



**MEETING OF THE  
TEMPLE CITY COUNCIL  
MUNICIPAL BUILDING  
2 NORTH MAIN STREET  
3<sup>rd</sup> FLOOR – CONFERENCE ROOM  
THURSDAY, APRIL 18, 2019  
3:00 P.M.  
AGENDA**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, April 18, 2019.
2. Receive a presentation regarding demographic study.
3. Receive a presentation regarding a Temple Neighborhood Housing Strategy.
4. Receive a presentation on the City's Water Conservation and Drought Contingency Plan.
5. Discuss possible amendments to the City's Code of Ordinances, Chapter 27, "Storm Water Management".

**5:00 P.M.**

**MUNICIPAL BUILDING**

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

**TEMPLE CITY COUNCIL  
REGULAR MEETING AGENDA**

**I. CALL TO ORDER**

1. Invocation
2. Pledge of Allegiance

**II. PUBLIC COMMENTS**

Citizens who desire to address the Council on any matter may sign up to do so prior to this meeting. Public comments will be received during this portion of the meeting. Please limit comments to three minutes. No discussion or final action will be taken by the City Council.

**III. PRESENTATIONS & PUBLIC APPEARANCE**

3. (A) Receive a presentation by State Farm regarding the award of \$20,000 in grant funds to the City to purchase a swift water rescue boat and trailer.
- (B) Receive comments from Steve Ward related to early right-of-way acquisition for the Outer Loop Phase 6 Project parcels 15 and 16.

**IV. BOND ITEMS**

4. [2019-4962](#): FIRST & FINAL READING – PUBLIC HEARING: Consider adopting an ordinance authorizing the issuance of City of Temple, Texas General Obligation Refunding Bonds in one or more series; approving Official Statements, agreements related to the sale and issuance of the bonds, and the forms of Paying Agent/Registrar Agreements, bond purchase agreements and escrow agreements; establishing the procedures for selling and delivering one or more series of the Bonds; and authorizing other matters relating to the Bonds.

**V. 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.

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

## **Minutes**

- (A) [April 4, 2019 Special & Regular Called Meeting](#)
- (B) [April 5, 2019 Special Meeting](#)

## **Contracts, Leases, & Bids**

- (C) [2019-9625-R](#): Consider adopting a resolution authorizing an amendment to the professional services agreement with Stateside Right of Way Services, LLC for Outer Loop Phase 4 to increase the not to exceed amount from \$264,000 to \$301,950 to include drainage easement acquisitions for the Pepper Creek Tributary 3 Drainage Project.
- (D) [2019-9626-R](#): Consider adopting a resolution authorizing the purchase of resale food items for Lions Junction Family Aquatic Center from Performance Food Group of Temple, in the estimated amount of \$46,890.
- (E) [2019-9627-R](#): Consider adopting a resolution authorizing the purchase of a roll-off refuse truck from Lonestar Freightliner Group, LLC of Grapevine in the amount of \$159,867.65, as well as, declare an official intent to reimburse the expenditures with the issuance of 2019 Limited Tax Notes.

## **Misc.**

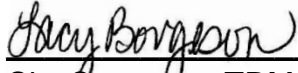
- (F) [2019-9628-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2018-2019.

## **VI. REGULAR AGENDA**

### **RESOLUTIONS**

- 6. [2019-9629-R](#): Consider adopting a resolution authorizing a transfer agreement with Temple Cemetery Company for the transfer of ownership, management, and operations of the Hillcrest Cemetery to the City of Temple.
- 7. [2019-9630-R](#): Consider adopting a resolution authorizing a services agreement with Green Ackors Landscaping, LLC of China Spring in the estimated annual amount of \$49,500 to maintain Hillcrest Cemetery.
- 8. [2019-9631-R](#): Consider adopting a resolution authorizing the purchase of CemSites Cemetery Software and Services which includes web-based software, website hosting/integration and grave mapping with the Site Industries LLC, DBA CemSites of Perryopolis, Pennsylvania in the amount of \$28,930.
- 9. [2019-9632-R](#): Consider adopting a resolution pursuant to Chapter 2206, Government Code § 2206.053 finding that a portion of a property situated in the Nancy Chance Survey, Abstract #5, Bell County, Texas, is necessary for the Outer Loop Phase 6 project and authorizing the use of eminent domain to condemn that portion of the property.

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at XX:XX pm, on Friday, April 12, 2019.



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 of Meeting Agenda was removed by me from the outside bulletin board in front of the City Municipal Building on \_\_\_\_\_ day of \_\_\_\_\_ 2019.

\_\_\_\_\_  
Title \_\_\_\_\_



## COUNCIL AGENDA ITEM MEMORANDUM

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04/18/19  
Item #3(A)  
Regular Agenda  
Page 1 of 1

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

Fire Chief, Mitch Randles

**ITEM DESCRIPTION:** Receive a presentation by State Farm regarding the award of \$20,000 in grant funds to the City to purchase a swift water rescue boat and trailer.

**STAFF RECOMMENDATION:** Receive a presentation.

**ITEM SUMMARY:** In recent years the problems of flash flooding have become more prevalent in the City of Temple and Central Texas. In the last three years alone four citizens have required rescue from flood swollen creeks and streams by departmental personnel. These rescues have required our personnel to enter the swift moving, debris and waste laden waters to affect these rescues. Additionally, crews have had to wait extended periods of time for mutual aid rescue boats to arrive and complete the rescue process. The addition of this rescue boat package will be an asset to the Citizens of Temple and give our Department members a needed tool for swift and flood water rescues.

At the November 1, 2018 City Council Meeting, Fire Chief Mitchell Randles requested Council approval to submit to State Farm a grant application and approval to receive the funds should they be awarded. Council affirmed Chief Randles request and an application was submitted in the amount of \$20,000 for the purchase of a swift water rescue boat and trailer.

State Farm contacted the City on March 5, 2019 to announce the award of the grant for the full \$20,000. We are here tonight to accept that grant from State Farm Public Affairs Specialist Gina Wilken is here with State Farm Agents Nichole Guajardo, Lauren Smith, Lance Dodge, Shaffin Wegener, Tyler Jermstad, and Mitchel Davis. The City of Temple Council is honored to accept the grant on behalf of the Fire Department. Representatives from the Fire Department are Fire Chief Mitchell Randles and Battalion Chief Jonathan Christian.

The City of Temple thanks State Farm for the generous gift and looks forward to a continued partnership.



## COUNCIL AGENDA ITEM MEMORANDUM

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04/18/19  
Item #3(B)  
Regular Agenda  
Page 1 of 1

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

Timothy A. Davis, Mayor

**ITEM DESCRIPTION:** Receive comments from Steve Ward related to early right-of-way acquisition for the Outer Loop Phase 6 Project parcels 15 and 16.

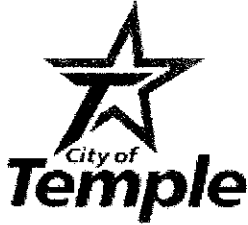
**STAFF RECOMMENDATION:** Receive comments as presented in item description.

**ITEM SUMMARY:** Mr. Ward submitted a Request for Placement on the City Council Agenda, please see the attached form.

**FISCAL IMPACT:** None

**ATTACHMENTS:**

[Requests for placement on agenda](#)



CITY OF TEMPLE, TEXAS

CITY COUNCIL MEETINGS

REQUEST FOR PLACEMENT ON AGENDA

\_\_\_Priority

NAME OF PRESENTER: STEVE WARD

ADDRESS: 4302 CHARTER OAK DR.

TELEPHONE NO. 254-718-0197

DATE REQUESTED TO APPEAR BEFORE THE COUNCIL: (Note – The City Council meets the first and third Thursdays of each month.) 4/18/19

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.) \_\_\_\_\_

**Subject:**

Early Right of way Acquisition for the Outer Loop Phase 6 Project parcels 15 & 16.

**Action Requested:**

Request the Council's clarification for the need to acquire these parcels at this time and help the owner understand why he must suffer a substantial financial loss as a result of that acquisition.

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]  
SIGNATURE OF PRESENTER

4/11/19  
DATE

RECEIVED  
APR 02 2019

For Office Use:

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CITY OF TEMPLE  
CITY SECRETARY



## COUNCIL AGENDA ITEM MEMORANDUM

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4/18/19  
Item #4  
Regular Agenda  
Page 1 of 2

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

Traci L. Barnard, Director of Finance

**ITEM DESCRIPTION:** FIRST & FINAL READING-PUBLIC HEARING-Consider adopting an ordinance authorizing the issuance of City of Temple, Texas General Obligation Refunding Bonds in one or more series; approving Official Statements, agreements related to the sale and issuance of the bonds, and the forms of Paying Agent/Registrar Agreements, bond purchase agreements and escrow agreements; Establishing the procedures for selling and delivering one or more series of the bonds; and authorizing other matters relating to the bonds.

**STAFF RECOMMENDATION:** Conduct public hearing and adopt ordinance as presented in item description on first and final reading.

**ITEM SUMMARY:** The City currently has the following outstanding bonds that have met contractual and market criteria for favorable refunding/refinancing':

- Utility System Revenue Bonds, Series 2010
- General Obligation Refunding Bonds, Series 2011

This ordinance will designate the Director of Finance or in her absence, the City Manager as the pricing officer to execute pricing certificates and finalize pricing within parameters defined in the ordinance. The Bonds will be issued in one or more Series in the aggregate principal amount not to exceed \$24,000,000 for the purpose of providing funds for (i) refunding the Refunded Obligations and (ii) paying the costs of issuing the Bonds.

Ratings for the bonds have been 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 refunded obligations will be issued, sold, and delivered will be determined to achieve the most advantageous borrowing costs for the City. Based on current market conditions, the time line is to price the bonds on April 22, 2019, through a negotiated sale and close on the bonds on May 9, 2019.

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.



**FISCAL IMPACT:** Based on current market conditions, the net present value savings (NPV) in total and by each outstanding issue are estimated as follows:

**Total refunding:**

- Total savings of \$1,293,072
- NPV savings of \$1,129,321 or 4.947%

**General Obligation tax supported portion only (2019-2023):**

- Total savings of \$215,510
- NPV savings of \$202,485 or 3.886%

**Utility System Revenue supported portion only (2019-2030)**

- Total savings of \$1,077,563
- NPV savings of \$926,533 or 5.258%

**ATTACHMENTS:**

[Ordinance](#)

**ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF TEMPLE, TEXAS  
GENERAL OBLIGATION REFUNDING BONDS IN ONE OR MORE SERIES;  
APPROVING OFFICIAL STATEMENTS, AGREEMENTS RELATED TO THE SALE  
AND ISSUANCE OF THE BONDS, AND THE FORMS OF PAYING  
AGENT/REGISTRAR AGREEMENTS, BOND PURCHASE AGREEMENTS AND  
ESCROW AGREEMENTS; ESTABLISHING THE PROCEDURES FOR SELLING AND  
DELIVERING ONE OR MORE SERIES OF THE BONDS; AND AUTHORIZING  
OTHER MATTERS RELATING TO THE BONDS**

**Adopted April 18, 2019**

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**ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF TEMPLE, TEXAS  
GENERAL OBLIGATION REFUNDING BONDS IN ONE OR MORE SERIES;  
APPROVING OFFICIAL STATEMENTS, AGREEMENTS RELATED TO THE SALE  
AND ISSUANCE OF THE BONDS, AND THE FORMS OF PAYING  
AGENT/REGISTRAR AGREEMENTS, BOND PURCHASE AGREEMENTS AND  
ESCROW AGREEMENTS; ESTABLISHING THE PROCEDURES FOR SELLING AND  
DELIVERING ONE OR MORE SERIES OF THE BONDS; AND AUTHORIZING  
OTHER MATTERS RELATING TO THE BONDS**

**WHEREAS**, the City of Temple, Texas (the "City") has previously issued and has outstanding several series of obligations payable from ad valorem taxes, water and sewer utility system revenues or a combination thereof; and

**WHEREAS**, the City Council of the City deems it advisable and in the best interest of the City to refund the Refunded Obligations, as defined in Exhibit "A" attached hereto, in order to achieve a net present value debt service savings of not less than 3.00% of the principal amount of the Refunded Obligations net of any City contribution with such savings, among other information and terms to be included in a pricing certificate to be executed by the Pricing Officer, all in accordance with the provisions of Chapters 1207 and 1371 of the Texas Government Code thereof; and

**WHEREAS**, Chapter 1207, Texas Government Code, as amended ("Chapter 1207") authorizes the City to issue refunding bonds and to deposit the proceeds from the sale thereof together with any other available funds or resources, directly with a place of payment (paying agent) for the Refunded Obligations or with a trust company or commercial bank that does not act as depository for the City, and such deposit, if made before such payment dates, shall constitute the making of firm banking and financial arrangements for the discharge and final payment of the Refunded Obligations; and

**WHEREAS**, Chapter 1207 further authorizes the City to enter into an escrow agreement with a paying agent for the Refunded Obligations or with a trust company or commercial bank that does not act as depository for the City with respect to the safekeeping, investment, reinvestment, administration and disposition of any such deposit, upon such terms and conditions as the City and such escrow agent may agree, provided that such deposits may be invested and reinvested in Defeasance Securities, as defined herein; and

**WHEREAS**, the Escrow Agreement hereinafter authorized, constitutes an agreement of the kind authorized and permitted by said Chapter 1207; and

**WHEREAS**, all the Refunded Obligations mature or are subject to redemption prior to maturity within 20 years of the date of the bonds hereinafter authorized: and

**WHEREAS**, the Bonds authorized by this Ordinance are being issued and delivered pursuant to the City Charter and Chapters 1207 and 1371 of the Texas Government Code, as amended, and other applicable laws: and

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

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

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

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

**Section 3.     AMOUNT, NAME, PURPOSE, AND AUTHORIZATION.** One or more Series of the Bonds entitled "**CITY OF TEMPLE, TEXAS GENERAL OBLIGATION REFUNDING BONDS**", are hereby authorized to be issued and delivered in accordance with the Constitution and laws of the State of Texas, particularly Chapters 1207 and 1371, Texas Government Code, as amended, and the Charter of the City. The Bonds shall be issued in one or more Series in the aggregate principal amount not to exceed \$24,000,000 for the purpose of providing funds for (i) refunding the Refunded Obligations and (ii) paying the costs of issuing the Bonds.

**Section 4.     DATE, DENOMINATION, MATURITIES, NUMBERS, INTEREST AND REDEMPTION.** (a) Initially there shall be issued, sold, and delivered hereunder fully registered bonds, without interest coupons, which may be in the form of Current Interest Bonds or Premium Compound Interest Bonds, numbered consecutively from R-1 upward, in the case of Current Interest Bonds, and from PC-1 upward, in the case of Premium Compound Interest Bonds (except the Initial Bond delivered to the Attorney General of the State of Texas which shall be numbered T-1 and TPC-1 respectively) payable to the respective initial Registered Owners thereof, or to the registered assignee or assignees of said Bonds or any portion or portions thereof, in Authorized Denominations, maturing not later than August 1, 2030, serially or otherwise on the dates, in the years and in the principal amounts, respectively, and dated, as all set forth in the Pricing Certificate to be executed and delivered by the Pricing Officer pursuant to subsection (b) of this section. The Pricing Certificate is hereby incorporated in and made a part of this Ordinance. The

Bonds shall be designated by the year in which they are awarded. The authority of the Pricing Officer to execute a Pricing Certificate shall expire at 5:00 p.m. C.D.T. on April 18, 2020. Bonds priced on or before 5:00 p.m. C.D.T. on April 18, 2020 may be delivered to the initial purchaser after such date.

(b) As authorized by Chapters 1207 and 1371, Texas Government Code, as amended, the Pricing Officer is hereby authorized to act on behalf of the City in selling and delivering one or more Series of the Bonds, determining if a Series of Bonds is a Taxable Series or a Tax-Exempt Series, which of the Refundable Obligations shall be refunded and constitute one or more Series of Refunded Obligations under this Ordinance and carrying out the other procedures specified in this Ordinance, including determining the date of the Bonds, any additional or different designation or title by which a Series of the Bonds shall be known, the price at which each Series of the Bonds will be sold, the years in which the Bonds will mature, the principal amount to mature in each of such years, the aggregate principal amount of Current Interest Bonds and Premium Compound Interest Bonds, if any, the rate or rates of interest to be borne by each such maturity, the interest payment periods, the dates, price, and terms upon and at which the Bonds shall be subject to redemption prior to maturity at the option of the City, as well as any mandatory sinking fund redemption provisions, and all other matters relating to the issuance, sale, and delivery of the Bonds and the refunding of the Refunded Obligations, all of which shall be specified in each Pricing Certificate; provided that (i) the price to be paid for each Series of the Bonds shall not be less than 90% of the aggregate original principal amount thereof plus accrued interest thereon from its date to its delivery, (ii) none of the Bonds of a Series shall bear interest at a rate, or yield in the case of Premium Compound Interest Bonds, greater than the maximum authorized by law and (iii) the refunding must produce a net present value debt service savings of at least 3.00% of the principal amount of the Refunded Obligations, net of any City contribution. In establishing the aggregate principal amount of the Bonds, the Pricing Officer shall establish an amount not to exceed the amount authorized in Section 3, which shall be sufficient to provide for the purposes for which the Bonds are authorized and to pay the costs of issuing the Bonds.

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

If the Pricing Officer determines that a Series of the Bonds should be sold at a competitive sale, the Pricing Officer shall cause to be prepared a notice of sale and official statement in such manner as the Pricing Officer deems appropriate, to make the notice of sale and official statement available to those institutions and firms wishing to submit a bid for the 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 Pricing Officer determines that a Series of the Bonds should be sold by a negotiated sale or placement, the Pricing Officer shall designate the placement purchaser or the senior managing underwriter for the Bonds and such additional investment banking firms as the Pricing Officer deems appropriate to assure that the Bonds are sold on the most advantageous terms to the City. The Pricing Officer, acting for and on behalf of the City, is authorized to enter into and carry out a Bond Purchase Agreement or other agreement for the Bonds to be sold by negotiated sale or placement, with the underwriters or placement purchasers at such price, with and subject to such terms as determined by the Pricing Officer pursuant to Section 4(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 ad valorem tax debt with such changes as are acceptable to the Pricing Officer.

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

(d) The Current Interest Bonds shall bear interest calculated on the basis of a 360-day year composed of twelve 30-day months from the dates specified in the FORM OF BONDS set forth in this Ordinance to their respective dates of maturity or redemption at the rates per annum set forth in the Pricing Certificate.

The Premium Compound Interest Bonds shall bear interest from the Issuance Date, calculated on the basis of a 360-day year composed of twelve 30-day months (subject to rounding to the Compounded Amounts thereof), compounded on the Compounding Dates as set forth in each Pricing Certificate, and payable, together with the principal amount thereof, in the manner provided in the FORM OF BOND at the rates set forth in each Pricing Certificate. Attached to each Pricing Certificate, if Premium Compound Interest Bonds are to be issued, shall be the Accretion Table. The Accreted Value with respect to any date other than a Compounding Date is the amount set forth on the Accretion Table with respect to the last preceding Compounding Date, plus the portion of the difference between such amount and the amount set forth on the Accretion Table with respect to the next succeeding Compounding Date that the number of days (based on 30-day months) from such last preceding Compounding Date to the date for which such determination is being calculated bears to the total number of days (based on 30-day months) from such last preceding Compounding Date to the next succeeding Compounding Date.

**Section 5. REDEMPTION.** (a) Right of Redemption. The City reserves the right, at its option, to redeem any Series of the Bonds as set forth in the FORM OF BOND and each Pricing Certificate. The City, at least thirty (30) days before the date of any optional redemption, shall notify the Paying Agent/Registrar of such redemption date and of the amount and maturity of the Bonds to be redeemed.

(b) Notice of Redemption to Bondholder. The Paying Agent/Registrar shall give notice of any redemption of the Bonds by sending notice by first class United States mail, postage prepaid, not less than thirty (30) days before the date fixed for redemption, to the Bondholder at the address shown in the Register. The notice shall state among other things, the redemption date, the redemption price, the place at which the Bonds are to be surrendered for payment, and that the Bonds so called for redemption shall cease to bear interest after the redemption date. Any notice given as provided in this Section shall be conclusively presumed to have been duly given, whether or not the Bondholder receives such notice.

(c) Effect of Redemption. Notice of redemption having been given as provided in this Section, the Bonds called for redemption shall become due and payable on the date fixed for redemption and, unless the City defaults in the payment of the principal thereof or accrued interest thereon, such Bonds thereof shall cease to bear interest from and after the date fixed for redemption, whether or not such Bond is presented and surrendered for payment on such date. If the Bonds thereof called for redemption are not so paid upon presentation and surrender thereof for redemption, such Bonds thereof shall continue to bear interest at the rate stated on the Bond until paid or until due provision is made for the payment of same.

(d) Conditional Notice of Redemption. With respect to any optional redemption of the Bonds, unless certain prerequisites to such redemption required by this Ordinance have been met and moneys sufficient to pay the principal of the 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.

**Section 6. CHARACTERISTICS OF THE BONDS.** (a) Registration, Transfer, Conversion and Exchange; Authentication. The Pricing Officer shall designate the Paying Agent/Registrar for each series of Bonds in the Pricing Certificate. The Paying Agent/Registrar shall keep the books or records for the registration of the transfer, conversion and exchange of the Bonds (the "Register"), and the Paying Agent/Registrar shall serve as the City's registrar and transfer agent to keep such Bonds or records and make such registrations of transfers, conversions and exchanges under such reasonable regulations as the City and Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such registrations, transfers, conversions and exchanges as herein provided within three days of presentation in due and proper form. The Paying Agent/Registrar shall obtain and record in the Register the address of the Registered Owner of each Bond to which payments with respect to the Bond shall be mailed, as herein provided; but it shall be the duty of each Registered Owner to notify the Paying Agent/Registrar in writing of the address to which payments shall be mailed, and such interest payments shall not be mailed unless such notice has been

given. The City shall have the right to inspect the Register during regular business hours of the Paying Agent/Registrar, but otherwise the Paying Agent/Registrar shall keep the Register confidential and, unless otherwise required by law, shall not permit their inspection by any other entity. The Paying Agent/Registrar shall make a copy of the Register available in the State of Texas. The City shall pay the Paying Agent/Registrar's standard or customary fees and charges for making such registration, transfer, conversion, exchange and delivery of a substitute Bond. Registration of assignments, transfers, conversions and exchanges of Bonds shall be made in the manner provided and with the effect stated in the FORM OF BOND set forth in this Ordinance. Each substitute Bond shall bear a letter and/or number to distinguish it from each other Bond.

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

(b) Payment of Principal and Interest. The Paying Agent/Registrar shall further act as the paying agent for paying the principal of and interest on the Bonds, all as provided in this Ordinance and in the Pricing Certificate. The Paying Agent/Registrar shall keep proper records of all payments made by the City and the Paying Agent/Registrar with respect to the Bonds, and of all conversions and exchanges of Bonds, and all replacements of Bonds, as provided in this Ordinance. However, in the event of a nonpayment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the 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 (5) Business Days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each Registered Owner appearing on the Register at the close of business on the last Business Day next preceding the date of mailing of such notice.

(c) In General. The Bonds (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on such Bonds to be payable only to the Registered Owner, (ii) may be transferred and assigned, (iii) may be converted and exchanged for another Bond, (iv) shall have the characteristics, (v) shall be signed, sealed, executed and authenticated, (vi) shall

be payable as to principal and interest and (vii) shall be administered and the Paying Agent/Registrar and the City shall have certain duties and responsibilities with respect to the Bonds, all as provided, and in the manner and to the effect as required or indicated, in the Pricing Certificate and the FORM OF BONDS set forth in this Ordinance. The Bond initially issued and delivered pursuant to this Ordinance is not required to be, and shall not be, authenticated by the Paying Agent/Registrar, but on each substitute Bond issued in exchange for any Bond issued under this Ordinance the Paying Agent/Registrar shall execute the PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE, in the form set forth in the FORM OF BONDS.

(d) Substitute Paying Agent/Registrar. The City covenants with the Registered Owners of the Bonds that at all times while the Bonds are outstanding the City will provide a competent and legally qualified bank, trust company, financial institution, or other agency to act as and perform the services of Paying Agent/Registrar for the Bonds under this Ordinance, and that the Paying Agent/Registrar will be one entity. The City reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than 30 days written notice to the Paying Agent/Registrar, to be effective at such time which will not disrupt or delay payment on the next principal or interest payment date after such notice. In the event that the entity at any time acting as Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the City covenants that promptly it will appoint a competent and legally qualified bank, trust company, financial institution, or other agency to act as Paying Agent/Registrar under this Ordinance. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver the Register (or a copy thereof), along with all other pertinent Bonds and records relating to the Bonds, to the new Paying Agent/Registrar designated and appointed by the City. Upon any change in the Paying Agent/Registrar, the City promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to each Registered Owner of the Bonds, by United States mail, first-class postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar. By accepting the position and performing as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Ordinance, and a certified copy of this Ordinance shall be delivered to each Paying Agent/Registrar.

(e) Book-Entry-Only System. The Bonds issued in exchange for the Bonds initially issued as provided in Section 6(i) 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 the Depository Trust Company of New York ("DTC") and except as provided in subsection (f) hereof, 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 securities brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC participants (the "DTC Participant") or to any person on behalf of whom such a DTC Participant holds an interest in the 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 Registered Owner, as shown on the Registration Books, of any notice with respect to the Bonds, or (iii) the payment to any DTC Participant or any person, other than a Registered Owner, as shown in the Registration Books of any amount with respect to principal of or interest on the Bonds.

Notwithstanding any other provision of this Ordinance to the contrary, but to the extent permitted by law, the City and the Paying Agent/Registrar shall be entitled to treat and consider the person whose name each Bond is registered in the registration Books as the absolute owner of such Bond for the purpose of payment of principal of and interest, with respect to such Bond, for the purposes of registering transfers with respect to such Bond, and for all other purposes of registering transfers with respect to such Bonds, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of and interest on the Bonds only to or upon the order of the respective Registered Owners, as shown in the Registration Books as provided in this Ordinance, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to payment of principal of and interest on the Bonds to the extent of the sum or sums so paid. No person other than a Registered Owner, as shown in the Registration Books, shall receive a Bond evidencing the obligation of the City to make payments of principal, and interest pursuant to this Ordinance. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Ordinance with respect to interest checks being mailed to the registered owner at the close of business on the Record Date the word "Cede & Co." in this Ordinance shall refer to such new nominee of DTC.

(f) Successor Securities Depository; Transfer Outside Book-Entry-Only System. In the event that the City determines to discontinue the book-entry system through DTC or a successor or DTC determines to discontinue providing its services with respect to the 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 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 Registration Books in the name of Cede & Co., as nominee of DTC, but shall be registered in the name of the successor securities depository, or its nominee, or in whatever name or names the Registered Owner transferring or exchanging Bonds shall designate, in accordance with the provisions of this Ordinance.

(g) Payments to Cede & Co. Notwithstanding any other provision of this Ordinance to the contrary, so long as any Bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of, 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 Letter of Representations of the City to DTC.

(h) DTC Blanket Letter of Representations. The City confirms execution of a Blanket Letter of Representations with DTC establishing the Book-Entry-Only System which will be utilized with respect to any Series of the Bonds.

(i) Cancellation of Initial Bond. On the Closing Date, one initial Bond representing the entire principal amount of the Bonds, payable in stated installments to the order of the underwriter of the Bonds or its designee, executed by manual or facsimile signature of the Mayor and City Secretary, approved by the Attorney General of Texas, and registered and manually signed by the Comptroller of Public Accounts of the State of Texas, will be delivered to such underwriter or its designee. Upon payment for the initial Bond, the Paying Agent/Registrar shall cancel the initial Bond and deliver to DTC or the Paying Agent/Registrar on behalf of such underwriter one registered definitive Bond for each year of maturity of the Bonds, in the aggregate principal amount of all the Bonds for such maturity.

**Section 7. FORM OF BOND.** The form of the Bonds, including the form of Paying Agent/Registrar's Authentication Certificate, the form of Assignment, and the form of Registration Certificate of the Comptroller of Public Accounts of the State of Texas to be attached to the Bonds initially issued and delivered pursuant to this Ordinance shall be, respectively, substantially as follows, with such appropriate variations, omissions, or insertions as are permitted or required by this Ordinance.

**FORM OF BOND**

(All blanks and any appropriate or necessary insertions or deletions, to be completed as determined by the Pricing Officer in the Pricing Certificate)

<b>R-</b>	<b>UNITED STATES OF AMERICA STATE OF TEXAS CITY OF TEMPLE, TEXAS GENERAL OBLIGATION REFUNDING BONDS SERIES _____*</b>	<b>PRINCIPAL AMOUNT \$ _____</b>
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**[FORM OF FIRST PARAGRAPHS OF CURRENT INTEREST BONDS]**

<b><u>INTEREST RATE</u></b>	<b><u>MATURITY DATE</u></b>	<b><u>ISSUANCE DATE</u></b>	<b><u>CUSIP NO.</u></b>
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**REGISTERED OWNER:**

**PRINCIPAL AMOUNT:** \_\_\_\_\_ **DOLLARS**

**ON THE MATURITY DATE** specified above, the **CITY OF TEMPLE, TEXAS** (the "City"), being a political subdivision and municipal corporation of the State of Texas, hereby

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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.

promises to pay to the Registered Owner specified above, or registered assigns (hereinafter called the "Registered Owner"), the Principal Amount specified above, and to pay interest thereon (calculated on the basis of a 360-day year of twelve 30-day months) from \_\_\_\_\_, \_\_\_\_\_\* at the Interest Rate per annum specified above, payable on \_\_\_\_\_, \_\_\_\_\_\*, and semiannually on each \_\_\_\_\_\* and \_\_\_\_\_\* thereafter to the Maturity Date specified above, or the date of redemption prior to maturity; except that if this Bond is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such Principal Amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Bond or Bonds, if any, for which this Bond is being exchanged is due but has not been paid, then this Bond shall bear interest from the date to which such interest has been paid in full. Notwithstanding the foregoing, during any period in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, any payment to the securities depository, or its nominee or registered assigns, shall be made in accordance with existing arrangements between the City and the securities depository.

**THE PRINCIPAL OF AND INTEREST ON** this Bond are payable in lawful money of the United States of America, without exchange or collection charges. The principal of this Bond shall be paid to the Registered Owner hereof upon presentation and surrender of this Bond at maturity or upon the date fixed for its redemption prior to maturity, at the designated office for payment of \_\_\_\_\_\* which is the "Paying Agent/Registrar" for this Bond. The payment of interest on this Bond shall be made by the Paying Agent/Registrar to the Registered Owner hereof on each interest payment date by check, dated as of such interest payment date, drawn by the Paying Agent/Registrar on, and payable solely from, funds of the City required by the Ordinance authorizing the issuance of this Bond (the "Bond Ordinance") to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided; and such check shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, on each such interest payment date, to the Registered Owner hereof, at its address as it appeared on the \_\_\_\_\_\* business day of the month next preceding each such date (the "Record Date") on the Registration Books kept by the Paying Agent/Registrar, as hereinafter described. In the event of a non-payment of interest on a scheduled payment date, and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (the "Special Payment Date" 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 Registration Books of the Paying Agent/Registrar at the close of business on the last business day next preceding the date of mailing of such notice. Any accrued interest due

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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.

upon the redemption of this Bond prior to maturity as provided herein shall be paid to the Registered Owner upon presentation and surrender of this Bond for redemption and payment at the principal office for payment of the Paying Agent/Registrar (unless the redemption date is a regularly scheduled interest payment date, in which case accrued interest on such redeemed Bonds shall be payable in the regular manner described above). The City covenants with the Registered Owner of this Bond that on or before each principal payment date, interest payment date, and accrued interest payment date for this Bond it will make available to the Paying Agent/Registrar, from the "Interest and Sinking Fund" referred to in and maintained by the Bond Ordinance, the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Bonds, when due. Terms used in this Bond and not otherwise defined shall have the meaning given in the Bond Ordinance.

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

**[FORM OF FIRST PARAGRAPHS  
OF PREMIUM COMPOUND INTEREST BOND]**

**NO. PC-**

**MATURITY  
AMOUNT**  
\$\_\_\_\_\_

**INTEREST RATE**

**ISSUANCE DATE**

**DATE OF BOND**

**CUSIP NO.**

**REGISTERED OWNER:**

**MATURITY AMOUNT:**

**ON THE MATURITY DATE SPECIFIED ABOVE, CITY OF TEMPLE, TEXAS** (the "City"), being a political subdivision and municipal corporation of the State of Texas, hereby promises to pay to the Registered Owner set forth above, or registered assigns (hereinafter called the "Registered Owner") the Maturity Amount set forth above, representing the principal amount hereof and accrued and compounded interest hereon. Interest shall accrue on the principal amount hereof from the Issuance Date at the interest rate per annum specified above, calculated on the basis of a 360 day year comprised of twelve 30 day months, compounded semiannually on \_\_\_\_\_\* and \_\_\_\_\_\* of each year commencing \_\_\_\_\_. For convenience of reference a table of the \_\_\_\_\_

\* 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.



"Accreted Value" per \$5,000 Maturity Amount is printed on the reverse side of this Bond. The term "Accreted Value" as set forth in the table on the reverse side hereof shall mean the original principal amount plus initial premium per \$5,000 Maturity Amount compounded semiannually on \_\_\_\_\_\* and \_\_\_\_\_\* at the yield shown on such table.

**THE MATURITY AMOUNT** of this Bond is payable in lawful money of the United States of America, without exchange or collection charges. The Maturity Amount of this Bond shall be paid to the Registered Owner hereof upon presentation and surrender of this Bond at maturity, at the designated office for payment of \_\_\_\_\_\*, which is the "Paying Agent/Registrar" for this Bond, and shall be drawn by the Paying Agent/Registrar on, and solely from, funds of the City required by the ordinance authorizing the issuance of the Bonds (the "Bond Ordinance") to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided, payable to the Registered Owner hereof, as it appears on the Registration Books kept by the Paying Agent/Registrar, as hereinafter described. The City covenants with the Registered Owner of this Bond that on or before the Maturity Date for this Bond it will make available to the Paying Agent/Registrar, from the "Interest and Sinking Fund" created by the Bond Ordinance, the amounts required to provide for the payment, in immediately available funds of the Maturity Amount, when due. Notwithstanding the foregoing, during any period in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, any payment to the securities depository, or its nominee or registered assigns, shall be made in accordance with existing arrangements between the City and the securities depository.

#### **[FORM OF REMAINDER OF EACH BOND]**

**IF THE DATE** for the payment of the principal of or interest on this Bond shall be a Saturday, Sunday, legal holiday, or day on which banking institutions in the city where the principal office for payment of the Paying Agent/Registrar is located are authorized by law or executive order to close, or the United States Postal Service is not open for business (each a "Non-Business Day"), then the date for such payment shall be the next succeeding day which is not a Non-Business Day, and payment on such date shall have the same force and effect as if made on the original date payment was due.

**THIS BOND** is one of a series of Bonds dated as of \_\_\_\_\_, \_\_\_\_\_\* and authorized to be issued pursuant to the Bond Ordinance adopted by the City Council of the City in the principal amount of \$\_\_\_\_\_\* [constituting \$\_\_\_\_\_ Current Interest Bonds and \$\_\_\_\_\_ Premium Compound Interest Bonds].\*\*

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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.

\*\* To be included only if Current Interest Bonds and Premium Compound Interest Bonds are both issued and completed as determined in the Pricing Certificate.

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

[THE BONDS MATURING ON \_\_\_\_\_ \* 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 ("Term Bonds").

**Term Bonds Maturing \_\_\_\_\_, 20\_\_ \***

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 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 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, to the Registered Owner of each Bond to be redeemed at its address as it appeared on the Registration Books maintained by the Paying Agent/Registrar on the day such notice of redemption is mailed. By the date fixed for any such redemption, due provision shall be made with the Paying Agent/Registrar for the payment of the required redemption price for the Bonds or portions thereof which are to be so redeemed. If such written notice of

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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.

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.

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

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

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

**IT IS HEREBY** certified, recited and covenanted that this Bond has been duly and validly authorized, issued and delivered; that all acts, conditions and things required or proper to be performed, exist, and be done precedent to or in the authorization, issuance and delivery of this Bond have been performed, existed and been done in accordance with law; that this Bond is payable from ad valorem taxes, within the limits prescribed by law.

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

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

\_\_\_\_\_  
City Secretary, City of Temple, Texas

\_\_\_\_\_  
Mayor, City of Temple, Texas

(CITY SEAL)

**FORM OF REGISTRATION CERTIFICATE**  
**OF THE COMPTROLLER OF PUBLIC ACCOUNTS:**

**COMPTROLLER'S REGISTRATION CERTIFICATE: REGISTER NO. \_\_\_\_\_**

I hereby certify that this Bond has been examined, certified as to validity, and approved by the Attorney General of the State of Texas, and that this Bond has been registered by the Comptroller of Public Accounts of the State of Texas.

Witness my signature and seal this \_\_\_\_\_.

(COMPTROLLER'S SEAL)

\_\_\_\_\_  
Comptroller of Public Accounts  
of the State of Texas

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

**PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE**

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

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

Dated: \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_  
Paying Agent/Registrar

By \_\_\_\_\_  
Authorized Representative

**FORM OF ASSIGNMENT:**

**ASSIGNMENT**

**FOR VALUE RECEIVED**, the undersigned Registered Owner of this Bond, or duly authorized representative or attorney thereof, hereby sells, assigns and transfers this Bond and all rights hereunder unto \_\_\_\_\_

\_\_\_\_\_  
/\_\_\_\_\_/\_\_\_\_\_  
(Assignee's Social Security or  
Taxpayer Identification Number)

\_\_\_\_\_  
(Please print or typewrite Assignee's name and address,  
including zip code)

and hereby irrevocably constitutes and appoints \_\_\_\_\_ attorney to transfer the registration of this Bond on the Paying Agent/Registrar's Registration Books with full power of substitution in the premises.

Dated: \_\_\_\_\_

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by a member firm of the New York Stock Exchange or a commercial bank or trust company.

NOTICE: The signature above must correspond with the name of the Registered Owner as it appears upon the front of this Bond in every particular, without alteration or enlargement or any change whatsoever.

### **INSERTIONS FOR THE INITIAL BONDS**

(i) The initial Current Interest Bond shall be in the form set forth in this FORM OF BOND, except that:

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

B. the first paragraph shall be deleted and the following will be inserted:

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

<u>Principal Amount</u>	<u>Maturity Date</u>	<u>Interest Rate</u>
-----------------------------	--------------------------	--------------------------

(Information for the Current Interest Bonds from the Pricing Certificate to be inserted)

\_\_\_\_\_  
\*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.

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

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

(ii) The Initial Compound Interest Bond shall be in the form set forth in this Section, except that:

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

B. the first paragraph shall be deleted and the following will be inserted:

"THE CITY OF TEMPLE, Texas (the "City"), being a political subdivision of the State of Texas, hereby promises to pay to the Registered Owner set forth above, or registered assigns (hereinafter called the "Registered Owner") the Payment at Maturity on \_\_\_\_\_\* in each of the years and in installments of the respective Maturity Amounts set forth in the following schedule:

Maturity Amounts	Maturity Date	Interest Rate
_____	_____	_____

(Information for the Premium Compound Interest Bonds from the Pricing Certificate to be inserted)

The amount shown above as the respective Maturity Amounts represent the principal amount hereof and accrued and compounded interest hereon. Interest shall accrue on the principal amount hereof from the Issuance Date at the interest rate per annum specified above, compounded semiannually on \_\_\_\_\_\* and \_\_\_\_\_\* of each year commencing \_\_\_\_\_\*. For convenience of reference, a table appears on the back of this Bond showing the "Compounded Amount" of the original principal amount plus initial premium, if any, per \$5,000 Maturity Amount compounded semiannually at the yield shown on such table."

\* 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.

C. the Initial Premium Compound Interest Bond shall be numbered "TPC-1."

**Section 8. TAX LEVY.** A special Interest and Sinking Fund (the "Interest and Sinking Fund") is hereby created solely for the benefit of the Bonds, and the Interest and Sinking Fund shall be established and maintained by the City at an official depository bank of the City. The Interest and Sinking Fund shall be kept separate and apart from all other funds and accounts of the City, and shall be used only for paying the interest on and principal of the Bonds. All ad valorem taxes levied and collected for and on account of the Bonds shall be deposited, as collected, to the credit of the Interest and Sinking Fund. During each year while any of the Bonds or interest thereon are outstanding and unpaid, the City Council shall compute and ascertain a rate and amount of ad valorem tax which will be sufficient to raise and produce the money required to pay the interest on the Bonds as such interest comes due, and to provide and maintain a sinking fund adequate to pay the principal of the Bonds as such principal matures (but never less than 2% of the original principal amount of the Bonds as a sinking fund each year); and the tax shall be based on the latest approved tax rolls of the City, with full allowance being made for tax delinquencies and the cost of tax collection. The rate and amount of ad valorem tax is hereby levied, and is hereby ordered to be levied, against all taxable property in the City for each year while any of the Bonds or interest thereon are outstanding and unpaid; and the tax shall be assessed and collected each such year and deposited to the credit of the Interest and Sinking Fund. The ad valorem taxes sufficient to provide for the payment of the interest on and principal of the Bonds, as such interest comes due and such principal matures, are hereby pledged for such payment, within the limit prescribed by law. Accrued interest on the Bonds shall be deposited in the Interest and Sinking Fund.

**Section 9. DEFEASANCE OF BONDS.** (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 ad valorem taxes herein levied as provided in this Ordinance, and such principal and interest shall be payable solely from such money or Defeasance Securities.



(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 Bond 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 Council also be invested in Defeasance Securities, maturing in the amounts and at the times as hereinbefore set forth, and all income from all Defeasance Securities in possession of the Paying Agent/Registrar or 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 Council.

(c) Notwithstanding any provision of any other Section of this Ordinance which may be contrary to the provisions of this Section, all money or Defeasance Securities set aside and held in trust pursuant to the provisions of this Section for the payment of principal of the Bond and premium, if any, and interest thereon, shall be applied to and used solely for the payment of the particular Bond 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 Ordinance, 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 the Bond and such Bond 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 Ordinance, 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 10. DAMAGED, MUTILATED, LOST, STOLEN, OR DESTROYED BONDS.** (a) Replacement Bonds. In the event any outstanding Bond is damaged, mutilated, lost, stolen, or destroyed, the Paying Agent/Registrar shall cause to be printed, executed, and delivered, a new Bond of the same principal amount, maturity, and interest rate, as the damaged, mutilated, lost, stolen, or destroyed Bond, in replacement for such Bond in the manner hereinafter provided.

(b) Application for Replacement Bonds. Application for replacement of damaged, mutilated, lost, stolen, or destroyed Bonds shall be made by the Registered Owner thereof to the Paying Agent/Registrar. In every case of loss, theft, or destruction of a Bond, the Registered Owner applying for a replacement bond shall furnish to the City and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft, or destruction of a Bond, the Registered Owner shall furnish to the City and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft, or destruction of such Bond, as the case may be. In every case of damage or mutilation of a Bond, the Registered Owner shall surrender to the Paying Agent/Registrar for cancellation the Bond so damaged or mutilated.

(c) No Default Occurred. Notwithstanding the foregoing provisions of this Section, in the event any such Bond shall have matured, and no default has occurred which is then continuing in the payment of the principal of, redemption premium, if any, or interest on the Bond, the City may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Bond) instead of issuing a replacement Bond, provided security or indemnity is furnished as above provided in this Section.

(d) Charge for Issuing Replacement Bonds. Prior to the issuance of any replacement Bond, the Paying Agent/Registrar shall charge the Registered Owner of such Bond with all legal, printing, and other expenses in connection therewith. Every replacement Bond issued pursuant to the provisions of this Section by virtue of the fact that any Bond is lost, stolen, or destroyed shall constitute a contractual obligation of the City whether or not the lost, stolen, or destroyed Bond shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and proportionately with any and all other Bonds duly issued under this Ordinance.

(e) Authority for Issuing Replacement Bonds. In accordance with Subchapter D of Texas Government Code, Chapter 1201, this Section of this Ordinance shall constitute authority for the issuance of any such replacement Bond without necessity of further action by the governing body of the City or any other body or person, and the duty of the replacement of such Bonds is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver such Bonds in the form and manner and with the effect, as provided in Section 6(a) of this Ordinance for Bonds issued in conversion and exchange for other Bonds.

**Section 11. CUSTODY, APPROVAL, AND REGISTRATION OF BOND; BOND COUNSEL'S OPINION.** The Pricing Officer is hereby authorized to have control of the initial Bonds issued and delivered hereunder and all necessary records and proceedings pertaining to the Bond pending its delivery and their investigation, examination, and approval by the Attorney General of the State of Texas, and their registration by the Comptroller of Public Accounts of the State of Texas. Upon registration of the Bond the Comptroller of Public Accounts (or a deputy designated in writing to act for the Comptroller) shall manually sign the Comptroller's Registration Certificate attached to such Bond, and the seal of the Comptroller shall be impressed, or placed in facsimile, on such Certificate. The approving legal opinion of the City's Bond Counsel may, at the option of the

City, be printed on the Bond issued and delivered under this Ordinance, but it shall have no legal effect, and shall be solely for the convenience and information of the Registered Owner of the Bonds.

**Section 12. COVENANTS REGARDING TAX EXEMPTION ON TAX-EXEMPT BONDS.** (a) Covenants. The City covenants to take any action necessary to assure, or refrain from any action which would adversely affect, the treatment of the Bonds as obligations described in section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the City covenants as follows:

(1) to take any action to assure that no more than 10 percent of the proceeds of the 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 Order or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the 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 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 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 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 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 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 Bonds, other than investment property acquired with --

(A) proceeds of the Bonds invested for a reasonable temporary period of 3 years or less or, in the case of a refunding bond, for a period of 90 days or less until such proceeds are needed for the purpose for which the 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 Bonds;

(7) to otherwise restrict the use of the proceeds of the Bonds or amounts treated as proceeds of the Bonds, as may be necessary, so that the Bonds do not otherwise contravene the requirements of section 148 of the Code (relating to arbitrage);

(8) to refrain from using the proceeds of the Bonds or proceeds of any prior bonds to pay debt service on another issue more than 90 days after the date of issue of the Bonds in contravention of the requirements of section 149(d) of the Code (relating to advance refundings); and

(9) to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the 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 Bonds have been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code.

(b) Rebate Fund. In order to facilitate compliance with the above covenant (8), a "Rebate Fund" is hereby established by the City for the sole benefit of the United States of America, and such fund shall not be subject to the claim of any other person, including without limitation the bondholders. The Rebate Fund is established for the additional purpose of compliance with section 148 of the Code.

(c) Proceeds. The City understands that the term "proceeds" includes "disposition proceeds" as defined in the Treasury Regulations and, in the case of refunding bonds, transferred proceeds (if any) and proceeds of the refunded bonds expended prior to the date of issuance of the Bonds. It is the understanding of the City that the covenants contained herein are intended to assure compliance with the Code and any regulations or rulings promulgated by the U.S. Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated which modify or expand provisions of the Code, as applicable to the 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 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

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 Bonds under section 103 of the Code. In furtherance of such intention, the City hereby authorizes and directs the Pricing Officer to execute any documents, certificates or reports required by the Code and to make such elections, on behalf of the City, which may be permitted by the Code as are consistent with the purpose for the issuance of the Bonds.

(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 1 of this Order (the "Project") on its books and records in accordance with the requirements of the Internal Revenue 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 Internal Revenue 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 Bonds, or (2) the date the Bonds are retired. The City agrees to obtain the advice of nationally-recognized bond counsel if such expenditure fails to comply with the foregoing to assure that such expenditure will not adversely affect the tax-exempt status of the Bonds. For purposes hereof, the issuer shall not be obligated to comply with this covenant if it obtains an opinion that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

(e) Disposition of Project. 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 any action taken in connection with such disposition will not adversely affect the tax-exempt status of the Bonds. For purpose of the foregoing, the City may rely on an opinion of nationally-recognized bond counsel that the action taken in connection with such sale or other disposition will not adversely affect the tax-exempt status of the Bonds. For purposes of the foregoing, the portion of the property comprising personal property and disposed in the ordinary course shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes hereof, the City shall not be obligated to comply with this covenant if it obtains an opinion that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

(f) Reimbursement. This Ordinance is intended to satisfy the official intent requirements set forth in section 1.150-2 of the Treasury Regulations.

**Section 13. APPROVAL OF OFFERING DOCUMENTS, THE FORMS OF PAYING AGENT/REGISTRAR AGREEMENT AND ESCROW AGREEMENT.** The Pricing 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 underwriter(s) in final form, with such

changes therein or additions thereto as the Pricing Officer executing the same may deem advisable, such determination to be conclusively evidenced by his execution thereof.

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

The discharge and defeasance of Refunded Obligations shall be effectuated pursuant to the terms and provisions of an Escrow Agreement, in the form and containing the terms and provisions as shall be approved by a Pricing Officer, including any insertions, additions, deletions, and modifications as may be necessary (a) to carry out the program designed for the City by the underwriters or purchasers, (b) to maximize the City's present value savings and/or to minimize the City's costs of refunding, (c) to comply with all applicable laws and regulations relating to the refunding of the Refunded Obligations and (d) to carry out the other intents and purposes of this Ordinance; and, the Pricing Officer is hereby authorized to execute and deliver such Escrow Agreement, on behalf of the City, in multiple counterparts.

To maximize the City's present value savings and to minimize the City's costs of refunding, the City hereby authorizes and directs that certain of the Refunded Obligations shall be called for redemption prior to maturity in the amounts, at the dates and at the redemption prices set forth in the Pricing Certificate, and the Pricing Officer is hereby authorized and directed to take all necessary and appropriate action to give or cause to be given a notice of redemption to the holders or paying agent/registrars, as appropriate, of such Refunded Obligations, in the manner required by the documents authorizing the issuance of such Refunded Obligations.

The Pricing Officer and the Escrow Agent are each hereby authorized (a) to subscribe for, agree to purchase, and purchase Defeasance Securities that are permitted investments for a defeasance escrow established to defease Refunded Obligations, and to execute any and all subscriptions, purchase agreements, commitments, letters of authorization and other documents necessary to effectuate the foregoing, and any actions heretofore taken for such purpose are hereby ratified and approved, and (b) to authorize such contributions to the escrow fund as are provided in the Escrow Agreement.

**Section 14. APPROVAL OF OFFICIAL STATEMENT.** The Pricing Officer is hereby authorized to approve the Preliminary Official Statement and 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 with such changes therein or additions thereto as the Pricing Officer executing the same may deem advisable, such determination to be conclusively evidenced by his execution thereof.

**Section 15. INSURANCE PROVISIONS.** In connection with the sale of one or more Series of the Bonds, the City may obtain municipal bond insurance policies from one or more recognized municipal bond insurance organizations (the "Bond Insurer" or "Bond Insurers") to guarantee the full and complete payment required to be made by or on behalf of the City on the Bonds. The Pricing Officer is hereby authorized to sign a commitment letter or insurance agreement with the Bond Insurer or Bond Insurers and to pay the premium for the bond insurance policies at the time of the delivery of the Bonds to the underwriter out of the proceeds of sale of the Bonds or from other available funds and to execute such other documents and certificates as necessary in connection with the bond insurance policies as the Pricing Officer may deem appropriate. Printing on the Bonds covered by the bond insurance policies a statement describing such insurance, in form and substance satisfactory to the Bond Insurer and the Pricing Officer, is hereby approved and authorized. The Pricing Certificate may contain provisions related to the bond insurance policies, including payment provisions thereunder, and the rights of the Bond Insurer or Insurers, and any such provisions shall be read and interpreted as an integral part of this Ordinance.

**Section 16. CONTINUING DISCLOSURE UNDERTAKING.** (a) Annual Reports. The City shall provide annually to the MSRB, in an electronic format as prescribed by the MSRB, (i) within six months after the end of each fiscal year of the City ending in or after 2019, financial information and operating data, which information and data may be unaudited, with respect to the City of the general type included in the final Official Statement authorized by Section 14 of this Ordinance, being the information described in the Pricing Certificate and (ii) if not provided as part of such financial information and operating data, audited financial statements of the City, within twelve months after the end of each fiscal year of the City ending in or after 2019. Any financial statements to be so provided shall be (1) prepared in accordance with the accounting principles described in Exhibit "B" hereto, or such other accounting principles as the City may be required to employ from time to time pursuant to state law or regulation, and (2) audited, if the City commissions an audit of such 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 such period, then the City shall provide unaudited financial statements within such period, and audited financial statements for the applicable fiscal year to the MSRB, when and if the audit report on such statements become 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) Event Notices. The City shall file notice to notify the MSRB of any of the following events with respect to the Bonds in a timely manner and not more than ten business days after the occurrence of the event:
1. Principal and interest payment delinquencies;
  2. Non-payment related defaults, if material;
  3. Unscheduled draws on debt service reserves reflecting financial difficulties;
  4. Unscheduled draws on credit enhancements reflecting financial difficulties;
  5. Substitution of credit or liquidity providers, or their failure to perform;
  6. 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
  7. Modifications to rights of holders of the Bonds, if material;
  8. Bond calls, if material, and tender offers;
  9. Defeasances;
  10. Release, substitution, or sale of property securing repayment of the Bonds, if material;
  11. Rating changes;
  12. Bankruptcy, insolvency, receivership or similar event of the City;
  13. 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;
  14. Appointment of a successor or additional trustee or the change of name of a trustee, if material;
  15. Incurrence of a Financial Obligation of the City, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms



of a Financial Obligation of the City, any of which affect security holder, if material; and

16. Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the City, any of which reflect financial difficulties.

For these purposes, (a) any event described in the immediately preceding paragraph (12) is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent, or similar officer for the City in a proceeding under the United States Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers of the City in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement, or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City, and (b) the City intends the words used in the immediately preceding paragraphs (15) and (16) and the definition of Financial Obligation in this Section to have the same meanings as when they are used in the Rule, as evidenced by SEC Release No. 34-83885, dated August 20, 2018.

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) Limitations, Disclaimers, and Amendments. 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 Bonds at any future date.

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

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

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

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

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

**Section 17. AMENDMENT OF ORDINANCE.** The City hereby reserves the right to amend this Ordinance subject to the following terms and conditions, to-wit:

(a) The City may from time to time, without the consent of the Registered Owner, except as otherwise required by paragraph (b) below, amend or supplement this Ordinance in order to (i) cure any ambiguity, defect or omission in this Ordinance that does not materially adversely affect the interests of the holders, (ii) grant additional rights or security for the benefit of the holders, (iii) add events of default as shall not be inconsistent with the provisions of this Ordinance and that shall not materially adversely affect the interests of the holders, (v) qualify this Ordinance under the Trust Indenture Act of 1939, as amended, or corresponding provisions of federal laws from time to time in effect, or (iv) make such other provisions in regard to matters or questions arising under this Ordinance as shall not be inconsistent with the provisions of this Ordinance and that shall not in the opinion of the City's Bond Counsel materially adversely affect the interests of the holders.

(b) Except as provided in paragraph (a) above, the Registered Owner shall have the right from time to time to approve any amendment hereto that may be deemed necessary or desirable by the City; provided, however, that without the consent of the Registered Owner, nothing herein contained shall permit or be construed to permit amendment of the terms and conditions of this Ordinance or in the Bond so as to:

- (1) Make any change in the maturity of the Bond;
- (2) Reduce the rate of interest borne by the Bond;
- (3) Reduce the amount of the principal of, or redemption premium, if any, payable on the Bond;
- (4) Modify the terms of payment of principal or of interest or redemption premium on the Bond or impose any condition with respect to such payment; or
- (5) Change the requirement with respect to Registered Owner consent to such amendment.

(c) If at any time the City shall desire to amend this Ordinance under this Section, the City shall send by U.S. mail to the Registered Owner a copy of the proposed amendment.

(d) Whenever at any time within one year from the date of publication of such notice the City shall receive an instrument or instruments executed by the Registered Owner, which instrument or instruments shall refer to the proposed amendment and that shall specifically consent to and approve such amendment, the City may adopt the amendment in substantially the same form.

(e) Upon the adoption of any amendatory ordinance pursuant to the provisions of this Section, this Ordinance shall be deemed to be modified and amended in accordance with such amendatory Ordinance, and the respective rights, duties, and obligations of the City and the Registered Owner shall thereafter be determined, exercised, and enforced, subject in all respects to such amendment.

(f) Any consent given by the Registered Owner of a Bond pursuant to the provisions of this Section shall be irrevocable for a period of six months from the date of such consent, and shall be conclusive and binding upon all future holders of the same Bond during such period. Such consent may be revoked at any time after six months from the date of consent by the Registered Owner who gave such consent, or by a successor in title, by filing notice with the City.

For the purposes of establishing ownership of the Bonds, the City shall rely solely upon the registration of the ownership of such Bonds on the Register kept by the Paying Agent/Registrar.

**Section 18. REMEDIES IN EVENT OF DEFAULT.** In addition to all the rights and remedies provided by the laws of the State of Texas, it is specifically covenanted and agreed particularly that in the event the City (i) defaults in the payment of the principal, premium, if any, or interest on the Bonds, (ii) declares bankruptcy, or (iii) defaults in the observance or performance of any other of the covenant, agreement or obligation of the City, the failure to perform which materially adversely affects the rights of the owner, including but not limited to, their prospect or ability to be repaid in accordance with this Section and the continuation thereof for a period of 60 days after notice of such default is given by any owner to the City, the following remedies shall be available:

(a) Any owner or an authorized representative thereof, including but not limited to, a trustee or trustees therefor, may proceed against the City for the purpose of protecting and enforcing the rights to the owner 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 owner hereunder or any combination of such remedies.

(b) 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. The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.

**Section 19. NO RECOURSE AGAINST CITY OFFICIALS.** No recourse shall be had for the payment of principal of or interest on the Bonds or for any claim based thereon or on this Ordinance against any official of the City or any person executing any Bond.

**Section 20. FURTHER ACTIONS.** The Mayor, the City Manager, the Director of Finance and all other officers and employees of the City are hereby authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and under the corporate seal and on behalf of the City all such

instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance and the Bonds. In addition, prior to the initial delivery of the Bonds, the Mayor, the City Manager, the Director of Finance and Bond Counsel are hereby authorized and directed to approve any changes or corrections to this Ordinance or to any of the instruments authorized and approved by this Ordinance necessary in order to (i) correct any ambiguity or mistake or properly or more completely document the transactions contemplated and approved by this Ordinance, (ii) obtain a rating from any of the national bond rating agencies or satisfy requirements of any bond insurer, or (iii) obtain the approval of the Bond by the Texas Attorney General's office.

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

There is hereby appropriated from funds of the City lawfully available for such purpose a sum sufficient to pay the interest and principal to become due with respect to the Obligations prior to collection of taxes for such purpose.

**Section 21. PERFECTION.** Chapter 1208, Government Code, applies to the issuance of the Bond and the pledge of ad valorem taxes granted by the City under Section 8 of this Ordinance, and such pledge is therefore valid, effective and perfected. If Texas law is amended at any time while the Bond is outstanding and unpaid such that the pledge of ad valorem taxes granted by the City under Section 8 of this Ordinance is to be subject to the filing requirements of Chapter 9, Business & Commerce Code, then in order to preserve to the Registered Owner of the Bonds the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Business & Commerce Code and enable a filing to perfect the security interest in said pledge to occur.

**Section 22. INTERPRETATIONS.** All terms defined herein and all pronouns used in this Ordinance shall be deemed to apply equally to singular and plural and to all genders. The titles and headings of the articles and sections of this Ordinance have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof. This Ordinance and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein and to sustain the validity of the Bonds and the validity of the lien on and pledge to secure the payment of the Bonds.

**Section 23. INCONSISTENT PROVISIONS.** All ordinances, orders or resolutions, or parts thereof, which are in conflict or inconsistent with any provisions of this Ordinance are hereby repealed to the extent of such conflict and the provisions of this Ordinance shall be and remain controlling as to the matters contained herein.

**Section 24. INTERESTED PARTIES.** Nothing in this Ordinance expressed or implied is intended or shall be construed to confer upon, or to give to, any person or entity, other than the

City and the Registered Owner of the Bonds, any right, remedy or claim under or by reason of this Ordinance or any covenant, condition or stipulation hereof, and all covenants, stipulations, promises and agreements in this Ordinance contained by and on behalf of the City shall be for the sole and exclusive benefit of the City and the Registered Owner of the Bonds.

**Section 25. SEVERABILITY.** The provisions of this Ordinance are severable; and in case any one or more of the provisions of this Ordinance or the application thereof to any person or circumstance should be held to be invalid, unconstitutional, or ineffective as to any person or circumstance, the remainder of this Ordinance nevertheless shall be valid, and the application of any such invalid provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

**Section 26. FUNDS AND ACCOUNTS.** Notwithstanding anything in this Ordinance to the contrary any funds or accounts created by this Ordinance, other than the escrow funds, may be subaccounts of the City's funds held by the City's depository, and, as such, not held in separate bank accounts, such treatment shall not constitute commingling of the monies in such funds or of funds and the City shall keep full and complete records indicating the monies and investment credited to each such fund.

**Section 27. CREDIT AGREEMENT.** To the extent permitted by law, the City reserves the right under Chapter 1371 of the Texas Government Code to enter into Credit Agreements in connection with the Bonds, upon the written opinion of the City's Finance Director 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 Chapter 1371 of the Texas Government Code. Any such Credit Agreements must be reviewed and approved by the Attorney General of the State of Texas.

**Section 28. REPEALER.** All orders, resolutions and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 29. EFFECTIVE DATE.** This Ordinance shall become effective upon the final passage of this Ordinance in accordance with Section 1201.028, Texas Government Code, as amended.

**Section 30. PAYMENT OF ATTORNEY GENERAL FEE.** The City hereby authorizes the disbursement of a fee equal or 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 appropriate member of the City=s staff 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.

**IN ACCORDANCE WITH SECTION 1201.028**, Texas Government Code, finally passed, approved and effective on this 18th day of April, 2019.

**THE CITY OF TEMPLE, TEXAS**

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Mayor  
City of Temple, Texas

**ATTEST:**

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City Secretary  
City of Temple, Texas

**APPROVED AS TO FORM:**

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City Attorney  
City of Temple, Texas

*[Ordinance Signature Page]*

## **EXHIBIT "A"**

### **DEFINITIONS**

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

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

"*Accreted Value*" means, with respect to a Premium Compound Interest Bond, as of any particular date of calculation, the original principal amount thereof, plus all interest accrued and compounded to the particular date of calculation, as determined in accordance with the Pricing Certificate and the Accretion Table attached as an exhibit to the Pricing Certificate relating to the respective Bonds that shows the Accreted Value per \$5,000 maturity amount on the calculation date of maturity to its maturity.

"*Accretion Table*" means the exhibit attached to the Pricing Certificate that sets forth the rounded original principal amounts at the Issuance Date for the Premium Compound Interest Bonds and the Accreted Values and maturity amounts thereof as of each Compounding Date until final maturity.

"*Authorized Denominations*" means the denomination of \$5,000 or any integral multiple thereof with respect to the Current Interest Bonds and in the denomination of \$5,000 in maturity amount or any integral multiple thereof with respect to the Premium Compound Interest Bonds.

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

"*Bonds*" means one or more Series of the "City of Temple, Texas General Obligation Refunding Bonds."

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

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

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

"*City*" means the City of Temple, Texas, and where appropriate, the City Council.



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

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

"*Compounded Amount*" means, with respect to a Premium Compound Interest Bond, as of any particular date of calculation, the original principal amount thereof plus all interest accrued and compounded to the particular date of calculation.

"*Compounding Dates*" means the dates on which interest is compounded on the Premium Compound Interest Bonds as set forth in the Accretion Table attached to the Pricing Certificate.

"*Current Interest Bonds*" means the Bonds paying current interest and maturing in each of the years and in the aggregate principal amounts set forth in the Pricing Certificate.

"*Defeasance Securities*" means (i) Federal Securities, (ii) noncallable obligations of an agency or instrumentality of the United States of America, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the City Council adopts or approves proceedings authorizing the issuance of refunding 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 Council adopts or approves proceedings authorizing the issuance of refunding bonds or otherwise provide for the funding of an escrow to effect the defeasance of the Bonds, are rated as to investment quality by a nationally recognized investment rating firm no less than "AAA" or its equivalent and (iv) any other then authorized securities or obligations under applicable State law that may be used to defease obligations such as the Bonds.

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

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

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

"*Escrow Agent*" means the Escrow Agent designated in the Pricing Certificate or any successor escrow agent under the Escrow Agreement.

"*Escrow Agreement*" means the agreements by and between the City and the Escrow Agent relating to refunding the Refunded Obligations.

"*Federal Securities*" as used herein means direct, noncallable obligations of the United States of America, including obligations that are unconditionally guaranteed by the United States of America (including Interest Strips of the Resolution Funding Corporation).

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

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

"*Initial Bonds*" means the Bonds authorized, issued, and initially delivered as provided in Section 4 of this Ordinance.

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

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

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

"*Issuance Date*" means the date of delivery of the Bonds.

"*MSRB*" means the Municipal Securities Rulemaking Board.

"*Ordinance*" means this ordinance finally adopted by the City Council on April 18, 2019.

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

- (1) Bonds theretofore cancelled and delivered to the City or delivered to the Paying Agent/Registrar for cancellation;
- (2) Bonds deemed paid pursuant to the provisions of Section 9 of this Ordinance;
- (3) Bonds upon transfer of or in exchange for and in lieu of which other Bonds have been authenticated and delivered pursuant to this Ordinance
- (4) Bonds under which the obligations of the City have been released, discharged or extinguished in accordance with the terms thereof.

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

"*Premium Compound Interest Bonds*" means the Bonds on which no interest is paid prior to maturity, maturing in various amounts and in the aggregate principal amount as set forth in the Pricing Certificate.

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

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

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

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

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

"*Refunded Obligations*" means those Refundable Obligations designated by the Pricing Officer in the Pricing Certificate to be refunded.

"*Refundable Obligations*" means all or a portion of the City's outstanding ad valorem tax obligations and waterworks and sewer utility system revenue obligations.

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

"*Registrar*" or "*Paying Agent/Registrar*" means the paying agent/registrar designated by the Pricing Officer in the Pricing Certificate, or such other bank, trust company, financial institution, or other entity as may hereafter be designated by the District to act as paying agent and registrar for the Bonds in accordance with the terms of this Bond Order.

"*Replacement Bonds*" means the Bonds authorized by the City to be issued in substitution for lost, apparently destroyed, or wrongfully taken Bonds as provided in Section 10 of this Ordinance.

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

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

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

**EXHIBIT "B"**

**CONTINUING DISCLOSURE**  
**DESCRIPTION OF ANNUAL FINANCIAL INFORMATION**

The following information is referred to in Section 14 of this Ordinance.

**Accounting Principles**

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



## COUNCIL AGENDA ITEM MEMORANDUM

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04/18/19  
Item #5(A-B)  
Consent Agenda  
Page 1 of 1

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

Lacy Borgeson, City Secretary

**ITEM DESCRIPTION:** Approve Minutes:

- (A) April 4, 2019 Special & Regular Meeting
- (B) April 5, 2019 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:**

[April 4, 2019 Special & Regular Meeting Minutes / Video](#)  
[April 5, 2019 Special Meeting / Video](#)

## TEMPLE CITY COUNCIL

**APRIL 4, 2019**

The City Council of the City of Temple, Texas conducted a workshop on Thursday, April 4, 2019 at 4:00 PM, at the Municipal Building, 2 North Main Street, in the 3rd Floor Conference Room.

### **PRESENT:**

Councilmember Susan Long  
Councilmember Jessica Walker  
Mayor Pro Tem Judy Morales

### **ABSENT:**

Mayor Timothy A. Davis

- 1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, April 4, 2019.**

Ms. Myers offered comments on the following Consent Agenda items:

#6(C) & #6(D) are demolition contracts for the former Chamber of Commerce building to make way for additional improvements in within the Santa Fe Plaza area. Item D is the old Johnson Brothers Ford dealership. This too is exciting as it will make way for the I-35 and 31st Street Gateway improvements.

#6(H) is a request for a professional services agreement with a firm that will help assist us as we prepare to have a parking garage in the downtown.

#6(M) is a exciting project for us an submit two grant applications to potentially get funding for the Georgetown Railroad Project.

Ms. Myers also discussed items 7 & 8 on the Regular agenda. She noted this program has be so well received and used this year that we are now at the end of our funding allocation for FY19. We have currently received two grant requests the Strategic Program and cannot fund both at the level requested.

First application is for a property located at 200 West Calhoun Avenue. The request is for \$34,717 grant exterior rehabilitation work, to include signage and landscaping. The total project investment is \$89,759; and the grant eligible portion of the proposal is \$69,433. This property qualifies for the Commercial Tier II Grant. Based on our current program, the maximum grant available for this project is \$40,000. However, that does depend on

them spending at least double that amount in eligible grant improvements; and they are only proposing to spend just under \$70,000. The proposed improvements include the addition of a historically accurate awning and new signage, and landscaping. In addition the grant eligible items, the property owner is proposing to do some repair work on the stucco façade.

The second grant request received is for the property at 103 E. Central Avenue, commonly referred to as the Professional Building or the SPJST Building. This building was constructed as the "Professional Building" in the 1920's, and later became the State headquarters for the SPJST in 1953. This property qualifies for the Commercial Tier III Grant; and is a eligible as a double façade project. The request is for \$115,000 grant exterior rehabilitation and interior finish-out. The total project investment is \$3.8 million. Additionally the project qualifies for the residential supplement in an amount of \$30,000 as a new downtown residential unit in mixed-use project (\$10,000 per unit/3 max units). The proposal is commercial on the bottom floor with residential (for lease) on the upper floors. The developer is also proposing improvements on the roof level with a water feature and outdoor entertainment space for their tenants.

Currently in the SIZ program there is \$157,989 remaining in the grant allocation for FY19. We don't have enough money in the account to fund both projects as requested. This is not an entitlement program, which allows the Council to approve one or both as they see appropriate. Ms. Myers noted her recommendation is to fund East Central Avenue at \$145,000, and West Calhoun at \$12,989. The East Central Avenue project has a significant proposed investment of \$3.8 million.

Councilmember Long inquired on the justification of the granting more to East Central rather than West Calhoun.

Ms. Myers explained her recommendation is based on the scale of the project, and believes that should be incentivized.

Mayor Pro Tem Morales asked if the West Calhoun could reapply in October for the new fiscal year.

Ms. Myers replied yes.

**2. Receive a presentation regarding an Economic Development Agreement with TRIO Central Texas Chapter, Inc. for the construction of a care facility to provide housing to family members of organ transplant patients.**

Ms. Landeros provided a brief presentation. TRIO Central Texas Chapter, Inc. ("TRIO") approached the City about a proposed Economic Development Agreement to construct "Amy's House". TRIO is a local chapter of Transplant Recipients International Organization, Inc. and is a non-profit organization committed to improving the quality of lives impacted



by organ transplantation. Amy's House will be a facility to provide housing and care to organ transplant patients and their family members.

The City owns 3 tracts of land, as well as excess right-of-way at Avenue U and South 15th Street, and these properties are located in a convenient location to both Baylor Scott & White and the VA Hospital. TRIO is interested in acquiring the properties for construction of Amy's House in this area. Under the proposed Agreement, the City will convey the properties to TRIO in exchange for TRIO's agreement to construct the facility. Ms. Landeros noted that TRIO's estimated capital investment is \$1,000,000; and they will be obligated to obtain a building permit for construction of the facility no later than 18 months from the date the properties are conveyed and must complete construction no later than 3 years from the date the properties are conveyed.

John Henderson, President of TRIO Central Texas was available for questions. He noted the facility would be 6,000 square feet, with eight bedrooms, and a common space to be shared by those staying at the house. Currently all we have to use is a trailer, and one family at a time can use it. Mr. Henderson added that he has two grant letters (JLH Foundations, and the Mabee Foundation), and with their support, the entire construction and first year of operations of the House will be covered. Plans have been developed with Scott and White and the Building Committee. Also present as part of the team: Candy Korely, Jamie Secrest and Marcus Schneider.

Councilmember Walker noted this is a great way to honor your daughter.

Mayor Pro Tem noted this is a great project, and much needed.

Councilmember Long asked how this interfaces with the RZ efforts in this area. Does this need to go through that Board?

Ms. Landeros added, it enhances their goals and efforts.

Ms. Myers explained that this did not go through the RZ Board, but several have been involved individually.

At approximately, 4:32 pm, Mayor Pro Tem Morales announced that the Council would enter into Executive Session.

- 3. Discuss the possible acquisition of a property located on North General Bruce Drive and a property located on South Main Street. Pursuant to Texas Government Code Section 551.072, the City Council may meet in closed session to deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.**

At approximately 4:52 pm, Mayor Pro Tem Morales adjourned the executive session.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, April 4, 2019 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

**Present:**

Councilmember Susan Long  
Councilmember Jessica Walker  
Mayor Pro Tem Judy Morales

**Absent:**

Mayor Timothy A. Davis

**I. CALL TO ORDER**

**1. Invocation**

Pastor Justin Yawn, voiced the Invocation.

**2. Pledge of Allegiance**

Brian Chandler, Director of Planning lead the Pledge of Allegiance.

**II. PUBLIC COMMENTS**

Rutha Peoples , 507-B South Henderson Street, asked the City to consider repairing East Avenue E. This street is in poor condition. She also mentioned the vacant house across the street from her residence is vacant and appears to be unsecured.

**III. AWARDS AND SPECIAL RECOGNITIONS**

**3. Recognize National Minority Health Month April 2019**

Temikia Brown accepted the proclamation.

**IV. ANNEXATION – PUBLIC HEARING**

**4. FIRST PUBLIC HEARING ? FY-19-1-ANX Receive Municipal Service Plan and conduct a public hearing to receive comments on the possible voluntary annexation of a 185.277 acres of land, which includes a 160.047-acre tract and a 12.541-acre tract, out of the Maximo Moreno Survey, Abstract No. 14, and 12.689 acres of right-of-way of Hartrick Bluff Road, Bell County, Texas.**

**5. FIRST PUBLIC HEARING – FY-19-2-ANX Receive Annexation Municipal Service Plan and conduct a public hearing to receive comments on the possible voluntary annexation of a 119.827+/- acres of land, which includes a 118.560-acre tract out of the Maximo Moreno Survey, Abstract No. 14, and 1.267 acres of right-of-way of Haymarket Drive, Bell County, Texas.**

Mayor Pro Tem Morales read both items 4 & 5 into the record for a single presentation by Staff.

Mr. Barrett, Assistant Director of Planning provided a brief presentation. She noted that Short Term Lending G.P, Inc filed a petition on February 7, 2019 seeking voluntary annexation of 185.277 acres of land, which includes a 160.047-acre tract, a 12.541-acre tract and 12.689 acres of right-of-way of Hartrick Bluff Road into the City of Temple. Voluntary annexation is governed by Section 43.028 of the Texas Local Government Code and applies only to the annexation of an area that is:

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

On February 21, the City Council adopted a resolution directing City staff to create a Municipal Service Plan and public hearing schedule to consider the annexation of the subject property. This is the first of two public hearing, with the second hearing on Friday, April 5th at 8:30 am.

Then voluntary annexation for Hartrick Bluff consists of approximately 1.5 miles of road; with 160+ acres and 12.6 + acres of land just to the east of Hartrick Bluff Road. The second request for voluntary annexation gets it contiguity from the proximity of Hartrick Bluff Road along Haymarket Drive. There is approximately .22 miles of Haymarket Drive included in the second request for voluntary annexation, with 118.5 + acres tract of land.

Ms. Barret reviewed the Municipal Services Plans for both requests for voluntary annexation. The first case FY-19-1-ANX, was requested by the property owner that the zoning be Planned-Development for limited retail and residential development, dependent upon successful annexation as Case FY-19-9-ZC. The zoning for the second request voluntary annexation case FY-19-2-ANX, has been requested as Planned-Development Single Family Two, also dependent upon successful annexation as Case FY-19-13-ZC.

The Municipal Service Plans were developed by directed by Council on February 21, 2019. The Plans have been reviewed by all relevant departments and there are no issues. The first reading of the

ordinance is expected to be May 2, 2019; with the second and final on May 16, 2019.

Ms. Barrett noted the Service Plan will not provide any fewer or lower level of services in the area proposed to be annexed than were in existence at time of annexation. The City plans 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 similar areas.

Ms. Myers reminded Council that this is a voluntary annexation request of the property owner, and not initiated by the City. This request only includes the property owner's property and only the roadway of Hartrick Bluff and Haymarket Drive.

Mayor Pro Tem Morales declared the public hearing open with regards to items 4 & 5 and asked if anyone wished to address either item.

Scott Kiella was available for questions. He noted there is a level of excitement with the growth potential for this area.

There being no further comments, Mayor Pro Tem Morales declared the public hearing closed.

Mayor Pro Tem Morales also announced that the 2nd public hearings for both items 4 & 5 will be held Friday, April 5th at 8:30 am in the Council Chambers.

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

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

**(A) March 21, 2019 Special & Regular Called Meeting  
Contracts, Leases, & Bids**

**(B) 2019-9607-R: Consider adopting a resolution authorizing a construction contract with Eagle Eye Consulting and Construction, LLC, of Temple, for construction of the Gateway Center Water Main Replacement Project, in the amount of \$274,462.**

**(C) 2019-9608-R: Consider adopting a resolution authorizing a contract with Louie Minor Construction, LLC of Belton, for the asbestos abatement and demolition of the property located at 2 North 5th Street, in the amount of \$57,600.**

**(D) 2019-9609-R: Consider adopting a resolution authorizing a contract with Garrett Demolition, Inc. of Burleson, for the asbestos abatement and demolition of the property located at 503 North General Bruce Drive, in the amount of \$110, 228.**

**(E) 2019-9610-R: Consider adopting a resolution authorizing a construction contract with Yoko Excavating, LLC, of Belton, for the construction of a West Adams Avenue sidewalk from Woodbridge Boulevard to Olaf Drive, in the amount of \$81,866.50.**

**(F) 2019-9611-R: Consider adopting a resolution authorizing a contract with Kasberg, Patrick and Associates, LP, for professional services required to develop Neighborhood Districts for Downtown Temple and the connecting neighborhoods, in an amount not to exceed \$84,600.**

**(G) 2019-9612-R: Consider adopting a resolution authorizing a professional services agreement with Slate Communications, LLC of Fort Collins, Colorado, for graphic design services required to complete branding and design of City of Temple plans in the amount of \$36,250.**

**(H) 2019-9613-R: Consider adopting a resolution authorizing a professional services agreement with Dixon Resources Unlimited to provide parking consulting services in an amount not to exceed \$65,600.**

**(I) 2019-9614-R: Consider adopting a resolution authorizing a two-year agreement with Web Benefits Design Corporation of Orlando, FL, per year for providing online employee benefits enrollment and administration services along with Affordable Care Act reporting services, in estimated amount of \$45,000.**

**(J) 2019-9615-R: Consider adopting a resolution authorizing an Economic Development Agreement with TRIO Central Texas Chapter, Inc. for the construction of a care facility to provide housing to family members of organ transplant patients.**

**(K) 2019-9616-R: Consider adopting a resolution authorizing a Geographical Information System license agreement and maintenance contract with Environmental Systems Research Institute, Inc., of San Antonio, in the amount of \$50,000.**

**(L) 2019-9617-R: Consider adopting a resolution authorizing the annual Microsoft Software Enterprise Renewal with SHI Government Solutions of Austin, in the amount of \$222,568.11.**

**(M) Consider adopting the following resolutions:**

**(1) 2019-9618-R: Authorizing staff to apply for and accept funding from the Texas Department of Transportation for the Georgetown Railroad Trail – Phase 1, to be funded through the Safe Routes to School Program.**

**(2) 2019-9619-R: Authorizing staff to apply for and accept funding from the Texas Department of Transportation for the Georgetown Railroad Trail – Phase 2, to be funded through the Transportation Alternatives Program.**

**(N) 2019-9620-R: Consider adopting a resolution authorizing the purchase of ten mobile vehicle radios from Dailey-Wells Communications, Inc. of San Antonio in the amount of \$36,556.**

**(O) 2019-9621-R: Consider adopting a resolution authorizing the purchase of property necessary for the construction of the Pepper Creek Elevated Storage Tank and authorizing closing costs associated with the purchase in an estimated amount of \$138,000.**

**(P) 2019-4958: SECOND READING – FINAL HEARING – FY-19-6-ZC: Consider adopting an ordinance authorizing a rezoning with a site/development plan, from Commercial district to Planned Development Multi-Family Two district, with conditions and requiring a site development plan, on 9.055 +/- acres, and 0.433 +/- acres, out of and a part of Block One, Temple Commercial Park, Section 1, Bell County, Texas, as 2602 South 39th Street, Temple.**

**(Q) 2019-4959: SECOND READING – FINAL HEARING – FY-19-7-ZC: Consider adopting an ordinance authorizing a rezoning request from Agricultural zoning district to Planned Development-General Retail zoning district, on 54.592 +/- acres, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, addressed as 8901 West Adams Avenue.**

**(R) 2019-4960: SECOND READING – FINAL HEARING – FY-19-8-ZC: Consider adopting an ordinance authorizing rezoning from Light Industrial zoning district to Single-Family One zoning district, on 0.189 +/- acres, being Lot 7, Block 5, Rylander Addition, addressed as 14 North 12th Street.**

**(S) 2019-4961: SECOND READING – FINAL HEARING – Consider adopting an ordinance granting to Oncor Electric Delivery Company LLC an electric power franchise to use the present and future streets, alleys, highways, public utility easements, public ways, and public property of the City of Temple.**

**(T) 2019-9622-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2018-2019.**

Motion by Councilmember Jessica Walker approve Consent Agenda as presented by Staff, seconded by Councilmember Susan Long.

Motion passed unanimously.

## **VI. REGULAR AGENDA**

### **RESOLUTIONS**

Mayor Pro Tem Morales read both items 7 & 8 into the record for one single presentation.

- 7. 2019-9623-R: Consider adopting a resolution authorizing a Chapter 380 Development Agreement with VKDM Investment, LLC for an amount not to exceed \$115,000 for Tier III category improvements for 103 East Central within the Downtown Strategic Investment Zone corridor.**

Brynn Myers, City Manager presented items 7 & 8 to the Council. We have two grant requests the Strategic Program, and this program has been so well received and used this year that we are now at the end of our funding allocation for FY19.

First discussed with the proposal at 200 West Calhoun Avenue. The request is for \$34,717 grant exterior rehabilitation work, to include signage and landscaping. The total project investment is \$89,759; and the grant eligible portion of the proposal is \$69,433. This property qualifies for the Commercial Tier II Grant. So based on our current program, the maximum grant available for this project is \$40,000. However, that does depend on them spending at least double that amount in eligible grant improvements; and they are only proposing to spend just under \$70,000. The proposed improvements include the addition of a historically accurate awning and new signage, and landscaping. In addition the grant eligible items, the property owner is proposing to do some repair work on the stucco façade.

The second grant proposal received is for the property at 103 E. Central Avenue, know by most as the Professional Building or the SPJST Building. This building was constructed as the "Professional Building" in the 1920's at a cost of between \$175,000-\$200,000, and later became the State headquarters for the SPJST in 1953. The request is for \$115,000 grant exterior rehabilitation and interior finish-out. The total project investment is \$3.8 million. This project is eligible as a double façade property, as well as for the residential supplement in an amount of \$30,000 as a new downtown residential unit in mixed-use project (\$10,000 per unit/3 max units). This property qualifies for the Commercial Tier III Grant. The proposal is commercial on the bottom floor with residential (for lease) on the upper floors. The developer is also proposing improvements on the roof level with a water feature and outdoor entertainment space for their tenants.

Currently in the SIZ program there is \$157,989 remaining in the grant allocation for FY19. We don't have enough money in the account to fund both projects as requested. This is not an entitlement program, which allows the Council to approve one or both as they see appropriate. Ms. Myers noted her recommendation is to fund East Central Avenue at \$145,000, and West Calhoun at \$12,989. The East Central Avenue project has a significant proposed investment of \$3.8 million.

Motion by Councilmember Jessica Walker adopt resolution for an amount not to exceed \$145,000, seconded by Councilmember Susan Long.

Motion passed unanimously.

8. **2019-9624-R: Consider adopting a resolution authorizing a Chapter 380 Development Agreement with GZ Properties, Inc. for an amount not to exceed \$34,717 for Tier II category façade and landscaping improvements for 200 West Calhoun Avenue within the Commercial Strategic Investment Zone corridor.**

Motion by Councilmember Susan Long adopt resolution for an amount not to exceed \$12,989, seconded by Councilmember Jessica Walker.

Motion passed unanimously.

There being no further business, Mayor Pro Tem Morales adjourned the meeting at 5:27 p.m.



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Timothy A. Davis, Mayor

ATTEST:

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Lacy Borgeson  
City Secretary

## **SPECIAL MEETING OF THE TEMPLE CITY COUNCIL**

**APRIL 5, 2019**

The City Council of the City of Temple, Texas conducted a Special Called Meeting on Friday, April 5, 2019 at 8:30 AM, at the Municipal Building, 2 North Main Street, in the Council Chambers.

**Present:**

Councilmember Susan Long  
Councilmember Jessica Walker  
Mayor Pro Tem Judy Morales

**Absent:**

Mayor Timothy A. Davis

**I. CALL TO ORDER**

**1. Invocation**

Mayor Pro Tem Morales voiced the Invocation.

**2. Pledge of Allegiance**

Lacy Borgeson, City Secretary led the Pledge of Allegiance.

**II. ANNEXATION - PUBLIC HEARING**

**3. SECOND PUBLIC HEARING – FY-19-1-ANX Receive Municipal Service Plan and conduct a public hearing to receive comments on the possible voluntary annexation of a 185.277 acres of land, which includes a 160.047-acre tract and a 12.541-acre tract, out of the Maximo Moreno Survey, Abstract No. 14, and 12.689 acres of right-of-way of Hartrick Bluff Road, Bell County, Texas.**

**4. SECOND PUBLIC HEARING – FY-19-2-ANX Receive Annexation Municipal Service Plan and conduct a public hearing to receive comments on the possible voluntary annexation of a 119.827+/- acres of land, which includes a 118.560-acre tract out of the Maximo Moreno Survey, Abstract No. 14, and 1.267 acres of right-of-way of Haymarket Drive, Bell County, Texas.**

Mayor Pro Tem Morales read both items 3 & 4 into the records for a single presentation by Staff.

Mr. Barrett, Assistant Director of Planning provided a brief presentation. She noted that Short Term Lending G.P, Inc filed a petition on February 7, 2019 seeking voluntary annexation of 185.277 acres of land, which includes a 160.047-acre tract, a 12.541-acre tract and 12.689 acres of right-of-way of Hartrick Bluff Road into the City of Temple. Voluntary annexation is governed by Section 43.028 of the Texas Local Government Code and applies only to the annexation of an area that is:

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

On February 21, the City Council adopted a resolution directing City staff to create a Municipal Service Plan and public hearing schedule to consider the annexation of the subject property. This is the second of two public hearings.

The voluntary annexation for Hartrick Bluff consists of approximately 1.5 miles of road; with 160+ acres and 12.6 + acres of land just to the east of Hartrick Bluff Road. The second request for voluntary annexation gets it contiguity from the proximity of Hartrick Bluff Road along Haymarket Drive. There is approximately .22 miles of Haymarket Drive included in the second request for voluntary annexation, with 118.5 + acres tract of land.

Ms. Barret reviewed the Municipal Services Plans for both requests for voluntary annexation. The first case FY-19-1-ANX, was requested by the property owner that the zoning be Planned-Development for limited retail and residential development, dependent upon successful annexation as Case FY-19-9-ZC. The zoning for the second request voluntary annexation case FY-19-2-ANX, has been requested as Planned-Development Single Family Two, also dependent upon successful annexation as Case FY-19-13-ZC.

The Municipal Service Plans were developed by directed by Council on February 21, 2019. The Plans have been reviewed by all relevant departments and there are no issues. The first reading of the ordinance is expected to be May 2, 2019; with the second and final on May 16, 2019.

Ms. Barrett noted the Service Plan will not provide any fewer or lower level of services in the area proposed to be annexed than were in existence at time of annexation. The City plans 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 similar areas.

Ms. Myers reminded Council that this is a voluntary annexation request of the property owner, and not initiated by the City. This request only includes the property owner's property and only the roadway of Hartrick Bluff and Haymarket Drive.

Mayor Pro Tem Morales declared the public hearing open with regards to agenda items 3 & 4 and asked if anyone wished to address either item. There being none, Mayor Pro Tem Morales declared the public hearing closed.

She also announced that the first reading of the ordinance for each item would be held on May 2, 2019 at 5:00 pm.

There being no further business, Mayor Pro Tem Morales adjourned the meeting at 8:38 a.m.

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Timothy A. Davis

ATTEST:

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Lacy Borgeson  
City Secretary



## COUNCIL AGENDA ITEM MEMORANDUM

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Item #5(C)  
Consent Agenda  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Kayla Landeros, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing an amendment to the professional services agreement with Stateside Right of Way Services, LLC for Outer Loop Phase 4 to increase the not to exceed amount from \$264,000 to \$301,950 to include drainage easement acquisitions for the Pepper Creek Tributary 3 Drainage Project.

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

**ITEM SUMMARY:** The Outer Loop south of FM 2305 is an important north-south arterial that will connect the Adams Avenue growth corridor to IH 35. Phase 3A at Adams Avenue has recently been constructed. Construction on phase (3B) to extend the Outer Loop just south of Jupiter Drive is expected to begin in the coming weeks. Phase 4 will consist of 6,100 linear feet of arterial roadway between Jupiter Road and just south of the future connection of Poison Oak Road.

At this time, Staff anticipates right-of-way will be needed from approximately 27 tracts of land. Based on the current design of the project, Staff does not believe relocation will be necessary. On June 21, 2018, Council approved a professional services agreement with Stateside Right of Way Services, LLC (Stateside) for multiple services during the acquisition process, including, but not limited to, project management, title, and appraisal services. Due to anticipated federal funding for the project, at its September 6, 2018 meeting, Council authorized an amendment to the agreement for the step of review appraisals to adhere to the rules and regulations associated with receiving federal funds.

Additionally, the City is in the design phase of the Pepper Creek Tributary 3 Drainage Project. The location of the project is in close proximity to Outer Loop Phase 4 and includes some of the same properties and owners. Staff anticipates five drainage easements will be needed for the project with at least two easements needed from owners that the City will acquire right of way for Outer Loop Phase 4. Due to these factors, Staff believes it is in the City's and the property owners' interest to have Stateside provide the necessary professional services for both acquisitions. Stateside has revised its amended proposal to include acquisition services for the drainage easements.

Staff is seeking authorization for an amendment to the professional services agreement with Stateside Right of Way Services, LLC for Outer Loop Phase 4 to increase the not to exceed amount from \$264,000 to \$301,950 to include drainage easement acquisitions for the Pepper Creek Tributary 3 Drainage Project.

**FISCAL IMPACT:** Funding for the amendment to the professional services agreement with Stateside Right of Way Services, LLC to include the Pepper Creek Tributary 3 Drainage Project easement acquisitions in the amount of \$37,950 is available in account 353-2900-534-6813, project 102016.

**ATTACHMENTS:**

[Revised Stateside Proposal  
Resolution](#)



**March 29, 2019**

City of Temple, Texas  
Christina A. Demirs  
Deputy City Attorney, Right of Way  
2 North Main, Suite 308  
Temple, Texas 76501

Re: Proposal for Project Management, Acquisition, Title Curative and Closings in Temple, Texas –  
Outer Loop ROW Acquisition Project – **Phase IV – Revision to include Drainage Easements**

### **RIGHT OF WAY SCOPE OF SERVICES**

#### **Acquisition / Negotiation:**

Stateside will complete negotiations through Final Offer Letter and Closings for \$4,000 per parcel.

Set up Files: Stateside will set up and maintain electronic files on each property (may be referred to as parcel). Files will include copies of correspondence, completed notices and forms, title commitment, appraisal report, copies of informational documents such as Bell County Appraisal District information, Secretary of State information, and title documents. All information will remain confidential and must be requested through City of Temple.

- Initial Offer Packet: Upon written approval by the City of Temple (City), the Stateside Right of Way Agent (Agent) will notify the property owners in writing of the City's interest in acquiring their property and the approved offer amount for that interest. This packet will be sent by certified mail, return receipt requested to the owner's current address as listed on the Bell County Tax Assessor's website. All individuals that may be affected by this project will be given an opportunity to meet and discuss the procedures to which they may be interested or by which they may be affected. Arrangements will be made, as required, to present information to persons who are unable to read or write English or otherwise need additional assistance.
- In negotiating with the owners of the subject land, it is assumed that the owner will in turn negotiate with any lessees or others who may own any interest in the land or improvements, and settle any lease or lease hold interests prior to closing.
- Counteroffer: During negotiations, if a property owner provides appraisal information or a counteroffer, either written or verbal, which the landowner believes is relevant to the acquisition, the Agent may forward the information to the appraisal firm for analysis. The Agent will discuss with the City a recommendation. The Agent will provide an appropriate response to the property owner based upon the City's decision.

- Final Offer Letter: If negotiations reach an impasse, the Agent will prepare a Final Offer Letter restating the terms of the offer and submit to the City for approval. Upon written approval by the City, the Agent will send the Final Offer Letter to the property owner via certified mail, return receipt requested.

### **Title/Closing:**

Stateside will complete title / closing with Centraland Title Company as the designated closing agent.

- Stateside will order Commitments for Title Insurance with copies of all supporting documents for items listed on Schedules A, B and C of the Title Commitment for properties to be acquired.
- Copies of all Schedule A and B documents are to be provided to the survey team by the City or Stateside.
- Upon receipt of the Title Commitments and supporting documents, the Agent will:
  - Review Commitment and supporting documents
    - Vesting Deeds will be verified with ownership shown on the Commitment
    - Secretary of State information will be researched for Corporations, LLC or other entity information
    - Lien information and clouded or complicated title issues will be noted for:
      - Long lead time issues
      - Condemnation by Publication actions needed
  - Provide a copy of the Title Commitment and backup documents to the appraisal firm.
- Prior to acquiring any real property, the Agent will take all appropriate steps necessary to ensure that the area being acquired is purchased with acceptable title and clear title, if possible.
- Upon receipt of properly executed conveyance and title curative documents, all originals will be submitted to the Title Company to be held in escrow until closing.
- The Title Company will provide a Settlement Statement for the purchase price and closing costs that will be sent to the City.
- The Agent will prepare a Closing Packet for the City which will include an executed Memorandum of Agreement.
- The City will sign all closing documents and Stateside will attend closing.
- The Title Company will record all Deeds and title curative release documents and provide file marked copies to the Agent. The original recorded Deed shall be returned to the City Attorney.
- The Title Company will provide a Title Policy for the purchase price on all fee acquisitions.

### **Condemnation Support Services:**

Stateside will provide condemnation support services for an hourly rate of \$80 per hour for Right of Way Technician tasks, and \$110 per hour for Right of Way Agent tasks.

- The Agent will provide a summary of activities related to the acquisition efforts for review and consideration by the City for Eminent Domain proceedings.
- The Agent will be available to assist the City Attorney as necessary.



**Pass-Through Costs:**

All invoices submitted to Stateside will be a pass through cost to the City. These costs may include: closing costs, landowner incidental costs, appraisal costs, mover estimates, interpreter fees, and relocation costs.

**Files:**

Stateside will maintain office files containing copies of completed notices, logs and project status reports, as required. The City will have access to these files and will be cc'd on email correspondence. Additional exhibits will be available through the City, if needed. Stateside will notify the City if a landowner retains an attorney and makes that information available to Stateside. All information will remain confidential and must be requested through the City of Temple Project Manager.

**Invoice:**

Stateside accounting requires invoicing on a month end basis. Payment is expected within 30 days of the date of the invoice.

**Fees:****Appraisal Services:**

• Easement Appraisals – 4@\$3,500 & 1@\$3,950 each	<b>\$ 17,950</b>
• Residential Land Only Appraisals – 18 @ \$3,500 each	<b>\$ 63,000</b>
• Commercial Land Only Appraisals – 4 @ \$3,500 each	<b>\$ 14,000</b>
• Residential with proximity impact Appraisals – 6 @ \$4,900 each	<b>\$ 29,400</b>
• Review Fees – Charles Stearman – 28 parcels	<b><u>\$ 49,600</u></b>
<b>Fee Appraisal total amount:</b>	<b>\$ 173,950</b>

**Acquisition Services:**

The fees will be submitted on a milestone basis:

- Negotiation Services – up to 27 fee acquisitions - @ \$4,000 each **\$ 108,000**
- Negotiation Services – up to 5 easement acquisitions - @ \$4,000 each **\$ 20,000**

**The Stateside total amount is not to exceed: \$ 301,950**

**Milestone Payments:**

The acquisition fees will be submitted on the following milestone basis:

- Set up 20% per parcel
- Offer Packet 50%
- Final Offer/Closing 20%
- File Close Out/Submit for ED 10%

Thank you for this opportunity and we look forward to working with you and your team.

Sincerely,

**STATESIDE RIGHT OF WAY SERVICES, L.L.C.**



Diane B. Valek

President

RESOLUTION NO. 2019-9625-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH STATESIDE RIGHT OF WAY SERVICES, INC. OF TEMPLE, TEXAS, TO INCREASE THE NOT TO EXCEED AMOUNT FROM \$264,000 TO \$301,950, TO INCLUDE DRAINAGE EASEMENT ACQUISITIONS FOR THE PEPPER CREEK TRIBUTARY 3 DRAINAGE PROJECT FOR THE OUTER LOOP PHASE 4 PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Outer Loop, south of FM 2305, is an important north-south arterial that will connect the Adams Avenue growth corridor to IH 35;

**Whereas**, Phase 3A at Adams Avenue has recently been constructed and construction on Phase 3B to extend the Outer Loop just south of Jupiter Drive is expected to begin in the coming weeks;

**Whereas**, Phase 4 will consist of approximately 6,100 linear feet of arterial roadway between Jupiter Road and just south of the future connection of Poison Oak Road;

**Whereas**, at this time, Staff anticipates right-of-way will be needed from approximately 27 tracts of land and based on the current design of the project, Staff does not believe relocation will be necessary;

**Whereas**, on June 21, 2018, Council approved a professional services agreement with Stateside Right of Way Services, LLC (Stateside) for multiple services during the acquisition process, including, but not limited to, project management, title, and appraisal services;

**Whereas**, due to anticipated federal funding for the project, at its September 6, 2018 meeting, City Council authorized an amendment to the agreement to add appraisal review to adhere to the rules and regulations associated with receiving federal funds;

**Whereas**, additionally, the City is in the design phase of the Pepper Creek Tributary 3 Drainage Project and the location of the project is in close proximity to Outer Loop Phase 4 and includes some of the same properties and owners - Staff anticipates five drainage easements will be needed for the project with at least two easements needed from owners that the City will acquire right of way for Outer Loop Phase 4;

**Whereas**, due to these factors, Staff believes it is in the City's and the property owners' interest to have Stateside provide the necessary professional services for both acquisitions - Stateside has revised its amended proposal to include acquisition services for the drainage easements;

**Whereas,** Staff recommends Council authorize an amendment to the professional services agreement with Stateside Right of Way Services, Inc. of Temple, Texas, to increase the not to exceed amount from \$264,000 to \$301,950 to include drainage easement acquisitions for the Pepper Creek Tributary 3 Drainage Project for Phase 4 of the Outer Loop Project;

**Whereas,** funding for this agreement is available in Account No. 353-2900-534-6813, Project No. 102016; 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 authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute an amendment to the professional services agreement with Stateside Right of Way Services, Inc. of Temple, Texas, to increase the not to exceed amount from \$264,000 to \$301,950 to include drainage easement acquisitions for the Pepper Creek Tributary 3 Drainage Project for Phase 4 of the Outer Loop Project.

**Part 3:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **18<sup>th</sup>** day of **April**, 2019.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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04/18/19  
Item #5(D)  
Consent Agenda  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Kevin Beavers, CPRP, Director of Parks and Recreation

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of resale food items for Lions Junction Family Aquatic Center from Performance Food Group of Temple, in the estimated amount of \$46,890.

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

**ITEM SUMMARY:** Authorization of the purchase of an estimated \$46,890 in resale food items from Performance Food Group (PFG) will fulfill the food sale demand for the summer of 2019. Not using product purchases of \$39,917 from fiscal year 2018, the prior two fiscal year purchases averaged \$46,457. Fiscal year 18 expenditures were down due to Lions Junction having to close multiple days to comply with city wide water restrictions.

Per the Local Government Code 252.022(a) (14), goods purchased for subsequent retail sale are exempt from competitive bidding. Although competitive bidding is not required related to these food item purchases, staff sought the best value for products to be sold at the facility.

**FISCAL IMPACT:** Funding for the purchase of the resale food items for Lions Junction Family Aquatic Center is available in account 110-3221-551-2721.

### **ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2019-9626-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF RESALE FOOD ITEMS FOR LIONS JUNCTION FAMILY AQUATIC CENTER IN THE ESTIMATED AMOUNT OF \$46,890, FROM PERFORMANCE FOOD GROUP OF TEMPLE, TEXAS FOR FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, Lions Junction Family Aquatic Center expanded in 2016, and with that, food sales have increased;

**Whereas**, by not using product purchases in the amount of \$39,917 from fiscal year 2018, the prior two fiscal year purchases averaged \$46,457 - fiscal year 2018 expenditures were down due to Lions Junction having to close multiple days to comply with city wide water restrictions;

**Whereas**, purchasing approximately \$46,890 in resale food items from Performance Food Group (PFG) will fulfill the food sale demand for the summer of 2019;

**Whereas**, per the Local Government Code 252.022(a)(14), goods purchased for subsequent retail sale are exempt from competitive bidding and therefore no competitive bidding is required related to these food item purchases, however, Staff carefully shops products with various vendors to achieve the best value for the City;

**Whereas**, funds are available for this purchase in Account No. 110-3221-551-2721; 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 authorizes the purchase of resale food items for Lions Junction Family Aquatic Center in the estimated amount of \$46,890, from Performance Food Group of Temple, Texas for fiscal year 2019.

**Part 3:** 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.

**Part 4:** 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 **18<sup>th</sup>** day of **April**, 2019.

THE CITY OF TEMPLE, TEXAS

---

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

---

4/18/19  
Item #5(E)  
Consent Agenda  
Page 1 of 1

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

Kirk Scopac, Fleet Services Director  
Kenny Henderson, Transportation Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of a roll-off refuse truck from Lonestar Freightliner Group, LLC of Grapevine in the amount of \$159,867.65, as well as, declare an official intent to reimburse the expenditures with the issuance of 2019 Limited Tax Notes.

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

**ITEM SUMMARY:** The City provides roll-off services throughout the City, and based on a recent increase in demand of eight additional roll-off picks per day by a stable commercial customer, Staff is recommending the purchase of one 2019 Western Star 4700SB cab-chassis with Galfab 60,000lb Roll-Off Hoist body for \$159,867.65 from Lonestar Freightliner Group, LLC of Grapevine. The truck is actually in stock at Lonestar's regional dealership in Temple.

Lonestar Freightliner Group, LLC has been awarded contract #521-16 by BuyBoard. Staff is recommending the utilization of this BuyBoard contract for the truck purchase. Contracts awarded by BuyBoard have been competitively procured and comply with the statutory procurement requirements for Texas municipalities.

**FISCAL IMPACT:** This vehicle is being funded with the issuance of the 2019 Limited Tax Notes. We are declaring an official intent to reimburse for this purchase. A budget adjustment will be prepared at the time of the bond sale to reimburse expenditures incurred prior to the issuance of the bonds.

Once the budget adjustment is approved, funding will be available in account 364-2300-540-6220, project 102022 for the purchase of the roll-off refuse truck from Lonestar Truck Group in the amount of \$159,867.65 as shown below:

Project Budget	\$	162,000
Encumbered/Committed to Date		-
Lonestar Truck Group		(159,868)
Remaining Project Funds Available	\$	<u>2,132</u>

**ATTACHMENTS:**

[Resolution](#)



RESOLUTION NO. 2019-9627-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A ROLL-OFF REFUSE TRUCK IN THE AMOUNT OF \$159,867.65, FROM LONESTAR FREIGHTLINER GROUP, LLC OF GRAPEVINE, TEXAS, AS WELL AS, DECLARE AN OFFICIAL INTENT TO REIMBURSE THE EXPENDITURES WITH THE ISSUANCE OF 2019 LIMITED TAX NOTES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City provides roll-off services throughout the City and based on a recent increase in demand for eight additional roll-off pickups per day by a stable commercial customer, Staff recommends Council authorize the purchase of one 2019 Western Star 4700SB cab-chassis with Galfab 60,000lb Roll-Off Hoist body refuse truck in the amount of \$159,867.65 from Lonestar Freightliner Group, LLC of Grapevine, Texas;

**Whereas**, Lonestar Freightliner Group, LLC has been awarded BuyBoard Contract No. 521-16 and Staff recommends using this BuyBoard contract for this purchase - contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

**Whereas**, the City finds, considers and declares that the reimbursement of the City for the payment of such expenditures will be appropriate and consistent with the lawful objectives of the City and, as such, chooses to declare its intention, in accordance with the provisions of Section 1.150-2 of the Treasury Regulations, to reimburse itself for such payments at such time as it issues Limited Tax Notes to finance the Project;

**Whereas**, the City hereby certifies that such expenditures have not been made prior to the date of passage of this Resolution;

**Whereas**, upon issuance of the Limited Tax Notes, the City desires to reimburse these prior expenditures with proceeds of the Notes;

**Whereas**, Section 1.150-2 of the Treasury Regulations provides that an expenditure on the Project may not be reimbursed from Limited Tax Notes proceeds unless, along with other requirements, the City declares official intent to reimburse the expenditure prior to the date that the expenditure to be reimbursed was paid;

**Whereas**, this purchase is being funded with the issuance of the 2019 Limited Tax Notes and the City is declaring an official intent to reimburse for this purchase - a budget adjustment will be prepared at the time of the bond sale to reimburse expenditures incurred prior to the issuance of the bonds;

**Whereas**, once the budget adjustment is approved, funding will be available in Account No. 364-2300-540-6220, Project No. 102022; 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 authorizes the purchase of one 2019 Western Star 4700SB cab-chassis with Galfab 60,000lb Roll-Off Hoist body refuse truck in the amount of \$159,867.65 from Lonestar Freightliner Group, LLC of Grapevine, Texas.

**Part 3:** 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.

**Part 4:** The findings, determinations and certifications contained in the preamble hereof are incorporated herein for all purposes.

**Part 5:** This Resolution is a declaration of official intent by the City under Section 1.150-2 of the Treasury Regulations that it reasonably expects to reimburse the expenditures described in Part 1 with proceeds of debt to be incurred by the City, such debt to be issued on or before eighteen (18) months after the date of (i) the date the first expenditure is paid; or (ii) the date on which the property is placed in service, but in no event three years after the first expenditure is paid.

**Part 6:** 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 **18<sup>th</sup>** day of **April**, 2019.

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

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04/18/19  
Item #5(F)  
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 2018-2019.

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

**ITEM SUMMARY:** This item is to recommend various budget amendments, based on the adopted FY 2018-2019 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

**FISCAL IMPACT:** The total amount of budget amendments is \$45,784.

**ATTACHMENTS:**

[Budget Amendments](#)  
[Resolution](#)

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2019 BUDGET**  
**April 18, 2019**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-2033-521-2120		Supplies / Education/Recreation	\$ 1,000	
110-0000-442-0723		Police Revenue / DARE Donations-Unrestricted		\$ 1,000
To appropriate proceeds received from the Booster Calendar Company for the 2019 poster sales.				
520-5200-535-6357	101649	Capital Buildings & Grounds / Water Line Improvements - Emergency Water Line Repair for Panda	\$ 31,359	
520-0000-443-3067		Other Charges / Panda Reimbursements		\$ 31,359
To appropriate reimbursement from Temple Generation SF for emergency repair work completed in January to the primary reclaim water line that supplies Panda Power.				
110-2057-521-2121		Supplies / Firearms/Munitions	\$ 1,258	
110-0000-442-0720		Police Revenue / Police Revenue		\$ 1,258
To appropriate proceeds received from Temple Iron & Metal for recycled brass, copper and steel.				
110-2057-521-2121		Supplies / Firearms/Munitions	\$ 2,267	
110-0000-442-0720		Police Revenue / Police Revenue		\$ 2,267
To appropriate trade-in of seven (7) Smith & Wesson model 638 guns and 40 boxes of ammunition for the purchase of seven (7) Glock 43x9 mm Single Stack GNS with 2 mags.				
110-1700-519-2616		Contracted Services / Professional	\$ 9,900	
<b>110-1500-515-6531</b>		<b>Capital - Special Projects / Contingency</b>		<b>\$ 9,900</b>
To reallocate funding for a professional services agreement with Strategic Government Resources for the search and recruitment of the vacant Senior Planner position.				
<b>TOTAL AMENDMENTS</b>			<b>\$ 45,784</b>	<b>\$ 45,784</b>
<b>GENERAL FUND</b>				
		Beginning <b>Contingency</b> Balance	\$ 100,000	
		Added to Contingency Sweep Account	-	
		Carry forward from Prior Year	-	
		Taken From Contingency	-	
		Net Balance of Contingency Account	\$ 100,000	
		Beginning <b>Judgments &amp; Damages</b> Contingency	\$ 279,725	
		Added to Contingency Judgments & Damages from Council Contingency	-	
		Taken From Judgments & Damages	(16,701)	
		Net Balance of Judgments & Damages Contingency Account	\$ 263,024	
		Beginning <b>Compensation</b> Contingency	\$ 285,000	
		Added to Compensation Contingency	-	
		Taken From Compensation Contingency	(285,000)	
		Net Balance of Compensation Contingency Account	\$ -	
		<b>Net Balance Council Contingency</b>	<b>\$ 363,024</b>	
		Beginning Balance <b>Budget Sweep</b> Contingency	\$ -	
		Added to Budget Sweep Contingency	-	
		Taken From Budget Sweep	-	
		Net Balance of Budget Sweep Contingency Account	\$ -	
<b>WATER &amp; WASTEWATER FUND</b>				
		Beginning <b>Contingency</b> Balance	\$ 219,446	
		Added to Contingency Sweep Account	-	
		Taken From Contingency	(91,243)	
		Net Balance of Contingency Account	\$ 128,203	
		Beginning <b>Compensation</b> Contingency	\$ 54,000	
		Added to Compensation Contingency	-	
		Taken From Compensation Contingency	(54,000)	
		Net Balance of Compensation Contingency Account	\$ -	
		<b>Net Balance Water &amp; Wastewater Fund Contingency</b>	<b>\$ 128,203</b>	

CITY OF TEMPLE  
BUDGET AMENDMENTS FOR FY 2019 BUDGET  
April 18, 2019

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		<b>HOTEL/MOTEL TAX FUND</b>		
		Beginning <b>Contingency</b> Balance		\$ -
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account		\$ -
		Beginning <b>Compensation</b> Contingency	\$	16,500
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(13,279)
		Net Balance of Compensation Contingency Account	\$	3,221
		<b>Net Balance Hotel/Motel Tax Fund Contingency</b>		<b>\$ 3,221</b>
		<b>DRAINAGE FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	336,406
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	336,406
		Beginning <b>Compensation</b> Contingency	\$	10,500
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(9,520)
		Net Balance of Compensation Contingency Account	\$	980
		<b>Net Balance Drainage Fund Contingency</b>		<b>\$ 337,386</b>
		<b>FED/STATE GRANT FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	-
		Carry forward from Prior Year		34,641
		Added to Contingency Sweep Account		9,024
		Taken From Contingency		(43,665)
		<b>Net Balance Fed/State Grant Fund Contingency</b>	\$	-

RESOLUTION NO. 2019-9628-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2018-2019 CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on the 24<sup>th</sup> day of August, 2018, the City Council approved a budget for the 2018-2019 fiscal year; and

**Whereas**, the City Council deems it in the public interest to make certain amendments to the 2018-2019 City Budget.

**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 hereby amends the 2018-2019 City Budget by adopting the budget amendments which are more fully described in Exhibit 'A,' attached hereto and made a part hereof for all purposes.

**Part 3:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 18<sup>th</sup> day of **April**, 2019.

THE CITY OF TEMPLE, TEXAS

---

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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04/18/19  
Item #6  
Regular Agenda  
Page 1 of 2

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

Kevin Beavers, CPRP, Parks and Recreation Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a transfer agreement with Temple Cemetery Company for the transfer of ownership, management, and operations of the Hillcrest Cemetery to the City of Temple.

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

**ITEM SUMMARY:** Temple Cemetery Company ("TCC") is a nonprofit corporation and is the owner and operator of Hillcrest Cemetery. Hillcrest Cemetery is located at 1873 North First Street on approximately 68 acres of historic grounds. It has been managed by TCC since the early 1880s.

The first marked burials can be traced back to the late 1870s. Hillcrest Cemetery is the final resting place for diverse nationalities who settled here including those of German, Czech, Italian, Hispanic, French, Chinese, Vietnamese, and Korean descent. There are currently an estimated 16,000-18,000 burials.

A few of the key gravesites listed on the Hillcrest Cemetery historical walking tour are:

- Mary Williams--cemetery's earliest marked grave (1877)
- W. Goodrich Jones--considered the father of Texas Forestry
- Raleigh R. White, Jr., M.D./Arthur Carroll Scott Sr., M.D.—co-founders of Scott & White Memorial Hospital and Clinic
- Frank Doering—established the Doering Hotel, renamed to the Hawn Hotel

Since 2011, the City of Temple has provided increasing financial support to Hillcrest ranging from \$20,000 in 2011 to \$50,000 in 2018. In late 2018, City leadership met with the Chair and Vice Chair of the TCC Board and learned of their concern that the current level of funding along with other revenue sources may not be sufficient to continue the Cemetery operations. They requested either an increase to \$100,000 in financial support or that the City consider taking over the ownership, operations and maintenance of the Cemetery.

Over the past several months, Staff has been evaluating the process for taking over ownership and operations of the Cemetery. At this time, Staff is recommending that Council authorize a transfer agreement with TCC which would transfer ownership of all TCC's assets, including the land where the Cemetery is located and all permanent structures on the land, to the City. The proposed transfer date is May 1, 2019. The estimated expenditures and revenues associated with the transfer are set forth in more detail below.

<b><u>Key Revenues</u></b>	<b><u>Amount FY 19</u></b>	<b><u>Amount FY 20</u></b>
Plot Sales	\$ 28,000	\$ 67,200
Plot Opening/Closing	3,500	8,400
Head Stone Setting	1,000	1,000
General Fund	65,090	65,349
Transfer-Hillcrest	30,000	-
Reallocated Funds	<u>24,509</u>	<u>58,821</u>
<b>Total Revenues</b>	<b>\$152,099</b>	<b>\$200,770</b>

<b><u>Key Expenses</u></b>	<b><u>Amount FY 19</u></b>	<b><u>Amount FY 20</u></b>
Salaries & Benefits	\$ 46,103	\$110,649
Supplies	1,350	6,000
Repair & Maintenance	1,000	10,000
Other Services	29,680	3,400
Contracted Services	63,500	10,100
Capital Expenses < \$5,000	10,466	4,131
Capital Expenses > \$5,000	<u>-</u>	<u>60,000</u>
<b>Total Expenditures</b>	<b>\$152,099</b>	<b>\$204,280</b>

**FISCAL IMPACT:** A budget adjustment in the amount of \$152,099 is being presented for Council's authorization allocating revenues and expenditures related to the transfer of ownership, management, and operations of Hillcrest Cemetery. Funding for forthcoming years will be included in future year budgets.

**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	INCREASE		DECREASE	
110-0000-445-26-01		Hillcrest Cemetery / Plot Sales	\$ 28,000			
110-0000-445-26-02		Hillcrest Cemetery / Opening/Closing	3,500			
110-0000-445-26-03		Hillcrest Cemetery / Head Stone Setting	1,000			
110-0000-445-26-04		Hillcrest Cemetery / Other	30,000			
110-1500-515-26-96		Contracted Services / Hillcrest Cemetery			50,000	
110-1500-515-26-84		Contracted Services / Hill Country			15,090	
110-4100-551-11-15		Salaries / Skilled			17,689	
110-4100-551-11-26		Salaries / Longevity			637	
110-4100-551-12-27		Personnel Benefits / AD&D Insurance			6	
110-4100-551-12-26		Personnel Benefits / Life Insurance			26	
110-4100-551-12-25		Personnel Benefits / Dental Insurance			36	
110-4100-551-12-28		Personnel Benefits / LTD			59	
110-4100-551-12-22		Personnel Benefits / Health Insurance			2,575	
110-4100-551-12-21		Personnel Benefits / Social Security			266	
110-4100-551-12-20		Personnel Benefits / Retirement/Pension			3,073	
110-4100-551-12-24		Personnel Benefits / Unemployment Ins			99	
110-4100-551-12-23		Personnel Benefits / Workers Comp			43	
110-3540-552-11-15		Salaries / Skilled	33,269			
110-3540-552-11-26		Salaries / Longevity	637			
110-3540-552-12-27		Personnel Benefits / AD&D Insurance	10			
<b>TOTAL.....</b>			<b>\$ 96,416</b>		<b>\$ 89,599</b>	

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

To appropriate revenues and expenditures related to Hillcrest Cemetery for the remainder of FY 2019

Page 1 of 3

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

04/18/19

WITH AGENDA ITEM?

☒ Yes☐ No

Department Head/Division Director

Date

☐ Approved  
☐ Disapproved

Finance

Date

☐ Approved  
☐ Disapproved

City Manager

Date

☐ Approved  
☐ Disapproved

**BUDGET ADJUSTMENT FORM**

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

**Adjustments should be rounded to the nearest \$1.**

			+		-	
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
110-3540-552-12-26		Personnel Benefits / Life Insurance	\$ 50			
110-3540-552-12-25		Personnel Benefits / Dental Insurance	77			
110-3540-552-12-28		Personnel Benefits / LTD	118			
110-3540-552-12-22		Personnel Benefits / Health Insurance	5,501			
110-3540-552-12-21		Personnel Benefits / Social Security	491			
110-3540-552-12-20		Personnel Benefits / Retirement/Pension	5,668			
110-3540-552-12-24		Personnel Benefits / Unemployment Ins	212			
110-3540-552-12-23		Personnel Benefits / Workers Comp	70			
110-3540-552-23-11		Repair & Maint / Bldgs & Grnds	1,000			
110-3540-552-21-10		Supplies / Office Supplies	350			
110-3540-552-21-11		Supplies / Computer Supplies	100			
110-3540-552-21-13		Supplies / Clothing & Uniforms	600			
110-3540-552-21-16		Supplies / Supplies & Tools	100			
110-3540-552-21-28		Supplies / Postage	200			
110-3540-552-26-30		Contracted Srvcs / Banking Srvcs Fees	750			
110-3540-552-25-15		Other Srvcs / Dues & Subscriptions	28,930			
110-3540-552-26-10		Contracted Srvcs / Telephone/Communications	300			
110-3540-552-26-11		Contracted Srvcs / Insurance & Bonds	250			
110-3540-552-26-35		Contracted Srvcs / Water/Sewer/Garbage	750			
110-3540-552-26-36		Contracted Srvcs / Electric	3,750			
<b>TOTAL.....</b>			<b>\$ 49,267</b>		<b>\$ -</b>	

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

To appropriate revenues and expenditures related to Hillcrest Cemetery for the remainder of FY 2019

Page 2 of 3

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

04/18/19

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

## BUDGET ADJUSTMENT FORM

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

**Adjustments should be rounded to the nearest \$1.**

+

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ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
110-3540-552-26-23		Contracted Srvcs / Other Contracted Srvcs	\$ 49,500			
110-3540-552-22-24		Capital < \$5,000 / Communication Eqpt	166			
110-3540-552-22-11		Capital < \$5,000 / Instruments/Special Eqpt	800			
110-3540-552-22-12		Capital < \$5,000 / Office Machines	1,250			
110-3540-552-22-21		Capital < \$5,000 / Computer Eqpt	4,500			
110-3540-552-22-20		Capital < \$5,000 / Machinery & Eqpt	3,750			
110-3540-552-26-16		Contracted Srvcs / Professional	8,950			
TOTAL.....			\$ 68,916	\$ -		

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

To appropriate revenues and expenditures related to Hillcrest Cemetery for the remainder of FY 2019

Page 3 of 3

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

	X
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Yes

No

DATE OF COUNCIL MEETING

04/18/19

WITH AGENDA ITEM?

	X
--	---

Yes

□

No

Department Head/Division Director

Date \_\_\_\_\_

☐ Approved

	Disapproved
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## Finance

Date \_\_\_\_\_

☐ Approved

	Disapproved
--	-------------

City Manager

Date \_\_\_\_\_

☐ Approved

	Disapproved
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RESOLUTION NO. 2019-9629-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A TRANSFER AGREEMENT WITH TEMPLE CEMETERY COMPANY FOR THE TRANSFER OF OWNERSHIP, MANAGEMENT, AND OPERATIONS OF THE HILLCREST CEMETERY TO THE CITY OF TEMPLE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, Temple Cemetery Company (“TCC”) is a nonprofit corporation and is the owner and operator of Hillcrest Cemetery which is located at 1873 North First Street on approximately 68 acres of historic grounds and has been managed by TCC since the early 1880s;

**Whereas**, the first marked burials at Hillcrest Cemetery can be traced back to the late 1870s and it is the final resting place for diverse nationalities who settled here including those of German, Czech, Italian, Hispanic, French, Chinese, Vietnamese, and Korean descent – Hillcrest Cemetery currently has an estimated 16,000-18,000 burials;

**Whereas**, a few of the key gravesites listed on the Hillcrest Cemetery historical walking tour are:

- Mary Williams - cemetery’s earliest marked grave (1877);
- W. Goodrich Jones - considered the father of Texas Forestry;
- Raleigh R. White, Jr., M.D./Arthur Carroll Scott Sr., M.D. - Co-Founders of Scott & White Memorial Hospital and Clinic; and
- Frank Doering - Established the Doering Hotel and renamed it to the Hawn Hotel;

**Whereas**, since 2011, the City of Temple has provided increasing financial support to Hillcrest Cemetery ranging from \$20,000 in 2011 to \$50,000 in 2018;

**Whereas**, in late 2018, City leadership met with the Chair and Vice Chair of the TCC Board and learned of their concern that the current level of funding along with other revenue sources may not be sufficient to continue Cemetery operations;

**Whereas**, TCC requested either an increase of their funding level to \$100,000 in financial support or to consider the City take over the ownership, operations and maintenance of the Cemetery;

**Whereas**, over the past several months, Staff has been evaluating the process for taking over ownership and operations of the Cemetery and Staff recommends Council authorize a Transfer Agreement with TCC which would transfer ownership of all TCC’s assets, including the land where the Cemetery is located and all permanent structures on the land, to the City - the proposed transfer date is May 1, 2019;

**Whereas**, an amendment to the fiscal year 2019 budget in the amount of \$152,099 is being presented for Council's approval allocating revenues and expenditures related to the transfer of ownership, management, and operations of Hillcrest Cemetery - funding for forthcoming years will be included in future year budgets; 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 authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a Transfer Agreement with Temple Cemetery Company transferring ownership of all Temple Cemetery Company's assets, including the land where the Cemetery is located, and all permanent structures on the land, to the City.

**Part 3:** The City Council authorizes an amendment to the fiscal year 2019 budget, substantially in the form of the copy attached hereto as Exhibit 'A.'

**Part 4:** 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 **18<sup>th</sup>** day of **April**, 2019.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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Item #7  
Regular Agenda  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Kevin Beavers, CPRP, Parks and Recreation Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a services agreement with Green Ackors Landscaping, LLC of China Spring in the estimated annual amount of \$49,500 to maintain Hillcrest Cemetery.

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

**ITEM SUMMARY:** Assuming the City Council authorizes the assumption of the operations of Hillcrest Cemetery, the cemetery will need to be maintained. Authorization of this services agreement with Green Ackors Landscaping, LLC will provide for this needed ground maintenance.

Three bids were received for the ground maintenance on April 4, 2019, as follows:

<b><u>Business Name</u></b>	<b><u>Area A</u></b>	<b><u>Area B</u></b>	<b><u>Total</u></b>
• Heart of Texas Landscape (Belton, Texas)	\$112,000	\$ 8,000	\$120,000 (\$6,000/cycle)
• Green Ackors Landscaping (China Spring, Texas)	\$ 45,000	\$ 4,500	\$ 49,500 (\$2,475/cycle)
• Fernando Leija (Belton, Texas)	\$ 88,000	\$10,000	\$ 98,000 (\$4,900/cycle)

The two areas are defined as follows:

- **Area A** (~60 acres) is considered the main part of the cemetery with historical and active gravesites. This area requires mowing to a height of 2-1/2" and weed-eating around all grave markers/headstones, trees, and fence.
- **Area B** (~eight acres) is the large open field that runs along East Shell Ave across from Miller park. Shredding is allowed in this area.

The bid was structured based upon an estimated 20 maintenance cycles in a fiscal year. The 20 cycles represent service every two weeks during the growing season between March and November. During times of the year such as July and August when the grass has slowed or stopped growing, the frequency can be reduced for cost savings.

Bidders also provided the City a cost for optional mowing during the off season of December through February. Green Ackors' pricing for additional mows is at the same rate as their base bid: \$2,250/cycle for Area A and \$225/cycle for Area B.

The Parks and Recreation Department currently uses Green Ackors Landscaping at various locations in the City. They have provided a very good service and are very responsive to unexpected needs that arise.

This proposed agreement will commence May 1, 2019, and continue through September 30, 2020, with the option for four one-year renewals, if mutually agreed to by the City and Green Ackors.

**FISCAL IMPACT:** Funding for the services agreement with Green Ackors Landscaping, LLC for the ground maintenance at Hillcrest Cemetery in the estimated amount of \$49,500 per year is available in account 110-3540-552-2623.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2019-9630-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A SERVICES AGREEMENT WITH GREEN ACKORS LANDSCAPING, LLC OF CHINA SPRING, TEXAS IN THE ESTIMATED ANNUAL AMOUNT OF \$49,500 FOR MOWING AND MAINTENANCE OF HILLCREST CEMETERY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, with the transfer of Hillcrest Cemetery to the City, the cemetery grounds will need to be mowed and maintained;

**Whereas**, on April 4, 2019, the City received three bids for the mowing and maintenance of Hillcrest Cemetery and Green Ackors Landscaping, LLC (Green Ackors) of China Spring, Texas was the low bidder at an estimated annual cost of \$49,500;

**Whereas**, the bid was structured in two awardable areas based upon an estimated 20 maintenance cycles per fiscal year between March and November, with Green Ackors providing the low bids for each area;

**Whereas**, bidders also provided the City a cost for optional mowing during the off season of December through February - Green Ackors' pricing for additional mows is at the same rate as their base bid;

**Whereas**, the City has done business with Green Ackors in the past and finds them to be a responsive and responsible vendor;

**Whereas**, this services agreement will commence May 1, 2019, and continue through September 30, 2020, with the option for four 1-year renewals, if mutually agreed to by the City and Green Ackors;

**Whereas**, Staff recommends Council authorize a services agreement with Green Ackors Landscaping, LLC of China Spring, Texas in the estimated annual amount of \$49,500, for the mowing and maintenance of Hillcrest Cemetery;

**Whereas**, funding for the mowing and maintenance agreement is available in Account No, 110-3540-552-2623; and

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

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

**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 authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a services agreement with Green Ackors Landscaping, LLC of China Spring, Texas in the estimated annual amount of \$49,500, for the mowing and maintenance of Hillcrest Cemetery.

**Part 3:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **18<sup>th</sup>** day of **April**, 2019.

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

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

Alan DeLoera, Information Technology Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of CemSites Cemetery Software and Services which includes web-based software, website hosting/integration and grave mapping with the Site Industries LLC, DBA CemSites of Perryopolis, Pennsylvania in the amount of \$28,930.

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

**ITEM SUMMARY:** The City is will soon be assuming management of the Hillcrest Cemetery in which records management software is needed for the management of all cemetery records. Currently all records are in a hand-written paper-based format and it is very time intensive to find a burial record and where the associated grave is located.

The CemSites software is a web-based records management software that can be accessed online from any PC, tablet or smart phone. Cemsites will also provide grade level mapping as part of this purchase so that all burials sites are accessible to employees through web browser. The following features are included in the Cemsites software:

- User dashboard with statistical analysis
- Grave and owner records management
- Work order management
- Document management
- Custom fields can be created
- Is easy to use

This software will enable a more efficient workflow, easier navigation and a fully integrated development process.

A Review group made up of the Parks Admin and IT staff reviewed three vendors and the Cemsites software was determined to provide the best solution for the cemetery records management system.

Of the three solutions we looked at Cemsites was the only web-based option or what is called Software as a service (SAAS). We also looked at CemEditor and Legacy Mark and both are windows only software. Cemsites will allow you to connect via any internet connection whereas CemEditor and Legacy Mark require you to be on the local city network. Software as a service (SAAS) reduces time to implementation, and the vendor is responsible for upgrades, uptime, security and allows you to work anywhere. Staff is requesting that this purchase be made from Site Industries LLC, DBA CemSites as the sole source provider as they are the sole provider of software and maintenance of the Cemsites product.

**FISCAL IMPACT:** Funding in the amount of \$28,930 for the web-based software, website hosting/integration and grave mapping with the Site Industries LLC is available in account 110-3540-552-2515.

**ATTACHMENTS:**  
[Resolution](#)

RESOLUTION NO. 2019-9631-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF CEMETERY SOFTWARE AND SERVICES THROUGH SITE INDUSTRIES, LLC DBA CEMSITES OF PERRYOPOLIS, PENNSYLVANIA IN THE AMOUNT OF \$28,930, FOR WEB-BASED SOFTWARE, WEBSITE HOSTING/INTEGRATION AND GRAVE MAPPING; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City is assuming management of Hillcrest Cemetery in which records management software is needed for the management of all cemetery records - currently all records are in a hand-written paper-based format making it very time intensive to find a burial record and where the associated grave is located;

**Whereas**, the Site Industries, LLC, DBA CemSites (CemSites) software is a web-based records management software that can be accessed online from any PC, tablet or smart phone - CemSites will also provide grade level mapping as part of this purchase so that all burials sites are accessible to employees through a web browser;

**Whereas**, this software will enable a more efficient workflow, easier navigation and a fully integrated development process;

**Whereas**, a review group made up of the Parks Administrative and Information Technology Staff reviewed three vendors and the CemSites software was determined to provide the best solution for the cemetery records management system, as it was the only web-based option allowing you to connect and work via any internet connection, reduces time to implementation, and the vendor is responsible for upgrades, uptime, and security;

**Whereas**, Staff recommends Council approve the purchase of the cemetery software and services from Site Industries, LLC, DBA CemSites, a sole source provider, in the amount of \$28,930;

**Whereas**, funding is available for this purchase in Account No. 110-3540-552-2515; 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 authorizes the purchase of cemetery software and services from Site Industries, LLC, DBA CemSites of Perryopolis, Pennsylvania in the amount of \$28,930 and 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.

**Part 3:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **18<sup>th</sup>** day of **April**, 2019.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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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 Chapter 2206, Government Code § 2206.053 finding that a portion of a property situated in the Nancy Chance Survey, Abstract #5, Bell County, Texas, is necessary for the Outer Loop Phase 6 project and authorizing the use of eminent domain to condemn that portion of the property.

*Executive Session – Pursuant to Chapter 551, Government Code § 551.072 – Real Property – The City Council may enter into executive session to discuss the purchase, exchange, lease or value of real property relating to City projects, the public discussion of which would have a detrimental effect on negotiations with a third party.*

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

**ITEM SUMMARY:** The expansion of Old Waco Road, the Outer Loop, is an important north-south arterial that will connect the Adams Avenue growth corridor to IH 35. This phase is currently under design with construction planned for FY2022. At this time, it is anticipated right-of-way will be needed from 17 properties owned by 13 private citizens or entities, under Chapter 251, Local Government Code § 251.001. The City has acquired one right-of-way. Because two owners of five of the needed rights-of-way are also impacted by the Charter Oak Water Line Project, Staff decided it was in both the owners and City's interest to acquire the needed interests at the same time. The City has contracted with Stateside Right of Way Services, Inc. (Stateside) to assist with acquisition and relocation services for this project. Appraisals were conducted and offers made based on the appraisals. Relocation studies were also conducted and presented to owners and tenants.

After negotiations, the City was unable to reach an agreement with either property owner. At its March 21, 2019 meeting, Council authorized eminent domain proceedings to acquire the needed rights-of-way from one of the property owners.

The portion of the property needed is legally described as being 0.946-acre, situated in the Nancy Chance Survey, Abstract #5, Bell County, Texas, embracing a portion of a called 12.348-acre tract conveyed to Steven J. Ward in Document No. 2014-00047809,

Official Public Records of Real Property, Bell County, Texas. The property is located along Charter Oak Drive, Temple, Texas (Bell CAD IDs #84 and 85).

The initial offer was sent to the owner of record on August 30, 2018 via Stateside.

Stateside sent a final offer on April 9, 2019 and if rejected after 14 days a condemnation proceeding will be filed.

Staff is asking pursuant to Chapter 2206, Government Code § 2206.053, for the City Council to authorize the use of the power of eminent domain to acquire the property described above.

**FISCAL IMPACT:** Funding for the property necessary for the Outer Loop Phase 6 project is available in the Reinvestment Zone No. 1 Financing Plan, Line 320, account 795-9600-531-6557, project 101585.

**ATTACHMENTS:**

[Survey](#)  
[Resolution](#)



**FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.**

April 22, 2018

Surveyor's Field Notes for:

**0.946 ACRE**, situated in the **NANCY CHANCE SURVEY, ABSTRACT 5**, Bell County, Texas, embracing a portion of a called 12.348 Acre tract conveyed to Steven J. Ward in Document No. 2014-00047809, Official Public Records of Real Property, Bell County, Texas, and being more particularly described as follows:

**BEGINNING** at a 5/8" iron rod with cap stamped "ACS" set on the northeast line of said 12.348 Acre tract, same being the southwest line of a called 4.705 Acre tract conveyed to Barbara J. Cooper in Volume 5574, Page 453, Official Public Records of Real Property, Bell County, Texas, which said iron rod set bears N 33° 37' 29" W – 9.88' from a concrete monument found at the easternmost corner of said 12.348 Acre tract, for the easternmost corner of the herein described tract;

**THENCE**, in a northwesterly direction, severing said 12.348 Acre tract, **N 76° 46' 14" W – 119.07'**, a 5/8" iron rod with cap stamped "ACS" set, **N 57° 53' 10" W – 40.61'**, a 5/8" iron rod with cap stamped "ACS" set, and **N 49° 02' 11" W – 320.51'**, to a 5/8" iron rod with cap stamped "ACS" set on the northwest line of said 12.348 Acre tract, same being the southeast line of a called 7.28 Acre tract conveyed to Barbara J. Cooper in Document No. 2007-00029394, Official Public Records of Real Property, Bell County, Texas, for the westernmost corner of the herein described tract;

**THENCE**, in a northeasterly direction, with the southeast line of said 7.28 Acre tract, **N 43° 56' 04" E – 129.86'** (Rec. N 46° 05' 19" E), to a 5/8" iron rod with cap stamped "ACS" set at the north corner of said 12.348 Acre tract, same being the western corner of said 4.705 Acre tract, for the northernmost corner of the herein described tract;

**THENCE**, in a southeasterly direction, with the southwest line of said 4.705 Acre tract, **S 27° 48' 47" E – 130.36'** (Rec. S 25° 29' 00" E – 131.89'), a 5/8" iron rod with cap stamped "ACS" set, **S 62° 57' 09" E – 142.25'** (Rec. S 60° 37' 22" E – 142.25'), a 5/8" iron rod with cap stamped "ACS" set, and **S 33° 37' 29" E – 207.15'** (Rec. S 31° 18' 47" E), to the **POINT OF BEGINNING** and containing 0.946 Acre of Land.

This project is referenced to the City of Temple Coordinate System, NAD 1983, Texas Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 122. The theta angle at City Monument No. 122 is 01° 30' 14". The combined correction factor (CCF) is 0.999857. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Reference tie from City monument No. 122 to the southeast corner of this 0.946 acre tract is S 73° 17' 29" W 4161.67 feet. Published City coordinates for project reference point 122 are N. = 10,367,918.25 E. = 3,210,425.21.

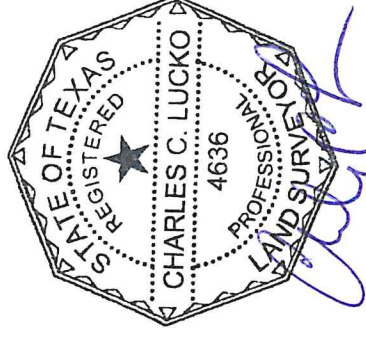
This document is not valid for any purpose unless signed and sealed by a Registered Professional Land Surveyor.

This metes and bounds description to accompany a Surveyor's Sketch of the herein described 0.946 Acre tract.

Surveyed October 13, 2017

**ALL COUNTY SURVEYING, INC.**  
**1-800-749-PLAT**  
**Tx. Firm Lic. No. 10023600**

server/projects/pro170000/170800/170823/170823-TR 15 & 16.doc



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

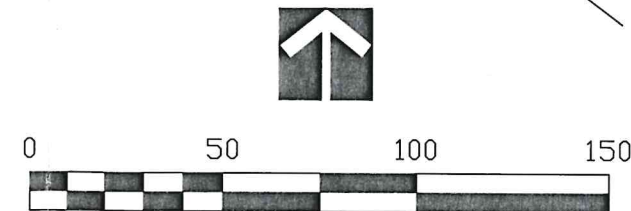


CALLED 7.28 ACRES  
BARBARA J. COOPER  
Doc. No. 2007-00029394

STEVEN J. WARD - TRACTS 15 & 16  
Survey showing 0.946 ACRE (41,187.4 sq. ft.), situated  
in the NANCY CHANCE SURVEY, ABSTRACT 5, Bell  
County, Texas.

This sketch to accompany a metes and bounds description  
of the hereon shown 0.946 Acre tract.

CALLED 4.705 ACRES  
BARBARA J. COOPER  
Vol. 5574, Pg. 453



● - 5/8" Iron Rod w/cap  
stamped "ACS" Set  
(unless otherwise noted)

3/4" Iron  
Pipe Found

0.946 ACRE  
OF LAND  
(41,187.4 sq. ft.)

This project is referenced to the City of  
Temple Coordinate System, NAD 1983, Texas  
Central Zone. All distances are horizontal  
surface distances unless noted and all  
bearings are grid bearings. All coordinates  
are referenced to City Monument No. 122. The  
theta angle at City Monument No. 122 is 01°  
30' 14". The combined correction factor (CCF)  
is 0.999857. Grid distance = Surface distance  
X CCF. Geodetic north = Grid north + theta  
angle. Reference tie from City monument No.  
122 to the southeast corner of this 0.946  
acre tract is S 73°17'29" W 4161.67 feet.  
Published City coordinates for project  
reference point 122 are N. = 10,367,918.25  
E. = 3,210,425.21.

CALLLED 12.348 ACRES  
STEVEN J. WARD  
Doc. No. 2014-00047809



Tx. Firm No. 10023600  
1303 South 21st Street  
Temple, Texas 76504  
254-778-2272 Killeen 254-634-4636  
Fax 254-774-7608

CHARTER OAK DRIVE  
(Asphalt surface)  
No record information was found for this roadway



Survey  
completed: 10-13-2017  
Scale: 1" = 50'  
Job No.: 170823  
Dwg No.: 170823-TR 15 & 16  
Drawn by: SLW  
Surveyor: CCL #4636  
Copyright 2018 All County Surveying, Inc.

Plot Date: 04-22-2018

RESOLUTION NO. 2019-9632-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, FINDING THAT A PORTION OF A PROPERTY SITUATED IN THE NANCY CHANCE SURVEY, ABSTRACT NO. 5, BELL COUNTY, TEXAS, IS NECESSARY FOR THE OUTER LOOP PHASE 6 PROJECT; AUTHORIZING THE USE OF EMINENT DOMAIN TO CONDEMN THE PROPERTY PURSUANT TO GOVERNMENT CODE §2206.053; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the expansion of Old Waco Road, the Outer Loop, is an important north-south arterial that will connect the Adams Avenue growth corridor to Interstate Highway 35 - this phase is currently under design with construction planned for fiscal year 2022;

**Whereas**, it is anticipated that right of way will be needed from seventeen properties owned by thirteen private citizens or entities;

**Whereas**, the City has acquired one right of way and because two of five owners of the needed rights of way are also impacted by the Charter Oak Water Line Project, Staff decided it was in both the owners' and the City's interest to acquire the needed properties at the same time;

**Whereas**, the City has contracted with Stateside Right of Way Services, Inc. (Stateside) to assist with acquisition and relocation services for this project - appraisals were conducted, offers made based on the appraisals, and relocation studies were conducted and presented to owners and tenants;

**Whereas**, after negotiations, the City was unable to reach an agreement with either property owner and at its March 21, 2019 meeting, Council authorized the use of eminent domain proceedings to acquire the needed rights of way from one of the property owners;

**Whereas**, the initial offer was sent to the owner of record on August 30, 2018 via Stateside, and Stateside sent a final offer on April 11, 2019 and if rejected after 14 days a condemnation proceeding will be filed;

**Whereas**, Staff is requesting, pursuant to Government Code § 2206.053, that Council authorize the use of the power of eminent domain to acquire the portion of the property legally described as being 0.946-acre, situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, embracing a portion of a called 12.348-acre tract conveyed to Steven J. Ward in Document No. 2014-00047809, Official Public Records of Real Property, Bell County, Texas - the property is located along Charter Oak Drive, Temple, Texas (Bell CAD ID Nos. 84 and 85);

**Whereas**, funding for the properties necessary for the Outer Loop Phase 6 project is available in the Reinvestment Zone No. 1 Financing Plan, Line 320, Account No. 795-9600-531-6557, Project No. 101585; 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 hereby finds and determines that the necessity exists for acquiring, by eminent domain. 0.946-acre, situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, embracing a portion of a called 12.348-acre tract conveyed to Steven J. Ward in Document No. 2014-00047809, Official Public Records of Real Property, Bell County, Texas - the property is located along Charter Oak Drive, Temple, Texas (Bell CAD ID Nos. 84 and 85).

**Part 3:** The City Council hereby finds and determines that the expansion of Outer Loop Phase 6 is a public use under Chapter 251, Local Government Code § 251.001(a)(1).

**Part 4:** 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.

**Part 5:** 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 **18<sup>th</sup>** day of **April**, 2019.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney