

MEETING OF THE

TEMPLE CITY COUNCIL MUNICIPAL BUILDING 2 NORTH MAIN STREET 3rd FLOOR – CONFERENCE ROOM THURSDAY, MAY 17, 2018

3:00 P.M.

AGENDA

- 1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, May 17, 2018.
- 2. Receive a presentation from Dr. Battershell regarding the Go2Work program.
- 3. Receive a presentation regarding the creation of a Downtown Main Street Advisory Board.
- 4. Receive a presentation regarding the Second Quarter financial results for Fiscal Year 2018.
- 5. Discuss the City's FY 2019 budget process and calendar, and various strategic and budget related policy issues.
- 6. Discuss the status of right-of-way acquisition for the Outer Loop, Phases 1-6 and discuss the status of pending eminent domain litigation involving property required for the Outer Loop project, which includes property required for the expansion of Moore's Mill Road and Old Howard Road.

Executive Session – Pursuant to Chapter 551, Government Code Section 551.071 – Consultations with Attorney – The City Council may meet in executive session to consult with its attorney on pending or contemplated litigation or settlement offers.

Executive Session – Pursuant to Chapter 551, Government Code Section 551.072 – Real Property – The City Council may meet in 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.

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 discussion or final action will be taken by the City Council.

<u>III. PUBLIC APPEARANCE</u>

3. Receive comments from Kathryn Young and Brian Parker regarding IDIS Corp lease of Hanger 20 on Draughon-Miller Airport.

IV. PROCLAMATIONS & SPECIAL RECOGNITIONS

4. Public Works Week May 2018

5. Recognition of the City of the Temple Employee of the Quarter for the second quarter of 2018.

V. ELECTION ITEMS

6. 2018-9127-R: Consider adopting a resolution electing a Mayor Pro Tem for the City of Temple.

VI. BOND ITEMS

7. 2018-4914: FIRST & FINAL READING – PUBLIC HEARING: Consider adopting a "Second Supplemental Ordinance to the Master Ordinance Establishing the City of Temple, Texas Reinvestment Zone Number One Tax Increment Revenue Financing Program" to authorize the issuance of City of Temple, Texas Reinvestment Zone Number One Tax Increment Revenue Bonds, Series 2018.

VII. CONSENT AGENDA

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

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

Minutes

- (A) May 3, 2018 Special and Regular Meeting
- (B) May 8, 2018 Special Meeting

Contracts, Leases, & Bids

- (C) 2018-9128-R: Consider adopting a resolution authorizing the purchase of video detection equipment at five existing signalized intersections from Texas Highway Products, Ltd. of Round Rock, in the amount of \$74,663.
- (D) 2018-9129-R: Consider adopting a resolution authorizing the purchase of wastewater line chemical root control services for FY 2018 from Duke's Root Control, Inc. of Syracuse, NY, in an estimated amount of \$50,000.
- (E) 2018-9130-R: Consider adopting a resolution authorizing the purchase of one property necessary for the expansion of Old Howard Road and Moores Mill Road and authorizing closing costs and relocation benefits associated with the purchase in an estimated amount of \$210,000.
- (F) 2018-9131-R: Consider adopting a resolution authorizing the acceptance of a donation of a 0.0103-acre permanent drainage easement from Patco, LLC and a donation of a 0.0103-acre permanent drainage easement from Dacyn Investments, Ltd. which are necessary for the construction of the Avenue D and 14th Street Drainage project.
- (G) 2018-9132-R: Consider adopting a resolution authorizing a construction contract with Clark Roofing and Construction, Inc. of Waco, in the amount of \$207,212.24 for the reroofing at the Central Fire Station and Mayborn Convention Center.
- (H) 2018-9133-R: Consider adopting a resolution authorizing change order #1 with Lone Star Grading & Materials, LLC, of Salado, in amount not to exceed \$37,674 for construction of the Kegley Road/FM 2305 Intersection Improvements.
- (I) 2018-9134-R: Consider adopting a resolution authorizing a contract amendment with Clark & Fuller, PLLC, of Temple, in an amount not to exceed \$384,733.60 for final design and bidding phase services for Williamson Creek Trunk Sewer Improvements Phases II and III.
- (J) 2018-9135-R: Consider adopting a resolution authorizing an interlocal agreement with the Texas Department of State Health Services for the provision of on-line computer services including access to Texas Electronic Registration Remote System for vital records through August 31, 2023.

(K) 2018-9136-R: Consider adopting a resolution ratifying a two-year lease agreement with Morris & Pursley Financial Plans, for lease of space in the E. Rhodes and Leona B. Carpenter Foundation Building (the Temple Public Library).

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

- (L) 2018-4912: SECOND READING: Consider adopting an ordinance authorizing the annexation of 1.310 acres of land out of the William Gilmore Survey, Abstract No.339, Bell County, Texas, in the extraterritorial jurisdiction of the City of Temple, Bell County, Texas, located at 2391 FM 1237.
- (M) 2018-4913: SECOND READING FY-18-1-SITE: Consider adopting an ordinance amending Ordinance No. 2017-4870 to attach a site plan showing a 1500 square foot building to be located on Lot 1, Block 1, Cox Center subdivision, addressed as 830 FM 2271, Temple.

Misc.

- (N) 2018-9137-R: Consider adopting a resolution confirming the appointment of Nicole Warren as a Deputy City Attorney and setting compensation for the position.
- (O) 2018-9138-R: Consider adopting a resolution approving second quarter financial results for Fiscal Year 2018.
- (P) 2018-9139-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2017-2018.

VIII. REGULAR AGENDA

RESOLUTIONS

- 9. 2018-9140-R: Consider adopting a resolution pursuant to Government Code § 2206.053 finding that 3.527-acre, 0.075-acre, 0.646-acre, and 0.410-acre temporary construction easements and a 1.141-acre and 0.072-acre permanent easements situated in the O.T. Tyler Survey, Abstract 20, are necessary for the construction of the Shallowford Force Main and authorizing the use of eminent domain to condemn the property.
- 10. 2018-9141-R: FY-18-1-APL: Consider adopting a resolution authorizing an Appeal of Standards to Sec. 6.7 of the Unified Development Code related to I-35 Corridor Overlay Zoning District in the Retail Sub-District for landscaping and architecture for a new car dealership (Garlyn Shelton BMW) at 6006 South General Bruce Drive.

ORDINANCES – THIRD READING/PUBLIC HEARING

11. 2018-4911: THIRD READING – PUBLIC HEARING – Z-FY-18-14: Consider adopting an ordinance authorizing a rezoning with a site/development plan from General Retail zoning district to Planned Development General Retail zoning district to allow the following Commercial uses: major vehicle repair, equipment sales and rentals, auto sales, auto and truck rental, Freeman Heights, Block 30, Lot 3-6, located at 311 South 25th Street, Temple, Texas.

ORDINANCES - FIRST READING/PUBLIC HEARING

- 12. 2018-4915: FIRST READING PUBLIC HEARING FY-18-1-AMND: Consider adopting an ordinance authorizing amendments to Chapter 31 of the Code of Ordinances (Recreational Vehicle Parks) primarily related to definitions, application and permitting process, inspection and enforcement process, density, private streets and amenities.
- 13. 2018-4916: FIRST READING PUBLIC HEARING Z-FY-18-10: Consider adopting an ordinance authorizing a Conditional Use Permit and its development site plan to allow a recreational vehicle park on 18.58 +/- acres situated in the Sarah Fitzhenry Survey, Abstract No. 312, located at 14220 State Highway 317.
- 14. 2018-4917: FIRST READING PUBLIC HEARING Z-FY-18-15: Consider adopting an ordinance authorizing amending Ordinance No. 2017-4835 to attach a site plan showing a Popeye's and Arby's restaurants on Lots 2 & 3, Block 1, Heritage Square Phase II, a non-residential subdivision, located on the north side of West Adams Avenue, east of Holy Trinity Catholic High School and west of Brooks Drive, addressed as 6512 & 6490 West Adams Avenue.

BOARD APPOINTMENTS

- 15. 2018-9142-R: Consider adopting a resolution appointing members to the following City boards and commissions:
 - (A) Killeen-Temple Metropolitan Planning Organization one member to fill a position on the KTMPO Policy Board;
 - (B) Planning & Zoning Commission one member to fill an unexpired term through September 1, 2020; and
 - (C) Temple Economic Development Corporation one councilmember to fill a standing position.

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

	e at
3:00 pm, on Friday, May 11, 2018.	

City Secretary, TRMC

SPECIAL ACCOMMODATIONS: Persons with disabilities who have special communication or accommodation needs and desire to attend this meeting should notify the City Secretary's Office by mail or telephone 48 hours prior to the meeting date.

I certify that this Notice	ce of Meeting Agenda was r	emoved by me from	the outside bulletin board in front of the City Municipal
Building on	day of	2018.	
Titl	e		



COUNCIL AGENDA ITEM MEMORANDUM

05/17/18 Item #3 Regular Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Timothy A. Davis, Mayor

ITEM DESCRIPTION: Receive comments from Kathryn Young and Brian Parker regarding IDIS Corp lease of Hanger 20 on Draughon-Miller Airport.

STAFF RECOMMENDATION: Receive comments as presented in item description.

<u>ITEM SUMMARY:</u> Kathryn Young and Brian Parker submitted a Request for Placement on the City Council Agenda, please see attached form.

FISCAL IMPACT: None

ATTACHMENTS:

Request for Placement



RECEIVED

CITY OF TEMPLE, TEXAS

MAY 07 2018

CITY COUNCIL MEETINGS

CITY OF LEMPLE, TX

REQUEST FOR PLACEMENT ON AGENDA

Priority
NAME OF PRESENTER: Johnyn Young + Brian Parker
ADDRESS: 7720 Airport Rd. Hangar 20
TELEPHONE NO. 775-313-1517
DATE REQUESTED TO APPEAR BEFORE THE COUNCIL: (Note – The City Council meets the first and third Thursdays of each month.) 5/17/18
SUBJECT TO BE PRESENTED: (Your description must identify the subject matter of your appearance in sufficient detail to alert the public what topic you will discuss and what action you are requesting by the Council.)
of Hangar 20 on Draughon-Miller Airport
Note: Separate requests must be completed for each subject presented.
I, the above identified presenter, have read the procedures for public appearances before the City Council of the City of Temple, Texas, and will abide by these procedures.
SIGNATURE OF PRESENTER DATE
For Office Use:



COUNCIL AGENDA ITEM MEMORANDUM

05/17/18 Item #6 Regular Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Timothy A. Davis, Mayor

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

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> Section 4.8 of the City Charter states...."the City Council must elect one of its members as Mayor Pro Tem, following each City Council election. The Mayor Pro Tem will act as Mayor during the absence or disability of the Mayor and, when doing so, will have the rights conferred upon the Mayor."

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

FISCAL IMPACT: None

ATTACHMENTS:

Resolution

RESOLUTION NO. 2018-9127-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ELECTING A MAYOR PRO TEM FOR THE CITY OF TEMPLE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Section 4.8(d) of the City Charter provides that the City Council shall elect one of its members as a vice-chairman, who shall be known as Mayor Pro Tem, and who shall have and exercise all powers of Mayor in the absence of, or during the disability, from any cause, of the Mayor; Whereas, in order to comply with the Charter requirement, the City Council desires to elect a Mayor Pro Tem; and Whereas, the City Council has considered the matter and deems it in the public interest to authorize this action. Now, Therefore, Be it Resolved by the City Council of the City of TEMPLE, TEXAS, THAT: Part 1: 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 elects ______ to be Mayor Pro Tem for the City of Temple, to hold the office (unless sooner removed as provided in the Charter) until the first meeting of the City Council held after the next regular Municipal Election and successor

<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 May, 2018.

has been elected and qualified.

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



COUNCIL AGENDA ITEM MEMORANDUM

05/17/18 Item #7 Regular Agenda Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

<u>ITEM DESCRIPTION</u>: FIRST & FINAL READING – PUBLIC HEARING: Consider adopting a "Second Supplemental Ordinance to the Master Ordinance Establishing the City of Temple, Texas Reinvestment Zone Number One Tax Increment Revenue Financing Program" to authorize the issuance of City of Temple, Texas Reinvestment Zone Number One Tax Increment Revenue Bonds, Series 2018.

STAFF RECOMMENDATION: Adopt ordinance as presented in item description.

ITEM SUMMARY: By adoption of the Master Ordinance, the City has established the City of Temple, Texas Reinvestment Zone Number One Tax Increment Revenue Financing Program for the purpose of enabling the City to provide for the financing of projects within the Zone authorized by the Enabling Act and any other applicable provisions of State law pursuant to which, 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 Second Supplement provides for the authorization, form, characteristics, provisions of payment and redemption, and security of the Bonds. This Second Supplement is subject to the terms of the Master Ordinance. The Master Ordinance is incorporated in the attached ordinance by reference.

In simple terms, this item delegates authority to the Director of Finance to issue revenue bonds and finalize pricing within parameters defined in the attached ordinance in a par amount not to exceed \$30,000,000* The delegation of authority will allow the City to obtain the most advantageous terms and net borrowing cost on the bonds.

The proposed revenue bonds will fund the projects included in the Reinvestment Zone No. 1 (RZ#1) Financing and Project Plans. The projects were identified from the Downtown Master Plan and the 2022 RZ#1 Master Plan. All projects have been reviewed for updated cost estimates, project scope, and project readiness/delivery.

The projects to be funded with the bond proceeds are shown below. A project listing with more detail on each project is attached.

FY 2018

\$ 500,000
\$ 500,000
Ψ
7,250,000
2,820,000
3,340,000
623,000
2,050,000
1,280,000
5,000,000
2,540,000
170,000
155,000
450,000
650,000
450,000
440,000
132,000
1,150,000
\$ 29,000,000

Ratings for the bonds will be applied for with Standard & Poors. The ratings will be published prior to the pricing and sale of the bonds. The date and method by which the bonds will be issued, sold, and delivered will be determined to achieve the most advantageous net borrowing costs for the City.

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

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

05/17/18 Item #7 Regular Agenda Page 3 of 3

FISCAL IMPACT: The debt service on the proposed bonds will be paid from the revenues of the RZ#1. In planning the proposed issue, the RZ#1 Finance Committee reviewed the revenue sources of the RZ#1, current outstanding debt payments and maturities. In determining the recommended amount of debt to issue to support the projects, a minimum 2.0 net revenue ratio is maintained each year. The 'net revenue ratio' is the number of times net revenues cover the average annual debt service. The review of the source of revenues included analysis of the 'concentration' of revenue by taxpayers and participating taxing entities. The forecasted revenues are based on conservative estimates. The average annual debt service for the proposed issue is estimated to be \$2,206,000.

ATTACHMENTS:

Project List List of Outstanding Bonds Ordinance

RZ# 1 Tax Increment Revenue Bonds, Series 2018 Project List

Outer Loop

McLane to Central Point Parkway - Design/Construction

\$7,250,000

Design for this section of the project is complete but will need to be modified to develop a connection to existing Old Howard Road, transition utilities and drainage and develop a traffic control plan specific to the section of Outer Loop. Construction for this portion of Outer Loop includes development of a four-lane roadway with curbed landscaped median, utilities, hike and bike trail, landscaping, street lights and associated amenities.

Phase V [Poison Oak to Old Waco Road] - Design/ROW

\$2,820,000

100% Design and Rights-of-Way. This section of the Outer Loop is from the proposed connection of Poison Oak Road and Old Waco Road to the connection of Old Waco Road and the Outer Loop at the North end of Outer Loop Phase VI. The project will include development of a four-lane roadway with curbed landscaped median, utilities, bike lanes, sidewalks, street lights and associated amenities.

Phase VI [Old Waco Road to I35 South] - Design/ROW

\$3,340,000

100% Design and Rights-of-Way. This section of the Outer Loop is from Old Waco Road to the connection of I35 South. The project will include development of a four-lane roadway with curbed landscaped median, elevated structures over the BNSF Mainline Railroad, Charter Oak Drive and Pepper Creek, water and utilities, bike lanes, sidewalks, street lights and associated amenities.

East Outer Loop Schematic - Design/ Construction

\$ 623,000

This project will develop the schematic design for the East Outer Loop from IH35 to I-14. This project also includes the public roadway improvements on Berger road adjacent to the Cargill Plant.

IH35 to Wendland - ROW

\$ 500,000

Funding for Rights-of-Way for Outer Loop from IH35 to Wendland Rd.

Temple Industrial Park

Industrial Blvd - Overlay

\$ 650,000

Hot mix asphalt mill and overlay of the existing Industrial Boulevard to preserve the design life of the roadway.

Rail Backage Road (E-W) GST Tract - Design

\$ 450,000

Design of the east to west roadway connecting to Wendland Road to serve Site 64 for connectivity to develop the site for rail and / or commercial use. The design will include, roadway, water and wastewater utilities, drainage and other amenities.

TMED

31st Street Monumentation Construction

\$ 450,000

Construction of the gateway monument sign for the TMED district at the northeast corner of the intersection of Loop 363 and 31st Street. The gateway monument sign is in conjunction with the TMED monumentation Master Plan.

RZ# 1 Tax Increment Revenue Bonds, Series 2018 Project List

Downtown

1st Street Parking Garage - Design/Construction

\$5,000,000

Design and construction of a three-story parking garage at 1st Street and Avenue A. The parking structure will serve the newly developing area for Santa Fe Plaza, Santa Fe Market Trail, MLK Festival Grounds and 1st Street from Avenue B to Central Avenue.

Avenue C from MLK to 24th Street - Design/ROW

\$2,540,000

100% Design and Rights-of-Way of Avenue C from MLK Drive to 24th Street. The Concept and Schematic Design will develop and identify the street section, alignment, pedestrian facilities, amenities, landscaping, etc. Final design will follow the concept and schematic design and integrate to final construction plans for the project.

Downtown City Center/Hawn - Design/Construction

\$2,050,000

Concept design of the Downtown Area from Avenue A to Adams Avenue and Main Street to MLK Boulevard. Final Design of Central Avenue from 2nd Street to 6th Street, 2nd from Central Avenue to Adams, 4th from Central Avenue to Adams and 6th from Central Avenue to Adams. Final design portion will include street, utility, drainage, intersection, pedestrian, lighting, landscaping and irrigation improvements.

1st Street from Avenue A to Central Avenue - Design/Construction

\$1,280,000

Construction of 1st Street from Avenue A to Central Avenue to include complete re-build of 1st Street to enhance parking and allow conveyance for surface drainage, water utility improvements, café sidewalk on the west side of 1st Street, sidewalk improvements on east side of 1st Street, intersection improvements, landscaping, irrigation and lights.

Santa Fe Plaza - Central Ave Corridor Parking and Enhancement - Concept \$ 170,000

Concept design of the Santa Fe Plaza - Central Avenue Corridor to include parking, overhead dry utilities, directional traffic flow, pedestrian facilities, landscaping, visioning, etc. Visioning will develop concepts for the area of the existing Chamber of Commerce building, BS&W building, streetscape, pedestrian access, vehicular traffic flow, etc.

Santa Fe Plaza - Parking Enhancement - 11th to 9th - Design/ROW \$ 155,000

Final design of the proposed parking lot at Santa Fe Plaza from 11th to 9th and concept design of the property adjacent to the proposed parking facility. This project will produce final design plans for the proposed parking facility to be located at the intersection of Avenue A and 11th street and develop visioning and conceptual design for the City owned property located east of the intersection of Central Avenue and 11th Street.

RZ# 1 Tax Increment Revenue Bonds, Series 2018 Project List

Airport Park

Draughon-Miller Regional Airport FBO Center & Parking Design

\$ 440,000

Final Design of a new Fixed Based Operator/Headquarters at the Draughon Miller Regional Airport. This will include an arrival/departure canopy, new FBO/Headquarter facility with a Customer Service Representative (CSR) station, pilot amenities, passenger amenities, line room, etc. New parking, vehicular traffic flow, and drainage improvements will be included in the design.

Corporate Hangar Phase IV Design

\$ 132,000

This project will develop 100% final design for a proposed drainage conveyance under the taxiway, taxiway expansion and Apron expansion. Also, included in this proposal are final design plans for extension of the roadway access and utility extension for future hangars, parking facilities, drive connections, storm water improvements, and other miscellaneous improvements for Phase IV of the Master Plan for the City of Temple corporate hangar area at the Temple Airport.

CITY OF TEMPLE, TEXAS REINVESTMENT ZONE NO. 1 SCHEDULE OF OUTSTANDING BONDS (PRINCIPAL & INTEREST) - AS OF OCTOBER 1, 2017 WITH PROPOSED ISSUE

	Percent o	Debt Retired	TIRZ Revenue	General	General	General	Combo Tax &	TIRZ Revenue	
Fiscal	Annual	Cumulative	Bonds, Taxable	Obligation Bonds	Obligation Bonds	Obligation Bonds	Revenue Bonds	Bonds	
			Series 2008	Series 2009	Series 2011A	Series 2012	Series 2013	Series 2018	
Year	%	%		{2003 CO}	{2008 CO}	{2003 CO}			Total
2018	6.01%	6.01%	\$ 1,241,957	\$ 1,488,750	\$ 908,350	\$ 79,600	\$ 2,047,694	\$ -	\$ 5,766,351
2019	8.24%	14.25%	1,241,173	1,485,000	915,950	77,650	2,048,344	2,129,596	7,897,713
2020	7.94%	22.19%	1,237,744	-	2,497,800	80,050	2,047,944	1,746,550	7,610,088
2021	7.61%	29.80%	1,241,670	-	2,497,550	77,250	2,046,494	1,434,300	7,297,264
2022	7.54%	37.34%	1,242,422	-	2,494,950	78,750	2,031,494	1,385,900	7,233,516
2023	4.56%	41.90%	-	-	-	-	2,030,094	2,338,700	4,368,794
2024	4.56%	46.46%	-	-	-	-	2,026,694	2,340,700	4,367,394
2025	4.57%	51.02%	-	-	-	-	2,038,412	2,340,700	4,379,112
2026	4.58%	55.60%	-	-	-	-	2,051,612	2,338,700	4,390,312
2027	4.59%	60.19%	-	-	-	-	2,059,112	2,339,700	4,398,812
2028	4.59%	64.78%	-	-	-	-	2,061,712	2,338,500	4,400,212
2029	4.59%	69.37%	-	-	-	-	2,061,712	2,340,100	4,401,812
2030	4.60%	73.97%	-	-	-	-	2,069,112	2,339,300	4,408,412
2031	4.60%	78.57%	-	-	-	-	2,073,512	2,339,125	4,412,637
2032	4.61%	83.18%	-	-	-	-	2,084,912	2,339,213	4,424,125
2033	4.62%	87.80%	-	-	-	-	2,092,913	2,337,038	4,429,951
2034	2.44%	90.25%	-	-	-	-	-	2,341,488	2,341,488
2035	2.44%	92.68%	-	-	-	-	-	2,337,113	2,337,113
2036	2.44%	95.12%	-	-	-	-	-	2,339,138	2,339,138
2037	2.44%	97.56%	-	-	-	-	-	2,337,113	2,337,113
2038	2.44%	100.00%	-	-	-	-	-	2,338,369	2,338,369
Total:			\$ 6,204,966	\$ 2,973,750	\$ 9,314,600	\$ 393,300	\$ 32,871,767	\$ 44,121,343	\$ 95,879,726
Principal Ou	ıtstanding		\$ 5,330,000	\$ 2,840,000	\$ 8,110,000	\$ 345,000	\$ 24,150,000	\$ 28,050,000	\$ 68,825,000

ORDINANCE NO. 2018-____

SECOND SUPPLEMENTAL ORDINANCE TO THE MASTER ORDINANCE ESTABLISHING THE CITY OF TEMPLE, TEXAS REINVESTMENT ZONE NUMBER ONE TAX INCREMENT REVENUE FINANCING PROGRAM

Adopted May 17, 2018

ORDINANCE NO. 2018-____

SECOND SUPPLEMENTAL ORDINANCE TO THE MASTER ORDINANCE ESTABLISHING THE CITY OF TEMPLE, TEXAS REINVESTMENT ZONE NUMBER ONE TAX INCREMENT REVENUE FINANCING PROGRAM

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ORDINANCE NO. 2018-____

SECOND SUPPLEMENTAL ORDINANCE TO THE MASTER ORDINANCE ESTABLISHING THE CITY OF TEMPLE, TEXAS REINVESTMENT ZONE NUMBER ONE TAX INCREMENT REVENUE FINANCING PROGRAM

THE STATE OF TEXAS

CITY OF TEMPLE §

WHEREAS, on June 5, 2008, the City Council of the City of Temple, Texas (the "City"), adopted a "Master Ordinance Establishing the City of Temple, Texas Reinvestment Zone Number One Tax Increment Revenue Financing Program" (referred to herein as the "Master Ordinance"); and

WHEREAS, in order to enable the City to provide for the financing of projects within the reinvestment zone number one (the "Zone") authorized by Chapter 311, Texas Tax 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 "Second Supplemental Ordinance to the Master Ordinance establishing the City of Temple, Texas Reinvestment Zone Number One Tax Increment Revenue Financing Program" (the "Second Supplement"); and

WHEREAS, the City further finds and determines that all terms and conditions for the issuance of the bonds herein authorized as Parity Debt pursuant to the Master Ordinance have been or can be met and satisfied; and

WHEREAS, the bonds authorized to be issued by this Second Supplement are to be issued and delivered pursuant to the Enabling Act, as hereinafter defined, and other applicable State laws; and

WHEREAS, the City Council hereby finds that a portion of the Outer Loop being financed with the Bonds but located outside the Zone, benefits the Zone by providing a connection to IH-35 and the City's Outer Loop to assist with mobility to and from the industrial park and the airport; and

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

 $Temple \ \ TIRZ \ \ \ 2nd Supp Ord$

ARTICLE I BONDS ISSUED UNDER REVENUE FINANCING PROGRAM

- **Section 1.01. <u>DEFINITIONS</u>**. (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 Second Supplement. The recitals to this Second 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 Second 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) Second Supplement. By adoption of the Master Ordinance, the City has established the City of Temple, Texas Reinvestment Zone Number One Tax Increment Revenue Financing Program for the purpose of enabling the City to provide for the financing of projects within the Zone authorized by the Enabling Act and any other applicable provisions of State law pursuant to which, 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 Second Supplement provides for the authorization, form, characteristics, provisions of payment and redemption, and security of the Bonds. This Second 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 6 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.
- Section 1.03. SECOND SUPPLEMENT TO CONSTITUTE A CONTRACT; EQUAL SECURITY. In consideration of the acceptance of the Bonds by those who shall hold the same from time to time, this Second 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 Second Supplement by the City and the covenants and agreements set forth in this Second 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 Second Supplement and the Master Ordinance.

Supplement. With the exception of the rights or benefits herein expressly conferred, nothing expressed or contained herein or implied from the provisions of this Second 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 Second Supplement or any covenant, condition, stipulation, promise, agreement, or provision herein contained. This Second 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. AMOUNT, PURPOSE AND DESIGNATION OF THE BONDS. The Bonds designated "CITY OF TEMPLE, TEXAS REINVESTMENT ZONE NUMBER ONE TAX INCREMENT REVENUE BONDS, SERIES 2018" (the "Bonds") are hereby authorized to be issued in one or more series pursuant to the Enabling Act, Chapter 1371, Texas Government Code ("Chapter 1371") and this Second Supplement in the maximum aggregate principal amount not to exceed \$30,000,000 for the purpose of (i) designing, constructing, improving, acquiring, extending, expanding, upgrading and developing roads within the Zone, or that benefit the Zone, including the Outer Loop Project, Downtown, the Industrial Park and the Temple Medical and Education District including purchase of any necessary rights-of-way, utilities, utility relocation, drainage, lighting, landscaping, irrigation, pedestrian facilities, signage and monumentation, traffic safety and operational improvements and other transportation related improvements, (ii) designing, acquiring and constructing a multi-story parking garage within the Zone, (iii) designing, constructing, improving, acquiring and developing the Santa Fe Plaza Infrastructure Project within the Zone including purchase of any necessary rights-of-way, parking facilities, utilities, pedestrian facilities, landscaping and traffic flow and operational improvements, (iv) designing, constructing, improving, acquiring and equipping the Draughon-Miller Regional Airport within the Zone including roadway improvements, utilities, headquarters, arrival/departure canopy, pilot amenities, passenger amenities, parking facilities, storm water and drainage improvements, taxiway and apron expansion, corporate hangar and other related airport improvements and (v) paying the costs of issuing the Bonds.

The Bonds will be in the form of Current Interest Bonds as provided in Section 2.02, the Pricing Certificate and the FORM OF BONDS in <u>Exhibit "B"</u> to this Second Supplement.

Section 2.02. <u>DATE</u>, <u>DENOMINATIONS</u>, <u>NUMBERS</u>, <u>MATURITIES AND TERMS OF BONDS</u>. (a) <u>Terms of Bonds</u>. There initially shall be issued, sold and delivered under this Second Supplement fully registered bonds, without interest coupons, which may be in

the form of Current Interest Bonds, numbered consecutively from R-1 upward (except the Initial Bond (as defined in Section 2.06 hereof) delivered to the Attorney General of the State of Texas which shall be numbered T-1) payable to the initial registered owner(s) (as designated in subsection (c) of this Section), or to the registered assignee or assignees of said Bonds or any portion or portions thereof (in each case, the "Registered Owner" or the "Owner"), in the denomination of \$5,000 or any integral multiple thereof, maturing not later than thirty years from the issue date, serially or otherwise on the dates, in the years and in the principal amounts, respectively, and dated, all as set forth in the Pricing Certificate pursuant to subsection (b) of this Section. The Pricing Certificate is hereby incorporated in and made a part of this Second Supplement. The title of each Series of the Bonds shall be designated by the year in which it is awarded pursuant to Section 3(b) below. The authority for the Pricing Officer to execute and deliver each Pricing Certificate for a Series of the Bonds shall expire at 5:00 p.m. C.D.T, on May 17, 2019. Bonds priced on or before May 17, 2019 may be delivered to the Underwriters or initial purchaser, as applicable, after such date.

- (b) Selling and Delivering the Bonds. As authorized by Chapter 1371, Texas Government Code, as amended, the Chief Financial Officer is hereby authorized to act on behalf of the City in selling and delivering each series of the Bonds and carrying out the other procedures specified in this Second Supplement, whether a series of Bonds is Taxable or Tax-Exempt, the date of the Bonds, any additional or different designation or title by which each series of the Bonds shall be known, the price at which each series of the Bonds will be sold, the years in which each series of the Bonds will mature, the principal amount to mature in each of such years, the aggregate principal amount of Bonds, the rate or rates of interest to be borne by each such maturity, the interest payment periods, the dates, price, and terms upon and at which each series of the Bonds shall be subject to redemption prior to maturity at the option of the City, as well as any mandatory sinking fund redemption provisions, procuring municipal bond insurance and approving modifications to this Second Supplement related to the procurement of such insurance and executing such instrument, documents and agreements as may be necessary with respect thereto, if it is determined by such officers that the City procuring such insurance would be financially desirable and advantageous and all other matters relating to the issuance, sale, and delivery of the Bonds, all of which shall be specified in the Pricing Certificate; provided that (i) the price to be paid for the Bonds shall not be less than 90% of the aggregate original principal amount thereof plus accrued interest, if any, thereon from its date to its delivery and (ii) the Bonds shall not have a net effective interest rate greater than the maximum rate authorized by law.
- (c) <u>Sale of Each Series of the Bonds</u>. To achieve advantageous borrowing costs of the City and the Financing Program, the Bonds shall be sold on a negotiated, placement or competitive basis as determined by the Chief Financial Officer in the Pricing Certificate. In determining whether to sell the Bonds by negotiated, placement or competitive sale, the Chief Financial Officer shall take into account the market conditions expected at the time of the sale and any other matters which, in the judgment of the Chief Financial Officer, might affect the net borrowing costs on the Bonds.

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

If the Chief Financial Officer determines that the Bonds should be sold by a negotiated sale or placement, the Chief Financial Officer shall designate the placement purchaser or the senior managing underwriter for the Bonds and such additional investment banking firms as the Chief Financial Officer deem appropriate to assure that the Bonds are sold on the most advantageous terms. The Chief Financial Officer, acting for and on behalf of the City, are authorized to enter into and carry out a Bond Purchase Contract or other agreement for the Bonds to be sold by negotiated sale or placement at such price, with and subject to such terms as determined by the Chief Financial Officer pursuant to Section 2.02(b) above. Each Bond Purchase Contract or other agreement shall be substantially in the form and substance previously approved by the City in connection with the authorization of Outstanding Bonds with such changes as are acceptable to the Chief Financial Officer.

- (d). <u>Interest</u>. The Bonds shall bear interest from the dates specified in the FORM OF BOND set forth in this Second Supplement to their respective dates of maturity or redemption at the rates per annum as set forth in the Pricing Certificate. Interest shall be payable in the manner provided and on the dates stated in the FORM OF BOND set forth in this Second Supplement and the Pricing Certificate.
- (e) <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 Second Supplement and with such changes and additions as required to be consistent with the provisions contained in the Pricing Certificate.
- (f) Payments on Holidays. 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 Paying Agent/Registrar for the Bonds shall be designated in the Pricing Certificate. By accepting the appointment as Paying Agent/Registrar, the Paying Agent/Registrar acknowledges receipt of copies of the Master Ordinance and this Second 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. REDEMPTION. (a) Generally. The Bonds shall be subject to redemption prior to scheduled maturity at such times and with such provisions as provided in the FORM OF BONDS.

- (b) <u>Notices of Redemption and Defeasance</u>. (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 on 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.
- (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 certificate numbers, 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.

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 Second 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 (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 Second 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 Second 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 a 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 Second 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 for 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 a 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 Second 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 Second 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 a Owner, as shown in the Security Register, shall receive a Bond certificate evidencing the obligation of the City to make payments of principal, premium, if any, and interest pursuant to this Second 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 Second 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 Second 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 Second Supplement.
- (e) <u>Payments to Cede & Co.</u> Notwithstanding any other provision of this Second 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. FORM OF BONDS; INITIAL BOND. The Bonds, 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 forms set forth in Exhibit "B" to this Second Supplement with such appropriate insertions, omissions, substitutions, and other variations as are permitted or required by this Second 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 initial Bond shall be registered in the name of the initial purchaser of the Bonds, 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(s) thereof.

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

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 Second 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 Second 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 Second 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(s).

Furthermore, each Authorized Representative is hereby authorized and directed to furnish and execute such documents relating to the Zone, 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 initial purchaser(s) and the initial exchange thereof for Bonds other than the initial Bond.

Section 3.03. <u>APPROVING OPINION</u>. The initial purchaser(s)' obligation to accept delivery of the Bonds is subject to the initial purchaser(s) 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 Second Supplement equally and ratably with all other Outstanding Bonds.

ARTICLE IV PAYMENTS, REBATE ACCOUNT AND RESERVE ACCOUNT

- **Section 4.01.** <u>PAYMENTS.</u> (a) <u>Accrued Interest.</u> Immediately after the delivery of the Bonds the City shall deposit any accrued interest 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 Second Supplement for the benefit of the United States of America and the City, as their interests may appear pursuant to this Second 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.** <u>RESERVE ACCOUNT</u>. (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 Tax Increment 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 Bonds so designated by the City. All funds, investments and Reserve Account Bonds 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 Second 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 surplus 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 1.25 times the average Annual Debt Service Requirements. In the event that the Net Revenues for any Fiscal Year are less than 1.25 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 1.25 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 "A" by S&P or 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 "A" by S&P or 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.

(3) In the event (a) the issuer of a surety bond or insurance policy becomes insolvent, or (b) the issuer of a surety bond or insurance policy defaults in its payment obligations thereunder, or (c) the claims paying ability of the issuer of the surety bond or insurance policy falls below "A" by S&P or Moody's, the obligation to reimburse the issuer of the surety bond or insurance policy shall be subordinate to the cash replenishment of the Reserve Fund. 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 or Moody's, the City shall either (i) deposit into the Reserve Fund, in accordance with this section, an amount sufficient to cause the money or investments on deposit in the Reserve Fund to accumulate to the average annual principal and interest requirements on the Parity Revenue Bonds within thirty-six (36) months, or (ii) replace such instrument with a surety bond or insurance policy, meeting the requirements of (e) above within six (6) months of such occurrence.

It is recognized that a Reserve Account Obligation may be issued which is payable only with respect to a part of a series of 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 Bonds 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 OF INTEREST ON THE TAX-EXEMPT BONDS

Section 5.01. COVENANTS REGARDING TAX EXEMPTION OF INTEREST ON THE 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:

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- (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 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 Second Supplement 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 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 of 3 years or less or, in the case of a refunding bond, for a period of 30 days or less until such proceeds are needed for the purpose for which the Tax-Exempt Bonds are issued,
 - (B) amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1 (b) of the Treasury Regulations, and

- (C) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed 10 percent of the proceeds of the 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) <u>Rebate Fund</u>. In order to facilitate compliance with the above covenant (8), a "Rebate Fund" is hereby established by the City for the sole benefit of the United States of America, and such fund shall not be subject to the claim of any other person, including without limitation the Obligationholders. The Rebate Fund is established for the additional purpose of compliance with section 148 of the Code.
- (c) Proceeds. The City understands that the term "proceeds" includes "disposition proceeds" as defined in the Treasury Regulations and, in the case of refunding Tax-Exempt Bonds, transferred proceeds (if any) and proceeds of the refunded bonds not 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 President 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 Tax-Exempt Bonds. This Second Supplement is intended to satisfy the official intent requirements set forth in Section 1.150-2 of the Treasury Regulations.

- (d) Allocation Of, and Limitation On, Expenditures for the Project. The City covenants to account for the expenditure of sale proceeds and investment earnings to be used for the purposes described in Section 3.01 of this Second Supplement (the "Project") on its books and records in accordance with the requirements of the Code. The City recognizes that in order for the proceeds to be considered used for the reimbursement of costs, the proceeds must be allocated to expenditures within 18 months of the later of the date that (1) the expenditure is made, or (2) the Project is completed; but in no event later than three years after the date on which the original expenditure is paid. The foregoing notwithstanding, the City recognizes that in order for proceeds to be expended under the Code, the sale proceeds or investment earnings must be expended no more than 60 days after the earlier of(1) the fifth anniversary of the delivery of the Tax-Exempt Bonds, or (2) the date the Tax-Exempt Bonds are retired. The City agrees to obtain the advice of nationally-recognized Obligation counsel if such expenditure fails to comply with the foregoing to assure that such expenditure will not adversely affect the tax-exempt status of the Tax-Exempt Bonds. For purposes of this subsection, the City shall not be obligated to comply with this covenant if it obtains an opinion of nationally-recognized bond counsel to the effect that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.
- (e) <u>Disposition of Project</u>. The City covenants that the property constituting the Project will not be sold or otherwise disposed in a transaction resulting in the receipt by the City of cash or other compensation, unless the City obtains an opinion of nationally-recognized Obligation counsel that such sale or other disposition will not adversely affect the tax-exempt status of the Tax-Exempt Bonds. For purposes of this subsection, the portion of the property comprising personal property and disposed in the ordinary course shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes of this subsection, the City shall not be obligated to comply with this covenant if it obtains an opinion of nationally-recognized bond counsel to the effect that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

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 Second Supplement and the rights and Bonds 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 Second 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 Second Supplement;
- (ii) To cure any ambiguity or inconsistency, or to cure or correct any defective provisions contained in this Second 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 Second 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 Second Supplement and the Master Ordinance, 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 Second 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 Second 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 Second 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 Second Supplement pursuant to the provisions of this Article, this Second Supplement shall be deemed to be amended in accordance with the amendatory resolution, and the respective rights, duties, and Bonds of the City and all the Owners of Outstanding Bonds shall thereafter be determined, exercised, and enforced under the Master Ordinance and this Second 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) accrued interest, if any, shall be deposited as provided in Section 4.01;
- (ii) an amount sufficient to pay the remaining costs of issuance of the Bonds and the project costs 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.

The City may establish separate accounts or subaccounts as needed to segregate Tax-Exempt Bond proceeds from Taxable Bond proceeds.

Section 7.02. MAILED NOTICES. Except as otherwise required herein, all notices required or authorized to be given to the City, or the Paying Agent/Registrar pursuant to this Second 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. <u>to the City</u>:

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>:

As set forth in the Paying Agent/Registrar Agreement

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.

Section 7.03. <u>**DEFEASANCE OF BONDS.**</u> (a) Any Bond and the interest thereon shall be deemed to be paid, retired and no longer outstanding (a "Defeased Bond") within the meaning of this Ordinance, except to the extent provided in subsections (c) and (e) of this

Section, when payment of the principal of such Bond, 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 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 or an eligible trust company or commercial bank for the payment of its services until all Defeased Bonds shall have become due and payable or (3) any combination of (1) and (2). At such time as a Bond shall be deemed to be a Defeased Bond hereunder, as aforesaid, such Bond and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the Security as provided in this Second Supplement, and such principal and interest shall be payable solely from such money or Defeasance Securities and thereafter the City will have no further responsibility with respect to amounts available to such Paying Agent/Registrar (or other financial institution permitted by applicable law) for the payment of such Defeased Bond, including any insufficiency therein caused by the failure of the Paying Agent/Registrar (or other financial institution permitted by law) to receive payment when due on the Defeasance Securities.

- (b) The deposit under clause (ii) of subsection (a) shall be deemed a payment of a Bond 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 this Ordinance. Any money so deposited with the Paying Agent/Registrar 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 or an eligible trust company or commercial bank pursuant to this Section which is not required for the payment of such Bond and premium, if any, and interest thereon with respect to which such money has been so deposited, shall be remitted to the City.
- (c) Notwithstanding any provision of any other Section of this Second 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 the 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 Bonds shall have become due and payable, the Paying Agent/Registrar shall perform the services of Paying Agent/Registrar for such Defeased Bonds the same as if they had not been defeased, and the City shall make proper arrangements to provide and pay for such services as required by this Ordinance.
- (d) Notwithstanding anything elsewhere in this Second Supplement, if money or Defeasance Securities have been deposited or set aside with the Paying Agent/Registrar 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 Bond affected thereby.

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

Section 7.04. PAYING AGENT/REGISTRAR AGREEMENT, BOND PURCHASE AGREEMENT AND OFFICIAL STATEMENT. (a) The Paying Agent/Registrar Agreement by and between the City and the Paying Agent/Registrar is hereby approved and the Chief Financial Officer is hereby authorized to execute, and deliver such Paying Agent/Registrar Agreement.

- (b) The Chief Financial Officer, acting for and on behalf of the City, is authorized to enter into and carry out a Bond Purchase Agreement or other agreement for the Bonds to be sold by negotiated sale or placement at such price, with and subject to such terms as determined by the Chief Financial Officer pursuant to Section 2.02(b) above. Each Bond Purchase Agreement or other agreement shall be substantially in the form and substance previously approved by the City in connection with the authorization of Outstanding Bonds with such changes as are acceptable to the Chief Financial Officer
- (c) The Chief Financial Officer is hereby authorized to approve the Preliminary Official Statement, the Official Statement relating to the Bonds and any addenda, supplement or amendment thereto and to deem such documents final in accordance with Rule 15c2-12. The City further approves the distribution of such Official Statement in the reoffering of the Bonds by the underwriters in final form, with such changes therein or additions thereto as the Chief Financial Officer executing the same may deem advisable, such determination to be conclusively evidenced by this execution thereof.

Section 7.05. 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 Second 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 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 Second Supplement, any amendments to the above named documents, and any technical amendments to this Second Supplement as permitted by Section 6.01 (v) or (vi) and a Authorized Representative is hereby authorized to execute this Second Supplement to evidence approval of such changes.

Section 7.06. 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 Second 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 7.07. EFFECT OF SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS. Whenever this Second 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 Second 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 7.08. PARTIAL INVALIDITY. If any one or more of the covenants or agreements or portions thereof provided in this Second 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 Second Supplement and the invalidity thereof shall in no way affect the validity of the other provisions of this Second 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 7.09. <u>CONTINUING DISCLOSURE UNDERTAKING.</u>

(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 2018, financial information and operating data as set forth in the Pricing Certificate, 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 <u>Exhibit "C"</u> hereto, or such other accounting principles as the City may be required to employ from time to time pursuant to state law or regulation, and in substantially the form included in the official statement, and (ii) audited, if the City commissions an audit of such financial statements and the audit is completed within the period during which they must be provided. If the audit of such financial statements is not complete within 12 months after any such fiscal year end, then the City shall file unaudited financial statements within such 12-month period and audited financial statements for the applicable fiscal year, when and if the audit report on such statements becomes available.

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

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

- (b) <u>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 laws;
 - C. Unscheduled draws on debt service reserves reflecting financial difficulties;
 - D. Unscheduled draws on credit enhancements reflecting financial difficulties;
 - E. Substitution of credit or liquidity providers, or their failure to perform;
 - F. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other events affecting the tax status of the Bonds;
 - G. Modifications to rights of holders of the Bonds, if material within the meaning of the federal securities laws;
 - H. Certificate 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 laws; and
- N. Appointment of a successor or additional trustee or the change of name of a trustee, if material within the meaning of the federal securities laws.

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

(c) <u>Limitations, Disclaimers, and Amendments</u>. The City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an "obligated person" with respect to the 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 8 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 Certificates 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 7.10. CREDIT AGREEMENT. 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 7.11.** <u>**DEFAULT AND REMEDIES**</u>. (a) <u>Events of Default</u>. Each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an Event of Default:
 - (i) the failure to make payment of the principal of or interest on any of the 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 Ordinance, and the continuation thereof for a period of 60 days after notice of such default is given by any Registered Owner to the City.

(b) Remedies for Default.

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

(c) Remedies Not Exclusive.

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

- (iii) By accepting the delivery of a Bond authorized under this Ordinance, such Registered Owner agrees that the certifications required to effectuate any covenants or representations contained in this Ordinance do not and shall never constitute or give rise to a personal or pecuniary liability or charge against the officers, employees or trustees of the City or the City Council.
- (iv) None of the members of the City Council, nor any other official or officer, agent, or employee of the City, shall be charged personally by the Registered Owners with any liability, or be held personally liable to the Registered Owners under any term or provision of this Ordinance, or because of any Event of Default or alleged Event of Default under this Ordinance.
- **Section 7.12.** <u>RULES OF INTERPRETATION</u>. For purposes of this Second 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 Second Supplement as a whole and not to any particular Article, Section, or other subdivision.
- (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 Second Supplement have the meanings assigned to them in accordance with then applicable accounting principles.
- (d) Any pronouns used in this Second Supplement include both the singular and the plural and cover both genders.
- (e) Any terms defined elsewhere in this Second 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 Second Supplement unless stated otherwise.
- **Section 7.13.** <u>INDIVIDUALS NOT LIABLE</u>. All covenants, stipulations, obligations, and agreements of the City contained in this Second Supplement shall be deemed to be covenants, stipulations, obligations, and agreements of the Financing Program, 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 7.14. 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.

	Mayor
	City of Temple, Texas
ATTEST:	
City Secretary City of Temple, Texas	
[SEAL]	
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 May, 2018.

	The	City	has	caused	this	Second	Supplement	to	be	executed	by	an	Authorized
Repres	entati	ve.											

CITY OF TEMPLE, TEXAS

By: _		_
•	Authorized Representative	

EXHIBIT A DEFINITIONS

As used in this Second 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 (including by acting as interim 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 Second Supplement.

"Bonds" – One or more series of the Bonds issued pursuant to and governed by this Second Supplement, as described in Article II hereof.

"Chief Financial Officer" - Means the Finance Director 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 Second 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 Ordinance.

"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 Texas law that may be used to defease obligations such as the Bonds.

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

"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 Reinvested Zone Number One Tax Increment Revenue Financing Program," adopted by the City on June 5, 2008, as may be amended or supplemented from time to time.

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

"Maximum Rate" - A net effective interest rate (as defined in and calculated in accordance with the provisions of the Chapter 1204, Texas Government Code, as amended not to exceed fifteen percent (15%)).

"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 the Pricing Certificate hereof and any successor to such agent.

"Paying Agent/Registrar" - Collectively, the Paying Agent and the Registrar designated in the Pricing Certificate 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.

"Registrar" - The agent selected and appointed by the City for purposes of keeping and maintaining books and records relating to the registration, transfer, exchange, and payment of the Bonds and interest thereon, as identified in Section 2.03 hereof and any successor to such agent.

"Reserve Account" - The account 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.

"Second Supplement" - This Second Supplemental Ordinance, which was adopted by the City on May 17, 2018, pursuant to authority reserved by the City under the Master Ordinance.

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

"Taxable Bonds" - Each Series of Bonds bearing interest at a taxable rate.

"Tax Exempt Bonds"- Each Series of Bonds bearing interest which is excludable from gross income for federal taxation purposes pursuant to Section 103 of the IRS Code.

EXHIBIT B

FORM OF BONDS

UNITED STATES OF AMERICA
STATE OF TEXAS
COUNTY OF BELL
CITY OF TEMPLE, TEXAS
REINVESTMENT ZONE NUMBER ONE TAX
INCREMENT REVENUE BONDS,
SERIES 2018

No. R				\$	
	BOND	INTEREST	MATURITY	DATE OF	
	DATE:	RATE:	DATE:	DELIVERY:	
	. 2018	%	. 20	. 2018	

REGISTERED OWNER:

PRINCIPAL AMOUNT:

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 Date of Delivery specified above at the per annum rate of interest specified above computed on the basis of a 360day year of twelve 30-day months; such interest being payable on *and * of *. Principal of this Bond shall be payable to the each year, commencing 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 ____ day of the month next preceding each interest payment date. 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.

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^{*} As provided in the Pricing Certificate. To the extent that the Pricing Certificate relating to the Bonds is inconsistent with any provisions in this Form of Bond or contains information to complete missing information in this Form of Bond, the language in the Pricing Certificate shall be used in the executed Bonds.

This Bond is one of a duly authorized issue of bonds designated as "City of Temple, Texas Reinvestment Zone Number One Tax Increment Revenue Bonds, Series 2018" (the "Bonds"), in the aggregate principal amount of \$______* issued pursuant to the laws of the State of Texas, including specifically the Enabling Act (the "Act"), and initially under and pursuant to an ordinance of the City adopted on May 17, 2018, and entitled Second Supplemental Ordinance to the Master Ordinance establishing the City of Temple, Texas Reinvestment Zone Number One Tax Increment Revenue Financing Program (the "Second Supplement") for the purpose of (i) paying project costs relating to extending and improving the City's railroad system within the Zone and acquiring land/real property assembly costs within the Zone and (ii) paying the costs of issuing such Bonds. The Bonds are secured by a first lien on and pledge of the Security as defined in the Master Ordinance adopted on June 5, 2008 (the "Master Ordinance"), on a parity with all other Parity Debt (as defined in the Master Ordinance and the Second Supplement).

The Master Ordinance, as supplemented by the Second 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.

The Bonds are issued as "Current Interest Bonds," which total in principal amount \$______, and which pay accrued interest at stated intervals to the Registered Owners.

Redemption Provisions

[Redemption provisions as provided in the Pricing Certificate.*]

The Bonds maturing on August 1, 20__ (the "Term Bonds") are subject to mandatory sinking fund redemption by lot prior to maturity in the following amounts, on the following dates and at a price of par plus accrued interest to the redemption date.

Bonds Maturin	Bonds Maturing		
Redemption Date	Principal Amount		
, 20	\$		
, 20*	*		

^{*}Final Maturity

The principal amount of the Term Bonds required to be redeemed pursuant to the operation of the mandatory sinking fund redemption provisions shall be reduced, at the option of the City by the principal amount of any Term Bonds of the stated maturity which, at least 50 days prior to a

^{*} As provided in the Pricing Certificate. To the extent that the Pricing Certificate relating to the Bonds is inconsistent with any provisions in this Form of Bond or contains information to complete missing information in this Form of Bond, the language in the Pricing Certificate shall be used in the executed Bonds.

^{*} As provided in the Pricing Certificate. To the extent that the Pricing Certificate relating to the Bonds is inconsistent with any provisions in this Form of Bond or contains information to complete missing information in this Form of Bond, the language in the Pricing Certificate shall be used in the executed Bonds

mandatory redemption date, (1) shall have been acquired by the City, at a price not exceeding the principal amount of such Term Bonds plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation, (2) shall have been purchased and canceled by the Paying Agent/Registrar at the request of the City with monies in the Interest and Sinking Fund at a price not exceeding the principal amount of the Term Bonds plus accrued interest to the date of purchase thereof, or (3) shall have been redeemed pursuant to the optional redemption provisions and not theretofore credited against a mandatory sinking fund redemption requirement.

At least 30 days prior to the date fixed for any optional 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 optional 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 Bond Ordinance.

With respect to any optional redemption of the Bonds, unless certain prerequisites to such redemption required by the Bond 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 Second Supplement.

If this Bond is in a denomination of \$100,000 and \$5,000 in excess of \$100,000 ("Authorized Denomination"), portions of the principal sum hereof in Authorized Denomination 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 Resolution 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 fullyregistered 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:
Temple\TIRZ\2018: 2ndSuppOrd	B-5

Temple\TIRZ\2018: 2ndSuppOrd

City Secretary	Mayor
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(SEAL)

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 Bon approved by the Attorney General of the State Public Accounts of the State of Texas.		n examined, certified as to validity and need and duly registered by the Comptroller of		
WITNESS my signature and seal of office this	S	·		
		Comptroller of Public Accounts of the State of Texas		
(SEAL)				
AUTHENTICATIO PAYING AGE				
This Bond has been duly issued and mentioned Resolution; the bond or bonds of delivered having been approved by the Attorn the Comptroller of Public Accounts, as shown	the above sey General	of the State of Texas and registered by		
	as Payir	ng Agent/Registrar		
Registered this date:				
	By:	thorized Signature		

ASSIGNMENT

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

yer Identification Number of Transferee)
ldress, including zip code, of Transferee)
nereby irrevocably constitutes and appoints within Bond on the books kept for registration remises.
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]



COUNCIL AGENDA ITEM MEMORANDUM

05/17/18 Item #8(A-B) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) May 3, 2018 Special and Regular Meetings

(B) May 8, 2018 Special Meeting

STAFF RECOMMENDATION: Approve minutes as presented in item description.

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

FISCAL IMPACT: N/A

ATTACHMENTS:

May 3, 2018 Special and Regular Meetings May 8, 2018 Special Meeting Video

TEMPLE CITY COUNCIL

MAY 3, 2018

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, May 3, 2018 at 4:00 PM, at the Municipal Building, 2 North Main Street, in the 3rd Floor Conference Room.

PRESENT:

Councilmember Susan Long Mayor Pro Tem Timothy Davis Councilmember Michael Pilkington Councilmember Judy Morales Mayor Daniel A. Dunn

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, May 3, 2018.

Brian Chandler, Director of Planning, addressed Council concerning Consent Agenda item #5(J), Z-FY-18-12 for a rezoning from Agricultural zoning district to Planned Development Single Family Two for Prairie Ridge subdivision. He updated Council, stating that the ordinance for this item has changed to reflect a right of way dedication by the developer on Little River Road, stating that the tree planting landscape strip went from 9 1/2 feet to 7 feet.

Mayor Dunn also stated that staff request Council table item #7 on Regular Agenda. Kayla Landeros, City Attorney, stated that they have reached an agreement with the property owner.

Mrs. Landeros also requested that item #3 on Workshop Agenda be moved to May 17th Workshop Agenda. She stated that this will allow staff additional time to provide changes that have happened in the last few days.

Mayor Dunn stated that staff request Council to table item #8 (Z-FY-18-14) on Regular Agenda due to the applicant requesting his case be tabled until the May 17th Council meeting to give him more time for consideration of staff conditional requests on the property.

2. Report and discuss effectiveness of Ordinance 2017-4839 related to duplex compatibility standards on 50-foot lots in two-family zoning districts one year after adoption.

Brian Chandler, Director of Planning, addressed Council stating that on May 4, 2017 City Council adopted an ordinance that would (1) allow duplexes on 50-foot wide lots on existing two-family zoned lots, (2) with appropriate compatibility standards. The ordinance included a provision to

require staff to return in a year with a report "for the purpose of evaluating the effectiveness of the Ordinance and making recommendations about retaining or revising its provisions." Over the last year, two duplexes have been built where the standards applied: at 1016 South 27th Street and at 412 South 23rd Street.

He stated that in P & Z discussions, they stated that there are challenges associated with tenants maintaining their own yards when they do not have a garage or shed to store a lawn mower, etc.

- Mr. Chandlers stated that Staff recommends the following changes to the standards:
- (1) Require sod in the front yard with a strip between parking pads and contiguous lawn of a 100 sf minimum, which would mean also requiring an additional two elements for parking in the rear and three elements for parking in the front; and
- (2) River rock can be used if accompanied by planting drought-tolerant plants (one three gallon shrub every three feet).

Council had some discussion with Pat Patterson, the builder of these properties, concerning requirements, how tenants mow their yards with no garage or sheds, and if tenants are taking advantage of housing incentives.

Mr. Patterson stated that in 2018, they hope to build between 10 to 20 on empty lots. He stated that the incentives are valuable and encourage citizens. The process is easier and the form has been simplified, which helps as well.

Councilmember Judy stated that she hopes to see more people building this coming year in the City and thanked staff for their work on these projects.

Brynn Myers, City Manager, stated that to implement the recommendations by staff, Council will see an action item on a future agenda.

3. Discuss the status of right-of-way acquisition for the Research Parkway project which includes the expansion of Moore's Mill Road and Old Howard Road and discuss the status of pending eminent domain litigation involving property required for the project.

Staff requested that this item be moved to May 17th Workshop Agenda. Council agreed to staff's request.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, May 3, 2018 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

Councilmember Susan Long Mayor Pro Tem Timothy Davis Councilmember Mike Pilkington Councilmember Judy Morales Mayor Daniel A. Dunn

I. CALL TO ORDER

1. Invocation

Pastor Paul Alexander, Church of the living God, voiced the invocation.

2. Pledge of Allegiance

Erica Perrine, RN and Vice President of the Texas Nurses Association District 7, lead the Pledge of Allegiance.

II. PUBLIC COMMENTS

Rod Henry, 2303 Fox Glenn Lane, President of the Temple Chambers Commerce, addressed Council to thank them for the support of the Temple Blooming Fest.

JD Zeptner, 402 South 26th Street, addressed Council regarding gun shots at the Wilson Park. He asked that maybe security cameras be put in those areas to help solve some of these crimes.

III. PROCLAMATIONS

3. National Nurses Week May 2018

Councilmember Michael Pilkington presented the proclamation to Laurel Pilkington and Erica Perrine, Vice President of the Texas Nurses Association District 7.

IV. REPORTS

4. Receive a presentation from Dr. Robin Battershell, TISD Superintendent, on the State of the District.

Dr. Robin Battershell and Dr. Bobby Ott provided a presentation to Council regarding the Temple Independent School District's last ten years.

Dr. Battershell spoke concerning TISD instructional programs and results, behavioral programs and results, human resources, and finances/operations. She also reviewed what is in store for Temple ISD in the future.

Dr. Ott stated that he is looking forward to the opportunity to be Superintendent and to work closely with the City in the future.

Mayor Dunn thanked Dr. Battershell for her leadership and he wished Dr. Ott the best in his new position.

V. CONSENT AGENDA

- 5. Consider adopting a resolution approving the Consent Agenda items and the appropriate resolutions and ordinances for each of the following:
 - (A) April 19, 2018 Special and Regular Meeting
 - (B) 2018-9115-R: Consider adopting a resolution authorizing the purchase of 10 BlueToad Spectra Traffic Units from TrafficWare Group, Inc. of Sugarland in the amount of \$51,900.
 - (C) 2018-9116-R: Consider adopting a resolution authorizing change order #4 to the Santa Fe Plaza Phase I construction contract with McLean Construction, Inc. of Killeen in the net deductive amount of \$1,754.54.
 - (D) 2018-9117-R: Consider adopting a resolution authorizing a construction contract with Montgomery Construction Services, LLC of Hewitt, in the amount of \$13,660.50 for the repair of the Mayborn Convention Center drive-thru ceiling.
 - (E) 2018-9118-R: Consider adopting a resolution authorizing an increase from \$100,000 to \$150,000 to the FY2018 annual purchase agreements for traffic signal equipment and supplies.
 - (F) 2018-9119-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick, & Associates, LP, in an amount not to exceed \$150,000 required for the design of Downtown City Center Improvements Phase 1.
 - (G) 2018-9120-R: Consider adopting a resolution authorizing a second amendment to the Lease Agreement with National Railroad Passenger Corporation, also known as Amtrak, for lease of space at the Santa Fe Depot.
 - (H) 2018-4908: SECOND READING: Consider adopting an ordinance authorizing an amendment to the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans which include appropriating additional bond proceeds, adjusting

debt service payments, and allocating expenditures for public improvements for years FY 2018-2062.

- (I) 2018-4909: SECOND READING: Consider adopting an ordinance authorizing the annexation of 18.589 acres of land out of the Sarah Fitzhenry Survey, Abstract No.312, in the ETJ (extraterritorial jurisdiction) of the City of Temple, Bell County, Texas, located at 14220 State Highway 317.
- (J) 2018-4910: SECOND READING Z-FY-18-12: Consider adopting an ordinance authorizing a rezoning with a site/development plan for 70.688 +/- acres, from Agricultural zoning district to Planned Development Single Family Two zoning district, situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located at the northwest corner of East Blackland Road and Little River Road (Old 95), Temple Texas.
- (K) 2018-9121-R: Consider adopting a resolution authorizing an exchange of property with Keg-1 North Texas Properties, LLC pursuant to Local Government Code § 272.001.
- (L) 2018-9122-R: FY-18-2-ST: Consider adopting a resolution authorizing approval of a street name change from Marsala Drive to Modena Drive, within the Bella Terra, Phase I subdivision.
- (M) 2018-9123-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2017-2018.

Motion by Councilmember Judy Morales to approve consent agenda, seconded by Councilmember Mike Pilkington.

Motion passed unanimously.

VI. REGULAR AGENDA

RESOLUTIONS

6. 2018-9124-R: Consider adopting a resolution authorizing a construction contract with TexGlobal Contractors, Inc. of Ft. Worth for services required to extend Phase 2 Westfield Boulevard in the amount of \$ 2,235,729.15.

Motion by Mayor Pro Tem Timothy Davis to adopt resolution as presented, seconded by Councilmember Susan Long.

Councilmember Mike Pilkington abstained. The other Councilmembers voted aye. The motion passed.

7. 2018-9125-R: Consider adopting a resolution pursuant to Chapter 2206, Government Code § 2206.053 finding that one property situated in the G.W. Graves Survey, Abstract #355, Bell County, Texas, is necessary for the proposed expansion of Old Howard Road from Central Pointe Parkway to Moores Mill Road, as well as an expansion of Moores Mill Road from Old Howard Road to IH-35 and authorizing the use of eminent domain to condemn the property.

Motion by Councilmember Mike Pilkington to table item #7, seconded by Councilmember Susan Long.

Motion passed unanimously.

ORDINANCES

8. 2018-4911: SECOND READING - PUBLIC HEARING - Z-FY-18-14: Consider adopting an ordinance authorizing a rezoning with a site/development plan from General Retail zoning district to Planned Development General Retail zoning district to allow the following Commercial uses: major vehicle repair, equipment sales and rentals, auto sales, auto and truck rental, Freeman Heights, Block 30, Lot 3-6, located at 311 South 25th Street, Temple, Texas.

Mayor Dunn declared the public hearing open with regards to agenda item 8, and asked if anyone wished to address this item. There being none, Mayor Dunn declared the public hearing closed.

Motion by Councilmember Judy Morales to table item #8. seconded by Mayor Pro Tem Timothy Davis.

Motion passed unanimously.

ORDINANCES

9. 2018-4912: FIRST READING – PUBLIC HEARING: Consider adopting an ordinance authorizing the annexation of 1.310 acres of land out of the William Gilmore Survey, Abstract No.339, Bell County, Texas, in the extraterritorial

jurisdiction of the City of Temple, Bell County, Texas, located at 2391 FM 1237.

Tammy Lyerly, Senior City Planner, provided a presentation to Council. She stated that Janet Clark filed a petition on January 18, 2018, seeking voluntary annexation of 1.310 acres into the City of Temple. Ms. Clark purchased this 1.310-acre tract from Royce and Diane Oliver, whose 12.64-acre tract is subject to a 2008 development/non-annexation agreement. The purchase of the 1.310 acres and a proposed manufactured home triggers a plat and per the development agreement, voluntary annexation.

Voluntary annexation is governed by Section 43.028 of the Texas Local Government Code and applies only to the annexation of an area that is: (1) less than one-half mile in width, (2) contiguous to the annexing municipality, and (3) vacant and without residents or on which fewer than three qualified voters reside.

Pursuant to Chapter 43 of the Local Government Code, the City has completed the following steps during the annexation process:

- (1) February 15, 2018 City Council resolution adopted to direct staff to develop the Municipal Service Plan
- (2) April 5, 2018 Municipal Service Plan Public Hearing #1
- (3) April 6, 2018 Municipal Service Plan Public Hearing #2

Mayor Dunn declared the public hearing open with regards to agenda item 9, and asked if anyone wished to address this item. There being none, Mayor Dunn declared the public hearing closed.

Motion by Councilmember Mike Pilkington to adopt ordinance as presented, with second and final reading on May 17, 2018, seconded by Councilmember Judy Morales.

Motion passed unanimously.

 2018-4913: FIRST READING - PUBLIC HEARING - FY-18-1-SITE: Consider adopting an ordinance amending Ordinance No. 2017-4870 to attach a site plan showing a 1500 square foot building to be located on Lot 1, Block 1, Cox Center subdivision, addressed as 830 FM 2271, Temple.

Mark Baker, Senior City Planner, provided a presentation to Council. He stated the applicant, Michael Cox, on behalf of Boston Properties, requests Development/Site Plan approval for

a proposed barber shop, as required by the rezoning ordinance (Ordinance 2017-4870) approved by City Council on October 5, 2017, on the approximately 0.326 +/- acre, eastern portion of this 1.012 +/- acre Planned Development-zoned property.

Per Ordinance 2017-4870, the proposed development must comply with the following conditions:

- (1) Submittal for review and consideration of a Development/ Site Plan by the Planning & Zoning Commission and City Council:
- (2) Development of the property shall be limited to detached single-family residences, beauty salon, barber shop or other similar types of personal services and general office uses;
- (3) A 15-foot perimeter buffer and screening strip consisting of a combination of existing trees, solid fencing ranging between six to eight foot high and new plantings reviewed at the time of public Development/ Site Plan review;
- (4) Maximum building height of 25 feet;
- (5) Residential appearance to buildings with pitched roofs, windows, foundation plantings and brick/masonry facades;
- (6) Freestanding signs with a maximum 10 feet in height and limited to external illumination; and
- (7) Lighting shall be shielded using full-cutoff fixtures to prevent light trespass to neighboring properties.

At this stage, while staff has confirmed compliance with Conditions 1 through 5, conditions 6 & 7 will be confirmed with the review of building plans and sign application.

He stated that while the above referenced conditions of Ordinance 2017-4870 are still in effect, staff recommends approval of amending Ordinance 2017-4870 with the following additional Development/ Site Plan condition:

(1) That the Director of Planning, with consultation as needed by the Design Review Committee, may be authorized to approve minor changes to the Development/ Site Plan which include but not limited to: overall lot layout, landscaping, exterior building elevations/ materials, parking configuration, buffering and screening materials, in compliance with minimum UDC development standards.

At their April 2, 2018 meeting the Planning & Zoning Commission voted eight to zero per staff's recommendation to recommend approval.

The proposed development is summarized in more detail as follows:

A one-lot, one-block subdivision plat named Cox Center has been reviewed by the City's Design Review Committee and was recorded by Bell County on February 1, 2018.

The DRC reviewed the Development/ Site Plan on March 19, 2018. It was discussed that a minimum 13' 6" vertical clearance is required for vegetation along access driveways. This is a requirement of Chapter 12, Section 13, of the City Code of Ordinances. The site plan does reference the requirement for the vegetative clearance. No other issues were identified. The site plan shows a 30-foot by 50-foot (1500 square foot building footprint proposed on the eastern half of the subject property. The face of the building is shown setback approximately 103 feet from the right-of-way of FM 2271 with provisions for parking, on-site maneuverability, landscaping and signage. The applicant has indicated that while the site plan shows the access gate to the adjacent property, the gate will not be physically added until development of the western-most property (850 FM 2271) is developed.

The building elevations are proposed with a combination of metal siding and stone. The eastern-facing elevation (front) will contain more than 70% stone to a wall height of 7' 10". Stonewainscot will wrap around and extend back approximately 15 feet to a height of three feet along the south wall elevation only. The applicant has agreed to enhance landscaping consisting of trees and shrubs on the north side to meet the screening and buffering requirement and therefore is the basis for staff's support of not requiring masonry on the north side. Front elevations (East) are accented with four, 10-foot high cedar post, supporting a five foot overhang and covered walkway. The front elevation is finished with door and window treatments giving a residential appearance overall. Stone will be provided to a height of 7' 2" along the entire length of the front elevation. The roof material is proposed with a PBR 26Ga Galvalum metal panel, a form of galvanized metal roofing similar to standing seam.

An asphalt surfaced parking area providing 10 parking spaces is proposed at a rate of one space per 150 square feet of gross floor area. The number of spaces exceeds the UDC requirement of one space per 250 square feet of gross floor area required of most retail and service uses. The site plan is dimensioned and provides the minimum dimensions for circulation and parking.

Site landscaping consists of the preservation of existing trees as well as proposed, shrubs, grass and rock-work. A legend is shown on the site plan for the proposed shrubs varying between three and five gallon sizes and include Dwarf Buford Holly, Crepe Myrtles, Red Tip Photinia and the Mountain Laurel. The listed plant materials are acceptable as identified in UDC Section 7.4. Several of the Red Tip Photinia may be better suited at an alternative location than adjacent to the rock garden. Staff will work with the applicant at the time of building plan review for more suitable locations on the subject property.

Screening and buffering will be provided by the combination of existing trees, proposed enhancement of landscaping as well as proposed fencing. While an existing six foot high solid wood fence is present along the north property boundary it is not counted toward compliance. Buffering and screening will be satisfied by the landscaping alone and as stated earlier, the applicant has agreed to enhance landscaping along the northern property line with trees and shrubs to satisfy this requirement. It is noteworthy however, that the existing six foot fence will help to screen. A new six foot wood privacy fence is proposed along the western property line between 830 & 850 FM 2271 and a new six foot high wood privacy fence is proposed along approximately 90 feet of the southern property boundary. Along with the proposed privacy fences, a 20-foot gate will provide access as well as provide additional security between 830 & 850 FM 2271. The gate however will not be installed by the property owner until the western-most property at 850 FM 2271 is developed.

The site plan shows a proposed eight foot x five foot (40 Square Feet) monument sign. The sign is shown located approximately 55-feet from the front property line. As required by Ordinance 2017-4870, the sign cannot exceed 10 feet in height and be limited to external illumination. A separate permit is required for the sign.

The subject property has been graded and trees and other vegetation have been cleared within the interior and portions of the perimeter boundary of the two lots. Drainage will be addressed in more detail by Public Works during the review of construction plans.

Sewer is available from an eight inch sewer line within FM 2271. Water is available through a two inch water line in FM 2271. Public Works has indicated that a two inch water line is sufficient for the uses proposed by the Planned Development.

Access to 830 FM 2271 is directly from FM2271 from a driveway permitted by TxDOT. Access to the western-most portion of the property, addressed as 850 FM 2271 is provided for by a 20-foot wide asphalt driveway. Since the property is platted as one

lot, under single ownership, no access easement is necessary.

TxDOT has confirmed that the southern-most driveway will be permitted as a 30-foot wide driveway access point to accommodate future development. Upon permit issuance, the northern driveway will be removed by TxDOT. Construction of the southern driveway will follow upon permit by the property owner of 830 FM 2271.

Twenty 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. No notices have been received.

Mayor Dunn declared the public hearing open with regards to agenda item 10, and asked if anyone wished to address this item. There being none, Mayor Dunn declared the public hearing closed.

Motion by Mayor Pro Tem Timothy Davis to adopt ordinance as presented, with second and final reading on May 17, 2018, seconded by Councilmember Mike Pilkington.

Motion passed unanimously.

Mayor Dunn stated that this is his last meeting and that he has enjoyed working with the Council. He also thanked City leadership and staff for all they do.

Council offered words of appreciation and encouragement to Mayor Daniel Dunn.

ATTEST:	Timothy A. Davis, Mayor
Lacy Borgeson City Secretary	

SPECIAL MEETING OF THE TEMPLE CITY COUNCIL

MAY 8, 2018

The City Council of the City of Temple, Texas conducted a Special Called Meeting on Tuesday, May 8, 2018 at 9:00 AM, in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

Mayor Daniel A. Dunn Councilmember Judy Morales Councilmember Mike Pilkington Mayor Pro Tem Timothy Davis Councilmember Susan Long

I. CALL TO ORDER

1. Invocation

Renee Flores, Deputy City Secretary, voiced the invocation.

2. Pledge of Allegiance

Shelly Fowler, Records Specialist, lead the pledge of allegiance.

II. ELECTION ITEMS

3. 2018-9126-R: Consider adopting a resolution canvassing the returns for both the May 5, 2018 General and Special Elections for the City of Temple.

Lacy Borgeson, City Secretary, presented the results of the May 5, 2018 General and Special election. Mrs. Borgeson noted that on January 18th, Mayor Dunn announced he would not seek re-election as Mayor. Shortly after that Councimember for District 1, Timothy Davis announced the he would seek election as Mayor in May. Councilmember Davis' current term as the Councilmember for District one ran through May 2019; and this would cause a vacancy in that District. Mr. Davis was the only candidate for the general election to fill the vacancy for Mayor, and Ms. Walker was the only candidate for the special election to fill the unexpired term for District 1 Councilmember.

Mrs. Borgeson reminded the Council that both the general and special elections were ordered on February 1, 2018; and on March

15th both elections were cancelled due to no opposition for either candidate; therefore each candidate was then declared elected.

Motion by Councilmember Susan Long to adopt resolution as presented, seconded by Councilmember Mike Pilkington.

Motion passed unanimously.

4. Administer Oaths of Office to newly elected Councilmember.

Judge Kathleen Person administered the oaths to Councilmember Jessica Walker and Mayor Timothy Davis.

Mayor Timothy Davis thanked everyone, stating it was an honor to serve. He also thanked former Mayor Dunn for his 5 years serving as Mayor and 3 years as a Councilmember.

ATTEST:	Timothy A. Davis, Mayor
Lacy Borgeson City Secretary	



05/17/18 Item #8(C) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva P.E., Public Works Director Kenny Henderson, Transportation Director

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing the purchase of video detection equipment at five existing signalized intersections from Texas Highway Products, Ltd. of Round Rock, in the amount of \$74,663.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> Currently, intersections at Main Street and Central Avenue, North 3rd Street and West French Avenue, North 3rd Street and West Nugent Avenue, North 3rd Street and West Zenith Avenue, and South 57th Street and Scott Boulevard operate on fixed timing cycles, meaning the traffic signal cycles in all directions even with no cars present. The addition of video detection equipment at these locations will vastly improve the functionality of these intersections, as video detection will allow for better coordination along Adams and Central Avenues. The City has done business with Texas Highway products and find them to be a responsible bidder.

The purchase of video equipment in the amount of \$69,145 is being made utilizing a State of Texas TxSmartBuy contract, contract #550A2. All contracts available through TxSmartBuy contracts have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

Staff is also proposing the purchase of the Gridsmart GS-3-PFM Performance Module from Texas Highway Products, Ltd. in the amount of \$5,518. In accordance with the Local Government Code Section 252.022(7)(A), the performance module is sole sourced due to patent rights. Per Staff's knowledge, the Gridsmart GS-3-PFM Performance Module is the only system on the market today that interfaces with the video equipment being purchased from Texas Highway Products.

FISCAL IMPACT: A budget adjustment is being presented to Council for approval to appropriate TCIP contingency funds for the purchase of video detection equipment at five existing signalized intersections from Texas Highway Products, Ltd. Funding in the amount of \$74,663 will be available in account 365-2800-532-6810, project 101850, as follows:

Remaining Project Funds Available	\$ -
Video Detection Equipment - Texas Highway Products, Ltd.	(74,663)
Encumbered/Committed to Date	-
Budget Adjustment	74,663
Project Budget	\$ -

05/17/18 Item #8(C) Consent Agenda Page 2 of 2

ATTACHMENTS:
Budget Adjustment
Resolution

BUDGET ADJUSTMENT FORM

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

Adjustments should be rounded to the nearest \$1.

+

ACCOUNT NUMBER	PROJECT#	ACCOUNT DESCRIPTION	l	INC	REASE		DE	CREASE	
365-2800-532-68-10	101850	Capital - Bonds / Traffic Signals			74,663				
365-3400-531-65-32		Contingency						74,663	
TOTAL				\$	74,663		\$	74,663	
EXPLANATION OF ADJ are available.	USTMENT I	REQUEST- Include justification for increa	ases AND rea	son wl	hy funds in	de	crease	ed account	
To reappropriate TCIP Contin Highway Products, Ltd.	gency funds fo	or the purchase of video detection equipme	ent, project #1	01850), totaling \$	74,	663 w	ith Texas	
rigilway Products, Ltd.									
				V		NI-			
DOES THIS REQUEST REQUEST REQUEST REQUESTED IN THE COUNCIL MEETIN		L APPROVAL? 5/17/2018	Х	Yes		No			
DATE OF GOONGIE MEETIN	O	3/11/2010			 				
WITH AGENDA ITEM?			Х	Yes		No			
						Δn	prove	d	
Department Head/Divisio	n Director		Date				appro		
Finance			Date			-	prove appro		
i ilialioe			Date						
							prove		
City Manager			Date			Dis	appro	oved	

RESOLUTION NO. 2018-9128-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF VIDEO DETECTION EQUIPMENT FROM TEXAS HIGHWAY PRODUCTS, LTD OF ROUND ROCK, TEXAS, IN THE AMOUNT OF \$74,663; FOR FIVE EXISTING SIGNALIZED INTERSECTIONS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, intersections at Main Street and Central Avenue, North 3rd Street and West French Avenue, North 3rd Street and West Zenith Avenue, and South 57th Street and Scott Boulevard operate on fixed timing cycles, meaning the traffic signal cycles in all directions even with no cars present;

Whereas, the addition of video detection equipment at these locations will vastly improve the functionality of these intersections, as video detection will allow for better coordination along Adams and Central Avenues;

Whereas, Staff recommends Council authorize the purchase of video detection equipment from Texas Highway Products, Ltd – Staff has done business with Texas Highway Products in the past and finds them to be a responsible bidder;

Whereas, the purchase of the video detection equipment in the amount of \$69,145 is being made utilizing a State of Texas TxSmartBuy contract, Contract No. 550A2 - all contracts available through TxSmartBuy have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

Whereas, Staff also recommends Council authorize the purchase of the Gridsmart GS-3-PFM Performance Module from Texas Highway Products, Ltd. in the amount of \$5,518;

Whereas, in accordance with the Local Government Code Section 252.022(7)(A), the performance module is sole sourced due to patent rights and per Staff's knowledge, the Gridsmart GS-3-PFM Performance Module is the only system on the market that interfaces with the video equipment being purchased from Texas Highway Products;

Whereas, funds are available for this project, but an amendment to the fiscal year 2018 budget needs to be approved to transfer the funds to Account No. 365-2800-532-6810, Project No. 101850;

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 video detection equipment from Texas Highway Products, Ltd. of Round Rock, Texas, in the amount of \$74,663 for five existing signalized intersections.
- <u>Part 3</u>: The City Council authorizes the 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>: The City Council authorizes an amendment to the fiscal year 2018 budget, substantially in the form of the copy attached hereto as Exhibit 'A.'
- <u>Part 5</u>: It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 17th day of May, 2018.

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



05/17/18 Item #8(D) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, Public Works Director Damon B. Boniface, Utility Director Belinda Mattke, Director of Purchasing

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing the purchase of wastewater line chemical root control services for FY 2018 from Duke's Root Control, Inc. of Syracuse, NY, in an estimated amount of \$50,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> Authorization of this purchase will provide for the continued purchase of root control management supplies and service from Duke's Root Control, Inc., during FY 2018 utilizing BuyBoard contract #555-18, which is effective until February 28, 2021. Contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

The Utility Division utilizes root control chemicals to manage and minimize the growth of roots in the wastewater collection system. In older wastewater systems, roots from trees and vegetation enter the system through cracks in the pipes in an attempt to find a source of water. These roots grow, eventually making any existing cracks in the system bigger resulting in further deterioration of the lines and blockages in the system. Chemical root control, when applied in targeted areas, can substantially reduce roots from blocking the system and help keep lines open preventing chokes and illicit discharges. Chemicals supplied by Duke's do not impact wastewater treatment plants and are recommended for use by staff.

FISCAL IMPACT: Funding for root control chemicals is included in the adopted FY 2018 Budget in account 520-5400-535-2616 in the amount of \$50,000.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2018-9129-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PURCHASE AGREEMENT WITH DUKE'S ROOT CONTROL, INC. OF SYRACUSE, NEW YORK, IN AN AMOUNT NOT TO EXCEED \$50,000, FOR WATERLINE CHEMICAL ROOT CONTROL SERVICES FOR FISCAL YEAR 2018; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Utility Division utilizes root control chemicals to manage and minimize the growth of roots in the wastewater collection system;

Whereas, in older wastewater systems, roots from trees and vegetation enter the system through cracks in the pipes in an attempt to find a source of water to grow, eventually making any existing cracks in the system bigger resulting in further deterioration of the lines and blockages in the system;

Whereas, chemical root control, when applied in targeted areas, can substantially reduce roots from blocking the system and help keep lines open preventing chokes and illicit discharges - chemicals supplied by Duke's do not impact wastewater treatment plants and are recommended for use by Staff;

Whereas, Staff recommends Council authorize a purchase agreement with Duke's Root Control, Inc. which will provide for the continued purchase of root control management supplies and service for fiscal year 2018;

Whereas, Staff will utilize BuyBoard Contract No. 555-18 for this purchase agreement, which is effective until February 28, 2021;

Whereas, contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

Whereas, funds are available for this purchase agreement which is included in the adopted fiscal year 2018 budget, in Account No. 520-5400-535-2616;

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

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

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

<u>Part 2</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a purchase agreement with Duke's Root Control, Inc., of Syracuse, New York, in an amount not to exceed \$50,000 for fiscal year 2018.

<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 May, 2018.

	THE CITY OF TEMPLE, TEXAS
	TIMOTHY A. DAVIS, Mayor
ATTEST:	APPROVED AS TO FORM:
I D	W. L. L. J
Lacy Borgeson	Kayla Landeros
City Secretary	City Attorney



05/17/18 Item #8(E) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney Christina Demirs, Deputy City Attorney

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing the purchase of one property necessary for the expansion of Old Howard Road and Moores Mill Road and authorizing closing costs and relocation benefits associated with the purchase in an estimated amount of \$210,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City is currently in the design phase for the proposed expansion of Old Howard Road from Central Pointe Parkway to Moores Mill Road, as well as an expansion of Moores Mill Road from Old Howard Road to IH-35, including a realigned intersection at Pegasus Drive. The design requires the acquisition of right-of-way from 21 different property owners. Appraisals have been performed on all of the parcels.

The City has acquired or has possession of eighteen rights of way and has reached an agreement with one of the property owners. Staff is actively negotiating with each of the remaining property owners and hopes to reach agreements with them in the coming weeks. At this time, Staff is asking for authorization to purchase one property, pay closing costs, and relocation benefits in an estimated amount of \$210,000.

The address and Bell County Appraisal District ID Number of the property is 4105 Mouser Road, Bell CAD ID #124489.

FISCAL IMPACT: Funding is appropriated for the purchase of the property necessary for the expansion of Old Howard Road and Moores Mill Road and authorizing closing costs and relocation benefits associated with the purchase in an estimated amount of \$210,000 in account 795-9800-531-6864, project #101001.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2018-9130-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF ONE PROPERTY NECESSARY FOR THE EXPANSION OF OLD HOWARD ROAD AND MOORES MILL ROAD; AUTHORIZING THE PAYMENT OF CLOSING COSTS AND RELOCATION BENEFITS ASSOCIATED WITH THE PURCHASE IN AN ESTIMATED AMOUNT OF \$210,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is currently in the design phase for the proposed expansion of Old Howard Road from Central Pointe Parkway to Moores Mill Road, as well as an expansion of Moores Mill Road from Old Howard Road to IH-35, including a realigned intersection at Pegasus Drive and the design requires the acquisition of rights of way from 21 different property owners;

Whereas, appraisals have been performed on all of the parcels, the City has acquired or has possession of eighteen rights-of-way, and has reached an agreement with one of the property owners;

Whereas, Staff is actively negotiating with each of the remaining property owners and hopes to reach agreements in the coming weeks;

Whereas, Staff recommends Council authorize the purchase of 4105 Mouser Road (BellCAD ID 124489), and authorize the payment of closing costs and relocation benefits, in an estimated amount of \$210,000;

Whereas, funding for the purchase of 4105 Mouser Road is available in Account No. 795-9800-531-6864, Project No. 101001; 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 4105 Mouser Road, which is necessary for the expansion of Old Howard Road and Moores Mill Road, and authorizes the payment of closing costs and relocation benefits associated with the purchase, in an estimated amount of \$210,000.

<u>Part 3</u>: The City Council authorizes the 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 May, 2018.

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



05/17/18 Item #8(F) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney Christina Demirs, Deputy City Attorney

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing the acceptance of a donation of a 0.0103-acre permanent drainage easement from Patco, LLC and a donation of a 0.0103-acre permanent drainage easement from Dacyn Investments, Ltd. which are necessary for the construction of the Avenue D and 14th Street Drainage project.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>ITEM SUMMARY</u>: The 2008-2009 Drainage Master Plan identified improvements to mitigate flooding in the vicinity of Avenue D and 14th Street. The City is currently in the design phase for this project. The area is in a fully developed residential development comprised of single family and duplex residential structures, streets, and neighborhood parks. The existing streets do not include curb and gutter roadway sections, the anticipated improvements may include open channel improvements, surface area inlets, and storm drains. The project will connect to Knob Creek. Though most of the project can be accomplished in City-owned right of way and easements, some additional acquisitions are necessary.

The Avenue D and 14th Street Drainage project requires the acquisition of three drainage easements. Staff continues to seek acquisition of the remaining easement.

At this time, Staff is seeking authorization for the acceptance of a donation of a 0.0103-acre permanent drainage easement from Patco, LLC and a donation of a 0.0103-acre permanent drainage easement from Dacyn Investments, Ltd. which are necessary for the construction of the Avenue D and 14th Street Drainage project.

The address of the easements are 707 East Avenue D, Temple, Bell CAD ID 39550 and 709 East Avenue D, Temple, Bell CAD ID 68695.

<u>FISCAL IMPACT</u>: The City will be responsible for future maintenance of the properties and any costs associated with the closing transactions on the land which are expected to be nominal.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2018-9131-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE ACCEPTANCE OF A DONATION OF AN APPROXIMATELY 0.0103 ACRE PERMANENT DRAINAGE EASEMENT FROM PATCO, LLC, WHICH IS NECESSARY FOR THE CONSTRUCTION OF THE AVENUE D AND 14TH STREET DRAINAGE PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the 2008-2009 Drainage Master Plan identified improvements to mitigate flooding in the vicinity of Avenue D and 14th Street and the City is currently in the design phase for this project;

Whereas, the area is in a fully developed residential area comprised of single family and duplex residential structures, streets, and neighborhood parks - the existing streets do not include curb and gutter roadway sections, and the anticipated improvements may include open channel improvements, surface area inlets, and storm drains;

Whereas, the project will connect to Knob Creek and although most of the project can be accomplished in City-owned right of way and easements, some additional acquisitions are necessary;

Whereas, the Avenue D and 14th Street Drainage project requires the acquisition of three drainage easements - this Resolution will accept the donation of one of those easements while Staff continues to seek acquisition of the remaining two easements;

Whereas, Staff recommends Council accept the donation of an approximately 0.0103-acre permanent drainage easement from Patco, LLC, which is necessary for the construction of the Avenue D and 14th Street Drainage project;

Whereas, the address of the easement is 708 East Avenue D, Temple (BellCAD ID 39550);

Whereas, the City will be responsible for future maintenance of the property and any costs associated with the closing transaction on the land which are expected to be nominal; and

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

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

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

<u>Part 2</u>: The City Council accepts the donation of an approximately 0.0103-acre permanent drainage easement from Patco, LLC, which is necessary for the construction of the Avenue D and 14th Street Drainage project.

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

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

PASSED AND APPROVED this the 17th day of May, 2018.

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



05/17/18 Item #8(G) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Justin Brantley, Assistant Director of Purchasing & Facility Services Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Clark Roofing and Construction, Inc. of Waco, in the amount of \$207,212.24 for the re-roofing at the Central Fire Station and Mayborn Convention Center.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> Authorization of this construction contract will provide for the overlay of the flat roofs of the Central Fire Station (located at 210 North 3rd Street) that were damaged as a result of a hail storm in May 2013. Insurance proceeds were received from Texas Municipal League for the hail damage to the Central Fire Station roof. In addition, this contract will provide for the removal and replacement of the upper roof system over the main hall of the Mayborn Convention Center (located at 3303 North 3rd Street).

As shown on the attached bid tabulation, on May 3, 2018, eight bids were received for the specified roofing work ranging from \$207,212.24 to \$571,057. The Invitation to Bid specified that the contract would be awarded to the contractor with the lowest responsive bid for the total compiled cost of both properties.

The lowest responsive bidder for this project is Clark Roofing and Construction, Inc. ("Clark") of Waco in the amount of \$207,212.24. Clark has not performed work for the City previously. Accordingly, references were checked by Neal Architectural Group, the design consulting for the projects, and feedback received indicates that Clark will be a responsive and responsible contractor.

Per the bid specifications, Clark will have 120 calendar days to complete the work based on a start date to be specified in a notice to proceed that will be executed by Staff.

FISCAL IMPACT: Funding for the Central Fire Station roof in the amount of \$42,458 and the Mayborn Convention Center upper roof in the amount of \$164,754 is available as shown below:

	 Fire Station 10-522-2516	Conven 240-440	ayborn ation Center 0-551-6310, ct 101057	 Total
Project Budget Encumbered/Committed to Date	\$ 48,063 (1,869)	\$	211,910 (47,156)	\$ 259,973 (49,025)
Clark Roofing - Roof Replacement	(42,458)		(164,754)	(207,212)
Remaining Project Funds	\$ 3,736	\$	-	\$ 3,736

ATTACHMENTS: Bid Tabulation

Resolution

Tabulation of Bids Received on May 3, 2018 at 2:30 p.m. Roof Replacements at the Central Fire Station and Mayborn Convention Center Bid # 24-07-18

	Bidders							
	Guest Roofing Inc.	Clark Roofing	L Wallace Construction Co., Inc.	Honey's Roofing LLC	Globus Management Group Garland, TX	Tecta America Austin, LLC Pflugerville, TX	Montgomery Construction - C.O. Montgomery Construction Services LLC Lorena, TX	Peerless Enterprises Belton, TX
Description	VV400, 17	Waco, 170	Oktanoma Oky, Ok	Howitt, TX	Ganana, 17	T Hagerville, TX	Lorena, 17	Bellon, 17
1. Furnish all supervision, labor, material, equipment, tools and necessary accessories to overlay the existing roof at the Central Fire Station per plan specifications.	\$129,659.01	\$42,458.01	\$114,521.00	\$61,072.13	\$46,840.25	\$159,445.00	\$36,736.46	\$68,250.00
2. Furnish all supervision, labor, material, equipment, tools and necessary accessories to remove and replace the existing roof at the Mayborn Convention Center per plan specifications.	\$224,477.61	\$136,000.14	\$209,593.00	\$205,980.71	\$165,771.52	\$320,356.00	\$171,896.14	\$132,500.00
2A. Related to the Mayborn Convention Center, install tapered insulation in addition to the standard insulation. Note: This line item will only e paid to the contractor if it is determined after tear-off that roof deck is not sloped	\$78,290.88	\$28,754.09	\$49,793.00	\$60,298.77	\$5,000.00	\$91,256.00	\$50,000.00	No Bid
Total Base Bid	\$432,427.50	\$207,212.24	\$373,907.00	\$327,351.61	\$217,611.77	\$571,057.00	\$258,632.60	\$200,750.00
Acknowledge Addenda (5)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Bid Bond	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Bid Requirement Affidavit	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Credit Check Authorization	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Bid deemed non-responsive as contractor did not provide a bid for line item 2A.

Recommended for Council Award

RESOLUTION NO. 2018-9132-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH CLARK ROOFING AND CONSTRUCTION, INC. OF WACO, TEXAS IN THE AMOUNT OF \$207,212.24 FOR RE-ROOFING AT CENTRAL FIRE STATION AND MAYBORN CONVENTION CENTER; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the roofs of the Central Fire Station (located at 210 North 3rd Street) and the Mayborn Convention Center (located at 3303 North 3rd Street) were damaged as a result of a hail storm in May 2013;

Whereas, insurance proceeds were received from Texas Municipal League for hail damage to the Central Fire Station Roof – both roofs are flat roofs which require overlay as well as the removal and replacement of the upper roof system over the main hall of the Mayborn Convention Center;

Whereas, on May 3, 2018, eight bids were received for the specified roofing work ranging from \$207,212.24 to \$571,057 – the bid specified that the contract would be awarded to the contractor with the lowest responsive bid for the total compiled cost of both properties;

Whereas, the lowest responsive bidder for this project is Clark Roofing and Construction, Inc. ("Clark") of Waco in the amount of \$207,212.24 - Clark has not performed work for the City previously, however, references were checked by Neal Architectural Group, the design consultant for the projects, and feedback received indicates that Clark will be a responsive and responsible contractor;

Whereas, in November 2017, Council authorized a budget adjustment in the amount of \$48,063 to appropriate insurance proceeds received from Texas Municipal League related to May 5, 2013 hail damage to the Central Fire Station roof - funding for the Central Fire Station roof overlay is available in Account No. 110-2210-522-2516;

Whereas, funding for the replacement of the roofs for the Mayborn Convention Center and Central Fire Station are available in the following accounts:

Central Fire Station: Account No. 110-2210-522-2516;

Mayborn Convention Center: Account No. 240-4400-551-6310, Project No. 101057; and

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

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

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

<u>Part 2</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a construction contract with Clark Roofing and Construction, Inc. of Waco in the amount of \$207,212.24 for the re-roofing at the Central Fire Station and Mayborn Convention Center.

<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 May, 2018.

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



05/17/18 Item #8(H) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

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

<u>ITEM DESCRIPTION</u>: Consider adopting a resolution authorizing change order #1 with Lone Star Grading & Materials, LLC, of Salado, in amount not to exceed \$37,674 for construction of the Kegley Road/FM 2305 Intersection Improvements.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In November 2015, Council authorized a professional services agreement with Kasberg, Patrick and Associates, LP, to develop intersection improvements to Kegley Road at FM 2305. Improvements include expanded pavement sections, drainage conveyance, utility adjustments, striping, signage and traffic control & sequencing. Kegley Road will gain a dedicated left-turn lane for both northbound and southbound traffic as well as increased traffic stacking in the left-turn lane. In January 2018, Council authorized a construction contract with Lone Star for \$717,702.28 for the improvements listed above.

The attached change order #1 is necessary due to unforeseen variation in field conditions for the construction of the temporary road (see Project Map). The associated costs will increase the contract price to \$755,376.28, a 5.2% increase of the original contract amount. KPA recommends the change order in their attached letter.

FISCAL IMPACT: Funding for change order #1 with Lone Star Grading & Materials, LLC in the amount of \$37,674 for construction of the Kegley Road/FM 2305 Intersection Improvements is available for project 100346 as follows:

	365-3	3400-531-6888	520-5200-535-6357		 Total	
Project Budget	\$	1,355,550	\$	110,000	\$ 1,465,550	
Encumbered/Committed to Date		(1,155,011)		(84,724)	(1,239,735)	
Lone Star Grading & Materials, LLC Change Order #1		(37,674)			(37,674)	
Remaining Project Funds	\$	162,865	\$	25,276	\$ 188,141	

ATTACHMENTS:

Engineer's Letter of Recommendation Project Map Change Order Form Resolution



KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS Texas Firm F-510

Temple
One South Main Street
Temple, Texas 76501
(254) 773-3731

RICK N. KASBERG, P.E. R. DAVID PATRICK, P.E., CFM THOMAS D. VALLE, P.E. GINGER R. TOLBERT, P.E. ALVIN R. "TRAE" SUTTON, III, P.E., CFM JOHN A. SIMCIK, P.E., CFM

Georgetown 1008 South Main Street Georgetown, Texas 78626 (512) 819-9478

May 3, 2018

Ms. Sharon D. Carlos, P.E. Project Manager City of Temple, Texas 76501

Re:

City of Temple, Texas

Kegley Road / FM 2305 Intersection Improvements

Change Order #1

Dear Ms. Carlos:

Attached is Change Order #1 for the Kegley Road / FM 2305 Intersection Improvements Project. This change order is developed for a discovered varying field condition in the construction of the temporary roadway for the project. After excavation to construct the temporary roadway to detour traffic for the project, seeps were found in the temporary construction easement developed for the temporary roadway. In addition, during the proof roll for the subgrade, it was determined the soil characteristic required additional support to maintain the temporary roadway to traffic during the construction of Kegley Road. The change order will consist of revising the temporary roadway section to 3x5 bull rock wrapped in filter fabric, installation of geogrid, six inches of flexible base and a two-course surface treatment. The total cost of the change order is \$37,674.00. Included within the change order is an additional 22 working days. In our opinion, this is a reasonable request.

We have reviewed Change Order #1 and recommend it be processed and executed with respect to the Lone Star Grading & Materials contract for the above referenced project.

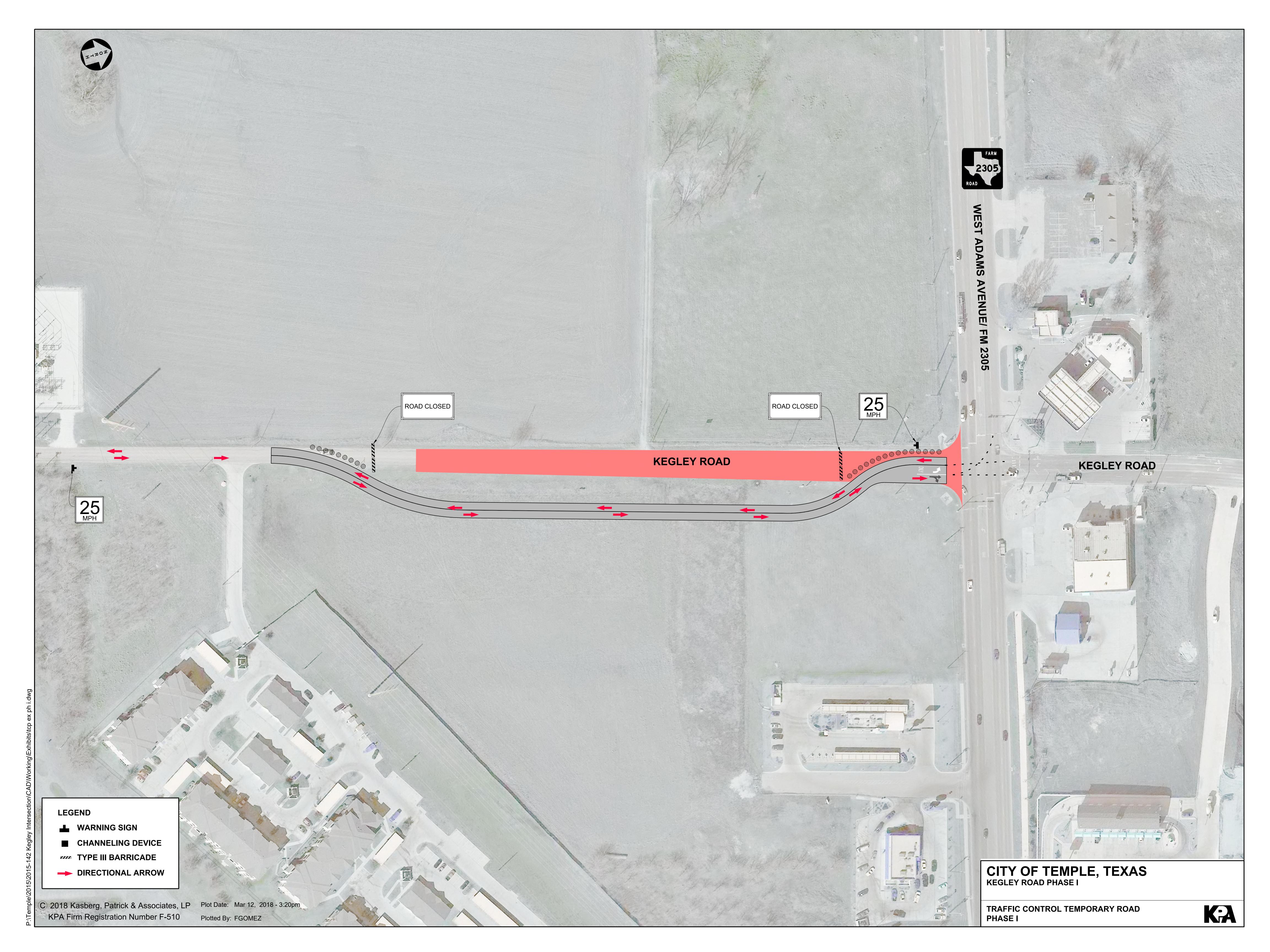
Sincerely,

R. David Patrick, P.E., CFM

RDP/rdp

xc: Mr. Chad Kiphart, Lone Star Grading & Materials

KPA Project File: 2015-142-40



CHANGE ORDER

PROJECT: Kegley Road / FM 2305 Intersection Improvements

OWNER: City of Temple

CONTRACTOR: Lone Star Grading & Materials LLC ENGINEER: Kasberg, Patrick & Associates CHANGE ORDER #: 1

Make the	following additions, modifications or deletions (bold and	underline th	ose that	apply) t	to the work de	escribed	in the Contract
Documents							
Add:	Site Work Adjustments						
Item	Description	Quantity	Unit	U	nit Price	Exte	ended Amount
34	Type II Geogrid	2600	SY	\$	1.54	\$	4,004.00
	Furnish, Install, Maintain & Remove 3x5 Bull Rock						
CO1-1	with Filter Fabric (Top & Bottom) for Temporary	2600	SY	\$	15.22	\$	39,572.00
	Roadway						
CO1-2	Furnish, Install, Maintain & Remove Temporary Two	2600	SY	\$	9.23	\$	23,998.00
CO1-2	Course Surface Treatment	2000	0.1	-			,
				A	id Total	\$	67,574.00
Delete:	Site Work Adjustments						
Item	Description	Quantity	Unit	U:	nit Price	Exte	ended Amount
	Furnish, Install, Maintain & Remove Temporary 1.5"	2.600		•	11.50		(20,000,00)
41	Type C HMAC, Incliding Required Excavation & Fill	-2,600	SY	\$	11.50	\$	(29,900.00)
				Del	ete Total	\$	(29,900.00)
			C	hange C	order Total	s	37,674.00

The compensation agreed upon in this Change Order is full, complete and final payment for all costs the Contractor may incur as a result of or relating to this change whether said costs are known, unknown, foreseen or unforeseen at this time, including without limitation, any cost for delay (for which only revised time is available), extended overhead, ripple or impact cost, or any other effect on changed or unchanged work as a result of this Change Order.

Original Contract Amount	\$	717,702.2
Previous Net Change in Contract Amount	\$	-
Net Change in Contract Amount	\$	37,674.0
Revised Contract Amount	\$	755,376.2
Original Contract Time	15) days
Previous Net Change in Contract Time) days
Net Change in Contract Time	2:	2 days
Revised Contract Time	17:	2 days
Original Final Completion Date		August 9, 2018
Revised Final Completion Date		August 31, 2018

Recommended By:	1	Recommended by:	
Manager (City Staff)	May 3,2018 Date	Architect/Engineer	5/3/12 Date
Agreed to:		Approved by City of Temple:	
1/2/20	05/03/18		
Contractor	Date	Brynn Myers, City Manager	Date
Approved as to form:		Approved by Finance Department	
City Attorney's Office	Date	Finance	Date

RESOLUTION NO. 2018-9133-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CHANGE ORDER NO. 1 TO THE CONSTRUCTION CONTRACT WITH LONE STAR GRADING & MATERIALS, LLC OF SALADO, TEXAS IN AN AMOUNT NOT TO EXCEED \$37,674, FOR CONSTRUCTION OF THE KEGLEY ROAD/FM 2305 INTERSECTION IMPROVEMENTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on November 5, 2015, Council authorized a professional services agreement with Kasberg, Patrick and Associates, LP (KPA), for services required to design, bid and construct improvements to Kegley Road at the intersection of FM 2305;

Whereas, improvements included expanding pavement sections, drainage conveyance, utility adjustments, striping, signage and traffic control & sequencing - Kegley Road will also gain a dedicated left-turn lane for both northbound and southbound traffic as well as increased traffic stacking in the left-turn lane;

Whereas, on January 18, 2018, Council authorized a construction contract with Lone Star for \$717,702.28 for construction of the Kegley Road & FM 2305 Intersection Improvements;

Whereas, Staff and KPA recommend Council approve Change Order No. 1 to the construction contract with Lone Star Grading & Materials, LLC due to unforeseen variations in field conditions for the construction of the temporary road;

Whereas, the associated costs will increase the contract price to \$755,376.28, a 5.2% increase of the original contract amount;

Whereas, funding for Change Order No. 1 is available in Account No. 365-3400-531-6888 and Account No. 520-5200-535-6357, Project No. 100346; and

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

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

- <u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.
- <u>Part 2</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute Change Order No. 1 with Lone Star Grading & Materials, LLC, of Salado, Texas in amount not to exceed \$37,674 for construction of the Kegley Road/FM 2305 Intersection Improvements.

<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 May, 2018.

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



05/17/18 Item #8(I) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

<u>ITEM DESCRIPTION</u>: Consider adopting a resolution authorizing a contract amendment with Clark & Fuller, PLLC, of Temple, in an amount not to exceed \$384,733.60 for final design and bidding phase services for Williamson Creek Trunk Sewer Improvements Phases II and III.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>ITEM SUMMARY</u>: On March 16, 2017, Council approved the Williamson Creek Trunk Sewer Improvements to complete 100% design, bidding, and construction phase services for Phase I and 30% design for Phases II and III. The trunk sewer has experienced significant aging, failures, and excessive amounts of infiltration with Phase I being the most critical to rehabilitate. See the Project Map for an illustration.

This contract amendment with Clark & Fuller is for 100% design and bidding phase services for Phases II and III. The attached proposal and project map from Clark & Fuller provides more detailed information. Staff recommends authorizing the following scope of services and fees under this contract:

Phase II (100% design):

Civil Design	\$ 195,757.47
Permanent Easements (9)	\$ 16,200.00
Temporary Construction Easements (9)	\$ 9,900.00
Bidding	\$ 3,500.00
Sub-Total	\$ 225.357.47

Phase III (100% design):

Civil Design	\$ 132,676.13
Permanent Easements (8)	\$ 14,400.00.
Temporary Construction Easements (8)	\$ 8,800.00
Bidding	\$ 3,500.00
Sub-Total	\$ 159,376.13

Phases II and III 100% Design Total \$384,733.60

Time required for 100% design of Phases II and III is 270 calendar days from Council approval. The Engineer's Opinion of Probable Cost for Phases II and III are \$3,011,653.35 and \$2,041,171.23, respectively.

<u>FISCAL IMPACT</u>: Funding for contract amendment #1 with Clark & Fuller, PLLC in the amount of \$384,733.60 for final design and bidding phase services related to Williamson Creek Trunk Sewer Improvements Phases II and III is available in account 561-5400-535-6980, project 101628, as follows:

Project Budget	\$ 3,855,379
Encumbered/Committed to Date	(655, 379)
Clark & Fuller Contract Amendment #1	(384,734)
Remaining Project Funds Available	\$ 2,815,266

The remaining project funds available are currently programmed for Phase I construction. Funding for construction of Phase II and Phase III will be included in a future phase of the Utility Capital Improvement Program.

ATTACHMENTS:

Engineer's Proposal Contract Amendment Project Map Resolution May 3, 2018

City of Temple Director of Public Works Nicole Torralva, P.E. 3210 E. Ave. H, Bldg. A Temple, TX 76501



Re: Revised Professional Services Proposal for the 2017 City of Temple Williamson Creek Trunk Sewer Improvements Phase II and Phase III - 100% Design and Bidding Services

Dear Mrs. Torralva,

We would like to thank the City of Temple for the opportunity to submit a preliminary opinion of probable cost and engineering fee proposal for the 2017 City of Temple Williamson Creek Trunk Sewer Improvements Phase II and Phase III - 100% Design and Bidding Services. (Please refer to attached maps and documents for further information).

This project shall consist of approximately 10,560 linear feet of new PVC Trunk Sewer to be designed to replace the aging Williamson Creek Trunk Sewer System located between Shell and Adams Avenues. Clark & Fuller, PLLC will complete the 100% Phase II and Phase III design and construction document preparation and provide bidding services. The proposed timeline for the project design phase is 270 calendar days from the authorization of notice to proceed.

Clark & Fuller, PLLC, hereinafter Engineer, proposes to the City of Temple, hereinafter Client, Professional Engineering Services, for the 2017 City of Temple Williamson Creek Trunk Sewer Improvements Phase II and Phase III - 100% Design and Bidding Services, for a Lump Sum Amount not to exceed \$384,733.60. We estimate the total cost of the Phase II & Phase III construction to be \$5,052,824.58. (Please refer to attached Maps, Exhibits, and the Preliminary Opinion of Probable Cost for an itemized breakdown and scope of services.)

Please contact us if you require additional information or have further questions regarding this proposal.

Sincerely.

Monty L. Clark, P.E., CPESC

EXHIBIT "A"

Professional Services Proposal for 2017 City of Temple Williamson Creek Trunk Sewer Improvements Phase II, and III - 100% Design & Bidding Services



Phase II - 100% Design Scope of Professional Services

100% Civil Engineering Design & Permitting Services:

\$ 195,757.47

- Research Existing Utilities
- Prepare 100% Design Construction Documents
- Provide Engineers Sealed Opinion of Construction Cost and Probable Days to Complete Project Construction
- Attend and Facilitate Project Coordination with the City Staff
- Provide Miscellaneous Maps and Exhibit Drawings (If required)
- Preliminary Waters of the U.S. (WOUS) Determination/Delineation
- US Army Corps of Engineers (USACE) Consultation and Authorization (Permitting)
- Preparation of City of Temple Floodplain Permit
- · Preparation of Railroad Permit

Project Bidding Phase:

3,500.00

- Prepare and Distribute Copies of Plans, Bid Schedule, and Specifications to the City of Temple Purchasing Department
- Prepare and Distribute Digital Copies of Plans, Bid Schedule, and Specifications to the City of Temple Purchasing Department
- Attend and Facilitate a Pre-Bid Meeting
- Respond to Contractors Request For Information
- Prepare and Issue Necessary Addenda
- Attendance at Bid Opening
- Review Contractor Bids for conformance to Engineers Plans
- Provide Bid Tabulation and Sealed Letter of Recommendation to Award Project
- Provide Engineers Sealed Opinion of Probable Cost and Number of Days to Construct
- Attendance at City of Temple Council Meeting for Construction Project Award

Preparation of Temporary Construction Easements, Exhibit Drawings, and Field Notes \$ 9,900.00 (We anticipate 9 Construction Easements at \$1,100.00 per Easement)

Preparation of Permanent Sanitary Sewer Easements, Exhibit Drawings, and Field Notes \$ 16,200.00 (We anticipate 9 Easements at \$1,800.00 per Easement)

Phase II Services not included as a part of this proposal:
Construction Phase Services
Daily Onsite Construction Project Representation and Inspection Services
Preparation of Enhanced Easements, Exhibit Drawings, and Field Notes

EXHIBIT "A" CONT'D

Professional Services Proposal for 2017 City of Temple Williamson Creek Trunk Sewer Improvements Phase II, and III - 100% Design & Bidding Services



Phase III - 100% Design Scope of Professional Services

100% Civil Engineering Design & Permitting Services:

\$ 132,676.13

- Research Existing Utilities
- Prepare 100% Design Construction Documents
- Provide Engineers Sealed Opinion of Construction Cost and Probable Days to Complete Project Construction
- Attend and Facilitate Project Coordination with the City Staff
- Provide Miscellaneous Maps and Exhibit Drawings (If required)
- Preliminary Waters of the U.S. (WOUS) Determination/Delineation
- US Army Corps of Engineers (USACE) Consultation and Authorization (Permitting)
- Preparation of City of Temple Floodplain Permit
- Preparation of Railroad Permit

Project Bidding Phase:

3,500.00

- Prepare and Distribute Copies of Plans, Bid Schedule, and Specifications to the City of Temple Purchasing Department
- Prepare and Distribute Digital Copies of Plans, Bid Schedule, and Specifications to the City of Temple Purchasing Department
- Attend and Facilitate a Pre-Bid Meeting
- Respond to Contractors Request For Information
- Prepare and Issue Necessary Addenda
- Attendance at Bid Opening
- Review Contractor Bids for conformance to Engineers Plans
- Provide Bid Tabulation and Sealed Letter of Recommendation to Award Project
- Provide Engineers Sealed Opinion of Probable Cost and Number of Days to Construct
- Attendance at City of Temple Council Meeting for Construction Project Award

Preparation of Temporary Construction Easements, Exhibit Drawings, and Field Notes \$8,800.00 (We anticipate 8 Construction Easements at \$1,100.00 per Easement)

Preparation of Permanent Sanitary Sewer Easements, Exhibit Drawings, and Field Notes \$ 14,400.00 (We anticipate 8 Easements at \$1,800.00 per Easement)

Phase III Services not included as a part of this proposal: Construction Phase Services Daily Onsite Construction Project Representation and Inspection Services Preparation of Enhanced Easements, Exhibit Drawings, and Field Notes



PROFESSIONAL FEE SCHEDULE

Licensed Professional Engineer	\$ 120.00/hr.
Design Technician	\$ 70.00/hr.
CADD Technician	\$ 60.00/hr.
CADD Draftsman	\$ 50.00/hr.
Clerical	\$ 35.00/hr.
Licensed Professional Land Surveyor	\$ 105.00/hr.
Field Crew & Total Station	\$ 130.00/hr.
Survey Research and Schematic Production	\$ 90.00/hr.
Daily On-Site Inspection Services	\$ 45.00/hr.
Landscaping Designer	\$ 70.00/hr.
Expenses	Additional Cost Plus 10%



PRELIMINARY OPINION OF PROBABLE COST Williamson Creek Wastewater Replacement Project

Date: 5-03-2018

Phase II - Trunk Sewer Replacement Mobilization, Site Prep, and Traffic Control

Item Description	Unit	Unit Cost	Quantity		Total
Preperation of Right of Way and Site Cleaning	STA.	\$ 1,500.00	65	\$	97,500.00
Site Mobilization, Bonding, and Insurance	L.S.	\$ 130,000.00	100%	\$	130,000.00
Traffic Control Plan & Implementation	L.S.	\$ 27,500.00	100%	\$	27,500.00
Storm Water Prevention Polution Plan	L.S.	\$ 22,850.00	100%	\$	22,850.00
5. Bypass Pumping	L.S.	\$ 45,000.00	100%	\$	45,000.00
Sawcut, Remove, and Replace HMAC Pavement	S.Y.	\$ 45.00	990	\$	44,550.00
7. Disconnect, Cap, and Abandon Existing Utilities	L.S.	\$ 19,500.00	100%	\$	19,500.00
Demolish and Remove Existing Gravel Pavement	S.Y.	\$ 28.00	23	\$	644.00
Remove and Replace Existing Fencing	L.F.	\$ 28.00	500	\$	14,000.00
Demolish and Remove Existing Sanitary Sewer Manhole	EA.	\$ 1,750.00	14	\$	24,500.00
11. Furnish and Install New 4' Precast Manhole with Watertight Lid Assembly under 12' depth	EA.	\$ 5,285.00	1	\$	5,285.00
12. Furnish and Install New 6' Precast Manhole under 12' depth	EA.	\$ 7,500.00	7	\$	52,500.00
13. Furnish and Install New 6' Precast Manhole with Watertight Lid Assembly under 12' depth	EA.	\$ 8,250.00	11	\$	90,750.00
14. Furnish and Install New Connection to Existing Sanitary Sewer Main	EA.	\$ 3,750.00	3	\$	11,250.00
15. Furnish and Install New Internal Drop Connection	EA.	\$ 2,100.00	4	\$	8,400.00
Furnish and Install New 36" PVC Restrained Joint Sewer Main over 12' depth	L.F.	\$ 380.00	110	\$	41,800.00
17. Furnish and Install New 36" PVC Sanitary Sewer Main under 12' depth	L.F.	\$ 295.00	6300	\$1	.858,500.00
18. Furnish and Install New 48" Steel Encasement via Bore	L.F.	\$ 585.00	80	\$	46,800.00
19. Testing per COT & TCEQ Requirements	L.S.	\$ 32,500.00	100%	\$	32,500.00
20. Trench Safety Plan and Implementation	L.S.	\$ 45,000.00	100%	\$	45,000.00

SUBTOTAL: \$2,618,829.00

15% CONSTRUCTION CONTINGENCY: \$ 392,824.35

TOTAL CONSTRUCTION: \$3,011,653.35

PHASE II - 30% DESIGN AND PROFESSIONAL SERVICES COMPLETE SHOWN FOR INFORMATION PURPOSES ONLY NOT A PART OF THIS CONTRACT

TOPOGRAPHIC SURVEYING SERVICES: \$ 44,000.00

30% CIVIL ENGINEERING DESIGN SERVICES: \$

TOTAL 30% DESIGN AND PROFESSIONAL SERVICES: \$ 134,905.05

PHASE II - 100% DESIGN AND BIDDING SERVICES

100% CIVIL ENGINEERING DESIGN AND PERMITTING PHASE: \$ 195,757.47

PROJECT BIDDING PHASE: \$ 3,500.00

PREPARATION OF TEMPORARY CONSTRUCTION EASEMENTS (9 @ \$1,100.00 EA. AS REQUIRED): \$ 9,900.00 PREPARATION OF PERMANENT SANITARY SEWER EASEMENTS (9 @ \$1,800.00 EA. AS REQUIRED): \$ 16,200.00

TOTAL 100% DESIGN & BIDDING SERVICES: \$ 225,357.47

TOTAL CONSTRUCTION WITH PS&E: \$3,371,915.87

Not Included within this OPC:

- * Enhanced Easement Documentation
- * Easement Procurement
- * Construction Services

5/3/2018



PRELIMINARY OPINION OF PROBABLE COST Williamson Creek Wastewater Replacement Project

Date: 5-03-2018

Phase III

MONTY L. CLARK

Mobilization, Site Prep, and Traffic Control

Item Description Preperation of Right of Way and Site Clearing Site Mobilization, Bonding, and Insurance Traffic Control Plan & Implementation Storm Water Prevention Polution Plan Bypass Pumping Sawcut, Remove, and Replace HMAC Pavement Disconnect, Cap, and Abandon Existing Utilities Sawcut, Remove, and Replace Reinforced Concrete Sawcut, Remove, and Replace Existing Curb and Gutter Remove and Replace Existing Fencing Demolish and Remove Existing Sanitary Sewer Manhole Furnish and Install New 6' Precast Manhole under 12' depth Furnish and Install New 6' Precast Manhole with Watertight Lid Assembly under 12' depth Furnish and Install Connection to Existing Sanitary Sewer Main	Unit STA. L.S. L.S. L.S. S.Y. L.F. L.F. EA. EA. EA.	\$ Unit Cost 1,500.00 125,114.00 25,000.00 21,250.00 47,500.00 45.00 24.00 28.00 1,750.00 8,250.00 1,500.00 8,250.00 14,000.00 3,750.00	Quantity 45 100% 100% 100% 100% 500% 5 40 500 9 3 7 2 7	***************	Total 67,500.00 125,114.00 25,000.00 21,250.00 47,500.00 3,532.50 17,750.00 325.00 960.00 14,000.00 15,750.00 22,500.00 28,000.00 26,250.00
15. Furnish and Install New 6' Precast Manhole with Watertight Lid Assembly over 12' depth	EA.	\$ 14,000.00	7 2 7 4150 100% 100%	\$	28,000.00

15% CONSTRUCTION CONTINGENCY: \$ 266,239.73

TOTAL CONSTRUCTION: \$2,041,171.23

SUBTOTAL: \$1,774,931.50

PHASE III - 30% DESIGN AND PROFESSIONAL SERVICES SHOWN FOR INFORMATION PURPOSES ONLY NOT A PART OF THIS CONTRACT

> TOPOGRAPHIC SURVEYING SERVICES: \$ 33,000.00

30% CIVIL ENGINEERING DESIGN SERVICES: \$ 55,009.47

TOTAL 30% DESIGN AND PROFESSIONAL SERVICES: \$ 88,009.47

PHASE III - 100% DESIGN AND BIDDING SERVICES

100% CIVIL ENGINEERING DESIGN AND PERMITTING PHASE: \$ 132,676.13

PROJECT BIDDING PHASE: \$

3,500.00 PREPARATION OF TEMPORARY CONSTRUCTION EASEMENTS (8 @ \$1,100.00 EA. AS REQUIRED): \$ 8,800.00 PREPARATION OF PERMANENT SANITARY SEWER EASEMENTS (8 @ \$1,800.00 EA. AS REQUIRED): \$ 14,400.00

TOTAL 100% DESIGN AND PROFESSIONAL SERVICES: \$ 159,376.13

TOTAL CONSTRUCTION WITH PS&E: \$2,288,556.82

Not Included within this OPC:

* Enhanced Easement Documentation

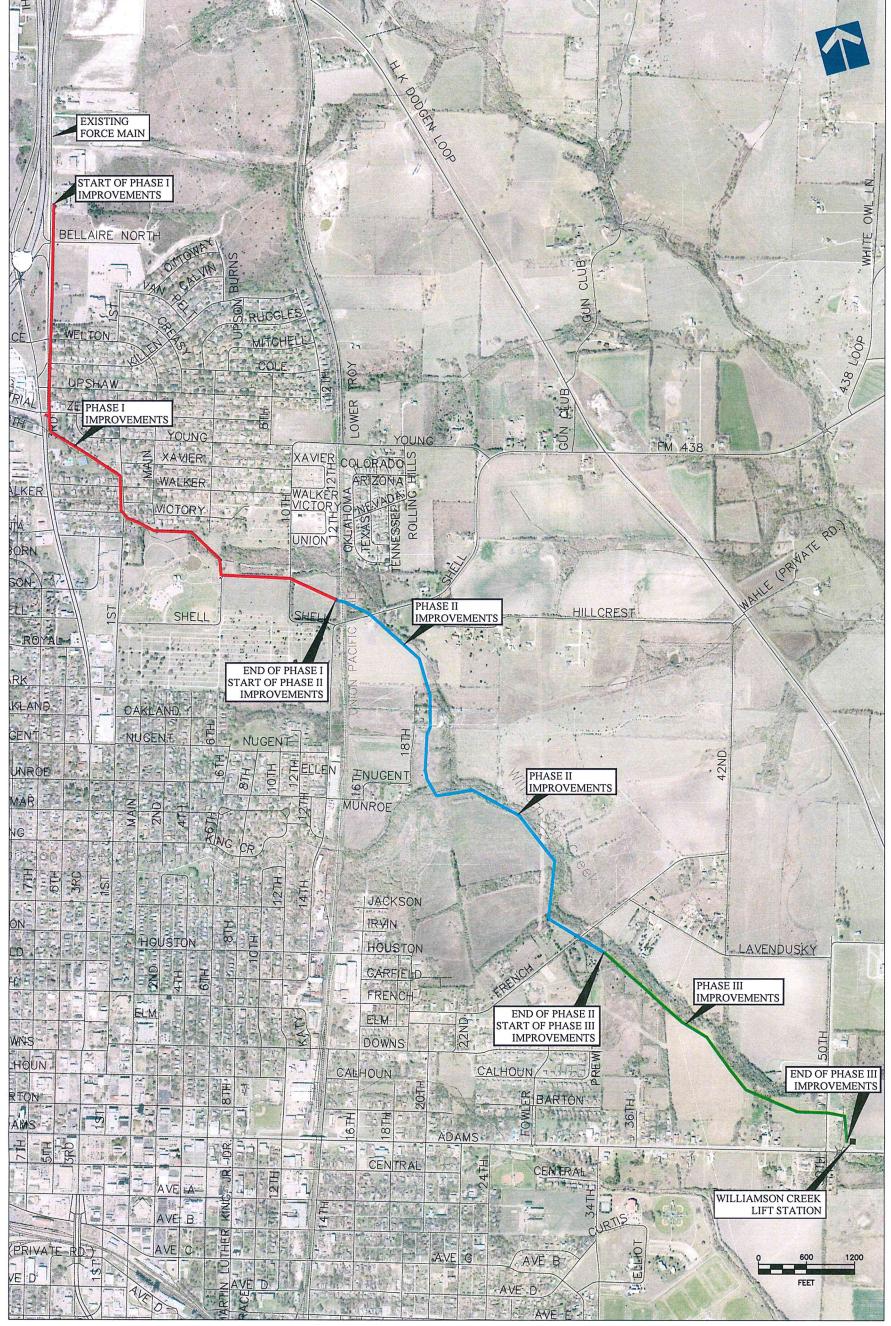
* Easement Procurement

* Construction Services

5/3/2018

CONTRACT AMENDMENT (Professional Service Agreements)

OWNER: City of Temple ARCHITECT/ENGINEER: Clark & Fuller AMENDMENT #: 1				
Make the following additions, modifications or deletions to the work described in the Contract Documents:				
100% design and bidding phase services for Williamson Creek Trunk Sewer Phases II and III.				
The Compensation agreed upon in this Contract Amendment is the full, complete and final payment for all costs the Architect or Engineer may incur as a result of or relating to this amendment whether said costs are known, unknown, foreseen or unforeseen at this time, including without limitation, any cost for delay (for which only revised time is available), extended overhead, ripple or impact cost, or any other effect on changed or unchanged work as a result of this Contract Amendment.				
Original Contract Amount: Previous Net Change in Contract Amount: Amount This Amendment: Revised Contract Amount: Original Contract Completion Date: Revised Contract Completion Date:	\$ 655,378.87 \$ -0- \$ 384,733.60 \$ 1,040,112.47			
Recommended by: MAY 3, 2918 Project Manager Date Approved by City of Temple:	Agreed to: S-3 8 Architect or Engineer Date Approved as to form:			
Brynn Myers, City Manager Date	City Attorney's Office Date Approved by Finance Department:			
	Finance Date			



WILLIAMSON CREEK TRUNK SEWER IMPROVEMENTS









RESOLUTION NO. 2018-9134-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH CLARK & FULLER, PLLC OF TEMPLE, TEXAS, IN AN AMOUNT NOT TO EXCEED \$384,733.60, FOR FINAL DESIGN AND BIDDING PHASE SERVICES FOR THE WILLIAMSON CREEK TRUNK SEWER IMPROVEMENT PROJECT, PHASES II AND III; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on March 16, 2017, Council approved the Williamson Creek Trunk Sewer Improvements to complete 100% design, bidding, and construction phase services for Phase I and 30% design for Phases II and III;

Whereas, the trunk sewer has experienced significant aging, failures, and excessive amounts of infiltration with Phase I being the most critical to rehabilitate;

Whereas, Staff recommends Council authorize a contract amendment with Clark & Fuller for 100% design and bidding phase services for Phases II and III in an amount not to exceed \$384,733.60;

Whereas, funding for this contract amendment is available in Account No. 561-5400-535-6980, Project No. 101628; and

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

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

- <u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.
- <u>Part 2</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a contract amendment to the professional services agreement with Clark & Fuller, PLLC of Temple, Texas, in an amount not to exceed \$384,733.60, for final design and bidding phase services for Williamson Creek Trunk Sewer Improvements Phases II and III.
- <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 May, 2018.

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



COUNCIL AGENDA ITEM MEMORANDUM

05/17/18 Item #8(J) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary Kayla Landeros, City Attorney

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing an interlocal agreement with the Texas Department of State Health Services for the provision of on-line computer services including access to Texas Electronic Registration Remote System for vital records through August 31, 2023.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>ITEM SUMMARY</u>: For several years, the City Secretary's Office has been utilizing certain online services provided by the Texas Department of State Health Services ("DSHS"). DSHS provides vital records information, including access to birth certificates for births outside of the City. The current agreement between the City and DSHS regarding these will expire in August, 2018.

In March 2015, the City Council adopted an amendment to the DSHS agreement that added a "Data Use Agreement" through which the City must agree to follow certain procedures when handling confidential information obtained through DSHS.

FISCAL IMPACT: Funding is available as allocated in the FY2018 Operating Budget in the amount of \$8,000 in account 110-1400-511-2623.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2018-9135-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR ONLINE COMPUTER SERVICES, INCLUDING ACCESS TO TEXAS ELECTRONIC REGISTRATION REMOTE SYSTEM FOR VITAL RECORDS THROUGH AUGUST 31, 2023; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, for several years, the City Secretary's Office has been utilizing online services provided by the Texas Department of State Health Services ("DSHS") which provides vital records information, including access to birth certificates for births outside of the City;

Whereas, the City Council adopted an amendment to the DSHS agreement that added a "Data Use Agreement" through which the City must agree to follow certain procedures when handling confidential information obtained through DSHS;

Whereas, the current agreement between the City and DSHS expires August 31, 2018 and Staff recommends Council authorize an Interlocal Agreement with the Texas Department of State Health Services for the provision of online computer services including access to Texas Registration Remote System for vital records through August 31, 2123, in the amount of \$8,000;

Whereas, funding for this agreement is available in the fiscal year 2018 Operating Budget in Account No. 110-1400-511-2623 for; 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:

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

<u>Part 2:</u> The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute an Interlocal Agreement with the Texas Department of State Health Services for online computer services including access to Texas Registration Remote System for vital records through August 31, 2023, in the amount of \$8,000.

<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 May, 2018.

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



COUNCIL AGENDA ITEM MEMORANDUM

05/17/18 Item #8(K) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

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

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> Morris & Pursley Financial Plans is owned and operated by Jack M. Morris and Melissa K. Pursley and they currently occupy Suite 310 at the Temple Public Library. Mr. Morris and Ms. Pursley have requested a two year extension to their current lease which will run from May 1, 2018 to April 30, 2020. Morris & Pursley will pay \$625.10 per month in rent (0.94 per sq ft).

FISCAL IMPACT: Annual lease revenue from Morris & Pursley Financial Plans of \$7,501.20 will be deposited into account 110-0000-461-0937, Library Building Rental.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2018-9136-R

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

Whereas, Morris & Pursley Financial Plans is owned and operated by Jack M. Morris and Melissa K. Pursley and they currently occupy Suite 310 at the Temple Public Library;

Whereas, Mr. Morris & Ms. Pursley have requested a two-year extension to their current lease agreement which will run from May 1, 2018 to April 30, 2020 at the rental rate of 0.94 per square foot (\$625.10 per month);

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

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

Whereas, the City will receive annual rent in year one of \$7,501.20, and those funds will be deposited into Account No. 100-0000-461-0937; and

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

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

- <u>Part 1</u>: 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 a two-year lease agreement with Morris & Pursley Financial Plans, for lease of space in the E. Rhodes and Leona B. Carpenter Foundation Building (the Temple Public Library).
- <u>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 May, 2018.

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



COUNCIL AGENDA ITEM MEMORANDUM

05/17/18 Item #8(L) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tammy Lyerly, Senior Planner

<u>ITEM DESCRIPTION:</u> SECOND READING: Consider adopting an ordinance authorizing the annexation of 1.310 acres of land out of the William Gilmore Survey, Abstract No.339, Bell County, Texas, in the extraterritorial jurisdiction of the City of Temple, Bell County, Texas, located at 2391 FM 1237.

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

ITEM SUMMARY: Janet Clark filed a petition on January 18, 2018, seeking voluntary annexation of 1.310 acres into the City of Temple. Ms. Clark purchased this 1.310-acre tract from Royce and Diane Oliver, whose 12.64-acre tract is subject to a 2008 development/non-annexation agreement. The purchase of the 1.310 acres and a proposed manufactured home triggers a plat and per the development agreement, voluntary annexation.

Voluntary annexation is governed by Section 43.028 of the Texas Local Government Code and applies only to the annexation of an area that is:

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

Pursuant to Chapter 43 of the Local Government Code, the City has completed the following steps during the annexation process:

- 1. February 15, 2018 City Council resolution adopted to direct staff to develop the Municipal Service Plan
- 2. April 5, 2018 Municipal Service Plan Public Hearing #1
- 3. April 6, 2018 Municipal Service Plan Public Hearing #2

FISCAL IMPACT: The Municipal Service Plan does not contain any proposal to extend water or wastewater services to the area, or any other new physical facilities to serve this small tract.

05/17/18 Item #8(L) Consent Agenda Page 2 of 2

ATTACHMENTS:

Annexation Vicinity Map
Municipal Service Plan
Voluntary Annexation Letter
Field Notes of Proposed Annexation Area (Exhibit A)
Survey of Proposed Annexation Area (Exhibit B)
Voluntary Annexation Schedule
Ordinance

Temple Web Map





CITY OF TEMPLE ANNEXATION SERVICE PLAN—VOLUNTARY ANNEXATION 2391 FM 1237

For 1.310 acres of land out of the William Gilmore Survey, Abstract No.339, Bell County, Texas, located at 2391 FM 1237, a state maintained roadway, and being more particularly described as Exhibit "A" (Field Notes) and depicted as Exhibit "B" (Survey) of the Annexation Ordinance (2018-####).

SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF ANNEXATION

POLICE PROTECTION

The City will provide protection to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City, with the same or similar topography, land use and population density.

FIRE PROTECTION AND AMBULANCE SERVICE

The City will provide fire protection to the newly-annexed area at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density. The City will provide First Responder services through its Fire Department and contract for emergency medical services (EMS) through **American Medical Response dba Temple EMS**.

3. SOLID WASTE COLLECTION

Upon payment of any required deposits and the agreement to pay lawful service fees and charges, solid waste collection will be provided to the newly-annexed area to the extent that the City has access to the area to be serviced. Private contractors currently providing sanitation collecting services in the area may continue to do so for up to two years.

4. MAINTENANCE OF WATER AND WASTEWATER FACILITIES

Any and all water or wastewater facilities owned or maintained by the City at the time of the proposed annexation shall continue to be maintained by the City. Any and all water or wastewater facilities which may be acquired subsequent to the annexation of the proposed area shall be maintained by the City, to the extent of its ownership. Any and all water or wastewater facilities owned by other water or wastewater treatment providers shall continue to be allowed to provide those services to the newly-annexed tract.

MAINTENANCE OF ROADS AND STREETS

Any and all public roads, streets or alleyways which have been dedicated to the City, or which are owned by the City, shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas with similar topography, land use and population density. Any and all lighting of roads, streets and alleyways which may be positioned in a right-of-way, roadway or utility company easement shall be maintained by the applicable utility company servicing the City, pursuant to the rules, regulations and fees of such utility.

6. MAINTENANCE OF PUBLIC PARKS, PLAYGROUNDS AND SWIMMING POOLS

The City Council is not aware of the existence of any public parks, playgrounds or swimming pools now located in the area proposed for annexation. In the event any such parks, playgrounds or swimming pools do exist and are public facilities, the City, will maintain such areas to the same extent and degree that it maintains parks, playgrounds and swimming pools and other similar areas of the City now incorporated in the City.

7. MAINTENANCE OF MUNICIPALLY-OWNED FACILITY, BUILDING OR MUNICIPAL SERVICE

The City Council is not aware of the existence of any publicly-owned facility, building or other municipal service now located in the area proposed for annexation. In the event any such publicly-owned facility, building or municipal service does exist and are public facilities, the City will maintain such areas to the same extent and degree that it maintains publicly-owned facilities, buildings or municipal services of the City now incorporated in the City.

8. INSPECTIONS

The City will provide building inspection services upon approved building permits from the City to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

9. CODE ENFORCEMENT

The City will provide code enforcement services to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

10. MOWING

The City will provide right-of-way mowing services adjacent to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

CAPITAL IMPROVEMENTS

1. POLICE PROTECTION, FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

The City Council finds and determines it to be unnecessary to acquire or construct any capital improvements for the purposes of providing police protection, fire protection, or emergency medical services. The City Council finds and determines that it has at the present time adequate facilities to provide the same type, kind and level of protection and service which is presently being administered to other areas already incorporated in the City with the same or similar topography, land use and population density.

2. ROADS AND STREETS

The City will undertake to provide the same degree of road and street lighting as is provided in areas of the same or similar topography, land use and population density within the present corporate limits of the City. Maintenance of properly dedicated roads and streets will be consistent with the maintenance provided by the City to other roads and streets in areas of similar topography, land use

and subdivision development of the annexed property. Developers will be required, pursuant to the ordinances of the City to provide internal and peripheral streets and to construct those streets in accordance with the specifications required by the City for the properly dedicated street. City participation in capital expenditures will be in accordance with City policies.

WATER AND WASTEWATER FACILITIES

The City of Temple does not have water facilities within the boundaries of the voluntary annexation. Pendleton Water Supply Corp. CNN is the water provider for the subject property.

Currently, there are no wastewater treatment providers within the boundaries of the voluntary annexation and property owners rely on on-site sewage facilities (septic systems). Other areas of the City of Temple with similar topography, land use, and population density as those found in the boundaries of the voluntary annexation also rely on on-site sewage facilities for wastewater infrastructure. For this reason and in accordance with Local Government Code Section 43.056(g), the City proposes no extensions of wastewater facilities within the boundaries of the voluntary annexation.

4. CAPITAL IMPROVEMENTS

Notwithstanding any other provision of this service plan, a landowner within the newly annexed area will not be required to fund capital improvements as necessary for municipal services in a manner inconsistent with Chapter 395 of the Local Government Code, unless otherwise agreed to by the landowner.

SPECIFIC FINDINGS

The City Council finds and determines that this proposed Service Plan will not provide any fewer services, and it will not provide a lower level of service in the area proposed to be annexed than were in existence in the proposed area at the time immediately preceding the annexation process.

Because of the differing characteristics of topography, land utilization and population density, the service levels which may ultimately be provided in the newly annexed area may differ somewhat from services provided in other areas of the City. These differences are specifically dictated because of differing characteristics of the property and the City will undertake to perform consistent with this contract so as to provide the newly-annexed area with the same type, kind and quality of service presently enjoyed by the citizens of the City who reside in areas of the same or similar topography, land utilization and population density.

APPROVED ON THIS	DAY OF	, 2018.
	City of Temple, Texas	
	Mayor	
	ATTEST:	
	City Secretary	

VOLUNTARY PETITION FOR ANNEXATION

January 18, 2018

To the City Council of the City of Temple:

Janet S. Clark is the sole owner of a tract of land containing 1.310 Acres (hereafter called Tract), out of the William Gilmore Survey, Abstract No. 339, Bell County and more particularly described in metes and bounds prepared by Mitchell & Associates, Inc. and attached hereto and incorporated herein for all purposes for a complete legal description, does hereby petition the City Council to take appropriate action to annex said Tract pursuant to Section 43.028 of the Local Government Code.

Said Tract is less than one-half mile in width and contains 1.310 Acres of land that is contiguous to the current limits of the City of Temple and has less than three qualified voters residing on said Tract.

Janet S. Clark

STATE OF TEXAS

COUNTY OF BELL

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JANET S.CLARK, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL IF OFFICE THIS THE 17th DAY OF

NOTARY PUBLIC STATE OF TEXAS MISSOURI COUNTY OF BOOME

TIM BIRK
Notary Public - Notary Seal
State of Missouri
Boone County
My Commission Expires 06-12-2021
Commission # 17877524

FIELD NOTES for a 1.310 acre tract of land in Bell County, Texas, being part of the William Gilmore Survey, Abstract No. 339, and the land herein described being all of a called 1.31 acre tract conveyed to Janet S. Clark, of record in Document #2016-42621, Official Public Records of Real Property, Bell County, Texas (O.P.R.R.P.B.C.T.), and being more particularly described as follows:

BEGINNING at a 5/8" iron rod with cap stamped "ALL COUNTY" found on the south right-of-way line of F. M. Highway 1237 at the northeast corner of said 3.1 acre tract, same being the easterly northwest corner of a called 12.64 acre tract conveyed to Royce N. Oliver and wife, Diane Oliver, of record in Volume 4774, Page 72, O.P.R.R.P.B.C.T., for the northeast corner of this tract;

THENCE S. 17° 52' 28" W., 331.30 feet, with the east line of said 3.1 acre tract and the easterly west line of said 12.64 acre tract, to a 5/8" iron rod with cap stamped "ALL COUNTY" found at the southeast corner of said 3.1 acre tract and an interior corner of said 12.64 acre tract, for the southeast corner of this tract;

THENCE N. 72° 27' 31" W., 107.46 feet, to a 5/8" iron rod with cap stamped "ALL COUNTY" found at the southwest corner of said 3.1 acre tract and an interior corner of said 12.64 acre tract, for the southwest corner of this tract;

THENCE N. 14° 03' 20" W., 156.08 feet, with the southwest line of said 3.1 acre tract and a northeast line of said 12.64 acre tract, to a 5/8" iron rod with cap stamped "ALL COUNTY" found at an angle corner of said 3.1 acre tract and an interior corner of said 12.64 acre tract, for an angle corner of this tract;

THENCE N. 17° 53' 13" E., 194.18 feet, with the west line of said 3.1 acre tract, to a 5/8" iron rod with cap stamped "ALL COUNTY" found on the south right-of-way line of F. M. Highway 1237 at the northwest corner of said 3.1 acre tract, same being the westerly northeast corner of said 12.64 acre tract, for the northwest corner of this tract;

THENCE S. 73° 43' 05" E., 190.04 feet, with the south right-of-way line of F. M. Highway 1237 and the north line of said 3.1 acre tract, to the POINT OF BEGINNING and containing 1.310 acres of land.

The bearings for the above description are grid bearings based on the Texas Coordinate System, Central Zone, NAD 83 (CORS 96) as determined by Leica Texas SmartNet GPS observations.

See accompanying drawing.

STATE OF TEXAS KNOW ALL MEN BY THESE PRESENTS, that I, Rex D. Haas,

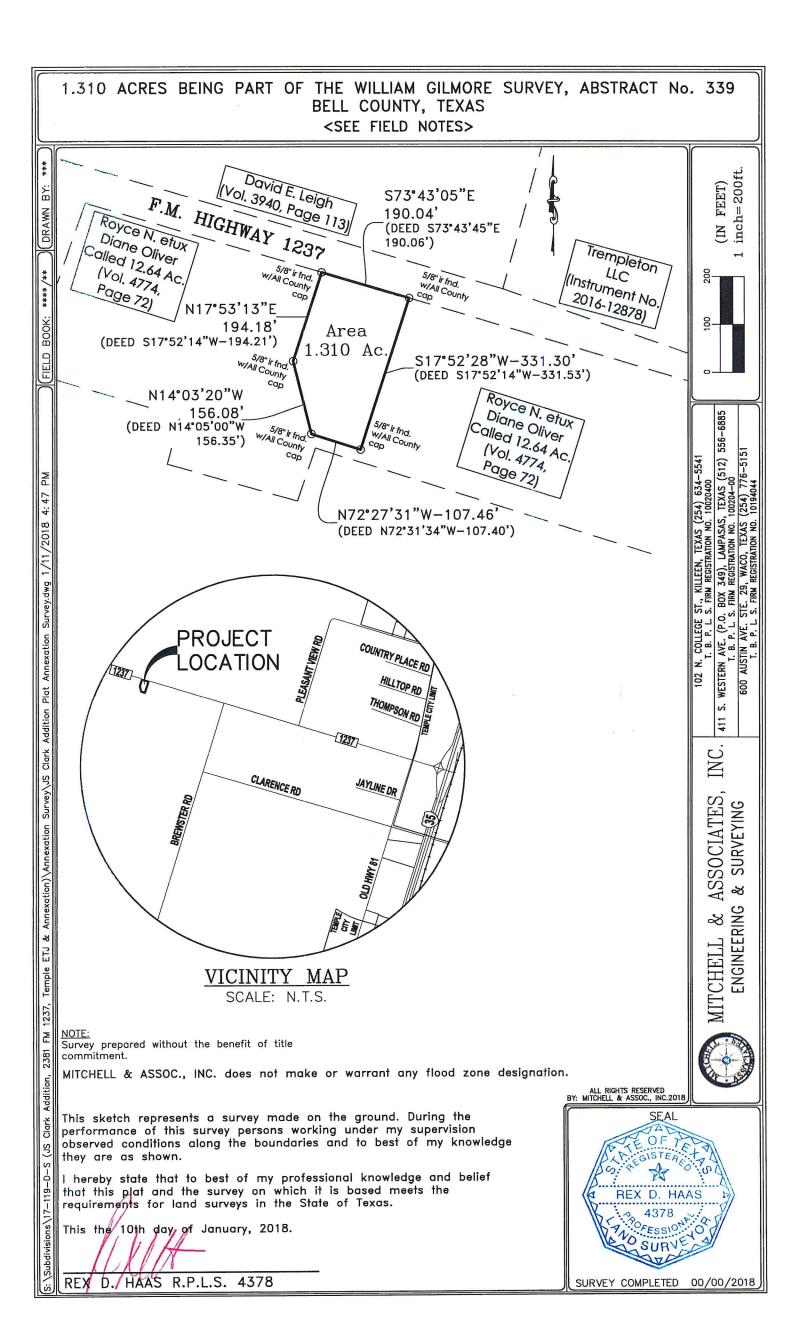
Registered Professional Land Surveyor, do hereby certify that the above described tract was surveyed on the ground and that this description is true and correct to the best of my knowledge and belief. Survey completed on the ground in December, 2017.

COUNTY OF BELL

IN WITNESS THEREOF, my hand and seal this the 10th day of January, 2018.

Rex D. Haas Registered Professional Land Surveyor, No. 4378





SCHEDULE Voluntary Annexation – 1.310 Acres (Janet Clark)

DATE	ACTION	TIME LIMIT/NOTES
01-18-18	CITY RECEIVES PETITION of landowner to	N/A
	annex area adjacent to city limits; fewer than	
	3 qualified voters reside in the area.	
02-15-18	COUNCIL ADOPTS RESOLUTION	1. Hear and grant or deny petition
Regular Meeting	1. Granting petition (28th day after petition	after the 5 th day, but on or before the
	filed);	30 th day after petition is filed.
	2. Directing staff to develop service plans;	2. Council must direct Staff to
	and	develop the services plan before
	3. Setting dates, times, places for public	publication of notice of 1st hearing
	hearings	required under § 43.063 LGC.
00.00.10	CITY CEOPETA BY MATIC MOTIOES TO	§ 43.065 LGC
03-02-18	CITY SECRETARY MAILS NOTICES TO	Before the 30 th day before the date of
	Property owners Public and private continue antition	the first hearing required under
	Public and private service entities Railroads	§ 43.063. § 43.062(b) LGC
	35th day before 1 st public hearing	
03-19-18	CITY SECRETARY SENDS NOTICE TO	Within the period prescribed for
05-19-10	Public school districts located in annexation	publishing the notice of the 1st
	area	hearing under § 43.063 LGC
	17th day before 1 st public hearing	Treating arract 3 151005 EGG
03-18-18	CITY SECRETARY PUBLISHES NOTICES	Publish hearing notice on or after the
	FOR PUBLIC HEARINGS ON ANNEXATION	20 th day but before the 10 th day
	Posts notice on City web site	before the date of the hearing
	Publishes notice in Telegram	§ 43.063(c)LGC
	18 th day before 1 st public hearing	
	19 th day before 2 nd public hearing	
03-28-18	RESIDENTS' LAST DAY TO FILE PROTEST	Hold one hearing in area proposed for
	10 th day after publication of hearing notice	annexation if more than 10% of
		adults who are permanent residents
		of area file written protest within 10
		days after publication of notice.
04-05-18	COUNCIL HOLDS 1st PUBLIC HEARING	§ 43.063(b) LGC Hold hearings on or after the 40 th day
Regular meeting	Staff presents service plan	but before the 20 th day before the
Regular infecting	28th day before 1 st reading of ordinance	date of institution of annexation
	20th day before 1 reading of ordinance	proceedings with 1st reading of
		ordinance. § 43.063(a) LGC.
04-06-18	COUNCIL HOLDS 2 nd PUBLIC HEARING	Hold hearings on or after the 40 th day
Special meeting	Staff presents service plan	but before the 20 th day before the
	27th day before 1 st reading of ordinance	date of institution of annexation
		proceedings with 1st reading of
		ordinance. LGC § 43.063(a)
05-03-18	COUNCIL CONSIDERS ANNEXATION	First reading institutes proceedings
Regular Meeting	ORDINANCE ON 1 ST READING & HOLDS	for purposes of statutory time limits.
	PUBLIC HEARING	
0E 17 10	COUNCIL CONCIDEDS ANNIVATION	Complete approvation proceedings
05-17-18 Regular Meeting	COUNCIL CONSIDERS ANNEXATION ORDINANCE ON 2 ND READING	Complete annexation proceedings within 90 days from 1 st reading.
Regulai Meeling	14 th day from 1 st reading	§ 43.064(A) LGC.
	114 uay ITUITI TEauIIIY	g +3.004(A) LGC.

DATE	ACTION	TIME LIMIT/NOTES
	INFORMATION TECHNOLOGY SERVICES PREPARES AMENDED CITY MAP	
	Amended City limit boundary Amended City ETJ boundary	

CITY SECRETARY SENDS NOTICES TO:	
TEXAS SECRETARY OF STATE 1. Copy of annexation ordinance 2. Annexation map 3. Statement that annexation is not involved in any litigation	Secretary of State certifies to U. S. Department of Commerce that annexation was valid. [No citation found.]
VOTER REGISTRAR FOR BELL COUNTY 1. Map in format compatible with mapping format used by registrar's office.	Not later than the 30 th day after the date the change is adopted. § 42.0615 Election Code The County Election Administrator is the Voter Registrar for Bell County.
STATE COMPTROLLER, SALES TAX DIVISION 1. Annexation ordinance 2. Map showing whole municipality	§ 321.102 Tax Code Delivery of notice affects implementation of tax collection.
BELL COUNTY CLERK 1. Certified copy of annexation ordinance including legal description of annexed area.	Within 30 days after obtaining preclearance for the annexation under the Federal Voting Rights Act. § 41.0015 LGC
BELL COUNTY CLERK 1. Certified copy of annexation ordinance 2. Copy of petition	For annexation of Sparsely Occupied Area on Petition of Area Landowners § 43.028(f)
PUC AND FRANCHISEES Utility, telecommunication, transportation, and EMS providers	
TxDOT If state road is affected. TEXAS COMMISSION ON FIRE	[No citation found. No information
PROTECTION U. S. BUREAU OF THE CENSUS	found on Commission's web site.] [Or does SOS notify Bureau of the
	Census?]

CITY ATTORNEY SENDS INFORMATION	If annexation affects Corps' property.
TO U. S. ARMY CORPS OF ENGINEERS:	Army Regulation 405-25
1. Ordinance	
2. Map	
3. Service plan	
4. Copies of pertinent laws /regulations	

ORDINANCE NO. 2018-4912

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, ANNEXING APPROXIMATELY 1.310 ACRES OF LAND OUT OF THE WILLIAM GILMORE SURVEY, ABSTRACT NO. 339, IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF TEMPLE, BELL COUNTY, TEXAS, LOCATED AT 2391 FM 1237; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Janet Clark filed a petition on January 18, 2018 seeking voluntary annexation of approximately 1.310 acres into the City of Temple - Ms. Clark purchased this approximately 1.310-acre tract from Royce and Diane Oliver, whose 12.64-acre tract is subject to a 2008 development/non-annexation agreement;

Whereas, Janet Clark's purchase of the approximately 1.310 acres and a proposed manufactured home triggers a plat and per the development agreement, voluntary annexation;

Whereas, voluntary annexation is governed by Section 43.028 of the Texas Local Government Code and applies only to the annexation of an area that is:

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

Whereas, pursuant to Chapter 43 of the Local Government Code, Council adopted a resolution directing City staff to create a Municipal Service Plan on February 15, 2018, and subsequently held public hearings to consider the annexation of the subject property at City Council meetings held on April 5, 2018 and April 6, 2018; and

Whereas, the City Council has considered these matters and deems it in the public interest to authorize these actions.

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

- <u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.
- <u>Part 2</u>: The property consisting of approximately 1.310 acres of land out of the William Gilmore Survey, Abstract No. 339, in the extraterritorial jurisdiction of the City of Temple, Bell County, Texas, and located at 2391 FM 1237, described in Exhibit 'A' attached hereto, is hereby annexed and brought within the corporate limits of the City of Temple, Bell County, Texas, and is made an integral part thereof.
- <u>Part 3</u>: The service plan submitted in accordance with Chapter 43 of the Texas Local Government Code is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "B."

- <u>Part 4</u>: The official map and boundaries of the City of Temple are hereby amended so as to include the annexed Property as part of the City of Temple.
- <u>Part 5</u>: The annexed Property shall be zoned at a future date, in compliance with the Zoning Ordinance of the City of Temple.
- **Part 6**: The annexed Property shall be included in, and become a part of, the City of Temple City Council Election District Number 4.
- <u>Part 7</u>: If the taking of any territory annexed by this Ordinance is declared by a court of competent jurisdiction to be invalid and/or illegal, it shall not affect the balance of the property annexed and attempted to be annexed, and that property shall remain as part of the City of Temple, Texas. It is the intent of this Ordinance that any territory that is not lawful for the City to incorporate be excluded from this annexation and that such exclusion be documented by having a qualified surveyor correct the property description of the annexed area to conform to the Council's intention and to ensure that the boundary description closes.
- <u>Part 8</u>: Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid phrase, clause, sentence, paragraph or section.
- <u>Part 9</u>: Effective Date. This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.
- <u>Part 10</u>: Open Meetings. 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.

PASSED AND APPROVED on First Reading and Public Hearing on the 3^{rd} day of May, 2018.

PASSED AND APPROVED on Second and Final Reading on the 17th day of May, 2018.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST: APPROVED AS TO FORM:

Lacy Borgeson Kayla Landeros
City Secretary City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/17/18 Item #8(M) Consent Agenda Page 1 of 4

DEPT. / DIVISION SUBMISSION & REVIEW:

Mark Baker, Senior Planner

<u>ITEM DESCRIPTION:</u> SECOND READING – FY-18-1-SITE: Consider adopting an ordinance authorizing amending Ordinance 2017-4870 for a Planned Development Development/ Site Plan with a 1500 square foot building, located on Lot 1, Block 1, Cox Center subdivision, addressed as 830 FM 2271.

The applicant, Michael Cox, on behalf of Boston Properties, requests Development/ Site Plan approval for a proposed barber shop, as required by the rezoning ordinance (Ordinance 2017-4870) approved by City Council on October 5, 2017, on the approximately 0.326 +/- acre, eastern portion of this 1.012 +/- acre Planned Development-zoned property.

Per Ordinance 2017-4870, the proposed development must comply with the following conditions:

- 1. Submittal for review and consideration of a Development/ Site Plan by the Planning & Zoning Commission and City Council;
- 2. Development of the property shall be limited to detached single-family residences, beauty salon, barber shop or other similar types of personal services and general office uses;
- 3. A 15-foot perimeter buffer and screening strip consisting of a combination of existing trees, solid fencing ranging between six to eight foot high and new plantings reviewed at the time of public Development/ Site Plan review;
- 4. Maximum building height of 25 feet;
- 5. Residential appearance to buildings with pitched roofs, windows, foundation plantings and brick/masonry facades;
- 6. Freestanding signs with a maximum 10 feet in height and limited to external illumination; and
- 7. Lighting shall be shielded using full-cutoff fixtures to prevent light trespass to neighboring properties.

At this stage, while staff has confirmed compliance with Conditions 1 through 5, conditions 6 & 7 will be confirmed with the review of building plans and sign application.

STAFF RECOMMENDATION: While the above referenced conditions of Ordinance 2017-4870 are still in effect, staff recommends approval of amending Ordinance 2017-4870 with the following additional Development/ Site Plan condition:

 That the Director of Planning, with consultation as needed by the Design Review Committee (DRC), may be authorized to approve minor changes to the Development/ Site Plan which include but not limited to: overall lot layout, landscaping, exterior building elevations/ materials, parking configuration, buffering and screening materials, in compliance with minimum UDC development standards.

<u>PLANNING & ZONING COMMISSION RECOMMENDATION:</u> At their April 2, 2018 meeting the Planning & Zoning Commission voted eight to zero per staff's recommendation to recommend approval.

The proposed development is summarized in more detail as follows:

SUBDIVISION PLAT: A one-lot, one-block subdivision plat named Cox Center has been reviewed by the City's Design Review Committee and was recorded by Bell County on February 1, 2018.

<u>DRC REVIEW:</u> The DRC reviewed the Development/ Site Plan on March 19, 2018. It was discussed that a minimum 13' 6" vertical clearance is required for vegetation along access driveways. This is a requirement of Chapter 12, Section 13, of the City Code of Ordinances. The site plan does reference the requirement for the vegetative clearance. No other issues were identified.

<u>SITE PLAN:</u> The site plan shows a 30-foot by 50-foot (1500 square foot building footprint proposed on the eastern half of the subject property. The face of the building is shown setback approximately 103 feet from the right-of-way of FM 2271 with provisions for parking, on-site maneuverability, landscaping and signage. The applicant has indicated that while the site plan shows the access gate to the adjacent property, the gate will not be physically added until development of the western-most property (850 FM 2271) is developed.

BUILDING ELEVATIONS / MATERIALS / ROOF: The building elevations are proposed with a combination of metal siding and stone. The eastern-facing elevation (front) will contain more than 70% stone to a wall height of 7' 10". Stone-wainscot will wrap around and extend back approximately 15 feet to a height of three feet along the south wall elevation only. The applicant has agreed to enhance landscaping consisting of trees and shrubs on the north side to meet the screening and buffering requirement and therefore is the basis for staff's support of not requiring masonry on the north side. Front elevations (East) are accented with four, 10-foot high cedar post, supporting a five foot overhang and covered walkway. The front elevation is finished with door and window treatments giving a residential appearance overall. Stone will be provided to a height of 7' 2" along the entire length of the front elevation. The roof material is proposed with a PBR 26Ga Galvalum metal panel, a form of galvanized metal roofing similar to standing seam.

<u>PARKING:</u> An asphalt surfaced parking area providing 10 parking spaces is proposed at a rate of one space per 150 square feet of gross floor area. The number of spaces exceeds the UDC requirement of one space per 250 square feet of gross floor area required of most retail and service uses. The site plan is dimensioned and provides the minimum dimensions for circulation and parking

LANDSCAPING: Site landscaping consists of the preservation of existing trees as well as proposed, shrubs, grass and rock-work. A legend is shown on the site plan for the proposed shrubs varying between three and five gallon sizes and include Dwarf Buford Holly, Crepe Myrtles, Red Tip Photinia and the Mountain Laurel. The listed plant materials are acceptable as identified in UDC Section 7.4. Several of the Red Tip Photinia may be better suited at an alternative location than adjacent to the rock garden. Staff will work with the applicant at the time of building plan review for more suitable locations on the subject property.

SCREENING & BUFFERING: Screening and buffering will be provided by the combination of existing trees, proposed enhancement of landscaping as well as proposed fencing. While an existing six foot high solid wood fence is present along the north property boundary it is not counted toward compliance. Buffering and screening will be satisfied by the landscaping alone and as stated earlier, the applicant has agreed to enhance landscaping along the northern property line with trees and shrubs to satisfy this requirement. It is noteworthy however, that the existing six foot fence will help to screen. A new six foot wood privacy fence is proposed along the western property line between 830 & 850 FM 2271 and a new six foot high wood privacy fence is proposed along approximately 90 feet of the southern property boundary. Along with the proposed privacy fences, a 20-foot gate will provide access as well as provide additional security between 830 & 850 FM 2271. The gate however will not be installed by the property owner until the western-most property at 850 FM 2271 is developed.

SIGNAGE: The site plan shows a proposed eight foot x five foot (40 Square Feet) monument sign. The sign is shown located approximately 55-feet from the front property line. As required by Ordinance 2017-4870, the sign cannot exceed 10 feet in height and be limited to external illumination. A separate permit is required for the sign.

<u>DRAINAGE:</u> The subject property has been graded and trees and other vegetation have been cleared within the interior and portions of the perimeter boundary of the two lots. Drainage will be addressed in more detail by Public Works during the review of construction plans.

<u>PUBLIC FACILITIES:</u> Sewer is available from an eight inch sewer line within FM 2271. Water is available through a two inch water line in FM 2271. Public Works has indicated that a two inch water line is sufficient for the uses proposed by the Planned Development.

<u>ACCESS</u>: Access to 830 FM 2271 is directly from FM2271 from a driveway permitted by TxDOT. Access to the western-most portion of the property, addressed as 850 FM 2271 is provided for by a 20-foot wide asphalt driveway. Since the property is platted as one lot, under single ownership, no access easement is necessary.

TXDOT DRIVEWAY: TxDOT has confirmed that the southern-most driveway will be permitted as a 30-foot wide driveway access point to accommodate future development. Upon permit issuance, the northern driveway will be removed by TxDOT. Construction of the southern driveway will follow upon permit by the property owner of 830 FM 2271.

05/17/18 Item #8(M) Consent Agenda Page 4 of 4

<u>PUBLIC NOTICE:</u> Twenty 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 April 24, 2018 at 9:00 AM, no notices have been received.

The newspaper printed notice of the public hearing on March 15, 2018, in accordance with state law and local ordinance.

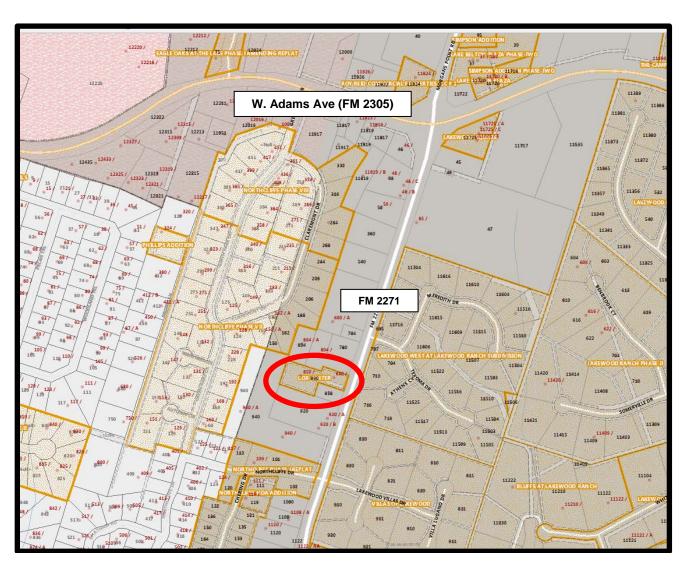
SCHOOL DISTRICT: Belton ISD

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Vicinity Map, Aerial Map & Street Photo Ordinance 2017-4870 Site Plan Building Elevations Notification Map P&Z Excerpts (April 2, 2018) Ordinance

Vicinity Map, Aerial Map & Street View Photo



Vicinity Map (City of Temple GIS Maps)



Aerial Map



Street View: Looking westerly at 830 FM 2271

ORDINANCE NO. <u>2017-4870</u> (Z-FY-17-41)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL ZONING DISTRICT TO PLANNED DEVELOPMENT – NEIGHBORHOOD SERVICE ZONING DISTRICT ON APPROXIMATELY 1.012 ACRES, LOCATED IN THE GEORGE W. LINDSEY SURVEY, ABSTRACT NO. 513, BELL COUNTY, TEXAS, ADDRESSED AS 830 AND 850 FM 2271; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, A.C. Boston, on behalf of Boston Properties, requests the rezoning of two tracts of land, combined for approximately 1.012 acres, from Agricultural zoning district to Planned Development – Neighborhood Service zoning district for a proposed barber shop;

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, recommends approval of the rezoning from Agricultural zoning district to Planned Development – Neighborhood Service zoning district, on approximately 1.012 acres, located in the George W. Lindsey Survey, Abstract No. 513, Bell County, Texas, addressed as 830 and 850 FM 2271, Temple, Texas, with the following conditions:

- 1. Submittal of a Development/Site Plan & exterior building elevations for consideration and review by the Planning & Zoning Commission and City Council;
- 2. Development of the property shall be limited to detached single-family residences, beauty salon, barber shop or other similar types of personal services and general office uses;
- 3. A 15-foot perimeter buffer and screening strip consisting of a combination of existing trees, solid fencing ranging between 6-8-feet high, and new plantings reviewed at the time of public Development/Site Plan review;
- 4. Maximum building height of two stories (25 feet);
- 5. Residential appearance to buildings with pitched roofs, windows, foundation plantings and brick/masonry facades;
- 6. Use of stone or brick, no less than 8-feet in height from grade on the east, west and south-facing building elevations;
- 7. Freestanding signs with a maximum height of 10 feet and limited to external illumination:
- 8. Lighting must be shielded using full-cutoff fixtures to prevent light trespass to neighboring properties; 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 Council approves a rezoning from Agricultural zoning district to Planned Development Neighborhood Service zoning district, on approximately 1.012 acres, located in the George W. Lindsey Survey, Abstract No. 513, Bell County, Texas, addressed as 830 and 850 FM 2271, Temple, Texas, as outlined in the survey and field notes attached hereto as Exhibit 'A,' and made a part hereof for all purposes and subject to the following conditions:
 - 1. Submittal of a Development/Site Plan & exterior building elevations for consideration and review by the Planning & Zoning Commission and City Council;
 - 2. Development of the property shall be limited to detached single-family residences, beauty salon, barber shop or other similar types of personal services and general office uses;
 - 3. A 15-foot perimeter buffer and screening strip consisting of a combination of existing trees, solid fencing ranging between 6-8-feet high and new plantings reviewed at the time of public Development/Site Plan review;
 - 4. Maximum building height of two stories (25 feet);
 - 5. Residential appearance to buildings with pitched roofs, windows, foundation plantings and brick/masonry facades;
 - 6. Use of stone or brick, no less than 8-feet in height from grade on the east, west and south-facing building elevations;
 - 7. Freestanding signs with a maximum height of 10 feet and limited to external illumination;
 - 8. Lighting must be shielded using full-cutoff fixtures to prevent light trespass to neighboring properties; and
- <u>Part 3</u>: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.
- <u>Part 4</u>: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.
- <u>Part 5</u>: This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.
- <u>Part 6</u>: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the 21st day of September, 2017.

PASSED AND APPROVED on Second Reading on the 5th day of October, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

Kayla Landeros City Attorney

ATTEST:

Lacy Borgeson

City Secretary

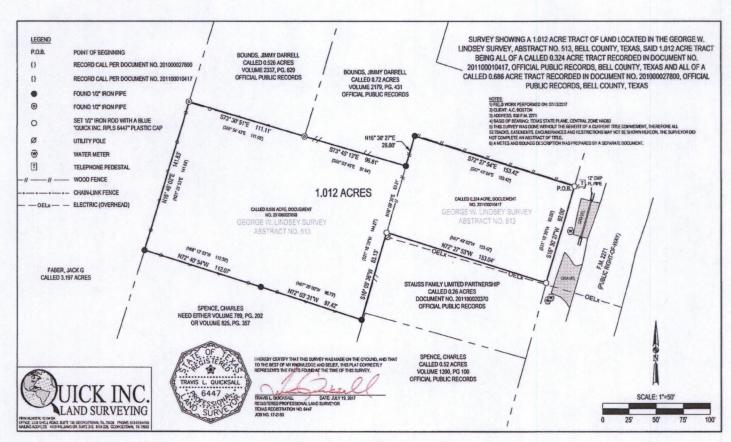


EXHIBIT A

QUICK INC. LAND SURVEYING

Office Address: 3305 Shell Rd. Suite 100, Georgetown, Texas 78628

Mailing Address: 4500 Williams Dr., Suite 212, Box 228, Georgetown, Texas 78633

Phone: 512-915-4950

FIELD NOTES FOR A 1.012 ACRE TRACT OF LAND:

BEING A 1.012 ACRE TRACT OF LAND LOCATED IN THE GEORGE W. LINDSEY SURVEY, ABSTRACT NO. 513, BELL COUNTY, TEXAS, SAID 1.012 ACRE TRACT BEING ALL OF A CALLED 0.324 ACRE TRACT RECORDED IN DOCUMENT NO. 201100010417, OFFICIAL PUBLIC RECORDS, BELL COUNTY, TEXAS AND ALL OF A CALLED 0.686 ACRE TRACT RECORDED IN DOCUMENT NO. 201000027800, OFFICIAL PUBLIC RECORDS, BELL COUNTY, TEXAS; SAID 1.012 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod set in the west line of FM 2271, said point being the northeast corner of said 0.324 acre tract, the southeast corner of a called 0.72 acre tract recorded in Volume 2179, Page 431, Official Public Records, Bell County, Texas and being the northeast corner of the herein described tract;

- 1. Thence, with the west line of F.M. 2271, the east line of said 0.324 acre tract, N 16° 30' 27" W, a distance of 92.00' (RECORD, S 21° 10' 20" W, 92.00') to a 1/2" iron rod set at the southeast corner of said 0.324 acre tract, said point being the southeast corner of the herein described tract;
- 2. Thence, with the southwest line of said 0.324 acre tract, N 72° 27' 53" W, a distance of 153.04' (RECORD, N 67° 49' 03" W, 153.42') to a 1/2" iron rod set at the southwest corner of said 0.324 acre tract, said point being in the east line of said 0.686 acre tract and being an interior corner of the herein described tract;

Thence, following the outer perimeter of said 0.686 acre tract the following six (6) courses and distances:

- 3. S 16° 09' 36" W, a distance of 83.13' to a 1/2" iron rod found at the southeast corner of said 0.686 acre tract, said point being an exterior corner of the herein described tract;
- 4. N 72° 03' 31" W, a distance of 97.42' (RECORD, N 67° 20' 00" W, 96.73') to a 1/2" iron rod found at the southeast corner of said 0.686 acre tract, said point being an exterior corner of the herein described tract;
- 5. N 72° 40' 54" W, a distance of 112.07' (RECORD, N 68° 12' 53" W, 112.50') to a 1/2" iron rod found at the southwest corner of said 0.686 acre tract, said point being the southwest corner of the herein described tract;
- 6. N 16° 46' 02" E, a distance of 141.83' (RECORD, N 21° 28' 53" E, 141.69') to a 1/2" iron pipe found at the northwest corner of said 0.686 acre tract, said point being the northwest corner of the herein described tract;

EXHIBIT A

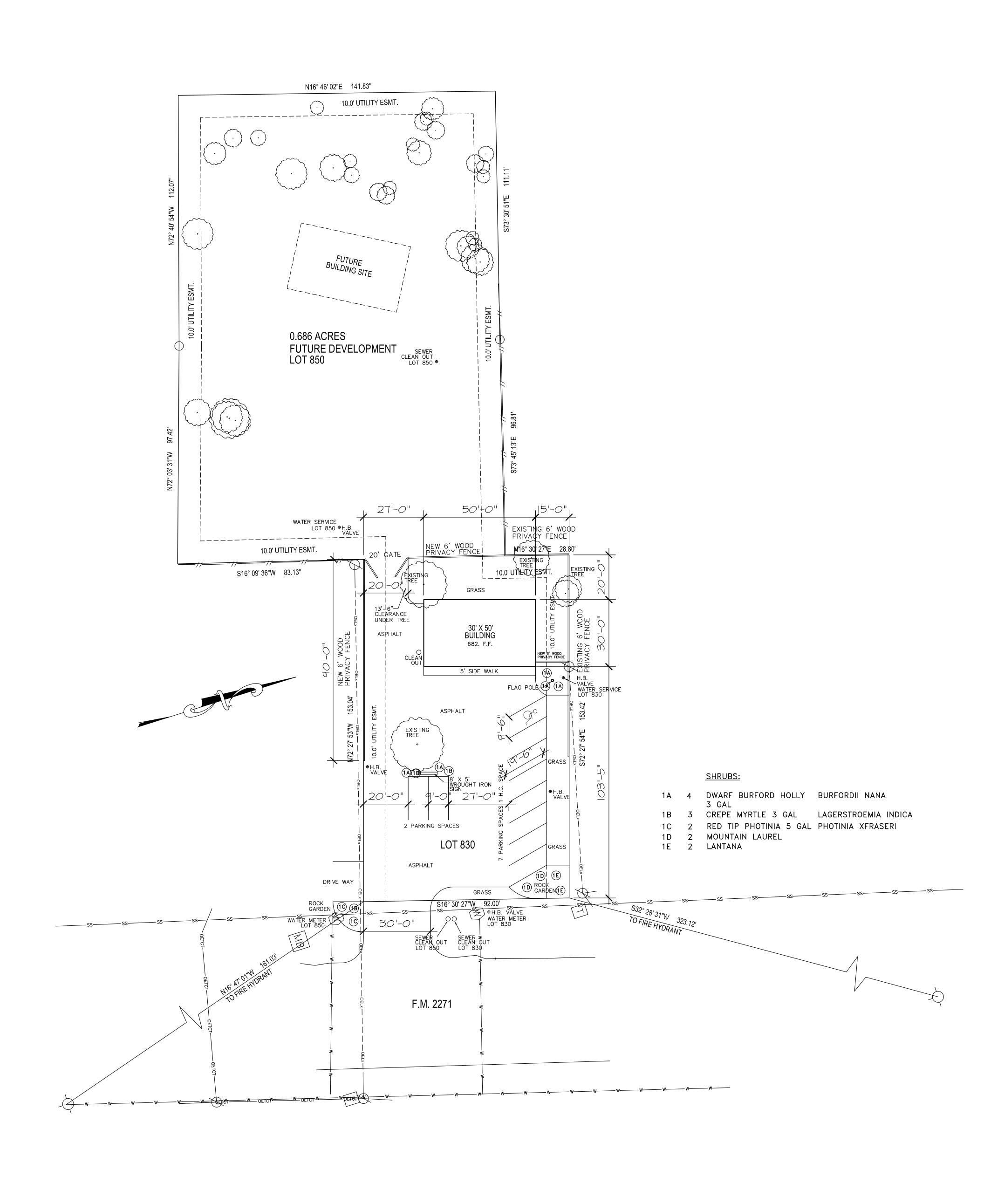
- 7. S 73° 30' 51" E, a distance of 111.11' (RECORD, S 68° 54' 43" E, 111.05') to a 1/2" iron pipe found at an angle point of said 0.686 acre tract, said point being an angle point of the herein described tract;
- 8. S 73° 45' 13" E, a distance of 96.81' (RECORD, S 68° 03' 45" E, 97.64') to a 1/2" iron rod found at the northeast corner of said 0.686 acre tract, said point being in the northwest line of said 0.324 acre tract and being an interior corner of the herein described tract;

Thence, around the outer perimeter of said 0.324 acre tract the following two (2) courses and distances:

- 9. N 16° 30' 27" E, a distance of 28.80' to a 1/2" iron rod found at the northwest corner of said 0.324 acre tract, said point being an exterior corner of the herein described tract;
- 10. S 72° 27' 54" E, a distance of 153.42' (RECORD, S 67° 49' 04" E, 153.42') to the POINT OF BEGINNING containing 1.012 acres of land.

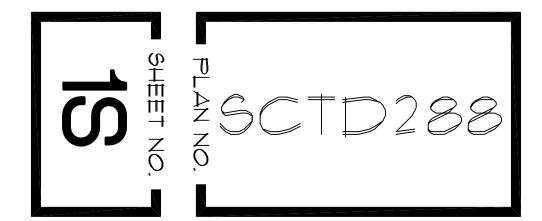
Travis L. Quicksall Date: 07/19/2017

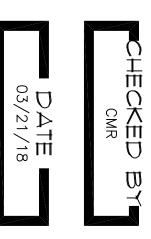
RPLS #6447 Job #17-2180



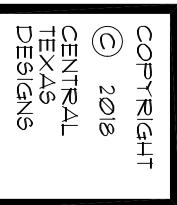
F.M. 2271







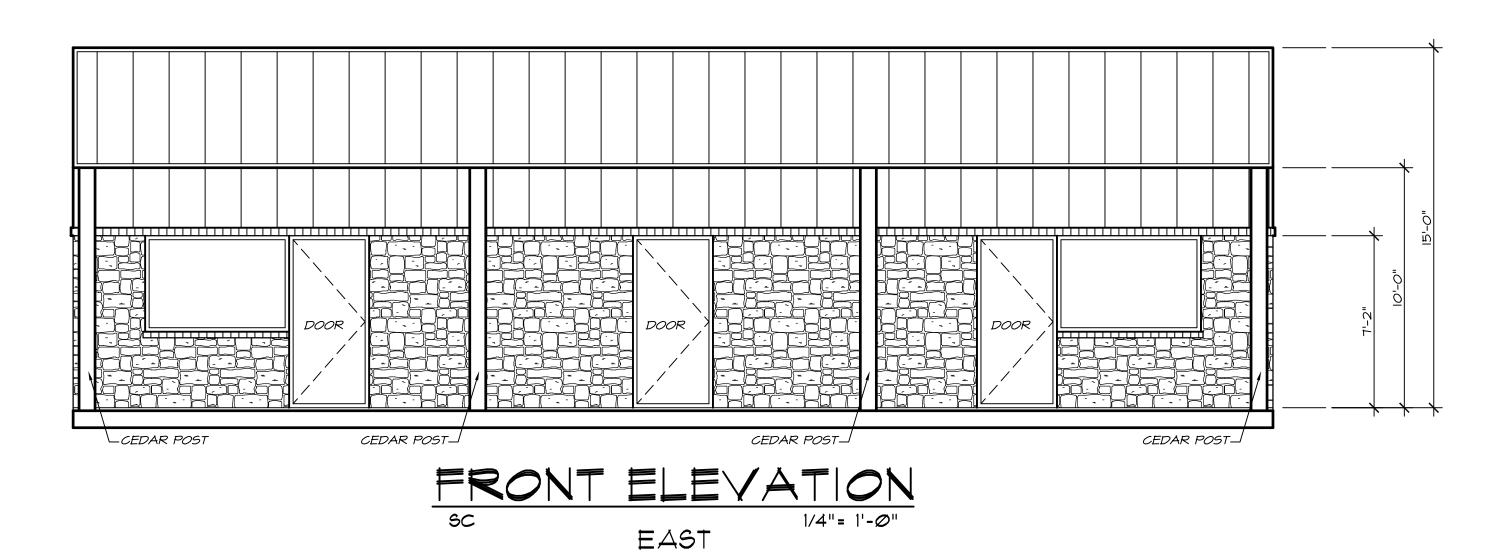
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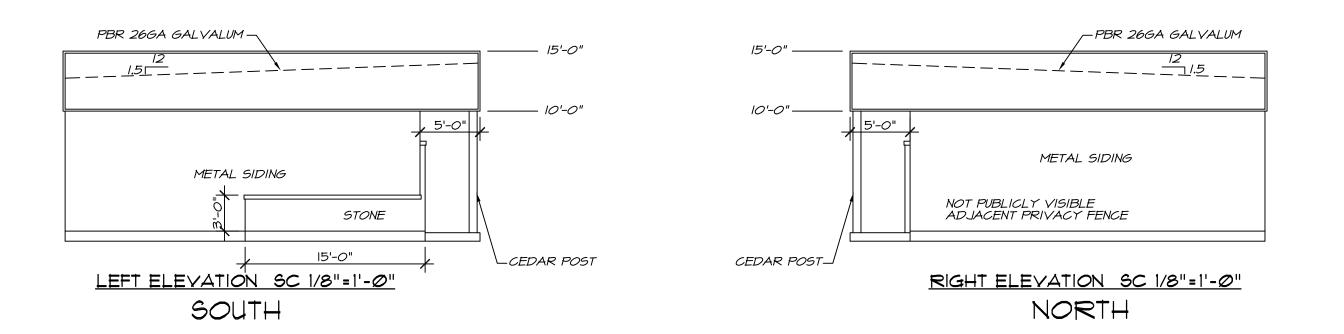


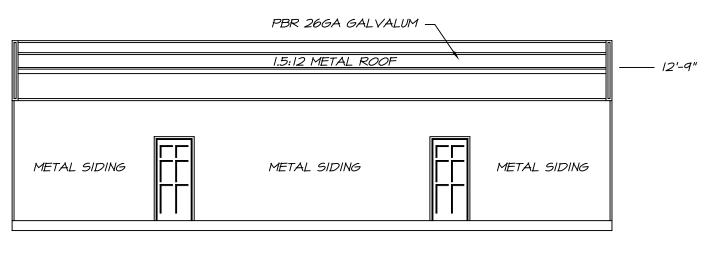
COX CENTER PLAN BY CENTRAL TEXAS DESIGNS

2314 N. MAIN ST. BELTON, TX. 76513 (254-939-6550)

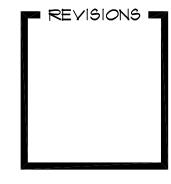
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REAR ELEVATION SC 1/8"=1'-0"
WEST



COX CENTER PLAN BY Sentral Texas design

COPYRIGHT

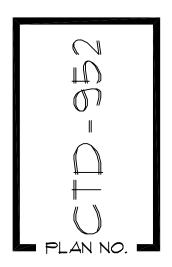
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DESIGNS

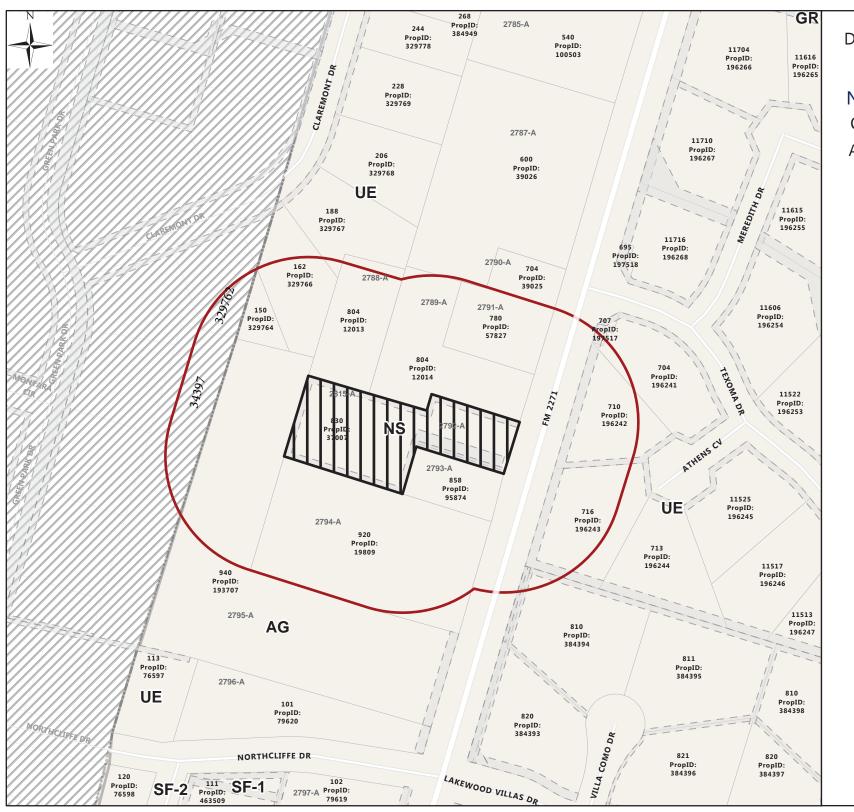
DRAWN BY CMR

CHECKED BY CMR

DATE 03/23/18



SHEET NO.



Development / Site Plan

200' NOTIFICATION MAP

Case: FY-18-1-SITE

Amend: Ord. 2017-4870

Address : 830 FM 2271

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.

mbaker

Date: 2/28/2018



EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

MONDAY, APRIL 2, 2018

ACTION ITEMS

Item 2: <u>FY-18-1-SITE</u> — Hold a public hearing to consider and recommend action to amend Ordinance 2017-4870 for a Planned Development (PD) Development/ Site Plan with a 1500 square foot building, located on Lot 1, Block 1, Cox Center subdivision, addressed as 830 FM 2271.

Mr. Mark Baker, Senior Planner, stated this item is scheduled to go forward to City Council for first reading on May 3, 2018 and second reading on May 17, 2018.

This request is amending an ordinance requiring public review of the Development/Site Plan, as part of a rezoning that was approved by City Council in October 2017. The plat which created the single lot was reviewed and recorded on February 2018. The review of the Site Plan by Development Review Committee (DRC) was done on March 19, 2018.

On-site photos shown. The subject property is one lot but there are two addresses.

The Site Plan shown provides for a 1,500-square foot building proposed for a barber shop. The building is set back 103-feet from the right-of-way of FM 2271.

Both water and sewer are available to serve the property.

The Public Works Department has indicated the two-inch water line is sufficient for the proposed use.

The rear portion (850 FM 2271) would be proposed for development at a later date and not included in tonight's presentation. This proposed portion would need to come back through P&Z at the time it is developed.

Landscaping:

Listed plant materials are acceptable per UDC Sec. 7.4

Minor relocations of shrubs may be necessary for screening and buffering. Staff is suggesting a condition for minor site plan modifications

A minimum 13-feet six-inch vertical clearance for vegetation in a fire lane (Chapter 12, Section 13 – City Code of Ordinances)

Buffering and Screening:

Applicant has agreed to enhance trees and landscape materials along the north property line which is adjacent to an existing residence

A proposed six-foot solid fence along 90 feet along the south property line

Access:

20-foot wide easement drive from FM 2271 and to the western lot

20-foot wide gate (to be provided at future date)

Southern-most drive is permitted by TxDOT (30-feet wide driveway)

Upon permit issuance, the northern driveway will be removed by TxDOT. Construction of the southern driveway is responsibility of property owner of 830 FM 2271

Building Elevations/Materials:

Front Elevation (Eastern side):

- Stone provided to a height of approximately 7-foot two-inch,
- Four 10-foot high cedar posts supporting a roof line extension
- Five-foot covered walkway
- Window / Door treatments provide overall residential appearance (which is required by the Ordinance)

South Elevation:

Metal siding with three-foot height wainscoting extends back 15 feet

North and West Elevations:

- Metal No stone (due to enhanced landscaping to the North)
- Metal No stone (West)

Signage:

Eight-feet x five-feet (40 square freet)

Pedestal will be setback approximately 55-feet from FM 2271 ROW

Maximum Height 10-feet (per Ord. No. 2017-4870)

Separate Permit Required

External illumination (Only)

Twenty notices were mailed in accordance with all state and local regulations with zero responses returned in agreement and zero responses returned in disagreement.

The eight requirements/conditions of Ordinance No. 2017-4870 are still in effect. Conditions 1 through 6 Staff has confirmed and 7 and 8 (freestanding sign/lighting/signage) would be confirmed with the building permits.

- Submittal of a Development/Site Plan & exterior building elevations for consideration and review by the Planning & Zoning Commission and City Council;
- 2. Development of the property shall be limited to detached single-family residences, beauty salon, barber shop or other similar types of personal services and general office uses;
- 3. A 15-foot perimeter buffer and screening strip consisting of a combination of existing trees, solid fencing ranging between 6-8-feet high, and new plantings reviewed at the time of public Development/Site Plan review;
- 4. Maximum building height of two stories (25 feet);
- 5. Residential appearance to buildings with pitched roofs, windows, foundation plantings and brick/masonry facades;
- 6. Use of stone or brick, no less than 8-feet in height from grade on the east, west and south-facing building elevations;
- 7. Freestanding signs with a maximum height of 10 feet and limited to external illumination;
- 8. Lighting must be shielded using full-cutoff fixtures to prevent light trespass to neighboring properties

While the requirements of Ordinance 2017-4870 are still in effect - Staff Recommends Approval to amend Ordinance 2017-4870 for Development/ Site Plan approval, subject to the following additional condition:

 That the Director of Planning, with consultation as needed by the Design Review Committee (DRC), may be authorized to approve minor changes to the Development/ Site Plan which include but not limited to: overall lot layout, landscaping, exterior building elevations/ materials, parking configuration, buffering and screening materials, in compliance with minimum UDC development standards

Chair Fettig opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Armstrong made a motion to approve Item 2, FY-18-1-SITE, as recommended by Staff and including additional conditions and Commissioner Crisp made a second.

Motion passed: (8:0)

Commissioner Ward absent.

ORDINANCE NO. <u>2018-4913</u> (FY-18-1-SITE)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE NO. 2017-4870 TO ATTACH A SITE PLAN SHOWING A 1500-SQUARE FOOT BUILDING TO BE LOCATED ON LOT 1, BLOCK 1, COX CENTER SUBDIVISION, ADDRESSED AS 830 FM 2271, TEMPLE, TEXAS; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, applicant, Michael Cox, on behalf of Boston Properties, requests Site Plan approval for a proposed barber shop, as required by the rezoning Ordinance (Ordinance 2017-4870) approved by City Council on October 5, 2017, which will cover approximately 0.326 acre, the eastern portion of the approximately 1.012 acre Planned Development zoned property;

Whereas, per Ordinance No. 2017-4870, the proposed development must comply with the following conditions:

- 1. Submittal for review and consideration of a Development/Site Plan by the Planning & Zoning Commission and City Council;
- 2. Development of the property shall be limited to detached single-family residences, beauty salon, barber shop or other similar types of personal services and general office uses;
- 3. A 15-foot perimeter buffer and screening strip consisting of a combination of existing trees, solid fencing ranging between 6-8-foot high and new plantings reviewed at the time of public Development/ Site Plan review;
- 4. Maximum building height of 25 feet;
- 5. Residential appearance to buildings with pitched roofs, windows, foundation plantings and brick / masonry facades;
- 6. Freestanding signs with a maximum 10 feet in height and limited to external illumination; and
- 7. Lighting shall be shielded using full-cutoff fixtures to prevent light trespass to neighboring properties.

Whereas, at this stage, while Staff has confirmed compliance with Conditions 1 through 5, conditions 6 & 7 will be confirmed with the review of building plans and sign application; and

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

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

- <u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.
- <u>Part 2</u>: The City Council amends Ordinance No. 2017-4870 to attach a site plan showing a 1500 square foot building to be located on Lot 1, Block 1, Cox Center subdivision and addressed as 830 FM 2271, Temple, Texas, as set forth more fully in Exhibit A, attached hereto and incorporated herein for all purposes.
- <u>Part 3</u>: All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.
- <u>Part 4</u>: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid phrase, clause, sentence, paragraph or section.
- <u>Part 5</u>: This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.
- <u>Part 6</u>: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.
- <u>Part 7</u>: The City Council directs the Planning Director to prepare a report for the Planning and Zoning Commission and City Council, approximately one year from the effective date of this Ordinance, for the purpose of evaluating the effectiveness of the Ordinance and making recommendations about retaining or revising its provisions.

PASSED AND APPROVED on First Reading and Public Hearing on the 3^{rd} day of May, 2018.

PASSED AND APPROVED on Second Reading on the 17th day of May, 2018.

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



COUNCIL AGENDA ITEM MEMORANDUM

05/17/18 Item #8(N) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution confirming the appointment of Nicole Warren as a Deputy City Attorney and setting compensation for the position.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> According to the City of Temple Charter, the City Attorney shall have the power to appoint such assistants as may be deemed necessary, subject to the approval of the City Council, and at compensation set by the City Council. The proposed resolution confirms the appointment of Nicole Warren as a Deputy City Attorney.

Ms. Warren received her law degree from South Texas College of Law in Houston in December, 1996 and was admitted to the State Bar of Texas in May of 1997. Ms. Warren worked as an Assistant City Attorney for the City of Waco, has served as a Municipal Judge for the City of Fort Worth, and was most recently a Presiding Associate Judge for Williamson County.

We are excited to welcome Ms. Warren to the City Attorney's Office and the City of Temple.

FISCAL IMPACT: Total compensation including salary and benefits for this position is estimated at \$109,745. This position is funded in the legal departments FY 2018 Operating Budget.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2018-9137-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, CONFIRMING THE APPOINTMENT OF NICOLE WARREN AS A DEPUTY CITY ATTORNEY AND SETTING COMPENSATION FOR THE POSITION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, according to the City of Temple Charter, the City Attorney shall have the power to appoint such assistants as may be deemed necessary, subject to the approval of the City Council;

Whereas, after receiving applications, the City Attorney has extended a job offer to Nicole Warren - Ms. Warren received her law degree from South Texas College of Law in Houston, Texas in December, 1996 and was admitted to the State Bar of Texas in May of 1997;

Whereas, Ms. Warren worked as an Assistant City Attorney for the City of Waco, has served as a Municipal Judge for the City of Fort Worth, and was most recently a Presiding Associate Judge for Williamson County;

Whereas, we are excited to welcome Nicole to the City Attorney's office and the City of Temple;

Whereas, total compensation including salary and benefits for this position is estimated at \$109,745 - this position is funded in the legal departments fiscal year 2018 Operating Budget; and

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

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

- <u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.
- <u>Part 2</u>: The City Council confirms the appointment of Nicole Warren as a Deputy City Attorney for the City of Temple, Texas.
- <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 May, 2018.

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



COUNCIL AGENDA ITEM MEMORANDUM

05/17/18 Item #8(O) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution approving second quarter financial results for Fiscal Year 2018.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>BACKGROUND:</u> This item will present in detail the second quarter ending March 31, 2018, for the General, Water & Sewer, Hotel/Motel Tax, and Drainage Funds.

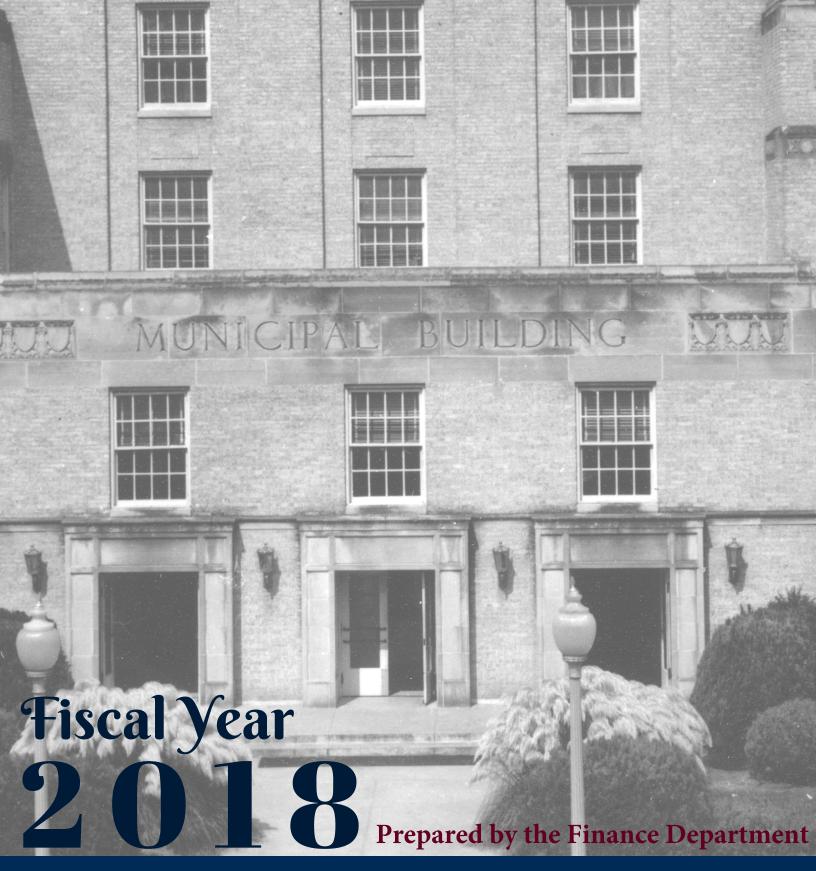
Included with these second quarter results will be various schedules detailing grants, sales tax, capital projects, investments and an update on redevelopment grants and incentive programs within the Strategic Investment Zones.

The second quarter financial statements also include a forecast of year-end financial results for the General Fund as of September 30, 2018.

FISCAL IMPACT: N/A

ATTACHMENTS:

Quarterly Financial Statements Resolution



Second Quarter Financial Statements







Prepared by:

City of Temple Finance Department

Traci L. Barnard, CPA
Director of Finance

Melissa A. Przybylski, CPA Assistant Director of Finance

Stacey Reisner, CPATreasury/Grants Manager

Jennifer Emerson Budget Manager

Sherry PogorFinancial Analyst

Erica Glover
Senior Accountant





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Strategic Investment Zones



May 17, 2018

Honorable Mayor and Council Members

City of Temple, Texas

We are pleased to submit the Quarterly Financial Statements for the General Fund, Water and Sewer Fund, and Special Revenue Funds of the City of Temple, Texas for the six months ended March 31, 2018. These financial statements were prepared by the Finance Department of the City of Temple.

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

SIX-MONTH REVIEW

GENERAL FUND -

The amount of revenues from various sources for the six months ended March 31, 2018, as compared to the FY 2018 amended budget, is shown in the following table (presented in thousands):

			Ar	nended	Percent		
	Actual		В	udget	of Budget		
Revenues:		_					
Taxes	\$	24,036	\$	35,249	68%		
Franchise fees		5,271		6,785	78%		
Licenses and permits		427		813	52%		
Intergovernmental		43		65	67%		
Charges for services		11,886		25,034	47%		
Fines		964		2,268	43%		
Interest and other		826		1,310	63%		
Total revenues	\$	43,453	\$	71,524	61%		



Revenues compared to the amended budget for FY 2018 are at 61% with 50% of the year completed. A detail of the revenues as compared to budget is shown below:

Revenues	% of Budget
Ad valorem taxes	97.26%
Sales tax receipts	49.92%
Other taxes	47.66%
Franchise fees	77.68%
Licenses and permits	52.49%
Intergovernmental revenues	66.59%
Charges for services	47.48%
Fines	42.50%
Interest and other	63.05%

Expenditures by major function for the six months ended March 31, 2018, as compared to the FY 2018 amended budget are shown in the following table (presented in thousands):

		Ar	nended	Percent
	 Actual	Budget		of Budget
Expenditures:				
General government	\$ 7,821	\$	15,976	49%
Public safety	17,038		34,111	50%
Highways and streets	1,662		3,648	46%
Sanitation	3,629		6,819	53%
Parks and recreation	4,367		10,568	41%
Education	840		1,847	45%
Airport	1,178		2,247	52%
Debt Service:				
Principal	41		110	37%
Interest	 4_		14_	27%
Total expenditures	\$ 36,580	\$	75,340	49%

Expenditures compared to the amended budget are at 49% with 50% of the year complete. Detail is provided below:

Expenditures	% of Budget
Personnel	48.39%
Operations	46.25%
Capital	63.63%
Debt service	36.06%

Detail of expenditures begins on page 19, Exhibit A-4 and A-5.



WATER/WASTEWATER FUND -

Operating revenue has increased by \$274,814 over the same time period as last fiscal year. Operating expenses increased by \$949,100 compared to the same period of last fiscal year. Second quarter financials for this fund begin on page 32.

HOTEL-MOTEL FUND -

The Hotel-Motel Fund is reported beginning on page 40. 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 43. This special revenue fund was created in fiscal year 1999 to account for recording revenues and expenditures addressing the storm water drainage needs of our community. The City Council extended the ordinance on September 18, 2003, establishing the drainage fund for an additional five years. On September 4, 2008, Council amended the ordinance removing the 5-year sunset provision from the ordinance. The ordinance was also amended to remove the calculation of the fees from the ordinance and set the fees by resolution.

CAPITAL PROJECTS –

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

INVESTMENTS/CASH MANAGEMENT -

All of the City's cash and investments are maintained in a pool that is available for use by all funds. Interest earnings are allocated based on cash amounts in individual funds in a manner consistent with legal requirements. Investments are made in accordance with the Comprehensive Policy adopted by the City on August 25, 2017. The City's primary investment objectives, in order of priority, are as follows:

- Safety
- Liquidity
- Yield

As of March 31, 2018, the City had cash and investments with a carrying value of \$195,178,441 and a fair value of \$195,108,733. Total interest earnings for the six months ended are \$1,238,425. 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 73, Exhibit F-1 through F-3.

SUPPLEMENTAL INFORMATION -

This section has details of General Fund balances and designations (page 78). 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

General Fund Financials



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

CITY OF TEMPLE, TEXAS GENERAL FUND COMPARATIVE BALANCE SHEETS March 31, 2018 and 2017

	2018	2017	Increase (Decrease)
ASSETS			
Cash	\$ 5,900	\$ 5,100	\$ 800
Investments	39,905,654	39,581,991	323,663
Receivables (net of allowance for estimated			
uncollectible):			
State sales tax	1,603,658	1,663,682	(60,024)
Accounts	1,418,788	1,278,535	140,253
Ad valorem taxes	490,667	452,971	37,696
Inventories	325,413	311,467	13,946
Prepaid items	412,965	416,172	(3,207)
Total current assets	44,163,045	43,709,918	453,127
Restricted cash and investments:			
Drug enforcement	189,289	177,382	11,907
Public safety	31,078	30,787	291
R.O.W. Escrow	92,179	191,160	(98,981)
Parks Escrow {Table VI, pg. 85}	389,248	302,629	86,619
Rob Roy MacGregor Trust - Library	8,512	9,881	(1,369)
Total restricted cash and investments	710,306	711,839	(1,533)
TOTAL ASSETS	\$ 44,873,351	\$ 44,421,757	\$ 451,594

	2018	2017	ncrease Decrease)
LIABILITIES AND FUND BALANCES	 	 	 , , , , , , , , , , , , , , , , , , ,
Liabilities:			
Vouchers payable	\$ 6,242,967	\$ 6,870,975	\$ (628,008)
Retainage payable	1,605	1,248	357
Accrued payroll	1,870,267	1,720,830	149,437
Deposits	37,350	47,986	(10,636)
Deferred revenues:			
Ad valorem taxes	463,082	425,386	37,696
R.O.W. Escrow	14,089	91,160	(77,071)
Parks Escrow	389,248	302,629	86,619
Other	251,918	 218,388	 33,530
Total liabilities	9,270,526	 9,678,602	(408,076)
Fund Balance:			
Nonspendable:			
Inventories and prepaid items	432,639	441,741	(9,102)
Restricted for:			
Drug enforcement	160,520	186,245	(25,725)
Public safety	30,909	31,867	(958)
Rob Roy MacGregor Trust - Library	9,925	11,327	(1,402)
Municipal court	492,839	617,266	(124,427)
Vital statistics preservation	-	12,746	(12,746)
Public education channel	135,256	125,197	10,059
Assigned to:			
Technology replacement	27,586	24,790	2,796
Capital projects {Table I, pg. 78}	1,819,483	1,954,079	(134,596)
Unassigned:	20,132,300	19,130,910	1,001,390
Budgeted decrease in fund balance	5,240,655	 5,015,603	225,052
Total fund balance	 28,482,112	 27,551,771	 930,341
Excess revenues over expenditures YTD	 7,120,713	 7,191,384	 (70,671)
TOTAL LIABILITIES AND FUND BALANCES	\$ 44,873,351	\$ 44,421,757	\$ 451,594

CITY OF TEMPLE, TEXAS Exhibit A-2

GENERAL FUND

SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES

IN FUND BALANCE - ACTUAL AND BUDGET

For the six months ended March 31, 2018

		2017	2017 Analyti			
	Actual	Budget	Percent of Budget	Actual	(De	\$ acrease ecrease) rior yr.
Revenues:	7101001			7101001	<u> </u>	1101 y.i.
Taxes	\$ 24,035,794	\$ 35,249,229	68.19%	\$ 23,150,261	\$	885,533
Franchise fees	5,270,808	6,785,270	77.68%	5,215,996	·	54,812
Licenses and permits	426,598	812,750	52.49%	369,830		56,768
Intergovernmental	43,106	64,737	66.59%	37,084		6,022
Charges for services	11,886,441	25,033,503	47.48%	11,448,145		438,296
Fines	964,147	2,268,460	42.50%	1,121,050		(156,903)
Interest and other	826,291	1,310,478	63.05%	726,580		99,711
Total revenues	43,453,185	71,524,427	60.75%	42,068,946		1,384,239
Expenditures:						
General government	7,820,923	15,976,114	48.95%	7,675,474		145,449
Public safety	17,038,254	34,111,368	49.95%	15,833,856		1,204,398
Highways and streets	1,662,276	3,647,832	45.57%	1,479,661		182,615
Sanitation	3,628,619	6,818,772	53.22%	3,464,650		163,969
Parks and recreation	4,367,213	10,567,858	41.33%	3,924,042		443,171
Education	840,020	1,846,887	45.48%	823,828		16,192
Airport	1,177,933	2,247,310	52.42%	1,127,814		50,119
Debt Service:						
Principal	40,733	109,681	37.14%	24,794		15,939
Interest	3,776	13,760	27.44%	2,791		985
Total expenditures	36,579,747	75,339,582	48.55%	34,356,910		2,222,837
Excess (deficiency) of revenues						
over expenditures	6,873,438	(3,815,155)		7,712,036		(838,598)
Other financing sources (uses):						
Transfers out:						
Debt Service	(57,219)	(1,507,925)	3.79%	(318,425)		261,206
Capital Projects - Designated	(224,821)	(433,678)	51.84%	(201,797)		(23,024)
Grant Fund	(8,871)	(22,083)	40.17%	(430)		(8,441)
Lease Proceeds	538,186	538,186	100.00%			538,186
Total other financing sources (uses)	247,275	(1,425,500)	-17.35%	(520,652)		767,927
Excess (deficiency) of revenues and other						
financing sources over expenditures						
and other financing uses	7,120,713	(5,240,655)	-	7,191,384		(70,671)
Fund balance, beginning of period	28,482,112	28,482,112		27,551,771		930,341
Fund balance, end of period	\$ 35,602,825	\$ 23,241,457	\$ -	\$ 34,743,155	\$	859,670

GENERAL FUND

SCHEDULE OF REVENUES - ACTUAL AND BUDGET

For the six months ended March 31, 2018

		2018	2017	Analytical \$	
	Actual	Budget	Percent of Budget	Actual	Increase (Decrease) Prior yr.
Taxes:	Actual	Duuget	Of Budget	Actual	Filor yr.
Ad valorem:					
Property, current year	\$ 13,156,940	\$ 13,384,540	98.30%	\$ 12,514,643	\$ 642,297
Property, prior year	38,988	139,689	27.91%	52,259	(13,271)
Penalty and interest	44,934	90,000	49.93%	53,228	(8,294)
Total ad valorem taxes	13,240,862	13,614,229	97.26%	12,620,130	620,732
Non-property taxes:					
City sales {Table V, pg. 84}	10,692,466	21,420,000	49.92%	10,423,486	268,980
Mixed beverage	81,051	155,000	52.29%	75,096	5,955
Occupation	21,415	40,000	53.54%	21,885	(470)
Bingo	21,110	20,000	0.00%	9,664	(9,664)
Total non-property taxes	10,794,932	21,635,000	49.90%	10,530,131	264,801
Total taxes	24,035,794	35,249,229	68.19%	23,150,261	885,533
Franchise Fees:					
Electric franchise	3,236,830	3,260,000	99.29%	3,242,094	(5,264)
Gas franchise	517,116	530,000	97.57%	481,409	35,707
Telephone franchise	203,398	430,000	47.30%	215,139	(11,741)
Cable franchise	411,503	761,610	54.03%	395,283	16,220
Water/Sewer franchise	860,705	1,721,410	50.00%	850,746	9,959
Other	41,256	82,250	50.16%	31,325	9,931
Total franchise fees	5,270,808	6,785,270	77.68%	5,215,996	54,812
Licenses and permits:					
Building permits	203,437	350,000	58.12%	129,989	73,448
Electrical permits and licenses	40,007	87,000	45.99%	47,805	(7,798)
Mechanical	37,068	75,000	49.42%	43,956	(6,888)
Plumbing permit fees	68,331	120,000	56.94%	73,313	(4,982)
Other	77,755	180,750	43.02%	74,767	2,988
Total licenses and permits	426,598	812,750	52.49%	369,830	56,768
Intergovernmental revenues:					
Federal grants	14,712	14,713	99.99%	5,918	8,794
State grants	1,685	1,684	100.06%	2,925	(1,240)
State reimbursements	8,352	8,352	100.00%	8,352	-
Department of Civil					
Preparedness	18,357	39,988	45.91%	19,889	(1,532)
Total intergovernmental revenues	43,106	64,737	66.59%	37,084	6,022

SCHEDULE OF REVENUES - ACTUAL AND BUDGET

For the six months ended March 31, 2018

	2018			2017	Analytical	
	Actual	Budget	Percent of Budget	Actual	\$ Increase (Decrease) Prior yr.	
Library fees	\$ 13,293	\$ 25,500	52.13%	\$ 14,712	\$ (1,419)	
Recreational entry fees	48,038	107,000	44.90%	51,620	(3,582)	
Summit recreational fees	199,464	389,450	51.22%	192,799	6,665	
Golf course revenues	255,634	707,000	36.16%	294,368	(38,734)	
Swimming pool	1,011	40,000	2.53%	620	391	
Lions Junction water park	20,670	440,000	4.70%	17,050	3,620	
Sammons indoor pool	34,425	90,100	38.21%	29,043	5,382	
Vital statistics	59,269	114,118	51.94%	58,396	873	
Police revenue	663,873	1,518,024	43.73%	855,000	(191,127)	
Contractual services	000,070	1,010,024	40.7070	000,000	(131,121)	
-proprietary fund	2,070,484	4,097,160	50.53%	2,026,156	44,328	
Curb and street cuts	30,105	50,000	60.21%	31,188	(1,083)	
Other	981	60,250	1.63%	607	374	
Solid waste collection - residential	2,576,062	5,238,513	49.18%	2,362,162	213,900	
Solid waste collection - residential	1,612,790	3,170,000	50.88%	1,587,399	25,391	
Solid waste collection - roll-off	1,341,477	2,663,782	50.36%	1,230,886	110,591	
Landfill contract	921,294		47.78%	905,078	16,216	
		1,928,229				
Airport sales and rental Subdivision fees	1,190,207 15,749	2,219,794	53.62% 87.49%	1,022,379	167,828 1,470	
Recreational services	484,151	18,000 1,293,600	37.43%	14,279 447,328	36,823	
			62.99%			
Fire department	42,516	67,492		23,297	19,219	
Reinvestment Zone reimbursements Total charges for services	304,948 11,886,441	795,491 25,033,503	38.33% 47.48%	283,778 11,448,145	21,170 438,296	
Fines:						
Court	664,943	1,513,049	43.95%	787,087	(122,144)	
Animal pound	25,417	49,000	51.87%	25,502	(85)	
Overparking	30	12,000	0.25%	185	(155)	
Administrative fees	273,757	694,411	39.42%	308,276	(34,519)	
Total fines	964,147	2,268,460	42.50%	1,121,050	(156,903)	
Total Inico	301,117	2,200,400	12.0070	1,121,000	(100,000)	
Interest and other:						
Interest	225,701	396,000	57.00%	131,409	94,292	
Lease and rental	206,227	319,471	64.55%	165,023	41,204	
Sale of fixed assets	18,167	89,200	20.37%	52,719	(34,552)	
Insurance claims	183,936	233,101	78.91%	110,918	73,018	
Payment in lieu of taxes	18,033	17,230	104.66%	17,230	803	
Building rental -						
BOA bldg.	47,148	85,000	55.47%	50,202	(3,054)	
Other	127,079	170,476	74.54%	199,079	(72,000)	
Total interest and other	826,291	1,310,478	63.05%	726,580	99,711	
Total revenues	\$ 43,453,185	\$ 71,524,427	60.75%	\$ 42,068,946	\$ 1,384,239	

GENERAL FUND

SCHEDULE OF EXPENDITURES- ACTUAL AND BUDGET

For the six months ended March 31, 2018

		2018	2017	Analytical	
	Actual	Budget	Percent of Budget	Actual	\$ Increase (Decrease) Prior yr.
General government:					
City council	\$ 95,529	\$ 230,598	41.43%	\$ 106,406	\$ (10,877)
City manager	334,059	975,202	34.26%	520,139	(186,080)
Administrative services	107,400	240,469	44.66%	162,142	(54,742)
Finance	823,613	1,683,920	48.91%	753,701	69,912
Purchasing	217,229	435,716	49.86%	178,802	38,427
City secretary	238,364	523,401	45.54%	219,969	18,395
Special services	768,340	1,154,735	66.54%	616,348	151,992
Legal	465,686	939,275	49.58%	404,240	61,446
City planning	333,853	688,087	48.52%	312,099	21,754
Information technology services	1,637,922	3,034,508	53.98%	1,497,567	140,355
Human resources	442,470	868,159	50.97%	406,496	35,974
Economic development	893,540	1,828,582	48.87%	1,110,413	(216,873)
Fleet services	561,607	1,162,558	48.31%	509,932	51,675
Inspections/Permits	257,240	608,149	42.30%	233,418	23,822
Facility services	644,071	1,602,755	40.19%	643,802	269
	7,820,923	15,976,114	48.95%	7,675,474	145,449
Public safety:					
Municipal court	496,221	906,924	54.71%	346,640	149,581
Police	9,131,748	18,079,767	50.51%	8,482,749	648,999
Animal control	254,884	562,972	45.27%	246,533	8,351
Fire	6,211,937	12,447,535	49.90%	6,081,217	130,720
Communications	497,129	994,258	50.00%	493,898	3,231
Code compliance	446,335	1,119,912	39.85%	182,819	263,516
	17,038,254	34,111,368	49.95%	15,833,856	1,204,398
Highways and streets:					
Street	1,186,822	2,566,848	46.24%	1,056,403	130,419
Traffic signals	192,155	446,338	43.05%	169,637	22,518
Engineering	283,299	634,646	44.64%	253,621	29,678
	1,662,276	3,647,832	45.57%	1,479,661	182,615
Sanitation:	3,628,619	6,818,772	53.22%	3,464,650	163,969
					(Continued)

SCHEDULE OF EXPENDITURES- ACTUAL AND BUDGET

For the six months ended March 31, 2018

	Actual	2018 Budget	Percent of Budget	2017 Actual	Analytical \$ Increase (Decrease) Prior yr.
Parks and recreation:					
Administration	\$ 268,995	\$ 575,644	46.73%	\$ 253,280	\$ 15,715
Parks	1,798,973	4,418,713	40.71%	1,696,872	102,101
Recreation	1,453,172	4,028,191	36.08%	1,361,338	91,834
Golf course	846,073	1,545,310	54.75%	612,552	233,521
	4,367,213	10,567,858	41.33%	3,924,042	443,171
Library:	840,020	1,846,887	45.48%	823,828	16,192
Airport:	1,177,933	2,247,310	52.42%	1,127,814	50,119
Debt service:	44,509	123,441	36.06%	27,585	16,924
Totals	\$ 36,579,747	\$ 75,339,582	48.55%	\$ 34,356,910	\$ 2,222,837

DETAILED SCHEDULE OF EXPENDITURES - ACTUAL AND BUDGET

For the six months ended March 31, 2018

		2018			2017	Analytical
	Actua	I	Budget	Percent of Budget	Actual	\$ Increase (Decrease) Prior yr.
General government:						
City council:	•		Φ 04.070	40.070/	Φ 5.040	Φ 000
Personnel services			\$ 31,279	19.27%	\$ 5,043	\$ 986
Operations		9,500 5,529	199,319 230,598	44.90% 41.43%	101,363 106,406	(11,863) (10,877)
City manager:						
Personnel services	29	,087	744,843	39.08%	399,743	(108,656)
Operations),930	142,560	21.70%	113,673	(82,743)
Capital outlay		2,042	87,799	13.72%	6,723	5,319
capital callay		1,059	975,202	34.26%	520,139	(186,080)
Administrative services:						
Personnel services	82	2,128	170,096	48.28%	148,020	(65,892)
Operations		,621	48,221	44.84%	14,122	7,499
Capital outlay	3	3,651	22,152	16.48%	-	3,651
	107	7,400	240,469	44.66%	162,142	(54,742)
Finance:						
Personnel services	519	9,808	1,087,533	47.80%	473,262	46,546
Operations	283	3,599	576,181	49.22%	280,439	3,160
Capital outlay	20	,206	20,206	100.00%		20,206
	823	3,613	1,683,920	48.91%	753,701	69,912
Purchasing:						
Personnel services	201	,405	410,339	49.08%	171,202	30,203
Operations	6	5,377	15,930	40.03%	7,600	(1,223)
Capital outlay		,447	9,447	100.00%		9,447
	217	7,229	435,716	49.86%	178,802	38,427
City secretary:						
Personnel services		3,059	432,026	47.00%	187,372	15,687
Operations),025	76,095	26.32%	26,513	(6,488)
Capital outlay		5,280 3,364	15,280 523,401	100.00% 45.54%	6,084 219,969	9,196 18,395
			020,101			10,000
Special services:	400	077	054 004	444 500/	450.050	054.005
Personnel services		2,277	351,081	114.58%	150,352	251,925
Operations Capital outlay (Contingency)	300	5,063	803,472 182	45.56% 0.00%	465,996 -	(99,933)
, , , , , , , , , , , , , , , , , , , ,	768	3,340	1,154,735	66.54%	616,348	151,992
Legal:						
Personnel services	410),575	820,105	50.06%	376,936	33,639
Operations		3,070	107,129	40.20%	27,304	15,766
Capital outlay		2,041	12,041	100.00%	-	12,041
,		5,686	939,275	49.58%	404,240	61,446
City planning:						
Personnel services	302	2,908	637,115	47.54%	291,457	11,451
Operations		3,044	43,071	53.50%	20,642	2,402
Capital outlay		7,901	7,901	100.00%		7,901
₁		3,853	688,087	48.52%	312,099	21,754
			,			(Continued)

Exhibit A-5 (Continued)

	2018			2017	Analytical	
	Actual	Budget	Percent of Budget	Actual	\$ Increase (Decrease) Prior yr.	
Information technology services:						
Personnel services	\$ 671,416	\$ 1,438,773	46.67%	\$ 605,495	\$ 65,921	
Operations	848,391	1,460,240	58.10%	745,074	103,317	
Capital outlay	118,115	135,495	87.17%	146,998	(28,883)	
	1,637,922	3,034,508	53.98%	1,497,567	140,355	
Human resources:						
Personnel services	301,396	608,755	49.51%	281,217	20,179	
Operations	127,907	246,237	51.94%	125,279	2,628	
Capital outlay	13,167	13,167	100.00%		13,167	
	442,470	868,159	50.97%	406,496	35,974	
Economic development:						
Operations	893,540	1,828,582	48.87%	1,110,413	(216,873)	
operation.	893,540	1,828,582	48.87%	1,110,413	(216,873)	
Fleet services: Personnel services	469,207	1,014,839	46.23%	414,730	54,477	
Operations	39,782	85,099	46.75%	39,097	685	
Capital outlay	52,618	62,620	84.03%	56,105	(3,487)	
Sapital Sutlay	561,607	1,162,558	48.31%	509,932	51,675	
		, - ,				
Inspections/Permits:						
Personnel services	226,690	524,652	43.21%	215,505	11,185	
Operations	25,794	46,741	55.18%	17,913	7,881	
Capital outlay	4,756 257,240	36,756 608,149	<u>12.94%</u> 42.30%	233,418	4,756 23,822	
	201,240		42.3070	200,410	25,022	
Facility services:						
Personnel services	329,505	715,666	46.04%	311,597	17,908	
Operations	247,059	696,872	35.45%	265,484	(18,425)	
Capital outlay	67,507	190,217	35.49%	66,721	786	
Total general government	644,071 7,820,923	1,602,755 15,976,114	40.19% 48.95%	643,802 7,675,474	269 145,449	
rotal general government	7,020,923	15,976,114	46.95%	7,075,474	145,449	
Public safety:						
Municipal court:						
Personnel services	354,279	717,400	49.38%	314,502	39,777	
Operations	24,623	70,654	34.85%	32,138	(7,515)	
Capital outlay	117,319	118,870 906,924	98.70%	346,640	117,319	
	496,221	900,924	54.71%	340,040	149,581	
Police:						
Personnel services	7,515,545	15,446,888	48.65%	7,160,608	354,937	
Operations	784,605	1,648,936	47.58%	757,948	26,657	
Capital outlay	831,598	983,943	84.52%	564,193	267,405	
	9,131,748	18,079,767	50.51%	8,482,749	648,999	
Animal control:						
Personnel services	198,590	402,232	49.37%	183,063	15,527	
Operations	37,289	100,734	37.02%	31,789	5,500	
Capital outlay	19,005	60,006	31.67%	31,681	(12,676)	
	254,884	562,972	45.27%	246,533	8,351	
					(Continued)	

DETAILED SCHEDULE OF EXPENDITURES - ACTUAL AND BUDGET For the six months ended March 31, 2018

		2018		2017	Analytical	
			Percent		\$ Increase (Decrease)	
	Actual	Budget	of Budget	Actual	Prior yr.	
Fire:						
Personnel services	\$ 5,568,745	\$ 11,046,004	50.41%	\$ 5,420,868	\$ 147,877	
Operations	491,348	1,139,113	43.13%	515,999	(24,651)	
Capital outlay	151,844	262,418	57.86%	144,350	7,494	
	6,211,937	12,447,535	49.90%	6,081,217	130,720	
Communications:						
Operations	497,129	994,258	50.00%	493,898	3,231	
	497,129	994,258	50.00%	493,898	3,231	
Code compliance:						
Personnel services	350,231	706,029	49.61%	147,543	202,688	
Operations	47,792	274,998	17.38%	35,276	12,516	
Capital outlay	48,312	138,885	34.79%	-	48,312	
	446,335	1,119,912	39.85%	182,819	263,516	
Total public safety	17,038,254	34,111,368	49.95%	15,833,856	1,204,398	
Highways and streets: Streets:						
Personnel services	578,820	1,206,330	47.98%	512,317	66,503	
Operations	603,609	1,246,693	48.42%	544,086	59,523	
Capital outlay	4,393	113,825	3.86%	· -	4,393	
	1,186,822	2,566,848	46.24%	1,056,403	130,419	
Traffic signals:						
Personnel services	153,046	331,596	46.15%	131,244	21,802	
Operations	39,019	114,652	34.03%	38,393	626	
Capital outlay	90	90	100.00%	-	90	
	192,155	446,338	43.05%	169,637	22,518	
Engineering:						
Personnel services	240,892	485,313	49.64%	221,346	19,546	
Operations	37,925	104,850	36.17%	32,275	5,650	
Capital outlay	4,482	44,483	10.08%	-	4,482	
Capital Callay	283,299	634,646	44.64%	253,621	29,678	
Total highways and streets	1,662,276	3,647,832	45.57%	1,479,661	182,615	
Sanitation:						
Personnel services	1,198,722	2,583,973	46.39%	1,147,085	51,637	
Operations	2,014,962	3,810,863	52.87%	1,727,957	287,005	
Capital outlay	414,935	423,936	97.88%	589,608	(174,673)	
Total sanitation	3,628,619	6,818,772	53.22%	3,464,650	163,969	
Parks and recreation:						
Administration	000 000	440.004	40.450/	400 700	40.004	
Personnel services	206,032	419,231	49.15%	189,708	16,324	
Operations	52,808 10,155	146,257	36.11%	63,572	(10,764)	
Capital outlay	10,155 268,995	10,156 575,644	99.99% 46.73%	253,280	10,155 15,715	
	200,990	373,044	40.7370	200,200	(Continued)	
					(Continued)	

CITY OF TEMPLE, TEXAS GENERAL FUND DETAILED SCHEDULE OF EXPENDITURES - ACTUAL AND BUDGET For the six months ended March 31, 2018 (With comparative amounts for the six months ended March 31, 2017)

	2018			2017	Analytical
	Actual	Budget	Percent of Budget	Actual	\$ Increase (Decrease) Prior yr.
Parks					
Personnel services	\$ 834	221 \$ 1,808,536	46.13%	\$ 745,758	\$ 88,463
Operations	732	763 1,857,033	39.46%	693,021	39,742
Capital outlay	231	989 753,144	30.80%	258,093	(26,104)
	1,798	973 4,418,713	40.71%	1,696,872	102,101
Recreation					
Personnel services	894	314 2,290,301	39.05%	777,375	116,939
Operations	514	249 1,593,325	32.28%	516,769	(2,520)
Capital outlay	44	609 144,565	30.86%	67,194	(22,585)
	1,453	4,028,191	36.08%	1,361,338	91,834
Golf course					
Personnel services	351	477 751,319	46.78%	314,470	37,007
Operations	175	746 475,140	36.99%	201,429	(25,683)
Capital outlay	318	850 318,851	100.00%	96,653	222,197
	846	073 1,545,310	54.75%	612,552	233,521
Total parks and recreation	4,367	213 10,567,858	41.33%	3,924,042	443,171
Library:					
Personnel services	553	673 1,251,340	44.25%	553,030	643
Operations	282	.071 591,271	47.71%	270,798	11,273
Capital outlay	4	276 4,276	100.00%	-	4,276
Total library	840	020 1,846,887	45.48%	823,828	16,192
Airport:					
Personnel services	438	598 864,747	50.72%	412,458	26,140
Operations	737	937 1,381,164	53.43%	715,356	22,581
Capital outlay	1,	398 1,399	99.93%	-	1,398
Total airport	1,177	933 2,247,310	52.42%	1,127,814	50,119
Debt service:					
Principal	40	733 109,681	37.14%	24,794	15,939
Interest	3	776 13,760	27.44%	2,791	985
Total debt service	44	509 123,441	36.06%	27,585	16,924
Total	\$ 36,579	747 \$ 75,339,582	48.55%	\$ 34,356,910	\$ 2,222,837

General Fund Financial Forecast



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 whole. However, there may be differences between the forecasted and actual results because events and circumstances do not occur as expected, and those differences could be material. The Finance staff will update future financial statements for events and circumstances occurring after the date of these statements.

GENERAL FUND

SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES

IN FUND BALANCE - ACTUAL AND BUDGET

For the six months ended March 31, 2018

(With forecasted amounts for the year ending September 30, 2018)

	Actual - 03/31/2018			Forecasted - 09/30/18				
			Percent	12 months	Compared to	Percent		
	Actual	Budget	of Budget	9/30/2018	Budget	of Budget		
Revenues:								
Taxes	\$ 24,035,794	\$ 35,249,229	68.19%	\$ 36,064,777	\$ 815,548	102.31%		
Franchise fees	5,270,808	6,785,270	77.68%	6,824,278	39,008	100.57%		
Licenses and permits	426,598	812,750	52.49%	1,046,105	233,355	128.71%		
Intergovernmental	43,106	64,737	66.59%	61,462	(3,275)	94.94%		
Charges for services	11,886,441	25,033,503	47.48%	24,351,191	(682,312)	97.27%		
Fines	964,147	2,268,460	42.50%	2,101,615	(166,845)	92.65%		
Interest and other	826,291	1,310,478	63.05%	1,428,739	118,261	109.02%		
Total revenues	43,453,185	71,524,427	60.75%	71,878,167	353,740	100.49%		
Expenditures:								
General government	7,820,923	15,976,114	48.95%	15,524,740	451,374	97.17%		
Public safety	17,038,254	34,111,368	49.95%	33,768,172	343,196	98.99%		
Highways and streets	1,662,276	3,647,832	45.57%	3,581,657	66,175	98.19%		
Sanitation	3,628,619	6,818,772	53.22%	6,629,969	188,803	97.23%		
Parks and recreation	4,367,213	10,567,858	41.33%	10,055,079	512,779	95.15%		
Education	840,020	1,846,887	45.48%	1,670,498	176,389	90.45%		
Airport	1,177,933	2,247,310	52.42%	2,219,030	28,280	98.74%		
Debt Service:								
Principal	40,733	109,681	37.14%	109,095	586	99.47%		
Interest	3,776	13,760	27.44%	13,760		100.00%		
Total expenditures	36,579,747	75,339,582	48.55%	73,571,999	1,767,583	97.65%		
Excess (deficiency) of revenues								
over expenditures	6,873,438	(3,815,155)		(1,693,832)	2,121,323			
Other financing sources (uses):								
Debt Service - transfer out	(57,219)	(1,507,925)	3.79%	(1,507,925)	-	100.00%		
Capital Projects - Desg transfer out	(224,821)	(433,678)	51.84%	(433,678)	-	100.00%		
Grant Fund - transfer out	(8,871)	(22,083)	40.17%	(22,083)	-	100.00%		
Lease Proceeds	538,186	538,186	100.00%	538,186		100.00%		
Total other financing sources (uses)	247,275	(1,425,500)	-17.35%	(1,425,500)		100.00%		
Excess (deficiency) of revenues and other								
financing sources over expenditures								
and other financing uses	7,120,713	(5,240,655)	-	(3,119,332)	2,121,323	-		
Fund balance, beginning of period	28,482,112	28,482,112		28,482,112				
Fund balance, end of period	\$ 35,602,825	\$ 23,241,457	\$ -	\$ 25,362,780	\$ 2,121,323			

For the six months ended March 31, 2018 (With forecasted amounts for the year ending September 30, 2018)

		Actual - 03/31/2018			Forecasted - 09/30/18		
			Percent	12 months	Compared to	Percent	
	Actual	Budget	of Budget	9/30/2018	Budget	of Budget	
Taxes:			_				
Ad valorem:							
Property, current year	\$ 13,156,940	\$ 13,384,540	98.30%	\$ 13,360,540	\$ (24,000)	99.82%	
Property, prior year	38,988	139,689	27.91%	91,000	(48,689)	65.14%	
Penalty and interest	44,934	90,000	49.93%	91,000	1,000	101.11%	
Total ad valorem taxes	13,240,862	13,614,229	97.26%	13,542,540	(71,689)	99.47%	
Non-property taxes:							
City sales	10,692,466	21,420,000	49.92%	22,297,837	877,837	104.10%	
Mixed beverage	81,051	155,000	52.29%	168,000	13,000	108.39%	
Occupation	21,415	40,000	53.54%	41,400	1,400	103.50%	
Bingo		20,000	0.00%	15,000	(5,000)	75.00%	
Total non-property taxes	10,794,932	21,635,000	49.90%	22,522,237	887,237	104.10%	
Total taxes	24,035,794	35,249,229	68.19%	36,064,777	815,548	102.31%	
Franchise Fees:							
Electric franchise	3,236,830	3,260,000	99.29%	3,249,242	(10,758)	99.67%	
Gas franchise	517,116	530,000	97.57%	518,950	(11,050)	97.92%	
Telephone franchise	203,398	430,000	47.30%	390,000	(40,000)	90.70%	
Cable franchise	411,503	761,610	54.03%	854,026	92,416	112.13%	
Water/Sewer franchise	860,705	1,721,410	50.00%	1,721,410	-	100.00%	
Other	41,256	82,250	50.16%	90,650	8,400	110.21%	
Total franchise fees	5,270,808	6,785,270	77.68%	6,824,278	39,008	100.57%	
Licenses and permits:							
Building permits	203,437	350,000	58.12%	533,605	183,605	152.46%	
Electrical permits and licenses	40,007	87,000	45.99%	87,000	-	100.00%	
Mechanical	37,068	75,000	49.42%	75,000	-	100.00%	
Plumbing permit fees	68,331	120,000	56.94%	133,270	13,270	111.06%	
Other	77,755	180,750	43.02%	217,230	36,480	120.18%	
Total licenses and permits	426,598	812,750	52.49%	1,046,105	233,355	128.71%	
Intergovernmental revenues:							
Federal grants	14,712	14,712	100.00%	14,712	-	100.00%	
State grants	1,685	1,685	100.00%	1,685	-	100.00%	
State reimbursements	8,352	8,352	100.00%	8,352	-	100.00%	
Department of Civil							
Preparedness	18,357	39,988	45.91%	36,713	(3,275)	91.81%	
Total intergovernmental revenues	\$ 43,106	\$ 64,737	66.59%	\$ 61,462	\$ (3,275)	94.94%	

CITY OF TEMPLE, TEXAS GENERAL FUND SCHEDULE OF REVENUES - ACTUAL AND BUDGET For the six months ended March 31, 2018

(With forecasted	amounts for the	e year ending	September 30, 2018)

		Actual - 03/31/2018			Forecasted - 09/30/18	
			Percent	12 months	Compared to	Percent
	Actual	Budget	of Budget	9/30/2018	Budget	of Budget
Charges for services:	f 40.000	Ф 05 500	50.400/	Φ 00.045	Ф 04 <i>Б</i>	400.000/
Library fees	\$ 13,293	\$ 25,500	52.13%	\$ 26,315	\$ 815	103.20%
Recreational entry fees	48,038	107,000	44.90%	96,048	(10,952)	89.76%
Summit recreational fees	199,464	389,450	51.22%	412,200	22,750	105.84%
Golf course revenues	255,634	707,000	36.16%	424,825	(282,175)	60.09%
Swimming pool	1,011	40,000	2.53%	34,000	(6,000)	85.00%
Lions Junction water park	20,670	440,000	4.70%	465,000	25,000	105.68%
Sammons indoor pool	34,425	90,100	38.21%	76,500	(13,600)	84.91%
Vital statistics	59,269	114,118	51.94%	125,101	10,983	109.62%
Police revenue	663,873	1,518,024	43.73%	1,267,282	(250,742)	83.48%
Contractual services				-		
-proprietary fund	2,070,484	4,097,160	50.53%	4,133,660	36,500	100.89%
Curb and street cuts	30,105	50,000	60.21%	42,800	(7,200)	85.60%
Other	981	60,250	1.63%	83,736	23,486	138.98%
Solid waste collection - residential	2,576,062	5,238,513	49.18%	5,161,438	(77,075)	98.53%
Solid waste collection - commercial	1,612,790	3,170,000	50.88%	3,218,428	48,428	101.53%
Solid waste collection - roll-off /other	1,341,477	2,663,782	50.36%	2,653,492	(10,290)	99.61%
Landfill contract	921,294	1,928,229	47.78%	1,865,299	(62,930)	96.74%
Airport sales and rental	1,190,207	2,219,794	53.62%	2,125,125	(94,669)	95.74%
Subdivision fees	15,749	18,000	87.49%	35,000	17,000	194.44%
Recreational services	484,151	1,293,600	37.43%	1,239,733	(53,867)	95.84%
Fire department	42,516	67,492	62.99%	69,718	2,226	103.30%
Reinvestment Zone reimbursements	304,948	795,491	38.33%	795,491	-	100.00%
Total charges for services	11,886,441	25,033,503	47.48%	24,351,191	(682,312)	97.27%
Fines:						
Court	664,943	1,513,049	43.95%	1,354,449	(158,600)	89.52%
Animal pound	25,417	49,000	51.87%	52,000	3,000	106.12%
Overparking	30	12,000	0.25%	6,000	(6,000)	50.00%
Administrative fees	273,757	694,411	39.42%	689,166	(5,245)	99.24%
Total fines	964,147	2,268,460	42.50%	2,101,615	(166,845)	92.65%
Interest and other:						
Interest	225,701	396,000	57.00%	514,000	118,000	129.80%
Lease and rental	206,227	319,471	64.55%	319,471	-	100.00%
Sale of fixed assets	18,167	89,200	20.37%	85,574	(3,626)	95.93%
Insurance claims	183,936	233,101	78.91%	220,171	(12,930)	94.45%
Payment in lieu of taxes	18,033	17,230	104.66%	18,033	803	104.66%
Building rental -						
BOA bldg.	47,148	85,000	55.47%	91,000	6,000	107.06%
Other	127,079	170,476	74.54%	180,490	10,014	105.87%
Total interest and other	826,291	1,310,478	63.05%	1,428,739	118,261	109.02%
Total revenues	\$ 43,453,185	\$ 71,524,427	60.75%	\$ 71,878,167	\$ 353,740	100.49%

GENERAL FUND

SCHEDULE OF EXPENDITURES- ACTUAL AND BUDGET

For the six months ended March 31, 2018

(With forecasted amounts for the year ending September 30, 2018)

Parcent Parc		Actual - 03/31/2018			Forecasted - 09/30/18					
Careral government: City council \$ 95,529 \$ 230,598 41.43% \$ 204,401 \$ 26,197 88.64% City manager 334,059 975,202 34.28% 806,666 168,537 82.72% Administrative services 107,400 240.494 44.66% 23,2720 7.749 98.78% Finance 883,613 1,683,900 48.81% 16.15,837 68.083 95.96% Finance 823,613 1,683,900 48.81% 16.15,837 68.083 95.96% Purchasing 217,229 435,716 49.86% 427,629 80.087 98.14% City secretary 228,394 523,401 45.54% 494,830 28.571 94.54% Special services 768,340 1,154,735 66.54% 14.88,144 (333,409) 128.87% Liegal 465,666 893,275 49.56% 943,964 4.311 99.54% City planning 333,853 688,087 48.12% 643,967 44.220 93.57% Information Technology Sarvices 16.37,922 3.034,568 53.38% 2.886,104 148,404 95.11% Human Resources 442,470 888,159 50.97% 853,578 14.581 98.32% Economic development 883,540 1.828,562 48.87% 1.888,161 20.431 98.88% Fleet Services 561,607 1.162,558 48.31% 1.087,157 75.401 93.51% Inspections 237,240 603,149 42.30% 534,874 73.275 87.95% Facility services 644,071 1.602,759 40.19% 1.505,621 96.934 30.94% Public safety: Municipal court 496,221 906,924 54.71% 882,496 14.438 99.41% Police 9,131,748 18,079,767 50.51% 17,606,009 473,758 97.36% Animal control 244,884 562,972 45.27% 553,478 94.94 99.31% Fire 6,211,937 12,476,35 49.00% 1.626,878 11.426 10.40% Communications 477,129 994,258 50.00% 994,258 5.00% 994,258 5.00% 994,258 5.00% 994,258 5.00% 994,258 5.00% 994,258 5.00% 994,258 5.00% 994,258 5.00% 994,258 5.00% 994,258 5.00% 994,258 5.00% 994,258 5.00% 994,258 5.00% 994,258 5.00% 994,258 5.00% 994,258 5.00% 994,258 5.00% 994,258 5.00% 994,258 5.00% 994,258 5.00% 994,258 5.00% 994,258 5.00% 9				Percent	12 months	Compared to	Percent			
City council \$ 95,529 \$ 230,588 41,43% \$ 204,401 \$ 26,197 88,64% City manager 334,059 975,202 34,26% 806,665 168,537 82,72% Administrative services 107,400 240,469 44,66% 223,720 7,749 96,78% Finance 823,613 1,683,320 48,91% 1,615,837 68,083 59,596 Purchasing 217,229 435,716 49,86% 427,629 8,087 98,14% City secretary 233,844 523,401 45,54% 494,830 22,571 94,54% Special services 768,340 1,154,735 66,54% 1,488,144 (33,409) 128,74 Legal 465,686 939,275 49,85% 394,964 4,311 96,54% City parning 333,863 680,667 48,52% 643,867 44,241 98,54% Human Resources 442,470 868,159 50,97% 855,578 14,591 98,28% Flee 21,224		Actual	Budget	of Budget	9/30/2018	Budget	of Budget			
City manager 334,099 975,202 34,28% 806,665 168,537 82,72% Administrative services 107,400 240,469 44,66% 232,720 7,749 96,78% Finance 823,613 1,683,820 48,91% 1,615,837 66,083 95,99% Putrhasting 217,229 435,716 49,88% 427,629 8,087 98,14% City secretary 238,344 523,401 45,64% 498,830 28,571 94,548 Legal 465,686 939,275 49,58% 349,864 4,311 99,54% Legal 465,686 939,275 49,58% 349,864 4,311 99,54% Legal Jaming 338,853 888,087 48,52% 643,867 44,220 93,57% Information Technology Services 1,637,922 3,034,608 53,39% 2,886,104 148,404 96,15% Human Resources 442,470 888,159 50,77% 855,578 14,581 99,32% Elocation 25,724	General government:									
Administrative senices 107,400 240,469 44,66% 232,720 7,749 96,78% Finance 823,613 1,683,920 48,91% 1,615,837 68,083 95,96% Purchasing 217,229 435,716 49,86% 427,629 8,067 981,44% City secretary 238,364 523,401 45,64% 494,830 28,571 94,54% Legal 465,686 939,275 49,65% 334,964 4,311 99,54% Legal 465,686 939,275 49,65% 334,964 4,311 99,54% Legal 465,686 393,275 49,65% 344,867 44,220 33,75% Information Technology Services 1,837,922 3,034,508 53,98% 2,886,104 148,404 95,11% Human Resources 442,470 868,169 60,97% 855,578 14,581 98,32% Economic development 893,460 1,828,822 48,67% 1,808,161 20,431 98,68% Fleet Services 561,607 1,162,558 48,31% 1,087,167 75,401 93,51% Inspections 257,240 608,149 42,90% 534,874 73,275 87,986 Fleet Services 644,071 1,602,755 40,19% 1,508,821 96,934 39,99% Facility services 9,131,748 18,079,767 60,51% 17,606,009 473,788 97,38% Arimal control 254,884 562,972 45,27% 553,478 9,448 893,478 Fire 6,211,937 12,447,535 49,90% 12,628,781 (181,246) 101,46% Corde compliance 446,325 1,199,223 33,648,44 2,539,553 27,295 89,99% 12,628,781 1,199,123 33,628,43 34,111,368 49,95% 33,768,172 343,196 98,99% 14,609,199 26,733 37,676 26,733 37,676 26,733 37,676 26,733 37,676 26,733 37,676 26,733 37,676 26,733 37,676 26,733 37,676 26,733 37,676 26,733 37,676 26,733 27,295 28,299 283,299 283,299 283,464 44,45% 2,539,553 27,295 28,99% 28,99% 28,99% 28,99% 28,99% 28,99% 28,99% 28,99% 28,99% 28,99% 28,99% 28,99% 28,99% 28,99% 28,99% 28,99% 28,99% 28,99% 28,99% 28,99% 28,99% 28,99% 28,99% 28,99% 28,99% 28,99% 28,99% 28,99% 28,99% 28,99% 28,99% 28,99% 28,99% 28,99% 28,99% 28,99% 28,99% 28,99% 28,99% 28,99% 28,99% 28,99% 28,	City council	\$ 95,529	\$ 230,598	41.43%	\$ 204,401	\$ 26,197	88.64%			
Finance Ray	City manager	334,059	975,202	34.26%	806,665	168,537	82.72%			
Purchasing 217,229 435,716 49,86% 427,629 8,087 98,14% City secretary 238,364 523,401 45,54% 434,830 28,571 94,54% 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 145,478 1	Administrative services	107,400	240,469	44.66%	232,720	7,749	96.78%			
City secretary 238,384 523,401 45,54% 494,830 28,571 94,54% Special services 768,340 1,154,735 66,54% 1,488,144 333,09) 128,87% 128,87% 146,886 93,275 40,59% 934,964 4,311 99,54% 146,98% 934,964 4,311 99,54% 146,98% 146,220 93,57% 146,98% 146,220 93,57% 146,98% 146,220 93,57% 146,98% 146,220 93,57% 146,98% 146,220 93,57% 146,98% 146,420 93,57% 146,98% 146,420 93,57% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146,98% 146	Finance	823,613	1,683,920	48.91%	1,615,837	68,083	95.96%			
Special sentices 768,340 1,154,735 66,54% 1,488,144 (333,409) 128,87% Legal 466,686 393,275 49,59% 394,964 4,311 99,54% 1,311 99,54% 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311 1,311	Purchasing	217,229	435,716	49.86%	427,629	8,087	98.14%			
Legal	City secretary	238,364	523,401	45.54%	494,830	28,571	94.54%			
City planning 333,853 688,087 48,52% 643,867 44,220 93,57% Information Technology Services 1,637,922 3,034,508 53,99% 2,886,104 144,8404 55,11% Human Resources 444,470 688,159 50,97% 853,578 14,581 98,32% Economic development 833,540 1,828,852 48,87% 1,808,151 20,431 98,88% Fleet Services 561,607 1,162,558 48,31% 1,087,157 75,401 93,51% inspections 257,240 608,149 42,30% 534,874 73,275 87,99% Facility services 644,071 1,602,755 40,19% 1,505,821 96,934 93,99% 7,820,923 15,976,114 48,95% 15,524,740 451,374 97,17% Public safety: Municipal court 496,221 906,924 54,71% 892,496 14,438 98,41% Police 9,131,748 18,079,767 50,51% 17,606,009 473,758 97,39% Animal control 254,884 562,972 45,27% 553,478 9,494 98,31% Fire 6,211,937 12,447,535 49,90% 12,628,781 9,494 89,31% Communications 497,129 994,258 50,00% 994,258 -100,00% 270,61% 34,111,368 49,95% 33,768,172 343,196 98,99% 11,193,159 26,753 97,61% 39,83% 1,193,159 26,753 97,61% 37,61% 39,236 33,648 44,64% 2,539,553 27,295 98,99% 1,193,159 26,753 37,61% 23,299 634,646 44,64% 62,7002 7,644 68,80% 3,627,002 7,644 68,80% 3,627,002 7,644 66,175 98,199% 1,193,159 26,753 98,199% 2,196,276 3,647,832 45,57% 3,581,657 66,175 98,199% 3,646,246 44,64% 3,581,657 66,175 98,199% 3,646,246 44,64% 3,581,657 66,175 98,199% 3,646,246 44,64% 3,581,657 66,175 98,199% 3,646,246 44,64% 3,581,657 66,175 98,199% 3,646,246 44,64% 3,581,657 66,175 98,199% 3,646,246 44,64% 3,581,657 66,175 98,199% 3,646,246 44,64% 3,581,657 66,175 98,199% 3,646,246 44,64% 3,581,657 66,175 98,199% 3,646,246 44,64% 3,581,657 66,175 98,199% 3,646,246 44,64% 3,581,657 66,175 98,199% 3,646,246 3,646,246 3,646,246 3,646,246 3,646,246 3,646,246	Special services	768,340	1,154,735	66.54%	1,488,144	(333,409)	128.87%			
Information Technology Services 1,637,922 3,034,508 53,98% 2,886,104 148,404 95,11% Human Resources 442,470 868,159 50,97% 853,578 14,881 98,22% Economic development 893,540 1,828,562 48,87% 1,908,151 20,431 98,88% Fleet Services 561,607 1,162,558 48,31% 1,007,167 75,401 33,51% Inspections 257,240 608,149 42,30% 534,874 73,275 87,95% 7,820,923 15,976,114 48,95% 15,524,740 451,374 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17% 97,17%	Legal	465,686	939,275	49.58%	934,964	4,311	99.54%			
Human Resources	City planning	333,853	688,087	48.52%	643,867	44,220	93.57%			
Economic development 893,540 1,828,882 48.8% 1,808,151 20,431 98.88% Fleet Sendces 561,607 1,62,558 48.31% 1,087,157 75,401 33.51% Inspections 257,240 608,149 42.30% 534,874 73,275 87,99% Facility services 644,071 1,602,755 40.19% 1,505,821 96,934 93.95% Facility services 7,820,923 15,976,114 48.95% 15,524,740 451,374 97.17% Public safety:	Information Technology Services	1,637,922	3,034,508	53.98%	2,886,104	148,404	95.11%			
Fleet Services 561,607 1,162,558 48.31% 1,087,157 75,401 93.51% Inspections 257,240 608,149 42.30% 534,874 73,275 87.95% 7,620,923 15,976,114 48.95% 15,524,740 451,374 97.17% 7,620,923 15,976,114 48.95% 15,524,740 451,374 97.17% 7,620,923 15,976,114 48.95% 15,524,740 451,374 97.17% 7,620,923 15,976,114 48.95% 15,524,740 451,374 97.17% 7,620,923 15,976,114 48.95% 15,524,740 451,374 97.17% 7,620,923 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620,262 1,620	Human Resources	442,470	868,159	50.97%	853,578	14,581	98.32%			
Inspections 257,240 608,149 42.30% 534,874 73,275 87.95% 644,071 1,602,755 40.19% 1,505,821 36.934 33.95% 33.95% 15,976,114 48.95% 15,524,740 451,374 97.17%	Economic development	893,540	1,828,582	48.87%	1,808,151	20,431	98.88%			
Inspections 257,240 608,149 42.30% 534,874 73,275 87.95% 644,071 1,602,755 40.19% 1,505,821 36.934 33.95% 33.95% 15,976,114 48.95% 15,524,740 451,374 97.17%	•	·	1,162,558	48.31%	1,087,157	·	93.51%			
Facility services 644,071 7,820,923 1,602,755 15,976,114 40.19% 48.95% 1,505,821 15,524,740 96,934 451,374 93.95% 97.17% Public safety: Municipal court 496,221 9,131,748 906,924 18,079,767 50.51% 50.51% 17,066,009 173,666,009 473,768 473,768 98.38% 9,484 98.31% Folice 9,131,748 18,079,767 50.51% 50.51% 17,066,009 12,628,781 493,788 9,494 98.31% 93.88% 1,983 Fire 6,211,937 12,447,535 49.90% 12,628,781 (181,246) 101.46% 101.46% Communications 497,129 994,258 50.00% 50,100,00% 994,258 50.00% 26,753 97,61% 26,753 97,61% 97.61% Code compliance 446,335 17,038,254 34,111,368 49.95% 33,768,172 343,196 98.99% Highways and streets: Street 1,186,822 2,566,848 46,24% 2,539,553 3,768,172 27,295 343,196 98.94% Taffic signals 192,155 466,2276 3,647,832 3,647,832 45.57% 3,581,657 66,175 66,175 98.19% Sanitation: 3,628,619 3,689	Inspections	•				•				
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Police 9,131,748 18,079,767 50.51% 17,606,009 473,758 97.38% Animal control 254,884 562,972 45,27% 553,478 9,494 98.31% Fire 6,211,937 12,447,535 49,90% 12,628,781 (181,246) 101.46% Communications 497,129 994,258 50.00% 994,258 - 100.00% Code compliance 446,335 1,119,912 39.85% 1,093,159 26,753 97.61% Code compliance 446,335 1,111,368 49.95% 33,768,172 343,196 98.99% Highways and streets: 31,111,368 49.95% 33,768,172 343,196 98.99% Highways and streets: 31,111,368 49.95% 33,768,172 343,196 98.99% Highways and streets: 31,111,368 49.95% 33,768,172 343,196 98.99% Highways and streets: 31,116,622 2,566,848 46.24% 2,539,553 27,295 98.94% Traffic signals 19,2155	•	400 224	000 004	E 4 740/	000 400	14 420	00.440/			
Animal control 254,884 562,972 45,27% 553,478 9,494 98.31% Fire 6,211,937 12,447,535 49,90% 12,628,781 (181,246) 101.46% Communications 497,129 994,258 50,00% 994,258 - 100,00% Code compliance 446,335 1,119,912 39.85% 1,093,159 26,753 97.61% Highways and streets: 17,038,254 34,111,368 49.95% 33,768,172 343,196 98.99% Highways and streets: 1,186,822 2,566,848 46.24% 2,539,553 27,295 98.94% Traffic signals 192,155 446,338 43.05% 415,101 31,237 93.00% Engineering 283,299 634,646 44.64% 627,002 7,644 98.80% Sanitation: 3,628,619 6,818,772 53.22% 6,629,969 188,803 97.23% Parks and recreation: 4 44,18,713 40.71% 4,300,219 118,494 97.32% Park	·	·	•		•	· ·				
Fire Communications 6,211,937 (2,447,535) 49,90% (3,248) 12,628,781 (181,246) 101.46% (181,246) Communications 497,129 (394,258) 50.00% (394,258) - 100.00% (394,258) - 100.00% (394,258) - 100.00% (394,258) - 100.00% (394,258) - 100.00% (394,258) - 100.00% (394,258) - 100.00% (394,258) - 100.00% (394,258) - 100.00% (394,258) - 100.00% (394,258) - 100.00% (394,258) - 100.00% (394,258) - 100.00% (394,258) - 100.00% (394,258) - 100.00% (394,258) - 100.00% (394,258) - 100.00% (394,258) - 100.00% (394,258) - 100.00% (394,258) - 100.00% (394,258) - 100.00% (394,258) - 26,753 97.61% (394,69%) - 33,768,172 343,196 98.99% Highways and streets: Street 1,186,822 2,566,848 46.24% (253,955) 27,295 98.94% Traffic signals 192,155 446,338 43.05% (415,101) 31,237 93.00% Engineering 283,299 (634,646) 44.64% (627,002) 7,644 98.80% Sanitation: 3,628,619 (6,818,772) 53,22% (6,29,969) 188,803 97.23% Parks and recreation: Administrat						·				
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Highways and streets: Street 1,186,822 2,566,848 46.24% 2,539,553 27,295 98.94% Traffic signals 192,155 446,338 43.05% 415,101 31,237 93.00% Engineering 283,299 634,646 44.64% 627,002 7,644 98.80% 1,662,276 3,647,832 45.57% 3,581,657 66,175 98.19% Sanitation: 3,628,619 6,818,772 53.22% 6,629,969 188,803 97.23% Parks and recreation: Administration 268,995 575,644 46.73% 565,552 10,092 98.25% Parks 1,798,973 4,418,713 40.71% 4,300,219 118,494 97.32% Recreation 1,453,172 4,028,191 36.08% 3,870,680 157,511 96.09% Golf course 846,073 1,545,310 54.75% 1,318,629 226,681 85.33% 4,367,213 10,567,858 41.33% 10,055,079 512,779 95.15% Library: 840,020 1,846,887 45.48% 1,670,498 176,389 90.45% Debt Service: 44,509 123,441 36.06% 122,855 586 99.53%		·	·		•	-				
Highways and streets: Street	Code compliance									
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Traffic signals 192,155 446,338 43.05% 415,101 31,237 93.00% Engineering 283,299 634,646 44.64% 627,002 7,644 98.80% Sanitation: 1,662,276 3,647,832 45.57% 3,581,657 66,175 98.19% Parks and recreation: Administration 268,995 575,644 46.73% 565,552 10,092 98.25% Parks 1,798,973 4,418,713 40.71% 4,300,219 118,494 97.32% Recreation 1,453,172 4,028,191 36.08% 3,870,680 157,511 96.09% Golf course 846,073 1,545,310 54.75% 1,318,629 226,681 85.33% Library: 840,020 1,846,887 45.48% 1,670,498 176,389 90.45% Airport: 1,177,933 2,247,310 52.42% 2,219,030 28,280 98.74% Debt Service: 44,509 123,441 36.06% 122,855 586 99.53% <td>Highways and streets:</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td>	Highways and streets:									
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1,662,276 3,647,832 45.57% 3,581,657 66,175 98.19% Sanitation: 3,628,619 6,818,772 53.22% 6,629,969 188,803 97.23% Parks and recreation: Administration 268,995 575,644 46.73% 565,552 10,092 98.25% Parks 1,798,973 4,418,713 40.71% 4,300,219 118,494 97.32% Recreation 1,453,172 4,028,191 36.08% 3,870,680 157,511 96.09% Golf course 846,073 1,545,310 54.75% 1,318,629 226,681 85.33% 4,367,213 10,567,858 41.33% 10,055,079 512,779 95.15% Library: 840,020 1,846,887 45.48% 1,670,498 176,389 90.45% Airport: 1,177,933 2,247,310 52.42% 2,219,030 28,280 98.74% Debt Service: 44,509 123,441 36.06% 122,855 586 99.53%	Traffic signals	192,155	446,338	43.05%	415,101	31,237	93.00%			
Sanitation: 3,628,619 6,818,772 53.22% 6,629,969 188,803 97.23% Parks and recreation: Administration 268,995 575,644 46.73% 565,552 10,092 98.25% Parks 1,798,973 4,418,713 40.71% 4,300,219 118,494 97.32% Recreation 1,453,172 4,028,191 36.08% 3,870,680 157,511 96.09% Golf course 846,073 1,545,310 54.75% 1,318,629 226,681 85.33% 4,367,213 10,567,858 41.33% 10,055,079 512,779 95.15% Library: 840,020 1,846,887 45.48% 1,670,498 176,389 90.45% Airport: 1,177,933 2,247,310 52.42% 2,219,030 28,280 98.74% Debt Service: 44,509 123,441 36.06% 122,855 586 99.53%	Engineering	283,299	634,646	44.64%	627,002	7,644	98.80%			
Parks and recreation: Administration 268,995 575,644 46.73% 565,552 10,092 98.25% Parks 1,798,973 4,418,713 40.71% 4,300,219 118,494 97.32% Recreation 1,453,172 4,028,191 36.08% 3,870,680 157,511 96.09% Golf course 846,073 1,545,310 54.75% 1,318,629 226,681 85.33% 4,367,213 10,567,858 41.33% 10,055,079 512,779 95.15% Library: 840,020 1,846,887 45.48% 1,670,498 176,389 90.45% Airport: 1,177,933 2,247,310 52.42% 2,219,030 28,280 98.74% Debt Service: 44,509 123,441 36.06% 122,855 586 99.53%		1,662,276	3,647,832	45.57%	3,581,657	66,175	98.19%			
Administration 268,995 575,644 46.73% 565,552 10,092 98.25% Parks 1,798,973 4,418,713 40.71% 4,300,219 118,494 97.32% Recreation 1,453,172 4,028,191 36.08% 3,870,680 157,511 96.09% Golf course 846,073 1,545,310 54.75% 1,318,629 226,681 85.33% 4,367,213 10,567,858 41.33% 10,055,079 512,779 95.15% Library: 840,020 1,846,887 45.48% 1,670,498 176,389 90.45% Airport: 1,177,933 2,247,310 52.42% 2,219,030 28,280 98.74% Debt Service: 44,509 123,441 36.06% 122,855 586 99.53%	Sanitation:	3,628,619	6,818,772	53.22%	6,629,969	188,803	97.23%			
Administration 268,995 575,644 46.73% 565,552 10,092 98.25% Parks 1,798,973 4,418,713 40.71% 4,300,219 118,494 97.32% Recreation 1,453,172 4,028,191 36.08% 3,870,680 157,511 96.09% Golf course 846,073 1,545,310 54.75% 1,318,629 226,681 85.33% 4,367,213 10,567,858 41.33% 10,055,079 512,779 95.15% Library: 840,020 1,846,887 45.48% 1,670,498 176,389 90.45% Airport: 1,177,933 2,247,310 52.42% 2,219,030 28,280 98.74% Debt Service: 44,509 123,441 36.06% 122,855 586 99.53%	Parks and recreation:									
Parks 1,798,973 4,418,713 40.71% 4,300,219 118,494 97.32% Recreation 1,453,172 4,028,191 36.08% 3,870,680 157,511 96.09% Golf course 846,073 1,545,310 54.75% 1,318,629 226,681 85.33% 4,367,213 10,567,858 41.33% 10,055,079 512,779 95.15% Library: 840,020 1,846,887 45.48% 1,670,498 176,389 90.45% Airport: 1,177,933 2,247,310 52.42% 2,219,030 28,280 98.74% Debt Service: 44,509 123,441 36.06% 122,855 586 99.53%		268 995	575 644	46 73%	565 552	10 092	98 25%			
Recreation Golf course 1,453,172		,	·		·	· ·				
Golf course 846,073 1,545,310 54.75% 1,318,629 226,681 85.33% 4,367,213 10,567,858 41.33% 10,055,079 512,779 95.15% Library: 840,020 1,846,887 45.48% 1,670,498 176,389 90.45% Airport: 1,177,933 2,247,310 52.42% 2,219,030 28,280 98.74% Debt Service: 44,509 123,441 36.06% 122,855 586 99.53%		, ,				· ·				
Library: 840,020 1,846,887 45.48% 1,670,498 176,389 90.45% Airport: 1,177,933 2,247,310 52.42% 2,219,030 28,280 98.74% Debt Service: 44,509 123,441 36.06% 122,855 586 99.53%						· ·				
Airport: 1,177,933 2,247,310 52.42% 2,219,030 28,280 98.74% Debt Service: 44,509 123,441 36.06% 122,855 586 99.53%	Goil Course									
Airport: 1,177,933 2,247,310 52.42% 2,219,030 28,280 98.74% Debt Service: 44,509 123,441 36.06% 122,855 586 99.53%	Library	040.000	4.040.007	AE 400/	4 670 400	470 000	00.450/			
Debt Service: 44,509 123,441 36.06% 122,855 586 99.53%	ымагу:	840,020	1,846,887	45.48%	1,670,498	176,389	90.45%			
	Airport:	1,177,933	2,247,310	52.42%	2,219,030	28,280	98.74%			
	Debt Service:	44,509	123,441	36.06%	122,855	586	99.53%			
	Totals	\$ 36,579,747	\$ 75,339,582	48.55%	\$ 73,571,999	\$ 1,767,583	97.65%			



Water & Wastwater Enterprise Fund Financials



Water and Wastewater Fund: To account for the provision of water and wastewater 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 services, billing and collection.

	2018	2017	Increase (Decrease)		
ASSETS					
Current assets:					
Cash	\$ 6,610	\$ 6,350	\$ 260		
Investments	30,497,598	31,551,994	(1,054,396)		
Customer receivables	1,217,080	1,346,929	(129,849)		
Accounts receivable	122,101	231,863	(109,762)		
Inventories	267,875	257,445	10,430		
Total current assets	32,111,264	33,394,581	(1,283,317)		
Restricted cash and investments:					
Revenue bond debt service	4,949,417	3,965,092	984,325		
Customer deposits	731,059	722,096	8,963		
Construction account	40,609,042	13,509,487	27,099,555		
	46,289,518	18,196,675	28,092,843		
Property and equipment:					
Land	2,583,946	2,153,038	430,908		
Improvements other than buildings	189,389,080	181,978,154	7,410,926		
Buildings	47,998,956	47,926,285	72,671		
Machinery and equipment	11,205,863	9,645,275	1,560,588		
	251,177,845	241,702,752	9,475,093		
Less accumulated depreciation	(117,418,830)	(110,692,194)	(6,726,636)		
Construction in progress	49,765,791	26,272,512	23,493,279		
Net property and equipment	183,524,806	157,283,070	26,241,736		
Total assets	261,925,588	208,874,326	53,051,262		
DEFERRED OUTFLOWS OF RESOURCES					
Deferred amounts on refunding	2,259,263	2,580,120	(320,857)		
Deferred amounts of contributions	444,307	422,517	21,790		
Deferred amounts of investment experience, net	774,284	1,031,732	(257,448)		
Deferred amounts on expected and actual experience, net	13,488		13,488		
Total deferred outflows of resources	\$ 3,491,342	\$ 4,034,369	\$ (543,027)		

	2018	2017	Increase (Decrease)			
LIABILITIES						
Current liabilities:						
Vouchers & contracts payable	\$ 6,952,541	\$ 2,595,329	\$ 4,357,212			
Retainage payables	178,983	51,090	127,893			
Accrued payroll	170,275	150,265	20,010			
Deferred revenue	70,641	70,641				
Total current liabilities	7,372,440	2,867,325	4,505,115			
Liabilities payable from restricted assets:						
Customers deposits	731,059	722,096	8,963			
Vouchers & contracts payable	18,687,724	4,965,589	13,722,135			
Retainage payables	265,102	262,818	2,284			
Accrued interest - revenue bonds	676,809	569,690	107,119			
Current maturities of long-term liabilities	5,948,137	4,650,000	0_ 1,298,137			
	26,308,831	11,170,193	15,138,638			
Long-term liabilities, less current maturities:						
Revenue bonds payable	109,295,000	82,490,000	26,805,000			
Vacation and sick leave payable	346,027	353,853	(7,826)			
Net pension liability	4,000,525	3,877,326	123,199			
Other post-employment benefits payable	737,386	677,293	60,093			
Notes payable	28,216	-	28,216			
Premium on bonds payable	7,583,954	5,394,168	2,189,786			
Discount on bonds payable	(757,226)	(471,230)	(285,996)			
	121,233,882	92,321,410	28,912,472			
Total liabilities	154,915,153	106,358,928	48,556,225			
DEFERRED INFLOWS OF RESOURCES						
Deferred amounts on expected and actual experience, net	<u>-</u>	75,828	(75,828)			
Total deferred inflows of resources	-	75,828	(75,828)			
NET POSITION						
Invested in capital assets, net of related debt	105,500,942	83,014,854	22,486,088			
Restricted for debt service	4,272,608	3,395,402	877,206			
Unrestricted	1,113,265	19,482,442	(18,369,177)			
Total net position	110,886,815	105,892,698	4,994,117			
Net income {YTD}	(385,038)	581,241	(966,279)			
Total liabilities and net position	\$ 265,416,930	\$ 212,908,695	\$ 52,508,235			

STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN FUND NET POSITION

For the six months ended March 31, 2018

	2018		2017	Increase Decrease)
Operating revenues:				
Water service	\$ 8,200,240	\$	7,957,370	\$ 242,870
Sewer service	6,173,861		6,189,377	(15,516)
Other	1,075,157		1,027,697	47,460
Total operating revenues	15,449,258		15,174,444	274,814
Operating expenses:				
Personnel services	2,617,750		2,280,308	337,442
Supplies	812,572		665,087	147,485
Repairs and maintenance	616,173		526,069	90,104
Depreciation	3,369,893		3,192,256	177,637
Other services and charges	6,575,368		6,378,936	196,432
Total operating expenses	13,991,756		13,042,656	949,100
Operating income	1,457,502		2,131,788	(674,286)
Nonoperating revenues (expenses):				
Interest income	504,521		392,142	112,379
Interest expense	(2,363,291)		(1,944,511)	418,780
Total nonoperating revenues	 			
(expenses)	 (1,858,770)		(1,552,369)	 (306,401)
Income before transfers and contributions	(401,268)		579,419	(980,687)
Contributions from TxDot	 16,230		1,822	 14,408
Change in net position	(385,038)		581,241	(966,279)
Net position, beginning of period	 110,886,815		105,892,698	 4,994,117
Net position, end of period	\$ 110,501,777	\$ ^	106,473,939	\$ 4,027,838

WATER AND WASTEWATER ENTERPRISE FUND COMPARATIVE SCHEDULE OF OPERATING REVENUES

For the six months ended March 31, 2018

	2018	2018 2017	
Current water service:			
Residential	\$ 3,872,365	\$ 3,712,869	\$ 159,496
Commercial	3,484,757	3,505,928	(21,171)
Wholesale	393,862	406,520	(12,658)
Effluent	449,256	332,053	117,203
Total water service	8,200,240	7,957,370	242,870
Current sewer service:			
Residential	3,450,126	3,386,825	63,301
Commercial	2,723,735	2,802,552	(78,817)
Total sewer service	6,173,861	6,189,377	(15,516)
Other:			
Transfers and rereads	79,945	77,740	2,205
Penalties	216,144	210,894	5,250
Reconnect fees	147,025	145,600	1,425
Tap fees	122,040	121,950	90
Panda reimbursements	414,413	414,413	-
Other sales	95,590	57,100	38,490
Total other	1,075,157	1,027,697	47,460
Total operating revenues	\$ 15,449,258	\$ 15,174,444	\$ 274,814

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

For the six months ended March 31, 2018

			Increase		
	2018	2017	(Decrease)		
Administrative:					
Personnel services	\$ 288,843	\$ 297,385	\$ (8,542)		
Supplies	10,419	5,853	4,566		
Repairs and maintenance	2,686	791	1,895		
Other services and charges	2,838,751	2,688,541	150,210		
	3,140,699	2,992,570	148,129		
Water treatment and production:					
Personnel services	623,936	472,317	151,619		
Supplies	510,301	386,713	123,588		
Repairs and maintenance	193,963	215,532	(21,569)		
Other services and charges	1,104,369	1,066,652	37,717		
	2,432,569	2,141,214	291,355		
Distribution system:					
Personnel services	553,321	540,506	12,815		
Supplies	102,850	123,169	(20,319)		
Repairs and maintenance	277,056	142,540	134,516		
Other services and charges	55,397	48,953	6,444		
	988,624	855,168	133,456		
Metering:					
Personnel services	192,409	165,497	26,912		
Supplies	99,810	72,125	27,685		
Repairs and maintenance	13,411	15,717	(2,306)		
Other services and charges	147,458	144,628	2,830		
	453,088	397,967	55,121		
Wastewater collection system:					
Personnel services	553,052	537,181	15,871		
Supplies	72,945	70,700	2,245		
Repairs and maintenance	107,813	114,527	(6,714)		
Other services and charges	33,679	163,208	(129,529)		
	767,489	885,616	(118,127)		
Wastewater treatment and disposal:		_	_		
Other services and charges	1,915,145	1,815,870	99,275		
	1,915,145	1,815,870	99,275		
			(Continued)		

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

Exhibit B-4 (Continued)

For the six months ended March 31, 2018

			lı	ncrease	
	 2018	 2017	(Decrease)		
Water collection offices:					
Personnel services	\$ 257,497	\$ 232,917	\$	24,580	
Supplies	10,446	6,311		4,135	
Repairs and maintenance	19,400	36,962		(17,562)	
Other services and charges	 469,432	 447,353		22,079	
	756,775	723,543		33,232	
Water purchasing:					
Personnel services	37,451	34,505		2,946	
Supplies	3,213	216		2,997	
Repairs and maintenance	1,778	-		1,778	
Other services and charges	 5,885	3,731		2,154	
	48,327	38,452		9,875	
Environmental programs:					
Personnel services	111,241	-		111,241	
Supplies	2,588	-		2,588	
Repairs and maintenance	66	-		66	
Other services and charges	 5,252	 -		5,252	
	 119,147	<u>-</u>		119,147	
Depreciation	 3,369,893	 3,192,256		177,637	
Totals	\$ 13,991,756	\$ 13,042,656	\$	949,100	

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

For the six months ended March 31, 2018

	2018			2017						18 vs. 17		
•					% of					% of	I	ncrease
_		Actual		Budget	Budget		Actual		Budget	Budget	(D	ecrease)
Operating revenues:												
Water service	\$	7,750,984	\$	18,147,198	42.71%	\$	7,625,317	\$	17,950,015	42.48%	\$	125,667
Sewer service		6,173,861		12,701,253	48.61%		6,189,377		12,387,106	49.97%		(15,516)
Effluent		449,256		775,000	57.97%		332,053		1,097,974	30.24%		117,203
Other		1,075,157		2,057,303	52.26%		1,027,697		1,961,432	52.40%		47,460
Total operating revenues		15,449,258		33,680,754	45.87%		15,174,444		33,396,527	45.44%		274,814
Operating expenses:												_
Personnel services		2,617,750		5,410,001	48.39%		2,280,308		5,012,381	45.49%		337,442
Supplies		812,572		1,832,582	44.34%		665,087		2,021,976	32.89%		147,485
Repairs and maintenance		616,173		1,449,695	42.50%		526,069		1,272,779	41.33%		90,104
Depreciation		3,369,893		6,600,000	51.06%		3,192,256		6,500,000	49.11%		177,637
Other services and charges		6,575,368		13,534,956	48.58%		6,378,936		13,657,072	46.71%		196,432
Total operating expenses		13,991,756		28,827,234	48.54%		13,042,656		28,464,208	45.82%		949,100
Operating income		1,457,502		4,853,520	30.03%		2,131,788		4,932,319	43.22%		(674,286)
Nonoperating revenues												
(expenses):												
Interest income		504,521		752,914	67.01%		392,142		634,949	61.76%		112,379
Interest expense		(2,363,291)		(4,729,249)	49.97%		(1,944,511)		(4,881,344)	39.84%		418,780
Total nonoperating revenues												
(expenses)		(1,858,770)		(3,976,335)	<u>-</u>		(1,552,369)		(4,246,395)	-		(306,401)
Income before transfers and contribution	ı	(401,268)		877,185	-		579,419		685,924	-		(980,687)
Contributions from TxDot		16,230		629,006	2.58%		1,822		670,241	0.27%	-	14,408
Net income	\$	(385,038)	\$	1,506,191		\$	581,241	\$	1,356,165		\$	(966,279)

Special Revenue Fund Financials



Special Revenue Fund is used to account for specific revenue 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 revenue form this tax be used for advertising and promotion of the City.

<u>Drainage Fund:</u> To account for the levy and assessment of the drainage fee.

ASSETS	2018	2017	Increase (Decrease)
Cash	\$ 4,600	\$ 4,600	\$ -
Investments	1,458,079	1,357,050	101,029
Accounts receivable	168,727	194,858	(26,131)
Inventories	14,585	12,554	2,031
Prepaid items	6,450	6,450	-
Museum collection	18,561	18,561	
Total assets	\$ 1,671,002	\$ 1,594,073	\$ 76,929
LIABILITIES AND FUND BALANCES			
Liabilities:			
Vouchers payable	\$ 90,320	\$ 110,484	\$ (20,164)
Accrued payroll	51,004	42,552	8,452
Deposits	49,404	49,252	152
Total liabilities	190,728	202,288	(11,560)
Fund Balance:			
Nonspendable:			
Inventories and prepaid items	21,035	19,004	2,031
Restricted for:			
Promotion of tourism	1,070,308	814,958	255,350
Budgeted decrease in fund balance	390,240	538,408	(148,168)
Total fund balance	1,481,583	1,372,370	109,213
Excess revenues over expenditures YTD	(1,309)	19,415	(20,724)
Total liabilities and fund balances	\$ 1,671,002	\$ 1,594,073	\$ 76,929

HOTEL-MOTEL FUND

STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES

IN FUND BALANCE - ACTUAL AND BUDGET

For the six months ended March 31, 2018

		2018	2017	Analytical		
					Increase	
					(Decrease)	
	Actual	Budget	of Budget	Actual	Prior year	
Revenues:						
Taxes						
City	\$ 685,885	\$ 1,462,500	46.90%	\$ 704,254	\$ (18,369)	
County	73,307	73,307	100.00%	69,204	4,103	
Charges for services						
Civic center and Visitor center	200,422	381,200	52.58%	268,846	(68,424)	
Musuem	26,474	47,600	55.62%	28,127	(1,653)	
Interest and other	52,392	58,740	89.19%	8,210	44,182	
Total revenues	1,038,480	2,023,347	51.32%	1,078,641	(40,161)	
Expenditures:						
Civic center	537,018	1,329,076	40.41%	552,317	(15,299)	
Railroad museum	230,208	546,609	42.12%	251,292	(21,084)	
Tourism marketing	285,027	547,722	52.04%	255,617	29,410	
Debt Service:						
Principal	881	3,265	26.98%	-	881	
Interest		260	0.00%			
Total expenditures	1,053,134	2,426,932	43.39%	1,059,226	(6,092)	
Excess (deficiency) of revenues						
over expenditures	(14,654)	(403,585)	-	19,415	(34,069)	
Other financing sources (uses):						
Lease Proceeds	13,345	13,345	100.00%		(13,345)	
Total other financing sources (uses)	13,345	13,345	100.00%		(13,345)	
Excess (deficiency) of revenues and other						
financing sources over expenditures						
and other financing uses	(1,309)	(390,240)	-	19,415	(20,724)	
Fund balance, beginning of period	1,481,583	1,481,583		1,372,370	109,213	
Fund balance, end of period	\$ 1,480,274	\$ 1,091,343		\$ 1,391,785	\$ 88,489	

HOTEL-MOTEL FUND

DETAILED SCHEDULE OF EXPENDITURES - BUDGET AND ACTUAL

For the six months ended March 31, 2018

		2018			 2017		nalytical	
	Actua	ı <u>l</u>		Budget	Percent of Budget	 Actual	(De	ecrease) rior yr.
Civic center:								
Personnel services	\$ 366	350	\$	724,082	50.60%	\$ 336,940	\$	29,410
Operations	160	834		331,448	48.52%	177,282		(16,448)
Capital outlay	9	834		273,546	3.60%	 38,095		(28,261)
	537	018		1,329,076	40.41%	 552,317		(15,299)
Railroad museum:								
Personnel services	143	483		286,634	50.06%	133,128		10,355
Operations	69	150		234,759	29.46%	76,551		(7,401)
Capital outlay	17	575		25,216	69.70%	 41,613		(24,038)
	230	208		546,609	42.12%	 251,292		(21,084)
Tourism marketing:								
Personnel services	80	543		161,642	49.83%	73,808		6,735
Operations	195	455		333,058	58.68%	181,809		13,646
Capital outlay	9	029		53,022	17.03%	 		9,029
	285	027		547,722	52.04%	 255,617		29,410
Totals	\$ 1,052	253	\$	2,423,407	43.42%	\$ 1,059,226	\$	(6,973)

ASSETS	2018	2017	Increase (Decrease)
Investments	\$ 2,297,935	\$ 1,884,821	\$ 413,114
Accounts receivable	105,330	80,892	24,438
Total assets	\$ 2,403,265	\$ 1,965,713	\$ 437,552
LIABILITIES AND FUND BALANCES			
Liabilities:			
Vouchers payable	\$ 1,553,079	\$ 156,515	\$ 1,396,564
Accrued payroll	36,148	30,513	5,635
Total liabilities	1,589,227	187,028	1,402,199
Fund balance:			
Committed to:			
Drainage	186,814	1,311,214	(1,124,400)
Budgeted decrease in fund balance	1,628,485	178,475	1,450,010
Total fund balance	1,815,299	1,489,689	325,610
Excess revenues over expenditures YTD	(1,001,261)	288,996	(1,290,257)
Total liabilities and fund balances	\$ 2,403,265	\$ 1,965,713	\$ 437,552

STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES

IN FUND BALANCE - ACTUAL AND BUDGET For the six months ended March 31, 2018

		2018		2017	_Analytical_
	Actual	Budget	Percent of Budget	Actual	\$ Increase (Decrease) Prior yr.
Revenues:					
Drainage fee - commercial	\$ 652,928	\$ 1,116,050	58.50%	\$ 451,825	\$ 201,103
Drainage fee - residential	669,392	1,167,200	57.35%	481,224	188,168
Interest and other	26,709	16,800	158.98%	11,631	15,078
Total revenues	1,349,029	2,300,050	58.65%	944,680	404,349
Expenditures: Drainage					
Personnel services	381,616	881,206	43.31%	367,103	14,513
Operations	131,034	330,100	39.70%	104,192	26,842
Capital outlay	1,803,767	2,440,829	73.90%	184,389	1,619,378
Total expenditures	2,316,417	3,652,135	63.43%	655,684	1,660,733
Excess (deficiency) of revenues					
over expenditures	(967,388)	(1,352,085)		288,996	(1,256,384)
Other financing sources (uses):					
Transfers out - Debt Service Fund	(33,873)	(276,400)	12.26%		33,873
Total other financing uses	(33,873)	(276,400)	12.26%		33,873
Excess (deficiency) of revenues and other financing sources over expenditures					
and other financing uses	(1,001,261)	(1,628,485)	-	288,996	(1,290,257)
Fund balance, beginning of period	1,815,299	1,815,299		1,489,689	325,610
Fund balance, end of period	\$ 814,038	\$ 186,814		\$ 1,778,685	\$ (964,647)

Capital Projects



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

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

Exhibit	Bond Issue	Focus of Issue	Issue Proceeds	Adjusted Bond Fund Revenues	Total Project Costs (1)	Remaining Funds (2)
F-2	2006, 2008, 2010, 2015, & 2017 Utility Revenue Bond Issue (Fund 561)	Various Utility Infrastructure Improvements	\$ 115,590,344	\$ 119,712,544	\$ 118,638,464	\$ 1,074,080
F-3	2012 Pass-Through Revenue and Limited Tax Bonds (Fund 261)	Pass-Through Finance- Northwest Loop 363 Improvements	26,088,247	46,739,739	46,739,358	381
F-4	2012, 2014, 2016 & 2018 Combination Tax & Revenue Certificates of Obligation Bond Issue (Fund 365)	Street Improvements	84,948,791	89,530,261	87,815,188	1,715,073
F-5	2013 Combination Tax & Revenue Certificates of Obligation Bond Issue (Fund 795)	Various Reinvestment Zone Infrastructure Improvements	25,313,032	25,519,683	25,167,076	352,607
F-6	2015 Parks General Obligation Bond Issue (Fund 362)	Parks Infrastructure Improvements	27,786,449	28,102,983	27,722,026	380,957
F-7	2016 Limited Tax Notes (Fund 364)	Capital Equipment and Facility Improvements	1,950,000	1,970,475	1,956,290	14,185
F-8	2017 Combination Tax & Revenue Certificates of Obligation Bond Issue (Fund 353)	Drainage Improvements	3,735,000	6,599,110	6,176,742	422,368
F-9	2017 LoneSTAR Loan (Fund 358)	Facility Improvements	2,803,109	2,803,109	2,782,812	20,297
			\$ 288,214,972	\$ 320,977,904	\$ 316,997,956	\$ 3,979,948

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.

Detail of Construction Costs

SCHEDULE OF CAPITAL PROJECTS BOND PROCEEDS & RELATED EXPENDITURES
UTILITY SYSTEM REVENUE BONDS 2006, 2008, 2010, 2015 & 2017 - WATER/SEWER CAPITAL PROJECTS FUND 561

For the period beginning October 11, 2006 and ending March 31, 2018

Expenditures		
Construction in Progress		· · · · ·
Expenditures		\$ 79,942,472
Encumbrances as of 3/31/18	(1)	18,115,181
Estimated Costs to Complete Projects		20,580,811
		\$ 118,638,464

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
Additional Issue {August 2017} CIP FY 2017		32,755,000
Issuance Premium		6,400,344
Interest Income	(2)	2,192,061
Reimbursement Received from TxDOT		1,930,139
		\$ 119,712,544

		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	*	\$ 1,194,609	\$ -	\$ 1,194,609	\$	1,194,609	\$ -	\$	1,194,609		
CIP Management Cost		-	754,065	754,065		748,905	-		748,905		
Completed Projects - Prior to FY 2018	*	72,245,849	(9,086,498)	63,159,351		63,159,351	-		63,159,351		
South Temple Water System Improvements	*	1,000,000	(324,453)	675,547		675,547	-		675,547		
WL Replacement - Charter Oak, Phase II			4,862,190	4,862,190		1,164,193	3,697,997		4,862,190		
TCIP - Ave U - Scott & White to 1st/13th-17th	**	300,000	(283,850)	16,150		16,150	-		16,150		
Leon River Trunk Sewer, Lift Station and Force Main		-	5,455,464	5,455,464		5,437,851	17,613		5,455,464		
TCIP - Hogan Road Waterline Improvements		1,850,000	215,100	2,065,100		214,071	1,851,029		2,065,100		
Bird Creek, Phase III Const.; Phase IV & V Design		-	1,541,066	1,541,066		1,481,221	59,845		1,541,066		
Temple-Belton WWTP Expansion, Phase 2 (Design Only)		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	(858,685)	141,315		141,315	-		141,315		
WTP-Generator Installation @ Critical Booster Pump St.	**	1,450,000	(52,090)	1,397,910		1,397,910	-		1,397,910		
TCIP - Outer Loop, Phase IIIB			600,000	600,000		-	600,000		600,000		
Old Town South Sewer Line (3rd, 11th, 9th St)		610,000	550,000	1,160,000		1,160,000	-		1,160,000		
WTP-High Voltage Transfer MCC Replacement	*	800,000	(110,040)	689,960		689,960	-		689,960		
Shallowford Lift Station Reconstruction & Relocation		8,200,000	641,530	8,841,530		6,754,643	2,086,887		8,841,530		
Jackson Park Vicinty Water and Wastewater Line Improvem	ents	-	271,199	271,199		271,199	-		271,199		
Bird Creek Intereceptor, Phase V - Construction		1,500,000	99,929	1,599,929		77,370	1,522,559		1,599,929		
Western Hills Waterline Improvements, Phase II		-	387,823	387,823		387,823	-		387,823		
Force Main - Shallowford to Temple-Belton Plant		2,700,000	275,100	2,975,100		308,011	2,667,089		2,975,100		
East Temple Utility Improvements		-	300,000	300,000		-	300,000		300,000		
WTP Chlorine Storage Safety		-	95,636	95,636		95,636	-		95,636		
TCIP - Kegley Road, Phase III & IV		-	39,600	39,600		39,600	-		39,600		
WTP Improvements - Tasks 3 - Lagoon Improvements		-	134,978	134,978		20,810	114,168		134,978		
WTP Improvements - Tasks 2 - MWTT Optimization		3,500,000	517,414	4,017,414		268,560	3,748,854		4,017,414		
WTP Improvements - Task 6 - RF Header Replacement	*	-	295,683	295,683		295,682	-		295,682		
WTP Improvements - Tasks 1 - Zebra Mussels		-	306,776	306,776		-	306,776		306,776		
Williamson Creek Trunk Sewer		3,200,000	655,379	3,855,379		655,379	3,200,000		3,855,379		
TCIP - Outer Loop, Phase IV			84,000	84,000		84,000	-		84,000		
TCIP - Poison Oak, Phase I & II		-	125,000	125,000		123,429	1,571		125,000		

Contingency

317 Waterline Relocation (East Side)

Temple-Belton WWTP Expansion, Phase 1 (Construction)

(3)

10,100,000

4,189,886

\$ 115,590,344

10,100,000

17,800

305,403

\$ 118,949,027

17,800

(3,884,483)

3,358,683

9,694,176

98,057,653

17,800

Remaining (Needed) Funds

405,824

20,580,811

10,100,000

1,074,080

17,800

^{*} Project Final

** Substantially Complete

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.

For the period beginning June 14, 2012 and ending March 31, 2018

Expenditures			Revenue & Bond Proceeds	
Construction in Progress				
Expenditures	\$	46,627,813	Original Issue - {June 2012}	\$ 24,700,000
Encumbrances as of 3/31/18	(1)	111,545	Net Offering Premium	1,388,247
Estimated Costs to Complete Projects		-	Category 12 Funds - TxDOT	20,000,000
	\$	46,739,358	Reimbursement from Oncor	588,195
			Interest Income	63,298
				\$ 46,739,739

Detail of Construction Costs

				BUDGET			ACTUAL							
Project		Original Budget	Adjustments to Original Budget		Adjusted Budgeted		Total Costs Incurred & Encumbered		Estimated Costs to Complete		Total Designated Project Cos			
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		617,769		46,002,286		46,002,286		-		46,002,286		
S. 31st Street Sidewalks - TXDOT AFA				97,292		97,292		97,292				97,292		
		\$ 46,088,247	\$	659,621	\$	46,747,868	\$	46,739,358	\$		\$	46,739,358		

Remaining (Needed) Funds

381

^{*} Project Final

^{**} Substantially Complete

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): Remaining Pass-Through Financing (PTF) bond funds in the amount of \$97,293 will be used to partially fund the Advanced Funding Agreement with the Texas Department of Transportation in the amount of \$415,000 to construct sidewalks along South 31st Street.

CITY OF TEMPLE, TEXAS

SCHEDULE OF CAPITAL PROJECTS BOND PROCEEDS & RELATED EXPENDITURES COMBINATION TAX & REVENUE CERTIFICATES OF

OBLIGATION BONDS 2012, 2014, 2016 & 2018 - CAPITAL PROJECTS BOND FUND 365

For the period beginning November 15, 2012 and ending March 31, 2018

Expenditures		
Construction in Progress		
Expenditures		\$ 48,897,989
Encumbrances as of 3/31/18	(1)	12,020,797
Estimated Costs to Complete Projects	_	26,896,402
		\$ 87,815,188
	-	

Revenue & Bond Proceeds	
Series 1 Issue - CO Bonds, Series 2012	\$ 9,420,000
Series 2 Issue - CO Bonds, Series 2014	21,230,000
Series 3 Issue - CO Bonds, Series 2016	18,285,000
Series 4 Issue - CO Bonds, Series 2018	30,165,000
Net Offering Premium	5,848,791
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	503,125
	\$ 89,530,261

Detail of Construction Costs

				BUDGET					ACTUAL	
			Ac	ljustments		_	•	Total Costs	Estimated	Total
		Original	to	Original		Adjusted	I	ncurred &	Costs to	Designated
Project	_	Budget		Budget	_	Budgeted	_ <u>E</u>	ncumbered	 Complete	Project Cost
Bond Issue Costs		\$ 982,036	\$	338,229	\$	1,320,265	\$	1,302,226	\$ -	\$ 1,302,226
CIP Management Cost		-		472,972		472,972		385,982	86,990	472,972
Completed Projects - Prior to FY 2018	*	40,451,200		(7,355,896)		33,095,303		33,095,303	-	33,095,303
Legacy Pavement Preservation Program - FY 2018		3,110,000				3,110,000		2,818,690	291,311	3,110,001
Kegley Road Improvements		700,000		655,550		1,355,550		1,155,011	200,539	1,355,550
Avenue U - S&W - 1st/13th-17th	**	3,360,000		(603,464)		2,756,536		2,756,536	-	2,756,536
Hogan Road Improvements		3,977,650		(484,654)		3,492,996		466,193	3,026,803	3,492,996
Westfield Boulevard Improvements, Phase II		-		3,562,210		3,562,210		444,455	3,117,755	3,562,210
Outer Loop - Phase IIIB		5,800,000		1,236,875		7,036,875		1,233,288	5,803,587	7,036,875
East Temple - Greenfield Development		-		75,792		75,792		-	75,792	75,792
Prairie View Road Improvements, Phase II		8,562,000		(5,814,597)		2,747,403		2,656,262	91,141	2,747,403
Prairie View Road Improvements, Phase II - Construction	(2)	3,888,000		3,796,960		7,684,960		6,211,228	1,473,732	7,684,960
SH317 Sidewalks		-		200,000		200,000		200,000	-	200,000
Tanglehead Road Improvement		-		11,525		11,525		11,525	-	11,525
Signal - Kegley Rd @ W Adams		50,000		(9,751)		40,249		35,054	5,195	40,249
S Pea Ridge Sidewalk		-		114,173		114,173		87,227	26,946	114,173
Ave U - Drainage Improvements @ Summit	**	-		109,355		109,355		109,354	-	109,354
Kegley Road Improvements - Phase II		4,550,000		613,800		5,163,800		450,042	4,713,758	5,163,800
Kegley Road Improvements - Phase III & IV		720,000		456,090		1,176,090		712,470	463,620	1,176,090
Signal - N Kegley @ Airport		-		224,650		224,650		202,585	22,065	224,650
Signal - Adams-LP/Greenview		-		303,650		303,650		233,746	69,904	303,650
Restriping - Midway Drive / Tarver Road	*	-		19,244		19,244		19,244	-	19,244
Dairy Road Improvements		-		78,600		78,600		48,735	29,865	78,600
N Pea Ridge, Phase I		1,800,000		385,000		2,185,000		448,200	1,736,800	2,185,000
Outer Loop - Phase IV		1,600,000		800,000		2,400,000		845,300	1,554,700	2,400,000
Poison Oak - Phase I & II		3,400,000		805,000		4,205,000		1,083,762	3,121,238	4,205,000
Scott Blvd Sidewalk - Chapter 380 Agreement		-		39,906		39,906		39,906	-	39,906
Sammons Golf Course - Green Improvements		550,000		-		550,000		69,701	480,299	550,000
S 31st Street Sidewalk - AFA		500,000		(182,292)		317,708		317,708	-	317,708
Hogan Road - The Hills of Westwood CSA		-		800,240		800,240		800,240	-	800,240
P25 Radio Migration		1,200,000		(115,661)		1,084,339		808,441	275,898	1,084,339
Panasonic ToughBooks (16)				62,261		62,261		62,260	-	62,260
										(Continued)

OBLIGATION BONDS 2012, 2014, 2016 & 2018 - CAPITAL PROJECTS BOND FUND 365

For the period beginning November 15, 2012 and ending March 31, 2018

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				
Replace 2012 Freightliner/Heil Garbage Collection Vehicle	\$ 324,792	\$ -	\$ 324,792	\$ 316,736	\$ 8,056	\$ 324,792				
Replace 2012 Freightliner/Heil Garbage Collection Vehicle	324,792	-	324,792	316,736	8,056	324,792				
Replace 2007 Freightliner/G&H Roll-off Truck	183,000	-	183,000	179,711	3,289	183,000				
Replace 2008 International/Hood Brush Truck	233,264	-	233,264	224,082	9,182	233,264				
Replace 2009 Sterling/Hood Brush Truck	233,264	-	233,264	207,373	25,891	233,264				
Replace 2010 Freightliner/Hood Brush Truck	233,264	-	233,264	224,082	9,182	233,264				
Outer Loop - Phase V	-	170,000	170,000	167,366	2,634	170,000				
S 5th Street Sidewalk - Chapter 380 Agreement	-	73,619	73,619	73,619	-	73,619				
Signal - Backup Generators (5)	-	13,000	13,000	12,900	100	13,000				
Westfield Development Agreement	-	70,510	70,510	70,509	-	70,509				
Grant Match Sidewalks/Trail Connections	-	108,673	108,673	-	108,673	108,673				
Homeless Veterans Development Agreement	-	15,000	15,000	15,000	-	15,000				
South Temple Park Restrooms	-	53,400	53,400	-	53,400	53,400				
Contingency	2,396,058	(1,292,073)	1,103,985	-	-	-				
Contingency - CIP Management Cost	240,000	(115,742)	124,258							
	\$ 89,369,320	\$ (307,846)	\$ 89,061,474	\$ 60,918,786	\$ 26,896,402	\$ 87,815,188				

Remaining (Needed) Funds \$ 1,715,073

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

COMBINATION TAX & REVENUE CERTIFICATES OF OBLIGATION BONDS 2013 - CAPITAL PROJECTS BOND FUND - 795 For the period beginning August 8, 2013 and ending March 31, 2018

Expenditures

Revenue & Bond Proceeds

Construction in Progress

Expenditures \$ 22,775,275

Encumbrances as of 3/31/18 (1) 1,695,325

Estimated Costs to Complete Projects 696,476
\$ 25,167,076

 Original Issue {August 2013}
 \$ 25,260,000

 Net Offering Premium/Discount
 53,032

 Interest Income
 206,651

 \$ 25,519,683

Detail of Construction Costs

			BUDGE	:T				A	CTUAL		
Project		Original Budget	Adjustme to Origin Budge	nal		djusted udgeted	Inc	tal Costs curred & cumbered	С	imated osts to mplete	Total esignated oject Cost
Bond Issue Costs	* \$	120,000	\$ (15	5,305)	\$	104,695	\$	99,850	\$	-	\$ 99,850
TMED Avenue R - Intersections	*	-	1,077	7,710		1,077,710		1,077,710		-	1,077,710
Outer Loop (IH-35 to Wendland Ultimate)		2,705,000	468	3,512		3,173,512		3,173,512		-	3,173,512
Outer Loop (Wendland to McLane Pkwy)		5,960,000	(3,818	3,512)		2,141,488		1,838,947		302,541	2,141,488
Outer Loop (McLane Pkwy to Cen Pt Pkwy)		1,500,000	(350),000)		1,150,000		787,428		362,572	1,150,000
Corporate Campus Park - Bioscience Trail	**	750,000	(295	5,100)		454,900		454,900		-	454,900
McLane Pkwy / Research Pkwy Connection	*	710,000	(212	2,959)		497,041		497,041		-	497,041
Crossroads Park @ Pepper Creek Trail		1,750,000	1,200),150		2,950,150		2,950,150		-	2,950,150
Synergy Park Entry Enhancement		500,000	(437	7,899)		62,101		62,101		-	62,101
Lorraine Drive / Panda Drive Asphalt	*	610,000	(272	2,673)		337,327		337,327		-	337,327
Santa Fe Plaza (Design)	*	300,000	663	3,600		963,600		963,600		-	963,600
Downtown Master Plan	*	125,000	(19	9,500)		105,500		105,500		-	105,500
TMED - Loop 363 Frontage (UPRR to 5th) - TXDOT AFA		6,450,000		-		6,450,000		6,450,000		-	6,450,000
TMED - 31st Street/Loop 363/Monumentation		520,000	525	5,000		1,045,000		1,013,637		31,363	1,045,000
TMED - Avenue U - 1st Street to 13th Street	**	1,275,000	1,375	5,000		2,650,000		2,650,000		-	2,650,000
TMED Master Plan (Health Care Campus)	*	125,000	(20),150)		104,850		104,850		-	104,850
TMED Master Plan & Throughfare Plan		55,000	(55	5,000)		-		-		-	-
Friar's Creek Trail to Ave R Trail	*	500,000	36	6,558		536,558		536,557		-	536,557
Airport Enhancement Projects	*	1,320,000	47	7,490		1,367,490		1,367,490			 1,367,490
	\$	25,275,000	\$ (103	3,078)	\$	25,171,922	\$:	24,470,600	\$	696,476	\$ 25,167,076

Remaining (Needed) Funds \$ 352,607

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

^{*} Project Final

^{**} Substantially Complete

Expenditures			Revenue & Bond Pro	oceeds
Construction in Progress				
Expenditures	\$	18,465,103	Original Issue {September 2015}	\$ 25,130,000
Encumbrances as of 3/31/18	(1)	7,748,416	Net Offering Premium/Discount	2,656,449
Estimated Costs to Complete Projects		1,508,507	Interest Income	316,534
	\$	27,722,026		\$ 28,102,983

Detail	of	Construction	Costs
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			BUDGET		T 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	133,180	188,644	151,299	37,345	188,644						
Carver Park	*	177,915	(52,643)	125,272	125,272	-	125,272						
Crossroads Athletic Park		11,900,000	2,413,691	14,313,691	13,534,916	778,775	14,313,691						
Jaycee Park	*	989,570	69,575	1,059,145	1,059,145	-	1,059,145						
Jefferson Park	*	377,675	(81,954)	295,721	295,722	-	295,722						
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		-	200,853	200,853	196,942	3,911	200,853						
Lions Junction	*	1,925,000	29,986	1,954,986	1,954,986	-	1,954,986						
Mercer Fields		677,610	-	677,610	58,670	618,940	677,610						
Northam Complex	*	647,090	11,260	658,350	658,350	-	658,350						
Oak Creek Park		458,415	(41,213)	417,202	416,548	654	417,202						
Optimist Park	*	496,285	(65,697)	430,588	430,587	-	430,587						
Prairie Park		440,000	(321,826)	118,174	59,226	58,948	118,174						
Sammons Community Center	**	1,750,000	245,384	1,995,384	1,995,383	-	1,995,383						
Scott & White Park	*	300,590	58,884	359,474	359,474	-	359,474						
Southwest Community Park		3,330,000	(2,463,691)	866,309	866,309	-	866,309						
Western Hills Park	*	302,140	(14,577)	287,563	287,562	-	287,562						
Wilson Basketball Cover	*	203,770	(2,243)	201,527	201,527	-	201,527						
Wilson Football Field	*	611,375	(111,028)	500,347	500,348	-	500,348						
Wilson Recreation Center	*	1,300,000	(42,568)	1,257,432	1,257,431	-	1,257,431						
Wilson South		789,755	554,158	1,343,913	1,333,979	9,934	1,343,913						
Contingency		78,215	(14,794)	63,421	-	-	-						
Contingency - CIP Management Cost		119,386	(119,386)										
		\$ 27,786,449	\$ (1,000)	\$ 27,785,449	\$ 26,213,519	\$ 1,508,507	\$ 27,722,026						

Remaining (Needed) Funds

\$ 380,957

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

^{*} Project Final

^{**}Substantially Complete

Revenue & Bond Proceeds Expenditures **Construction in Progress** Expenditures 1,836,578 Original Issue {September 2016} 1,950,000 Encumbrances as of 3/31/18 (1) 118,522 Transfer In - Library Foundation (Carpet Replacement) 17,087 Estimated Costs to Complete Projects 1,190 Interest Income 3,388 1,956,290 1,970,475

Detail of Construction Costs

			BUDGET			ACTUAL	
Project	_	Original Budget	Adjustments to Original Budget	Adjusted Budgeted	Total Costs Incurred & Encumbered	Estimated Costs to Complete	Total Designated Project Cost
Bond Issue Costs		\$ 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	1,391	-	1,391
Security Upgrade at Service Center		42,099	-	42,099	42,099	-	42,099
Upgrade Gate - Service Center		40,401	(7,705)	32,696	32,696	-	32,696
Replace 2nd Floor Carpet - Library		112,087	-	112,087	110,897	1,190	112,087
Upgrade Lights to LED - Police Department	٨	75,000	(71,319)	3,681	3,681	-	3,681
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
Window Improvements - Purchasing Building	^		13,915	13,915	-	-	-
Contingency		1,292	(1,292)				<u> </u>
		\$ 1,967,087	\$ 3,118	\$ 1,970,205	\$ 1,955,100	\$ 1,190	\$ 1,956,290

^{*} Project Final

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

14,185

Remaining (Needed) Funds

^{**} Substantially Complete

[^] Project will be completed utilizing LoanStar Loan Funds

 $[\]ensuremath{^{\wedge}}$ Project will be completed utilizing another funding source

Expenditures			Revenue & Bond Proceeds		
Construction in Progress					
Expenditures		\$ 1,742,437	Current Revenues - FY 2017 ^ \$	1,0	033,722
Encumbrances as of 03/31/18	(1)	1,037,737	Fund Balance Appropriation	1,4	195,941
Estimated Costs to Complete Projects		3,396,568	Original Issue {October 2017}	3,7	735,000
		\$ 6,176,742	Net Offering Premium/Discount	3	314,422
			Interest Income		20,025
			•	6.5	599 110

Detail of Construction Costs

			JDGET						ACTUAL		
		Adju	ıstments			Т	otal Costs	ı	Estimated		Total
	Original	to C	Priginal	4	Adjusted	I	ncurred &		Costs to	D	esignated
Project	 Budget	В	udget	E	Budgeted	Er	cumbered	Complete		Project Cost	
Bond Issue Costs	\$ 51,079	\$	-	\$	51,079	\$	50,525	\$	554	\$	51,079
Meadowbrook/Conner Park Drainage Improvements	1,807,095		(8,850)		1,798,245		1,693,387		104,858		1,798,245
Azalea Drive Drainage Improvements	1,223,468		-		1,223,468		123,593		1,099,875		1,223,468
Ave T & Ave R Drainage Improvements	1,248,300		-		1,248,300		135,800		1,112,500		1,248,300
Ave D & 14th Street Drainage Improvements	516,300		8,850		525,150		42,370		482,780		525,150
Drainage Master Plan Modeling Assessment	1,330,500		-		1,330,500		734,500		596,000		1,330,500
Contingency	402,343		-		402,343				-		-
	\$ 6,579,085	\$	-	\$	6,579,085	\$	2,780,174	\$	3,396,568	\$	6,176,742

Project Final

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

^{**} Substantially Complete

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

Exhibit E-9

Revenue & Bond Proceeds

Construction in Progress

Expenditures \$ 174,535
Encumbrances as of 03/31/18 (1) 2,205,919
Estimated Costs to Complete Projects 402,358
\$ 2,782,812

Expenditures

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

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	\$ 5,269	\$ 13,899	\$ 13,899	\$ -	\$ 13,899				
Police Department - Lighting Upgrade	142,000	(36,201)	105,799	105,799	-	105,799				
Historic Post Office - Lighting Upgrade	11,640	(766)	10,874	10,874	-	10,874				
City Hall - Lighting Upgrade	17,950	2,455	20,405	20,405	-	20,405				
Summit Fitness Center - Lighting Upgrade	6,490	6,366	12,856	12,856	-	12,856				
Service Centers A/B/C - Lighting Upgrade	25,940	15,905	41,845	41,845	-	41,845				
Fire Station - Central - Lighting Upgrade	5,410	45,011	50,421	50,421	-	50,421				
Fire Station - #2 - Lighting Upgrade	2,550	2,098	4,648	4,648	-	4,648				
Fire Station - #3 - Lighting Upgrade	3,950	3,739	7,689	7,689	-	7,689				
Fire Station - #4 - Lighting Upgrade	3,420	1,046	4,466	4,466	-	4,466				
Fire Station - #5 - Lighting Upgrade	3,350	3,995	7,345	7,345	-	7,345				
Fire Station - #6 - Lighting Upgrade	2,560	1,368	3,928	3,928	-	3,928				
Fire Station - #7 - Lighting Upgrade	4,130	1,738	5,868	5,868	-	5,868				
Fire Station - #8 - Lighting Upgrade	6,285	5,483	11,768	11,768	-	11,768				
Gober Party House - Lighting Upgrade	1,620	688	2,308	2,308	-	2,308				
Blackmon Center - Lighting Upgrade	3,960	1,773	5,733	5,733	-	5,733				
Patsy Luna Building - Lighting Upgrade	2,400	1,677	4,077	4,077	-	4,077				
Municipal Court / UBO - Lighting Upgrade	10,250	8,253	18,503	18,503	-	18,503				
Clarence Martin Gym - Lighting Upgrade	6,625	2,139	8,764	8,764	-	8,764				
Sammons Comm Cntr - Indoor Pool - Lighting Upgrade	3,415	(1,139)	2,276	2,276	-	2,276				
Sammons Golf Course - Clubhouse - Lighting Upgrade	1,160	556	1,716	1,716	-	1,716				
Elmer Reed General Aviation Terminal - Lighting Upgrade	4,420	575	4,995	4,995	-	4,995				
PARD Shop - Lighting Upgrade	2,100	(1,258)	842	842	-	842				
Animal Shelter - HVAC Improvements	50,425	95,663	146,088	146,088	-	146,088				
Santa Fe - HVAC Improvements	236,812	(7,029)	229,783	-	229,783	229,783				
Mayborn Convention Center - HVAC Improvements	465,300	30,800	496,100	496,100	-	496,100				
City Hall - HVAC Improvements	172,575	-	172,575	-	172,575	172,575				
Summit Fitness Center - HVAC Improvements	165,325	87,024	252,349	252,349	-	252,349				
Service Centers A/B/C - HVAC Improvements	189,360	116,212	305,572	305,572	-	305,572				
Fire Station - #3 - HVAC Improvements	31,250	1,768	33,018	33,018	-	33,018				
Fire Station - #4 - HVAC Improvements	18,150	1,944	20,094	20,094	-	20,094				
Fire Station - #5 - HVAC Improvements	25,250	23,389	48,639	48,639	-	48,639				
Fire Station - #7 - HVAC Improvements	8,225	5,783	14,008	14,008	-	14,008				
Gober Party House - HVAC Improvements	49,800	12,881	62,681	62,681	-	62,681				
·	,	,		• • •		(Continued)				
						(

Remaining (Needed) Funds

\$

20,297

Detail of Construction Costs

			В	UDGET					-	ACTUAL		
			Adj	ustments			To	otal Costs	E	stimated		Total
	C	riginal	to	Original	Δ	djusted	Ir	curred &	(Costs to	D	esignated
Project		Budget		Budget		Budgeted		cumbered	Complete		Project Cost	
Patsy Luna Building - HVAC Improvements	\$	10,550	\$	(418)	\$	10,132	\$	10,132	\$	-	\$	10,132
Blackmon Center - HVAC Improvements		14,625		309		14,934		14,934		-		14,934
Municipal Court / UBO - HVAC Improvements		193,500		37,307		230,807		230,807		-		230,807
Clarence Martin Gym - HVAC Improvements		59,925		24,040		83,965		83,965		-		83,965
Sammons Comm Cntr - Indoor Pool - HVAC Improvements		10,550		(228)		10,322		10,322		-		10,322
Sammons Golf Course - Clubhouse - HVAC Improvements		18,700		6,754		25,454		25,454		-		25,454
Elmer Reed General Aviation Term - HVAC Improvements		33,150		6,182		39,332		39,332		-		39,332
PARD Shop - HVAC Improvements		7,000		3,942		10,942		10,942		-		10,942
Design Fees		224,249		743		224,992		224,991		-		224,991
Contingency		336,373		(316,076)		20,297		-		<u>-</u>		-
	\$	2,803,109	\$	-	\$	2,803,109	\$	2,380,454	\$	402,358	\$	2,782,812

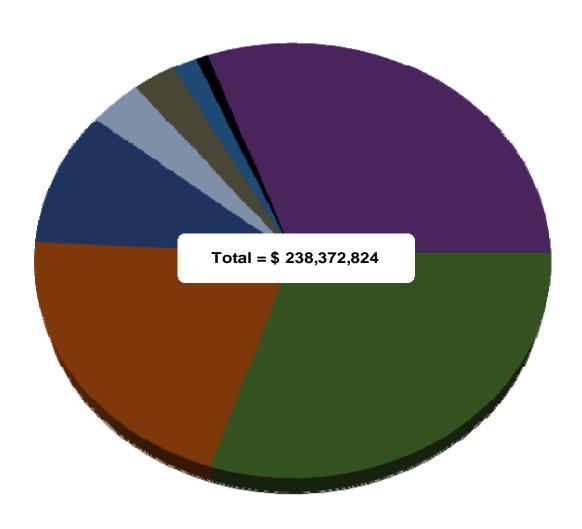
^{*} Project Final

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

^{**} Substantially Complete

As	of	Ma	rch	31.	2018
-	•	ITIC		\sim \cdot	2010

Reinvestment Zone No. 1	\$ 72,644,283
Water & Wastewater	71,583,264
Streets & Traffic Signals	49,778,294
Parks & Recreation	23,599,666
Equipment/Other	8,434,446
Drainage	6,599,997
Building Construction & Renovations	3,927,112
Land Acquisitions	 1,805,762
Total of Capital Improvement Projects Underway/Scheduled	\$ 238,372,824



- Reinvestment Zone No. 1 30.5%
- Streets & Traffic Signals 20.9%
- Equipment/Other 3.5%
- Building Construction & Renovations 1.6%
- Water & Wastewater 30.0%
- Parks & Recreation 9.9%
- Drainage 2.8%
- Land Acquisitions 0.8%

CITY OF TEMPLE, TEXAS CAPITAL IMPROVEMENT PROGRAM-PROJECTS UNDERWAY/SCHEDULED - DETAIL March 31, 2018

					Actual		Scheduled
Project	Project #	Funding	Acct #	Project Budget	Commit / Spent	Status	Completion
Roof Replacement - Mayborn Center	101057	Hotel/Motel	240-4400-551-6310	\$ 160,800	\$ 47,088	In Progress	June-18
Exterior Master Plan Construction, Phase I - Mayborn	101389	Hotel/Motel	240-4400-551-6310	150,000	-	On Hold	TBD
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	In Progress	June-18
Upgrade Gate - Service Center	101405	LTN-16 BUDG-U	364-3800-519-6310 520-5000-535-6310	73,096	63,689	In Progress	June-18
Replace 2nd Floor Carpet - Library	101481	LTN-16	364-4000-555-6310	112,087	110,897	In Progress	May-18
FY 2017 - Roof Major Repairs & Replacements	101516	BUDG-17	110-5924-519-6310	69,387	30,518	In Progress	Sept-18
FY 2017 - General Building Paint & Repairs	101517	BUDG-17	110-5924-519-6310	34,690	622	Planning	Sept-18
New Vestibule - Summit Fitness Center	101548	BUDG-18	110-5932-551-6310	53,400	8,850	In Progress	Dec-18
Security System - Municipal Court Building	101622	BUDG-17	110-1800-525-6218	35,000	33,451	Complete	Nov-17
Public Works Training Room Partial Remodel {Environmental Programs Suite}	101626	BUDG-U	520-5200-535-6310 520-5400-535-6310	67,322	67,320	Complete	Dec-17
Walk-in Cooler - Animal Services	101650	BUDG-18	110-5921-529-6211	17,465	17,465	Complete	Jan-18
Facility Upgrades - Animal Services	101651	BUDG-18	110-5921-529-6310	10,000	-	Planning	Sept-18
Office Remodel - CMO	101654	BUDG-18	110-5911-513-6310	80,072	6,700	In Progress	Sept-18
Roof Replacement, Bldg A - Service Center	101659	BUDG-18	110-5924-519-6310 292-2900-534-6310 520-5000-535-6310	75,000	-	Planning	Sept-18
Facility Upgrade, Phase 1A - Clarence Martin (Paint/Window Work)	101691	BUDG-18	110-5932-551-6310	18,000	-	Planning	Sept-18
Facility Upgrade, Phase 1B - Clarence Martin (Brick Work with Engineering)	101692	BUDG-18	110-5932-551-6310	35,400	6,600	In Progress	Sept-18
Window Improvements - Purchasing Building	101820	LTN-16	364-1300-515-6310	13,915	-	Planning	June-18
Security Cameras - Mayborn Center	101826	Hotel/Motel	240-4620-551-6211	23,920	-	Planning	Aug-18
Amtrack Vistor Center {Design}	101832	Hotel/Motel	240-4620-551-6310	11,000	-	Planning	Sept-18
Lighting Upgrades - Multi Facility {LoneSTAR Loan Program}	Multi	LSL-17	358-XXXX-XXX-6310	418,407	398,274	In Progress	June-18
HVAC Improvements - Multi Facility {LoneSTAR Loan Program}	Multi	LSL-17	358-XXXX-XXX-6310	2,383,952	1,982,180	In Progress	June-18
Total Building Construction & Renovations				\$ 3,927,112	\$ 2,857,851		
Meadows, Phase IV - Tanglehead Development {KAM Homebuilders}	101467	Drainage	292-2900-534-6312	97,924	97,924	Cost Sharing Agreement Authorized	Aug-18
Meadowbrook/Conner Park Drainage	101592	Drainage CO-18D	292-2900-534-6312 353-2900-534-6714	1,798,245	1,693,386	Construction	Sept-18
Azalea Drive Drainage Improvements	101636	Drainage CO-18D	292-2900-534-6312 353-2900-534-6712	1,223,468	123,593	Engineering	Jan-19
Ave T & Ave R Drainage Improvements	101637	Drainage CO-18D	292-2900-534-6312 353-2900-534-6713	1,248,300	135,800	Engineering	May-19
Ave D & 14th Street Drainage Improvements	101638	Drainage	292-2900-534-6312	525,150	42,370	Engineering	TBD
Drainage Master Plan Modeling Assessment	101777	Drainage CO-18D	292-2900-534-6510 353-2900-534-6710	1,330,500	734,500	Engineering	Dec-18
Hogan Road Developer Agreement {Kiella Development, Inc.}	101802	Drainage	292-2900-534-6312	305,900	305,900	Cost Sharing Agreement Authorized	TBD

(Continued)

CITY OF TEMPLE, TEXAS CAPITAL IMPROVEMENT PROGRAM-PROJECTS UNDERWAY/SCHEDULED - DETAIL March 31, 2018

Project	Project #	Funding	Acct #	Project Budget	Actual Commit / Spent	Status	Scheduled Completion
Westfield Developer Agreement {Kiella Development, Inc.}	101822	Drainage	292-2900-534-6312	\$ 70,510	\$ 70,509	Cost Sharing Agreement Authorized	TBD
Total Drainage				\$ 6,599,99	7 \$ 3,203,982		
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	Complete	Jan-18
Main Street Facade	101144	BUDG-17	110-3795-524-6310	44,172	44,171	Complete	Jan-18
Advanced Metering Infrastructure	101173	BUDG-U Util-RE	520-5300-535-6250 520-5900-535-6250	1,025,000	630,755	Construction	Oct-18
Replace Defibrillator Monitor	101519	BUDG-17	110-5900-522-6211	26,093	-	Planning	Aug-18
Pickup Truck - Building Inspector - Permits **Addition to Fleet**	101525	BUDG-17	110-5947-519-6213	22,920	22,920	Complete	Oct-17
Replace Planning/Inspection/Land Management Software	101527	BUDG-17 BUDG-U	110-5919-519-6221 520-5000-535-6221	48,454	38,269	In Progress	June-18
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
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 - Aquatics - Parks **Addition to Fleet**	101538	BUDG-17	110-5935-552-6213	42,600	42,600	Complete	Dec-17
Unmarked Vehicle with Radio - Lt Admin **Addition to Fleet**	101539	BUDG-17	110-2011-521-6213	24,024	24,024	Complete	Dec-17
Unmarked Vehicle - Lt. Professional Standards Unit **Addition to Fleet**	101540	BUDG-17	110-2011-521-6213	24,024	24,024	Complete	Dec-17
Explorer with MDT & Radio - SRO **Addition to Fleet**	101541	BUDG-17	110-2020-521-6213	49,951	49,951	Complete	Oct-17
Unmarked Vehicle with Radio - SVU **Addition to Fleet**	101542	BUDG-17	110-2011-521-6213	24,023	24,024	Complete	Dec-17
Replace (8) Marked Units - Police	101543	BUDG-17	110-2031-521-6213 110-5900-521-6213	380,454	380,453	Complete	Oct-17
Replace (3) Unmarked Units - Police	101544	BUDG-17	110-5900-521-6213	94,612	94,612	Complete	Oct-17
Replace (10) Radios	101545	BUDG-17	110-5900-521-6224	25,880	25,880	Complete	Oct-17
Radios and Body Cameras (4)	101546	BUDG-17	110-2031-521-6224	11,708	11,708	Ordered	June-18
Renovate Women's Sauna - Summit	101547	BUDG-17	110-5932-551-6310	8,600	-	Planning	July-18
Replace '12 Freightliner/Heil Garbage Truck, Asset #13383	101549	BUDG-17	110-5900-540-6222	280,689	280,689	Complete	Oct-17
Automated Sideloader Garbage Collection Vehicle **Addition to Fleet**	101553	BUDG-17	110-5900-540-6222	282,689	280,689	Complete	Jan-18
Replace '08 Ford F350 Utility Truck, Asset #12588	101561	BUDG-U	520-5400-535-6213	42,885	42,885	Complete	Nov-17
Refurbish Engine #5, Asset #11887	101633	BUDG-17	110-5900-522-6222	110,001	110,001	In Progress	June-18
CityWorks AMS Software	101640	BUDG-17 Drainage DESCAP BUDG-U	110-5919-519-6221 292-2900-534-6221 351-1900-519-6221 520-5000-535-6221	125,000	77,022	In Progress	Aug-18
NEC Software License Upgrade	101641	BUDG-17	110-2041-521-6221	36,300	36,300	In Progress	May-18
Replace '05 Ford F150 Pickup - Animal Services Asset #12134	101652	BUDG-18	110-5921-529-6213	31,000	-	Planning	Sept-18
Replace '07 Ford F150 4X4 - Engineering Asset #12571	101655	BUDG-18	110-5900-533-6213	40,000	-	Planning	Sept-18

(Continued)

CITY OF TEMPLE, TEXAS CAPITAL IMPROVEMENT PROGRAM-PROJECTS UNDERWAY/SCHEDULED - DETAIL March 31, 2018

Project	Project #	Funding	Acct #	Project Budget	Actual Commit / Spent	Status	Scheduled Completion
Replace '03 Dodge Ram - Facility Services Asset #13402	101656	BUDG-18	110-5924-519-6213	\$ 67,948	\$ 65,948	Ordered	June-18
Quad Truck for Shared Custodial Crew, Asset #'s 12342, 12786	101658	BUDG-18	110-5924-519-6213	33,000	-	Planning	Sept-18
Replace Defibrillator Monitor - Fire	101661	BUDG-18	110-5900-522-6211	35,000	-	Planning	Sept-18
Replace (2) Treadmills - Fire	101662	BUDG-18	110-5900-522-6211	12,907	12,907	Complete	Mar-18
Replace '05 Ford Expedition - Fire Asset #12113	101663	BUDG-18	110-5900-522-62-13	35,000	-	Planning	Sept-18
Technology Upgrade - EOC/Training Center - Fire	101664	BUDG-18	110-5900-522-62-18	15,000	8,486	In Progress	Sept-18
ARI-HETRA Lift Expansion - Fleet Services	101665	BUDG-18	110-5938-519-62-16	23,586	23,585	Complete	Feb-18
Oil Dispenser Expansion - Fleet Services	101666	BUDG-18	110-5938-519-62-16	10,000	-	Planning	Apr-18
Replace '05 Ford F150 - General Services Asset #12137	101668	BUDG-18	110-5960-513-62-13	18,500	-	Planning	Sept-18
Replace '06 Tri-Plex Mower - Golf Asset #12530	101669	BUDG-18	110-5931-551-62-22	35,358	35,358	Complete	Jan-18
Replace '07 Ford F150 - Inspection/Permits Asset #12573	101670	BUDG-18	110-5947-519-62-13	32,000	-	Planning	Sept-18
P25 Radio Migration - Multiple Departments	101671	CO-18	365-XXXX-XXX-6803	1,084,339	808,441	Substantially Complete	Apr-18
Storage Area Network Expansion - ITS	101672	BUDG-18	110-5919-519-6218	80,000	80,000	In Progress	Sept-18
Replace '99 New Holland TS110 - Parks Asset #10480	101676	BUDG-18	110-5935-552-6222	52,000	-	Planning	May-18
Replace '96 New Holland Tractor - Parks Asset #10090	101677	BUDG-18	110-5935-552-6222	52,000	-	Planning	May-18
Replace '03 Ford F150 - Parks Asset #11625	101678	BUDG-18	110-5935-552-6213	30,000	-	Planning	Sept-18
Replace '05 Dodge Ram 2500 - Parks Asset #12192	101679	BUDG-18	110-5935-552-6213	40,000	-	Planning	Sept-18
Replace '07 Woods Bat Wing - Parks Asset #12507	101680	BUDG-18	110-5935-552-6222	18,500	-	Planning	May-18
Replace '07 Ford F150 - Parks Asset #12570	101681	BUDG-18	110-5935-552-6213	31,500	-	Planning	Sept-18
Replace '08 Toro 6700-D - Parks Asset #12773	101682	BUDG-18	110-5935-552-6222	75,328	75,327	Complete	Dec-17
Replace '08 Kubota RTV - Parks Asset #12801	101683	BUDG-18	110-5935-552-6222	19,000	-	Planning	May-18
Replace '11 Hustler Super Z - Parks Asset #13375	101684	BUDG-18	110-5935-552-6222	10,772	10,771	Complete	Dec-17
Replace '12 Hustler Super Z - Parks Asset #13462	101685	BUDG-18	110-5935-552-6222	10,772	10,771	Complete	Dec-17
Replace (10) Marked Units - Police Asset #s 12167, 12173, 12561, 12566, 12567, 12797, 12953, 12960, 13218 and 13222	101686	BUDG-18	110-2031-521-6213 110-5900-521-6213	489,190	436,690	Ordered	May-18
Van w Equip for Crash Reconstruction - Police Asset #9945 and #11147	101687	BUDG-18	110-2032-521-6213 110-5900-521-6213	57,288	57,288	Ordered	May-18
Replace (3) BMW Motorcycles for (1) Ford Taurus Police	101688	BUDG-18	110-5900-521-6213	54,253	41,103	Substantially Complete	Apr-18
Asset #'s 13709, 13710, 13872 Replace 2001 GMC Pickup - Police	101689	BUDG-18	110-5900-521-6213	30,000	-	Planning	Sept-18
Asset #13406 Replace Unmarked Unit - Police	101690	BUDG-18	110-5900-521-6213	23,000	-	Planning	Sept-18
Asset #12783 Replace '12 Garbage Collection Truck,	101693	CO-18	365-2300-540-6987	324,792	316,736	Substantially	Apr-18
Asset #13384 Replace '12 Garbage Collection Truck,	101694	CO-18	365-2300-540-6987	324,792	316,736	Complete Ordered	Мау-18
Asset #13382 Replace '07 Garbage Roll-off Truck,	101695	CO-18	365-2300-540-6987	183,000	179,711	Substantially	Apr-18
Asset #12385 Replace '08 Garbage Brush Truck,	101697	CO-18	365-2300-540-6987	233,264	224,082	Complete Substantially	Apr-18
Asset #12579	101091	00-10	550-2500-040-0307	200,204	224,002	Complete	(Continued)

(Continued)

Project	Project #	Funding	Acct #	Project Budget	Actual Commit / Spent	Status	Scheduled Completion
Replace '09 Garbage Brush Truck, Asset #12817	101698	CO-18	365-2300-540-6987	\$ 233,264	\$ 207,373	Substantially Complete	Apr-18
Replace '10 Garbage Brush Truck, Asset #13072	101700	CO-18	365-2300-540-6987	233,264	224,082	Substantially Complete	Apr-18
Replace '98 International Dump Truck - Streets Asset #10365	101701	BUDG-18	110-5900-531-6222	109,432	-	Planning	Sept-18
Potholing Machine **Addition to Fleet**	101703	BUDG-18	520-5200-535-6211 520-5400-535-6211	57,000	46,100	Substantially Complete	Apr-18
Pickup Truck for Requested C&D Technician **Addition to Fleet**	101705	BUDG-18	520-5300-535-6213	28,000	-	Planning	Sept-18
Replace 2004 Chevrolet Silverado Asset #11925	101706	BUDG-18	520-5200-535-6213	32,000	-	Planning	Sept-18
Replace 2006 Chevrolet Silverado Asset #12274	101708	BUDG-18	520-5100-535-6213	46,000	-	Planning	Sept-18
Replace 2006 Chevrolet Silverado Asset #12275	101709	BUDG-18	520-5100-535-6213	46,000	-	Planning	Sept-18
Body Worn Camera Storage	101718	GRANT DESCAP	260-2000-521-6218 351-1900-519-6218	73,210	73,209	Ordered	June-18
Unmarked Vehicle - Deputy Police Chief Position **Addition to Fleet**	101722	BUDG-18	110-2011-521-6213	34,474	34,474	Ordered	May-18
Marked Utility Vehicle - Police Officer **Addition to Fleet**	101723	BUDG-18	110-2031-521-6213	57,219	43,669	Substantially Complete	May-18
Replace 2015 Ford Police Interceptor, Asset #14047	101773	BUDG-17	110-2031-521-6213	39,200	39,199	Complete	Feb-18
K-9 (JAG Grant)	101779	GRANT	260-2000-521-6211	17,167	-	Planning	Oct-20
Barcode Scanning System	101806	Seized Funds	110-2011-521-6229	9,322	9,322	Complete	Nov-17
FY 2018 Golf Cars Lease - Sammons	101807	BUDG-18	110-3110-551-6213	282,050	282,050	Complete	Jan-18
Dell Server	101808	DESCAP	351-1900-519-6218	20,000	20,000	Complete	Jan-18
SAN - IBM Server	101809	DESCAP	351-1900-519-6218	51,439	51,439	In Progress	Apr-18
Warrants Interface - WebRMS and Courts	101810	BUDG-18	110-1800-525-6221	33,820	33,820	In Progress	Sept-18
FY 2018 Copier Lease - Multi Dept	101811	BUDG-18	XXX-XXXX-XXX-6212	297,723	297,696	Complete	Dec-17
Panasonic Toughbooks (16)	101815	CO-18	365-2000-521-6218	62,261	62,260	Complete	Mar-18
Replace 2010 Ford Crown Victoria Asset #13217	101816	BUDG-18	110-2031-521-6213	43,669	43,633	Ordered	Sept-18
Citation Software - Police Department	101825	BUDG-18	110-1800-525-6221	60,298	60,297	In Progress	Sept-18
Total Equipment/Other				\$ 8,434,446	\$ 6,534,007		
TCIP - Kegley Road, Phase I {ROW}	100346	ROW ESCROW	351-3400-531-6110	189,180	189,180	Complete	Oct-17
Charter Oak Waterline Replacement, Phase II {ROW}	100608	Util-RE	520-5900-535-6110	324,102	105,255	In Progress	Sept-18
TCIP - Hogan Road Improvements {ROW}	100952	CO-12	365-3400-531-6857	515,346	186,993	In Progress	May-18
Bird Creek Interceptor {ROW}	101213	Util-RE	520-5900-535-6110	777,134	203,849	In Progress	Dec-18
Total Land Acquisitions				\$ 1,805,762	\$ 685,277		
Sidewalk/Trail Repair - Wilson, Jackson, Lions & South Temple	101149	BUDG-15	110-5935-552-6310	66,426	36,696	Construction	Sept-18
Caboose Renovations	101303	Hotel/Motel	240-7000-551-6310	18,527	16,340	Construction	June-18
Crossroads Athletic Park {RZ Funds in Project 101005}	101311	GO-15	362-3500-552-6402	14,313,691	13,534,916	Construction	Apr-19
Jaycee Park	101312	GO-15	362-3500-552-6403	1,059,145	1,059,144	Complete	Oct-17
Mercer Fields	101317	GO-15	362-3500-552-6408	677,610	58,670	Planning	Aug-19
							(Continued)

Project	Project #	Funding	Acct #	Project Budget	Actual Commit / Spent	Status	Scheduled Completion
Oak Creek Park	101319	GO-15	362-3500-552-6410	\$ 417,202	\$ 416,548	Construction	May-18
Prairie Park	101321	GO-15	362-3500-552-6412	118,174	59,226	On Hold	TBD
Sammons Community Center	101322	GO-15	362-3500-552-6413	1,995,384	1,995,383	Complete	Jan-18
Scott & White Park	101323	GO-15	362-3500-552-6414	359,474	359,474	Complete	Oct-17
Southwest Community Park	101324	GO-15	362-3500-552-6415	866,309	866,309	On Hold	TBD
Wilson Recreation Center	101328	BUDG-16 GO-15 LTN- 16	110-5935-552-6310 362-3500-552-6419 364-3500-522-6310	1,409,832	1,409,831	Complete	Nov-17
Wilson South	101329	GO-15	362-3500-552-6420	1,343,913	1,333,979	Substantially Complete	Apr-18
Linkage Trails - Windham Trail	101466	GO-15	362-3500-552-6406	200,853	196,942	Substantially Complete	Apr-18
Trail Repair - Jackson Park	101673	BUDG-18	110-5935-552-6310	35,000	33,989	Construction	May-18
Trail Repair - Wilson Park	101674	BUDG-18	110-5935-552-6310	17,900	3,852	In Progress	June-18
Sammons Golf Course Green Improvements	101771	CO-18	365-3100-551-6984	550,000	69,701	Engineering	Oct-18
Tennis Court Lights - Summit	101805	BUDG-18	110-5935-552-6310	17,100	17,100	Substantially Complete	Apr-18
Friars Creek Fountain	101813	BUDG-18	110-3595-552-6310	13,126	10,126	In Progress	Sept-18
South Temple Park Restrooms	101819	BUDG-18 GO-15	110-3500-552-6332 365-3500-552-6988	120,000	-	Planning	Dec-18
Total Parks & Recreation	•			\$ 23,599,666	\$ 21,478,228		
Rail Maintenance	100692	RZ	795-9500-531-6514	283,706	183,706	In Progress	TBD
Road/Sign Maintenance	100693	RZ	795-9500-531-6317	420,331	213,562	In Progress	Sept-18
Little Elm Trunk Sewer	101000	RZ	795-9500-531-6368	2,200,000	1,728,689	Construction	Mar-19
Temple Industrial Park - Outer Loop (IH35 to Wendland)	101000	RZ	795-9500-531-6863 795-9600-531-6863 795-9800-531-6863	17,955,000	3,173,512	Engineering	TBD
Temple Industrial Park - Outer Loop (Wendland to McLane Pkwy) {Design & ROW}	101001	RZ	795-9800-531-6864	2,260,000	1,838,947	Engineering	TBD
Corporate Campus Park - Bioscience Trail Connection to Airport (Extending Trail to 36)	101002	RZ	795-9500-531-6865 795-9800-531-6865	2,234,773	2,221,849	Substantially Complete	Apr-18
Corporate Campus Park - Outer Loop (McLane Pkwy to Cen Pt Pkwy) {Design & ROW}	101004	RZ	795-9800-531-6881	1,150,000	787,428	Engineering	Dec-19
Crossroads Park @ Pepper Creek Trail {Park Bond Funds in Project 101311}	101005	RZ	795-9500-531-6867 795-9800-531-6867	5,925,000	5,925,000	Construction	Apr-19
Synergy Park - Entry Enhancement {Design}	101006	RZ	795-9800-531-6868	62,101	62,100	On Hold	TBD
Downtown - Santa Fe Plaza	101008	RZ	795-9500-531-6870 795-9800-531-6870	13,467,538	8,073,101	Construction	Mar-19
TMED - Loop 363 Frontage (UPRR Bridge to 5th TRZ Portion) {AFA - TXDOT}	101010	RZ	795-9500-531-6872 795-9800-531-6872	6,632,935	6,567,065	Construction	June-18
TMED - 31st St./Loop 363 Improvements/Monumentation	101011	RZ	795-9600-531-6873 795-9800-531-6873	1,495,000	1,013,637	Construction	Dec-18
TMED Avenue U - 1st Street to 13th Street	101012	RZ	795-9500-531-6874	2,829,185	2,575,666	Substantially Complete	Apr-18
Santa Fe Market Trail & MLK Festival Fields	101262	RZ	795-9500-531-6566	5,205,100	2,566,270	Engineering	May-19
Veteran's Memorial Boulevard, Phase II	101263	RZ	795-9500-531-6567	925,000	622,217	On Hold	TBD

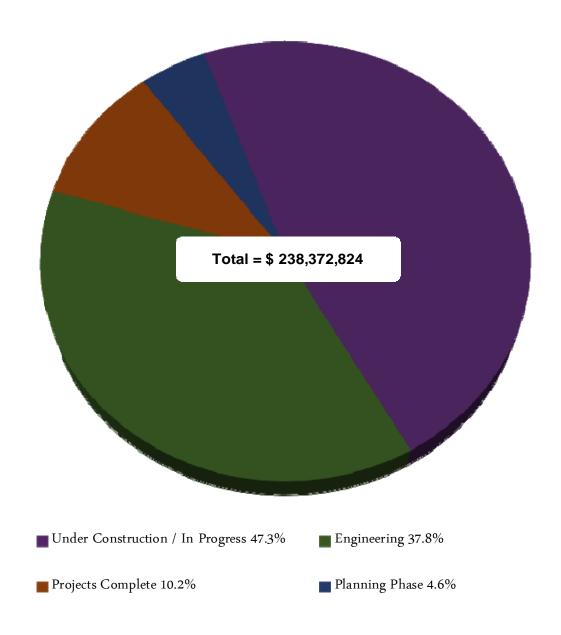
Project	Project #	Funding	Acct #	Project Budget	Actual Commit / Spent	Status	Scheduled Completion
R & D Rail Tracks {Design}	101457	RZ	795-9500-531-6568 795-9600-531-6568	\$ 524,400	\$ 124,400	On Hold	TBD
Outer Loop, Phase VI (IH35 South) {Design & ROW}	101585	RZ	795-9500-531-6557 795-9600-531-6557	3,510,000	405,506	Engineering	June-19
Airport Corporate Hangar, Phase III	101586	RZ	795-9500-531-6523	1,709,852	1,709,852	Construction	May-18
MLK Festival Fields {Design Only}	101588	RZ	795-9500-531-6569	79,900	79,900	Engineering	Apr-18
TMED South 1st Street, Phase I (Change Order to Project 101010) (AFA - TXDOT)	101627	RZ	795-9500-531-6570	1,845,000	1,842,755	Construction	June-18
East Outer Loop	101796	RZ	795-9600-531-6890	906,600	622,210	Engineering	TBD
1st Street (Ave B to Central Ave) - {Design} & Ave A (S 3rd to S 2nd) - {Concept Design}	101797	RZ	795-9500-531-6561	296,000	295,260	Engineering	TBD
N 31st Street (Nugent to Central) {Concept Design}	101798	RZ	795-9500-531-6571	212,000	211,600	Engineering	Sept-18
31st Street (Loop 363 to Ave M) & Ave R (31st St to 25th St) {Concept Design}	101799	RZ	795-9500-531-6572	130,000	129,840	Engineering	Sept-18
Corporate Hangar, Phase IV (Design)	101800	RZ	795-9500-531-6558 795-9600-531-6558	232,000	231,600	Engineering	May-18
Airport FBO Center & Parking Visioning	101801	RZ	795-9500-531-6573	119,000	118,860	Engineering	May-18
Miller Skate Park Shade Structure	101817	RZ	795-9500-531-6870	33,862	33,862	Construction	May-18
Total Reinvestment Zone No. 1 Infrastructure				\$ 72,644,283	\$ 43,358,394		
Kegley Road, Phase I	100346	CO-14	365-3400-531-6888	1,355,550	1,155,011	Construction	Aug-18
Ave U - Scott & White to 1st/13th- 17th {Construction}	100718	CO-12	365-3400-531-6874	2,756,536	2,756,536	Substantially Complete	Apr-18
Hogan Road Improvements	100952	CO-12 CO-18	365-3400-531-6857	2,977,650	279,200	Engineering	June-20
Westfield Boulevard Improvements, Phase II	100970	CO-12	365-3400-531-6859	3,562,210	444,456	In Progress	Apr-19
Outer Loop, Phase IIIB	101121	CO-12 CO-14 CO-18	365-3400-531-6813	7,227,455	1,423,868	Engineering	TBD
East Temple - Greenfield	101234	CO-12	365-3400-531-6884	75,792	-	On Hold	TBD
Prairie View, Phase II (N Pea Ridge to FM 2483)	101257	GRANT CO-14 CO-18	260-3400-531-6862 365-3400-531-6862	10,432,363	8,867,490	Construction	Jan-19
SH317 Sidewalks {AFA - TXDOT}	101285	CO-14	365-3400-531-6315	200,000	200,000	Construction	Sept-18
Meadows, Phase IV - Tanglehead Development {KAM Homebuilders}	101467	CO-14	365-3400-531-6889	11,525	11,525	Cost Sharing Agreement Authorized	Aug-18
Traffic Signal - Kegley Rd @ West Adams {Engineering}	101490	CO-16	365-2800-532-6810	40,249	35,054	Engineering	Aug-18
South Pea Ridge Sidewalk	101497	CO-16	365-3400-531-6315	114,173	87,227	Substantially Complete	Apr-18
Ave U Drainage Improvements @ Summit {Construction}	101581	CO-16	365-3400-531-6874	109,355	109,354	Substantially Complete	Apr-18
Kegley Road, Phase II	101606	CO-16 CO-18	365-3400-531-6888	5,163,800	450,042	Engineering	July-19
Kegley Road, Phase III & IV {Preliminary Design & ROW}	101607	CO-16 CO-18	365-3400-531-6888	1,176,090	712,470	Engineering	June-18
Traffic Signal Upgrade - N Kegley @ Airport Rd	101611	CO-16	365-2800-532-6810	224,650	202,585	Construction	May-18
Traffic Signal Upgrade - Adams @ Greenview	101612	CO-16	365-2800-532-6810	303,650	233,746	Construction	May-18
Restripe Midway Drive/Tarver Drive	101631	CO-16	365-3400-531-6527	19,244	19,244	Complete	Oct-17
Dairy Road Improvements	101632	CO-16	365-3400-531-6982	78,600	48,735	Construction	May-18

Project	Project #	Funding	Acct #	Project Budget	Actual Commit / Spent	Status	Scheduled Completion
Sidewalk/Transportation Enhancements	101711	GRANT	260-6100-571-6315	\$ 25,000	\$ -	Planning	TBD
Legacy Pavement Preservation Program - FY 2018	101712	CO-18	365-3400-531-6527	3,110,000	2,818,690	Construction	May-18
N Pea Ridge, Phase I {Design & ROW}	101713	CO-16 CO-18	365-3400-531-6985	2,185,000	448,200	Engineering	Jan-19
Outer Loop, Phase IV {Design & ROW}	101714	CO-16 CO-18	365-3400-531-6813	2,400,000	845,300	Engineering	Mar-19
Poison Oak, Phase I & II	101715	CO-16 CO-18	365-3400-531-6886	4,205,000	1,083,762	Engineering	Sept-19
Scott Boulevard Sidewalk (Highline Temple 39, LLC)	101720	CO-16	365-3400-531-6315	39,906	39,906	Substantially Complete	Apr-18
Hogan Road Development Agreement (Kiella Development, Inc.)	101802	CO-16	365-3400-531-6857	800,240	800,240	Cost Sharing Agreement Authorized	TBD
S 31st Street Sidewalk - AFA	101804	TxDOT/PTF Bonds CO-18	261-3400-531-6315 365-3400-531-6532	415,000	415,000	Planning	Jan-20
Homeless Veterans Project Development Agreement (Habitat for Humanity)	101818	CO-18	365-3400-531-6884	15,000	15,000	Cost Sharing Agreement Authorized	TBD
Westfield Developer Agreement Kiella Development, Inc.}	101822	CO-18	365-3500-552-6516	388,964	388,964	Cost Sharing Agreement Authorized	TBD
Outer Loop, Phase V {ROW}	101824	CO-18	365-3400-531-6813	170,000	167,366	Complete	Mar-18
S 5th Street Sidewalk - Cost Sharing Agreement (WBW Development, Ltd)	101827	CO-18	365-3400-531-6315	73,619	73,619	Cost Sharing Agreement Authorized	TBD
Grant Match Sidwalks/Trail Connections	101829	CO-18	365-3400-531-6315	108,673	-	Planning	Dec-18
Signal Backup Generators (5)	101830	CO-18	365-2800-532-6810	13,000	12,900	Complete	Mar-18
Total Streets/Related Facilities				\$ 49,778,294	\$ 24,145,489		
South Temple Water System Improvements: Pipeline, Storage Tank, and Pump Station {Design & ROW}	100333	UR-08	561-5200-535-6909	675,547	675,547	Complete	Oct-17
TCIP - Kegley Road Utility Improvements, Phase I	100346	BUDG-U	520-5200-535-6357	110,000	84,724	Construction	Aug-18
Charter Oak Waterline Replacement, Phase II	100608	UR-15 UR-17	561-5200-535-6939	4,791,792	1,093,794	Engineering	Sept-19
TXDOT 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
TXDOT I-35 Utility Relocation Project:					l l		
	100687	TxDOT	520-5900-535-6618	552,067	492,690	Construction	June-19
{Engineering Only} TXDOT I-35 Utility Relocation Project: Nugent to North Loop 363	100687	TxDOT	520-5900-535-6618 520-5900-535-6618	552,067 464,053	492,690 404,675	Construction Construction	June-19 June-19
{Engineering Only} TXDOT I-35 Utility Relocation Project: Nugent to North Loop 363 {Engineering Only}					·		
{Engineering Only} TXDOT I-35 Utility Relocation Project: Nugent to North Loop 363 {Engineering Only} TCIP - Ave U from Scott & White to 1st/13th-17th Leon River Trunk Sewer,	100688	TxDOT	520-5900-535-6618	464,053	404,675	Construction Substantially	June-19
(Engineering Only) TXDOT I-35 Utility Relocation Project: Nugent to North Loop 363 (Engineering Only) TCIP - Ave U from Scott & White to 1st/13th-17th Leon River Trunk Sewer, Lift Station and Force Main	100688	TxDOT UR-15	520-5900-535-6618 561-5200-535-6969	464,053 16,150	404,675 16,150	Construction Substantially Complete	June-19 Apr-18
(Engineering Only) TXDOT I-35 Utility Relocation Project: Nugent to North Loop 363 (Engineering Only) TCIP - Ave U from Scott & White to 1st/13th-17th Leon River Trunk Sewer, Lift Station and Force Main TCIP - Hogan Road Waterline Improvements	100688 100718 100851	TxDOT UR-15 UR-10 UR-15	520-5900-535-6618 561-5200-535-6969 561-5400-535-6941	464,053 16,150 5,455,464	404,675 16,150 5,437,851	Construction Substantially Complete Construction	June-19 Apr-18 July-18
[Engineering Only] TXDOT I-35 Utility Relocation Project: Nugent to North Loop 363 [Engineering Only] TCIP - Ave U from Scott & White to 1st/13th-17th Leon River Trunk Sewer, Lift Station and Force Main TCIP - Hogan Road Waterline Improvements TCIP - Westfield Blvd Utility Improvements, Phase II Bird Creek Interceptor, Phase IV	100688 100718 100851 100952	UR-15 UR-10 UR-15 UR-17	520-5900-535-6618 561-5200-535-6969 561-5400-535-6941 561-5200-535-6983	464,053 16,150 5,455,464 2,065,100	404,675 16,150 5,437,851 214,071	Construction Substantially Complete Construction Engineering	June-19 Apr-18 July-18 June-20
{Engineering Only} TXDOT I-35 Utility Relocation Project: Nugent to North Loop 363 (Engineering Only) TCIP - Ave U from Scott & White to 1st/13th-17th Leon River Trunk Sewer, Lift Station and Force Main TCIP - Hogan Road Waterline Improvements TCIP - Westfield Blvd Utility Improvements, Phase II Bird Creek Interceptor, Phase IV (Design Only) Utility Improvements - FY 2014	100688 100718 100851 100952 100970	UR-15 UR-10 UR-15 UR-17 BUDG-U	520-5900-535-6618 561-5200-535-6969 561-5400-535-6941 561-5200-535-6983 520-5200-535-6357	464,053 16,150 5,455,464 2,065,100 65,000	404,675 16,150 5,437,851 214,071	Construction Substantially Complete Construction Engineering In Progress	June-19 Apr-18 July-18 June-20 Apr-19
{Engineering Only} TXDOT I-35 Utility Relocation Project: Nugent to North Loop 363 (Engineering Only} TCIP - Ave U from Scott & White to 1st/13th-17th Leon River Trunk Sewer, Lift Station and Force Main TCIP - Hogan Road Waterline Improvements TCIP - Westfield Blvd Utility Improvements, Phase II Bird Creek Interceptor, Phase IV {Design Only} Utility Improvements - FY 2014 {Greenfield Development} Temple-Belton WWTP Expansion, Phase II	100688 100718 100851 100952 100970	UR-15 UR-10 UR-15 UR-17 BUDG-U UR-15	520-5900-535-6618 561-5200-535-6969 561-5400-535-6941 561-5200-535-6983 520-5200-535-6357 561-5400-535-6925	464,053 16,150 5,455,464 2,065,100 65,000 576,035	404,675 16,150 5,437,851 214,071	Construction Substantially Complete Construction Engineering In Progress Engineering	June-19 Apr-18 July-18 June-20 Apr-19 TBD
Lift Station and Force Main TCIP - Hogan Road Waterline Improvements TCIP - Westfield Blvd Utility Improvements, Phase II Bird Creek Interceptor, Phase IV	100688 100718 100851 100952 100970 100980	UR-15 UR-10 UR-15 UR-17 BUDG-U UR-15 BUDG-U Util-RE	520-5900-535-6618 561-5200-535-6969 561-5400-535-6941 561-5200-535-6983 520-5200-535-6357 561-5400-535-6925 520-5000-535-6370 520-5900-535-6310	464,053 16,150 5,455,464 2,065,100 65,000 576,035 312,893	404,675 16,150 5,437,851 214,071 96 516,190	Construction Substantially Complete Construction Engineering In Progress Engineering On Hold	June-19 Apr-18 July-18 June-20 Apr-19 TBD TBD

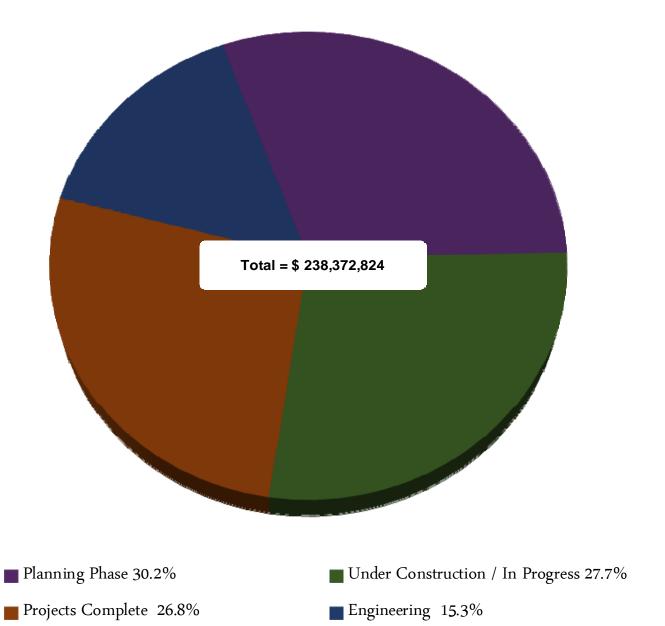
Project	Project #	Funding	Acct #	Project Budget	Actual Commit / Spent	Status	Scheduled Completion
Install Backup Generators	101089	BUDG-U	520-5100-535-6310	\$ 1,490,250	\$ 1,480,970	Substantially	Apr-18
Pump Station (2), Mobile (1)		UR-15	561-5100-535-6960			Complete	
TCIP - Outer Loop, Phase III-B	101121	Util-RE UR-15	520-5900-535-6521 561-5200-535-6813	1,282,087	-	Engineering	TBD
Water/Wastewater Replacement - 2nd & 4th; Ave C to Adams Ave	101186	Util-RE	520-5900-535-6521	83,715	83,715	On Hold	TBD
SLR - N 5th St to Jackson Creek	101193	Util-RE	520-5900-535-6361	813,490	813,489	Complete	Dec-17
WW Master Plan Update	101197	Util-RE	520-5900-535-2616	499,200	419,974	In Progress	Nov-18
OUT.	404004	DUDOU	500 5400 505 0004	0.400.000	0.404.040	0	0.140
Old Town South Sewer Line (3rd & 11th/Ave D to Ave H &	101201	BUDG-U UR-15	520-5400-535-6361 561-5400-535-6964	3,460,000	3,164,348	Construction	Oct-18
3rd & 9th/Ave K to Ave N)	404000	DUDOU	500 5400 505 0000	750,000	750,000	0	0.147
WTP - High Voltage Transfer MCC Replacement	101206	BUDG-U UR-15	520-5100-535-6222 561-5100-535-6931	756,960	756,960	Complete	Oct-17
TCIP - Prairie View Utility Improvements, Phase II (N Pea Ridge to FM 2483)	101257	Util-RE	520-5900-535-6521	850,000	687,529	Construction	Jan-19
WTP Membrane Plant - Repaint Piping, Floors, and Concrete Slab	101420	BUDG-U	520-5100-535-6310	294,000	-	Engineering	June-18
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
WTP Conventional - Lab Upgrades	101452	BUDG-U	520-5100-535-6310	134,172	7,025	On Hold	TBD
Meadows, Phase IV - Tanglehead Development {KAM Homebuilders}	101467	BUDG-U	520-5400-535-6361	1,489	1,489	Cost Sharing Agreement Authorized	Aug-18
Shallowford Lift Station Reconstruction & Relocation	101475	UR-15 UR-17	561-5400-535-6905	8,841,530	6,754,643	Construction	July-19
Jackson Park Vicinity Water & Wastewater Line Improvements	101476	Util-RE UR-15	520-5900-535-6361 561-5400-535-6970	1,468,495	1,467,894	Construction	Sept-18
Bird Creek Interceptor, Phase V	101477	BUDG-U UR-15 UR-17	520-5400-535-6361 561-5400-535-6925	2,591,370	77,370	Engineering	Mar-19
Highland Park Water Lines {Stellar Development}	101488	Util-RE	520-5900-535-6366	152,844	152,844	Cost Sharing Agreement Authorized	TBD
Western Hills Waterline Improvements, Phase II	101503	Util-RE UR-15	520-5900-535-6357 561-5200-535-6950	2,080,026	2,078,820	Construction	July-18
Force Main - Shallowford to Temple-Belton Plant	101512	Util-RE UR-15 UR-17	520-5900-535-6352 561-5400-535-6211	4,275,100	459,633	Engineering	Mar-19
WTP Clarifiers #1 & #2 Rehabilitation	101571	BUDG-U	520-5100-535-6310	468,122	464,946	Substantially Complete	Apr-18
East Temple Utility Improvements	101575	UR-15	561-5200-535-6974	300,000	-	On Hold	TBD
WTP Chlorine Storage Safety	101591	BUDG-U UR-15	520-5100-535-6310 561-5100-535-6976	895,636	883,976	Construction	July-18
TCIP - Kegley Road Utility Improvements, Phase II	101606	BUDG-U	520-5200-535-6357	502,000	-	Engineering	July-19
TCIP - Kegley Road, Phase III & IV {Preliminary Design}	101607	UR-15	561-5200-535-6888	39,600	39,600	Engineering	June-18
WTP Improvements - Tasks 2 - MWTT Optimization	101613	UR-15	561-5100-535-6954	134,978	20,810	Engineering	TBD
WTP Improvements - Tasks 3 - Lagoon Improvements	101614	UR-15 UR-17	561-5100-535-6954	4,017,414	268,560	Engineering	TBD
WTP Improvements - Tasks 6 - Membrane Reverse Filtration Header Replacement	101616	UR-15	561-5100-535-6959	295,683	295,682	Complete	Oct-17
WTP Improvements - Tasks 7 - Roadmap	101617	UR-17	561-5100-535-6959	354,000	-	On Hold	TBD
WTP Improvements - Tasks 1 - Zebra Mussels	101618	UR-15	561-5100-535-6954	306,776	-	On Hold	TBD

Project	Project #	Funding	Acct #	Proje	ect Budget	Actual Commit / Spent	Status	Scheduled Completion
Williamson Creek Trunk Sewer	101628	UR-15 UR-17	561-5400-535-6980		3,855,379	655,379	Engineering	Nov-19
Knob Creek Trunk Sewer {Design}	101629	Util-RE	520-5900-535-6631		1,228,891	1,228,890	Engineering	Oct-18
FY 2018 - Approach Mains	101702	BUDG-18	520-5000-535-6369		500,000	-	Planning	Sept-18
FY 2018 - Wastewater Line Projects	101704	BUDG-18	520-5400-535-6361		25,362	-	Planning	Sept-18
FY 2018 - Water Line Improvement Projects	101707	BUDG-18	520-5200-535-6357		296,113	-	Planning	Sept-18
FY 2018 - Replace Membrane Modules	101710	BUDG-18	520-5100-535-6211		378,000	-	Planning	Sept-18
TCIP - N Pea Ridge, Phase I {Design & ROW}	101713	Util-RE	520-5900-535-6985		54,900	54,900	Engineering	Jan-19
TCIP - Outer Loop, Phase IV {Design & ROW}	101714	UR-15	561-5200-535-6813		84,000	84,000	Engineering	Mar-19
TCIP - Poison Oak Utility Impr., Phase I & II {Design}	101715	UR-15	561-5200-535-6986		125,000	123,429	Engineering	Sept-19
North Gate Subdivision, Utility Extension {West Tanglefoot Development, Inc}	101719	Util-RE	520-5900-535-6368		440,461	440,461	Cost Sharing Agreement Authorized	TBD
Temple-Belton WWTP Expansion, Phase I (Construction)	101774	UR-17	561-5500-535-6938		10,100,000	9,694,176	Construction	Mar-19
Tank Rehabilitation	101778	BUDG-U	520-5100-535-6522		100,000	-	Planning	Aug-18
Hogan Road Developer Agreement {Kiella Development, Inc.}	101802	Util-RE	520-5900-535-6368		169,286	169,286	Cost Sharing Agreement Authorized	TBD
Everest Rehabilitation - Wastewater Line {Temple Economic Development Corp}	101803	BUDG-18	520-5400-535-6361		334,000	334,000	Cost Sharing Agreement Authorized	Sept-18
317 Waterline Relocation, East Side	101814	UR-17	561-5200-535-6907		17,800	17,800	Complete	Jan-18
Homeless Veterans Project Development Agreement {Habitat for Humanity}	101818	BUDG-U	520-5000-535-6370		30,000	30,000	Cost Sharing Agreement Authorized	TBD
Conventional Water Treatment Plant Emergency Repair	101821	BUDG-U	520-5100-535-6310		50,000	31,940	Complete	Mar-18
Wastewater Line Developer Agreement {Cedon Realty, Ltd}	101823	BUDG-U	520-5400-535-6361		36,751	36,751	Cost Sharing Agreement Authorized	TBD
Turbine Pump at Membrane Water Treatment Plant	101828	BUDG-U	520-5100-535-6211		11,563	-	Planning	Sept-18
Hidden Villages Subdivision, Utility Extension {Sears-Bond LP}	520004	Util-RE	520-5900-535-6366		54,685	54,685	Cost Sharing Agreement Authorized	TBD
Hills of Westwood, Phase IV, Utility Extension {Kiella Family, Ltd}	540003	Util-RE	520-5900-535-6368		21,025	16,220	Complete	Mar-18
Total Water & Wastewater Facilities				\$	71,583,264	\$ 44,454,995		
Total Capital Projects				\$ 2	238,372,824	\$ 146,718,222		

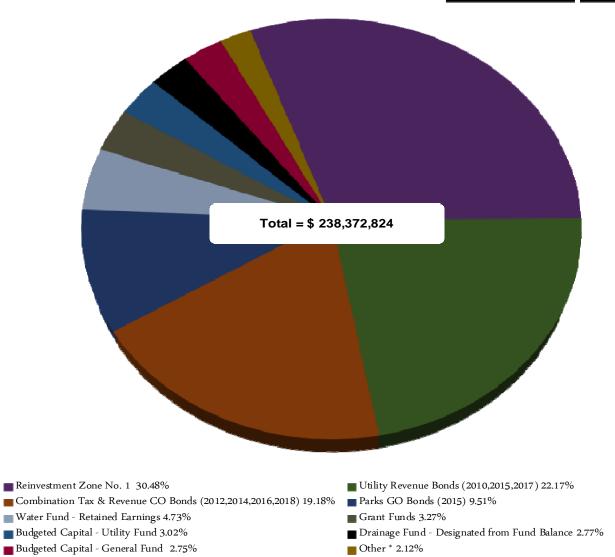
Total Estimated Costs of Capital Improvement Projects	\$ 238,372,824
Planning Phase	 11,078,168
Projects Complete	24,324,930
Engineering	90,119,778
Under Construction / In Progress	\$ 112,849,948



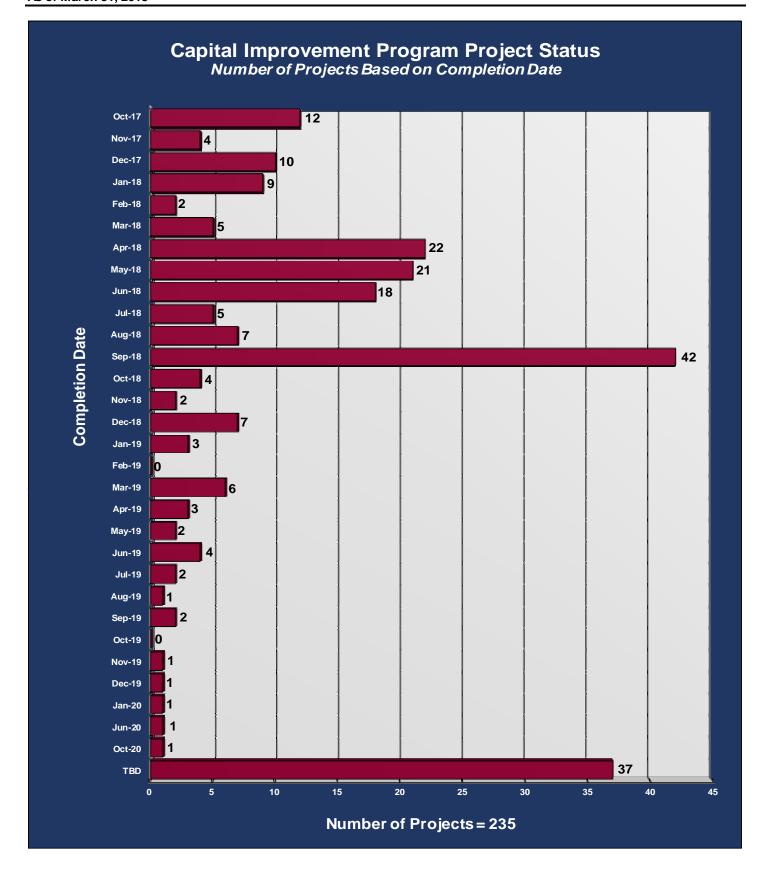
Planning Phase	71
Under Construction / In Progress	65
Projects Complete	63
Engineering	36
Total Number of Capital Improvement Projects	235



	 Total Dollars	% of Total
Reinvestment Zone No. 1	\$ 72,644,283	30.48%
Utility Revenue Bonds (2010,2015,2017)	52,845,016	22.17%
Combination Tax & Revenue CO Bonds (2012,2014,2016,2018)	45,715,364	19.18%
Parks GO Bonds (2015)	22,662,587	9.51%
Water Fund - Retained Earnings	11,266,319	4.73%
Grant Funds	7,793,187	3.27%
Budgeted Capital - Utility Fund	7,205,907	3.02%
Drainage Fund - Designated from Fund Balance and CO Bonds (2018)	6,605,647	2.77%
Budgeted Capital - General Fund	6,551,883	2.75%
LoanSTAR Loan Program *	2,802,359	1.18%
TxDOT Reimbursable Utility Agreements *	1,209,360	0.51%
Hotel-Motel Fund - Designated from Fund Balance *	364,247	0.15%
Limited Tax Notes (2016) *	320,282	0.13%
General Fund - Designated from Fund Balance/Other *	289,091	0.12%
TXDOT Pass Through Financing *	 97,292	0.04%
Total Capital Improvement Projects (by funding source)	\$ 238,372,824	100.00%



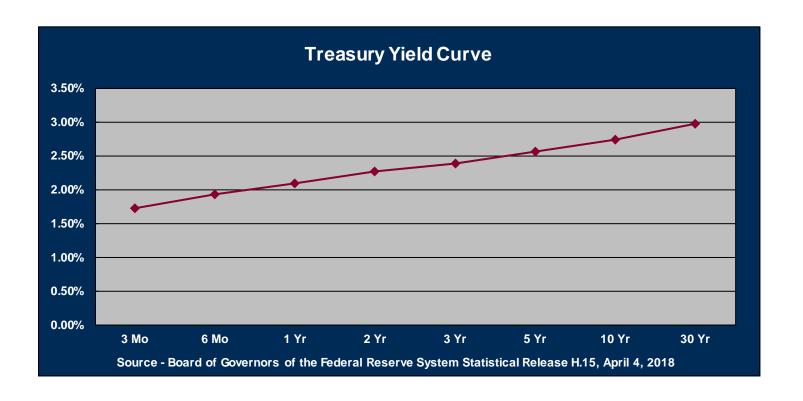
^{*}Funding source is reflected in "other" on graph

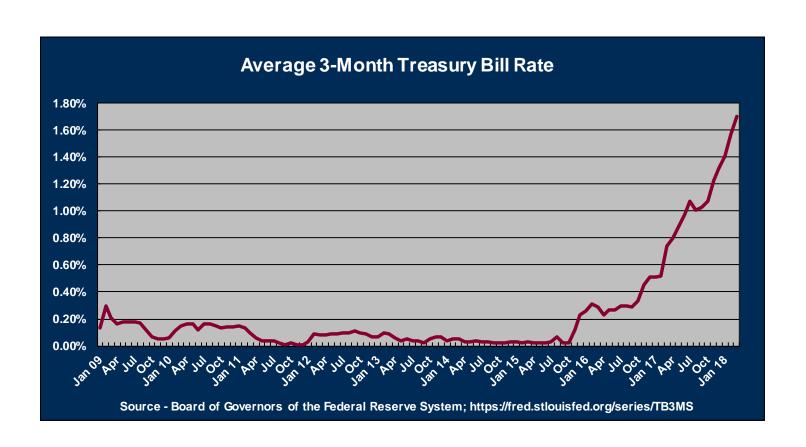


Investments

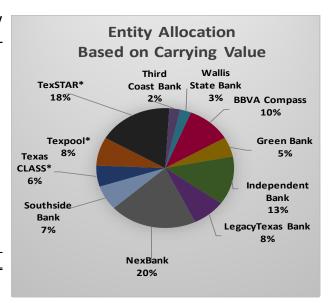


The Public Funds Investment Act, Chapter 2256 of Texas Government Code, requires the investment officer to prepare and submit a written report of investments to the governing body of the entity not less than quarterly.

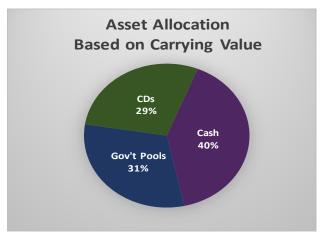




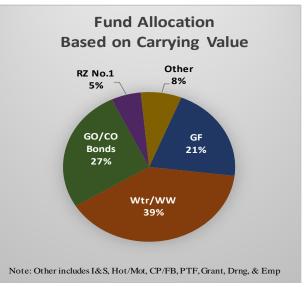
	Carrying Value	Bank Balance/ Fair Value
Entity Allocation		
BBVA Compass	\$ 20,475,832	\$ 20,406,124
Green Bank	10,359,629	10,359,629
Independent Bank	25,503,407	25,503,407
LegacyTexas Bank	15,328,897	15,328,897
NexBank	40,087,163	40,087,163
Southside Bank	12,923,492	12,923,492
Texas CLASS*	11,080,758	11,080,758
Texpool*	15,054,932	15,054,932
TexSTAR*	34,315,297	34,315,297
Third Coast Bank	5,020,192	5,020,192
Wallis State Bank	5,028,842	5,028,842
Govt Securities		
	\$195,178,441	\$195,108,733



	Carrying	Bank Balance/
	Value	Fair Value
Asset Allocation		
Cash	\$ 78,915,910	\$ 78,846,202
Go√t Pools	60,450,987	60,450,987
CDs	55,811,544	55,811,544
T-Bills	-	-
Agencies		
	\$195,178,441	\$195,108,733



		/6 OI
	Carrying	Carrying
	Value	Value
Fund Allocation		
General Fund (GF)	\$ 40,615,960	20.81%
Water & Wastewater (Wtr/WW)	76,787,116	39.34%
GO Interest & Sinking (I&S)	10,453,566	5.36%
Hotel / Motel (Hot/Mot)	1,458,079	0.75%
Capital Projects - GO/CO Bond		
Program (GO/CO Bonds)	51,934,631	26.61%
Capital Projects - Designated		
Fund Balance (CP/FB)	25,027	0.01%
PTF Project Fund (PTF)	111,926	0.06%
Federal / State Grant Fund (Grant)	56,219	0.03%
Drainage (Drng)	2,297,935	1.18%
Employee Benefits Trust (Emp)	557,680	0.29%
Reinvestment Zone No.1 (RZ No.1)	10,880,302	5.57%
	\$195,178,441	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.

% of

100.00%

Watch 31, 2010	Par	Term*		Maturity	Carrying	Fair	Fair vs
Туре	Value	(Days)	Yield %	Date	Value	Value	Carrying
Independent Bank CD	\$ 10,246,760	1	1.1200	01-Apr-18	\$ 10,274,743	\$ 10,274,743	\$ -
Independent Bank CD	5,083,298	93	1.1000	02-Jul-18	5,090,805	5,090,805	-
BBVA Compass CD	5,049,133	157	1.3000	04-Sep-18	5,063,519	5,063,519	-
BBVA Compass CD	5,054,822	247	1.4500	03-Dec-18	5,070,887	5,070,887	-
Independent Bank CD	5,056,927	278	1.5000	03-Jan-19	5,066,695	5,066,695	-
Independent Bank CD	5,060,737	335	1.6000	01-Mar-19	5,071,164	5,071,164	-
Third Coast Bank CD	5,000,000	388	2.2000	23-Apr-19	5,020,192	5,020,192	-
Legacy Texas CD	5,063,422	402	2.1000	07-May-19	5,070,414	5,070,414	-
Wallis State Bank CD	5,023,795	438	1.9300	12-Jun-19	5,028,842	5,028,842	-
LegacyTexas CD	5,049,579	499	1.7000	12-Aug-19	5,054,283	5,054,283	-
TexPool Investment Pool	15,054,932	87	1.5156	-	15,054,932	15,054,932	-
TexSTAR Investment Pool	34,315,297	105	1.4995	-	34,315,297	34,315,297	-
Texas CLASS Investment Pool	11,080,758	70	1.7500	-	11,080,758	11,080,758	-
BBVA Compass Cash	9,683,948	1	0.5000	-	9,683,948	9,614,240	N/A
BBVA Compass Money Market	657,478	1	1.1100	-	657,478	657,478	N/A
Green Bank Money Market	10,359,629	1	1.4300	-	10,359,629	10,359,629	N/A
LegacyTexas Money Market	5,204,200	1	1.6100	-	5,204,200	5,204,200	N/A
NexBank Money Market	40,087,163	1	1.8100	-	40,087,163	40,087,163	N/A
Southside Bank Money Market	12,923,492	1	1.6400	-	12,923,492	12,923,492	N/A
	\$ 195,055,370				\$ 195,178,441	\$ 195,108,733	\$ -

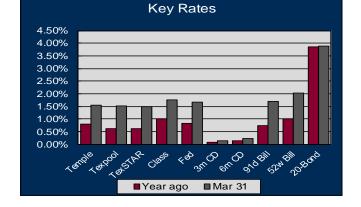
Weighted Average

Maturity 102.99 Days 1.55% Yield

Benchmark Yield

Average rolling 90-day T-Bill rate 1.58%

Key Rates: Cash Markets		
Rate	Year ago	Mar 31
City of Temple	0.81	1.55
Texpool	0.62	1.52
TexSTAR	0.63	1.50
Texas Class	1.00	1.75
Fed funds*	0.82	1.68
CDs: Three months*	0.10	0.15
CDs: Six months*	0.15	0.24
T- bill 91-day yield*	0.75	1.70
T- bill 52-week yield*	1.01	2.03
Bond Buyer 20- bond		
municipal index	3.86	3.89
*Source - Federal Reserve Bank		



Fair Value as a % of Carrying Value

Traci L. Barnard **Director of Finance**

Assistant Director of Finance

Erica Glover **Senior Accountant**

Melissa Przybylski

Stacey Reisner **Treasury Manager**

Sherry M. Pogor Financial Analyst

			Carrying Value			
	Par				Increase /	
Туре	Value	Maturity	12/31/2017	3/31/2018	(Decrease)	
Wallis State Bank CD	\$ 5,041,250	11-Jan-18	\$ 5,053,556	\$ -	\$ (5,053,556)	
LegacyTexas CD	5,045,846	07-Feb-18	5,049,495	-	(5,049,495)	
Independent Bank CD	10,246,760	01-Apr-18	10,246,446	10,274,743	28,297	
Independent Bank CD	5,083,298	02-Jul-18	5,077,035	5,090,805	13,770	
BBVA Compass CD	5,049,133	04-Sep-18	5,047,340	5,063,519	16,179	
BBVA Compass CD	5,054,822	03-Dec-18	5,052,821	5,070,887	18,066	
Independent Bank CD	5,056,927	03-Jan-19	5,048,024	5,066,695	18,671	
Independent Bank CD	5,060,737	01-Mar-19	5,051,237	5,071,164	19,927	
Third Coast Bank CD	5,000,000	23-Apr-19	0	5,020,192	5,020,192	
Legacy Texas CD	5,063,422	07-May-19	0	5,070,414	5,070,414	
Wallis State Bank CD	5,023,795	12-Jun-19	5,005,023	5,028,842	23,819	
LegacyTexas CD	5,049,579	12-Aug-19	5,033,156	5,054,283	21,127	
TexPool Investment Pool	15,054,932	-	14,941,935	15,054,932	112,997	
TexSTAR Investment Pool	34,315,297	-	79,517,009	34,315,297	(45,201,712)	
Texas CLASS Investment Pool	11,080,758	-	10,524,530	11,080,758	556,228	
BBVA Compass Cash	9,683,948	-	10,598,014	9,683,948	(914,066)	
BBVA Compass Money Market	657,478	-	655,847	657,478	1,631	
Green Bank Money Market	10,359,629	-	11,176,847	10,359,629	(817,218)	
LegacyTexas Money Market	5,204,200	-	9,625,802	5,204,200	(4,421,602)	
NexBank Money Market	40,087,163	-	0	40,087,163	40,087,163	
Southside Bank Money Market	12,923,492	-	14,222,986	12,923,492	(1,299,494)	
	\$205,142,466		\$ 206,927,103	\$ 195,178,441	\$ (11,748,662)	

				Fair Value	
	Par				Increase /
Туре	Value	Maturity	12/31/2017	3/31/2018	(Decrease)
Wallis State Bank CD	\$ 5,041,250	11-Jan-18	\$ 5,053,556	\$ -	\$ (5,053,556)
LegacyTexas CD	5,045,846	07-Feb-18	5,049,495	Ψ -	(5,049,495)
Independent Bank CD	10,246,760	01-Apr-18	10,246,446	10,274,743	28,297
Independent Bank CD	5,083,298	02-Jul-18	5,077,035	5,090,805	13,770
BBVA Compass CD	5,049,133	04-Sep-18	5,047,340	5,063,519	16,179
BBVA Compass CD	5,054,822	03-Dec-18	5,052,821	5,070,887	18,066
Independent Bank CD	5,056,927	03-Jan-19	5,048,024	5,066,695	18,671
Independent Bank CD	5,060,737	01-Mar-19	5,051,237	5,071,164	19,927
Third Coast Bank CD	5,000,000	23-Apr-19	0	5,020,192	5,020,192
Legacy Texas CD	5,063,422	07-May-19	0	5,070,414	5,070,414
Wallis State Bank CD	5,023,795	12-Jun-19	5,005,023	5,028,842	23,819
LegacyTexas CD	5,049,579	12-Aug-19	5,033,156	5,054,283	21,127
TexPool Investment Pool	15,054,932	-	14,941,935	15,054,932	112,997
TexSTAR Investment Pool	34,315,297	-	79,517,009	34,315,297	(45,201,712)
Texas CLASS Investment Pool	11,080,758	-	10,524,530	11,080,758	556,228
BBVA Compass Cash	9,683,948	-	10,418,353	9,614,240	(804,113)
BBVA Compass Money Market	657,478	-	655,847	657,478	1,631
Green Bank Money Market	10,359,629	-	11,176,847	10,359,629	(817,218)
LegacyTexas Money Market	5,204,200	-	9,625,802	5,204,200	(4,421,602)
NexBank Money Market	40,087,163	-	0	40,087,163	40,087,163
Southside Bank Money Market	12,923,492	-	14,222,986	12,923,492	(1,299,494)
	\$205,142,466		\$ 206,747,442	\$ 195,108,733	\$ (11,638,709)

Investments with a \$0 Carrying and Fair Value at 12/31/2017 were purchased after 12/31/2017.



Supplemental Information



Supplemental Information includes ...

Fund Balance Reserves/Designations – General Fund	78
Expenditures of Federal and State Awards	80
Awards of Federal & State Grants by Project Type	82
Hotel/Motel Tax Receipts by Reporting Entity	83
Historical Sales Tax Revenue by Month	84
Parks Escrow Deposits by Addition Name	85

		Council Approved		
			Appropriation	
	Balance		Increase	Balance
	10/01/17	Reallocation	(Decrease)	03/31/18
CAPITAL PROJECTS:				
Various Projects:				
Compensation Plan Implementation (09/07/17)	\$ 382,400	\$ -	\$ (382,400)	\$ -
Assistance to Firefighters 10% Grant Match {02/15/18}	<u>-</u> _	13,260		13,260
TOTAL Various Projects	382,400	13,260	(382,400)	13,260
2017/2018 Budgetary Supplement-Capital/SIZ/TEDC Matrix:				
Capital Equipment Purchases	1,529,182	-	(1,529,182)	-
Strategic Investment Zone	162,000	-	(162,000)	-
TEDC Matrix Allocation	221,146	-	(221,146)	-
Capital Replacement - Sanitation Vehicles	273,575	-	(273,575)	-
Capital Replacement - P25 Radios	252,550		(252,550)	
TOTAL BUDGETARY SUPPLEMENT	2,438,453		(2,438,453)	
TOTAL - PROJECT SPECIFIC	2,820,853	13,260	(2,820,853)	13,260
CAPITAL PROJECTS -				
ASSIGNED	1,827,724	(13,260)	(8,241)	1,806,223
TOTAL CAPITAL PROJECTS	\$ 4,648,577	\$ -	\$ (2,829,094)	\$ 1,819,483
IUIAL CAFIIAL PROJECTS	\$ 4,046,577	Ф -	⊅ (∠,δ∠9,094)	ক ।,ত।স,483

March 31, 2018

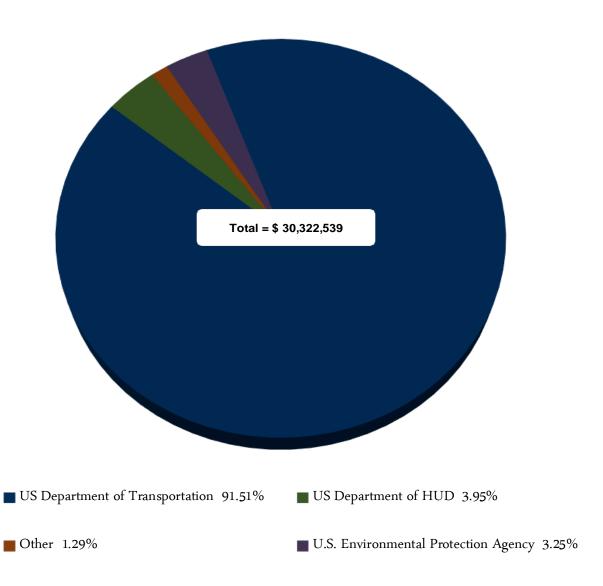
			Council Appro			oved	
				Council		propriation	
	Balance				-	Increase	Balance
	10/01/17		Realloc	ation	(Decrease)	 03/31/18
Other Fund Balance Classifications:							
Encumbrances:	\$ 1,866,6	03	\$	-	\$	(1,866,603)	\$ -
Nonspendable:							
Inventory & Prepaid Items	432,6	39		-		-	432,639
Restricted for:							
Rob Roy MacGregor Trust - Library	9,9	25		-		-	9,925
Drug enforcement {Forfeiture Funds}	173,5	17		-		(12,997)	160,520
Municipal Court Restricted Fees	615,4	93		-		(122,654)	492,839
Vital Statistics Preservation Fund	19,4	09		-		(19,409)	-
Public Safety	30,9	09		-		-	30,909
Public Education Government (PEG) Access Channel	147,2	56		-		(12,000)	135,256
Assigned to:							
Technology Replacement	405,4	84		_		(377,898)	27,586
Budgeted decrease in Fund Balance		-	\$	_	\$	(5,240,655)	5,240,655
Unassigned: { 4 months operations }	20,132,3	00					 20,132,300
Total Fund Balance	\$ 28,482,1	12					\$ 28,482,112

Federal/State Grantor	Federal		Program	Passed	
Agency or Pass-Through	CFDA	Grant	or Award	Through to	Program
Program Title	Number	Number	Amount	Subrecipients	Expenditures
Federal Financial Assistance:					
U.S. Department of H.U.D.	14 010	P 44 MC 49 0004	\$ 390,268	c	\$ -
CDBG 2014 CDBG 2015	14.218 14.218	B-14-MC-48-0021 B-15-MC-48-0021	\$ 390,268 357,357	\$ - 14,222	ъ 16,886
CDBG 2016	14.218	B-16-MC-48-0021	410,971	8,020	71,317
CDBG 2017	14.218	B-17-MC-48-0021	431,615	-	,
					88,203
U.S. Department of Homeland Security					
Texas Department of Public Safety:					
Civil Defense	97.042	18TX-EMPG-1142	36,713	-	18,357
Texas Engineering Extension Service					
Urban Search and Rescue	97.025	2178-PP20 2017	10,220	-	10,220
U.S. Department of Justice					28,577
2017 Bullet Proof Vests Grant	16.607	2017-BU-BX-13069168	6,803	_	6,803
2016 Bullet Proof Vests Grant	16.607	2016-BU-BX-13069168	11,438	_	2,068
Killeen Police Department:	10.007	2010 20 27 10000100	11,100		2,000
2015 Edward Byrne Memorial Justice Assistance Grant	16.738	2015-DJ-BX-0639	16,688	-	
U.S. Department of Transportation					8,871
Texas Department of Transportation:					
Surface Transportation Program (through KTMPO)	20.205	0909-36-155	3,888,000	_	246,852
Pass-Through Agreement	20.205	0320-06-001	16,555,000	_	240,002
Transportation Alternatives Project North 31st Sidewalks	20.205	0909-36-150	234,064		
Transportation Attendatives Project Notiff 31st Gluewarks	20.203	0909-30-130	234,004	_	246,852
U.S. Environmental Protection Agency		_			
Special Appropriation Act Projects	66.202	01F18601	970,000	-	
Institute of Museum and Library Services					
Texas State Library and Archives Commission					
Interlibrary Loan Program	45.310	LS-00-16-0044-16	4,492		4,492
					4,492
Total Federal Financial Assistance			23,323,629	22,242	376,995
State Financial Assistance:					
Office of the Governor - Criminal Justice Division					
Crisis Assistance Program	-	2820003	34,350	-	1,479
Rifle-Resistance Body Armor Program	-	3496701	25,000	-	-
Body-Worn Camera Program	-	3276001	52,848	-	52,848
Texas Commission on Environmental Quality					54,327
Central Texas Council of Governments					
Household Hazardous Waste Collection	-	-	10,000	-	10,000
Toyas Department of Transportation					10,000
Texas Department of Transportation		MAROOTERAD	E0 000		F0 000
2018 Routine Airport Maintenance Program (RAMP)	-	M1809TEMP	50,000	-	50,000
Airport Project Participation Grant - NPE	-	1709TMPLE	150,000	-	150,000 200,000
Division of Emergency Management					
<u>Division of Emergency Management</u> Hurricane Harvey - Public Assistance Program	-	-	1,685		1,685
	-	-	1,685	-	1,685 1,685

For the	civ	months	hahna	March	31	2018	

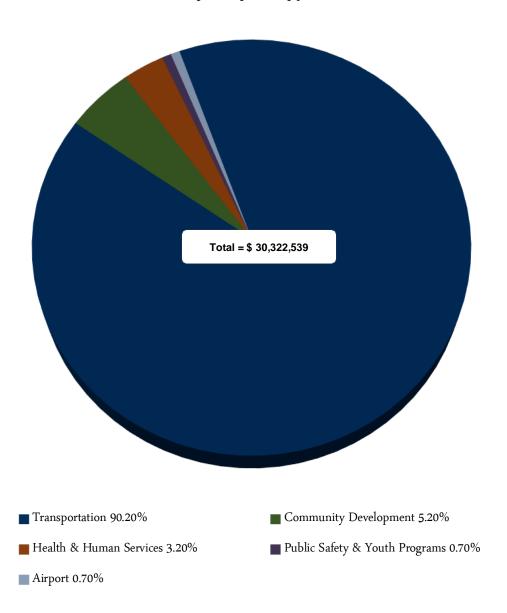
Federal/State Grantor Agency or Pass-Through Program Title	Federal CFDA Number	Grant Number	Program or Award Amount	Passed Through to Subrecipients	Program Expenditures
State Administered Financial Assistance: U.S. Department of Transportation Texas Department of Transportation: Loop 363 & Spur 290 (1st Street) Phase I Intersection Reconstruction	20.205	0184-04-046	\$ 6,675,027	_\$	\$ 2,000,144 2,000,144
Total State Administered Financial Assistance			6,675,027		2,000,144
Total Federal, State and State Administered Finance	cial Assistance		\$ 30,322,539	\$ 22,242	\$ 2,643,151

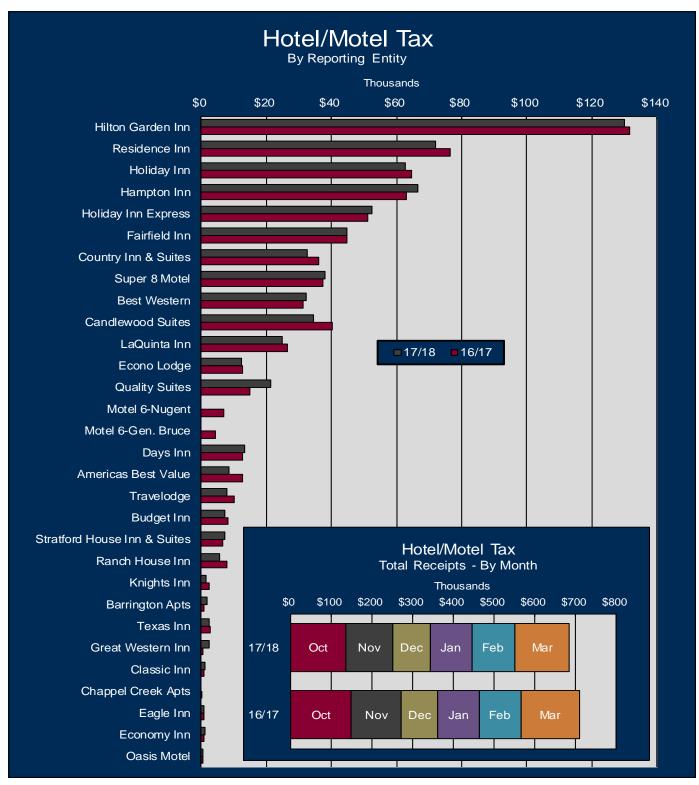
Schedule of Federal and State Awards by *Funding Source*



Transportation	\$27,352,091
Community Development	1,590,211
Health & Human Services	980,000
Public Safety & Youth Programs	200,237
Airport	200,000
	\$30,322,539

Schedule of Federal and State Awards by Project Type



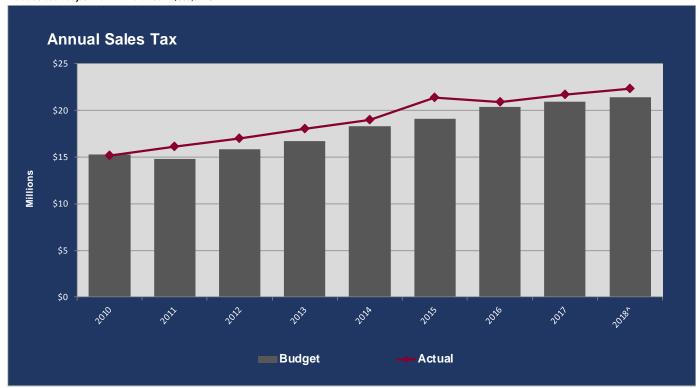


Hotel/Motel Tax								
	# Reporting							
Fiscal Year	at 3/31	Actual YTD	Budget	% of Budget				
17/18	30	\$685,885	\$1,462,500	46.90%				
16/17	30	\$709,536	\$1,462,000	48.53%				

											% Increase
	FY		FY	FY	FY		FY	FY	FY	FY	(Decrease)
Month	11		12	13	14		15 *	16	17 **	18 ^	18 Vs. 17
Oct	\$ 1,511,535	\$	1,519,727	\$ 1,534,807	\$ 1,675,339	\$	3,489,994	\$ 1,857,540	\$ 1,782,147	\$ 1,889,493	6.02%
Nov	1,128,208		1,167,140	1,392,450	1,479,695		1,566,784	1,524,999	1,562,275	1,698,713	8.73%
Dec	1,165,367		1,214,504	1,462,327	1,419,763		1,430,286	1,514,737	1,642,007	1,721,105	4.82%
Jan	1,797,063		1,861,602	1,838,329	1,960,221		2,213,612	2,260,144	2,214,514	2,215,777	0.06%
Feb	1,059,335		1,157,552	1,258,123	1,433,592		1,457,610	1,418,289	1,558,862	1,563,720	0.31%
Mar	1,284,123		1,299,150	1,414,245	1,400,219		1,421,812	1,792,732	1,663,682	1,603,658	-3.61%
Apr	1,599,804		1,645,580	1,687,794	1,835,107		1,826,749	1,997,512	2,013,932	2,115,654	5.05%
May	1,223,805		1,271,981	1,317,625	1,489,931		1,486,686	1,536,106	1,599,119	1,646,773	2.98%
Jun	1,182,645		1,476,697	1,478,838	1,493,886		1,461,142	1,583,839	2,081,701	2,143,736	2.98%
Jul	1,679,085		1,623,468	1,693,502	1,709,959		1,880,703	2,076,129	2,080,101	2,142,089	2.98%
Aug	1,173,941		1,342,609	1,459,520	1,593,968		1,567,111	1,611,072	1,736,904	1,788,664	2.98%
Sept	1,320,951		1,387,390	1,480,015	1,489,789		1,509,256	1,685,981	1,717,281	1,768,456	2.98%
	\$ 16,125,862	\$	16,967,401	\$ 18,017,575	\$ 18,981,471	\$	21,311,743	\$ 20,859,081	\$ 21,652,524	\$ 22,297,837	2.98%
Annual:											
\$ Increase	\$ 991,724	\$	841,539	\$ 1,050,174	\$ 963,895	\$	2,330,272	\$ (452,662)	\$ 793,443	\$ 645,312	ı
% Increase	 6.55%	1	5.22%	6.19%	5.35%)	12.28%	-2.12%	3.80%	2.98%	

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

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



[^] Forecasted as of 09/30/18

			Total			
Addition	Date of	Amount of	Expenditures/	Balance		
Name	Deposit	Deposit	Refunds	3/31/2018		
Bell Addition	08/13/97	\$ 450.00	\$ -	\$ 450.00		
Colwell	03/31/99	2,250.00	-	2,250.00		
Alford	11/06/03	450.00	_	450.00		
Chesser-Pitrucha	02/05/04	450.00	-	450.00		
Simpson	03/05/04	225.00	-	225.00		
Ditzler	07/09/04	225.00	-	225.00		
Avanti	11/22/04	450.00	-	450.00		
Meadow Bend I & II	07/08/05	26,662.50	-	26,662.50		
Willow Grove	10/12/05	225.00	-	225.00		
Berry Creek	03/17/06	450.00	-	450.00		
Krasivi	04/13/06	900.00	-	900.00		
Bluebonnet Meadows	08/21/06	2,025.00	-	2,025.00		
Lantana II	10/03/07	1,350.00	415.87	934.13		
Meadow Oaks	11/05/07	225.00	-	225.00		
Eagle Oaks at the Lake III	02/14/08	4,725.00	-	4,725.00		
Clark	02/14/08	225.00	-	225.00		
Downs First I	07/30/08	1,125.00	-	1,125.00		
Country Lane III	05/07/09	7,200.00	-	7,200.00		
Scallions	08/18/09	900.00	-	900.00		
Overlook Ridge Estates	11/13/09	3,375.00	-	3,375.00		
Hamby	06/11/10	225.00	-	225.00		
Villa Andrea	02/07/11	450.00	-	450.00		
West Ridge Village	07/27/12	5,850.00	-	5,850.00		
Nathans	10/18/12	225.00	-	225.00		
Lago Terra	11/06/12	17,550.00	-	17,550.00		
Wildflower Meadows I	11/14/12	16,200.00	-	16,200.00		
Creeks at Deerfield	02/25/13	7,875.00	306.99	7,568.01		
Porter	05/07/13	450.00	-	450.00		
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		
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		
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		
Villas at Friars Creek	09/28/15	14,850.00	-	14,850.00		
				(Continued)		

			Total	
Addition Date of		Amount of	Expenditures/	Balance
Name	Deposit	Deposit	Refunds	3/31/2018
Distillar a	40/40/45	Ф 205.00	Φ.	Ф 005.00
Phillips	10/13/15	\$ 225.00	\$ -	\$ 225.00
Hartrick Valley Estates	12/02/15	5,400.00	-	5,400.00 ²
Plains at Riverside I	06/17/16	10,350.00	-	10,350.00
Spurlock's Arbour	07/11/16	450.00	-	450.00
Long View Estates	07/27/16	2,925.00	-	2,925.00
Bluebonned Ridge Estates II	09/29/16	225.00	-	225.00 ²
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 ²
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 ²
Park Ridge	06/30/17	2,700.00	-	2,700.00
Wells Place	08/15/17	225.00	-	225.00
Highline	09/22/17	22,387.50	-	22,387.50
Alta Vista III	09/26/17	53,325.00	-	53,325.00
Lago Terra III	10/31/17	3,375.00	-	3,375.00
ИКС	12/01/17	900.00	-	900.00
Amata Terra	03/09/18	11,475.00	-	11,475.00
Accumulated Interest ¹		97,861.90	91,679.01	6,182.89
	Total	\$ 488,686.90	\$ 99,439.12	\$ 389,247.78

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 to construct restrooms at South Temple Park.
- 3. Funds appropriated for a sidewalk in Little Bluestem Park.

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

Strategic Investment Zones



The City's Strategic Investment Zone (SIZ) is designed to encourage redevelopment of strategically important neighborhoods and corridors that might otherwise not occur in the absence of incentives. The incentives would include the availability of a matching grant where the City participates with dollars or in-kind services to encourage redevelopment. The grant matrix includes funds or services related to façade replacement or upgrading, sign improvements, landscaping improvements, asbestos abatements, demolitions and sidewalk replacement.

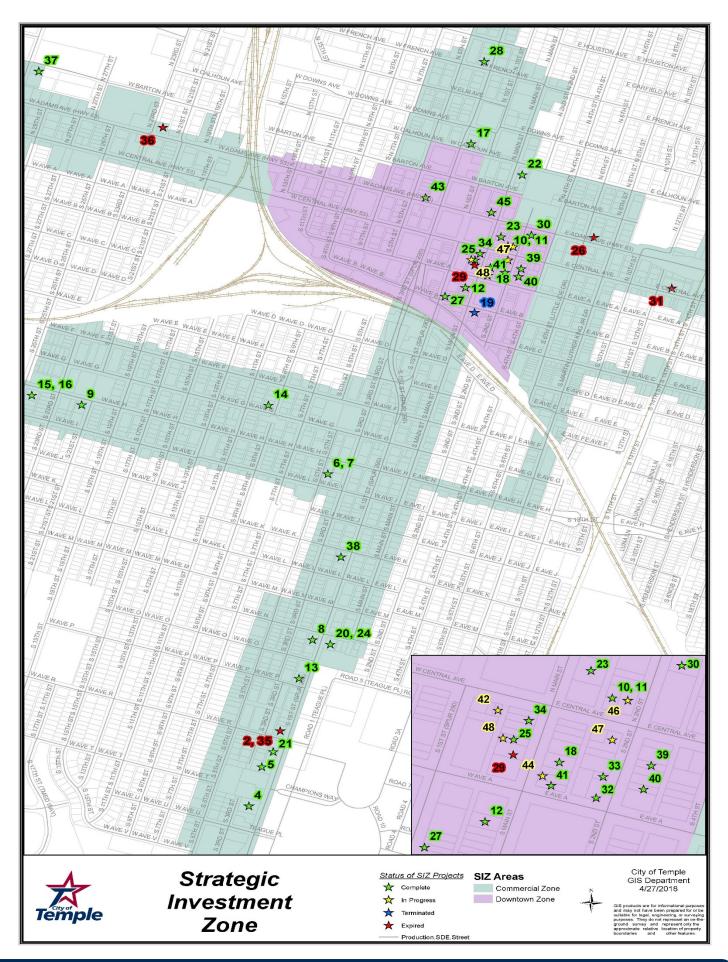
Boundaries of the SIZ incentive zones include Downtown Zone – Single Façade or Double Façade and Commercial Zones.

	Contract/		Original Match	Actual City	Expiration	Payment -	Improvement	
	Award Date		Amount	Match	Date	Date	Status	Improvement Description
1	2/24/2009	The Wallace Group	\$ 1,668	\$ 1,668	N/A	3/13/2009	Complete	Drainage Study
2	3/26/2009	JZI Primetime LLC (Pool's Grocery)	23,877	20,198	12/31/2009	8/21/2009	Complete	Facade, Landscaping and Sidewalks
3	6/29/2009	The Wallace Group	2,332	2,332	N/A	10/23/2009	Complete	S. 1st Street Drainage Study
4	7/13/2009	Texquest Investments LLC	44,000	42,050	3/31/2010	2/26/2010	Complete	Facade, Landscaping, Monument Sign, Asbestos Survey/Removal and Sidewalks
5	7/13/2009	Don's Medical	14,400	12,457	12/31/2009	2/26/2010	Complete	Facade and Landscaping
6	9/17/2009	J&S Central Texas Investments	13,500	10,000	11/1/2010	9/3/2010	Complete	Facade and Landscaping
7	9/17/2009	J&S Central Texas Investments	5,000	4,900	5/31/2010	6/25/2010	Complete	Residential Improvements for 819 S. 5th
8	11/19/2009	Kelum Pelwatta (EZ Tire)	39,700	30,128	4/30/2011	12/27/2013	Complete	Facade, Landscaping and Sidewalks
-		John Deere Landscapes		418	N/A	7/8/2014	Complete	Landscaping - Plant Material
•		Cooper & Company Nurseries		77	N/A	7/11/2014	Complete	Landscaping - Plant Material
-		Bourland Landscape, LLC		704	N/A	7/18/2014	Complete	Landscaping - River Rock
•		Pops Tree Farm		1,645	N/A	8/20/2010	Complete	Trees
-		BJS Park & Recreation Products		3,165	N/A	5/28/2010	Complete	Tree Grates
9	2/4/2010	Jorge and Candice Vasquez	10,000	10,000	5/30/2010	3/19/2010	Complete	Facade Improvements
10	5/20/2010	James Fertsch - 14 E Central	28,500	25,215	5/30/2011	1/7/2011	Complete	Facade, Sidewalks, Asbestos Survey and Demolition
11	5/20/2010	James Fertsch - 12 E Central	28,500	19,993	5/30/2011	7/23/2010	Complete	Facade, Sidewalks, Asbestos Survey and Demolition
12	5/20/2010	First Finance & Furniture	22,500	14,794	5/30/2011	10/15/2010	Complete	Facade, Sign and Demolition
13	10/7/2010	Temple G2K Development	35,250	31,529	12/31/2011	1/6/2012	Complete	Facade, Sidewalks and Landscaping
14	10/21/2010	Jimmy Palasota	27,500	27,500	7/31/2011	8/19/2011	Complete	Facade, Landscaping and Sign
15	11/4/2010	James & Jana Warren (JS Auto Sales) - 807 S 25th Street	5,000	5,000	10/30/2011	1/28/2011	Complete	Residential Improvements for 807 S. 25th Street
16	11/4/2010	James & Jana Warren (JS Auto Sales) - 1217 W Ave H	29,500	-	10/30/2011	N/A	Expired	Facade, Landscaping, Sign, Irrigation and Demolition
17	3/17/2011	Victor D. Turley, P.E., R.P.L.S.	9,985	7,997	9/20/2011	11/11/2011	Complete	Upgrade Fencing
18	4/7/2011	Rudy & Karen Gonzales (In The Mood Ballroom)	15,000	15,000	12/31/2011	10/14/2011	Complete	Facade Improvements
19	5/19/2011	Brothers Empire LLC	30,000	-	12/31/2011	N/A	Terminated	Façade, Sidewalk, Sign and Demolition
20	5/19/2011	Temple Pro Ventures Commercial, LP	30,000	30,000	12/31/2012	12/7/2012	Complete	Utility Relocation
21	11/3/2011	Strasburger Enterprises	22,300	19,933	N/A	5/18/2012	Complete	Landscaping, Sidewalks and Tree Grates
22	3/14/2012	Stepstool Investments, LLC	19,864	18,532	N/A	10/5/2012	Complete	Façade, Sign, Sidewalks & Asbestos Survey and Abatement

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		12/31/2012	12/7/2012	Complete	Façade, Sign, Sidewalks & Asbestos Survey
24	10/4/2012	Temple Pro Ventures Commercial, LP	44,000	42,597	12/30/2013	2/10/2014	Complete	and Abatement 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	8/14/2017	Complete	Façade, Sign, Sidewalks, Landscaping and Asbestos Abatement
41	10/20/2016	Central Texas Castles, Ltd.	57,218	56,803	10/30/2017	12/8/2017	Complete	Façade, Sign, Sidewalks, Landscaping and Asbestos Abatement
42	6/15/2017	BCMerc Holdings, LLC	36,000	36,000	6/14/2018	In Process	In Progress	Façade, Sign, Sidewalks, Asbestos Abatement and Demolition
43	6/15/2017	Ray Family Investments I, LLC	24,500	24,500	6/14/2018	1/31/2018	Complete	Façade, Sign, Landscaping and Demolition
44	6/15/2017	Aurora & ARS, LLC	22,500	22,500	6/14/2018	In Process	In Progress	Façade, Sign, Sidewalks, and Landscaping
45	11/15/2017	Darling Décor & More	1,673	1,673	11/15/2018	1/18/2018	Complete	Façade, Sign, Sidewalks, Asbestos Abatement and Demolition
46	11/15/2017	Knob Creek Masonic Lodge	14,429	14,429	11/15/2018	In Process	In Progress	Façade, Sign, Landscaping and Demolition
47	12/7/2017	Caelum Altus IV, LLC	115,000	115,000	12/7/2018	In Process	In Progress	Façade, Sign, Sidewalks, and Landscaping
48	2/15/2018	Investors Lane, Inc	26,000	26,000	2/15/2019	In Process	In Progress	Façade and Sprinkler System

\$ 1,060,923

Budget Allocation Summary						
FY 2008-FY 2016	\$	808,151				
FY 2017		100,000				
FY 2018		162,000				
Committed/Encumbered/Pending	(1,060,923)				
Remaining Funds	\$	9,228				



City of Temple 2 North Main Street

2 North Main Street
Temple, Texas 76501
254-298-5631
www.templetx.gov

RESOLUTION NO. 2018-9138-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE SECOND QUARTER FINANCIAL RESULTS FOR FISCAL YEAR 2018; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Director of Finance has prepared the second quarter 2018 fiscal year financial results which details the second quarter ending March 31, 2018, for the General Fund, Water & Sewer Fund, Hotel/Motel Tax Fund and Drainage Fund;

Whereas, included with these second quarter results are various schedules detailing grants, sales tax, capital projects, investments and an update on redevelopment grants and incentive programs within the Strategic Investment Zones; and

Whereas, the City Council deems it in the public interest to approve the second quarter financial results for fiscal year 2018.

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 second quarter financial results for fiscal year 2018, 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 May, 2018.

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



COUNCIL AGENDA ITEM MEMORANDUM

05/17/18 Item #8(P) 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 2017-2018.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to recommend various budget amendments, based on the adopted FY 2017-2018 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

FISCAL IMPACT: The total amount of budget amendments is \$38,336.

ATTACHMENTS:

Budget Amendments Resolution

CITY OF TEMPLE BUDGET AMENDMENTS FOR FY 2018 BUDGET May 17 2018

10001111	DDG 1=3=	DEADNINE CO.		APPROPI		
ACCOUNT #	PROJECT #		\$	Debit		Credit
110-2700-515-6310 110-6000-513-2110	101848	Capital Buildings & Grounds / Human Resources Remodel Supplies / Office Supplies	Ф	15,025	\$	1,000
110-6000-513-2110		Supplies / Food Items/Supplies			э \$	900
110-6000-513-2112		Supplies / Clothing & Uniforms			э \$	350
110-6000-513-2115		Supplies / Fuel			φ \$	1,675
110-6000-513-2213		Capital < \$5,000 / Computer Software			\$	450
110-6000-513-2223		Repairs & Maintenance / Auto & Equipment			\$	2,150
110-6000-513-2511		Other Services / Printing/Publication			\$	1,200
110-6000-513-2514		Other Services / Travel & Training			\$	3,500
110-6000-513-2515		Other Services / Dues & Subscriptions			\$	3,800
		To reallocate available funding from General Services for the remodel of Human Resources' office suite.				
110-2600-519-2516		Other Services / Judgments & Damages	\$	5,300		
110-0000-461-0554		Insurance Claims / Insurance Claims			\$	5,300
		To appropriate anticipated insurance proceeds from TML for the roof replacement at the Social Security Building due to the May 2013 weather event. Council authorized the initial insurance proceeds on November 2, 2017 in the amount of \$80,269.				
358-2200-521-6310	101760	Capital Buildings & Grounds - HVAC Improvements, Fire Station # 7	\$	10,011		
358-2400-519-6310	101403	Insurance Claims / Update Exterior Lighting, Service Center			\$	10,011
		To reallocate funding for change order # 2 with Lochridge-Priest, Inc. for installation of a second unit to allow independent temperature control in the sleeping and living quarters of Fire Station # 7.				
110-1900-519-2228		Capital < \$5,000 / Public Education Government Expense	\$	8,000		
110-1900-519-2228 110-0000-315-1900		Reserved for Public Education Channel	\$	8,000	\$	8,000
		Reserved for Public Education Channel To appropriate funds for video upgrades for video production of Communications and Police videos to be shown on public access channel.				
		Reserved for Public Education Channel To appropriate funds for video upgrades for video production of Communications and Police	\$ \$	8,000 38,336		
		Reserved for Public Education Channel To appropriate funds for video upgrades for video production of Communications and Police videos to be shown on public access channel.				
		To appropriate funds for video upgrades for video production of Communications and Police videos to be shown on public access channel. TOTAL AMENDMENTS				
		To appropriate funds for video upgrades for video production of Communications and Police videos to be shown on public access channel. TOTAL AMENDMENTS GENERAL FUND Beginning Contingency Balance Added to Contingency Sweep Account			\$	
		To appropriate funds for video upgrades for video production of Communications and Police videos to be shown on public access channel. TOTAL AMENDMENTS GENERAL FUND Beginning Contingency Balance Added to Contingency Sweep Account Carry forward from Prior Year			\$	
		To appropriate funds for video upgrades for video production of Communications and Police videos to be shown on public access channel. TOTAL AMENDMENTS GENERAL FUND Beginning Contingency Balance Added to Contingency Sweep Account Carry forward from Prior Year Taken From Contingency			\$	
		To appropriate funds for video upgrades for video production of Communications and Police videos to be shown on public access channel. TOTAL AMENDMENTS GENERAL FUND Beginning Contingency Balance Added to Contingency Sweep Account Carry forward from Prior Year			\$	
		Reserved for Public Education Channel To appropriate funds for video upgrades for video production of Communications and Police videos to be shown on public access channel. TOTAL AMENDMENTS GENERAL FUND Beginning Contingency Balance Added to Contingency Sweep Account Carry forward from Prior Year Taken From Contingency Net Balance of Contingency Account Beginning Judgments & Damages Contingency			\$	38,336
		Reserved for Public Education Channel To appropriate funds for video upgrades for video production of Communications and Police videos to be shown on public access channel. TOTAL AMENDMENTS GENERAL FUND Beginning Contingency Balance Added to Contingency Sweep Account Carry forward from Prior Year Taken From Contingency Net Balance of Contingency Account Beginning Judgments & Damages Contingency Added to Contingency Judgments & Damages from Council Contingency			\$	38,336
		Reserved for Public Education Channel To appropriate funds for video upgrades for video production of Communications and Police videos to be shown on public access channel. TOTAL AMENDMENTS GENERAL FUND Beginning Contingency Balance Added to Contingency Sweep Account Carry forward from Prior Year Taken From Contingency Net Balance of Contingency Account Beginning Judgments & Damages Contingency			\$	38,336
		To appropriate funds for video upgrades for video production of Communications and Police videos to be shown on public access channel. TOTAL AMENDMENTS GENERAL FUND Beginning Contingency Balance Added to Contingency Sweep Account Carry forward from Prior Year Taken From Contingency Net Balance of Contingency Account Beginning Judgments & Damages Contingency Added to Contingency Judgments & Damages from Council Contingency Taken From Judgments & Damages Net Balance of Judgments & Damages Net Balance of Judgments & Damages Contingency Account			\$ \$ \$ \$	25,182 (25,000 182
		To appropriate funds for video upgrades for video production of Communications and Police videos to be shown on public access channel. TOTAL AMENDMENTS GENERAL FUND Beginning Contingency Balance Added to Contingency Sweep Account Carry forward from Prior Year Taken From Contingency Net Balance of Contingency Account Beginning Judgments & Damages Contingency Added to Contingency Judgments & Damages from Council Contingency Taken From Judgments & Damages Net Balance of Judgments & Damages Net Balance of Judgments & Damages Contingency Account Beginning Compensation Contingency			\$ \$ \$	25,182 (25,000 182
		To appropriate funds for video upgrades for video production of Communications and Police videos to be shown on public access channel. TOTAL AMENDMENTS GENERAL FUND Beginning Contingency Balance Added to Contingency Sweep Account Carry forward from Prior Year Taken From Contingency Net Balance of Contingency Account Beginning Judgments & Damages Contingency Added to Contingency Judgments & Damages from Council Contingency Taken From Judgments & Damages Net Balance of Judgments & Damages Net Balance of Judgments & Damages Contingency Account			\$ \$ \$ \$	25,182 (25,000 182 343,000
		To appropriate funds for video upgrades for video production of Communications and Police videos to be shown on public access channel. TOTAL AMENDMENTS GENERAL FUND Beginning Contingency Balance Added to Contingency Sweep Account Carry forward from Prior Year Taken From Contingency Net Balance of Contingency Account Beginning Judgments & Damages Contingency Added to Contingency Judgments & Damages from Council Contingency Taken From Judgments & Damages Net Balance of Judgments & Damages Contingency Account Beginning Compensation Contingency Added to Compensation Contingency			\$ \$ \$ \$	25,182 (25,000 182 343,000
		To appropriate funds for video upgrades for video production of Communications and Police videos to be shown on public access channel. TOTAL AMENDMENTS GENERAL FUND Beginning Contingency Balance Added to Contingency Sweep Account Carry forward from Prior Year Taken From Contingency Net Balance of Contingency Account Beginning Judgments & Damages Contingency Added to Contingency Judgments & Damages from Council Contingency Taken From Judgments & Damages Net Balance of Judgments & Damages Contingency Account Beginning Compensation Contingency Added to Compensation Contingency Taken From Compensation Contingency Taken From Compensation Contingency			\$ \$ \$ \$	38,336
		To appropriate funds for video upgrades for video production of Communications and Police videos to be shown on public access channel. TOTAL AMENDMENTS GENERAL FUND Beginning Contingency Balance Added to Contingency Sweep Account Carry forward from Prior Year Taken From Contingency Net Balance of Contingency Account Beginning Judgments & Damages Contingency Added to Contingency Judgments & Damages from Council Contingency Taken From Judgments & Damages Net Balance of Judgments & Damages Contingency Account Beginning Compensation Contingency Taken From Compensation Contingency Added to Compensation Contingency Taken From Compensation Contingency Taken From Compensation Contingency Net Balance of Compensation Contingency Net Balance Council Contingency Net Balance Council Contingency			\$ \$ \$ \$ \$ \$ \$ \$ \$ \$	8,000 38,336 - - - 25,182 (25,000) 182 343,000 - (343,000 -
		To appropriate funds for video upgrades for video production of Communications and Police videos to be shown on public access channel. TOTAL AMENDMENTS GENERAL FUND Beginning Contingency Balance Added to Contingency Sweep Account Carry forward from Prior Year Taken From Contingency Net Balance of Contingency Account Beginning Judgments & Damages Contingency Added to Contingency Judgments & Damages from Council Contingency Taken From Judgments & Damages Net Balance of Judgments & Damages Contingency Account Beginning Compensation Contingency Added to Compensation Contingency Taken From Compensation Contingency Added to Compensation Contingency Taken From Compensation Contingency Taken From Compensation Contingency Net Balance of Compensation Contingency			\$ \$ \$ \$ \$	38,336
		To appropriate funds for video upgrades for video production of Communications and Police videos to be shown on public access channel. TOTAL AMENDMENTS GENERAL FUND Beginning Contingency Balance Added to Contingency Sweep Account Carry forward from Prior Year Taken From Contingency Net Balance of Contingency Account Beginning Judgments & Damages Contingency Added to Contingency Judgments & Damages from Council Contingency Taken From Judgments & Damages Net Balance of Judgments & Damages Contingency Account Beginning Compensation Contingency Taken From Judgments & Damages Contingency Account Beginning Compensation Contingency Added to Compensation Contingency Taken From Compensation Contingency Net Balance of Compensation Contingency Net Balance Budget Sweep Contingency			\$ \$ \$ \$ \$ \$ \$ \$ \$ \$	38,336

CITY OF TEMPLE BUDGET AMENDMENTS FOR FY 2018 BUDGET May 17 2018

		APPROPRIATIO	NS
ACCOUNT #	PROJECT # DESCRIPTION	Debit Cr	redit
	WATER & SEWER FUND		
	Beginning Contingency Balance	\$	65,000
	Added to Contingency Sweep Account		-
	Taken From Contingency		(12,084)
	Net Balance of Contingency Account	\$	52,916
	Basinsian Commonaction Continues		
	Beginning Compensation Contingency	\$	63,000
	Added to Compensation Contingency		-
	Taken From Compensation Contingency	\$	(63,000)
	Net Balance of Compensation Contingency Account	•	
	Net Balance Water & Sewer Fund Contingency	\$	52,916
	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	<u>\$</u>	-
	Beginning Compensation Contingency	\$	19,000
	Added to Compensation Contingency		-
	Taken From Compensation Contingency		(19,000)
	Net Balance of Compensation Contingency Account	\$	-
	Net Balance Hotel/Motel Tax Fund Contingency	\$	-
	DRAINAGE FUND		
	Beginning Contingency Balance	\$ 8	807,065
	Added to Contingency Sweep Account		-
	Carry forward from Prior Year		-
	Taken From Contingency		694,864
	Net Balance of Contingency Account	\$ 1	112,201
	Beginning Compensation Contingency	\$	12,500
	Added to Compensation Contingency		-
	Taken From Compensation Contingency		(12,500)
	Net Balance of Compensation Contingency Account	\$	-
	Net Balance Drainage Fund Contingency	\$ 1	112,201
	FED/STATE GRANT FUND		
	Beginning Contingency Balance	\$	-
	Carry forward from Prior Year		39,299
	Added to Contingency Sweep Account		6,926
	Taken From Contingency		(37,343)
	Net Balance Fed/State Grant Fund Contingency	\$	8,882

RESOLUTION NO. 2018-9139-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2017-2018 CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on the 25th day of August, 2017, the City Council approved a budget for the 2017-2018 fiscal year; and

Whereas, the City Council deems it in the public interest to make certain amendments to the 2017-2018 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 2017-2018 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 May, 2018.

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



COUNCIL AGENDA ITEM MEMORANDUM

05/17/18 Item #9 Regular Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution pursuant to Government Code § 2206.053 finding that 3.527-acre, 0.075-acre, 0.646-acre, and 0.410-acre temporary construction easements and a 1.141-acre and 0.072-acre permanent easements situated in the O.T. Tyler Survey, Abstract 20, are necessary for the construction of the Shallowford Force Main 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 owns and operates the Shallowford Lift Station and Force Main. The Lift Station receives wastewater flow from both the Bird Creek and Pepper Creek drainage basins. The City is currently rehabilitating and expanding both gravity interceptors within Bird Creek and the Lift Station to alleviate wastewater overflows and improve capacity. To adequately convey the increased flow from the Lift Station, it was determined the Shallowford Force Main needs to be expanded. The new force main will run parallel to the existing force main.

The design for Shallowford Force Main requires the acquisition of five easements from five property owners. Two of the easements needed have been acquired and closing is being coordinated on a third easement.

However, the design still requires the acquisition of temporary construction easements and permanent easements on two properties. The easements needed are described as follows:

- Being 1.141-acre, situated in the O.T. Tyler Survey, Abstract 20, Bell County, Texas embracing a portion of the remainder of a called 270.213-acre tract conveyed to Jan Densman in Document No. 2016-0028925, Official Public Records of Real Property, Bell County, Texas, together with a 3.527-acre, 0.075-acre, and 0.646-acre temporary easements abutting and parallel to the permanent easement.
 - a. An appraisal was performed on the property and the City made an offer to purchase, based on the appraisal, to the owner of record on November 29, 2017 via Lone Star Right of Services, Inc., the right-of-way acquisition company assisting the City with this project. This offer was initially accepted and then rescinded. After further research, it was discovered the owner of record sold a portion of the property encumbered by the needed easement. The property was re-surveyed, resulting in the acreages referenced above. A revised appraisal was conducted and final offer sent on April 30, 2018.

- 2. Being 0.072-acre, situated in the O.T. Tyler Survey, Abstract 20, Bell County, Texas embracing a portion of the remainder of a called 5.781-acre tract conveyed to Jonathan Hunter in Document No. 2017-00051997, Official Public Records of Real Property, Bell County, Texas, together with a 0.410-acre temporary easement abutting and parallel to the permanent easement.
 - a. This easement was surveyed from the sold property encumbered by the above owner. An initial offer was sent to the owner of record on March 27, 2018 via Lone Star Right of Services, Inc. The initial offer was based on the appraised value of land from the initial appraisal on the above property. The City and property owner were unable to reach an agreement. The property was appraised and a final offer sent on April 30, 2018.

Staff is asking pursuant to Government Code § 2206.053, for the City Council to authorize the use of eminent domain to acquire the property described above.

FISCAL IMPACT: Funding for the easements necessary for the construction of the Shallowford Force Main is available in account 520-5900-535-6352, project 101512.

ATTACHMENTS:

Surveys Resolution

FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

March 8, 2018

Surveyor's Field Notes for:

0.072 ACRE (3,146.8 sq. ft.), situated in the **O. T. TYLER SURVEY, ABSTRACT 20**, Bell County, Texas, embracing a portion of a called 5.781 Acre tract conveyed to Jonathan Hunter in Document No. 2017-00052282, Official Public Records of Real Property, Bell County, Texas, and being more particularly described as follows:

BEGINNING at a calculated point on the southwestern boundary of said 5.781 Acre tract, same being the north line of a called 3.26 Acre tract conveyed to R. T. Schneider Construction, LLC in Document No. 2006-00051997, Official Public Records of Real Property, Bell County, Texas, which said calculated point bears S 73 $^{\circ}$ 42 $^{\circ}$ 34 $^{\circ}$ E – 46.11 $^{\circ}$ from a 5/8 $^{\circ}$ iron rod with cap stamped "ACS" found at the northwest corner of said 3.26 Acre tract, for the southwest corner of the herein described tract;

THENCE, in a northeasterly direction, severing said 5.781 Acre tract, **N** 53° 24' 24" E – 322.35' to a calculated point on the east line of said 5.781 Acre tract, same being the west line of the remainder of a called 270.213 Acre tract conveyed to Jan Densman in Document No. 2016-00028925, Official Public Records of Real Property, Bell County, Texas, for the northeast corner of the herein described tract;

THENCE, in a southerly direction, with the west line of the remainder of said 270.213 Acre tract, **S 01° 03' 17" W – 12.63'**, to a calculated point, for the easternmost southeast corner of the herein described tract:

THENCE, in a southwesterly direction, again severing said 5.781 Acre tract, **S 53° 24' 24" W** – **307.02'**, to a calculated point on the north line of said 3.26 Acre tract, for the southernmost southeast corner of the herein described tract;

THENCE, in a westerly direction, with the north line of said 3.26 Acre tract, N 73° 52' 34" W – 12.57', to the POINT OF BEGINNING and containing 0.072 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. 1054. The theta angle at City Monument No. 1054 is 01° 30' 53". The combined correction factor (CCF) is 0.999857. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Published City coordinates for City Monument No. 1054 are N.= 10,353,132.79 E.= 3,217,452.95 Reference tie from City Monument No. 1054 to the southwest corner of said 0.072 acre tract is N 65°52'19" W 12425.23 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 0.072 Acre tract.

Surveyed March 23, 2017

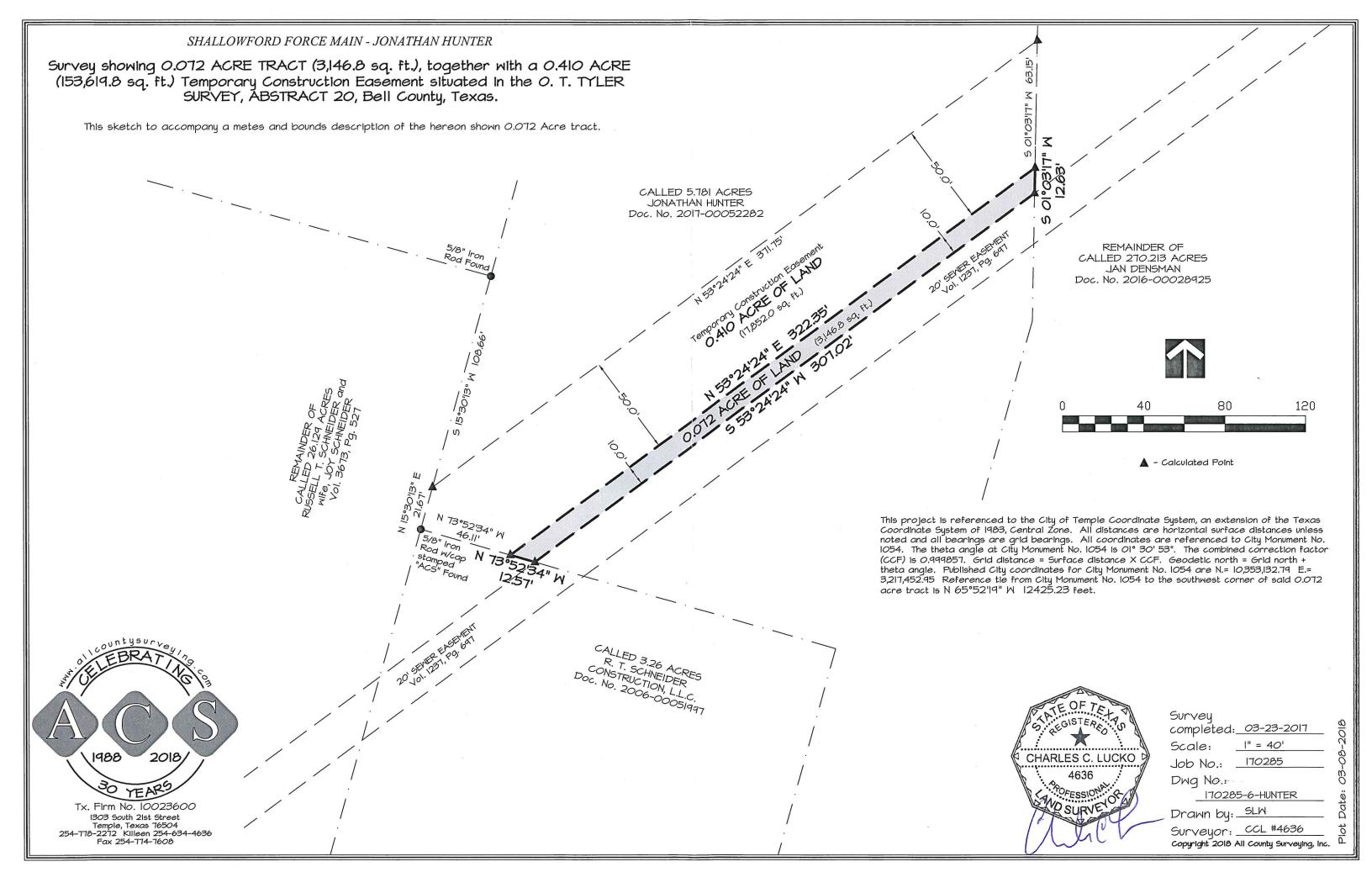
ALL COUNTY SURVEYING, INC. 1-800-749-PLAT

Tx. Firm Lic. No. 10023600

server/projects/pro170000/170200/170285/170285-6-HUNTER.doc

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

CHARLES C. LUCKO



FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

March 8, 2018

Surveyor's Field Notes for:

1.141 ACRE (49,712.3 sq. ft.), situated in the **O. T. TYLER SURVEY, ABSTRACT 20**, Bell County, Texas, embracing a portion of the remainder of a called 270.213 Acre tract conveyed to Jan Densman in Document No. 2016-00028925, Official Public Records of Real Property, Bell County, Texas, and being more particularly described as follows:

BEGINNING at a calculated point on the west boundary of the remainder of said 270.213 Acre tract, same being the east line of a called 5.781 Acre tract conveyed to Jonathan Hunter in Document No. 2017-00052282, Official Public Records of Real Property, Bell County, Texas, which bears N 61° 10' 04" E - 345.73' from a 5/8" iron rod with cap stamped "ACS" found at the westernmost southwest corner of said 270.213 Acre tract, same being an interior corner of said 5.781 Acre tract, also being the northwest corner of a called 3.26 Acre tract conveyed to R. T. Schneider Construction, LLC in Document No. 2006-00051997, Official Public Records of Real Property, Bell County, Texas, for the southwest corner of the herein described tract;

THENCE, in a northerly direction, with the east line of said 5.781 Acre tract, **N 01° 03' 17" E – 12.63'**, to a calculated point, for the northwest corner of the herein described tract;

THENCE, in a northeasterly direction, severing said 270.213 Acre tract, N 53° 24' 24" E-886.18', a calculated point, N 71° 16' 48" E-1928.42', a calculated point, and N 78° 47' 43" E-1050.74', to a calculated point on the southern "right" bank of the Leon River, for the northern most corner of the herein described tract:

THENCE, in a southeasterly direction, with the "right" bank of said Leon River, **S 50° 21' 10" E – 25.79'**, to a calculated point, for the easternmost corner of the herein described tract:

THENCE, in a southwesterly direction, again severing said 270.213 Acre tract, **S 78° 47'** 43" W - 1142.16', a calculated point, **S 71° 16' 48"** W - 1849.73', a calculated point, and **S 53° 24' 24"** W - 892.33', to the **POINT OF BEGINNING** and containing 1.141 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. 1054. The theta angle at City Monument No. 1054 is 01° 30' 53". The combined correction factor (CCF) is 0.999857. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Published City coordinates for City Monument No. 1054 are N.= 10,353,132.79 E.= 3,217,452.95 Reference tie from City Monument No. 1054 to the southwest corner of said 1.141 acre tract is N 64°36'46" W 12265.59 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 1.141 Acre tract.

Surveyed March 23, 2017

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

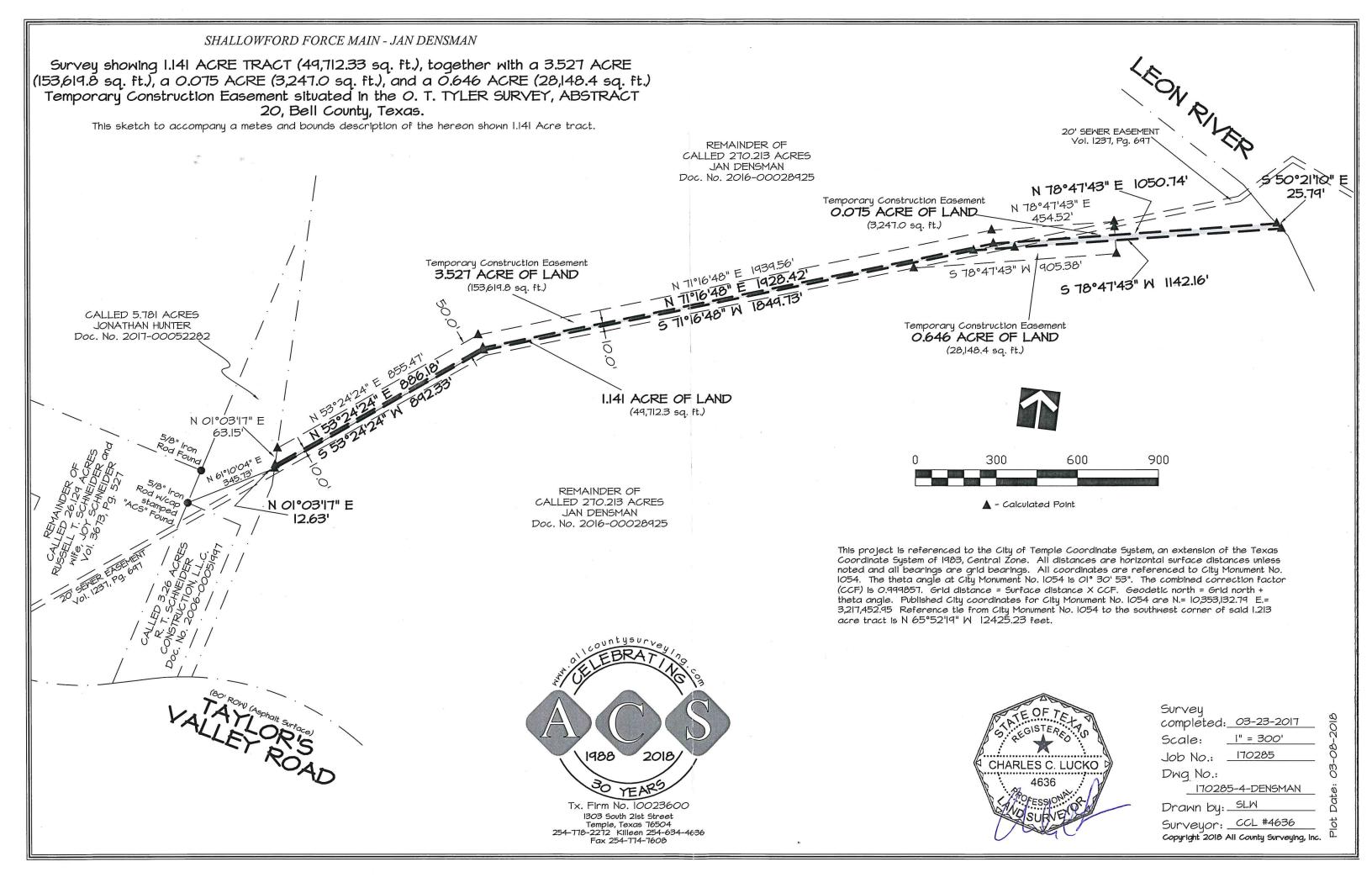
Tx. Firm Lic. No. 10023600

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

CHARLES C. LUCKO

4636



RESOLUTION NO. 2018-9140-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, FINDING THAT APPROXIMATELY 3.527-ACRE, 0.075-ACRE, 0.646-ACRE, AND 0.410-ACRE TEMPORARY CONSTRUCTION EASEMENTS, AS WELL AS APPROXIMATELY 1.141-ACRE AND 0.072 ACRE PERMANENT EASEMENTS SITUATED IN THE O.T. TYLER SURVEY, ABSTRACT 20, BELL COUNTY, TEXAS, ARE NECESSARY FOR THE CONSTRUCTION OF THE SHALLOWFORD FORCE MAIN PROJECT; AUTHORIZING THE USE OF EMINENT DOMAIN TO CONDEMN THE PROPERTIES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City owns and operates the Shallowford Lift Station and Force Main which receives wastewater flow from both the Bird Creek and Pepper Creek drainage basins;

Whereas, the City is currently rehabilitating and expanding both gravity interceptors within Bird Creek and the Lift Station to alleviate wastewater overflows and improve capacity - to adequately convey the increased flow from the Lift Station, it was determined the Shallowford Force Main needs to be expanded;

Whereas, the new force main will run parallel to the existing force main and will require the acquisition of five easements from five property owners - two of the easements needed have been acquired and closing is being coordinated on a third easement;

Whereas, the design of the force main still requires the acquisition of temporary construction easements and permanent easements on two properties, described as follows:

- 1. Being 1.141-acre, situated in the O.T. Tyler Survey, Abstract 20, Bell County, Texas embracing a portion of the remainder of a called 270.213-acre tract conveyed to Jan Densman in Document No. 2016-0028925, Official Public Records of Real Property, Bell County, Texas, together with a 3.527-acre, 0.075-acre, and 0.646-acre temporary construction easements abutting and parallel to the permanent easement.
 - a. An appraisal was performed on the property and the City made an offer to purchase, based on the appraisal, to the owner of record on November 29, 2017 via Lone Star Right of Services, Inc., the right-of-way acquisition company assisting the City with this project. This offer was initially accepted and then rescinded. After further research, it was discovered the owner of record sold a portion of the property encumbered by the needed easement. The property was re-surveyed, resulting in the acreages referenced above. A revised appraisal was conducted and final offer sent on April 30, 2018.
- 2. Being 0.072-acre, situated in the O.T. Tyler Survey, Abstract 20, Bell County, Texas embracing a portion of the remainder of a called 5.781-acre tract conveyed to Jonathan Hunter in Document No. 2017-00051997, Official Public Records of Real Property, Bell County, Texas, together with a 0.410-acre temporary construction easement abutting and parallel to the permanent easement.
 - a. This easement was surveyed from the sold property encumbered by the above owner. An initial offer was sent to the owner of record on March 27, 2018 via Lone

Star Right of Services, Inc. The initial offer was based on the appraised value of land from the initial appraisal on the above property. The City and property owner were unable to reach an agreement. The property was appraised and a final offer sent on April 30, 2018.

Whereas, Staff is requesting, pursuant to Chapter 2206, Government Code § 2206.053, that Council authorize the use of the power of eminent domain to acquire the property legally described above;

Whereas, funding for the purchase of the above easements is appropriated in Account No. 520-5900-535-6352, Project No. 101512; 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, approximately 3.527-acre, 0.075-acre, 0.646-acre, and 0.410-acre temporary construction easements, and a 1.141-acre and 0.072-acre permanent easement situated in the O.T. Tyler Survey, Abstract 20, Bell County, Texas, for the construction of the Shallowford Force Main.
- <u>Part 3</u>: The City Council hereby finds and determines that the construction of the Shallowford Force Main, 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 May, 2018.

	THE CITY OF TEMPLE, TEXAS
	TIMOTHY A. DAVIS, Mayor
ATTEST:	APPROVED AS TO FORM:
Lacy Borgeson	Kayla Landeros
C't County	
City Secretary	City Attorney



05/17/18 Items #10 Regular Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tammy Lyerly, Senior Planner

ITEM DESCRIPTION: FY-18-1-APL: Consider adopting a resolution authorizing an Appeal of Standards to Sec. 6.7 of the Unified Development Code related to I-35 Corridor Overlay Zoning District in the Retail Sub-District for landscaping and architecture for a new car dealership (Garlyn Shelton BMW) at 6006 South General Bruce Drive.

<u>ITEM SUMMARY:</u> The applicant has submitted a building permit request (FY-18-17-BDNC) which proposes construction of a new BMW car dealership for Garlyn Shelton at 6006 South General Bruce Drive. Due to corporate BMW mandated building design requirements, the applicant requests an appeal to several I-35 Corridor Overlay requirements. The applicant proposes 21.7 percent landscaping for the site even though the I-35 Corridor Overlay requires 15 percent.

Although City Council granted approval of the applicant's appeal to the I-35 Corridor Overlay requirements at 5420 Midway Drive, that existing car dealership was never redeveloped. Instead, the applicant requests to transfer City Council's approved I-35 Appeal, per Resolution 2017-8604-R, to the new BMW car dealership site for Garlyn Shelton Nissan proposed at 6006 South General Bruce Drive.

The applicant's project proposes an appeal to the following I-35 Corridor Overlay Standards (justification shown in parentheses):

- 1. Foundation plantings are required along 50% of length of façade (Project meets the intent but the proposed landscaping is buffering the perimeter, rather than the foundation to allow maximum showroom visibility)
- 2. Interior parking island (not provided for inventory to the rear)
- 3. Parking or vehicle use area must be screened by shrubs, berms or walls or a combination thereof (partial compliance for purposes of vehicle display)
- 4. Building entrances must be articulated and defined for strong entry presence, offset by six feet (request BMW corporate mandated building design)
- 5. Architecture: tri-partite design/defined base, middle and top required (does not comply with BMW mandated corporate design of mostly glass showroom)
- 6. Structures must be generally earth tone in hue (request BMW corporate design of white)

- 7. No single building material may cover more than 90 percent of the front of any building in the Retail sub-district (request BMW mandated corporate design)
- 8. Parking Lot Islands for Vehicle Sales: evergreen shrubs (five gallon minimum) must completely fill the island area (partial compliance, proposed to include mulch for several)

The applicant's proposal complies with all other I-35 Corridor Overlay standards for this development.

STAFF RECOMMENDATION: Staff recommends approval of the appeal as submitted based on the following reasons:

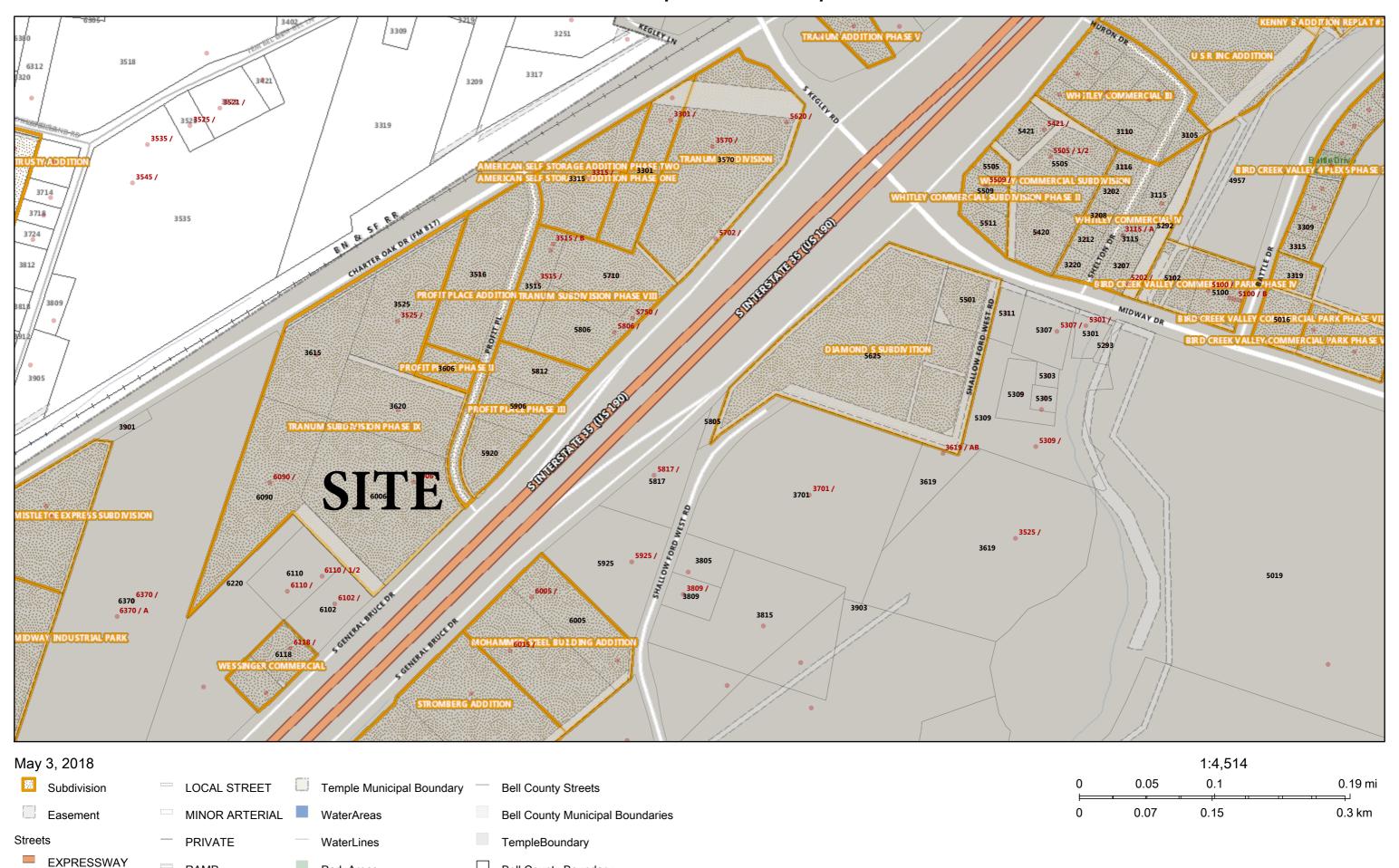
- The applicant's submittal is a compromise that would meet the needs of BMW corporate requirements, while also meeting the intent of the I-35 Corridor Overlay to beautify the corridor.
- City Council already approved the applicant's requested I-35 appeal with Resolution 2017-8604-R, but the applicant opted to change the construction site to the subject property at 6006 South General Bruce Drive.

FISCAL IMPACT: N/A

ATTACHMENTS:

Vicinity Aerial Map
Application
Variance Request
Landscape Plan
Elevations
BMW Building Example
Resolution 2017-8604-R
Resolution

Temple Web Map



☐ Bell County Boundary

Original Annexation Areas

RAMP

+ Railroad

MAJOR ARTERIAL

COLLECTOR

Park Areas

ETJParcels

City of Temple Universal Application

Rev. 3-01-18

1st & 3rd Overlay Appeal Masonry Exception-Res	Sidential Plat - Vacation ON-Residential Rezoning Renaming Sketch/Concept Plan (PD) Street Use License (SUL) Site Plan TMED – Site Plan Review
PROJECT INFORMATION: Residential Commercial Property Project Name: Garlyn Shelton BMV Project Address (Location): 6006 S. General Bruce Lot: Block:	Platted Property Not Platted ETJ Parcel(s) Tax ID# (Required): Total Acres:
	Slide #:
Current Zoning # of Existing Lots Proposed Zoning # of Proposed Lots	
Name: LARRY NEAL ARCHITECTURAL GROUP C Address: 1023 Canyon Creek Drive # 125 City Phone: 254 778 141de Cell #: 254 778 9 Email Address: Larry @ neal architect	Company Name: HEAL ARCHITECTURAL GROOF, W.C. TEMPLE State: TEXAS Zip: 76502
Address: 5625 3, Gen Bruce Dr City	company Name: Garlyn Shelton Im parts: Temple State: Tx Zip: 7650
DEVELOPER ENGINEER SURVEYOR INFORMATION: Name: County Address: Cell #: Email Address: Cell #:	Fax #:
PROJECT DESCRIPTION: (Attach additional page if additional space is	required)

CHECKLIST--PER SUBMITTAL

City of Temple Universal Application

(Incomplete applications will not be accepted)

		piece.	аррііі	cation	3 00111	not be	uccepte	·uj					
Submittal Requirements All Checklists are available on Planning Applications webpage	All Plats	CUP & PD	Rezoning	Sketch Plan	I-35 Appeal	TMED	TMED Variance/ Warrant	ZBA Variance	Masonry Exception	Appeal of Administrative Decision	Abandonment	Street Use License (SUL)	Voluntary Annexation
MEET WITH A PLANNER <u>PRIOR</u> TO A SUBMITTAL REQUEST		✓			1	✓	1	1		,		1	
Complete Universal Application	✓	✓	1	✓	V	1	✓	1	✓	✓	✓	1	✓
Utility Providers-see attached link http://www.templetx.gov/DocumentCenter/View/2920	✓						1						
Electronic copy (PDF) if submitted through MY Government Online Portal	✓	✓	✓	✓	1	✓	*	✓	✓	✓	✓	1	1
Hard Copies (when applicable)	5	2	1	5	2	2	2	1	1	1	1	1	
Field Notes <i>(signed and stamped)</i> or Lot and Block Description	✓	✓	1		✓	✓	1	✓			✓	✓	✓
Site Plan Checklist		✓			✓	✓	✓	*					
Plat Checklist	1			✓							-		
I-35 Checklist					1		-)({				
TMED Checklist						1	✓						
Abandonment Checklist											✓		
SUL Checklist												1	
Scaled Site Plan		✓			✓	✓	✓	✓	✓	*	✓	✓	
Drainage Letter or Drainage Report (for residential subdivisions)	1												
Elevations		✓			*	1	*		✓				
Landscape Plan					*	*	*						
Lighting Plan					*	*	*						
Fee	1	✓	1	NA	NA	NA	NA	✓	NA	NA	√	1	
Survey			1.								✓	✓	1
Broker's Opinion of Value or Appraisal R-O-W abandonment ONLY								Ĵ.			✓		
Petition for Annexation per Sec. 43.028 of Texas Local Government Code				-									1

*May be required depending on nature of Appeal/Variance

FEE SCHEDULE					
PLEASE MAKE CHECKS PAYABLE TO:	CITY OF TEMPLE				

Total valuation of proposed improvements for project in 1st & 3rd/TMED/I-35:

Abandonment:

Email address:

\$100.00 for filing fee only;

(3rd Party Broker's Opinion or Appraisal)

(3rd Party Broker's Opinion or Appraisal fee will be Applicant's responsibility)

Board of Adjustment (ZBA Variance):

\$ 75.00 (MUST meet with a planner prior to submittal of request)

*Preliminary/Final/or other Plat:

\$150.00 + \$3.00/lot (residential) OR \$10.00/acre (non-residential)

Street Use License (SUL)

\$150.00 (renewed every 15 years)

*Rezoning/CUP/PD Site Plan \$150.00 + \$3.00/acre (to match Ordinance No. 1948)

*The filing fee for a piece of property that is 3.125 acres in size would be a total of \$159.36 (\$150 + [\$3 x 3.12]). City staff uses the second decimal place when calculatina a filina fee and does not round up or down.

BY SIGNING THIS APPLICATION, STAFF IS GRANTED ACCESS TO YOUR PROPERTY FOR SIGN POSTING AND PROPERTY ANALYSIS PURPOSES.

APPLICANT SIGNATURE:

Print or Type Name:

(property owner authorization required below if applicant is someone other than property owner)

I (property owner) hereby authorize

(printed name)

(company (if applicable))

to represent me in matters pertaining to this case.

PROPERTY OWNER'S SIGNATURE:

Property owner's name (print):

Property owner's address:

Property owner's phone#:



1023 Canyon Creek Drive Suite 125 Temple, TX 76502 254.778.1466 www.nealarchitects.com

April 11, 2018

Brian Chandler, Director of Planning City of Temple 2 North main Street 102 Temple, Texas 76501

Re:

Permit FY-18-17-BDNC (Variance Request)

Garlyn Shelton BMW

6006 South General Bruce Drive

Temple, Texas

Dear Brian,

After reviewing the IH-35 Overlay requirements, we are requesting the following variances for this project.:

Eliminate the 5' sidewalk on the front. There are no other sidewalks along IH-35 With which to connect.

25' setback at front: We are proposing 90' at 35'. 30' entrance, and 290' at 15'.

Parking Islands: Eliminate the required island to the North of the entrance and the second row of parking. There are 14 spaces on the front line without an island and 11 and 12 spaces between islands on the second row North of the entrance. Eliminate all of the islands to the sides and rear of the building.

Island Trees: Eliminate all trees in the islands in the parking lot.

Front trees: approve 9 trees in lieu of the 13 required by the overlay. If we count the trees at the front of the detention pond, we would have 12.

Foundation planting: Eliminate the 50% foundation planting and allow the two islands planted on each corner of the building to comply.

Building design: Allow the Corporate Design of the BMW Dealership in lieu of design by overlay requirements.

Landscape screening: Eliminate the requirement for the screening of the overhead doors at the wash and detail building at the back of the property, 470' back of the front property line.

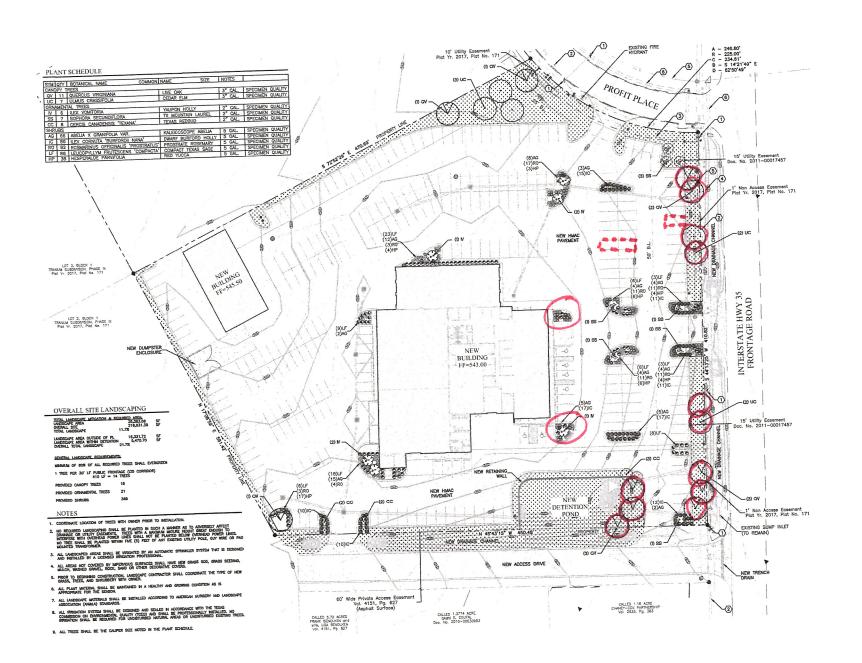
These are the variances we request. There could be more after the review is completed.

Please let me know what you need to move the variance process forward.

Yours truly,

Larry Neal, AIA

Neal Architectural Group





CLARK&FULLER

GARLYN SHELTON BMW NEW SITE DEVELOPMENT TEMPLE, TEXAS

SITE LANDSCAPE PLAN

DRAWING STATUS THESE SHARKS NEED PREPARED UNDER THE AUTHORITY OF JUSTIN B. FULLER P.E. 190103, GLARY & FULLER, PLLC FRM HD. F-19084.

JUSTIN B. FULLER

JBF ECB

| Drefind | ECB | Project No | 181846.00 | Part Date | 3-29-18 |

LS1

NEW CONSTRUCTION:

GARLYN SHELTON BMW

6006 SOUTH GENERAL BRUCE DRIVE (I-35), TEMPLE, TX 76502

STRUCTURAL ENGINEERING

ENGINEERING 360, INC.

2300 GREENHILL DRIVE. SUITE 500 **ROUNDROCK, TEXAS 78664** 512-244-1966

CIVIL ENGINEERING

CLARK & FULLER

215 N. MAIN STREET TEMPLE, TEXAS 76501 254-899-0899

CODE REFERENCES:

2009 INTERNATIONAL BUILDING CODE 2009 INTERNATIONAL FIRE CODE

2009 INTERNATIONAL PLUMBING CODE 2009 INTERNATIONAL ELECTRIC CODE

CITY OF TEMPLE ZONING ORDINANCES

2009 INTERNATIONAL MECHANICAL CODE

TEXAS ACCESSIBILITY STANDARDS (TDLR), 2012

2009 INTERNATIONAL ENERGY CONSERVATION CODE

ARCHITECT

LARRY NEAL / ARCHITECTS

1023 CANYON CREEK DRIVE, SUITE 125 TEMPLE, TEXAS 76502 254-778-1466

MECHANICAL, PLUMBING AND **ELECTRICAL ENGINEERING**

AYS ENGINEERING

203 E. MAIN STREET. SUITE 204 ROUNDROCK, TX 78664 512-961-6835

CONSTRUCTION **MANAGER**

NAVCON GROUP 2300 GREENHILL DRIVE, STE. 260 **ROUND ROCK, TX 78664** 512-531-2800



ssued for Construction Permit, and Agency

2/28/18

CODE ANALYSIS:

NOTE: NEW BUILDING TO BE EQUIPPED WITH A FULLY AUTOMATIC SPRINKLER SYSTEM IN ACCORDANCE WITH IBC 2009, SECTION 903 & NFPA 13.

CODE REQUIREMENTS

OCCUPANCY CLASSIFICATION AFTER ALTERATIONS (304): TYPE OF CONSTRUCTION (TABLE 602):

ALLOWABLE BUILDING HEIGHT AND AREA (TABLE 503):

AREA MODIFICATIONS (506):

- $Aa = At + (At \times If/100) + (At \times Is)$ $Aa = 17,500 \text{ sf} + (17,500 \text{ sf} \times 0.75) + (At \times 3)$
- Aa = 17,500 sf + 13,125 sf + 35,000 sf

ACTUAL SQUARE FOOTAGE OF BUILDING (GROSS):

OCCUPANT LOAD (TABLE 1004.1.1)):

DEAD-END CORRIDORS:

ACTUAL LONGEST COMMON PATH OF EGRESS TRAVEL:

REQUIRED CORRIDOR FIRE-RESISTANCE RATING (TABLE 1018.1):

MINIMUM CORRIDOR WIDTH REQUIRED (SECTION 1018.1):

ACTUAL MINIMUM CORRIDOR WIDTH:

GROUP S-1

None in Building

occupant load of less than 30

TYPE II-B

17,500 sf, 2-Stories

ALLOWABLE AREA (Aa):

83,125 Square Feet Per Story 22,910 Square Feet

22, 910 / 100 = 230 Occupants (S-1 OCCUPANCY = 100 SF / OCCUPANT)

NUMBER OF REQUIRED EXITS (TABLE 1021.1): **ACTUAL NUMBER OF EXITS:**

ALLOWABLE EXIT ACCESS TRAVEL DISTANCE (TABLE 1016.1): ACTUAL MAXIMUM EXIT ACCESS TRAVEL DISTANCE: 98 Feet

COMMON PATH OF EGRESS TRAVEL ALLOWED (SECTION 1014.3.1): 43 Feet

> No Rating (0-Hours) Allowed All corridors in building serve an

ACCESSIBLE MEANS OF EGRESS (1007): All Exits are Accessible

GENERAL CONSTRUCTION NOTES

- THE GENERAL CONTRACTOR AND THEIR SUBCONTRACTORS ("CONTRACTOR") ARE RESPONSIBLE FOR VISITING THE PROJECT SITE AND VERIFYING THE EXISTING CONDITIONS. THE CONTRACTOR SHOULD NOTIFY THE ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES.
- 2. CONTRACTOR TO COMPLY WITH ALL STANDARD LOCAL, STATE, NATIONAL AND FEDERAL CODES AND REQUIREMENTS.
- 3. THE CONTRACTOR IS RESPONSIBLE FOR FILING FOR ANY AND ALL REQUIRED PERMITS AND FOR ANY COSTS ASSOCIATED WITH OBTAINING ANY AND ALL REQUIRED PERMITS.
- 4. CONTRACTOR SHALL COORDINATE, SUPPLY, AND INSTALL ANY BLOCKING (FIRE-RATED) AS REQUIRED FOR THE MILLWORK INSTALLATION, ACCESSORY INSTALLATION, AND AS REQUIRED BY ANY OWNER-VENDOR OR OTHER THIRD-PARTY VENDOR, CONTRACTOR SHALL MARK LOCATION OF BLOCKING FOR THESE VENDORS.
- 5. ALL DIMENSIONS ARE FROM FINISH SURFACE TO FINISH SURFACE, OR TO FACE OF WINDOW MULLION, OR TO FINISHED EDGE OF EXISTING PARTITION, UNLESS OTHERWISE NOTED. IN CASE OF DIMENSION ERROR OR OTHER DIMENSIONAL DISCREPANCY, PLEASE NOTIFY ARCHITECT PRIOR TO PROCEEDING FOR RESOLUTION.
- 6. DO NOT SCALE DRAWINGS. IF REQUIRED DIMENSION IS NOT SHOWN, THE CONTRACTOR SHALL NOTIFY THE ARCHITECT FOR RESOLUTION.
- 1. CONTRACTOR RESPONSIBLE FOR COORDINATING WORK BETWEEN ALL TRADES. IF THERE ARE ANY DISCREPANCIES OR CONFLICTS BETWEEN MEP, STRUCTURAL, AND/OR ARCHITECTURAL DRAWINGS, PLEASE NOTIFY ARCHITECT FOR RESOLUTION PRIOR TO PROCEEDING WITH THAT PORTION
- 8. ALL DOORS IN PARTITIONS TO BE SET 4" FROM OUTSIDE EDGE OF DOOR BUCK TO CORNER, UNLESS OTHERWISE NOTED, OR UNLESS ANY OTHER DIMENSION SHOWS LOCATION OF DOOR
- 9. UNLESS OTHERWISE SHOWN, ALL COLUMNS TO HAVE GYP. BOARD FURRING AROUND ALL SIDES. MINIMIZE DIMENSIONS TO SMALLEST POSSIBLE

PROJECT INFORMATION:

PROJECT SCOPE:

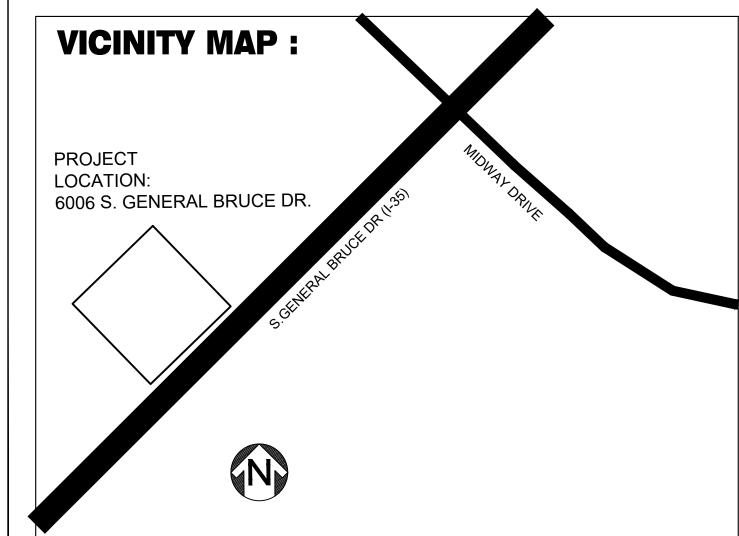
NEW CAR DEALERSHIP FACILITY FOR GARLYN SHELTON BMW:

CONSTRUCTION OF A NEW SHOWROOM AND SERVICE BUILDING: 22,910 SF

OWNER INFORMATION:

6006 SOUTH GENERAL BRUCE DR. (IH-35) **TEMPLE, TX 76502**

INDEX OF DRAWINGS: SHEET AO. 1 FIRE PROTECTION & EGREES PLANS: SHEET A0.2 **ADA / TDLR INFORMATION: SHEET A0.3**

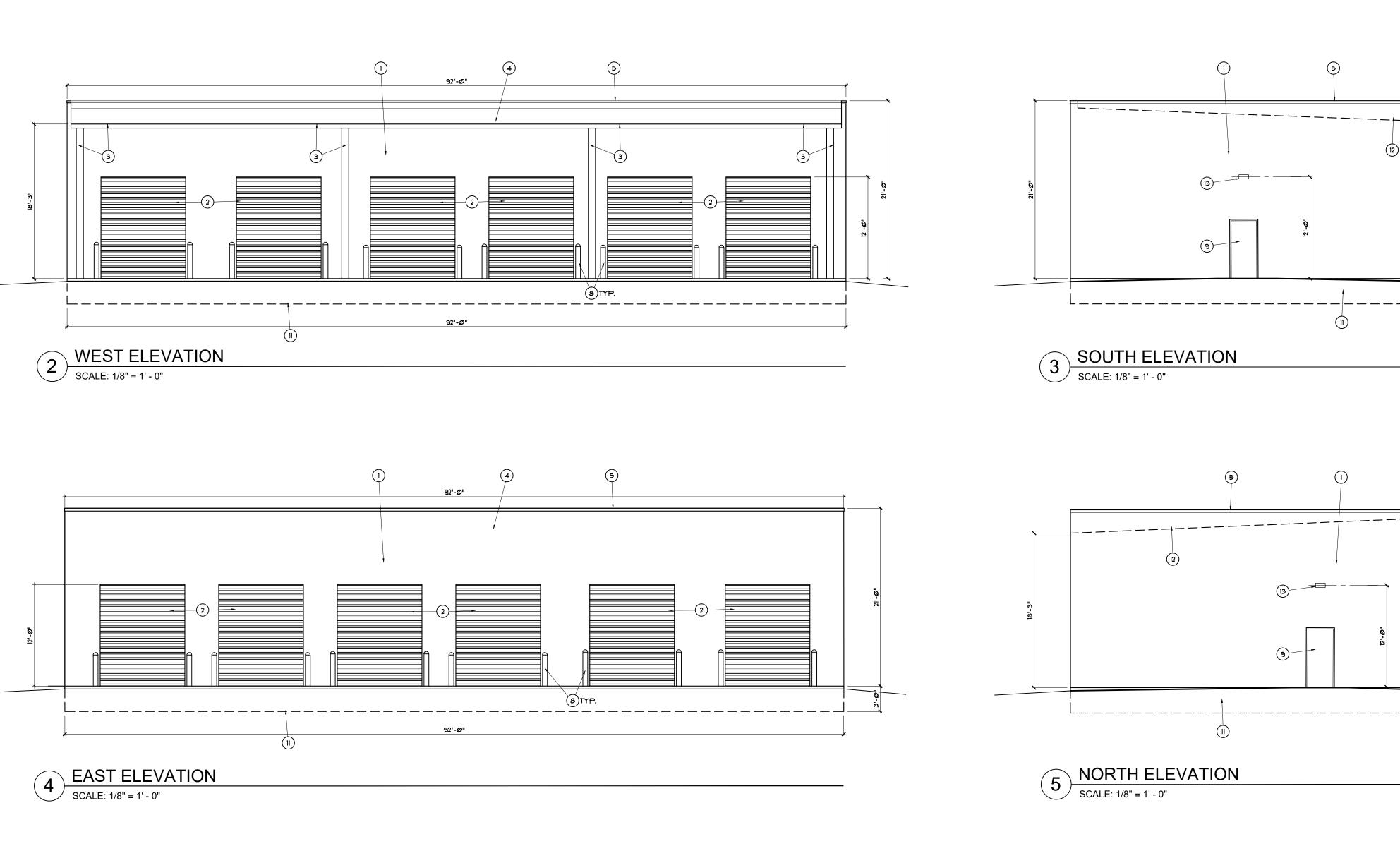


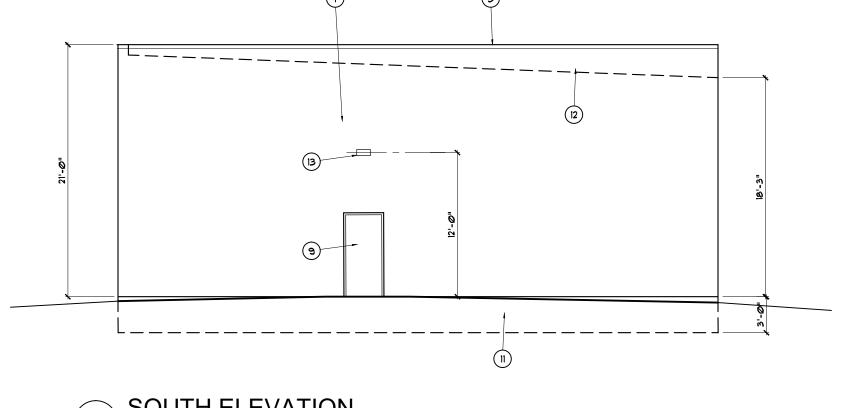
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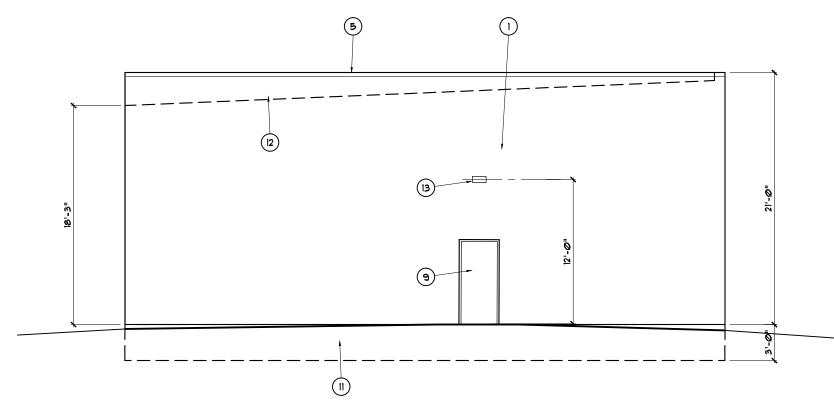
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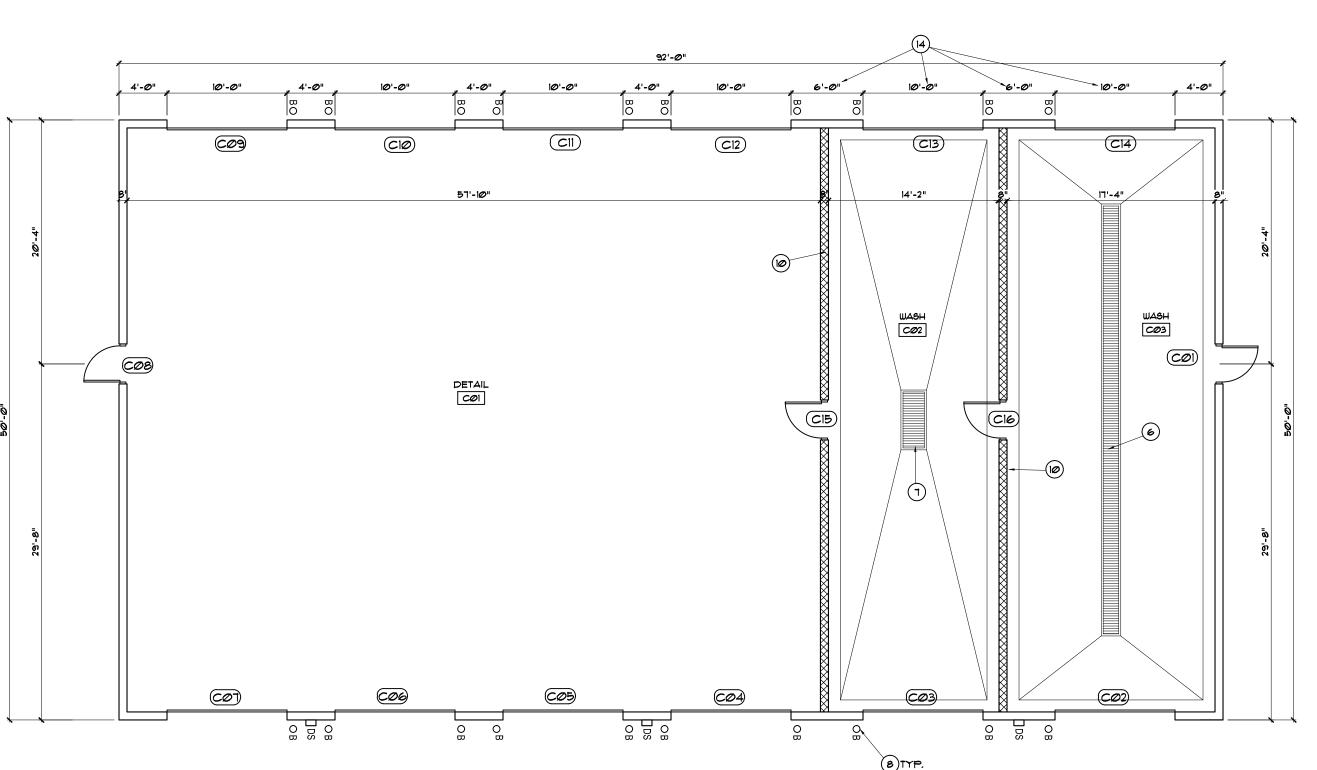
Cover Sheet

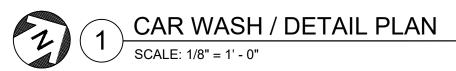
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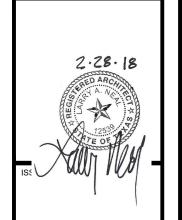






KEYED NOTES -

- 1) TILT UP WALL PANELS (SEE STRUCTURAL)
- 2 MANUAL OVERHEAD DOORS
- 3 GUTTER AND DOWN SPOUT (METAL COLOR TO MATCH MAIN BUILDING)
- 4) TPO ROOF
- 5 METAL COPING (COLOR TO MATCH MAIN BUILDING)
- 6 TRENCH DRAIN
- 1 CENTER DRAIN
- $oldsymbol{3}$ 6" DIAMETER imes 36" HIGH STEEL BOLLARDS (RE: 5/A7.1), PAINTED
- (9) MAN DOOR (VERIFY LOCATION IN CMU WALLS)
- 8"X8"X16" SMOOTH CMU DIVIDER WALLS (PAINTED)
- 1) TILT UP PANEL BELOW GRADE (RE: STRUCTURAL DRAWINGS)
- (12) LINE OF ROOF BEYOND
- 3 SURFACE MOUNTED FIXTURE. CENTERED OVER DOOR
- (4) VERIFY LOCATION OF DOOR PRIOR TO ANY TILT WALL CONSTRUCTION



ISSUE PATE Construction, Permit, and Agency

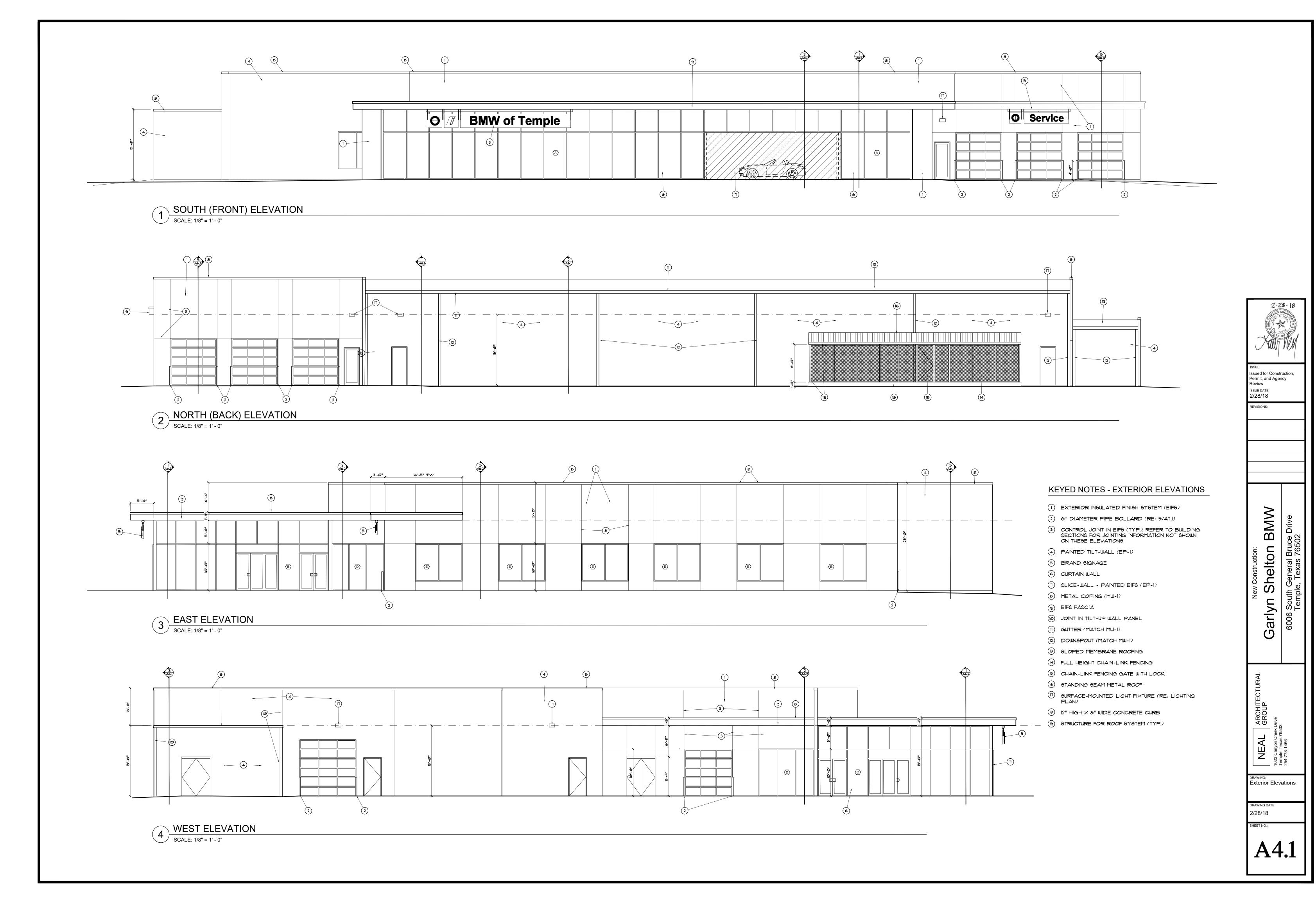
2/28/18

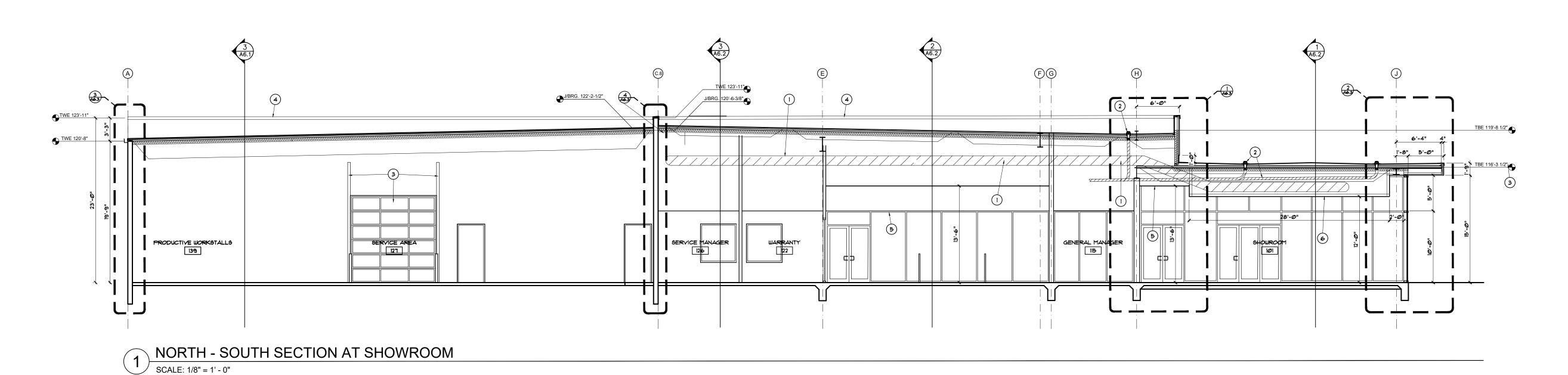
Garlyn Shelton BMW

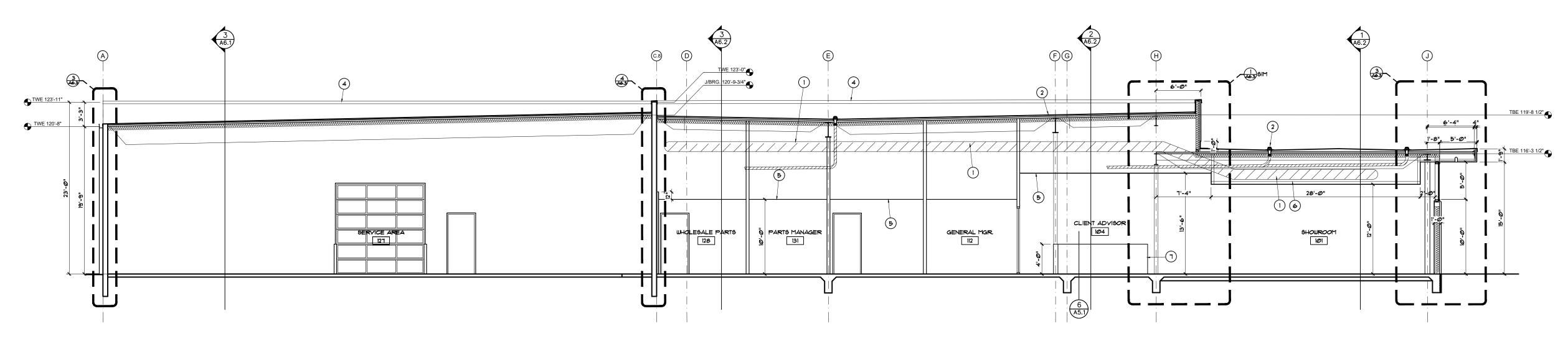
NEAL ARCHITECT GROUP

Car Wash / Detail
Building Plan and
Elevations

SHEET NO.: 2/28/18

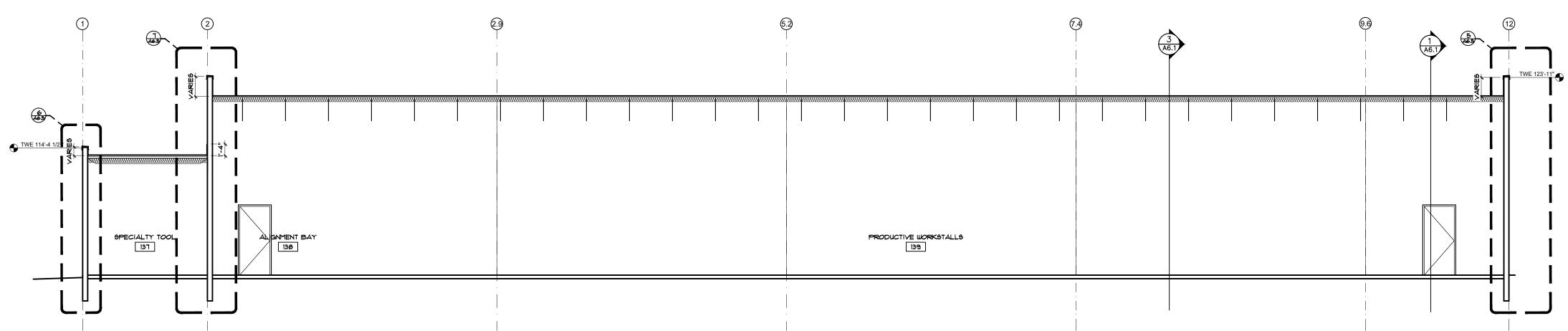






NORTH - SOUTH SECTION AT THROUGH SLICE WALL

SCALE: 1/8" = 1' - 0"

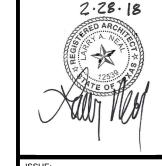


3 EAST - WEST SECTION AT SERVICE BAYS

SCALE: 1/8" = 1' - 0"

KEYED NOTES - BUILDING SECTIONS

- MECHANICAL CONTRACTOR TO COORDINATE FINAL LOCATION OF ALL HYAC DUCTWORK AND ROOF DRAINS (AND ANY OTHER MEP ITEMS) WITH ALL OTHER CONTRACTORS AND STRUCTURAL FRAME PRIOR TO FABRICATION AND INSTALLATION. INFORM ARCHITECT OF ANY CONFLICTS
- 2 ROOF DRAIN SEE NOTE ABOVE. SEE FLOOR PLAN AND PLUMBING PLAN FOR LOCATIONS OF STORM DRAIN LEADERS.
 - (3) HIGH-LIFT OVERHEAD DOOR AND TRACK
- (4) METAL COPING
- (5) SCHEDULED CEILING
- 6 GYPSUM BOARD CEILING. REFER TO REFLECTED CEILING PLAN (RE: A9.1)
- 1 PARTIAL HEIGHT PARTITION WITH METAL CAP (RE: 6/A5.1)



Issued for Construction, Permit, and Agency

Review ISSUE DATE: 2/28/18

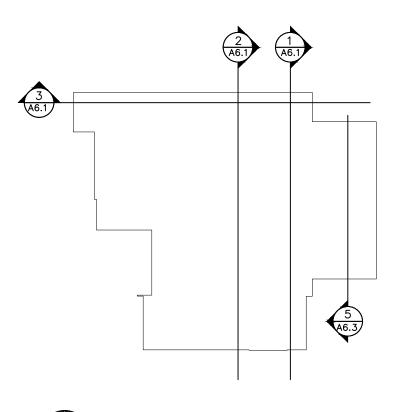
Garlyn Shelton BMW

NEAL GROUP

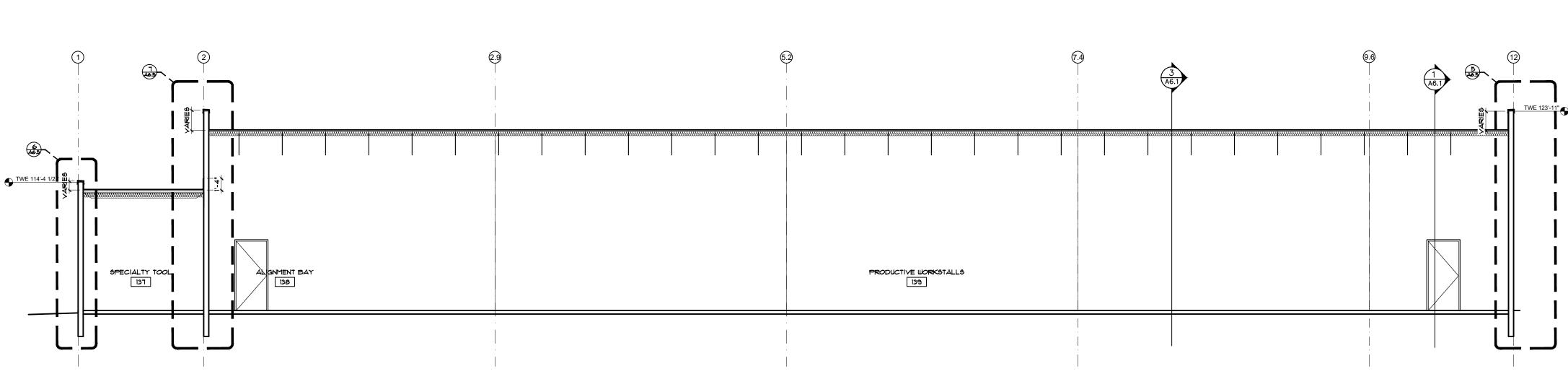
Large-Scale Details

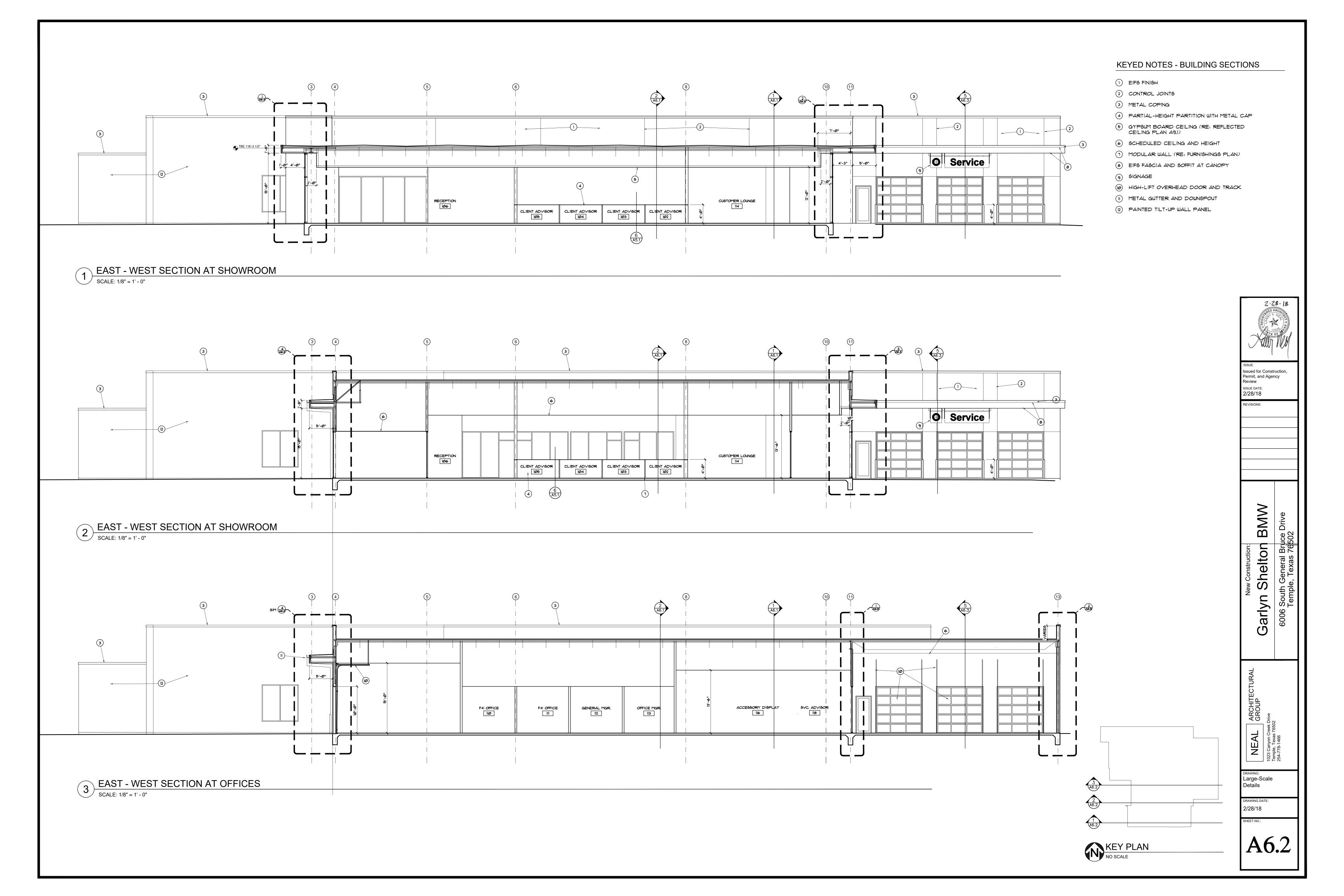
2/28/18

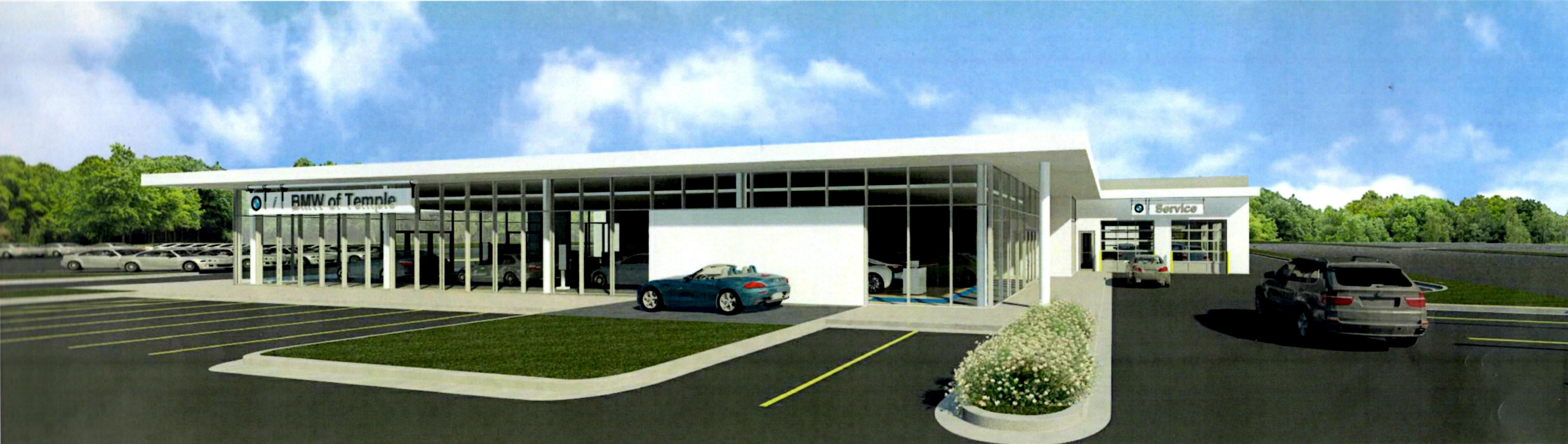
A6.1











RESOLUTION NO. <u>2017-8604-R</u> [PLANNING NO. I-FY-17-02]

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING AN APPEAL OF STANDARDS TO SECTION 6.7 OF THE UNIFIED DEVELOPMENT CODE RELATED TO I-35 CORRIDOR OVERLAY ZONING DISTRICT IN FREEWAY RETAIL/COMMERCIAL SUB DISTRICT REQUIREMENTS FOR LANDSCAPING, LIGHTING, AND ARCHITECTURE FOR A REDEVELOPED CAR DEALERSHIP AT 5420 MIDWAY DRIVE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant is redeveloping an existing car dealership (Garlyn Shelton Nissan) through showroom demolition and new construction into a new BMW dealership - due to corporate BMW mandated building design requirements, an appeal is requested for a number of the I-35 Corridor Overlay requirements outlined below:

- 1. Sec. 6.7.5.E.1: A total of 15% of the total site must be landscaped and must consist of approved plants covering 100% of required landscaped area;
- 2. Sec. 6.7.5.E.6: Foundation plantings are required along 70% of length of façade;
- 3. Sec. 6.7.5.E.8.d: A minimum of 60% of required trees must be evergreen;
- 4. Sec. 6.7.5.E.8.e: A minimum of 20% of required landscape buffer must have native grass beds or wildflowers;
- 5. Sec. 6.7.5.E.8.f: Two to four-foot berms need to cover a minimum of 50% of landscape buffer area;
- 6. Sec. 6.7.5.E.9.a: Parking or vehicle use area must be screened by shrubs, berms or walls or a combination thereof;
- 7. Sec. 6.7.5.K.2.a: Maximum allowable total lumens required 80,000 per net acre;
- 8. Sec. 6.7.9.D.2.c: Building entrances must be articulated and defined for strong entry presence, offset by 6 feet;
- 9. Sec. 6.7.9.D.2.d: Architecture: tri-partite design/defined base, middle and top required;
- 10. Sec. 6.7.9.D.2.f: Windows must be a minimum of 40% up to a maximum of 80% windows on each building elevation;
- 11. Sec. 6.7.9.D.3.b: Structures must be generally earth tone in hue;
- 12. Sec. 6.7.9.D.3.d: No single building material may cover more than 80 percent of the front of any building;
- 13. Sec. 6.7.9.E.2: Parking Lot Islands for Vehicle Sales: evergreen shrubs;

Whereas, at its March 20, 2017 meeting, the Planning and Zoning Commission considered the appeal and approved the appeal as presented by Staff; and

Whereas, the City Council has considered the matter and deems it in the public interest to approve 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 Ordinance as if copied in their entirety.
- <u>Part 2:</u> The City Council approves an appeal of standards to Section 6.7 of the Unified Development Code related to I-35 Corridor Overlay Zoning District in Freeway Retail/Commercial Sub District requirements for landscaping, lighting and architecture, as set forth in more detail above, for a redeveloped car dealership (new Garlyn Shelton BMW) at 5420 Midway Drive.
- <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 6th day of April, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, MAYOR

APPROVED AS TO FORM:

Lacy Borgeson

City Secretary

RESOLUTION NO. 2018-9141-R (PLANNING NO. FY-18-1-APL)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING AN APPEAL OF I-35 CORRIDOR OVERLAY STANDARDS FOUND IN UNIFIED DEVELOPMENT CODE SECTION 6.7 RELATED TO LANDSCAPING AND ARCHITECTURE REQUIREMENTS FOR A PROPOSED CAR DEALERSHIP LOCATED AT 6006 SOUTH GENERAL BRUCE DRIVE AND WITHIN THE RETAIL SUB DISTRICT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant has submitted a building permit request which proposes construction of a new BMW car dealership for Garlyn Shelton at 6006 South General Bruce Drive;

Whereas, due to corporate BMW mandated building design requirements, the applicant requests an appeal to several I-35 Corridor Overlay requirements, including 21.7 percent landscaping for the site even though the I-35 Corridor Overlay requires 15 percent;

Whereas, the appeal is requested for a number of the I-35 Corridor Overlay requirements outlined below:

- 1. Foundation plantings are required along 50% of the length of façade (Project meets the intent but the proposed landscaping is buffering the perimeter, rather than the foundation to allow maximum showroom visibility);
- 2. Interior parking island (not provided for inventory to the rear);
- 3. Parking or vehicle use area must be screened by shrubs, berms or walls or a combination thereof (partial compliance for purposes of vehicle display);
- 4. Building entrances must be articulated and defined for strong entry presence, offset by 6 feet (request BMW corporate mandated building design);
- 5. Architecture: tri-partite design/defined base, middle and top required (does not comply with BMW mandated corporate design of mostly glass showroom);
- 6. Structures must be generally earth tone in hue (request BMW corporate design of white);
- 7. No single building material may cover more than 90 percent of the front of any building in the Retail sub-district (request BMW mandated corporate design); and
- 8. Parking Lot Islands for Vehicle Sales: evergreen shrubs (5-gallon minimum) must completely fill the island area (partial compliance, proposed to include mulch for several);

Whereas, at its May 7, 2018 meeting, the Planning and Zoning Commission considered the appeal and approved the appeal as presented by Staff; and

Whereas, the City Council has considered the matter and deems it in the public interest to approve 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 Ordinance as if copied in their entirety.

<u>Part 2</u>: The City Council approves an appeal of I-35 Corridor Overlay standards found in Unified Development Code Section 6.7 related to landscaping and architecture requirements for a proposed car dealership located at 6006 South General Bruce Drive and within the Retail Sub District.

<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 May, 2018.

	THE CITY OF TEMPLE, TEXAS
	TIMOTHY A. DAVIS, MAYOR
ATTEST:	APPROVED AS TO FORM:
Lacy Borgeson City Secretary	Kayla Landeros City Attorney
LIIV Secretary	UIIV AHOHIEV



COUNCIL AGENDA ITEM MEMORANDUM

05/17/18 Item #11 Regular Agenda Page 1 of 5

DEPT. / DIVISION SUBMISSION & REVIEW:

Lynn Barrett, Assistant Planning Director

ITEM DESCRIPTION: THIRD READING – PUBLIC HEARING – Z-FY-18-14: Consider adopting an ordinance authorizing a rezoning with a site/development plan from General Retail zoning district to Planned Development General Retail zoning district to allow the following Commercial uses: major vehicle repair, equipment sales and rentals, auto sales, auto and truck rental, Freeman Heights, Block 30, Lot 3-6, located at 311 South 25th Street, Temple, Texas.

<u>CITY COUNCIL ACTION AT 1ST READING on April 19th:</u> City Council tabled the request to allow staff to work with the applicant to develop options related to screening of inventory and improving the aesthetics of the public street frontage.

<u>CITY COUNCIL ACTION AT 2nd READING on May 3rd:</u> City Council tabled the request at the applicant's request in order to continue discussion on additional conditions relating to landscaping.

<u>ADDITIONAL STAFF RECOMMENDED CONDITIONS (for the 5/3/18 meeting)</u>: After meeting with the applicant on April 20, 2018, staff recommends (and the applicant agrees with) the following additions (see attached "5-3-18 Concept Sketches"):

- 1. A wall consisting of 2' x 5' limestone blocks screening the south side of the existing parking lot (from front building corner to the alley), which would be four feet tall at the front and 6 feet tall from the rear corner of the building back to the alley
 - a. The wall could be moved in the future to screen parking/inventory along Avenue D once property is developed
- 2. A 4' tall (minimum) ornamental metal gate from the front corner of the building to the limestone wall
- 3. Four landscape beds along the South 25th Street frontage consisting of a minimum of 2" river rock and weed barrier with drought-tolerant plants, which would provide buffering between existing driveways, the street curb and the existing sidewalk
- 4. Parking in front of the building would be limited to employees and customers only (no inventory)
- Staff had proposed an additional condition for the removal of approximately 1500 square feet of old broken paved parking material on lots 5 and 6; however, the applicant has indicated he does not wish to remove the old pavement until such time as those lots are developed and cited compaction issues.

STAFF RECOMMENDATION (at the 4/19/18 meeting): Based on the following, staff recommends approval with conditions for a rezoning from the current GR zoning district to the PD-GR zoning district for the following reasons:

- 1. That the proposed Development Plan/Site Plan reflects compliance with the provisions of the Planned Development Criteria as required by Unified Development Code (UDC) Section 3.4.5;
- 2. The base zoning remains GR with the PD-GR bringing forward those C uses on Lots 3-6 desired by the applicant: major auto repair, auto and equipment sales and rentals; auto and truck rentals:
- 3. That the PD request complies with UDC, Section 5.3.19 that states for any auto sales use new or used, outdoor lot that the office must be less than 10% of the lot area;
- 4. That the request complies with UDC, Section 5.3.22 that states for Vehicle Servicing-major any auto servicing occurs inside a building and any vehicle parts stored outside must be behind a building, screened from public view and occupy less than 10% of the lot;
- 5. The request is in compliance with the Future Land Use Map (FLUM) Auto-Urban Commercial character district designation and current auto uses nearby along South 25th Street;
- 6. The proposed zoning is compatible with surrounding zoning;
- 7. The request complies with the Thoroughfare Plan and Trails Master Plan; and
- 8. Public facilities serve the subject property.

PD Conditions updated for the May 17th meeting::

- 1. Allowing for the major vehicle repair, equipment sales and rentals, auto sales, auto and truck rentals uses
- 2. No parking of any vehicles or inventory will occur on non-paved surfaces
- 3. Any auto/truck repair must occur inside the building
- 4. No parking or storage of inventory allowed in the street ROW
- 5. No outside parts storage unless completely screened behind the building
- 6. All building alterations required to obtain building permits
- 7. Any additional paving requires a building permit
- 8. Pave rear entry drive to building, and any additional area needed for inventory storage
- 9. Building to be kept in good repair; repaint/re-stucco as needed
- 10. Any refuse, rubbish or other materials removed; premises to be kept mowed
- 11. Remove old sign pole and base in ROW
- 12. Any new signage added on subject property requires a permit
- 13. 16 The additional four conditions listed above

PLANNING & ZONING COMMISSION RECOMMENDATION: At their March 19, 2018 meeting, the Planning & Zoning Commission voted eight to zero to recommend approval of the rezoning to PD SF-2 with development/site plan per staff's recommendation.

ITEM SUMMARY: The applicant, Kelum Pellawata, owns an existing building and improved parking on two of four contiguous lots and has previously had auto servicing uses at that location. He is requesting major vehicle servicing, equipment sales and rentals, auto sales, auto and truck rentals as Commercial uses for the lot, while retaining the base GR zoning for other allowed uses. Two of the four lots are unimproved except for broken pavement and would require additional landscaping when developed. Conditions agreed upon also include adding screening, fencing, front landscaping and no parking of vehicles on unimproved surfaces. Applicant also agreed to remove the old noncompliant sign and base, and to pave the rear drive.

Planned Development

UDC Section 3.4.1 defines a PD as:

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

Per UDC Section, 3.4.3.A, a PD is subject to review and approval by City Council. Uses requested: Auto sales, major vehicle servicing and equipment sales/rentals; auto/truck rental with storage of inventory on paved surfaces only and all repair to occur inside the existing building. Improvements will include removal of old signage and improving the front façade.

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

Direction	FLUP	Zoning	Current Land Use		
Subject Property	Auto Urban Commercial	GR	Partially Developed		
North	Auto Urban Commercial	PD-C	Auto Repair		
South	Auto Urban Commercial	С	Commercial		
East	Neighborhood Conservation	2F	Residential		
West	Neighborhood Conservation	2F	Residential		

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

Document	Policy, Goal, Objective or Map	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 Map (CP Map 3.1)

In the FLUM, the subject property is designated as the Auto-Urban Commercial character district. This district is intended for commercial uses at major intersections and along commercial corridors such as 25th Street.

The proposal is in compliance with the FLUM and current zoning as it includes several proposed commercial uses that are similar to many along South 25th Street.

Thoroughfare Plan (CP Map 5.2)

The subject property takes access from South 25th Street, which is designated as minor arterial in the Thoroughfare Plan and West Avenue D, a local street. Therefore, this request is compliant with the Thoroughfare Plan.

Availability of Public Facilities (CP Goal 4.1)

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

<u>DEVELOPMENT REVIEW COMMITTEE</u>: As required by UDC Section 3.4.2 B, the Development/Site Plan for the proposed PD was reviewed by the Development Review Committee (DRC) on February 20, 2018. Site characteristics and history of the property were discussed.

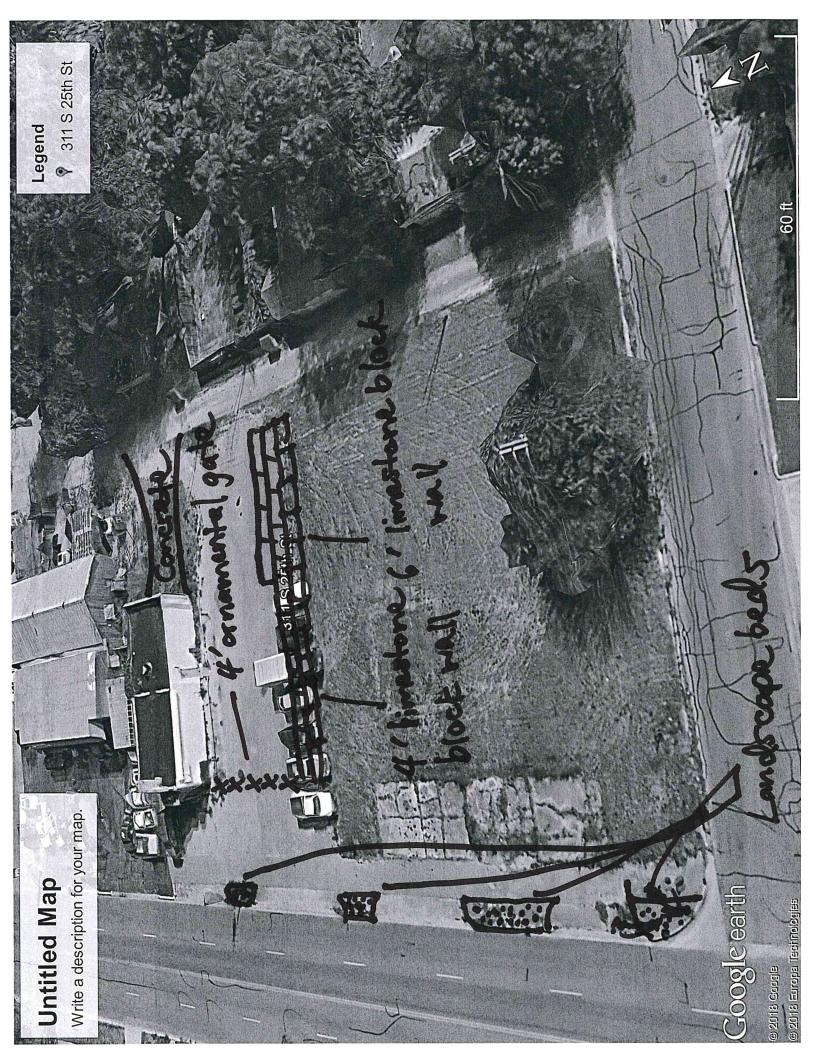
<u>PUBLIC NOTICE:</u> Twenty-six notices were mailed to property owners within the 200 feet buffer area of the subject property. The notices included information on the public hearing as required by State Law and City Ordinance. As of noon on Tuesday, March 13th, 2018, one notices were received in disagreement; and five in agreement were returned, with zero notice returned undeliverable.

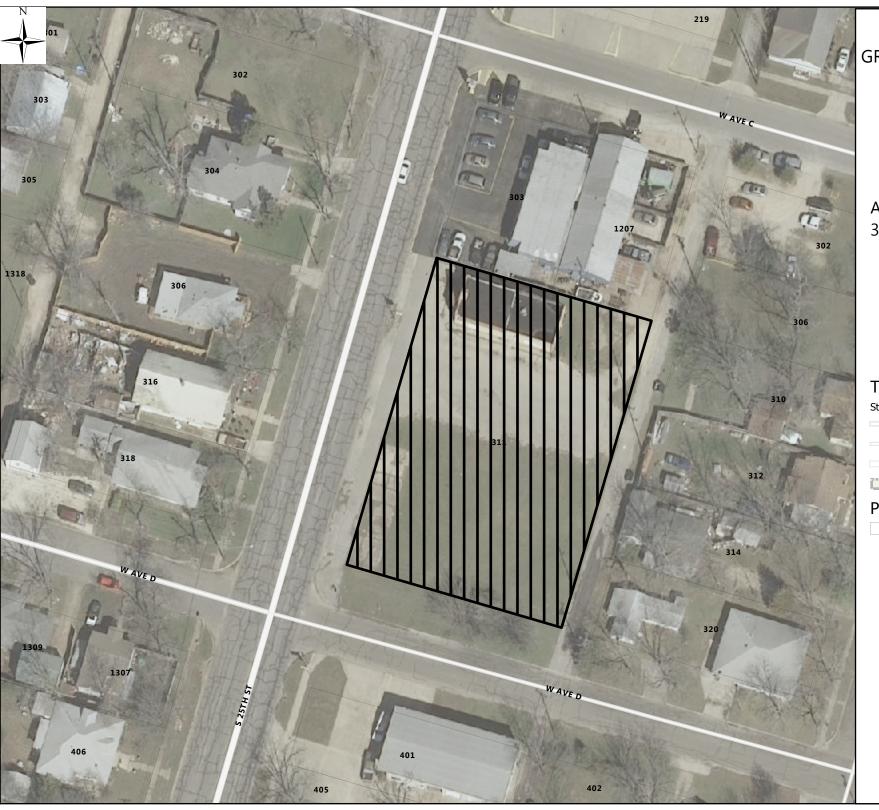
The newspaper printed notice of the public hearing on February 22, 2018 in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

5-3-18 Concept Sketches
Aerial Map
Utility Map
Zoning Map
Site Photos
Future Land Use and Character Map
Thoroughfare & Trails Map
Notification Map
Returned Property Notices
Ordinance





GR TO PD GR

AERIAL MAP

Zoning Case: Z-FY-18-14

Address: 311 s 25th st

Transportation

Streets

COLLECTOR

LOCAL STREET

LOCAL STREET

MINOR ARTERIAL

Temple Municipal Boundary

Parcel Features

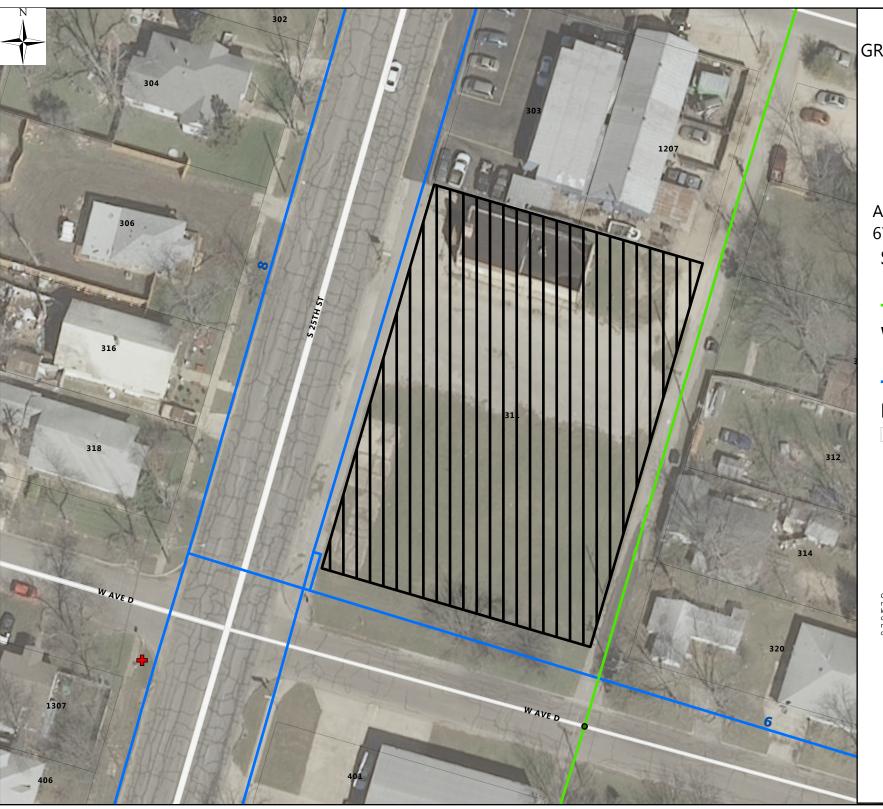
Parcels

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.

Irbarrett

Date: 2/21/2018





GR TO PD GR

UTILITY MAP

Zoning Case: Z-FY-18-14

Address : 6746 W ADAMS AVE Sewer

Manhole

Gravity Main

WaterDistribution

Hydrant

Main

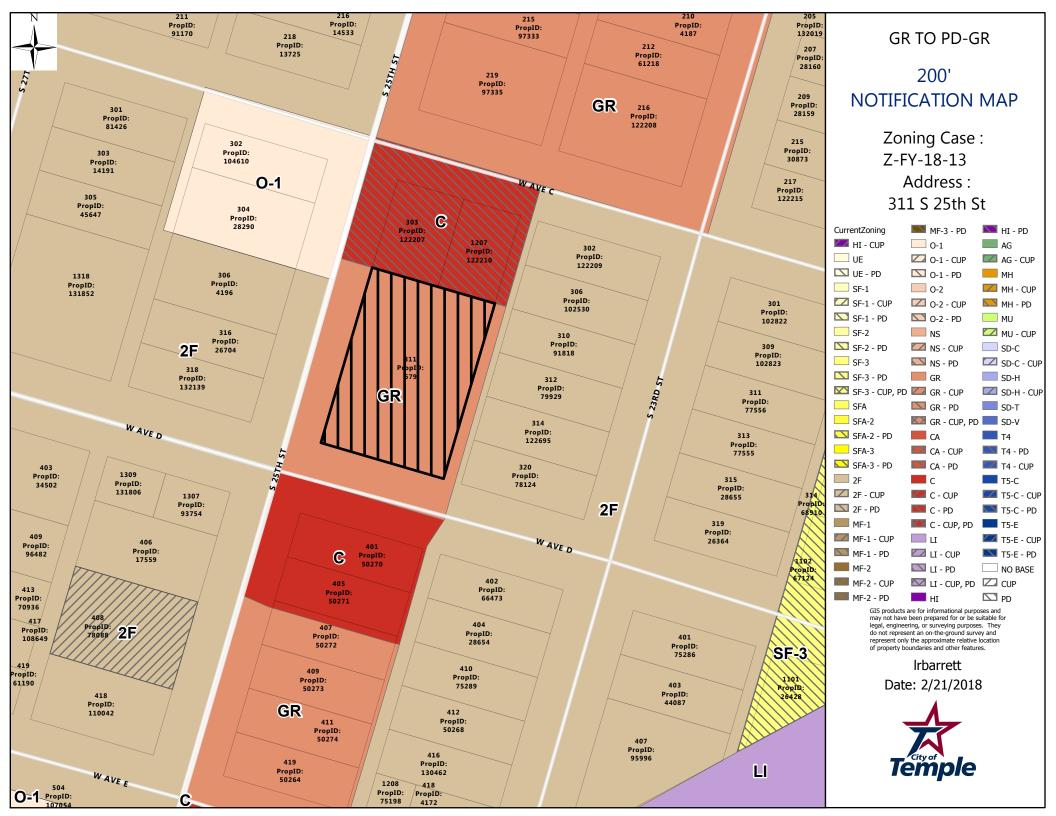
Parcel Features

Parcels

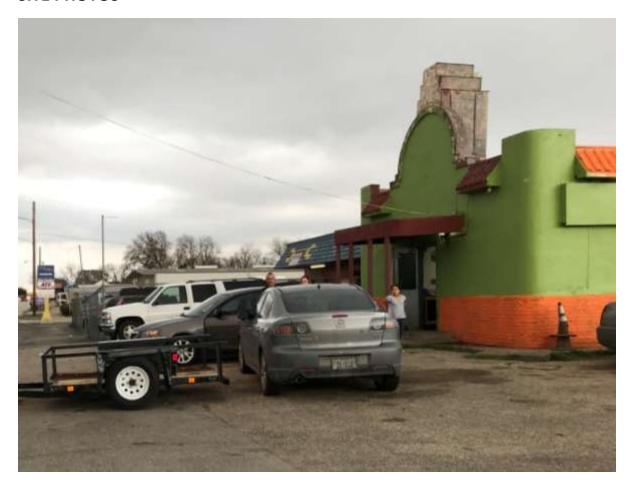
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.

Irbarrett
Date: 2/21/2018





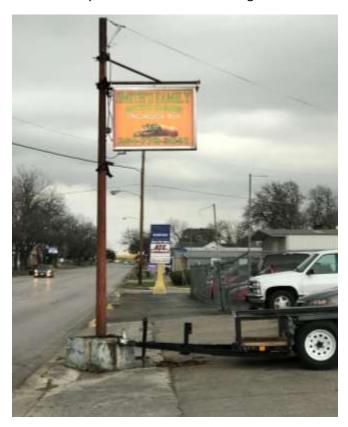
SITE PHOTOS







Conditions will include removal of current sign, not blocking the ROW with inventory and paving the rear driveway to the back of the building.





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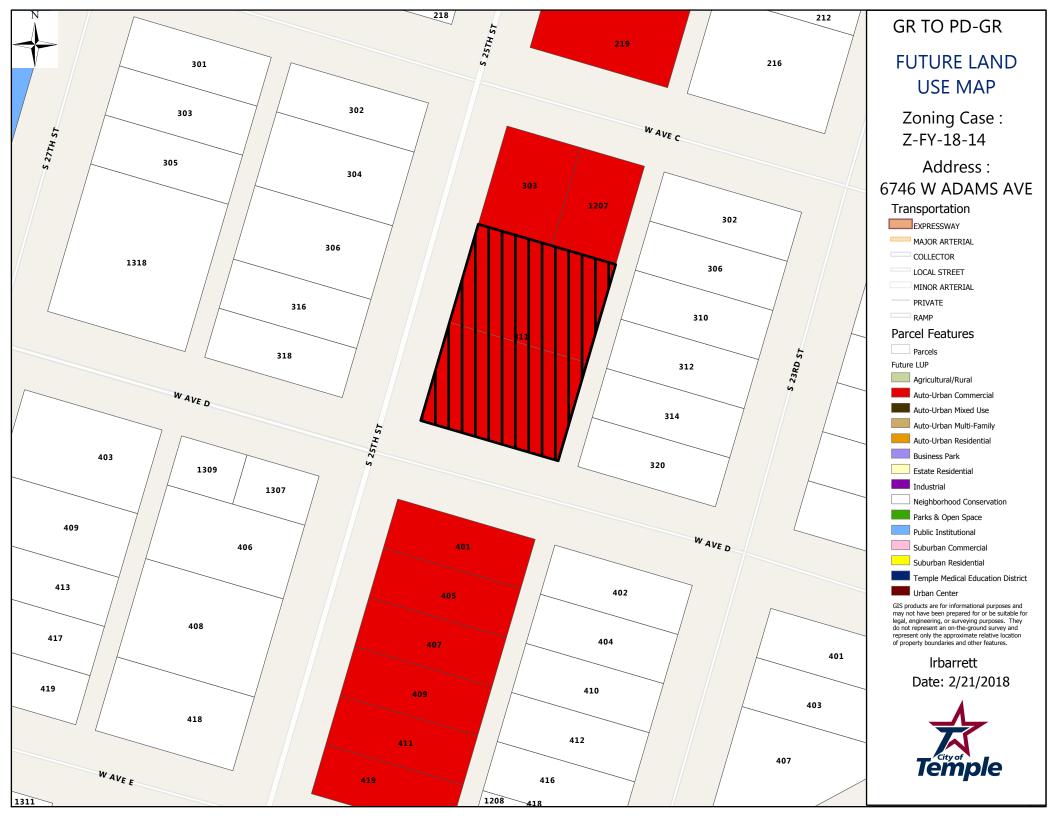
AREA PHOTOS



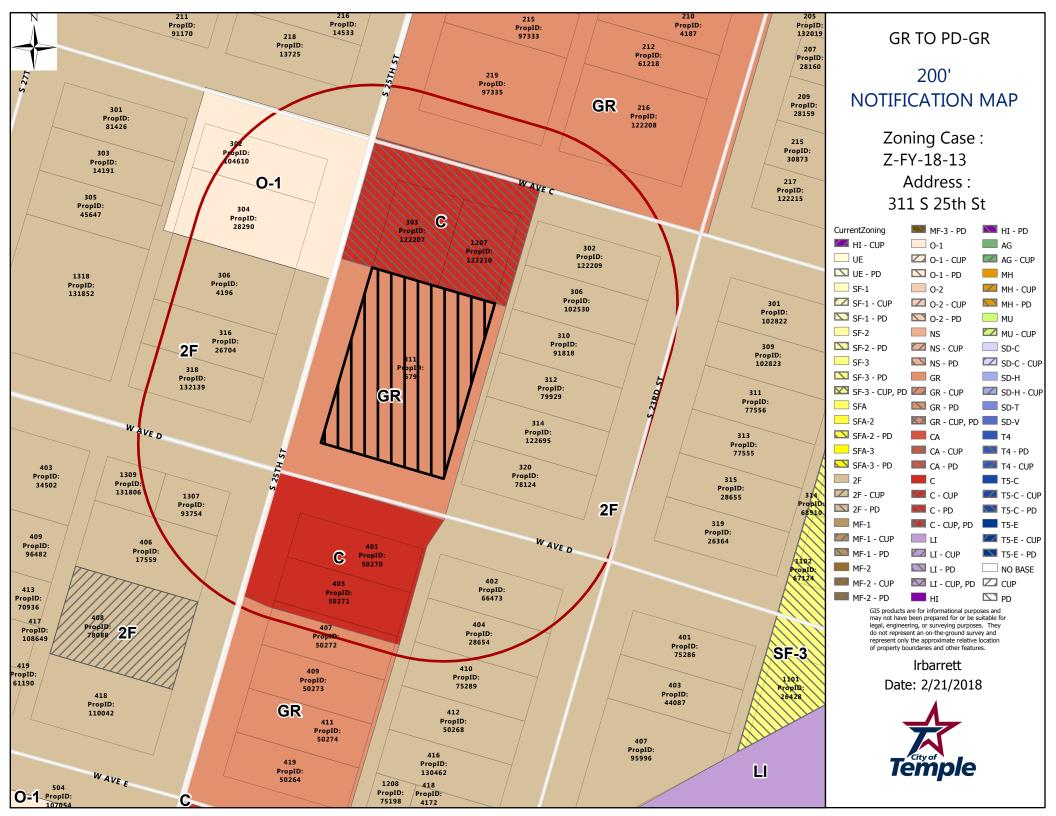
Residential Across 25th above and residential to the rear across the alley (below), commercial to North













Case Manager: Lynn Barrett

YOUNGBLOOD, SILVESTER 3901 MARIAM RD TEMPLE, TX 76502-2838

us at 254,298,5668.

Zoning Application Number: Z-FY-18-14

Location: 311 South 25th Street, Temple,	Texas
own property within 200 feet of the requ	n in hatched marking on the attached map. Because you ested change, your opinions are welcomed. Please use avor of the possible rezoning of the property described on litional comments you may have.
l () agree	(X) disagree with this request
	ZONING REQUEST BECAUSE MY 9 PLACE OF DWELLING INOT OF ANY 135 PROPERTY USED FOR Silvester Youngblood Print Name
Signature	Print Name
If you would like to submit a response, p the Case Manager referenced above, <u>Irba</u> form to the address below, no later than	·
	City of Temple Planning Department 2 North Main Street, Suite 102 Development Temple, Texas 76501
Number of Notices Mailed: 26	Date Mailed: February 22, 2018

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



VALENTA, DONALD FRANK 1153 LA MOTTE DR TROY, TX 76579-3526

Number of Notices Mailed: 26

Zoning Application Number: Z-FY-18-14	Case Manager: Lynn Barrett
Location: 311 South 25th Street, Temple, Texas	<u> </u>
own property within 200 feet of the requested of this form to indicate whether you are in favor of the attached notice, and provide any additional	tched marking on the attached map. Because you change, your opinions are welcomed. Please use the possible rezoning of the property described on comments you may have.
∣ (✓) agree () disagree with this request
Comments:	
	RECEIVED
	MAR - 2 2018
	City of Temple Planning & Development
Signature	Print Name
	email a scanned version of this completed form to btempletx.gov or mail or hand-deliver this comment 5 , 2018.
Planni 2 Nort	f Temple ing Department th Main Street, Suite 102 le, Texas 76501

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

Date Mailed:

February 22, 2018



VALENTA, DONALD F 1153 LA MOTTE DR TROY, TX 76579-3526

Number of Notices Mailed: 26

Zoning Application Number: Z-FY-18-14
Location: 311 South 25 th 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 us this form to indicate whether you are in favor of the <u>possible</u> rezoning of the property described the attached notice, and provide any additional comments you may have.
() disagree with this request
Comments:
to Access Lines
MAR - 2 2018
City of Temple Planning & Development
Signature Print Name
If you would like to submit a response, please email a scanned version of this completed form the Case Manager referenced above, lrbarrett@templetx.gov or mail or hand-deliver this comme form to the address below, no later than March 5, 2018 .
City of Temple Planning Department 2 North Main Street, Suite 102 Temple, Texas 76501

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

Date Mailed:

February 22, 2018



VALENTA, DONALD FRANK 1153 LA MOTTE DR TROY, TX 76579-3526

Zoning Application Number: Z-FY-	18-14 <u>Case Manager</u> : Lynn Barrett
Location: 311 South 25th Street, Temp	ole, Texas
own property within 200 feet of the re	own in hatched marking on the attached map. Because you equested change, your opinions are welcomed. Please use n favor of the possible rezoning of the property described on additional comments you may have.
Ⅰ (✔) agree	() disagree with this request
Comments:	RECEIVED
	MAR - 2 2018
	City of Temple
	Planning & Development
Signature	Print Name
	e, please email a scanned version of this completed form to lrbarrett@templetx.gov or mail or hand-deliver this comment an March 5, 2018.
	City of Temple Planning Department 2 North Main Street, Suite 102 Temple, Texas 76501
Number of Notices Mailed: 26	Date Mailed: February 22, 2018

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



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

Number of Notices Mailed: 26

Zoning Application Number: Z-FY-18-14 Case Manager: Lynn Barrett	
Location: 311 South 25th Street, Temple, Texas	
The proposed rezoning is the area shown in hatched marking on the attached map. E own property within 200 feet of the requested change, your opinions are welcomed. this form to indicate whether you are in favor of the possible rezoning of the property of the attached notice, and provide any additional comments you may have.	Please use
() disagree with this request	
Comments:	
Kelycka J. March Rebecka Jean Jivase	R
Signature Print Name	
If you would like to submit a response, please email a scanned version of this complete Case Manager referenced above, lrbarrett@templetx.gov or mail or hand-deliver the form to the address below no later than March 5, 2018.	
City of Temple MAR - 1 2018 Planning Department	
City of Temple 2 North Main Street, Suite 102 Planning & Development Temple, Texas 76501	,

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

Date Mailed:

February 22, 2018



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

Number of Notices Mailed: 26

Zoning Application Number: Z-FY-18-14 Case Manager: Lynn Barrett
Location: <u>311 South 25th Street, Temple, Texas</u>
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.
agree () disagree with this request
Comments:
Raymond David Juse Raymond David Jirasek
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,

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

Date Mailed:

February 22, 2018

ORDINANCE NO. <u>2018-4911</u> (Z-FY-18-14)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING AND SITE DEVELOPMENT PLAN FROM GENERAL RETAIL ZONING DISTRICT TO PLANNED DEVELOPMENT GENERAL RETAIL ZONING DISTRICT, TO ALLOW THE FOLLOWING COMMERCIAL USES: MAJOR VEHICLE REPAIR, EQUIPMENT SALES AND RENTALS, AUTO SALES, AUTO AND TRUCK RENTAL, ON PROPERTY LOCATED IN FREEMAN HEIGHTS, BLOCK 30, LOT 3-6, AND ADDRESSED AS 311 SOUTH 25TH STREET, TEMPLE, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, Kelum Pellawata, owns an existing building and improved parking on two of four contiguous lots and has previously had auto servicing uses at that location – the applicant is requesting major vehicle servicing, equipment sales and rentals, auto sales, auto and truck rentals as Commercial uses for the lot, while retaining the base General Retail zoning for other allowed uses:

Whereas, two of the four lots are unimproved and will require additional landscaping if developed and the conditions will include no parking of vehicles on unimproved or substandard surfaces - applicant agrees to remove an old noncompliant sign and base, add landscaping in the right-of-way, a fence and wall for screening, pave the rear drive and has already improved the front of the building;

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 General Retail zoning district to Planned Development General Retail zoning district, to allow the following Commercial uses: major vehicle repair, equipment sales and rentals, auto sales, auto and truck rental, on property located in Freeman Heights, block 30, lot 3-6, and addressed as 311 South 25th Street, Temple, Texas; and

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

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

<u>Part 1</u>: 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 General Retail zoning district to Planned Development General Retail zoning district, to allow the following Commercial uses: major vehicle repair, equipment sales and rentals, auto sales, auto and truck rental, on property located in Freeman Heights, block 30, lot 3-6, and addressed as 311 South 25th Street, Temple, Texas, as more thoroughly described by the site development plan attached hereto as Exhibit 'A,' and made a part hereof for all purposes along with the following conditions:

- 1. Major vehicle repair, equipment sales and rentals, auto sales, auto and truck rentals uses are allowed;
- 2. No parking of any vehicles or inventory will occur on non-paved or substandard surfaces;
- 3. Any auto/truck repair must occur inside the building;
- 4. No parking or storage of inventory allowed in the street right-of-way;
- 5. No outside parts storage unless completely screened behind the building;
- 6. All building alterations are required to obtain building permits;
- 7. Any additional paving requires a building permit;
- 8. Pave rear entry drive to building, and any additional area needed for inventory storage;
- 9. Building to be kept in good repair; repaint/re-stucco as needed;
- 10. Any refuse, rubbish or other materials must be removed; premises must be kept mowed;
- 11. Remove old sign pole and base in right-of-way;
- 12. Any new signage added on subject property requires a permit;
- 13. A wall must be constructed consisting of 2-foot x 5-foot limestone blocks screening the south side of the existing parking lot (from front building corner to the alley), which would be 4 feet tall at the front and 6 feet tall from the rear corner of the building back to the alley;
 - a. The wall could be moved in the future to screen parking/inventory along Avenue D once property is developed;
- 14. A 4-foot tall (minimum) decorative metal fence/gate from the front corner of the building to the limestone wall must be installed;
- 15. Four landscape beds along the South 25th Street frontage consisting of a minimum of 2-inch river rock and weed barrier with drought-tolerant plants, which would provide buffering between existing driveways, the street curb and the existing sidewalk must be installed; and
- 16. Parking in front of the building would be limited to employees and customers only (no inventory)

<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.

TABLED on First Reading and Public Hearing on the 19th day of April, 2018.

TABLED on Second Reading and Public Hearing on the 3rd day of May, 2018.

PASSED AND APPROVED on Third Reading and Public Hearing on the 17th day of May, 2018.

PASSED AND APPROVED ON Fourth Reading on the 7th day of June, 2018.

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



COUNCIL AGENDA ITEM MEMORANDUM

05/17/18 Item #12 Regular Agenda Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Brian Chandler, Planning Director

<u>ITEM DESCRIPTION:</u> FIRST READING – PUBLIC HEARING – FY-18-1-AMND: Consider adopting an ordinance authorizing amendments to Chapter 31 of the Code of Ordinances (Recreational Vehicle Parks) primarily related to definitions, application and permitting process, inspection and enforcement process, density, private streets and amenities.

STAFF RECOMMENDATION: Adopt ordinance as presented in item description, with second and final reading on June 7, 2018.

<u>ITEM SUMMARY:</u> During the proposed Conditional Use Permit to allow a 72-unit RV park at 14220 State Highway 317, it became apparent that amendments to Chapter 31 were needed to improve 1) the aesthetics and amenities for this and other future RV park projects and 2) the permitting and enforcement processes to ensure the safety of these parks.

The amendments can be summarized as follows:

- Expanding the authority of those who can inspect to ensure compliance
- Streamlining the permitting and enforcement processes
- Allowing reduced private one-way drive/street widths
- Reducing the allowed density from 14 to seven RVs/acre
- Expanding the allowed continuous occupancy period from three months to six months, while also ensuring a check in and check out registration process for tracking purposes
- Expanding the required options of outdoor recreational amenities to include trails
- Requiring tree planting and picnic tables for each RV site

Planning staff has worked closely with Public Works, Code Compliance and Legal staff to get their input on the draft.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Draft Chapter 31 Amendments Draft Ordinance Ordinance



Chapter 31 RECREATIONAL

VEHICLE PARKS

Sec. 31-16. Permanent occupancy prohibited.

Sec. 31-17. Exemption for recreational vehicle rally.

Sec. 31-1.	Purpose, scope and applicability of regulations. Sec.
31-2.	Definitions.
Sec. 31-3.	Licenses and building permits.
Sec. 31-4.	Inspection of recreational vehicle parks. Sec.
31-5.	Notices; hearings and orders.
Sec. 31-6.	Environmental, open space and access requirements. Sec.
31-7.	Water supply.
Sec. 31-8.	Sewage disposal.
Sec. 31-9.	Electrical distribution system.
Sec. 31-10.	Service building and other community service facilities. Sec
31-11.	Refuse handling.
Sec. 31-12.	Insect and rodent control. Sec.
31-13.	Fuel supply and storage. Sec. 31-
14.	Fire protection.
Sec. 31-15.	Miscellaneous requirements.

Chapter 31

RECREATIONAL VEHICLE (RV) PARKS

Sec. 31-1. Purpose, scope and applicability of regulations.

- (a) The purpose and scope of these regulations is to prescribe standards for the construction, extension, improvement, and maintenance of recreational vehicle parks in order to achieve and maintain an acceptable sanitary operation of and to provide for the protection of the public health, safety, and welfare within the corporate limits of the City of Temple, Texas.
- (b) These regulations will be applicable to all recreational vehicles and recreational vehicle parks containing a combination of these facilities, except as indicated in section 31-17.

Sec. 31-2. Definitions.

In this chapter, the following words and phrases shall have the following meanings:

- (a) *Building permit*. Written authorization issued by the building inspector permitting new construction or reconstruction of a recreational vehicle park or a permit authorizing the expansion or modification of an existing recreational vehicle park.
- (b) Dependent recreational vehicle. A recreational vehicle which is so constructed that it does not have a flush toilet and a bath or shower and its own independent sewage storage tanks and is dependent on the recreational vehicle park facilities and utilities to function fully as a temporary residence.
- (c) *Director of Public Works*. The city employee in charge of all municipal engineering functions and public works functions.
- (d) *Independent recreational vehicle*. A recreational vehicle which has a flush toilet and a bath or shower and has its own independent storage tank and can function independently of the recreational park facilities and utilities as a temporary residence. It contains a water flush toilet, lavatory, shower, and kitchen sink, all of which are connected to water storage and sewage holding tanks elevated within the trailer.
 - (e) *Health District*. The Bell County Public Health District.
 - (f) House trailer. A trailer or semitrailer, other than a towable recreational vehicle, that:
 - (a) is transportable on a highway in one or more sections;
 - (b) is less than 45 feet in length, excluding tow bar, while in the traveling mode;
 - (c) is built on a permanent chassis;
 - (d) is designed to be used as a dwelling or for commercial purposes if connected to required utilities; and

- (e) includes plumbing, heating, air-conditioning, and electrical systems.
- (g) *Recreational vehicle*. Includes a house trailer and/or a towable recreational vehicle as those terms are defined below and in Texas Transportation Code § 541.201.
- (h) Recreational vehicle park. A parcel of land which has been planned and improved for the placement of recreational vehicles for transient use and for the temporary parking of recreational vehicles, placement of supplementary structures, and accessory uses not prohibited by the City Code or the Unified Development Code and containing sanitary facilities for the direct discharge from recreational vehicle holding tanks and utility hookups.
- (i) Recreational vehicle park or stand. A plot of ground or constructed foundation within a recreational vehicle park designed for the accommodation on a temporary basis of one recreational vehicle and its towing vehicle, if any.
- (j) Recreational vehicle rally. A short-term event, usually less than one week in duration, designed as a special event gathering for RV owners. An RV rally may occur on a tract of a minimum four (4) acres in size, subject to the requirements of section 31-17.
- (k) Sanitary facilities. Definition needed.
- (1) Site plan. A line drawing or set of drawings clearly describing the recreational vehicle park and its environs and including adequate labeling and dimensioning of all fundamental features of the project, the legal description of the property, and showing north point and date, which shall be drawn to engineering scale and signed and sealed by a professional engineer licensed to practice in the State of Texas.
- (m) Towable recreational vehicle. A non-motorized vehicle that:
 - (a) is designed:
 - (i) to be towable by a motor vehicle; and
 - (ii) for temporary human habitation for uses including recreational camping or seasonal use;
 - (b) is permanently built on a single chassis;
 - (c) may contain one or more life-support systems; and
 - (d) may be used permanently or temporarily for advertising, selling, displaying, or promoting merchandise or services, but is not used for transporting property for hire or for distribution by a private carrier.

All words and phrases not specifically defined herein are to be construed in accordance with their customary usage in municipal standards of construction and planning and particularly

in accordance with their meanings as defined in the applicable sections of the Temple City Code, the Unified Development Code of the City of Temple, the plumbing, electrical, fire, and building codes, and other applicable laws of said city and the State of Texas.

Sec. 31-3. Application and Permitting Process.

- (a) It shall be unlawful for any person to construct, operate, alter, or extend any recreational vehicle park within the corporate limits of the City of Temple unless they hold a valid Conditional Use Permit (CUP) per Sec. 3.5 of the Unified Development Code (UDC).
- (b) All CUP applications shall be made to the Director of Planning or their designee and shall contain the following:
 - (1) Name and address of the applicant;
 - (2) Interest of the applicant in the recreational vehicle park;
 - (3) Location and legal description of the recreational vehicle parking area; and
 - (4) Complete site plans compiled by a registered professional engineer of the proposed park or area showing:
 - (a) The legal description and dimension of the tract of land;
 - (b) The number, location, and size of all recreational vehicle parking spaces;
 - (c) The location, width, method of construction, and detailed type of roads, walkways, and vehicle parking areas;
 - (d) The location of service buildings and other proposed structures;
 - (e) The location of water and sewer lines and riser pipes;
 - (f) Plans and specifications of the water supply, sewage disposal, collection points of refuse, and disposal arrangement;
 - (g) Plans and specifications of all buildings constructed within the park or recreational vehicle parking area;
 - (h) The location and details of lighting and electrical systems, including recreational vehicle connections; and
 - (i) Drainage calculations showing size and placement of culverts, collection, and disposal of drainage.
- (c) When, upon review of the application by the Director of Planning, the Director is satisfied that the proposed plans meet the requirements of this Chapter and other applicable regulations, the application will proceed to Planning and Zoning Commission for review and recommendation, followed by City Council for consideration of issuing a CUP per UDC Sec. 3.5.
- (d) No person shall erect or construct, or proceed to erect or construct, add to, enlarge, improve, alter, repair, convert, extend, or demolish any recreational vehicle park, space, building, structure, fence, or any part thereof, or install any plumbing, electrical, or mechanical equipment as a part of the park, building, or structure, or make any other improvements to any space or cause the same to be done within a recreational vehicle park as defined herein without obtaining a building permit from the building inspector.

(e)All recreational vehicle parks in existence on the effective date of this Chapter shall not be required to comply with this Chapter, but shall be considered nonconforming uses as that term is defined in Section 5 of the Comprehensive Zoning Ordinance of the City of Temple, as amended.

Sec. 31-4. Inspection of recreational vehicle parks.

- (a) *Authority to inspect*. The Building Official, Fire Marshall, Building Inspectors, Code Compliance Officers, and Bell County Public Health District Director, or their designees, are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this chapter.
- (b) Authority to enter upon private premises. The Building Official or their designee or the other officials or employees and their designees referenced in paragraph (a) above shall have the power to enter at reasonable times upon any private property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter.
- (c) *Authority to inspect register*. A register of check in and check out dates should be kept of all RV park guests. The individuals referenced in paragraph (a) above shall have the power to inspect the register containing a record of all residents of the recreational vehicle park or recreational vehicle parking area.
- (d) *Duty of owners*. It shall be the duty of the owners of recreational vehicle parks, sites, or lots contained therein, or of the person in charge thereof, to give authorized inspectors free access to such areas or interiors at reasonable times for the purpose of inspection.
- (e) *Duty of occupants*. It shall be the duty of every occupant or user of the recreational vehicle park to give the owner thereof or his agent or employee access to any part of such recreational vehicle park or recreational vehicle at reasonable times for the purposes of making such repairs or alterations as are necessary to comply with this chapter.

Sec. 31-5. Notices; hearings and orders.

- (1) When a violation of this Chapter is found to exist, the code enforcement official shall provide written notice to the owner, occupant, or tenant of the property or premises to abate the public health notice within ten (10) days.
- (2) The notice to abate shall be sent by first class mail, with a certificate of mailing, and shall contain:
 - a. An identification of the property, premises, or location where the public health nuisance is located;
 - b. A description of the violation;
 - c. A statement that a violation of this Code is a Class C misdemeanor, and may be punishable by a fine of up to \$2000.00 per day per violation, unless otherwise set forth in this Chapter, for which the owner or occupant will be criminally prosecuted and that if the violation is not abated within ten (10) days, a citation will be issued and the owner, occupant, or tenant will be required to appear in municipal court;

d. A statement that if the owner, occupant, or tenant of the property commits another violation of the type or nature originally noticed in this section within one (1) year, the City without further notice may correct the violation at the owner's expense and file a lien against the property.

d.

(a) Whenever an authorized inspector finds that an emergency exists which requires immediate action to protect the public health, safety, or welfare, they may without notice or hearing issue an order reciting the existence of such an emergency and requiring that such action be taken as they may deem necessary to meet the emergency including the suspension of the permit or license. Notwithstanding any other provisions of this chapter, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to City Council shall be afforded a hearing as soon as possible. The provisions of this section shall be applicable to such hearing and the order issued thereafter.

Sec. 31-6. Environmental, open space, and access requirements.

- (a) General requirements. Condition of soil, groundwater level, drainage, and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion subject to unpredictable or sudden flooding, subsidence, or erosion shall be used for any purpose which would expose persons or property to hazards.
- (b) Soil and ground cover requirements. Exposed ground surfaces in all parts of every recreational vehicle park shall be paved, covered with stone screenings or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and eliminating objectionable dust.
- (c) *Site drainage requirements*. The ground surface in all parts of every recreational vehicle parking area shall be graded and equipped to drain all surface water in a safe, efficient manner.
 - (d) Park areas for nonresident uses:
 - (1) No part of any park should be used for nonresidential purposes, except such uses that are required for the direct servicing and well-being of park occupants and for the management and maintenance of the park. Convenience stores, laundry, and similar conveniences are recommended.
 - (2) Nothing contained in this paragraph should be deemed as prohibiting the sale of a

recreational vehicle located on a parking site, stand, or area and connected to the pertinent utilities.

- (e) Required separation between recreational vehicles. Recreational vehicles shall be separated from each other and from other structures by at least twenty-five (25) feet. Any accessory structure such as attached awnings, carports, or individual storage facilities shall, for purposes of this separation requirement, be considered to be part of the recreational vehicle.
- (f) *Density requirement*. The density shall not exceed seven (7) recreational vehicle spaces per acre of gross site area.
 - (g) Required recreational areas:
 - (1) Recreational areas shall be so located as to be free of traffic hazards.
 - (2) At least one recreational area must be provided which must be easily accessible from all recreational vehicle parking spaces or sites. When playground space is provided, it shall be so designated and shall be protected from traffic, thoroughfares, and parking areas. Such space shall be maintained in a sanitary condition and free of safety hazards.
 - (3) A minimum of eight (8) percent of the gross site area for the recreational vehicle park shall be set aside as open space for open or enclosed recreational facilities. No recreational vehicle site, street, right-of-way, storage area, or utility site shall be counted in meeting this requirement. Such an area shall contain adequate facilities for recreational activities for recreational vehicle park users and their guests which may include swings, slides, playground equipment, picnic tables, swimming pools, trails, fishing ponds, community use facilities for adult recreation, and other amenities.
 - (h) Required setbacks, buffer strips and screening:
 - (1) All recreational vehicles should be located at least twenty-five (25) feet from any park or area property boundary line abutting upon a public street or highway and at least fifteen (15) feet from other park area property boundary lines.
 - (2) There should be a minimum distance of ten (10) feet between an individual recreational vehicle and adjoining pavement of a park street, or common parking area, or other common area.
 - (3) All recreational vehicle parks shall provide screening adjacent to residential and non-residential uses not less than six (6) feet nor more than eight (8) feet in height and constructed of wood, stone, brick, or concrete block or other permanent material, and having a completely solid area with no openings except for entrances and exits along the property boundary lines separating the recreational vehicle park and such adjacent uses. Preservation of existing trees and the planting of new vegetation can be considered by the Director of Planning along with consideration of the distance from existing residences and businesses to meet the screening requirements.

- (i) Park street system:
- (1) General requirements. All recreational vehicle parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each recreational vehicle space or site. Alignment and gradient shall be properly adapted to topography. All public streets shall comply with the UDC and the City of Temple Design and Development Standards Manual, while internal streets within the recreational vehicle park must be constructed as provided by this section, except for the requirements for curbs and gutters.
- (2) Access. Access to recreational vehicle parks shall be designed to minimize congestion and hazards at entrances and exits and allow free movement of traffic on adjacent streets. The entrance road connecting the recreational vehicle park street with a public street or road shall have a minimum road width of thirty-four (34) feet where parking is permitted on both sides, or a minimum road width of twenty-seven (27) feet where parking is limited to one side. Where the primary entrance road is more than one hundred (100) feet long and does not provide access to abutting recreational vehicle spaces within such distance, the minimum road pavement width may be twenty-seven (27) feet, provided parking is prohibited on both sides.
- (3) *Internal streets*. Internal streets shall be privately owned, built, maintained and designed for safe and convenient access to all spaces and to facilities for common use of recreational vehicle park occupants. Surfaced streets shall be of adequate width to accommodate anticipated traffic, and shall meet the following minimum requirements:
 - a. All two-way streets—a minimum of twenty-seven (27) feet in width;
 - b. All one-way streets a minimum of twenty (20) feet in width; and
 - c. Dead-end streets shall be limited in length to one thousand (1,000) feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least sixty (60) feet.
- (4) Recommended illumination of park street systems.
 - a. It is recommended that all parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights as will provide the following average maintained levels of illumination for the same movement of pedestrians and vehicles at night:
 - (1) All parts of the park street systems: 0.6 footcandle, with a minimum of 0.1 footcandle; and
 - (2) Potentially hazardous locations, such as major street intersections and steps or stepped ramps: Individually illuminated, with a minimum of 0.3 footcandle.

- b. All luminaires must be full-cutoff as installed.
- c. Floodlights must be aimed no higher than 45 degrees below horizontal. This can be accomplished by the use of full-cutoff fixture design, shielding, visors, louvers, or other devices to prevent light trespass to neighboring properties and of the sky.
- (5) Street construction and design standards.
 - a. Street surfaces. All streets shall be provided with a smooth, hard, and dense all-weather surface (double seal coat, one and one-half-inches hot mix, sixinch concrete surface) which shall be durable and well drained under normal use and weather conditions. Surface edges shall be protected to prevent raveling of the wearing surface and shifting of the base. Street surfaces shall be maintained free of cracks, holes, and other hazards.
 - b. Grades. Grades of all streets shall be sufficient to ensure adequate surface drainage, but shall be not more than seven and one-half (7 1/2) percent. Short runs with a maximum grade of nine (9) percent may be permitted, provided traffic safety is assured by appropriate paving, adequate leveling areas, and avoidance of lateral curves.
 - c. Intersections. Within one hundred (100) feet of an intersection, streets shall be at approximately right angles. A distance of at least one hundred fifty (150) feet shall be maintained between center lines of offset intersecting streets. Intersections of more than two (2) streets at one point shall be avoided.
- (6) Required off-street parking areas.
 - a. Off-street parking areas shall be of the same construction as streets in all recreational vehicle parks for the use of park occupants and guests. Such areas shall be furnished at the rate of at least 1.25 car spaces for each recreational vehicle site.
 - b. Required car parking spaces shall be so located as to provide convenient access to the recreational vehicle and shall be easily accessible to the occupants and visitors, and shall not exceed a distance of three hundred (300) feet from the recreational vehicle that it is intended to serve.
 - c. Required parking spaces shall be appropriately defined and marked and be so located and regulated that no parking, or maneuvering incidental to parking, shall be on any public street or walk.
 - d. Required parking spaces shall provide adequate barriers to keep any parked vehicles from extending into or overhanging any publicly dedicated street or private street and be so designed that any vehicle may be parked and unparked without requiring the moving of any other vehicle.
- (7) Recreational vehicle stands.

- a. The recreational vehicle stand should not heave, shift, or settle unevenly under the weight of the recreational vehicle due to frost action, inadequate drainage, vibration, or other forces acting on the superstructure.
- b. The recreational vehicle stand should have an asphalt, concrete, or other surface of equivalent material which shall adequately support the weight of the recreational vehicle placed thereon and be durable and well drained under normal use and weather conditions.
- c. Each stand must have either a preserved tree or a two-inch DBH (diameter-at-breast-height) planted tree from the City's approved tree list of Sec. 7.4.5.B., UDC.
- d. Picnic tables shall be provided for each stand.
- e. The inclusion of grills, fire rings, or covered pavilions are encouraged.

Sec. 31-7. Water supply.

- (a) *General requirements*. An accessible, adequate, safe, and potable supply of water shall be provided in each recreational vehicle park. Where a public supply of water of satisfactory quantity, quality, and pressure is available, connections shall be made thereto and its supply used exclusively.
 - (b) Source of supply.
 - (1) The water supply shall be of acceptable quality and be capable of supplying the needs of all occupants of the recreational vehicle park. The water supply system shall be the City of Temple water supply system, a system managed by said city or an approved rural water supply system. No wells will be permitted unless they are in conjunction with the above-mentioned water systems.
 - (2) No well casings, pumping machinery, or suction pipes shall be placed in any pit, room, or space above ground which is walled in or otherwise enclosed unless such room, whether above or below ground, shall have free drainage by gravity to the surface of the ground.
 - (3) The treatment and operation of a water supply system shall be in accordance with applicable state and local regulations.
- (c) Water storage facilities. All water storage reservoirs shall be covered, watertight, and constructed of impervious material. Overflows and vents of such reservoirs shall be effectively screened. Manholes shall be constructed with overlapping covers, so as to prevent the entrance of contaminated materials. Reservoir overflow pipes shall discharge through an acceptable air gap.
 - (d) Water distribution system.

- (1) The water supply system of the recreational vehicle park shall be connected by pipes to all recreational vehicles, buildings, and other facilities requiring water.
- (2) All water piping, fixtures, and other equipment shall be constructed and maintained in accordance with state and local regulations and requirements and shall be of a type and in locations approved by the City's Public Works Department.
- (3) Every recreational vehicle site shall be provided with an individual branch service line delivering safe, pure, and potable water. The outlet of the branch service line shall terminate on the left side of the site of the recreational vehicle.
- (4) Water service lines to each recreational vehicle site shall be sized to provide a minimum of eight (8) gallons per minute (gpm) at the point of connection with the recreational vehicle distribution system.
- (5) A backpressure backflow preventer or reduced pressure principle backflow preventer shall be installed on the branch service line to each independent recreational vehicle at or near the trailer service connection. Backflow preventive devices shall be of an approved type certified by a recognized testing agency as to compliance and performance outlined herein. Valves shall be designed and maintained to close drip tight at a reduced pressure of not less than one (1) nor more than five (5) pounds per square inch. Valves must be identified with the manufacturer's name and model number.
- (6) A separate service shutoff valve shall be installed in each branch service line on the supply side of the backflow protective device.
- (7) The service connection shall be not less than one-half (1/2) inch in diameter; no rigid pipe may be used. Flexible metal tubing is permitted. Fittings at either end shall be of a quick disconnect type not requiring any special tools or knowledge to install or remove.

(e) Service buildings.

- (1) Each recreational vehicle park shall have at least one service building to provide necessary sanitation and laundry facilities. Those parks serving independent recreational vehicles are required to have the minimum sanitation and laundry fixtures and facilities as provided by this section (e).
- (2) Service buildings shall be of permanent construction with an interior finish of moisture-resistant material which must withstand frequent washing and cleaning; service buildings shall be well lit and ventilated at all times.
- (3) The service buildings of independent recreational vehicle parks shall have minimum of one laundry tray, one water closet, one lavatory, one shower or bath tub for women and one water closet, one lavatory, one shower or bath tub for men.

- (4) The service buildings in recreational vehicle parks that accommodate dependent recreational vehicles shall have a minimum of one laundry tray, two (2) water closets, one lavatory, one shower or bathtub for women and one water closet, one urinal, one shower or bath tub for men, and one slop-water closet for emptying containers of human waste. These fixtures required in this subsection (4) are for a maximum of ten (10) dependent recreational vehicles.
 - a. For every ten (10) additional dependent recreational vehicles the following additional fixtures shall be provided: one laundry tray and one shower or bath tub for each sex and one water closet for women.
 - b. For every fifteen (15) additional dependent recreational vehicles one water closet for men must be provided.
- (5) Hot and cold water shall be provided for all fixtures except water closets. The slop-water closet shall be provided with hot and cold water faucets over the bowl in addition to the flushing mechanism (preferably a flushometer valve).
- (6) Each water closet, slop-water closet, tub and shower, shall be in a separate compartment, with self-closing doors on all water closet compartments. Shower stalls shall be a minimum of three (3) feet wide by three (3) feet long in area. Women's shower stalls must have a separate dressing compartment with a stool or bench.
- (7) A floor drain (minimum of three (3) inches) shall be installed in each toilet room and laundry room.
- (8) Service buildings shall be screened from other activities by visual barriers such as fences, walls, or natural growth and shall be separated from any recreational vehicle space by a distance of at least fifty (50) feet.
- (f) *Materials*. Unless otherwise provided for in this chapter, all plumbing fixtures, piping, drains, appurtenances, and appliances designed and used in a park drainage and water supply system and service connections shall be installed in conformance with the 2009 *International Plumbing Code*, as adopted by the City of Temple.
 - (g) Park drainage system.
 - (1) The main sewer and sewer laterals shall be installed in a separate trench not less than five (5) feet from the park water service or distribution per the Standard Plumbing Code.
 - (2) The minimum size of pipe in any recreational vehicle park sewer system shall be four (4) inches.
 - (3) Each recreational vehicle shall be considered as six (6) fixture units in determining discharge requirements in the design of park drainage and sewage disposal systems.

- (4) Minimum grade for sewers shall be so designed that the flow will have mean velocity of two (2) feet per second when the pipe is flowing half full.
- (5) The discharge of a recreational vehicle park drainage system shall be connected to a public sewer. Where a public sewer is not available, an individual sewage disposal system shall be installed of a type that is acceptable and approved by the administrative authority or other law enforcement agency having jurisdiction over this regulation.
- (6) Manholes and/or cleanouts shall be provided as required in the Standard Plumbing Code. Manholes and cleanouts shall be accessible and brought to grade.
- (7) The main sewer shall be provided with a minimum four-inch vent, not more than five (5) feet down stream from its upper trap, and long mains shall be provided with additional relief vents at intervals of not more than two hundred (200) feet thereafter, if the manhole covers are not of the perforated type. These relief vents shall be a minimum of four (4) inches and shall be securely supported and extended a minimum of ten (10) feet above the ground.
- (8) Branch lines or sewer laterals to individual recreational vehicles shall be not less than four (4) inches in diameter.
 - a. Sewer inlets shall be four (4) inches in diameter and extend above grade three (3) inches to six (6) inches. Each inlet shall be provided with a gas-tight seal when connected to a recreational vehicle and have a gas-tight plug for use when not in service.
 - b. Each recreational vehicle site shall be provided with a house trap. Sewer laterals over thirty (30) feet shall be properly vented and provided with a cleanout brought to grade.
 - c. To provide the shortest possible drain connection between the recreational vehicle outlet and drain inlet, all drain inlets shall terminate with reference to the site location of the recreational vehicle.
 - d. Drain connection shall slope continuously downward and form no traps. All pipe and connections shall be installed and maintained gas- and water- tight.
 - e. No sewage, wastewater, or any other effluent shall be allowed to be deposited on the surface of the ground.
 - f. Upon completion and before covering, the park drainage system shall be subjected to a static water test. The water test shall be applied to the drainage system either in its entirety or in sections. If applied to the entire system, all openings in the piping shall be tightly closed, except the highest opening, and the system shall be filled with water to point of overflow.

If the system is tested in sections, each opening shall be tightly plugged except the highest opening of the section under test, and each section shall be filled with water, but no section shall be tested with less than a ten-foot head of water.

In testing successive sections at least the upper ten (10) feet of the next preceding section shall be tested, so that no joint or pipe in the system shall have been submitted to a test of less than a ten-foot head of water. The water shall be kept in a system, or in the portion under test, for at least fifteen (15) minutes before inspection starts; the system shall then be tight at all points.

- (h) Recreational vehicle connections; responsibility.
- (1) When it is evident that there exists, or may exist, a violation of these rules, the owner, operator, lessee, person in charge of the recreational vehicle park, or any other person causing a violation shall correct the violation immediately or disconnect the service connection and recreational vehicle drain connection from the respective park branch service line and sewer lateral, or both as required for health and safety reasons.
- (2) Recreational vehicle drain connections shall be of approved semi-rigid or flexible reinforced hose having smooth interior surfaces of not less than three (3) inches inside diameter. Drain connections shall be equipped with a standback quick disconnect screw or clamp-type fitting, not less in size than the outlet. Drain connections shall be gas-tight and no longer than necessary to make the connection between the recreational vehicle outlet and the trip inlet on the site.
- (i) *Maintenance*. All devices or safeguards required by this chapter shall be maintained in good working order. The owner, operator, or lessee of the recreational vehicle park or his designated agent shall be responsible for their maintenance.

Sec. 31-8. Sewage disposal.

- (a) General requirements. An adequate, safe sewage system shall be provided in all recreational vehicles for conveying and disposing of all sewage where an approved public system is available, such system will be used. Where a public system is not available, a park system will be developed. Such system shall be designated, constructed, and maintained in accordance with state and local laws and will be approved by the appropriate health agency. In the event a "package" sewage disposal plant is used, a permit must be obtained from the Texas Water Quality Board and comply with applicable sections of the City Code.
 - (b) Sanitary stations; dump station.
 - (1) A sanitary station shall be provided consisting of at least a trapped four-inch sewer riser pipe, connected to the recreational vehicle parking area sewerage system, surrounded at the inlet end by a concrete apron at least one hundred (100) square feet in area and sloped to the drain, which shall be provided with a suitable hinged cover, and a water outlet, with the necessary appurtenances,

- connected to the recreational vehicle park area water supply system to permit periodic washdown of the immediate adjacent areas.
- (2) No dependent vehicle shall be parked at any time in a space designed and designated for an independent recreational vehicle unless public toilet and bath facilities are available within two hundred (200) feet of the dependent recreational vehicle.
- (c) *Sewer lines*. All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movement and shall be separated from the park water supply system at a safe distance. Sewers shall be at a grade which will ensure a velocity of two (2) feet per second when flowing at one-half capacity or one-half full. All sewer lines shall be constructed of materials approved by the applicable authority, shall be adequately vented, and shall have watertight joints.

(d) Individual sewer connections.

- (1) Every recreational vehicle shall provide a gas- and watertight connection for sewage disposal which shall be connected to an underground sewage collection system discharging into a public or private disposal system.
- (2) The sewer riser pipe shall have at least a four-inch diameter, shall be trapped below the ground surface and shall be located on the recreational vehicle stand or so that the sewer connection to the recreational vehicle drain outlet will be approximately a vertical position.
- (3) The sewer connection shall have a nominal inside diameter of at least three (3) inches, and this slope of any portion thereof shall be at least one-fourth (1/4) inch per foot. The sewer connection shall consist of one pipe line only without any branch fittings. All joints shall be watertight.
- (4) All materials used for sewer connections shall be semiridged, corrosive resistant, nonabsorbent, and durable. The inner surface shall be smooth.
- (5) When a recreational vehicle space or dump station is not occupied the sewer pipe must be capped. The rim of the pipe must be at least four (4) inches above ground elevation and drainage shall be diverted away from it.
- (6) Installation of all risers, underground traps, septic tanks, and drain fields will be accomplished under the supervision of a plumber licensed by the State of Texas.
- (7) Where septic tanks and drain fields are used in recreational vehicle parks, individual septic systems for each recreational vehicle stand will be used where possible. Exceptions may be granted by the Director of Public Works where reasonable justification is presented by the applicant. This requirement will not affect recreational vehicle parks in existence on the effective date of these regulations unless there is a defective sewage system in the park, in which case, corrective action will be mandatory.

Sec. 31-9. Electrical distribution system.

- (a) General requirements. Every recreational vehicle park shall contain an electrical wiring system consisting of wiring, fixtures, equipment, and appurtenances which shall be installed and maintained in accordance with the applicable codes and regulations governing such systems. All installation work of electrical fixtures will be accomplished in accordance with the rules of the *National Electrical Code* and the Temple City Electrical Code.
 - (b) Power distribution lines.
 - (1) If individual recreational vehicle spaces are connected to the electrical wiring system, an approved type of disconnection device and overcurrent protective equipment shall be one hundred twenty (120) volts AC, fifteen (15) amperes and/or thirty (30) amperes.
 - Outlet receptacles at each recreational vehicle stand shall be located not more than twenty-five (25) feet from the overcurrent protective devices in the recreational vehicle and a three-pole, four-wire grounding type shall be used. Receptacles shall be of weatherproof construction and configurations shall be in accordance with American Standard Outlet Receptacle C-73.1.
 - (3) A minimum of number six (6) American Wire Gauge (AWG) copper wire or its equivalent will be used from service drop to metering equipment, overcurrent protection devices, and receptacle.
 - (4) Reserved.
 - (5) When the calculated load of the recreational vehicle is more than fifty (50) amperes, either a second outlet receptacle shall be installed or electrical service shall be provided by means of permanently installed conductors.
- (c) *Required grounding*. All exposed noncurrent carrying metal parts of recreational vehicles and all other equipment shall be grounded by means of an approved grounding conductor with branch circuit conductors or other approved method of grounding metallic wiring. The neutral conductor shall not be used as an equipment ground for recreational vehicles or other equipment.

Sec. 31-10. Service building and other community service facilities.

- (a) *Generally*. The requirements of this paragraph shall apply to service buildings, recreation buildings and other community service facilities such as:
 - (1) Management offices, repair shops, and storage areas;
 - (2) Sanitary facilities;
 - (3) Laundry facilities;
 - (4) Indoor recreation areas; and

- (5) Commercial uses supplying essential goods or services for the exclusive use of park occupants.
- (b) *Required community sanitary facilities*. Every park shall be provided with the following emergency sanitary facilities: For each ten (10) dependent recreational vehicles, or fractional part thereof, there shall be one flush toilet and one lavatory for each sex; the building containing such emergency sanitary facilities shall be accessible to all recreational vehicles.

(c) Service buildings:

- (1) A central service building containing the necessary toilet and other plumbing fixtures specified shall be provided in recreational vehicle park areas which provide parking spaces for dependent recreational vehicles. Service buildings shall be conveniently located within a radius of approximately three hundred (300) feet to the spaces.
- (2) Where a recreational vehicle parking area is designed for an exclusionary limited use by self-contained, independent recreational vehicles, only the following minimum emergency sanitary facilities shall be required: For each one hundred (100) recreational vehicle spaces, or fractional part thereof, there shall be two (2) flush toilets and two (2) lavatories for each sex. For dependent recreational vehicles, the sanitary requirements shall be the same set forth in section 31-7(e)(4) herein.
- (3) When a recreational vehicle parking area requiring a service building is operated in connection with a resort or other business establishment, the number of sanitary facilities for such business establishment shall be in excess of those required by this chapter for recreational vehicle spaces and shall be based on the total number of persons using such facilities as determined by the Director of Public Works.
- (d) Structural requirements for service buildings, recreation buildings and other community service facilities.
- (1) All portions of these structures shall be properly protected from damage by ordinary uses and by decay, corrosion, termites, and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.
- (2) All rooms containing sanitary or laundry facilities shall:
 - a. Have sound-resistant walls extending to the ceiling between male and female facilities. Walls and partitions around showers, bathtubs, lavatories, and other plumbing fixtures shall be constructed of dense, nonabsorbent, waterproof materials or covered with moisture-resistant material.

- b. Have at least one window which can be easily opened or a mechanical device which will adequately ventilate the room.
- (3) Toilets shall be located in separate compartments equipped with self-closing doors. Shower stalls shall be of the individual type. The room shall be screened to prevent direct view of the interior when the exterior doors are open.
- (4) Illumination levels shall be maintained as follows:
 - a. General seeing tasks--five (5) footcandles;
 - b. Laundry room work area--forty (40) footcandles; and
 - c. Toilet room, in front of mirrors--forty (40) footcandles.
- (5) Hot and cold water shall be furnished to every lavatory, sink, bathtub, shower and laundry fixture, and cold water shall be furnished to every water closet and urinal.
- (e) *Barbeque pits, grills, fireplaces; stoves and incinerators*. Cooking shelters, barbeque pits, grills, fireplaces, woodburning, gas, and propane stoves, and incinerators shall be so located, constructed, maintained, and used as to minimize fire hazards and smoke nuisance both on the property where it is used and as well as on adjacent property. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.

Sec. 31-11. Refuse handling.

- (a) The storage, collection, and disposal of refuse in the recreational vehicle park area shall be so conducted as to create no health hazard, rodent harborage, insect breeding areas, accident or fire hazards, or air or water pollution. Disposal of refuse will comply with State and local regulations pertaining to disposal of municipal solid waste.
- (b) All refuse shall be stored in flytight, watertight, rodentproof containers which shall be located not more than one hundred fifty (150) feet from any recreational vehicle space or stand. Containers shall be provided in sufficient number and capacity to properly store all refuse.
- (c) Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around these containers and stands.
- (d) All refuse containing garbage shall be collected at least twice weekly. Where suitable collection service is not available from municipal or private agencies, the recreational vehicle park operator shall provide the service. All refuse shall be collected and transported in covered vehicles or covered containers.
- (e) Where municipal or private disposal service is not available, the recreational vehicle park operator shall dispose of the refuse by an approved incineration or method of transporting to a disposal site approved by the health authority. Such site must comply with state health

department and local solid waste disposal regulations.

- (f) Reserved.
- (g) Incinerators may only be operated when attended by a designee specifically authorized by the owner or operator of the recreational vehicle park area.

Sec. 31-12. Insect and rodent control.

- (a) Grounds, buildings, and structures shall be maintained so to be free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the health authority.
- (b) Recreational vehicle parks shall be maintained so to be free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests.
- (c) Storage areas shall be so maintained as to prevent rodent harborage. Lumber, pipe, and other building material shall be stored at least one foot above the ground.
- (d) Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.
- (e) The growth of brush, weeds, and grass shall be controlled to prevent harborage of ticks, chiggers, and other noxious insects. Recreational vehicle parks and their environs shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

Sec. 31-13. Fuel supply and storage.

- (a) Natural gas system.
- (1) Natural gas piping systems when available and utilized shall be installed and maintained in accordance with applicable City and State codes and regulations governing such systems.
- (2) Each recreational vehicle space or stand provided with pipe gas shall have an approved manual shutoff valve installed up stream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.
- (b) Liquified petroleum gas system.
- (1) Liquified petroleum gas ("LPG") systems shall be installed and maintained in accordance with applicable City and State codes and regulations governing such systems.
- (2) Systems shall be provided with safety devices to relieve excessive pressures and

shall be arranged so that the discharge terminates at a safe location.

- (3) Systems shall have at least one accessible means for shutting off gas. Such means shall be located outside the recreational vehicle and shall be maintained in effective operating condition.
- (4) All LPG piping outside of the recreational vehicles shall be well supported and protected against mechanical injury. Undiluted LPG in liquid form shall not be conveyed through piping equipment and systems in recreational vehicles.
- (5) LPG containers installed on a recreational vehicle space or stand shall be securely, but not permanently fastened, to prevent accidental overturning. Tanks fastened to recreational vehicles shall not be less than five (5) nor more than sixty (60) U.S. gallons gross capacity.
- (6) No LPG vessel shall be stored or located inside or beneath any storage cabinet, carport, recreational vehicle, or other structure, unless such installation is approved by the health authority.
- (c) Fuel oil supply systems.
- (1) All fuel oil supply systems shall be installed and maintained in accordance with applicable City and State codes and regulations governing such systems. All piping from outside fuel storage tanks or cylinders to recreational vehicles shall be permanently installed and securely fastened in place.
- (2) All fuel oil storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath any recreational vehicle or less than five (5) feet from a recreational vehicle exit.
- (3) Storage tanks located in areas subject to traffic shall be protected against physical damage.

Sec. 31-14. Fire protection.

- (a) The recreational vehicle park areas shall be subject to the rules and regulations of the City Code, Fire Marshal, and City of Temple Fire Department and any other applicable local, state and national fire codes or regulations.
- (b) Recreation vehicle parks shall be kept free of litter, rubbish, and other flammable materials.
- (c) Portable fire extinguishers of an approved type shall be kept in service buildings and at all other locations designated by such fire official and shall be maintained in good operating condition.
- (d) Fires shall be made only in stoves, fire rings or pits, and other equipment intended for such purpose. All fire rings shall be a minimum of ten (10) feet away from any structure or vehicle and shall have a mesh metal cover.

- (e) Fire hydrants may be installed if the park or area water supply system is capable of serving them in accordance with the following requirements:
 - (1) The water supply system should permit the operation of minimum of two (2) one-and-one-half (1 ½) inch hose streams.
 - (2) Each of two (2) nozzles, held four (4) feet above the ground, should be capable of delivering at least seventy-five (75) gallons of water per minute at a flowing pressure of at least thirty (30) pounds per square inch at the highest elevation point of the park or area.
- (f) Fire hydrants, if provided, shall be located within five hundred (500) feet of any recreational vehicle service building or other structure in the recreational vehicle park or area.
- (g) The name of each recreational vehicle park shall be displayed on a sign having dimensions of not less than eighteen (18) square feet and shall be displayed in a conspicuous place when viewed from a public street or highway. Lettering shall not be less than eight (8) inches in height.

Sec. 31-15. Miscellaneous requirements.

- (a) General responsibilities for persons responsible for recreational vehicle park. Parties responsible for the property or the recreational vehicle park, including, but not limited, to the CUP holder, property owner, recreational vehicle park operator, lessee of the recreational vehicle park, recreational vehicle park management, and their designees, shall operate the park in compliance with this and other regulations issued hereunder and shall provide adequate supervision to maintain the park or area, its facilities and equipment in good repair and in a clean and sanitary condition.
- (b) Notification of park occupants of their duties and responsibilities. Parties responsible for the property or the recreational vehicle park, including, but not limited, to the CUP holder, property owner, recreational vehicle park operator, lessee of the recreational vehicle park, recreational vehicle park management, and their designees, shall notify park occupants of all applicable provisions of this chapter and inform them of their duties and responsibilities under this chapter issued hereunder.
- (c) Supervision of recreational vehicle stand placement. Parties responsible for the property or the recreational vehicle park, including, but not limited, to the CUP holder, property owner, recreational vehicle park operator, lessee of the recreational vehicle park, recreational vehicle park management, and their designees, shall supervise the placement of each recreational vehicle stand which includes securing its stability and installing all utility connections.
- (d) *Maintenance of register*. Parties responsible for the property or the recreational vehicle park, including, but not limited, to the CUP holder, property owner, recreational vehicle park operator, lessee of the recreational vehicle park, recreational vehicle park management, and their designees, shall maintain a register containing the names of all park or area

occupants.

- (e) *Designation of park office*. Parties responsible for the property or the recreational vehicle park, including, but not limited, to the CUP holder, property owner, recreational vehicle park operator, lessee of the recreational vehicle park, recreational vehicle park management, and their designees, shall designate an office within the park or, in the absence of a manager living as a resident of the recreation vehicle park, will leave posted a sign indicating the telephone number of a local management representative.
- (f) General responsibilities of park or area occupants. The park or area occupants shall comply with all applicable requirements of this chapter and shall maintain their recreational vehicle space, its facilities, and equipment in good repair and in a clean and sanitary condition.
- (g) *Placement of vehicle stand by occupant*. The park or area occupant shall be responsible for proper placement of his recreational vehicle on its stand and proper installation of all utility connections in accordance with the instructions and under the supervision of parties responsible for the property or the recreational vehicle park, including, but not limited, to the CUP holder, property owner, recreational vehicle park operator, lessee of the recreational vehicle park, recreational vehicle park management, and their designees.
- (h) *Animals*. No owner or person in care, custody, or control of a dog, cat or other animal shall permit it to run at large or to commit any nuisance within the limits of any recreational vehicle park or its environs.
- (i) *Restrictions on occupancy*. A dependent recreational vehicle shall not be occupied for dwelling purposes unless it is properly placed on a stand and connected to water, sewerage, and electrical utilities.
- (j) *Compliance with city regulations*. The parties responsible for the property or the recreational vehicle park, including, but not limited, to the CUP holder, property owner, recreational vehicle park operator, lessee of the recreational vehicle park, recreational vehicle park management, and their designees, and all park occupants shall fully comply with all other applicable sections of the Temple City Code, the UDC, and all other local ordinances, regulations, and state and federal laws, as amended.

Sec. 31-16. Permanent occupancy prohibited.

- (a) No recreational vehicle park shall be used as a permanent place of abode, dwelling, or business for indefinite periods of time. Continuous occupancy extending beyond six (6) months in any twelve-month period shall be presumed to be permanent occupancy and is prohibited.
- (b) Any action toward removal of the wheels of a recreational vehicle, except for temporary purposes of repair or to attach the trailer to the ground for stabilization, is prohibited.

Sec. 31-18. Enforcement.

(a) Criminal Penalties.

- (1) An offense of this Chapter is a Class C misdemeanor, fine-only offense, punishable by a fine not to exceed \$2,000.
- (2) Each separate occurrence of a violation and each day a violation continues will constitute a separate offense.

(b) Civil Remedies.

- (1) The City of Temple may petition the applicable court of competent jurisdiction for injunctive relief, civil penalties, or both, whenever it appears that a person has violated or continues to violate any provision of this chapter pertaining to the preservation of public health.
- (2) The City of Temple may seek a temporary or permanent injunction that prohibits any conduct that violates any provision of this chapter or an order compelling the specific performance of any action that is necessary for compliance with any provision of this chapter.
- (3) The City of Temple may revoke or modify any CUP issued under this chapter as provided by Sec. 3.5.6, UDC.
- (c) Enforcement under this chapter does not preclude enforcement or prosecution by the State, or any other authority under local, state, or federal law.
- (d) The City's decision to pursue civil or criminal remedies is not exclusive; the City may pursue criminal or civil remedies, or both, for any violation of this chapter.

ORDINANCE NO. <u>2018-4915</u> (FY-18-A-AMND)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING THE CODE OF ORDINANCES, CHAPTER 31, "RECREATIONAL VEHICLE PARKS" RELATED TO DEFINITIONS, APPLICATION AND PERMITTING PROCESSES, INSPECTION AND ENFORCEMENT PROCESSES, DENSITY, PRIVATE STREETS AND AMENITIES; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, during the proposed Conditional Use Permit (CUP) to allow a 72-unit recreational vehicle (RV) park at 14220 State Highway 317, it became apparent that amendments to Chapter 31 were needed to improve the aesthetics and amenities for this and other future RV park projects, and the permitting and enforcement process to ensure the safety of these parks;

Whereas, the amendments requested are as follows:

- Expanding the authority of those who can inspect to ensure compliance of RV parks;
- Streamlining the permitting and enforcement process;
- Allowing reduced private one-way drive/street widths;
- Reducing the allowed density from 14 to 7 RVs per acre;
- Expanding the allowed continuous occupancy period from 3 months to 6 months, while also ensuring a check in and check out registration process for tracking purposes;
- Expanding the required options of outdoor recreational amenities to include trails; and
- Requiring tree planting and picnic tables for each RV site;

Whereas, for the above reasons, Staff recommends Council amend the Code of Ordinances, Chapter 31 "Recreational Vehicle Parks" related to definitions, application and permitting processes, inspection and enforcement processes, density, private streets and amenities, as outlined in Exhibit 'A,' attached hereto and incorporated herein for all purposes; and

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

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

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

<u>Part 2</u>: The City Council amends Chapter 31 of the Code of Ordinances, "Recreational Vehicle Parks" as attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

<u>Part 3</u>: All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

Part 4: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

<u>Part 5</u>: This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

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

PASSED AND APPROVED on First Reading and Public Hearing on the 17^{th} day of May, 2018.

PASSED AND APPROVED on Second Reading on the 7th day of June, 2018.

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



COUNCIL AGENDA ITEM MEMORANDUM

05/17/18 Item #13 Regular Agenda Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Brian Chandler, Planning Director

<u>ITEM DESCRIPTION:</u> FIRST READING –PUBLIC HEARING – Z-FY-18-10: Consider adopting an ordinance authorizing a Conditional Use Permit and its development site plan to allow a recreational vehicle park on 18.58 +/- acres situated in the Sarah Fitzhenry Survey, Abstract No. 312, located at 14220 State Highway 317.

<u>PLANNING AND ZONING COMMISSION RECOMMENDATION:</u> At their April 16, 2018 meeting, P&Z recommended unanimous approval per staff recommendation.

STAFF RECOMMENDATION: Staff recommends approval of the requested Conditional Use Permit and its development site plan with the following conditions:

- 1. The 20-foot pavement width requires a Code of Ordinance Chapter 31 code amendment
- 2. Minimum two inch diameter (at breast height) trees from the City's approved tree list
- 3. Amenities to include grills, picnic tables, a pavilion, dog park, pool, and playground

ITEM SUMMARY: Virgel Smith is pursuing a Conditional Use Permit to allow a 72-unit RV park on his property. Voluntary annexation was approved by City Council at Second Reading on May 3, 2018.

The proposed CUP will also be subject to a required development site plan for the RV park. The CUP development site plan proposes 72 RV stands with a parking space at each site, which represents a density of 3.88 RVs/acre and is significantly lower than the 14 RVs/acre maximum per Chapter 31. The RV park proposes a private roadway providing circulation throughout the development to a laundry facilities, restrooms, recreational area, private horse stables and equine area, pool, RV park office, and a dumpster area. But the proposed CUP development site plan is not compliant with the following requirements of the City of Temple Code of Ordinance Section 31: Recreational Vehicle Parks.

- 1. The private roadway width does not meet the minimum pavement width of 27 feet;
- 2. However, staff has agreed to propose Code of Ordinance Chapter 31 code amendments allowing 20 feet of paving for one-way drives
 - a. The proposed Code Amendments will also be presented at the May 17, 2018 City Council meeting

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

Future Land Use Map (CP Map 3.1)

If City Council approves Virgel Smith's voluntary annexation, the subject property would be annexed with an Agricultural zoning district designation within the Agricultural/Rural character district of the Choices '08 City of Temple Comprehensive Plan. Since RV parks are allowed with the Agricultural zoning district with a CUP and the applicant's proposal includes overall low density (3.88 RVs/acre), the requested use complies with the Future Land Use Map.

Thoroughfare Plan (CP Map 5.2) and Temple Trails Master Plan Map and Sidewalk Ordinance
The subject property fronts State Highway 317, a major arterial on the Thoroughfare Plan. **This request complies with the Thoroughfare Plan.**

Availability of Public Facilities (CP Goal 4.1)

The City of Temple does not have water facilities within the boundaries of the subject property. Pendleton Water Supply Corp. CNN is the water provider for the subject property. Per staff's request, the applicant has submitted a letter from Pendleton Water Supply Corp. CNN confirming there is a six inch water line directly across State Highway 317 from the proposed RV park that can supply a fire hydrant with 400 GPM at 20 PSI. A septic system is proposed for the RV park, which would require approval by the Bell County Sanitarian.

<u>DEVELOPMENT REVIEW COMMITTEE (DRC):</u> DRC met on March 19th (internally) and 22nd (with applicant) to review the project and all comments have been sufficiently addressed by the applicant.

<u>PUBLIC NOTICE:</u> Fourteen 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 Tuesday, May 8, 2018 four notices were returned from the applicant in favor of the Conditional Use Permit and four notices were returned in denial of the request, representing an opposition area calculation of 37.6%, triggering a super-majority vote requirement (four of five) to approve by City Council.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Location map with Aerial
Zoning Map
Future Land Use and Character Map
Thoroughfare Map
Utility Map
Notification Map
Opposition Map
Notification Response Letters
CUP Development Site Plan Exhibits
Ordinance



AG with CUP

AERIAL MAP

Zoning Case: Z-FY-18-10

Address: 14220 SH 317

Transportation

Streets

MAJOR ARTERIAL

LOCAL STREET

Temple Municipal Boundary

Parcel Features

Parcels

ETJ Parcels

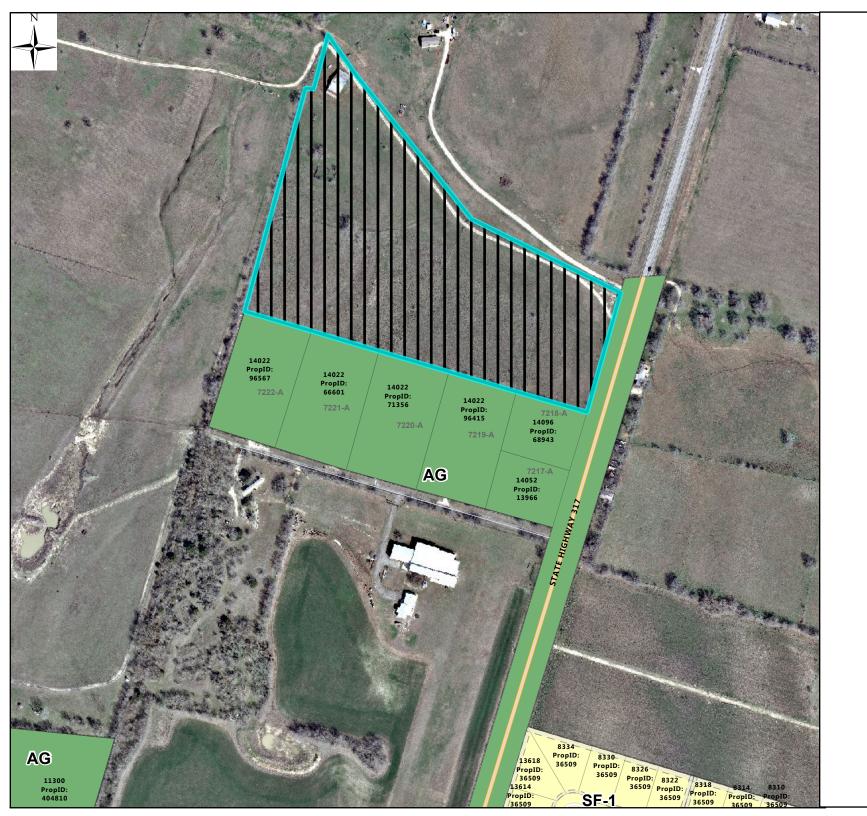


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GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property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

tlyerly Date: 3/14/2018

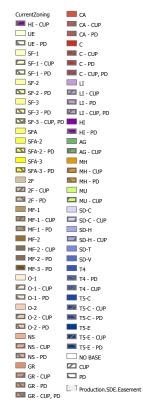




AG with CUP

Zoning Case: Z-FY-18-10

Address: 14220 SH 317

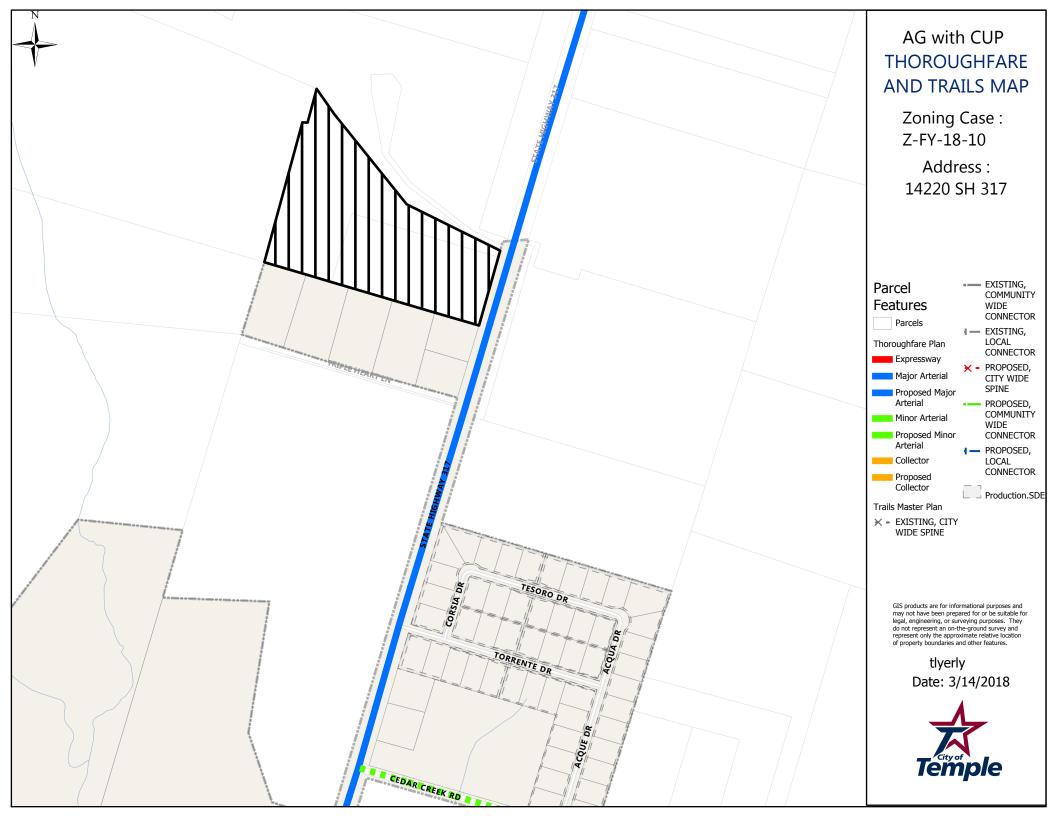


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tlyerly Date: 3/15/2018









AG with CUP

UTILITY MAP

Zoning Case: Z-FY-18-10

Address: 14220 SH 317

Sewer

Manhole

Gravity Main

WaterDistribution



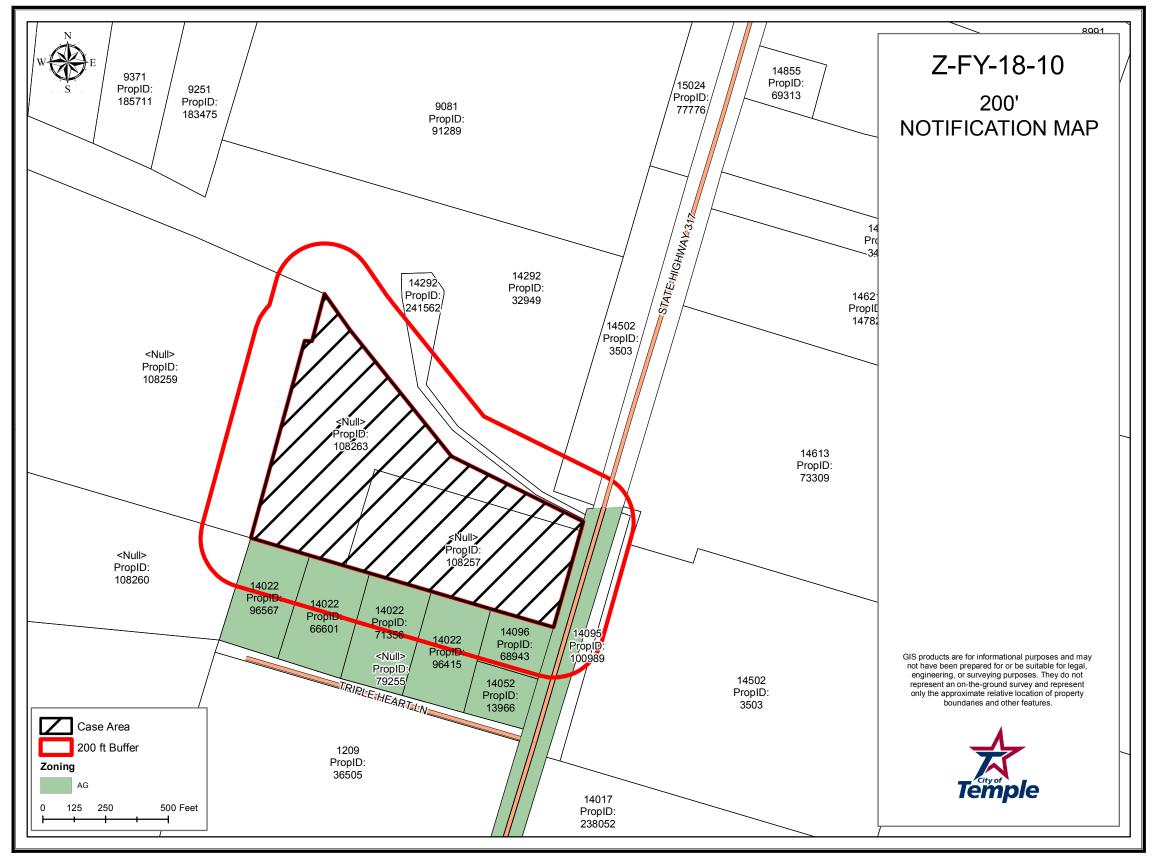


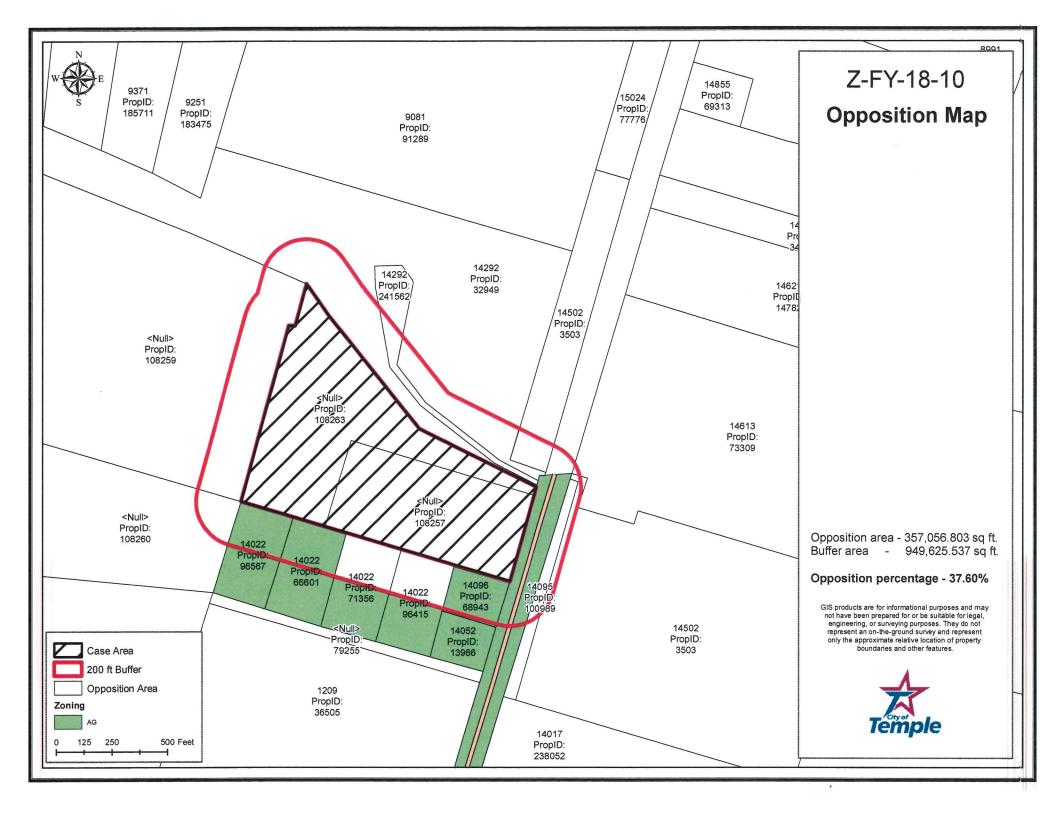
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tlyerly Date: 3/14/2018









RAMIREZ, CECILIO ESTATE ETUX ANALIZA 14022 STATE HIGHWAY 317 UNIT 100 TEMPLE, TX 76504-6068

Zoning Application Number: Z-FY-18-01

Location: 14220 State Highway 317	
The proposed rezoning is the area shown in hatched marking on the attached map.	

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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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, tlyerly@templetx.gov or mail or hand-deliver this comment form to the address below, no later than April 2, 2018.

Process but if a metal 10' Fince was put up I sould feel a little

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

Number of Notices Mailed: 14

Date Mailed: March 22, 2018

Case Manager: Tammy Lyerly

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

Please think about my innocent child who will always trust everyone with her disability. Thank you aconcerned mom.



BUTLER, MARGARET H 14022 STATE HIGHWAY 317 UNIT 200 TEMPLE, TX 76504-6066 RECEIVED

APR - 2 2018

City of Temple
Planning & Development

Location: 14220 State Highway 317

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Allita D. Bather

Print Name

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

Number of Notices Mailed: 14

Date Mailed:

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March 22, 2018



WILCOX, RANDY JOE & CONNIE 14292 FM 317 TEMPLE, TX 76504 RECEIVED

MAR 2 9 2018

City of Temple
Planning & Development

Zoning Application Number: Z-FY-18-01	Case Manager:	Tammy Lyerly
Location: 14220 State Highway 317		-
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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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City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501

Number of Notices Mailed: 14

Date Mailed:

March 22, 2018



WILCOX, RANDY JOE 14292 STATE HIGHWAY 317 TEMPLE, TX 76504-6034 RECEIVED

MAR 2 9 2018

City of Temple Planning & Development

Zoning Application Number: Z-FY-18-01

Case Manager: Tammy Lyerly

Location: <u>14220 State Highway</u> 317

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

Number of Notices Mailed: 14

Date Mailed:

March 22, 2018

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APR - 2 2018

City of Temple Planning & Development

SMITH, VIRGEL D ETUX BARBARA A 4526 LAKEVIEW DR BELTON, TX 76513-5107

Zoning Application Number: Z-FY-18-01	Case Manager:	Tammy Lyerly	
Location: 14220 State Highway 317	2	* V	
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City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501

Number of Notices Mailed: 14

Date Mailed:

March 22, 2018



SMITH, VIRGEL D ETUX BARBARA 4526 LAKEVIEW DR BELTON, TX 76513-5107

Zoning Application Number: Z-FY-18-01

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APR - 2 2018

City of Temple Planning & Development

Case Manager: Tammy Lyerly

Location: 14220 State Highway 317	
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Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501

Number of Notices Mailed: 14

Date Mailed:

March 22, 2018



SMITH, VIRGEL 4526 LAKEVIEW DR BELTON, TX 76513-5107

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APR - 2 2018

City of Temple Planning & Development

Zoning Application Number: Z-FY-18-01
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If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, tlyerly@templetx.gov or mail or hand-deliver this comment form to the address below, no later than April 2, 2018.

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SMITH, VIRGIL 4526 LAKEVIEW DR BELTON, TX 76513-5107

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City of Temple Planning & Development

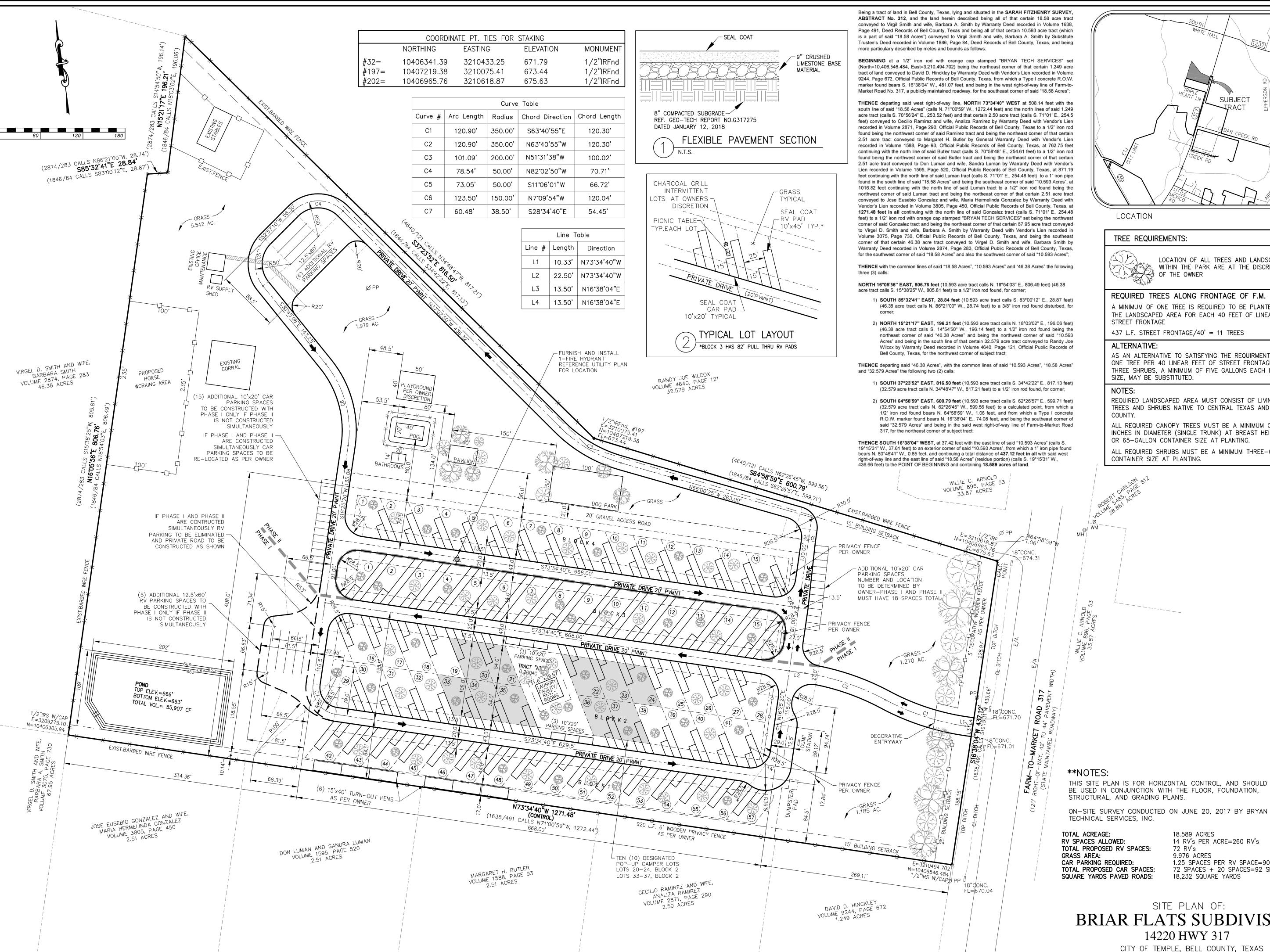
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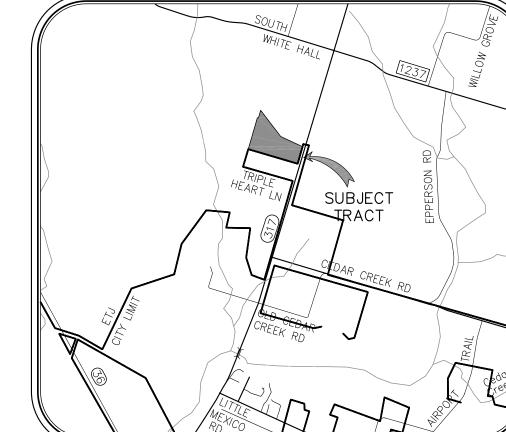
<u>OPTIONAL</u>: Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.

Temple, Texas 76501

Date Mailed:

March 22, 2018





LOCATION

TREE REQUIREMENTS:



LOCATION OF ALL TREES AND LANDSCAPING WITHIN THE PARI OF THE OWNER WITHIN THE PARK ARE AT THE DISCRETION

REQUIRED TREES ALONG FRONTAGE OF F.M. 317: A MINIMUM OF ONE TREE IS REQUIRED TO BE PLANTED IN THE LANDSCAPED AREA FOR EACH 40 FEET OF LINEAR STREET FRONTAGE

437 L.F. STREET FRONTAGE/40' = 11 TREES

ALTERNATIVE:

AS AN ALTERNATIVE TO SATISFYING THE REQUIRMENT FOR ONE TREE PER 40 LINEAR FEET OF STREET FRONTAGE, THREE SHRUBS, A MINIMUM OF FIVE GALLONS EACH IN SIZE, MAY BE SUBSTITUTED.

REQUIRED LANDSCAPED AREA MUST CONSIST OF LIVING TREES AND SHRUBS NATIVE TO CENTRAL TEXAS AND BELL COUNTY.

ALL REQUIRED CANOPY TREES MUST BE A MINIMUM OF TWO INCHES IN DIAMETER (SINGLE TRUNK) AT BREAST HEIGHT OR 65-GALLON CONTAINER SIZE AT PLANTING.

ALL REQUIRED SHRUBS MUST BE A MINIMUM THREE-GALLON CONTAINER SIZE AT PLANTING.

Know what's below Call before you dig.

REVISIONS



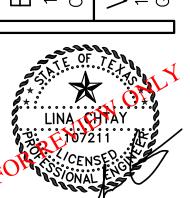
BELTON **ENGINEERING** INC.

106 NO. EAST STREET BELTON, TEXAS 76513 OFFICE (254)731-5600 MOBILE (254)289-7273 BELTONENGINEERS.COM

- * Engineering
- Design/Build
- ** Planning

BDIVISION \supset

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SCALE: 1"=60

DRAWN.: AJ

ELEC. DRAWING FIL 17035—Site Plan

DATE: 3/29/18 JOB NO.: 17-035

1 of 5

SITE PLAN OF: BRIAR FLATS SUBDIVISION 14220 HWY 317

18.589 ACRES

9.976 ACRES

72 RV's

14 RV's PER ACRE=260 RV's

18,232 SQUARE YARDS

1.25 SPACES PER RV SPACE=90 SPACES

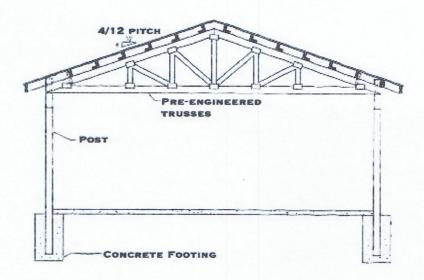
72 SPACES + 20 SPACES=92 SPACES

CITY OF TEMPLE, BELL COUNTY, TEXAS

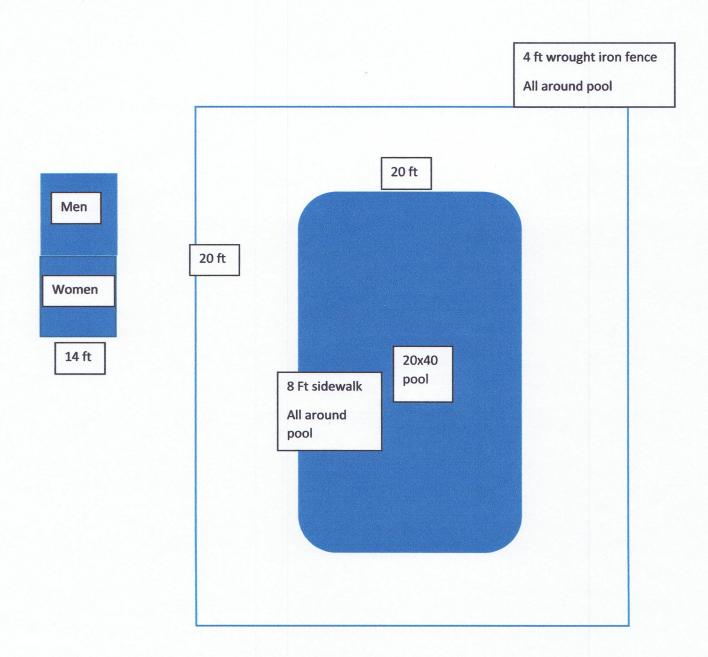
There will be interior lighting

There will be a bbq pit and picnic tables in the pavilion

The flooring will be pea gravel





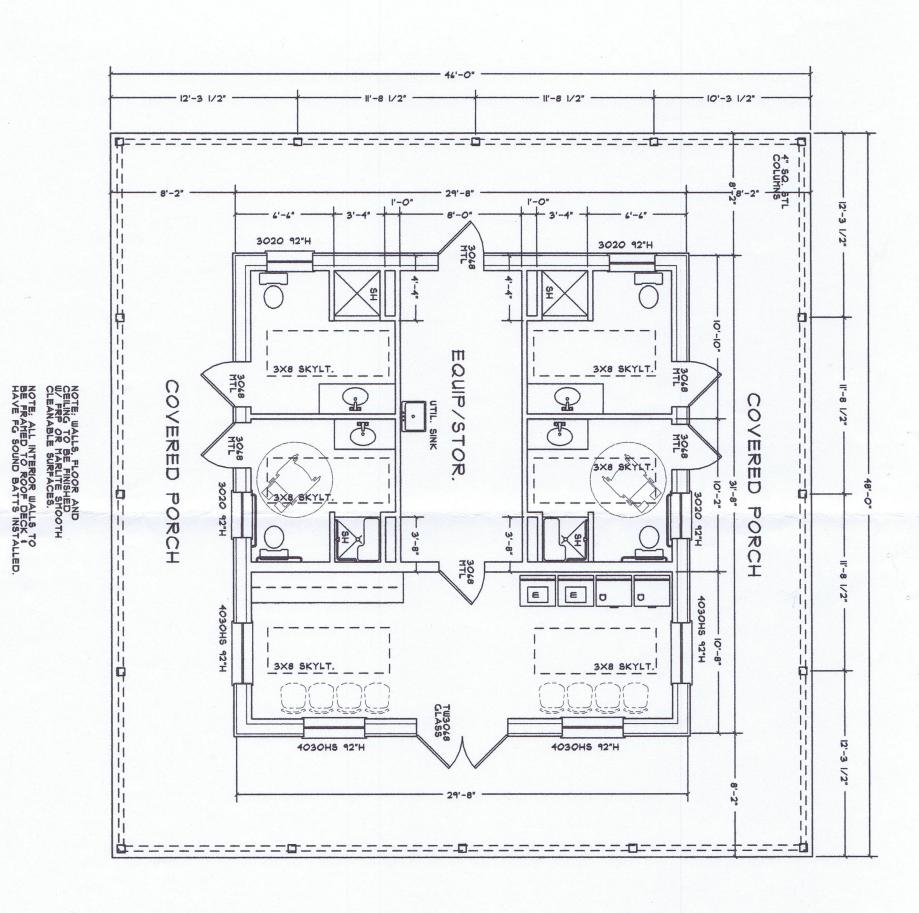


Pool Bathroom, two door, two toilets, two sinks, No heat, no air

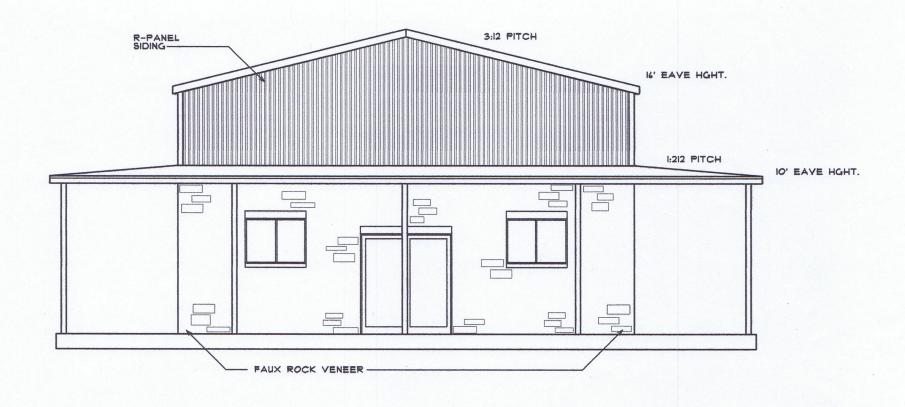


Pavilion will be 24 x 40 x 10 tall, open pole barn

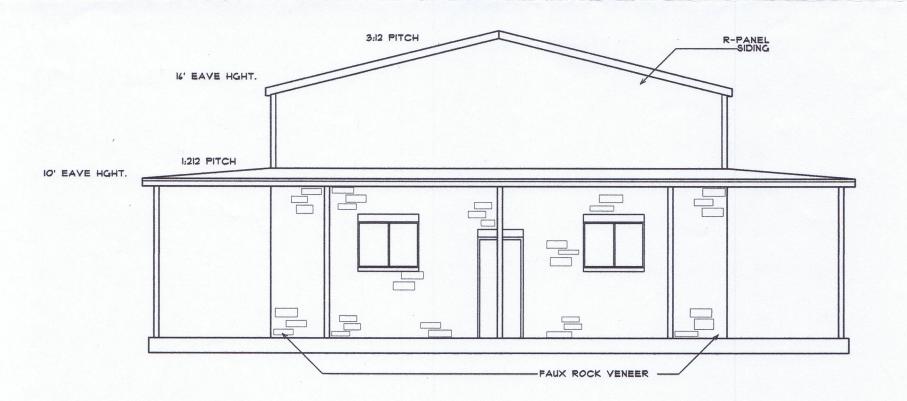
Columns will be treated 6x6 square post with wooden trusses and R panel roofing



Laundry Facilities and Restrooms

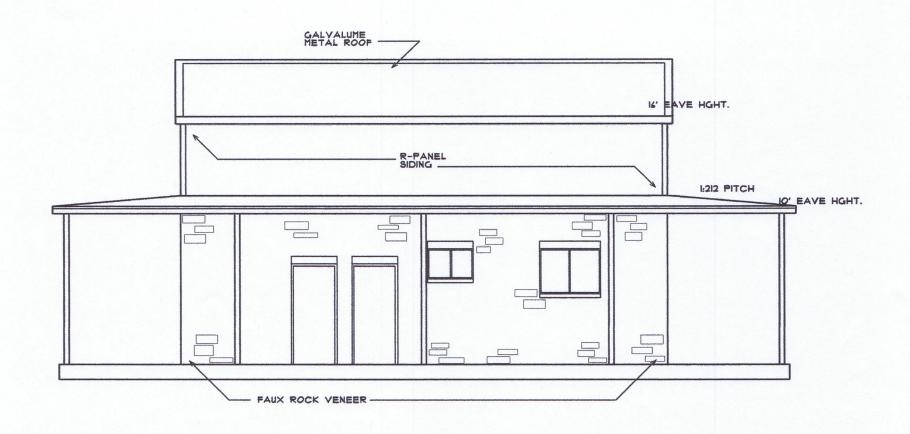


FRONT ELEVATION 1/4"

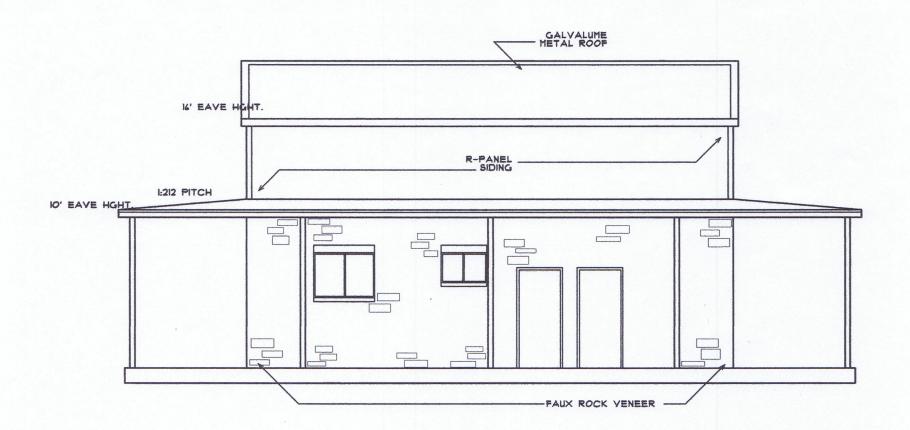


REAR ELEVATION 1/4"

Laundry Facilities and Restrooms



LEFT ELEVATION 1/4"



RIGHT ELEVATION 1/4"

ORDINANCE NO. <u>2018-4916</u> (Z-FY-18-10)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A CONDITIONAL USE PERMIT AND SITE DEVELOPMENT PLAN TO ALLOW A RECREATIONAL VEHICLE PARK ON APPROXIMATELY 18.58 ACRES SITUATED IN THE SARAH FITZHENRY SURVEY, ABSTRACT NO. 312, LOCATED AT 14220 STATE HIGHWAY 317; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, Virgel Smith, has requested a Conditional Use Permit (CUP) to allow a 72-unit recreational vehicle (RV) park on his property located at 14220 State Highway 317:

Whereas, voluntary annexation of this property was approved by Council on May 3, 2018;

Whereas, the proposed CUP will be subject to a required site development plan for the RV park - the CUP development site plan proposes 72 RV stands with a parking space at each site, which represents a density of 3.88 RVs/acre and is significantly lower than the 14 RVs/acre maximum per Chapter 31;

Whereas, the RV park proposes a private roadway providing circulation throughout the development to laundry facilities, restrooms, recreational area, private horse stables and equine area, pool, RV park office, and a dumpster area;

Whereas, although RV use is allowed in an Agricultural zoning district, the proposed CUP development site plan is not compliant with the City of Temple Code of Ordinance Section 31: Recreational Vehicle Parks, "private roadway width does not meet the minimum pavement width of 27 feet," and therefore a CUP is required;

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

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions and operation of said property being an approximately 18.58 acres situated in the Sarah Fitzhenry Survey, Abstract No. 312, located at 14220 State Highway 317, recommends that the City Council approve the application for this Conditional Use Permit for a proposed recreational vehicle park; and

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

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

- <u>Part 1</u>: 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 Conditional Use Permit (CUP) for a proposed recreational vehicle park to be located on approximately 18.58 acres situated in the Sarah Fitzhenry Survey, Abstract No. 312, located at 14220 State Highway 317, more fully described in the aerial map attached hereto as Exhibit 'A', the CUP attached hereto as Exhibit 'B,' and the site development plan attached here as Exhibit 'C', all made a part hereof for all purposes.
- <u>Part 3</u>: The Director of Planning is hereby directed to make the necessary changes to the City Zoning Map accordingly.
- <u>Part 4</u>: The declarations, determinations and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.
- <u>Part 5</u>: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.
- <u>Part 6</u>: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.
- <u>Part 7</u>: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

May,	PASSED AND APPROVED on First Reading and Public Hearing on the 17 th day or 2018.
	PASSED AND APPROVED on Second Reading on the 7 th day of June, 2018.

	THE CITY OF TEMPLE, TEXAS
	TIMOTHY A. DAVIS, Mayor
ATTEST:	APPROVED AS TO FORM:
L. D. D	
Lacy Borgeson	Kayla Landeros
City Secretary	City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/17/18 Item #14 Regular Agenda Page 1 of 5

DEPT. / DIVISION SUBMISSION & REVIEW:

Mark Baker, Senior Planner

<u>ITEM DESCRIPTION:</u> FIRST READING – PUBLIC HEARING – Z-FY-18-15: Consider adopting an ordinance authorizing amending Ordinance No. 2017-4835 to attach a site plan showing a Popeye's and Arby's restaurants on Lots 2 & 3, Block 1, Heritage Square Phase II, a non-residential subdivision, located on the north side of West Adams Avenue, east of Holy Trinity Catholic High School and west of Brooks Drive, addressed as 6512 & 6490 West Adams Avenue.

STAFF RECOMMENDATION: While the above referenced conditions of Ordinance 2017-4835 are still in effect, staff recommends approval of amending Ordinance 2017-4835 with the following additional Development/ Site Plan condition:

 That the Director of Planning, with consultation as needed by the Design Review Committee, may be authorized to approve minor changes to the Development/ Site Plan which include but not limited to: overall lot layout, landscaping, exterior building elevations/ materials, parking configuration, buffering and screening materials, in compliance with minimum UDC development standards.

<u>PLANNING & ZONING COMMISSION RECOMMENDATION:</u> During the April 16, 2018, meeting, the Planning & Zoning Commission voted eight to zero to recommend approval of the proposed development/ site plan per staff's recommendation.

During the meeting it was discussed that Public Works staff is awaiting calculation and a report regarding underground drainage. It was understood that the applicant is completing final steps in the report preparation. In addition, concerns from an adjacent property owner about lighting were addressed. The developer has agreed to provide a photometric lighting plan at the time of building plan submittal which will be used to identify and prevent light trespass.

<u>ITEM SUMMARY:</u> The applicant, Thomas Engineering, on behalf of Heritage Ridge Investments, requests development site plan approval, as required by the rezoning ordinance (Ordinance 2017-4835) approved by City Council on March 16, 2017, on the approximately 2.080 +/- acre, portion of the 4.820 +/- acre Planned Development-zoned property.

Per Ordinance 2017-4835, the proposed development, must comply with the following conditions, which staff confirms have been satisfied and are described as follows:

- 8. Site plan approval is required by the Planning & Zoning Commission and the City Council;
- 9. Site plan approval will include notification of property owners within 200-feet of the boundaries of the PD-GR zoned area; and
- 10. The 2.080 acres shall be screened by an eight foot solid masonry wall or solid masonry fence along the entire length of the eastern property line save and except the building set back line from West Adams Avenue and shall be made of one or a combination of the following materials: masonry, natural stone, precast masonry fence products, or other acceptable products upon consultation with the Director of Planning, as necessary.

The project is summarized in more detail as follows:

<u>SITE PLAN:</u> The site plan reflects development of Lots 2 & 3 of the Heritage Square, Phase II final plat for the two restaurant pad sites. The two restaurant pad sites are described as follows:

Popeye's (Lot #2): 2,550 square foot - Approximate dimensions 30' X 90'

Arby's (Lot #3): 2,570 SF - Approximate dimensions 30' X 87'

Both buildings will be setback approximately 75 feet from the right-of-way of West Adams Avenue (FM 2305). Both pad sites provide for parking, on-site maneuverability, drive-thru queuing with bypass (escape) lanes and landscaping. In addition, the site plan provides for the replacement of an existing six foot asphalt sidewalk, upgraded to a 10-foot concrete sidewalk. Opportunities exist for cost sharing of the upsizing to the sidewalk to 10-feet through a 380 agreement to include some additional landscaping being provided by the developer as part of that agreement opportunity.

In order to accommodate minor amendments to the site plan, to include but not limited to lot layout, parking configuration, landscaping, building elevation materials and buffering and screening may be necessary and lot configuration. Staff is proposing to accommodate any minor but necessary changes by Condition #1 as proposed above.

<u>SUBDIVISION PLAT:</u> Site development is within Lots 2 & 3 of the four-lot, one-block subdivision plat named Heritage Square, Phase II (P-FY-17-22). The plat was recorded by Bell County on April 24, 2017. The plat references a private 36-foot joint access easement which provides the only access point for the four lots.

<u>DRC REVIEW:</u> The DRC reviewed the Development/ Site Plan on April 5, 2018. While drainage concerns were discussed, there was discussion about the design for the solid masonry wall on the eastern property line. It was identified that a wall made from pre-cast materials with enhanced sound attenuation properties is recommended, which is consistent with Condition #3 of Ordinance 2017-4835. It was also identified that any maintenance issues related to a "no man's land" that resulted between the existing fence and the proposed wall would be located on the private property side and not the side of the proposed development.

BUILDING ELEVATIONS / MATERIALS / BUILDING HEIGHT: The building elevations for both restaurants are proposed using brick, simulated stone and exterior insulation and finish systems (EIFS). Popeye's proposes exterior elevations containing acme brick and simulated stone finishing. Architecturally proposed are elements reminiscent of New Orleans's French Quarter with elements of Greek revival, Art Nouveau, Art Deco and Renaissance Colonial with the use of balconies with railings and double louver shutters as well as other distinctive features such as "goose-neck" down lighting. On the other hand, Arby's, is proposed using a new and revitalized design which according to the Arby's franchise website, reflect their fast-crafted identity. While an exterior canopy will be metal with 10-foot tall posts supporting the metal canopy, exterior materials will be comprised of brick and EIFS. Aluminum is also proposed around windows.

The Popeye's restaurant is proposed to be 23-feet tall at the top of the parapet, while the Arby's is proposed to be 22-feet tall at the top of the parapet. Roofing for both restaurants is proposed to be flat and recessed to conceal mechanical equipment.

<u>PARKING:</u> A concrete paved parking area providing shared parking spaces is proposed. At the rate of one space per three seats, as required by UDC Section 7.5, the Arby's restaurant requires 15 spaces and 45, including two stalls, which are compliant with the Americans with Disabilities Act requirements (ADA) are provided. On the other hand, the Popeye's restaurant requires 23 spaces and 16, including two ADA spaces are provided for 57 typical spaces or a total of 61 spaces, which include four ADA spaces. The deficiency on Popeye's parking is being addressed through shared parking. The arrangements for shared parking, as provided for by UDC Section 7.5.3 is acceptable. The Development/ Site Plan is dimensioned and provides the minimum dimensions for circulation and parking.

<u>DRIVE-THRU / PICK-UP WINDOW / MENU & ORDER BOARDS</u>: The site shows a 10-foot drive aisle with queuing for vehicles and a parallel 12-foot bypass (escape) for both restaurants located on each building western side, reducing residential impacts. The queuing lane provides direct access to the pick-up window which runs parallel with the bypass lane. On the north side of the queuing lane is the menu board / order board, located in a manner to reduce intrusive sound, light and glare.

<u>DUMPSTER LOCATION:</u> The site plan shows separate dumpster locations for trash collection for both restaurants. Both locations are provided in the rear of their respective lots. Notable is the dumpster location for the Arby's restaurant which will be located approximately 35 feet from the eastern property line. Both dumpster enclosures will be required to comply with UDC Section 7.7.6 regarding refuse containers as well as meet the specifications of the Design and Development Standards manual.

LANDSCAPING: Site landscaping consists trees, shrubs and turf. Trees to be provided include: the Live Oak, Cedar Elm and Texas Red Oak. Shrubs include the Texas Sage and grass will consist of Bermuda and native grasses. The Landscape Plan reflects the number of plants and the diameter of the plants at breast height (DBH). Per UDC Section 7.4, site landscaping is required to contain a minimum 5% of the lot area is described in more detail as follows:

Popeye's Site Landscaping (Lot #2): The Popeye's site landscaping consists of 30% of the overall lot area to be landscaped. Per UDC Section 7.4.4, at the rate of one tree per 40 feet of linear street frontage, 2.5 trees required and three are provided. Compliance with code requirements will be made at the review of building plans.

Arby's Site Landscaping (Lot #3): The Arby's site landscaping consists of 25% of the overall lot area to be landscaped. Per UDC Section 7.4.4, at the rate of one tree per 40 feet of linear street frontage, five trees are required and five are provided. Compliance with code requirements will be made at the review of building plans.

SCREENING & BUFFERING: Screening and buffering will be provided by an eight foot tall solid masonry wall, landscaping and restaurant pad locations are described in more detail as follows:

Pre-Cast Concrete Screening Wall: An eight foot tall pre-cast concrete screening wall is proposed along the 258 +/- foot eastern property line. While the site plan does not depict a detail of the wall, the wall would meet the requirements of Ordinance 2017-4835, consistent with UDC Section 7.7.5. It should be noted that a "no man's land", varying between two feet and five feet, is being created between the location of the existing wood privacy fence and the proposed wall. The "no man's land" will be created within the private property owner's side and is not the responsibility of the developer, as discussed earlier in this report. The developer has agreed to coordinate with the adjacent property owner to eliminate the creation of the "No man's land" as a result of the masonry wall.

20-foot Landscape Strip: The applicant has agreed to provide grass and irrigation within the existing 15-foot drainage easement along the eastern property line. In addition trees and shrubs, as described earlier, will be provided within a five foot landscape strip outside of the drainage easement.

Restaurant Pad Location(s): The Popeye's pad site (Lot 2) will be located approximately 230 feet from the eastern property line. The Arby's pad site (Lot 3) will be located closest to the residences, at approximately 75 feet from the eastern property line. Drive-through windows have been located on the western sides of both pad sites.

While the 20-foot landscape strip and the eight foot tall masonry fence exceed minimum buffering and screening standards as provided for by UDC Section 7.7. Collectively, the additional buffering measure with the location of the Arby's restaurant pad site, the applicant has made a significant effort to buffer and screen the impacts of the restaurant uses from the existing single family uses, as further detailed elsewhere in this report.

<u>SIGNAGE:</u> Undimensioned signage is shown on the building elevations to render approximate size and location of franchise signage. Compliance with UDC Section 7.6 will be made with the review of separate sign permit applications. A pole or freestanding sign location is not reflected on the site plan but would require review of a separate sign permit application.

<u>DRAINAGE:</u> The subject property is undeveloped and has been used for recent agricultural cultivation. Although drainage concerns have been discussed during the DRC process, to date, a Drainage Report and calculations have been reviewed by Public Works. Public Works is confident that remaining comments can be addressed during the review of the Construction Plans.

<u>PUBLIC FACILITIES:</u> Sewer is available from an existing six inch sewer line in West Adams Avenue Water is available through a four inch water line in West Adams Avenue, which will be expanded to six inch to serve the four lot subdivision. Provisions for utilities was addressed by the Heritage Square, Phase II final plat that was recorded on April 24, 2017.

<u>ACCESS</u>: While both restaurant pads front along West Adams Avenue (FM 2305), direct access to each pad site will be from a private 36-foot wide access easement providing 36 feet of pavement for clear two-way travel lanes as well as a fire lane. The driveway cut was addressed during the platting process for the Heritage Square final plat and was reviewed by TxDOT during that time. No issues have been identified.

TXDOT DRIVEWAY: TxDOT has confirmed that the driveway has been permitted in alignment with the recorded joint access easement. The easement provides access to all four lots within the Heritage Square final plat. TxDOT has also confirmed that there will be no additional driveway access points granted and so access to these lots will be limited to this one permitted driveway.

<u>PUBLIC NOTICE:</u> Fourteen 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. Per Ordinance 2017-4835, notice was to include all properties within 200-feet of the PD-NS zoned area. As of Thursday May 6, 2018 at 9:00 AM, four notices, three of which represent by the same property owner, have been received. In addition, staff has had a phone conversation with an adjacent property owner regarding concerns about the wall and maintenance concerns from a created "no man's land." Staff will provide an update at the Planning & Zoning Commission meeting, if necessary.

The newspaper printed notice of the public hearing on April 5, 2018, in accordance with state law and local ordinance.

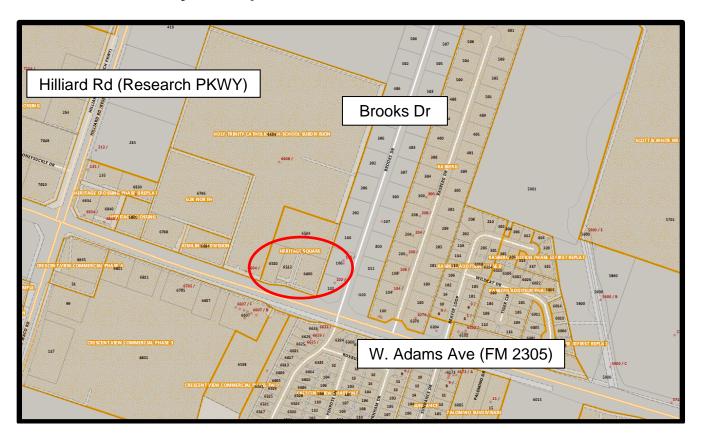
SCHOOL DISTRICT: Belton ISD

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Vicinity Map & Photos
Ordinance 2017-4835
Site Plan
Existing Conditions & Utilities Plan
Landscape Plan
Building Elevations (Popeye's & Arby's)
Notification Map
Returned Property Notices
P&Z Excerpts (April 16, 2018)
Ordinance

Vicinity Map & Street View Photo



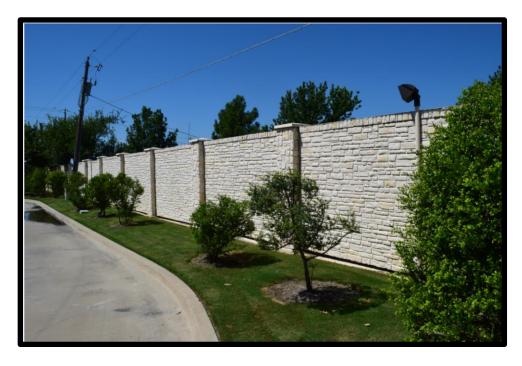
Vicinity Map (City of Temple GIS Maps)



Street View (Google Earth Maps): Looking northeast from FM2305



Eastern Property Boundary:
Note location of fence & approximate property boundary line by change of vegetation



Pre-Cast Concrete Wall:
A pre-cast concrete wall (similar to example in photo) is proposed along eastern property boundary

ORDINANCE NO. <u>2017-4835</u> (Z-FY-17-14)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM OFFICE ONE ZONING DISTRICT TO **GENERAL** RETAIL ZONING DISTRICT ON APPROXIMATELY 2.740 ACRES, AND FROM OFFICE ONE TO PLANNED GENERAL DEVELOPMENT RETAIL ZONING DISTRICT APPROXIMATELY 2.080 ACRES, A PORTION OF AN APPROXIMATELY 4.820 ACRE TRACT OF LAND, SITUATED IN THE NANCY CHANCE SURVEY, ABSTRACT NO. 5, BELL COUNTY, TEXAS, AND LOCATED AT 6490 WEST ADAMS AVENUE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE: AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

- <u>Part 1</u>: The City Council approves a rezoning from Office One zoning district to General Retail zoning district on approximately 2.740 acres and from Office One to Planned Development-General Retail on approximately 2.080 acres, a portion of an approximately 4.820 acre tract of land, situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 6490 West Adams Avenue, 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 Office One zoning district to General Retail zoning district on approximately 2.740 acres as depicted in Exhibit 'B' attached hereto and made a part hereof for all purposes.
- **Part 3:** Staff recommends approval of a rezoning from Office One to Planned Development-General Retail on approximately 2.080 acres as depicted in Exhibit 'B' and subject to the following conditions:
 - 1. Site plan approval is required by the Planning & Zoning Commission and the City Council;
 - 2. Site plan approval will include notification of property owners within 200-feet of the boundaries of the PD-GR zoned area; and
 - 3. The 2.080 acres shall be screened by an eight foot solid masonry wall or solid masonry fence along the entire length of the eastern property line save and except the building set back line from West Adams and shall be made of one or a combination of the following materials: masonry, natural stone, precast masonry fence products, or other acceptable products upon consultation with the Director of Planning, as necessary.
- <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 2nd day of March, 2017.

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

THE CITY OF TEMPLE, TEXAS

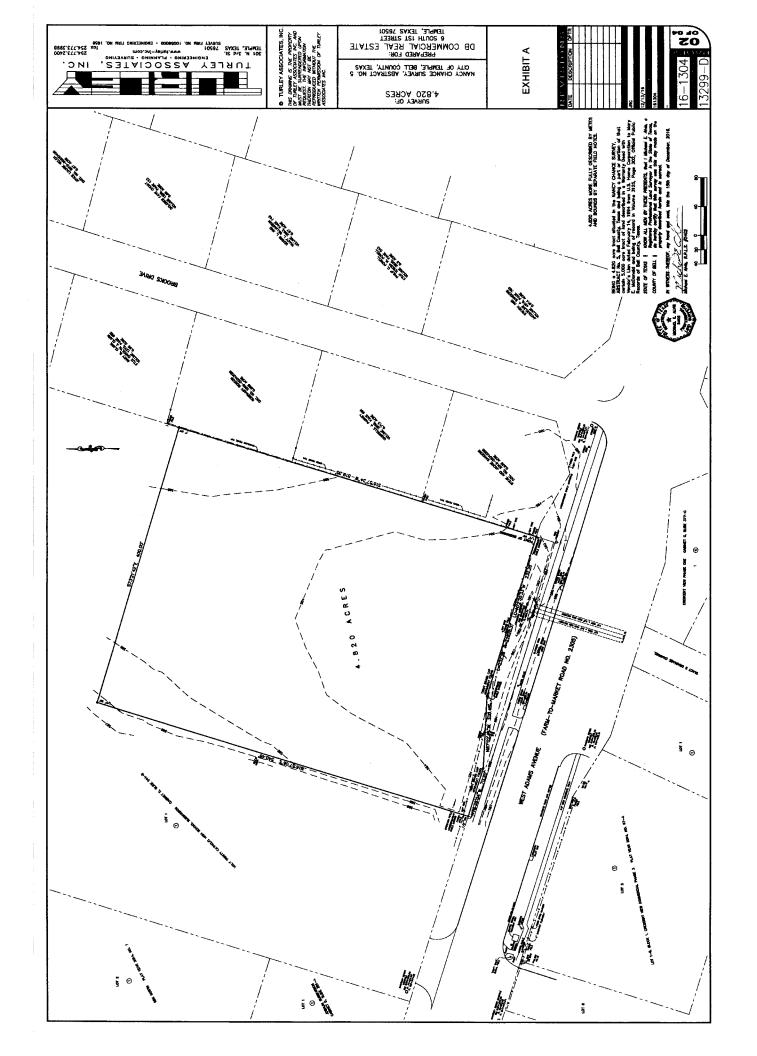
DANIEL A. DUNN, Mayor

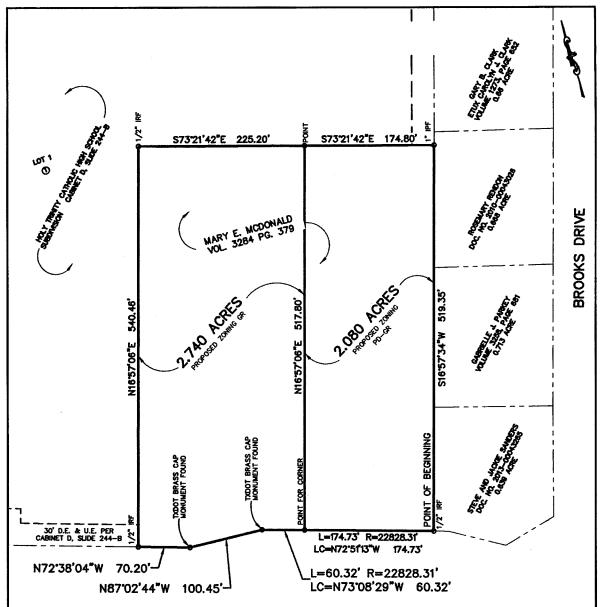
APPROVED AS TO FORM:

Kayla Landeros

City Attorney

ATTEST:





WEST ADAMS AVENUE (FARM-TO-MARKET ROAD NO. 2305) NOTES: WEST ADMINISTRATION OF THE CALCULATED POINTS, UNLESS OTHERWISE SPECIFIED. 2.142 ACRE MORE FULLY DESCRIBED BY METES AND BOUNDS BY SEPARATE FILED NOTES.

BEING a 2.080 acre tract situated in the NANCY CHANCE SURVEY, ABSTRACT No. 5, Bell County, Texas and being a part or portion of that certain 5.000 acre tract of land described in a Warranty Deed with Vendor's Lien dated February 14, 1994 from U.S. Home Corporation to Mary E. McDonald and being of record in Volume 3125, Page 302, Official Public Records of Bell County, Texas.



STATE OF TEXAS \[\]

KNOW ALL MEN BY THESE PRESENTS, that I Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this survey was this day made on the ground of the property described herein and is correct and that there are no discrepancies, conflicts, shortages in the COUNTY OF BELL }

area, easements, and right-of-ways except as shown hereon, that this tract of land has access to and from a public road, and I have marked all corners with monuments.

This Property is not within the Special Flood Hazard Area as per the Federal Emergency Management Agency Federal Insurance Administration Map No. 48027C0335E, dated September 26, 2008.

IN WITNESS THEREOF, my hand and seal, this the 24th day of February, 2017.

Michael E. Alvis, R.P.L.S., No. 5402

EXHIBIT B



ZONING TRACT HERITAGE SQUARE
NANCY CHANCE SURVEY, ABSTRACT NO. 5
CITY OF TEMPLE, BELL COUNTY, TEXAS

DATE: 2/8/2017	SCALE:	ALE	OWN. BY: MRG
REFERENCE: 13299-D/16	-1304	F.B. & 1	SKETCH
FILE NO: 16-1304		SHEET:	1

BEING a 2.080 acre tract situated in the NANCY CHANCE SURVEY, ABSTRACT No. 5, Bell County, Texas and being a part or portion of that certain 5.000 acre tract of land described in a Warranty Deed with Vendor's Lien dated February 14, 1994 from U.S. Home Corporation to Mary E. McDonald and being of record in Volume 3125, Page 302, Official Public Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron rod found being in the east boundary line of the said 5.000 acre tract and being in the north right-of-way line of Farm-to-Market Road No. 2305 (also known as West Adams Avenue) as described in a Deed dated March 3, 1995 from Mary E. McDonald to the State of Texas and being of record in Volume 3284, Page 379, Official Public Records of Bell County, Texas and being the southwest corner of that certain 0.639 acre tract of land described in a Warranty deed with Vendor's Lien dated September 30, 2013 from Bok Nim Buckland to Steve Sanders and Jackie Sanders and being of record in Document No. 2013-00043265, Official Public Records of Bell County, Texas and being at the beginning of a curve to the left having a radius equals 22,828.31 feet (calls 22,828.31 feet), chord bearing equals N. 72° 51′ 13″ W., 174.73 feet for corner;

THENCE 174.73 feet departing the said east boundary line and the said 0.639 acre tract and with the said north right-of-way line of Farm-to-Market Road No. 2305 (West Adams Avenue) and over and across the said 5.000 acre tract to a point for corner;

THENCE N. 16° 57′ 06" E., 517.80 feet departing the said north right-of-way line and continuing over and across the said 5.000 acre tract to a point being in the north boundary line of the said 5.000 acre tract and being in a south boundary line of that certain 31.108 acre tract of land described as Lot 1, Block 1, Holy Trinity Catholic High School Subdivision according to the map or plat of record in Cabinet D, Slide 244-B, Plat Records of Bell County, Texas for corner;

THENCE S. 73° 21′ 42″ E., 174.80 feet with the north boundary line of the said 5.000 acre tract (calls N. 71° 18′ 52″ W., 400.00 feet) and with a southerly boundary line of the said Lot 1, Block 1, Holy Trinity Catholic High School Subdivision (calls N. 73° 23′ 16″ W., 400.17 feet) to a 1″ iron pipe found being the northeast corner of the said 5.000 acre tract and being the most easterly southeast corner of the said Lot 1, Block 1, Holy Trinity Catholic High School Subdivision and being in the west boundary line of that certain 0.668 acre tract of land described in a Deed to Rosemary Rendon and being of record in Document No. 2010-00043026, Official Public Records of Bell County, Texas for corner;

THENCE S. 16° 57′ 34″ W., 519.35 feet departing the said Lot 1, Block 1, Holy Trinity Catholic High School Subdivision and with the east boundary line of the said 5.000 acre tract (calls N. 19° 00′ 00″ E., 544.50 feet) and with the west boundary line of the said 0.668 acre tract and continuing with the west boundary line of that certain 0.713 acre tract of land described in a Deed to Gabrielle J. Parkey and being of record in Volume 3258, Page 681, Official Public Records of Bell County, Texas and continuing with the west boundary line of the aforementioned 0.639 acre tract of land (Document No. 2013-00043265) to the Point of BEGINNING and containing 2.080 acres of land.

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

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

February 23, 2017

EXHIBIT B

Page 1 of 2



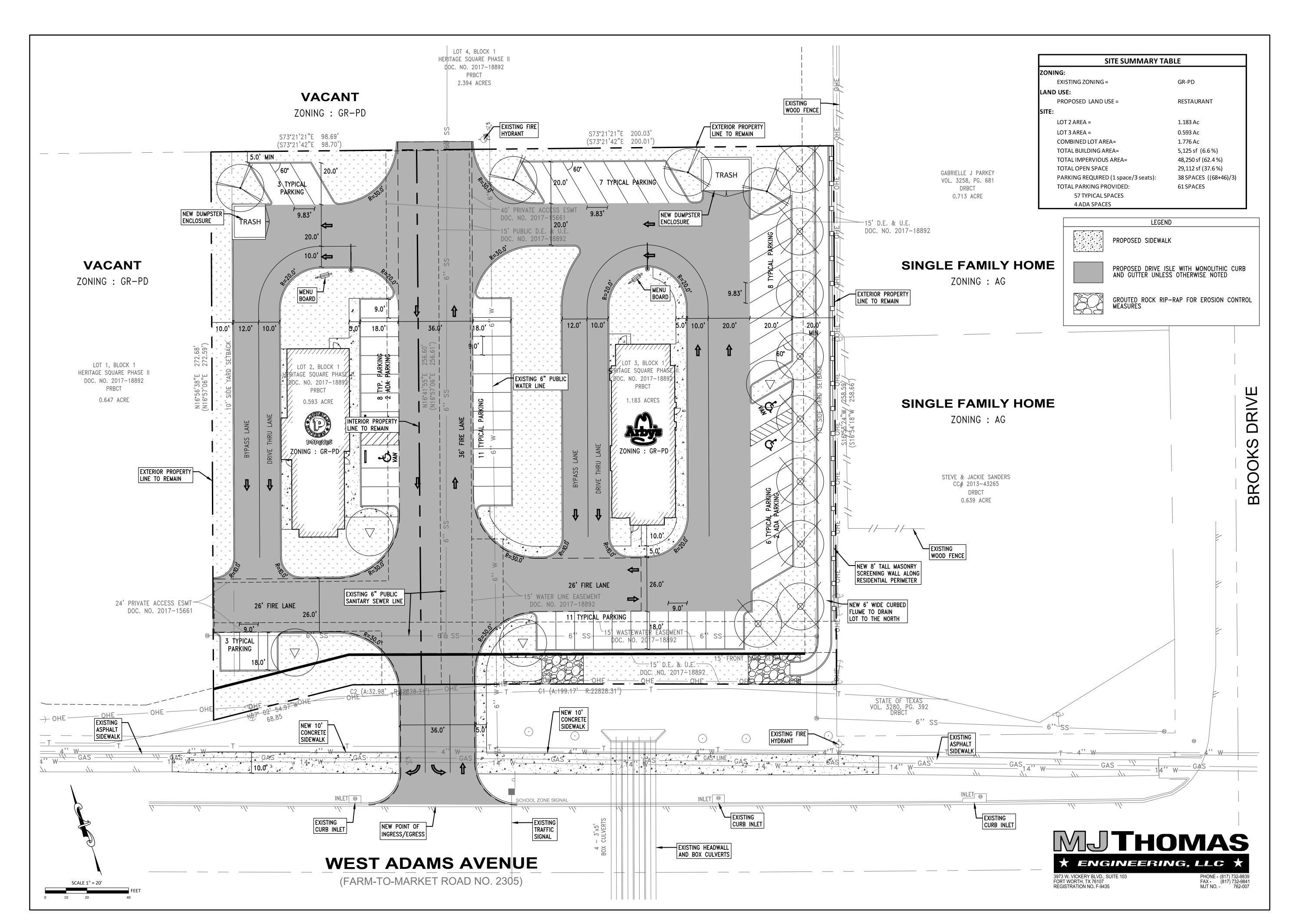
THIS PROJECT IS REFERENCED TO THE CITY OF TEMPLE COORDINATE SYSTEM, AN EXTENSION OF THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE. ALL DISTANCES ARE HORIZONTAL SURFACE DISTANCES UNLESS NOTED AND ALL BEARINGS ARE GRID BEARINGS.

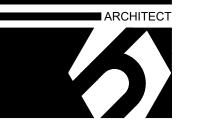
ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 511
THE THETA ANGLE AT SAID CITY MONUMENT IS 01° 30' 27"
THE COMBINED CORRECTION FACTOR (CCF) IS 0.999856
PUBLISHED CITY COORDINATES ARE X = 3,212,276.86 Y = 10,381,314.93
THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) IS N. 73° 24' 26" W., 1272.06 FEET.
GRID DISTANCE = SURFACE DISTANCE X CCF
GEODETIC NORTH = GRID NORTH + THETA ANGLE

EXHIBIT B

Page 2 of 2







Holtman Designworks Inc. Firm No: BR-437

403 US 377 S. Argyle, Texas 76226 Project Architect: Matthew R. Holtman

T: 940-240-0491 Sun Holdings, LLC 4055 Valley View Lane

Dallas, Texas 75244 Project Manager: David Grates T: 972-232-2318

Meyer Engineering & Planning Firm No. F-1437

4005 Coronado Drive Plano, Texas Project Engineer: Jim Meyer 972.814.6461

STRUCTURAL ENGINEER HNH Engineering
Firm No. F-13825 6421 Camp Bowie Blvd #416

Fort Worth, Texas Project Engineer: Will Herbert 817.713.4977

MJ Thomas Engineering

Firm Reg # F-9435 3973 W Vickery Blvd., Suite 103 Fort Worth, Texas 76107 Project Engineer: Michael Thomas 817.732.9839

LANDSCAPE ARCHITECT Meeks Design Group 1755 N. Collins Blvd., Suite 300

Richardson, TX. 75080

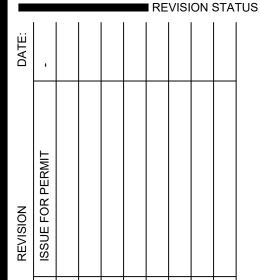
Project Landscape Architect: Brandon Booher 972.690.7474

> Avenue s. 76502 estaurant Texas. 2400 spire



PRELIMINARY

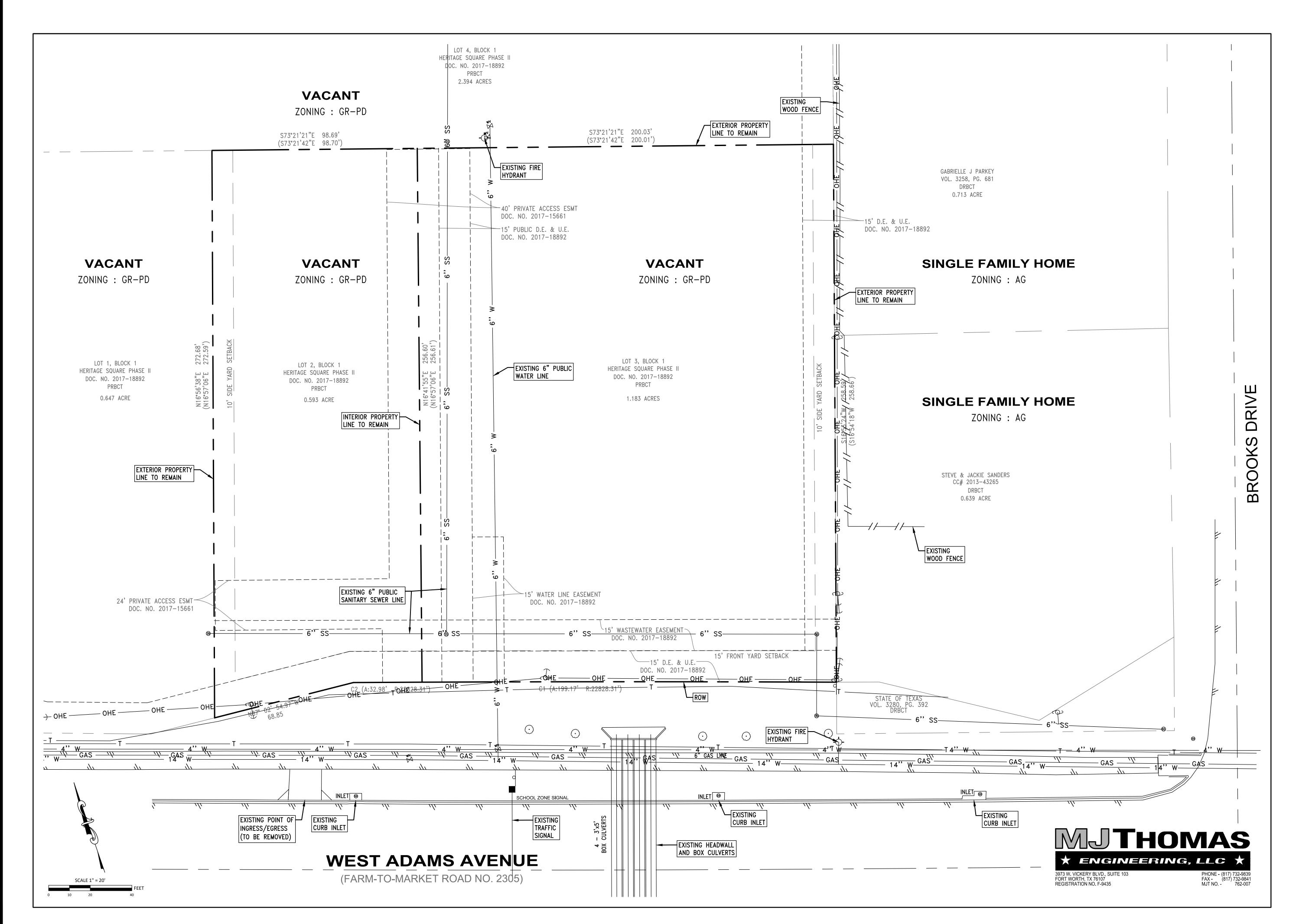
BIDDING, OR PERMIT PURPOSES. THEY WERE PREPARED BY, OR UNDER SUPERVISION OF:



DRAWN BY: CHECKED BY: PROJECT MANAGER:

SHEET 2

PROPOSED CONDITIONS





Holtman Designworks Inc. Firm No: BR-437

403 US 377 S. Argyle, Texas 76226 Project Architect: Matthew R. Holtman

T: 940-240-0491

Sun Holdings, LLC 4055 Valley View Lane

Dallas, Texas 75244 Project Manager: David Grates
T: 972-232-2318

Meyer Engineering & Planning Firm No. F-1437

4005 Coronado Drive Plano, Texas

Project Engineer: Jim Meyer 972.814.6461

STRUCTURAL ENGINEER
HNH Engineering
Firm No. F-13825

6421 Camp Bowie Blvd #416 Fort Worth, Texas Project Engineer: Will Herbert 817.713.4977

MJ Thomas Engineering

Firm Reg # F-9435 3973 W Vickery Blvd., Suite 103 Fort Worth, Texas 76107 Project Engineer: Michael Thomas

817.732.9839 LANDSCAPE ARCHITECT

Meeks Design Group 1755 N. Collins Blvd., Suite 300 Richardson, TX. 75080

Project Landscape Architect: Brandon Booher 972.690.7474

estaurant

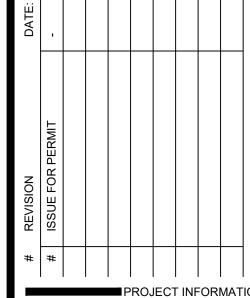
2400

Inspire

Texas.



PRELIMINARY



DRAWN BY:

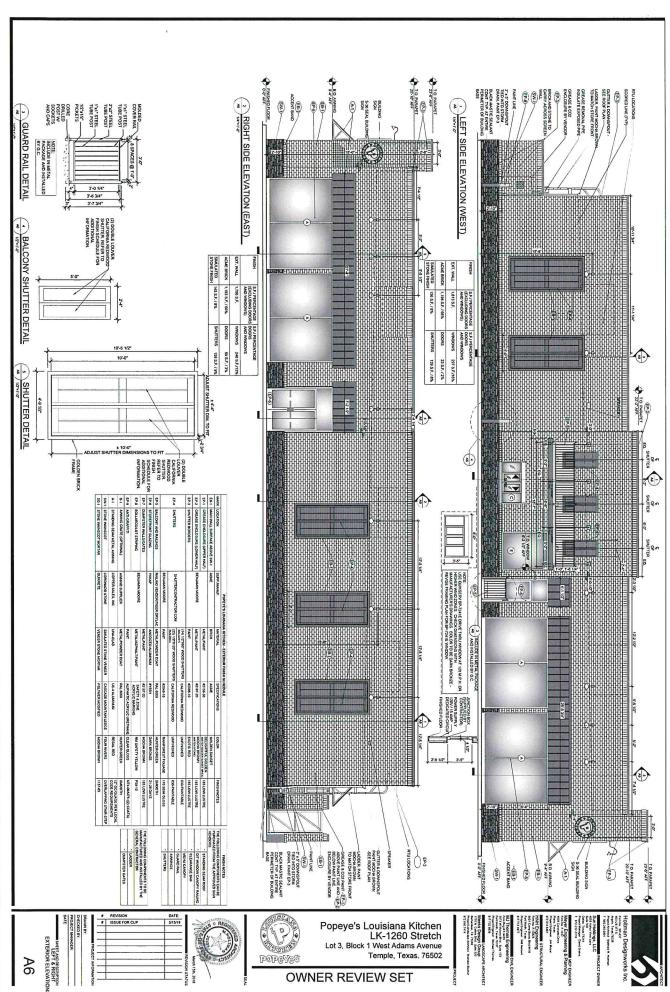
PROJECT MANAGER:

SHEET 1

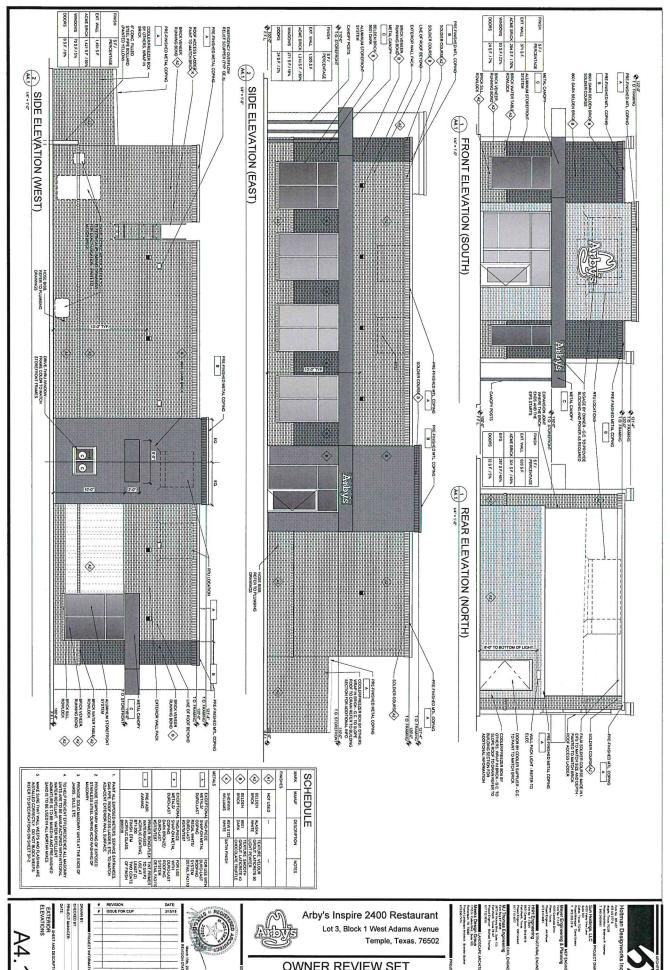
EXISTING CONDITIONS



OWNER REVIEW SET



OWNER REVIEW SET

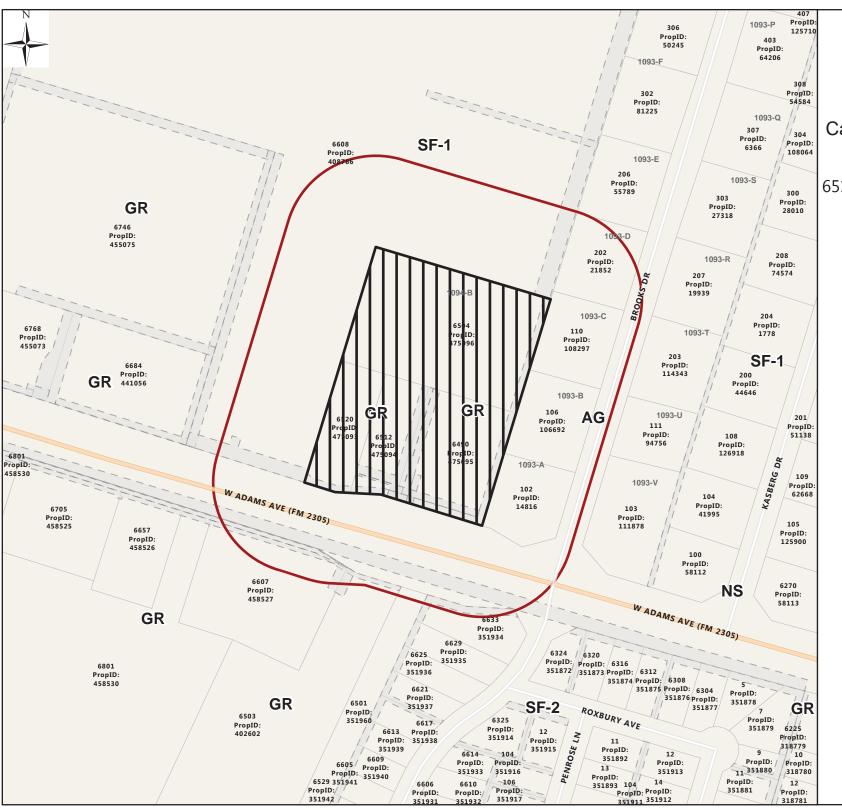


A4.1



Temple, Texas. 76502

OWNER REVIEW SET



Development/ Site Plan

200' NOTIFICATION MAP

Case No.: FY-18-2-SITE

Address:

6512 & 6490 W. Adams Ave

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.

mbaker

Date: 3/22/2018





RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

HERITAGE RIDGE INVESTMENTS LLC 6 S 1ST ST TEMPLE, TX 76501-7604

Zoning Application Number: FY-18-2-SITE

Case Manager: Mark Baker

Location: Situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located north of West Adams Avenue, west of Brooks Drive, and east of Holy Trinity High School

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.

(p) agree	() disagree with this 194		
, yp	RECEIVED		
Comments:	RECEIVE		
	APR - 5 2018		
	City of Temple		
	City of Temple Planning & Development		
11/12	Michael Beeve-s		
Mute Dever	Print Name		
Signature	il a accomed version of this completed form		

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **April 16**, **2018**.

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

Number of Notices Mailed: 16

Date Mailed: March 29, 2018

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

PARKEY, GABRIELLE J 106 BROOKS DR TEMPLE, TX 76502-6351

Zoning Application Number: FY-18-2-SITE

Case Manager: Mark Baker

Location: Situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located north of West Adams Avenue, west of Brooks Drive, and east of Holy Trinity High School

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
I Have Son	me Concerns & I would like to talk to someone
Comments:	
Lighting/Signage	Heers of Operation
3 . , , ,	0
Fencing Iwall	
/ '	
Drive Thru	
Sahille Lashun	appriette farker
Signature	Print Name
It you would like to submit a response, pl	ease email a scanned version of this completed form to

It—you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, <u>mbaker@templetx.gov</u> or mail or hand deliver this comment form to the address below, no later than **April 16, 2018**.

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

Number of Notices Mailed: 16 Date Mailed: March 29, 2018

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

EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

MONDAY, APRIL 16, 2018

ACTION ITEMS

Item 3: FY-18-2-SITE – Hold a public hearing to discuss and recommend action on amending Ordinance No. 2017-4835 providing for Development/ Site Plan approval for Popeye's and Arby's restaurants on Lots 2 & 3, Block 1, Heritage Square Phase II, a non-residential subdivision, located on the north side of West Adams Ave, east of Holy Trinity Catholic High School and west of Brooks Drive, addressed as 6512 & 6490 West Adams Avenue.

Mr. Mark Baker, Senior Planner, stated this item is scheduled to go forward to City Council for first reading on May 17, 2018 and second reading on June 7, 2018.

This is from a rezoning of 2.080 +/-acres from Office One (O-1) to Planned Development Neighborhood Services (PD-NS) approved on March 16, 2017 by Ordinance No. 2017-4835.

The subject property is platted under Heritage Square, Phase II Replat, 4-Lot, I-Block, recorded April 24, 2017 - Lot 2 (Popeye's) and Lot 3 (Arby's).

DRC reviewed this item on April 5, 2018.

The PD Ordinance requires Site/ Development Plan public review.

On-site photos shown.

Site Plan:

Popeye's (Lot 2) 30-feet X 90-feet (2,550 square feet)

Arby's (Lot 3) 30-feet X 87-feet (2,570 square feet)

Both buildings setback approximately 75-feet from FM 2305

Provisions for a 10-foot concrete sidewalk on the site plan

Parking:

1 space per 3 seats

Arby's - 15 spaces required - 45 being provided

Popeye's - 23 spaces required - 16 being provided

4 handicapped = 61 Total spaces

Shared Parking Agreement (Per UDC Sec. 7.5.3) is acceptable to address any deficiencies

Drive-Through Windows and Menu Board:

10-foot Drive Aisle with Pickup Window

12-foot Bypass (escape aisle)

Menu and order box (North end of Que)

Aisles are located on west side of both restaurants

Public Facilities:

Sewer: six-inch sewer line in FM 2305 Water: four-inch water line in FM 2305

Provisions for utilities addressed with Heritage Square, Phase II plat - Recorded April

2017

Landscaping:

Minimum of five percent of lot to be landscaped per UDC 7.4

Popeye's: providing 30 percent

Arby's: providing 25 percent

Proposed materials are acceptable per UDC Sec. 7.4

Minor relocations of shrubs may be necessary for screening and buffering - Suggested condition for minor site plan modifications

Buffering and Screening:

Five-foot landscape strip with trees and shrubs PLUS a 15-foot drainage easement with irrigated grass on the east side is acceptable as a 20-foot landscape buffer

Eight-foot masonry wall along 258 +/- feet of eastern property boundary will be provided

Arby's building pad is located 75 feet from the eastern property line

Dumpster Location:

Located in the rear (North) ends of respective lots

Dumpster for Arby's located approximately 35-feet from the eastern property line

Access:

36-foot wide private joint access drive from FM 2305 to access the four platted lots

Meets fire lane requirements

TxDOT has confirmed driveway aligns with existing joint access drive

Buffering and Screening:

Five-foot landscape strip with trees and shrubs PLUS a 15-foot drainage easement with irrigated grass is acceptable as a 20-foot landscape buffer

Eight-foot masonry wall along 258 +/- feet of eastern property boundary

Arby's building pad is located 75 feet from eastern property line

Popeye's Building Elevations and materials:

Acme Brick

Simulated Stone Finish

Architecturally reminiscent of New Orleans' French Quarter

Greek Revival

Art Nouveau

Art Deco

Renaissance Colonial

Building height – 23-feet tall at parapet

Each elevation will contain more than the minimum 70 percent masonry materials (tables provided) - in compliance with UDC Sec. 7.8.4F

Arby's Building Elevations and materials:

Acme Brick

Exterior Insulation and Finish System (EIFS)

Four 10-foot canopy posts

Metal Canopy

Building Height 22-feet tall at parapet

Each elevation will contain more than the minimum 70 percent masonry materials (tables provided) - in compliance with UDC Sec. 7.8.4F

Signage:

Building elevations show undimensioned wall mounted franchise signage

Site Plan review does not include signage approval – only shown for reference

Signage is reviewed by a separate application process – not part of this review

Signage shall comply to UDC Section 7.6

Fourteen notices were mailed in accordance with all state and local regulations with three responses returned in agreement and zero responses returned in disagreement.

The three Conditions of Approval in Ordinance 2017-4835 are still in effect and complied with.

While the requirements of Ordinance 2017-4835 are still in effect, Staff recommends approval to amend Ordinance No. 2017-4835 for Development/ Site Plan approval, subject to the following additional condition:

 That the Director of Planning, with consultation as needed by the Design Review Committee (DRC), may be authorized to approve minor changes to the Development/Site Plan which include but not limited to: overall lot layout, landscaping, exterior building elevations/ materials, parking configuration, buffering and screening materials, in compliance with minimum UDC development standards Mr. Brian Chandler, Director of Planning, asked to add something since it is not reflected in the PowerPoint presentation. In working with the Engineering staff, it has become apparent that the drainage reports are still lacking. Staff is working with the applicant to make sure the City's Engineering staff have sufficient time to review the drainage reports prior to going to City Council.

Mr. Chandler also confirmed that outdoor seating is not required like it is in TMED.

Mr. Chandler deferred to Mr. Mickey Thomas, the engineer, for drainage questions.

Mr. Mickey Thomas, MJ Thomas Engineering, 3973 West Victory Blvd., Ft. Worth, Texas, stated the site basically drains from north to south. Mr. Thomas has been working with Mr. Michael Beevers to come up with an acceptable plan as far as what is coming to the existing culverts. Due to the issues on the property, on-site detention (underground) will be needed.

Mr. Thomas explains the drainage challenges, the underground detention process, and maintenance of the drainage system for both lots.

Chair Fettig stated he did not see any information about lighting and requested more information on the lighting situation.

Mr. Baker stated there are requirements in the Unified Development Code (UDC) for lighting and any plans submitted regarding lighting would need to comply. Nothing was submitted specifically for the lighting.

Mr. Richard Wilson, Deputy City Engineer, confirmed that the City has done underground detention ponds and named some of the newer businesses that use the system. Mr. Wilson agreed they work well.

Chair Fettig opened the public hearing.

Ms. Jan Wesley, 106 Brooks Drive, Temple, Texas, stated she lives on the east side of the development. Ms. Wesley was concerned about lighting since her back yard abuts the project and wondered how it would work without trespassing onto her property.

Ms. Wesley asked about the size of the sign since they also are illuminated.

Mr. Michele Haddad, 4055 Valley View Lane, Dallas, Texas, stated he was aware of concerns about lighting and explained they will have a photometric done and the pole lights will be on a timer so the lights will not be shining all the time. For security reasons, the lights will be shining until all staff leaves and then will turn off automatically.

As far as the lighting of the buildings, the faceplate of the signage covers up all the brightness of the sign and the goose neck lights on Popeye's just shine on the building itself and are not LED.

The retaining wall will act as a buffer as well.

Ms. Wesley asked about the placement of the dumpster on the Arby's side which is right next to her property and was it possible to move it.

Mr. Thomas responded to Ms. Wesley explaining the dumpster location is predicated by City Ordinance and the constraints of the shape and size of the subject property. They must meet certain requirements and this was the best location based on those standards. The dumpster will have a masonry enclosure.

Ms. Wesley was more concerned about the odors than what it looked like.

Ms. Wesley points out her property and comments Arby's fence only goes to the midway point of her fence/property. Her concerns were how this issue would be dealt with and how would she maintain that area.

Mr. Thomas explained the fence would be on the Arby's and Popeye's property which they are required to do. Mr. Thomas suggested if it was alright with Ms. Wesley and the other neighbors, they would pull that section of fence down and tie those back into their wall.

Ms. Wesley does not want a gap between fences there and would be agreeable to tie into a new fence. Ms. Wesley also has small dogs and does not want them to get loose.

Mr. Thomas explained there would be a two-inch to four-inch drainage gap in the fence for drainage.

Mr. Thomas reiterated they would be doing a photo metrics plan to ensure the required light spread.

Arby's will not be opened 24 hours.

The drainage will have no effect on the septic systems.

The menu box has been moved over in order to minimize noise and direct it away from the residents but it still remains within the required distance.

Ms. Wesley asked about future development and if the fence would be the same.

Mr. Mike Beevers, 5101 FM 439, Belton, Texas, stated whatever fence was decided to be installed it would be carried out to the eastern boundary of Lot 4.

Mr. Michele Haddad returned to address the dumpster situation and suggested they could increase the pick-up times and/or enclose the dumpster pad on top if needed.

There being no further speakers, the public hearing was closed.

Commissioner Ward made a motion to approve Item 3, **FY-18-2-SITE**, as presented by Staff, and Commissioner Walker made a second.

Motion passed: (8:0)
Commissioner Armstrong absent.

ORDINANCE NO. <u>2018-4917</u> (FY-18-15)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE NO. 2017-4835 FOR A PLANNED DEVELOPMENT / SITE PLAN SHOWING A POPEYE'S AND ARBY'S RESTAURANT ON LOTS 2 & 3, BLOCK 1, HERITAGE SQUARE PHASE II, A NON-RESIDENTIAL SUBDIVISION, LOCATED ON THE NORTH SIDE OF WEST ADAMS AVENUE, EAST OF HOLY TRINITY CATHOLIC HIGH SCHOOL AND WEST OF BROOKS DRIVE, ADDRESSED AS 6512 AND 6490 WEST ADAMS AVENUE, TEMPLE, TEXAS; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, applicant, Thomas Engineering, on behalf of Heritage Ridge Investments, requests Development / Site Plan approval as required by rezoning Ordinance 2017-4835 approved by City Council on March 16, 2017, on an approximately 2.080 acre portion of the approximately 4.820 acre Planned Development zoned property;

Whereas, per Ordinance No. 2017-4835, the proposed development must comply with the following conditions:

- 1. Site plan approval is required by the Planning & Zoning Commission and City Council;
- 2. Site plan approval will include notification of property owners within 200-feet of the boundaries of the Planned Development General Retail zoned area; and
- 3. The approximately 2.080 acres shall be screened by an eight foot solid masonry wall or solid masonry fence along the entire length of the eastern property line save and except the building set back line from West Adams Avenue, and shall be made of one or a combination of the following materials: masonry, natural stone, precast masonry fence products, or other acceptable products upon consultation with the Director of Planning, as necessary;

Whereas, the Director of Planning, with consultation as needed by the Design Review Committee, is authorized to approve minor changes to the Site Plan which include, but are not limited to overall lot layout, landscaping, exterior building elevations/materials, parking configuration, as well as buffering and screening materials, and all such changes must be in compliance with minimum UDC development standards; and

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

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

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

Part 2: The City Council amends Ordinance No. 2017-4835 to add a Planned Development / Site Plan showing a Popeye's and Arby's restaurants on Lots 2 & 3, Block 1, Heritage Square Phase II, a non-residential subdivision, located on the north side of West Adams Avenue, east of Holy Trinity Catholic High School and west of Brooks Drive, addressed as 6512 & 6490 West Adams Avenue, as set forth more fully in Exhibit A and described in more detail by Exhibit B, attached hereto and incorporated herein for all purposes.

<u>Part 3</u>: All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

Part 4: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid phrase, clause, sentence, paragraph or section.

<u>Part 5</u>: This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

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

PASSED AND APPROVED on First Reading and Public Hearing on the **17**th day of **May**, 2018.

PASSED AND APPROVED on Second Reading on the 7th day of **June**, 2018.

	THE CITY OF TEMPLE, TEXAS
	THAOTHY A DAVIG MAYOD
	TIMOTHY A. DAVIS, MAYOR
ATTEST:	APPROVED AS TO FORM:
Lacy Borgeson	Kayla Landeros
City Secretary	City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/17/18 Item #15 Regular Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Timothy A. Davis, Mayor

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

- (A) Killeen-Temple Metropolitan Planning Organization one member to fill a position on the KTMPO Policy Board:
- (B) Planning & Zoning Commission one member to fill an unexpired term through September 1, 2020; and
- (C) Temple Economic Development Corporation one councilmember to fill a standing position.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City Council adopted a resolution in June, 2003, establishing policies governing the appointment and training of citizens to City boards.

Killeen-Temple Metropolitan Planning Organization –Mayor Dunn's term of Office as Mayor, expired on May 8, 2018. As Mayor, he was serving as the City's representative on the KTMPO Policy Board. It is requested that another city official be appointed to fill the position.

Planning & Zoning Commission – Jessica Walker was elected in May 2018 as Councilmember District 1. Before she was elected as a Councilmember, Ms. Walker was serving as a Commissioner on the Planning & Zoning Commission. It is requested that the Council fill this unexpired term.

Temple Economic Development Corporation –Mayor Dunn's term of Office as Mayor, expired on May 8, 2018. As Mayor, he was serving as the City's representative on the TEDC Board. It is requested that another city official be appointed to fill the position.

Please see the attached summary listing which has been updated to include all applications received for board appointments.

FISCAL IMPACT: N/A

ATTACHMENTS:

Board Application Summary



APPLICATION SUMMARY

BOARD APPOINTMENTS

PLANNING & ZONING COMMISSION – 3 YEAR TERMS: Meets 1ST & 3rd Monday of each month at 5:30 pm

1 Unexpired Term: Jessica Walker was elected as Councilmember District 1

APPLICATIONS ON FILE:

Manuel Alaniz Richard Arwood Melissa Tyroch-Bragg Tom Brautigan **Brent Coates** Sandra Creech Zoe Grant Carrie Guillen-Holst Patrick Guillen **Daniel Jeanes** Gaylene Nunn Kody Shed Thomas D. Sinkey **James Staats** LeRoy Vargas Steve Wolfe Donna Wright