Bonds. For purposes of the foregoing, the portion of the property comprising personal property and disposed in the ordinary course shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes hereof, the City shall not be obligated to comply with this covenant if it obtains an opinion that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

ARTICLE VI AMENDMENTS AND MODIFICATIONS

Section 6.01. <u>AMENDMENTS OR MODIFICATIONS WITHOUT CONSENT OF</u> <u>OWNERS OF BONDS</u>. Subject to the provisions of the Master Ordinance, this Sixth Supplement and the rights and obligations of the City and of the Owners of the Outstanding Bonds may be modified or amended at any time without notice to or the consent of any Owner of the Bonds or any other Parity Debt, solely for any one or more of the following purposes:

- (i) To add to the covenants and agreements of the City contained in this Sixth Supplement, other covenants and agreements thereafter to be observed, or to surrender any right or power reserved to or conferred upon the City in this Sixth Supplement;
- (ii) To cure any ambiguity or inconsistency, or to cure or correct any defective provisions contained in this Sixth Supplement, upon receipt by the City of an Opinion of Counsel, that the same is needed for such purpose, and will more clearly express the intent of this Sixth Supplement;
 - (iii) To supplement the Security for the Bonds;
- (iv) To make such other changes in the provisions hereof, as the City may deem necessary or desirable and which shall not, in the judgment of the City, materially adversely affect the interests of the Owners of the Outstanding Bonds;
- (v) To make any changes or amendments requested by the State Attorney General's Office as a condition to the approval of the Bonds, which changes or amendments do not, in the judgment of the City, materially adversely affect the interests of the Owners of the Outstanding Bonds; or
- (vi) To make any changes or amendments requested by any bond rating agency then rating or requested to rate the Bonds, as a condition to the issuance or maintenance of a rating, which changes or amendments do not, in the judgment of the City, materially adversely affect the interests of the Owners of the Outstanding Bonds.

Section 6.02. AMENDMENTS OR MODIFICATIONS WITH CONSENT OF OWNERS OF BONDS. (a) Amendments. Subject to the other provisions of this Sixth Supplement, the Master Ordinance and the consent of the Bond Insurer, the Owners of Outstanding Bonds aggregating a majority in Outstanding Principal Amount shall have the right from time to time to approve any amendment, other than amendments described in Section 6.01 hereof, to this Sixth Supplement that may be deemed necessary or desirable by the City, provided, however, that nothing herein contained shall permit or be construed to permit, without the approval of the Owners

of all of the Outstanding Bonds, the amendment of the terms and conditions in this Sixth Supplement or in the Bonds so as to:

- (i) Make any change in the maturity of the Outstanding Bonds;
- (ii) Reduce the rate of interest borne by Outstanding Bonds;
- (iii) Reduce the amount of the principal payable on Outstanding Bonds;
- (iv) Modify the terms of payment of principal of or interest on the Outstanding Bonds, or impose any conditions with respect to such payment;
- (v) Affect the rights of the Owners of less than all Bonds then Outstanding; or
- (vi) Change the minimum percentage of the Outstanding Principal Amount of Bonds necessary for consent to such amendment.
- (b) Notice. If at any time the City shall desire to amend this Sixth Supplement pursuant to Subsection (a), the City shall cause notice of the proposed amendment to be published in a financial newspaper or journal of general circulation in the City of New York, New York (including, but not limited to, The Bond Buyer or The Wall Street Journal) or in the State (including, but not limited to, The Texas Bond Reporter), once during each calendar week for at least two successive calendar weeks or disseminated by electronic means customarily used to convey notices of redemption. Such notice shall briefly set forth the nature of the proposed amendment and shall state that a copy thereof is on file at the principal office of the Paying Agent/Registrar for inspection by all Owners of Bonds. Such publication is not required, however, if the City gives or causes to be given such notice in writing to each Owner of Bonds. A copy of such notice shall be provided in writing to each rating agency maintaining a rating on the Bonds and to the Bond Insurer.
- (c) Receipt of Consents. Whenever at any time the City shall receive an instrument or instruments executed by all of the Owners or the Owners of Outstanding Bonds aggregating a majority in Outstanding Principal Amount, as appropriate, which instrument or instruments shall refer to the proposed amendment described in said notice and which consent to and approve such amendment in substantially the form of the copy thereof on file as aforesaid, the City may adopt the amendatory resolution in substantially the same form.
- (d) <u>Consent Irrevocable</u>. Any consent given by any Owner pursuant to the provisions of this Section shall be irrevocable for a period of six (6) months from the date of the first publication or other service of the notice provided for in this Section, and shall be conclusive and binding upon all future Owners of the same Bond during such period. Such consent may be revoked at any time after six (6) months from the date of the first publication of such notice by the Owner who gave such consent, or by a successor in title, by filing notice thereof with the Paying Agent/Registrar and the City, but such revocation shall not be effective if the Owners of Outstanding Bonds aggregating a

majority in Outstanding Principal Amount prior to the attempted revocation consented to and approved the amendment. Notwithstanding the foregoing, any consent given at the time of and in connection with the initial purchase of Bonds shall be irrevocable.

- (e) <u>Ownership</u>. For the purpose of this Section, the ownership and other matters relating to all Bonds registered as to ownership shall be determined from the Security Register kept by the Paying Agent/Registrar therefor. The Paying Agent/Registrar may conclusively assume that such ownership continues until written notice to the contrary is served upon the Paying Agent/Registrar.
- **Section 6.03. EFFECT OF AMENDMENTS.** Upon the adoption by the City of any resolution to amend this Sixth Supplement pursuant to the provisions of this Article, this Sixth Supplement shall be deemed to be amended in accordance with the amendatory resolution, and the respective rights, duties, and obligations of the City and all the Owners of Outstanding Bonds shall thereafter be determined, exercised, and enforced under the Master Ordinance and this Sixth Supplement, as amended.

ARTICLE VII MISCELLANEOUS

Section 7.01. <u>DISPOSITION OF BOND PROCEEDS AND OTHER FUNDS.</u>
Proceeds from the sale of the Bonds shall, promptly upon receipt thereof, be applied by the Chief Financial Officer as follows:

- (i) any underwriting discount or fees and any Credit Agreement fees for the Bonds may be retained by and/or wired directly to such parties;
- (ii) any accrued interest and sale proceeds to be used to pay capitalized interest for the Bonds, if any, shall be deposited as provided in Section 4.01;
- (iii) an amount sufficient to pay the remaining costs of issuance of the Bonds and the cost of acquiring, purchasing, constructing, improving, enlarging, and equipping the improvements being financed with the proceeds of the Bonds shall be deposited in the Bond Proceeds Account to be used for such purposes.

Any sale proceeds of the Bonds remaining after making all deposits and payments provided for above shall be deposited into the Interest and Sinking Account and applied to the payment of principal of and interest on the Bonds.

Section 7.02. <u>MAILED NOTICES</u>. Except as otherwise required herein, all notices required or authorized to be given to the City, any Bond Insurer (as defined in, and pursuant to, Section 3.06 hereof) or the Paying Agent/Registrar pursuant to this Sixth Supplement shall be in writing and shall be sent by registered or certified mail, postage prepaid, to the following addresses or otherwise given in a manner deemed, in writing, acceptable to the party to receive the notice:

1. to the City:

City of Temple, Texas 2 North Main Street Temple, Texas 76501

Attn: Chief Financial Officer Telephone: (254) 298-5453 Facsimile: (254) 298-5466

2. <u>to the Paying Agent/Registrar</u>:

The Bank of New York Mellon Trust Company, National Association

2001 Bryan - 11th Floor

Dallas, TX 75201 Attn: Corporate Trust

Telephone: (214) 468-5018 Facsimile: (214) 468-6322

3. to any Bond Insurer:

The address, phone number and fax number specified by the Bond Insurer

or to such other addresses as may from time to time be furnished to the parties, effective upon the receipt of notice thereof given as set forth above.

<u>DEFEASANCE OF BONDS.</u> (a) <u>Deemed Paid.</u> The principal of and/or Section 7.03. the interest and redemption premium, if any, on any Bonds shall be deemed to be Defeased Debt within the meaning of the Master Ordinance, except to the extent provided in subsections (c) and (e) of this Section, when payment of the principal of such Bonds, plus interest thereon to the due date or dates (whether such due date or dates be by reason of maturity, upon redemption, or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof (including the giving of any required notice of redemption or the establishment of irrevocable provisions for the giving of such notice) or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to the Paying Agent/Registrar for such Bonds or an eligible trust company or commercial bank for such payment (1) lawful money of the United States of America sufficient to make such payment, (2) Defeasance Securities, certified by an independent public accounting firm of national reputation to mature as to principal and interest in such amounts and at such times as will ensure the availability, without reinvestment, of sufficient money to provide for such payment and when proper arrangements have been made by the City with the Paying Agent/Registrar for such Bonds or an eligible trust company or commercial bank for the payment of its services until all Defeased Debt shall have become due and payable or (3) any combination of (1) and (2). At such time as Bonds shall be deemed to be a Defeased Debt hereunder, as aforesaid, such Bonds and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of the Security as provided in the Master Ordinance and this Sixth Supplement, and such principal and interest shall be payable solely from such money or Defeasance Securities.

- (b) <u>Investments</u>. The deposit under clause (ii) of subsection (a) of this Section shall be deemed a payment of Bonds as aforesaid when proper notice of redemption of such Bonds shall have been given or upon the establishment of irrevocable provisions for the giving of such notice, in accordance with the Master Ordinance and this Sixth Supplement. Any money so deposited with the Paying Agent/Registrar for such Bonds or an eligible trust company or commercial bank as provided in this Section may at the discretion of the City also be invested in Defeasance Securities, maturing in the amounts and at the times as hereinbefore set forth, and all income from all Defeasance Securities in possession of the Paying Agent/Registrar for such Bonds or an eligible trust company or commercial bank pursuant to this Section which is not required for the payment of such Bonds and premium, if any, and interest thereon with respect to which such money has been so deposited, shall be remitted to the City for deposit to the System Account.
- (c) <u>Continuing Duty of Paying Agent and Registrar</u>. Notwithstanding any provision of any other Section of this Sixth Supplement which may be contrary to the provisions of this Section, all money or Defeasance Securities set aside and held in trust pursuant to the provisions of this Section for the payment of principal of Bonds and premium, if any, and interest thereon, shall be applied to and used solely for the payment of the particular Bonds and premium, if any, and interest thereon, with respect to which such money or Defeasance Securities have been so set aside in trust. Until all Defeased Debt shall have become due and payable, the Paying Agent/Registrar for such Defeased Debt shall perform the services of Paying Agent/Registrar for such Defeased Debt the same as if they had not been defeased, and the City shall make proper arrangements to provide and pay for such services as required by this Sixth Supplement.
- (d) Amendment of this Section. Notwithstanding anything elsewhere in this Sixth Supplement, if money or Defeasance Securities have been deposited or set aside with the Paying Agent/Registrar for such Bonds or an eligible trust company or commercial bank pursuant to this Section for the payment of Bonds and such Bonds shall not have in fact been actually paid in full, no amendment of the provisions of this Section shall be made without the consent of the registered owner of each Bonds affected thereby.
- (e) Retention of Rights. Notwithstanding the provisions of subsection (a) of this Section, to the extent that, upon the defeasance of any Defeased Debt to be paid at its maturity, the City retains the right under State law to later call that Defeased Debt for redemption in accordance with the provisions of this Sixth Supplemental Ordinance relating to the Defeased Debt, the City may call such Defeased Debt for redemption upon complying with the provisions of State law and upon the satisfaction of the provisions of subsection (a) of this Section with respect to such Defeased Debt as though it was being defeased at the time of the exercise of the option to redeem the Defeased Debt and the effect of the redemption is taken into account in determining the sufficiency of the provisions made for the payment of the Defeased Debt.

Section 7.04.	SALE OF BONDS	S. The Bonds a	are hereby s	old pursuar	nt to the tak	cing of
public bids therefor to	the bidder whose	bid produced t	the lowest tr	rue interest	cost and sl	hall be
delivered to	(the "Initia	al Purchaser")	at a price o	of \$	w	hich is
% of the p	oar amount of the Bo	onds. The City	Council her	eby finds a	nd determin	es that
the net effective inter	rest rate on the Bo	onds, as calcu	lated pursua	ant to Cha	pter 1204,	Texas

Government Code, as amended is	%. The true interest cost on the Bonds is
%. Pursuant to 1201.002(a)(3), Te	exas Government Code, as amended, it is hereby
officially found and determined that the terms	s of this sale are the most advantageous reasonably
obtainable and in the best interest of the City. T	The Bonds shall initially be registered in the name of

Section 7.05. APPROVAL OF OFFERING DOCUMENTS AND PAYING AGENT/REGISTRAR AGREEMENT. The City hereby approves the form and content of the Official Statement relating to the Bonds and any addenda, supplement or amendment thereto, and approves the distribution of such Official Statement in the reoffering of the Bonds by the Initial Purchaser in final form, with such changes therein or additions thereto as the officer executing the same may deem advisable, such determination to be conclusively evidenced by execution thereof. The distribution and use of the Preliminary Official Statement dated August 3, 2017, prior to the date hereof is ratified and confirmed. The City Council of the City hereby finds and determines that the Preliminary Official Statement and the Official Statement were and are "deemed final" (as that term defined in 17 C.F.R. Section 240.15c-12) as of their respective dates.

The Paying Agent/Registrar Agreement by and between the City and the Paying Agent/Registrar ("Paying Agent Agreement") in substantially the form and substance previously approved by the City in previous transactions is hereby approved and the Mayor, the City Manager or the Director of Finance is hereby authorized and directed to complete, amend, modify and execute the Paying Agent Agreement as necessary.

Section 7.06. FURTHER PROCEDURES. Each Authorized Representative is hereby expressly authorized, empowered, and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge, and deliver in the name and under the corporate seal and on behalf of the City all such instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Sixth Supplement, the Bonds, the sale and delivery of the Bonds, and fixing all details in connection therewith, and the Paying Agent/Registrar Agreement. In connection with the issuance and delivery of each of the Bonds, the above-stated officers, with the advice of the City Attorney and Bond Counsel to the City, are hereby authorized to approve, subsequent to the date of the adoption of this Sixth Supplement, any amendments to the above named documents, and any technical amendments to this Sixth Supplement as permitted by Section 6.01 (v) or (vi) and an Authorized Representative is hereby authorized to execute this Sixth Supplement to evidence approval of such changes.

Section 7.07. NONPRESENTMENT OF BONDS. If any Bond shall not be presented for payment when the principal thereof becomes due, either at maturity or otherwise if moneys sufficient to pay such Bond shall have been deposited with the Paying Agent/Registrar, it shall be the duty of the Paying Agent/Registrar to hold such moneys, without liability to the City, any Owner, or any other person for interest thereon, for the benefit of the Owner of such Bond.

Any moneys so deposited with and held by the Paying Agent/Registrar due to nonpresentment of Bonds must be retained by the Paying Agent/Registrar for a period of at least two years after the final maturity date of the Bonds or advance refunding date, if applicable. Thereafter,

to the extent permitted by the unclaimed property laws of the State, such amounts shall be paid by the Paying Agent/Registrar to the City, free from the trusts created by this Sixth Supplement and Owners shall be entitled to look only to the City for payment, and then only to the extent of the amount so repaid by the Paying Agent/Registrar.

Section 7.08. <u>EFFECT OF SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS.</u> Whenever this Sixth Supplement requires any action to be taken on a Saturday, Sunday, or legal holiday, such action shall be taken on the first business day occurring thereafter. Whenever in this Sixth Supplement the time within which any action is required to be taken or within which any right will lapse or expire shall terminate on a Saturday, Sunday, or legal holiday, such time shall continue to run until midnight on the next succeeding business day.

Section 7.09. PARTIAL INVALIDITY. If any one or more of the covenants or agreements or portions thereof provided in this Sixth Supplement on the part of the City should be determined by a court of competent jurisdiction to be contrary to law, then such covenant or covenants, or such agreement or agreements, or such portions thereof, shall be deemed severable from the remaining covenants and agreements or portions thereof provided in this Sixth Supplement and the invalidity thereof shall in no way affect the validity of the other provisions of this Sixth Supplement or of the Bonds, but the Owners of the Bonds shall retain all the rights and benefits accorded to them hereunder and under any applicable provisions of law.

Section 7.10. **CONTINUING DISCLOSURE UNDERTAKING.** (a) Annual Reports. The City shall provide annually to the MSRB, (1) within six months after the end of each fiscal year of the City ending in or after 2017, financial information and operating data with respect to the City of the general type included in the final Official Statement authorized by Section 7.05 of this Ordinance, being information of the type described in Exhibit "C" hereto, including financial statements of the City if audited financial statements of the City are then available, and (2) if not provided as part of such financial information and operating data, audited financial statements of the City, when and if available. Any financial statements to be provided shall be (i) prepared in accordance with the accounting principles described in Exhibit "C" hereto, or such other accounting principles as the City may be required to employ from time to time pursuant to state law or regulation, and in substantially the form included in the official statement, and (ii) audited, if the City commissions an audit of such financial statements and the audit is completed within the period during which they must be provided. If the audit of such financial statements is not complete within 12 months after any such fiscal year end, then the City shall file unaudited financial statements within such 12-month period and audited financial statements for the applicable fiscal year, when and if the audit report on such statements becomes available.

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

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

provided to the MSRB pursuant to this Section shall be accompanied by identifying information as prescribed by the MSRB.

- (b) <u>Certain Event Notices</u>. The City shall notify the MSRB, in an electronic format as prescribed by the MSRB, in a timely manner not in excess of ten business days after the occurrence of the event, of any of the following events with respect to the Bonds:
 - A. Principal and interest payment delinquencies;
- B. Non-payment related defaults, if material within the meaning of the federal securities law;
 - C. Unscheduled draws on debt service reserves reflecting financial difficulties;
 - D. Unscheduled draws on credit enhancements reflecting financial difficulties;
 - E. Substitution of credit or liquidity providers, or their failure to perform;
- F. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701–TEB) or other material notices or determinations with respect to the tax-exempt status of the Bonds, or events affecting the tax-exempt status of the Bonds;
- G. Modifications to rights of holders of the Bonds, if material within the meaning of the federal securities laws;
- H. Bond calls, if material within the meaning of the federal securities laws and tender offers;
 - I. Defeasances;
- J. Release, substitution, or sale of property securing repayment of the Bonds, if material within the meaning of the federal securities laws;
 - K. Rating changes;
 - L. Bankruptcy, insolvency, receivership or similar event of the City;
- M. The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material within the meaning of the federal securities law; and

N. Appointment of a successor or additional trustee or the change of name of a trustee, if material within the meaning of federal securities law.

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

(c) <u>Limitations, Disclaimers, and Amendments</u>. The City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an "obligated person" with respect to the Bonds within the meaning of the Rule, except that the City in any event will give notice of any deposit made in accordance with Section 7.03 of this Ordinance that causes the Bonds no longer to be outstanding.

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

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

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

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

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

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

Section 7.11. <u>CREDIT AGREEMENT</u>. To the extent permitted by law, the City reserves the right to enter into Credit Agreements in connection with the Bonds, upon the written opinion of the Chief Financial Officer that such Credit Agreements are in the best interest of the City given the market conditions at the time. The Credit Agreements will constitute a Credit Agreement as defined in the Master Ordinance. Credit Agreements and the obligations thereunder may, pursuant to their terms, constitute (i) Parity Debt secured by a pledge of the Security on parity with the Bonds and other Parity Debt, (ii) Subordinated Debt secured by a pledge of the Security subordinate to the Bonds and other Parity Debt or (iii) partially Parity Debt and partially Subordinated Debt.

Section 7.12. <u>**DEFAULT AND REMEDIES**</u>. (a) <u>Events of Default</u>. Each of the following occurrences or events for the purpose of this Sixth Supplement is hereby declared to be an Event of Default:

- (i) the failure to make payment of the principal of or interest on any of the Bonds when the same becomes due and payable; or
- (ii) default in the performance or observance of any other covenant, agreement or obligation of the City, the failure to perform which materially, adversely affects the rights of the Registered Owners of the Bonds, including, but not limited to, their prospect or ability to be repaid in accordance with this Sixth Supplement, and the continuation thereof for a period of 60 days after notice of such default is given by any Registered Owner to the City.

(b) Remedies for Default.

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

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

- (i) No remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or under the Bonds or now or hereafter existing at law or in equity; provided, however, that notwithstanding any other provision of this Sixth Supplement, the right to accelerate the debt evidenced by the Bonds shall not be available as a remedy under this Sixth Supplement.
- (ii) The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.
- (iii) By accepting the delivery of a Bond authorized under this Sixth Supplement, such Registered Owner agrees that the certifications required to effectuate any covenants or representations contained in this Sixth Supplement do not and shall never constitute or give rise to a personal or pecuniary liability or charge against the officers, employees or trustees of the City or the City Council.
- (iv) None of the members of the City Council, nor any other official or officer, agent, or employee of the City, shall be charged personally by the Registered Owners with any liability, or be held personally liable to the Registered Owners under any term or provision of this Sixth Supplement, or because of any Event of Default or alleged Event of Default under this Sixth Supplement.
- **Section 7.13. RULES OF INTERPRETATION.** For purposes of this Sixth Supplement, except as otherwise expressly provided or the context otherwise requires:
- (a) The words "herein," "hereof" and "hereunder" and other similar words refer to this Sixth Supplement as a whole and not to any particular Article, Section, or other subsection.

- (b) The definitions in an Article are applicable whether the terms defined are used in the singular or the plural.
- (c) All accounting terms that are not defined in this Sixth Supplement have the meanings assigned to them in accordance with then applicable accounting principles.
- (d) Any pronouns used in this Sixth Supplement include both the singular and the plural and cover both genders.
- (e) Any terms defined elsewhere in this Sixth Supplement have the meanings attributed to them where defined.
- (f) The captions or headings are for convenience only and in no way define, limit or describe the scope or intent, or control or affect the meaning or construction, of any provisions or sections hereof.
- (g) Any references to Section numbers are to Sections of this Sixth Supplement unless stated otherwise.
- **Section 7.14. INDIVIDUALS NOT LIABLE.** All covenants, stipulations, obligations, and agreements of the City contained in this Sixth Supplement shall be deemed to be covenants, stipulations, obligations, and agreements of the Financing Program, the Utility System and the City to the full extent authorized or permitted by State law. No covenant, stipulation, obligation, or agreement herein contained shall be deemed to be a covenant, stipulation, obligation, or agreement of any member of the City Council or agent or employee of the City in his or her individual capacity and neither the members of the City Council, nor any officer, employee, or agent of the City shall be liable personally on the Bonds when issued, or be subject to any personal liability or accountability by reason of the issuance thereof.
- **Section 7.15. PAYMENT OF ATTORNEY GENERAL FEE**. The City hereby authorizes the disbursement of a fee equal to the lesser of (i) one-tenth of one percent of the principal amount of the Bonds or (ii) \$9,500, provided that such fee shall not be less than \$750, to the Attorney General of Texas Public Finance Division for payment of the examination fee charged by the State of Texas for the Attorney General's review and approval of public securities and credit agreements, as required by Section 1202.004 of the Texas Government Code. The Authorized Representative is hereby instructed to take the necessary measures to make this payment. The City is also authorized to reimburse the appropriate City funds for such payment from proceeds of the Bonds of each Series.

	Mayor
	City of Temple, Texas
ATTEST:	
City Secretary City of Temple, Texas	
APPROVED AS TO LEGALITY:	
City Attorney City of Temple, Texas	

IN ACCORDANCE WITH SECTION 1201.028, Texas Government Code, finally passed, approved and effective this 17th day of August, 2017.

The City has caused this Sixth Supplement to be executed by an Authorized Representative.

CITY OF TEMPLE, TEXAS

By:	
Authorized Representative	

EXHIBIT A DEFINITIONS

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

"Authorized Denominations" - Means \$5,000 or any integral multiple thereof.

"Authorized Representative" - Means the City Manager, Assistant City Manager, Chief Financial Officer or such other individuals so designated by the City to perform the duties of an Authorized Representative under this Sixth Supplement.

"Bonds" - The Bonds issued pursuant to and governed by this Sixth Supplement, as described in Article II hereof.

"Bond Insurer" - One or more companies, if any, insuring all or any portion of the Bonds (or any portion thereof) or any successor thereof or assignee thereof.

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

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

"Chief Financial Officer" - Means the Director of Finance or such other officer or employee of the City or such other individual so designated by the City to perform the duties of Chief Financial Officer under this Sixth Supplement.

"Current Interest Bonds" - The Bonds paying current interest and maturing in each of the years and in the aggregate principal amounts set forth in this Sixth Supplement.

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

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

'Federal Securities" – Direct, noncallable obligations of the United States of America, including obligations that are unconditionally guaranteed by the United States of America.

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

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

"Initial Bond" means the Bonds authorized, issued, and initially delivered as provided in Section 2.06 of this Sixth Supplement.

"Issuance Date" - The date of delivery of the Bonds to the initial purchaser(s) thereof against payment therefor.

"Master Ordinance" - The "Master Ordinance Establishing the Utility System Revenue Financing Program," adopted by the City on September 21, 2006, as may be amended or supplemented from time to time.

"Maturity" - When used with respect to the Bonds, the scheduled maturity of the Bonds.

"MSRB" - The Municipal Securities Rulemaking Board.

"Ordinance" - Collectively, the Master Ordinance and the Sixth Supplement.

"Owner" - The registered owners of the Bonds as shown on the Security Register and to the extent set forth in a Credit Agreement relating to the Bonds, the party contracting with the City under a Credit Agreement.

"Paying Agent" - The agent selected and appointed by the City for purposes of paying the principal of, premium, if any, and interest on the Bonds to the Owners thereof, as identified in Section 2.03 hereof and any successor to such agent.

"Paying Agent/Registrar" - Collectively, the Paying Agent and the Registrar designated in Section 2.03 of this Sixth Supplement or any successor to such agent.

"Paying Agent/Registrar Agreement" - The agreement having such name executed by and between the City and the Paying Agent/Registrar.

"Predecessor Bonds" - Predecessor Bonds as defined in Section 2.05(a) hereof.

"Rebate Account" - The account by that name described in Section 4.02 hereof.

"Record Date" - With respect to each interest payment date of a Bond, the 15th day of the next preceding month.

"Reserve Account" - The account that was described in Section 4.03 hereof.

"Reserve Account Obligation" - Means a surety bond or insurance policy deposited in the Reserve Account to satisfy the Required Reserve Amount whereby the issuer is obligated to provide funds up to and including the maximum amount and under the conditions specified in such agreement or instrument.

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

"SEC" - The United States Securities and Exchange Commission.

"Section" - Unless the context clearly requires otherwise, refers to a Section of this Sixth Supplement.

"Security Register" - The books and records kept and maintained by the Registrar relating to the registration, transfer, exchange, and payment of the Bonds and the interest thereon.

"Sixth Supplement" - This Sixth Supplemental Ordinance, which was adopted pursuant to authority reserved by the City under the Master Ordinance.

EXHIBIT B

FORM OF BONDS

UNITED STATES OF AMERICA STATE OF TEXAS COUNTY OF BELL CITY OF TEMPLE, TEXAS UTILITY SYSTEM REVENUE BONDS, SERIES 2017

No. R	\$		
BOND DATE:	INTEREST RATE:	MATURIY DATE:	CUSIP:
September 12, 2		DATE:	CUSIF:

REGISTERED OWNER:

PRINCIPAL AMOUNT:

DOLLARS

The City of Temple, Texas (the "City") hereby promises to pay, solely from the sources hereinafter identified and as hereinafter stated, to the Registered Owner named above, or the registered assigns thereof, the Principal Amount specified above on the Maturity Date specified above and to pay interest on the unpaid principal amount hereof from the Bond Date specified above at the per annum rate of interest specified above computed on the basis of a 360-day year of twelve 30-day months; such interest being payable on February 1 and August 1 of each year, commencing February 1, 2018. Principal of this Bond shall be payable to the Registered Owner hereof, upon presentation and surrender, at the designated office of the Paying Agent/Registrar named in the registration certificate appearing hereon, or its successor. Interest shall be payable to the Registered Owner of this Bond whose name appears on the "Security Register" maintained by the Paying Agent/Registrar at the close of business on the "Record Date," which is the fifteenth day of the preceding month. All payments of principal of, premium, if any, and interest on this Bond shall be payable in lawful money of the United States of America, without exchange or collection charges, and interest payments shall be made by the Paying Agent/Registrar by check sent on or before the appropriate date of payment, by United States mail, first-class postage prepaid, to the Registered Owner hereof at the address appearing in the Security Register or by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Registered Owner hereof.

This Bond is one of a duly authorized issue of bonds designated as "City of Temple, Texas Utility System Revenue, Series 2017" (the Bonds"), in the aggregate principal amount of \$35,000,000 issued pursuant to the laws of the State of Texas, including specifically Chapter 1502, Texas Government Code, as amended (the "Act"), and initially under and pursuant to a master ordinance of the City adopted on September 21, 2006 (the "Master Ordinance"), and the Sixth Supplemental Ordinance to the Master Ordinance establishing the City of Temple, Texas Utility

System Revenue Financing Program adopted on August 17, 2017 (the "Sixth Supplement") in the aggregate principal amount of \$35,000,000 for the purpose of (i) acquiring, purchasing, constructing, improving, renovating, enlarging or equipping the City's Utility System and (ii) paying the costs of issuing the Bonds. The Bonds are secured by a first lien on and pledge of the Security as defined in the Master Ordinance on a parity with all other Parity Debt (as defined in the Master Ordinance and the Sixth Supplement).

The Master Ordinance, as supplemented by the Sixth Supplement, is referred to in this Bond as the "Ordinance." Terms used herein and not otherwise defined shall have the meanings given in the Ordinance.

Redemption Provisions

On August 1, 2026 or on any date thereafter, the Bonds maturing on and after August 1, 2027 may be redeemed prior to their scheduled maturities, at the option of the City, with funds derived from any available and lawful source, at a redemption price equal to the principal amount to be redeemed plus accrued interest to the date fixed for redemption as a whole, or from time to time in part, and, if in part, the particular Bonds, or portions thereof, to be redeemed shall be selected and designated by the City, and if less than all of a maturity is to be redeemed the Paying Agent/Registrar shall determine by lot the Bonds, or portions thereof within such maturity to be redeemed (provided that a portion of a Bond may be redeemed only in integral multiples of \$5,000 of principal amount).

At least 30 days prior to the date fixed for any redemption of Bonds or portions thereof prior to maturity, a written notice of such redemption shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, at least 30 days prior to the date fixed for any such redemption to the Registered Owner of each Bond to be redeemed at its address as it appeared on the Registration Books maintained by the Paying Agent/Registrar on the day such notice of redemption is mailed. By the date fixed for any such redemption, due provision shall be made with the Paying Agent/Registrar for the payment of the required redemption price for the Bonds or portions thereof which are to be so redeemed. If such written notice of redemption is mailed and if due provision for such payment is made, all as provided above, the Bonds or portions thereof which are to be so redeemed thereby automatically shall be treated as redeemed prior to their scheduled maturities, and they shall not bear interest after the date fixed for redemption, and they shall not be regarded as being outstanding except for the right of the Registered Owner to receive the redemption price from the Paying Agent/Registrar out of the funds provided for such payment. If a portion of any Bond shall be redeemed a substitute Bond or Bonds having the same maturity date, bearing interest at the same rate, in any denomination or denominations in any integral multiple of \$5,000, at the written request of the Registered Owner, and in an aggregate principal amount equal to the unredeemed portion thereof, will be issued to the Registered Owner upon the surrender thereof for cancellation, at the expense of the City, all as provided in the Ordinance.

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

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

Notice of redemption shall be given at the times and in the manner provided in the Sixth Supplement.

If this Bond is in a denomination in excess of \$5,000, portions of the principal sum hereof in principal amount of \$5,000 or any integral multiple thereof may be redeemed, and, if less than all of the principal sum hereof is to be redeemed, there shall be issued, without charge therefor, to the Registered Owner hereof, upon the surrender of this Bond at the principal office of the Paying Agent/Registrar, a new Bond or Bonds of like maturity, series and interest rate in any Authorized Denominations provided by the Ordinance for the then unredeemed balance of the principal amount hereof. If this Bond is selected for redemption, in whole or in part, neither the City nor the Paying Agent/Registrar shall be required to transfer this Bond to an assignee of the Registered Owner within forty-five (45) days of the redemption date therefor; provided, however, such limitation on transferability shall not be applicable to any exchange by the Registered Owner of the unredeemed balance hereof in the event of its redemption in part.

The Bonds are special obligations of the City payable solely from and equally secured by a lien on and pledge of the Security. The Bonds do not constitute a legal or equitable pledge, charge, lien, or encumbrance upon any property of the City, except with respect to the Security.

The pledge of the Security and the other obligations of the City under the Ordinance may be discharged at or prior to the maturity of the Bonds upon the making of provision for their payment on the terms and conditions set forth in the Ordinance.

Subject to satisfying the terms and conditions stated in the Ordinance, the City has reserved the right to issue additional Parity Debt payable solely from and equally and ratably secured by a parity lien on and pledge of the Security and other moneys and securities pledged under the Ordinance to the payment of the Bonds.

Reference is hereby made to the Ordinance, a copy of which is on file in the designated office of the Paying Agent/Registrar, and to all of the provisions of which any Registered Owner of this Bond by his acceptance hereof hereby assents, for definitions of terms; the description of and the nature and extent of the security for the Bonds; the Security; the nature and extent and manner of enforcement of the pledge; the terms and conditions for the issuance of additional Parity Debt; the conditions upon which the Ordinance may be amended or supplemented with or without the consent of the Registered Owners of the Bonds; the rights and remedies of the Registered Owner hereof with respect hereto and thereto; the rights, duties and obligations of the City; the terms and provisions upon which the liens, pledges, charges, and covenants made therein may be discharged at or prior to the maturity or redemption of this Bond and this Bond thereafter no longer to be secured by the

Ordinance or be deemed to be outstanding thereunder; and for the other terms and provisions thereof.

This Bond, subject to certain limitations contained in the Ordinance, may be transferred only upon its presentation and surrender at the designated office of the Paying Agent/Registrar named below, or its successor with the Assignment hereon duly endorsed by, or accompanied by a written instrument of transfer in form satisfactory to the Paying Agent/Registrar duly executed by, the Registered Owner hereof, or his duly authorized agent, and such transfer is noted on the Security Register by the Paying Agent/Registrar. When a transfer occurs, one or more new fully-registered Bonds of the same Maturity, of Authorized Denominations, bearing the same rate of interest, and of the same aggregate principal amount will be issued to the designated transferee or transferees.

The City and the Paying Agent/Registrar, and any agent of either, shall treat the Registered Owner whose name appears on the Security Register (i) on the Record Date as the owner entitled to payment of interest hereon, (ii) on the date of surrender of this Bond as the owner entitled to payment of principal hereof at its Maturity or its redemption, in whole or in part, and (iii) on any other date as the owner for all other purposes, and neither the City nor the Paying Agent/Registrar, nor any agent of either, shall be affected by notice to the contrary. In the event of nonpayment of interest on a scheduled payment date and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each Registered Owner appearing on the Security Register at the close of business on the last business day next preceding the date of mailing of such notice.

It is hereby certified, recited, represented, and declared that the City is a duly organized and legally existing home-rule city, organized under and by virtue of the Constitution and laws of the State of Texas; that the issuance of this Bond and the series of which it is a part are duly authorized by law; that all acts, conditions, and things required to exist and be done precedent to and in the issuance of this Bond to render the same lawful and valid have been properly done, have happened, and have been performed in regular and due time, form, and manner as required by the Constitution and laws of the State of Texas and the Ordinance; that this series of bonds does not exceed any Constitutional or statutory limitation; and that due provision has been made for the payment of this Bond and the Series of which it is a part as aforestated. In case any provision in this Bond shall be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired thereby. The terms and provisions of this Bond and the Ordinance shall be construed in accordance with and shall be governed by the laws of the State of Texas. The holder of this Bond is not entitled to demand payment of this Bond out of any money raised by taxation.

IN TESTIMONY WHEREOF, the City has caused its seal to be impressed or a facsimile thereof to be printed hereon and this Bond to be executed in the name of and on behalf of the City with the manual or facsimile signatures of its Mayor, and attested by the City Secretary.

CITY OF TEMPLE, TEXAS

By:	By: By:			
	City Secretary		Mayor	
(SEAL)				
	[INSERT	IONS FOR THE INIT	[AL BOND]	
The In	nitial Bond shall be in	the form set forth in this	exhibit, except that:	
A.	"MATURITY DATI		ne headings "INTEREST RATE" and ed with the words "As shown below", ed.	
В.	The first paragraph of the Bond shall be deleted and the following will be inserted (with all blanks and bracketed items to be completed with information contained it this Ordinance):			
hereinafter ic registered ass	lentified and as hereinings thereof, on August	nafter stated, to the Reg	mises to pay, solely from the sources gistered Owner named above, or the named the principal installments and bearing edule:	
	Amount	Year	Rate	
	(Inform	ation from the 2.02 to be	e inserted)	

The City promises to pay interest on the unpaid principal amount hereof from the Bond Date specified above at the respective per annum rate of interest specified above computed on the basis of a 360-day year of twelve 30-day months; such interest being payable on February 1 and August 1 of each year, commencing February 1, 2018. Principal of this Bond shall be payable to the Registered Owner hereof, upon presentation and surrender, at the principal office of the Paying Agent/Registrar named in the registration certificate appearing hereon, or its successor. Interest shall be payable to the Registered Owner of this Bond whose name appears on the "Security Register" maintained by the Paying Agent/Registrar at the close of business on the "Record Date," which is the fifteenth day of the next preceding month. All payments of principal of, premium, if any, and interest on this Bond shall be payable in lawful money of the United States of America, without exchange or collection charges, and interest payments shall be made by the Paying Agent/Registrar by check sent on or before the appropriate date of payment, by United States mail, first-class postage prepaid, to the Registered Owner hereof at the address appearing in the Security Register or by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Registered Owner hereof."

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

Form of Registration Certificate of Comptroller of Public Accounts to Appear on Initial Bond only.

REGISTRATION CERTIFICATE OF COMPTROLLER OF PUBLIC ACCOUNTS

OFFICE OF THE COMPTROLLER OF PUBLIC ACCOUNTS THE STATE OF TEXAS	\$ \$ \$	REGISTER NO
I HEREBY CERTIFY that this Bo approved by the Attorney General of the State Public Accounts of the State of Texas.		n examined, certified as to validity and and duly registered by the Comptroller of
WITNESS my signature and seal of office the	nis	·
		Comptroller of Public Accounts of the State of Texas
(SEAL)		
AUTHENTICATI PAYING AG		
This Bond has been duly issued and re Ordinance; the bond or bonds of the above tit been approved by the Attorney General of the Public Accounts, as shown by the records of	led and desige State of Te	exas and registered by the Comptroller of
	TRUST	ANK OF NEW YORK MELLON Γ COMPANY, NATIONAL CIATION, as Paying Agent/Registrar
Registered this date:		
	By:	uthorized Signature
Form o	of Assignmen	nt.

FOR VALUE RECEIVED, the undersigned hereby sells, assigns, and transfers unto

ASSIGNMENT

(Please insert Social Security or	Taxpayer Identification Number of Transferee)
(Please print or typewrite name	and address, including zip code, of Transferee)
•	, and hereby irrevocably constitutes and appoints the within Bond on the books kept for registration
thereof, with full power of substitution in	the premises.
DATED:	
Signature guaranteed by:	NOTICE: The signature on this assignment must correspond with the name of the Registered Owner as it appears on the face of the within Bond in every particular.

[INSURANCE LEGEND IF APPLICABLE]

EXHIBIT "C"

DESCRIPTION OF ANNUAL FINANCIAL INFORMATION

The following information is referred to in Section 7.10 of this Sixth Supplement.

Annual Financial Statements and Operating Data

The financial information and operating data with respect to the City to be provided annually in accordance with such Section are as specified (and included in the Appendix or under the headings of the Official Statement referred to) below:

- (1) Table 1 Water Usage;
- (2) Table 2 Ten Largest Water Customers;
- (3) Table 3 Monthly Water Rates;
- (4) Table 4 Ten Largest Wastewater Customers;
- (5) Table 5 Monthly Wastewater Rates;
- (6) Table 6 Waterworks and Sewer System Condensed Statement of Operations;
- (7) Table 7 Coverage and Fund Balances
- (8) Table 8 Current Investments;
- (9) Table 9 Pro Forma Utility System Debt Service Requirements; and
- (10) Appendix B

Accounting Principles

The accounting and reporting policies of the City relating to the funds and account groups will conform to generally accepted accounting principles (GAAP) as applied to governmental entities.



COUNCIL AGENDA ITEM MEMORANDUM

08/17/17 Item #5(A) 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 easements necessary for the construction of the Charter Oak Water Line and authorizing closing costs associated with the purchase, in an estimated amount of \$175,000.

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.

<u>ITEM SUMMARY:</u> The City is installing a new transmission water line in southwest Temple, roughly parallel to Charter Oak Drive. The project is necessary to replace deteriorating existing facilities and improve service to properties along the route. Phase One of the project is currently under construction and required the acquisition of easements from four property owners.

The design of Phase Two requires the acquisition of easements for water lines across 30 properties owned by 23 different property owners. Appraisals have been completed for eighteen of the properties, and offers based on the appraisals have been made to most of the property owners. The City has acquired or reached an agreement to acquire twenty of the needed easements. Negotiations continue for the remaining easements.

Staff is now seeking authorization to purchase four easements needed for the construction of the Charter Oak Water Line and authorizing closing costs associated with the purchase, in an estimated amount of \$175,000.

The address and Bell County Appraisal District ID Number of the properties are:

4408 South General Bruce Drive, Temple—Bell CAD IDs #237823, 237825, & 132658 4404 South General Bruce Drive, Temple—Bell CAD ID #34772

<u>FISCAL IMPACT</u>: Funding is available for the purchase of the easements necessary for the construction of the Charter Oak Water Line in an estimated amount of \$175,000 in account 520-5900-535-6110, project #100608.

ATTACHMENTS:

Resolution

RESOLUTION NO.	

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF EASEMENTS NECESSARY FOR THE CONSTRUCTION OF THE CHARTER OAK WATER LINE; AUTHORIZING CLOSING COSTS ASSOCIATED WITH THE PURCHASE IN AN ESTIMATED AMOUNT OF \$175,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is installing a new transmission water line in southwest Temple, roughly parallel to Charter Oak Drive that is necessary to replace deteriorating existing facilities and improve service to properties along the route - Phase One of the project is currently under construction and required the acquisition of easements from four property owners;

Whereas, the design of Phase Two requires the acquisition of easements for water lines across 30 properties owned by 23 different property owners - appraisals have been completed for eighteen of the properties, and offers have been made to most of the property owners, based on the appraisals;

Whereas, the City has acquired or reached an agreement to acquire twenty of the needed easements and negotiations continue for the remaining easements;

Whereas, Staff recommends Council authorize the purchase of four easements needed for the construction of the Charter Oak Water Line and authorize closing costs associated with the purchase, in an estimated amount of \$175,000;

Whereas, the addresses of the properties are:

4408 S. General Bruce Drive – BellCAD ID 237823, 237825 &132658 4404 S. General Bruce Drive – BellCAD ID 34772

Whereas, funding is available for the purchase of the easements in Account No. 520-5900-535-6110, Project No. 100608; 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 easements necessary for the construction of the Charter Oak Water Line and authorizes closing costs associated with the purchase, in an estimated amount of \$175,000.

<u>Part 3</u>: The City Council authorizes the Acting City Manager, or her designee, after approval as to form by the City Attorney, to execute any documents that may be necessary for this purchase.

<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 17th day of August, 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

08/17/17 Item #5(B) Consent Agenda Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Kevin Beavers, CPRP, Director of Parks and Recreation Belinda Mattke, CPA, Director of Purchasing

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing a construction contract with FCO Construction Services, LLC., of Killeen in the amount of \$1,218,024 for renovations to Wilson Park Softball Complex.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> One of the projects approved in the 2015 Parks Bond was construction of a new concession and restroom facility at the Wilson Park Softball Complex located at 2134 East Avenue H. This project includes the demolition and reconstruction of a concession and restroom building, new flatwork that will provide ADA accessibility to all areas, and improvements to the drainage system that will allow the fields to drain more effectively.

As shown on the attached bid tabulation, on August 1, 2017, the City of Temple received six bids for this project that ranged from a low base bid of \$1,038,700 to a high base bid of \$2,495,130. The low bid submitted by ASD Consultants of Austin lacked a bid bond, and therefore, was not deemed a responsive bid. The next lowest base bid was submitted by FCO Construction Services, LLC of Killeen in the amount of \$1,218,024.

FCO Construction Services has not previously performed work for the City. Accordingly, references were checked and it is the recommendation of MRB Group and the City staff to award the base bid totaling \$1,218,024 to FCO Construction Services. Based on limited funding available, staff is not recommending award of the Add Alternate bid to reseal and stripe the parking lot.

Construction of this project will commence in September 2017 with completion by March 31, 2017.

FISCAL IMPACT: This project is funded with the Parks GO Bonds that were approved by voters on May 9, 2015, and sold on September 24, 2015. Funding is available in account 362-3500-552-6420, project 101329, as identified below:

Project Budget \$ 1,343,593

Encumbered/Committed to Date (73,938)

Construction Award - FCO Construction Services (1,218,024)

Remaining Project Funds \$ 51,951

08/17/17 Item #5(B) Consent Agenda Page 2 of 2

ATTACHMENTS:
Bid Tabulation Resolution

Tabulation of Bids Received on August 1, 2017 at 2:00 p.m.

Wilson Park Softball Complex Improvements

(Drainage System, Flatwork, Concession and Restroom Buildings) Bid# 35-06-17

	Bidders					
	Patin Construction, LLC	ASD Consultants, Inc	RM Rodriguez Construction, LP	Wright Builders	National Native American Construction, Inc.	FCO Construction Services, LLC
	Taylor, TX	Austin, TX	Temple, TX	Temple, TX	Killeen, TX	Killeen, TX
Description						
Demolition	\$104,300.00	\$50,000.00	\$30,000.00	\$55,180.00	\$38,000.00	\$44,800.00
Concession Building	\$420,000.00	\$120,000.00	\$130,000.00	\$184,936.00	\$289,500.00	\$134,600.00
Restroom Building	\$990,000.00	\$190,000.00	\$225,000.00	\$282,280.00	\$305,000.00	\$151,324.00
Shade Structures & Fence	\$253,000.00	\$93,000.00	\$200,000.00	\$106,456.00	\$184,000.00	\$150,000.00
Scorers Tables & Benches	\$12,500.00	\$60,000.00	\$20,000.00	\$13,867.00	\$9,500.00	\$15,000.00
Grading	\$75,000.00	\$90,000.00	\$70,000.00	\$19,500.00	\$117,500.00	\$20,000.00
Utilities	\$120,000.00	\$60,000.00	\$100,000.00	\$70,706.00	\$148,000.00	\$42,000.00
Drainage System	\$88,000.00	\$25,000.00	\$60,000.00	\$67,400.00	\$28,000.00	\$25,000.00
Concrete Flatwork	\$350,000.00	\$225,000.00	\$250,000.00	\$234,465.00	\$261,000.00	\$220,000.00
Asphalt Work	\$27,000.00	\$25,000.00	\$30,000.00	\$22,230.00	\$29,000.00	\$27,500.00
Project Management, O&P, Misc Subs	\$55,330.00	\$100,700.00	\$270,000.00	\$266,547.00	\$89,000.00	\$387,800.00
Total Base Bid	\$2,495,130.00	\$1,038,700.00	\$1,385,000.00	\$1,323,567.00	\$1,498,500.00	\$1,218,024.00
Add Alt 1: Reseal and stripe all asphalt parking areas	\$125,000.00	\$65,000.00	\$140,000.00	\$152,166.00	\$145,000.00	\$131,000.00
Acknowledge Addendum (3)	Yes	Yes	Yes	Yes	Yes	Yes
Bid Bond	Yes	No	Yes	Yes	Yes	Yes
Bond Requirement Affidavit	Yes	Yes	Yes	Yes	Yes	Yes
Credit Check Authorization	Yes	Yes	Yes	Yes	Yes	Yes

Bid Not Responsive; No Bid Bond Attached Recommended for Council Award

RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH FCO CONSTRUCTION SERVICES, LLC OF KILLEEN, TEXAS IN THE AMOUNT OF \$1,218,024, FOR RENOVATIONS TO WILSON PARK SOFTBALL COMPLEX; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, one of the projects approved in the 2015 Parks Bond was the construction of a new concession and restroom facility at the Wilson Park Softball Complex located at 2134 East Avenue H;

Whereas, this project includes the demolition and reconstruction of a concession and restroom building, new flatwork that will provide ADA accessibility to all areas, and improvements to the drainage system that will allow the fields to drain more effectively;

Whereas, on August 1, 2017, the Staff received six bids for this project with the low bid being submitted by ASD Consultants of Austin, Texas – ASD Consultants lacked a bid bond, and therefore, their bid was not deemed a responsive bid;

Whereas, the next lowest base bid was submitted by FCO Construction Services, LLC of Killeen, Texas in the amount of \$1,218,024;

Whereas, FCO Construction Services has not previously performed work for the City-Staff checked references and recommends Council authorize a construction contract with FCO Construction Services in the amount of \$1,218,024 for renovations to Wilson Park Softball Complex;

Whereas, this project is funded with the Parks GO Bonds that were approved by voters on May 9, 2015, and sold on September 24, 2015 - funding is available in Account No. 362-3500-552-6420, Project No. 101329; 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 Interim City Manager, or her designee, after approval as to form by the City Attorney, to execute a construction contract with FCO Construction Services, LLC of Killeen, Texas in the amount of \$1,218,024, for renovations to Wilson Park Softball Complex.

<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 17th day of August, 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

08/17/17 Item #5(C) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Alan DeLoera, Information Technology Director Belinda Mattke, Director of Purchasing

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution ratifying change order #1 to the construction contract with Loftin Equipment Company, Inc. of Universal City, in the amount of \$26,429 for the City Hall emergency generator project.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> On April 6, 2017, Council authorized the purchase and installation of a new 100 kw diesel generator with 400-amp automatic transfer for City Hall from Loftin Equipment Company, Inc. in an estimated amount of \$150,000. The executed contract ended up totaling \$144,145.82.

A change order is needed to satisfy current Electrical Code requirements. City Hall has three 3" conduits that must be replaced with 4" conduits to accommodate larger conductors coming into a new 1600-amp service into City Hall. Loftin's proposed cost to perform this additional work is \$26,429, which Rabroker & Associates, the engineering firm engaged to oversee this project, deems reasonable.

FISCAL IMPACT: Funding for change order #1 with Loftin Equipment Company, Inc. for the City Hall Electrical System Upgrade and Generator & ATS Replacement project in the amount of \$26,429 is appropriated in project # 101639 as follows:

-	110-592	4-519-6222	364-240	00-519-6222	Total
Project Budget Encumbered/Committed to Date	\$	98,301 (66,017)	\$	88,129 (88,129)	\$ 186,430 (154,146)
Loftin Change Order #1		(26,429)		(00,129)	(26,429)
Remaining Project Funds	\$	5,855	\$	-	\$ 5,855

ATTACHMENTS:

Resolution

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING CHANGE ORDER NO. 1 TO THE CONSTRUCTION CONTRACT WITH LOFTIN EQUIPMENT COMPANY, INC. OF UNIVERSAL CITY, TEXAS, IN THE AMOUNT OF \$26,429 FOR THE CITY HALL EMERGENCY GENERATOR PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on April 6, 2017, Council authorized the purchase and installation of a new 100 kw diesel generator with 400-amp automatic transfer for City Hall from Loftin Equipment Company, Inc. of Universal City, Texas, in an estimated amount of \$150,000;

Whereas, currently City Hall has three 3-inch electrical conduits that must be replaced with 4-inch conduits to satisfy current electrical code requirements and accommodate larger conductors coming into a new 1600-amp service into City Hall;

Whereas, Staff recommends Council ratify Change Order No. 1 to the construction contract with Loftin Equipment Company, Inc. of Universal City, Texas in the amount of \$26,429 - Staff and Rabroker & Associates, the engineering firm engaged to oversee this project, deems this to be a reasonable cost;

Whereas, funding is available for this change order in Account Nos. 110-5924-519-6222 and 364-2400-519-6222, Project No. 101639; 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 Change Order No. 1 to the construction contract with Loftin Equipment Company, Inc. of Universal City, Texas in the amount of \$26,429, for the City Hall emergency generator project.

<u>Part 3:</u> The City Council authorizes the Interim City Manager, or her designee, after approval as to form by the City Attorney, to execute any documents that may be necessary for this change order.

<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 **17**th day of **August**, 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

08/17/17 Item #5(D) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kevin Beavers, Parks and Recreation Director

<u>ITEM DESCRIPTION:</u> Consider a resolution authorizing an Interlocal Agreement with the Temple Independent School District to provide school locations for after school latchkey programming.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> Temple Parks and Recreation is requesting City Council approval to enter into an Interlocal Agreement with T.I.S.D. The agreement would allow the Parks and Recreation Department to continue to provide an after school program at four T.I.S.D. schools.

Temple Parks and Recreation provides the After School Zone at Cater, Western Hills, Kennedy-Powel and Thornton Elementary Schools. During the 2016-17 school year, Temple Parks and Recreation provided an after school program for over two hundred 5 to 13 year olds, Monday through Friday, from 3 pm to 6 pm.

The term of this agreement will be for the 2017-18 school year, at which time the parties may renew or renegotiate the agreement by mutual consent.

This agreement with T.I.S.D. helps meet the City Council goal of jointly partnering with school districts to provide services and programs.

FISCAL IMPACT: T.I.S.D. has agreed to waive all facility usage fees during the time the program is being offered, thus allowing the program to be offered at an affordable rate for the participants.

ATTACHMENTS:

Resolution

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE TEMPLE INDEPENDENT SCHOOL DISTRICT TO PROVIDE SCHOOL LOCATIONS FOR AFTER SCHOOL LATCH KEY PROGRAMMING; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Temple Parks and Recreation Department provides after school programming at four Temple Independent School District ("TISD") schools;

Whereas, during the 2016-2017 school year, the Temple Parks and Recreation Department provided an after school program Monday through Friday, from 3pm to 6pm to over two hundred 5-13 year olds at Cater, Western Hills, Kennedy-Powel and Thornton Elementary School;

Whereas, this agreement will be for the 2017-2018 school year, at which time the parties may extend or renegotiate the agreement by mutual consent;

Whereas, this agreement assists in Council's goal of jointly partnering with school districts to provide services and programs;

Whereas, TISD has agreed to waive all facility usage fees during the time the program is being offered, thus allowing the program to be offered at an affordable rate; 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 Interim City Manager, or her designee, after approval as to form by the City Attorney, to execute an Interlocal Agreement with the Temple Independent School District to provide school locations for after school latch key programming for the 2017-2018 school year.
- <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 **17**th day of **August**, 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

08/17/17 Item #5(E) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Floyd O. Mitchell, Chief of Police

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing the submission of an application and acceptance of funding if awarded for the State of Texas Governor's Criminal Justice Division Rifle-Resistant Body Armor Grant Program.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> This grant program was in response to the July 7th, 2016, shooting of numerous police officers in Dallas, Texas. The Legislature passed and the Governor signed Senate Bill 12, which created a grant program within the Governor's office to increase the safety of Texas law enforcement officers by assisting agencies in the purchase of rifle-resistant body armor. The State is anticipating having 25 million dollars set aside for this grant. The addition of a rifle plate carrier would provide our officers rifle ballistic protection of the upper torso, front and back. We are requesting funding for 50 rifle plate carriers. This would allow 10 plate carriers for each patrol team, five for the COPS unit and five additional for CID, SRU, and K-9. The plate carriers would be stored in the officer's patrol unit trunk area and can be quickly retrieved whenever there is a call with a potential rifle threat involved.

<u>FISCAL IMPACT:</u> Each plate carrier is estimated at \$500 each, for a total cost of \$25,000 for 50 plates. If awarded the grant, the City would receive \$25,000 of grant funding. The Rifle-Resistant Body Armor Grant Program is a 100% reimbursement program with no City match required.

ATTACHMENTS:

Resolution

RESOLUTION NO.	

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE SUBMISSION OF AN APPLICATION AND THE ACCEPTANCE OF FUNDING FOR THE STATE OF TEXAS GOVERNOR'S CRIMINAL JUSTICE DIVISION RIFLE-RESISTANT BODY ARMOR GRANT PROGRAM; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Rifle-Resistant Body Armor grant program is in response to the July 7, 2016, shooting of numerous police officers in Dallas, Texas;

Whereas, the Legislature passed, and the Governor signed Senate Bill 12, which created a grant program within the Governor's office to increase the safety of Texas law enforcement officers by assisting agencies in the purchase of rifle-resistant body armor and the State is anticipating having approximately \$25,000,000 set aside for this grant;

Whereas, the addition of a rifle plate carrier would provide Temple police officers rifle ballistic protection of the upper torso, front and back;

Whereas, Staff is requesting funding for 50 rifle plate carriers which would allow 10 plate carriers for each patrol team, 5 plate carriers for the COPS unit and 5 additional plate carriers for CID, SRU, and K-9;

Whereas, the plate carriers will be stored in the officer's patrol unit trunk area to be quickly retrieved whenever there is a call with a potential rifle threat involved;

Whereas, Staff recommends Council authorize the submission of an application and accept grant funding for the State of Texas Governor's Criminal Justice Division Rifle-Resistant Body Army Grant Program;

Whereas, if awarded the grant, the City would receive \$25,000 of grant funding - the Rifle-Resistant Body Armor Grant Program is a 100% reimbursement program with no City match required; 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 submission of an application and accepts funding for the State of Texas Governor's Criminal Justice Division Rifle-Resistant Body Armor Grant Program.

<u>Part 3:</u> The City Council authorizes the Interim City Manager, or her designee, after approval as to form by the City Attorney, to execute any documents which may be necessary for the submission of this grant, and to accept 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 17th day of August, 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

08/17/17 Item #5(F) 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 renewal of an Interlocal Cooperation Agreement with the Texas Department of Public Safety for participation in the Department's Breath Testing and Laboratory Alcohol and Drug Testing Program.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: To ensure statewide consistency of forensic testing, the Texas Department of Public Safety ("DPS") provides gunshot residue kits, breath testing supplies, laboratory drug testing supplies, testing forms, and manuals to Texas law enforcement agencies who participate in the Interlocal Cooperation Agreement. Use of standardized testing supplies and procedures, and consistent documentation of the test results enhances public confidence in the testing process, which increases the probability of convicting offenders at trial. As a DPS-related agency, the Temple Police Department ("TPD") can obtain the DPS supplies free of charge. Participation in the Agreement will provide TPD the necessary forensic testing supplies and equipment at no cost.

The City has participated in this Interlocal Cooperation Agreement with DPS since September 1, 2014. The City's current Agreement expires on August 30, 2017. The proposed renewal will extend the terms of the Agreement from September 1, 2017 through August 30, 2018.

<u>FISCAL IMPACT</u>: Participation in the agreement will provide TPD the necessary forensic testing supplies and equipment at no cost. No additional personnel, equipment, or funding is required for the item.

ATTACHMENTS:

Resolution

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE RENEWAL OF AN INTERLOCAL COOPERATION AGREEMENT WITH THE TEXAS DEPARTMENT OF PUBLIC SAFETY, FOR PARTICIPATION IN THE DEPARTMENT'S BREATH TESTING AND LABORATORY ALCOHOL AND DRUG TESTING PROGRAM; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, to ensure statewide consistency of forensic testing, the Texas Department of Public Safety (DPS) provides gunshot residue kits, breath testing supplies, laboratory drug testing supplies, testing forms and manuals to Texas law enforcement agencies who participate in the Interlocal Cooperation Agreement;

Whereas, use of standardized testing supplies and procedures, and consistent documentation of the test results enhances public confidence in the testing process, which increases the probability of convicting offenders at trial;

Whereas, as a DPS-related agency, the Temple Police Department can obtain the supplies free of charge and by participating in the Interlocal Cooperation Agreement, the Temple Police Department will receive the necessary forensic testing supplies and equipment at no cost;

Whereas, the City has participated in this Interlocal Cooperation Agreement with DPS since September 1, 2014;

Whereas, the current Agreement expires on August 30, 2017 and Staff recommends Council authorize the renewal of the Interlocal Cooperation Agreement from September 1, 2017 through August 30, 2018;

Whereas, supplies under the Interlocal Agreement with Texas Department of Public Safety are provided at no charge to 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 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 Interim City Manager, or her designee, after approval as to form by the City Attorney, to execute the renewal of an Interlocal Cooperation Agreement with the Texas Department of Public Safety from September 1, 2017 through August 30, 2018, for participation in the breath testing and laboratory alcohol and drug testing program.

<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 17th day of August, 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

08/17/17 Item #5(G) 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 renewal of an Interlocal Agreement with the Texas Department of Public Safety for participation in the Department's Sex Offender Registration program.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Texas Code of Criminal Procedure Art. 62.051(e) requires local law enforcement agencies to use the Texas Department of Public Safety's ("DPS") Texas Secure Website for Sex Offender Registration (website) to maintain detailed identifying information about local residents who have been convicted of or adjudicated for an offense involving sexual abuse or exploitation of a child. The website allows law enforcement personnel and the public to identify and track sex offenders living in the local community. DPS provides local law enforcement agencies access to the website under the terms of the Interlocal Agreement, for the purpose of maintaining, verifying and tracking information related to registered sex offenders across the state. Participation in the Agreement has been instrumental in providing the Temple Police Department (TPD) the ability to accurately maintain, verify and track the records of sex offenders living in Temple.

The City has participated in this Agreement since September 1, 2014. The City's current Sex Offender Registration Interlocal Agreement with DPS expires on August 30, 2017. The proposed renewal will extend the terms of the Agreement from September 1, 2017 through August 30, 2018.

FISCAL IMPACT: There is no requirement for the City of Temple to provide any funding for this agreement. No additional personnel, equipment, or funding is required for the item.

ATTACHMENTS:

Resolution

RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE RENEWAL OF AN INTERLOCAL AGREEMENT WITH THE TEXAS DEPARTMENT OF PUBLIC SAFETY FOR PARTICIPATION IN THE DEPARTMENT'S SEX OFFENDER REGISTRATION PROGRAM; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Texas Code of Criminal Procedure Article 62.051(e) requires local law enforcement agencies to use the Department of Public Safety (DPS) Texas Secure Website for Sex Offender Registration to maintain detailed identifying information about local residents who have been convicted of, or adjudicated for, an offense involving sexual abuse or exploitation of a child;

Whereas, the website allows law enforcement personnel and the public to identify and track sex offenders living in the local community - DPS provides local law enforcement agencies access to the website under the terms of the Interlocal Agreement, for the purpose of maintaining, verifying and tracking information related to registered sex offenders across the state;

Whereas, participation in this Agreement has been instrumental in providing the Temple Police Department the ability to accurately maintain, verify and track the records of sex offenders living in Temple;

Whereas, the Temple Police Department has participated in this Agreement since September 1, 2014 and the current Interlocal Agreement expires August 30, 2017;

Whereas, Staff recommends Council approve a renewal to the Interlocal Agreement that will extend the terms of the Agreement from September 1, 2017 through August 30, 2018; 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 Interim City Manager, or her designee, after approval as to form by the City Attorney, to execute a renewal to the Interlocal Agreement with the Texas Department of Public Safety from September 1, 2017 through August 30, 2018, for participation in the DPS Sex Offender Registration program.

<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 17th day of August, 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

08/17/17 Item #5(H) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Floyd Mitchell, Chief of Police

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing an amendment to the Memorandum of Understanding with the Office of the Attorney General for participation in the Internet Crimes Against Children Task Force.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Internet Crimes Against Children (ICAC) Task Force Program is a national network of state and local law enforcement cybercrime units created to address technology-facilitated child exploitation. The Office of the Attorney General ("OAG") is the Regional Contact for the "Texas, Southern ICAC Task Force," which is funded by a grant from the U.S. Office of Juvenile Justice and Delinquency. The Texas OAG's ICAC Task Force provides funding, investigative and forensic resources, training, technical assistance, victim services and community education to state and local law enforcement agencies to facilitate multi-jurisdictional, multi-agency responses to internet-based child exploitation. The program has provided funding for Temple Police Department (TPD) personnel and equipment. TPD's participation in the Task Force program has proven instrumental in large-scale investigations involving multiple agencies, and those that cross multiple jurisdictions.

The TPD has participated in the OAG's ICAC Task Force since November 1, 2013. The City's current Memorandum of Understanding with the OAG will expire on August 31, 2017. The proposed amendment will extend the agreement's expiration date to August 31, 2019.

FISCAL IMPACT: There is no requirement for the City of Temple to provide any funding for this agreement. No additional personnel, equipment, or funding is required for the item.

ATTACHMENTS:

Resolution

RESOLUTION NO.	

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING WITH THE OFFICE OF THE ATTORNEY GENERAL FOR PARTICIPATION IN THE INTERNET CRIMES AGAINST CHILDREN TASK FORCE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Internet Crimes Against Children (ICAC) Task Force Program is a national network of state and local law enforcement cybercrime units created to address technology-facilitated child exploitation and is funded by a grant from the U.S. Office of Juvenile Justice and Delinquency;

Whereas, the Texas Office of the Attorney General's ICAC Task Force provides funding, investigative and forensic resources, training, technical assistance, victim services and community education to state and local law enforcement agencies to facilitate multi-jurisdictional, multi-agency responses to internet-based child exploitation;

Whereas, the program provides funding for Temple Police Department (TPD) personnel and equipment and TPD's participation in the Task Force program has proven instrumental in large-scale investigations involving multiple agencies, and those that cross multiple jurisdictions;

Whereas, the Temple Police Department has participated in the OAG's ICAC Task Force since November 1, 2013;

Whereas, the current Memorandum of Understanding expires August 31, 2017 and Staff recommends Council authorize an amendment to the agreement extending the term from September 1, 2017 through August 31, 2019; 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 Interim City Manager, or her designee, after approval as to form by the City Attorney, to execute an amendment to the Memorandum of Understanding with the Office of the Attorney General for participation in the Internet Crimes Against Children Task Force extending the agreement from September 1, 2017 through August 31, 2019.

<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 17th day of August, 2017.

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



COUNCIL AGENDA ITEM MEMORANDUM

08/17/17 Item #5(I) 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 renewal of an Interlocal Assistance Agreement with the Bell County Sheriff's Office, Bell County, and the cities of Belton, Harker Heights and Killeen for participation in the Bell County Organized Crime Unit.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> The Bell County Organized Crime Unit is a cooperative network of Bell County law enforcement agencies created to investigate organized criminal activity involving gangs, violence, drug trafficking, and theft when the range of the criminal activity exceeds the jurisdiction of a single Bell County agency. Member agencies participate in joint investigations and apprehensions of drug dealers and abusers, persons engaged in violent crime and gang-related activity, organized theft, and crimes associated with the manufacture, possession and distribution of controlled substances. The Unit's governing body is composed of police chiefs from Temple, Belton, Harker Heights and Killeen and the Bell County District Attorney, Henry Garza. Temple Police Department currently has one officer assigned to this Unit. Participation has proven instrumental in investigations involving multiple Bell county jurisdictions.

Temple Police Department has participated in the Bell County Organized Crime Unit since March 31, 2011. The Interlocal Assistance Agreement with the Unit will expire on September 30, 2017. All members of the Unit have continued to participate and act in accordance with the original terms of the Agreement. The proposed renewal will extend the terms of the Agreement from October 1, 2017 through an additional two years, ending September 30, 2019.

<u>FISCAL IMPACT</u>: There is no requirement for the City of Temple to provide any funding for this agreement. No additional personnel, equipment, or funding is required for the item.

ATTACHMENTS:

Resolution

RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE RENEWAL OF AN INTERLOCAL ASSISTANCE AGREEMENT WITH THE BELL COUNTY SHERIFF'S OFFICE, BELL COUNTY, AND THE CITIES OF BELTON, HARKER HEIGHTS AND KILLEEN, FOR PARTICIPATION IN THE BELL COUNTY ORGANIZED CRIME UNIT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Bell County Organized Crime Unit (OCU) is a cooperative network of Bell County law enforcement agencies created to investigate organized criminal activity involving gangs, violence, drug trafficking, and theft when the range of the criminal activity exceeds the jurisdiction of a single Bell County agency;

Whereas, member agencies participate in joint investigations and apprehensions of drug dealers and abusers, persons engaged in violent crime and gang-related activity, organized theft, and crimes associated with the manufacture, possession and distribution of controlled substances - the OCU's governing body is composed of police chiefs from Temple, Belton, Harker Heights, Killeen and the Bell County District Attorney, Henry Garza:

Whereas, the Temple Police Department currently has one officer assigned to this Unit - participation has proven instrumental in investigations involving multiple Bell County jurisdictions;

Whereas, the Temple Police Department has participated in the Bell County Organized Crime Unit since March 31, 2011 and the current Interlocal Assistance Agreement with the Unit expires September 30, 2017 - all members of the Unit have continued to participate and act in accordance with the original terms of the Agreement;

Whereas, this renewal will extend the terms of the Agreement from October 1, 2017 through September 30, 2019; 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 Interim City Manager, or her designee, after approval as to form by the City Attorney, to execute a renewal to the Interlocal Assistance Agreement with the Bell County Sheriff's Office, Bell County, and the cities of Belton, Harker Heights and Killeen from October 1, 2017 through September 30, 2019 for participation in the Bell County Organized Crime Unit.

<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 17th day of August, 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

08/17/17 Item #5(J) Consent Agenda Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing an agreement with First Southwest Asset Management, Inc., a Hilltop Holdings Company, for arbitrage rebate compliance services for a period of five years.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> The Internal Revenue Service requires that virtually all issuers of tax-exempt obligations "rebate" excess earnings on the investment of tax-exempt bond proceeds in taxable securities. The calculations used to determine the amount, if any, that needs to be rebated are complex and often confusing for issuers. First Southwest Asset Management, Inc., a Hilltop Holdings Company, provides issuers with the expert guidance to help bring clarity to the arbitrage compliance requirements.

As one of the largest providers of arbitrage rebate services, First Southwest is entrusted with arbitrage rebate compliance for hundreds of municipal clients throughout the country.

First Southwest has one of the largest staffs in the industry that focuses exclusively on monitoring the investments of bond proceeds for municipalities and performing calculations to ensure that clients' bond issues retain their tax-exempt status. The firm's seasoned team of professionals—including certified public accountants—has extensive experience with a variety of complex issue structures, including commingled funds, reserve fund allocations, variable rate issues, and transferred proceeds.

Scope of Services Include:

Consulting

- Assists with IRS audits and overpayment requests
- Prepares IRS paperwork (to signature stage)

Calculations

- Reviews bond documents
- Verifies bond yield
- Computes the yield on investments
- Calculates the arbitrage rebate liability
- Tests for possible exceptions to the rebate requirements
- Provides opinion letter, signed by a certified public accountant, that states compliance with the applicable rebate regulations

Compliance

- First Southwest offers clients a proprietary software system that reduces the likelihood of calculation errors commonly found in spreadsheet applications. Key system features include:
 - Deadline tracking for reporting dates
 - Future value calculations
 - Reserve fund allocations
 - Lowest permitted rebate amount analysis

FISCAL IMPACT: The Bonds to be covered initially under this contract include all issues of tax-exempt bonds delivered subsequent to the effective dates of the rebate requirements, under the Code, except for issues which qualify for exceptions to the rebate requirements in accordance with Section 148 of the Code and related Treasury regulations. The fee for each of the Bonds included in this contract shall be as follows:

Description	Annual Fees Per Issue Per Computation
	Year (1)
Base Fee Per Computation Year:	\$1,600
Comprehensive Arbitrage Compliance Services Include:	Included
Commingled Funds Analysis & Calculations	Included
Spending Exception Analysis & Calculations	Included
Yield Restriction Analysis & Calculations	Included
Parity Reserve Fund Allocations	Included
Transferred Proceeds Calculations	Included
Universal Cap Calculations	Included
Debt Service Fund Calculations	Included
Preparation of all Required IRS Paperwork for Making a Rebate Payment / Yield Reduction Payment	Included
Retention of Records Provided for Arbitrage Computations	Included
IRS Audit Assistance	Included
Delivery of Rebate Calculations Each Year That Meets the Timing Requirements of the Audit Schedule	Included
On-Site Meetings, as Appropriate, to Discuss Calculation Results / Subsequent Planning Items	Included

IRS Refund Request:	\$750
Update calculation, prepare refund request package, and assist issuer as necessary in responding to subsequent IRS Information Requests.	

08/17/17 Item #5(J) Consent Agenda Page 3 of 3

(1) A "Computation Year" represents a one year period from the delivery date of the issue to the date that is one calendar year after the delivery date, and each subsequent one-year period thereafter. Therefore, if a calculation is required that covers more than one "computation year", the annual fee is multiplied by the number of computation years contained in the calculation being performed. For example, if the first calculation performed for an issue covers three computation years, the fee for that calculation would be three times the annual fees stated above.

Additional explanations of adjustments to the base fee are explained in Appendix A – Fees.

ATTACHMENTS:

Agreement Appendix A - Fees Resolution

AGREEMENT FOR ARBITRAGE REBATE COMPLIANCE SERVICES BETWEEN

CITY OF TEMPLE, TEXAS

(Hereinafter Referred to as the "Issuer")
AND

FIRST SOUTHWEST ASSET MANAGEMENT, LLC (Hereinafter Referred to as "FSAM")

It is understood and agreed that the Issuer, in connection with the sale and delivery of certain bonds, notes, certificates, or other tax-exempt obligations (the "Obligations"), will have the need to determine to what extent, if any, it will be required to rebate certain investment earnings (the amount of such rebate being referred to herein as the "Arbitrage Amount") from the proceeds of the Obligations to the United States of America pursuant to the provisions of Section 148(f)(2) of the Internal Revenue Code of 1986, as amended (the "Code"). For purposes of this Agreement, the term "Arbitrage Amount" includes payments made under the election to pay penalty in lieu of rebate for a qualified construction issue under Section 148(f)(4) of the Code.

We are pleased to submit the following proposal for consideration; and if the proposal is accepted by the Issuer, it shall become the agreement (the "Agreement") between the Issuer and FSAM effective at the date of its acceptance as provided for herein below.

1. This Agreement shall apply to all issues of tax-exempt Obligations delivered subsequent to the effective date of the rebate requirements under the Code, except for (i) issues which qualify for exceptions to the rebate requirements in accordance with Section 148 of the Code and related Treasury regulations, or (ii) issues excluded by the Issuer in writing in accordance with the further provisions hereof, (iii) new issues effected in a fashion whereby FSAM is unaware of the existence of such issue, (iv) issues in which, for reasons outside the control of FSAM, FSAM is unable to procure the necessary information required to perform such services.

Covenants of First Southwest Asset Management

- 2. We agree to provide our professional services in determining the Arbitrage Amount with regard to the Obligations. The Issuer will assume and pay the fee of FSAM as such fee is set out in Appendix A attached hereto. FSAM shall not be responsible for any extraordinary expenses incurred on behalf of Issuer in connection with providing such professional services, including any costs incident to litigation, mandamus action, test case or other similar legal actions.
- 3. We agree to perform the following duties in connection with providing arbitrage rebate compliance services:
 - a. To cooperate fully with the Issuer in reviewing the schedule of investments made by the Issuer with (i) proceeds from the Obligations, and (ii) proceeds of other funds of the Issuer which, under Treasury Regulations Section 1.148, or any successor regulations thereto, are subject to the rebate requirements of the Code;
 - b. To perform, or cause to be performed, consistent with the Code and the regulations promulgated thereunder, calculations to determine the Arbitrage Amount under Section 148(f)(2) of the Code; and
 - c. To provide a report to the Issuer specifying the Arbitrage Amount based upon the investment schedule, the calculations of bond yield and investment yield, and other information deemed relevant by FSAM. In undertaking to provide the services set forth in paragraph 2 and this paragraph 3, FSAM does not assume any responsibility for any record retention requirements which the Issuer may have under the Code or other applicable laws, it being understood that the Issuer shall remain responsible for compliance with any such record retention requirements.

Covenants of the Issuer

- 4. In connection with the performance of the aforesaid duties, the Issuer agrees to the following:
 - a. The fees due to FSAM in providing arbitrage rebate compliance services shall be calculated in accordance with Appendix A attached hereto. The fees will be payable upon delivery of the report prepared by FSAM for each issue of Obligations during the term of this Agreement.
 - b. The Issuer will provide FSAM all information regarding the issuance of the Obligations and the investment of the proceeds therefrom, and any other information necessary in connection with calculating the Arbitrage Amount. FSAM will rely on the information supplied by the Issuer without inquiry, it being understood that FSAM will not conduct an audit or take any other steps to verify the accuracy or authenticity of the information provided by the Issuer.
 - c. The Issuer will notify FSAM in writing of the retirement, prior to the scheduled maturity, of any Obligations included under the scope of this Agreement within 30 days of such retirement. This notification is required to provide sufficient time to comply with Treasury Regulations Section 1.148-3(g) which requires final payment of any Arbitrage Amount within 60 days of the final retirement of the Obligations. In the event the Issuer fails to notify FSAM in a timely manner as provided hereinabove, FSAM shall have no further obligation or responsibility to provide any services under this Agreement with respect to such retired Obligations.
- In providing the services set forth in this Agreement, it is agreed that FSAM shall not incur any liability for any error of judgment made in good faith by a responsible officer or officers thereof and, except to the limited extent set forth in this paragraph, shall not incur any liability for any other errors or omissions, unless it shall be proved that such error or omission was a result of the gross negligence or willful misconduct of said officer or officers. In the event a payment is assessed by the Internal Revenue Service due to an error by FSAM, the Issuer will be responsible for paying the correct Arbitrage Amount and FSAM's liability shall not exceed the amount of any penalty or interest imposed on the Arbitrage Amount as a result of such error.

Obligations Issued Subsequent to Initial Contract

- 6. The services contracted for under this Agreement will automatically extend to any additional Obligations (including financing lease obligations) issued during the term of this Agreement, if such Obligations are subject to the rebate requirements under Section 148(f)(2) of the Code. In connection with the issuance of additional Obligations, the Issuer agrees to the following:
 - a. The Issuer will notify or cause the notification, in writing, to FSAM of any tax-exempt financing (including financing lease obligations) issued by the Issuer during any calendar year of this Agreement, and will provide FSAM with such information regarding such Obligations as FSAM may request in connection with its performance of the arbitrage rebate services contracted for hereunder. If such notice is not provided to FSAM with regard to a particular issue, FSAM shall have no obligation to provide any services hereunder with respect to such issue.
 - b. At the option of the Issuer, any additional Obligations to be issued subsequent to the execution of this Agreement may be excluded from the services provided for herein. In order to exclude an issue, the Issuer must notify FSAM in writing of their intent to exclude any specific Obligations from the scope of this Agreement, which exclusion shall be permanent for the full life of the Obligations; and after receipt of such notice, FSAM shall have no obligation to provide any services under this Agreement with respect to such excluded Obligations.

Effective Date of Agreement

7. This Agreement shall become effective at the date of acceptance by the Issuer as set out herein below and remain in effect thereafter for a period of five (5) years from the date of acceptance, provided, however, that this Agreement may be terminated with or without cause by the Issuer or FSAM upon thirty (30) days prior written notice to the other party. In the event of such termination, it is understood and agreed that only the amounts due to FSAM for services provided and extraordinary expenses incurred to and including the date of termination will be due and payable. No penalty will be assessed for termination of this Agreement. In the event this Agreement is terminated prior to the completion of its stated term, all records provided to FSAM with respect to the investment of monies by the Issuer shall be returned to the Issuer as soon as practicable following written request by Issuer. In addition, the parties hereto agree that, upon termination of this Agreement, FSAM shall have no continuing obligation to the Issuer regarding any arbitrage rebate related services contemplated herein, regardless of whether such services have previously been undertaken, completed or performed.

Acceptance of Agreement

8. This Agreement is submitted in duplicate originals. When accepted by the Issuer in accordance with the terms hereof, it, together with Appendix A attached hereto, will constitute the entire Agreement between the Issuer and FSAM for the purposes and the consideration herein specified. In order for this Agreement to become effective, it must be accepted by the Issuer within sixty (60) days of the date appearing below the signature of FSAM's authorized representative hereon. After the expiration of such 60-day period, acceptance by the Issuer shall only become effective upon delivery of written acknowledgement and reaffirmation by FSAM that the terms and conditions set forth in this Agreement remain acceptable to FSAM.

Governing Law

9. This Agreement will be governed by and construed in accordance with the laws of the State of Texas, without regard to its principles of conflicts of laws.

Acceptance will be indicated on both copies and the return of one executed copy to First Southwest Asset Management.

Respectfully submitted,

FIRST SOUTHWEST ASSET MANAGEMENT, LLC

Hill A. Feinberg, Chairman & Chief-Executive Officer

Date 7/10/2017

ISSUER'S ACCEPTANCE CLAUSE

The above and foregoing is hereby in al	l things accepted and approved by		
	, on this the	day of	
	Ву		
,	Authorized	Representative	
	Title	, 	
	Printed Name		

APPENDIX A - FEES

The Obligations to be covered initially under this contract include all issues of tax-exempt obligations delivered subsequent to the effective dates of the rebate requirements, under the Code, except as set forth in Section I of the Agreement.

The fee for any Obligations under this contract shall only be payable if a computation is required under Section 148(f)(2) of the Code. In the event that any of the Obligations fall within an exclusion to the computation requirement as defined by Section 148 of the Code or related regulations and no calculations were required by FSAM to make that determination, no fee will be charged for such issue. For example, certain obligations are excluded from the rebate computation requirement if the proceeds are spent within specific time periods. In the event a particular issue of Obligations fulfills the exclusion requirements of the Code or related regulations, the specified fee will be waived by FSAM if no calculations were required to make the determination.

FSAM's fee for arbitrage rebate services is based upon a fixed annual fee per issue. The annual fee is charged based upon the number of years that proceeds exist subject to rebate from the delivery date of the issue to the computation date.

FSAM's fees are payable upon delivery of the report. The first report will be made following one year from the date of delivery of the Obligations and on each computation date thereafter during the term of the Agreement. The fees for computations of the Arbitrage Amount which encompass more, or less, than one Computation Year shall be prorated to reflect the longer, or shorter, period of work performed during that period.

The fee for each of the Obligations included in this contract shall be based on the table below.

Additionally, due to significant time saving efficiencies realized when investment information is submitted in an electronic format, FSAM passes the savings to its clients by offering a 10% reduction in its fees if information is provided in a spreadsheet or electronic text file format.

Description	Annual Fee
ANNUAL FEE	\$1,600
COMPREHENSIVE ARBITRAGE COMPLIANCE SERVICES INCLUDE:	
 Commingled Funds Analysis & Calculations Spending Exception Analysis & Calculations Yield Restriction Analysis & Calculations (for yield restricted Project Funds, Reserve Funds, Escrow Funds, etc.) Parity Reserve Fund Allocations Transferred Proceeds Calculations Universal Cap Calculations Debt Service Fund Calculations (including earnings test when required) Preparation of all Required IRS Paperwork for Making a Rebate Payment / Yield Reduction Payment Retention of Records Provided for Arbitrage Computations IRS Audit Assistance Delivery of Rebate Calculations Each Year That Meets the Timing Requirements of the Audit Schedule On-Site Meetings, as Appropriate, to Discuss Calculation Results / Subsequent Planning Items 	INCLÚDED
OTHER SERVICES AVAILABLE:	
IRS Refund Request – Update calculation, prepare refund request package, and assist issuer as necessary in responding to subsequent IRS Information Requests	\$750

EXPLANATION OF TERMS:

- a. Computation Year: A "Computation Year" represents a one year period from the delivery date of the issue to the date that is one calendar year after the delivery date, and each subsequent one-year period thereafter. Therefore, if a calculation is required that covers more than one "computation year," the annual fee is multiplied by the number of computation years contained in the calculation being performed. If a calculation includes a portion of a computation year, i.e., if the calculation includes 1 ½ computation years, then the base fee will be multiplied by 1.5.
- b. **Electronic Data Submission:** The data should be provided electronically in MS Excel or ASCII text file (comma delimited text preferred) with the date, description, dollar amount, and an activity code (if not in debit and credit format) on the same line in the file.
- c. Variable/Floating Rate Bond Issues: Special services are also required to perform the arbitrage rebate calculations for variable rate bonds. A bond is a variable rate bond if the interest rate paid on the bond is dependent upon an index which is subject to changes subsequent to the issuance of the bonds. The computational requirements of a variable rate issue are more complex than those of a fixed rate issue and, accordingly, require significantly more time to calculate. The additional complexity is primarily related to the computation of the bond yield, which must be calculated on a "bond year" basis. Additionally, the regulations provide certain flexibility in computing the bond yield and determining the arbitrage amount over the first IRS reporting period; consequently, increased calculations are required to determine which bond yield calculation produces the lowest arbitrage amount.
- d. Commingled Fund Allocations: By definition, a commingled fund is one that contains either proceeds of more than one bond issue or proceeds of a bond issue and non-bond proceeds (i.e., revenues) of \$25,000 or more. The arbitrage regulations, while permitting the commingling of funds, require that the proceeds of the bond issue(s) be "carved out" for purposes of determining the arbitrage amount. Additionally, interest earnings must be allocated to the portion of the commingled fund that represents proceeds of the issue(s) in question. Permitted "safe-harbor" methods (that is, methods that are outlined in the arbitrage regulations and, accordingly, cannot be questioned by the IRS under audit), exist for allocating expenditures and interest earnings to issues in a commingled fund. FSAM uses one of the applicable safe-harbor methods when doing these calculations.
- e. **Debt Service Reserve Funds:** The authorizing documents for many revenue bond issues require that a separate fund be established (the "Reserve Fund") into which either bond proceeds or revenues are deposited in an amount equal to some designated level, such as average annual debt service on all parity bonds. This Reserve Fund is established for the benefit of the bondholders as additional security for payment on the debt. In most cases, the balance in the Reserve Fund remains stable throughout the life of the bond issue. Reserve Funds, whether funded with bond proceeds or revenues, must be included in all rebate calculations.
- f. Debt Service Fund Calculations: Issuers are required under the regulations to analyze the invested balances in their debt service funds annually to determine whether the fund depletes as required during the year and is, therefore, "bona fide" (i.e., potentially exempt from rebate in that year). It is not uncommon for surplus balances to develop in the debt service fund that services an issuer's tax supported debt, particularly due to timing differences of when the funds were due to be collected versus when the funds were actually collected. FSAM performs this formal analysis of the debt service fund and, should it be determined that a surplus balance exists in the fund during a given year, allocates the surplus balance among the various issues serviced by the fund in a manner that is acceptable under IRS review.
- g. Earnings Test for Debt Service Funds: Certain types of bond issues require an additional level of analysis for the debt service fund, even if the fund depletes as required under the regulations and is "bona fide." For short-term, fixed rate issues, private activity issues, and variable rate issues, the regulations require that an "earnings test" be performed on a bona fide debt service fund to determine if the interest earnings reached \$100,000 during the year. In cases where the earnings reach or exceed the \$100,000 threshold, the entire fund (not just the surplus or residual portion) is subject to rebate.
- h. Transferred Proceeds Calculations: When a bond issue is refinanced (refunded) by another issue, special services relating to "transferred proceeds" calculations may need to be performed. Under the regulations, when proceeds of a refunding issue are used to retire principal of a prior issue, a pro-rata portion of the unspent proceeds of the prior issue becomes subject to rebate and/or yield restriction as transferred proceeds of the refunding issue. The refunding issue essentially "adopts" the unspent proceeds of the prior issue for purposes of the arbitrage calculations. These

calculations are required under the regulations to ensure that issuers continue to exercise due diligence to complete the project(s) for which the prior bonds were issued.

- i. Universal Cap: Current regulations provide an overall limitation on the amount of gross proceeds allocable to an issue. Simply stated, the value of investments allocated to an issue cannot exceed the value of all outstanding bonds of the issue. For example, this situation can occur if an issuer encounters significant construction delays or enters into litigation with a contractor. It may take months or even years to resolve the problems and begin or resume spending the bond proceeds; however, during this time the debt service payments are still being paid, including any scheduled principal payments. Thus, it's possible for the value of the investments purchased with bond proceeds to exceed the value of the bonds outstanding. In such cases, a "de-allocation" of proceeds may be required to comply with the limitation rules outlined in the regulations.
- j. Yield Restriction Analysis/Yield Reduction Computations: The IRS strongly encourages issuers to spend the proceeds of each bond issue as quickly as possible to achieve the governmental purpose for which the bonds were issued. Certain types of proceeds can qualify for a "temporary period," during which time the proceeds may be invested at a yield higher than the yield on the bonds without jeopardizing the tax-exempt status of the issue. The most common temporary period is the three-year temporary period for capital project proceeds. After the end of the temporary period, the proceeds must be yield restricted or the issuer must remit the appropriate yield reduction payment when due. FSAM performs a comprehensive yield restriction analysis when appropriate for all issues having proceeds remaining at the end of the applicable temporary period and also calculates the amount of the yield reduction payment due to the IRS.

RESOLUTION NO	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AGREEMENT WITH FIRST SOUTHWEST ASSET MANAGEMENT, INC., A HILLTOP HOLDINGS COMPANY, FOR ARBITRAGE REBATE COMPLIANCE SERVICES FOR A PERIOD OF FIVE YEARS: AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Internal Revenue Service requires that virtually all issuers of tax-exempt obligations "rebate" excess earnings on the investment of tax-exempt bond proceeds in taxable securities - the calculations used to determine the amount, if any, that needs to be rebated are complex and often confusing for issuers;

Whereas, First Southwest Asset Management, Inc., a Hilltop Holdings Company, provides issuers with the expert guidance to help bring clarity to the arbitrage compliance requirements;

Whereas, as one of the largest providers of arbitrage rebate services, First Southwest is entrusted with arbitrage rebate compliance for hundreds of municipal clients throughout the country and has one of the largest staffs in the industry that focus exclusively on monitoring the investments of bond proceeds for municipalities and performing calculations to ensure that clients' bond issues retain their tax-exempt status;

Whereas, the firm's seasoned team of professionals which include certified public accountants, have extensive experience with a variety of complex issue structures, including commingled funds, reserve fund allocations, variable rate issues, and transferred proceeds;

Whereas, Staff recommends Council authorize an agreement with First Southwest Asset Management, Inc., a Hilltop Holdings Company, for arbitrage rebate compliance services for a period of five years;

Whereas, the Bonds to be covered initially under this contract include all issues of taxexempt bonds delivered subsequent to the effective dates of the rebate requirements, under the Code, except for issues which qualify for exceptions to the rebate requirements in accordance with Section 148 of the Code and related Treasury regulations; 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 Interim City Manager, or her designee, after approval as to form by the City Attorney, to execute an agreement with First Southwest Asset Management, Inc., a Hilltop Holdings Company, for arbitrage rebate compliance services for a period of five years.

<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 17th day of August, 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

08/17/17 Item #5(K) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, Interim City Manager Kayla Landeros, City Attorney

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing a Developer Participation Agreement with KAM Homebuilders, Inc., in the not to exceed amount of \$110,938, for construction of a portion of Tanglehead Drive as a part of The Meadows Phase IV subdivision.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In November of 2015, the City Council authorized a Developer Participation Agreement with KAM Homebuilders, Inc. or construction of a portion of Tanglehead Drive. At that time, the opinion of probable cost for the project was \$269,527.50, and the City agreed to participate in an amount not to \$78,000. That agreement was not executed pending finalization of design for the project. The Developer has recently submitted an updated opinion of probable cost for the project that totals \$369,793.75. The increase of \$91,666.25 comprises a decrease of \$2,630.00 for water infrastructure and an increase of \$94,296.25 for road & drainage elements. The most significant increases were the addition of curb inlets and associated culverts, the upsizing of the primary box culverts (+\$46k), and an original underestimation of the unit costs for the box culverts (+\$28k). Since the original design, City drainage criteria have increased and development has occurred upstream.

West Temple is rapidly growing along the West Adams corridor. Significant construction of various roadways within this part of Temple, including construction of Outer Loop from FM 2305 south, has caused traffic disruptions for the general community. The proposed extension of Tanglehead Drive will provide for an additional connection between Meadowbrook Drive and the Outer Loop, thereby facilitating increased east west traffic connections for residents and commuters within this quadrant of the City. Construction of this roadway will not only provide immediate relief for commuters between Meadowbrook and Outer Loop, but will also facilitate increased traffic flow while construction of future phases of Outer Loop to the south occurs. For these reasons, Staff recommends City participation in the project based on the updated opinion of probable cost.

Texas Local Government Code § 212.071 and § 212.072 authorize the City to enter into an agreement with a developer for the construction of public improvements, but caps the City's level of participation at 30% of the total contract price for the construction. The requested participation of \$110,938 equals 30% of the estimated contract price.

<u>FISCAL IMPACT:</u> A budget adjustment is being presented to Council to appropriate funding for the Developer Participation Agreement with KAM Homebuilders for a portion of roadway improvements, drainage improvements and sewer line improvements of Tanglehead Drive. Funding will be appropriated in project #101467 as follows:

	292-29	900-534-6312	365-34	100-531-6889	520-54	00-535-6361	 Total
Project Budget	\$	-	\$	11,525	\$	1,489	\$ 13,014
Budget Adjustment		97,924		-		-	97,924
Encumbered/Committed to Date		-		-		-	-
KAM Homebuilders, Inc.		(97,924)		(11,525)		(1,489)	 (110,938)
Remaining Project Funds	\$	_	\$		\$		\$ -

ATTACHMENTS:

Budget Adjustment Resolution

FY 2017

BUDGET ADJUSTMENT FORM

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

Adjustments should be rounded to the nearest \$1.

+ PROJECT# **ACCOUNT NUMBER ACCOUNT DESCRIPTION INCREASE DECREASE** 292-2900-534-63-12 101467 Capital Buildings & Grounds / Drainage 97.924 292-2900-534-23-17 Repair & Maintenance / Drainage Systems 67,989 292-0000-358-11-10 Drainage Fund Undesignated Fund Balance 29,935 DO NOT POST \$ 97,924 \$ 97,924 EXPLANATION OF ADJUSTMENT REQUEST- Include justification for increases AND reason why funds in decreased account are available. To appropriate funding for a Chapter 380 Cost Sharing Agreement with KAM Homebuilders, Inc. for construction of a portion of drainage improvements in the amount of \$97,924. Funding is currently available for the sewer line improvements in the amount of \$1,489 and for the road improvements to Tanglehead Drive in the amount of \$11,525. The total City's share is \$110,938. DOES THIS REQUEST REQUIRE COUNCIL APPROVAL? Yes DATE OF COUNCIL MEETING 8/17/2017 WITH AGENDA ITEM? Yes Approved Department Head/Division Director Date Disapproved Approved Disapproved Finance Date Approved City Manager Date Disapproved

RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A DEVELOPER PARTICIPATION AGREEMENT WITH KAM HOMEBUILDERS, INC., IN AN AMOUNT NOT TO EXCEED \$110,938, FOR CONSTRUCTION OF A PORTION OF TANGLEHEAD DRIVE AS PART OF THE MEADOWS PHASE IV SUBDIVISION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in November of 2015, Council authorized a Developer Participation Agreement with KAM Homebuilders, Inc. for construction of a portion of Tanglehead Drive - at that time, the opinion of probable cost for the project was \$269,527.50, and the City agreed to participate in an amount not to \$78,000;

Whereas, that agreement was never executed pending finalization of design, however, the Developer recently submitted an updated opinion of probable cost for the project that totals \$369,793.75 - the increase of \$91,666.25 comprises a decrease of \$2,630.00 for water infrastructure and an increase of \$94,296.25 for road & drainage elements:

Whereas, the most significant increases were the addition of curb inlets and associated culverts, the upsizing of the primary box culverts, and an original underestimation of the unit costs for the box culverts - since the original design, City drainage criteria has increased and development has occurred upstream;

Whereas, West Temple is rapidly growing along the West Adams corridor and significant construction of various roadways within this part of Temple, including construction of Outer Loop from FM 2305 south, has caused traffic disruptions for the general community;

Whereas, the proposed extension of Tanglehead Drive will provide for an additional connection between Meadowbrook Drive and the Outer Loop which will facilitate increased east-west traffic connections for residents and commuters within this quadrant of the City;

Whereas, construction of this roadway will not only provide immediate relief for commuters between Meadowbrook and the Outer Loop, but will also facilitate increased traffic flow while construction of future phases of the Outer Loop to the south continues;

Whereas, Texas Local Government Code § 212.071 and § 212.072 authorize the City to enter into an agreement with a developer for the construction of public improvements, but caps the City's level of participation at 30% of the total contract price for the construction - the requested participation of \$110,938 does not exceed 30% of the estimated contract price;

Whereas, funds are available for this agreement, but an amendment to the fiscal year 2017 budget needs to be approved to appropriate funding in Account No. 292-2900-534-6312, Account No. 365-3400-531-6889, and Account No. 520-5400-535-6361, Project No. 101467; 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 Interim City Manager, or her designee, after approval as to form by the City Attorney, to execute a Developer Participation Agreement with KAM Homebuilders, Inc. in an amount not to exceed \$110,938, for construction of a portion of Tanglehead Drive as part of The Meadows Phase IV subdivision.
- <u>Part 3</u>: The City Council authorizes an amendment to the fiscal year 2017 budget, substantially in the form of the copy attached hereto as Exhibit 'A.'
- <u>Part 4</u>: It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 17th day of August, 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

08/17/17 Item #5(L) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, P.E., Public Works Director Don Bond, P.E., CFM, City Engineer

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing an amendment to a professional services agreement with BSP Engineers, Inc., to include professional services to design a 12" water main and an 18" water main, in an amount not to exceed \$196,800 for the widening of Hogan Road from State Highway 317 to South Pea Ridge Road.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> On January 21, 2016, Council authorized a professional services agreement with BSP in the amount of \$357,200 to design, bid, administer, and inspect the expansion of Hogan Road from SH 317 to South Pea Ridge Road. Council authorized a contract amendment on April 21, 2016, to remove construction phase services to be awarded closer to construction.

As identified in the attached proposal, services will be added to design 4,450 linear feet of 12" water main on the north side of Hogan Road and 6,300 linear feet of 18" water main on the south side (Map attached), as suggested in the 2008 Water Master Plan. The additional water mains will be bid along with the widening of Hogan Road.

Recommended consultant services and costs are:

 Survey
 \$ 8,300

 Design and Engineering
 \$ 180,000

 Bidding
 \$ 8,500

 Total
 \$ 196,800

The Engineer's preliminary OPC indicates that the water mains will add an additional \$1,820,000 to the project bringing the total OPC to \$4,252,456 (Engineer's Proposal attached). The project is expected to bid in the second quarter of 2018 and will require 18 calendar months for construction.

<u>FISCAL IMPACT:</u> A budget adjustment is being presented to Council to appropriate funding for a contract amendment to the professional services agreement with BSP Engineers, Inc. in an amount not to exceed \$196,800. The services added with the contract amendment will design a 12" water main and an 18" water main for the widening of Hogan Road from State Highway 317 to South Pea Ridge Road. Funding will be available in account 561-5200-535-6983, project #100952 as follows:

amendment Remaining Project Funds	\$ (196,800) 9,500
BSP Engineers contract	(400,000)
Encumbered/Committed to Date	(8,800)
Budget Adjustment	196,800
Project Budget	\$ 18,300

ATTACHMENTS:
Contract Amendment
Budget Adjustment
Engineer's Proposal
Project Map
Resolution

CONTRACT AMENDMENT (Professional Service Agreements)

PROJECT: Hogan Road Widening

OWNER: City of Temple ARCHITECT/ENGINEER: BSP Engineers, Inc AMENDMENT #: 2					
Make the following additions, modifications or deletions to the work described in the Contract Documents:					
Additional services for the design of 4,450 linear feet of 12" water main and 6,300 linear feet of 18" water main to be bid with the Hogan Road Widening project. Completion date reflected for approximate bid date.					
Surveying Design Bidding	\$ 8,30 \$ 180,00 \$ 8,50	00			
	Total: \$ 196,86	00			
The Compensation agreed upon in this Contrac payment for all costs the Architect or Engineer amendment whether said costs are known, unkincluding without limitation, any cost for delay extended overhead, ripple or impact cost, or a work as a result of this Contract Amendment.	may incur as known, foresee (for which on	a result of or rel n or unforeseen lly revised time i	ating to this at this time, is available),		
Original Contract Amount: Previous Net Change in Contract Amount: Amount This Amendment: Revised Contract Amount: Original Contract Completion Date: Revised Contract Completion Date:		\$ 357,200 \$ (78,000) \$ 196,800 \$ 476,000 November 2 April 1, 201			
Recommended by:	Agreed to:				
Manager July 21,2317 Date	Architect or Ex	y D. Buc gineer	Date		
Approved by City of Temple:	Approved as to	o form:			
	City Market	0.00			
Brynn Myers, Interim City Manager Date	City Attorney's		Date		
	Approved by I	Finance Departmen	nt:		
	Finance		Date		

BUDGET ADJUSTMENT FORM

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

Adjustments should be rounded to the nearest \$1.

PROJECT # **ACCOUNT NUMBER ACCOUNT DESCRIPTION INCREASE DECREASE** 100952 561-5200-535-69-83 Capital - Bonds - Hogan Rd Waterline Improvements 196,800 561-5100-535-69-75 101209 196,800 Capital - Bonds - Ave H Tanks/Pump Station Improv. \$ 196,800 \$ 196,800 EXPLANATION OF ADJUSTMENT REQUEST- Include justification for increases AND reason why funds in decreased account are available. Reallocate funding for the professional services contract amendment with BSP Engineers, Inc. to design a 12" water main and an 18" water main for the widening of Hogan Road from Highway 317 to South Pea Ridge Road. DOES THIS REQUEST REQUIRE COUNCIL APPROVAL? Yes DATE OF COUNCIL MEETING 8/17/2017 WITH AGENDA ITEM? Yes Approved Department Head/Division Director Date Disapproved Approved Finance Date Disapproved Approved City Manager Disapproved Date



15 West Central Avenue Temple, Texas 76501 Phone: 254.774.9611 Fax: 254.774.9676 www.bspengineers.com

EXHIBIT "A" CONTRACT AMENDMENT

July 6, 2017

City of Temple
Department of Public Works
Mr. Don Bond, PE
City Engineer
3210 E. Ave. H, Bldg. A, Ste 130
Temple, TX 76501

Email CC:

Don Bond dbond@templetx.gov James Billeck jbilleck@templetx.gov Sharon Carlos scarlos@templetx.gov

RE: Professional Engineering Contract Amendment for 2017 Hogan Road Widening Water Main Additions Contract Amendment

Dear Mr. Bond,

As per staff's request, we have prepared our professional services fee proposal for Professional fees as required for the above referenced contract amendment. The project amendment will consist of the design and contract document preparation for an 18" and a 12" distribution water main to parallel the proposed Hogan Road alignment. Hogan Road is located at the divide between two existing water distribution pressure planes.

The proposed 18" distribution main shall connect at the existing 18" water main west of Hwy 317 and traverse generally parallel with the south ROW of Hogan Road and connect to the existing 18" main near the Southern Draw entrance.

The proposed 12" distribution main shall connect at the existing 18" water main west of Hwy 317 and traverse generally parallel with the north ROW of Hogan Road and connect to the existing 8" main within the pavement of the existing Pea Ridge Road. The 18" and 12" main will connect to distribution lines and provide residential service south and north of Hogan Road respectively.



We understand that the project scope more specifically includes:

- the addition of 6,300 LF of new 18" PVC C905 water main and includes approximately 810 LF of 28" steel encasement via directional bore and 6 fire hydrant assemblies, 15 residential services and miscellaneous distribution appurtenances.
- the addition of 4,450 LF of new 12" PVC C900 water main and includes approximately 540 LF of 22" steel encasement via directional bore, 8 fire hydrant assemblies, 15 residential services, and miscellaneous distribution appurtenances.

The scope of work shall conform to the attached GIS Exhibit and the Preliminary Opinion of Probable Cost.

BASIC SERVICES AND FEES:

The BASIC SERVICES shall include Professional Engineering and Design, ROW and Topography Surveys, and Contract Document Preparation, as required to prepare the design and construction drawings that shall be combined with the Hogan Roadway Widening project. The proposed basic services and fees are as follows:

We propose to complete all services for a lump sum Professional Fee of **\$196,800.00** The fee is divided as follows: These amounts shall be invoiced monthly based upon the percent complete through date of invoice.

Design and Engineering Services

Preparation of Construction Documents (95% Submittal) \$ 144,500.00 Construction Documents and Bid Exhibits (100% Submittal) \$ 35,500.00

Bidding Phase \$8,500.00

The Bidding phase includes a signed/sealed OPC and number of days to complete construction. This also includes directing the pre-bid meeting, answering bidder's questions, preparing addenda, and attending the bid opening are required. Once the bids are opened, the tabulation of bids and a signed/sealed recommendation letter of award will be provided for Council, as well as attendance at the Council meeting awarding construction contract.

Survey Services:

Right of Way Recovery and Establishment

\$ 3,500.00

Perform all necessary research on properties between Southern Draw development to the eastern termination of the Hogan Road widening project.

Professional Engineering Contract Amendment Proposal for Page 3 of 4 2017 Hogan Road Widening to include 18" PVC C905 and 12" PVC 900 Water Mains between Hwy 317 and Southern Draw

Recover the existing right-of-way monumentation based on parcel locations adjacent Hogan Road. Reestablish the right-of-way boundary between Sothern Draw development and Hogan Road widening project.

Update the project parcel map containing the resolved right-of-way and adjacent property information to be used by City of Temple.

Right-of-Way Control

\$ 1,500.00

Establish control monuments along the Hogan Road right-of-way at 600' intervals. Horizontal and vertical measurements are to be established using the highest level of accuracy available.

Design Topography Survey

\$ 3,300.00

Measure all existing structures, utilities, and topographic features within the required area.

Construction Administration

\$ None Included

Construction administration will include facilitating the pre-construction meeting, reviewing Contractor submittals, responding to any RFI's, monthly progress meetings with City Staff and Contractor, review Contractor's payment applications, execute Change Orders, attend walkthrough, provide Punch List, prepare signed/sealed record drawings (mylar and CD) accurate to 1' horizontally and 0.25" vertically for critical elevations (e.g. manhole inverts), and furnish project acceptance letter. When submitting Contractor's monthly pay app, also rate the Contractor's quality of work, timeliness, cooperation with project team, and cooperation with the public.

Project Representative / Inspection Services \$ None Included

- Daily Inspections (Estimated at 2.5 hours per day x 150 days)
- Weekly Construction Reports
- Photos taken during the Construction Process
- Pay Request Review and Quantity Verification
- Construction Progress Meetings with Contractor as required

PROJECT DELIVERABLES: (No Change)

PROJECT SCHEDULE: (Schedule to coincide with Hogan Rd Widening Project)

Proposed work shall be included within Roadway Widening Contract. The contract is scheduled to be bid in 2nd quarter of 2018 to allow for relocation of existing dry utilities. (AT&T, Grande Internet, Oncor and ATMOS)

ADDITIONAL SERVICES: (None anticipated)

After you have had the opportunity to review this proposal, we are prepared to discuss the specifics of the outlined services and fees.

Ithony D. Buch

Anthony D. Beach, P.E. BSP Engineers, Inc.

F-7587

www.bspengineers.com

Attachments (2): Project Scope Exhibit, Preliminary Opinion of Probable Cost



Revised Preliminary Opinion of Probable Construction Cost

City of Temple, TX

Hogan Road Widening between State Hwy 317 and S. Pea Ridge Rd Date: August 4, 2017

	Item Description	Unit	Unit Cost	Quantity	Total
1	Mobilization, Bonds, Permits and Insurance	LS	\$65,000.00	100%	\$ 135,000.00
2	ROW Clearing and Grubbing	LS	\$17,000.00	100%	\$ 17,000.00
3	Install and Maintain Erosion Control Features Per SWPPP	LS	\$9,500.00	100%	\$ 9,500.00
4	Temporary Construction Exit	LS	\$3,700.00	100%	\$ 3,700.00
5	Implement Traffic Control Plan	MO	\$14,500.00	12	\$ 174,000.00
6	Remove and replace Existing Mailbox	EA	\$490.00	26	\$ 12,740.00
7	Remove and replace Existing Road Signs	EA	\$650.00	8	\$ 5,200.00
8	Roadway Excavation and Grading	CY	\$9.50	12,750	\$ 121,125.00
9	6" Subgrade Preparation	SY	\$3.50	19,111	\$ 66,888.50
10	F&I 14" CLBM Base Material	SY	\$19.50	19,111	\$ 372,664.50
11	F&I 2.0" Hot Mix Asphalt Concrete (Type D)	SY	\$12.50	15,289	\$ 191,112.50
12	F&I Concrete Connection to Existing Roadway	EA	\$4,500.00	1	\$ 4,500.00
13	F&I 6" Standard Concrete Curb and Gutter	LF	\$11.50	8,700	\$ 100,050.00
14	F&I 10' Wide 5" thick concrete flatwork include excavation	SF	\$8.50	43,000	\$ 365,500.00
15	F&I Standard Curb Ramp	EA	\$1,750.00	13	\$ 22,750.00
16	F&I Concrete Driveway Apron / Culvert with SET	EA	\$4,200.00	17	\$ 71,400.00
17	F&I Pedestrian Hand Rail at Culverts	LF	\$90.00	180	\$ 16,200.00
18	F&I 4" Top Soil Placement	SY	\$2.25	7,500	\$ 16,875.00
19	F&I Pavement Markings	LS	\$6,500.00	100%	\$ 6,500.00
20	F&I Broadcast Seeding Areas Disturbed by Construction	SY	\$1.50	9,555	\$ 14,332.50
21	F&I Landscape Irrigation	LS	\$12,400.00	100%	\$ 12,400.00
22	F&I Landscape Improvements	LS	\$47,000.00	100%	\$ 47,000.00
23	F&I Street Lighting at Intersections	EA	\$23,000.00	7	\$ 161,000.00

SUBTOTAL: \$ 1,947,438.00

Storm Drain Improvements

	Item Description	Unit	Unit Cost	Quantity	Total
1	10' Standard Curb Inlet	EA	\$6,800.00	4	\$ 27,200.00
2	24" Class III RCP	LF	\$44.00	2150	\$ 94,600.00
3	Roadway Concrete Headwall - Saftey End Slopes	EA	\$1,700.00	10	\$ 17,000.00
4	Trench Safety Plan	LS	\$4,500.00	100%	\$ 4,500.00

SUBTOTAL: \$ 143,300.00

Water Distribution Improvements

Cost Associated with 18" and 12" Water main between Hwy 317 and Southern Draw Development

	Item Description	Unit	Unit Cost	Quantity	Total
1	Implement Traffic Control Plan (Water and Storm Installation)	MO	\$3,500.00	7 \$	24,500.00

SUBTOTAL: \$ 24,500.00

18" Water Distribution Improvements

5 22" Steel Casing via Directional Boring

6 Connect to Existing 18" Water Main

7 F&I Standard Fire Hydrant Assembly

8 Connect to Existing 18" Water Main

10 New Residential Services

9 Connect to Existing 6" and 8" Water Main

	Item Description	Unit	Unit Cost	Quantity	Total
1	F&I 18" C905 PVC Water Main	F	\$72.00	6,300	\$ 453,600.00
2	F&I 18" MJ Gate Valve	A	\$6,500.00	2	\$ 13,000.00
3	F&I 8" MJ Gate Valve	A	\$6,500.00	6	\$ 39,000.00
4	F&I Miscellaneous MJ Fittings	S	\$25,000.00	100%	\$ 25,000.00
5	28" Steel Casing via Directional Boring	F	\$450.00	810	\$ 364,500.00
6	Connect to Existing 18" Water Main	A	\$8,500.00	2	\$ 17,000.00
7	Connect to Existing 6" and 8" Water Main	A	\$5,500.00	6	\$ 33,000.00
8	F&I Standard Fire Hydrant Assembly	A	\$3,900.00	6	\$ 23,400.00
9	New Residential Services	A	\$1,700.00	15	\$ 25,500.00
			5	SUBTOTAL:	\$ 994,000.00
	12" Water Distribution Improvements				,
	Item Description	Unit	Unit Cost	Quantity	Total
1	F&I 12" C900 PVC Water Main	F	\$55.00	4,450	\$ 244,750.00
2	F&I 12" MJ Gate Valve	A	\$3,900.00	2	\$ 7,800.00
3	F&I 8" MJ Gate Valve	A	\$6,500.00	4	\$ 26,000.00
4	F&I Miscellaneous MJ Fittings	S	\$10,000.00	100%	\$ 10,000.00

LF

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EΑ

Subtotal Hogan Road Widening Project: \$ 3,697,788.00 15% Construction Contingency: \$ 554,668.20

\$370.00

\$6,500.00

\$3,900.00

\$8,500.00

\$5,500.00

\$1,700.00

Total Construction Budget: \$ 4,252,456.20

SUBTOTAL: \$

8 \$

1 \$

4 \$

15 \$

199,800.00

13,000.00

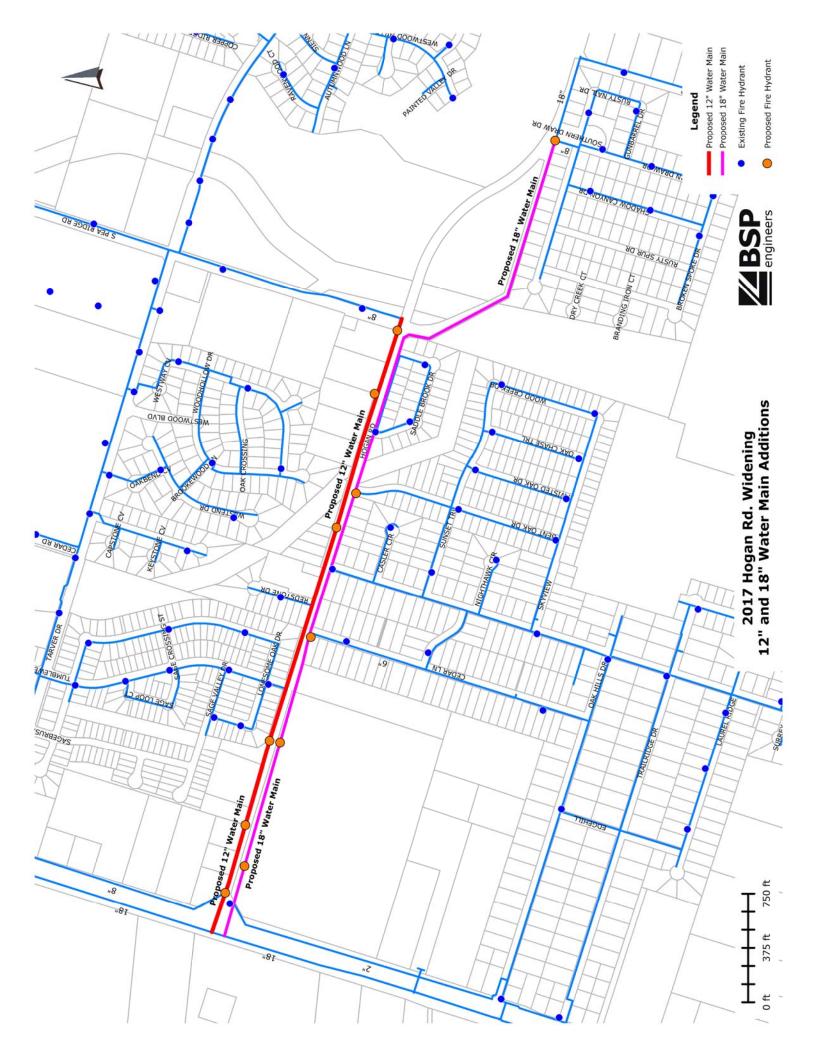
31,200.00

8,500.00

22,000.00

25,500.00

588,550.00



RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH BSP ENGINEERS, INC. OF TEMPLE, TEXAS, IN AN AMOUNT NOT TO EXCEED \$196,800, TO DESIGN A 12 INCH AND AN 18 INCH WATER MAIN FOR THE WIDENING OF HOGAN ROAD FROM STATE HIGHWAY 317 TO SOUTH PEA RIDGE ROAD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on January 21, 2016, Council authorized a professional services agreement with BSP Engineers, Inc. (BSP) of Temple, Texas to design, bid, administer, and inspect the expansion of Hogan Road from State Highway 317 to South Pea Ridge Road;

Whereas, on April 21, 2016, Council authorized a contract amendment to remove construction phase services which would be awarded closer to construction;

Whereas, these services will be added to design approximately 4,450 linear feet of 12 inch water main on the north side of Hogan Road and approximately 6,300 linear feet of 18 inch water main on the south side of Hogan Road, as suggested in the 2008 Water Master Plan - the additional water mains will be bid along with the widening of Hogan Road;

Whereas, Staff recommends Council authorize an amendment to the professional services agreement with BSP, in an amount not to exceed \$196,800, to design a 12 inch and an 18 inch water main for the widening of Hogan Road from State Highway 317 to South Pea Ridge Road:

Whereas, funds are available for this amendment, but an adjustment to the fiscal year 2017 budget needs to be approved to transfer the funds to Account No. 561-5200-535-6983, Project No. 100952; 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 Interim City Manager, or her designee, after approval as to form by the City Attorney, to execute an amendment to the professional services agreement with BSP Engineers, Inc. of Temple, Texas, in an amount not to exceed \$196,800, to design a 12 inch and an 18 inch water main for the widening of Hogan Road from State Highway 317 to South Pea Ridge Road.

<u>Part 3</u>: The City Council authorizes an amendment to the fiscal year 2017 budget, substantially in the form of the copy attached hereto as Exhibit 'A.'

<u>Part 4</u>: It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **17**th day of **August**, 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

08/17/17 Item #5(M) Consent Agenda Page 1 of 3

DEPT. / DIVISION SUBMISSION & REVIEW:

Lynn Barrett, Assistant Planning Director

<u>ITEM DESCRIPTION:</u> SECOND READING – Z-FY-17-34: Consider adopting an ordinance and accompanying Site Development Plan for rezoning from Agricultural zoning to Planned Development Single Family One zoning district on 12.48 +/- acres, situated in the S.P. Terry Survey, Abstract No. 812, Bell County, Texas, located west of the cul-de-sac of Lago Del Norte Drive.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning from AG to PD-SF-1 for Lago Terra, Phase III, a proposed 15-lot residential subdivision with the following conditions:

PD Conditions:

- 1. Except as modified by the binding site development plan, attached as Exhibit A, the use and development standards of the property must conform to the requirements of the Single Family One Zoning District.
- 2. In the event of a conflict between the site development plan and the text of the Planned Development ordinance, the stricter standard applies
- 3. The minimum lot size for the property is 15,500 square feet
- 4. The maximum number of lots that may be platted on the property is 15
- 5. Street dimensions will match the previous phases of Lago Terra
- 6. Gated entry through a Click to Enter access with a secondary Knox Box pad lock to release the gate when the power is out
- 7. On-street parking limitations will be required through covenants; administered by the Homeowner's Association

<u>PLANNING & ZONING COMMISSION RECOMMENDATION</u>: At their July 3, 2017 meeting, the Planning & Zoning Commission voted six to zero for approval of the proposed rezoning to PD 2F.

ITEM SUMMARY: Steve Shepherd on behalf of JCM Eagle requests a rezoning of the subject property from the AG zoning district to the PD-SF-1 zoning district to allow for a third phase of the existing Lago Terra subdivision to match the previous phases. The subject property is located west of the existing Lago del Norte Drive.

Per UDC, Section 3.4.3 & 3.4.4, a Planned Development requires approval of a Development/Site plan that is binding. On June 19, 2017, the DRC discussed the proposal and PD conditions.

SURROUNDING PROPERTY AND USES: The following table provides the direction from the property, Future Land Use Plan (FLUP) designation, existing zoning and current land uses:

Direction	FLUP	7 ac Zoning	Current Land Use
Subject Property	Estate Residential	AG	Vacant
North	Agricultural/Rural	ETJ	Residential
South	Estate Residential;	SF-1	Residential
East	Estate Residential	PD SF-1	Residential
West	Estate Residential	AG	Vacant

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

Document	Policy, Goal, Objective or Map	Compliant?
СР	Map 3.1 - Future Land Use and Character (FLUP)	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

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

Estate Residential is the dominant future land use, other than Agricultural, identified for this area. The *Choices '08* City of Temple Comprehensive Plan states that the Estate Residential character district is suited for large lot rural development generally on the fringes but should also be available within the City so this character and lifestyle setting is not limited only to the ETJ. The minimum lot size should be larger than the City's current Urban Estate standard of one-half acre.

Proposed lot sizes according to the site plan range from about one half to three quarters of an acre, with the smallest at .49 and the largest at .97 acre, well in excess of the 15,500 square feet minimum.

Thoroughfare Plan (CP Map 5.2) and Temple Trails Master Plan Map and Sidewalk Ordinance The subject property is not near any trails and all streets are local within the development.

Availability of Public Facilities (CP Goal 4.1)

Water and wastewater are available to the subject property. Details of public facilities and extensions will be addressed during the platting process.

UDC, Section 3.4 Planned Development

A Planned Development is defined 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."

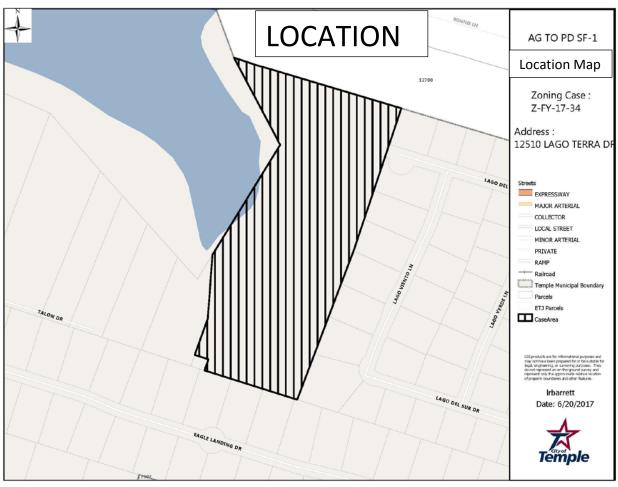
<u>DEVELOPMENT REGULATIONS:</u> The development site plan will provide the development and dimensional standards for this development.

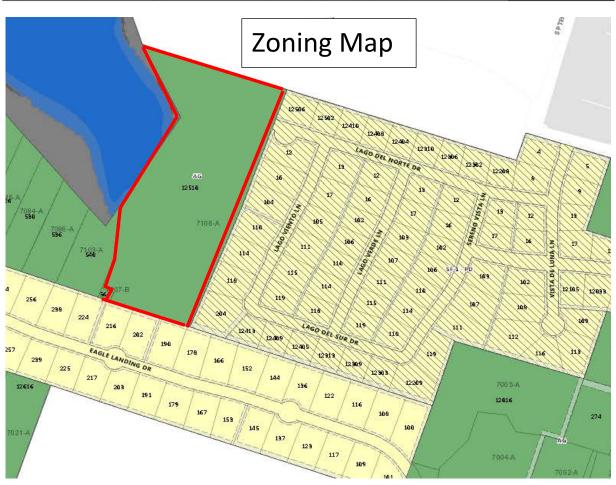
<u>PUBLIC NOTICE:</u> 23 notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of Wednesday June 28, 2017, one notice has been returned in favor of the proposed rezoning (property owners) and two notices have been returned in opposition to the proposed rezoning. The newspaper printed the notice of the public hearing on June 22, 2017, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Location Map
Zoning Map
Site and Surrounding Property Photos
Development Site Plan
Utility Map
Notification Map
Returned Property Owner Notices
Ordinance





Photos





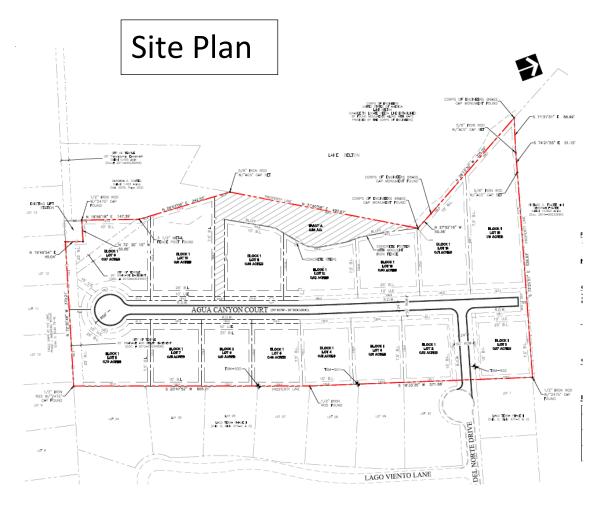
Site View

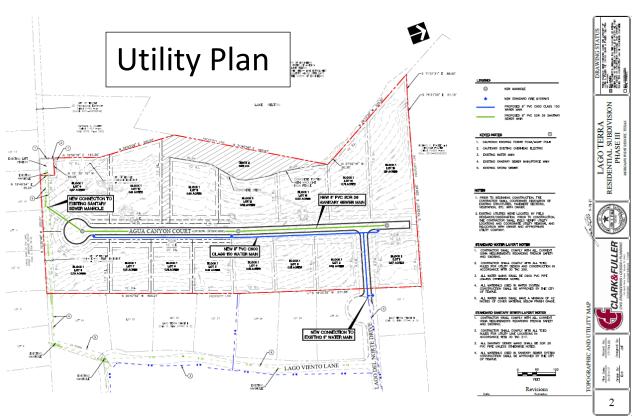


















us at 254.298.5668.

RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

Case Manager:

Lynn Barrett

HUNT, JOHN D ETUX SHERIL 178 EAGLE LANDING DR BELTON, TX 76513

Zoning Application Number: Z-FY-17-34

Location: 12510 Lago Del Norte Drive, 7	Temple, Texas				
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: 60/5 adjectat to this existing lift station. Mo proper owners to connect fee anyway. Connection Signature	Dernick Hunt 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 July 3, 2017. City of Temple					
	Planning Department 2 North Main Street, Suite 102 Planning & Development Temple, Texas 76501				
Number of Notices Mailed: 23	Date Mailed: June 22, 2017				

OPTIONAL: Please feel free to email questions or comments directly to the Case Manager or call

City of Temple Planning & Development

JUN 2 6 2017



RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

CAMPBELL, JOHN D ETUX HELEN 238 EAGLE LANDING DR BELTON, TX 76513-5609

Zoning Application Number: Z-FY-17-34	Case Manager:	Lynn Barrett
Location: 12510 Lago Del Norte Drive, Temple	e, Texas	
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 vorteened the possible rezoning of the	welcomed. Please use
l () agree	(X) disagree with this requ	est
plans weire not provide development of the production of the production of the production of the same owners	nded during J. perty suktoura	these the initial ling this
Signature	Helen Can Print Name	phy
If you would like to submit a response, please the Case Manager referenced above, Irbarrett@ form to the address below, no later than July 3	templetx.gov, or mail or har	this completed form to
Planı 2 Noı	of Temple ning Department rth Main Street, Suite 102 ble, Texas 76501	
Number of Notices Mailed: 23	Date Mailed:	June 22, 2017
OPTIONAL: Please feel free to email question us at 254.298.5668.	ns or comments directl	Case Manager or call
•	JUL	- 3 2017

City of Temple Planning & Development

will affend 8/3 meeting



RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

JCM EAGLE LTD
4101 TRIMMIER RD
KILLEEN, TX 76542

Zoning Application Number: Z-FY-17-34

Location: 12510 Lago Del Norte Drive, Temple, Texas

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.

I (v) agree () disagree with this request

Comments:

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 July 3, 2017.

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

Number of Notices Mailed: 23

IC.M Eagle.

anature

Date Mailed:

June 22, 2017

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

JUN 2 7 2017

CITY OF TEMPLE
PLANNING & DEVELOPMENT

ORDINANCE NO. <u>2017-4856</u> (Z-FY-17-34)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING AND SITE DEVELOPMENT PLAN FROM AGRICULTURAL ZONING DISTRICT TO PLANNED DEVELOPMENT SINGLE FAMILY ONE ZONING DISTRICT ON APPROXIMATELY 12.48 ACRES, SITUATED IN THE S.P. TERRY SURVEY, ABSTRACT NO. 812, BELL COUNTY, TEXAS; LOCATED WEST OF THE CUL-DE-SAC OF LAGO DEL NORTE DRIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Steve Shepherd, on behalf of JCM Eagle, has requested a rezoning of property located west of the cul-de-sac of Lago Del Norte Drive, from Agricultural zoning district to Planned Development Single Family One zoning district to allow for a third phase of the existing Lago Terra subdivision to match the previous phases;

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, recommends approval of the rezoning and Site Development Plan from Agricultural zoning district to Planned Development Single Family One district, on approximately 12.48 acres, situated in the S.P. Terry Survey, Abstract No. 812, Bell County, Texas, located west of the cul-de-sac of Lago Del Norte Drive; and

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 approves a rezoning from Agricultural zoning district to Planned Development Single Family One district, on approximately 12.48 acres, situated in the S.P. Terry Survey, Abstract No. 812, Bell County, Texas, located west of the cul-de-sac of Lago Del Norte Drive, as outlined in the site plan attached hereto as Exhibit 'A,' and made a part hereof for all purposes along with the following conditions:

- 1. Except as modified by the binding site development plan, attached as Exhibit A, the use and development standards of the property must conform to the requirements of the Single Family One Zoning District;
- 2. In the event of a conflict between the site development plan and the text of the Planned Development ordinance, the stricter standard applies;
- 3. The minimum lot size for the property is 15,500 square feet;
- 4. The maximum number of lots that may be platted on the property is 15;
- 5. Street dimensions will match the previous phases of Lago Terra;
- 6. Gated entry through a Click to Enter access with a secondary Knox Box pad lock to release the gate when the power is out;
- 7. On-street parking limitations will be required through covenants; administered by the Homeowner's Association;

<u>Part 3</u>: The City Council approves the Site Development Plan attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

<u>Part 4:</u> The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.

<u>Part 5</u>: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

<u>Part 6</u>: This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

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

PASSED AND APPROVED on First Reading and Public Hearing on the 3^{rd} day of **August**, 2017.

PASSED AND APPROVED on Second Reading on the 17th day of August, 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

08/17/17 Item #5(N) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

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

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>BACKGROUND:</u> This item will present in detail the third quarter ending June 30, 2017, for the General, Water & Sewer, Hotel/Motel Tax, and Drainage Funds.

Included with these third 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.

The third quarter financial statements also include a forecast of year-end financial results for the General Fund as of September 30, 2017.

FISCAL IMPACT: N/A

ATTACHMENTS:

Quarterly Financial Statements Resolution

















Prepared by the Finance Department













For the nine months ended June 30, 2017

Prepared by:

City of Temple Finance Department

Traci L. Barnard, CPA

Director of Finance

Melissa A. Przybylski, CPA Assistant Director of Finance

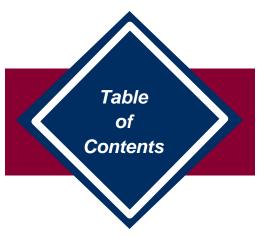
Stacey Reisner, CPA Treasury/Grants Manager

Jennifer Emerson **Budget Manager**

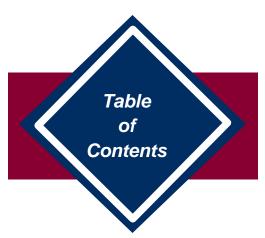
Sherry M. Pogor Financial Analyst

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 Financial Forecast (General Fund) -Schedule of Revenues, Expenditures, and Changes in A-6 A-7 A-8 Water and Sewer Fund B-1 Statements of Revenues, Expenses, B-2 B-3



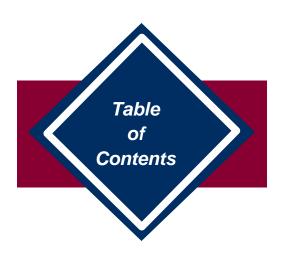
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Strategic Investment Zones





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 nine months ended June 30, 2017. 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.

NINE-MONTH REVIEW

GENERAL FUND -

The amount of revenues from various sources for the nine months ended June 30, 2017, as compared to the FY 2017 amended budget, is shown in the following table (presented in thousands):

	Actual		Amended Budget		Percent of Budget	
Revenues:						
Taxes	\$	29,289	\$	34,106	86%	
Franchise fees		5,994		6,505	92%	
Licenses and permits		691		708	98%	
Intergovernmental		51		59	86%	
Charges for services		18,362		24,829	74%	
Fines		1,668		2,024	82%	
Interest and other		1,085		919	118%	
Total revenues		57,140	\$	69,150	83%	



Revenues compared to the amended budget for FY 2017 are at 83% with 75% of the year completed. A detail of the revenues as compared to budget is shown below:

Revenues	% of Budget
Ad valorem taxes	99.86%
Sales tax receipts	77.23%
Other taxes	77.64%
Franchise fees	92.14%
Licenses and permits	97.72%
Intergovernmental revenues	85.61%
Charges for services	73.95%
Fines	82.42%
Interest and other	118.10%

Expenditures by major function for the nine months ended June 30, 2017, as compared to the FY 2017 amended budget are shown in the following table (presented in thousands):

			Ar	nended	Percent	
	Actual		B	Budget	of Budget	
Expenditures:						
General government	\$	11,321	\$	16,898	67%	
Public safety		23,564		31,290	75%	
Highways and streets		2,259		3,351	67%	
Sanitation		5,448		6,966	78%	
Parks and recreation		6,373		9,749	65%	
Education		1,232		1,786	69%	
Airport		1,693		2,357	72%	
Debt Service:						
Principal		37		50	75%	
Interest		4		5	79%	
Total expenditures	\$	51,931	\$	72,453	72%	



Expenditures compared to the amended budget are at 72 with 75% of the year complete. Detail is provided below:

Expenditures	% of Budget		
Personnel	73.82%		
Operations	67.56%		
Capital	70.22%		
Debt service	75.00%		

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

WATER/SEWER FUND -

Operating revenue has increased by \$1,234,984 over the same time period as last fiscal year. Operating expenses increased by \$223,319 compared to the same period of last fiscal year. Third quarter financials for this fund begin on page 33.

HOTEL-MOTEL FUND –

The Hotel-Motel Fund is reported beginning on page 42. This special revenue fund is used to account for the levy and utilization of the hotel-motel room tax.

DRAINAGE FUND -

Drainage Fund is reported beginning on page 45. This special revenue fund was created in fiscal year 1999 to account for recording revenues and expenditures addressing the storm water drainage needs of our community. The City Council extended the ordinance on September 18, 2003, establishing the drainage fund for an additional five years. On September 4, 2008, Council amended the ordinance removing the 5-year sunset provision from the ordinance. The ordinance was also amended to remove the calculation of the fees from the ordinance and set the fees by resolution.



CAPITAL PROJECTS –

The City of Temple has in the past and is currently investing heavily in improving infrastructure. This section contains detailed schedules that review current capital projects funded by bond proceeds and begins on page 48. Also included in this section, is a detailed listing of current projects in the City's capital improvement program.

INVESTMENTS/CASH MANAGEMENT -

All of the City's cash and investments are maintained in a pool that is available for use by all funds. Interest earnings are allocated based on cash amounts in individual funds in a manner consistent with legal requirements. Investments are made in accordance with the Comprehensive Policy adopted by the City on August 26, 2016. The City's primary investment objectives, in order of priority, are as follows:

- Safety
- Liquidity
- Yield

As of June 30, 2017, the City had cash and investments with a carrying value of \$165,027,231 and a fair value of \$166,579,770. Total interest earnings for the nine months ended are \$928,759. 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 four of our investment type options.

- Triple A rated (AAA) investment pools
- Money market sweep accounts
- Money market deposit accounts
- Certificates of deposits

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



SUPPLEMENTAL INFORMATION –

This section has details of General Fund balances and designations (page 82). Also in this section is a schedule of federal and state grants, a detailed schedule of historical sales tax revenue by month, a schedule of Hotel/Motel receipts by month, and a schedule of parks escrow funds.

CONCLUSION -

I want to take time to thank the Finance Department staff for their hard work in preparing these financial statements particularly Assistant Director of Finance, Melissa Przybylski, CPA; Treasury/Grants Manager, Stacey Reisner, CPA; Budget Manager, 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.

	2017	2016	Increase (Decrease)
ASSETS			
Cash	\$ 8,100	\$ 8,100	\$ -
Investments	35,604,355	34,934,806	669,549
Receivables (net of allowance for estimated			
uncollectible):			
State sales tax	2,081,701	1,583,839	497,862
Accounts	1,451,427	1,299,164	152,263
Ad valorem taxes	262,996	324,549	(61,553)
Inventories	302,772	315,379	(12,607)
Prepaid items	502,016	207,212	294,804
Total current assets	40,213,367	38,673,049	1,540,318
Restricted cash and investments:			
Drug enforcement	187,004	339,982	(152,978)
Public safety	30,841	32,436	(1,595)
R.O.W. Escrow	91,384	269,836	(178,452)
Parks Escrow {Table VI, pg. 89}	307,501	351,320	(43,819)
Rob Roy MacGregor Trust - Library	9,900	12,815	(43,813)
Total restricted cash and investments	626,630	1,006,389	(379,759)
Total Tesurcieu casil and investments	020,030	1,000,369	(379,739)
TOTAL ASSETS	\$ 40,839,997	\$ 39,679,438	\$ 1,160,559

		2017		2016		ncrease Decrease)
LIABILITIES AND FUND BALANCES Liabilities:						
Vouchers payable	\$	4,284,471	\$	4,216,679	\$	67,792
Retainage payable	Ψ	-	Ψ	4,986	Ψ	(4,986)
Accrued payroll		2,669,901		2,447,944		221,957
Deposits		55,859		58,663		(2,804)
Deferred revenues:		,		,		(, ,
Ad valorem taxes		235,411		296,964		(61,553)
R.O.W. Escrow		91,384		269,836		(178,452)
Parks Escrow		307,501		351,320		(43,819)
Electric franchise		734,963		737,311		(2,348)
Gas franchise		178,839		145,659		33,180
Other		221,465		204,704		16,761
Total liabilities		8,779,794		8,734,066		45,728
Fund Balance:						
Nonspendable:						
Inventories and prepaid items		441,741		375,039		66,702
Restricted for:						
Drug enforcement		171,304		158,653		12,651
Public safety		31,867		29,475		2,392
Rob Roy MacGregor Trust - Library		11,327		11,290		37
Municipal court		609,960		617,769		(7,809)
Vital statistics preservation		12,746		27,637		(14,891)
Public education channel		125,197		93,932		31,265
Assigned to:						
Technology replacement		17,484		4,099		13,385
Capital projects {Table I, pg. 82}		1,924,079		1,919,588		4,491
Unassigned:		19,130,910		18,293,530		837,380
Budgeted decrease in fund balance		5,075,156		5,798,244		(723,088)
Total fund balance		27,551,771		27,329,256		222,515
Excess revenues over expenditures YTD		4,508,432		3,616,116		892,316
TOTAL LIABILITIES AND FUND BALANCES	\$	40,839,997	\$	39,679,438	\$	1,160,559

CITY OF TEMPLE, TEXAS
GENERAL FUND
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES
IN FUND BALANCE - ACTUAL AND BUDGET
For the nine months ended June 30, 2017

	2017			2016	Analytical	
	Actual	Budget	Percent of Budget	Actual	\$ Increase (Decrease) Prior yr.	
Revenues:						
Taxes	\$ 29,289,222	\$ 34,106,421	85.88%	\$ 28,468,895	\$ 820,327	
Franchise fees	5,994,158	6,505,329	92.14%	5,941,876	52,282	
Licenses and permits	691,335	707,500	97.72%	581,485	109,850	
Intergovernmental	50,750	59,282	85.61%	54,055	(3,305)	
Charges for services	18,361,725	24,829,075	73.95%	17,285,131	1,076,594	
Fines	1,668,218	2,024,120	82.42%	1,607,311	60,907	
Interest and other	1,084,773	918,551	118.10%	1,119,940	(35,167)	
Total revenues	57,140,181	69,150,278	82.63%	55,058,693	2,081,488	
Expenditures:						
General government	11,320,703	16,898,316	66.99%	11,421,687	(100,984)	
Public safety	23,564,044	31,290,149	75.31%	23,143,757	420,287	
Highways and streets	2,259,127	3,350,793	67.42%	2,515,512	(256,385)	
Sanitation	5,447,652	6,966,178	78.20%	4,389,015	1,058,637	
Parks and recreation	6,373,462	9,748,804	65.38%	6,366,024	7,438	
Education	1,232,043	1,786,068	68.98%	1,238,947	(6,904)	
Airport	1,692,941	2,357,400	71.81%	1,701,713	(8,772)	
Debt Service:						
Principal	37,381	50,097	74.62%	35,900	1,481	
Interest	3,997	5,074	78.77%	5,478	(1,481)	
Total expenditures	51,931,350	72,452,879	71.68%	50,818,033	1,113,317	
Excess (deficiency) of revenues						
over expenditures	5,208,831	(3,302,601)		4,240,660	968,171	
Other financing sources (uses):						
Transfers out:						
Debt Service	(318,425)	(1,284,316)	24.79%	(113,135)	(205,290)	
Capital Projects - Designated	(377,000)	(455,489)	82.77%	(478,892)	101,892	
Grant Fund	(4,974)	(32,750)	15.19%	(32,517)	27,543	
Total other financing sources (uses)	(700,399)	(1,772,555)	39.51%	(624,544)	(75,855)	
Excess (deficiency) of revenues and other						
financing sources over expenditures						
and other financing uses	4,508,432	(5,075,156)	-	3,616,116	892,316	
Fund balance, beginning of period	27,551,771	27,551,771		27,329,256	222,515	
Fund balance, end of period	\$ 32,060,203	\$ 22,476,615	\$ -	\$ 30,945,372	\$ 1,114,831	

GENERAL FUND

SCHEDULE OF REVENUES - ACTUAL AND BUDGET

For the nine months ended June 30, 2017

		2017	2016	Analytical	
	Actual	Budget	Percent of Budget	Actual	Increase (Decrease) Prior yr.
Taxes:					
Ad valorem:					
Property, current year	\$ 12,851,078	\$ 12,798,760	100.41%	\$ 12,661,203	\$ 189,875
Property, prior year	76,155	133,661	56.98%	89,376	(13,221)
Penalty and interest	77,603	90,000	86.23%	75,477	2,126
Total ad valorem taxes	13,004,836	13,022,421	99.86%	12,826,056	178,780
Non-property taxes:					
City sales {Table V, pg. 88}	16,118,238	20,870,000	77.23%	15,485,898	632,340
Mixed beverage	118,945	150,000	79.30%	109,198	9,747
Occupation	32,675	45,000	72.61%	32,950	(275)
Bingo	14,528	19,000	76.46%	14,793	(265)
Total non-property taxes	16,284,386	21,084,000	77.24%	15,642,839	641,547
Total taxes	29,289,222	34,106,421	85.88%	28,468,895	820,327
Franchise Fees:					
Electric franchise	3,271,258	3,120,636	104.83%	3,200,418	70,840
Gas franchise	481,408	475,000	101.35%	521,146	(39,738)
Telephone franchise	315,775	415,000	76.09%	324,329	(8,554)
Cable franchise	590,527	696,202	84.82%	571,786	18,741
Water/Sewer franchise	1,276,118	1,701,491	75.00%	1,254,989	21,129
Other	59,072	97,000	60.90%	69,208	(10,136)
Total franchise fees	5,994,158	6,505,329	92.14%	5,941,876	52,282
Licenses and permits:					
Building permits	302,048	266,500	113.34%	230,046	72,002
Electrical permits and licenses	80,777	81,500	99.11%	75,172	5,605
Mechanical	73,932	72,000	102.68%	65,867	8,065
Plumbing permit fees	119,286	115,000	103.73%	104,107	15,179
Other	115,292	172,500	66.84%	106,293	8,999
Total licenses and permits	691,335	707,500	97.72%	581,485	109,850
Intergovernmental revenues:					
Federal grants	7,990	5,917	135.03%	10,687	(2,697)
State grants	4,575	5,025	91.04%	5,025	(450)
State reimbursements	8,352	8,352	100.00%	8,352	-
Department of Civil					
Preparedness	29,833	39,988	74.60%	29,991	(158)
Total intergovernmental revenues	\$ 50,750	\$ 59,282	85.61%	\$ 54,055	\$ (3,305)
					(Continued)

SCHEDULE OF REVENUES - ACTUAL AND BUDGET For the nine months ended June 30, 2017 (With comparative amounts for the nine months ended June 30, 2016)

2017 2016 Analytical Increase Percent (Decrease) Actual Budget of Budget Actual Prior yr. \$ \$ \$ \$ Library fees 23,332 26,000 89.74% 26,109 (2,777)80,310 68.64% 82.489 (2,179)Recreational entry fees 117,000 Summit recreational fees 313,234 464,500 67.43% 303,255 9,979 Golf course revenues 532,343 873,500 60.94% 497,315 35,028 Swimming pool 24,820 43,000 57.72% 27,377 (2,557)Lions Junction water park 237,210 404,250 58.68% 253,661 (16,451)Sammons indoor pool 56.614 91,500 61.87% 82,870 (26, 256)94,346 Vital statistics 92,498 115,000 80.43% (1,848)Police revenue 1.253.198 1,448,132 86.54% 1,261,881 (8,683)Contractual services -proprietary fund 3,043,479 4,017,550 75.75% 2,842,129 201,350 Curb and street cuts 38,738 50,000 77.48% 83,705 (44,967)Other 77.027 60.500 127.32% 62.171 14.856 Solid waste collection - residential 3,654,242 4,817,494 75.85% 3,217,073 437,169 Solid waste collection - commercial 2,383,410 3,129,719 76.15% 2,340,678 42,732 Solid waste collection - roll-off 1,978,960 2,455,191 80.60% 1,697,878 281,082 Landfill contract 71.40% 104,665 1,488,612 2,085,000 1,383,947 2,304,053 Airport sales and rental 1,588,150 68.93% 1,696,558 (108,408)149.22% Subdivision fees 22,383 15,000 16,321 6,062 Recreational services 943,273 1,300,140 72.55% 997,696 (54,423)Fire department 27,961 65,877 42.44% 36,195 (8,234)Reinvestment Zone reimbursements 945,669 53.08% 281,477 220,454 501,931 Total charges for services 18,361,725 24,829,075 73.95% 17,285,131 1,076,594 Fines: Court 1,442,672 80.35% 1,124,447 34,783 1,159,230 40,948 Animal pound 39,155 45,000 87.01% (1,793)Overparking 205 3.000 6.83% 2.675 (2,470)Administrative fees 469,628 533,448 88.04% 439,241 30,387 Total fines 1,668,218 2,024,120 82.42% 1,607,311 60,907 Interest and other: Interest 210,340 128,000 124,090 86,250 164.33% 268,959 Lease and rental 242,514 321,070 75.53% (26,445)Sale of fixed assets 119,623 24,200 494.31% 121,567 (1,944)Insurance claims 205,625 222,144 92.56% 134,685 70,940 Payment in lieu of taxes 17,230 15,195 113.39% 15,195 2,035 Building rental -BOA bldg. 69,385 91,742 75.63% 72,932 (3,547)Other 220,056 116,200 189.38% 382,512 (162,456)Total interest and other 918,551 118.10% 1,119,940 1,084,773 (35, 167)**Total revenues** \$ 57,140,181 \$ 69,150,278 \$ 55,058,693 82.63% \$ 2,081,488

OLINAL I OND

GENERAL FUND

SCHEDULE OF EXPENDITURES- ACTUAL AND BUDGET

For the nine months ended June 30, 2017

		2017		2016	Analytical \$ Increase (Decrease) Prior yr.	
	Actual	Budget	Percent of Budget	Actual		
General government:						
City council	\$ 132,621	\$ 234,074	56.66%	\$ 117,015	\$ 15,606	
City manager	862,508	1,454,238	59.31%	566,929	295,579	
Assistant city manager	-	-	0.00%	178,443	(178,443)	
Administrative services	248,455	402,247	61.77%	201,582	46,873	
Finance	1,126,965	1,524,992	73.90%	1,059,248	67,717	
Purchasing	271,423	367,802	73.80%	273,321	(1,898)	
City secretary	324,866	469,991	69.12%	269,125	55,741	
Special services	807,728	1,731,950	46.64%	1,039,431	(231,703)	
Legal	610,856	858,685	71.14%	609,381	1,475	
City planning	464,794	633,737	73.34%	416,831	47,963	
Information technology services	2,060,633	2,848,252	72.35%	2,283,990	(223,357)	
Human resources	584,577	805,777	72.55%	536,264	48,313	
Economic development	1,702,217	2,250,839	75.63%	1,655,881	46,336	
Fleet services	751,000	1,125,227	66.74%	853,621	(102,621)	
Inspections/Permits	370,557	578,536	64.05%	353,427	17,130	
Facility services	1,001,503	1,611,969	62.13%	1,007,198	(5,695)	
	11,320,703	16,898,316	66.99%	11,421,687	(100,984)	
Public safety:						
Municipal court	528,817	786,499	67.24%	542,490	(13,673)	
Police	12,571,872	16,719,846	75.19%	12,619,333	(47,461)	
Animal control	360,531	497,272	72.50%	331,955	28,576	
Fire	9,110,176	11,861,145	76.81%	8,554,377	555,799	
Communications	740,847	987,796	75.00%	632,811	108,036	
Code enforcement	251,801	437,591	57.54%	462,791	(210,990)	
	23,564,044	31,290,149	75.31%	23,143,757	420,287	
Highways and streets:						
Street	1,650,131	2,423,267	68.10%	1,801,338	(151,207)	
Traffic signals	233,593	363,505	64.26%	352,247	(118,654)	
Engineering	375,403	564,021	66.56%	361,927	13,476	
	2,259,127	3,350,793	67.42%	2,515,512	(256,385)	
Sanitation:	\$ 5,447,652	\$ 6,966,178	78.20%	\$ 4,389,015	\$ 1,058,637 (Continued)	

SCHEDULE OF EXPENDITURES- ACTUAL AND BUDGET

For the nine months ended June 30, 2017

		:	2017			2016 Actual		Analytical \$ Increase (Decrease) Prior yr.	
	 Actual		Budget	Percent of Budget					
Parks and recreation:									
Administration	\$ 378,419	\$	543,477	69.63%	6 \$	401,276	\$	(22,857)	
Parks	2,553,678		4,081,107	62.57%	, 0	2,546,478		7,200	
Recreation	2,474,932		3,770,755	65.63%	, 0	2,391,581		83,351	
Golf course	 966,433		1,353,465	71.40%	<u></u>	1,026,689		(60,256)	
	 6,373,462		9,748,804	65.38%	<u>,</u>	6,366,024		7,438	
Library:	 1,232,043		1,786,068	68.98%	<u></u>	1,238,947		(6,904)	
Airport:	 1,692,941		2,357,400	71.81%	<u></u>	1,701,713		(8,772)	
Debt service:	 41,378		55,171	75.00%	, 0	41,378			
Totals	\$ 51,931,350	\$	72,452,879	71.68%	<u>\$</u>	50,818,033	\$	1,113,317	

(With comparative amounts for the nine months ended June 30, 2016)

2017 2016 Analytical Increase Percent (Decrease) of Budget Prior yr. Actual **Budget** Actual General government: City council: Personnel services \$ 7,562 \$ 10.374 72.89% \$ 4.402 \$ 3.160 Operations 125,059 223,700 55.90% 112,613 12,446 132,621 234,074 56.66% 117,015 15,606 City manager: Personnel services 447,301 176,380 623.681 835.951 74.61% Operations 222,395 569,359 39.06% 73,306 149,089 Capital outlay 16,432 48,928 33.58% 46,322 (29,890)862,508 1,454,238 59.31% 566,929 295,579 Assistant city manager: Personnel services 0.00% 170,629 (170,629)Operations 0.00% 7,814 (7,814)0.00% 178,443 (178,443)Administrative services: Personnel services 231.104 361.628 63.91% 139.352 91,752 17,351 40.619 Operations 42.72% 44,524 (27, 173)17,706 Capital outlay 0.00% (17,706)248,455 402,247 61.77% 201,582 46,873 Finance: Personnel services 950,019 74.86% 38,474 711,210 672,736 415,755 574,973 72.31% 374,012 41,743 Operations 12,500 Capital outlay 0.00% (12,500)1,126,965 1,524,992 73.90% 1,059,248 67,717 Purchasing: 257,201 73.85% 261,326 (4,125)Personnel services 348,276 Operations 14,222 19,526 72.84% 11,995 2,227 271,423 367,802 73.80% 273,321 (1,898)City secretary: Personnel services 281,550 375,970 74.89% 230,954 50,596 Operations 37,232 87,930 42.34% 38,171 (939)Capital outlay 6,084 6,091 99.89% 6,084 324,866 469,991 69.12% 269,125 55,741 Special services: 301,901 490,511 (188,610)Personnel services 351,081 85.99% Operations 505,827 815,612 62.02% 548,920 (43,093)Capital outlay (Contingency) 565,257 0.00% 807,728 1,731,950 46.64% 1,039,431 (231,703)Legal: Personnel services 565,730 760,172 74.42% 566,017 (287)Operations 41,306 87,379 47.27% 43,364 (2,058)Capital outlay 3,820 11,134 34.31% 3,820 609,381 1,475 610,856 858,685 71.14% City planning: 389,016 48,420 Personnel services 437,436 589,033 74.26% Operations 27,358 44,704 61.20% 27,815 (457)633,737 \$ 464,794 73.34% \$ 416,831 47,963 (Continued)

2017 2016 Analytical Increase Percent (Decrease) Actual **Budget** of Budget Actual Prior yr. Information technology services: Personnel services \$ 914,361 1,317,473 69.40% \$ 973,760 \$ (59.399)991,968 975,366 16,602 Operations 1,344,675 73.77% Capital outlay 154,304 186,104 334,864 (180,560)82.91% 2,060,633 2,848,252 72.35% 2,283,990 (223, 357)Human resources: 424,186 73.59% 396,907 27,279 Personnel services 576,399 Operations 160,391 229,378 69.92% 139,357 21,034 584,577 805,777 72.55% 536,264 48,313 Economic development: Operations 2,250,839 75.63% 1,655,881 46,336 1,702,217 1,702,217 2,250,839 75.63% 1,655,881 46,336 Fleet services: Personnel services 639,280 969,770 65.92% 717,507 (78, 227)Operations 55,615 79,928 69.58% 47,602 8,013 Capital outlay 56,105 75,529 74.28% 88,512 (32,407)751,000 1,125,227 66.74% 853,621 (102,621)Inspections/Permits: Personnel services 323,734 497,718 65.04% 323,003 731 Operations 23,903 54,818 43.60% 29,924 (6.021)Capital outlay 22,920 26,000 88.15% 500 22,420 370,557 578,536 64.05% 353,427 17,130 Facility services: Personnel services 467,637 663,174 70.51% 411,887 55,750 Operations 370,133 663,313 55.80% 417,517 (47,384)163,733 Capital outlay 285,482 57.35% 177,794 (14,061)1,001,503 1,611,969 62.13% 1,007,198 (5,695)Total general government 11,320,703 16,898,316 66.99% 11,421,687 (100,984)Public safety: Municipal court: 477,553 662,452 72.09% 487,227 Personnel services (9,674)51,264 89,047 57.57% Operations 55,263 (3,999)Capital outlay 35,000 0.00% 528,817 542,490 786,499 67.24% (13,673)Police: Personnel services 10,803,896 14,386,881 75.10% 10,110,059 693,837 Operations 1,086,642 1,531,803 70.94% 1,014,772 71,870 1,494,502 Capital outlay 681,334 801,162 85.04% (813, 168)12,571,872 16,719,846 75.19% 12,619,333 (47,461)Animal control: Personnel services 275,226 372,466 271,779 3,447 73.89% Operations 53,624 93,125 57.58% 54,849 (1,225)Capital outlay 31,681 31,681 100.00% 5,327 26,354

28,576 (Continued)

331,955

360,531

497,272

72.50%

DETAILED SCHEDULE OF EXPENDITURES - ACTUAL AND BUDGET For the nine months ended June 30, 2017 (With comparative amounts for the nine months ended June 30, 2016)

		2017		2016	Analytical
			Percent		
Fire	Actual	Budget	of Budget	Actual	Prior yr.
Fire: Personnel services	\$ 8,162,111	\$ 10,491,224	77.80%	\$ 7,746,960	\$ 415,151
Operations	725,033		65.35%	655,780	69,253
Capital outlay	223,032		85.61%	151,637	71,395
Capital Catlay	9,110,176	_	76.81%	8,554,377	555,799
		_			
Communications: Operations	740,847	987,796	75.00%	632,811	108,036
Operations	740,847		75.00%	632,811	108,036
Code enforcement:					
Personnel services	204 440	204.055	67.04%	221 710	(117 270)
Operations	204,449 47,352		37.34%	321,719 72,707	(117,270) (25,355)
Capital outlay	47,332	5,814	0.00%	68,365	(68,365)
Capital Outlay	251,801		57.54%	462,791	(210,990)
Total public safety	23,564,044		75.31%	23,143,757	420,287
,				, ,	,
Highways and streets: Street:					
Personnel services	766,251	1,100,979	69.60%	793,911	(27,660)
Operations	827,433		65.76%	837,015	(9,582)
Capital outlay	56,447		88.13%	170,412	(113,965)
	1,650,131	2,423,267	68.10%	1,801,338	(151,207)
Traffic signals:					
Personnel services	186,276	271,250	68.67%	198,888	(12,612)
Operations	47,317	92,255	51.29%	42,752	4,565
Capital outlay		<u> </u>	0.00%	110,607	(110,607)
	233,593	363,505	64.26%	352,247	(118,654)
Engineering:					
Personnel services	328,360	454,201	72.29%	310,513	17,847
Operations	47,043		42.84%	51,414	(4,371)
·	375,403	564,021	66.56%	361,927	13,476
Total highways and streets	2,259,127	3,350,793	67.42%	2,515,512	(256,385)
Sanitation:					
Personnel services	1,737,103	2,308,367	75.25%	1,693,928	43,175
Operations	2,808,083		75.60%	2,218,461	589,622
Capital outlay	902,466		95.64%	476,626	425,840
Total sanitation	5,447,652		78.20%	4,389,015	1,058,637
Parks and recreation: Administration		_	_	_	
Personnel services	287,587	400,228	71.86%	302,366	(14,779)
Operations	90,832		63.41%	98,910	(8,078)
·	\$ 378,419	_	69.63%	\$ 401,276	\$ (22,857)
			 _		(Continued)

DETAILED SCHEDULE OF EXPENDITURES - ACTUAL AND BUDGET For the nine months ended June 30, 2017 (With comparative amounts for the nine months ended June 30, 2016)

		2017	2016	Analytical	
	Actual	Budget	Percent of Budget	Actual	\$ Increase (Decrease) Prior yr.
Parks	Ф 4.40C 202	Ф 4 COE 222	70.400/	Ф 4.440.C47	ф (4.4.0E4)
Personnel services	\$ 1,126,293	\$ 1,605,322	70.16%	\$ 1,140,647	\$ (14,354)
Operations Capital outlay	1,078,722 348,663	1,915,614 560,171	56.31% 62.24%	996,059 409,772	82,663
Capital Outlay	2,553,678	4,081,107	62.57%	2,546,478	<u>(61,109)</u> 7,200
	2,333,676	4,001,107	02.37%	2,340,476	7,200
Recreation					
Personnel services	1,359,177	2,153,193	63.12%	1,385,258	(26,081)
Operations	1,021,815	1,506,084	67.85%	914,483	107,332
Capital outlay	93,940	111,478	84.27%	91,840	2,100
	2,474,932	3,770,755	65.63%	2,391,581	83,351
Golf course					
Personnel services	477,773	694,020	68.84%	508,587	(30,814)
Operations	327,972	497,791	65.89%	273,343	54,629
Capital outlay	160,688	161,654	99.40%	244,759	(84,071)
	966,433	1,353,465	71.40%	1,026,689	(60,256)
Total parks and recreation	6,373,462	9,748,804	65.38%	6,366,024	7,438
Library:					
Personnel services	810,620	1,163,762	69.66%	842,552	(31,932)
Operations	374,940	571,026	65.66%	396,395	(21,455)
Capital outlay	46,483	51,280	90.65%	, -	46,483
Total library	1,232,043	1,786,068	68.98%	1,238,947	(6,904)
Airport:					
Personnel services	613,744	816,731	75.15%	618,123	(4,379)
Operations	1,057,500	1,513,669	69.86%	1,077,320	(19,820)
Capital outlay	21,697	27,000	80.36%	6,270	15,427
Total airport	1,692,941	2,357,400	71.81%	1,701,713	(8,772)
Debt service:					
Principal	37,381	50,097	74.62%	35,900	1,481
Interest	3,997	5,074	78.77%	5,478	(1,481)
Total debt service	41,378	55,171	75.00%	41,378	- (1,101)
Total	\$ 51,931,350	\$ 72,452,879	71.68%	\$ 50,818,033	\$ 1,113,317
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The forecasted financial statements for the General Fund are presented for purposes of additional analysis, and in our opinion, these forecasts are fairly stated in all material respects in relation to the financial forecast taken as a However, there may be differences whole. between the forecasted and actual results because events and circumstances do not occur as expected, and those differences could be material. The Finance staff will update future financial statements for events circumstances occurring after the date of these statements.

CITY OF TEMPLE, TEXAS
GENERAL FUND
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES
IN FUND BALANCE - ACTUAL AND BUDGET
For the nine months ended June 30, 2017

		Actual - 06/30/2017		Forecasted - 09/30/17			
			Percent	12 months	Compared to	Percent	
	Actual	Budget	of Budget	9/30/2017	Budget	of Budget	
Revenues:							
Taxes	\$ 29,289,222	\$ 34,106,421	85.88%	\$ 34,815,257	\$ 708,836	102.08%	
Franchise fees	5,994,158	6,505,329	92.14%	6,753,036	247,707	103.81%	
Licenses and permits	691,335	707,500	97.72%	915,006	207,506	129.33%	
Intergovernmental	50,750	59,282	85.61%	61,355	2,073	103.50%	
Charges for services	18,361,725	24,829,075	73.95%	24,746,646	(82,429)	99.67%	
Fines	1,668,218	2,024,120	82.42%	2,172,045	147,925	107.31%	
Interest and other	1,084,773	918,551	118.10%	1,312,554	394,003	142.89%	
Total revenues	57,140,181	69,150,278	82.63%	70,775,899	1,625,621	102.35%	
Expenditures:							
General government	11,320,703	16,898,316	66.99%	16,346,506	551,810	96.73%	
Public safety	23,564,044	31,290,149	75.31%	31,483,555	(193,406)	100.62%	
Highways and streets	2,259,127	3,350,793	67.42%	3,186,842	163,951	95.11%	
Sanitation	5,447,652	6,966,178	78.20%	6,866,392	99,786	98.57%	
Parks and recreation	6,373,462	9,748,804	65.38%	9,415,727	333,077	96.58%	
Education	1,232,043	1,786,068	68.98%	1,673,705	112,363	93.71%	
Airport	1,692,941	2,357,400	71.81%	2,283,470	73,930	96.86%	
Debt Service:							
Principal	37,381	50,097	74.62%	50,097	-	100.00%	
Interest	3,997	5,074	78.77%	5,074		100.00%	
Total expenditures	51,931,350	72,452,879	71.68%	71,311,369	1,141,510	98.42%	
Excess (deficiency) of revenues							
over expenditures	5,208,831	(3,302,601)		(535,470)	2,767,131		
Other financing sources (uses):							
Debt Service - transfer out	(318,425)	(1,284,316)	24.79%	(1,284,316)	-	100.00%	
Capital Projects - Desg transfer out	(377,000)	(455,489)	82.77%	(455,489)	-	100.00%	
Grant Fund - transfer out	(4,974)	(32,750)	15.19%	(32,750)		100.00%	
Total other financing sources (uses)	(700,399)	(1,772,555)	39.51%	(1,772,555)		100.00%	
Excess (deficiency) of revenues and other							
financing sources over expenditures							
and other financing uses	4,508,432	(5,075,156)	-	(2,308,025)	2,767,131	-	
Fund balance, beginning of period	27,551,771	27,551,771		27,551,771			
Fund balance, end of period	\$ 32,060,203	\$ 22,476,615	\$ -	\$ 25,243,746	\$ 2,767,131		

SCHEDULE OF REVENUES - ACTUAL AND BUDGET

For the nine months ended June 30, 2017

		Actual - 06/30/2017			Forecasted - 09/30/17	
			Percent	12 months	Compared to	Percent
	Actual	Budget	of Budget	9/30/2017	Budget	of Budget
Taxes:						
Ad valorem:						
Property, current year	\$ 12,851,078	\$ 12,798,760	100.41%	\$ 12,791,519	\$ (7,241)	99.94%
Property, prior year	76,155	133,661	56.98%	89,000	(44,661)	66.59%
Penalty and interest	77,603	90,000	86.23%	95,000	5,000	105.56%
Total ad valorem taxes	13,004,836	13,022,421	99.86%	12,975,519	(46,902)	99.64%
Non-property taxes:						
City sales	16,118,238	20,870,000	77.23%	21,614,746	744,746	103.57%
Mixed beverage	118,945	150,000	79.30%	162,580	12,580	108.39%
Occupation	32,675	45,000	72.61%	40,512	(4,488)	90.03%
Bingo	14,528	19,000	76.46%	21,900	2,900	115.26%
Total non-property taxes	16,284,386	21,084,000	77.24%	21,839,738	755,738	103.58%
Total taxes	29,289,222	34,106,421	85.88%	34,815,257	708,836	102.08%
Franchise Fees:						
Electric franchise	3,271,258	3,120,636	104.83%	3,271,258	150,622	104.83%
Gas franchise	481,408	475,000	101.35%	481,408	6,408	101.35%
Telephone franchise	315,775	415,000	76.09%	419,410	4,410	101.06%
Cable franchise	590,527	696,202	84.82%	795,219	99,017	114.22%
Water/Sewer franchise	1,276,118	1,701,491	75.00%	1,701,491	-	100.00%
Other	59,072	97,000	60.90%	84,250	(12,750)	86.86%
Total franchise fees	5,994,158	6,505,329	92.14%	6,753,036	247,707	103.81%
Licenses and permits:						
Building permits	302,048	266,500	113.34%	399,295	132,795	149.83%
Electrical permits and licenses	80,777	81,500	99.11%	110,900	29,400	136.07%
Mechanical	73,932	72,000	102.68%	97,455	25,455	135.35%
Plumbing permit fees	119,286	115,000	103.73%	154,948	39,948	134.74%
Other	115,292	172,500	66.84%	152,408	(20,092)	88.35%
Total licenses and permits	691,335	707,500	97.72%	915,006	207,506	129.33%
Intergovernmental revenues:						
Federal grants	7,990	5,917	135.03%	7,990	2,073	135.03%
State grants	4,575	5,025	91.04%	5,025	-	100.00%
State reimbursements	8,352	8,352	100.00%	8,352	-	100.00%
Department of Civil						
Preparedness	29,833	39,988	74.60%	39,988		100.00%
Total intergovernmental revenues	\$ 50,750	\$ 59,282	85.61%	\$ 61,355	\$ 2,073	103.50%
	_		_	_	_	(Continued)

SCHEDULE OF REVENUES - ACTUAL AND BUDGET

For the nine months ended June 30, 2017

	Actual - 06/30/2017			Forecasted - 09/30/17			
	Actual	Budget	Percent of Budget	12 months 9/30/2017	Compared to Budget	Percent of Budget	
Charges for services:							
Library fees	\$ 23,332	\$ 26,000	89.74%	\$ 31,105	\$ 5,105	119.63%	
Recreational entry fees	80,310	117,000	68.64%	113,253	(3,747)	96.80%	
Summit recreational fees	313,234	464,500	67.43%	416,597	(47,903)	89.69%	
Golf course revenues	532,343	873,500	60.94%	669,025	(204,475)	76.59%	
Swimming pool	24,820	43,000	57.72%	33,000	(10,000)	76.74%	
Lions Junction water park	237,210	404,250	58.68%	445,069	40,819	110.10%	
Sammons indoor pool	56,614	91,500	61.87%	74,558	(16,942)	81.48%	
Vital statistics	92,498	115,000	80.43%	126,615	11,615	110.10%	
Police revenue	1,253,198	1,448,132	86.54%	1,514,848	66,716	104.61%	
Contractual services				-			
-proprietary fund	3,043,479	4,017,550	75.75%	4,053,290	35,740	100.89%	
Curb and street cuts	38,738	50,000	77.48%	52,000	2,000	104.00%	
Other	77,027	60,500	127.32%	77,120	16,620	127.47%	
Solid waste collection - residential	3,654,242	4,817,494	75.85%	4,944,895	127,401	102.64%	
Solid waste collection - commercial	2,383,410	3,129,719	76.15%	3,182,489	52,770	101.69%	
Solid waste collection - roll-off /other	1,978,960	2,455,191	80.60%	2,613,268	158,077	106.44%	
Landfill contract	1,488,612	2,085,000	71.40%	2,036,357	(48,643)	97.67%	
Airport sales and rental	1,588,150	2,304,053	68.93%	2,148,711	(155,342)	93.26%	
Subdivision fees	22,383	15,000	149.22%	31,800	16,800	212.00%	
Recreational services	943,273	1,300,140	72.55%	1,203,574	(96,566)	92.57%	
Fire department	27,961	65,877	42.44%	33,403	(32,474)	50.71%	
Reinvestment Zone reimbursements	501,931	945,669	53.08%	945,669	· · ·	100.00%	
Total charges for services	18,361,725	24,829,075	73.95%	24,746,646	(82,429)	99.67%	
Fines:							
Court	1,159,230	1,442,672	80.35%	1,527,312	84,640	105.87%	
Animal pound	39,155	45,000	87.01%	51,376	6,376	114.17%	
Overparking	205	3,000	6.83%	230	(2,770)	7.67%	
Administrative fees	469,628	533,448	88.04%	593,127	59,679	111.19%	
Total fines	1,668,218	2,024,120	82.42%	2,172,045	147,925	107.31%	
Interest and other:							
Interest	210,340	128,000	164.33%	291,900	163,900	228.05%	
Lease and rental	242,514	321,070	75.53%	319,081	(1,989)	99.38%	
Sale of fixed assets	119,623	24,200	494.31%	148,454	124,254	613.45%	
Insurance claims	205,625	222,144	92.56%	212,260	(9,884)	95.55%	
Payment in lieu of taxes	17,230	15,195	113.39%	17,230	2,035	113.39%	
Building rental -							
BOA bldg.	69,385	91,742	75.63%	94,100	2,358	102.57%	
Other	220,056	116,200	189.38%	229,529	113,329	197.53%	
Total interest and other	1,084,773	918,551	118.10%	1,312,554	394,003	142.89%	
Total revenues	\$ 57,140,181	\$ 69,150,278	82.63%	\$ 70,775,899	\$ 1,625,621	102.35%	

SCHEDULE OF EXPENDITURES- ACTUAL AND BUDGET

For the nine months ended June 30, 2017

	Actual - 06/30/2017			Fo	Forecasted - 09/30/17			
			Percent	12 months	Compared to	Percent		
	Actual	Budget	of Budget	9/30/2017	Budget	of Budget		
General government:								
City council	\$ 132,621	\$ 234,074	56.66%	\$ 225,953	\$ 8,121	96.53%		
City manager	862,508	1,454,238	59.31%	1,394,445	59,793	95.89%		
Administrative services	248,455	402,247	61.77%	347,336	54,911	86.35%		
Finance	1,126,965	1,524,992	73.90%	1,503,129	21,863	98.57%		
Purchasing	271,423	367,802	73.80%	361,777	6,025	98.36%		
City secretary	324,866	469,991	69.12%	466,343	3,648	99.22%		
Special services	807,728	1,731,950	46.64%	1,847,486	(115,536)	106.67%		
Legal	610,856	858,685	71.14%	848,451	10,234	98.81%		
City planning	464,794	633,737	73.34%	614,541	19,196	96.97%		
Information Technology Services	2,060,633	2,848,252	72.35%	2,701,002	147,250	94.83%		
Human Resources	584,577	805,777	72.55%	786,931	18,846	97.66%		
Economic development	1,702,217	2,250,839	75.63%	2,289,712	(38,873)	101.73%		
Fleet Services	751,000	1,125,227	66.74%	1,004,609	120,618	89.28%		
Inspections	370,557	578,536	64.05%	501,039	77,497	86.60%		
Facility services	1,001,503	1,611,969	62.13%	1,453,752	158,217	90.18%		
racinty services	11,320,703	16,898,316	66.99%	16,346,506	551,810	96.73%		
	11,320,103	10,030,310	00.3370	10,540,500	331,010	30.1370		
Public safety:								
Municipal court	528,817	786,499	67.24%	751,868	34,631	95.60%		
Police	12,571,872	16,719,846	75.19%	16,655,451	64,395	99.61%		
Animal control	360,531	497,272	72.50%	488,515	8,757	98.24%		
Fire	9,110,176	11,861,145	76.81%	12,204,203	(343,058)	102.89%		
Communications	740,847	987,796	75.00%	987,796	-	100.00%		
Code enforecement	251,801	437,591	57.54%	395,723	41,868	90.43%		
	23,564,044	31,290,149	75.31%	31,483,555	(193,406)	100.62%		
Highways and streets:								
Street	1,650,131	2,423,267	68.10%	2,307,042	116,225	95.20%		
Traffic signals	233,593	363,505	64.26%	336,010	27,495	92.44%		
Engineering	375,403	564,021	66.56%	543,790	20,231	96.41%		
2 ng nooning	2,259,127	3,350,793	67.42%	3,186,842	163,951	95.11%		
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Sanitation:	5,447,652	6,966,178	78.20%	6,866,392	99,786	98.57%		
Parks and recreation:								
Administration	378,419	543,477	69.63%	523,833	19,644	96.39%		
Parks	2,553,678	4,081,107	62.57%	3,966,351	114,756	97.19%		
Recreation	2,474,932	3,770,755	65.63%	3,664,467	106,288	97.18%		
Golf course	966,433	1,353,465	71.40%	1,261,076	92,389	93.17%		
	6,373,462	9,748,804	65.38%	9,415,727	333,077	96.58%		
Library:	1,232,043	1,786,068	68.98%	1,673,705	112,363	93.71%		
•								
Airport:	1,692,941	2,357,400	71.81%	2,283,470	73,930	96.86%		
Debt Service:	41,378	55,171	75.00%	55,171		100.00%		
Totals	\$51,931,350	\$ 72,452,879	71.68%	\$ 71,311,369	\$ 1,141,510	98.42%		





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 June 30, 2017 and 2016

ASSETS	2017	2017 2016	
Current assets:			
Cash	\$ 5,650	\$ 6,050	\$ (400)
Investments	31,983,691	29,172,396	2,811,295
Customer receivables	1,448,335	1,335,515	112,820
Accounts receivable	247,447	230,456	16,991
Inventories	284,346	332,915	(48,569)
Prepaid items	400	600	(200)
Total current assets	33,969,869	31,077,932	2,891,937
Restricted cash and investments:			
Revenue bond debt service	6,002,839	6,093,268	(90,429)
Customer deposits	725,854	700,598	25,256
Construction account	11,775,304	21,358,483	(9,583,179)
	18,503,997	28,152,349	(9,648,352)
Property and equipment:			
Land	2,153,038	1,940,240	212,798
Improvements other than buildings	182,014,405	169,820,480	12,193,925
Buildings	47,926,285	47,894,344	31,941
Machinery and equipment	10,060,465	9,604,206	456,259
	242,154,193	229,259,270	12,894,923
Less accumulated depreciation	(112,313,089)	(105,799,067)	(6,514,022)
Construction in progress	35,090,715	33,517,179	1,573,536
Net property and equipment	164,931,819	156,977,382	7,954,437
Total assets	217,405,685	216,207,663	1,198,022
DEFERRED OUTFLOWS OF RESOURCES			
Deferred amounts on refunding	2,499,906	2,820,763	(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	\$ 3,954,155	\$ 3,417,111	\$ 537,044

	2017	2016	Increase (Decrease)
LIABILITIES			
Current liabilities:			
Vouchers & contracts payable	\$ 6,435,836	\$ 2,755,297	\$ 3,680,539
Retainage payables	86,881	38,552	48,329
Accrued payroll	239,728	223,127	16,601
Deferred revenue	70,641	70,641	
Total current liabilities	6,833,086	3,087,617	3,745,469
Liabilities payable from restricted assets:			
Customers deposits	725,854	700,598	25,256
Vouchers & contracts payable	7,731,904	10,498,586	(2,766,682)
Retainage payables	201,355	304,888	(103,533)
Accrued interest - revenue bonds	569,690	393,262	176,428
Current maturities of long-term liabilities	4,650,000	4,715,000	(65,000)
	13,878,803	16,612,334	(2,733,531)
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	5,261,431	5,792,380	(530,949)
Discount on bonds payable	(453,235)	(525,214)	71,979
	92,206,668	96,150,467	(3,943,799)
Total liabilities	112,918,557	115,850,418	(2,931,861)
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	88,985,701	84,806,194	4,179,507
Restricted for debt service	6,002,839	6,093,268	(90,429)
Unrestricted	10,904,158	11,097,772	(193,614)
Total net position	105,892,698	101,997,234	3,895,464
Net income {YTD}	2,472,757	1,603,569	869,188
Total liabilities and net position	\$ 221,359,840	\$ 219,624,774	\$ 1,735,066

CITY OF TEMPLE, TEXAS
WATER AND SEWER ENTERPRISE FUND
STATEMENT OF REVENUES, EXPENSES,
AND CHANGES IN FUND NET POSITION
For the nine months ended June 30, 2017

	2017	2016	Increase (Decrease)
Operating revenues:			
Water service	\$ 12,312,288	\$ 11,617,358	\$ 694,930
Sewer service	9,242,090	8,577,570	664,520
Other	1,549,153	1,673,619	(124,466)
Total operating revenues	23,103,531	21,868,547	1,234,984
Operating expenses:			
Personnel services	3,431,979	3,477,111	(45,132)
Supplies	1,094,405	1,047,546	46,859
Repairs and maintenance	755,644	745,943	9,701
Depreciation	4,813,151	4,669,134	144,017
Other services and charges	9,114,522	9,046,648	67,874
Total operating expenses	19,209,701	18,986,382	223,319
Operating income	3,893,830	2,882,165	1,011,665
Nonoperating revenues (expenses):			
Interest income	605,215	508,260	96,955
Interest expense	(2,042,949)	(1,905,007)	137,942
Total nonoperating revenues		_	
(expenses)	(1,437,734)	(1,396,747)	(40,987)
Income before transfers and contributions	2,456,096	1,485,418	970,678
Contributions from TxDot	16,661	118,151	(101,490)
Change in net position	2,472,757	1,603,569	869,188
Net position, beginning of period	105,892,698	101,997,234	3,895,464
Net position, end of period	\$ 108,365,455	\$ 103,600,803	\$ 4,764,652

CITY OF TEMPLE, TEXAS

WATER AND SEWER ENTERPRISE FUND

COMPARATIVE SCHEDULE OF OPERATING REVENUES

For the nine months ended June 30, 2017

	2017	2016	Increase (Decrease)	
Current water service:				
Residential	\$ 5,930,536	\$ 5,519,755	\$ 410,781	
Commercial	5,286,108	4,895,005	391,103	
Wholesale	614,419	446,380	168,039	
Effluent	481,225	756,218	(274,993)	
Total water service	12,312,288	11,617,358	694,930	
Current sewer service:				
Residential	5,077,455	4,719,672	357,783	
Commercial	4,164,635	3,857,898	306,737	
Total sewer service	9,242,090	8,577,570	664,520	
Other:				
Transfers and rereads	125,240	119,470	5,770	
Penalties	310,126	330,788	(20,662)	
Reconnect fees	224,650	215,750	8,900	
Tap fees	191,398	189,778	1,620	
Panda reimbursements	621,619	621,619	-	
Other sales	76,120	196,214	(120,094)	
Total other	1,549,153	1,673,619	(124,466)	
Total operating revenues	\$ 23,103,531	\$ 21,868,547	\$ 1,234,984	

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

For the nine months ended June 30, 2017

•			Increase
	2017	2016	(Decrease)
Administrative:			
Personnel services	\$ 445,725	\$ 429,099	\$ 16,626
Supplies	12,494	16,458	(3,964)
Repairs and maintenance	1,232	2,324	(1,092)
Other services and charges	4,034,435	3,786,062	248,373
	4,493,886	4,233,943	259,943
Water treatment and production:			
Personnel services	736,817	859,450	(122,633)
Supplies	666,661	594,562	72,099
Repairs and maintenance	310,997	327,523	(16,526)
Other services and charges	1,405,095	1,362,387	42,708
	3,119,570	3,143,922	(24,352)
Distribution system:			
Personnel services	805,039	515,312	289,727
Supplies	176,814	166,227	10,587
Repairs and maintenance	221,172	265,674	(44,502)
Other services and charges	69,322	54,834	14,488
	1,272,347	1,002,047	270,300
Metering:			
Personnel services	248,269	253,927	(5,658)
Supplies	117,706	144,621	(26,915)
Repairs and maintenance	21,361	33,826	(12,465)
Other services and charges	216,494	209,782	6,712
	603,830	642,156	(38,326)
Sanitary sewer collection system:			
Personnel services	794,328	1,017,109	(222,781)
Supplies	106,170	104,350	1,820
Repairs and maintenance	163,418	95,586	67,832
Other services and charges	210,341	416,440	(206,099)
	1,274,257	1,633,485	(359,228)
Sewage treatment and disposal:			
Other services and charges	2,675,790	2,568,858	106,932
	\$ 2,675,790	\$ 2,568,858	\$ 106,932
			(Continued)

COMPARATIVE SCHEDULE OF OPERATING EXPENSES BY DEPARTMENT

Exhibit B-4 (Continued)

For the nine months ended June 30, 2017

					I	ncrease		
	2017			2016		2016 (Decrea		ecrease)
Water collection offices:								
Personnel services	\$	350,090	\$	348,982	\$	1,108		
Supplies		14,250		19,390		(5,140)		
Repairs and maintenance		37,125		20,954		16,171		
Other services and charges		497,777	·	643,766		(145,989)		
		899,242		1,033,092		(133,850)		
Water purchasing:								
Personnel services		51,711		53,232		(1,521)		
Supplies		310		1,938		(1,628)		
Repairs and maintenance		339		56		283		
Other services and charges		5,268		4,519		749		
		57,628		59,745		(2,117)		
Depreciation		4,813,151		4,669,134		144,017		
Totals	\$	19,209,701	\$	18,986,382	\$	223,319		

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

For the nine months ended June 30, 2017

		2017				2016		17 vs. 16
			% of				% of	Increase
	Actual	Budget	Budget		Actual	Budget	Budget	(Decrease)
Operating revenues:								
Water service	\$ 11,831,063	\$ 17,950,015	65.91%	\$	10,861,140	\$ 17,712,005	61.32%	\$ 969,923
Sewer service	9,242,090	12,387,106	74.61%		8,577,570	12,384,995	69.26%	664,520
Effluent	481,225	1,097,974	43.83%		756,218	1,080,550	69.98%	(274,993)
Other	1,549,153	1,961,432	78.98%		1,673,619	1,940,384	86.25%	(124,466)
Total operating revenues	23,103,531	33,396,527	69.18%		21,868,547	33,117,934	66.03%	1,234,984
Operating expenses:								
Personnel services	3,431,979	5,012,381	68.47%		3,477,111	4,969,392	69.97%	(45, 132)
Supplies	1,094,405	2,016,570	54.27%		1,047,546	1,918,696	54.60%	46,859
Repairs and maintenance	755,644	1,249,142	60.49%		745,943	1,229,629	60.66%	9,701
Depreciation	4,813,151	6,500,000	74.05%		4,669,134	6,500,000	71.83%	144,017
Other services and charges	9,114,522	13,676,115	66.65%		9,046,648	13,754,161	65.77%	67,874
Total operating expenses	19,209,701	28,454,208	67.51%	_	18,986,382	28,371,878	66.92%	223,319
Operating income	3,893,830	4,942,319	78.79%		2,882,165	4,746,056	60.73%	1,011,665
Nonoperating revenues								
(expenses):								
Interest income	605,215	634,949	95.32%		508,260	348,444	145.87%	96,955
Interest expense	(2,042,949)	(4,881,344)	41.85%		(1,905,007)	(4,033,303)	47.23%	137,942
Total nonoperating revenues								
(expenses)	(1,437,734)	(4,246,395)		_	(1,396,747)	(3,684,859)	-	(40,987)
Income before transfers and contributions	2,456,096	695,924	-		1,485,418	1,061,197	-	970,678
Contributions from TxDot	16,661	670,241	2.49%	_	118,151	778,070	15.19%	(101,490)
Net income	\$ 2,472,757	\$ 1,366,165	_	\$	1,603,569	\$ 1,839,267		\$ 869,188



Special Revenue Fund

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

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

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

ASSETS	2017	2016	Increase (Decrease)
ASSETS			
Cash	\$ 4,600	\$ 4,600	\$ -
Investments	1,495,178	1,309,526	185,652
Accounts receivable	176,276	195,593	(19,317)
Inventories	11,012	16,979	(5,967)
Prepaid items	6,450	7,825	(1,375)
Museum collection	18,561	18,561	
Total assets	\$ 1,712,077	\$ 1,553,084	\$ 158,993
LIABILITIES AND FUND BALANCES			
Liabilities:			
Vouchers payable	\$ 87,575	\$ 88,626	\$ (1,051)
Accrued payroll	62,941	56,595	6,346
Deposits	49,124	69,917	(20,793)
Total liabilities	199,640	215,138	(15,498)
Fund Balance:			
Nonspendable:			
Inventories and prepaid items	17,462	7,825	9,637
Restricted for:			
Promotion of tourism	816,500	667,339	149,161
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	140,067	2,579	137,488
Total liabilities and fund balances	\$ 1,712,077	\$ 1,553,084	\$ 158,993

CITY OF TEMPLE, TEXAS
HOTEL-MOTEL FUND
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES
IN FUND BALANCE - ACTUAL AND BUDGET
For the nine months ended June 30, 2017

		2017	2016	Analytical	
	Actual	Budget	Percent of Budget	Actual	Increase (Decrease) Prior year
Revenues:					
Taxes					
City	\$ 1,125,972	\$ 1,462,000	77.02%	\$ 1,126,201	\$ (229)
County	69,204	69,204	100.00%	-	69,204
Charges for services					
Civic center and Visitor center	387,087	395,450	97.89%	330,639	56,448
Musuem	42,846	52,400	81.77%	67,528	(24,682)
Interest and other	12,358	3,600	343.28%	25,254	(12,896)
Total revenues	1,637,467	1,982,654	82.59%	1,549,622	87,845
Expenditures:					
Civic center	809,069	1,373,283	58.91%	800,169	8,900
Railroad museum	351,772	553,965	63.50%	377,929	(26,157)
Tourism marketing	336,559	593,814	56.68%	368,945	(32,386)
Total expenditures	1,497,400	2,521,062	59.40%	1,547,043	(49,643)
Excess (deficiency) of revenues					
over expenditures	140,067	(538,408)	-	2,579	137,488
Fund balance, beginning of period	1,372,370	1,372,370		1,335,367	37,003
Fund balance, end of period	\$ 1,512,437	\$ 833,962		\$ 1,337,946	\$ 174,491

CITY OF TEMPLE, TEXAS HOTEL-MOTEL FUND DETAILED SCHEDULE OF EXPENDITURES - BUDGET AND ACTUAL For the nine months ended June 30, 2017

		2017				2016		Analytical		
		Actual		Budget	Percof Bu				(De	crease ecrease) rior yr.
Civic center:										
Personnel services	\$	513,537	\$	680,318	7	5.48%	\$	507,289	\$	6,248
Operations		249,944		368,403	6	7.85%		247,108		2,836
Capital outlay		45,588		324,562	1	4.05%		45,772		(184)
		809,069		1,373,283	5	8.91%		800,169		8,900
Railroad museum:										
Personnel services		199,973		266,652	7	4.99%		197,408		2,565
Operations		110,186		218,189	5	0.50%		149,696		(39,510)
Capital outlay		41,613		69,124	6	0.20%		30,825		10,788
		351,772		553,965	6	3.50%		377,929		(26, 157)
Tourism marketing:										
Personnel services		111,213		148,666	7	4.81%		93,940		17,273
Operations		218,626		404,983	5	3.98%		251,694		(33,068)
Capital outlay		6,720		40,165	1	6.73%		23,311		(16,591)
		336,559		593,814	5	6.68%		368,945		(32,386)
Totals	\$ ^	1,497,400	\$	2,521,062	5	9.40%	\$	1,547,043	\$	(49,643)

CITY OF TEMPLE, TEXAS DRAINAGE FUND COMPARATIVE BALANCE SHEETS June 30, 2017 and 2016

ASSETS	2017	2016	Increase (Decrease)
Investments	\$ 1,834,770	\$ 1,535,160	\$ 299,610
Accounts receivable	100,576	46,968	53,608
Total assets	\$ 1,935,346	\$ 1,582,128	\$ 353,218
LIABILITIES AND FUND BALANCES			
Liabilities:			
Vouchers payable	\$ 263,423	\$ 104,656	\$ 158,767
Accrued payroll	43,977	41,939	2,038
Total liabilities	307,400	146,595	160,805
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	138,257	(547,629)	685,886
Total liabilities and fund balances	\$ 1,935,346	\$ 1,582,128	\$ 353,218

CITY OF TEMPLE, TEXAS

DRAINAGE FUND

STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES
IN FUND BALANCE - ACTUAL AND BUDGET
For the nine months ended June 30, 2017

		2017	2016	Analytical	
Davers	Actual	Budget	Percent of Budget	Actual	\$ Increase (Decrease) Prior yr.
Revenues:	Ф 777 040	Ф 4 00 7 000	70.040/	Ф 270 020	Ф 200 202
Drainage fee - commercial	\$ 777,918	\$ 1,097,066	70.91%	\$ 378,636	\$ 399,282
Drainage fee - residential	820,668	1,106,396	74.17%	477,738	342,930
Interest and other	20,020	6,000	333.67%	112,167	(92,147)
Total revenues	1,618,606	2,209,462	73.26%	968,541	650,065
Expenditures:					
Drainage					
Personnel services	548,468	834,814	65.70%	569,626	(21,158)
Operations	176,548	318,935	55.36%	229,790	(53,242)
Capital outlay	755,333	1,234,188	61.20%	716,754	38,579
Total expenditures	1,480,349	2,387,937	61.99%	1,516,170	(35,821)
Excess (deficiency) of revenues					
over expenditures	138,257	(178,475)	-	(547,629)	685,886
Fund balance, beginning of period	1,489,689	1,489,689		1,983,162	(493,473)
Fund balance, end of period	\$ 1,627,946	\$ 1,311,214		\$ 1,435,533	\$ 192,413



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	\$ 84,237,273	\$ 83,797,736	\$ 439,537
E-3	2006 & 2008 Combination Tax & Revenue CO Issue (Fund 361)	Various General Government Capital Improvements	24,046,141	25,206,805	25,206,533	272
E-4	2012 Pass-Through Revenue and Limited Tax Bonds (Fund 261)	Pass-Through Finance- Northwest Loop 363 Improvements	26,088,247	46,738,628	46,642,067	96,561
E-5	2012, 2014 & 2016 Combination Tax & Revenue Certificates of Obligation Bond Issue (Fund 365)	Street Improvements	52,530,453	56,826,192	56,526,961	299,231
E-6	2013 Combination Tax & Revenue Certificates of Obligation Bond Issue (Fund 795)	Various Reinvestment Zone Infrastructure Improvements	25,313,032	25,477,050	25,104,825	372,225
E-7	2015 Parks General Obligation Bond Issue (Fund 362)	Parks Infrastructure Improvements	27,786,449	27,974,852	27,542,079	432,773
E-8	2016 Limited Tax Notes (Fund 364)	Capital Equipment and Facility Improvements	1,950,000	1,968,881	1,965,795	3,086
E-9	2017 Combination Tax & Revenue Certificates of Obligation Bond Issue (Fund 292)	Drainage Improvements	4,000,000	6,410,152	5,862,213	547,939
E-10	2017 LoneSTAR Loan (Fund 358)	Facility Improvements	2,803,109	2,803,109	2,466,736	336,373
			\$ 244,965,776	\$ 277,642,942	\$ 275,114,945	\$ 2,527,997

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.

SCHEDULE OF CAPITAL PROJECTS BOND PROCEEDS & RELATED EXPENDITURES
UTILITY SYSTEM REVENUE BONDS 2006, 2008, 2010 & 2015 - WATER/SEWER CAPITAL PROJECTS FUND 561

For the period beginning October 11, 2006 and ending June 30, 2017

Expenditures		
Construction in Progress		
Expenditures	\$	73,110,582
Encumbrances as of 06/30/17 (1)	7,286,299
Estimated Costs to Complete Projects		3,400,855
	\$	83,797,736

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)	1,858,789
Reimbursement Received from TxDOT		1,930,139
		\$ 84,237,273

Exhibit E-2

Detail of Construction Costs											
Project			BUDGET		ACTUAL						
		Original Budget	Adjustments to Original Budget	Adjusted Budgeted	Total Costs Incurred & Encumbered	Estimated Costs to Complete	Total Designated Project Cost				
Bond Issue Costs	*	\$ 1,057,739	\$ -	\$ 1,057,739	\$ 1,057,740	\$ -	\$ 1,057,740				
CIP Management Cost		-	671,041	671,041	685,808	-	685,808				
Completed Projects - Prior to FY 2017	*	50,797,000	245,970	51,042,970	51,042,969	-	51,042,969				
317 Waterline Relocation 2305/439	*	2,000,000	340,065	2,340,065	2,340,065	-	2,340,065				
South Temple Water Sys Improvements		1,000,000	(114,453)	885,547	885,547	-	885,547				
Utilities Relocation - Tarver to Old Waco	*	200,000	28,779	228,779	223,418	-	223,418				
Temple-Belton WWTP Expansion, Phase 1	*	2,250,000	(301,200)	1,948,800	1,948,800	-	1,948,800				
WL Replacement - Charter Oak		7,650,000	(4,854,440)	2,795,560	2,795,558	-	2,795,558				
TCIP Utilities-W Ave U/13th-17th St Connector		300,000	(271,254)	28,746	16,150	12,596	28,746				
Leon River Trunk Sewer, Lift Station and Force Main		-	5,344,925	5,344,925	5,075,969	268,956	5,344,925				
Hogan Road Waterline Improvements			18,300	18,300	8,800	9,500	18,300				
WWL Replacement - Birdcreek (Phase 3)		-	1,549,625	1,549,625	1,461,635	87,990	1,549,625				
TCIP Utilities-Prairie View(Research-N Pea Ridge), Ph. I	*	742,450	(50,444)	692,006	689,756	-	689,756				
WWTP SCADA	*	-	386,874	386,874	386,873	-	386,873				
Temple-Belton WWTP Expansion, Phase 2		750,000	489,623	1,239,623	1,239,623	-	1,239,623				
WTP Improvements - Tasks 1-3 (Prelim Eng Only)		1,000,000	(757,168)	242,832	242,832	-	242,832				
WTP Improvements - Tasks 4-6 (Prelim Eng Only)		1,000,000	(723,583)	276,417	141,315	135,102	276,417				
WTP-Generator Installation @ Critical Booster Pump St.		1,450,000	-	1,450,000	1,397,910	52,090	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	368,464	-	368,464				
WL Improvements-McLane Pkwy to Research Connector	*	800,000	(302,212)	497,788	497,788	-	497,788				
WL Replacement-3rd St. Between Irvin & Nugent	*	679,500	424,101	1,103,601	1,103,601	-	1,103,601				
WWL Replacement-3rd & 11th St/Ave D to Ave H		610,000	550,000	1,160,000	252,308	907,692	1,160,000				
WWL Replacement-Ave M to Ave N & Dunbar Trunk	**	571,609	20,338	591,947	591,946	-	591,946				
WWL Replacement-Avenue P	*	400,000	89,235	489,235	489,235	-	489,235				
WL Replacement-Along E Adams	*	510,500	183,563	694,063	694,062	-	694,062				
WTP-High Voltage Transformer/MCC Replacement		800,000	(99,000)	701,000	684,810	16,190	701,000				
WTP-Ave H Tank Rehabilitation (North Tank)	(3)	-	500,000	500,000	-	500,000	500,000				
WWTP - Shallowford Lift Station		-	641,530	641,530	641,530	-	641,530				
WWL Improvements - Jackson Park		-	271,199	271,199	271,198	-	271,198				
Bird Creek, Phase V		-	91,370	91,370	85,929	5,441	91,370				

For the period beginning October 11, 2006 and ending June 30, 2017

Detail of Construction Costs

		BUDGET						ACTUAL					
Project		Adju Original to O Budget Bi					Total Costs Incurred & Encumbered		Estimated Costs to Complete		Total Designated Project Cost		
WWL - Airport Rd/Crossroads Park	\$	-	\$	871,912	\$	871,912	\$	737,371	\$	134,541	\$	871,912	
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 Utility Improvements		-		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		268,560		248,854		517,414	
WTP Improvements - Task 6 - RF Header Replacement		-		268,583		268,583		268,582		-		268,582	
WTP Improvements - Tasks 1 - Zebra Mussels		-		259,776		259,776		-		259,776		259,776	
Pressure Valve Improvement @ Harley Davidson		-		93,091		93,091		65,942		27,149		93,091	
Williamson Creek Trunk Sewer		-		655,379		655,379		655,379		-		655,379	
Contingency	(4)	3,934,651		(3,599,724)		334,927		-				-	
	\$	80,448,239	\$	3,677,873	\$	84,126,112	\$	80,396,881	\$	3,400,855	\$	83,797,734	
							Re	Remaining (Needed) Funds			\$	439,539	

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 2018 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

CITY OF TEMPLE, TEXAS
SCHEDULE OF CAPITAL PROJECTS BOND PROCEEDS & RELATED EXPENDITURES
COMBINATION TAX & REVENUE CERTIFICATES OF OBLIGATION 2006 & 2008 - CAPITAL PROJECTS BOND FUND 361
For the period beginning October 11, 2006 and ending June 30, 2017

Expenditures		
Construction in Progress		
Expenditures		\$ 25,186,467
Encumbrances as of 06/30/17	(1)	20,066
Estimated Costs to Complete Projects		 -
		\$ 25,206,533

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	_	817,900								
	\$	25,206,805								

Detail of Construction Costs

				E	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	*	\$	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		20,897		21,922,320		21,938,226	-		21,938,226		
Tarver Road Extension	^ **		1,360,000		(1,204,220)		155,780		155,780	-		155,780		
1st Street Gateway (STEP Grant)	*		-		310,310		310,310		310,310	-		310,310		
Northwest Loop 363 Improvements	*		-		2,155,097		2,155,097		2,155,097	-		2,155,097		
Summit Fitness - Pool Side French Drain Installation	*		-		34,198		36,033		36,032	-		36,032		
Renovations to Legal Offices			-		25,251		23,416		23,416			23,416		
		\$	23,772,564	\$	1,411,621	\$	25,184,185	\$	25,206,533	\$ -	_ \$	25,206,533		
								Rei	maining (Nee	ded) Funds	9	272		

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

SCHEDULE OF CAPITAL PROJECTS BOND PROCEEDS & RELATED EXPENDITURES
PASS-THROUGH AGREEMENT REVENUE AND LIMITED TAX BONDS 2012 - CAPITAL PROJECTS BOND FUND 261

For the period beginning June 14, 2012 and ending June 30, 2017

Expenditures			Revenue & Bond	Proceeds
Construction in Progress				
Expenditures	\$	46,627,765	Original Issue - {June 2012}	\$ 24,700,000
Encumbrances as of 06/30/17	(1)	14,302	Net Offering Premium	1,388,247
Estimated Costs to Complete Projects		<u>-</u> _	Category 12 Funds - TxDOT	20,000,000
	\$	46,642,067	Interest Income	62,186
			Reimbursement from Oncor	588,195
				\$ 46,738,628

Detail of Construction Costs

			BUDGET			ACTUAL						
Project		 Original Budget		Adjustments to Original Budget		Adjusted Budgeted		Total Costs ncurred & ncumbered	Estimated Costs to Complete			Total esignated roject 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		46,002,287				46,002,287
		\$ 46,088,247	\$	652,092	\$	46,740,339	\$	46,642,067	\$	-	\$	46,642,067

Remaining (Needed) Funds \$ 96,561

^{*} Project Final

^{**} Substantially Complete

Expenditures		
Construction in Progress		
Expenditures	\$	41,553,216
Encumbrances as of 06/30/17	(1)	1,162,417
Estimated Costs to Complete Projects		13,811,328

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		217,394									
	\$	56,826,192									

Detail of Construction Costs

56,526,961

			BUDGET		ACTUAL					
	_		Adjustments		Total Costs	Estimated	Total			
		Original	to Original	Adjusted	Incurred &	Costs to	Designated			
Project		Budget	Budget	Budgeted	Encumbered	Complete	Project Cost			
Bond Issue Costs	;	\$ 559,153	\$ 338,229	\$ 897,382	\$ 883,689	\$ -	\$ 883,689			
CIP Management Cost	_	-	352,092	352,092	323,066	29,026	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	*	-	2,784,455	2,784,455	2,726,114	-	2,726,114			
Westfield Boulevard Improvements, Phase II		-	412,210	412,210	412,210	-	412,210			
Hogan Road Improvements		1,377,650	-	1,377,650	359,161	1,018,489	1,377,650			
S Pea Ridge Road (Hogan - Poison)		1,000,000	(908,036)	91,964	-	91,964	91,964			
Prairie View Road Improvements, Phase I	*	7,445,000	646,390	8,091,390	8,091,390	-	8,091,390			
Outer Loop - Phase IIIB		-	5,500,869	5,500,869	1,144,029	4,356,840	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	(504,244)	2,855,756	2,844,841	10,915	2,855,756			
Prairie View Road Improvements, Phase II		4,862,000	(2,157,893)	2,704,107	2,308,616	395,491	2,704,107			
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	246,887	2,196,887	2,158,359	-	2,158,359			
Signal - S 1st St @ W Ave R	*	300,000	(32,064)	267,936	262,109	-	262,109			
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	105,550	696,050	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	1,195,000	-	1,195,000			
Replace Fire Department Engine #7	**	600,000	105,000	705,000	702,517	2,483	705,000			
Signal - Kegley Rd @ W Adams		50,000	-	50,000	32,249	17,751	50,000			
S Pea Ridge Sidewalk		-	114,173	114,173	9,915	104,258	114,173			
Summit Drainage Improvements		-	102,752	102,752	102,752	_	102,752			
Signal -S. 1st St @ W Ave U		-	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		-	413,800	413,800	413,800	_	413,800			
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			
Restriping - Midway Drive / Tarver Road	**	_	18,000	18,000	13,719	4,281	18,000			
Dairy Road Improvements		_	80,000	80,000	1,125	78,875	80,000			
Contingency		1,588,195	(1,588,195)	-	-	- · · · · · · · · · · · · · · · · · · ·	-			
Contingency - CIP Management Cost		115,000	(115,000)	_	-	_	_			
	_	\$ 53,063,198	\$ 3,580,154	\$ 56,643,352	\$ 42,715,633	\$13,811,328	\$ 56,526,961			

Remaining (Needed) Funds

Note (1): Encumbered amounts are included in total construction in progress due to the obligation of funds by contract(s) or purchasing order(s). Note (2): Includes funding from KTMPO Category 7 Grant funding of \$3,888,000.

^{*} Project Final

^{**} Substantially Complete

25,477,050

For the period beginning August 8, 2013 and ending June 30, 2017 Expenditures **Revenue & Bond Proceeds Construction in Progress** Expenditures Original Issue (August 2013) 25,260,000 \$ 20,700,805 806,588 Net Offering Premium/Discount Encumbrances as of 06/30/17 (1) 53,032 Interest Income Estimated Costs to Complete Projects 3,597,432 164,018

Detail of Construction Costs

25,104,825

			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	2,226,029	478,971	2,705,000	
Research Parkway (Wendland to McLane Pkwy)		5,960,000	(3,700,000)	2,260,000	1,265,328	994,672	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	521,449	978,551	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	(425,000)	75,000	62,100	12,900	75,000	
Lorraine Drive / Panda Drive Asphalt	*	610,000	(272,673)	337,327	337,327	-	337,327	
Santa Fe Plaza (Design)		300,000	663,600	963,600	963,600	-	963,600	
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	1,037,662	1,132,338	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	-	104,850	
TMED Master Plan & Throughfare Plan		55,000	-	55,000	-	-	-	
Friar's Creek Trail to Ave R Trail	*	500,000	36,558	536,558	536,557	-	536,557	
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	\$ 21,507,393	\$ 3,597,432	\$ 25,104,825	

Remaining (Needed) Funds \$ 372,225

^{*} Project Final

^{**} Substantially Complete

Expenditures			Revenue & B	ond Proceeds
Construction in Progress				
Expenditures		\$ 12,733,710	Original Issue (September 2015)	\$ 25,130,000
Encumbrances as of 06/30/17	(1)	1,193,380	Net Offering Premium/Discount	2,656,449
Estimated Costs to Complete Projects	_	13,614,989	Interest Income	188,403
	_	\$ 27,542,079		\$ 27,974,852

			BUDGET		ACTUAL				
			Adjustments		Total Costs	Estimated	Total		
		Original	to Original	Adjusted	Incurred &	Costs to	Designated		
Project		Budget	Budget	Budgeted	Encumbered	Complete	Project Cost		
Bond Issue Costs	*	\$ 111,449	\$ -	\$ 111,449	\$ 111,449	\$ -	\$ 111,449		
CIP Management Cost		55,464	60,603	116,067	101,255	14,812	116,067		
Carver Park	*	177,915	(52,643)	125,272	125,272	-	125,272		
Crossroads Athletic Park		11,900,000	-	11,900,000	3,745,980	8,154,020	11,900,000		
Jaycee Park		989,570	109,160	1,098,730	1,051,670	47,060	1,098,730		
Jefferson Park	*	377,675	(81,954)	295,721	295,721	-	295,721		
Korampai Soccer Fields	*	254,745	(25,408)	229,337	229,337	-	229,337		
Linkage Trails-Echo Village	*	490,000	(360,943)	129,057	129,057	-	129,057		
Linkage Trails-Windham Trail		-	285,200	285,200	187,835	97,365	285,200		
Lions Junction	*	1,925,000	31,239	1,956,239	1,952,503	-	1,952,503		
Mercer Fields		677,610	-	677,610	450	677,160	677,610		
Northam Complex	*	647,090	91,881	738,971	658,350	-	658,350		
Oak Creek Park		458,415	-	458,415	306,593	151,822	458,415		
Optimist Park	*	496,285	(65,697)	430,588	430,588	-	430,588		
Prairie Park		440,000	=	440,000	59,228	380,772	440,000		
Sammons Community Center	**	1,750,000	152,486	1,902,486	1,875,064	27,422	1,902,486		
Scott & White Park	*	300,590	71,408	371,998	362,835	-	362,835		
Southwest Community Park		3,330,000	=	3,330,000	9,500	3,320,500	3,330,000		
Western Hills Park	*	302,140	-	302,140	288,288	-	288,288		
Wilson Basketball Cover	*	203,770	(2,243)	201,527	201,527	-	201,527		
Wilson Football Field	**	611,375	(111,484)	499,891	499,891	-	499,891		
Wilson Recreation Center	**	1,300,000	(41,002)	1,258,998	1,253,997	5,001	1,258,998		
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					
		\$ 27,786,449	\$ -	\$ 27,786,449	\$ 13,927,090	\$ 13,614,989	\$ 27,542,079		

^{*} Project Final

^{**}Substantially Complete

Expenditures			Expenditures				Revenue & Bond Proceeds		
Construction in Progress									
Expenditures		\$	1,747,092	Original Issue {September 2016}	6	1,950,000			
Encumbrances as of 06/30/17	(1)		98,049	Transfer In - Library Foundation (Carpet Replacement)		17,087			
Estimated Costs to Complete Projects			120,654	Interest Income		1,794			
		\$	1,965,795		5	1,968,881			

			BUDGET						ACTUAL					
Project	_	Original Budget	Adjı to 0	ustments Driginal sudget	•	iusted Igeted	In	otal Costs curred & cumbered	Es	timated Costs to emplete		Total esignated oject Cost		
Bond Issue Costs		\$ 24,695	\$	-	\$	24,695	\$	24,695	\$	-	\$	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		(18,610)		1,390		1,390		-		1,390		
Security Upgrade at Service Center		42,099		-		42,099		42,099		-		42,099		
Upgrade Gate - Service Center		40,401		-		40,401		31,339		9,062		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		(69,519)		5,481		5,481		-		5,481		
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		
Emergency Generator - City Hall	**	-		88,129		88,129		88,129		-		88,129		
Contingency		1,292		-		1,292		-		-		-		
		\$ 1,950,000	\$	17,087	\$ 1	,967,087	\$	1,845,141	\$	120,654	\$	1,965,795		

^{*} Project Final

^{**} Substantially Complete

[^] Project will be completed utilizing LoanStar Loan Funds

For the period beginning April 1, 2017 and ending June 30, 2017

Expenditures			Revenue & Bond Proceeds	
Construction in Progress				
Expenditures		\$ 508,453	Current Revenues - FY 2017 ^	\$ 1,033,722
Encumbrances as of 06/30/17	(1)	362,098	Fund Balance Appropriation	1,376,430
Estimated Costs to Complete Projects		4,991,662	Original Issue {October 2017}	4,000,000
		\$ 5,862,213	Interest Income	_
				\$ 6,410,152

Detail of Construction Costs

		BU	JDGET			ACTUAL	
Project	Original Budget	to C	istments Priginal udget	Adjusted Budgeted	Total Costs Incurred & Encumbered	Estimated Costs to Complete	Total Designated Project Cost
Bond Issue Costs	\$	- \$	-	\$ -	\$ -	\$ -	\$ -
Conner Park Drainage Improvements	1,615,0	95	-	1,615,095	581,733	1,033,362	1,615,095
Azalea Drive Drainage Improvements	1,623,4	68	-	1,623,468	123,468	1,500,000	1,623,468
Ave T & Ave R Drainage Improvements	1,104,3	50	-	1,104,350	135,800	968,550	1,104,350
Ave D & 14th Street Drainage Improvements	188,8	00	-	188,800	29,550	159,250	188,800
Drainage Master Plan Modeling Assessment	1,330,5	00	-	1,330,500	-	1,330,500	1,330,500
Contingency	547,9	39		547,939			
	\$ 6,410,1	52 \$	-	\$ 6,410,152	\$ 870,550	\$ 4,991,662	\$ 5,862,213

Remaining (Needed) Funds \$ 547,939

[^] Available funding due to fee increase effective January 2017 desginated for drainage capital improvements

^{*} Project Final

^{**} Substantially Complete

CITY OF TEMPLE, TEXAS Exhibit E-10

For the period beginning June 1, 2017 and ending June 30, 2017

Expenditures

Revenue & Bond Proceeds

Construction in Progress

Expenditures \$
Encumbrances as of 06/30/17 (1)
Estimated Costs to Complete Projects

- Trans

2,466,736

Loan Proceeds (July 2017) \$ 2,803,109
Transfer - In

2,803,109

Detail of Construction Costs

		BUDGET			ACTUAL	
		Adjustments		Total Costs	Estimated	Total
	Original	to Original	Adjusted	Incurred &	Costs to	Designated
Project	Budget	Budget	Budgeted	Encumbered	Complete	Project Cost
Animal Shelter - Lighting Upgrade	\$ 8,630	\$ -	\$ 8,630	\$ -	\$ 8,630	\$ 8,630
Santa Fe - Lighting Upgrade	4,060	-	4,060	-	4,060	4,060
Mayborn Convention Center - Lighting Upgrade	19,740	-	19,740	-	19,740	19,740
Police Department - Lighting Upgrade	142,000	-	142,000	-	142,000	142,000
Historic Post Office - Lighting Upgrade	11,640	-	11,640	-	11,640	11,640
City Hall - Lighting Upgrade	17,950	-	17,950	-	17,950	17,950
Summit Fitness Center - Lighting Upgrade	6,490	-	6,490	-	6,490	6,490
Service Centers A/B/C - Lighting Upgrade	25,940	-	25,940	-	25,940	25,940
Service Centers A/B/C - Lighting Upgrade {Outdoor}	166,760	-	166,760	-	166,760	166,760
Fire Station - Central - Lighting Upgrade	5,410	-	5,410	-	5,410	5,410
Fire Station - #2 - Lighting Upgrade	2,550	-	2,550	-	2,550	2,550
Fire Station - #3 - Lighting Upgrade	3,950	-	3,950	-	3,950	3,950
Fire Station - #4 - Lighting Upgrade	3,420	-	3,420	-	3,420	3,420
Fire Station - #5 - Lighting Upgrade	3,350	-	3,350	-	3,350	3,350
Fire Station - #6 - Lighting Upgrade	2,560	-	2,560	-	2,560	2,560
Fire Station - #7 - Lighting Upgrade	4,130	-	4,130	-	4,130	4,130
Fire Station - #8 - Lighting Upgrade	6,285	-	6,285	-	6,285	6,285
Gober Party House - Lighting Upgrade	1,620	-	1,620	-	1,620	1,620
Blackmon Center - Lighting Upgrade	3,960	-	3,960	-	3,960	3,960
Patsy Luna Building - Lighting Upgrade	2,400	-	2,400	-	2,400	2,400
Old Fire Training Center - Lighting Upgrade	1,350	-	1,350	-	1,350	1,350
Municipal Court / UBO - Lighting Upgrade	10,250	-	10,250	-	10,250	10,250
Clarence Martin Gym - Lighting Upgrade	6,625	-	6,625	-	6,625	6,625
Sammons Comm Cntr - Indoor Pool - Lighting Upgrade	3,415	-	3,415	-	3,415	3,415
Sammons Golf Course - Clubhouse - Lighting Upgrade	1,160	-	1,160	-	1,160	1,160
Elmer Reed General Aviation Terminal - Lighting Upgrade	4,420	-	4,420	-	4,420	4,420
PARD Shop - Lighting Upgrade	2,100	-	2,100	-	2,100	2,100
Animal Shelter - HVAC Improvements	50,425	-	50,425	-	50,425	50,425
Santa Fe - HVAC Improvements	236,812	-	236,812	-	236,812	236,812
Mayborn Convention Center - HVAC Improvements	465,300	-	465,300	-	465,300	465,300
Police Department - HVAC Improvements	4,000	-	4,000	-	4,000	4,000
City Hall - HVAC Improvements	172,575	-	172,575	-	172,575	172,575
Summit Fitness Center - HVAC Improvements	165,325	-	165,325	-	165,325	165,325
Service Centers A/B/C - HVAC Improvements	189,360	-	189,360	_	189,360	189,360
Fire Station - #3 - HVAC Improvements	31,250	-	31,250	-	31,250	31,250
Fire Station - #4 - HVAC Improvements	18,150	-	18,150	-	18,150	18,150
Fire Station - #5 - HVAC Improvements	25,250	_	25,250	<u>-</u>	25,250	25,250
Fire Station - #7 - HVAC Improvements	8,225	<u>-</u>	8,225	-	8,225	8,225
Gober Party House - HVAC Improvements	49,800	<u>-</u>	49,800	-	49,800	49,800
	10,000		10,000		10,000	(Continued)

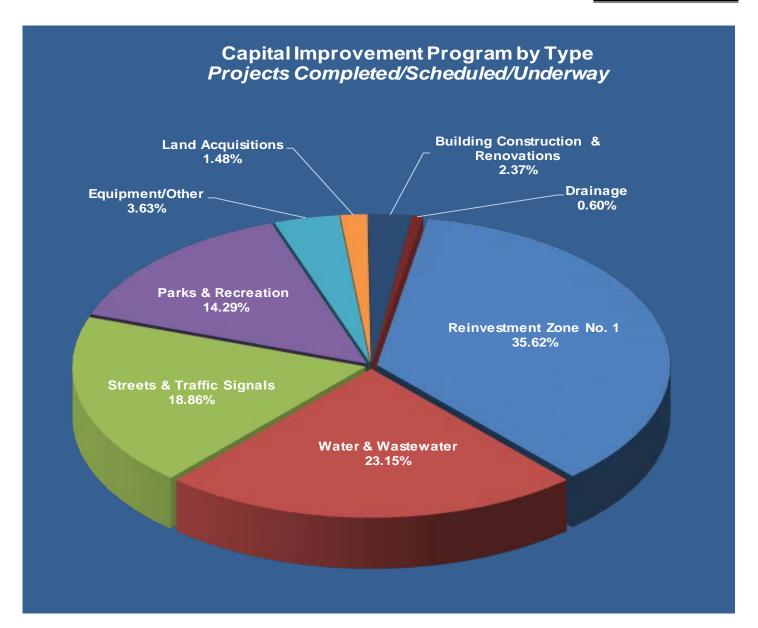
Detail of Construction Costs

	BUDGET						ACTUAL					
			Adjustn	nents			Total C	osts	Е	stimated		Total
	0	riginal	to Orig	inal	A	djusted	Incurre	ed &	(Costs to	De	signated
Project	<u>E</u>	Budget	Budg	jet	В	udgeted	Encumb	ered	<u> </u>	omplete	Pro	oject Cost
Patsy Luna Building - HVAC Improvements	\$	10,550	\$	-	\$	10,550	\$	-	\$	10,550	\$	10,550
Code Compliance - HVAC Improvements		5,850		-		5,850		-		5,850		5,850
Blackmon Center - HVAC Improvements		14,625		-		14,625		-		14,625		14,625
Municipal Court / UBO - HVAC Improvements		193,500		-		193,500		-		193,500		193,500
Clarence Martin Gym - HVAC Improvements		59,925		-		59,925		-		59,925		59,925
Sammons Comm Cntr - Indoor Pool - HVAC Improvements		10,550		-		10,550		-		10,550		10,550
Sammons Golf Course - Clubhouse - HVAC Improvements		18,700		-		18,700		-		18,700		18,700
Elmer Reed General Aviation Term - HVAC Improvements		33,150		-		33,150		-		33,150		33,150
PARD Shop - HVAC Improvements		7,000		-		7,000		-		7,000		7,000
Design Fees		224,249		-		224,249		-		224,249		224,249
Contingency		336,373		-		336,373		-				-
	\$	2,803,109		-	\$	2,803,109		-	\$	2,466,736	\$	2,466,736

^{*} Project Final

^{**} Substantially Complete

Reinvestment Zone No. 1	\$ 66,570,979
Water & Wastewater	43,259,541
Streets & Traffic Signals	35,240,103
Parks & Recreation	26,711,293
Equipment/Other	6,785,501
Building Construction & Renovations	4,432,253
Land Acquisitions	2,766,314
Drainage	 1,127,895
Total of Capital Improvement Projects Underway/Scheduled	\$ 186,893,879



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	Oct-17
Weight Room Rubber Flooring Installation - Summit	101376	BUDG-16	110-5932-551-6310 110-3250-551-6310	16,500	16,416	Complete	Jan-17
Electrical System Upgrade - Mayborn	101387	Hotel/Motel	240-4400-551-6310	18,480	18,475	Substantially Complete	July-17
Install Family/Special Needs Restroom - Mayborn	101388	Hotel/Motel	240-4400-551-6310	28,070	28,070	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	21,390	2,781	Construction	Dec-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	Sept-17
Upgrade Gate - Service Center	101405	LTN-16 BUDG-U	364-3800-519-6310 520-5000-535-6310	80,801	62,333	Construction	Sept-17
Roof Replacement - Sammons Community Center	101444	BUDG-15 BUDG-16	110-3270-551-6310 110-5932-551-6310	71,000	46,478	Complete	May-17
Roof Replacement - Animal Shelter	101445	BUDG-15	110-2100-529-6310	31,681	31,681	Complete	May-17
Roof Replacement - Old Market Depot	101446	BUDG-15 BUDG-16	110-2400-519-6310 110-5924-519-6310	28,740	28,740	Complete	May-17
Roof Replacement - Moody Depot	101447	Hotel/Motel	240-7000-551-6310	36,847	34,181	Complete	Mar-17
Elevator Repair - Clarence Martin	101464	BUDG-16	110-5924-519-6310	39,071	39,071	Substantially Complete	July-17
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	Sept-17
Trees/Landscaping - Police Department	101511	BUDG-16 BUDG-17	110-1195-513-6319 110-2012-521-6319	25,160	21,036	Complete	May-17
FY 2017 - HVAC Major Repairs & Replacements	101515	BUDG-17	110-5924-519-6310	29,694	-	Planning	Sept-17
FY 2017 - Roof Major Repairs & Replacements	101516	BUDG-17	110-5924-519-6310	69,000	30,518	Construction	Sept-17
FY 2017 - General Building Paint & Repairs	101517	BUDG-17	110-5924-519-6310	52,295	-	Planning	Sept-17
Upgrade Lights to LED - Police Department	101568	LTN-16	364-2011-521-6310	5,481	5,481	Engineering	Oct-17
Security System - Municipal Court Building	101622	BUDG-17	110-1800-525-6218	35,000	-	Planning	Sept-17
Renovations to Legal Offices	101624	BUDG-17 CO-08	110-5900-512-6310 361-1600-512-6979	34,550	27,236	In Progress	Aug-17
UBO Office Furniture	101625	BUDG-17	520-5800-535-6210	15,429	15,429	Complete	Apr-17
Public Works Training Room Remodel	101626	BUDG-U	520-5200-535-6310 520-5400-535-6310	66,326	65,000	In Progress	Aug-17
Slide Restoration - Summit	101634	BUDG-17	110-5932-551-6310	27,057	24,570	Complete	May-17
Emergency Generator - City Hall	101639	BUDG-17 LTN-16	110-5924-519-6222 364-2400-519-6222	160,000	154,146	Substantially Complete	July-17
HVAC Improvements - Library	101646	BUDG-17	110-4000-555-6310 110-5940-555-6310	46,704	46,483	Construction	Aug-17
Lighting Upgrades - Multi Facility	Multi	LSL-17	358-XXXX-XXX-6310	590,206	-	Planning	Sept-18
			l .	1	1		1

Project	Project #	Funding	Acct #	Proje	ect Budget	Actual Commit / Spent	Status	Scheduled Completion
HVAC Improvements - Multi Facility	Multi	LSL-17	358-XXXX-XXX-6310	\$	2,212,903	\$ -	Planning	Sept-18
Total Building Construction & Renovations				\$	4,432,253	\$ 1,025,728		
Meadowbrook/Conner Park Drainage {Design & ROW}	101592	Drainage	292-2900-534-6312		865,095	581,733	Engineering	Jan-18
Azalea Drive Drainage Improvements {Design}	101636	Drainage	292-2900-534-6312		83,200	8,250	Engineering	Nov-17
Ave T & Ave R Drainage Improvements {Design}	101637	Drainage	292-2900-534-6312		148,300	135,800	Engineering	Oct-17
Ave D & 14th Street Drainage Improvements {Design}	101638	Drainage	292-2900-534-6312		31,300	29,550	Engineering	Oct-17
Total Drainage				\$	1,127,895	\$ 755,333		
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	Aug-17
Auto Meter Reading System - Large Meters	101173	BUDG-U	520-5300-535-6250		450,000	97,420	Engineering	Dec-17
Intergraph Web RMS - ITS	101188	BUDG-15 DESCAP	110-1900-519-6221 110-5919-519-6221 351-1900-519-6221		604,948	604,948	In Progress	Aug-17
Replacement of Quint 6, Asset #11192	101338	CO-16	365-2200-522-6776		1,195,000	1,195,000	In Progress	Aug-17
Replacement of Engine 7, Asset #11324	101339	CO-16	365-2200-522-6776		705,000	702,517	Substantially Complete	July-17
Install Outdoor Warning Signals	101348	BUDG-16	110-5900-522-6211		51,962	51,962	Complete	Jan-17
Replace '97 Ford F350 Pickup, Asset #10251	101352	BUDG-16	110-5938-519-6213		57,529	56,105	Complete	Jan-17
Replace 2006 Sterling/Vactor, Asset #12217	101410	BUDG-U	520-5400-535-6220		344,994	344,990	Complete	Apr-17
Replace South Pump Station, Phase I - Golf Course	101438	BUDG-16	110-5931-551-6310		104,024	104,024	Complete	Dec-16
FY 2016 - Extrication Equipment	101454	BUDG-16	110-5900-522-6211		60,764	60,764	Complete	Nov-16
Replace Patrol Car, Asset #12569	101509	BUDG-16	110-2031-521-6213		51,450	49,172	Complete	Feb-17
Replace Defibrillator Monitor	101519	BUDG-17	110-5900-522-6211		26,500	23,912	Substantially Complete	July-17
Replace (5) Portable Radios	101520	BUDG-17	110-5900-522-6224		24,500	24,494	Complete	June-17
Gear Lockers	101521	BUDG-17	110-5900-522-6211		13,000	11,014	Complete	Mar-17
FY 2017 - Extrication Equipment	101522	BUDG-17	110-5900-522-6211		60,000	33,061	In Progress	Aug-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	22,920	In Progress	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	Dec-17
Replace '02 Toro Workman 2100, Asset #11456	101528	BUDG-17	110-5935-552-6222		14,912	14,911	Complete	Feb-17
Replace '06 Toro Ground Master Mower, Asset #12438	101529	BUDG-17	110-5935-552-6222		91,768	91,767	Complete	Oct-16
Replace '08 Toro 580D Mower, Asset #12815	101530	BUDG-17	110-5935-552-6222		91,768	91,767	Complete	Oct-16
Replace '12 Hustler Super Z Mower, Asset #13464	101531	BUDG-17	110-5935-552-6222		11,000	10,770	Complete	Apr-17
6-Foot Mower (2) - Parks **Addition to Fleet**	101532	BUDG-17	110-5935-552-6222		27,000	-	On Hold	TBD
Utility Carts (2) with Attachments - Parks **Addition to Fleet**	101533	BUDG-17	110-5935-552-6222		28,000	-	On Hold	TBD

Project	Project #	Funding	Acct #	Project Budget	Actual Commit / Spent	Status	Scheduled Completion
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	22,920	22,920	In Progress	Aug-17
Pickup - Aquatics - Parks **Addition to Fleet**	101538	BUDG-17	110-5935-552-6213	42,600	42,600	In Progress	Sept-17
Unmarked Vehicle with Radio - Lt Admin **Addition to Fleet**	101539	BUDG-17	110-2011-521-6213	25,000	18,685	In Progress	Aug-17
Unmarked Vehicle - Lt. Professional Standards Unit **Addition to Fleet**	101540	BUDG-17	110-2011-521-6213	25,000	18,685	In Progress	Aug-17
Explorer with MDT & Radio - SRO **Addition to Fleet**	101541	BUDG-17	110-2020-521-6213	50,600	46,647	Complete	May-17
Unmarked Vehicle with Radio - SVU **Addition to Fleet**	101542	BUDG-17	110-2011-521-6213	25,000	18,685	In Progress	Aug-17
Replace (8) Marked Units - Police	101543	BUDG-17	110-2031-521-6213 110-5900-521-6213	400,600	379,525	Complete	May-17
Replace (3) Unmarked Units - Police	101544	BUDG-17	110-5900-521-6213	86,500	79,280	In Progress	Aug-17
Replace (10) Radios	101545	BUDG-17	110-5900-521-6224	32,638	-	Planning	Sept-17
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	Oct-17
Replace '12 Freightliner/Heil Garbage Truck, Asset #13383	101549	BUDG-17	110-5900-540-6222	282,689	282,689	In Progress	Sept-17
Replace '08 Intl/Hood Brush Truck, Asset #12578	101550	BUDG-17	110-5900-540-6222	171,411	171,213	In Progress	Sept-17
Replace '05 Ford F150 Pickup, Asset #12141	101551	BUDG-17	110-5900-540-6213	30,875	30,169	In Progress	Sept-17
Replace '07 Freightliner G&H Rolloff Truck, Asset #12386	101552	BUDG-17	110-5900-540-6222	135,955	135,706	In Progress	Sept-17
Automated Sideloader Garbage Collection Vehicle **Addition to Fleet**	101553	BUDG-17	110-5900-540-6222	322,700	282,689	In Progress	Jan-18
Replace '05 Chevy Silverado 3500, Asset #12194	101554	BUDG-17	110-5900-531-6213	49,750	48,490	In Progress	Aug-17
Replace '04 Line Lazar 5900 Striping Machine, Asset #11748	101555	BUDG-17	110-5900-531-6222	14,300	7,957	Complete	June-17
Replace '07 Floor Scrubber	101557	Hotel/Motel	240-4400-551-6211	11,600	11,600	Complete	Mar-17
Towable Road Base Compactor **Addition to Fleet**	101560	BUDG-U	520-5200-535-6220 520-5400-535-6220	17,756	17,727	In Progress	Aug-17
Replace '08 Ford F350 Utility Truck, Asset #12588	101561	BUDG-U	520-5400-535-6213	42,885	42,885	In Progress	Oct-17
IVR Server Upgrade - Utility Business Office	101564	BUDG-U	520-5800-535-6218	15,100	15,100	In Progress	July-17
Replace '00 John Deere 410E Backhoe, Asset #10988	101565	BUDG-U	520-5200-535-6220	100,256	99,743	In Progress	July-17
Replace '03 Caterpillar 416D Backhoe, Asset #11622	101566	BUDG-U	520-5200-535-6220	99,744	99,743	In Progress	July-17
1/2 Ton Pickup - Enviro Prog Tech **Addition to Fleet**	101567	BUDG-U	520-5200-535-6213	28,000	22,920	In Progress	July-17
Replace '00 Dodge Van, Asset #10650	101573	BUDG-17	110-5900-560-6213	27,000	21,697	In Progress	Aug-17
Replacement Servers	101608	DESCAP	351-1900-519-6218	58,336	58,336	Complete	Mar-17
Storage Area Network	101609	BUDG-17	110-1900-519-6228 351-1900-519-6218	90,450	90,449	Complete	Mar-17
Refurbish Engine #5, Asset #11887	101633	BUDG-17	110-5900-522-6222	110,001	110,001	In Progress	Sept-17
Replace 2007 Toro Groundmaster - Sammons	101635	BUDG-17	110-5931-551-6222	65,000	64,338	Complete	May-17

Project	Project #	Funding	Acct #	Project Bu	dget	Actual Commit / Spent	Status	Scheduled Completion
NEC Software License Upgrade	101641	BUDG-17	110-2041-521-6221	\$ 30	5,300	\$ 36,300	In Progress	Dec-17
Scissor Lift	101643	Hotel/Motel	240-4620-551-6222	1:	5,165	-	Planning	Aug-17
Jackhammer Attachment for Backhoe	101647	Drainage	292-2900-534-6220	14	4,825	-	Planning	Aug-17
Total Equipment/Other				\$ 6,78	35,501	\$ 5,961,418		
Kegley Road Improvements {ROW}	100346	ROW ESCROW	351-3400-531-6110	189	9,180	111,090	In Progress	TBD
Water Line Replacement - Charter Oak (ROW)	100608	Util-RE	520-5900-535-6110	800	0,000	170,235	In Progress	Sept-17
TCIP - Hogan Road Improvements (ROW)	100952	CO-12	365-3400-531-6857	1,000	0,000	153,795	In Progress	TBD
Bird Creek Interceptor (ROW)	101213	Util-RE	520-5900-535-6110	77	7,134	163,783	In Progress	TBD
Total Land Acquisitions				\$ 2,70	66,314	\$ 598,904		
Park Improvements - Wilson Park {Rebuild}	101124	BUDG-15 GRANT	110-3500-552-6513 260-6100-571-6516	18	7,368	187,180	Complete	May-17
Park Improvements - Wilson Park (Rebuild)	101124	BUDG-15 GRANT	110-3500-552-6513 260-6100-571-6516	18	7,368	187,180	Complete	May-17
Sidewalk/Trail Repair - Wilson, Jackson, Lions & South Temple	101149	BUDG-15	110-5935-552-6310	39	9,894	19,971	In Progress	Sept-17
Caboose Renovations	101303	Hotel/Motel	240-7000-551-6310	18	3,527	7,733	Construction	Jan-18
Crossroads Athletic Park (RZ Funds in Project 101005)	101311	GO-15	362-3500-552-6402	11,90	0,000	3,745,980	Construction	Aug-18
Jaycee Park	101312	GO-15	362-3500-552-6403	1,098	3,730	1,051,670	Construction	Aug-17
Korampai Soccer Fields	101314	GO-15	362-3500-552-6405	229	9,337	229,336	Complete	Oct-16
Lions Junction	101316	BUDG-16 GO-15 LTN-16	110-3500-552-6364 362-3500-552-6407 364-3500-552-6364	1,99	7,001	1,993,265	Complete	Apr-17
Mercer Fields	101317	GO-15	362-3500-552-6408	67	7,610	450	Planning	Aug-19
Oak Creek Park	101319	GO-15	362-3500-552-6410	458	3,415	306,593	Construction	Aug-17
Optimist Park	101320	GO-15	362-3500-552-6411	430	0,588	430,587	Complete	Feb-17
Prairie Park	101321	GO-15	362-3500-552-6412	440	0,000	59,228	Planning	TBD
Sammons Community Center	101322	GO-15	362-3500-552-6413	1,902	2,486	1,875,064	Substantially Complete	July-17
Scott & White Park	101323	GO-15	362-3500-552-6414	37	1,998	362,835	Complete	Mar-17
Southwest Community Park	101324	GO-15	362-3500-552-6415	3,330	0,000	9,500	Planning	TBD
Western Hills Park	101325	GO-15	362-3500-552-6416	302	2,140	288,288	Complete	May-17
Wilson Basketball Cover	101326	GO-15	362-3500-552-6417	20	1,527	201,527	Complete	Feb-17
Vilson Football Field	101327	GO-15	362-3500-552-6418	499	9,891	499,892	Substantially Complete	July-17
Wilson Recreation Center	101328	BUDG-16 GO-15	110-5935-552-6310 362-3500-552-6419	1,41	1,398	1,406,397	Substantially Complete	July-17
Wilson South	101329	GO-15	364-3500-522-6310 362-3500-552-6420	789	9,755	50,700	Engineering	Sept-18
Bend of the River Master Plan	101465	GRANT	260-3500-552-2623	139	9,428	139,428	Complete	Mar-17
Linkage Trails - Windham Trail	101466	GO-15	362-3500-552-6406	28	5,200	187,835	Construction	Oct-17

Project	Project #	Funding	Acct #	Project Budget	Actual Commit / Spent	Status	Scheduled Completion
Rail Maintenance	100692	RZ	795-9500-531-6514	\$ 374,521	\$ 171,606	In Progress	TBD
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	396,026	395,065	Complete	May-17
Temple Industrial Park - Research Pkwy (IH35 to Wendland)	101000	RZ	795-9500-531-6863 795-9600-531-6863 795-9800-531-6863	18,130,000	2,226,029	Engineering	June-19
Temple Industrial Park - Research Pkwy (Wendland to McLane Pkwy) {Design & ROW}	101001	RZ	795-9800-531-6864	2,260,000	1,265,328	Engineering	Dec-17
Corporate Campus Park - Bioscience Trail Connection to Airport (Extending Trail to 36)	101002	RZ	795-9500-531-6865 795-9800-531-6865	2,304,900	2,144,438	Construction	Sept-17
Corporate Campus Park - Research Pkwy (McLane Pkwy to Cen Pt Pkwy) {Design & ROW}	101004	RZ	795-9800-531-6881	1,500,000	521,449	Engineering	Dec-17
Crossroads Park @ Pepper Creek Trail {Park Bond Funds in Project 101311}	101005	RZ	795-9500-531-6867 795-9800-531-6867	5,175,000	2,733,543	Construction	May-18
Synergy Park - Entry Enhancement	101006	RZ	795-9500-531-6868 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	7,630,461	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	1,037,662	Construction	Aug-17
Avenue U - TMED Ave to 1st St	101012	RZ	795-9500-531-6874	2,780,000	2,653,699	Construction	Sept-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	3,160,100	1,556,636	Engineering	July-18
Veteran's Memorial Boulevard, Phase II {Design & ROW}	101263	RZ	795-9500-531-6567	925,000	622,217	Engineering	Dec-17
N. 31st Street Sidewalks (Zone Match for Project 101440)	101288	RZ	795-9500-531-6315	74,857	32,063	Substantially Complete	July-17
R & D Rail Tracks {Preliminary Design}	101457	RZ	795-9500-531-6568	124,400	124,400	On Hold	TBD
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	88,600	88,600	Complete	Apr-17
Outer Loop, Phase V (IH35 South) {Design & ROW}	101585	RZ	795-9500-531-6557 795-9600-531-9557	2,500,000	391,906	Engineering	June-19
Airport Corporate Hangar, Phase III	101586	RZ	795-9500-531-6558	1,620,000	211,400	In Progress	Apr-18
MLK Festival Fields {Design Only}	101588	RZ	795-9500-531-6569	79,900	79,900	Engineering	Mar-18
TMED South 1st Street, Phase I	101627	RZ	795-9500-531-6570	1,320,000	97,950	Engineering	Sept-18
Total Reinvestment Zone No. 1 Infrastructure	<u> </u>			\$ 66,570,979	\$ 32,909,633		
TCIP - Kegley Road Improvements	100346	CO-14	365-3400-531-6888	801,600	105,550	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	1,996,640	1,958,112	Complete	May-17
TCIP - Tarver Road Extension to Old Waco {Sidewalk Project}	100392	CO-14	365-3400-531-6885	356,027	356,027	Complete	May-17
TCIP - Ave U - Scott & White to 1st/13th- 17th {Construction}	100718	CO-12	365-3400-531-6874	2,855,756	2,844,841	Construction	Sept-17
TCIP - Hogan Road Improvements {Design}	100952	CO-12	365-3400-531-6857	377,650	279,200	Engineering	Dec-17

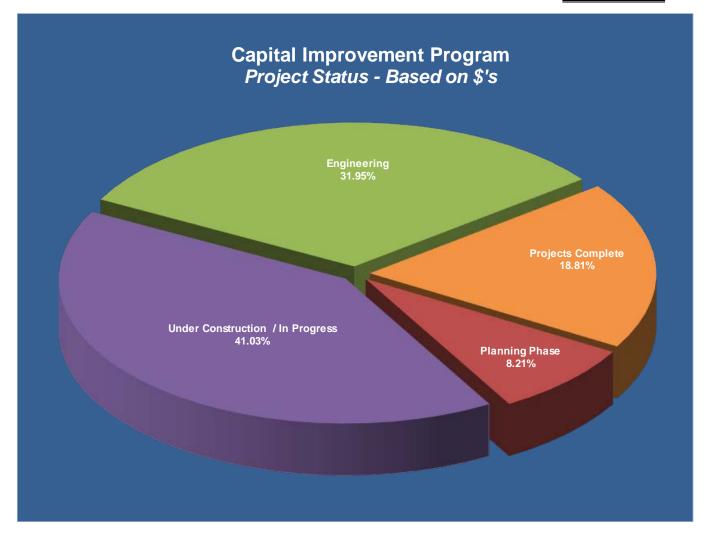
Project	Project #	Funding	Acct #	Project Budget	Actual Commit / Spent	Status	Scheduled Completion
Westfield Boulevard Improvements, Phase II {Design Only}	100970	CO-12	365-3400-531-6859	\$ 412,210	\$ 412,210	On Hold	TBD
TCIP - Prairie View, Phase I (Research to N Pea Ridge)	100984	CO-14	365-3400-531-6862	8,091,390	8,091,390	Complete	Jan-17
TCIP - Outer Loop, Phase IIIB	101121	CO-12 CO-14	365-3400-531-6813 365-3400-531-6813	5,691,449	1,334,609	Engineering	TBD
TCIP - S Pea Ridge Road (Hogan - Poison) ROUTE STUDY	101214	CO-14	365-3400-531-6860	91,964	-	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, Phase II (N Pea Ridge to FM 2483)	101257	GRANT CO-14	260-3400-531-6862 365-3400-531-6862	9,281,067	2,405,576	Engineering	Dec-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	100,000	98,057	Complete	Feb-17
N. 31st Street Sidewalks	101440	GRANT	260-3400-531-6315	423,900	404,429	Substantially Complete	July-17
TCIP - Meadows, Phase IV - Tanglehead Development {KAM Homebuilders}	101467	CO-14	365-3400-531-6889	78,000	78,000	On Hold	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	Nov-17
Upgrade 5 Traffic Signals	101556	CO-16	365-2800-532-6810	75,000	-	Planning	Sept-17
Ave U Drainage Improvements @ Summit {Construction}	101581	CO-16	365-3400-531-6874	102,752	102,752	Construction	Sept-17
Traffic Signal Upgrade - S. 1st St @ W Ave U	101584	CO-16	365-2800-532-6810	250,000	-	On Hold	TBD
TCIP - Legacy Pavement Preservation Program FY 2017	101587	CO-16	365-3400-531-6527	2,784,455	2,726,114	Complete	Feb-17
Kegley Road, Phase II {Design}	101606	CO-16	365-3400-531-6888	413,800	413,800	Engineering	Sept-17
Kegley Road, Phase III & IV {Preliminary Design}	101607	CO-16	365-3400-531-6888	306,090	306,090	Engineering	Sept-17
Traffic Signal Upgrade - N Kegley @ Airport Rd {Design}	101611	CO-16	365-2800-532-6810	24,650	24,650	Engineering	Aug-17
Traffic Signal Upgrade - Adams @ Greenview {Design}	101612	CO-16	365-2800-532-6810	24,650	24,650	Engineering	Aug-17
Summit Fitness - Pool Side French Drain Installation	101623	BUDG-17 CO-08	110-5932-551-6310 361-3250-551-6978	38,976	38,208	Complete	May-17
Restripe Midway Drive/Tarver Drive	101631	CO-16	365-3400-531-6527	18,000	13,719	Construction	Aug-17
Dairy Road Improvements	101632	CO-16	365-3400-531-6982	80,000	1,125	Construction	Aug-17
Total Streets\Related Facilities				\$ 35,240,103	\$ 22,261,271		
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	Complete	May-17
TCIP Utilities - Tarver Road Extension to Old Waco	100392	UR-15	561-5200-535-6936	194,779	189,418	Complete	May-17
Temple-Belton WWTP Expansion, Phase I {Engineering Only}	100584 101086	UR-10 UR-15	561-5500-535-6938	1,948,800	1,948,800	Complete	June-17
Water Line Replacement - Charter Oak	100608	UR-15	561-5200-535-6939	2,795,560	2,795,558	In Progress	TBD

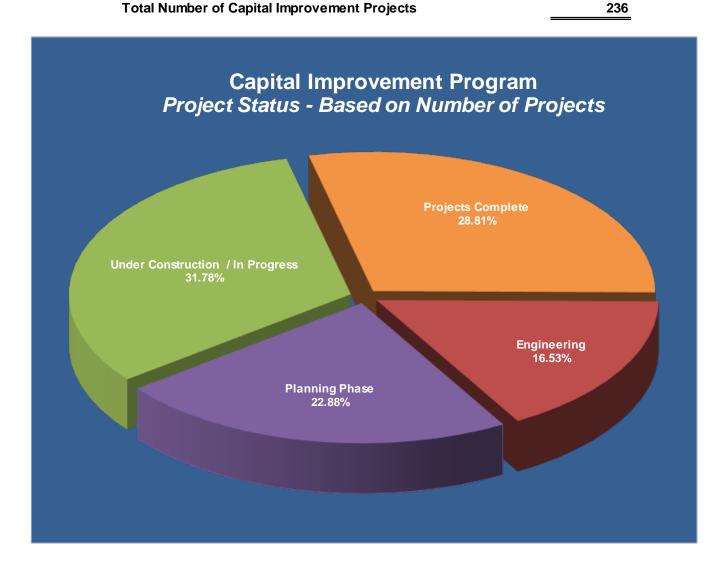
Project	Project #	Funding	Acct #	Project Budget	Actual Commit / Spent	Status	Scheduled Completion
I-35 Utility Relocation Project: North Loop 363 to Northern Temple City Limits {Engineering Only}	100682	TxDOT	520-5900-535-6618	\$ 193,240	\$ 193,240	Construction	June-19
I-35 Utility Relocation Project: South Loop 363 to Nugent {Engineering Only}	100687	TxDOT	520-5900-535-6618	552,067	492,690	Construction	June-19
Crigineering Only -35 Utility Relocation Project: Nugent to North Loop 363	100688	TxDOT	520-5900-535-6618	464,053	404,675	Construction	June-19
{Engineering Only} Ave U - Scott & White to 1st/13th-17th	100718	UR-15	561-5200-535-6969	28,746	16,150	Construction	Sept-17
Leon River Trunk Sewer,	100851	UR-10	561-5400-535-6941	5,344,925	5,075,969	Construction	July-18
Lift Station and Force Main TCIP - Hogan Road Improvements {ROW}	100952	UR-15	561-5200-535-6983	18,300	8,800	Engineering	Aug-17
Prairie View, Phase 1 (Research to N Pea Ridge)	100984	UR-15	561-5200-535-6862	692,006	689,756	Complete	Dec-16
WWTP - Doshier SCADA	100992	UR-10	561-5500-535-6944	386,874	386,873	Complete	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	1,589,623	1,589,623	Engineering	Jan-18
WTP Improvements - Tasks 1-3 {Preliminary Engineering Only}	101087	UR-15	561-5100-535-6954	242,832	242,832	Engineering	Jan-18
WTP Improvements - Tasks 4-6 {Preliminary Engineering Only}	101088	UR-15	561-5100-535-6959	276,417	141,315	Engineering	Sept-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	1,480,970	Construction	Sept-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 FY 2017- Replace Parts - Membrane Plant	101179	BUDG-U BUDG-U	520-5100-535-6310 520-5100-535-6211	100,000 87,344	850 37,344	Planning In Progress	TBD Sept-17
Water/Wastewater Replacement -	101186	Util-RE	520-5900-535-6521	642,000	83,715	On Hold	TBD
2nd & 4th; Ave C to Adams Ave 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	789,143	789,142	Construction	Sept-17
Waterline Improvements -	101194	Util-RE	520-5900-535-6357	151,726	151,726	Substantially	July-17
S 22nd St - Ave H to Ave I SLR - S 18th St - Ave H South	101195	Util-RE	520-5900-535-6361	564,500	564,499	Complete Substantially	July-17
SLR - S 20th St - Ave H Deadend	101196	UR-15 Util-RE	561-5400-535-6962 520-5900-535-6361	975,369	975,367	Complete Substantially	July-17
WW Master Plan Update	101197	UR-15 Util-RE	561-5400-535-6963 520-5900-535-2616	600,000	419,974	Complete In Progress	Apr-18
WL Replace - 3rd St - Irvin to Nugent	101200	UR-15	561-5200-535-6952	1,103,601	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	252,308	Engineering	Sept-18
SLR - Ave M - Ave N & Dunbar Trunk	101203	Util-RE UR-15	520-5900-535-6361 561-5400-535-6966	733,826	733,825	Substantially Complete	July-17
WWL Replace - Avenue P	101204	UR-15	561-5400-535-6958	489,235	489,235	Complete	May-17
NL 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	786,815	751,810	Construction	Sept-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	836	Planning	TBD

Project	Project #	Funding	Acct #	Project Budget	Actual Commit / Spent	Status	Scheduled Completion
In House Sewer: Bunker Hill-Patrick Henry; Yorktown-Betsy Ross	101406	BUDG-U	520-5400-535-6359	\$ 136,000	\$ -	Planning	TBD
In House Sewer: Ticonderoga-West Point; Trenton-Liberty	101407	BUDG-U	520-5400-535-6359	187,000	-	Planning	TBD
In House Sewer: Lexington-Yorktown; Bunker Hill-Valley Forge	101408	BUDG-U	520-5400-535-6359	110,500	-	Planning	TBD
FY 2016 - Repair/Replace Pumps, Drives and Valves	101417	BUDG-U	520-5100-535-6310	27,895	27,895	Complete	Apr-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	420,644	In Progress	Sept-17
WTP Membrane Plant - Repaint Piping, Floors, and Concrete Slab	101420	BUDG-U	520-5100-535-6310	294,000	-	Planning	Feb-18
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	145,962	-	Planning	TBD
WTP Conventional - Lab Upgrades	101452	BUDG-U	520-5100-535-6310	109,172	7,025	On Hold	TBD
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	641,530	641,530	Engineering	Nov-18
Jackson Park Vicinity Water & Wastewater Line Improvements	101476	Util-RE UR-15	520-5900-535-6361 561-5400-535-6970	1,466,719	1,466,718	Construction	Feb-18
Bird Creek Interceptor, Phase V {Design Only}	101477	UR-15	561-5400-535-6925	91,370	85,929	Engineering	Oct-18
Waste Water Line - Airport Road/Crossroads Park	101480	UR-15	561-5400-535-6971	871,912	737,371	Construction	Feb-18
Install (2) Water Lines - Highland Park	101488	Util-RE	520-5900-535-6366	152,844	152,844	Construction	Dec-17
Western Hills Water Improvements, Phase II	101503	Util-RE UR-15	520-5900-535-6357 561-5200-535-6950	2,077,823	2,077,724	Construction	June-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	Jan-19
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	19,130	On Hold	TBD
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	446,196	Construction	Oct-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	Sept-17
Water Line Improvements - Henderson between E Ave H and E Ave I	101594	BUDG-U	520-5200-535-6357	90,000	36,251	Complete	Mar-17
WTP Improvements - Tasks 3 - Lagoon Improvements (Final Engineering & Construction)	101613	UR-15	561-5100-535-6954	434,978	-	Planning	Dec-17
WTP Improvements - Tasks 2 - MWTT Optimization (Final Engineering & Construction)	101614	UR-15	561-5100-535-6954	517,414	268,560	Engineering	Jan-18
WTP Improvements - Tasks 6 - Membrane Reverse Filtration Header Replacement {Final Engineering & Construction}	101616	UR-15	561-5100-535-6959	268,583	268,582	Construction	Oct-17

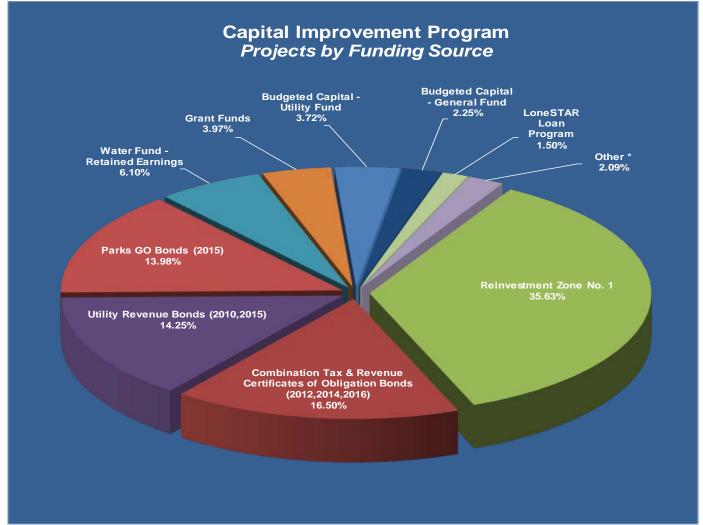
Project	Project #	Funding	Acct #	Pro	ject Budget	Actual Commit / Spent	Status	Scheduled Completion
WTP Improvements - Tasks 1 - Zebra Mussels {Final Engineering & Construction}	101618	UR-15	561-5100-535-6954	\$	259,776	\$ -	Planning	Mar-18
Pressure Valve Improvement @ Harley Davidson	101620	UR-15	561-5200-535-6977		93,091	65,942	Construction	Sept-17
Williamson Creek Trunk Sewer {Design}	101628	UR-15	561-5400-535-6980		655,379	655,379	Engineering	Mar-18
Knob Creek Trunk Sewer {Design}	101629	Util-RE	520-5900-535-6631		1,228,091	1,228,090	Engineering	Aug-18
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	TBD
Total Water & Wastewater Facilities				\$	43,259,541	\$ 32,794,114		
Total Capital Projects				\$	186,893,879	\$ 109,359,861		

Under Construction / In Progress	\$ 76,566,852
Engineering	59,614,510
Projects Complete	35,096,347
Planning Phase	15,316,170
Total Estimated Costs of Capital Improvement Projects	\$ 186,593,879

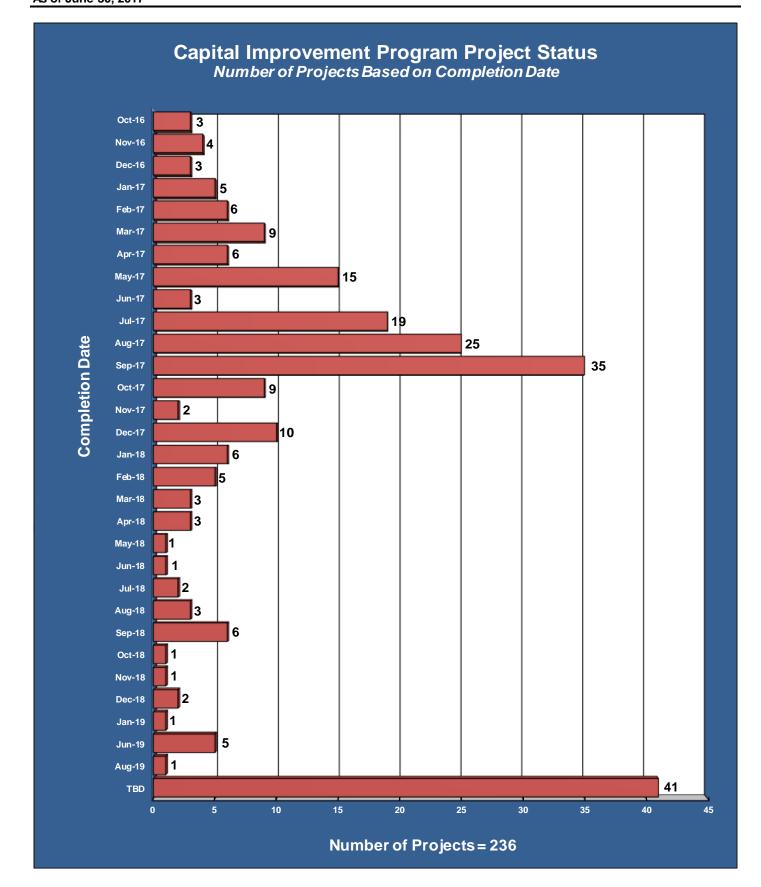




	Total Dollars	% of Total
Reinvestment Zone No. 1	\$ 66,593,899	35.63%
Combination Tax & Revenue Certificates of Obligation Bonds (2012,2014,2016)	30,844,487	16.50%
Utility Revenue Bonds (2010,2015)	26,631,362	14.25%
Parks GO Bonds (2015)	26,132,914	13.98%
Water Fund - Retained Earnings	11,402,061	6.10%
Grant Funds	7,422,656	3.97%
Budgeted Capital - Utility Fund	6,951,919	3.72%
Budgeted Capital - General Fund	4,212,421	2.25%
LoanSTAR Loan Program	2,803,109	1.50%
TxDOT Reimbursable Utility Agreements *	1,209,360	0.65%
Drainage Fund - Designated from Fund Balance *	1,142,720	0.61%
Limited Tax Notes (2016) *	536,981	0.29%
Hotel-Motel Fund - Designated from Fund Balance *	439,489	0.24%
General Fund - Designated from Fund Balance/Other *	355,272	0.19%
Certificate of Obligation Bonds (2006,2008)*	 215,229	0.12%
Total Capital Improvement Projects (by funding source)	\$ 186,893,879	100.00%



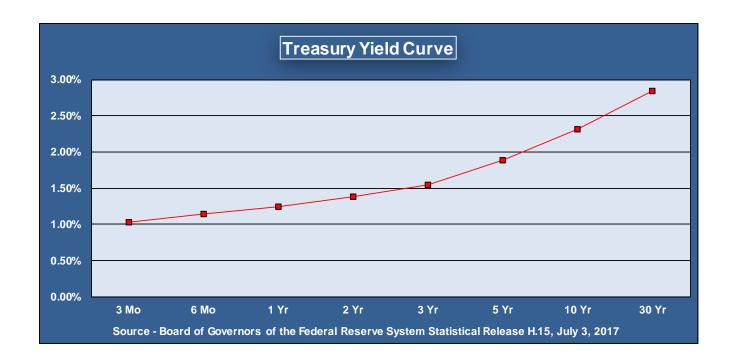
^{*}Funding source is reflected in "other" on graph

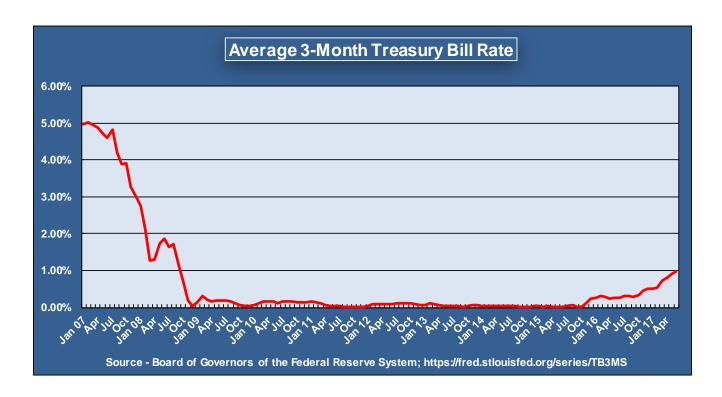




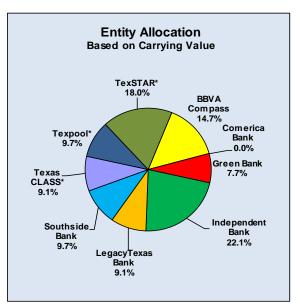


The Public Funds Investment Act, Chapter 2256 of the Texas Government Code, requires the investment officer to prepare and submit a written report of investments to the governing body of the entity not less than quarterly.

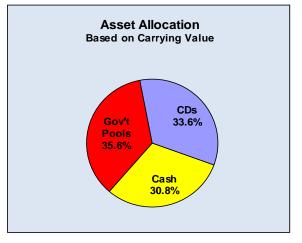




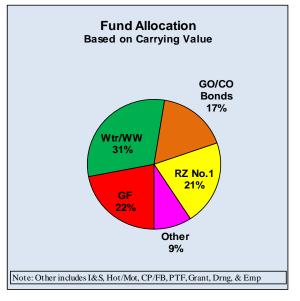
	Carrying Value	Bank Balance/ Fair Value
Entity Allocation		
BBVA Compass	\$ 23,481,624	\$ 25,034,163
Comerica Bank	-	-
Green Bank	12,322,672	12,322,672
Independent Bank	35,343,263	35,343,263
LegacyTexas Bank	14,592,334	14,592,334
Southside Bank	15,446,240	15,446,240
Texas CLASS*	14,597,808	14,597,808
Texpool*	15,490,794	15,490,794
TexSTAR*	28,726,847	28,726,847
Wallis State Bank	5,025,649	5,025,649
Go√t Securities		
	\$165,027,231	\$166,579,770



	Carrying	Bank Balance/
	Value	Fair Value
Asset Allocation		
Cash	\$ 50,790,771	\$ 52,343,310
Govt Pools	58,815,449	58,815,449
CDs	55,421,011	55,421,011
T-Bills	-	-
Agencies		
	\$165,027,231	\$166,579,770



		% of
	Carrying	Carrying
	Value	Value
Fund Allocation		
General Fund (GF)	\$ 36,230,984	21.95%
Water & Wastewater (Wtr/WW)	50,487,688	30.59%
GO Interest & Sinking (I&S)	11,172,153	6.77%
Hotel / Motel (Hot/Mot)	1,495,178	0.91%
Capital Projects - GO/CO Bond		
Program (GO/CO Bonds)	28,276,307	17.13%
Capital Projects - Designated		
Fund Balance (CP/FB)	8,026	0.00%
PTF Project Fund (PTF)	311,448	0.19%
Federal / State Grant Fund (Grant)	(172,384)	-0.10%
Drainage (Drng)	1,834,770	1.11%
Employee Benefits Trust (Emp)	481,925	0.29%
Reinvestment Zone No.1 (RZ No.1)	34,901,136	21.15%
	\$165,027,231	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.

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

June 30, 2017

June 30, 2017	Par	Term*		Maturity	Carrying	Fair	Fair vs
Туре	Value	(Days)	Yield %	Date	Value	Value	Carrying
		(= 3.7 -)					
Independent Bank CD	\$ 5,035,510	3	0.8500	03-Jul-17	\$ 5,037,855	\$ 5,037,855	\$ -
Independent Bank CD	5,039,370	63	1.0500	01-Sep-17	5,046,763	5,046,763	-
Wallis State Bank CD	5,013,562	195	1.1000	11-Jan-18	5,025,649	5,025,649	-
LegacyTexas CD	5,018,107	222	1.1000	07-Feb-18	5,021,585	5,021,585	-
Independent Bank CD	10,160,778	275	1.1200	01-Apr-18	10,188,839	10,188,839	-
Independent Bank CD	5,041,250	367	1.1000	02-Jul-18	5,048,998	5,048,998	-
BBVA Compass CD	5,000,000	431	1.3000	04-Sep-18	5,014,425	5,014,425	-
BBVA Compass CD	5,000,000	521	1.4500	03-Dec-18	5,016,089	5,016,089	-
Independent Bank CD	5,000,000	552	1.5000	03-Jan-19	5,010,068	5,010,068	-
Independent Bank CD	5,000,000	609	1.6000	01-Mar-19	5,010,740	5,010,740	-
TexPool Investment Pool	15,490,794	105	0.8817	-	15,490,794	15,490,794	-
TexSTAR Investment Pool	28,726,847	92	0.8631	-	28,726,847	28,726,847	-
Texas CLASS Investment Pool	14,597,808	60	1.1300	-	14,597,808	14,597,808	-
BBVA Compass Cash	9,605,538	1	0.4000	-	9,605,538	11,158,077	N/A
BBVA Compass Money Market	3,845,572	1	0.3000	-	3,845,572	3,845,572	N/A
Green Bank Money Market	12,322,672	1	1.0800	-	12,322,672	12,322,672	N/A
LegacyTexas Money Market	9,570,749	1	0.9100	-	9,570,749	9,570,749	N/A
Southside Bank Money Market	15,446,240	1	1.0200	-	15,446,240	 15,446,240	N/A
	\$ 164,914,797				\$ 165,027,231	\$ 166,579,770	\$ -

Fair Value as a % of Carrying Value

Key Rates

100.00%

Weighted Average

Maturity 138.43 Days

1.00% Yield

4.00% 3.50%

2.50% 2.00% 1.50% 1.00% 0.50% 0.00%

Benchmark Yield

Average rolling 90-day T-Bill rate

0.91%

Key Rates: Cash Markets		
Rate	Year ago	Jun 30
City of Temple	0.50	1.00
Texpool	0.36	0.88
TexSTAR	0.39	0.86
Texas Class	0.63	1.13
Fed funds*	0.42	1.06
CDs: Three months*	0.09	0.11
CDs: Six months*	0.14	0.16
T- bill 91-day yield*	0.34	1.01
T- bill 52-week yield*	0.45	1.21
Bond Buyer 20- bond		
municipal index	2.85	3.58
*Source - Federal Reserve Bank		

Stacey Reisner

■Year ago ■Jun 30

6mOD

Traci L. Barnard Director of Finance Stacey Reisner Treasury Manager

Melissa Przybylski Assistant Director of Finance Sherry M. Pogor Financial Analyst

Eina Glover

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	3/31/2017	6/30/2017	(Decrease)	
Comerica Bank CD	\$ 5,152,497	05-May-17	\$ 5,156,387	\$ -	\$ (5,156,387)	
Independent Bank CD	5,035,510	03-Jul-17	5,027,195	5,037,855	10,660	
Independent Bank CD	5,039,370	01-Sep-17	5,033,586	5,046,763	13,177	
Wallis State Bank CD	5,013,562	11-Jan-18	5,011,904	5,025,649	13,745	
LegacyTexas CD	5,018,107	07-Feb-18	5,007,839	5,021,585	13,746	
Independent Bank CD	10,160,778	01-Apr-18	10,160,467	10,188,839	28,372	
Independent Bank CD	5,041,250	02-Jul-18	5,035,189	5,048,998	13,809	
BBVA Compass CD	5,000,000	04-Sep-18	0	5,014,425	5,014,425	
BBVA Compass CD	5,000,000	03-Dec-18	0	5,016,089	5,016,089	
Independent Bank CD	5,000,000	03-Jan-19	0	5,010,068	5,010,068	
Independent Bank CD	5,000,000	01-Mar-19	0	5,010,740	5,010,740	
TexPool Investment Pool	15,490,794	-	10,144,266	15,490,794	5,346,528	
TexSTAR Investment Pool	28,726,847	-	28,867,866	28,726,847	(141,019)	
Texas CLASS Investment Pool	14,597,808	-	21,740,276	14,597,808	(7,142,468)	
BBVA Compass Cash	9,605,538	-	11,155,328	9,605,538	(1,549,790)	
BBVA Compass Money Market	3,845,572	-	3,842,666	3,845,572	2,906	
Green Bank Money Market	12,322,672	-	15,084,977	12,322,672	(2,762,305)	
LegacyTexas Money Market	9,570,749	-	9,550,351	9,570,749	20,398	
Southside Bank Money Market	15,446,240	-	17,334,618	15,446,240	(1,888,378)	
	\$170,067,294		\$ 158,152,915	\$ 165,027,231	\$ 6,874,316	

			Fair Value			
	Par		-	Increase /		
Туре	Value	Maturity	3/31/2017	6/30/2017	(Decrease)	
0						
Comerica Bank CD	\$ 5,152,497	05-May-17	\$ 5,156,387	\$ -	\$ (5,156,387)	
Independent Bank CD	5,035,510	03-Jul-17	5,027,195	5,037,855	10,660	
Independent Bank CD	5,039,370	01-Sep-17	5,033,586	5,046,763	13,177	
Wallis State Bank CD	5,013,562	11-Jan-18	5,011,904	5,025,649	13,745	
LegacyTexas CD	5,018,107	07-Feb-18	5,007,839	5,021,585	13,746	
Independent Bank CD	10,160,778	01-Apr-18	10,160,467	10,188,839	28,372	
Independent Bank CD	5,041,250	02-Jul-18	5,035,189	5,048,998	13,809	
BBVA Compass CD	5,000,000	04-Sep-18	0	5,014,425	5,014,425	
BBVA Compass CD	5,000,000	03-Dec-18	0	5,016,089	5,016,089	
Independent Bank CD	5,000,000	03-Jan-19	0	5,010,068	5,010,068	
Independent Bank CD	5,000,000	01-Mar-19	0	5,010,740	5,010,740	
TexPool Investment Pool	15,490,794	-	10,144,266	15,490,794	5,346,528	
TexSTAR Investment Pool	28,726,847	-	28,867,866	28,726,847	(141,019)	
Texas CLASS Investment Pool	14,597,808	-	21,740,276	14,597,808	(7,142,468)	
BBVA Compass Cash	9,605,538	-	11,814,183	11,158,077	(656, 106)	
BBVA Compass Money Market	3,845,572	-	3,842,666	3,845,572	2,906	
Green Bank Money Market	12,322,672	-	15,084,977	12,322,672	(2,762,305)	
LegacyTexas Money Market	9,570,749	-	9,550,351	9,570,749	20,398	
Southside Bank Money Market	15,446,240	-	17,334,618	15,446,240	(1,888,378)	
	\$170,067,294		\$ 158,811,770	\$ 166,579,770	\$ 7,768,000	

Investments with a \$0 Carrying and Fair Value at 3/31/2017 were purchased after 3/31/2017.





Supplemental Information includes ...

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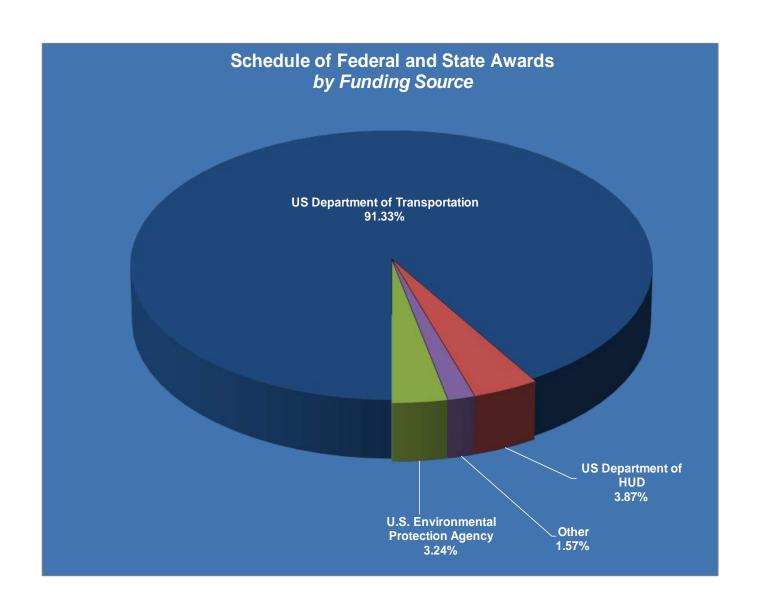
				Council	Appro	ved		
					Apı	propriation		
	Balance				Increase			Balance
	10/01/16 Realloc		Reallocation (Decrease)		06/30/17			
CAPITAL PROJECTS:								
Various Projects:								
Assistance to Firefighters Grant Program (AFG) 10% Grant Match {01/21/16}	\$	46,363	\$	(46,363)	\$	-	\$	-
Partners for Places 50% Grant Match {07/21/16}		25,000		(25,000)				
TOTAL Various Projects		71,363		(71,363)			_	<u> </u>
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		(71,363)		(2,981,218)		<u>-</u>
CAPITAL PROJECTS -								
ASSIGNED		2,039,232		71,363		(186,516)	1	1,924,079
TOTAL CAPITAL PROJECTS	\$	5,091,813	\$		\$	(3,167,734)	\$	1,924,079 (Continued)
								(Continued

				Council Approved			
	Balance 10/01/16				Appropriation Increase (Decrease)		Balance 06/30/17
Other Fund Balance Classifications:						,	
Encumbrances:	\$ 1,42	9,303	\$	-	\$	(1,429,303)	\$ -
Nonspendable:							
Inventory & Prepaid Items	44	1,741		-		-	441,741
Restricted for:							
Rob Roy MacGregor Trust - Library	1:	2,827		-		(1,500)	11,327
Drug enforcement {Forfeiture Funds}	20-	4,399		-		(33,095)	171,304
Municipal Court Restricted Fees	66	0,072		-		(50,112)	609,960
Vital Statistics Preservation Fund	3-	4,543		-		(21,797)	12,746
Public Safety	3	1,867		-		-	31,867
Public Education Government (PEG) Access Channel	13	5,197		-		(10,000)	125,197
Assigned to:							
Technology Replacement	379	9,099				(361,615)	17,484
Budgeted decrease in Fund Balance		-	\$		\$	(5,075,156)	5,075,156
Unassigned: { 4 months operations }	19,13	0,910					 19,130,910
Total Fund Balance	\$ 27,55	1,771					\$ 27,551,771

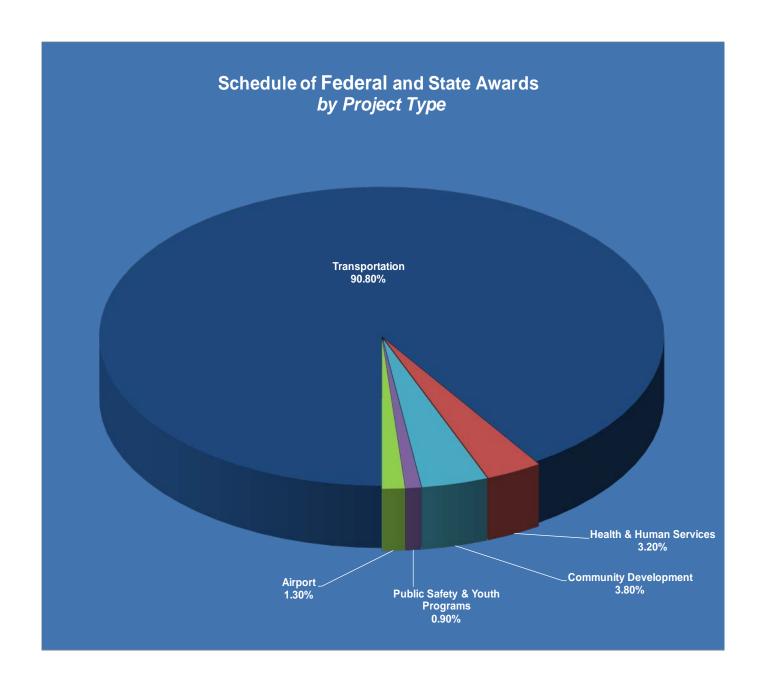
Federal/State Grantor	Federal	0	Program	De
Agency or Pass-Through Program Title	CFDA Number	Grant Number	or Award Amount	Program Expenditures
Federal Financial Assistance:				
U.S. Department of H.U.D.				
CDBG 2014	14.218	B-14-MC-48-0021	\$ 390,268	\$ 95,549
CDBG 2015	14.218	B-15-MC-48-0021	357,357	119,484
CDBG 2016	14.218	B-16-MC-48-0021	410,971	91,038 306,071
U.S. Department of Homeland Security				
Texas Department of Public Safety:				
Civil Defense	97.042	16TX-EMPG-1142	39,778	29.833
Texas Engineering Extension Service			,	.,
Urban Search and Rescue	97.025	2178-PP10 2017	2,072	2,072
U.S. Department of Justice				31,905
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	11,438	3,126
Killeen Police Department:	10.007	2010-BO-BA-13009100	11,430	3,120
2015 Edward Byrne Memorial Justice Assistance Grant	16.738	2015-DJ-BX-0695	16,688	551
2016 Edward Byrne Memorial Justice Assistance Grant	16.738	2016-DJ-BX-0626	18,061	18,06 ⁻
20.0 Editard Dynio Montonal Gustion Assistance Grafit	10.730	2010 00 070020	10,001	23,514
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	1,462,140
Transportation Alternatives Project North 31st Sidewalks	20.205	0909-36-150	234,064	24,219
110 F :				1,486,359
U.S. Environmental Protection Agency Special Appropriation Act Projects	66.202	01F18601	970,000	
oposiai / ppropriation / tot / tojosto	00.202	011 10001	970,000	
Institute of Museum and Library Services				
Texas State Library and Archives Commission				
Interlibrary Loan Program	45.310	LS-00-13-0044-16	5,918	<u>5,918</u> 5,918
				5,916
Total Federal Financial Assistance			22,927,535	1,853,767
State Financial Assistance:				
Office of the Attorney General				
Chapter 59 Asset Forfeitures	-	-	37,887	37,887
0				37,887
Office of the Governor - Criminal Justice Division		2820001	44 740	10 F70
Crisis Assistance Program Body-Worn Camera Program	-	3276001	41,719 52,848	10,572
Body-worn Carriera Program	-	3270001	52,646	
Texas Commission on Environmental Quality				
Central Texas Council of Governments				
Household Hazardous Waste Collection	-	-	9,425	9,425 9,425
Texas Department of Transportation				0,120
2017 Routine Airport Maintenance Program (RAMP)	-	M1709TEMP	50,000	
Airport Project Participation Grant - NPE	-	-	150,000	
Texas State University System				
Texas School Safety Center				
Tobacco Prevention and Community Services Division				
Tobacco Enforcement Program	-	-	5,025	4,575
-			<u>, , , , , , , , , , , , , , , , , , , </u>	4,575
Total State Financial Assistance			\$ 346,904	\$ 51,887
			+ 	
				(Continued

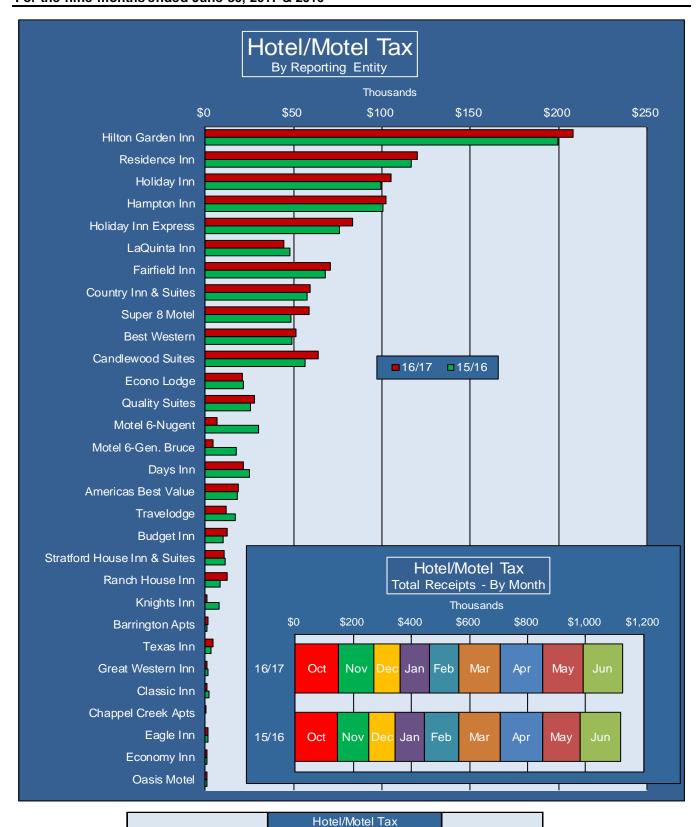
For the nine months end	ad luna 30 2017

Federal/State Grantor Agency or Pass-Through Program Title	Federal CFDA Number	Grant Number	0	Program r Award Amount	Program penditures
State Administered Financial Assistance: <u>Texas Department of Transportation - Aviation Division</u>					
Capital Improvement Program - Airport Master Plan	-	15MPTMPLE	\$	194,115	\$ 3,839 3,839
U.S. Department of Transportation					0,000_
Texas Department of Transportation: Loop 363 & Spur 290 (1st Street)					
Phase I Intersection Reconstruction	20.205	0184-04-046		6,675,027	 3,732,871 3,732,871
Total State Administered Financial Assistance				6,869,142	3,736,710
Total Federal, State and State Administered Financia	I Assistance		\$	30,143,581	\$ 5,642,364



Transportation	\$27,352,091
Health & Human Services	979,425
Community Development	1,158,596
Public Safety & Youth Programs	259,354
Airport	394,115
	\$30,143,581





Quarterly Financial	Statements - fo	or the nine mon	the andad	06 30 2017

Reporting

at 6/30

30

30

Actual YTD

\$1,125,972

\$1,121,771

Budget

\$1,462,000

\$1,459,320

Fiscal Year

16/17

15/16

% of Budget

77.02%

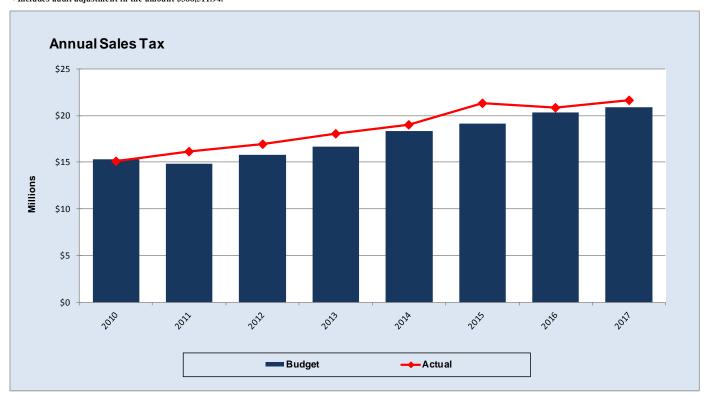
76.87%

Historical Sales Tax Revenue - By Month

									% 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	1,558,862	9.91%
Mar	1,051,792	1,284,123	1,299,150	1,414,245	1,400,219	1,421,812	1,792,732	1,663,682	-7.20%
Apr	1,593,190	1,599,804	1,645,580	1,687,794	1,835,107	1,826,749	1,997,512	2,013,932	0.82%
May	1,153,658	1,223,805	1,271,981	1,317,625	1,489,931	1,486,686	1,536,106	1,599,119	4.10%
Jun	1,138,979	1,182,645	1,476,697	1,478,838	1,493,886	1,461,142	1,583,839	2,081,701	31.43%
Jul	1,546,654	1,679,085	1,623,468	1,693,502	1,709,959	1,880,703	2,076,129	2,080,101	0.19%
Aug	1,125,091	1,173,941	1,342,609	1,459,520	1,593,968	1,567,111	1,611,072	1,669,393	3.62%
Sept	1,167,649	1,320,951	1,387,390	1,480,015	1,489,789	1,509,256	1,685,981	1,747,014	3.62%
	\$ 15,134,138	\$ 16,125,862	\$ 16,967,401	\$ 18,017,575	\$ 18,981,471	\$ 21,311,743	\$ 20,859,081	\$ 21,614,746	3.62%
Annual:									
\$ Increase	\$ (104,674)	\$ 991,724	\$ 841,539	\$ 1,050,174	\$ 963,895	\$ 2,330,272	\$ (452,662)	\$ 755,665	:
% Increase	-0.69%	6.55%	5.22%	6.19%	5.35%	12.28%	-2.12%	3.62%	

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

 $[\]boldsymbol{**}$ - Includes audit adjustment in the amount \$388,511.94.



			Total			
Addition	Date of	Amount of	Expenditures/	Balance		
Name	Deposit	Deposit	Refunds	6/30/2017		
Bell Addition	08/13/97	\$ 450.00	\$ -	\$ 450.00		
Colwell	03/31/99	2,250.00	Ψ -	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		
_antana 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		
-lamby	06/11/10	225.00	-	225.00		
√illa Andrea	02/07/11	450.00	-	450.00		
Northcliffe IX	09/21/11	13,050.00	-	13,050.00		
Nest Ridge Village	07/27/12	5,850.00	-	5,850.00		
Nathans	10/18/12	225.00	-	225.00		
_ago 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	_		
King's Cove	07/10/13	1,125.00	-	1,125.00		
Residences at D'Antoni's V	10/22/13	1,125.00	-	1,125.00		
Prairie Crossing	10/30/13	900.00	900.00	_		
Brazos Bend	02/27/14	8,550.00	-	8,550.00		
Oaks at Lakewood	02/27/14	8,325.00	-	8,325.00		
Alta Vista II	03/06/14	55,125.00	-	55,125.00		
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	6/30/2017
			_	
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
_ong 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
Goates	02/21/17	675.00	-	675.00
Portico at Fryers Creek	03/28/17	29,475.00	-	29,475.00
Hills of Westwood IX	03/31/17	14,400.00	-	14,400.00
Moore's Mill	04/13/17	225.00	-	225.00
Hidden Creek	05/11/17	1,350.00	-	1,350.00
Park Ridge	06/30/17	2,700.00	-	2,700.00
Accumulated Interest ¹		94,752.25	91,679.01	3,073.24
	Total	\$ 415,039.75	\$ 107,539.12	\$ 307,500.63

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.

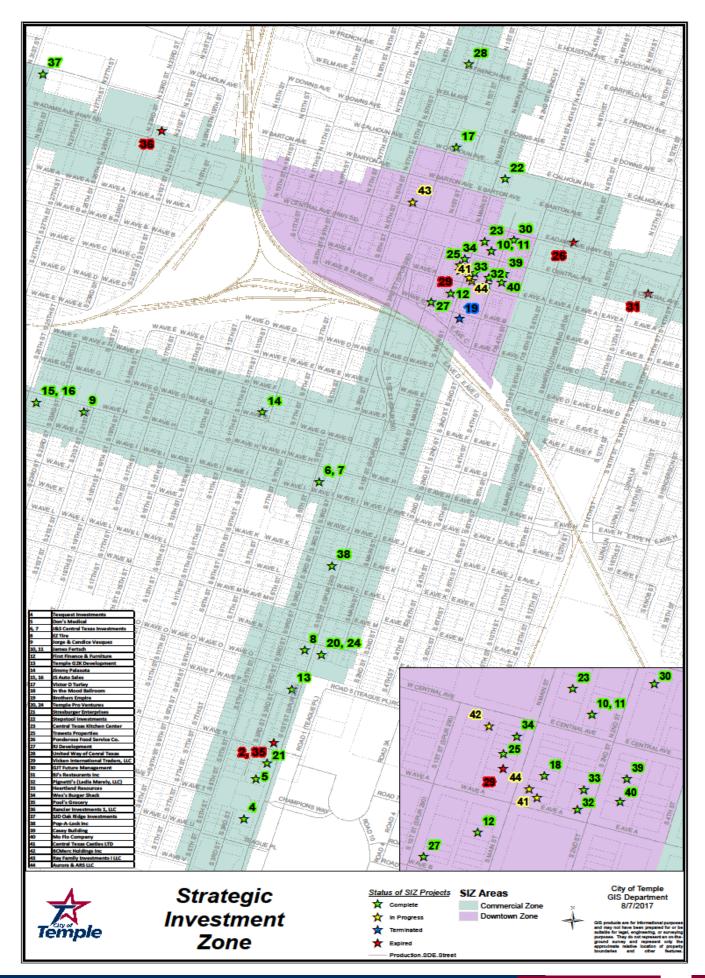
Boundaries of the SIZ incentive zones include Downtown Zone – Single Façade or Double Façade and Commercial Zones.

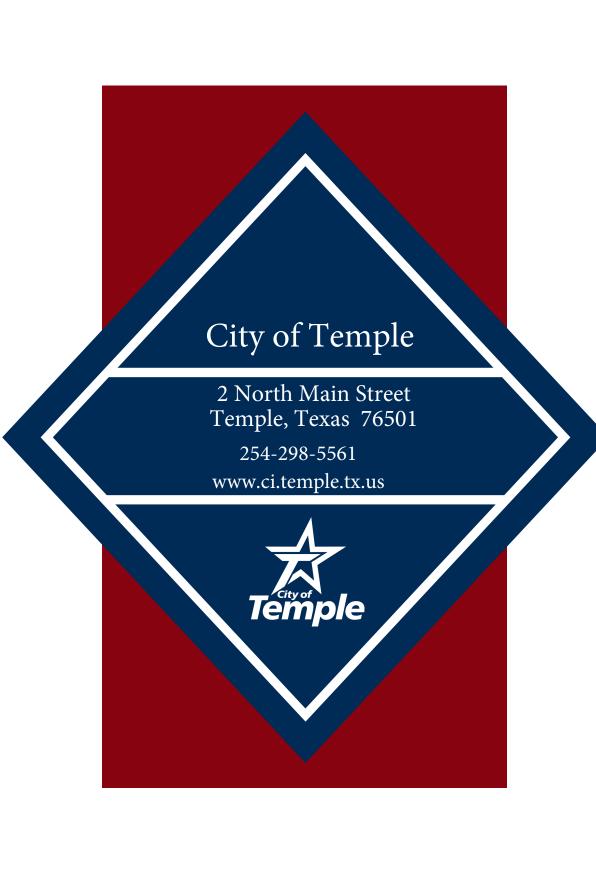
Line #	Contract/ Council Award Date	Grantee	Original Match Amount	Actual City Match	Expiration Date	Payment Date	Improvement Status	Improvement Description
1	2/24/2009	The Wallace Group	\$ 1,668		N/A	3/13/2009	Complete	Drainage Study
2	3/26/2009	JZI Primetime LLC (Pool's Grocery)	23,877	20,198	12/31/2009	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 Stree
16	11/4/2010	James & Jana Warren (JS Auto Sales) - 1217 W Ave H	29,500	-		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

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	14,000	1/15/2017	2/13/2017	Complete	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	39,121	2/15/2017	In Process	Complete	Façade, Sign, Sidewalks, Landscaping and Asbestos Abatement
41	10/20/2016	Central Texas Castles, Ltd.	57,218	57,218	9/1/2017	In Process	In Progress	Façade, Sign, Sidewalks, Landscaping and Asbestos Abatement
42	6/15/2017	BCMerc Holdings, LLC	36,000	36,000	9/15/2017	In Process	In Progress	Façade, Sign, Sidewalks, Asbestos Abatement and Demolition
43	6/15/2017	Ray Family Investments I, LLC	24,500	24,500	9/15/2017	In Process	In Progress	Façade, Sign, Landscaping and Demolition
44	6/15/2017	Aurora & ARS, LLC	22,500	22,500	9/15/2017	In Process	In Progress	Façade, Sign, Sidewalks, and Landscaping

\$ 904,237

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		(904,237)
Remaining Funds	\$	3,914





RESOLUTION NO

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

Whereas, the Director of Finance has prepared the third quarter 2017 fiscal year financial results which details the third quarter ending June 30, 2017, for the General Fund, Water & Sewer Fund, Hotel/Motel Tax Fund and the Drainage Fund;

Whereas, included with these third 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;

Whereas, the third quarter financial statements also include a forecast of year-end financial results for the General Fund as of September 30, 2017; and

Whereas, the City Council deems it in the public interest to approve the second 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 third 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 17th day of August, 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

08/17/17 Item #5(O) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing budget amendments for fiscal year 2016-2017.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> This item is to recommend various budget amendments, based on the adopted FY 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 \$255,774.

ATTACHMENTS:

Budget Amendments Resolution

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2017 BUDGET
August 17, 2017

	August 17, 2017				
ACCOUNT # PROJECT :	# DESCRIPTION		APPROPI Debit		ONS Credit
110-2100-529-2333	Repair & Maintenance / Auto & Equipment (Fleet Services)	\$	115	•	reun
110-2100-529-2336	Repair & Maintenance / Yatio & Equipment (Floot Services) Repair & Maintenance / Communications	\$	25		
110-0000-461-0841	Other / Donations/Gifts	Ψ	20	\$	140
	To appropriate donations for unplanned equipment failures with vehicles and base station				
	two-way radio.				
240-4400-551-2721	Cost of Goods Sold / Food Products	\$	5,000		
240-0000-445-1033	Civic Center / Catering Food Service	Ψ	3,000	\$	5,000
2.0 0000 1.0 1000	Citie Contain, Catoling 1 coa contact			<u> </u>	0,000
	To appropriate additional revenue and expenditures related to catering food service at Mayborn.				
110-2800-532-2334	Repair & Maintenance / Traffic Signal/Sign	\$	272		
110-0000-461-0554	Insurance Claims / Insurance Claims	Ψ	2,2	\$	272
	To appropriate insurance proceeds from Hallmark Specialty Underwriters, Inc. for damages to traffic signal pole that occurred on 06/20/2017 at South 1st and East Avenue H.				
110-2031-521-2516	Other Services / Judamente & Demages	\$	1,306		
110-2031-521-2516	Other Services / Judgments & Damages Insurance Claims / Insurance Claims	Ф	1,306	\$	1,306
110-0000-401-0004	Insurance dialins / insurance dialins			Ψ	1,000
	To appropriate insurance proceeds from TML for damages to asset $\#$ 13290 and asset $\#$ 13502.				
110-3130-551-2725	Cost of Goods Sold / Alcohol Beverages	\$	7,000		
110-0000-445-2540	Sammons Golf / Alcohol Beverages	•	,	\$	7,000
	To appropriate anticipated additional revenue and expenditures for alcoholic beverages for Golf Course				
110-3400-531-2516	Other Services / Judgments & Damages	\$	1,160		
110-0000-461-0554	Insurance Claims / Insurance Claims	Ψ	.,	\$	1,160
	To appropriate insurance proceeds from Aggressive Insurance for damages to guardrail at Market Loop on 07/31/2017.				
240-4400-551-2725	Cost of Goods Sold / Alcohol Beverages	\$	2,500		
240-0000-445-1072	Civic Center / Alcoholic Beverages		,	\$	2,500
	To appropriate additional revenue and expenditures related to alcoholic beverages at Mayborn.				
110-2230-522-2123	Supplies / Medical Supplies	\$	2,428		
110-0000-442-0931	County Fire Protection / County Fire Service	Ψ	2,420	\$	2,428
	To appropriate reimbursements received for mutual aid given for EMS/Fire incidents within			<u> </u>	
	Bell County.				
110-2210-522-2513	Other Services / Special Services	\$	120		
110-0000-442-1629	Fire Department Revenue / Fire Donations/Gifts	•	3	\$	120
	To appropriate donations received from Friends of Fire to support the annual holiday banquet.				
110-2011-521-2516	Other Services / Judgment & Damages	\$	5,257		
110-1500-515-6531	Capital - Special Projects / Contingency - Judgment & Damages	_		\$	5,257
	To appropriate contingency funds for judgments and damages for Police.				

		CITY OF TEMPLE				1
		BUDGET AMENDMENTS FOR FY 2017 BUDGET				
		August 17, 2017				
10001IVIT //				APPROP	RIA	
ACCOUNT # 110-XXXX-5XX-1XXX	PROJECT #	DESCRIPTION General Fund - Performance Pay	\$	Debit 177,572		Credit
110-1500-515-6536		Contingency - Compensation	Ψ	177,572	\$	177,572
			_			
240-XXXX-551-1XXX 240-4400-551-6536		Hotel/Motel Fund - Performance Pay Contingency - Compensation	\$	7,580	¢	7,580
240-4400-551-0550		Contingency - Compensation			Φ	7,560
292-29XX-534-1XXX		Drainage Fund - Performance Pay	\$	7,841		
292-2910-534-6536		Contingency - Compensation			\$	7,841
520-XXXX-535-1XXX		Water Fund - Performance Pay	\$	37,430		
520-5000-535-6536		Contingency - Compensation	•	,	\$	37,430
504 VVVV 505 4VVV		Water French Burfamana Barr	Φ.	400		
561-XXXX-535-1XXX 561-5000-535-6532		Water Fund - Performance Pay Contingency - Compensation	\$	168	\$	168
001 0000 000 0002		Compensation			<u> </u>	100
		To appropriate funds for the 3.0% or 1.5% Performance Pay for all eligible General				
		Government employees, as well as, the implementation of the General Government pay plan that was effective July 14, 2017.				
		plan that was encouve only 14, 2017.				
		TOTAL AMENDMENTS		0EE 774	•	0EE 774
		TOTAL AMENDMENTS	\$	255,774	Þ	255,774
		GENERAL FUND				
		Beginning Contingency Balance			\$	-
		Added to Contingency Sweep Account				-
		Carry forward from Prior Year				-
		Taken From Contingency			Φ.	-
		Net Balance of Contingency Account			\$	-
		Beginning Judgments & Damages Contingency			\$	5,257
		Added to Contingency Judgments & Damages from Council Contingency				-
		Taken From Judgments & Damages				(5,257)
		Net Balance of Judgments & Damages Contingency Account			\$	-
		Beginning Compensation Contingency			\$	560,000
		Added to Compensation Contingency				-
		Taken From Compensation Contingency				(177,572)
		Net Balance of Compensation Contingency Account			\$	382,428
		Net Balance Council Contingency			\$	382,428
		Beginning Balance Budget Sweep Contingency			\$	
		Added to Budget Sweep Contingency			Ψ	-
		Taken From Budget Sweep				-
		Net Balance of Budget Sweep Contingency Account			\$	-
		WATER & SEWER FUND				
		WATER & SEWER FUND Beginning Contingency Balance			\$	50,000
		Added to Contingency Sweep Account			*	-
		Taken From Contingency				(41,558)
		Net Balance of Contingency Account			\$	8,442
		Beginning Compensation Contingency			\$	112,500
		Added to Compensation Contingency			_	_,,,,,
		Taken From Compensation Contingency				(37,430)
		Net Balance of Compensation Contingency Account			\$	75,070
		Net Balance Water & Sewer Fund Contingency			\$	83,512
ll .		- · · · · · · · · · · · · · · · · · · ·			_	

CITY OF TEMPLE BUDGET AMENDMENTS FOR FY 2017 BUDGET August 17, 2017 **APPROPRIATIONS** ACCOUNT # PROJECT# **DESCRIPTION** Debit Credit 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 \$ 28,300 Added to Compensation Contingency Taken From Compensation Contingency Net Balance of Compensation Contingency Account 20,720 **Net Balance Hotel/Motel Tax Fund Contingency** 20,720 **DRAINAGE FUND** Beginning Contingency Balance \$ Added to Contingency Sweep Account Carry forward from Prior Year Taken From Contingency Net Balance of Contingency Account Beginning Compensation Contingency \$ 24,300 Added to Compensation Contingency Taken From Compensation Contingency (7,841)16,459 Net Balance of Compensation Contingency Account **Net Balance Drainage Fund Contingency** 16,459 **FED/STATE GRANT FUND** Beginning Contingency Balance Carry forward from Prior Year 14,947 Added to Contingency Sweep Account 22,397 Taken From Contingency

37,344

Net Balance Fed/State Grant Fund Contingency

RESOLUTION NO.	
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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 26^{th} 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 17th day of August, 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

08/17/17 Item #5(P) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Consider adopting a resolution authorizing the cancellation of the December 21, 2017 and the January 4, 2018 City Council meetings.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> The last regular City Council Meeting for 2017 is scheduled for December 21, 2017 and the first regular City Council Meeting for 2018 is scheduled for January 4, 2018. Due to this being during the holidays, Staff recommends cancelling both of these meetings.

FISCAL IMPACT: N/A

ATTACHMENTS:

Resolution

RESOLUTION NO.	RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, CANCELING THE DECEMBER 21, 2017 AND JANUARY 4, 2018, CITY COUNCIL MEETINGS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the last regular City Council meeting of 2017 is scheduled for December 21, 2017 and the first regular City Council meeting for 2018 is scheduled for January 4, 2018;

Whereas, due to the holidays, Staff recommends canceling these two meetings – the second regular City Council meeting scheduled for January 18, 2018, will be held as scheduled; 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 approves canceling the December 21, 2017 and January 4, 2018 City Council meetings due to the holidays – the second regular City Council meeting scheduled for January 18, 2018 will be held as scheduled.

<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 17th day of August, 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

08/17/17 Item #6 Regular Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

ITEM DESCRIPTION: SECOND READING: Consider adopting an ordinance authorizing the closure of a section of West Avenue B, a public street, beginning at the western boundary of Lot 2, Block 2 and extending to the eastern boundary of Lot 5, Block 2, Final Plat of Santa Fe Plaza West.

STAFF RECOMMENDATION: Adopt ordinance as presented in the item description on second and final reading.

ITEM SUMMARY: The City of Temple Parks and Recreation Department has submitted a request to close a section of West Avenue B, beginning at the western boundary of Lot 2, Block 2 and extending to the eastern boundary of Lot 5, Block 2, Final Plat of Santa Fe Plaza West. The request is for the planned construction of Santa Fe Plaza. Pursuant to Texas Transportation Code, Section 311.007, a home-rule municipality may vacate, abandon, or close a street or alley. Since this is a closure, not an abandonment, and does not require private acquisition of the street, no conveyance is required and the land area encompassing the closed street will be retained by the City of Temple and will be accessible to pedestrians.

At first reading, the proposed closure extended from the western boundary of Lot 1, Block 2 to the eastern boundary of Lot 5, Block 2. After further discussions with the City's outside engineering firm, it was decided that it was more appropriate to close the street beginning at the western boundary of Lot 2, Block 2.

FISCAL IMPACT: Not applicable.

ATTACHMENTS:

Final Plat of Santa Fe Plaza West Ordinance

I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF SANTA FE PLAZA WEST, WITHIN THE

CITY OF TEMPLE, BELL COUNTY, TEXAS, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE ON THE DAY OF LAND LOS OF THE SUBDIVISION ORDINANCE OF THE CITY OF TEMPLE, TEXAS.

PAGE

E BARTON .

GENTRAL

Plot Date: 02-27-2017 completed 10-18-2014 160324 Job No. Dwg No. 160324P Drawn by ____SLW Surveyor <u>CCL #4636</u>

Copyright 2016 All County Surveying, Inc

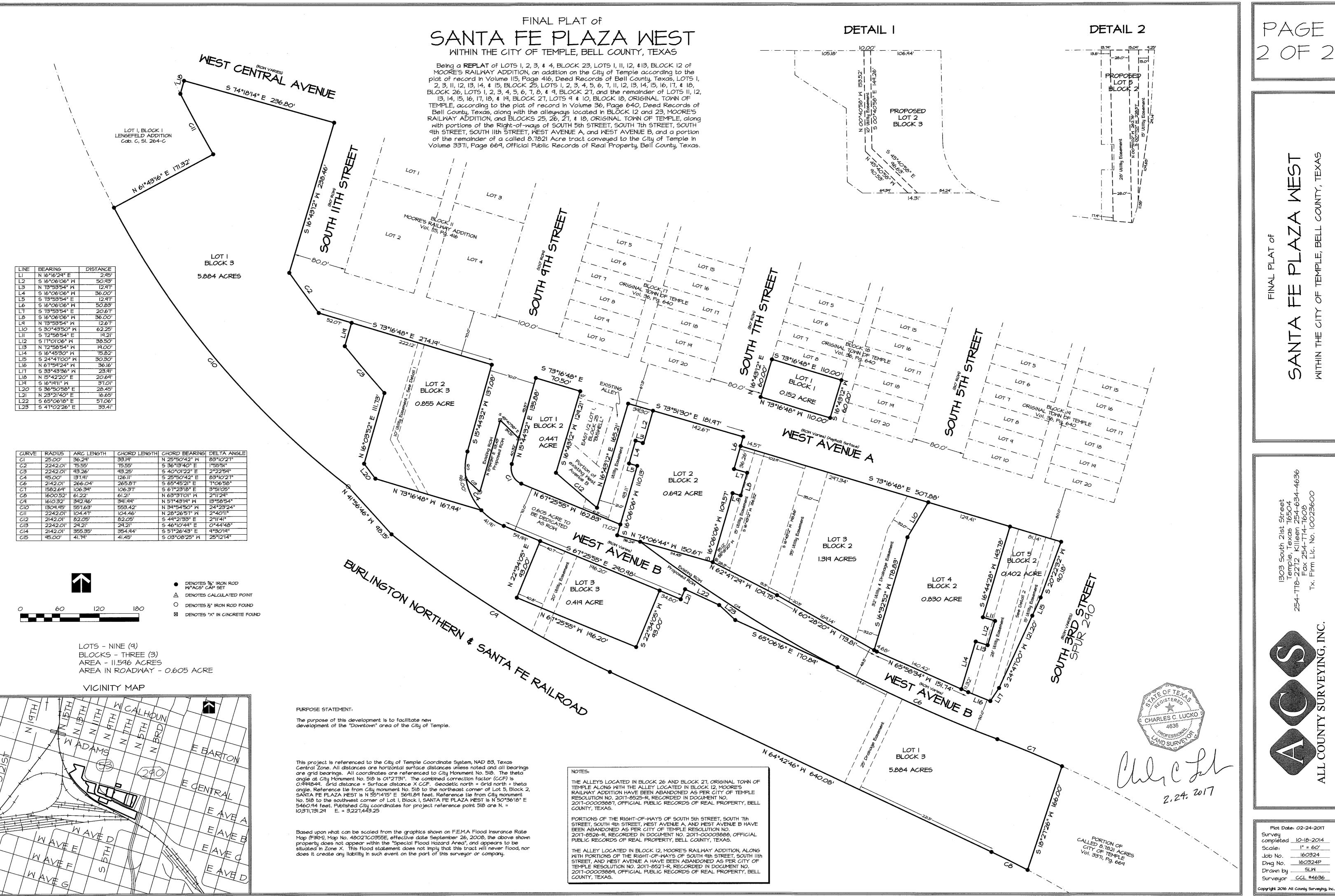
I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY

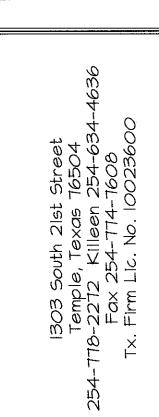
CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THIS PLAT IS TRUE AND CORRECT, THAT IT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON

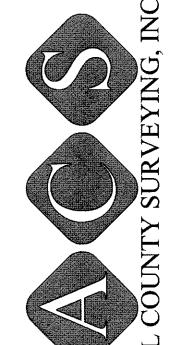
CHARLES C. LUCKO REGISTRATION NO. 4636

DATE SURVEYED: OCTOBER 18, 2014

CHARLES C. LUCKO







Plot Date: 02-24-2017 completed 10-18-2014 !" = 60' Scale: 160324 Job No. Dwg No. ____160324P SLM Drawn by _ Surveyor <u>CCL #4636</u>

ORDINANCE NO. 2017-4857

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CLOSURE OF A SECTION OF WEST AVENUE B, A PUBLIC STREET, BEGINNING AT THE WESTERN BOUNDARY OF LOT 2, BLOCK 2 AND EXTENDING TO THE EASTERN BOUNDARY OF LOT 5, BLOCK 2, FINAL PLAT OF SANTA FE PLAZA WEST; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple, Parks and Recreation Department has submitted a request to close the section of West Avenue B, beginning at the western boundary of Lot 2, Block 2 and extending to the eastern boundary of Lot 5, Block 2, Final Plat of Santa Fe Plaza West - this request is for the planned construction of Santa Fe Plaza;

Whereas, pursuant to Texas Transportation Code, Section 311.007, a home-rule municipality may vacate, abandon, or close a street or alley - since this is a closure, not an abandonment, and does not require private acquisition of the street, no conveyance is required and the land area encompassing the closed street will be retained by the City of Temple and will be accessible to pedestrians; and

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

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 of Temple, Texas, hereby closes a section of West Avenue B, a public street, beginning at the western boundary of Lot 2, Block 2 and extending to the eastern boundary of Lot 5, Block 2, Final Plat of Santa Fe Plaza West, as outlined in the plat attached hereto as Exhibit 'A,' and made a part hereof for all purposes.
- <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 $\mathbf{3^{rd}}$ day of **August**, 2017.

PASSED AND APPROVED on Second Reading on the 17th day of August, 2017.

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



COUNCIL AGENDA ITEM MEMORANDUM

08/17/17 Item #7 Regular Agenda Page 1 of 2

DEPT. / DIVISION SUBMISSION & REVIEW:

Lynn Barrett, Assistant Planning Director

<u>ITEM DESCRIPTION:</u> FIRST READING – PUBLIC HEARING Z-FY-17-35: Consider adopting an ordinance rezoning 102.290 +/- acres from Agricultural district to Single-Family Two district, situated in the Redding Roberts Survey, Abstract No. 692, Bell County, Texas, located at 5900 South 31st Street.

STAFF RECOMMENDATION: Staff recommends approval for a rezoning from AG to SF-2 zoning district due to compliance with:

- 1. The Future Land Use Map's Suburban Residential District;
- 2. Surrounding zoning
- 3. The Thoroughfare Plan; and
- 4. Availability of public facilities to serve the property

PLANNING & ZONING COMMISSION RECOMMENDATION: At their July 17, 2017 meeting, the Planning & Zoning Commission voted three to three on a motion for approval of the proposed rezoning, which does not trigger a super-majority Council vote requirement.

<u>ITEM SUMMARY:</u> Belton Engineering, on behalf of the owner Mike Emmons, is requesting rezoning of the 102 +/- acre subject property from Agricultural (AG) district to SF-2 out of a larger 158 +/- acre tract along South 31st Street, south of the Bentwood Subdivision and north of the Georgetown RR, a portion of which was recently previously rezoned. The property is currently undeveloped. A previous adjacent AG district case on 50 acres recently rezoned 3.5 acres to Neighborhood Services (NS) along 31st Street with the balance of the tract being changed to SF-2 behind it and located on the tract next to the current case area.

The Bentwood Subdivision is contiguous with the subject property and is also zoned SF-2 with NS along 31st Street.

The SF-2 zoning district provides for single-family lots which serve as a transition between larger and smaller lot single-family districts. A Use Comparison Summary Table is located in the attachments.

The applicant proposes lots that exceed the square footage requirements in the SF-1 district, and is requesting the SF-2 configuration to allow more flexibility on lot width and lot setbacks.

COMPREHENSIVE PLAN (CP) COMPLIANCE: The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan:

Future Land Use Map (CP Map 3.1)

The subject property is entirely within the Suburban Residential land use district. The Suburban Residential district is intended for residential zoning districts, of moderate density, which the requested SF-2 zoning encompasses and, thus, is in compliance with the Future Land Use Map.

Thoroughfare Plan (CP Map 5.2)

The subject property takes access from the Phase 1 zoned portion. Currently, there do not appear to be funded or scheduled TCIP improvement projects along this section of 31st Street. The Thoroughfare Plan shows a proposed extension of Hickory Road, which is a minor arterial along the western boundary of the subject property.

Availability of Public Facilities (CP Goal 4.1)

Water and sewer appear to be available to the subject property and connection details will be addressed through the subdivision plat process.

Temple Trails Master Plan Map and Sidewalks Ordinance

The Trails Master Plan identifies a proposed existing City-Wide spine trail along the Georgetown RR which borders the subject property to the south.

DEVELOPMENT REGULATIONS: Residential setbacks in the Agricultural (AG) district & SF-2 zoning districts are included in the attachments.

PUBLIC NOTICE: Twenty six 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 August 7, 2017 at noon, nine notices had been received in disagreement and zero notices have been received in agreement. The opposition letters received represent 16.79% of the noticed area, which does not trigger the super majority Council voting requirement of 4/5 for approval.

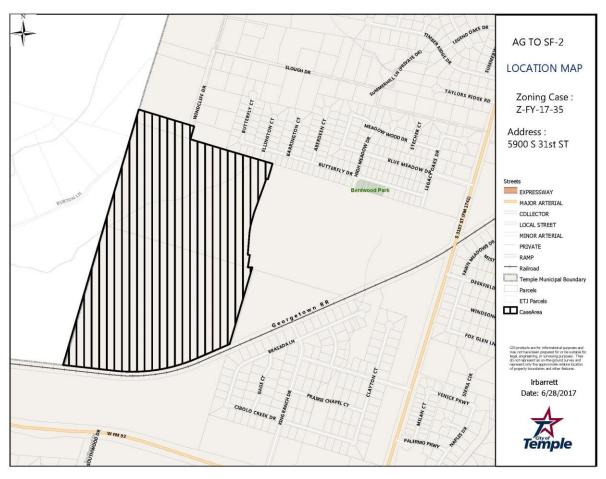
Residents of an adjacent subdivision that are outside the notice area also circulated a petition opposing the development and it is attached to the notices.

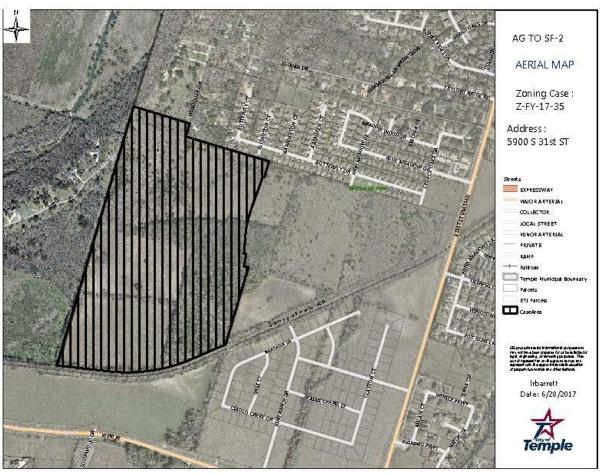
The newspaper printed notice of the public hearing on July 6, 2017, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Maps Site and Surrounding Property Photos **Comparison Tables Notification Map Opposition Map** Proposed Preliminary Overall Lot Configuration **Returned Property Notices Ordinance**

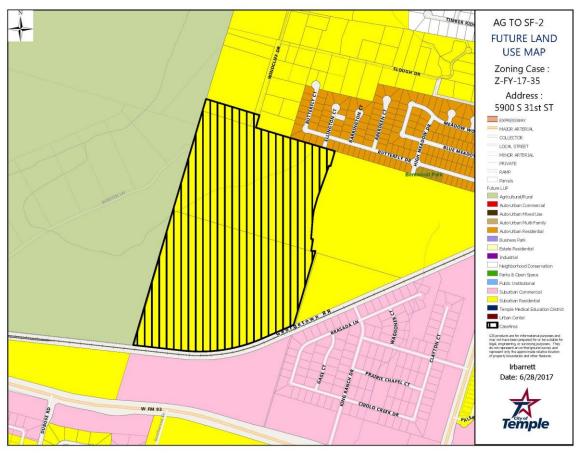


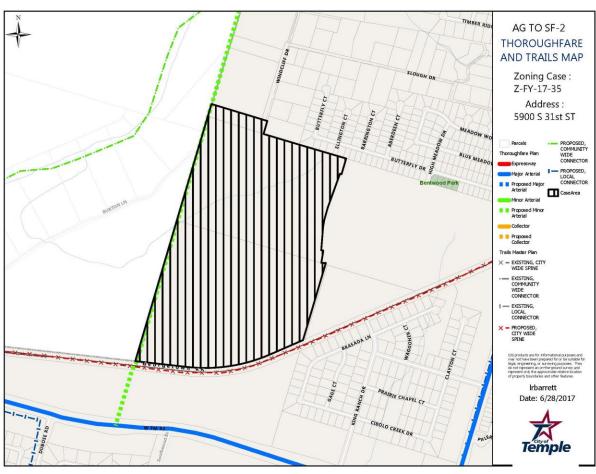


ZONING MAP









Site and Area Photos









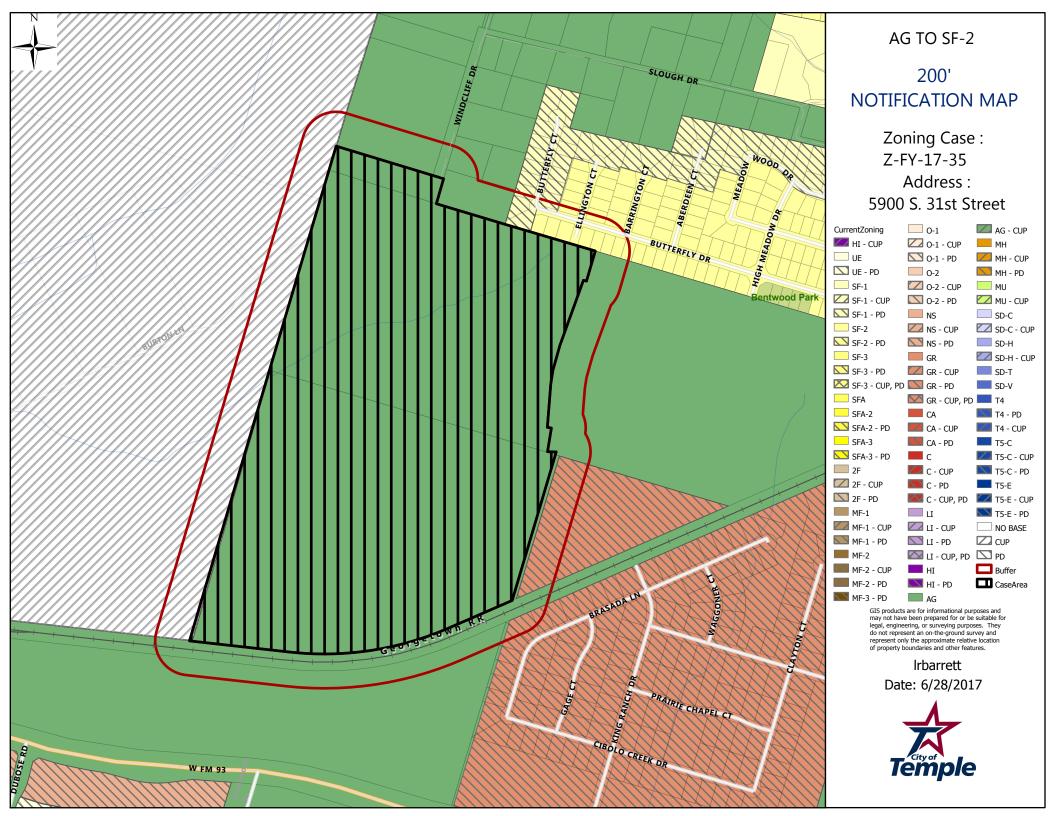
COMPARISON TABLES

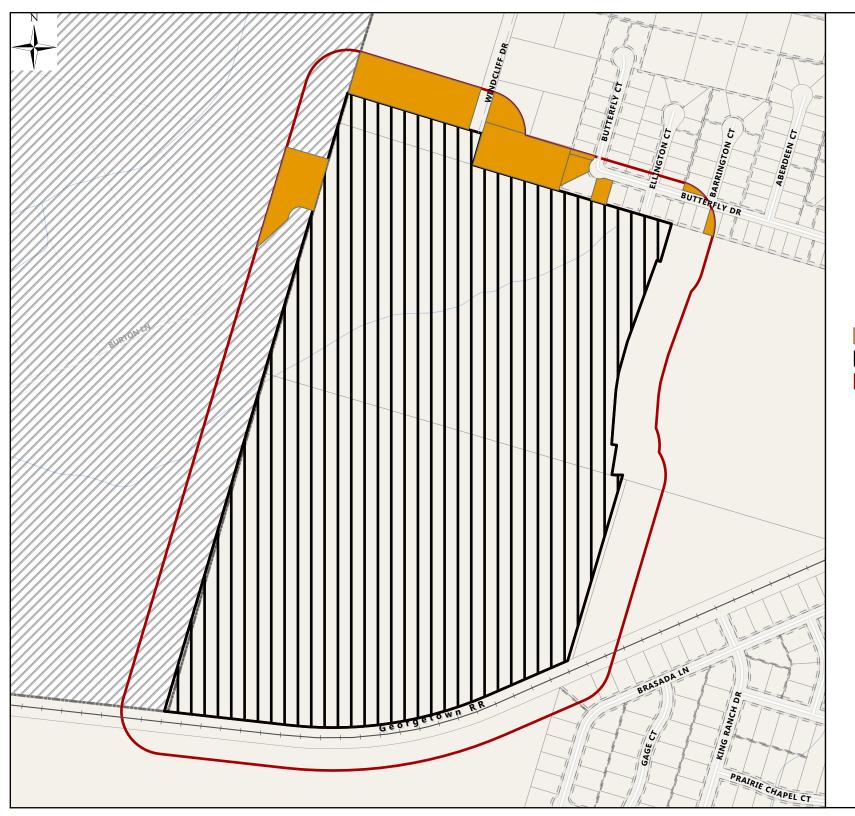
Use Comparison Table AG and SF-2

Use Type	Agricultural (AG)	Single Family One (SF-2)
Agricultural Uses	* Farm, Ranch or Orchard	* Same as AG
Residential Uses	* Single Family Residence (Detached & Attached) * Industrialized Housing * Family or Group Home Home for the Aged (CUP)	* Same as AG except No CUP for Home for the Aged
Retail & Service Uses	* None	* Same as AG
Commercial Uses	* None	* Same as AG
Industrial Uses	* Temporary Asphalt & Concrete Batching Plat (CUP)	* Same as AG
Recreational Uses	* None	* Same as AG
Vehicle Service Uses	* None	* Same as AG
Restaurant Uses	* None	* Same as AG
Overnight Accomodations	* None	* Same as AG
Transportation Uses	* None	* Same as AG

Lot Size and Setback Comparison Table AG and SF-2

	Current (AG)	Proposed (SF-2)
Minimum Lot Size	1 Acre	5,000 SF
Minimum Lot Width	100 Feet	50 Feet
Minimum Lot Depth	150 Feet	100 Feet
Front Setback	50 Feet	25 Feet
Side Setback	15 Feet	5 Feet
Side Setback (corner)	15 Feet	15 Feet
Rear Setback	10 Feet	10 Feet
Max Building Height	3 Stories	2 Stories





AG TO SF-2

OPPOSITION MAP

Zoning Case: Z-FY-17-35 Address: 5900 S. 31st Street

16.79% Opposition

Railroad
Opposition
CaseArea
Buffer

GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.

mhood Date: 7/18/2017





- THE BEARINGS SHOWN HEREON ARE ORIENTED
 THE TEXAS STATE PLANE COORDINATE
 SYSTEM, CENTRAL ZONE, NAD 83, 93
 ADJUSTMENT.
- 2. THE PROPERTY DEPICTED HEREON IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT ACENCY: THE FLOOD AREA BEING IDENTIFIED ON F.I.R.M. PANEL NO. 48027C034SE, EFFECTIVE DATE SEPTEMBER 26, 2008, LOCATED IN ZONE "X" (UNSHADED).
- 3. ALL SET IRON RODS HAVE ORANGE PLASTIC CAPS STAMPED "BRYAN TECH SERVICES".
- 4. A 10' UTILITY EASEMENT IS REQUIRED ALONG THAT PART OF THE LOTS CONTIGUOUS TO THE STREET RIGHT-OF-WAY AS SHOWN HEREON.
- 5. A 6' WIDE SIDEWALK IS REQUIRED ALONG S. 31ST STREET.

MASTER PLAT (SHEET 1 OF 1)



BRYAN TECHNICAL SERVICES, INC.



OH NORTH MAIN (AYLOR, TX 76574 FIRM No. 10128500 FAX: (512) 352-9091

	surveying@austin.rr.com	
DATE	REVISIONS	BY
7/05/17	ADDRESS CITY COMMENTS	JRG
WN BY: J	IRG CHECKED BY: BLB	



RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

SALUTO, TONI. 5810 BARRINGTON CT TEMPLE, TX 76502

Zoning Application Number: Z-FY-17-35 Case Manager: Lynn Barrett

Location: 5900 South 31st Street, Temple, Texas

() agree

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.

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Comments:			.1
IF I knew where the	entries to t	he area co	here I
might reconsider by action. I		ont them	entering 486
Benjuscod 1400sing as The show		Ellington St	· Sene would
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Signature	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, Irbarrett@templetx.gov or mail or hand-deliver this comment form to the address below, no later than July 17, 2017.

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

(v) disagree with this request

JUL 12 2017

City of Temple Planning & Develop

Date Mailed: July 6, 2017

Number of Notices Mailed: 26

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



RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

SPEER, MICHAEL T ETUX JESSICA M 3111 BUTTERFLY DR TEMPLE, TX 76502-7949

Zoning Application Number: Z-FY-17-35

Case Manager:

Lynn Barrett

Location: 5900 South 31st Street, Temple, Texas

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 the	nis request
Comments: see attached letter - than	k cou.	RECEIVED
	70.	JUL 1 4 2017
		City of Temple Disconing & Development
Signature Signature	_ <u>Jessica</u> 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 July 17, 2017.

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

Number of Notices Mailed: 26

Date Mailed:

July 6, 2017

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

Michael and Jessica Speer 3111 Butterfly Drive Temple, TX 76502 July 13, 2017

City of Temple Planning Department 2 North Main Street Temple, TX 76501

Dear P&Z Commission and City Council,

SUBJECT:

Zoning Application Z-FY-17-35 Location: 5900 South 31st Street

We disagree with rezoning this section of land for the following reasons.

- Reduction of privacy for adjacent properties, therefore negatively impacting property values and standard of living for affected homeowners. Our home is elevated above fenceline and properties behind will have direct line of sight into our home.
- Noise pollution during construction will disturb neighborhoods.
- Disruption to wildlife in an area of the city with increasing home density.

We ask that you please encourage the developer to consider leaving a greenspace between existing homes and new development. We believe this will help with privacy and add a selling feature to the properties. Please also consider leaving as many trees as possible intact.

Thank you for your consideration,

Michael and Jessica Speer

RECEIVED

JUL 1 4 2017

City of Temple Planning & Development



RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

SCHULZE REVOCABLE TRUST SHULZE, VICTOR E JR TRUSTEE 5707 WINDCLIFF DR TEMPLE, TX 76502-3985 RECEIVED

JUL 1 4 2017

City of Temple Planning & Development

Zoning Application Number: Z-FY-17-35

Case Manager:

Lynn Barrett

Location: 5900 South 31st Street, Temple, Texas

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:

DISAGREE WITH REZONIAL FROM AG TO SF-2 AS FOLLOWS: (1) CREATES HIGH DENSITY
RESIDENTIAL; MULTIFAMILY (DEPLEXES, APTS) COMMERCIAL DEVELOPMENT ADJACENT
TO FXISTING URBANESTATES; (2) LAY OF LAND COULD BE ALTERED PAUSING POSSIBLE
FLOODING; (3) INCREASE OF TRAFFIC FLOW ON SOUTH 3127 AND PERHAPS FM 93;
(4) DECREASE WATER PRESSURE IN PRESENT AREAS

Signature

Print Name TRUSTEE SCHULZE REV. TRU VICTOR SCHULZE DECEASED

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, <u>Irbarrett@templetx.gov</u> or mail or hand-deliver this comment form to the address below, no later than **July 17**, **2017**.

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

Number of Notices Mailed: 26

Date Mailed:

July 6, 2017



RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

RECEIVED

JUL 1 4 2017

City of Temple
Planning & Development

EBERTS, JOHN P. 5616 WINDCLIFF DR TEMPLE. TX 76502-3904

Zoning Application Number: Z-FY-17-35

Case Manager:

Lynn Barrett

Location: 5900 South 31st Street, Temple, Texas

SEE ATTACHMENT

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.

	I	() agree	
Comments:				

disagree with this request

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The Alleson to her TIC	JOYCE ALLISON EBERTS TE

Signature

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 **July 17, 2017**.

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

Number of Notices Mailed: 26

Date Mailed:

July 6, 2017

14 July 2017

To the Planning and Zoning Commission.

Consider the beauty of the wooded properties in southwest Temple in the last several years: Canyon Creek, Stratford, Timber Ridge, Taylor Ridge, and Scapp, Hellow.

Windcliff is an area developed with care by G. C. Slough with all properties over an acre prior to being annexed into the city.

Later developments include: Deerfield Estates, Springwood Creek, Las Colinas, D'Antoni Crossing, Misty Creek, Valley Ranch.

Older estate type areas include properties on DuBose Road, Forester Road, and Boutwell Loop.

These residential areas are those that will maintain their charm and value much like the historic district of North Temple.

A sizable portion of the Z-FY-17-35 fits the topography of the above areas which are at least SF-1 with areas of Urban Estate.

Other issues to consider are drainage, high density residences, noise factor, traffic flow, water pressure problems.

My opinion—my suggestion—my hope to continue the usual thoughtful pattern of sensible, perhaps even historic progress for the City of Temple

Do not approve SF-2

Respectfully submitted,

John P. Eberts, M.D. and Joyce Allison Eberts 5616 Windcliff Drive, Temple, Texas 76502

254-778-5785, jaepaul@aol.com

RECEIVED

JUL 1 4 2017

City of Temple
Planning & Development



RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

TULLIS, JEFFREY F & CECELIA 5701 WINDCLIFF DR TEMPLE. TX 76502-3985 RECEIVED

JUL 1 7 2017

City of Temple
Planning & Development

Location: 5900 South 31st Street, Temple, Texas

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.

1 () agree	∜∜ disagree with th	his request	
Comments: 1 oppose Co	encentrated hove in estates in the	sing in pyrarea.	I war	IN agree
May Inll. Signature	de Locaba Tiell	is <u>Jeffrey 7</u> Print Name	Ullis 4	CECELIA TUILIS

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 July 17, 2017.

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

Number of Notices Mailed: 26

Date Mailed: July 6, 2017



RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

RECEIVED

JIMENEZ, EDGAR & FRANCES ELIZ PAOLILLO 3650 BURTON LN TEMPLE, TX 76502

JUL 17 2017

City of Temple
Planning & Development

Zoning Application Number: Z-FY-17-35 Case Manager: Lynn Barrett

Location: 5900 South 31st Street, Temple, Texas

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	(X) disagree with this request		
Comments:			
Fara Elzabot Paut Jimens	Edgar Jimenez Frances Elizasith Paulillo Jimenez		
Signature	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 **July 17, 2017.**

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

Number of Notices Mailed: 26

Date Mailed:

July 6, 2017



RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

THOMAS, TRAVIS 5812 BUTTERFLY CT TEMPLE, TX 76502 JUL 1 7 2017
City of Temple
Planning & Developmen

Zoning Application Number: Z-FY-17-35

Case Manager:

Lvnn Barrett

Location: 5900 South 31st Street, Temple, Texas

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.

1	() agree	(4	disagree with thi	s request
Comments:	Vere	agains +	17!	
		J		
			1.0.	1/10 101
Signature			Print Name	Thomas

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 July 17, 2017.

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

Number of Notices Mailed: 26 Date Mailed: July 6, 2017



RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

RECEIVED

COX, CHARLES D II ETUX TIFFANY C 5816 BUTTERFLY CT TEMPLE, TX 76502 JUL 1 7 2017

City of Temple
Planning & Development

Zoning Application Number: Z-FY-17-35

Case Manager:

Lynn Barrett

Location: 5900 South 31st Street, Temple, Texas

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.

Ι () agree	💢 disagree with this request	
Comments:			
——————————————————————————————————————	7	David Cox	
Signature	M	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 **July 17, 2017.**

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

Number of Notices Mailed: 26

Date Mailed:

July 6, 2017



RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

RECEIVED

JUL 1 7 2017

City of Temple Planning & Development

NIEVES, LUIS ERNESTO & ELSA G VELEZ 2923 BUTTERFLY DR TEMPLE, TX 76502-7944

Zoning Application Number: Z-FY-17-35

Case Manager:

Lynn Barrett

Location: 5900 South 31st Street, Temple, Texas

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

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Signature Signature	fuil:	Print Name	Velez

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 July 17, 2017.

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

Number of Notices Mailed: 26

1

Date Mailed:

July 6, 2017

July 13, 2017 Ref: Z-FY-17-35 We, the undersigned residents of The Windeliff Add. From cotoblished RECEIVED JUL 1 7 2017 in 1968 are against regoning of City of Temple Planning & Development 102.2901 acres of R.Rasstract 692 from Agriculture (AG) to Singles Family Two (ST-2) John P. Eberto mo newdent, aware surces as Momes & Chan Certain Resilat, One sure 1977 Joyce Allison Sents 5616 Winddiff Tanker & Cham her ain (additional signatures on nevers Esay Schulze Dole Mengers 3003 Slough Drive John Calcalleater 3006 Slough Dr 76502 glie P. Leadbeater 3006 Stough Dr. 76502, Deorg Hivater 3014 Slough Dr 76502 3015 Slough Dr. 76502 Sun Chaddick 3015 Slough Dr. 76502 5312 WINDCLIFF DR., Temple, TX 76502 PE PHILIPE SCANID 5500 windchiff fr. Temple TX 76502 Chris Berichols 5509 Windcliff Dr Temple, Tx 76502 Natarie Birkholz 3210 Stough De Temple, Tx 74502 CHRIS SonDER 3210 Slough Dr. Tempie, TX 76502 Helly Souder 5703 winschiff On Temple, Tx 7650

Marshin & y/-y/

Page 1

76502

Windsliff Resident Petition page 3 Undersigned property owners. cusupprove/reject the regiment Reference of 102.290 ± acres of RE als tract 692 (2-FY-17-35) disapprove/reject the regoning from Agriculture (AG) to Smyle Family Two (SF-Z) laccha Tullis CECECIA TUllis Jeffrey Tullis Sugar Pullis 5701 Windeliff Drive Franco Clipaten Jimonez Edgar Jimenez 3650 BULTON LN. Carol Clanton Glen+ Heidi Couchum 3707 Fall Creek LN 2680 Burton land Temple, Trossod * Did not recipoeroject notification of project Seve Renselller / Stlla 4220 Burton Lane JOHN ALANIZ ZOUS SWUAM DR TEMPE, TX 76502 Joni Emerson + Stephen Hudson 5610 Stecher Et. Jemple, 54 76502 David: Shela Barbia 5716 Butterfly Ct. Melissa Sonnier 2604 Slough Drive Lowe Temple, Ty. 76502 DANDRA DAILEY 5808 BOTTERFLY CT David & Camille Cox T.T. 7650> 5816 Butlefly Cr. 054-760-9084 Temple 14 76502 MARK HACKER 5604 LEGACY DAKS TEMPLE TX 16502

Wayne Cooper 3320 Slough Dr. Temple, Tx 76502

Janet Cooper 3320 Slough Dr. Temple, Tx 76502

Shewoodd, Rolliek 2714 Slough Dr., 76502

Rosene Rollish 2714 Slough Dr., 76502

Man 2 5309 wenter Kn 76402

Cathy Latio 5309 windeliff Dr. 26502

Vim 4 Robert Lindberg 5615 Windelift Dr. 76502

Tim 4 Walson Stalland 552/Summerhill LN 76502

Tom 4 Trucy Cook 5518 Summerhill LN 76502

ORDINANCE NO. _____(Z-FY-17-35)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL ZONING DISTRICT TO SINGLE FAMILY TWO ZONING DISTRICT ON APPROXIMATELY 102.290 ACRES SITUATED IN THE REDDING ROBERTS SURVEY, ABSTRACT NO. 692, BELL COUNTY, TEXAS, LOCATED AT 5900 SOUTH 31ST 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:

- **Part 1:** The City Council approves a rezoning from Agricultural zoning district to Single Family Two zoning district, on approximately 102.290 acres located in the Redding Roberts Survey, Abstract No. 692, Bell County, Texas, located at 5900 South 31st Street, 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 Agricultural zoning district to Single 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.
- <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.

of Aug	PASSED AND APPROVED on First Readin ust, 2017.	g and Public Hearing on the 17 th day
2017.	PASSED AND APPROVED on Second Reading on the 7 th day of September , 7.	
		THE CITY OF TEMPLE, TEXAS
		DANIEL A. DUNN, Mayor
ATTES	ST:	APPROVED AS TO FORM:
Lacy Book City Se	orgeson	Kayla Landeros City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

08/17/17 Item #8 Regular 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 pursuant to Chapter 2206, Government Code § 2206.053 finding that a 0.087-acre permanent easement situated in the George Givens Survey, Abstract No. 345, Bell County, Texas is necessary for the construction of the Charter Oak Water Line and authorizing the use of eminent domain to condemn the property.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> The City is in the design phase for the proposed construction of the Charter Oak Water Line. The design requires the acquisition of a 0.087-acre permanent easement for the water line on land situated in the George Givens Survey, Abstract No. 345, Bell County, Texas, for the construction of the water line with its necessary appurtenances under Chapter 251, Local Government Code § 251.001. A survey and legal description of the property needed are included with the Resolution attached to this memorandum.

An appraisal was performed on the property and the City made an offer to purchase the necessary easements, based on the appraisal, on April 6, 2017 via Lone Star Right of Way Services, Inc. No response was received. The City made a bona fide final offer to the property owner on May 18, 2017. The owner did not respond in the 14 days required by the Texas Property Code.

Since there has been no response on the part of the owner, a settlement appears unlikely at this time. Accordingly, Staff is asking pursuant to Chapter 2206, Government Code § 2206.053, for the City Council to authorize the use of the power of eminent domain to acquire the easement legally described as being 0.087 acre situated in the George Givens Survey, Abstract No. 345, Bell County, Texas, located along the Gulf, Colorado & Santa Fe Railroad, Temple, Texas, Bell County Appraisal District ID Number 148523.

FISCAL IMPACT: Funding for the purchase of the 0.087-acre permanent easement necessary for the construction of the Charter Oak Water Line is appropriated in account 520-5900-535-6110, project #100608.

ATTACHMENTS:

Legal Description Resolution

"TRACT 24" 2600 AVENUE G, LP

FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

January 29, 2016

Surveyor's Field Notes for:

0.087 ACRE, situated in the **GEORGE GIVENS SURVEY**, **ABSTRACT 345**, Bell County, Texas, and being out of and a portion of a called 0.18 Acre tract conveyed as "Tract C" to 2600 Avenue G, LP in Volume 4805, Page 125, Official Public Records of Real Property, Bell County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8" iron rod found at the southeast corner of said 0.18 Acre tract, being the southwest corner of a called 0.09 Acre tract conveyed to the City of Temple in Volume 722, Page 421, Deed Records of Bell County, Texas, and being on the north line of a public roadway known as Interstate Highway 35 (IH 35) (service road), for the southeast corner of the herein described tract;

THENCE, in a westerly direction, with the north line of said IH 35, **S** 68° 31' 18" W – 313.40' (*Rec.* S 70° 15' 53" W – 313.40'), to a calculated point at the southwest corner of said 0.18 Acre tract, which bears N 68° 31' 18" E – 419.27' from a 5/8" iron rod found, for the southwest corner of the herein described tract;

THENCE, in an easterly direction, with the north line of said 0.18 Acre tract, same being the south line of Gulf, Colorado and Santa Fe Railroad, with a curve to the left; having a radius of **2018.00'** (*Rec. 2018.00'*), a delta angle of **03° 13' 39"**, and a long chord which bears **N 60° 56' 18" E – 113.66'**; an arc length of **113.68'**, to a calculated point;

THENCE, in an easterly direction, severing said 0.18 Acre tract, **N** 68° 31' 18" E-200.72', to a calculated point on the east line of said 0.18 Acre tract, same being the west line of said 0.09 Acre tract, which bears S 21° 32' 06" E-43.07' from a 1" iron pipe found found at the northeast corner of said 0.18 Acre tract, for the northeast corner of the herein described tract;

THENCE, in a southerly direction, with the west line of said 0.09 Acre tract, **S 21° 32' 06"** E - 15.00' (*Rec. S 18° 43' 55" E*), to the **POINT OF BEGINNING** and containing 0.087 Acre of Land.

This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 251. The theta angle at City Monument No. 251 is 01° 29' 27". The combined correction factor (CCF) is 0.999859. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Published City coordinates for City Monument No. 251 are N.= 10,363,966.50 E.= 3,202,666.18 Reference tie from City Monument No. 251 to the southeast corner of said 0.087 acre tract is N 59°03'07" E 14225.32 feet.

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

This metes and bounds description to accompany a Surveyor's Sketch of the herein described 0.087 Acre tract.

Surveyed July 25, 2011

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

server/projects/pro110000/110300/110396/110396-E24-2600 AVENUE G, LP.doc

Charles C. Lucko
Registered Professional Land Surveyor
Registration No. 4636

TRACT 24 2600 AVENUE G. LP

Surveyor's Sketch showing 0.087 ACRE, situated in the GEORGE GIVENS SURVEY, ABSTRACT 345, Bell County, Texas.

This sketch to accompany a metes and bounds description of the hereon shown 0.087 Acre tract.



O - Calculated Point

L - 113.68' R - 2018.00' D - 3°13'39" Brq - N 60°56'18" Ch - 113.66' (Rec. R - 2018.00')

GULF, COLORADO & SANTA FE PAULROAD

STATE HIGHWAY 35

This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 251. The theta angle at City Monument No. 251 is O1° 29' 27". The combined correction factor (CCF) is 0.999859. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Published City coordinates for City Monument No. 251 are N.= 10,363,966.50 E.= 3,202,666.18 Reference tie from City Monument No. 251 to the southeast corner of said 0.087 acre tract is N 59°03'07" E 14225.32 feet.

I" Iron Pipe

Found

CALLED O.18 ACRES

CALLED O.18 ACRE
CALLED O.18 ACRE
O.18 ACRE
O.18 ACRE
O.19 ACRE
O.

5/8" Iron Rod Found

Survey performed for: CITY OF TEMPLE as per that title commitment provided by CENTRALAND TITLE COMPANY, GF No. CI575986, EFFECTIVE DATE: JANUARY 18, 2016.

Note from the Surveyor:

N 68°31"18",E 419.27'

The following instruments listed on the title commitment supplied by Centraland Title Company, GF No. C1575986, effective date January 18, 2016, have been reviewed by this surveyor and based upon what is visible on the ground and what can be platted from their descriptions, do not affect this property:

(Vol./Pg.) * 1163/894 * 1391/205 * 1579/823 * 1159/408 * 886/319 * 873/462 * 1305/838 * 1350/835 * 1313/270 * 1125/677 * 1176/507 * Doc. No. 2015-00028256



1303 South 21st Street Temple, Texas 76504 254-778-2272 Killeen 254-634-4636 Fax 254-774-7608

Tx. Firm Lic. No. 10023600



Survey completed: 07-25-2011

1" = 30' Scale: 110396.1.7 Job No.:

CALLED O. O. ACRE
CALLED OF TEMPLE

5/8" Iron Rod Found

Dwg No .: 110396-E24-2600 AVENUE G, LP

Drawn by: SLW

Surveyor: <u>CCL #4636</u>

Copyright 2016 All County Surveying, Inc.

-24-2016 Date

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, FINDING THAT AN APPROXIMATELY 0.087 ACRE EASEMENT ON LAND SITUATED IN THE GEORGE GIVENS SURVEY, ABSTRACT NO. 345, BELL COUNTY, TEXAS, IS NECESSARY FOR THE PROPOSED CONSTRUCTION OF THE CHARTER OAK WATER LINE; AUTHORIZING THE USE OF EMINENT DOMAIN TO CONDEMN THE PROPERTY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is currently in the design phase for the proposed construction of the Charter Oak Water Line and the design requires the acquisition of an approximately 0.087 acre permanent easement on land situated in the George Givens Survey, Abstract No. 345, Bell County, Texas - the easement is necessary for the construction of the water line with its necessary appurtenances under Chapter 251, Local Government Code § 251.001;

Whereas, an appraisal was performed on the property and the City made an offer to purchase the necessary easement based on the appraisal via Lone Star Right of Way Services, Inc. and no response was received - the City made a bona fide final offer to the property owner on May 18, 2017 and the owner did not respond in the 14 days required by the Texas Property Code;

Whereas, since there has been no response on the part of the owner, and settlement appears unlikely, Staff is asking, pursuant to Chapter 2206, Government Code § 2206.053, that Council authorize the use of the power of eminent domain to acquire the easement legally described as being approximately 0.087 acre situated in the George Givens Survey, Abstract No. 345, Bell County, Texas, located along the Gulf, Colorado & Santa Fe Railroad, Temple, Texas, Bell County Appraisal District ID Number 148523;

Whereas, funding for the purchase of the above property is appropriated in Account No. 520-5900-535-6110, Project No. 100608; 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 hereby finds and determines that the necessity exists for acquiring, by eminent domain, an approximately 0.087 acre easement, situated in the George Givens Survey, Abstract No. 345, Bell County, Texas, located along the Gulf, Colorado & Santa Fe Railroad, Temple, Texas, Bell County Appraisal District ID Number 148523.

<u>Part 3</u>: The City Council hereby finds and determines that the construction of the Charter Oak Water Line is a public use under Chapter 251, Local Government Code § 251.001(a)(1).

<u>Part 4</u>: The City Council authorizes the use of the City's eminent domain authority under Article 3, Section 3.6, of the Charter of the City of Temple and the initiation of condemnation proceedings of said property interests.

<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 and the Truth in Condemnation Act, Chapter 2206, Government Code § 2206.053.

PASSED AND APPROVED this the **17**th day of **August**, 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

08/17/17 Item #9 Regular Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution pursuant to Chapter 2206, Government Code § 2206.053 finding that a 0.088-acre right of way situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, is necessary for the proposed expansion of Hogan Road, and authorizing the use of eminent domain to condemn the property.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City is currently in the design phase for the proposed expansion of Hogan Road from South Pea Ridge Road to State Highway 317. The design requires the acquisition of right-of-way and an easement from six different property owners, under Chapter 251, Local Government Code § 251.001. The City has acquired the needed easement and right of way from four property owners.

Staff is actively negotiating with the remaining property owner and hopes to reach an agreement in the coming weeks. An appraisal was completed on the property and an initial offer was presented on April 25, 2017 via H.W. Lochner, Inc. However, despite negotiations, the City and one property owner have not reached an agreement, nor is an agreement anticipated. Therefore, a final offer was presented on June 6, 2017.

The legal description of the real property needed is included with the Resolution attached to this memorandum. The property needed is described as a 0.088-acre tract of land, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, located at 6001 Highway 317, Temple, Texas, Bell CAD ID No. 80883.

Staff is asking pursuant to Chapter 2206, Government Code § 2206.053, for the City Council to authorize the use of the power of eminent domain to acquire the property described above.

FISCAL IMPACT: Funding for the purchase of the 0.088-acre right of way necessary for the proposed expansion of Hogan Road is appropriated in account 365-3400-531-6857, project #100952.

ATTACHMENTS:

Legal Descriptions Resolution

QUICK INC.

LAND SURVEYING

3305 SHELL ROAD, SUITE 100, GEORGETOWN, TEXAS 78633 PHONE: 512-915-4950

FIELD NOTES, ELENDER, 0.088 ACRES:

BEING A 0.088 ACRE TRACT OF LAND LOCATED IN THE BALDWIN ROBERTSON SURVEY, ABSTRACT NO. 17, BELL COUNTY, TEXAS, SAID 0.088 ACRE TRACT BEING A PORTION OF THAT CERTAIN 1.139 ACRE TRACT RECORDED IN DOCUMENT NO. 201200047269, OFFICIAL PUBLIC RECORDS, BELL COUNTY, TEXAS: SAID 0.088 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Beginning at a Texas Department of Transportation concrete right-of-way monument located in the north right-of-way line of Hogan Road, said point being a cut-back angle of Hogan Road and the southwest corner of the parent 1.139 acre tract;

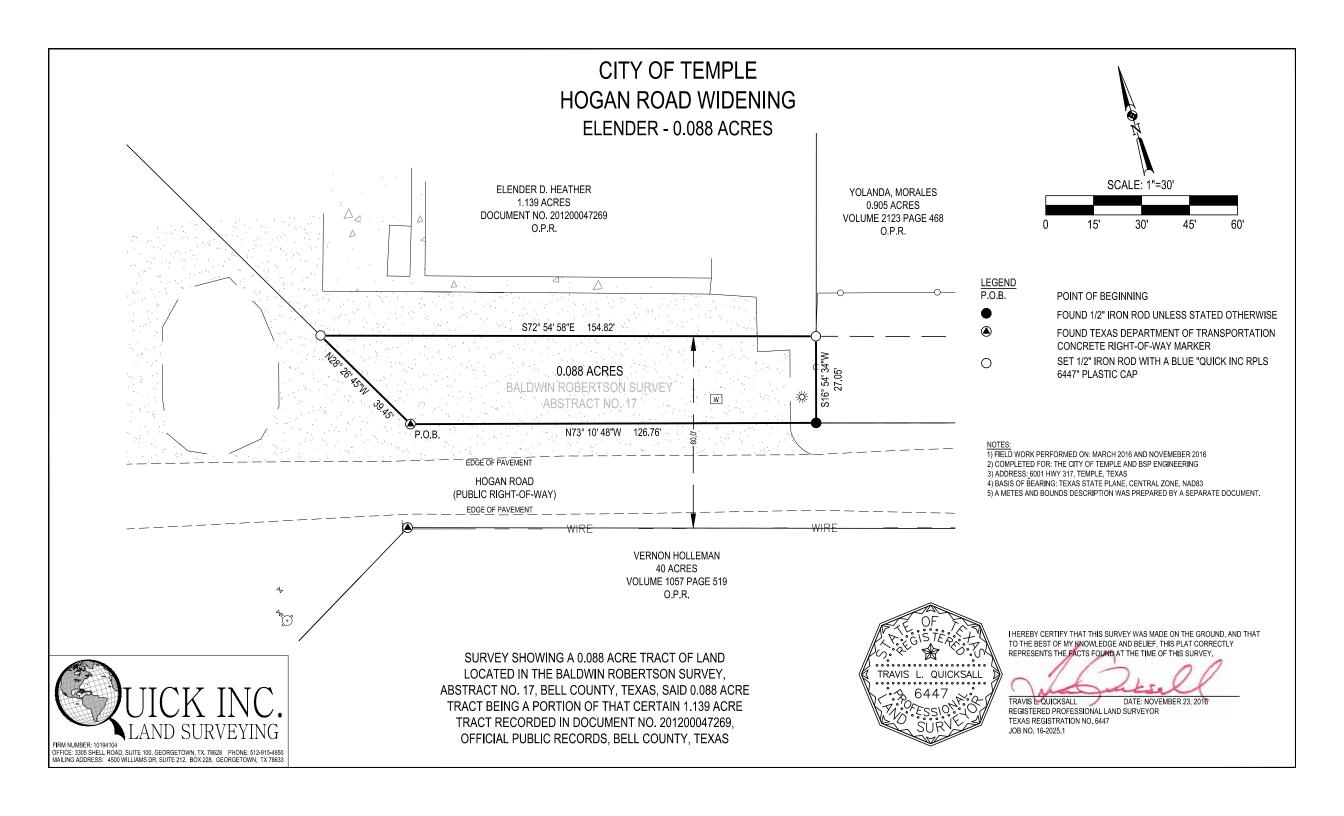
- 1. **Thence,** with the southwest line of said 1.139 acre tract, the northeast cutback line of Hogan Road, N 28°26'45"W a distance of 39.45' to a 1/2" iron rod set with a blue "QUICK INC RPLS 6447" plastic cap for corner;
- 2. **Thence,** across said 1.139 acre tract **S 72° 54' 58" E** a distance of **154.82'** to a 1/2" iron rod with a blue "QUICK INC RPLS 6447" plastic cap set in the east line of said 1.139 acre tract, the west line of a called 0.905 acre tract recorded I Volume 2123, Page 468, Official Public Records, Bell County, Texas;
- 3. Thence, with the common line of said 1.139 acre tract and said 0.905 acre tract, S 16° 54' **34"** W a distance of **27.05**' to a 1/2" iron rod found in the north right-of-way line of Hogan Road, said point being the common corner of said 1.139 acre tract and said 0.905 acre tract corner;
- 4. **Thence,** with the south line of said 1.139 acre tract, the north right-of-way line of Hogan Road, N 73° 10' 48" W a distance of 126.76' to a to the Point of Beginning containing **0.088 acres** of land:

Note: The basis of bearing was established using the Trimble VRS Network, NAD (83), Texas State Plane Coordinate System, Central Zone, 4203, US Survey Foot, Grid.

RPLS #6447

Travis L. Quicksall Date: 11/29/2016

Job #16-2025.1



A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, FINDING THAT AN APPROXIMATELY 0.088 ACRE TRACT OF LAND SITUATED IN THE BALDWIN ROBERTSON SURVEY, ABSTRACT NO. 17, BELL COUNTY, TEXAS, IS NECESSARY FOR THE PROPOSED EXPANSION OF HOGAN ROAD; AUTHORIZING THE USE OF EMINENT DOMAIN TO CONDEMN THE PROPERTY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is currently in the design phase for the proposed expansion of Hogan Road from South Pea Ridge Road to State Highway 317 - the design requires the acquisition of right-of-way and an easement from six different property owners;

Whereas, the City has acquired needed easements and right-of-way from four property owners and Staff is actively negotiating with the remaining property owner and hopes to reach an agreement in the coming weeks;

Whereas, an appraisal was completed on the property and an initial offer was presented on April 25, 2017 via H.W. Lochner, Inc, however, despite negotiations, the City and one property owner have not reached an agreement, nor is an agreement anticipated - a final offer was presented on June 6, 2017;

Whereas, the property needed is described as an approximately 0.088 acre tract of land, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, located at 6001 Highway 317, Temple, Texas, Bell CAD ID No. 80883;

Whereas, Staff recommends, pursuant to Chapter 2206, Government Code \$2206.053, that Council authorize the use of the power of eminent domain to acquire the property described above, if the parties are ultimately unable to reach agreements;

Whereas, funding for the purchase of the above properties is appropriated in Account No. 365-3400-531-6857, Project No. 100952; 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 hereby finds and determines that the necessity exists for acquiring, by eminent domain, an approximately 0.088 acre tract of land, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, located at 6001 Highway 317, Temple, Texas, Bell CAD ID No. 80883.

- <u>Part 3</u>: The City Council hereby finds and determines that the expansion of Hogan Road from South Pea Ridge Road to State Highway 317 is a public use under Chapter 251, Local Government Code § 251.001(a)(1).
- <u>Part 4</u>: The City Council authorizes the use of the City's eminent domain authority under Article 3, Section 3.6, of the Charter of the City of Temple and the initiation of condemnation proceedings of said property interests.
- <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 and the Truth in Condemnation Act, Chapter 2206, Government Code § 2206.053.

PASSED AND APPROVED this the 17th day of August, 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

08/17/17 Item #10 Regular Agenda Page 1 of 4

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

<u>ITEM DESCRIPTION:</u> Consider approving a resolution adopting the City of Temple's Wireless Services Design Manual, setting the Right-of Way Permit application fee, and setting the public right-of-way rate to be charged to wireless service providers for use of the City's right-of-way.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> In the last legislative session, Senate Bill 1004, related to the placement of wireless facilities in municipal right-of-way ("ROW") was passed. The new law will go into effect on September 1, 2017 and will be located in Chapter 284 of the Texas Local Government Code. The proposed resolution asks the City Council to adopt the attached Design Manual, set the Right-of-Way Permit application fee, and set the public right-of-way rate to be charged to wireless service providers for use of the City's right-of-way.

The new law allows broad access to City ROW and infrastructure by a "network provider" which includes (1) a wireless service provider (e.g. Verizon, AT&T) and (2) a person that does not provide wireless services and that is not an electric utility, but builds or installs network nodes or node support poles on behalf of a wireless service provider (e.g. Mobilitie, Crown Castle). The City is mandated to allow access to City infrastructure which includes traffic signals, non-decorative street lights, and street signage. The City can deny access to ROW located in designated parks and in ROW adjacent to a street that is (1) not more than 50 feet wide, and (2) adjacent to single-family residential lots or other multifamily residences or undeveloped land that is designated for residential use by zoning or deed restrictions.

Network providers are allowed to install network nodes and network support poles. A "network node" includes "equipment at a fixed location that enables wireless communications between user equipment and a communication network." A "network support pole" is defined as "a pole installed by a network provider for the primary purpose of supporting a network node." Lastly, "public right-of-way" is defined as "the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the municipality has an interest."

Chapter 284 sets forth several standards for permitting, installation, and equipment requirements. However, the City may adopt a design manual for the installation and construction of network nodes and new node support poles in the ROW that includes additional installation and construction details as long as the manual does not conflict with Chapter 284. The design manual may specifically include, along with other standards, (1) a requirement that an industry standard pole load analysis be completed and submitted to the municipality indicating that the service pole to which the network node is to be attached will safely support the load; and (2) a requirement that network node equipment placed on new and existing poles be placed more than eight feet above ground level.

A network provider must obtain advance approval from a City before collocating new network nodes or installing new node support poles in an area designated as a historic district or as a design district *if the district has decorative poles*. As a condition for approval of new network nodes or new node support poles in a historic district or a design district with decorative poles, the City may require reasonable design or concealment measures for the new network nodes or new node support poles. A "design district" means an area that is zoned, or otherwise designated by municipal code, and for which the city maintains and enforces unique design and aesthetic standards on a uniform and nondiscriminatory basis. Decorative poles must be required in the district.

The Temple Medical and Educational ("TMED") zoning district and the 1st and 3rd Overlay District meet the definition of a design district and the draft Design Manual would designate them as such.

Historic districts are defined in Chapter 284 as an area that is zoned or otherwise designated as a historic district under municipal, state, or federal law. Temple's Historic District on the north side of the City is designated as a historic district in Chapter 17 of the City's Code of Ordinances. In addition, the downtown area is designated as a "National Register Historic District" by the National Register of Historic Places which is administered on the federal level by the Secretary of the Interior. The Design Manual would specifically designated these areas as historic districts for the purposes of Chapter 284.

The Design Manual also establishes the permitting process for network providers. If a provider wishes to attach equipment to an existing pole, the provider must complete and submit to the City a Right-of-Way Permit application. The application must include:

- (1) the application fee;
- (2) an aerial map showing the location of the existing pole to which the network node will be attached and a street view image;
- (3) plans and drawings prepared by a professional engineer who has evaluated the existing pole or infrastructure for structural stability to carry the proposed equipment and if pole reenforcement is necessary, the provider must submit an engineering design and specification drawings for the proposed alteration to the existing pole;
- (4) scaled dimensioned drawings or pictures of the proposed attachments of the network node to the existing poles or structures;
- (5) scaled dimensioned construction plans indicating the current ROW line and showing the proposed underground conduit and equipment, and its spacing from existing utilities;

- (6) an analysis that the proposed network node will not cause any interference to the City's public safety radio system, traffic signal light system, or other communications components, if applicable;
- (7) a traffic control plan, a stormwater pollution prevention plan (SWPPP), and a trench safety plan;
- (8) if access to any non-City owned property is required to install the equipment, the provider must provide evidence of permission to use the non-City owned property;
- (9) an agreement that notice of the work will be given to adjacent residential developments/neighborhoods within 300 feet of the existing pole or structure where the network node is to be installed.

For the proposed installation of new network poles, the provider must complete and submit a Right-of-Way Permit application, which must include:

- (1) the application fee;
- (2) an aerial map showing the location of the proposed new pole and a street view image;
- (3) an analysis showing that the new pole is spaced at least 300 linear feet from another existing pole that is capable of supporting a network node;
- (4) scaled dimensioned drawings or pictures of the proposed new pole, as well as any other proposed equipment associated with the pole, indicating the spacing from existing curbs, driveways, sidewalks, light poles, and any other poles or appurtenances;
- (5) scaled dimensioned construction plans indicating the current ROW line and showing the proposed underground conduit and equipment and its spacing from existing lines:
- (6) a traffic control plan, SWPPP, and trench safety plan;
- (7) an analysis that the proposed pole and network node will not cause any interference with the City's public radio system, traffic signal light system, or other communications components, if applicable;
- (8) if access to any non-City owned property is required to install the equipment, the provider must submit evidence of permission to use the non-City owned property;
- (9) an agreement that notice of the work will be given to adjacent residential developments/neighborhoods within 300 feet of the proposed location of the pole.

Network providers will also be required to obtain an electrical permit for any electrical power service needed to support the network node or node support pole.

Installation, maintenance, repair, removal, and relocation of network nodes and node support poles will be at the wireless service provider's sole cost. The Design Manual also states that the City will not be liable to the provider for any damage caused by other providers sharing the same pole or for the failure of provider's network nodes for any reason, including damage resulting from vehicular collisions, weather related events, or malicious attacks. If the City is altering, expanding, or improving its infrastructure or ROW, the provider is responsible for removing and relocating its equipment.

Chapter 284 allows the City to charge a permit application fee. The amount of the fee charged may not exceed the lesser of (1) the actual, direct, and reasonable costs the City determines are incurred in granting or processing an application that are reasonably related in time to the time the costs of granting or processing an application are incurred; or (2) \$500 per application covering up to five network nodes, \$250 for each additional network node per application, and \$1,000 per application for each pole.

At this time, Staff anticipates that Right-of-Way Permit applications will be received by the Permitting Department. The application will then be disbursed to multiple departments for review, including Planning, Engineering, Streets, IT, and Legal. Review of the application to ensure compliance with Chapter 284 and the City's Design Manual will be required by the listed departments. Considering the number of City Staff involved in the application review process and the hourly rates at which those Staff members are compensated, Staff is recommending that Council set the application fees at \$500 per application covering up to five network nodes, \$250 for each additional network node per application, and \$1,000 per application for each pole.

Lastly, Chapter 284 also allows the City to charge the network provider a public right-of-way rate to compensate the City for use of its ROW. The rate may not exceed an annual amount of \$250 multiplied by the number of network nodes installed in the ROW. Staff recommends setting the annual rate at \$250 per network node.

FISCAL IMPACT: It is unknown at this time the number of applications that could be received for the Right-of Way Permits. The application fee will be set at \$500 per application covering up to five network nodes, \$250 for each additional network node per application, and \$1,000 per application for each pole. The public right-of-way rate to be charged to wireless service providers for use of the City's right-of-way will be set at an annual rate at \$250 per network node.

ATTACHMENTS:

Design Manual Resolution

*

City of Temple Wireless Services Design Manual

Section 1: Purpose

- A. The City of Temple ("City") understands the benefits of deployment of small cell wireless technology within the City and desires to set forth a process for deployment that ensures positive and efficient results for the City, its citizens, and Network Providers ("Provider(s)").
- B. The standards and procedures provided in this Wireless Services Design Manual ("Design Manual") are adopted to protect the health, safety, and welfare of the public by minimizing and reducing impacts to public safety within the City's right-of-way ("ROW") and to minimize and reduce impacts to the City, its residents and visitors; and for the general health and welfare of the public.
- C. The City has adopted this Design Manual to provide technical criteria and details necessary for Providers seeking to install and construct network nodes and node support poles in the City's ROW.
- D. Providers are required to adhere to the requirements found in this Design Manual and Texas Local Government Code Chapter 284 for the placement of their facilities within the City's ROW.

Section 2: Definitions

For purposes of this Design Manual the following terms have the meanings as set forth below. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular number, and words in the singular include the plural.

- A. "Abandon" and its derivatives means the network nodes and node support poles, or any portion thereof, that have been left by a Provider in an unused or nonfunctioning condition for more than 120 consecutive days unless, after notice to Provider, Provider has established to the reasonable satisfaction of the City that the network nodes and node support poles, or portion thereof, has the ability to provide wireless communications.
- B. "City" means the City of Temple, Texas and the City's officers and employees.
- C. **"Design District"** has the meaning set forth in Texas Local Government Code Chapter 284, or as amended, and includes the City's "Temple Medical and Educational District" and the "1st and 3rd Overlay" area. Both are depicted in Exhibit A attached to this Design Manual and incorporated herein for all purposes.

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City of Temple

Wireless Services Design Manual

- D. "Historic District" has the meaning set forth in Texas Local Government Code Chapter 284, or as amended, and includes the City's Historic District designated as such in Chapter 17 of the City's Code of Ordinances and the City's downtown area which is designated as a "National Register Historic District" by the National Register of Historic Places which is administered at the federal level by the Secretary of the Interior. Maps of the downtown area which is so designated and of the City's Historic District are attached to this Design Manual as Exhibit B and incorporated herein for all purposes.
- E. "Network node" has the meaning set forth in Texas Local Government Code Chapter 284, or as amended.
- F. **"Node support pole"** has the meaning set forth in Texas Local Government Code Chapter 284, or as amended.
- G. "Park" means the various properties under the direction, control, and supervision of the City's Parks and Recreation Department and as depicted on Exhibit C to this Design Manual. The properties listed in Exhibit C are designated as parks only for the purposes of this Design Manual and Chapter 284 of the Local Government Code.
- H. "Right-of-Way Permit" means a document issued by the City authorizing installation, removal, modification or other work for Provider's network nodes or node support poles in accordance with approved plans and specifications.
- I. **"Public Right-of-Way"** or **"ROW"** has the meaning set forth in Texas Local Government Code Chapter 284, or as amended, but does not include a private easement or the airwaves above a public right-of-way with regard to wireless communications.
- J. "Traffic Signal" means any device, whether manually, electrically, or mechanically operated by which traffic is alternately directed to stop and to proceed.
- K. "Stealth design" means any method of installation of network nodes or node support poles such that no portion of any antenna, antenna equipment, or any other apparatus associated with the function of the nodes or poles is visible.

Section 3: Permitting

A. <u>Attachment to Existing Poles</u>: Prior to installation or modification of a network node, Provider must complete and submit to the City a Right-of-Way Permit application, along with standard required documents and the following items:



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- 1. the application fee;
- 2. an aerial map showing the location of the existing pole to which the network node will be attached and a street view image;
- 3. plans and drawings prepared by a professional engineer who has evaluated the existing pole or infrastructure for structural stability to carry the proposed equipment and if pole re-enforcement is necessary, the provider must submit an engineering design and specification drawings for the proposed alteration to the existing pole;
- 4. scaled dimensioned drawings or pictures of the proposed attachments of the network node to the existing poles or structures;
- 5. scaled dimensioned construction plans indicating the current ROW line and showing the proposed underground conduit and equipment, and its spacing from existing utilities;
- 6. an analysis that the proposed network node will not cause any interference to the City's public safety radio system, traffic signal light system, or other communications components;
- 7. a traffic control plan, a stormwater pollution prevention plan (SWPPP), and a trench safety plan;
- 8. if access to any non-City owned property is required to install the equipment, the provider must provide evidence of permission to use the non-City owned property;
- 9. an agreement that written notice of the work, which includes contact information for the Provider, will be given to adjacent residential developments/neighborhoods within 300 feet of the existing pole or structure where the network node is to be installed;
- 10. if a City pole is proposed for the installation, the Provider must submit a copy of the legal document evidencing the City's property interest in the ROW; and
- if a non-City pole is proposed for the installation, the Provider must submit evidence of permission to use the pole from the owner of the pole.
- B. Any proposed installation or modification of network node must comply with the following standards:



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- 1. Any facilities located off pole must remain in cabinetry or other enclosed structure underground, except for the electric meter pedestal. Facilities on pole must be concealed or enclosed as much as possible in an equipment box, cabinet, or other unit that may include ventilation openings. There must be no external cables or electric wire/cables on the pole or structure or aerial wires or cables extending from the pole or structure. Stealth design is encouraged.
- 2. The electrical meter may not be mounted on a City metal pole or structure. Provider is required to use 240 voltage when connecting to any City infrastructure and provide a key to the meter upon inspection.
- 3. All attachments to a pole that are projecting, or any equipment or appurtenance mounted on the ground, must comply with TAS, ADA, and may not obstruct an existing or planned sidewalk, trail, or walkway. All proposed projecting attachments to the pole must provide a minimum vertical clearance of 8 feet. If any attachments are projecting towards the street side, it must provide a minimum clearance of 16 feet.
- 4. The color of the network nodes must match the existing pole color such that the network nodes blend with the color of the pole to the extent possible. The City reserves the right to deny a certain style of node due to its difference in color to the pole.
- 5. There may be no other pole, with small cell attachments permitted or under application review, within 300 feet of the subject pole.
- C. <u>Installation of New Poles</u>: Prior to installation or modification of a node support pole, Provider must complete and submit to the City a Right-of-Way Permit application, along with any standard required documents and the following items:
 - 1. the application fee;
 - 2. an aerial map showing the location of the proposed new pole and a street view image;
 - 3. an analysis showing that the new pole is spaced at least 300 linear feet from another existing pole that is capable of supporting a network node;
 - 4. scaled dimensioned drawings or pictures of the proposed new pole, as well as any other proposed equipment associated with the pole, indicating the spacing from existing curbs, driveways, sidewalks, light poles, and any other poles or appurtenances;

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- 5. scaled dimensioned construction plans indicating the current ROW line and showing the proposed underground conduit and equipment and its spacing from existing lines;
- 6. a traffic control plan, SWPPP, and trench safety plan;
- 7. an analysis that the proposed pole and network node will not cause any interference with the City's public radio system, traffic signal light system, or other communications components;
- 8. if access to any non-City owned property is required to install the equipment, the provider must submit evidence of permission to use the non-City owned property;
- 9. an agreement that written notice of the work, which includes contact information for the Provider, will be given to adjacent residential developments/neighborhoods within 300 feet of the proposed location of the pole; and
- 10. a copy of the legal document evidencing the City's property interest in the ROW.
- D. The proposal to install a new pole must comply with the following standards:
 - 1. Any facilities located off pole must remain in cabinetry or other enclosed structure underground, except for the electric meter pedestal. Facilities on pole must be concealed or enclosed as much as possible in an equipment box, cabinet, or other unit that may include ventilation openings. There must be no external cables or electric wire/cables on the pole or structure or aerial wires or cables extending from the pole or structure. Stealth design and shroud poles are encouraged.
 - 2. The electrical meter may not be mounted on a City metal pole or structure. Provider is required to use 240 voltage when connecting to any City infrastructure and provide a key to the meter upon inspection.
 - 3. All attachments to a pole that are projecting, or any equipment or appurtenance mounted on the ground, must comply with TAS, ADA, and may not obstruct an existing or planned sidewalk, trail, or walkway. All proposed projecting attachments to the pole must provide a minimum vertical clearance of 8 feet. If any attachments are projecting towards the street side, it must provide a minimum clearance of 16 feet.
 - 4. All attachments for the network nodes must match the color of the node support pole. All node support poles must match the existing poles in the



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surrounding block or district in which the node support pole is located in order to blend into the surrounding environment and be visually unobtrusive. City reserves the right to deny a certain type of pole due to its differences.

- E. Upon approval of any permit, the Provider is required to call for the locations of any other existing utilities in the area.
- F. Electrical Permit: Provider is responsible for obtaining any required electrical power service to the network nodes and node support poles or structures. Provider's electrical supply must be separately metered from the City and match City infrastructure voltage. Provider is required to provide the City with sealed engineered drawings for conduit size, circuit size, calculations for Amp, distances running, and any other information required by City Staff.

Section 4: Network Node and Node Support Pole Requirements

- A. <u>Installation</u>: Provider must, at its own cost and expense, install the network nodes and node support poles in a good and workmanlike manner and in accordance with the requirements promulgated by this Design Manual, and all other applicable laws, ordinances, codes, rules and regulations of the City, the State, and the United States ("Laws"), as such may be amended from time to time. Provider's work in City ROW is subject to the regulation, control and direction of the City. All work done in connection with the installation, operation, maintenance, repair, modification, and/or replacement of the network nodes and node support poles must be in compliance with all applicable Laws.
- B. <u>Inspections</u>: The City may perform visual inspections of any network nodes and node support poles located in the ROW as the City deems appropriate without notice. If the inspection requires physical contact with the network nodes or node support poles, the City will provide written notice to the Provider within five business days of the planned inspection. Provider may have a representative present during the inspection.

In the event of an emergency situation, the City may, but is not required to, notify Provider of an inspection. The City may take action necessary to remediate the emergency situation and the City shall notify Provider as soon as practically possible after remediation is complete.

C. Placement:

1. *Parks*. Placement of network nodes and node support poles in any park, park roads, sidewalks, or property is prohibited. The City's parks are depicted in Exhibit C.

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- 2. *City Infrastructure*. Providers are prohibited from installing network nodes and node support poles on any City property that falls outside the definition of ROW in Chapter 284 of the Local Government Code.
- 3. Residential Streets. Providers are prohibited from installing network nodes or node support poles in ROW that is adjacent to a street or thoroughfare that is not more than 50 feet wide and adjacent to single-family residential lots or other multifamily residences or undeveloped land that is designated for residential use by zoning or deed restrictions.
- 4. *Historic District*. Providers are prohibited from installing network nodes or node support poles in ROW that is within a Historic District as defined by Chapter 284 of the Local Government Code and as designated in Exhibit B attached to this Design Manual, unless the installation is approved by the City in writing.
- 5. Decorative Poles. Providers are prohibited from installing network nodes on a decorative pole as defined by Chapter 284 of the Local Government Code, unless approved by the City in writing. This standard is applicable to all decorative poles in the City. The City will consider proposed installations that include a Stealth Design.
- 6. *Right-of-Way*. Node support poles and ground equipment must be placed, as much possible, within two feet of the outer edge of the ROW line. Node support poles and ground equipment or network nodes may not impede pedestrian or vehicular traffic in the ROW. If a node support pole and ground equipment or network node is installed in a location that is not in accordance with the plans approved by the City and impedes pedestrian or vehicular traffic or does not comply with or otherwise renders the ROW non-compliant with applicable Laws, including the American with Disabilities Act, then Provider must immediately remove the node support poles, ground equipment, or network nodes.
- 7. *Fiber Connection*. Provider is responsible for obtaining access and connection to fiber optic lines or other backhaul solutions that may be required for its node support poles or network nodes.
- 8. *Generators*. Provider may not allow or install generators or back-up generators in the ROW.
- 9. *Equipment Dimensions*. Provider's node support poles and network nodes must comply with the dimensions set forth in Chapter 284 of the Local Government Code.



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- 10. *Tree Maintenance*. Provider, its contractors, and agents must obtain written permission from the City before trimming trees hanging over the Provider's network nodes and node support poles. When directed by the City, Provider must trim under the supervision and direction of the Transportation Director. The City will not be liable for any damages, injuries, or claims arising from Provider's actions under this section.
- Repair. Whenever the installation, placement, attachment, repair, 11. modification, removal, operation, use, or relocation of the node support poles or network nodes, or any portion thereof is required and such installation, placement, attachment, repair, modification, removal, operation, use, or relocation causes any property of the City to be damaged, including, but not limited to landscaping installed by the City, or to have been altered in such a manner as to make it unusable, unsafe, or in violation of any Laws, Provider, at its sole cost and expense, must promptly repair and return such property to its original condition. If Provider does not repair the property or perform the work as described in this paragraph, the City will have the option, upon fifteen days' prior written notice to Provider or immediately if there is imminent danger to the public, to perform or cause to be performed such reasonable and necessary work on behalf of Provider and to charge Provider for the reasonable and actual costs incurred by the City. Provider must reimburse the City for all costs.
- 12. *Signage*. Provider must post its name, location identifying information, and emergency telephone number in an area on the cabinet of the node support poles and network nodes that is visible to the public. Signage required under this section may not exceed 4" x 6", unless otherwise required by law or the City.

Except as required by other Laws or by the utility pole owner, Provider may not post any other signage or advertising on the node support pole and network nodes, or utility pole.

12. *Graffiti Abatement*. As soon as practical, but not later than fifteen days from the date Provider receives notice thereof, Provider must remove all graffiti on any of its node support poles or network nodes located in City ROW.

D. Inventory.

1. Provider is required to maintain a list of its network nodes and node support poles and provide City an inventory of locations within ten days of installation. The inventory of network nodes and node support poles must include GIS coordinates, date of installation, type of pole used for installation, pole owner, and description/type of installation for each network node and node support pole installation.



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2. Upon the City's written request, Provider muse provide a cumulative inventory within thirty days. For inactive network nodes and node support poles, the inventory must include the same information set forth in subsection 1 above, but must also include the date the network node or node support pole was deactivated and the date the network node or network support pole was removed from the ROW. City may compare the inventory to its records to identify any discrepancies.

E. Reservation of Rights.

- 1. The City reserves the right to install and permit others to install, utility facilities in the ROW. In permitting such work to be done by others, the City will not be liable to Provider for any damage caused by those persons or entities.
- 2. The City reserves the right to locate, operate, maintain, and remove City traffic signal poles in the manner that best enables the operation of its traffic signal system and protect public safety.
- 3. The City reserves the right to locate, operate, maintain, and remove any City pole or structure located within the ROW in the manner that best enables the City's operations.
- F. Coordination of Traffic Signal Maintenance Activity and Emergency Response. Provider will provide the City a key to each meter box at the time of inspection and the City will have the ability to temporarily cut-of electricity to Provider's facilities for the safety of maintenance personnel. In the event of failure of components of the traffic signal system for whatever reason, including damage resulting from vehicular collisions, weather related events, or malicious attacks, City will respond to restore traffic signal operations as a matter of public safety. Should the events that result in damage or failure of the traffic signal system also affect Provider's network nodes, Provider is solely responsible to repair or replace its network nodes and must coordinate its own emergency efforts with the City.

Section 5: Interference with Operations

- A. This City will not be liable to Provider for any damage caused by other Providers with wireless facilities sharing the same pole or for failure of Provider's network nodes for whatever reason, including damage resulting from vehicular collisions, weather related events, or malicious attacks.
- B. The City will not be liable to Provider by reason of inconvenience, annoyance or injury to the network nodes or node support poles or activities conducted by



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Provider therefrom, arising from the necessity of repairing any portion of the ROW, or from the making of any necessary alteration or improvements, in, or to, any portion of the ROW, or in, or to, City's fixtures, appurtenances or equipment. The City will use reasonable efforts not to cause material interference to Provider's operation of its network nodes or node support poles.

- C. Signal interference with City's Communications Infrastructure Prohibited.
 - 1. *No interference*. In the event that Provider's network nodes interfere with the City's traffic signal system, public safety radio system, or other City communication infrastructure operation on a spectrum where the City is legally authorized to operate, Provider must promptly cease operation of the network nodes causing said interference upon receiving notice from the City and refrain from operating. Provider will respond to the City's request to address the source of the interference as soon as practicable, but in no event later than twenty-four hours of receiving notice.
 - 2. Protocol for responding to event of interference. The protocol for responding to events of interference will require Provider to provide the City an Interference Remediation Report that includes the following items:
 - a. Remediation Plan. Devise a remediation plan to stop the event of interference:
 - b. Time frame for execution. Provide the expected time frame for execution of the remediation plan; and
 - c. Additional information. Include any additional information relevant to the execution of the remediation plan.

In the event that interference with City facilities cannot be eliminated, Provider must shut down the network nodes and remove or relocate the network node that is the source of the interference as soon as possible to a suitable alternative location made available by the City.

3. Following installation or modification of a network node, the City may require Provider to test the network node's radio frequency and other functions to confirm it does not interfere with the City's operations.



City of Temple Wireless Services Design Manual Section 6: Abandonment, Relocation and Removal

- A. Abandonment of obsolete network nodes and node support poles. Provider is required to remove network nodes and node support poles when such facilities are abandoned regardless of whether or not it receives notice from the City. Unless the City sends notice that removal must be completed immediately to ensure public health, safety, and welfare, the removal must be completed within the earlier of 90 days of the network nodes and node support poles being abandoned or within 90 days of receipt of written notice from the City. When Provider removes or abandons permanent structures in the ROW, the Provider must notify the City in writing of such removal or abandonment and must file with the City the location and description of each network node or node support pole removed or abandoned. The City may require the Provider to complete additional remedial measures necessary for public safety and the integrity of the ROW.
- B. Relocation and removal at Provider's Expense. Provider must remove and relocate its network nodes and node support poles at its own expense to an alternative location not later than 120 days after receiving written notice that removal, relocation, and/or alternation of the network nodes and/or node support poles is necessary due to:
 - 1. Construction, completion, repair, widening, relocation, or maintenance of, or use in connection with, any City construction or maintenance project or other public improvement project;
 - 2. Maintenance, upgrade, expansion, replacement, removal or relocation of the City's pole or structure upon which Provider's network nodes are attached;
 - 3. The network node or node support pole, or portion thereof, is adversely affecting proper operation of traffic signals, streetlights, or other City property;
 - 4. Closure of a street or sale of City property;
 - 5. Projects and programs undertaken to protect or preserve the public health or safety;
 - 6. Activities undertaken to eliminate a public nuisance;
 - 7. Provider fails to obtain all applicable licenses, permits, and certifications required by Law for its network nodes or node support poles; or
 - 8. Any other duty otherwise arising under applicable law.



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- C. Provider's duty to remove and relocate its network nodes and node support poles at its expense is not contingent upon the availability of an alternative location acceptable for relocation. City will make reasonable efforts to provide an alternative location within the ROW for relocation, but regardless of the availability of an alternative site acceptable to Provider, Provider must comply with the notice to remove its network nodes and node support poles as instructed.
- D. Removal or relocation by Provider. If the Provider removes or relocates at its own discretion, it must notify the City in writing not less than ten business days prior to removal or relocation. Provider must obtain all permits required for relocation or removal of its network nodes and node support poles prior to relocation or removal. The City will not issue any refunds for amounts paid by Provider for network nodes and node support poles that have been removed.
- E. Restoration. Provider is required to repair any damage to the ROW, and the property of any third party resulting from Provider's removal or relocation activities (or any other of Provider's activities hereunder) within ten days following the date of such removal or relocation, at Provider's sole cost and expense, including the restoration of the ROW and such property to substantially the same condition as it was immediately before the date Provider was granted a permit for the applicable location, including restoration or replacement of any damaged trees, shrubs or other vegetation. Such repair, restoration, and replacement is subject to the approval of the City.
- F. Provider is responsible and liable for the acts and omissions of Provider's employees, temporary employees, officers, directors, consultants, agents, affiliates, subsidiaries, sublessees, and subcontractors in connection with the performance of activities within the City's ROW, as if such acts or omissions were Provider's acts or omissions.

Section 7: Application Fees and Right-of-Way Rate

- A. <u>Application Fees</u>. Provider is required to pay an application fee of \$500 per application covering up to five network nodes, \$250 for each additional network node per application, and \$1,000 per application for each node support pole. All application fees are due at the time the application is submitted.
- B. Right-of-Way Rate. Provider is required to pay an annual right-of-way rate of \$250 for each network node Provider has installed in the City. The annual rate will be due on December 31st of each year and will constitute payment for the subsequent year. If a network node is installed at any time during the year, Provider must pay to the City a pro-rated ROW rate covering the date the network node is completely installed and ending on December 31st. This pro-rated ROW rate is due within 30 days of installation of the network node.

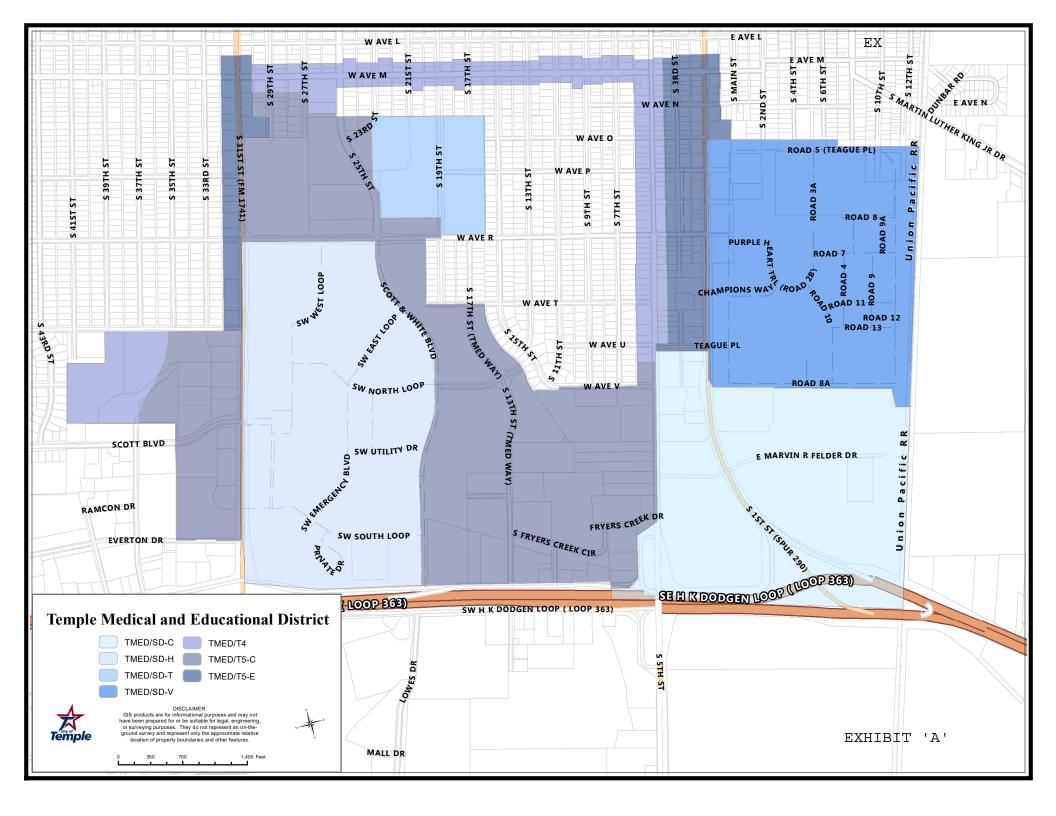


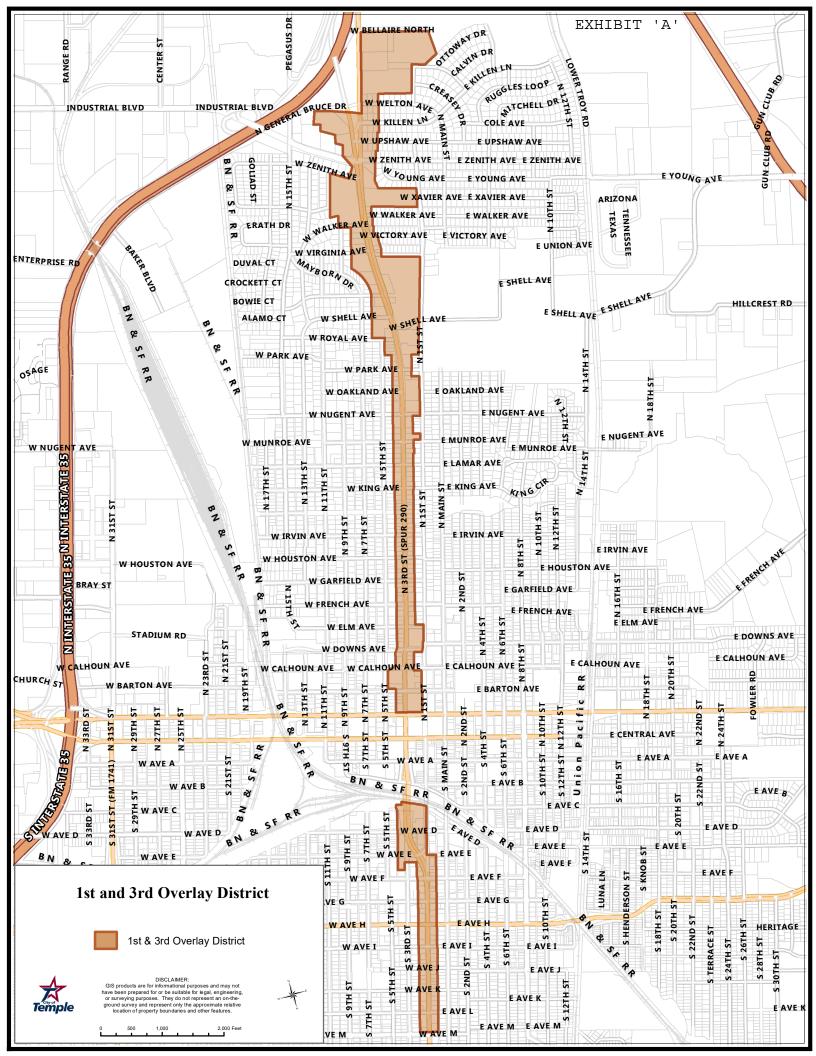
City of Temple Wireless Services Design Manual

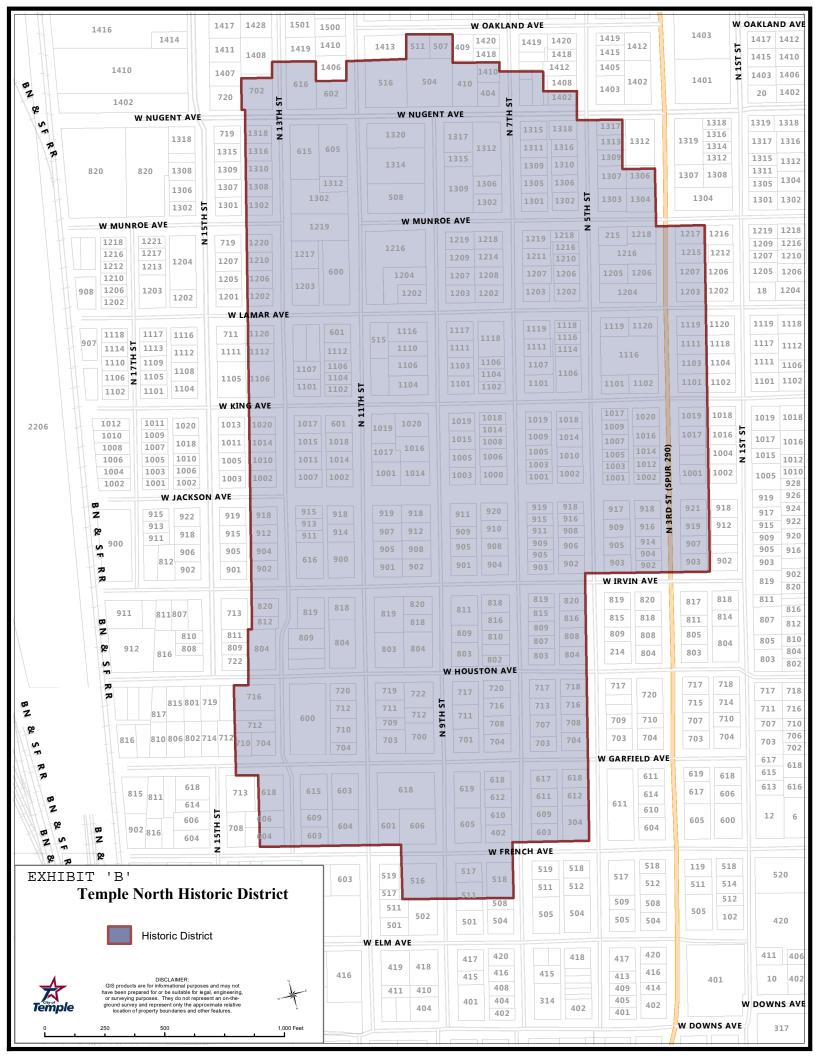
C. All applications must be submitted to the City's Permitting Department. Applications will be reviewed in accordance with the requirements set forth in Chapter 284 of the Local Government Code.

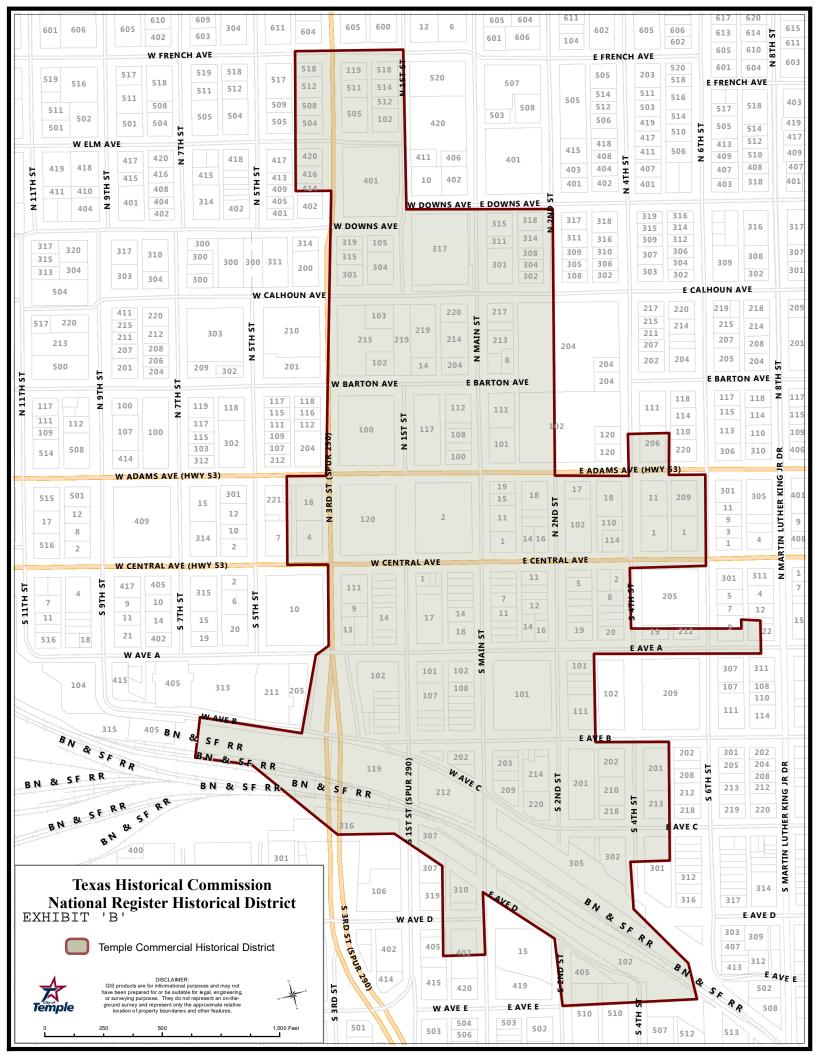
Section 8: Agreement

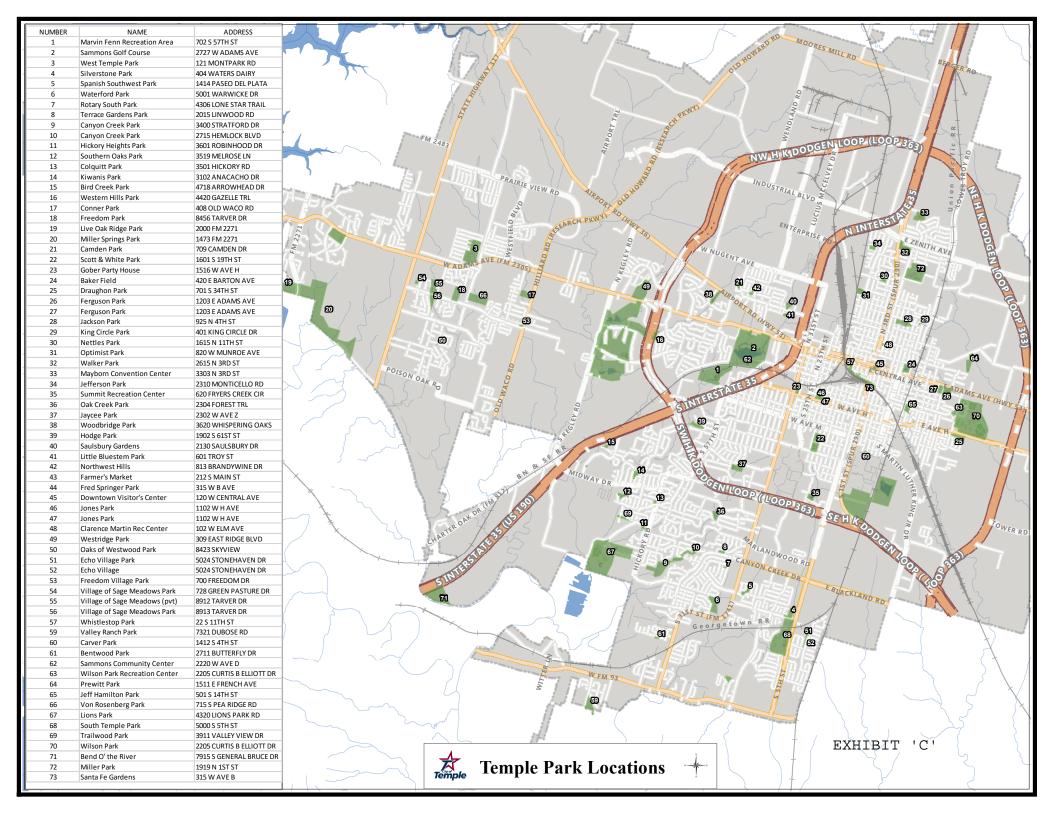
Before permit issuance, the Provider will be required to sign an agreement evidencing its obligations pursuant to this Design Manual and Chapter 284 of the Local Government Code.











RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ADOPTING A WIRELESS SERVICES DESIGN MANUAL, SETTING THE RIGHT-OF-WAY PERMIT APPLICATION FEE, AND SETTING THE PUBLIC RIGHT-OF-WAY RATE TO BE CHARGED TO WIRELESS SERVICE PROVIDERS FOR USE OF THE CITY'S RIGHT-OF-WAY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in the last legislative session, Senate Bill 1004, related to the placement of wireless facilities in municipal right-of-way ("ROW") was passed and will go into effect September 1, 2017 - this Bill will be located in Chapter 284 of the Texas Local Government Code;

Whereas, Staff recommends Council adopt a Design Manual, set the Right-of-Way Permit application fee, and set the public right-of-way rate to be charged to wireless service providers for use of the City's right-of-way, as outlined in Exhibit A attached hereto;

Whereas, the new law allows broad access to City ROW and infrastructure by a "network provider" which includes (1) a wireless service provider, and (2) a person that does not provide wireless services and that is not an electric utility, but builds or installs network nodes or node support poles on behalf of a wireless service provider;

Whereas, the City is mandated to allow access to City infrastructure which includes traffic signals, non-decorative street lights, and street signage - the City can deny access to ROW located in designated parks and in ROW adjacent to a street that is (1) not more than 50 feet wide, and (2) adjacent to single-family residential lots or other multifamily residences or undeveloped land that is designated for residential use by zoning or deed restrictions;

Whereas, network providers are allowed to install network nodes and network support poles - a "network node" includes "equipment at a fixed location that enables wireless communications between user equipment and a communication network;" a "network support pole" is defined as "a pole installed by a network provider for the primary purpose of supporting a network node;" and "public right-of-way" is defined as "the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the municipality has an interest;"

Whereas, Chapter 284 sets forth several standards for permitting, installation, and equipment requirements, however, the City may adopt a design manual for the installation and construction of network nodes and new node support poles in the ROW that includes additional installation and construction details as long as the manual does not conflict with Chapter 284;

Whereas, a network provider must obtain advance approval from a City before collocating new network nodes or installing new node support poles in an area designated as a historic district or as a design district if the district has decorative poles - as a condition for approval of new network nodes or new node support poles in a historic district or a design district with decorative poles, the City may require reasonable design or concealment measures for the new network nodes or new node support poles;

Whereas, a "design district" means an area that is zoned, or otherwise designated by municipal code, and for which the City maintains and enforces unique design and aesthetic standards on a uniform and nondiscriminatory basis;

Whereas, the Temple Medical and Educational ("TMED") zoning district and the 1st and 3rd Street Overlay District meet the definition of a design district and the draft Design Manual would designate them as such;

Whereas, historic districts are defined in Chapter 284 as an area that is zoned or otherwise designated as a historic district under municipal, state, or federal law - Temple's Historic District on the north side of the City is designated as a historic district in Chapter 17 of the City's Code of Ordinances;

Whereas, in addition, the downtown area is designated as a "National Register Historic District" by the National Register of Historic Places which is administered on the federal level by the Secretary of the Interior and the Design Manual would specifically designated these areas as historic districts for the purposes of Chapter 284;

Whereas, the Design Manual also establishes the permitting process for network providers such as the following:

- if a provider wishes to attach equipment to an existing pole, the provider must complete and submit to the City a Right-of-Way Permit application;
- for the proposed installation of new network poles, the provider must complete and submit a Right-of-Way Permit application;
- network providers will also be required to obtain an electrical permit for any electrical power service needed to support the network node or node support pole;

Whereas, installation, maintenance, repair, removal, and relocation of network nodes and node support poles will be at the wireless service provider's sole cost and the Design Manual also states that the City will not be liable to the provider for any damage caused by other providers sharing the same pole or for the failure of provider's network nodes for any reason, including damage resulting from vehicular collisions, weather related events, or malicious attacks;

Whereas, if the City is altering, expanding, or improving its infrastructure or ROW, the provider is responsible for removing and relocating its equipment;

Whereas, Chapter 284 allows the City to charge a permit application fee which may not exceed the lesser of (1) the actual, direct, and reasonable costs the City determines are incurred in granting or processing an application that are reasonably related in time to the time the costs of granting or processing an application are incurred; or (2) \$500 per application covering up to five network nodes, \$250 for each additional network node per application, and \$1,000 per application for each pole;

Whereas, Staff anticipates Right-of-Way Permit applications will be received by the Permitting Department and the application will then be disbursed to multiple departments for review, including Planning, Engineering, Streets, IT, and Legal - review of the application to ensure compliance with Chapter 284 and the City's Design Manual will be required by these departments;

Whereas, considering the number of Staff involved in the application review process and the hourly rates at which those Staff members are compensated, Staff recommends Council set the application fees at \$500 per application covering up to five network nodes, \$250 for each additional network node per application, and \$1,000 per application for each pole;

Whereas, lastly, Chapter 284 also allows the City to charge the network provider a public right-of-way fee to compensate the City for use of its ROW - this rate may not exceed an annual amount of \$250 multiplied by the number of network nodes installed in the ROW and Staff recommends setting this annual rate at \$250 per network node;

Whereas, it is unknown how many applications will be received for the Right-of Way Permits, however, the application fee will be set at \$500 per application covering up to five network nodes, \$250 for each additional network node per application, and \$1,000 per application for each pole;

Whereas, the public right-of-way fee to be charged to wireless service providers for use of the City's right-of-way will be set at an annual rate at \$250 per network node; 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.

Part 2: The City Council:

- 1. Adopts the City of Temple's Wireless Services Design Manual, attached hereto as Exhibit A and incorporated herein for all purposes;
- 2. Sets the Right-of-Way Permit application fee at \$500 per application covering up to five network nodes, \$250 for each additional network node per application, and \$1,000 per application for each pole; and
- 3. Sets the public right-of-way rate to be charged to wireless service provides for use of the City's right-of-way at an annual rate at \$250 per network node.

<u>Part 3</u>: The City Council authorizes the Interim City Manager, or her designee, after approval as to form by the City Attorney, to execute any documents that may be necessary to enforce these fees and authorizes the City Manager to make future changes or amendments to the Design Manual as Staff deems appropriate.

<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 **17**th day of **August**, 2017.

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