



**MEETING OF THE
TEMPLE CITY COUNCIL
MUNICIPAL BUILDING
2 NORTH MAIN STREET
3rd FLOOR – CONFERENCE ROOM
THURSDAY, MAY 16, 2019
4:00 P.M.
AGENDA**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, May 16, 2019.
2. Receive a presentation regarding the Second Quarter financial results for Fiscal Year 2019.
3. Receive an update on the fiscal year 2020 budget process.
4. Discuss the status of right-of-way acquisitions for the Poison Oak Road expansion project.

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.

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

5:00 P.M.
MUNICIPAL BUILDING
2 NORTH MAIN STREET
CITY COUNCIL CHAMBERS – 2ND FLOOR
TEMPLE, TX
TEMPLE CITY COUNCIL
REGULAR MEETING AGENDA

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PUBLIC COMMENTS

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

III. AWARDS AND SPECIAL RECOGNITIONS

3. Present a certificate to the Temple Police Department for achievement of recognized status for compliance with the Texas Law Enforcement Agency Best Practices Recognition Program.

IV. CONSENT AGENDA

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

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

Minutes

- (A) [April 18, 2019 Special & Regular Called Meeting](#)
- (B) [May 2, 2019 Special & Regular Called Meeting](#)
- (C) [May 7, 2019 Special Meeting](#)
- (D) [May 13, 2019 Special Meeting](#)

Contracts, Leases, & Bids

- (E) [2019-9655-R](#): Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick and Associates, LP, for Phase 2 of the city-wide Drainage Assessment & Modeling Project in an amount not to exceed \$595,517.

- (F) [2019-9656-R](#): Consider adopting a resolution authorizing a property transfer agreement with Citizens for Progress for the transfer of City-owned property located at 201 South Martin Luther King Jr. Drive for use as a public community center.
- (G) [2019-9657-R](#): Consider adopting a resolution authorizing a lease agreement with Jennifer Williamson, for lease of space in the E. Rhodes and Leona B. Carpenter Foundation Building (the Temple Public Library).
- (H) [2019-9658-R](#): Consider adopting a resolution authorizing the purchase of right-of-way and a temporary construction easement necessary for the Poison Oak Road Expansion Project and authorizing closing costs associated with the purchase in an estimated amount of \$12,500.
- (I) [2019-9659-R](#): Consider adopting a resolution authorizing the purchase of 1,908 plastic 96-gallon garbage and recycling containers from Toter, Inc., of Statesville, North Carolina, in the amount of \$90,031.83.
- (J) [2019-9660-R](#): Consider adopting a resolution authorizing the purchase of nine semi-rugged laptops and associated hardware for the Police Department from GTS Technology Solutions, Inc. of Dallas, in the amount of \$28,645.20.

Ordinances – Second & Final Reading

- (K) [2019-4963](#): SECOND READING – FINAL HEARING – FY-19-1-ANX: Consider adopting an ordinance authorizing the voluntary annexation of 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.
- (L) [2019-4964](#): SECOND READING – FINAL HEARING – FY-19-2-ANX: Consider adopting an ordinance authorizing the voluntary annexation of 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.
- (M) [2019-4965](#): SECOND READING – FINAL HEARING – FY-19-11-ZC: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning district to General Retail zoning district on 1.554 +/- acres, situated in the J.J. Simmons, Survey Abstract No. 737, Bell County, Texas, addressed as 5018 State Highway 317.
- (N) [2019-4966](#): SECOND READING – FINAL HEARING – Consider adopting an ordinance amending City Code of Ordinances, Chapter 27, "Stormwater," to bring this chapter into compliance with the City's current Texas Commission on Environmental Quality (TCEQ) permits, simplify and clarify language and terms, and provide more effective enforcement tools.
- (O) [2019-4967](#): SECOND READING – FINAL HEARING – Consider adopting an ordinance updating the City of Temple's Drought Contingency Plan.

Misc.

- (P) [2019-9661-R](#): Consider adopting a resolution approving second quarter financial results for Fiscal Year 2019.
- (Q) [2019-9662-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2018-2019.

V. REGULAR AGENDA

ORDINANCES

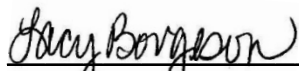
5. [2019-4968](#): FIRST READING – PUBLIC HEARING – FY-19-9-ZC: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning district to Planned Development General Retail zoning district on a 160.047 +/- acre tract and a 12.541 +/- acre tract situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located south of FM 93 and along and east of Hartrick Bluff Road, Temple, Texas.
6. [2019-4969](#): FIRST READING – PUBLIC HEARING – FY-19-13-ZC: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning district to Planned Development Single Family Two on a 118.560 +/- acre tract situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located south of FM 93 and east of Hartrick Bluff Road, Temple, Texas.

RESOLUTIONS

7. [2019-9663-R](#): Consider adopting a resolution pursuant to Chapter 2206, Government Code § 2206.053 finding that three properties and two temporary construction easements situated in the Baldwin Robertson Survey, Abstract #17, Bell County, Texas, are necessary for the proposed expansion of Poison Oak Road and authorizing the use of eminent domain to condemn the properties.
8. [2019-9664-R](#): Consider adopting a resolution accepting the 2030 Reinvestment Zone Master Plan.

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 11:45 am, on Friday, May 10, 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

05/16/19
Item #4(A-D)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

- (A) April 18, 2019 Special & Regular Meeting
- (B) May 2, 2019 Special & Regular Meeting
- (C) May 7, 2019 Special Meeting
- (D) May 13, 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 18, 2019 Special & Regular Meeting Minutes / Video](#)
[May 2, 2019 Special & Regular Meeting Minutes / Video](#)
[May 7, 2019 Special Meeting Minutes / Video](#)
[May 13, 2019 Special Meeting Minutes](#)

TEMPLE CITY COUNCIL

APRIL 18, 2019

The City Council of the City of Temple, Texas conducted a workshop on Thursday, April 18, 2019 at 3:00 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
Mayor Timothy A. Davis
Councilmember District 4 - Vacant

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, April 18, 2019.

Ms. Myers briefly discussed item 5(E) on the Consent agenda as it relates to the purchase of a roll-off refuse truck. We provide commercial solid waste collection services in the City of Temple, except if the company wishes to provide the service on their own. In the last year we have had two organizations (VA and Wilson Art), that were previously providing their own service, contact the City and requested that we provide them this service. We were able to accommodate the VA with our current route, but will not be able to do the same for Wilson Art. That said, the request of the Council is that we add an additional roll-off route. This would be covered by revenue, and so you'll have a budget amendment that will allocate the revenue associated with the expense of truck and additional driver that will be hired. Staff is asking for favorable consideration so that we can establish this route so that we may provide this service to our customers.

Ms. Barnard added that a different piece of equipment was deferred to allow for this purchase of this truck purchase. The deferred piece of equipment will be purchased in a future year.

2. Receive a presentation regarding demographic study.

Ms. Myers noted that several months ago Staff commissioned a demographic study in partnership with Temple ISD. This may be the first time the City's has embarked on doing a demographic study. It is believed that this initiative will help in the planning of budgets, Master planning, and over all planning for the growth of the City of Temple.

Rocky Gardiner, Director of Consultants Templeton Demographics provided an overview of the report as a five-year big picture. He noted that

within the City of Temple there are 24 subdivisions with active new home building, and an additional 25 future planned developments. There is approximately 1,430 vacant lots available for new builds; and an additional 6,725 planned future single family lots within the City of Temple.

The goal is to estimate the City's single family housing absorption rate for the next ten years. In 2018 there were nearly 700 new homes built in Temple. Based on the data collected, the City is expected to continue to build 700 - 750 homes annually for the next five to six years. That could decline in the later years due to building out of available (current) inventory and platted futures.

There are two multi-family communities currently under construction in Temple, to include a senior living facility. The City also has additional future multi-family and mixed use developments that could develop with single family, townhomes, duplexes or apartments. Mr. Gardiner noted the projects are based on an estimated population for Temple. Within the City approximately 260 multi-family units came online in 2018. It is expected to add 140 units in 2019, and 250 units in 2020. Multi-family will continue, its unknown as to when and how many.

Mr. Gardiner continued with the long range forecast data, and how Temple may look in 10/20-years, through 2038. The last full census was completed in 2010, and the next census is set for April 2020. In 2010 there were 28,422 housing units in Temple, 26,113 households (occupied housing unit - this is how population is forecasted), with just under 92% occupied in 2010. The estimated population is based on average household size, which in 2010 was 2.5. The average household size is likely to fluctuate over time. The historical change for the housing growth (multi-family) in Temple between 2010 and 2018 is used to estimate what is believed to be the current population; that is approximately 80,000 persons in Temple for 2018. The known housing is generating about 750 homes per year with multi-family, and so it is estimated that within five-years, Temple will likely reach 91,000 in population; and within 10-year almost 100,000. By 2038, the estimated population will be 112,000. It is known, based on platting information as to what the next five to ten years will be, but beyond 10-years, it is truly an estimate.

The City has 48,000 acres within its City limits, which is approximately 66 square miles. The current estimated population is 80,465. Of the 48,000 acres, approximately 38% is vacant; of the remaining 62%, about 80% of the remaining is residential build-out. At build-out the projection is 160,000-180,000 persons. These estimates are based on current trends and density. Anything 25 acres or more, is viewed as a possible build-out.

A few annexation areas were also reviewed as part of this study. The 2020 Annexation areas extends beyond the city limits, and is an additional 4,160 acres, of which is predominately vacant land (approximately 3,400 acres). The residential homes that are currently on the land, are large home

sites. Currently less than 100 residents. With larger tracks, it could become more dense, with some multi-family use. At build-out, the population is projected to be 5,000 - 10,000.

Mr. Gardiner briefly mentioned future service parcels, proposed future development, and the Corporate Campus. He noted the Corporate Campus has approximately 4,500 acres entirely within the City of Temple. This include a portion of Northgate, which is a master plan mixed use community, with 514 single family lots, and additional acreage for multi-family use.

He continued with Water and Sewer service area, noting that at build-out it could exceed 200,000 persons within the service area by 2120.

Mayor Davis noted the growth is slower than he anticipated.

Ms. Myers explained that she hopes to accomplish, with this data, strategic plan that will benefit us as we plan for the future. This impacts what and how the City plans for emergency responders, water and sewer needs, and how to budget accordingly. Ms. Myers noted it is the responsibility of the current team to set the next generation up for success.

3. Receive a presentation regarding a Temple Neighborhood Housing Strategy.

Erin Smith, Assistant City Manager provided a brief presentation. She noted the City annually receives Community Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development (HUD). In March 2015 a needs assessment was conducted for the 2015-2019 Consolidated Plan, and the highest priority focus areas were noted as: (1) Housing Improvement Programs; (2) Sidewalks/Transportation Enhancements; and (3) Expanded Support for Social Services. August 6, 2015, the Council adopted the Consolidated Plan and Annual Action Plan.

On July 7, 2016, the Council also adopted the HIP (Housing Improvement Program) guidelines focusing on owner-occupied housing rehabilitation and affirmatively furthering fair housing and reducing barriers to affordable housing. The primary focus of the Program was to focus on, (1) Emergency Housing Repair; (2) Weatherization; (3) Accessibility; (4) Maintenance Education Classes. The Program also consisted of two different elements, the repair or rehabilitation of substandard conditions, and accessibility accommodations.

Mrs. Smith explained that home repairs are typically in the range of \$5,000 per home; and it is anticipated that the City will assist approximately 15 homeowners. The Program was unsuccessful due to substantial repair needs exceeding the value of the homes.

In 2019, the Council approved amendments to the Annual Action Plan and Consolidated Plans, to include (1) defunding the Housing Improvement Program; (2) Reallocating the Housing Improvement Program payment year funding from 2015-2018 to fund roadway and sidewalk improvements to South 7th Street, from Avenue H to the cul-de-sac. Engineering for this project is estimated to be \$85,710; construction at \$348,414.16; for a total cost of \$434,124.16.

April 17, 2019, the Council submitted a Request for Proposal (RFP) for consulting services to develop a Housing Strategy Plan not to exceed \$25,000 funded by the CDBG. Proposals are due May 1, 2019, with the scope of work being, (1) to research and make recommendations for a housing strategy/policy for both housing rehabilitations and new construction; (2) research and supply data for grants, tax credits, and other funding resources; (3) evaluate low to moderate income target areas; (4) make recommendations regarding zoning/affordable housing requirements; (5) obtain public input and participation to support recommendations; (6) assist the City in identifying affordable housing impediments; and (7) to identify resources to assist developers and builders.

The deliverables are (1) a one-page housing resource for residents and potential builders/developers; (2) a summary of best practices and policies based on case studies relevant to Temple; (3) neighborhood housing strategy for low to moderate income neighborhoods; (4) recommendations for the Housing Program; and (5) present to the Council for consideration.

Staff anticipates completing the housing strategy within the next two months, and provide Council with recommendations for the new program. It is anticipated to develop a housing program for FY2020 based on Council's direction that potentially includes the following improvement in low to moderate income areas: (1) disabled modifications; (2) minor rehabilitation; (3) full rehabilitation; and (4) new construction.

4. Receive a presentation on the City's Water Conservation and Drought Contingency Plan.

Christine Leal, Public Works Water Conservation Coordinator provided a presentation to the Council. Ms. Leal explained that historically the both the Water Conservation Plan and the Drought Contingency Plan have been treated as one plan. TCEQ has stressed the importance of having them as two separate plans as they have different goals and requirements.

Temple's Water Conservation Plan is mandated by the State. The rules and requirements are outlined in the Texas Administrative Code, Title 30, Chapter 288, Chapter A. The City of Temple's goals and objectives are to (1) reduce the consumption and loss of water; (2) improve the efficiency of water use; (3) increase the reuse of water; and (4) to extend the life of current water supplies. The Plan is updated every five years, and submitted to the TCEQ and the Texas Water Development Board (TWDB).

The last Plan (the current Plan) was adopted by Council in 2014. The updated Plan is due by June 1, 2019, and will expire in May 2024.

Minimum requirements for the Plans are listed in the Texas Administrative Code. The 2019 updates will consist of the Utility Profile, as well as the 5-year and 10-year Water Savings Goals. Because the City of Temple is a large water supply, there are two additional requirements. One being a leak detection, repair, and water loss accounting program which is done through the City's Utility Services Department; and two that the wholesale customers have provisions in their contract that require them to adopt a Water Conservation Plan and adhere to the City's Plan.

Within the Texas Administrative Code, additional conservation strategies are provided. We shall choose a combination, as they meet the goals as outlined in the City's Plan. Of those provided, the City has selected three as best practices, (1) Wastewater reuse/recycling; (2) Program or Ordinance for landscape water management; (3) and park, athletic field, golf course conservation.

Ms. Myers noted it is the recommendation that the City adopt the Plan as presented with the minor updates to the 2014. As we move forward, and have the Water/Wastewater Master Plan, that the City of Temple should then look to some of the other conservation strategies and implement those as well. The City can do this at any time, and does not have to wait for the five years to do so.

Ms. Leal continued explaining the one of the requirements is to have a Water Conservation Coordinator. This was adopted in the 85th Legislature, and was effective in 2017. This person is responsible for implementation of the Plan and tracking the goals and targets of the City.

Since the 2014 adoption of the Plan, to 2018 (final year of the Plan), the City has increased in every category. There was a 15% increase in the retail service area population; at 6% increase in the Utility Department full time employees; an 11% increase in total water sales; 15% increase in total treated water; and a 404% increase in total reuse. Ms. Leal stated the City's top five treated water users are Scott and White, The City of Morgan's Point Resort, Panda Temple Power, LLC, City of Troy, and the VA Hospital. ICI Customers (Industrial, Commercial, Institutional) use more than 1/3 of water sold in the City. This is a great opportunity to implement new measures for those type customers to help reduce their use.

Ms. Myers explained that last year the Council adopted an AMI Program for the largest meters. This allows the City to gather data that is needed to help this program and efforts.

Ms. Leal continued stating that one of the requirements is that the City monitor the usage per gallon, per capita, per day. This is the number of gallons each person uses per day. The historical average over the last five

years is 176 GPCD. The Water Board recommends a reduction by 1% every year until GPCD is obtained. The City's five year goal is to lower the GPCD to 168; and then in ten years reduce the GPCD to 160.

The City is required to have goals with the plan that address water loss. For the past five years the City's water loss average has been about 14.05%. This is water that is unaccounted for. The goal is to reduce that number to 14%. In 2018, the total amount water that went into the system and then reused was 25%; with 98% used by Panda, and 2% by the City of Temple for Parks and the Tree Farm.

Additional measures the City of Temple observes is with the Parks and Golf Course. The water used is pulled from Lake Polk. There is potential to reuse in future years. This will allow Lake Polk to stay at more stable level.

Focus areas over the next five years, is to (1) invest in the City's public information and outreach with more community engagements; (2) expand the reuse program to include the Golf Course, and Crossroads Complex; (3) implement programs for ICI to include rate structure and rebate programs; and (4) leak repair program.

Ms. Myers explained that there will be conversation about the need for resources to focus on efforts of the leak detection and repair program, and increase service levels, during the 2020 budget discussions.

Councilmember Long added that she would be interested in seeing a rebate program that would assist with putting in drought tolerant lawns.

Ms. Myers replied, Staff would explore this strategy in future years.

Ms. Leal, then discussed Temple's Drought Contingency Plan and noted it too is mandated by the State, with the rules and requirements outlined in the Texas Administrative Code, Title 30, Chapter 288, Chapter B. The City of Temple's goals and objectives are to (1) conserve available water supplies; (2) protect the integrity of water supply facilities; and (3) to protect the public health, welfare, and safety. The Drought Contingency Plan follows the same sequence as the Water Conservation Plan and is updated every five years, and submitted to TCEQ. The last Plan (the current Plan) was adopted by Council in 2014. The updated Plan is due by June 1, 2019, and will expire in May 2024. In this Plan, the stages are implemented by the City Manager, and are based on water demand, system capacity, and the reservoir levels.

Minimum requirements for the Plans are listed in the Texas Administrative Code. Staff is not recommending any changes to the 2014 Plan, except for the triggers for stages, and response measures for each specific stage.

As written now, there are four stages, and each stage has a goal. **Stage 1 - Mild Water Shortage (Voluntary):** voluntary watering schedule;

customers requested to practice water conservation. **Stage 2 - Moderate Water Shortage (Mandatory) 10% Reduction:** Mandatory Watering Schedule; only refill pools & jacuzzies on designated day; no aesthetic water use; hydrant use limited to firefighting, construction purposes allowed under special permit; no non-essential water use; golf course greens watering on designated days. **Stage 3 - Severe Water Shortage (Mandatory) 20% Reduction:** Mandatory Watering Schedule, Fire hydrant access for construction purposes prohibited, golf course greens watering prohibited. **Stage 4 - Emergency Water Shortage (Mandatory) 30% Reduction:** No Landscape irrigation allowed; Washing of vehicles prohibited; no refilling pools; no new meters, service lines, mains, etc. installed; possible water rationing, water service termination, mandatory closure of commercial and industrial facilities.

The proposed changes include, changes to the titles used for each stage as well as some of the responses to read: **Year-Round Conservation (Voluntary)** - voluntary watering schedule; customers requested to practice water conservation. **Moderate Water Shortage (Mandatory) 10% Reduction** - mandatory watering schedule; only refill pools & jacuzzies on designated day; no aesthetic water use; hydrant use limited to firefighting; no non-essential water use; golf course greens watering on designated days. **Severe Water Shortage (Mandatory) 20% Reduction** - mandatory watering schedule; *construction purposes allowed under special permit*; golf course greens watering with treated City water prohibited. **Emergency Water Shortage (Mandatory) 30% Reduction** - no landscape irrigation allowed; *fire hydrant access for construction purposes prohibited*; washing of vehicles prohibited; no refilling pools; no new meters, service lines, mains, etc. installed; possible water rationing, water service termination, mandatory closure of commercial and industrial facilities.

Ms. Leal pointed out that within the proposed stages, Staff is asking that construction purposes be allowed only with a special permit. The City does not want to interrupt progress on projects unless it is deemed critical and necessary.

Ms. Myers added that this is reviewed on a case-by-case basis. The recommended changes are less restrictive, but the goal is to balance the impact of the stages between all customers, both residential and commercial.

The City Manager during the different stages of Moderate, Severe, or Emergency Water Shortage may order water rationing to selected users of the system in the following sequence: (1) recreations users; (2) commercial and industrial users; (3) schools; (4) residential; and (5) hospitals, public health, and safety facilities.

Ms. Leal explained that there are triggers with each stage, and each stage is based on treatment capacity. Triggers will be terminated when all conditions listed as triggering event have ceased to exist for a period of

seven consecutive days or when the City Manager declares termination. Upon termination, the preceding Stage becomes operative unless otherwise determined by the City Manager. There is an enforcement provision that states “Any person who violates this ordinance is guilty of a Class C misdemeanor and, upon conviction shall be punished by a fine of not less than \$50 and not more than \$2,000. Each day that one or more of the provisions in this ordinance is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this ordinance, the City Manager shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur”.

There is also a Pro-Rata Water Allocation provision. Specifically this is for the Wholesale Water customers to share in the conservation measures at the same level. In the event that the triggering criteria for Stage 4 – Emergency Shortage Conditions have been met, the City Manager is hereby authorized to initiate allocations of water supplies on a pro rata basis in accordance with Texas Water Code § 11.039 and according to the following water allocation policies and procedures: (1) a wholesale customer’s monthly allocation shall be a percentage of the customer’s water usage baseline; (2) during any period when pro rata allocation of available water supplies is in effect, wholesale customers shall pay the following surcharges on excess water diversions and/or deliveries.

Ms. Leals restated Staff’s request to (1) update Stages & Triggers to reflect Year-Round Conservation (2) ensure full text of Drought Contingency Plan is in ordinance: (3) update the Drought Responses to allow for Commercial & Industrial curtailment in earlier stages.

5. Discuss possible amendments to the City’s Code of Ordinances, Chapter 27, “Storm Water Management”.

Kayla Landeros, City Attorney presented the proposed amendments. Ms. Landeros reminded Council that Stormwater is the water that originates during precipitation events and snow/ice melt. The municipal storm sewer system is infrastructure that the City builds and maintains, that is designed to drain excess rain and ground water from impervious surfaces such as paved street, parking lots, sidewalks, and roofs.

In undeveloped areas the water can soak into the ground, but in more developed or built-out areas, the hard surfaces are added and the ground cannot absorb the water. Precipitation then flows over the streets, parking lots and other hard surfaces and into a body of water or storm drain. In those instances, we are more worried that pollutants aren’t in that water, such as nitrogen and phosphorus from fertilizers, pet and yard waste, and construction activities. Because stormwater flows over hard surfaces directly into a body of water or storm drain, there is no opportunity for soil and plants to filter out pollutants.

Ms. Landeros continued, noting the Clean Water Act was enacted in 1972, and authorizes the National Pollutant Discharge Elimination System (NPDES) permit program. This program is designed to help address water pollution at a Federal level, by regulating the discharge of pollutants into the waters of the United States. The Act authorizes the NPDES Program to state governments which allows states to perform many of the permitting, administrative, and enforcement aspects of the program. TCEQ oversees the Texas Pollutant Discharge Elimination System (TPDES) permit program which regulates discharge of pollutants to Texas surface water. These permit programs are focused on preventing stormwater pollution.

The City of Temple is considered a "Small Municipal Separate Storm Sewer System" and are permitted to discharge in the surface waters of the State. The City also must ensure that both State and Federal regulations are being complied with in order to reduce pollution that travels into the City's waterways. These regulation are found in the City's local regulations, in Chapter 27. The City of Temple's Stormwater Management Program focuses on the following: (1) Public education and involvement; (2) Illicit detection and discharge elimination; (3) Construction, Post Construction and Good Housekeeping practices.

Currently, Chapter 27 is separated into three articles; (1) Article I: Erosion and Sedimentation Control; (2) Post Construction Storm Water Runoff Control; (3) Elicit Discharge Prevention.

Article I: Erosion and Sedimentation Control focuses on preventing stormwater pollution resulting from construction activities. It requires developers and property owner to comply with both State and local regulations related to stormwater discharges. They must submit a Storm Water Pollution Prevention Plan (SWP3), which outlines their best management practices being proposed for those construction activities. This article requires erosion control measures; allows for staff to perform site inspections; and requires that the owner or developer inspect the control measures and document those inspections.

Article II: Post Construction Storm Water Runoff Control, requires the installation and use of best management practices to reduce stormwater runoff pollution after a project is completed. This article requires the submission of a Storm Water Management Plan detailing the measure after construction to prevent stormwater pollution; and allows City Staff to inspect the premises to ensure compliance with the Storm Water Management Plan.

Article III: Elicit Discharge Prevention, establishes methods for controlling the introduction of pollutants into the City's storm sewer system, not necessarily related to construction activities. It prohibits illegal connections to the storm sewer system, domestic or industrial sewage into the system. It also allows discharges for certain industrial activities if a facility is properly permitted.

Next Ms. Landeros then discussed the proposed amendments. This chapter was reordered in hopes of making it easier to read, understand, and use. Proposed amendments include: (1) changing title from "Stormwater Management" to "Stormwater"; (2) Delete table of contents, to make consistent with other chapters; (3) add a list of acronyms; (4) all definitions were consolidated and placed at the beginning of the chapter, and added TCEQ permit definitions; and (5) four articles in stead of three (Art. I- General; Art. II - Stormwater Compliance for Construction Activity; Art. III - Post-Construction Stormwater Runoff Control; and Art. IV - Regulation of Non-Stormwater Discharge).

The proposed Article II, would regulate small and large construction activities. Large construction activities is equal to or greater than 5-acres; and small construction activities is defined as equal to or greater than 1-acre and less than 5-acres. Owners or operators of a construction site must implement best management practices to control or minimize the discharge into the storm sewer system. The Chapter still requires the submission of the SWP3; City Staff still has the authority to monitor compliance; and includes a list of offenses and allows for administrative enforcement to include Notice of Violation, Stop Work Order, and criminal and civil remedies.

Article III, still requires what is currently called the Stormwater Management Plan to be submitted. The name of that plan is being amended as the post-construction management plan, which must include controls and maintenance to be used and maintained post-construction; as well as best management practices to include vegetated swales, roof drain discharge to pervious surfaces, and extended detention basins and ponds. Amendments include other updates to comply with TCEQ's General Permit for Phase II (small) MS4's (which is what the City of Temple is), such as (1) Post-Construction Management Plans must include maintenance and repair plans for the stormwater management facilities; (2) records must be kept of the facilities maintenance and repairs and allow the City to inspect those records; and regularly inspecting those facilities or allow the City to do so.

Article IV establishes methods for controlling the introduction of pollutants into the storm sewer system in order to comply with state and federal regulations. It will also include similar prohibitions against illicit discharges and affirmative defenses. Staff included a new regulation (not in the current Chapter) of pesticides, herbicides, and fertilizers. This added regulation will regulate the sale, distribution, application, labeling, manufacturing, storing, and disposal of product. The products may not be disposed in a way that is likely to cause a harmful quantity to enter the sewer system. It also prohibits illicit or unauthorized connections, and a discharger must notify the City, TCEQ, and the fire department if a reportable quantity of hazardous substance is release into the system. Within this article, Industrial sites that convey stormwater that is directly related to

manufacturing, processing, or raw materials storage must be permitted as required by both state and/or federal law. Documentation must be submitted to the City, and best management practices to control and minimize discharge into the system must be used.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, April 18, 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
Mayor Timothy A. Davis

I. CALL TO ORDER

1. Invocation

Pastor Billy Koinm voiced the Invocation.

2. Pledge of Allegiance

Kevin Beavers, led the Pledge of Allegiance.

II. PUBLIC COMMENTS

Alan Lytle, 504B Paseo Del Plata expressed his concerns with regards to the City taking ownership of the Hillcrest Cemetery (item 6 on the regular agenda). He noted that he has been associated with non-profit cemeteries for many years, and this will not be profitable investment. Eventually the City will run out of land to sale for plots, and will continue to cover the expense of the Cemetery. Cemeteries are forever. Mr. Lytle asked the Council to reconsider, and not to approve this item.

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.

Chief Mitch Randles, Temple Fire and Rescue was presented a check in the amount of \$20,000 from State Farm. He noted that in November 2018 City Council Meeting approved the submittal of a grant application to State Farm, 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. This boat will help the department with its swift water rescue operations. In recent years the problems of flash

flooding have become more prevalent in the City of Temple and Central Texas, and this will be an asset to the community.

(B) Receive comments from Steve Ward related to early right-of-way acquisition for the Outer Loop Phase 6 Project parcels 15 and 16.

Steve Ward offered comments to the Council regarding parcels 15 & 16 of the Outer Loop Phase 6 (item 9 on the regular agenda). Mr. Ward resides at 4302 Charter Oaks, Temple, Texas. He began by stating the negotiations for these parcels has been on-going for over a year, and has been frustrating and has had an effect on his judgments and actions. It was never his intent to offend anyone working with the City or on behalf of the City that has been working to resolve these issues. On March 21st at the Temple City Council meeting or throughout these negotiations. He noted he does not wish to profit from this forced sale and relocation, but does not wish to be harmed by it either. Hope has been held out that the City would be fair and provide the resources necessary to replace, as equally as possible, without the need for prolonged litigation.

The issue at hand is part of the City's \$300,000 offer approved by this council to purchase the property that pertains specifically to the driveway and access easement. The City's appraisal report allows \$14,724 as compensation for the driveway and access easement, which runs parallel along the northeast boundary of the property. In addition, page 50 of that same report, allows \$54,884 as compensation for damages due to the loss of access to the remaining property. This makes the total driveway and access easement compensation offer of \$69,608. The remainder of the City's offer is compensation for the land, house, out building, and other improvements.

Mr. Ward continued noting that both the City and the appraiser hired by the City, acknowledge that the driveway and access easement that bridges the pond as it presently exists today, will be eliminated once the City constructs the new roadway. In order to provided continued access to his property as well as the adjacent property, that driveway and access easement must be replaced. Because of this need, and as requested by the City Attorney's office, Engineers for the City have calculated a cost of \$568,000 to replace the driveway and access easement, across the pond in a manner only closely equal, of that that presently exists. The difference between the replacement cost and the City's compensation offer for replacement, is \$498,392.

He noted, to be fair, the City Engineers also calculated an alternative replacement cost of \$215,000 if the drive and access

easement were moved downstream of the pond to run along side the leased parking area of the heavy equipment and crane construction company. This alternative option is a significantly less valuable, less desirable, and is certainly not an equal location for residential purposes. In addition to moving the driveway and access easement to any other location on the property would vary similar cost, if not more than the \$568,000 that was presented by the City.

Mr. Ward continued, noting the Council stated on March 21st, that the City did not feel it has the responsibility to replace the driveway and access easement. However, since the driveway and access easement must be replaced, it would then default to him to burden the cost. The would result in a financial personal loss of \$498,392 above the amount that the City is offering.

In summary, (1) the driveway and access easement that presently exists will be destroyed; (2) the driveway and access easement must be replaced; (3) the City estimates the cost of an equal replacement to be \$568,000; (4) the City does not feel it is responsible to pay for that replacement; (5) the City is only allowing \$69,608 (12%) as compensation for that replacement; and (6) the City is asking the property owner to subsidize their road project by \$498,392. Mr. Ward submitted that this time of his life, that he cannot justify absorbing or servicing a loss of that magnitude; or should he be asked to. He then asked the Council to consider two possible actions. This property will not be needed by the City for many years in the future, as already acknowledged. In addition the City already owns and has so for several years, the entire right-of-way easement across his property that is necessary to construct the Charter Oak Water Line Project. Therefore the request that the Council reject resolution 2019-9632-R, which authorizes premature and unnecessary condemnation of his property. Instead, he asked that they authorize the additional funds necessary to properly and rightfully place the driveway and access easement that the City will destroy.

The second request made by Mr. Ward was, while the forced sale and relocation process is new and unfamiliar to him, he asked the Council for its experienced advise and guidance. If the City is unable or unwilling to fully fund the replacement cost of what will be destroyed, what else can be done to help reconcile the needs of this growing city with the needs and the rights of the individual property owner without plunging into massive financial debt and insecurity.

Ms. Landeros explained she had a presentation for item 9 on the regular agenda, and offered to take that item now if Council

wished to do so.

At this time Mayor Davis asked that item 9 be discussed.

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.**

Traci Barnard, Director of Finance introduced this item. This is a for a delegation ordinance that will authorize either the City Manager or Director of Finance to execute pricing certificates and finalize pricing within the parameters defined. This is to refinance some outstanding Bonds because of (1) market conditions that support the refunding, and (2) the contractual information set out in the bonds, allow the refunding. The two series being considered are Series 2010 - The Utility System Revenue Bond; and Series 2011 - General Obligation Refunding Bonds.

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. The net present value savings cannot be less than 3%; with a maximum maturity date not to exceed August 1, 2030.

Ms. Barnard noted the estimated savings to be \$1,293,073 between the two Series. The Bond Counsel, Carol Polumbo and Financial Advisor, Dan Wegmiller were both present for questions. Ms. Barnard noted that the plan is go to market on Monday, April 22nd to price the Bonds. Ratings have been received and rated at a AA by Standard & Poors.

Mayor Davis declared the public hearing open with regards to agenda item 4, and asked if anyone wished to address this item. There being none, Mayor Davis declared the public hearing closed.

Motion by Councilmember Jessica Walker adopt ordinance as presented on first reading and final reading, seconded by Mayor Pro Tem Judy Morales.

Motion passed unanimously.

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:

(A) April 4, 2019 Special & Regular Called Meeting

(B) April 5, 2019 Special Meeting

(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.

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

Motion by Councilmember Susan Long approve the Consent Agenda as presented, seconded by Mayor Pro Tem Judy Morales.

Motion passed unanimously.

VI. REGULAR AGENDA

RESOLUTIONS

Mayor Davis read items 6, 7, and 8 into the record for a single presentation by Ms. Myers.

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.

Brynn Myers, City Manager discussed items 6, 7, and 8. She provided a brief overview of the topic stating that Hillcrest Cemetery is approximately 70-acres, with between 16,000 - 18,000 burials. The cemetery is historic and is very important to the history of our community. The earliest burials date back to the 1870's. Since 1884, the cemetery has been owned and operated by a not-for-profit cemetery association. The association is the Temple Cemetery Company, which is overseen by volunteer board of trustees. The agreement will be with the company, as Hillcrest is the name of the cemetery.

The city does have a history of financial support to the cemetery. The earliest year of support was in FY2011 with a grant in the amount of \$20,000 for operations and maintenance. That amount has increased over the years, with the current level of funding being \$50,000 in 2018. The FY2019 adopted budget there is an approved \$50,000 allocation that has not yet been dispersed at this time due to current discussions. Several months ago, Staff met with the Chair and Vice Chair of the Hillcrest Cemetery Board, at the Board' request. At that meeting the Board members expressed their concerns that the current level of City funding, combined with their other sources of revenue, may not be enough to sustain their operations.

They requested the City consider increasing the annual contribution to \$100,000, or to consider taking over the ownership and maintenance of the cemetery. After some initial evaluation, Staff presented three options to the Council in December 2018. Those options were (1) continue granting \$50,000; (2) increase the grant amount; or (3) assume ownership and management of the cemetery.

At the Council's workshop in December, the discussions centered around pursuing option 3, assuming the ownership and management of the cemetery. Ms. Myers at that time indicated that Staff would need a few months to more fully develop a plan, complete title work, work with Hillcrest Cemetery Board, train staff, purchase software, develop policies and any other unforeseen matter associated with this matter. At the March 21st meeting staff presented the final recommendations

to the Council.

Currently the cemetery operates with one employee on the payroll (30-hours a week), one contract employee who provides office support (20-hours a week), another contracted employee that performs maintenance work, and they contract out the mowing services at approximately \$50,000 annually. Ms. Myers added the proposed operation of the cemetery would include a temporary assignment pay for one employee, and an addition of an Administrative Assistant position to Parks and Recreation Department. The additional Administrative Assistant position would initially be assigned, almost exclusively to the cemetery, as we anticipate the need to focus on the records. Moving the position would take on other duties as records are cleaned up at the cemetery. The mowing would continue to be contracted out. In anticipation of this item this evening, Staff did bid out the mowing services (item 7).

Ms. Myers continued by noting the City's annual budget does not include any unforeseen items. The records are incomplete, and it is anticipated that there will be unforeseen items come up through this process. The FY 19 budget does not include any major maintenance items such as road repair, drainage work, or any other major work. Through our initial work, it is anticipated that \$60,000 will be needed for road repair, drainage work, headstone issues, and signage in the short term future. If the transfer is approved, the capital needs will be prioritized in the FY20 budget. She continued stating that it is not uncommon for cities to own and operate cemeteries, such as Killeen, Waco, San Marcos, and College Station. In almost every city this service is found to be located within the Parks and Recreation Department. If approved, it is recommended that the cemetery be placed in the Parks and Recreation Department, and be managed by Kevin and his team. It is also recommended that the Parks and Recreation Advisory Board be the advisory board for cemetery issues.

In summary, item 6 is a transfer agreement; and approval of budget amendments to allocate the revenues and expenditures. This would transfer 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. The proposed transfer date is May 1, 2019.

Item #7 will only be consider if you favorably consider the transfer of the cemetery. This will authorize the agreement with Green Ackors Landscaping, LLC for ground maintenance at the cemetery.

Item #8 is also contingent on the approval of item 6. This will allow for the purchase of the CemSites cemetery software for records keeping. One-time cost of \$28,930 with an annual cost of \$4,950.

Ms. Myers recommends that we bring forward proposed policies on June 6, and then consider for action on June 20 for approval of the policies.

Mayor Davis noted this has been a long process, and thanked Staff for their work.

Mayor Pro Tem Morales added it is our responsibility to make sure that our loved ones have a safe place to be laid to rest.

Ms. Myers added the City understands this may not be a profitable investment, but if you choose to move forward with this it's because you view the Cemetery, as we do any other parks or facility of the City and provide that same level of service and commitment.

Motion by Mayor Pro Tem Judy Morales adopt resolution as presented, seconded by Councilmember Jessica Walker.

Motion passed unanimously.

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.**

Motion by Councilmember Jessica Walker adopt the resolution as presented, seconded by Councilmember Susan Long.

Motion passed unanimously.

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.**

Motion by Councilmember Susan Long adopt the resolution as presented, seconded by Mayor Pro Tem Judy Morales.

Motion passed unanimously.

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.**

Kayla Landeros, City Attorney presented item 9 to the Council. She began by reminding the Council that on March 21st they authorized eminent domain on other parcels for this project that are adjacent to Mr. Ward's parcels (15 & 16). There are two numbers assigned, as part of the parcel is within the City and the other part isn't, and they have two tax ID numbers with Bell County Appraisal District. Council is now being asked to authorize the use of eminent domain on 0.948 acres, which is part a larger 12.348 acre tract that Mr. Ward owns. The property is located off of Charter Oaks Road, and is needed, for the construction of the Outer Loop Phase 6. This is the expansion of Old Waco Road from Adams Avenue to I-35 South. Phase 6 is currently under design and construction is tentatively planned for FY2022.

The City approached Mr. Ward and the neighboring property owner, Ms. Cooper, early in the right-of-way process. We are already negotiating with them for the water line easement that was needed for the Charter Oak Water Line Project. As soon as design for Outer Loop Phase 6 was funded, and Staff realized that much more of their property was going to be need for Outer Loop Phase 6, Staff felt that it was necessary to disclose that to Mr. Ward and Ms. Cooper. This is why the process has been expedited for their property. For the rest of the properties needed for Outer Loop Phase 6, the City is still in negotiations.

The City anticipates needing right-of-way from 17 properties owned by 13 private citizens for Outer Loop Phase 6; but are still in the early stages of the acquisition process.

One property (designated at #3) has been purchased, as it was for sale on the market, and was purchased.

The City needs 0.948 acres of the whole 12.348 acres for the road construction, and it does have a shared private access easement with the adjacent property (owned by Ms. Cooper). There are several improvements on the 0.948 acres such as (1) a single family residence, with fire place, front porch, and detached garage; (2) a large storage shed; (3) a loafing shed;

(4) concrete and gravel paving; (5) wood and chain link fencing; (6) retaining wall; (7) a pond; (8) a bridge over the bond; and (9) landscaping.

Ms. Landeros explained the process for calculation of damages. Under Chapter 21 of the Property Code, a landowner is entitled to receive as compensation the local market value of the property at the time of the special commissioners' hearing. The appraisal discussed occurred in April 2018, but a new one would be required if this goes to the Special Commissioners' hearing, as that appraisal is what sets the local market value at that time. Ms. Landeros added that if a portion of a tract is condemned, the special commissioners must also determine the damage to the property owner after estimating the extent of the injury or benefit to the property owner, including the effect of the condemnation on the value of the property owner's remaining property. In short, if the City is acquiring a portion of a tract of property, the compensation to the property owner is the local market value of the part of the property to be acquired, and any damages to the remaining property. The damages are then calculated by taking the difference in the market value of the remaining property immediately before and after the condemnation.

In the appraisal process, the appraiser will analyze the whole property. The land value in this instance was determined to be \$10,000 per acre; so at 12.348 acres the land value of the whole tract is valued at \$123,480. Next, the appraiser reviews all improvements on the entire property. The cost approach method was used in this instance. First the appraiser determines the replacement cost estimate for all improvements on the property for the entire tract. The entire tract in this instance includes several improvements, the replacement cost of these improvements was calculated by the appraiser to be \$1,184,412. Just like with other land transactions or sales, you would not pay the seller the replacement cost of the improvements. You would pay them for the value of the improvements on the day you purchase that property, as the improvements have depreciated over time.

Mr. Landeros continued by stating property owners are not entitled to the replacement value, under State law they are entitled to the market value. The appraiser will then depreciated those improvement by taking the replacement value and multiplying it by a depreciation factor. In this instance the total depreciated replacement cost for all improvements is \$203,712. She pointed out that the replacement cost is substantially higher if we were going to replace all of those improvements, but the value based on depreciation is \$203,712. Ms. Landeros provided

an excerpt from the appraiser's findings, that shows how the replacement cost was determined. The appraiser recognizes the improvements on the property and does have a replacement value assigned to them, and determines the replacement cost to be \$1.1 million. With this you have separate chart that calculates the depreciation values by taking the estimated new cost for all of those improvements, and uses the depreciation chart to determine the cost of those improvements at \$203,712.

Looking at the whole property to determine the value, you take the depreciated replacement costs of the improvements (\$203,712) and the land value (\$123,480), for a total estimated value of whole property to be at \$327,192.

The appraiser in this case also evaluated the whole property using the sales comparison approach. This approach assumes that an informed purchaser would pay no more for a property than the cost of acquiring another existing property of the same utility. Using this approach, the appraiser determined a value of \$298,480.

Both the cost approach and the sales comparison approach had weaknesses with valuing this property, therefore the appraiser placed some weight on both approaches and ultimately come up with a whole value of \$315,000.

Next you must determine the calculation of the part to be acquired. Land value has been determined by the appraiser at \$10,000 per acre, so at 0.946 acres the land value of the part to be acquired is \$9,460. Next the improvement value of only those improvements within the part to be acquired are determined. Using those values previously established when valuing the whole property, the appraiser determined that value to be \$136,636. Adding those two calculations, the value of the land and improvements in the part to be acquired is \$146,096.

This only piece of compensation the property owner are entitled to is the market value, the other piece is determining damages to the remainder.

Ms. Landeros continued noting, the value of the part to be acquired has been determined at \$146,096. Now the appraiser must determine whether there are any damages to the remainder. To make this determination, the appraiser takes the difference between the value of the remainder immediately before the taking and the value of the remainder immediately after the taking. If the value of the remainder goes down after the taking, the property owner may be entitled to that lost value.

In this case we know that the value of the remainder immediately before the taking is:

Whole property value	\$315,000
Less: Part to be acquired	\$146,096
Remainder value before	\$168,904

The remainder property is approximately 11.402 acres and will no longer have those residential improvements. Using the sales comparison approach, the appraiser determines that the remainder would be worth \$7,500/acre. Making the value of the remainder after the taking does go down and is determined to be \$85,515.

For damages to the remainder we know that the value before the taking is \$168,904; the value of the remainder after is \$85,515, which brings the damages to \$83,389. The appraiser noted that part of the damages was the loss in value to the remaining pond, retaining wall and landscaping. These improvements had no value above the land value because the portion of the property that utilizes them is no longer accessible (by using the bridge). The property will be accessible by using other parts of the property. State law provides that when a portion of a tract is acquired, compensation to the property owner may include:

Local market value of the part to be acquired	\$146,096
Damages to the remaining property	\$ 83,389
Total just compensation	\$229,485

Ms. Landeros noted the biggest point to make is that we are not looking at replacement costs, we are looking at the value of those improvements and the land on that day.

The initial offer of \$229,485 was sent to Mr. Ward on August 30, 2018.

In September, 2018, Mr. Ward send a counteroffer of \$324,227.

After many meetings and months of negotiations, Staff asked Council to authorized the payment of \$300,000 to Mr. Ward for the acquisition of the needed Right-of-Way. Council granted this request n March 2019.

Discussions were had with Mr. Ward as to whether or not the City could build that access. Staff asked KPA if they could provide an estimate to rebuild that access. As Mr. Ward stated, those numbers are high and there has been a request to pay more than the appraised value by the property owner. This took us to a point where the best approach is to go through the condemnation process. Ultimately, the Special Commissioners

and a Judge are the ones that can best determine the compensation the property owners are entitled to. We as Staff, want to provide what the property owner is entitled to. Due to the uniqueness of the property and the access issue, it is best determined by the special commissioners and ultimately a Judge. The City wants to move this along as quickly as we can.

The property owner has not provided a separate appraisal for consideration; and we told them that we encourage a separate one be provided.

Ms. Landeros concluded asking that Council authorize the use of eminent domain for parcels 15 & 16 of this project. A final offer was sent on April 11, 2019. If this is not accepted within the 14-days allowed, the City will proceed to condemnation. Parties may continue to negotiate even after the condemnation proceedings have been filed.

Councilmember Long asked if Staff has received a counter offer from Mr. Ward on the final offer.

Ms. Landeros replied no, not as of today.

Mayor Davis noted, the appraised value is about \$230,000, and the offer has been made at \$300,000 which is about a 35% increase above the appraised value. There are always hard cases, and added that he is a land rights person. He also noted that he recognizes the time and energy that has been put into this effort over an extended period of time. Mayor noted that as the City of Temple has grown and we have gone through this process, it is his opinion that the city has always been fair. As a Council, we have fiduciary responsibility to the tax payers of the City of Temple and have to act responsibly.

Motion by Councilmember Susan Long that the City of Temple approve Resolution No. 2019-9632-R and authorize the use of the power of eminent domain to acquire fee simple title to a 0.946-acre tract of land located along Charter Oak Drive in Temple, Texas being more particularly described as being 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 for the construction of the Outer Loop Phase 6, seconded by Councilmember Jessica Walker.

Motion passed unanimously.

Timothy A. Davis, Mayor

ATTEST:

Lacy Borgeson
City Secretary

TEMPLE CITY COUNCIL

MAY 2, 2019

The City Council of the City of Temple, Texas conducted a workshop on Thursday, May 2, 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
Mayor Timothy A. Davis
Councilmember District 4 - Vacant

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, May 2, 2019.

Ms. Myers highlighted the #5(F) on the regular agenda which is the design contract proposal for the expansion of the Water Treatment Plant. This is the first step in the process to add an addition eleven plus million gallons of treatment capacity to our system.

2. Receive a presentation on the Reinvestment Zone 2030 Master Plan.

Ms. Myers noted last month the Reinvestment Zone Board of Directors voted to recommend to Council the 2030 RZ Master Plan. This is an extensive document and hours of work from the sub-committee which consisted of Bob Browder, Tyler Johnson, Wendell Williams, Jim Kent, and John Kiella.

The Reinvestment Zone covers a good portion of the City of Temple, and is comprised of the Industrial Park, the Corporate Campus, the Regional Airport, as well as Downtown, TMED, and Synergy Park (home of Panda Energy). The Plan covers some of the most concentrated economic generators of the City's economy. This has been a two-year planning process by the Zone with support of City Staff.

A wide array of input went into the process. Meetings and briefings were had with all the major employers, education partners, economic partners, TEDC, TXDOT, CTGOG, and Housing Consortium. The projects proposed in the plan totals more than \$365-million dollars.

Ms. Myers then reviewed each of the four categories of the Plan. There is an extensive amount of intentional overlap in the plan between goals and principles.

Economic Prosperity, is not a new concept for the Zone. Rather it is the 'bread and butter' of what the Zone has done over the course of its life. This comes from investing in infrastructure to directly support economic development. The City has been very successful through its aggressive economic development program. New partners are investing, such as Niagara, and East Penn because of this effort. This is a recommitment to the strategies that have worked in the past, and be ready to invest in infrastructure as projects come on-line. This plan recommends several project investments at the Airport as well; as it is a gateway for many decision makers, into the City.

Place Making, is a critical part of the process and is just as important as infrastructure. Sense of place, and its image and characteristics are critical in making a community unique. Without a connection to a community's connection to its heritage and history, the city will look like any other city in the nation. In this Plan it heightens the level of focus on Quality of Life. This is an intentional part of the plan, to reinvest into neighborhoods and focus on core housing and businesses which are important to the community. The Plan proposes is a systematic approach to each district within the core neighborhoods. Ms. Myers noted that the following projects fall within Place Making, the Santa Fe Plaza and fountains, the MLK Festival Grounds, 1st Street Redevelopment project, the Parking Garages, City Center, and the revitalization of historical buildings to name a few.

Connectivity, focuses on good connections for all forms of transportation for vehicles, bicycles, and pedestrians. This consists of projects like the bridge connection into Downtown, and improvements on 31st Street. Several years ago Council authorized an economic impact study for the TMED area. The City has incredible assets in this area, and needs to continue to invest and reinvest in infrastructure in this area, and the Plan recognizes this.

Avenue U is a great example of the kinds of projects that the Zone has helped to accomplish. This connected Baylor Scott and White to the VA Hospital. The Outer Loop is another great example. One of the projects highlighted in the Plan is to secure funding for 1st Street enhancements in front of the VA Hospital to mirror the enhancements in front of Temple College.

The last of the four focus areas is Public Well Being. The City has an amazing asset and opportunity with the Corporate Campus Plan, and are privileged to have so many corporate headquarters calling Temple home. The level of corporate headquarters in Temple is phenomenal. The primary focus of the Corporate Campus project is to take the incredible assets in the Corporate Campus and study the land use around those businesses to ensure that the City is supporting the corporate partners with the types of amenities needed to attract the talent and workforce they need to be successful. Live-Work-Play is a critical component as Temple grows

and the City needs to be intentional as it plans for the future.

Ms. Myers noted that an action item will be brought to the Council on May 16th for their consideration.

Mayor Davis added this is continuation of years of forethought and countless hours of work and knowledge.

Mayor Pro Tem Morales expressed her thanks and excitement for this opportunity.

There being no further business, Mayor Davis adjourned the meeting at approximately 4:40 p.m.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, May 2, 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
Mayor Timothy A. Davis

I. CALL TO ORDER

1. Invocation

Pastor Paul Alexander voiced the Invocation.

2. Pledge of Allegiance

Chief of Police, Floyd Mitchell led the Pledge of Allegiance.

II. PUBLIC COMMENTS

No one signed up for this portion of the meeting.

III. AWARDS AND SPECIAL RECOGNITIONS

3. Recognize National Police Week May 12-18

Mayor Davis presented the proclamation to Chief Mitchell, along with several police officers.

4. Recognize the City of Temple Preservation Month May 2019

Mayor Davis presented the proclamation. He noted that during 'Preservation Month', the City undertakes activities and projects that

draw public attention to the importance of recognizing Temple's history and preserving Temple's architectural heritage. This photo contest does just that. The Temple Architectural Appreciation Photography Contest was part of this process. Dozens of local photographers have taken pictures of historic buildings in Temple, and 46 contest entries have been received. These framed prints will be assembled into a photo exhibit that will be displayed at the Bell County Museum, the Czech Heritage Museum, and the Temple Railroad and Heritage Museum so the public can see the images of local buildings that we treasure, and that we hope to see preserved.

- 3rd Place ribbon goes to: Jason Deckman, for his photo of the Jupe Feed Co. Silos.
- 2nd Place ribbon goes to Terry Rascoe, for his photo of the Santa Fe Depot.
- 1st Place ribbon & the Champion's Trophy goes to Terry Rascoe, for his photo of the Hawn Hotel.

Congratulations to the winners of the Temple Architectural Appreciation Photography Contest.

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

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

(A) April 18, 2019 Special & Regular Called Meeting

(B) 2019-9633-R: Consider adopting a resolution authorizing a professional services agreement with Walker Partners, LLC, for professional services required for the preliminary design of Hartrick Bluff Road from Waters Dairy Road to FM 93, in the amount of \$287,800.

(C) 2019-9634-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick and Associates, LP, for the West Temple Distribution Project to assess water delivery in the amount of \$82,580.

(D) 2019-9635-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick and Associates, LP, to develop the final design for a parking garage

facility located near the intersection of 4th Street and Central Avenue, for the lump sum price of \$568,450.

(E) 2019-9636-R: Consider adopting a resolution authorizing an agreement with Kasberg, Patrick, & Associates, LP, of Temple for engineering services required for the Raw Water Intake Recoating Project at the City of Temple Water Treatment Plant in the amount of \$49,790.

(F) 2019-9637-R: Consider adopting a resolution authorizing an agreement with Kasberg, Patrick, & Associates, LP, of Temple for engineering services required to expand the Membrane Treatment Facility in the amount of \$2,953,930.

(G) 2019-9638-R: Consider adopting a resolution authorizing an interlocal agreement with the State of Texas, for the benefit of Texas Department of Transportation, to reconstruct and maintain a radio antenna tower.

(H) 2019-9639-R: Consider adopting a resolution amending a Developer Participation Agreement with WBW Development Group, LLC—Series 027 to allow the developer to build a public use trail on City-owned property in lieu of paying park fees for The Reserve at Pea Ridge, Phases 1 and 2.

(I) 2019-9640-R: Consider adopting a resolution finding that Oncor Electric Delivery Company LLC's Application for Approval to amend its distribution cost recovery factor pursuant to 16 Texas Administrative Code Section 25.243 to increase distribution rates within the City should be denied.

(J) 2019-9641-R: Consider adopting a resolution authorizing an amendment to the professional services agreement with Kasberg, Patrick & Associates, LP, for construction phase services of the South 1st Street Project in the amount of \$103,700.

(K) 2019-9642-R: Consider adopting a resolution authorizing an amendment to a professional services agreement with Kasberg, Patrick and Associates, LP to develop the final design for a new Aircraft Rescue and Firefighting Facility at the Airport Headquarters/Fixed Base Operator building located at the Draughon-Miller Regional Airport, in an amount not to exceed \$40,340.

(L) 2019-9643-R: Consider adopting a resolution authorizing an amendment to a professional services agreement with MRB

Group, of Temple, in the amount of \$48,420 for the improvements of North Pea Ridge Road.

(M) 2019-9644-R: Consider adopting a resolution authorizing a deductive change order with R. T. Schneider Construction Company, Ltd., for services to construct Hogan Road from State Highway 317 to South Pea Ridge Road in the amount of \$78,381.80.

(N) 2019-9645-R: Consider adopting a resolution ratifying the purchase of online legal research services from West Publishing Corporation in the estimated amount of \$36,000.

(O) 2019-9646-R: Consider adopting a resolution authorizing an annual purchase agreement for sodium hypochlorite, hydrochloric acid, and cyanuric acid with Hasa, Inc. of Saugus, California in the estimated annual amount of \$40,787.

(P) 2019-9647-R: Adopt a resolution authorizing the purchase of InfoWater Pro Suite software for water distribution modeling with Innovyze Inc. of Portland, Oregon in the amount of \$33,600.

(Q) 2019-9648-R: Consider adopting a resolution authorizing the purchase of 10.086 acres of right-of-way needed for the future expansion of Blackland Road and authorizing the payment of closing costs associated with the purchase in the total estimated amount of \$155,000.

(R) 2019-9649-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2018-2019.

Motion by Councilmember Susan Long approve the Consent Agenda as presented, save item 5(A), seconded by Councilmember Jessica Walker.

Motion passed unanimously.

5 (A) April 18, 2019 Special & Regular Called Meeting

Motion by Mayor Pro Tem Judy Morales ,, be Table, seconded by Councilmember Jessica Walker.

V. REGULAR AGENDA

ORDINANCES

Items 6 & 7 were read into the record with one presentation.

6. **2019-4963: FIRST READING – PUBLIC HEARING – FY-19-1-ANX: Consider adopting an ordinance authorizing the voluntary annexation of 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.**

Lynn Barrett, Assistant Director of Planning provided the presentation. She began by noting that both properties are generally located south of FM 93, and the owner is Short Term Lending GP, LLC.

Case FY-19-1-ANX consists of two tracts and right-of-way. Tract one is 160.047 acres; tract two is 12.541 acres; and the right-of-way, which is for contiguity is 12.689 acres (approximately 1.5 miles of Hartrick Bluff Road from the city limit line just south of FM 93, to the southern border of the property). The rezoning requested is for PD-SF2 & PD-GR if the annexation is granted at the second reading, on May 16, 2019.

Case FY-19-2-ANX which is to the north of the FY-19-1-ANX, consists of one tract at 118.560 acres, and 1.267 acres of right-of-way for contiguity (less than 1/4 mile of Haymarket Drive that extends from Hartrick Bluff up to the subject property). The rezoning requested is for PD-SF2 if the annexation is granted at the second reading, on May 16, 2019.

The annexation process is governed by Chapter 43 of the Local Government Code. Petitions were submitted by the property owner to the City in February, and that same month Council directed Staff to develop a Municipal Services Plan for each case. The Plans were reviewed by all relevant departments and find there to be no issues. The Plans were presented to the Council on April 4th and April 5th at which time a public hearings were held at each meeting.

Per the Municipal Services Plan the City will provide for the extension of municipal services by any of the methods by which it extends services to any other area of the City if the voluntary annexation is granted by the Council. Both properties are located within the Academy Independent School District.

Ms. Barrett noted that if approved on first reading, the second and final readings are set for May 16, 2019.

Ms. Myers pointed out that this is a voluntary annexation, at the request of the property owner. The annexation of Hartrick Bluff

Road and Haymarket Drive, is only the right-of-way and does not annex any of the properties on either side of the road, except that of the property owners (petitioner).

Mayor Davis declared the public hearing open for both items 6 & 7 and asked if anyone wished to address either item. There being none, Mayor Davis declared the public hearing closed.

Motion by Mayor Pro Tem Judy Morales adopt ordinance as presented on first reading for item 6, with second and final reading set for May 16, 2019, seconded by Councilmember Jessica Walker.

Motion passed unanimously.

7. **2019-4964: FIRST READING – PUBLIC HEARING – FY-19-2-ANX: Consider adopting an ordinance authorizing the voluntary annexation of 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.**

Motion by Councilmember Jessica Walker adopt ordinance as presented on first reading for item 7, with second and final reading set for May 16, 2019, seconded by Councilmember Susan Long.

Motion passed unanimously.

8. **2019-4965: FIRST READING – PUBLIC HEARING – FY-19-11-ZC: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning district to General Retail zoning district on 1.554 +/- acres, situated in the J.J. Simmons, Survey Abstract No. 737, Bell County, Texas, addressed as 5018 State Highway 317.**

Mark Baker, Senior City Planner, provided the presentation. He pointed out that while the applicant, Jack Ralston, requested General Retail, it is the recommendation of the Planning and Zoning Commission to rezone to all for Neighborhood Services. A user has not yet been identified by the developer, and a subdivision plat is required for any new construction. He noted that a change in use could trigger compliance to parking requirements.

The proposed zoning is that of General Retail. The subject property is bordered by existing Agricultural zoning with General

Retail and Neighborhood Services supported by existing residential uses. SH 317 is a developing corridor transitioning with both General Retail and Neighborhood Zoning. The General Retail is compatible and appropriate along this section of SH 317.

The subject property is designated as suburban commercial and appropriate for retail and office uses. It also supports general retail uses and zoning at this location.

Both water and sewer are available to the subject property, and any extensions requirements would be addressed at platting. In terms of the Thoroughfare Plan and Trails Plan, State High 317 is considered to be a major arterial. TXDOT improvements are completed and include a 10-foot sidewalk on the east side of the Highway. However, a 6-foot sidewalk will be required on the west side of the Highway and will be addressed at the time of construction. The existing local connector trail was addressed by TXDOT improvements with the 10-foot sidewalk on the east side.

Mr. Baker pointed out the comparisons between Agricultural, Neighborhood Services, and General Retail, and what is allowed by right, or with a Conditional Use Permit. With a non-residential use adjacent to residential uses, buffering will be required. This could consist of evergreen hedges composed of 5-gallon plants or larger, with a planted height of 6-foot on 36-inch centers. It may also consist of a 6-foot to 8-foot high fence or wall, constructed by any number of allowed materials per the UDC Section 7.7.5 such as wood, masonry, stone or pre-cast concrete.

There were eight notices mailed to the property owners within 200-feet of the subject property. Two of those were returned in agreement, which zero were received in disagreement. Mr. Baker noted that the subject property is in compliance with all four of the criteria (Future Land Use Map, Compatibility with surrounding uses and zoning, public facilities, and the Thoroughfare Plan).

Staff recommends approval of the request for a rezoning from Agricultural "AG" District to General Retail "GR" District, as requested by the applicant. Staff is comfortable with either Neighborhood Services or General Retail.

At their April 1, 2019, meeting, the Planning and Zoning Commission voted 8/0 to recommend Neighborhood Services. This is in an effort to limit the more intense General Retail uses. The applicant is in agreement. Mr. Baker noted the applicant

indicated that he would like to market the property as light retail or office type use, which is consistent with the Neighborhood Services designation.

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

Motion by Councilmember Jessica Walker adopt ordinance authorizing rezoning to Neighborhood Services as recommended by P&Z, with the second and final reading set for May 16, 2019, seconded by Councilmember Susan Long.

Motion passed unanimously.

9. **2019-4966: FIRST READING – PUBLIC HEARING – Consider adopting an ordinance amending City Code of Ordinances, Chapter 27, "Stormwater," to bring this chapter into compliance with the City's current Texas Commission on Environmental Quality (TCEQ) permits, simplify and clarify language and terms, and provide more effective enforcement tools.**

Kayla Landeros, City Attorney presented the proposed amendments. This was presented originally at the Council's workshop on April 18th. Ms. Landeros reminded Council that Stormwater is the water that originates during precipitation events and snow/ice melt. The municipal storm sewer system is infrastructure that the City builds and maintains, that is designed to drain excess rain and ground water from impervious surfaces such as paved street, parking lots, sidewalks, and roofs.

In undeveloped areas the water can soak into the ground, but in more developed or built-out areas, the hard surfaces are added and the ground cannot absorb the water. Precipitation then flows over the streets, parking lots and other hard surfaces and into a body of water or storm drain. In those instances, we are more worried that pollutants aren't in that water, such as nitrogen and phosphorus from fertilizers, pet and yard waste, and construction activities. Because stormwater flows over hard surfaces directly into a body of water or storm drain, there is no opportunity for soil and plants to filter out pollutants.

Ms. Landeros continued, noting the Clean Water Act was enacted in 1972, and authorizes the National Pollutant Discharge Elimination System (NPDES) permit program. This program is designed to help address water pollution at a Federal level, by regulating the discharge of pollutants into the

waters of the United States. The Act authorizes the NPDES Program to state governments which allows states to perform many of the permitting, administrative, and enforcement aspects of the program. TCEQ oversees the Texas Pollutant Discharge Elimination System (TPDES) permit program which regulates discharge of pollutants to Texas surface water. These permit programs are focused on preventing stormwater pollution.

The City of Temple is considered a "Small Municipal Separate Storm Sewer System" and are permitted to discharge in the surface waters of the State. The City also must ensure that both State and Federal regulations are being complied with in order to reduce pollution that travels into the City's waterways. These regulation are found in the City's local regulations, in Chapter 27. The City of Temple's Stormwater Management Program focuses on the following: (1) Public education and involvement; (2) Illicit detection and discharge elimination; (3) Construction, Post Construction and Good Housekeeping practices.

Currently, Chapter 27 is separated into three articles; (1) Article I: Erosion and Sedimentation Control; (2) Post Construction Storm Water Runoff Control; (3) Elicit Discharge Prevention.

Article I: Erosion and Sedimentation Control focuses on preventing stormwater pollution resulting from construction activities. It requires developers and property owner to comply with both State and local regulations related to stormwater discharges. They must submit a Storm Water Pollution Prevention Plan (SWP3), which outlines their best management practices being proposed for those construction activities. This article requires erosion control measures; allows for staff to perform site inspections; and requires that the owner or developer inspect the control measures and document those inspections.

Article II: Post Construction Storm Water Runoff Control, requires the installation and use of best management practices to reduce stormwater runoff pollution after a project is completed. This article requires the submission of a Storm Water Management Plan detailing the measure after construction to prevent stormwater pollution; and allows City Staff to inspect the premises to ensure compliance with the Storm Water Management Plan.

Article III: Elicit Discharge Prevention, establishes methods for controlling the introduction of pollutants into the City's storm sewer system, not necessarily related to construction activities. It prohibits illegal connections to the storm sewer system,

domestic or industrial sewage into the system. It also allows discharges for certain industrial activities if a facility is properly permitted.

Next Ms. Landeros then discussed the proposed amendments. This chapter was reordered in hopes of making it easier to read, understand, and use. Proposed amendments include: (1) changing title from "Stormwater Management" to "Stormwater"; (2) Delete table of contents, to make consistent with other chapters; (3) add a list of acronyms; (4) all definitions were consolidated and placed at the beginning of the chapter, and added TCEQ permit definitions; and (5) four articles in stead of three (Art. I- General; Art. II - Stormwater Compliance for Construction Activity; Art. III - Post-Construction Stormwater Runoff Control; and Art. IV - Regulation of Non-Stormwater Discharge).

The proposed Article II, would regulate small and large construction activities. Large construction activities is equal to or greater than 5-acres; and small construction activities is defined as equal to or greater than 1-acre and less than 5-acres. Owners or operators of a construction site must implement best management practices to control or minimize the discharge into the storm sewer system. The Chapter still requires the submission of the SWP3; City Staff still has the authority to monitor compliance; and includes a list of offenses and allows for administrative enforcement to include Notice of Violation, Stop Work Order, and criminal and civil remedies.

Article III, still requires what is currently called the Stormwater Management Plan to be submitted. The name of that plan is being amended as the post-construction management plan, which must include controls and maintenance to be used and maintained post-construction; as well as best management practices to include vegetated swales, roof drain discharge to pervious surfaces, and extended detention basins and ponds. Amendments include other updates to comply with TCEQ's General Permit for Phase II (small) MS4's (which is what the City of Temple is), such as (1) Post-Construction Management Plans must include maintenance and repair plans for the stormwater management facilities; (2) records must be kept of the facilities maintenance and repairs and allow the City to inspect those records; and regularly inspecting those facilities or allow the City to do so.

Article IV establishes methods for controlling the introduction of pollutants into the storm sewer system in order to comply with state and federal regulations. It will also include similar prohibitions against illicit discharges and affirmative defenses.

Staff included a new regulation (not in the current Chapter) of pesticides, herbicides, and fertilizers. This added regulation will regulate the sale, distribution, application, labeling, manufacturing, storing, and disposal of product. The products may not be disposed in a way that is likely to cause a harmful quantity to enter the sewer system. It also prohibits illicit or unauthorized connections, and a discharger must notify the City, TCEQ, and the fire department if a reportable quantity of hazardous substance is release into the system. Within this article, Industrial sites that convey stormwater that is directly related to manufacturing, processing, or raw materials storage must be permitted as required by both state and/or federal law. Documentation must be submitted to the City, and best management practices to control and minimize discharge into the system must be used.

If amendments are approved, Staff will need to make changes to the current Drainage Criteria and Design Manual.

Mayor Davis declared the public hearing open with regards to agenda item 9, and asked if anyone wished to address this item.

Marty Janczak, TABA 12 North 5th Street addressed the Council. These proposed amendments impact the construction industry, and so TABA and City Staff began reviewing the impacts the amendments could have. TABA's concern was, was this going to radically change the experience of development, both pre/post-construction. The response provided by the City is no, it should be virtually the same experience. Mr. Janczak noted TABA supports the amendments as presented.

There being no further comments, Mayor Davis declared the public hearing closed.

Motion by Councilmember Susan Long adopt ordinance as presented for item 9, with second and final reading set for May 16, 2019, seconded by Mayor Pro Tem Judy Morales.

Motion passed unanimously.

Items 10 & 11 were read into the record for one presentation.

- 10. 2019-4967: FIRST READING – PUBLIC HEARING – Consider adopting an ordinance updating the City of Temple's Drought Contingency Plan.**

Christine Leal, Public Works Water Conservation Coordinator, provided a presentation on both items 10 & 11. Ms. Leal explained that historically the both the Water Conservation Plan and the Drought Contingency Plan have been treated as one plan. TCEQ has stressed the importance of having them as two separate plans as they have different goals and requirements.

Temple's Water Conservation Plan is mandated by the State. The rules and requirements are outlined in the Texas Administrative Code, Title 30, Chapter 288, Chapter A. The City of Temple's goals and objectives are to (1) reduce the consumption and loss of water; (2) improve the efficiency of water use; (3) increase the reuse of water; and (4) to extend the life of current water supplies. The Plan is updated every five years, and submitted to the TCEQ and the Texas Water Development Board (TWDB). The last Plan (the current Plan) was adopted by Council in 2014. The updated Plan is due by June 1, 2019, and will expire in May 2024.

Minimum requirements for the Plans are listed in the Texas Administrative Code. The 2019 updates will consist of the Utility Profile, as well as the 5-year and 10-year Water Savings Goals. Because the City of Temple is a large water supply, there are two additional requirements. One being a leak detection, repair, and water loss accounting program which is done through the City's Utility Services Department; and two that the wholesale customers have provisions in their contract that require them to adopt a Water Conservation Plan and adhere to the City's Plan.

Within the Texas Administrative Code, additional conservation strategies are provided. We shall choose a combination, as they meet the goals as outlined in the City's Plan. Of those provided, the City has selected three as best practices, (1) Wastewater reuse/recycling; (2) Program or Ordinance for landscape water management; (3) and park, athletic field, golf course conservation.

Ms. Leal continued explaining the one of the requirements is to have a Water Conservation Coordinator. This was adopted in the 85th Legislature, and was effective in 2017. This person is responsible for implementation of the Plan and tracking the goals and targets of the City.

Since the 2014 adoption of the Plan, to 2018 (final year of the Plan), the City has increased in every category. There was a 15% increase in the retail service area population; at 6% increase in the Utility Department full time employees; an 11% increase in total water sales; 15% increase in total treated

water; and a 404% increase in total reuse. Staff expects this trend to continue over the next five years. Ms. Leal stated the City's top five treated water users for 2018 are Scott and White, The City of Morgan's Point Resort, Panda Temple Power, LLC, City of Troy, and the VA Hospital. ICI Customers (Industrial, Commercial, Institutional) use more than 1/3 of water sold in the City. This is a great opportunity to implement new measures for those type customers to help reduce their use.

Ms. Leal continued stating that one of the requirements is that the City monitor the usage per gallon, per capita, per day. This is the number of gallons each person uses per day. The historical average over the last five years is 176 GPCD. The Water Board recommends a reduction by 1% every year until GPCD is obtained. The City's five year goal is to lower the GPCD to 168; and then in ten years reduce the GPCD to 160.

The City is required to have goals with the plan that address water loss. For the past five years the City's water loss average has been about 14.05%. This is water that is unaccounted for. The goal is to reduce that number to 14%. In 2018, the total amount water that went into the system and then reused was 25%; with 98% used by Panda, and 2% by the City of Temple for Parks and the Tree Farm.

Additional measures the City of Temple observes is with the Parks and Golf Course. The water used is pulled from Lake Polk. There is potential to reuse in future years. This will allow Lake Polk to stay at more stable level.

Focus areas over the next five years, is to (1) invest in the City's public information and outreach with more community engagements; (2) expand the reuse program to include the Golf Course, and Crossroads Complex; (3) implement programs for ICI to include rate structure and rebate programs; and (4) leak repair program.

Ms. Leal, then discussed item 10, the Temple's Drought Contingency Plan and noted it too is mandated by the State, with the rules and requirements outlined in the Texas Administrative Code, Title 30, Chapter 288, Chapter B. The City of Temple's goals and objectives are to (1) conserve available water supplies; (2) protect the integrity of water supply facilities; and (3) to protect the public health, welfare, and safety. The Drought Contingency Plan follows the same sequence as the Water Conservation Plan and is updated every five years, and submitted to TCEQ. The last Plan (the current Plan) was adopted by Council in 2014. The updated Plan is due by June 1, 2019, and will expire in May 2024. In this Plan, the stages are

implemented by the City Manager, and are based on water demand, system capacity, and the reservoir levels.

Minimum requirements for the Plans are listed in the Texas Administrative Code. Staff is not recommending any changes to the 2014 Plan, except for the triggers for stages, and response measures for each specific stage.

As written now, there are four stages, and each stage has a goal. **Stage 1 - Mild Water Shortage (Voluntary):** voluntary watering schedule; customers requested to practice water conservation. **Stage 2 - Moderate Water Shortage (Mandatory) 10% Reduction:** Mandatory Watering Schedule; only refill pools & jacuzzies on designated day; no aesthetic water use; hydrant use limited to firefighting, construction purposes allowed under special permit; no non-essential water use; golf course greens watering on designated days. **Stage 3 - Severe Water Shortage (Mandatory) 20% Reduction:** Mandatory Watering Schedule, Fire hydrant access for construction purposes prohibited, golf course greens watering prohibited. **Stage 4 - Emergency Water Shortage (Mandatory) 30% Reduction:** No Landscape irrigation allowed; Washing of vehicles prohibited; no refilling pools; no new meters, service lines, mains, etc. installed; possible water rationing, water service termination, mandatory closure of commercial and industrial facilities.

The proposed changes include, changes to the titles used for each stage as well as some of the responses to read: **Year-Round Conservation (Voluntary)** - voluntary watering schedule; customers requested to practice water conservation. **Moderate Water Shortage (Mandatory) 10% Reduction** - mandatory watering schedule; only refill pools & jacuzzies on designated day; no aesthetic water use; hydrant use limited to firefighting; no non-essential water use; golf course greens watering on designated days. **Severe Water Shortage (Mandatory) 20% Reduction** - mandatory watering schedule; *construction purposes allowed under special permit*; golf course greens watering with treated City water prohibited. **Emergency Water Shortage (Mandatory) 30% Reduction** - no landscape irrigation allowed; *fire hydrant access for construction purposes prohibited*; washing of vehicles prohibited; no refilling pools; no new meters, service lines, mains, etc. installed; possible water rationing, water service termination, mandatory closure of commercial and industrial facilities.

Ms. Leal pointed out that within the proposed stages, Staff is asking that construction purposes be allowed only with a special permit. The City does not want to interrupt progress on projects

unless it is deemed critical and necessary.

Ms. Myers added that this is reviewed on a case-by-case basis. The recommended changes are less restrictive, but the goal is to balance the impact of the stages between all customers, both residential and commercial.

The City Manager during the different stages of Moderate, Severe, or Emergency Water Shortage may order water rationing to selected users of the system in the following sequence: (1) recreation users; (2) commercial and industrial users; (3) schools; (4) residential; and (5) hospitals, public health, and safety facilities.

Ms. Leal explained that there are triggers with each stage, and each stage is based on treatment capacity. Triggers will be terminated when all conditions listed as triggering event have ceased to exist for a period of seven consecutive days or when the City Manager declares termination. Upon termination, the preceding Stage becomes operative unless otherwise determined by the City Manager. There is an enforcement provision that states "Any person who violates this ordinance is guilty of a Class C misdemeanor and, upon conviction shall be punished by a fine of not less than \$50 and not more than \$2,000. Each day that one or more of the provisions in this ordinance is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this ordinance, the City Manager shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur".

There is also a Pro-Rata Water Allocation provision. Specifically this is for the Wholesale Water customers to share in the conservation measures at the same level. In the event that the triggering criteria for Stage 4 – Emergency Shortage Conditions have been met, the City Manager is hereby authorized to initiate allocations of water supplies on a pro rata basis in accordance with Texas Water Code § 11.039 and according to the following water allocation policies and procedures: (1) a wholesale customer's monthly allocation shall be a percentage of the customer's water usage baseline; (2) during any period when pro rata allocation of available water supplies is in effect, wholesale customers shall pay the following surcharges on excess water diversions and/or deliveries.

Ms. Leal restated Staff's request to (1) update Stages & Triggers to reflect Year-Round Conservation (2) ensure full text of Drought Contingency Plan is in ordinance: (3) update the

Drought Responses to allow for Commercial & Industrial curtailment in earlier stages.

Mayor Davis declared the public hearing open for both items 10 & 11 and asked if anyone wished to address either item. There being none, Mayor Davis declared the public hearing closed.

Motion by Councilmember Jessica Walker adopt ordinance as presented for item 10, with second and final reading set for May 16, 2019, seconded by Mayor Pro Tem Judy Morales.

Motion passed unanimously.

RESOLUTIONS

11. 2019-9650-R: PUBLIC HEARING – Consider adopting a resolution updating the City of Temple's Water Conservation Plan.

Motion by Councilmember Susan Long adopt resolution as presented for item 11, seconded by Councilmember Jessica Walker.

Motion passed unanimously.

12. 2019-9651-R: FY-19-19-PLT: Consider adopting a resolution authorizing approval of the final plat of The Reserve at Pea Ridge Phase II, a 16.92 +/- acre, 56-lot, three-block, five-tract, residential subdivision, with developer-requested exceptions, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, addressed as 2499 South Pea Ridge Road.

Mark Baker, Senior City Planner, presented this case. The applicant is Yalgo Engineering (on behalf of WBW). Mr. Baker provided background to the subject property. Zoning for Phase I, planned development single family two was approved by the Council on April 19, 2018 by ordinance 2018-4907; that also included the land swap by resolution 2018-9109-R. Phase I Final Plat with requested exceptions was approved on June 7, 2018 by resolution 2018-9159-R, and recorded at the County on February 21, 2019. On December 6, 2018, zoning for Phase II was approved by ordinance 2018-4941 for Planned Development-Single Family Two.

Phase II Final Plat, residential subdivision, is for 16.92 +/- acres, is what will be considered. The Development Review Committee reviewed the plat on January 10, 2019, and deemed it administratively complete on March 21, 2019. Water is available from an 8-inch water line in South Pea Ridge Road; and sewer is available from the extension of an existing 24-inch sewer line west of the

subject property, and 8-inch sewer line across South Pea Ridge at Wind Chime Way.

The subject property for Phase II is currently undeveloped. Phase II does include trail accessibility to the public park land and would be between lots 12 and 13 of block 1. This also includes a 6-foot concrete sidewalk connecting to a future linear park.

The exception is to the UDC Section 8.2.1.D.4.b, Projection of Streets as it relates to the street openings every 1,000 feet along each boundary of the subdivision. The factors are similar to Phase I, include the existing land-locked nature of this phase, being with both the City Park on North, South, and West of the subject property, and Floodplain to the West. The land swap added to this limitation factor. Staff is supportive of the requested exception and Council is the final plat authority due to exceptions being requested.

At their April 1, 2019, meeting the Planning and Zoning Commission voted 8/0 to recommend approval of the final plat and developer's requested exceptions.

Motion by Councilmember Susan Long adopt resolution as presented for item 12, seconded by Mayor Pro Tem Judy Morales.

Motion passed unanimously.

Items 13 & 14 were read into the record, for a single presentation.

- 13. 2019-9652-R: FY-19-3-ANX: Consider adopting a resolution granting a petition to institute voluntary annexation proceedings of 89.373 acres of land out of the Maximo Moreno Survey, Abstract 14, located on the east side of Old State Highway 95, directing Staff to develop a municipal services plan, and calling public hearings to consider the petition.**

Kayla Landeros, City Attorney presented both items 13 & 14 to the Council. On April 18, 2019, the City received two voluntary annexation petitions from two different property owners, but the properties are adjacent to each other. The first being Case FY-19-3-ANX for 89.373 acres of land owned by Short Term Lending GP, LC. located on the east side of Old State Highway 95; and the other being Case FY-19-4-ANX for 47.655 acres of land owned by Temple Independent School District, located on the east side of Old State Highway 95 and south of Barnhardt Road.

Ms. Landeros pointed out that on the Consent Agenda, the Council authorized the purchase of 10.0986 acres of right-of-way that will be needed for the future expansion of Blackland Road. There is a

proposed extension that will run through the top portion of the 89 acre tract, to provide connectivity to the future school site.

Local Government Code Chapter 43 governs the annexation process, and requires that Council grant or deny the voluntary annexation petition within 30-days of receipt. Chapter 43 also requires the Council to direct the Planning Department to prepare a municipal services plan providing for the extension of full municipal services to the area to be annexed; and that two public hearings are held before an ordinance considering the annexation is presented to the Council.

Notice of two public hearings (June 6 and June 7) will be published in the newspaper on May 19, 2019. Council will consider annexation ordinance on first reading and public hearing on July 11th, and then the second reading will be July 18th.

Mayor Pro Tem Morales asked what was being proposed on the property owned by Short Term Lending GP, LLC.

Ms. Myers noted it would be a residential subdivision.

Motion by Councilmember Susan Long adopt resolution as presented for item 13, seconded by Councilmember Jessica Walker.

Motion passed unanimously.

- 14. 2019-9653-R: FY-19-4-ANX: Consider adopting a resolution granting a petition to institute voluntary annexation proceedings of 47.655 acres of land out of the Maximo Moreno Survey, Abstract 14, located on the east side of Old State Highway 95 and south of Barnhardt Road, directing Staff to develop a municipal services plan, and calling public hearings to consider the petition.**

Motion by Councilmember Jessica Walker adopt resolution as presented for item 14, seconded by Councilmember Susan Long.

Motion passed unanimously.

Timothy A. Davis, Mayor

ATTEST:

Lacy Borgeson, TRMC
City Secretary

SPECIAL MEETING OF THE TEMPLE CITY COUNCIL

MAY 7, 2019

The City Council of the City of Temple, Texas conducted a Special Called Meeting on Tuesday, May 7, 2019 at 8:30 AM, at the Municipal Building, 2 North Main Street, in the Council Chambers.

Present:

Councilmember Jessica Walker
Mayor Pro Tem Judy Morales
Mayor Timothy A. Davis

Absent:

Councilmember Susan Long

I. CALL TO ORDER

1. Invocation

Mayor Pro Tem Judy Morales voiced the invocation.

2. Pledge of Allegiance

Lacy Borgeson, City Secretary led the Pledge of Allegiance.

II. ELECTION ITEMS

3. 2019-9654-R: Consider adopting a resolution canvassing the returns for both the May 4, 2019 General and Special Elections for the City of Temple.

Lacy Borgeson, City Secretary provided the results of the May 4, 2019 City election. In February, the Council ordered the General Election for District 1 & District 4 Councilmembers. Early voting was conducted from April 22nd through April 30th, with election day being Saturday, May 4, 2019.

Voter turnout for District 1 was 242 during early voting, and 109 on election day for a total of 351 voters which represents 4% of the total registered voters in that district. Voter turnout for District 4 was 343 during early voting, and 145 on election day for a total of 488 voters which represents 4% of the registered voters in District 4. Of the 839 ballots cast, 11 received and accepted by the Early Voting Ballot Board.

The following are total votes, both early and election day, received for each candidate:

District 1

Jessica Walker, 276 (83%)

Jeffery Ware, 75 (17%)

District 4

Gussie L. Daniels, III, 13 (3%)

Joey Agee, 183 (37%)

Wendell Williams, 292 (60%)

Ms. Borgeson explained that Ms. Walker was the candidate elected by District 1; and Mr. Williams was the candidate elected by District 4.

Motion by Councilmember Jessica Walker adopt resolution as presented, seconded by Mayor Pro Tem Judy Morales.

Motion passed unanimously.

4. Administer Oaths of Office to newly elected Councilmember.

Judge Persons administered the Oath of Office to Ms. Walker and then to Mr. Williams.

Timothy A. Davis, Mayor

ATTEST:

Lacy Borgeson
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

05/16/19
Item #4(E)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Don Bond, P.E., CFM, City Engineer

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick and Associates, LP, for Phase 2 of the city-wide Drainage Assessment & Modeling Project in an amount not to exceed \$595,517.

STAFF RECOMMENDATION: Adopt resolution as presented in item discussion.

ITEM SUMMARY: On September 21, 2017, the City authorized a professional services agreement with KPA will to implement Phase 1 of the assessment. Phase 1 focused on three of Temple's largest drainage basins. There are four significant basins that remain to be addressed in Phase 2: Williamson Creek, Little Elm Creek, Hog Pen Creek, and Knob Creek (see map). Council authorized additional professional fees on October 18, 2018, to install and monitor rainfall and stream gauges in the remaining four basins.

Hydrology and stream models will be updated with recent development, ongoing construction, and planned projects. Detention ponds and other capital projects will be recommended with emphasis on reducing flood risks to structures, roadway overtopping, and additional areas with known histories of flood impacts. FEMA Flood Insurance Rate Maps will be updated as appropriate. Impediments to access of streams and creeks will be assessed; identified solutions may recommend additional capital projects. A subset of capital projects from the 2009 master plan update will be prioritized and updated with current OPC's.

Time required for the proposed work is 420 calendar days. Professional services include the following tasks and costs:

Regional stream & pond models	\$ 313,375
Regional pond recommendations	\$ 39,785
Develop capital projects	\$ 128,290
Update flood insurance maps	<u>\$ 163,500</u>
Subtotal	\$ 644,950
Contract Amendment for Gauges*	<u>(\$ 49,433)</u>
TOTAL	<u>\$ 595,517</u>

*A contract amendment was previously executed on the professional services agreement with KPA for Phase I of the city-wide Drainage Assessment & Modeling Project so that rain and stream gauges could be installed to capture the rainfall data needed for both phases of the project. Council approved the contract amendment on October 18, 2018.

FISCAL IMPACT: A budget adjustment is being presented to Council for approval to appropriate additional funding needed for the professional services agreement with KPA for a City-Wide Drainage Assessment & Modeling Project in an amount not to exceed \$595,517. Funding will be available for project 101777 as follows:

	<u>292-2900-534-6510</u>	<u>353-2900-534-6710</u>	<u>Total</u>
Project Budget	\$ 1,281,067	\$ 49,433	\$ 1,330,500
Budget Adjustment	48,950	-	48,950
Encumbered/Committed to Date	(734,500)	(49,433)	(783,933)
Professional Services Agreement - KPA	(595,517)	-	(595,517)
Remaining Project Funds	\$ -	\$ -	\$ -

ATTACHMENTS:

[Engineer's Proposal](#)
[Drainage Basins Map](#)
[Budget Adjustment](#)
[Resolution](#)

RESOLUTION NO. 2019-9655-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK AND ASSOCIATES, LP OF TEMPLE, TEXAS IN AN AMOUNT NOT TO EXCEED \$595,517, FOR PHASE 2 OF THE CITY-WIDE DRAINAGE ASSESSMENT & MODELING PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 21, 2017, Council authorized a professional services agreement with Kasberg, Patrick and Associates (“KPA”) to implement Phase 1 of the city-wide Drainage Assessment which focused on three of Temple’s largest drainage basins – on October 18, 2018, Council authorized additional professional fees to install and monitor rainfall and stream gauges in the remaining four basins;

Whereas, there are four significant basins that remain to be addressed in Phase 2: Williamson Creek, Little Elm Creek, Hog Pen Creek, and Knob Creek;

Whereas, hydrology and stream models will be updated with recent development, ongoing construction, and planned projects - detention ponds and other capital projects will be recommended with emphasis on reducing flood risks to structures, roadway overtopping, and additional areas with known histories of flood impacts;

Whereas, Federal Emergency Management Agency Flood Insurance Rate Maps will be updated as appropriate, impediments to access of streams and creeks will be assessed, and identified solutions may recommend additional capital projects;

Whereas, Staff recommends Council authorize a professional services agreement with Kasberg, Patrick and Associates, LP of Temple, Texas in an amount not to exceed \$595,517, for Phase 2 of the city-wide Drainage Assessment & Modeling Project;

Whereas, funding is available, but a budget adjustment is being presented to Council for approval to appropriate additional funds to Account No. 292-2900-534-6510, and Account No. 353-2900-534-6710, Project No. 101777; 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 professional services agreement with Kasberg, Patrick and Associates, LP of Temple, Texas, in an amount not to exceed \$595,517, for Phase 2 of the city-wide Drainage Assessment & Modeling Project.

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 **16th** day of **May**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



KASBERG, PATRICK & ASSOCIATES, LP
CONSULTING ENGINEERS
Texas Firm F-510

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

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

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

May 8, 2019

Mr. Don Bond, P.E., CFM
3210 E. Avenue H
Building A
Temple, Texas 76501

Re: City of Temple
Drainage Modeling Assessment, Phase Two

Dear Mr. Bond:

At the request of the City of Temple, we are submitting this proposal for the above referenced project. Phase One encompassed Pepper Creek, Bird Creek and Friars Creek watersheds extended to Leon River and comprising approximately 35 square miles of study area. Phase Two will include Hog Pen, Little Elm, Williamson, and Knob Creek watersheds extending to the City of Temple Extraterritorial Jurisdiction (ETJ) comprising approximately 31 square miles of study area. A preliminary cost estimate that was previously provided, considered study area extents for these four watersheds to the 2017 City Limits, only. Due to recent and anticipated land development activity in these watersheds, City Staff has requested that study areas for Phase Two watersheds be extended to the Extraterritorial Jurisdiction (ETJ), which is an increase in study area size of approximately 9%. This proposal includes adjustment for the enlarged study area. The project will provide regional stream and regional pond models, recommend regional detention pond locations and approximate sizing, where appropriate or viable, identify projects to mitigate structural flooding along creeks, identify projects to mitigate roadway crossing flooding at creeks, update National Flood Insurance Program (NFIP) Flood Insurance Rate Maps (FIRM) and assess localized flood areas selected by City Staff.

The final deliverables will include current (2019) and future (2030) anticipated hydrologic and hydraulic flood plain models in HEC-HMS and HEC-RAS formats, letter of map revisions (LOMR) for each watershed as approved by the Federal Emergency Management Agency (FEMA), updated watershed boundary map for each of the studied watersheds and opinions of probable costs (OPC) for previously mentioned mitigation projects based on limited, high-level preliminary engineering within a 10-year implementation window for budgeting purposes. The timeframes for Phase Two will be twelve (12) months for Hydrologic and Hydraulic modeling, two (2) months for developing the OPCs, and one (1) to three (3) years from time of submission to time of completion for FEMA review and approval of LOMRs.

KPA will perform all work and prepare deliverables in accordance with the City of Temple Drainage Criteria and Design Manual (DCDM). Precipitation will be based on Nation Weather Service Atlas 14 published data.

KPA will perform quality assurance (QA/QC) on all deliverables associated with the project.

The following services will be performed:

I. PROVIDE REGIONAL STREAM & POND MODELS

Use U.S. Army Corps of Engineers, Hydrologic Engineering Center, Hydrologic Modeling System (HEC-HMS) and River Analysis Systems (HEC-RAS) Computer Programs

- A. Data Collection - Obtain and review any existing data from the City and other entities that may have record documents and are allowed to release the information. Due to site access, data collection may include picture reconnaissance via use of a drone flown by an FAA licensed non-manned aircraft pilot documenting drainage features used in the hydraulic model, physical measurement of drainage structures and elevations and photographs of existing structures and existing vegetation conditions to develop and support Manning's roughness coefficients along streams.
- B. Drainage Map – identify and delineate sub-basins with each watershed that are of similar size or have hydrologic purpose, such as at tributary confluences. KPA will provide drainage maps in GIS format.
- C. Drainage Parameters – develop sub-basin descriptive attributes, such as basin areas, reach lengths, junction points, Soil Conservation Service (SCS) Runoff Curve Numbers, and Lag Times.
- D. Detention Pond Parameters – develop time-series data including storage-discharge and elevation-storage function tables.
- E. Meteorological Modes – develop SCS precipitation for 100-year (1% annual exceedance chance per year), 50-year (50% chance), 25-year (4% chance), 10-year (10% chance), 5-year (20% chance), 2-year (50% chance), 1-year (100% chance) and 500-year (0.2% chance) storm events.
- F. Peak Flow Rates – compute and review peak flow rates at each hydrologic element and provide a summary table of peak flows.
- G. Digital Terrain Model (DTM) – develop horizontal and vertical projection from geographic information system (GIS) shapefile data provided by the Texas Natural Resources Information System (TNRIS) light detection and ranging (LIDAR) elevation data and generate topographic model as available by public record. KPA will provide DTM in a format suitable to the City.
- H. Assign Soil Conservation Service (SCS) runoff curve numbers based on current (2019) and future (2030) developed conditions using City of Temple's Land Use Plan and anticipated impervious cover ranges. Agricultural zoned areas that are known for future development will be revised accordingly. KPA will provide a summary spreadsheet to the City.
- I. Aerial References – add aerial photometric backgrounds for better location and reference visualization.
- J. Geometric Model – develop geometric models for cross sections, bridges, culverts.
- K. Flow Data – create steady flow data file based on HEC-HMS at key locations.
- L. Water Surface Elevations (WSEL) – compute and review peak flow rates at each cross section and in-stream structure.
- M. Update Watershed Boundaries – provide a map and revise as necessary the watershed boundaries based on current GIS shapefile contour data provided by the City. KPA will provide revised GIS shapefile to the City.

II. RECOMMEND REGIONAL DETENTION PONDS

- A. Regional Ponds – provide HEC-HMS and HEC-RAS models that include recently constructed regional detention ponds, where applicable.

- B. Propose Regional Pond Locations – identify effective locations and preliminarily size regional ponds for each Phase Two watershed.
- C. OPCs – prepare and provide preliminary probable cost estimates for each pond.
- D. Recommendations – prepare and provide implementation guidance based on engineering analysis for proposed pond comparison and effectiveness of current NFIP FIRM versus future developed condition NFIP FIRM potential. Provide recommendations to the City of Temple Drainage Criteria and Design Manual related to improved drainage criteria language, where appropriate. Implementing drainage criteria improvements are not part of this scope of work and would require additional services.

III. IDENTIFY PROJECTS TO MITIGATE STRUCTURAL FLOODING ALONG CREEKS

- A. Identify Structures Within 100-year Flood Plain – using updated HEC-HMS and HEC-RAS models, locate residential and non-residential structures within the proposed FIRM flood plains. FEMA FIRM review models are based on current conditions at the time of preparing the model. The FEMA review models are not based on future conditions or proposed projects. Future FIRM revisions are necessary after future improvement projects are complete and functional.
- B. Propose New Mitigation Projects – identify effective project locations and project types of to reduce numbers of structures at risk of creek flooding.
- C. OPCs - prepare and provide preliminary probable cost estimates for each project.
- D. Recommendations – prepare and provide project implementation guidance based on engineering analysis.

IV. IDENTIFY PROJECTS TO MITIGATE ROADWAY OVERTOPPING ALONG CREEKS

- A. Identify Roadway Overtopping Within 100-year Flood Plain – using updated HEC-HMS and HEC-RAS models, locate roadway overtopping at bridges and culverts within the proposed FIRM flood plains. FEMA FIRM review models are based on current conditions at the time of preparing the model. The FEMA review models are not based on future conditions or proposed projects. Future FIRM revisions are necessary after future improvement projects are complete and functional.
- B. Propose New Mitigation Projects – identify effective project locations and project types to reduce numbers of roadways at risk of overtopping due to creek flooding.
- C. OPCs - prepare and provide preliminary probable cost estimates for each project.
- D. Recommendations – prepare and provide project implementation guidance based on engineering analysis.

V. UPDATE NFIP FIRM MAPS

- A. Current Flood Insurance Studies (FIS) – the City will assist in providing or obtaining current NFIP Effective FIRM FIS that are readily available from FEMA and easily importable (useable) in current computer modeling programs. If pre-project modeling are not found to be useable (non-HEC data files and drainage maps) and are not waived by FEMA for new FIRM maps, then additional services shall be required to recreate Flood Insurance Rate Studies that are decades old.
- B. FEMA Review and Response – provide timely review and responses to FEMA review comments and questions until new FIRM become adopted and effective for enforcement.
- C. FEMA Fees – pay applicable FEMA review fees.

VI. LOCALIZED FLOODING PROJECTS

- A. Identify Property Flooding Outside of Flood Plain – Collaborate with City Staff regarding identifying structures at risk of flooding for one or more areas with a limit not to exceed ½ square miles (320 acres). Engineering analysis will include traditional preliminary engineering techniques examining record drawings provided by the City and proposing drainage improvements.
- B. Propose New Mitigation Projects – identify effective project locations and project types to reduce numbers of property at risk of flooding due to flood areas outside of FEMA mapped flood plains.
- C. OPCs – prepare and provide preliminary probable cost estimates for each project.
- D. Recommendations – prepare and provide project implementation guidance based on engineering analysis.

The following scope of work for the Drainage Modeling Assessment, Phase 2 can be completed for the lump sum price of \$595,517. Below is a breakdown of project costs. We are pleased to submit this proposal and look forward to the benefit it will bring the City of Temple.

REGIONAL STREAM & POND MODELS	\$313,375.00
RECOMMEND REGIONAL PONDS	\$ 39,785.00
IDENTIFY STRUCTURAL FLOODING PROJECTS	\$ 46,870.00
IDENTIFY ROADWAY OVERTOPPING PROJECTS	\$ 41,420.00
UPDATE NFIP FIRM MAPS	\$163,500.00
LOCALIZED FLOODING PROJECTS	<u>\$ 40,000.00</u>
SUBTOTAL	<u>\$644,950.00</u>
CONTRACT AMENDMENT FOR RAIN & STREAM GAUGES	<u>\$ (49,433.00)</u>
TOTAL	\$595,517.00

Sincerely,



Michael C. Newman, P.E., CFM

xc: File

ATTACHMENT “C”

Charges for Additional Services

**City of Temple
Drainage Modeling Assessment**

<u>POSITION</u>	<u>MULTIPLIER</u>	<u>SALARY COST/RATES</u>
Principal	2.4	\$ 75.00 – 95.00/hour
Project Manager	2.4	60.00 – 75.00/hour
Project Engineer	2.4	50.00 – 60.00/hour
Engineer-in-Training	2.4	40.00 – 50.00/hour
Engineering Technician	2.4	35.00 – 50.00/hour
CAD Technician	2.4	30.00 – 50.00/hour
Clerical	2.4	15.00 – 30.00/hour
Expenses	1.1	actual cost
Computer	1.0	15.00/hour
Survey Crew	1.1	125.00 – 160.00/hour
Registered Public Surveyor	1.0	130.00/hour
On-Site Representative	2.1	30.00 – 40.00/hour







**PHASE TWO DRAINAGE
ASSESSMENT MAP**



NOT TO SCALE

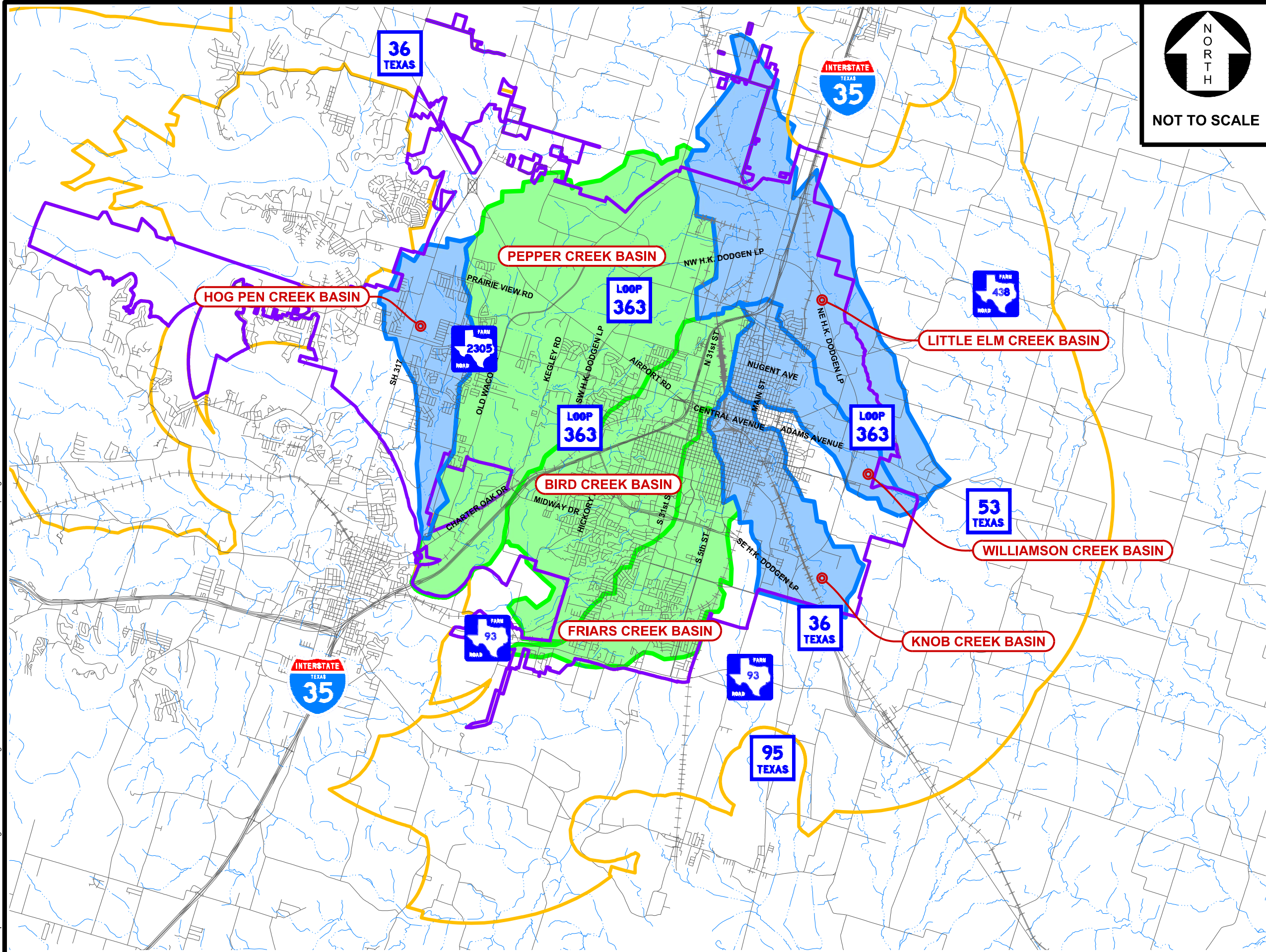
LEGEND

-  CITY LIMITS
-  ETJ
-  AREA OF PHASE ONE ASSESSMENT
-  AREA OF PHASE TWO ASSESSMENT



kpaengineers.com

P:\Temple\2017\2017-148 Drainage Assessment Modeling\CAD\Exhibit\2019-04-23 additional basins\additional assessment map.dwg



FY 2019

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	
292-2900-534-65-10	101777	Capital - Special Proj / Drainage Modeling	48,950			
292-2900-534-65-32		Capital - Special Proj / Contingency Fund			48,950	
TOTAL.....			\$ 48,950		\$ 48,950	

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

To appropriate additional funding needed for the professional services agreement with Kasberg, Patick, & Associates, LP for services required for Phase 2 of the city-wide Drainage Assessment & Modeling Project, project 101777, in the amount of \$595,517.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

05/16/19

WITH AGENDA ITEM?

☒ Yes☐ No

Department Head/Division Director

Date

☐ Approved
☐ Disapproved

Finance

Date

☐ Approved
☐ Disapproved

City Manager

Date

☐ Approved
☐ Disapproved



COUNCIL AGENDA ITEM MEMORANDUM

05/16/19
Item #4(F)
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DEPT. /DIVISION SUBMISSION & REVIEW:

Brynn Myers, City Manager
Kayla Landeros, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a property transfer agreement with Citizens for Progress for the transfer of City-owned property located at 201 South Martin Luther King Jr. Drive for use as a public community center.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In April 2018, the City was approached by Hornsby-Murcherson Funeral Home, LLC as the owner of property located at 201 South Martin Luther King Jr. Drive (the "Property"). The Property was formerly operated as the Hornsby-Murcherson Funeral Home. The owner offered to sell the Property to the City. Considering the City's ongoing redevelopment efforts in East Temple, Staff recommended, and Council approved the purchase of the Property.

After the purchase was completed, City Staff was approached by representatives of the nonprofit organization, Citizens for Progress ("CFP"). CFP expressed interest in acquiring the Property to serve as a public community center. CFP proposed renovating the Property to make it available to citizens and community groups. CFP envisions using the Property for community events and classes which will be open to the public.

Staff proposes entering into a property transfer agreement with CFP. Pursuant to the agreement, the Property would be transferred to CFP in exchange for its agreement to utilize the Property as a public community center. Texas Local Government Code Section 253.011 allows the City to transfer property to a nonprofit organization if the organization agrees to use the property in a manner that primarily promotes a public purpose. If the organization fails to use the property for that public purpose, the property will automatically revert to the City.

FISCAL IMPACT: At the present time, the property located at 201 South Martin Luther King Jr. Drive, being transferred by the City, is exempt from property taxes. When the property is transferred, it will continue to be exempt from property taxes under the ownership of Citizens for Progress.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9656-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROPERTY TRANSFER AGREEMENT WITH CITIZENS FOR PROGRESS FOR THE TRANSFER OF CITY-OWNED PROPERTY LOCATED AT 201 SOUTH MARTIN LUTHER KING JR. DRIVE FOR USE AS A PUBLIC COMMUNITY CENTER; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in April 2018, the City was approached by Hornsby-Murcherson Funeral Home, LLC as the owner of property located at 201 South Martin Luther King Jr. Drive (the “Property”) which was formerly operated as the Hornsby-Murcherson Funeral Home - the owner offered to sell the Property to the City;

Whereas, considering the City’s ongoing redevelopment efforts in East Temple, Staff recommended, and Council approved the purchase of the Property;

Whereas, after the purchase was completed, Staff was approached by representatives of the nonprofit organization, Citizens for Progress (“CFP”) who expressed interest in acquiring the Property to serve as a public community center - CFP proposed renovating the Property to make it available to citizens and community groups, and envisions using the Property for community events and classes which will be open to the public;

Whereas, Staff proposes entering into a Property Transfer Agreement with CFP - pursuant to the Agreement, the Property would be transferred to CFP in exchange for its agreement to utilize the Property as a public community center;

Whereas, Texas Local Government Code Section 253.011 allows the City to transfer property to a nonprofit organization if the organization agrees to use the property in a manner that primarily promotes a public purpose - if the organization fails to use the property for that public purpose, the property will automatically revert to the City;

Whereas, at the present time, the property located at 201 South Martin Luther King Jr. Drive, being transferred by the City, is exempt from property taxes - when the property is transferred, it will continue to be exempt from property taxes under the ownership of Citizens for Progress; 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 Property Transfer Agreement with Citizens for Progress for the transfer of City-owned property located at 201 South Martin Luther King Jr. Drive for use as a public community center.

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 **16th** day of **May**, 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:

Kayla Landeros, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a lease agreement with Jennifer Williamson, for lease of space in the E. Rhodes and Leona B. Carpenter Foundation Building (the Temple Public Library).

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Jennifer Williamson has requested to lease Suite 323 in the E. Rhodes and Leona B. Carpenter Foundation Building (the Temple Public Library). Suite 323 consists of approximately 548 square feet of office space.

The lease term will run from June 1, 2019 to May 31, 2020. The rent will be \$1.00 per square foot or \$548 per month.

FISCAL IMPACT: The annual rent to be received from Jennifer Williamson is \$6,576 and will be deposited into account 110-0000-461-0937.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9657-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR LEASE AGREEMENT WITH PAX CONSULTING AND COUNSELING, PLLC, FOR LEASE OF SPACE IN THE E. RHODES AND LEONA B. CARPENTER FOUNDATION BUILDING; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, PAX Consulting and Counseling, PLLC (“Tenant”) has requested to lease Suite 323 in the E. Rhodes and Leona B. Carpenter Foundation Building (the Temple Public Library) which will run from June 1, 2019 to May 31, 2020 at the rental rate of \$1.00 per square foot or \$548 per month;

Whereas, Staff recommends Council authorize a one-year lease with PAX Consulting and Counseling, PLLC for lease of space in the E. Rhodes and Leona B. Carpenter Foundation Building (Temple Public Library);

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

Whereas, the City will receive annual rent in the amount of \$6,576, and those funds will be deposited into Account No. 110-0000-461-0937; and

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

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

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 a one-year lease agreement with PAX Consulting and Counseling, PLLC, for lease of space in the E. Rhodes and Leona B. Carpenter Foundation Building (the Temple Public Library).

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 **16th** day of **May**, 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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Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of right-of-way and a temporary construction easement necessary for the Poison Oak Road Expansion Project and authorizing closing costs associated with the purchase in an estimated amount of \$12,500.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City is in the design phase for roadway improvements to Poison Oak Road from State Highway 317 to Old Waco Road. Improvements include expanding the current two-lane pavement section to a new four lane roadway, extending to connect to Old Waco Road, pedestrian facilities, drainage conveyance, utilities, street lighting, and landscaping.

The design requires the acquisition of right of way from thirty-two properties. Twenty-nine of the thirty-two properties are owned by twenty-five private citizens or entities. One right-of-way has been donated by Belton Independent School District. The City and the State of Texas (TxDOT) own the two remaining properties.

Appraisals have been conducted on all the properties and offers have been made to those property owners based on the appraisals. For those properties that require relocation, Stateside Right of Way Services, Inc. (Stateside) has prepared and presented the necessary relocation studies. The City has acquired eleven rights-of-way and is coordinating closing on two rights-of-way. Council authorized eminent domain for one property at its January 17, 2019 meeting. Negotiations continue with the remaining property owners.

With the assistance of Stateside, the City has reached an agreement with a property owner. At this time, Staff is asking for authorization to purchase right-of-way and a temporary construction easement necessary for the Poison Oak Road Expansion Project and authorizing closing costs and associated with the purchase in an estimated amount of \$12,500.

The address and Bell County Appraisal District ID Number of the property is 9486 Poison Oak Road, #108298.

FISCAL IMPACT: Funding for the purchase of right-of-way and a temporary construction easement necessary for the Poison Oak Road Expansion Project and authorizing closing costs associated with the purchase in an estimated amount of \$12,500 is available in account 365-3400-531-6886, project 101715.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9658-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF RIGHT OF WAY AND A TEMPORARY CONSTRUCTION EASEMENT NECESSARY FOR THE POISON OAK ROAD EXPANSION PROJECT; AUTHORIZING CLOSING COSTS ASSOCIATED WITH THE PURCHASE IN AN ESTIMATED AMOUNT OF \$12,500; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is in the design phase for roadway improvements to Poison Oak Road from State Highway 317 to Old Waco Road, which includes expanding the current two-lane pavement section to a new four-lane roadway, extending to connect to Old Waco Road, pedestrian facilities, drainage conveyance, utilities, street lighting, and landscaping;

Whereas, the design requires the acquisition of rights of way from thirty-two properties and twenty-nine of the thirty-two properties are owned by twenty-five private citizens or entities – one right of way has been donated by Belton Independent School District and the other two remaining properties are owned by the City and the State of Texas (TxDOT);

Whereas, appraisals have been conducted on all of the properties and offers have been made to those property owners based on the appraisals - for those properties that require relocation, Stateside Right of Way Services, Inc. (Stateside) is preparing the necessary relocation studies;

Whereas, the City has acquired eleven rights of way and is coordinating closings on others - at its January 17, 2019, Council authorized the use of eminent domain for one property;

Whereas, with the assistance of Stateside, the City has reached an agreement with a property owner and Staff recommends Council authorize the purchase of right of way and a temporary construction easement necessary for the Poison Oak Road expansion project, and authorize closing costs in an estimated amount of \$12,500 for the property addressed as 9486 Poison Oak Road, Temple, Texas (Bell CAD ID No. 108298);

Whereas, funding for the purchase of right of way and a temporary construction easement is available in Account No. 365-3400-531-6886, Project No. 101715; 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 right of way and a temporary construction easement necessary for the Poison Oak Road Expansion Project, authorizes closing costs associated with the purchase in an estimated amount of \$12,500, 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 the purchase of this property.

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 16th day of May, 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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Item #4(I)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kenny Henderson, Transportation Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of 1,908 plastic 96-gallon garbage and recycling containers from Toter, Inc., of Statesville, North Carolina, in the amount of \$90,031.83.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Each year the Solid Waste Division purchases new 96-gallon residential refuse containers both for new service and for regular container replacement, for both garbage and recycling services. This recommended purchase is for 708 recycling containers with a hot stamp recycling symbol at a cost of \$45.66 per container and 1,200 garbage containers at a cost of \$45.41 per container, plus \$3,212.55 for freight to Temple.

Toter, Inc. has been awarded National IPA Contract No. 171717-01 as awarded by the City of Tucson. Contracts awarded through National IPA have been competitively procured and meet the statutory procurements requirements for Texas municipalities. Per the terms of the National IPA contract, pricing is evaluated every three months for price adjustments based on current commodity prices.

The City has used Toter containers for many years, and Staff has found the containers to be very durable. Staff is expecting delivery of the containers by June 28, 2019.

FISCAL IMPACT: A budget adjustment is being presented to Council for approval to appropriate the funding needed to purchase 1,908 plastic 96-gallon garbage and recycling containers from Toter, Inc., of Statesville, NC, in the amount of \$90,031.83. Funding will be available in account 110-2330-540-2211 as shown below:

Replacement 96-Gallon Garbage and Recycling Containers			
	(1,200) Garbage Containers	(708) Recycling Containers	Total
Budget	\$ 47,450	\$ 31,800	\$ 79,250
Budget Adjustment	45,186	28,563	73,749
Encumbered/Committed to Date	(36,120)	(26,847)	(62,967)
Toter, Inc.	(56,516)	(33,516)	(90,032)
Remaining Budgeted Funds	\$ -	\$ -	\$ -

This will bring the total current replacements for FY 2019 to 1,936 garbage containers and 1,244 recycling containers.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9659-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF 1,908 PLASTIC 96-GALLON GARBAGE AND RECYCLING CONTAINERS IN THE AMOUNT OF \$90,031.83, FROM TOTER, INC. OF STATESVILLE, NORTH CAROLINA; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Whereas, the purchase is for 708 recycling containers with a hot stamp recycling symbol at a cost of \$45.66 per container, and the purchase of 1200 garbage containers at a cost of \$45.41 per container, plus \$3,212.55 for freight - Staff believes this to be a good cost per container and recommends Council authorize this purchase;

Whereas, Toter, LLC has been awarded National IPA Contract No. 171717-01 by the City of Tucson, Arizona - contracts awarded through National IPA have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

Whereas, per the terms of the National IPA contract, pricing is evaluated every three months for price adjustments based on current commodity prices;

Whereas, the City has used Toter, LLC containers for many years and Staff has found the containers to be very durable – Staff is expecting delivery of the containers by June 28, 2019;

Whereas, funds are available for this purchase but an amendment to the fiscal year 2019 budget needs to be approved to transfer the funds to Account No. 110-2330-540-2211; and

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

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

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 1,908 plastic 96-gallon garbage and recycling containers in the amount of \$90,031.83, from Toter, LLC, of Statesville, North Carolina, utilizing the National IPA Cooperative Contract.

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

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.

PASSED AND APPROVED this the 16th day of **May**, 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

05/16/19
Item #4(J)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Alan DeLoera, Information Technology Director
Floyd Mitchell, Chief of Police

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of nine semi-rugged laptops and associated hardware for the Police Department from GTS Technology Solutions, Inc. of Dallas, in the amount of \$28,645.20.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City of Temple Police Department currently utilizes 105 semi-rugged laptops for their patrol and Traffic officers. The purchase of nine additional semi-rugged laptops (i.e. Panasonic Toughbooks) will allow the Department to fully equip the School Resource vehicles with mobile data terminals to complete the installation of the Axon in-car video recording system.

The ruggedized laptops allow access to computer aided dispatching, WebRMS, Axon, and other City related applications. Law enforcement personnel, whether responding to an emergency, making a routine traffic stop or conducting a police operation, rely on computer-equipped vehicles to serve as their mobile command centers. The laptops improve officer efficiency and public safety by instantly providing information that can make the officer more effective and prepared when responding to an incident.

GTS Technology Solutions, Inc. has been awarded State of Texas DIR Contracts DIR-TSO-4025 through the State of Texas Department of Information Resources (DIR). Contracts awarded through DIR have been competitively procured and meet the statutory procurement requirements for all Texas governmental entities per Texas Government Code TGC 2157.068 for the purchase of technology commodity items.

FISCAL IMPACT: A budget adjustment is being presented to Council to appropriate funding for a portion of the amount needed for the purchase of the nine semi-rugged laptops and associated equipment for the Police Department. After approval of the budget adjustment, funding will be available in the amount of \$28,646 as follows:

Description	Account Number	Amount
Panasonic Toughbooks & Associated Equipment	110-1900-519-22-21	\$9,946
	110-2011-521-22-29	\$18,700
Total Available Funding		\$ 28,646

ATTACHMENTS:
[Budget Adjustment Resolution](#)

FY 2019

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.

+

89

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
110-2011-521-22-29		OCU Seized Funds - State	\$ 18,700			
110-0000-313-03-30		Reserved for Seized Funds			18,700	
		DO NOT POST				
TOTAL.....			\$ 18,700		\$ 18,700	

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

State seized funds will be used to purchase MDT Laptops to complete the Axon Fleet 2 installations for the remaining vehicles.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

5/16/2019

WITH AGENDA ITEM?

☒ Yes☐ No

WITH AGENDA ITEM?

7279

Department Head/Division Director

Department Head/Division Director

5-8-19

Date _____

<input checked="" type="checkbox"/>	Approved
<input type="checkbox"/>	Disapproved

	Approved
	Disapproved

Finance

Date _____

City Manager

Date _____

	Approved
	Disapproved

RESOLUTION NO. 2019-9660-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF SEMI-RUGGED LAPTOPS AND ASSOCIATED HARDWARE FOR THE POLICE DEPARTMENT IN THE AMOUNT OF \$28,645.20, FROM GTS TECHNOLOGY SOLUTIONS, INC. OF DALLAS, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Temple Police Department currently utilizes 105 semi-rugged laptops for their patrol and traffic officers – the addition of nine additional semi-rugged laptops will allow the Department to fully equip the School Resource vehicles with mobile data terminals to complete the installation of the Axon in-car video recording system;

Whereas, these laptops will allow access to computer aided dispatching, WebRMS, Axon and other City related applications;

Whereas, law enforcement personnel, whether responding to an emergency, making a routine traffic stop or conducting a police operation, rely on computer-equipped vehicles to serve as their mobile command centers, and laptops improve officer and public safety by instantly providing information that can make the officer more effective and prepared when responding to an incident;

Whereas, GTS Technology Solutions, Inc. has been awarded a State of Texas Department of Information Resources (DIR) Contract (DIR-TSO-4025) - contracts awarded through DIR have been competitively procured and meet the statutory procurement requirements for all Texas governmental entities per Texas Government Code Section 2157.068 for the purchase of technology commodity items;

Whereas, funding is available, but a budget adjustment is being presented to Council for approval to appropriate funds in Account No. 110-1900-519-22-21 and Account No. 110-2011-521-22-29; 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 semi-rugged laptops and associated hardware for the Police Department in the amount of \$28,645.20, from GTS Technology Solutions, Inc. of Dallas, Texas, 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 to complete this purchase.

Part 4: 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 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.

PASSED AND APPROVED this the **16th** day of **May**, 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

05/16/19
Item #4(K)
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Page 1 of 2

DEPT. / DIVISION SUBMISSION & REVIEW:

Lynn Barrett, Assistant Director of Planning

ITEM DESCRIPTION: SECOND READING – FINAL HEARING – FY-19-1-ANX: Consider adopting an ordinance authorizing the voluntary annexation of 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.

STAFF RECOMMENDATION: Approve as presented and schedule Second Reading for Thursday, May 16, 2019 at 5:00 P.M. in the City Council Chambers.

ITEM SUMMARY: 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 and being more particularly described in Exhibit A and Exhibit B.

Voluntary annexation is governed by Chapter 43 of the Texas Local Government Code. Under Section 43.028(a) a property owner may petition the City for voluntary annexation if the property to be annexed is: (1) one-half mile or less in width; (2) contiguous to the annexing city; and (3) is vacant and without residents or on which fewer than three qualified voters reside. Subsection (g) of Section 43.028 states that property may be annexed even if the contiguity requirement is not met, as long as a public right-of-way of a road or highway designated by the municipality exists that (1) is located entirely in the extraterritorial jurisdiction of the municipality; and (2) when added to the area would cause the area to be contiguous to the municipality.

The 160.047-acre and 12.541-acre tracts proposed for annexation are not contiguous to the city limits. However, with the addition of 12.689 acres of right-of-way known as Hartrick Bluff Road, the requirements of Section 43.028(g) are satisfied.

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

1. February 21, 2019 - City Council resolution adopted to direct staff to develop the Municipal Service Plan
2. April 4, 2019 – Municipal Service Plan Public Hearing #1
3. April 5, 2019 – Municipal Service Plan Public Hearing #2

The applicant has requested a rezoning of the subject property. The planned development rezoning case FY-19-9-ZC with staff recommendations for PD-GR and PD-SF-2 zoning designations and a site development plan is scheduled to follow the second reading of the annexation request on May 16th if the annexation is approved. The PD rezoning ordinance second reading is scheduled for June 6th, 2019 if both items are approved at the May 16th meeting.

FISCAL IMPACT: The Applicant has requested to enter into a developer participation agreement with the City for water and waste water extension to the property. Staff will present this request to Council if the property is annexed.

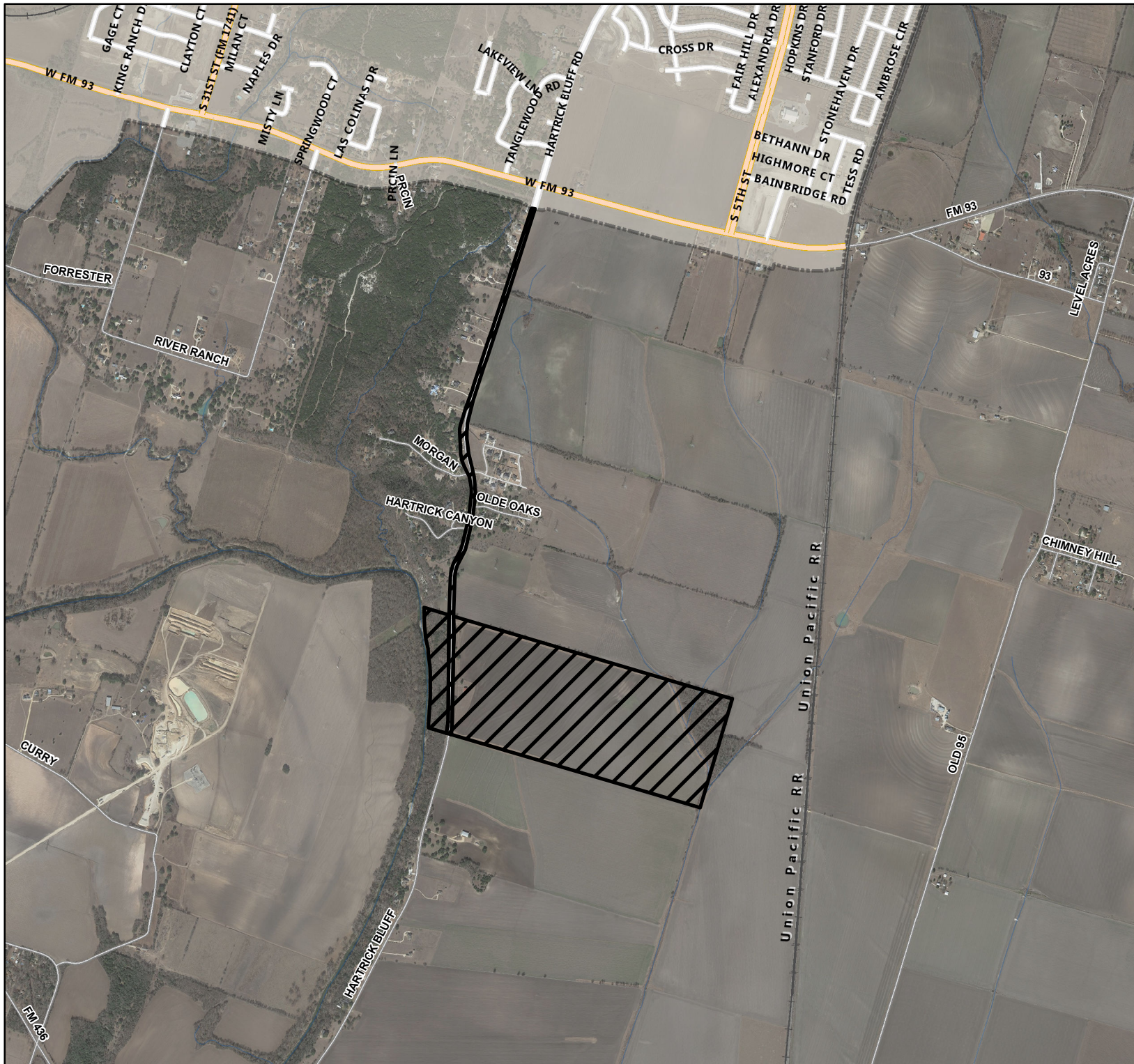
ATTACHMENTS:

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

Annexation AERIAL MAP

FY-19-1-ANX

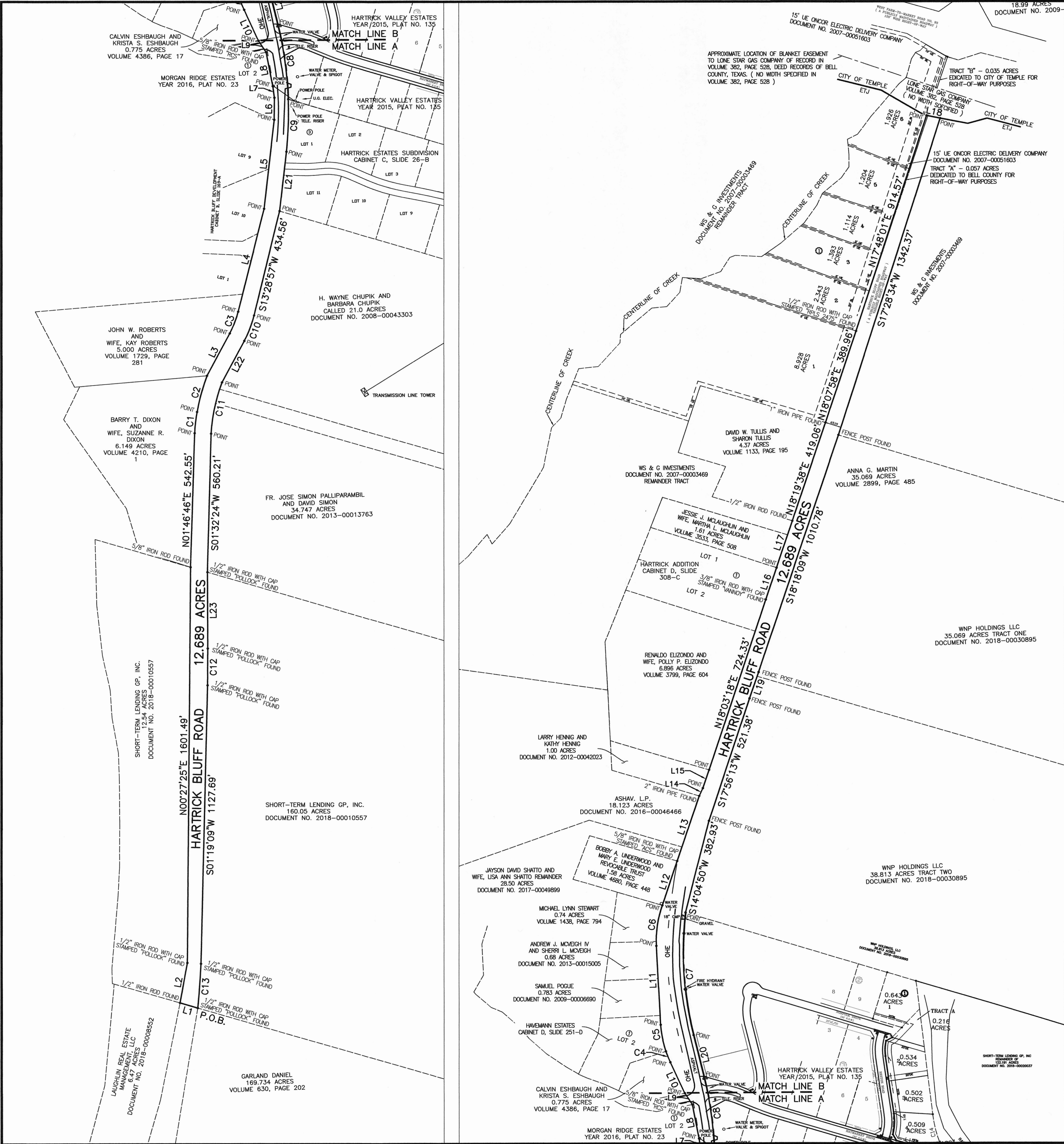
Hartrick Ranch Estates



- FY-19-1-ANX
- EXPRESSWAY
- MAJOR ARTERIAL
- COLLECTOR
- LOCAL STREET
- MINOR ARTERIAL
- PRIVATE
- RAMP
- Railroad
- Temple Municipal Boundary
- Water Areas
- Water Lines
- Park Areas
- Bell County Streets
- Bell County Municipal Boundaries
- Temple Boundary
- Bell County Boundary

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





This project is referenced in nad 1983, central texas state plane. All distances are horizontal surface distances unless noted and all bearings are grid bearings.

All coordinate values are referenced to city monument number 541
The theta angle at said city monument is 01° 30' 47"
The combined correction factor (ccf) is 0.999858
Published city coordinates are X = 3,216,784.76 Y = 10,341,981.47
The tie from the above city monument to the POINT OF BEGINNING (POB) IS
N. 66° 23' 57" E., 4808.72 feet.
GRID DISTANCE = SURFACE DISTANCE X CCF
GEODETIC NORTH = GRID NORTH + THETA ANGLE

Line Table		
Line #	Direction	Length
L1	N73°27'59"W	73.58'
L2	N10°25'14"E	163.87'
L3	N27°49'20"E	194.10'
L4	N13°54'54"E	428.87'
L5	N06°21'39"E	362.15'
L6	N00°26'15"E	89.11'
L7	N07°35'11"W	47.09'
L8	N10°52'08"W	140.07'
L9	N33°15'09"W	54.95'
L10	N24°24'49"W	137.80'
L11	N02°56'24"W	281.95'
L12	N18°10'57"E	189.01'
L13	N18°18'58"E	277.54'
L14	N24°46'46"E	34.39'
L15	N18°41'17"E	78.26'
L16	N18°16'44"E	136.23'
L17	N18°17'18"E	199.69'
L18	S78°26'17"E	55.01'
L19	S18°47'20"W	112.15'
L20	S13°52'17"E	173.78'
L21	S06°23'05"W	241.61'
L22	S27°49'20"W	189.83'
L23	S00°15'08"E	308.89'

Curve Table			
Curve #	Length	Radius	Chord
C1	85.85'	542.28'	N06°18'53"E 85.76'
C2	152.25'	793.94'	N14°58'23"E 152.02'
C3	93.60'	374.23'	N20°39'24"E 93.36'
C4	47.46'	445.05'	N22°06'14"W 47.44'
C5	147.62'	504.49'	N08°57'22"W 147.09'
C6	166.90'	428.00'	N08°08'55"E 165.85'
C7	499.37'	1402.39'	S03°40'13"E 496.74'
C8	305.20'	1462.39'	S07°41'26"E 304.65'
C9	213.17'	1396.80'	S01°56'19"W 212.96'
C10	109.61'	439.23'	S20°40'23"W 109.33'
C11	212.77'	726.21'	S11°45'45"W 212.01'
C12	148.83'	8533.06'	S00°20'47"W 148.83'
C13	179.20'	3378.16'	S04°12'08"W 179.18'

EXHIBIT B

BEING a 12.689 acre tract situated in the MAXIMO MORENO SURVEY, ABSTRACT No. 14, Bell County, Texas and being a portion of the existing right-of-way of Hartrick Bluff Road (a publicly maintained roadway) as occupied and evidenced on the ground.

THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A TITLE INSURANCE POLICY AND NO FURTHER EASEMENT RESEARCH WAS PERFORMED BY THIS COMPANY.

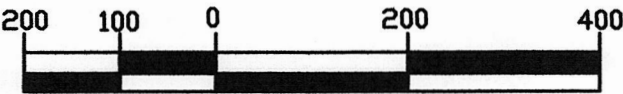
BEING a 118.560 acre tract situated in the MAXIMO MORENO SURVEY, ABSTRACT No. 14, Bell County, Texas and being a part or portion of the remainder of that certain 122.191 acre tract of land described in a Correction Affidavit dated April 23, 2018 from JDJS Investments, Inc. to Short-Term Lending Gp, Inc and being of record in Document No. 2018-00020037, Official Public Records of Bell County, Texas.



STATE OF TEXAS : KNOW ALL MEN BY THESE PRESENTS, that I Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this survey was this day made on the ground of the property described herein and is correct.

IN WITNESS THEREOF, my hand and seal, this the 30th day of January 2019.

Michael E. Alvis
Michael E. Alvis, R.P.L.S., No. 5402



TURLEY ASSOCIATES, INC.
ENGINEERING • PLANNING • SURVEYING
254.773.2400
www.turley-inc.com
301 N. 3rd St.
TEMPLE, TEXAS 76501
TBP# No. F-1658 • TBP#S No. 10056000

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SURVEY OF:
12.689 ACRES
MAXIMO MORENO SURVEY
ABSTRACT No. 14
BELL COUNTY, TEXAS

PREPARED FOR:
KIELLA DEVELOPERS

REVISIONS		
DATE	DESCRIPTION	DFTR

DRAFTSMAN:
MGM
DATE:
1/30/2018
COMPUTER FILE NAME:
18-666, Hartrick Bluff ROW.dwg
REFERENCE DRAWING NUMBERS:
-

CITY OF TEMPLE
ANNEXATION SERVICE PLAN—VOLUNTARY ANNEXATION
Along Hartrick Bluff Road (FY-19-1-ANX)

For 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, and being more particularly described as Exhibit A (Field Notes) and depicted as Exhibit B (Survey) of the Annexation Ordinance (2019-####).

SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF ANNEXATION

1. POLICE PROTECTION

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

2. FIRE PROTECTION AND AMBULANCE SERVICE

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

3. SOLID WASTE COLLECTION

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

4. MAINTENANCE OF WATER AND WASTEWATER FACILITIES

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

5. MAINTENANCE OF ROADS AND STREETS

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

6. MAINTENANCE OF PUBLIC PARKS, PLAYGROUNDS AND SWIMMING POOLS

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

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

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

8. INSPECTIONS

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

9. CODE ENFORCEMENT

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

10. MOWING

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

CAPITAL IMPROVEMENTS

1. POLICE PROTECTION, FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

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

2. ROADS AND STREETS

The City will undertake to provide the same degree of road and street lighting as is provided in areas of the same or similar topography, land use and population density within the present corporate limits

of the City. Maintenance of properly dedicated roads and streets will be consistent with the maintenance provided by the City to other roads and streets in areas of similar topography, land use and subdivision development of the annexed property. Developers will be required, pursuant to the ordinances of the City to provide internal and peripheral streets and to construct those streets in accordance with the specifications required by the City for the properly dedicated street. City participation in capital expenditures will be in accordance with City policies.

3. WATER AND WASTEWATER FACILITIES

The City of Temple has water facilities along Hartrick Bluff Road. The Applicant has requested to enter into a developer participation agreement with the City for water extension to the property. Staff will present this request to Council if the property is annexed.

Currently, there are no wastewater treatment providers within the boundaries of the voluntary annexation and property owners rely on on-site sewage facilities (septic systems). The Applicant has requested to enter into a developer participation agreement with the City for wastewater extension to the property. Staff will present this request to Council if the property is annexed.

4. CAPITAL IMPROVEMENTS

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

SPECIFIC FINDINGS

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

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

APPROVED ON THIS _____ DAY OF _____, 2019.

City of Temple, Texas

Mayor

ATTEST:

City Secretary

BEING a 12.541 acre tract situated in the MAXIMO MORENO SURVEY, ABSTRACT No. 14, Bell County, Texas and being all of the that certain called 12.54 acre tract of land described in a Warranty Deed dated March 15, 2018 from Mary Lavelle Hartrick Amato to Short-Term Lending Gp, Inc and being of record in Document No. 2018-00010557, Official Public Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found being the southeast corner of the said 12.54 acre tract and being the northeast corner of that certain 6.47 acre tract of land described in a Special warranty Deed dated March 1, 2018 from Ed L. Laughlin and Sharon L. Laughlin to Laughlin Real Estate Management, LLC Series Residential, a Texas series limited liability company and being of record in Document No. 2018-00008552, Official Public Records of Bell County, Texas and being in the west right-of-way line of Hartrick Bluff Road for corner;

THENCE N. 73° 37' 34" W., 279.54 feet departing the said west right-of-way line and with the south boundary line of the said 12.54 acre tract (calls N. 73° 35' 35" W., 279.73 feet) and with the north boundary line of the said 6.47 acre tract to a point being on the east bank of the Leon River being the southwest corner of the said 12.54 acre tract and being the northwest corner of the said 6.47 acre tract for corner;

THENCE departing the said 6.47 acre tract and with the west boundary line of the said 12.54 acre tract and with the said east bank of the Leon River with all of its meanders the following eleven (11) calls:

- 1) N. 01° 17' 11" W., 61.64 feet to a point for corner;
- 2) N. 04° 43' 46" E., 285.92 feet to a point for corner;
- 3) N. 03° 15' 43" E., 122.24 feet to a point for corner;
- 4) N. 00° 04' 36" E., 180.84 feet to a point for corner;
- 5) N. 00° 26' 57" W., 184.39 feet to a point for corner;
- 6) N. 02° 02' 26" W., 98.60 feet to a point for corner;
- 7) N. 10° 08' 42" W., 143.88 feet to a point for corner;
- 8) N. 03° 49' 45" W., 112.17 feet to a point for corner;
- 9) N. 12° 15' 31" W., 145.51 feet to a point for corner;
- 10) N. 06° 16' 49" W., 203.17 feet to a point for corner;
- 11) N. 01° 24' 14" W., 266.10 feet to a point being the northwest corner of the said 12.54 acre tract for corner;

THENCE S. 73° 29' 00" E., 394.95 feet departing the said east bank and with the north boundary line of the said 12.54 acre tract (calls S. 73° 28' 46" E., 394.96 feet) and part way with the south boundary line of that certain 6.149 acre tract of land described in a Warranty Deed with Vendor's Lien dated June 5, 2000 from Daniel Joseph Ladd and wife, Cecilia Ann Ladd to Barry T. Dixon and

wife, Suzanne R. Dixon and being of record in Volume 4210, Page 1, Official Public Records of Bell County, Texas to a 5/8" iron rod found being the northeast corner of the said 12.54 acre tract and being the southeast corner of the said 6.149 acre tract and being in the aforementioned west right-of-way line of Hartrick Bluff Road for corner;

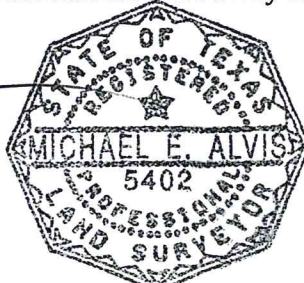
THENCE departing the said 6.149 acre tract and with the east boundary line of the said 12.54 acre tract and with the said west right-of-way line the following two (2) calls:

- 1) S. 00° 27' 25" W., 1601.49 feet (calls S. 00° 27' 39" W., 1601.68 feet) to a 1/2" iron rod with cap stamped "POLLOK" found for corner;
- 2) S. 10° 25' 14" W., 163.87 feet (calls S. 10° 21' 51" W., 164.04 feet) to the Point of BEGINNING and containing 12.541 acres of land.

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



Michael E. Alvis, R.P.L.S. #5402
January 23, 2019



THIS PROJECT IS REFERENCED IN NAD 1983, CENTRAL TEXAS STATE PLANE. ALL DISTANCES ARE HORIZONTAL SURFACE DISTANCES UNLESS NOTED AND ALL BEARINGS ARE GRID BEARINGS.

ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 541
THE THETA ANGLE AT SAID CITY MONUMENT IS 01° 30' 47"
THE COMBINED CORRECTION FACTOR (CCF) IS 0.999858
PUBLISHED CITY COORDINATES ARE X = 3,216,784.76 Y = 10,341,981.47
THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) IS
N. 65° 49' 38" E., 4752.70 FEET.
GRID DISTANCE = SURFACE DISTANCE X CCF
GEODETIC NORTH = GRID NORTH + THETA ANGLE

This project is referenced in nad 1983, central texas stae plane. All distances are horizontal surface distances unless noted and all bearings are grid bearings.

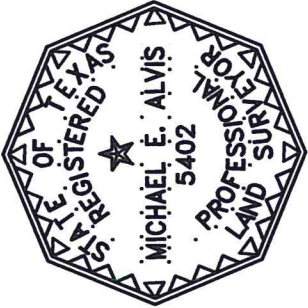
All coordinate values are referenced to city monument number 541
The theta angle at said city monument is 01° 30' 47"
The combined correction factor (ccf) is 0.999858
Published city coordinates are X = 3,216,784.76 Y = 10,341,981.47
The tie from the above city monument to the POINT OF BEGINNING (POB) IS
N. 65° 49' 38" E., 4752.70 feet.
GRID DISTANCE = SURFACE DISTANCE X CCF
GEODETIC NORTH = GRID NORTH + THETA ANGLE

Line Table		
Line #	Direction	Length
L1	N73°37'34"W	279.54'
CALLS	N73°35'35"W	279.73'
L2	N01°17'11"W	61.64'
L3	N04°43'46"E	285.92'
L4	N03°15'43"E	122.24'
L5	N00°04'36"E	180.84'
L6	N00°26'57"W	184.39'
L7	N02°02'26"W	98.60'
L8	N10°08'42"W	143.88'
L9	N03°49'45"W	112.17'
L10	N12°15'31"W	145.51'
L11	N06°16'49"W	203.17'
L12	N01°24'14"W	266.10'
L13	S10°25'14"W	163.87'
CALLS	S10°21'51"W	164.04'

BEING a 12.541 acre tract of land more particularly described by separate field notes.

THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A TITLE INSURANCE POLICY AND NO FURTHER EASEMENT RESEARCH WAS PERFORMED BY THIS COMPANY.

BEING a 12.541 acre tract situated in the MAXIMO MORENO SURVEY, ABSTRACT No. 14, Bell County, Texas and being all of the that certain called 12.54 acre tract of land described in a Warranty Deed dated March 15, 2018 from Mary Lavelle Hartrick Amato to Short-Term Lending Gp, Inc and being of record in Document No. 2018-00010557, Official Public Records of Bell County, Texas.



STATE OF TEXAS & KNOW ALL MEN BY THESE PRESENTS, that I Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, COUNTY OF BELL & do hereby certify that this survey was this day made on the ground of the property described herein and is correct.

IN WITNESS THEREOF, my hand and seal, this the 30th day of January 2019.

Michael E. Alvis

Michael E. Alvis, R.P.L.S., No. 5402



301 N. 3rd St.
Temple, Texas 76501
254.773.2400
www.turley-inc.com
TBPB No. F-1658 • TBPB No. 10056000

12.541 ACRES
MAXIMO MORENO SURVEY
ABSTRACT No. 14
BELL COUNTY, TEXAS

DATE:	1/30/2019	SCALE:	1:200	DWN. BY:	MGM
REFERENCE:	-			F.B. & L.B.:	SKETCH
FILE NO:	18-666			SHEET:	3

BARRY T. DIXON AND
WIFE, SUZANNE R. DIXON
6.149 ACRES
VOLUME 4210, PAGE 1

(CALLS S73°28'46"E 394.96')
S73°29'00"E 394.95'

LEON RIVER
12.541 ACRES
HARTTRICK BLUFF ROAD
S00°27'25"W 1601.49'
(CALLS S00°27'39"W 1601.68')

P.O.B.
L1
L2
L3
L4
L5
L6
L7
L8
L9
L10
L11
L12
L13
LAUGHLIN REAL ESTATE
MANAGEMENT, LLC
6.47 ACRES
DOCUMENT NO. 2018-00008552

BEING a 12.689 acre tract situated in the MAXIMO MORENO SURVEY, ABSTRACT No. 14, Bell County, Texas and being a portion of the existing right-of-way of Hartrick Bluff Road (a publicly maintained roadway) as occupied and evidenced on the ground and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod with cap stamped "POLLOK" found being the southwest corner of that certain called 160.050 acre tract of land described in a Warranty Deed dated March 15, 2018 from Mary Lavelle Hartrick Amato to Short-Term Lending Gp, Inc and being of record in Document No. 2018-00010557, Official Public Records of Bell County, Texas and being the northwest corner of that certain 169.734 acre tract of land standing in the name of Garland Daniel and being of record in Volume 630, Page 202, Deed Records of Bell County, Texas and being in the east right-of-way line of Hartrick Bluff Road for corner;

THENCE N. 73° 27' 59" W., 73.58 feet departing the said 160.050 acre tract and the said 169.734 acre tract and the said east right-of-way line and over and across the said right-of-way to a 1/2" iron rod found being in the west right-of-way line of said Hartrick Bluff Road and being the southeast corner of that certain called 12.54 acre tract of land described in a Warranty Deed dated March 15, 2018 from Mary Lavelle Hartrick Amato to Short-Term Lending Gp, Inc and being of record in Document No. 2018-00010557, Official Public Records of Bell County, Texas and being the northeast corner of that certain 6.47 acre tract of land described in a Special Warranty Deed dated March 1, 2018 from Ed L. Laughlin and Sharon L. Laughlin to Laughlin Real Estate Management, LLC Series Residential, a Texas series limited liability company and being of record in Document No. 2018-00008552, Official Public Records of Bell County, Texas for corner;

THENCE departing the said 6.47 acre tract and with the west right-of-way line of Hartrick Bluff Road as occupied and evidenced on the ground the following twenty-eight (28) calls:

- 1) N. 10° 25' 14" E., 163.87 feet with the east boundary line of the said 12.54 acre tract to a 1/2" iron rod with cap stamped "POLLOK" found for corner;
- 2) N. 00° 27' 25" E., 1601.49 feet to a 5/8" iron rod found being the northeast corner of the said 12.54 acre tract and being the southeast corner of that certain 6.149 acre tract of land described in a Warranty Deed with Vendor's Lien dated June 5, 2000 from Daniel Joseph Ladd and wife, Cecilia Ann Ladd to Barry T. Dixon and wife, Suzanne R. Dixon and being of record in Volume 4210, Page 1, Official Public Records of Bell County, Texas for corner;
- 3) N. 01° 46' 46" E., 542.55 feet departing the said 12.54 acre tract and with the east boundary line of the said 6.149 acre tract to a point being at the beginning of a curve to the right having a radius equals 542.28 feet, chord bearing equals N. 06° 18' 53" E., 85.76 feet for corner;
- 4) 85.85 feet along the arc of said curve to the right to a point being at the beginning of a curve to the right having a radius equals 793.94 feet, chord bearing equals N. 14° 58' 23" E., 152.02 feet for corner;
- 5) 152.25 feet along the arc of said curve to the right to a point being the northeast corner of the said 6.149 acre tract and being the southeast corner of that certain 5.000 acre tract of land described in a Warranty Deed dated May 18, 1981 from Henry Wayne Chupik and wife, Barbara Chupik to John W. Roberts and wife, Kay Roberts and being of record in Volume 1729, Page 281, Deed Records of Bell County, Texas for corner;
- 6) N. 27° 49' 20" E., 194.10 feet departing the said 6.149 acre tract and with the east boundary line of the said 5.000 acre tract to a point being at the beginning of a curve to the left having a radius equals 374.23 feet, chord bearing equals N. 20° 39' 24" E., 93.36 feet for corner;

- 7) 93.60 feet along the arc of said curve to the left continuing with the east boundary line of the said 5.000 acre tract to a point for corner;
- 8) N. 13° 54' 54" E., 428.87 feet continuing with the east boundary line of the said 5.000 acre tract and continuing with the east boundary line of that certain Hartick Bluff Development according to the map or plat of record in Cabinet B, Slide 169-A to a point being an angle point on the east boundary line of Lot 10, said Hartrick Bluff Development for corner;
- 9) N. 06° 21' 39" E., 362.15 feet continuing with the east boundary line of the said Hartrick Bluff Development to a point being the apparent northeast corner of the said Hartrick Bluff Development and being the southeast corner of that certain Lot 2, Block 1, Morgan Ridge Estates according to the map or plat of record in Year 2016, Plat No. 23, Plat Records of Bell County, Texas for corner;
- 10) N. 00° 26' 15" E., 89.11 feet departing the said Hartrick Bluff Development and with the east boundary line of the said Morgan Ridge Estates to a point for corner;
- 11) N. 07° 35' 11" W., 47.09 feet continuing with the east boundary line of the said Morgan Ridge Estates to a point for corner;
- 12) N. 10° 52' 08" W., 140.07 feet continuing with the east boundary line of the said Morgan Ridge Estates to a 5/8" iron rod with cap stamped "RCS" found being the northeast corner of the said Morgan Ridge Estates and being in the south right-of-way line of Morgan Drive (a privately maintained roadway) for corner;
- 13) N. 33° 15' 09" W., 54.95 feet departing the said Morgan Ridge Estates and the said south right-of-way line and over and across the right-of-way of Morgan Drive to a point being in the north right-of-way line of the said Morgan Drive and being the southeast corner of that certain 0.775 acre tract of land described in a Warranty Deed with Vendor's Lien dated April 30, 2001 from Vernon Brown and Rebecca Brown to Calvin Eshbaugh and Krista Eshbaugh and being of record in Volume 4386, Page 17, Official Public Records of Bell County, Texas for corner;
- 14) N. 24° 24' 49" W., 137.80 feet departing the said Morgan Drive and with the east boundary line of the said 0.775 acre tract to a point being at the beginning of a curve to the right having a radius equals 445.05, chord bearing equals N. 22° 06' 14" W., 47.44 feet for corner;
- 15) 47.46 feet along the arc of said curve to the right continuing with the east boundary line of the said 0.775 acre tract to a point being the northeast corner of the said 0.775 acre tract and being the southeast corner of that certain Lot 2, Block 1, Havemann Estates according to the map or plat of record in Cabinet D, Slide 251-D, Plat Records of Bell County, Texas and being at the beginning of a curve to the right having a radius equals 504.49 feet, chord bearing equals N. 08° 57' 22" W., 147.09 feet for corner;
- 16) 147.62 feet along the arc of said curve to the right departing the said 0.775 acre tract and with the east boundary line of the said Lot 2, Block 1, Havemann Estates to a point being the northeast corner of the said Lot 2, Block 1, Havemann Estates and being the southeast corner of that certain 0.783 acre tract of land described in a General Warranty Deed with Vendor's Lien dated February 19, 2009 from Joseph Holmstrom and Jennifer Holmstrom to Samuel Pogue and being of record in Document No. 2009-00006690, Official Public Records of Bell County, Texas for corner;

- 17) N. 02° 56' 24" W., 281.95 feet departing the said Lot 2, Block 1, Havemann Estates and with the east boundary line of the said 0.783 acre tract and continuing with the east boundary line of that certain 0.68 acre tract of land described in a Special Warranty Deed dated April 1, 2013 to Andrew J. McVeigh IV and Sherri L. McVeigh and being of record in Document No. 2013-00015005, Official Public Records of Bell County, Texas to a point being at the beginning of a curve to the right having a radius equals 428.00 feet, chord bearing equals N. 08° 08' 55" E., 165.85 feet for corner;
- 18) 166.90 feet along the arc of said curve to the right continuing with the east boundary line of the said 0.68 acre tract and continuing with the east boundary line of that certain 0.74 acre tract of land described in a Warranty Deed dated February 25, 1977 from J. D. Blevins and wife, Mary Blevins to Michael Lynn Stewart and being of record in Volume 1438, Page 794, Deed Records of Bell County, Texas to a point being the northeast corner of the said 0.74 acre tract and being the southeast corner of that certain 1.58 acre tract of land described in a Special Warranty Deed dated May 13, 2002 from Bobby A. Underwood and Mary E. Underwood to Bobby A. Underwood and Mary E. Underwood, as Trustees for the Bobby A. Underwood and Mary E. Underwood Revocable Living Trust and being of record in Volume 4680, Page 448, Official Public Records of Bell County, Texas for corner;
- 19) N. 18° 10' 57" E., 189.01 feet departing the said 0.74 acre tract and with the east boundary line of the said 1.58 acre tract to a 5/8 iron rod with cap stamped "ACS" found being the northeast corner of the said 1.58 acre tract and being a southeast corner of that certain remainder 28.50 acre tract of land described in a General Warranty Deed dated November 21, 2017 from LAM Estates, Ltd., a Texas Limited partnership to Jayson David Shatto and wife, Lisa Ann Shatto and being of record in Document No. 2017-00049899, Official Public Records of Bell County, Texas for corner;
- 20) N. 18° 18' 58" E., 277.54 feet departing the said 1.58 acre tract and with the east boundary line of the said remainder 28.50 acre tract and continuing with the east boundary line of that certain 18.123 acre tract of land described in a Special Warranty Deed dated November 10, 2016 from LAM Estates, LTD., a Texas limited partnership to ASHAV, LP, a Texas limited partnership and being of record in Document No. 2016-00046466, Official Public Records of Bell County, Texas to a 2" iron pipe found being the northeast corner of the said 18.123 acre tract and being the southeast corner of that certain 1.00 acre tract of land described in a General Warranty Deed dated October 5, 2012 from Ronald L. Carroll and Barbara C. Carroll to Larry Hennig and Kathy Hennig and being of record in Document No. 2012-00042023, Official Public Records of Bell County, Texas for corner;
- 21) N. 24° 46' 46" E., 34.39 feet departing the said 18.123 acre tract and with the east boundary line of the said 1.00 acre tract to a point for corner;
- 22) N. 18° 41' 17" E., 78.26 feet continuing with the east boundary line of the said 1.00 acre tract to a point being the northeast corner of the said 1.00 acre tract and being the southeast corner of that certain 6.896 acre tract of land described in a Warranty Deed with Vendor's Lien dated May 26, 1998 from Nelta Jo Vanderveer to Ronald R. Elizondo and wife, Polly P. Elizondo and being of record in Volume 3799, Page 604, Official Public Records of Bell County, Texas for corner;
- 23) N. 18° 03' 18" E., 724.33 feet departing the said 1.00 acre tract and with the east boundary line of the said 6.896 acre tract and continuing with the east boundary line of that certain Hartrick Addition according to the map or plat of record in Cabinet D, Slide 308-C, Plat Records of Bell County, Texas to a 3/8" iron rod with cap stamped "VANNOY" found being the northeast corner

of Lot 2, Block 1, said Hartrick Addition and being the southeast corner of Lot 1, said Block 1 for corner;

- 24) N. 18° 16' 44" E., 136.23 feet departing the said Lot 2, Block 1 and with the east boundary line of the said Lot 1, Block 1 to a point being the northeast corner of the said Lot 1, Block 1, Hartrick Addition and being the southeast corner of that certain 1.61 acre tract of land described in a General Warranty Deed with Vendor's Lien in Favor of a Third Party dated October 7, 1996 from Roy E. Vanderveer and Dorothy Vanderveer to Jessie J. McLaughlin and Martha L. McLaughlin, husband and wife and being of record in Volume 3533, Page 508, Official Public Records of Bell County, Texas for corner;
- 25) N. 18° 17' 18" E., 199.69 feet departing the said Hartrick Addition and with the east boundary line of the said 1.61 acre tract and continuing with the east boundary line of the remainder of those certain lands described in a Special Warranty Deed with Vendor's Lien dated December 29, 2006 from Melange Corporation, a Texas corporation to WS & G Investments, LP, a Texas limited Partnership and being of record in Document No. 2007-00003469, Official Public Records of Bell County, Texas to a 1/2" iron rod found being the northeast corner of the said remainder WS & G Investments, LP lands and being the southeast corner of that certain 4.37 acre tract of land described in a Deed to David W. Tullis and Sharon Tullis and being of record in Volume 1133, Page 195, Deed Records of Bell County, Texas for corner;
- 26) N. 18° 19' 38" E., 419.06 feet departing the said WS & G Investments lands and with the east boundary line of the said 4.37 acre tract to a 1" iron pipe found being the northeast corner of the said 4.37 acre tract and being the southeast corner of Lot 1, Block 1, Hidden Creek according to the map or plat of record in Year 2017, Plat No. 2, Plat Records of Bell County, Texas for corner;
- 27) N. 18° 07' 58" E., 389.96 feet departing the said 4.37 acre tract and with the east boundary line of the said Block 1, Hidden Creek to a 1/2" iron rod with cap stamped "RPLS 2475" found being the northeast corner of said Lot 1, Block 1, Hidden creek and being the southeast corner of Lot 2, said Block 1 for corner;
- 28) N. 17° 48' 01" E., 914.57 feet continuing with the east boundary line of Block 1, said Hidden Creek to a point being in the east boundary line of Lot 6, said Block 1 and being in the City of Temple City Limit line as shown on said Plat No. 2 for corner;

THENCE S. 78° 26' 17" E., 55.01 feet departing the said Lot 6, Block 1, Hidden Creek and the said west right-of-way line of Hartrick Bluff Road and over and across the said right-of-way of Hartrick Bluff Road and with the said City Limits line to a point being in the east right -of-way line of said Hartrick Bluff Road and being in the west boundary line of those certain WS & G Investments, LP, a Texas limited Partnership and being of record in Document No. 2007-00003469, Official Public Records of Bell County, Texas, LP lands described in the aforementioned Document No. 2007-00003469, Official Public Records of Bell County, Texas for corner;

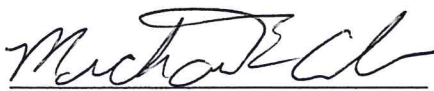
THENCE departing the said City of Temple City Limits line and with the east right-of-way line of Hartrick Bluff Road as occupied and evidenced on the ground the following nineteen (19) calls:

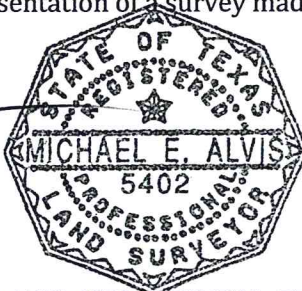
- 1) S. 17° 28' 34" W., 1342.37 feet to a fence corner post found being the southwest corner of the said WS & G Investments lands and being the northwest corner of that certain 35.069 acre tract of land described as TRACT ONE in a Special Warranty Deed dated May 10, 2018 from Anna Porter Martin to WNP Holdings LLC and being of record in Document No. 2018-00030895, Official Public Records of Bell County, Texas for corner;

- 2) S. 18° 18' 09" W., 1010.78 feet departing the said WS & G Investments lands and with the west boundary line of the said 35.069 acre tract to a fence corner post found for corner;
- 3) S. 18° 47' 20" W., 112.15 feet continuing with the said west boundary line and continuing with the west boundary line of that certain 38.813 acre tract of land described as TRACT TWO in said Document No. 2018-00030895, Official Public Records of Bell County, Texas to a fence post found for corner;
- 4) S. 17° 56' 13" W., 521.38 feet continuing with the west boundary line of the said 38.813 acre tract to a fence post found for corner;
- 5) S. 14° 04' 50" W., 382.93 feet continuing with the west boundary line of the said 38.813 acre tract to a point being the southwest corner of the said 38.813 acre tract and being the northwest corner of that certain tract of land described as Hartrick Valley Estates according to the map or plat of record in Year 2015, Plat No. 135, Plat Records of Bell County, Texas and being at the beginning of a curve to the left having a radius equals 1402.39 feet, chord bearing equals S. 03° 40' 13" E., 496.74 feet for corner;
- 6) 499.37 feet along the arc of said curve to the left departing the said 38.813 acre tract and with the west boundary line of the said Hartrick Valley Estates to a point being in the west boundary line of Lot 2, Block 2, said Hartrick Valley Estates for corner;
- 7) S. 13° 52' 17" E., 173.78 feet continuing with the west boundary line of the said Hartrick Valley Estates to a point being at the beginning of a curve to the right having a radius equals 1462.39 feet, chord bearing equals S. 07° 41' 26" E., 304.65 feet for corner;
- 8) 305.20 feet along the arc of said curve to the right continuing with the west boundary line of the said Hartrick Valley Estates to a point being the southwest corner of the said Hartrick Valley Estates and being the northwest corner of that certain Lot 1, Block 3, Hartrick Estates Subdivision, Phase I according to the map or plat of record in Cabinet C, Slide 26-B, Plat Records of Bell County, Texas and being at the beginning of a curve to the right having a radius equals 1396.80 feet, chord bearing equals S. 01° 56' 19" W., 212.96 feet for corner;
- 9) 213.17 feet along the arc of said curve to the right departing the said Hartrick Valley Estates and with the west boundary line of the said Lot 1, Block 3, Hartrick Estates Subdivision, Phase I to a point for corner;
- 10) S. 06° 23' 05" W., 241.61 feet continuing with the west boundary line of the said Hartrick Estates Subdivision, Phase I to a point being the southwest corner of the said Hartrick Estates Subdivision, Phase I and being the northwest corner of that certain called 21.0 acre tract of land described in a General Warranty Deed dated October 21, 2008 from H. Wayne Chupik to H. Wayne Chupik and Barbara Chupik and being of record in Document No. 2008-00043303, Official Public Records of Bell County, Texas for corner;
- 11) S. 13° 28' 57" W., 434.56 feet departing the said Hartrick Estates Subdivision, Phase I and with the west boundary line of the said called 21.0 acre tract to a point being at the beginning of a curve to the right having a radius equals 439.23 feet, chord bearing equals S. 20° 40' 23" W., 109.33 feet for corner;
- 12) 109.61 feet along the arc of said curve to the right continuing with the west boundary line of the said called 21.0 acre tract to a point for corner;

- 13) S. 27° 49' 20" W., 189.83 feet continuing with the west boundary line of the said called 21.0 acre tract to a point being at the beginning of a curve to the left having a radius equals 726.21 feet, chord bearing equals S. 11° 45' 45" W., 212.01 feet for corner;
- 14) 212.77 feet along the arc of said curve to the left continuing with the west boundary line of the said called 21.0 acre tract and continuing with the west boundary line of that certain 3.26 acre tract of land described in a Deed dated October 17, 1983 from Henry Wayne Chupik and wife, Barbara Chupik to John M. Baker and wife, Bobbie L. Baker and being of record in Volume 1901, Page 821, Deed Records of Bell County, Texas and continuing with the west boundary line of that certain 34.747 acre tract of land described in a Warranty Deed dated March 28, 2013 from H. Wayne Chupik and Barbara Chupik to Fr. Jose Simon Palliparambil and David Simon and being of record in Document No. 2013-00013763, Official OPublic Records of Bell County, Texas to a point for corner;
- 15) S. 01° 32' 24" W., 560.21 feet continuing with the west boundary line of the said 34.747 acre tract to a 1/2" iron rod with cap stamped "POLLOK" found being the southwest corner of the said 34.747 acre tract and being the northwest corner of the aforementioned 160.05 acre tract for corner;
- 16) S. 00° 15' 08" E., 308.89 feet departing the said 34.747 acre tract and with the west boundary line of the said 160.05 acre tract to a 1/2" iron rod with cap stamped "POLLOK" found being at the beginning of a curve to the right having a radius equals 8533.06 feet, chord bearing equals S. 00° 20' 47" W., 148.83 feet for corner;
- 17) 148.83 feet along the arc of said curve to the right continuing with the west boundary line of the said 160.05 acre tract to a 1/2" iron rod with cap stamped "POLLOK" found for corner;
- 18) S. 01° 19' 09" W., 1127.69 feet continuing with the west boundary line of said 160.05 acre tract to a 1/2" iron rod with cap stamped "POLLOK" found being at the beginning of a curve to the right having a radius equals 3378.16 feet, chord bearing equals s. 04° 12' 08" W., 179.18 feet for corner;
- 19) 179.20 feet along the arc of said curve to the right continuing with the west boundary line of the said 160.05 acre tract to the Point of BEGINNING and containing 12.689 acres of land.

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


 Michael E. Alvis, R.P.L.S. #5402
 January 24, 2019



THIS PROJECT IS REFERENCED IN NAD 1983, CENTRAL TEXAS STATE PLANE. ALL DISTANCES ARE HORIZONTAL SURFACE DISTANCES UNLESS NOTED AND ALL BEARINGS ARE GRID BEARINGS.

ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 541

THE THETA ANGLE AT SAID CITY MONUMENT IS 01° 30' 47"

THE COMBINED CORRECTION FACTOR (CCF) IS 0.999858

PUBLISHED CITY COORDINATES ARE X = 3,216,784.76 Y = 10,341,981.47

THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) IS
N. 66° 23' 57" E., 4808.72 FEET.

GRID DISTANCE = SURFACE DISTANCE X CCF

GEODETIC NORTH = GRID NORTH + THETA ANGLE

FY-19-1-ANX Timeline Short Term Lending—Hartrick Bluff Rd

DATE	ACTION	TIME LIMIT/NOTES
02-07-09	CITY RECEIVES PETITION of landowner to voluntarily annex area to City limits.	
02-21-19 Regular Meeting	COUNCIL ADOPTS RESOLUTION <ol style="list-style-type: none"> 1. Granting petition (14 days after petition filed) 2. Directing staff to develop service plans; and 3. Setting dates, times, places for public hearings 	
02-28-19	CITY SECRETARY MAILS NOTICE TO <ol style="list-style-type: none"> 1. Property owners 2. Public and private service entities 3. Railroads <i>35th day before 1st hearing</i>	
03-22-19	CITY SECRETARY SENDS NOTICE TO Public school districts located in annexation area <i>13th day before 1st public hearing</i>	
03-24-19	CITY SECRETARY PUBLISHES NOTICES FOR PUBLIC HEARINGS ON ANNEXATION Posts notice on City website Publishes notice in Telegram <i>11th day before 1st public hearing</i> <i>12th day before 2nd public hearing</i>	
04-03-19	RESIDENTS' LAST DATY TO FILE PROTEST <i>10th day after publication of hearing notice</i>	
04-04-19 Regular Meeting	COUNCIL HOLDS 1ST PUBLIC HEARING Staff presents service plan <i>28 days before 1st reading</i>	
04-05-19 Special meeting	COUNCIL HOLDS 2ND PUBLIC HEARING Staff presents service plan <i>27th before 1st reading</i>	
05-02-19 Regular meeting	COUNCIL CONSIDERS ANNEXATION ORDINANCE ON 1ST READING & HOLDS PUBLIC HEARING	
05-16-19 Regular meeting	COUNCIL CONSIDERS ANNEXATION ORDINANCE ON 2ND READING <i>14 days from 1st reading</i>	

ORDINANCE NO. 2019-4963
(FY-19-1-ANX)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE VOLUNTARY ANNEXATION OF APPROXIMATELY 185.277 ACRES OF LAND, WHICH INCLUDES AN APPROXIMATELY 160.047 ACRE TRACT AND AN APPROXIMATELY 12.541-ACRE TRACT, OUT OF THE MAXIMO MORENO SURVEY, ABSTRACT NO. 14, AND APPROXIMATELY 12.689 ACRES OF RIGHT-OF-WAY OF HARTRICK BLUFF ROAD, IN BELL COUNTY, TEMPLE, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Short Term Lending G.P, Inc. filed a petition on February 7, 2019 seeking voluntary annexation of approximately 185.277 acres of land, which includes an approximately 160.047 acre tract, an approximately 12.541-acre tract, and an approximately 12.689 acres of right-of-way of Hartrick Bluff Road and being more particularly described in Exhibit ‘A’ and Exhibit ‘B,’ which are attached hereto and incorporated herein for all purposes;

Whereas, voluntary annexation is governed by Chapter 43 of the Texas Local Government Code and under Section 43.028(a) a property owner may petition the City for voluntary annexation if the property to be annexed is: (1) one-half mile or less in width; (2) contiguous to the annexing city; and (3) is vacant and without residents or on which fewer than three qualified voters reside - subsection (g) of Section 43.028 states that property may be annexed even if the contiguity requirement is not met, as long as a public right-of-way of a road or highway designated by the municipality exists that (1) is located entirely in the extraterritorial jurisdiction of the municipality; and (2) when added to the area would cause the area to be contiguous to the municipality;

Whereas, the approximately 160.047-acre and approximately 12.541-acre tracts proposed for annexation are not contiguous to the city limits, however, with the addition of approximately 12.689 acres of right-of-way known as Hartrick Bluff Road, the requirements of Section 43.028(g) are satisfied;

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

1. February 21, 2019 - City Council resolution adopted to direct Staff to develop the Municipal Service Plan;
2. April 4, 2019 - Public Hearing No. 1; and
3. April 5, 2019 – Public Hearing No. 2;

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

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

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 Ordinance as if copied in their entirety.

Part 2: The City Council approves the voluntary annexation of approximately 185.277 acres of land, which includes an approximately 160.047-acre tract and an approximately 12.541-acre tract, out of the Maximo Moreno Survey, Abstract No. 14, and approximately 12.689 acres of right-of-way of Hartrick Bluff Road, Bell County, Texas more particularly described in Exhibit A and Exhibit B.

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

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

Part 5: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **2nd** day of **May**, 2019.

PASSED AND APPROVED on Second Reading on the **16th** day of **May**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson
City Secretary

Charla Thomas
Assistant City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/16/19
Item #4(L)
Consent Agenda
Page 1 of 2

DEPT. / DIVISION SUBMISSION & REVIEW:

Lynn Barrett, Assistant Director of Planning

ITEM DESCRIPTION: SECOND READING – FINAL HEARING – FY-19-2-ANX: Consider adopting an ordinance authorizing the voluntary annexation of 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.

STAFF RECOMMENDATION: Approve as presented and schedule Second Reading for Thursday, May 16, 2019 at 5:00 P.M. in the City Council Chambers.

ITEM SUMMARY: Short Term Lending G.P., Inc. filed a petition on February 7, 2019, seeking voluntary annexation of 119.827 acres of land, which includes a 118.560-acre tract and 1.267 acres of right-of-way of Haymarket Drive and being more particularly described as Exhibit A and Exhibit B.

Voluntary annexation is governed by Chapter 43 of the Texas Local Government Code. Under Section 43.028(a) a property owner may petition the City for voluntary annexation if the property to be annexed is: (1) one-half mile or less in width; (2) contiguous to the annexing city; and (3) is vacant and without residents or on which fewer than three qualified voters reside. Subsection (g) of Section 43.028 states that property may be annexed even if the contiguity requirement is not met, as long as a public right-of-way of a road or highway designated by the municipality exists that (1) is located entirely in the extraterritorial jurisdiction of the municipality; and (2) when added to the area would cause the area to be contiguous to the municipality.

The 118.560-acre tract proposed for annexation is not contiguous to the city limits. However, with the addition of 1.267 acres of right-of-way known as Haymarket Drive, the requirements of Section 43.028(g) are satisfied.

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

1. February 21, 2019 – City Council resolution adopted to direct staff to develop the Municipal Service Plan
2. April 4, 2019 – Municipal Service Plan Public Hearing #1
3. April 5, 2019 – Municipal Service Plan Public Hearing #2

The applicant has requested a rezoning of the subject property. The planned development rezoning case FY-19-13-ZC with staff recommendations for PD-SF-2 zoning designation and a site development plan is scheduled to follow the second reading of the annexation request on May 16th, if the annexation is approved. The PD rezoning ordinance second reading is scheduled for June 6th, 2019, if both items are approved at the May 16th meeting.

FISCAL IMPACT: The Applicant has requested to enter into a developer participation agreement with the City for water and waste water extension to the property. Staff will present this request to Council if the property is annexed.

ATTACHMENTS:

[Vicinity Map](#)

[Municipal Service Plan](#)

[Field Notes of Proposed Annexation Area \(Exhibit A\)](#)

[Survey of Proposed Annexation Area \(Exhibit B\)](#)

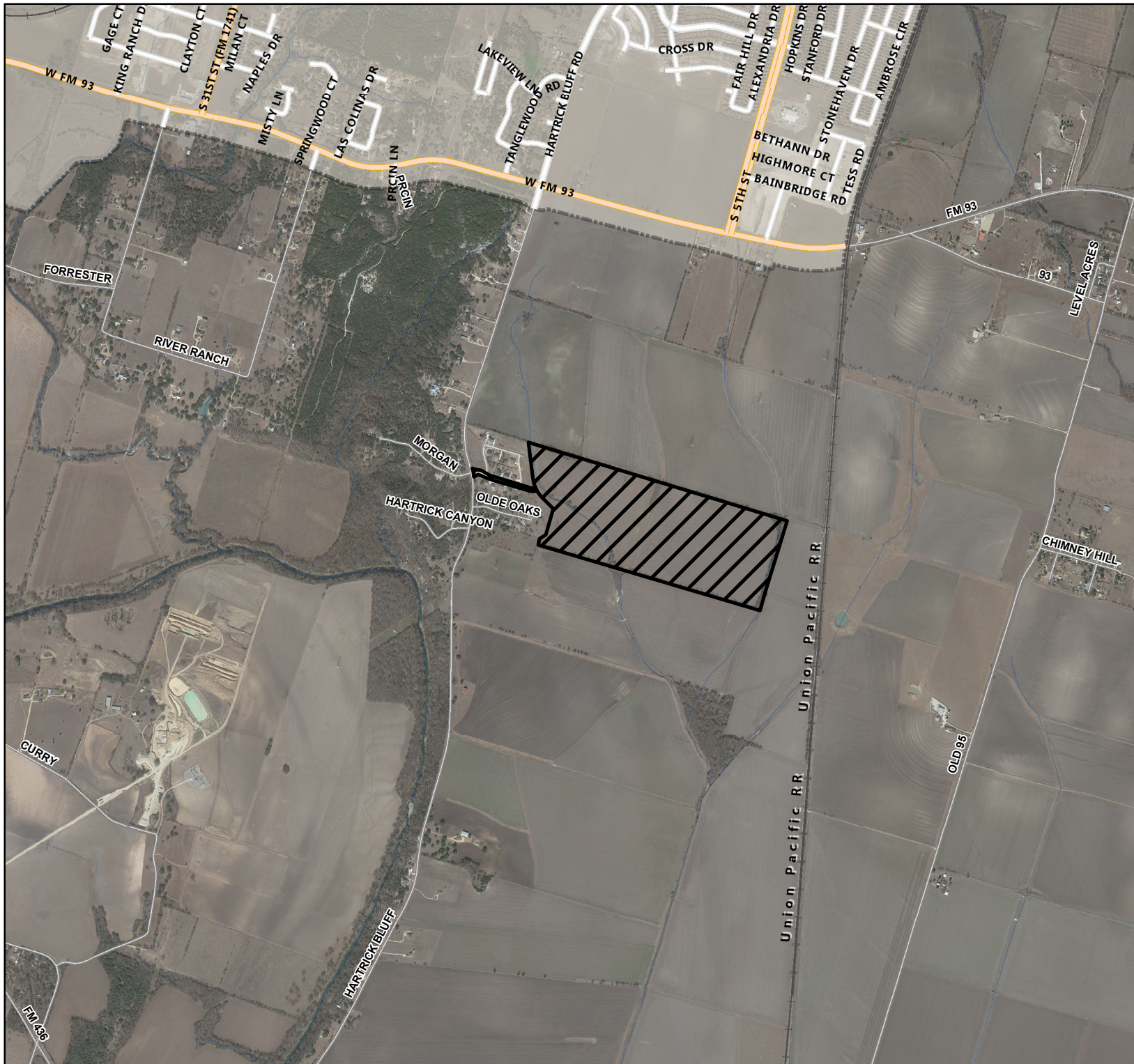
[Voluntary Annexation Schedule](#)

[Ordinance](#)

Annexation AERIAL MAP

FY-19-2-ANX

Hartrick Ranch Estates

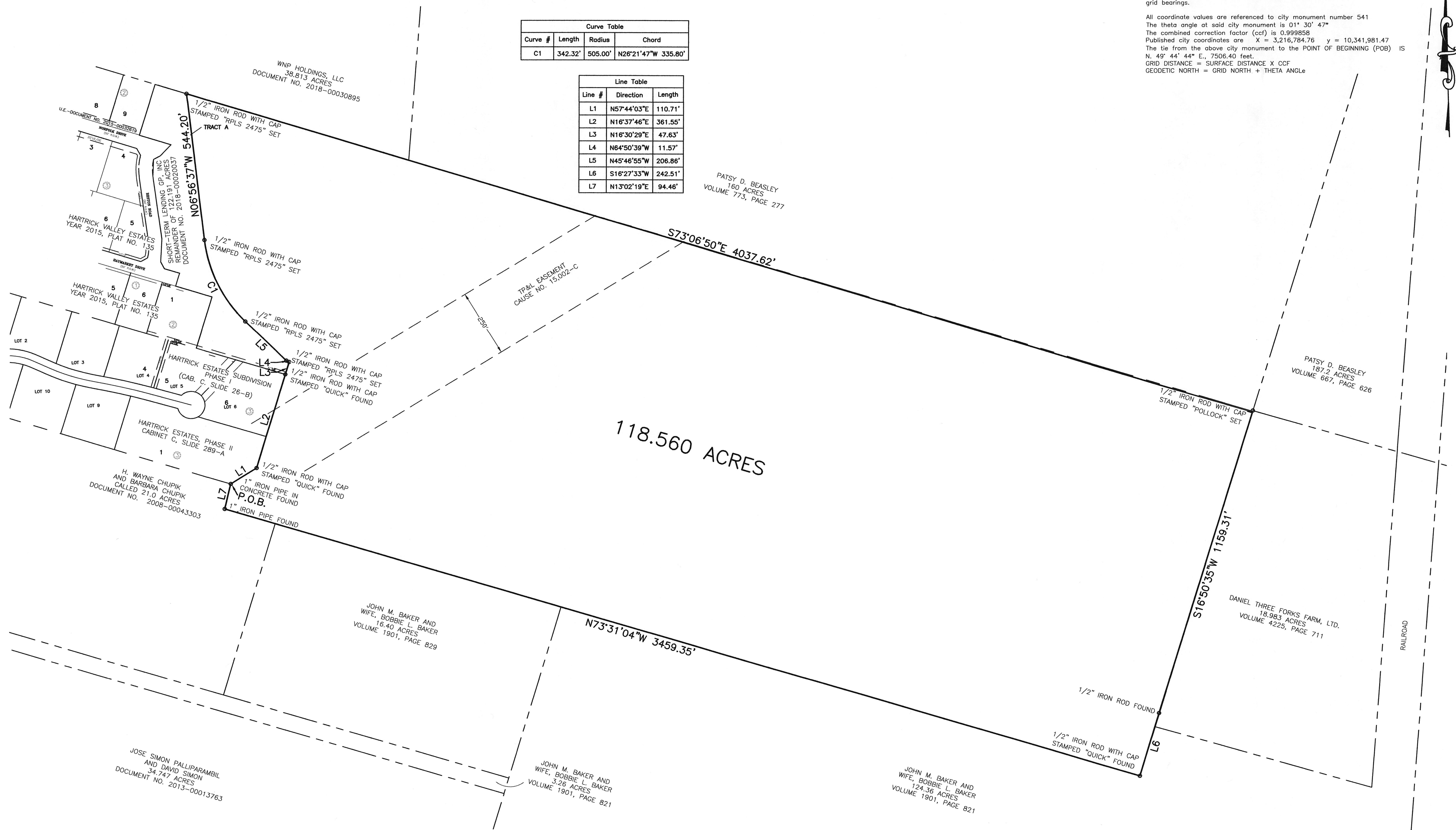


- FY-19-2-ANX
- EXPRESSWAY
- MAJOR ARTERIAL
- COLLECTOR
- LOCAL STREET
- MINOR ARTERIAL
- PRIVATE
- RAMP
- Railroad
- Temple Municipal Boundary
- Water Areas
- Water Lines
- Park Areas
- Bell County Streets
- Bell County Municipal Boundaries
- Temple Boundary
- Bell County Boundary

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



EXHIBIT A



Curve Table			
Curve #	Length	Radius	Chord
C1	342.32'	505.00'	N26°21'47"W 335.80'

Line Table		
Line #	Direction	Length
L1	N57°44'03"E	110.71'
L2	N16°37'46"E	361.55'
L3	N16°30'29"E	47.63'
L4	N64°50'39"W	11.57'
L5	N45°46'55"W	206.88'
L6	S16°27'33"W	242.51'
L7	N13°02'19"E	94.46'

This project is referenced in nad 1983, central texas state plane. All distances are horizontal surface distances unless noted and all bearings are grid bearings.

All coordinate values are referenced to city monument number 541. The theta angle at said city monument is 01° 30' 47". The combined correction factor (ccf) is 0.999858. Published city coordinates are X = 3,216,784.76 Y = 10,341,981.47. The tie from the above city monument to the POINT OF BEGINNING (POB) IS N. 49° 44' 44" E., 7506.40 feet. GRID DISTANCE = SURFACE DISTANCE X CCF. GEODETIC NORTH = GRID NORTH + THETA ANGLE.

BEING a 118.560 acre tract of land more particularly described by separate field notes.

THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A TITLE INSURANCE POLICY AND NO FURTHER EASEMENT RESEARCH WAS PERFORMED BY THIS COMPANY.

BEING a 118.560 acre tract situated in the MAXIMO MORENO SURVEY, ABSTRACT No. 14, Bell County, Texas and being a part or portion of the remainder of that certain 122.191 acre tract of land described in a Correction Affidavit dated April 23, 2018 from JUS Investments, Inc. to Short-Term Lending Gp, Inc and being of record in Document No. 2018-00020037, Official Public Records of Bell County, Texas.

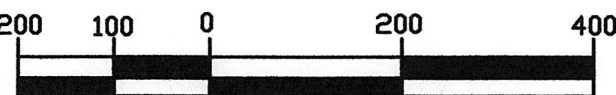


STATE OF TEXAS
COUNTY OF BELL

KNOW ALL MEN BY THESE PRESENTS, that I Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this survey was this day made on the ground of the property described herein and is correct.

IN WITNESS THEREOF, my hand and seal, this the 30th day of January 2019.

Michael E. Alvis, R.P.L.S., No. 5402



TURLEY ASSOCIATES, INC.
ENGINEERING • PLANNING • SURVEYING

301 N. 3rd St.
TEMPLE, TEXAS 76501

254.773.2400
www.turley-inc.com

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SURVEY OF:
118.560 ACRES
MAXIMO MORENO SURVEY
ABSTRACT No. 14
BELL COUNTY, TEXAS

PREPARED FOR:
KIELLA DEVELOPERS

REVISIONS		
DATE	DESCRIPTION	DFTR

DRAFTSMAN:
MGM

DATE:
1/30/2019

COMPUTER FILE NAME:
18-666 Boundary.dwg

REFERENCE DRAWING NUMBERS:
-

CITY OF TEMPLE
ANNEXATION SERVICE PLAN—VOLUNTARY ANNEXATION
Along Haymarket Drive (FY-19-2-ANX)

For 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, and being more particularly described as Exhibit A (Field Notes) and depicted as Exhibit B (Survey) of the Annexation Ordinance (2019-####).

SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF ANNEXATION

1. POLICE PROTECTION

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

2. FIRE PROTECTION AND AMBULANCE SERVICE

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

3. SOLID WASTE COLLECTION

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

4. MAINTENANCE OF WATER AND WASTEWATER FACILITIES

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

5. MAINTENANCE OF ROADS AND STREETS

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

6. MAINTENANCE OF PUBLIC PARKS, PLAYGROUNDS AND SWIMMING POOLS

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

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

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

8. INSPECTIONS

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

9. CODE ENFORCEMENT

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

10. MOWING

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

CAPITAL IMPROVEMENTS

1. POLICE PROTECTION, FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

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

2. ROADS AND STREETS

The City will undertake to provide the same degree of road and street lighting as is provided in areas of the same or similar topography, land use and population density within the present corporate limits

of the City. Maintenance of properly dedicated roads and streets will be consistent with the maintenance provided by the City to other roads and streets in areas of similar topography, land use and subdivision development of the annexed property. Developers will be required, pursuant to the ordinances of the City to provide internal and peripheral streets and to construct those streets in accordance with the specifications required by the City for the properly dedicated street. City participation in capital expenditures will be in accordance with City policies.

3. WATER AND WASTEWATER FACILITIES

The City of Temple has water facilities along Haymarket Drive. The Applicant has requested to enter into a developer participation agreement with the City for water extension to the property. Staff will present this request to Council if the property is annexed.

Currently, there are no wastewater treatment providers within the boundaries of the voluntary annexation and property owners rely on on-site sewage facilities (septic systems). The Applicant has requested to enter into a developer participation agreement with the City for wastewater extension to the property. Staff will present this request to Council if the property is annexed.

4. CAPITAL IMPROVEMENTS

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

SPECIFIC FINDINGS

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

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

APPROVED ON THIS _____ DAY OF _____, 2019.

City of Temple, Texas

Mayor

ATTEST:

City Secretary

BEING a 118.560 acre tract situated in the MAXIMO MORENO SURVEY, ABSTRACT No. 14, Bell County, Texas and being a part or portion of the remainder of that certain 122.191 acre tract of land described in a Correction Affidavit dated April 23, 2018 from JDJS Investments, Inc. to Short-Term Lending Gp, Inc and being of record in Document No. 2018-00020037, Official Public Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1" iron pipe in concrete found being in the west boundary line of the said remainder 122.191 acre tract and being the most southerly southeast corner of Lot 1, Block 3, Hartrick Estates Subdivision, Phase II according to the map or plat of record in Cabinet C, Slide 289-A, Plat Records of Bell County, Texas and being the most northerly northeast corner of that certain called 21.0 acre tract of land described in a Warranty Deed dated October 21, 2008 from H. Wayne Chupik to H. Wayne Chupik and Barbara Chupik and being of record in Document No. 2008-00043303, Official Public Records of Bell County, Texas for corner;

THENCE N. 57° 44' 03" E., 110.71 feet departing the said 21.0 acre tract and with the east boundary line of the said Lot 1, Block 3 and with the said west boundary line to a 1/2" iron rod with cap stamped "QUICK" found being the most easterly southeast corner of the said Lot 1, Block 3 and being an angle point on the said west boundary line for corner;

THENCE N. 16° 37' 46" E., 361.55 feet with the east boundary line of the said Lot 1, Block 3 and continuing with the east boundary line of that certain Lot 6, Block 3, Hartrick Estates Subdivision, Phase I according to the map or plat of record in Cabinet C, Slide 26-B, Plat Records of Bell County, Texas and continuing with the said west boundary line to a 1/2" iron rod with cap stamped "QUICK" found being the northeast corner of the said Lot 6, Block 3, Hartrick estates Subdivision, Phase I and being an ell corner in the said west boundary line for corner;

THENCE departing the said Lot 6, Block 3, Hartrick Estates Subdivision, Phase I and the said west boundary line and over and across the said remainder 122.191 acre tract the following five (5) calls:

- 1) N. 16° 30' 29" E., 47.63 feet to a 1/2" iron rod with cap stamped "RPLS 2475" set for corner;
- 2) N. 64° 50' 39" W., 11.57 feet to a 1/2" iron rod with cap stamped "RPLS 2475" set for corner;
- 3) N. 45° 46' 55" W., 206.86 feet to a 1/2" iron rod with cap stamped "RPLS 2475" set being at the beginning of a curve to the right having a radius equals 505.00 feet, chord bearing equals N. 26° 21' 47" W., 335.80 feet for corner;
- 4) 342.32 feet along the arc of said curve to the right to a 1/2" iron rod with cap stamped "RPLS 2475" set for corner;
- 5) N. 06° 56' 37" W., 544.20 feet to a 1/2" iron rod with cap stamped "RPLS 2475" set being in the north boundary line of the said remainder 122.191 acre tract and being in the south boundary line of that certain 38.813 acre tract of land described in a Gift Deed dated May 10, 2018 from Anna G. Martin to WNP Holdings, LLC and being of record in Document No. 2018-00030895, Official Public Records of Bell County, Texas for corner;

THENCE S. 73° 06' 50" E., 4037.62 feet with the north boundary line of the said remainder 122.191 acre tract and with the south boundary line of the said 38.813 acre tract and continuing with the south boundary line of that certain 160 acre tract of land standing in the name of Patsy Beasley and being of record in Volume 773, Page 277, Deed Records of Bell County, Texas to a 1/2" iron rod with cap stamped "POLLOK" found being the northeast corner of the said remainder 122.191 acre tract and being the southeast corner of the said 160 acre tract and being the southwest corner of that certain 187.2 acre tract of land standing in the name of Patsy Beasley and being of record in Volume 667, Page 626, Deed

Records of Bell County, Texas and being the northwest corner of that certain 18.983 acre tract of land standing in the name of Daniel Three Forks Farm, Ltd. and being of record in Volume 4225, Page 711, Official Public Records of Bell County, Texas for corner;

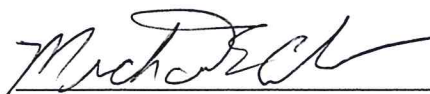
THENCE S. 16° 50' 35" W., 1159.31 feet departing the said 160 acre tract and the said 187.2 acre tract and with the east boundary line of the said remainder 122.191 acre tract and with the west boundary line of the said 18.983 acre tract to a 1/2" iron rod found being the southwest corner of the said 18.983 acre tract and being an ell corner of that certain 124.36 acre tract of land standing in the name of John M. Baker and being of record in Volume 1901, Page 821, Deed Records of Bell County, Texas for corner;

THENCE S. 16° 27' 33" W., 242.51 feet departing the said 18.983 acre tract and with the west boundary line of the said 124.36 acre tract and continuing with the said east boundary line and continuing with a west boundary line of that certain 124.36 acre tract of land standing in the name of John M. Baker and being of record in Volume 1901, Page 821, Deed Records of Bell County, Texas to a 1/2" iron rod with cap stamped "QUICK" found being the southeast corner of the said remainder 122.191 acre tract and being an ell corner of the said 124.36 acre tract for corner;

THENCE N. 73° 31' 04" W., 3459.35 feet with the south boundary line of the said remainder 122.191 acre tract and with the north boundary line of the said 124.36 acre tract and continuing with the north boundary line of that certain 16.40 acre tract of land standing in the name of John M. Baker and wife, Bobbie L. Baker and being of record in Volume 1901, Page 829, Deed Records of Bell County, Texas and continuing with the north boundary line of the aforementioned 21.0 acre tract to a 1" iron pipe found being the southwest corner of the said remainder 122.191 acre tract and being an ell corner of the said 21.0 acre tract for corner;

THENCE N. 13° 02' 19" E., 94.46 feet with the west boundary line of the said remainder 122.191 acre tract and with the east boundary line of the said 21.0 acre tract to the Point of BEGINNING and containing 118.560 acres of land.

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


Michael E. Alvis, R.P.L.S. #5402
January 23, 2019



THIS PROJECT IS REFERENCED IN NAD 1983, CENTRAL TEXAS STATE PLANE. ALL DISTANCES ARE HORIZONTAL SURFACE DISTANCES UNLESS NOTED AND ALL BEARINGS ARE GRID BEARINGS.

ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 541
THE THETA ANGLE AT SAID CITY MONUMENT IS 01° 30' 47"
THE COMBINED CORRECTION FACTOR (CCF) IS 0.999858
PUBLISHED CITY COORDINATES ARE X = 3,216,784.76 Y = 10,341,981.47
THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) IS
N. 49° 44' 44" E., 7506.40 FEET.
GRID DISTANCE = SURFACE DISTANCE X CCF
GEODETIC NORTH = GRID NORTH + THETA ANGLE

BEING a 1.267 acre tract situated in the MAXIMO MORENO SURVEY, ABSTRACT No. 14, Bell County, Texas and being all of the existing right-of-way of Haymarket Drive (a publicly maintained roadway) as described on the map or plat of Hartrick Valley Estates being of record in Year 2015, Plat No. 135, Plat Records of Bell County, Texas and being a part or portion of that certain remainder 122.191 acre tract of land described in a Warranty Deed to Short-Term Lending Gp, Inc. and being of record in Document No. 2018-00020037, Official Public Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod with cap stamped "ACS" found being the southwest corner of the right-of-way line of said Haymarket Drive and being in the east right-of-way line of Hartrick Bluff Road (a publicly maintained roadway) and being the northwest corner of Tract B as described in said Plat No. 135 and being at the beginning of a curve to the left having a radius equals 1462.39 feet, chord bearing equals N. 11° 08' 43" W., 128.81 feet for corner;

THENCE departing the said Tract B and with the west boundary line of the said Hartrick Valley Estates and with the said east right-of-way line the following two (2) calls:

- 1) 128.85 feet along the arc of said curve to the left to a 1/2" iron rod with cap stamped "ACS: found for corner;
- 2) N. 13° 52' 17" W., 1.91 feet to a 1/2" iron rod with cap stamped "ACS" found being the northwest corner of the right-of-way of said Haymarket Drive and being the southwest corner of Tract A as described in said Plat No. 135 for corner;

THENCE departing the said east right-of-way line and with the north right-of-way line of the said Haymarket Drive and continuing over and across the said remainder 122.191 acre tract the following nine (9) calls:

- 1) S. 73° 47' 02" E., 98.58 feet to a 1/2" iron rod with cap stamped "ACS" found being in the south boundary line of Lot 1, Block 2, said Hartrick Valley Estates and being at the beginning of a curve to the right having a radius equals 245.00 feet, chord bearing equals S. 74° 23' 21" E., 57.32 feet for corner;
- 2) 57.45 feet along the arc of said curve to the right continuing with the said south boundary line to a 1/2" iron rod with cap stamped "ACS" found for corner;
- 3) S. 67° 40' 16" E., 24.64 feet to a 1/2" iron rod with cap stamped "ACS" found being the most southerly southeast corner of the said Lot 1, Block 2 for corner;
- 4) S. 55° 28' 04" E., 91.96 feet to a 1/2" iron rod with cap stamped "ACS" found being the most southerly southwest corner of Lot 8, Block 3, said Hartrick Valley Estates and being at the beginning of a curve to the left having a radius equals 975.00 feet, chord bearing equals S. 71° 28' 03" E., 63.01 feet for corner;
- 5) 63.02 feet along the arc of said curve to the left to a 1/2" iron rod with cap stamped "ACS" found being in the south boundary line of the said Lot 8, Block 3 for corner;
- 6) S. 73° 19' 09" E., 569.38 feet to a point being at the beginning of a curve to the left having a radius equals 175.00 feet, chord bearing equals S. 88° 05' 59" E., 89.29 feet for corner;
- 7) 90.29 feet along the arc of said curve to the left to a point being at the beginning of a curve to the left having a radius equals 505.00 feet, chord bearing equals S. 25° 57' 15" E., 51.03 feet for corner;



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- 8) 51.05 feet along the arc of said curve to the left to a point being at the beginning of a curve to the right having a radius equals 225.00 feet, chord bearing equals N. 89° 34' 12" W., 125.93 feet for corner;
- 9) 127.63 feet along the arc of said curve to the right to a point being in the north boundary line of Lot 7, Block 1, said Hartrick Valley Estates for corner;

THENCE with the south right-of-way line of said Haymarket Drive the following five (5) calls:

- 1) N. 73° 19' 09" W., 569.38 feet to a ½"] iron rod with cap stamped "ACS" found being in the north boundary line of Lot 2, Block 1, said Hartrick Valley Estates and being at the beginning of a curve to the right having a radius equals 1025.00 feet, chord bearing equals N. 70° 29' 43" W., 101.00 feet for corner;
- 2) 101.04 feet along the arc of said curve to the right to a 1/2" iron rod with cap stamped "ACS" found being in the north boundary line of said Lot 2, Block 1 for corner;
- 3) N. 67° 40' 16" W., 81.43 feet to a 1/2" iron rod with cap stamped "ACS" found being in the north boundary line of Lot 1, said Block 1 and being at the beginning of a curve to the left having a radius equals 175.00 feet, chord bearing equals N. 74° 23' 22" W., 40.94 feet for corner;
- 4) 41.04 feet along the arc of said curve to the left to a 1/2" iron rod with cap stamped "ACS" found being the most northerly northwest corner of the said Lot 1, Block 1 for corner;
- 5) S. 61° 39' 16" W., 66.44 feet to the Point of BEGINNING and containing 1.267 acres of land.

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



Michael E. Alvis
 Michael E. Alvis, R.P.L.S. #5402
 February 5, 2019

THIS PROJECT IS REFERENCED IN NAD 1983 CENTRAL TEXAS STAAE PLANE. ALL DISTANCES ARE HORIZONTAL SURFACE DISTANCES UNLESS NOTED AND ALL BEARINGS ARE GRID BEARINGS.

ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 541
 THE THETA ANGLE AT SAID CITY MONUMENT IS 01° 30' 47"
 THE COMBINED CORRECTION FACTOR (CCF) IS 0.999858
 PUBLISHED CITY COORDINATES ARE X = 3,216,784.76 Y = 10,341,981.47
 THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) IS
 N. 39° 25' 28" E., 7479.79 FEET.
 GRID DISTANCE = SURFACE DISTANCE X CCF
 GEODETIC NORTH = GRID NORTH + THETA ANGLE



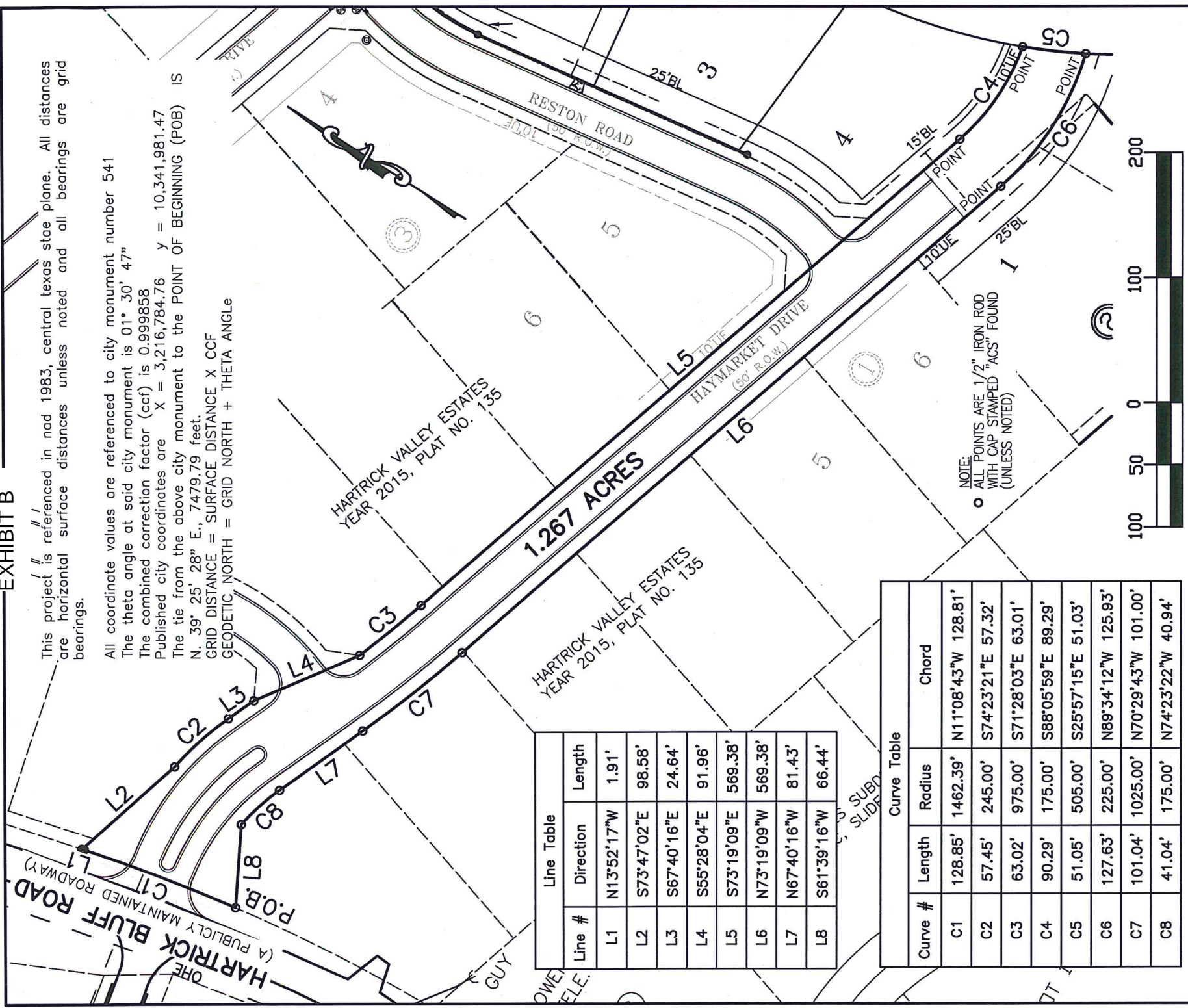
TURLEY ASSOCIATES, INC.

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This project is referenced in nad 1983, central texas stae plane. All distances are horizontal surface distances unless noted and all bearings are grid bearings.

All coordinate values are referenced to city monument number 541
The theta angle at said city monument is 01° 30' 47"
The combined correction factor (ccf) is 0.999858
Published city coordinates are X = 3,216,784.76 y = 10,341,981.47
The tie from the above city monument to the POINT OF BEGINNING (POB) IS N. 39° 25' 28" E., 7479.79 feet.
GRID DISTANCE = SURFACE DISTANCE X CCF
GEODETIC NORTH = GRID NORTH + THETA ANGLE



Line Table		
Line #	Direction	Length
L1	N13°52'17"W	1.91'
L2	S73°47'02"E	98.58'
L3	S67°40'16"E	24.64'
L4	S55°28'04"E	91.96'
L5	S73°19'09"E	569.38'
L6	N73°19'09"W	569.38'
L7	N67°40'16"W	81.43'
L8	S61°39'16"W	66.44'

Curve Table			
Curve #	Length	Radius	Chord
C1	128.85'	1462.39'	N11°08'43"W 128.81'
C2	57.45'	245.00'	S74°23'21"E 57.32'
C3	63.02'	975.00'	S71°28'03"E 63.01'
C4	90.29'	175.00'	S88°05'59"E 89.29'
C5	51.05'	505.00'	S25°57'15"E 51.03'
C6	127.63'	225.00'	N89°34'12"W 125.93'
C7	101.04'	1025.00'	N70°29'43"W 101.00'
C8	41.04'	175.00'	N74°23'22"W 40.94'

BEING a 1.267 acre tract of land more particularly described by separate field notes.

THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A TITLE INSURANCE POLICY AND NO FURTHER EASEMENT RESEARCH WAS PERFORMED BY THIS COMPANY.

BEING a 1.267 acre tract situated in the MAXIMO MORENO SURVEY, ABSTRACT No. 14, Bell County, Texas and being all of the existing right-of-way of Haymarket Drive (a publicly maintained roadway) as described on the map or plat of Hartrick Valley Estates being of record in Year 2015,Plat No. 135, Plat Records of Bell County, Texas.



STATE OF TEXAS KNOW ALL MEN BY THESE PRESENTS, that I Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this survey was this day made on the ground of the property described herein and is correct.

IN WITNESS THEREOF, my hand and seal, this the 6th day of February 2019.

Michael E. Alvis

Michael E. Alvis, R.P.L.S., No. 5402



FY-19-2-ANX Timeline Short Term Lending—Haymarket Drive

DATE	ACTION	TIME LIMIT/NOTES
02-07-09	CITY RECEIVES PETITION of landowner to voluntarily annex area to City limits.	
02-21-19 Regular Meeting	COUNCIL ADOPTS RESOLUTION <ol style="list-style-type: none"> 1. Granting petition (14 days after petition filed) 2. Directing staff to develop service plans; and 3. Setting dates, times, places for public hearings 	
02-28-19	CITY SECRETARY MAILS NOTICE TO <ol style="list-style-type: none"> 1. Property owners 2. Public and private service entities 3. Railroads <i>35th day before 1st hearing</i>	
03-22-19	CITY SECRETARY SENDS NOTICE TO Public school districts located in annexation area <i>13th day before 1st public hearing</i>	
03-24-19	CITY SECRETARY PUBLISHES NOTICES FOR PUBLIC HEARINGS ON ANNEXATION Posts notice on City website Publishes notice in Telegram <i>11th day before 1st public hearing</i> <i>12th day before 2nd public hearing</i>	
04-03-19	RESIDENTS' LAST DAY TO FILE PROTEST <i>10th day after publication of hearing notice</i>	
04-04-19 Regular Meeting	COUNCIL HOLDS 1ST PUBLIC HEARING Staff presents service plan <i>28 days before 1st reading</i>	
04-05-19 Special meeting	COUNCIL HOLDS 2ND PUBLIC HEARING Staff presents service plan <i>27th before 1st reading</i>	
05-02-19 Regular meeting	COUNCIL CONSIDERS ANNEXATION ORDINANCE ON 1ST READING & HOLDS PUBLIC HEARING	
05-16-19 Regular meeting	COUNCIL CONSIDERS ANNEXATION ORDINANCE ON 2ND READING <i>14 days from 1st reading</i>	

ORDINANCE NO. 2019-4964
(FY-19-2-ANX)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE VOLUNTARY ANNEXATION OF APPROXIMATELY 119.827 ACRES OF LAND, WHICH INCLUDES AN APPROXIMATELY 118.560 ACRE TRACT, OUT OF THE MAXIMO MORENO SURVEY, ABSTRACT NO. 14, AND APPROXIMATELY 1.267 ACRES OF RIGHT-OF-WAY OF HAYMARKET DRIVE, IN BELL COUNTY, TEMPLE, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Short Term Lending G.P, Inc. filed a petition on February 7, 2019 seeking voluntary annexation of approximately 119.827 acres of land, which includes an approximately 118.560-acre tract and approximately 1.267 acres of right of way of Haymarket Drive and being more particularly described in Exhibit ‘A’ and Exhibit ‘B,’ which are attached hereto and incorporated herein for all purposes;

Whereas, voluntary annexation is governed by Chapter 43 of the Texas Local Government Code and under Section 43.028(a) a property owner may petition the City for voluntary annexation if the property to be annexed is: (1) one-half mile or less in width; (2) contiguous to the annexing city; and (3) is vacant and without residents or on which fewer than three qualified voters reside - subsection (g) of Section 43.028 states that property may be annexed even if the contiguity requirement is not met, as long as a public right-of-way of a road or highway designated by the municipality exists that (1) is located entirely in the extraterritorial jurisdiction of the municipality; and (2) when added to the area would cause the area to be contiguous to the municipality;

Whereas, the approximately 118.560-acre tract proposed for annexation is not contiguous to the City limits, however, with the addition of approximately 1.267 acres of right-of-way known as Haymarket Drive, the requirements of Section 43.028(g) are satisfied;

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

1. February 21, 2019 - City Council resolution adopted to direct staff to develop the Municipal Service Plan;
2. April 4, 2019 - Public Hearing No. 1; and
3. April 5, 2019 – Public Hearing No. 2;

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

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

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 Ordinance as if copied in their entirety.

Part 2: The City Council approves the voluntary annexation of approximately 119.827 acres of land, which includes an approximately 118.560-acre tract out of the Maximo Moreno Survey, Abstract No. 14, and approximately 1.267 acres of right-of-way of Haymarket Drive, Bell County, Texas, more particularly described in Exhibit A and Exhibit B.

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

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

Part 5: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **2nd** day of **May**, 2019.

PASSED AND APPROVED on Second Reading on the **16th** day of **May**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Charla Thomas
Assistant City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/16/19
Item #4(M)
Consent Agenda
Page 1 of 3

DEPT. / DIVISION SUBMISSION REVIEW:

Mark Baker, Principal Planner

ITEM DESCRIPTION: SECOND READING – FINAL HEARING – FY-19-11-ZC: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning district to General Retail zoning district on 1.554 +/- acres, situated in the J.J. Simmons, Survey Abstract No. 737, Bell County, Texas, addressed as 5018 State Highway 317.

PLANNING & ZONING COMMISSION RECOMMENDATION: During their April 1, 2019 Planning & Zoning Commission meeting, impacts from some of the more objectionable or intense general retail uses were discussed and their impacts upon the adjacent residential uses.

In an effort to reduce the impacts from some of the more intense or undesirable uses that are permitted in the GR district, the Planning & Zoning Commission voted 8 to 0 to recommend Neighborhood Service (NS).

STAFF RECOMMENDATION: Staff recommends approval for a rezoning from AG to GR district for the following reasons:

1. The proposed GR zoning is compatible with surrounding zoning, existing and anticipated uses as well as future growth trends in the area;
2. The proposal is in compliance with the Thoroughfare Plan; and
3. Public facilities are available to serve the subject property.

ITEM SUMMARY: The applicant, Turley Associates, on behalf of Jack Ralston requests rezoning of 1.554 +/- acres from Agricultural (AG) zoning district to General Retail (GR) zoning district. The subject property is currently unplatted and occupied by an existing unoccupied structure that has been used as a single-family residence.

While no end-user has been formally identified, the property is proposed to be developed with non-residential uses. There are several residential and non-residential uses that are permitted by-right or with a conditional use permit (CUP) in the GR district. A comparison between the existing and proposed zoning districts, is shown in the attached table. Additionally, uses that are not permitted in the NS district have also been identified and are highlighted in red.

It is notable that this is the second non-residential rezoning request within the last month along this section of SH 317. The other was for a similar sized property at 4940 SH 317 and was rezoned to NS per Ordinance 2019-4956 on March 7, 2019. In this case, the applicant was specifically requesting NS. It would be anticipated that further rezoning of properties to NS and GR will continue in the future.

TRAFFIC IMPACTS: While the property fronts along State Highway 317 (SH 317), the presence of median breaks at Poison Oak Road and Oak Hills Drive may be problematic for some northbound traffic. Turning movements into the property will be limited to right-in and right-out. The nearest median break is approximately 290 feet to the south at the intersection with Poison Oak Road. The right-in right-out restriction may generate some traffic concerns and limit certain uses. A table showing some of the higher trip-generating uses allowed in GR has been attached.

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

Future Land Use Map (CP Map 3.1)

The subject property is within the Suburban Commercial Future Land Use Map (FLUM) designation. The Suburban Commercial designation is appropriate for office and retail service uses and while it supports Office 1 (O-1), Office 2 (O-2) and Neighborhood Service (NS) zoning designations, the GR designation is considered on a case by case basis. In addition, the Suburban Commercial designation can be found to be appropriate for office and retail service uses adjacent to residential neighborhoods as well as high profile corridors.

Thoroughfare Plan (CP Map 5.2)

The subject property takes access from State Highway 317 (SH 317), a major arterial street. TxDOT improvements are complete with direct property access driveways in place. The state was notified of the proposed rezoning and no comments have been received. TxDOT improvements include a ten-foot sidewalk on the east side of SH 317.

Availability of Public Facilities (CP Goal 4.1)

Waste water will be provided by on-site septic; however, an eight-inch sewer line is available approximately 1000 feet to the north on the east side of SH 317. Water is available from an 18-inch water line in SH 317.

Temple Trails Master Plan Map and Sidewalks Ordinance

A proposed local connector trail is shown on the Trails Master Plan. SH 317, as an arterial requires a six-foot sidewalk. Compliance with the Trails Master Plan and sidewalks has been addressed by the upsized sidewalk from six-feet to ten-feet, which was put into place by TxDOT widening improvements along the east side of SH 317. A six-foot sidewalk, however is still required on the west side of SH 317 and will be addressed during platting.

SUBDIVISION PLAT: A subdivision plat will be required for this property prior to any new construction, accessory or otherwise. The plat will address connection to public facilities but since the property frontage has been recently improved by a state highway improvement project, any needed right-of-way is not anticipated. The change of use, however will trigger compliance to parking requirements.

As a result of increased occurrence of rezoning along this section of SH 317, staff has discussed with the applicant, the opportunity of cross-access easements along the north and south boundaries of these properties. While these cross-access easements are not a required part of the rezoning process, they have been suggested to improve traffic circulation along this developing corridor. The creation of these easements will be further addressed during the platting process. The applicant is aware of this suggestion and agrees with the easement provisions.

DEVELOPMENT REGULATIONS: The attached tables compare and contrast, the current development standards for AG with the proposed GR standards as provided for in UDC Sections 4.2, 4.5 and 4.5.1

PUBLIC NOTICE: Eight notices, were sent to property owners within 200-feet of the subject property containing notice of the public hearing as required by State law and City Ordinance. As of Tuesday April 23, 2019, at 9:00 AM, two notices in agreement have been received.

The newspaper printed notice of the public hearing on March 18, 2019, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Boundary Map \(Exhibit A\)](#)

[Photos](#)

[Tables](#)

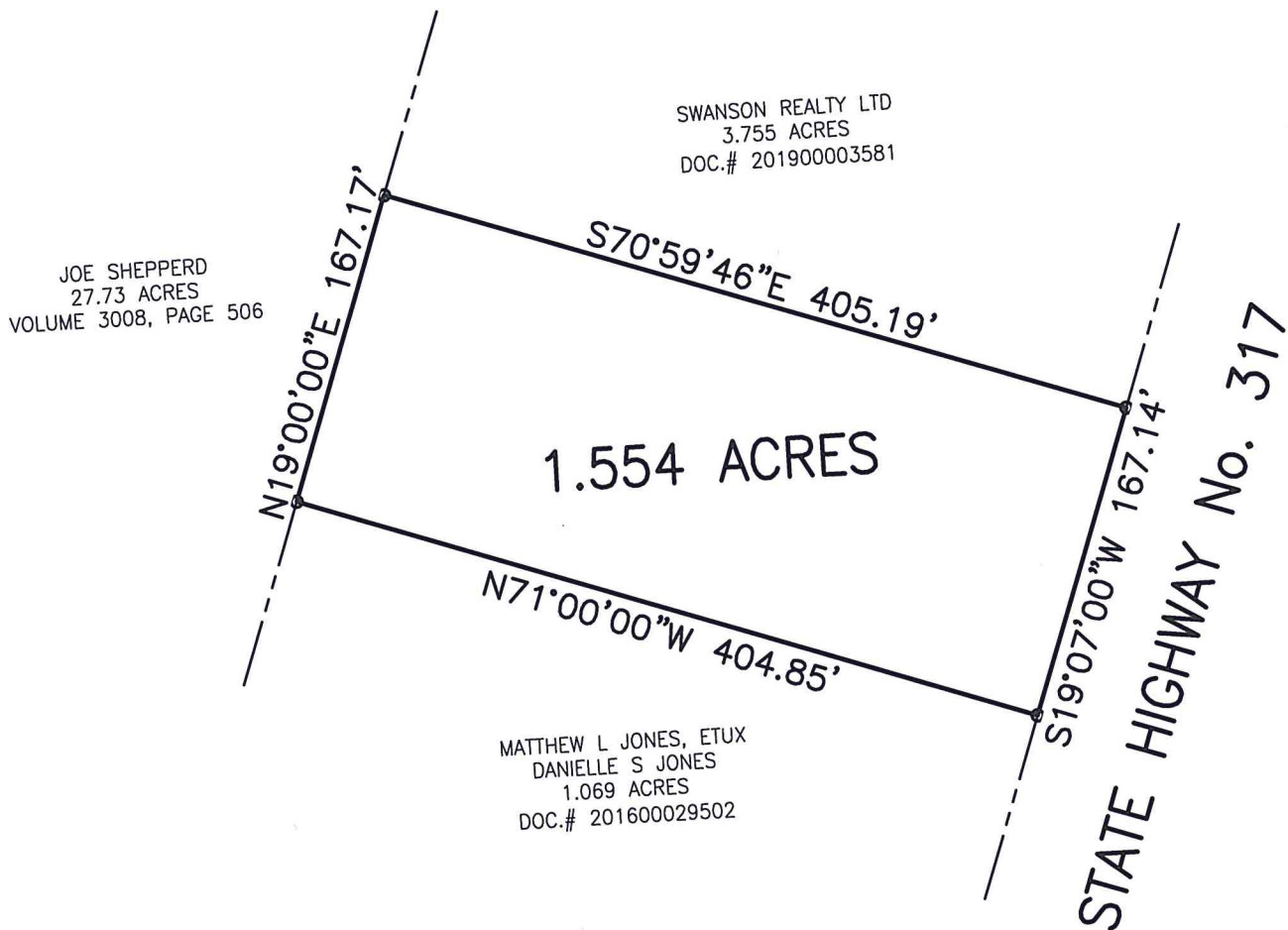
[Maps](#)

[Returned Property Notices](#)

[P&Z Excerpts \(April 1, 2019\)](#)

[Ordinance](#)

EXHIBIT A



THIS SURVEY WAS NOT BASED ON AN ON-THE-GROUND SURVEY. THIS SURVEY IS BASED ON PREVIOUS SURVEYS PROVIDED BY CLIENT AND DEEDS OF RECORD IN BELL COUNTY, TEXAS.

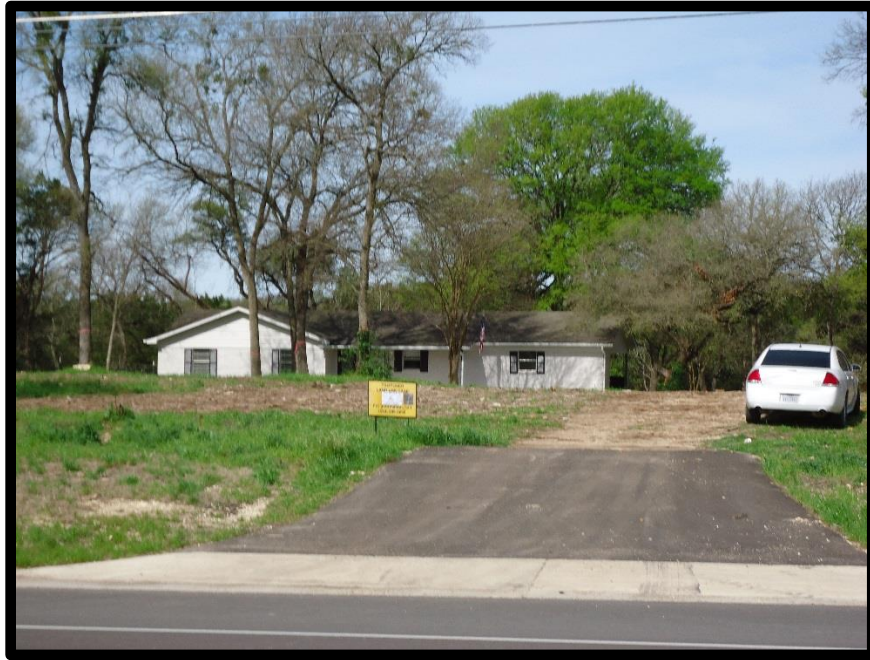


STATE OF TEXAS } KNOW ALL MEN BY THESE PRESENTS, that I Michael E. Alvis,
COUNTY OF BELL } a Registered Professional Land Surveyor in the State of Texas,
do hereby certify that this survey was this day made
on the ground of the property described herein and
is correct.

IN WITNESS THEREOF, my hand and seal, this the 4th day of March 2019.

Michael E. Alvis, R.P.L.S., No. 5402

Site & Surrounding Property Photos



Site: Unoccupied Single-Family Residential Uses on Acreage (AG)



North – Single-Family Residential Uses on Acreage (AG)



West – Aerial Image (Google Maps) (AG)
Property Boundary in RED is approximate
Primarily Undeveloped with Scattered Single-Family Residential Uses on Acreage



East – Undeveloped & Scattered Single-Family Residential Uses on Acreage (AG)



**East & South - Toward Poison Oak Intersection
Single-Family Residential Uses on Acreage (AG)**



South – Single-Family Residential Uses on Acreage (AG)

Tables

Permitted & Conditional Uses Table
Comparison between AG & GR

Use Type	Agricultural (AG)	General Retail (GR) Not Permitted in NS
Agricultural Uses	Farm, Ranch or Orchard	Farm, Ranch or Orchard
Residential Uses	Single Family Residence (Detached & Attached) Industrialized Housing Family or Group Home Home for the Aged (CUP)	Single Family Residence (Detached & Attached) Duplex Townhouse Industrialized Housing Family or Group Home Home for the Aged
Retail & Service Uses	None	Most Retail & Service Uses Alcoholic Beverage Sales, off-premise consumption, Package Store (CUP)
Office Uses	None	Offices
Commercial Uses	None	Plumbing Shop Upholstery Shop Kennel without Veterinary Hospital (CUP) Indoor Flea Market
Industrial Uses	Temporary Asphalt & Concrete Batching Plat (CUP)	Temporary Asphalt & Concrete Batching Plat (CUP) Laboratory, medical, dental, scientific or research Recycling collection location
Recreational Uses	None	Park or Playground Beer & Wine - On Premise Consumption < 75% from revenue All Alcohol - On Premise Consumption >75% from revenue (CUP)
Vehicle Service Uses	None	Auto Leasing, Rental Auto Sales - New & Used (Outside Lot) Car Wash Vehicle Servicing (Minor) Fuel Sales
Restaurant Uses	None	With & Without Drive-In
Overnight Accommodations	RV Park (CUP)	Hotel or Motel

Surrounding Property Uses

	<u>Surrounding Property & Uses</u>		
<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Suburban Commercial	AG	SF Residential Uses
North	Suburban Commercial	AG	Scattered SF Residential Uses
South	Suburban Commercial	AG & NS	Scattered SF Residential Uses
East	Suburban Commercial	AG	Scattered SF Residential Uses
West	Suburban Commercial	AG	Undeveloped

Comprehensive Plan Compliance

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use Map	YES
CP	Map 5.2 - Thoroughfare Plan	YES
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	YES
STP	Temple Trails Master Plan Map and Sidewalks Ordinance	YES
CP = Comprehensive Plan STP = Sidewalk and Trails Plan		

Dimensional Standards

	<u>Current (AG) Residential</u>	<u>Proposed (GR) Non-Res</u>
Minimum Lot Size	1 Acre	N/A
Minimum Lot Width	100 Feet	N/A
Minimum Lot Depth	150 Feet	N/A
Front Setback	50 Feet	15 Feet
Side Setback	15 Feet	10 Feet
Side Setback (corner)	15 Feet	10 Feet
Rear Setback	10 Feet	❖ 10 Feet
Max Building Height	3 Stories	3 Stories (2½ in NS)

- ❖ 10' rear setback (Non-residential use abuts a residential zoning district or use - UDC Section 4.4.4.F3)

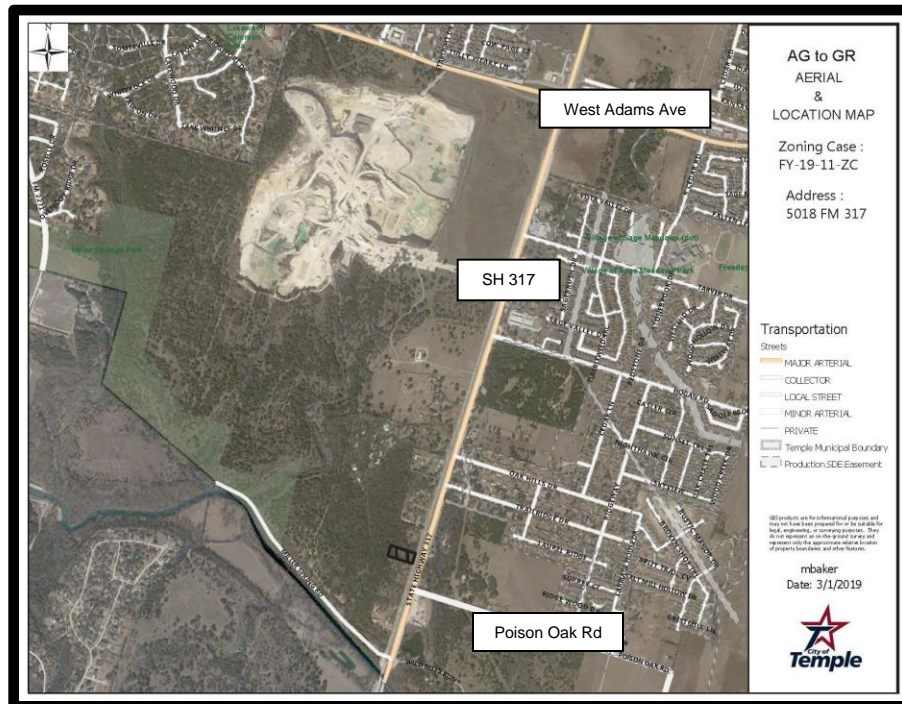
General provisions for buffering and screening for non-residential uses adjacent to residential uses are found in UDC Section 7.7, highlighted provisions include but not limited to:

- * Landscaping or solid fencing from 6 to 8 feet in height (UDC Section 7.7.4),
- * Refuse containers located in the side or rear of the property (UDC Section 7.7.6), and
- * Screened outdoor storage (UDC Section 7.7.8.B1).

**Traffic Count Information
Select - GR Permitted & Conditional Uses**

<u>Peak Hour Trip Rates Table (9th Ed. ITE Manual)</u>	
<u>Use</u>	<u>Peak Hour Trip Rate</u>
Single Family (Detached) Residence	1.00 (per Dwelling Unit)
Townhouse	0.52 (per Dwelling Unit)
Assisted Living Facility	0.22 (per Bed)
Congregate Care	0.17 (per Dwelling Unit)
General Office Building	1.49 (per 1,000 S.F.)
Hair Salon	1.93 (per 1,000 S.F.)
Gasoline Service Station / with Convenience Store & Fuel Pumps	13.51 (per Fueling Station)
Gasoline Service Station / Convenience Store / Fuel Pumps / Car Wash	13.94 (per Fueling Station)
Fast Food Restaurant (No Drive-Thru)	26.15 (per 1,000 S.F.)
Restaurant w/ Drive Thru	33.84 (per 1,000 S.F.)
Restaurant (Sit Down)	11.15 (per 1,000 S.F.)
Bank	12.13 (per 1,000 S.F.)
Variety Store	6.82 (per 1,000 S.F.)
Free Standing Discount Store	4.98 (per 1,000 S.F.)
Arts & Crafts Store	6.21 (per 1,000 S.F.)
Hotel	0.60 (per Room)
Motel	0.47 (per Room)
Bar (CUP)	11.34 (per 1,000 S.F.)

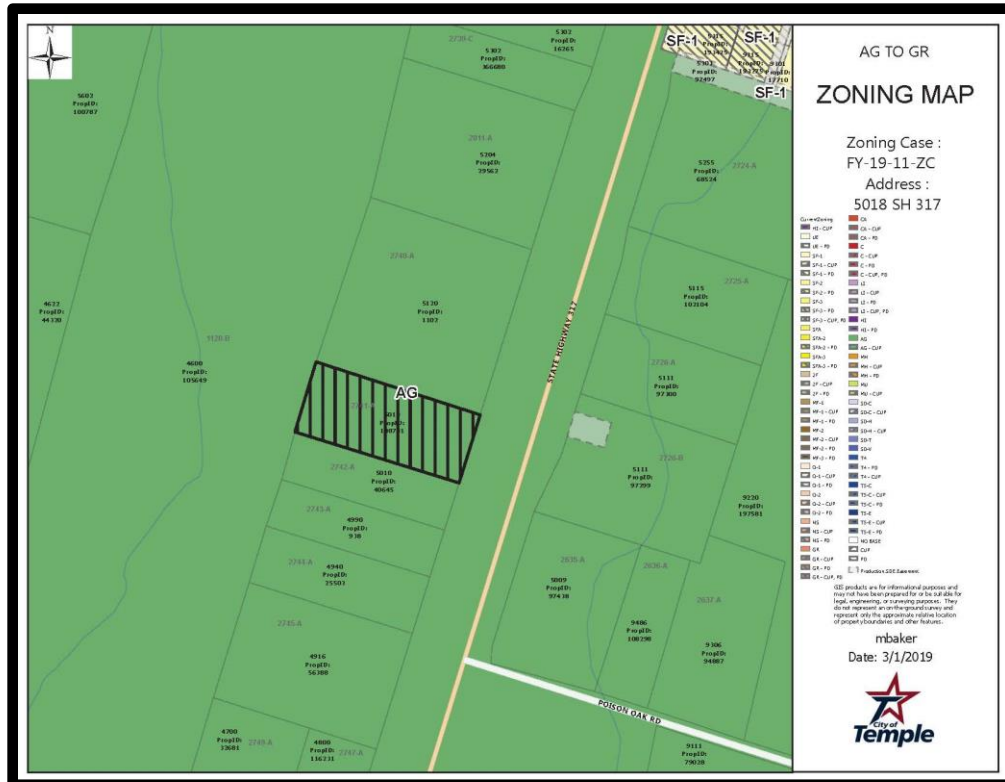
Maps



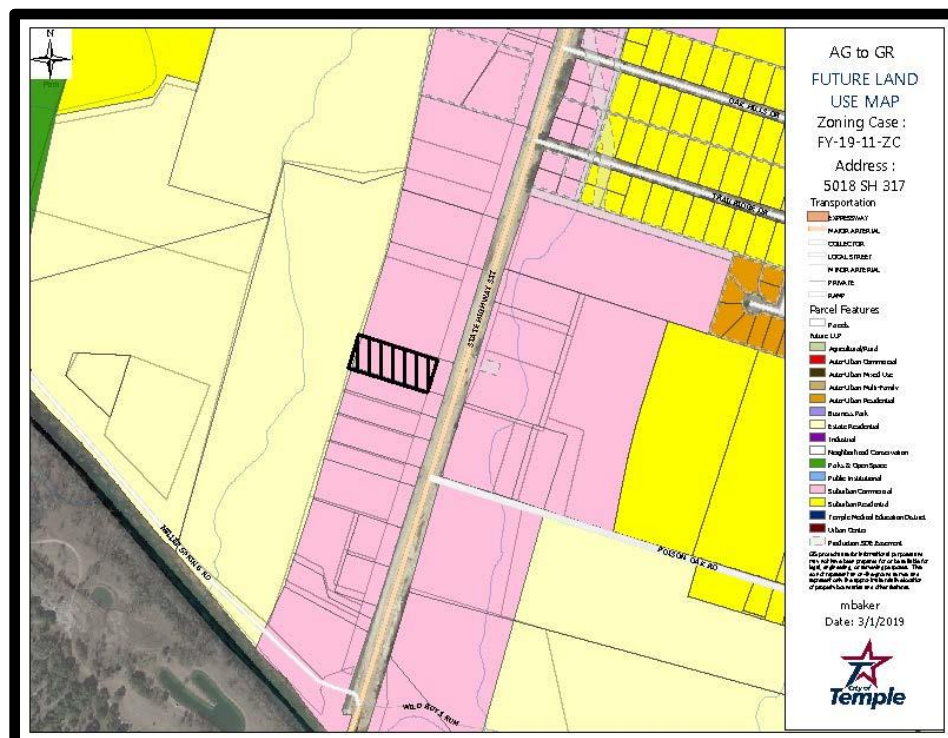
Aerial & Location Combination Map



Aerial Map (Zoomed-In with boundary in RED) – Temple GIS Maps



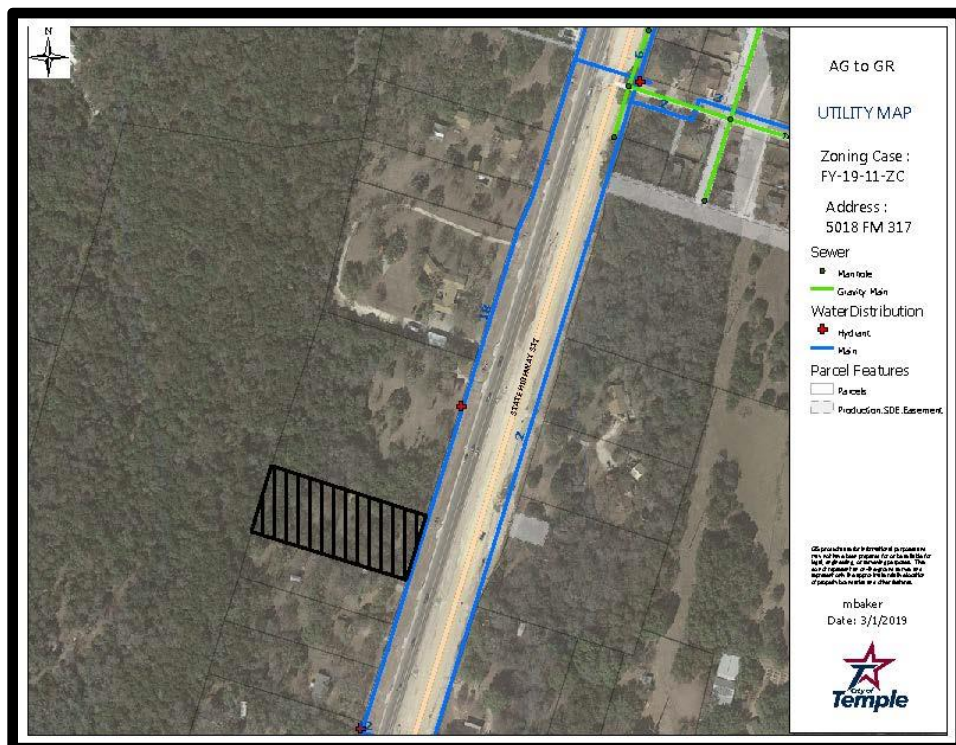
Zoning Map



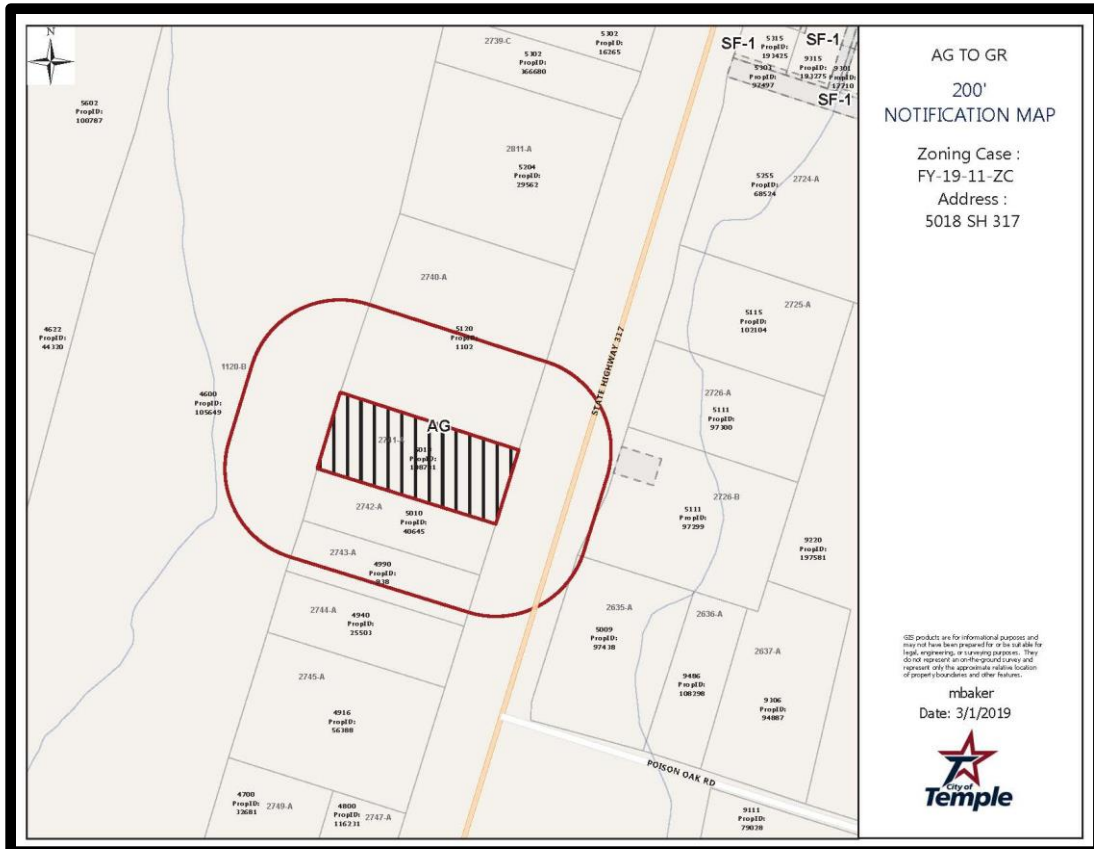
Future Land Use Map



Thoroughfare & Trails Map



Utility Map



Notification Map



**RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE**

1102
SWANSON REALTY LTD
P.O. BOX 21355
WACO, TX 76702

Zoning Application Number: FY-19-11-ZC

Case Manager: Mark Baker

Location: 5018 State Highway 317

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

I ☒ agree

() disagree with this request

Comments:

Signature

Print Name

Provide email and/or phone number if you want Staff to contact you (Optional)

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **April 1, 2019**.

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

RECEIVED

MAR 25 2019

**CITY OF TEMPLE
PLANNING & DEVELOPMENT**

Number of Notices Mailed: 8

Date Mailed: March 20, 2019

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



**RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE**

105649
SHEPPERD, JOE
4622 STATE HWY 317
BELTON, TX 76513

Zoning Application Number: FY-19-11-ZC

Case Manager: Mark Baker

Location: 5018 State Highway 317


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

I ☒ agree

() disagree with this request

Comments:

I would prefer not to have a car lot on this
tract, or an offensive use that would have a
detrimental effect.


Signature

Joe Shepperd
Print Name

joeshep@hri-tor.com

(Optional)

Provide email and/or phone number if you want Staff to contact you

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **April 1, 2019**.

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

RECEIVED
APR 01 2019
CITY OF TEMPLE
PLANNING & DEVELOPMENT

Number of Notices Mailed: 8

Date Mailed: March 20, 2019

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

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, APRIL 1, 2019**

ACTION ITEMS

Item 2: FY-19-11-ZC – Hold a public hearing to discuss and recommend action for a rezoning request from Agricultural (AG) zoning district to General Retail (GR) zoning district, on 1.554 +/- acres, situated in the J.J. Simmons, Survey Abstract No. 737, Bell County, Texas, addressed as 5018 State Highway 317.

Mr. Mark Baker, Principal Planner, stated this item is a rezoning request and scheduled to go to City Council for first reading on May 2, 2019 and second reading on May 16, 2019.

No user has been identified by the developer for use of the property.

A subdivision plat is required for any new construction but the change of use triggers compliance to parking requirements (a Remodel Permit).

Zoning map shown. Existing uses are primarily residential.

Future Land Use and Character Map designates the subject property as Suburban Commercial which is appropriate for retail and offices uses and supports general retail uses and zoning (GR) at this location.

Water is available through an 18-inch line located in State Highway 317. Sewer is available through an eight-inch line located approximately 1,000 feet north of the subject property. Any extension requirements will be addressed at the platting stage.

State Highway 317 is designated as a Major Arterial by the Thoroughfare Plan. The Texas Department of Transportation (TxDOT) improvements are completed and include a 10-foot sidewalk on the east side of State Highway 317.

There is an existing local connector trail.

On-site and area photos shown.

Surrounding properties include single family residential uses on acreage, zoned AG, to the north and south, and undeveloped land with scattered single-family residential uses on acreage, zoned AG, to the east.

Comparison use table for AG and GR shown.

Buffering and Screening Per UDC Section 7.7.4 – Buffering:

May consist of evergreen hedges composed of five-gallon plants or larger, with a planted height of six-feet on 36-inch centers

May consist of a six-foot to eight-foot high fence or wall, constructed by any number of allowed materials per UDC Section 7.7.5, such as:

Wood

Masonry

Stone or pre-cast concrete

Along the common boundary, continuous buffer and screening is required:

Between non-residential and an agricultural or residential zoning district or use

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

The request is in compliance with the Future Land Use and Character Map, Thoroughfare Plan, is compatible with surrounding uses and zoning, and public facilities are available to serve the site.

Staff recommends approval of the request for a rezoning from AG to GR.

Mr. Baker explained NS was discussed briefly with the applicant and Staff was comfortable with GR. The lot itself is too small to accommodate a lot of the GR uses, so the market would probably limit itself to certain uses and would not accommodate and meet the development standards.

Commissioner Fettig stated from the residents' comments they seem to be concerned about some of the GR uses that might go in if allowed and in some of the areas NS would be a better fit.

Information on whether additional lots would be brought in later was not available nor has any use or user been specified.

Mr. Baker believed the structures are currently occupied as single-family residential.

Mr. Baker also agreed that NS would still apply to a lot of the smaller retail applications. Commercial uses would not be allowed at all and went back to the comparison table to review uses.

Chair Langley opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Fettig made a motion to approve Item 2, FY-19-11-ZC, from AG to Neighborhood Service (NS), not GR), and Vice-Chair Ward made a second.

Motion passed: (8:0)

Commissioner Marshall absent.

ORDINANCE NO. 2019-4965
(FY-19-11-ZC)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL ZONING DISTRICT TO GENERAL RETAIL ZONING DISTRICT, ON APPROXIMATELY 1.554 ACRES, SITUATED IN THE J.J. SIMMONS SURVEY, ABSTRACT NO. 737, BELL COUNTY, TEXAS, ADDRESSED AS 5018 STATE HIGHWAY 317, TEMPLE, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

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

Part 2: The City Council approves of the rezoning from Agricultural zoning district to General Retail zoning district, on approximately 1.554 acres, situated in the J.J. Simmons, Survey Abstract No. 737, Bell County, Texas, addressed as 5018 State Highway 317, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

Part 3: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.

Part 4: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such phrase, clause, sentence, paragraph or section.

Part 5: This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

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

PASSED AND APPROVED on First Reading and Public Hearing on the **2nd** day of **May**, 2019.

PASSED AND APPROVED on Second Reading on the **16th** day of **May**, 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

05/16/19
Item #4(N)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Amanda Rice, Deputy City Attorney

ITEM DESCRIPTION: SECOND READING – FINAL HEARING – Consider adopting an ordinance amending City Code of Ordinances, Chapter 27, "Stormwater," to bring this chapter into compliance with the City's current Texas Commission on Environmental Quality (TCEQ) permits, simplify and clarify language and terms, and provide more effective enforcement tools.

STAFF RECOMMENDATION: Adopt ordinance on first reading as presented in the item description and conduct a public hearing. Second reading will be scheduled for May 16, 2019.

ITEM SUMMARY: In a continuing effort to review and update the City's Code of Ordinances, Staff is proposing amendments to Chapter 27, "Stormwater Management." The amendments include a general clean-up of the language and changes to formatting. For example, Staff suggests changing the formatting section of titles and the numbering of subsections to conform with that of other City Code Chapters and correcting minor spelling errors.

Other proposed amendments to Chapter 27 include:

- A change in title of the Chapter from "Storm Water Management" to "Stormwater."
- A deletion of the Table of Contents to make this Chapter consistent with other City Code chapters.
- Addition of a list of acronyms and consolidation of definitions placed at the beginning of the Chapter to aid the reader.
 - Currently acronyms and definitions are scattered throughout the Chapter.
- Deletion of defined words that are not used within the Chapter.
- Addition of and updates to definitions to reflect the following TCEQ permits:
 - Multi-Sector General Permit (TXR050000) - effective 8/14/16
 - Construction General Permit (TXR150000) - effective 3/5/18
 - General Permit for Phase II (Small) MS4s (TXR040000) - effective 1/24/19
- Renaming of the term "Stormwater Management Plan (SWMP)" that applied to construction contractors to "Post-Construction Management Plan."
 - This change is recommended to prevent confusion with the Stormwater Management Plan (SWMP) that the City is required to submit to TCEQ for the City's MS4 permit.
- Update of sections regulating large and small construction site requirements, including submittal requirements, to bring the Chapter into compliance with TCEQ Construction General Permit TXR150000.

- Addition of an administrative enforcement section in Article II. Stormwater Compliance for Construction Activity.
- Deletion of "Stormwater Management Plan Requirements."
 - These requirements would be placed in a separate guidance document called "Post-Construction Management Plan."
- Update of the Post-Construction Stormwater Runoff Control article to comply with General Permit for Phase II (Small) MS4s (TXR040000). This update includes requiring:
 - Post-construction management plans to include maintenance and repair plans for stormwater management facilities;
 - Parties responsible for stormwater management facilities to keep records of these facilities' maintenance and repairs and allow the City to inspect these records; and
 - Parties responsible for stormwater management facilities to regularly inspect these facilities and allow the City to inspect these facilities.
- Update of the General Prohibitions and Requirements section in the "Illicit Discharge Prevention" article in accordance with General Permit for Phase II (Small) MS4s (TXR040000).
 - Example: The current Chapter 27 provides for swimming pool water to be discharged if it is dechlorinated to a specific level and does not contain harmful quantities of a certain chemicals. The proposed change would allow swimming pool discharges that do not violate Texas Surface Water Quality Standards, which is consistent with TXR040000.
- Addition of a section regulating pesticides, herbicides, and fertilizers, which prohibits a person from violating federal and state laws and regulations governing these products or discarding, storing, or transporting these products in a manner that is likely to cause or does cause the product to enter the City's stormwater system or any other water source, including lakes and creeks.
- Addition of a section that prohibits illicit and unauthorized connections to the City's MS4.
- Addition of a section that lays out a notification procedure for people to follow when they release a hazardous substance into the public water or the City's MS4.
- Addition of a new division for Stormwater Discharges for Industrial Activity to meet requirements in Multi-Sector General Permit (TXR050000) and General Permit for Phase II (Small) MS4s (TXR040000).
- Addition of a new article titled "Enforcement" to meet requirements in Multi-Sector General Permit (TXR050000) and General Permit for Phase II (Small) MS4s (TXR040000). This article would include:
 - Administrative enforcement remedies
 - Criminal enforcement
 - Escalated scale of fines from \$250 for the first violation to a \$2000 maximum fine.
 - Civil Remedies
 - Authority to the City to seek civil penalties of up to \$5000 as well as all other legal and equitable remedies.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Current Chapter 27](#)

[Clean copy of amendments to Chapter 27](#)

[Ordinance](#)

Chapter 27

STORM WATER MANAGEMENT

ARTICLE I. EROSION AND SEDIMENTATION CONTROL

Sec. 27 -1. Intent.

During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of drainage ways, waterways, and watercourses. In addition, clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat.

As a result, the purpose of this local regulation is to safeguard persons, protect property, and prevent damage to the environment in the city. This ordinance will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any residential and non-residential subdivision development and applicable city projects or other activity that disturbs or breaks the topsoil or results in the movement of earth on land in the city.

Sec. 27-2. Lands to which this Article applies.

- (a) A person engaging in any development activity one acre or larger, within the city limits, shall prepare a storm water pollution prevention plan and submit information in conformance with this article, the Drainage Criteria Design Manual (DCDM) and Storm Water Best Management Practice Manual (SWBMPM), and applicable TCEQ requirements to the city engineer for approval. This article applies regardless of whether an owner is required to obtain a permit from the city to conduct such land disturbing or construction activity.
- (b) In determining if a project is five acre or larger, the City will consider whether or not the development is a part of a common plan. A construction activity is a part of a common plan if it is completed in separate stage, phases or in combination with other construction activities. Common plans are often, but not solely identified by plats, blueprints, contracts, zoning requests and building permits. Additionally, common plans may exist and erosion and sedimentation control may be required when there is more than one operator operating in one area which is larger than five acres, even though no single individual project is larger than five acres individually.
- (c) Lands under active agricultural use, as defined in the Use Table found in section 5.1.3 of the Temple Unified Development Code, are exempted from the requirements of this section until such time that construction or modification to the

exempted land begins so that the use of the land in whole or in part will change from agriculture to any other use. At that time, the land shall lose its exemption and become subject to the provisions of this article.

- (d) The owner of the property on which the activity occurs, in addition to the person engaging in development activity, is responsible for violations of this article. Both the owner and the person engaging in the development activity shall be accountable for any erosion of the property or construction site which results in accumulation of sediment in streets, alleys, any waterway or other private properties from construction activity. Any accumulation or deposit of soil material beyond the limits of the property or in city streets, alleys or drainage facilities in an amount sufficient to constitute a threat to public safety and comfort or adversely impacts storm water quality as determined by the city is declared a public nuisance and shall constitute a violation of this article.
- (e) The storm water pollution prevention requirements of this article shall apply to all land areas considered to be part of the development activity. Additionally, when land disturbing activity occurs on a development, all disturbed land areas related to the development shall have 70% vegetation established before final occupancy of structures located thereon or final acceptance of the subdivision may be obtained.
- (f) This article applies whether or not a building permit is required.

Sec. 27 -3. Definitions.

Best Management Practices (BMPs) are schedules of activities, prohibitions of practices, maintenance procedures, structural controls, local ordinances, and other management practices to prevent or reduce the discharge of pollutants. BMPs also include treatment requirements, operating procedures, and practices to control construction site runoff, spills or leaks, waste disposal, or drainage from raw material storage areas. [Reference: TPDES General Permit TXR150000].

Clearing is any activity that removes the vegetative surface cover. Vegetative cutting and mulching is exempted from this definition

City Engineer means the city engineer or his/her designee.

Drainage way is any creek, stream, channel, swale, or low lying area that conveys surface runoff throughout the site.

Erosion control is a measure that prevents erosion.

Grading is the excavation or fill of material, including the resulting conditions thereof.

Land disturbing activity means any activity, including but not limited to excavation, clearing, and grading, which disturbs the natural or improved vegetative ground cover so as to expose soil to the erosive forces of rain, storm water runoff or wind for residential and non-residential subdivisions and applicable city projects. Land disturbing activity does not include any vegetative cutting and mulching. All installations and maintenance of franchise utilities such as telephone, gas, electric, etc., shall be considered land disturbing activities.

Phasing is clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.

Sediment control is any measure that prevents eroded sediment from leaving the site.

Site is a parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

Stabilization is the use of practices that prevent exposed soil from eroding.

Start of construction is the first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

Watercourse is any body of water, including, but not limited to lakes, ponds, rivers, streams, and bodies of water delineated by the city

Waterway is a channel that directs surface runoff to a watercourse or to the public storm drain.

Sec. 27-4. City of Temple Drainage Criteria and Design Manual.

This article is cumulative of the regulations found in the City's DCDM and SWBMPM which describes in detail the technical procedures to be used to comply with the provisions contained in this article. Although the intention of the manuals are to establish uniform design practices, it neither replaces the need for engineering judgment nor precludes the use of information not presented. Other accepted engineering procedures may be used to conduct hydrologic and hydraulic studies if approved by the city engineer.

Sec. 27-5. Storm water pollution prevention measures required.

The Texas Commission on Environmental Quality (TCEQ) regulates storm water discharges from construction sites. Prior to initiating any development activity, a person shall review the state requirements to determine the current requirements. All TCEQ requirements for storm water protection from construction activity must be followed.

Sec. 27-6. Submittals to City Engineer.

- (a) Sites one acre or greater but less than five acres. For storm water discharges from construction activities one acre or greater but less than five acres into the city's storm drainage system, one copy of the Storm Water Pollution Prevention Plan (SWPPP) and one copy of the construction site notice must be submitted to the city engineer.
- (b) Sites five acres or greater. For storm water discharges from construction activities which disturb five acres or more into the city's storm drainage system, one copy of each: the NOI, the SWPPP and Construction Site Notice must be submitted to the city engineer.

Sec. 27-7. Storm Water Pollution Prevention Plan.

- (a) A SWPPP must be developed in accordance with the requirements of the general permit for all construction activity which disturbs one acre or more. The SWPPP must be prepared by or under the direction of a licensed professional engineer or a certified professional in erosion and sedimentation control (CPESC) indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.
- (b) Each person, including an owner, engaging in land disturbing or development activity shall implement and maintain the storm water pollution prevention measures shown on its approved storm water pollution prevention plan in order to minimize the erosion and the transport of silt, earth, topsoil, and other storm water pollutants by water runoff or construction activities, beyond the limits of the owner's site onto city streets, drainage easements, drainage facilities, storm drains of other city property prior to beginning any development activity.
- (c) A SWPPP required by this article shall clearly identify the property where land disturbing activity will take place, and the location of all storm water pollution prevention measures to be installed and maintained throughout the duration of the development for which that plan is submitted.
- (d) An erosion and sediment control plan is not required for the following:
 - 1. Areas under active agriculture use, as defined in the Use Table found in section 5.1.3 of the Temple Unified Development Code;
 - 2. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources; or
 - 3. Existing nursery and agricultural operations conducted as a main or accessory use;
 - 4. A legally permitted land fill operation; or
 - 5. Vegetative cutting and mulching.

Sec. 27-8. Development Compliance.

- (a) To obtain coverage under the general permit for storm water discharges from construction activities between one and five acres into the city's storm drainage system the following are required:
 - a. Prepare and implement the SWPPP;
 - b. Post Site Notice; and
 - c. Submit required copies to City Engineer, including Notice of Termination (NOT).
- (b) To obtain coverage under the general permit for storm water discharges from

construction activities five acres or more into the city's storm drainage system, the following is required:

- a. Prepare and implement the SWPPP;
 - b. Submit NOI to TCEQ;
 - c. Post NOI and Site Notice; and
 - d. Submit required copies to City Engineer, including Notice of Termination (NOT).
- (c) Phasing. When phasing is requested, the erosion plan in each phase must be established, reviewed and approved by city engineer prior to the start of any subsequent phase, and shall be allowed only when there are no outstanding storm water pollution prevention violations for the development for which the request is made.
- (d) Erosion Control Devices. In addition to the other requirements of this article, when construction or land disturbing activities are conducted as part of a development, the developer for such subdivision shall continue to maintain all temporary storm water pollution prevention devices until permanent erosion control has been established on all those lots within the subdivision for which a building permit has not been issued and at least 70 percent of the native background vegetative cover in unpaved areas, as determined by the city engineer, has been achieved.
- (e) Transfer of Property by Developer. If the developer sells all of the lots in a subdivision to one purchaser, that purchaser:
1. Becomes the developer for the subdivision; and
 2. Is liable for a violation of this article.

Sec. 27-9. Inspection.

- (a) The city engineer or designated agent shall make inspections as hereinafter required and either shall approve that portion of the work completed or shall notify the owner or developer wherein the work fails to comply with the SWPPP. To obtain inspections, the owner or developer shall notify the city engineer at least two working days before each of the following:
1. Installation of sediment and erosion measures; and
 2. Final acceptance of public infrastructure, or prior to issuance of certificate of occupancy dependent upon respective development stage.
- (b) The owner or developer shall make regular inspections of all control measures. The purpose of such inspections will be to determine the overall effectiveness of

the control plan and the need for additional control measures. All inspections shall be documented in written form and kept on file available for viewing upon request.

- (c) The city engineer or its designated agent may enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports filed under section (b). The filing of a SWPPP under this article shall be deemed consent by the property owner for such entry.

Sec. 27-10. Appeals and Enforcement.

- (a) *Stop-Work Order; Revocation of Permit* In the event that any person holding an approved SWPPP pursuant to this ordinance violates the terms of the permit or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the city may suspend or revoke the building or construction (for public infrastructure) permit.
- (b) *Appeals.* In the event the developer or builder does not agree with a decision of the city engineer, they may appeal to the director of public works. Appeals from the director's decision shall be automatically referred to the city manager for final decision, with due regard for the city engineer and public works directors recommendations. The city manager's decision shall be rendered as soon as possible and shall be final.
- (c) *Violations.* No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this ordinance. A person performing work on a development commits an offense if the person conducts a land-disturbing or construction activity, and:
 - 1. Has not developed and implemented a SWPPP in accordance with TCEQ requirements for the location of the development;
 - 2. Fails to install storm water pollution prevention devices or to maintain storm water pollution prevention devices throughout the duration of land disturbing activities, in compliance with the SWPPP for the location where the violation occurred;
 - 3. Fails to remove off-site sedimentation that is a direct result of land disturbing activities where such off-site sedimentation results from the failure to implement or maintain storm water pollution prevention devices as specified in an approved SWPPP for the location where the violation occurred;
 - 4. Allows sediment laden water to flow from a site without being treated through an storm water pollution prevention device;

5. Fails to maintain existing storm water pollution prevention devices, including replacement of existing grass or sod; or
6. Violates any provision of this section.

(d) *Penalties.* In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this ordinance shall be required to bear the expense of such restoration.

ARTICLE II. POST CONSTRUCTION STORM WATER RUNOFF CONTROL

Subchapter A. General Provisions

The purpose of this ordinance is to establish minimum storm water management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within the city. This ordinance seeks to meet that purpose through the following objectives:

1. Minimize increases in storm water runoff from any land disturbing activity in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;
2. Minimize increases in nonpoint source pollution caused by storm water runoff from land disturbing activity which would otherwise degrade local water quality;
3. Minimize the total annual volume of surface water runoff which flows from any specific site during and following land disturbing activity to not exceed the pre-land disturbing activity hydrologic regime to the maximum extent practicable; and
4. Reduce storm water runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through storm water management controls and to ensure that these management controls are properly maintained and pose no threat to public safety.

Sec. 27-11. Applicability.

This ordinance shall be applicable to all subdivisions, both residential and non-residential. The ordinance also applies to land disturbing activities that are smaller than the minimum applicability criteria if such activities are part of a larger common plan of development even though multiple separate and distinct land development activities may take place at different times on different schedules. In addition, all plans must be reviewed by the city engineer to ensure that established water quality standards will be maintained during and after land disturbing activity of the site and that post construction runoff levels are consistent with any local and regional watershed plans.

To prevent the adverse impacts of storm water runoff, the city has developed a set of performance standards that must be met at new development sites. These standards apply to any construction activity disturbing one (1) acre or more of land, except when land is situated on a CBZ. Standards found in Subchapter D apply to all land which is situated on a CBZ. The following activities may be exempt from these storm water performance criteria except for when situation on a CBZ:

1. Additions or modifications to existing single family structures; and
2. Repairs to any storm water treatment practice deemed necessary by the city.

When a development plan is submitted that qualifies as a redevelopment project as defined in section 27-4 of this ordinance, decisions on permitting and on-site storm water requirements shall be governed by special storm water sizing criteria found in Chapter 9, “Stormwater Best Management Practices ,” of the Drainage Criteria and Design Manual in effect at the time of redevelopment. This criteria is dependent on the amount of impervious area created by the redevelopment and its impact on water quality. Final authorization of all redevelopment projects will be determined after a review by the city.

In determining if a project is one (1) acre or larger, the city will consider whether or not the land disturbing activity is a part of a common plan. A construction activity is a part of a common plan if it is completed in separate stage, phases or in combination with other construction activities. Common plans are often, but not solely identified by plats, blueprints, contracts, zoning requests and building permits. Additionally, common plans may exist and erosion and sedimentation control may be required when there is more than one operator operating in an area which is larger than one acre, even though no single individual project is larger than one acre individually.

Sec. 27-12. Compatibility with other permit and ordinance requirements

This ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

Sec. 27-13. Definitions. For the purposes of this ordinance the following shall mean:

Applicant means a property owner or agent of a property owner who has filed an storm water management plan.

Best Management Practices (BMP) are all generally accepted methods of reducing storm water pollutants and can be found in Subchapter C of this Article.

Channel means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

Creek is a waterway having 64 acres or greater of contributing drainage areas.

Creek Buffer Zone (CBZ) is all property located on or adjacent to a natural, vegetated, earthen or grass lined creek, waterway, stream, or channel is hereby deemed to be within a CBZ and shall comply with the Drainage Criteria and Design Manual, Section 9 “Storm Water Best Management Practices.”

Crest of Slope includes waterway top of banks or highest point of natural waterway banks steeper than the ratio found in the Drainage Criteria and Design Manual, Section 9 “Storm Water Best Management Practices.”

Detention means the temporary storage of storm runoff in a storm water management practice with the goals of controlling peak discharge rates and providing gravity settling of pollutants.

Detention facility means a detention basin or alternative structure designed for the purpose of temporary storage of stream flow or surface runoff and gradual release of stored water at controlled rates.

Developer means a person who undertakes land disturbance activities.

Drainage Criteria and Design Manual (DCDM) is a manual containing all approved methods and design criteria for drainage and storm water control.

Drainage easement means a legal right granted by a landowner to a grantee allowing the use of private land for storm water management purposes.

Impervious cover means those surfaces that cannot effectively infiltrate rainfall (e.g., building rooftops, pavement, sidewalks, driveways, etc).

Infiltration means the process of percolating storm water into the subsoil.

Land disturbing activity means any activity, including but not limited to excavation, clearing, and grading, which disturbs the natural or improved vegetative ground cover so as to expose soil to the erosive forces of rain, storm water runoff or wind for residential and non-residential subdivisions and applicable city projects. Land disturbing activity does not include any vegetative cutting and mulching. All installations and maintenance of franchise utilities such as telephone, gas, electric, etc., shall be considered land disturbing activities.

Landowner means the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

Lowest point in waterway bed means the physical lowest grade elevation at a given cross section of waterway at the point of interest. (Licensed professional engineers may consider lowest point to be a projected line between grade control check points upstream and downstream of the point of interest. Grade control check points generally occur at small dams, concrete enclosed utility crossings, piped or boxed culverts or bridges with armored waterway beds.)

Maintenance agreement means a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of storm water management practices.

Occupied Structures include but are not limited to, residences and places of business such as houses, apartments, businesses, schools, and churches.

Off-site facility means a storm water management measure located outside the subject property boundary.

On-site facility means a storm water management measure located within the subject property boundary.

Private Amenities include but are not limited to, fencing, landscaping, and irrigation systems.

Private Amenity Structures include but are not limited to, detached garages, sheds, swimming pools, retaining walls, decks and recreational courts or other similar structures.

Redevelopment means any construction, alteration or improvement exceeding one (1) acre in area where existing land use is high density commercial, industrial, institutional or multi-family and single family residential.

Stop work order means an order issued which requires that all construction activity on a site be stopped.

Storm water management means the use of structural or non-structural practices that are designed to reduce storm water runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.

Storm water management facility is any facility that is built to control storm water runoff in order to comply with the Best Management Practices herein.

Storm water runoff means flow on the surface of the ground, resulting from precipitation.

Watercourse means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

Waterway is any channel that directs surface runoff to a watercourse or to the public storm drain. This includes natural and manmade creeks, streams, swales and channels.

Subchapter B. Requirements for Storm Water Management Plan Approval

Sec. 27-14. Storm water management plan.

(a) A storm water management plan is required for all land disturbing activities which disturb one (1) acre or more of land, and any time land is situated on a CBZ.

(b) No application for a construction, building or other development permit will be approved unless it includes a storm water management plan (“SWMP”) detailing how runoff and associated water quality impacts resulting from the land disturbing activity will be controlled or managed.

(c) This plan must meet the submittal requirements outlined in the submittal checklist found in section 27-6 (b) of this chapter, be sealed by a professional engineer and must indicate whether storm water will be managed on-site or off-site. If on-site, the plan must include the specific location and type of practices in order to receive consideration for BMP credit.

(d) The SWMP shall be developed and coordinated with the drainage plan and may be shown on the same sheet if applicable. It shall also be coordinated with the landscaping plan to prevent conflicts and assure compatible land use, if landscaping is a selected and approved BMP.

(e) No building, construction, or other development permit shall be issued until a SWMP has undergone a review and been approved by the city after determining that the plan is consistent with the requirements of this ordinance.

Sec. 27-15. Storm water management plan requirements.

(a) A SWMP shall be required with construction and building permit applications and will include sufficient information to evaluate the environmental characteristics of the project site, the potential impacts of all proposed land disturbing activity of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing storm water generated at the project site. The intent of this is to determine the type of storm water management measures necessary for the proposed project, and ensure adequate planning for management of storm water runoff from future land disturbing activity.

(b) The following information, in addition to all requirements found within DCDM, Section 9, “Storm Water Best Practices,” shall be included in the SWMP:

1. Plan. A map (or maps) and a written description of the SWMP and justification of proposed changes in natural conditions may also be required.
2. Engineer Analysis. Sufficient engineering analysis to show that the proposed storm water management measures are capable of controlling runoff from the site in compliance with this ordinance and the specifications found within DCDM, Section 9, “Storm Water Best Practices.”
3. Inventory. A written or graphic inventory, as described in DCDM, Section 9, “Storm Water Best Practices” of the natural resources at the site and surrounding area as it exists prior to the commencement of the project and a description of the watershed and its relation to the project site.
4. Maintenance and Repair Plan. The design and planning of all storm water management facilities shall include detailed maintenance and repair procedures to ensure their continued function. These plans will identify the parts or components of a storm water management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures, which meet all specification found in DCDM, Section 9, “Storm Water Best Practices,” shall be included in the plan.
5. Maintenance easements. Except for CBZs, the applicant must ensure access to all storm water BMPs at the site for the purpose of inspection and repair by securing all the maintenance easements needed on a permanent basis. These easements will be recorded with the plan and will remain in effect even with transfer of title to the property.
6. Maintenance agreement. The applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by an on-site storm water management measure in accordance with the specifications of this ordinance.
7. Maintenance by city. At its sole discretion the city may agree to accept a development’s storm water management facility as a public improvement and maintain it as such. This agreement may be reached in lieu of a maintenance agreement. This section in no way guarantees the city’s acceptance of any BMP as a public improvement.

The city may also require a concept plan to consider the maximum development potential of a site under existing zoning, regardless of whether the applicant presently intends to develop the site to its maximum potential.

(c) For land disturbing activity occurring on a previously developed site, an applicant shall be required to include within the SWMP measures for controlling existing storm water runoff discharges from the site in accordance with the standards of this ordinance to the maximum extent practicable.

Subchapter C. Basic Storm Water Management Design Criteria.

Sec. 27-16. Potential pollutants from land disturbing activity.

Potential storm water pollutants from land disturbing activity may consist of but are not limited to the following:

1. Total suspended solids
2. Increased temperature
3. Oil and grease
4. Floatables (trash)
5. Nutrients (fertilizers)
6. Bacteria
7. Metals
8. Pesticides
9. Sediment (soil due to erosion)

Sec. 27-17. Best Management Practices (BMPs).

It is the responsibility of the engineer to design BMPs that address site-specific conditions using the appropriate design criteria found in this code as well as the DCDM, Section 9, “Storm Water Best Practices.”).

Sec. 27-18. Required permanent BMP. To preserve the existing natural resources in Temple and promote sustainable development, demonstration of compliance with the following permanent BMPs, where applicable, are required in the SWMP of all land disturbing activities.

1. Site Layout — Each SWMP is required to show the site layout as well as the placement of the selected BMPs.
2. Creek Buffer Zone – All property located on or adjacent to a natural, vegetated, earthen or grass lined creek, waterway, stream, or channel is hereby deemed to be within a CBZ. When a property is located within a CBZ developer, builder or owner must comply with the techniques found in the

DCCDM, Section 9, “Storm Water Best Practices.”.

Sec. 27-19. Additional BMP Credit Point Requirements.

In addition to the required BMPs, the following number of BMPs shall be provided based on the size of the project:

Table 1 Additional BMP Credit Point Requirements

<u>Non-Residential</u>	
	<i>Number of additional BMP Credits required</i>
1 acre ≤ Disturbed Area < 5 acres	1
5 acres ≤ Disturbed Area < 10 acres	2
10 acres ≤ Disturbed Area < 20 acres	3
≥ 20 acres	4

<u>Residential</u>	
	<i>Number of additional BMP Credits required</i>
1 acre ≤ Disturbed Area < 5 acres	1
5 acres ≤ Disturbed Area < 20 acres	2
≥ 20 acres	3

Sec. 27-20. Factors to be considered.

The following are example of factors that should be considered when evaluating and selecting BMPs for a land disturbing activity:

1. Effect of the land disturbing activity on runoff volumes and rates
2. Potential pollutants from the land disturbing activity
3. Percent of site treated by each BMP
4. Effectiveness of the BMP on potential pollutants from the land disturbing activity
5. Natural resources on the site
6. Configuration of site, including existing waterways

Sec. 27-21. Additional BMPs.

The following items are acceptable permanent BMPs to be utilized when meeting Table 1 additional BMP requirements based on the size of the land disturbing activity and complying the DCDM, Section 9, “Storm Water Best Practices:”

1. Vegetated swales.
2. Vegetated filter strips.
3. Permeable and semi-pervious pavement.
4. Discharge of roof drains to pervious surface.
5. Extended Detention Basins for Storm Water Quality Benefits.
6. Retention ponds.
7. Detention Pond Outlet for Erosion Protection and Storm Water Quantity Benefits.
8. Subsurface treatment devices.

9. Landscaping.
10. Cluster design.
11. Preservation of existing tree canopy.
12. Other BMPs. Other BMPs and innovative designs will be considered when submitted to the city engineer with supporting calculations and references.

Sec. 27-22. Maintenance agreements.

All privately owned storm water treatment practices shall have an enforceable operation and maintenance agreement to ensure the system functions as designed. This agreement shall be between the city and the Home Owners Association or the city and the individual land owner and will include any and all maintenance easements required to access and inspect the storm water treatment practices, and to perform routine maintenance as necessary to ensure proper functioning of the storm water treatment practice. In addition, a legally binding covenant specifying the parties responsible for the proper maintenance of all storm water treatment practices shall be secured prior to issuance of any permits for land disturbance activities. If the city, in its sole discretion chooses, to accept the storm water management facility as a public improvement no maintenance agreement will be necessary.

Subchapter D. Creek Buffer Zones.

Sec. 27-23. Establishment.

All property located on or adjacent to a natural, vegetated, earthen or grass lined creek, waterway, stream, or channel is hereby deemed to be within a CBZ and shall comply with the DCDM, Section 9, "Storm Water Best Practices."

Sec. 27-24. Design Standards.

CBZs must be designed and designated by the requirements and standards found in this chapter and the DCDM, Section 9, "Storm Water Best Practices."

Sec. 27-25. Designation Requirements.

- (a) Preliminary plats, final plats, plans, construction and building permit applications must clearly show the limits of CBZs based on criteria in this chapter.
- (b) The limits must be indicated by dashed lines and labeled "Creek Buffer Zone."
- (c) CBZ designation may be combined with other lines in cases where erosion hazard zone lines coincide with flood plain limits or other public utility easements, such as drainage easements.

(d) Properties next to natural or constructed channels with a minimum of the ratio found in the DCDM, Section 9, “Storm Water Best Practices” or flatter side slopes are not required to comply with these erosion hazard zone criteria unless, in the opinion of a licensed professional engineer, erosion hazard zone delineation is warranted. CBZs may not apply to waterways that have been engineered to convey a 1% chance storm (100-year frequency storm) and to withstand erosive forces or that have been adequately stabilized by manmade construction materials such as concrete rip-rap and concrete retaining walls. Wood timbers ties shall not be considered to adequately stabilize waterways due to their relatively short life span of service.

Sec. 27-26. Exception Process.

(a) It is the expressed intent of this chapter that all sections and parts should be complied with except in those instances when the provisions of this section are not applicable. It is further the intent of this chapter that the granting of an exception shall not be a substitute for the amending of this chapter.

(b) The city engineer may recommend to the city council an exception from these regulations be granted when, in its opinion, undue hardship will result from requiring strict compliance. In considering, recommending and granting an exception, either the city council shall prescribe such conditions that it deems necessary or desirable in the public interest.

In making the findings required in subsection (c) below, the city council would consider the nature of the proposed use of the land involved, existing uses of land in the vicinity, and the probable effect of such exception and upon the public health, safety, convenience and welfare in the vicinity.

(c) No exception shall be granted unless the city council finds:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of his land; and
2. That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.

(d) Such findings of the city council, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the meeting at which such exception is recommended and granted.

(e) Exceptions may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare may be secured and substantial justice served.

(f) The city engineer as well as the Development Standards Advisory Board may recommend to council changes to amend the DCDM, Section 9, “Storm Water Best Practices.”

Sec. 27-27. Licensed Professional Engineer’s Responsibilities.

(a) It is the developer or land owner’s licensed professional engineer’s responsibility to adhere to these criteria when preparing preliminary plats, plans or building permit applications.

(b) The licensed professional engineer shall recognize these criteria as the minimum standards such that unique or site specific geological, topographical, or other factors may require detailed study during design. Adjustments from these minimum standards are allowed based on the findings from engineering analysis and engineering judgment.

(c) It is the licensed professional engineer’s responsibility for determining and providing CBZs delineation on preliminary plats, final plats, plans, construction and building permit applications based on engineering judgment and best practices.

Subchapter E. Construction Inspection of Storm Water Facilities.

Sec. 27-28. Inspection.

Storm water facility inspections shall comply with all requirements found within DCDM, Section 9, “Storm Water Best Practices” and the following:

(b) The city engineer or designated agent may make inspections as hereinafter described and either shall approve that portion of the work completed or shall notify the landowner or agent wherein the work fails to comply with the SWMP as approved. To obtain inspections, the landowner applicant or developer shall notify the city engineer at least two working days before the following:

3. Start of construction;
4. Installation of post construction; and
5. Final acceptance of public infrastructure, or prior to issuance of certificate of occupancy dependent upon respective development stage.

(d) For all privately owned and maintained storm water maintenance facilities the landowner or agent shall make regular inspections of all BMPs. The purpose of such inspections will be to determine the overall effectiveness of the SWMP and the need for additional control measures. All inspections shall be documented in written form and kept on file available for viewing upon request.

- (e) The city engineer or its designated agent may enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports filed under section (b).

Subchapter F. Maintenance and repair of Storm Water Facilities.

Sec. 27-29. Maintenance easement.

Prior to the final plat or issuance of a building or construction permit, whichever comes first, the applicant, owner, or developer of the site must execute a maintenance easement that shall be binding on all subsequent owners of land served by the storm water management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the city, or their contractor or agent, and for regular or special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this ordinance. The easement shall be recorded in the land records.

Sec. 27- 30. Maintenance covenants.

(a) Maintenance of all storm water management facilities shall be ensured through the creation of a formal maintenance covenant that must be approved by the city and recorded into the land record prior to final plat, or building or construction permit approval, whichever comes first. As part of the covenant, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the storm water management facility. The covenant shall also include plans for periodic inspections to ensure proper performance of the facility between scheduled cleanouts.

(b) The city, at its sole discretion, in lieu of a maintenance covenant, may accept dedication of any existing or future storm water management facility for maintenance, provided such facility meets all the requirements of this chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

Sec. 27-31. Minimum inspection requirements for all storm water maintenance facilities.

All storm water management facilities must undergo, at a minimum, an annual inspection to document maintenance and repair needs and ensure compliance with the requirements of this ordinance. Repair and maintenance needs may include; removal of silt, litter and other debris from all catch basins, inlets and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation. Any maintenance needs found must be addressed in a timely manner, as determined by the city, and the inspection and maintenance requirement may be increased as deemed necessary to ensure proper functioning of the storm water management facility.

Sec. 27-32. Inspection programs for storm water facilities.

Inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the NPDES storm water permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other storm water treatment practices.

Sec. 27-33. Right-of-entry for inspection.

When any new drainage control facility is installed on private property, or when any new connection is made between private property and a public drainage control system, sanitary sewer or combined sewer, the property owner shall grant to the city the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this ordinance is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this ordinance.

Sec. 27-34. Records of installation and maintenance activities.

Parties responsible for the operation and maintenance of a storm water management facility shall make records of the installation and of all maintenance and repairs, and shall retain the records for at least five (5) years. These records shall be made available to the city during inspection of the facility and at other reasonable times upon request.

Subchapter G. Enforcement and Penalties.

Sec. 27-35. Failure to maintain storm water maintenance facilities.

If a responsible party fails or refuses to meet the requirements of the maintenance covenant, the city, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the storm water management facility becomes a danger to public safety or public health, the city shall notify the party responsible for maintenance of the storm water management facility in writing. Upon receipt of that notice, the responsible person shall have 30 days to affect maintenance and repair of the facility in an approved manner. After proper notice, the city may assess the owner(s) of the facility for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property.

Sec. 27-36. Violations.

Any land disturbing activity that is commenced or is conducted contrary to this ordinance, may be restrained by injunction or otherwise abated in a manner provided by law, including the City or its agent undertaking the necessary maintenance or abatement and assessing the cost of the work as a lien upon the property.

Sec. 27-37. Notice of violation.

When the city determines that an activity is not being carried out in accordance with the requirements of this ordinance, it shall issue a written notice of violation to the owner of the property. The notice of violation shall contain:

1. The name and address of the owner or applicant;
2. The address when available or a description of the building, structure or land upon which the violation is occurring;
3. A statement specifying the nature of the violation;
4. A description of the remedial measures necessary to bring the land disturbing activity into compliance with this ordinance and a time schedule for the completion of such remedial action;
5. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and
6. A statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within fifteen (15) days of service of notice of violation.

Sec. 27-38. Stop work orders.

In the event that any person holding an approved SWMP pursuant to this ordinance violates the terms of the permit or implements land disturbing activity in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the city may suspend or revoke the building or construction (for public infrastructure) permit.

Sec. 27-39. Appeals.

In the event the developer or builder does not agree with a decision of the city engineer, they may appeal to the director of public works. Appeals from the director's decision shall be automatically referred to the city manager for final decision, with due regard for the city engineer and public works directors recommendations. The city manager's decision shall be rendered as soon as possible and shall be final.

ARTICLE III. ELICIT DISCHARGE PREVENTION

Subchapter A. General Provisions.

Sec. 27-40. Purpose.

The purpose of this Article is to protect the public health, safety, environment and general welfare through the regulation of non-storm water discharges to City's municipal separate storm sewer system (MS4) to the maximum extent practicable as required by Federal and State law. This Article establishes methods for controlling the introduction of pollutants into the City's MS4 in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit and the Texas Pollutant Discharge Elimination System (TPDES) permit processes. The objectives of this ordinance are to:

- (a) Regulate the contribution of pollutants or contaminants to the City's MS4 or the waters in the State or U.S. by any person;
- (b) Prohibit illicit discharges and illegal connections to City's MS4;
- (c) Prevent non-storm water discharges, generated as a result of spills, releases, inappropriate dumping or disposal, to City's MS4;
- (d) Protect and preserve the functionality of water courses and ways located within the City; and,
- (e) To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this Article.

Sec. 27-41. Applicability.

The provisions of this Article shall apply to all water or substances entering the MS4 generated on any developed or undeveloped lands throughout the corporate limits of the City unless specifically exempted by this Article.

Sec. 27-42. Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Article, shall have the meanings hereinafter designated. Additionally, all references to any Federal or State regulation or act shall refer to the current regulation or act and any amendments thereto.

Agricultural storm water runoff. Any storm water or tail water runoff from orchards, cultivated crops, pastures, range lands, forest lands, and other non-point source agricultural activities, but not discharges from concentrated animal feeding operations as defined in 40 Code of Federal Regulations (C.F.R.) § 122.23 or discharges from concentrated aquatic animal production facilities as defined in 40 C.F.R. § 122.24.

Best management practices (BMPs). Best management practices include schedules of activities, prohibitions of practices, maintenance or monitoring procedures, structural controls, and other management practices to prevent or reduce the discharge of pollutants or contaminants into the City's MS4, the waters in the State or U.S. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, discharge or release, spillage or leaks, sludge or waste disposal, or drainage from raw material storage areas.

Contamination. The presence of, or entry into a public water supply system, the MS4 or waters in the State or U.S. of any substance, including pollutants, which may be deleterious to the public health and/or the quality of the water.

Contaminant. Any substance deleterious to the public health and/or the quality of the water.

Conveyance. Curbs, gutters, natural and human-made or altered drainage channels or ditches, drains, pipes, and other constructed features designed or used for flood control or to otherwise transport storm water runoff.

Director. The Director of Public Works or his/her duly authorized representative or designee.

Domestic sewage. Waste and wastewater from humans or household operations that is discharged to a wastewater collection system or otherwise enters a treatment works.

Extremely hazardous substance. Any substance listed in the Appendices to 40 C.F.R. Part 355, Emergency Planning and Notification.

Fire protection water. Any water, and any substances or materials contained therein, used by any person other than the Fire Department to control or extinguish a fire.

Garbage. Waste consisting of putrescible animal and vegetable waste materials resulting from the handling, preparation, cooking, and consumption of food, including waste materials from markets, storage facilities, handling, and sale of produce and other food products.

Harmful quantity. The amount of hazardous substance the discharge or spill of which is determined to be harmful to the environment or public health or welfare or may reasonably be anticipated to present an imminent and substantial danger to the public health or welfare by federal law and by the state law.

Hazardous household waste (HHW). Any waste generated in a household (including single and multiple residences, hotels and motels, bunk houses, ranger stations, crew quarters, campgrounds, picnic grounds, and day use recreational areas) by a consumer which, except for the exclusion provided in 40 C.F.R. § 261.4(b)(1), would be classified as a hazardous waste under 40 C.F.R. Part 261.

Hazardous substance. A material where either of the following conditions are met:

- (a) the elements, compounds, and hazardous wastes are listed in Table 302.4 of 40 C.F.R. Part 302; or
- (b) a solid waste, as defined in 40 C.F.R. § 261.2, which is not excluded from regulation as a hazardous waste under 40 C.F.R. § 261.4(b), if it exhibits any of the characteristics identified in 40 C.F.R. § 261.20 through § 261.24 (e.g., ignitability, corrosivity, reactivity, or toxicity).

Hazardous waste. Any waste identified or listed as a hazardous waste by the EPA under the Federal Solid Waste Disposal Act, as amended by Resource Conservation and Recovery Act (RCRA), 40 U.S.C. §§ 6901 et seq., or the Texas Solid Waste Disposal Act, Texas Health and Safety Code, Article 361 et seq.

Hazardous waste treatment, disposal, and recovery facility. All land, and structures, other appurtenances and improvements on the land, used for the treatment, disposal, or recovery of hazardous waste.

Illegal connection. Any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the MS4 including, without limitation, any conveyances which allow any non-storm water discharge including sewage, processed wastewater or wash water to enter the MS4.

Illicit discharge. Any discharge to the MS4 that is not entirely composed of storm water, except discharges pursuant to this Article, State or Federal law and discharges resulting from emergency fire fighting activities.

Industrial. Activities including manufacturing, processing, material storage, and waste material disposal (and similar activities where storm water can contact industrial waste) at an industrial facility described by the TPDES Multi Sector General Permit, TXR050000, or by another TCEQ or TPDES permit.

Industrial waste. Any waterborne liquid or solid waste or substance that results from any process of industry, manufacturing, mining, production, trade or business as more specifically defined in 40 C.F.R. 122.26 (b)(14).

Maximum extent practicable (MEP). The technology-based discharge standard for municipal separate storm sewer systems to reduce pollutants in storm water discharges that was established by the Federal Clean Water Act § 402(p). A discussion of MEP as it applies to the MS4 is found at 40 C.F.R. § 122.34.

Municipal separate storm sewer system (MS4). A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, inlets, gutters, ditches, natural and human-made or altered drainage channels, or storm drains) owned or operated by the City and designed or used for collecting or conveying storm water, and which is not used for collecting or conveying sewage and which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 C.F.R. § 122.2.

NPDES Permit. A permit issued by EPA that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable to an individual, group or generally on an area-wide basis.

Non-point source. Any source of any discharge of a pollutant that is not a point source.

Notice of Intent (NOI). A written submission to the Executive Director of the TCEQ from an applicant requesting coverage under a general permit issued by the TCEQ. Each NOI shall also be submitted to the appropriate MS4 operator receiving the permitted discharge.

Notice of Change (NOC). A written notification to the Executive Director of the TCEQ from a permittee authorized under a general permit issued by the TCEQ providing

changes to information that was previously provided in a notice of intent. Each NOC shall also be submitted to the appropriate MS4 operator receiving the permitted discharge.

Notice of Termination (NOT). A written submission to the Executive Director of the TCEQ from a permittee authorized under a general permit issued by the TCEQ seeking to terminate such permit coverage. Each NOT shall also be submitted to the appropriate MS4 operator receiving the permitted discharge.

Oil. Oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure, sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include used oil, petroleum product, or oil designated as a hazardous substance in 40 C.F.R. § 302.4.

Operator. An entity or individual who meets one of the following conditions:

- (a) the person or persons associated with a large or small construction activity that meets either of the following two criteria: (1) the person or entity having operational control over construction plans and specifications to the extent necessary to meet the requirements and conditions of a NPDES or TPDES permit; or (2) the person or entity having day-to-day operational control of those activities at a construction site that are necessary to ensure compliance with a Storm Water Pollution Prevention Plan (SWPPP) for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWPPP or comply with other NPDES or TPDES permit conditions); or
- (b) the owner, person or entity that is responsible for the management of an industrial facility subject to the provisions of a NPDES or TPDES permit.

Petroleum product. A petroleum substance obtained from distilling and processing crude oil and that is liquid at standard conditions of temperature and pressure, and that is capable of being used as a fuel for the propulsion of a motor vehicle or aircraft, including but not limited to motor gasoline, gasohol, other alcohol blended fuels, aviation gasoline, kerosene, distillate fuel oil, and #1 and #2 diesel. The term does not include naphtha-type jet fuel, kerosene-type jet fuel, or a petroleum product destined for use in chemical manufacturing or feedstock of that manufacturing.

Petroleum storage tank (PST). Any one or combination of aboveground or underground storage tanks that contain petroleum products and any connecting underground pipes.

Point source. Any discernable, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container,

rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff (40 CFR 122.22).

Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; motor oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; noxious or offensive matter of any kind; biochemical oxygen demand (BOD); sediment or a parameter that addresses sediment (such as total suspended solids, turbidity, or siltation); oil and grease; and any pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the MS4 (40 CFR 122.32(e)(3)). The term “pollutant” does not include tail water or rainwater runoff from cultivated or uncultivated rangeland, pastureland and farmland.

Pollution. The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the State or U.S. that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to public health, safety, or welfare, or impairs the usefulness of the public enjoyment of the water for any lawful or reasonable purpose.

Premises. Any site and/or facility, as defined under this Article, or building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips, owned or operated by a person from which there has been, is or may be a discharge.

Release. Any spilling, leaking, pumping, pouring, emitting, emptying, injecting, escaping, leaching, dumping, or disposing of a pollutant or contaminant into the MS4 or water in the State or U.S.

Reportable quantity (RQ). For any “hazardous substance,” the quantity established and listed in Table 302.4 of 40 C.F.R. Part 302 (except for any discharge into water in the State where the Final RQ threshold is greater than 100 pounds, in this case the RQ threshold shall be 100 pounds); for any “extremely hazardous substance,” the quantity established in 40 C.F.R. Part 355 and listed in Appendix A thereto.

Rubbish. Non-putrescible solid waste, excluding ashes, that consists of both (a) combustible waste materials, including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, and similar materials; and (b) noncombustible waste materials, including glass, crockery, tin cans, aluminum cans, metal furniture, and

similar materials that will not burn at ordinary incinerator temperatures (1,600 to 1,800 degrees Fahrenheit).

Sewage (or sanitary sewage). The domestic sewage and/or industrial waste that is discharged into the City sanitary sewer system and passes through the sanitary sewer system to a publicly-owned treatment works.

Storm water discharge associated with industrial activity. Storm water runoff that exits any system that is used for collecting and conveying storm water that originates from manufacturing, processing, material storage, and waste material disposal areas (and similar areas where storm water can contact industrial pollutants related to the industrial activity) at an industrial facility described by the applicable TPDES.

Storm water pollution prevention plan (SWPPP). A plan required by a NPDES or TPDES permit that describes and ensures the implementation of BMPs that are to be used to reduce the pollutants in storm water discharges associated with construction or other industrial activity at the regulated facility to water in the State and U.S.

Tail water. The runoff of irrigation water from the lower end of an irrigated field.

TPDES permit. A permit issued by the State through the TCEQ, predecessor or any successor agency, under the authority delegated by EPA pursuant to 33 U.S.C § 1342(b) (Federal Clean Water Act) and pursuant to the Texas Water Code that authorizes the discharge of pollutants to water in the State or U.S., whether the permit is applicable to a person, group, or generally on an area-wide basis.

Used oil (or used motor oil). Any oil that has been refined with crude oil, or any synthetic oil, that has been used, and, as a result of use, is contaminated by physical or chemical impurities.

Vehicle. For purposes of this Article vehicle includes any vehicle held for personal use including automobiles, trucks, recreational vehicles, motorcycles of any type and boats or personal watercrafts.

Water in the State. Groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state (from the mean high water mark out 10.36 miles into the Gulf), and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state, except that water in treatment systems which are authorized by State or Federal law, regulation or permit, and which are created for the purpose of waste treatment are not considered to be water in the State.

Waters of the United States (or waters in the U.S.). Any water characterized as:

- (a) All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- (b) All interstate waters, including interstate wetlands;
- (c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sand flats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds that the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - (1) that are or could be used by interstate or foreign travelers for recreational or other purposes;
 - (2) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - (3) that are used or could be used for industrial purposes by industries in interstate commerce;
- (d) All impoundments of waters otherwise defined as waters of the United States under this definition;
- (e) Tributaries of waters identified in paragraphs (a) through (d) of this definition;
- (f) The territorial sea; and
- (g) Wetlands adjacent to waters (others than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.

Waste treatment systems including treatment ponds or lagoons designed to meet the requirements of the Federal Clean Water Act are not waters of the United States. This exclusion applies only to manmade bodies of water that neither were originally created in waters of the United States (such as disposal area in wetlands) nor resulted from the impoundment of waters of the United States. Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

Water quality standards. Provisions that consist of a designated use or uses for the water in the State and water quality criteria for such waters based upon such uses. Water quality criteria consist of narrative provisions and numerical criteria deemed by the State to be necessary to protect those uses, as specified in 30 Texas Administrative Code (TAC) Article 307.

Watercourse. A watercourse includes a drainage path or way or the channel of a stream, to include, without limitation, waters in the State or U.S., in which water flows within a defined bed and banks, even though the same may be slight, imperceptible or even absent in places, and originates from a definite source or sources. The water need not always be present and may be intermittent if the latter occurs with some degree of

regularity, depending on the characteristics of the sources (i.e.: water is present or flowing during and/or after a rainfall event).

Wetlands. Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Yard waste. Leaves, grass, grass clippings, bushes, shrubs, yard and garden debris, and brush that results from landscaping maintenance and land-clearing operations.

Sec. 27-43. General Prohibition and Requirements.

(a) No person shall introduce or cause to be introduced into the MS4 any discharge that is not composed entirely of storm water.

(b) It is an affirmative defense to any enforcement action for violation of Subsection (a) of this section that the discharge was composed entirely of one or more of the following categories of discharges:

- (1) A discharge or flow from water line flushing, but not including a discharge from water line disinfection by hyperchlorination or other means unless the total residual chlorine (TRC) has been reduced to less than 0.10 milligrams per liter (mg/l) and it contains no harmful quantity of chlorine or any other chemical used in line disinfection;
- (2) Runoff or return flow from lawn watering, landscape irrigation and other irrigation utilizing potable water, groundwater, or surface water sources;
- (3) A discharge from a potable water source;
- (4) A discharge or flow from a diverted stream flow or natural spring;
- (5) A discharge or flow from rising ground waters and springs;
- (6) Uncontaminated groundwater infiltration (as defined as 40 C.F.R. § 35.2005(20)) to the MS4;
- (7) A discharge or flow from uncontaminated pumped ground water;
- (8) Uncontaminated discharge or flow from a foundation drain or footing drain;
- (9) A discharge or flow from air conditioning condensation that is unmixed with water from a cooling tower, emissions scrubber, emissions filter, or any other source of pollutant or contaminant;
- (10) Uncontaminated discharge or flow from a crawl space pump, or sump pump;
- (11) A discharge or flow from individual residential vehicle washing;
- (12) A discharge or flow from a riparian habitat or wetland;
- (13) Swimming pool water that has been de-chlorinated so that TRC is less than 0.10 mg/l and that contains no harmful quantity of chlorine, muriatic acid or other chemical used in the treatment or disinfection of the swimming pool water or in pool cleaning;
- (14) A discharge or flow from water used in street washing;

- (15) A discharge or flow resulting from fire fighting activities by the Fire Department (fire fighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);
- (16) Other allowable non-storm water discharges listed in 40 CFR 122.23(d)(2)(iv)(B)(1).
- (17) A discharge authorized by, and in full compliance with, a NPDES or TPDES permit. Such TPDES permit includes the TPDES Multi Sector General Permit and the TPDES Construction General Permit;
- (18) Other similar occasional incidental non-storm water discharges, unless the TCEQ develops permits or regulations addressing these discharges;
- (19) Agricultural storm water runoff;
- (20) A discharge or flow from a potable water source not containing any pollutant, contaminant or a harmful quantity of a substance or material from the cleaning or draining of a storage tank or other container;
- (21) Storm water runoff from a roof that is not contaminated by any runoff or discharge from an emissions scrubber or filter or any other source of pollutant and
- (22) A discharge or flow from water used in vehicle, exterior building, and pavement wash water where detergents and soaps are not used and where spills or leaks of hazardous substances or hazardous waste have not occurred (unless all spilled material is removed).

(c) The use of BMPs or the presence of pervious cover that filters pollutants or contaminants from a discharge before the discharge reaches the MS4 will be considered an additional affirmative defense if no pollutant or contaminant is present upon the discharges release into the MS4.

(d) No affirmative defense shall be available under Subsection (b) of this section if the discharge, release or flow in question has been determined by the Director to be a source of a pollutant or contaminant to water in the State or U.S. or the MS4, written notice of such determination has been provided to the discharger and the discharge has continued to occur seven (7) calendar days following receipt of such notice.

(e) *Illegal Connections.* The construction, connection, use, maintenance or continued existence of any illegal connection to the MS4 is prohibited.

- (1) This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (2) A person violates this Article if the person connects a line conveying domestic or industrial sewage to the MS4, or allows such a connection to continue.
- (3) Illegal connections in violation of this Article shall be disconnected and redirected, if necessary, by the owner or operator to an approved onsite

wastewater management system or the sanitary sewer system upon approval of the Director.

- (4) Any drain or conveyance that has not been documented in plans, maps or an equivalent, and which may be connected to the MS4, shall be located by the owner, occupant or operator of that property within three (3) calendar days following receipt of a written notice of violation (NOV) from the Director. Such notice may grant a longer time period, not to exceed sixty (60) calendar days but shall require that the drain or conveyance be identified as a storm sewer, sanitary sewer or other type of conveyance, and that the outfall location or point of connection to the MS4, sanitary sewer system or other discharge point be identified. Results of these investigations shall be documented and provided to the Director to confirm compliance with this Article.

(f) *NPDES/TPDES Required.* A person violates this Article if the person discharges, or causes to be discharged, storm water without first having obtained a NPDES or TPDES permit to do so (if applicable) or fails to comply with paragraph (h) of this section.

(g) *Submission of SWPPP/NOI/NOC/NOT Required.* The operator or owner of a premises, required to have a NPDES or TPDES permit to discharge storm water shall submit a copy of the SWPPP to the Director within two (2) business days of the time that the operator or owner submits notification to the TCEQ that a SWPPP is available, if applicable. The operator or owner shall also submit a copy of the applicable NOI, NOC and NOT to the Director in accordance with the time frame provided for under the applicable TPDES or NPDES permit.

(h) *Compliance with NPDES/TPDES.* A premises shall be operated in strict compliance with the requirements of any applicable and required NPDES or TPDES permit. A person violates this Article if the person operates a premises in violation of a requirement of any such permit.

(i) *Modification of SWPPP.* The Director may request that any operator or owner of a premises to consider modifying the applicable SWPPP if, in the best professional judgment of the Director, the SWPPP does not comply with the requirements of the applicable NPDES or TPDES to discharge storm water. Any deficiencies so noted shall be provided to the operator or owner in writing and the Director shall give the operator or owner a reasonable amount of time, not to exceed thirty (30) days, to consider and implement such changes to the SWPPP. If the operator or owner disagrees with the Director, the operator or owner shall submit, in writing, the basis for such disagreement and non-implementation.

(j) *Notice of Release Required.* Notwithstanding any other requirements of local, State or Federal law, as soon as any person responsible for a premises or operation, or responsible for emergency response for a premises or operation has information of any

known or suspected release of materials which are resulting or may result in illicit discharges of contaminants or pollutants into the MS4, the waters in the State or U.S. in any reportable or harmful quantity said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of household hazardous waste, hazardous substance(s) or hazardous waste said person shall immediately notify the Director by telephone and other State or Federal emergency response agencies, if required. In the event of a release of non-hazardous materials, said person shall notify the Director by phone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice within three (3) business days of the personal notification.

(k) *Watercourse Protection.* Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, and other obstacles that may pollute, contaminate, or adversely retard the flow of water through the watercourse.

(l) *Best Management Practices (BMPs) Required.* The owner or operator of a commercial or industrial premises or any premises where a SWPPP is required by the TCEQ, shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4, waters in the State or U.S. or watercourses through the use of structural and non-structural BMPs. Further, any person responsible for a premises, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants or contaminants to the MS4. Compliance with all terms and conditions of a valid NPDES or TPDES permit authorizing the discharge of storm water associated with industrial activity, to the maximum extent practicable, shall be deemed compliance with the provisions of this paragraph. These BMPs shall be part of a SWPPP as necessary for compliance with the requirements of the NPDES or TPDES permit.

Subchapter B. Specific Prohibitions and Requirements

Sec. 27-44. Specific Prohibitions and Requirements.

(a) The specific prohibitions and requirements in this section are not inclusive of all the discharges prohibited by the general prohibitions in Subchapter A of this Article.

(b) No person shall introduce, release or cause to be introduced any discharge into the MS4 that causes or contributes to causing the City to violate a water quality standard, the City's storm water permit coverage for discharges from its MS4, any applicable EPA or TCEQ regulation or State or Federal law.

(c) No person shall discharge, release, or otherwise introduce or cause, allow, or permit to be introduced any of the following substances into the MS4:

- (1) Any used motor oil, antifreeze, or any other motor vehicle fluids;
- (2) Any industrial waste;
- (3) Any hazardous substance or hazardous waste, including HHW;
- (4) Any domestic sewage or septic tank waste, grease trap waste, or grit trap waste;
- (5) Any garbage, rubbish, or yard waste;
- (6) Any discharge from: a commercial carwash facility, vehicle dealership, rental agency, body shop, repair shop, maintenance facility, or commercial or public facility that contains any soap, detergent, degreaser, solvent, or any other harmful cleaning substance from any vehicle washing, cleaning, or maintenance;
- (7) Any discharge from the washing, cleaning, de-icing, or other maintenance of aircraft;
- (8) Any discharge from a commercial mobile power washer including, without limitation, discharges from mobile vehicle detailing or cleaning equipment, or from the washing or other cleaning of a building exterior that contains any soap, detergent, degreaser, solvent, or any other harmful cleaning substance;
- (9) Any discharge from commercial or professional floor, rug, or carpet cleaning containing a harmful quantity of any pollutant or contaminant;
- (10) Any discharge from the wash down or other cleaning of pavement or the exterior of buildings that contains any soap, detergent, solvent, degreaser, emulsifier, dispersant, or any other harmful cleaning substance; or any wastewater from the wash down or other cleaning of any pavement where any spill, leak, or other release of oil, motor fuel, or other petroleum or hazardous substance has occurred, unless all harmful quantities of such released material have been previously removed;
- (11) Any effluent from a cooling tower, condenser, compressor, emissions scrubber, emissions filter, or the blow down from a boiler;
- (12) Any ready-mixed concrete, mortar, ceramic, or asphalt base material, or material from the cleaning of vehicles or equipment containing, or used in transporting or applying, such material;
- (13) Any discharge or wash down water from any commercial animal pen, kennel, or fowl or livestock containment area, to include a livestock management facility as defined in Chapter 6 of this Code, containing more than five (5) animals;
- (14) Any filter backwash from a swimming pool, fountain or spa;
- (15) Any swimming pool water containing TRC of 0.10 mg/l or more or containing any harmful quantity of chlorine, muriatic acid or other chemical used in the treatment or disinfection of the swimming pool water or in pool cleaning;
- (16) Any fire protection water containing oil or hazardous substances or materials, unless treatment adequate to remove pollutants and contaminants

occurs before discharge. (This prohibition does not apply to discharges or flow from fire fighting by the Fire Department.);

- (17) Any water from a water curtain in a spray room used for painting vehicles or equipment;
- (18) Any substance or material that will damage, block, or clog the MS4;
- (19) Any release from a petroleum storage tank (PST) or any leachate or runoff from soil contaminated by a leaking PST, or any discharge of pumped, confined, or treated wastewater from the remediation of any such PST release, unless the discharge satisfies all of the following criteria:
 - (a) Compliance with all State and Federal standards and requirements;
 - (b) No discharge containing a harmful quantity of any pollutant; and
 - (c) No discharge containing more than 50 parts per billion of benzene; 500 parts per billion combined total quantities of benzene, toluene, ethylbenzene, and xylene (BTEX); or 15 mg/l of total petroleum hydrocarbons (TPH).
- (20) Any amount of herbicides or pesticides that constitute a harmful quantity.

(d) No person shall introduce or cause to be introduced into the MS4 any sediment, silt, earth, soil, or other material associated with clearing, grading, excavation or other construction activities, or associated with any land filling or other placement or disposal of soil, rock, or other earth materials, in excess of what could be retained on site or captured by employing sediment and erosion control measures or other BMPs to the maximum extent practicable.

(e) *Motor vehicle fluids, Oil, Petroleum product and Used Oil Regulation.* No person shall:

- (1) Discharge motor vehicle fluids, oil, petroleum products or used oil into the MS4 or a sewer drainage system, septic tank, surface water, groundwater, or watercourse;
- (2) Knowingly mix or commingle motor vehicle fluids, oil, petroleum products or used oil with any type of waste that is to be disposed of in a landfill or knowingly directly dispose of motor vehicle fluids, oil, petroleum products or used oil on land or in a landfill; or
- (3) Apply motor vehicle fluids, oil, petroleum products or used oil to a road or land for dust suppression, weed abatement, or other similar use that introduces motor vehicle fluids, oil, petroleum products or used oil into the environment.

Subchapter C. Compliance and Enforcement.

Sec. 27-45. Compliance Monitoring.

(a) *Right of Entry; Inspection and Sampling.* The Director shall have the right to enter the premises of any person discharging into the MS4 or to waters in the State or U.S. to determine if the person is complying with all requirements of this Article. A

person shall allow the Director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and for the performance of any additional duties necessary to ensure compliance with this Article. A person shall make available to the Director, upon request, any NOIs, NOCs, NOTs, SWPPPs and any modifications thereto, self-inspection reports, monitoring records, compliance evaluations, and any other records, reports, or other documents related to compliance with this Article or compliance with any State or Federal storm water discharge permit. (State law reference: Texas Water Code § 26.173.)

- (1) Where a person has security measures in force that require proper identification and clearance before entry into its premises, the person shall make necessary arrangements with its security personnel or employees so that, upon presentation of suitable City issued identification, the Director shall be permitted to enter without unreasonable delay. Unreasonable delays, which shall be defined as delays in excess of forty-eight (48) hours of the initial request, shall be considered a violation of this Article.
- (2) The Director shall have the right to set up on the person's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the person's operations related to all discharges regulated by this Article.
- (3) If the Director has reason to believe that there is an actual or potential illicit discharge associated with a premises, the Director may require any person to conduct specified sampling, testing, analysis, and other monitoring of such premises' discharges, and may specify the frequency and parameters of any such activities necessary to ensure compliance with this Article. All required sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition. All such activities shall be at the person's sole expense.
- (4) Any temporary or permanent obstruction that obstructs safe and easy access to the premises to be inspected and/or sampled shall be promptly removed by the person at the written or verbal request of the Director and shall not be thereafter replaced. The costs of providing such access shall be borne by the person.

(b) *Search Warrants.* If the City is able to demonstrate probable cause to believe that there may be a violation of this Article or that there is a need to inspect and/or sample a premises as part of a routine inspection and sampling program established by the City and designed to verify compliance with this Article or any order issued hereunder, or to protect the public health, safety, and welfare of the community, then the City may seek issuance of a search warrant to gain entry from any court of competent jurisdiction.

Sec. 27-46. Administrative Enforcement Remedies.

(a) *Generally.* Nothing in this section shall limit the authority of the Director to take any action, including emergency action or any other enforcement action, without first issuing any other type of notice or order provided under this section. Compliance with

any notice or order issued hereunder in no way relieves the alleged violator of liability for any violations occurring before or after receipt of any notice or order.

(b) *Warning Notice.* When the Director finds that any person has violated, or continues to violate, any provision of this Article, or any order issued hereunder, the Director may serve upon that person a written warning notice, specifying the particular violation believed to have occurred and requesting that the person immediately comply with this Article or any order so issued.

(c) *Notification of Violation (NOV).* When the Director finds that any person has violated, or continues to violate, any provision of this Article, or any order issued hereunder, the Director may serve upon that person a written NOV. Within ten (10) calendar days of the receipt of the NOV the person shall submit an explanation of the violation and a plan for the satisfactory correction and prevention of reoccurrence thereof, to include specific required actions and time lines for completion, to the Director. If the alleged violator denies that any violation occurred and/or contends that no corrective action is necessary, an explanation of the basis of any such denial or contention shall be submitted to the Director within the same time period. Receipt of the NOV is presumed to occur five (5) calendar days following the date the NOV is mailed..

(f) *Stop Work Orders.* When the Director finds that any owner or operator of a premises under construction has violated, continues to violate or threatens to violate any provision of this Article, or any order issued hereunder, the City may issue a stop work order which shall suspend or revoke the building or construction (for public infrastructure) permit.

Sec. 27-47. Right to Reconsideration and Appeal.

Appeals. In the event the developer or builder does not agree with a decision of the city engineer, they may appeal to the director of public works. Appeals from the director's decision shall be automatically referred to the city manager for final decision, with due regard for the city engineer and public works directors recommendations. The city manager's decision shall be rendered as soon as possible and shall be final.

Sec. 27-48. Severability.

The provisions and sections of this ordinance shall be deemed to be severable, and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

(Article II added by Ordinance No. 2012-4541, July 5, 2012)
(Ordinance No. 2011-4454, July 21, 2011)

Chapter 27 STORMWATER

ARTICLE I. IN GENERAL

Sec. 27-1. Acronyms.

BMP means best management practices.

CBZ means a creek buffer zone.

DCDM means the City's Drainage Criteria and Design Manual.

EPA means the federal Environmental Protection Agency.

MS4 means municipal separate storm sewer system.

NEC means no exposure certification.

NOC means notice of change.

NOI means notice of intent.

NOT means notice of termination.

NPDES means National Pollutant Discharge Elimination System

PST means a petroleum storage tank.

SWP3 means a storm water pollution prevention plan.

TCEQ means the Texas Commission on Environmental Quality.

TPDES means Texas Pollutant Discharge Elimination System.

mg/L means milligrams per liter.

Sec. 27-2. Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Chapter, will have the meanings hereinafter designated. Additionally, all references to any federal or state regulation or act refer to the current regulation or act and any amendments thereto.

Agricultural stormwater runoff - Any stormwater or tail water runoff from orchards, cultivated crops, pastures, range lands, forest lands, and other non-point source agricultural activities, but not discharges from concentrated animal feeding operations as defined in 40 Code of Federal Regulations (C.F.R.) § 122.23 or discharges from concentrated aquatic animal production facilities as defined in 40 C.F.R. § 122.24.

Best Management Practices (BMPs) - Schedules of activities, prohibitions of practices, maintenance or monitoring procedures, structural controls, local ordinances, and other management practices to prevent or reduce the discharge of pollutants. BMPs also include treatment requirements, operating procedures, and practices to control construction site runoff, spills or leaks, sludge or waste disposal, or drainage from raw material storage areas.

Channel - A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

City - The City of Temple, Texas, the City Council of Temple, Texas, or its representative, employee, agent, or designee.

City Council – the City’s elected governing body.

City Manager – the City’s city manager or their designee.

Clean Water Act (CWA) - The Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et. seq.

Clearing - Any activity that removes the vegetative surface cover. Vegetative cutting and mulching are exempted from this definition.

Creek – A channel having 64 acres or greater of contributing drainage areas.

Creek Buffer Zone (CBZ) – All property located on or adjacent to a natural, vegetated, earthen, or grass lined creek, channel, stream, or channel is hereby deemed to be within a CBZ and must comply with the Drainage Criteria and Design Manual, Section 9, “Storm Water Best Management Practices.”

Commencement (or start) of Construction - The initial disturbance of soils associated with clearing, grading, or excavation activities, as well as other construction-related activities (e.g., stockpiling of fill material, demolition).

Common Plan of Development - A construction activity that is completed in separate stages, separate phases, or in combination with other construction activities. A common plan of development (also known as a “common plan of development or sale”) is identified by the documentation for the construction project that identifies the scope of the project, and may include plats, blueprints, marketing plans, contracts, building permits, a public notice or hearing, zoning requests, or other similar documentation and activities. A common plan of development does not necessarily include all construction projects within the jurisdiction of a public entity (e.g., a city or university). Construction of roads or buildings in different parts of the jurisdiction would be considered separate “common plans,” with only the interconnected parts of a project being considered part of a “common plan” (e.g., a building and its associated parking lot and driveways, airport runway and associated taxiways, a building complex, etc.). Where discrete construction projects occur within a larger common plan of development or sale but are located ¼ mile or more apart, and the area between the projects is not being disturbed, each individual project can be treated as a separate plan of development or sale, provided that any interconnecting road, pipeline, or utility project that is part of the same “common plan” is not included in the area to be disturbed.

Construction Activity - Includes soil disturbance activities, including clearing, grading, excavating, construction-related activity (e.g., stockpiling of fill material, demolition), and construction support activity. This does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site (e.g., the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing right-of-ways, and similar maintenance activities). Regulated construction activity is defined in terms of small and large construction activity.

Construction Support Activity – A construction-related activity that specifically supports construction activity, which can involve earth disturbance or pollutant-generating activities of its own, and can include, but are not limited to, activities associated with concrete or asphalt batch plants, rock crushers, equipment staging or storage areas, chemical storage areas, material storage areas, material borrow areas, and excavated material disposal areas. Construction support activity must only directly support the construction activity authorized under a general permit issued by TCEQ.

Contaminant - Any substance deleterious to the public health or the quality of the water.

Contamination - The presence of, or entry into a public water supply system, the MS4, or waters in the State of Texas or United States of any substance, including pollutants, which may be deleterious to the public health or the quality of the water.

Conveyance - Curbs, gutters, man-made channels and ditches, drains, pipes, and other constructed features designed or used for flood control or to otherwise transport stormwater runoff.

Creek Buffer Zone (CBZ) – All property located on or adjacent to a natural, vegetated, earthen, or grass lined creek, channel, or stream is hereby deemed to be within a CBZ.

Developer – A person who undertakes land disturbance activities.

Discharge – means discharge of stormwater runoff or non-stormwater discharges.

Discharger – (a) any person who causes, allows, permits, or is otherwise responsible for a discharge, including but not limited to any operator of a construction site or industrial facility; or (b) any owner or operator of a facility that is the source of a discharge.

Domestic sewage - Waste and wastewater from humans or household operations that is discharged to a wastewater collection system or otherwise enters a treatment works.

Drainage Criteria and Design Manual (DCDM) – A manual containing all approved methods and design criteria for drainage and stormwater control.

Drainage way - Any creek, stream, channel, swale, or low-lying area that conveys surface runoff throughout the site.

Drought-Stricken Area – An area in which the National Oceanic and Atmospheric Administration’s U.S. Seasonal Drought Outlook indicates for the period during which the construction will occur that any of the following conditions are likely: (1) “Drought to persist or intensify;” (2) “Drought ongoing, some improvement;” (3) “Drought likely to improve, impacts ease;” or (4) “Drought development likely”. See http://www.cpc.ncep.noaa.gov/products/expert_assessment/seasonal_drought.html.

Erosion control is a measure that prevents erosion.

Executive director – The executive director of TCEQ.

Extremely hazardous substance - Any substance listed in the Appendices to 40 C.F.R. Part 355, Emergency Planning and Notification.

Facility – Any building, structure, installation, process, or activity from which there is or may be a discharge of a pollutant.

Fire protection water - Any water, and any substances or materials contained therein, used by any person other than the Fire Department to control or extinguish a fire.

Final Stabilization - A construction site status where any of the following conditions are met:

(a) All soil disturbing activities at the site have been completed and a uniform (that is, evenly distributed, without large bare areas) perennial vegetative cover with a density of at least 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.

(b) For individual lots in a residential construction site by either:

(1) the homebuilder completing final stabilization as specified in condition (a) above; or

- (2) the homebuilder establishing temporary stabilization for an individual lot prior to the time of transfer of the ownership of the home to the buyer and after informing the homeowner of the need for, and benefits of, final stabilization. If temporary stabilization is infeasible, then the homebuilder may fulfill this requirement by retaining perimeter controls or BMPs and informing the homeowner of the need for removal of temporary controls and the establishment of final stabilization. Fulfillment of this requirement must be documented in the homebuilder's storm water pollution prevention plan (SWP3).
- (c) For construction activities on land used for agricultural purposes (such as pipelines across crop or range land), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to surface water and areas that are not being returned to their preconstruction agricultural use must meet the final stabilization conditions of condition (a) above.
- (d) In arid, semi-arid, and drought-stricken areas only, all soil disturbing activities at the site have been completed and both following criteria have been met:
 - (1) temporary erosion control measures (for example, degradable rolled erosion control product) are selected, designed, and installed along with an appropriate seed base to provide erosion control for at least three years without active maintenance by the operator; and
 - (2) the temporary erosion control measures are selected, designed, and installed to achieve 70% of the native background vegetative coverage within three years.

Garbage - Waste consisting of putrescible animal and vegetable waste materials resulting from the handling, preparation, cooking, and consumption of food, including waste materials from markets, storage facilities, handling, and sale of produce and other food products.

Grading - The excavation or fill of material, including the resulting conditions thereof.

Harmful quantity - The amount of hazardous substance the discharge or spill of which is determined to be harmful to the environment or public health or welfare or may reasonably be anticipated to present an imminent and substantial danger to the public health or welfare by federal or state law.

Hazardous household waste – Any waste generated in a household (including single and multiple residences, hotels and motels, bunk houses, ranger stations, crew quarters, campgrounds, picnic grounds, and day recreational areas) by a consumer which, except for the exclusion provided in 40 C.F.R. § 261.4(b)(1), would be classified as a hazardous waste under 40 C.F.R. Part 261.

Hazardous substance - A material where either of the following conditions are met:

- (a) the elements, compounds, and hazardous wastes are listed in Table 302.4 of 40 C.F.R. Part 302; or
- (b) a solid waste, as defined in 40 C.F.R. § 261.2, which is not excluded from regulation as a hazardous waste under 40 C.F.R. § 261.4(b), if it exhibits any of the characteristics identified in 40 C.F.R. § 261.20 through § 261.24 (e.g., ignitability, corrosivity, reactivity, or toxicity).

Hazardous waste - Any waste identified or listed as a hazardous waste by the EPA under the Federal Solid Waste Disposal Act, as amended by Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901 et seq., or the Texas Solid Waste Disposal Act, Texas Health and Safety Code, Chapter 361 et seq.

Illicit connection - Any man-made drain or conveyance that allows an illicit discharge to enter into the MS4.

Illicit discharge - Any discharge to the MS4 that is not entirely composed of stormwater, except discharges pursuant to this Chapter and other local, state, or federal laws, regulations, or permits and discharges resulting from firefighting activities.

Industrial activity - Any of the ten (10) categories of industrial activities included in the definition of “stormwater discharges associated with industrial activity” as defined in 40 Code of Federal Regulations (CFR) §122.26(b)(14)(i)-(ix) and (xi).

Industrial waste - Solid waste from manufacturing portions of industrial activities.

Infeasible - Not technologically possible, or not economically practicable and achievable in light of best industry practices.

Land disturbing activity - Any activity, including but not limited to excavation, clearing, and grading, which disturbs the natural or improved vegetative ground cover so as to expose soil to the erosive forces of rain, stormwater runoff, or wind for residential and non-residential subdivisions and applicable city projects. Land disturbing activity does not include any vegetative cutting and mulching. All installations and maintenance of franchise utilities such as telephone, gas, electric, etc., will be considered land disturbing activities.

Landowner or owner - The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

Large Construction Activity - Construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than five (5) acres of land. Large construction activity also includes the disturbance of less than five (5) acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than five (5) acres of land. Large construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site (for example, the

routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing right-of-ways, and similar maintenance activities).

Maximum extent practicable - The technology-based discharge standard for municipal separate storm sewer systems to reduce pollutants in stormwater discharges that was established by the Federal Clean Water Act, 33 U.S.C. § 1251 et seq. A discussion of MEP as it applies to the MS4 is found at 40 C.F.R. § 122.34.

Minimize - To reduce or eliminate to the extent achievable using stormwater controls that are technologically available and economically practicable and achievable in light of best industry practices.

Multi-sector general permit - Either the general NPDES permit issued by the EPA under 40 CFR Section 122.28, as amended, or the general TPDES permit issued by TCEQ under Chapter 205, Title 30 of the Texas Administrative Code, as amended, that authorizes stormwater from an industrial facility to be discharged into waters of the United States or state water, including any subsequent modifications or amendments to the permit, any renewals of the permit, and the associated EPA or TCEQ regulations.

Municipal Separate Storm Sewer System (MS4) – A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- (a) owned or operated by the U.S., a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over the disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under the CWA § 208 that discharges to surface water in the state;
- (b) that is designed or used for collecting or conveying stormwater;
- (c) that is not a combined sewer; and
- (d) that is not part of a publicly owned treatment works (POTW) as defined in 40 CFR §122.2.

Non-point source - Any source of any discharge of a pollutant that is not a point source.

No exposure certification (NEC) - A written submission to the executive director from a permit applicant notifying that they intend to obtain a conditional exclusion from permit requirements by certifying that there is no exposure of industrial materials or activities to rain, snow, snowmelt, or stormwater runoff.

Notice of Change (NOC) – A written notification to TCEQ required by EPA or TCEQ regulations or by the terms governing a multi-sector general permit or construction general permit, informing TCEQ of changes to information that was provided in a notice of intent or prior notice of change.

Notice of Intent (NOI) - The notice of intent application form required by EPA or TCEQ regulations or by the terms governing a multi-sector general permit or construction general permit to obtain NPDES or TPDES permit coverage.

Notice of Termination (NOT) - the notice of termination required by EPA or TCEQ regulations or by the terms governing a multi-sector general permit or construction general permit to terminate NPDES or TPDES permit coverage.

NPDES Permit - A permit issued by the EPA that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable to an individual, group, or generally on an area-wide basis.

Oil - Oil of any kind in any form, including, but not limited to, petroleum, fuel oil, crude oil, or any fraction thereof which is liquid at standard conditions of temperature and pressure, sludge, oil refuse, and oil mixed with waste.

Operator - The person or persons associated with a large or small construction activity that is either a primary or secondary operator as defined below:

Primary Operator – the person or persons associated with construction activity that meets either of the following two criteria:

- (1) the person or persons have on-site operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
- (2) the person or persons have day-to-day operational control of those activities at a construction site that are necessary to ensure compliance with a storm water pollution prevention plan (SWP3) for the site or other permit conditions (for example, they are authorized to direct workers at a site to carry out activities required by the SWP3 or comply with other permit conditions).

Secondary Operator – The person or entity, often the property owner, whose operational control is limited to:

- (1) the employment of other operators, such as a general contractor, to perform or supervise construction activities; or
- (2) the ability to approve or disapprove changes to construction plans and specifications, but who does not have day-to-day on-site operational control over construction activities at the site.

Secondary operators must either prepare their own SWP3 or participate in a shared SWP3 that covers the areas of the construction site, where they have control over the construction plans and specifications.

If there is not a primary operator at the construction site, then the secondary operator is defined as the primary operator and must comply with the requirements for primary operators.

Outfall – A point source at the point where stormwater runoff associated with construction activity discharges to surface water in the state and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels, or other conveyances that connect segments of the same stream or other water of the U.S. and are used to convey waters of the U.S.

Petroleum product - A petroleum substance obtained from distilling and processing crude oil and that is liquid at standard conditions of temperature and pressure and capable of being used as a fuel for the propulsion of a motor vehicle or aircraft, including, but not limited to, motor gasoline, gasohol, other alcohol blended fuels, aviation gasoline, kerosene, distillate fuel oil, and #1 and #2 diesel. The term does not include naphtha-type jet fuel, kerosene-type jet fuel, or a petroleum product destined for use in chemical manufacturing or feedstock of that manufacturing.

Petroleum storage tank (PST) – (a) Any one or combination of aboveground storage tanks that contain petroleum products and that are regulated by TCEQ; or (b) Any one or combination of underground storage tanks and all connecting underground pipes that contain petroleum products and that are regulated by TCEQ.

Phasing - Clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.

Point Source – Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock concentrated animal feeding operation, landfill leachate collection system, or vessel or other floating craft from which pollutants are, or may be, discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

Pollutant - Anything that causes or contributes to pollution. The term includes, but is not limited to, paints, varnishes, and solvents; motor oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform, and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; noxious or offensive matter of any kind; biochemical oxygen demand (BOD); sediment or a parameter that addresses sediment (such as total suspended solids, turbidity, or siltation); oil and grease; and any pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the MS4; dredged spoil; solid waste; incinerator residue; sewage sludge; filter backwash; munitions; chemical wastes; biological materials; radioactive materials; heat; wrecked or discarded equipment; rock, sand, and dirt; and industrial, municipal, and agricultural waste discharged into any surface water in the state. The term "pollutant" does not include tail water or runoff water from irrigation or rainwater runoff from cultivated or uncultivated rangeland, pastureland, and farmland. For this Chapter, the term "pollutant" includes sediment.

Pollution - The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any surface water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property or to public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

Post-construction management plan – A comprehensive plan that is used to manage the quality of discharges from a site after the completion of construction activity. This plan describes the use of structural and non-structural stormwater controls and their maintenance as well as other best management practices.

Premises - Any site or facility or building, lot, parcel of land, or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips, owned or operated by a person from which there has been, is, or may be a discharge.

Release - Any spilling, leaking, pumping, pouring, emitting, emptying, injecting, escaping, leaching, dumping, or disposing of a pollutant or contaminant into the MS4 or waters in the state or of the United States.

Reportable quantity (RQ) - will be as provided by 30 Tex. Admin. Code § 101.1, except as otherwise provided by state or federal law, regulation, or permit.

Responsible party - Any person or legal entity, individual or corporate, including an owner, operator, contractor, or subcontractor, any or all of whom may be engaged in, consent to, or perform a construction project or construction activity.

Rubbish - Non-putrescible solid waste, excluding ashes, that consists of both (a) combustible waste materials, including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, and similar materials; and (b) noncombustible waste materials, including glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials that will not burn at ordinary incinerator temperatures (1,600 to 1,800 degrees Fahrenheit).

Sediment control - Any measure that prevents eroded sediment from leaving the site.

Separate storm sewer system - A conveyance or system of conveyances (including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains), designed or used for collecting or conveying stormwater that is not a combined sewer and that is not part of a publicly owned treatment works.

Sewage (or sanitary sewage) - The domestic sewage or industrial waste that is discharged into the City sanitary sewer system and passes through the sanitary sewer system to a publicly-owned treatment works.

Site – The land or water area where any facility or activity, including construction activity, is physically located or conducted, including adjacent land used in connection with the facility or activity.

Small Construction Activity - Construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than one (1) acre and less than five (5) acres of land. Small construction activity also includes the disturbance of less than one (1) acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one (1) and less than five (5) acres of land. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site (for example, the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing right-of-ways, and similar maintenance activities).

Stabilization - The use of practices that prevent exposed soil from eroding.

Stormwater (or Stormwater Runoff) - Rainfall runoff, snow melt runoff, and surface runoff and drainage.

Stormwater associated with construction activity – Stormwater runoff from a construction activity.

Stormwater discharge associated with industrial activity - Stormwater runoff that exits any system that is used for collecting and conveying stormwater that originates from manufacturing, processing, material storage, or waste material disposal areas (and similar areas where stormwater can contact industrial pollutants related to the industrial activity) at an industrial facility described by an applicable TPDES or NPDES permit.

Stormwater management - The use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, peak flow discharge rates, and detrimental changes in stream temperature that affect water quality and habitat.

Stormwater management facility - Any facility that is built to control stormwater runoff in order to comply with BMPs.

Storm water pollution prevention plan (SWP3). A plan required by a NPDES or TPDES permit that describes and ensures the implementation of BMPs that must be used to reduce the pollutants in stormwater discharges associated with construction or other industrial activity at the regulated facility to water in the state and U.S.

Structural control (or practice) - A pollution prevention practice that requires the construction of a device, or the use of a device, to reduce or prevent pollution in stormwater runoff. Structural controls and practices may include but are not limited to: silt fences, earthen dikes, drainage swales, sediment traps, check dams, subsurface drains, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins.

Surface water in the state - Lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state (from the mean high water mark (MHW) out 10.36 miles into the Gulf), and all other bodies of surface

water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all water-courses and bodies of surface water, that are wholly or partially inside or bordering the state or subject to the jurisdiction of the state; except that waters in treatment systems which are authorized by state or federal law, regulation, or permit, and which are created for the purpose of waste treatment are not considered to be water in the state.

Tail water - The runoff of irrigation water from the lower end of an irrigated field.

Temporary stabilization - A condition where exposed soils or disturbed areas are provided a protective cover or other structural control to prevent the migration of pollutants. Temporary stabilization may include temporary seeding, geotextiles, mulches, and other techniques to reduce or eliminate erosion until either permanent stabilization can be achieved or until further construction activities take place.

TPDES permit - A permit issued by the state through TCEQ, or any predecessor or any successor agency, under the authority delegated by EPA pursuant to 33 U.S.C § 1342(b) (Federal Clean Water Act), as amended, and pursuant to the Texas Water Code, as amended, that authorizes the discharge of pollutants to water in the state or of the United States, whether the permit is applicable to a person, group, or generally on an area-wide basis.

Turbidity – A condition of water quality characterized by the presence of suspended solids or organic material.

Unauthorized connection – Any man-made drain or conveyance that connects to the MS4 without City authorization.

Used oil (or used motor oil) - Any oil that has been refined with crude oil, or any synthetic oil, that has been used, and, because of use, is contaminated by physical or chemical impurities.

Vehicle - Includes any vehicle held for personal use including automobiles, trucks, recreational vehicles, motorcycles of any type, and boats or personal watercrafts.

Watercourse – A watercourse includes a drainage path or way or the channel of a stream, to include, without limitation, waters in the state or of the United States, in which water flows within a defined bed and banks, even though the same may be slight, imperceptible or even absent in places, and originates from a definite source or sources. The water need not always be present and may be intermittent if the latter occurs with some degree of regularity, depending on the characteristics of the sources (i.e., water is present or flowing during or after a rainfall event).

Water in the state - Groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state (from the mean high water mark out 10.36 miles into the Gulf), and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or

partially inside or bordering the state or inside the jurisdiction of the state, except that water in treatment systems which are authorized by state or federal law, regulation, or permit, and which are created for the purpose of waste treatment are not considered to be water in the state.

Water quality standard - Provisions that consist of a designated use or uses for the water in the state and water quality criteria for such waters based upon such uses. Water quality criteria consist of narrative provisions and numerical criteria deemed by the state to be necessary to protect those uses, as specified in 30 Texas Administrative Code (TAC) Article 307, as amended.

Waters of the United States - Waters of the United States or waters of the U.S. means:

- (a) all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- (b) all interstate waters, including interstate wetlands;
- (c) all other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds that the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - (1) which are or could be used by interstate or foreign travelers for recreational or other purposes;
 - (2) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - (3) which are used or could be used for industrial purposes by industries in interstate commerce;
- (d) all impoundments of waters otherwise defined as waters of the United States under this definition;
- (e) tributaries of waters identified in paragraphs (a) through (d) of this definition;
- (f) the territorial sea; and
- (g) wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of federal Clean Water Act (CWA), as amended, are not waters of the U.S. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the U.S. (such as disposal area in wetlands) nor resulted from the impoundment of waters of the U.S. Waters of the U.S. do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the CWA, the final authority regarding CWA jurisdiction remains with the EPA.

Wetlands - Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Yard waste - Leaves, grass, grass clippings, bushes, shrubs, yard and garden debris, and brush that results from landscaping maintenance and land-clearing operations.

ARTICLE II. STORMWATER COMPLIANCE FOR CONSTRUCTION ACTIVITY

Sec. 27-3. In general.

(a) Purpose.

During the construction process, soil is highly vulnerable to erosion by wind and water. Clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat. Eroded soil endangers water resources by reducing water quality and causes the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of drainage ways, channels, and watercourses.

The purpose of this Article is to safeguard persons, protect property, and prevent damage to the environment in the City. This Article will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any residential and non-residential subdivision development and applicable City projects or other activity that disturb or break the topsoil or result in the movement of earth within the City.

(b) Definition. For the purposes of this Article, the following definition applies:

Discharge means the drainage, release, or disposal of pollutants in stormwater and certain non-stormwater from areas where soil disturbing activities (e.g., clearing, grading, excavation, stockpiling of fill material, and demolition), construction materials or equipment storage or maintenance (e.g., fill piles, borrow area, concrete truck wash out, fueling), or other industrial stormwater directly related to the construction process (e.g., concrete or asphalt batch plants) are located.

Sec. 27-4. Applicability of Article.

(a) A person engaging in any small or large construction activity as defined by this Chapter within the City limits must comply with the terms of this Article. This Article applies regardless of whether an owner or developer is required to obtain any permit, including a building permit, related to the construction activity.

(b) In determining if a project qualifies as large or small construction activity, the City will consider whether the development is a part of a common plan. A construction activity is a part of a common

plan if it is completed in separate stages, phases, or in combination with other construction activities. Common plans are often, but not solely identified by plats, blueprints, contracts, zoning requests, and building permits. Additionally, common plans may exist and erosion and sedimentation control may be required when there is more than one operator operating in one area which is larger than five acres, even though no single individual project is larger than five acres individually.

- (c) This Article does not apply to discharges from stormwater from agricultural activities. Persons discharging stormwater from agricultural activities must follow all applicable state, federal, and local laws, regulations, or permits.
- (d) The owner of the property on which the activity occurs, in addition to the person engaging in construction activity, is responsible for violations of this Article. Both the owner and the person engaging in the construction activity are responsible for any erosion of the property or construction site which results in accumulation of sediment in streets, alleys, any channel, other private properties, or drainage facilities stemming from the construction activity. Any accumulation or deposit of soil material beyond the limits of the property or construction site or in city streets, alleys, channels, private properties, or drainage facilities in an amount sufficient to constitute a threat to public safety and comfort or adversely impact stormwater quality as determined by the City is declared a public nuisance and is a violation of this Article.

Sec. 27-5. City of Temple Drainage Criteria and Design Manual.

- (a) This Article is cumulative of the regulations found in the City's DCDM. Although the intention of this manual is to establish uniform design practices, it neither replaces the need for engineering judgment nor precludes the use of information not presented. Other accepted engineering procedures may be used to conduct hydrologic and hydraulic studies if approved by the City and allowed under state and federal laws, regulations, or permits.
- (b) Failure to abide by the regulations found in the DCDM is an offense unless approved by the City or otherwise allowed under state or federal laws, regulations, or permits.

Sec. 27-6. Stormwater pollution prevention measures required.

- (a) The Texas Commission on Environmental Quality (TCEQ) regulates stormwater discharges from construction sites. Prior to initiating any construction activity, a person must comply with all state and federal requirements. If applicable, an operator of a construction site must obtain a construction general permit or individual permit. An operator of a construction site must comply with all terms and conditions of a construction general permit or an individual permit, whichever is obtained from TCEQ for or applicable to the construction site. Failure to comply with all TCEQ requirements and terms and conditions of a TCEQ issued permit is an offense.
- (b) An operator of a construction site regulated under this Chapter must implement best management practices to control and minimize the discharge into the MS4, waters of the United States, and state water of any sediment, silt, earth, soil, or other material from the construction site. Erosion control

elements meeting the criteria for best management practices must be installed before any construction site is established in accordance with an installation schedule as specified in a stormwater pollution prevention plan required by the construction general permit or individual permit. Failure to comply with this Subsection is an offense.

Sec. 27-7. Requirements to post, notify, and make available.

- (a) A responsible party for a large or small construction activity must post at the construction site the applicable TCEQ site notice as required by TCEQ and TCEQ issued permits.
- (b) A copy of the signed NOI for large construction activity and a copy of the signed and certified construction site notice for large and small construction activity must be provided to the City within two (2) days prior to commencement of construction activities, as applicable, by a responsible party.
- (c) A responsible party must make any applicable SWP3 available to the City upon request as soon as reasonably possible.
- (d) Failure, refusal, or inability to provide a SWP3 for inspection constitutes a violation of this Section.
- (e) It is unlawful for any person to engage in construction activity in violation of the elements of an applicable SWP3.
- (f) A responsible party must provide the City a copy of any notice of change (NOC) sent to TCEQ related to a construction activity as required by a TCEQ permit. This copy must be provided to the City within two (2) days after the date it is sent to TCEQ.
- (g) A responsible party must provide the City a copy of any notice of termination (NOT), small construction site completed site notice or large construction site secondary operator completed site notice necessary to close out a construction activity regulated by TCEQ. This copy must be provided to the City within two (2) days after the date it is sent to TCEQ.
- (h) Where permanent improvements have been constructed, the final inspection by the City will verify whether the final stabilization criteria have been met.
- (i) Where no permanent improvements are planned, a responsible party must continue to maintain temporary BMPs until the site has reached final stabilization.
- (j) A responsible party for a site must continue to regulate the site and maintain an open, active permit until final stabilization is achieved; and, where applicable, until a NOT or small construction site completed site notice or large construction site secondary operator completed site notice has been filed with TCEQ and a copy provided to the City.

- (k) Where the site has met final stabilization requirements, but the controls or measures implemented thereafter fail, each discharge of construction related contamination by the operator constitutes a violation of this Section.
- (l) Removal of temporary BMPs will be required after the site achieves final stabilization.
- (m) Failure to comply with any provision of this Section is an offense.

Sec. 27-8. Compliance monitoring.

- (a) The City may enter any site in which there is construction activity regulated by this Article to ensure compliance with all applicable federal, state, and local laws, regulations, and permits.
 - (1) The responsible party related to this construction activity must:
 - (A) allow the City ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying and the performance of any additional duties;
 - (B) make available to the City any SWP3 or modifications to SWP3s, self-inspection reports, monitoring records, compliance evaluations, notices of intent, and other records, reports, and documents required by a construction general permit or an individual permit; and
 - (C) retain and provide to the City, upon request, any annual, semi-annual, or periodic monitoring reports as required by a construction general permit or an individual permit.
 - (2) If the property owner, operator, manager, or person in charge of this construction activity has security measures in force that require proper identification and clearance before entry into the premises, they must make necessary arrangements with its security guards so that, upon presentation of suitable identification, the City is permitted to enter without delay to inspect as authorized by this Article.
 - (3) Any temporary or permanent obstruction to safe and easy access to a property that is to be inspected must be promptly removed by the responsible party for this construction activity at the written or verbal request of the City and may not be replaced. The cost of clearing access to the facility must be borne by the obstructor.
- (b) The responsible party of construction activity regulated by this Article must notify the City at least two (2) working days before each of the following:
 - (1) start of construction;
 - (2) installation of sediment and erosion measures;
 - (3) installation of facilities related to final stabilization; and

- (4) final acceptance of public infrastructure or prior to issuance of certificate of occupancy dependent upon respective development stage.
- (c) When phasing is requested, the erosion and sediment controls in each phase must be established, reviewed, and approved by the City prior to the start of any subsequent phase, which will be allowed only when there are no outstanding SWP3 violations for the development for which the request is made.
- (d) A person permitted by TCEQ for construction activity, owner, or designated agent must conduct inspections of disturbed areas of the construction site, the site's erosion and sedimentation controls, and any facilities on the site in accordance with the requirements of the construction general permit or the individual permit, whichever is applicable to the site, or if not required by such permits, on a regular basis. All inspection reports must be kept on file available for viewing upon request by the City. Inspectors under this Subsection must direct the person responsible for the site to make any necessary repairs or modifications to bring the site into compliance with this Chapter and all other local, state, and federal laws, rules, and regulations.
- (e) A person commits an offense if they:
 - (1) fail or refuse to allow the City to access the construction site for purposes of inspection, including preventing entry through security measures;
 - (2) fail, refuse, or are unable to provide information or documents as required by this Section when requested by City;
 - (3) fail to notify the City at least two working days before any delineated construction phase as provided by Subsection (b), above.
 - (4) fail to remove any obstructions to City inspections when requested by the City.

Sec. 27-9. Offenses.

- (a) Offenses. It will be an offense to this Article for a person performing any construction activity regulated by this Article to:
 - (1) commence any construction activity without first obtaining a TPDES general construction permit or individual permit if required by state or federal law;
 - (2) construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this Article;
 - (3) fail to develop or implement a SWP3 in accordance with TCEQ requirements and this Article for a construction site;

- (4) fail to install stormwater pollution prevention devices or to maintain stormwater pollution prevention devices throughout the duration of land disturbing activities in compliance with the SWP3 for the construction site;
- (5) fail to remove off-site sedimentation that is a direct result of construction activities;
- (6) allow sediment laden water resulting from below ground installations to flow from a site without being treated through an erosion control device;
- (7) fail to maintain existing stormwater pollution prevention devices, including replacement of existing grass or sod;
- (8) fail to comply with any term of a TPDES general construction permit or individual permit;
- (9) discharge construction related contamination due to failure of controls or measures implemented where the site has met final stabilization requirements; each discharge by the responsible party for the site constitutes a separate violation;
- (10) engage in any construction activity that results in a measurable volume of sediment, soil, soil material, or other pollutants entering the City's MS4;
- (11) engage in construction activity without using BMPs necessary to protect the City's MS4 from runoff or other media capable of transporting sediment, soil, soil material, and pollutants into the City's MS4; and
- (12) violate any provision of this Article.

Sec. 27-10. Administrative Enforcement.

(a) Notice of Violation.

- (1) Upon observation of an alleged violation or condition the City believes constitutes a violation of this Article, the City may issue a notice of violation letter to a responsible party for the site. The notice of violation may be personally delivered to a responsible party for the site, if such person is available on site; or in the absence of such person, may be posted at the construction site. Notice of violations may also be sent by mail to the responsible party. Notice of violations will provide three (3) 24-hour periods to correct the violation alleged. The first 24-hour period must be used by the responsible party to remediate and remove the offending material, if any, from the City's MS4 or obtain and post permit documents or provide a copy of a complete SWP3 to the City, as applicable. The next two 24-hour periods will follow immediately and must be used by the

responsible party to appropriately install or repair the corrective BMP that was lacking or failed to protect City property.

- (2) If correction is not made timely, the City may issue a stop work order.
 - (3) If a corrective action is not timely accomplished to protect the City's MS4, the City may pursue criminal or civil remedies.
 - (4) Additional or cumulative enforcement action may be taken as the seriousness of the alleged pollutant encroachment on the MS4 may warrant.
 - (5) Additional compliance time may be given, if within the judgment and discretion of the City, municipal obligations to environmental health and safety and municipal stormwater compliance obligations to enforcement agencies are not compromised.
- (b) Stop work order; revocation of permit. In the event that any person violates the terms of a SWP3 or construction general permit or individual permit, this Chapter, the DCDM, or any other federal, state, or local law, regulation, or permit or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of the public or be materially detrimental to the public welfare or injurious to other property, the City may suspend or revoke any City issued permit related to this violation or injurious action, including any building or construction permits, or halt the permitted or approved activity until the violation is abated or corrected. The City may also issue a stop work order if the site fails any City inspection.
- (1) Failure to comply with a stop work order or a revocation of a permit is an offense.
 - (2) Issuing a stop work order or revoking a permit is not a bar to, or a prerequisite for, taking any other action against a person.

Sec. 27-11. Reserved.

ARTICLE III. POST-CONSTRUCTION STORMWATER RUNOFF CONTROL

Subchapter A. General Provisions

Sec. 27-12. Purpose.

The purpose of this Article is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within the City. This Article seeks to meet that purpose through the following objectives:

- (a) minimize increases in stormwater runoff from any land disturbing activity to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;
- (b) minimize increases in non-point source pollution caused by stormwater runoff from land disturbing activity which would otherwise degrade local water quality;
- (c) minimize the total annual volume of surface water runoff which flows from any specific site during and following land disturbing activity to not exceed the pre-land disturbing activity hydrologic regime to the maximum extent practicable; and
- (d) reduce stormwater runoff rates and volumes, soil erosion, and non-point source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety.

Sec. 27-13. Compatibility with other permit and ordinance requirements

This Article is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, permit, or other provision of law. The requirements of this Article should be considered minimum requirements, and where any provision of this Article imposes restrictions different from those imposed by any other ordinance, rule or regulation, permit, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for public health or safety or the environment control.

Subchapter B. Post-Construction Best Management Practices.

Sec. 27-14. Compliance with all post-construction standards.

An owner, operator, or manager of a property or their designee must comply with all post-construction (permanent) best management practices of the DCDM as well as other parts of this manual, and all other applicable federal, state, or local laws, regulations, and permits.

Sec. 27-15. Post-construction management plan.

- (a) The responsible party for a construction site regulated under this Chapter must submit a post-construction management plan to the City prior to receiving any building or construction permit or when requested by the City. This plan must provide for the use of structural and non-structural stormwater controls and their maintenance to be used and maintained post-construction as well as other post-construction best management practices.
- (b) Such plan must comply with all requirements found within the DCDM as well as with all federal, state, and local requirements.

Subchapter C. Maintenance and Repair of Stormwater Management Facilities.

Sec. 27-16. Maintenance and repair plan.

The design and planning of all stormwater management facilities included in a post-construction management plan must provide detailed maintenance and repair procedures to ensure their continued function. These plans must identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary for adequate repair and maintenance. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures, which meet all specifications found in the DCDM, must be provided to the City as part of the responsible party's post-construction management plan.

Sec. 27-17. Records of installation and maintenance activities.

- (a) Parties responsible for the operation and maintenance of a stormwater management facility, including a property owner, must make written records of the installation and of all maintenance and repairs, and must retain the records for at least five (5) years. These records must be made available to the City during inspection of the facility and at other reasonable times upon request.
- (b) Failure to maintain these records or make them available upon request by the City is an offense.

Subchapter D. Inspection of Stormwater Management Facilities.**Sec. 27-18. Inspection of permanent, post-construction stormwater management facilities.**

- (a) Inspections of permanent, post-construction, stormwater management facilities must comply with all requirements found within DCDM related to inspections of these facilities as well as with all federal, state, and local laws, regulations, and permits.
- (b) For all privately owned and maintained stormwater maintenance facilities, the person responsible for the facility must make regular inspections of all BMPs as required by the DCDM and state and federal laws, regulations, and permits. If the frequency of inspection for a particular stormwater management

facility is not provided by any applicable law, regulation, or permit, then the inspection must be performed no less frequently than once a year or as required by the City.

- (1) The purpose of such inspections must be to determine the overall effectiveness of these BMPs and the need for additional control measures.
 - (2) Repair and maintenance needs may include: removal of silt, litter, and other debris from all catch basins, inlets, and drainage pipes, grass cutting, vegetation removal, and necessary replacement of landscape vegetation.
 - (3) Any repair or maintenance needs found must be addressed in a timely manner, as determined by the City, and the inspection and maintenance requirements may be increased by the City as deemed necessary to ensure proper functioning of a stormwater management facility.
 - (4) Results of inspections must be documented in written form. All these inspection reports must be kept on file available for viewing upon request by the City.
- (c) The City may inspect a stormwater management facility to ensure compliance with all applicable federal, state, and local laws, regulations, and permits.
- (d) A person responsible for a facility commits an offense if they:
- (1) fail or refuse to allow the City to access to a stormwater management facility for purposes of inspection, including preventing entry through security measures;
 - (2) fail to timely inspect a stormwater management facility as required by the DCDM, federal, or state law, regulation, or permit, or as required by the City; or
 - (3) fail, refuse, or are unable to provide a post-construction management plan or any inspection report when requested by the City.

Subchapter E. Enforcement and Penalties.

Sec. 27-19. Failure to maintain stormwater management facilities.

- (a) If a person responsible for a post-construction stormwater management facility fails or refuses to maintain such facility, the City may correct a violation by performing all necessary work to place the facility in proper working condition after providing notice in writing to the person responsible for the facility of the violation. The City may issue a written notice to the person responsible of the facility, if such person is available at the facility; or, in the absence of such a person, by posting the notice at the facility or by mail. The person responsible for the facility will have three (3) days from the date a written notice is provided to perform maintenance or repair of the facility in the manner approved by the City. If the person responsible for the facility fails to correct the violation in a way that is approved by the City, the City may perform

the maintenance or repair the facility and assess the owner of the facility for the cost of the repair work.

- (b) If a stormwater management facility poses an imminent danger to public safety or public health, the City, after providing verbal notice to the person responsible for the facility, may perform the maintenance or repair the facility and assess the owner of the facility for the cost of the repair work.
- (c) Failure to pay for any of the City's work to repair or maintain a stormwater facility under Subsections (a) or (b), above, may result in a lien levied against the property.
- (d) Failure or refusal to comply with a notice to repair or maintain a stormwater facility by the City notice's deadline is an offense.
- (e) Failure or refusal to maintain any post-construction stormwater management facility as required by any local, state, or federal law, regulation, or permit is an offense irrespective of whether the violation was timely remedied after City notice.
- (f) Providing notice of violation or repairing or performing maintenance on a facility by the City is not a bar to, or a prerequisite for, the City taking any other action against a person.

Article IV. Creek Buffer Zones.

Sec. 27-20. Establishment of Creek Buffer Zones (CBZs).

All property located on or adjacent to a natural, vegetated, earthen or grass lined creek, channel, stream, or channel is hereby deemed to be within a CBZ. When a property is located within a CBZ, the developer, builder, operator, and owner must comply all applicable requirements of the DCDM.

Sec. 27-21. Design Standards.

CBZs must be designed and designated by the requirements and standards found in this Chapter and in the DCDM.

Sec. 27-22. Offense.

A person who fails to comply by any term of this Article commits an offense.

Secs. 27-23 – 27-39. Reserved.

ARTICLE IV. REGULATION OF NON-STORMWATER DISCHARGES

DIVISION I. ILLICIT DISCHARGE PREVENTION

Sec. 27-40. Purpose.

The purpose of this Article is to protect the public health, safety, environment, and general welfare through the regulation of non-stormwater discharges to the City's municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This Article establishes methods for controlling the introduction of pollutants into the City's MS4 in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit and the Texas Pollutant Discharge Elimination System (TPDES) permit processes. The objectives of this Article are to:

- (a) regulate the contribution of pollutants or contaminants to the City's MS4 or waters of the state of Texas or United States by any person;
- (b) prohibit illicit discharges and illicit connections to the City's MS4;
- (c) prevent non-stormwater discharges, generated because of spills, releases, or inappropriate dumping or disposal, to the City's MS4;
- (d) protect and preserve the functionality of watercourses and channels located within the City; and
- (e) establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this Article.

Sec. 27-41. Applicability.

The provisions of this Article apply to all water or substances entering the MS4 generated on any developed or undeveloped lands throughout the corporate limits of the City unless specifically exempted by this Article.

Sec. 27-42. Responsibility for administration; authority.

- (a) The City may administer, implement, and enforce the provisions of this Article. The City Manager may designate a City employee or department as a TPDES Stormwater Manager or Inspector. Such manager or inspectors have the authority to enforce this Article in its entirety.
- (b) The City has the authority to:
 - (1) prohibit illicit discharges and illicit connections and unauthorized connections;

- (2) respond to and contain other releases, control the discharge of spills, and prohibit dumping or disposal of materials other than stormwater into the MS4;
- (3) require compliance with conditions in the City's ordinances, permits, contracts, or orders;
- (4) require installation, implementation, and maintenance of control measures;
- (5) receive and collect information, such as stormwater plans, inspection reports, and other information deemed necessary to assess compliance with this permit, from operators of construction sites, new or redeveloped land, and industrial and commercial facilities;
- (6) receive and collect information, such as stormwater plans, inspection reports, and other information deemed necessary to assess compliance with the City's General Permit to Discharge under the Texas Pollutant Discharge Elimination System, from operators of construction sites, new or redeveloped land, and industrial and commercial facilities;
- (7) enter and inspect private property including facilities, equipment, practices, or operations related to stormwater discharges to the MS4, as needed;
- (8) respond to non-compliance with BMPs required by the MS4 consistent with the City's ordinances or other regulatory mechanisms; and
- (9) assess penalties, including monetary, civil, or criminal penalties.

Sec. 27-42. General Prohibitions and Requirements.

- (a) A person commits an offense if they discharge or causes to be discharged any water that does not consist entirely of stormwater into a MS4, waters of the United States, or state waters.
- (b) It is an affirmative defense to prosecution to discharge the following non-stormwater sources, unless they are determined by the City or TCEQ to be significant contributors of pollutants to the MS4 or they are otherwise prohibited by the City:
 - (1) Water line flushing (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);
 - (2) Runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing potable water, groundwater, or surface water sources;
 - (3) Discharges from potable water sources that do not violate Texas Surface Water Quality Standards;
 - (4) Diverted stream flows;

- (5) Rising ground waters and springs;
 - (6) Uncontaminated ground water infiltration;
 - (7) Uncontaminated pumped ground water;
 - (8) Foundation and footing drains;
 - (9) Air conditioning condensation;
 - (10) Water from crawl space pumps;
 - (11) Individual residential vehicle washing;
 - (12) Flows from wetlands and riparian habitats;
 - (13) Dechlorinated swimming pool discharges that do not violate Texas Surface Water Quality Standards;
 - (14) Street wash water excluding street sweeper waste water;
 - (15) Discharges or flows from emergency firefighting activities (firefighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);
 - (16) Other allowable non-stormwater discharges listed in 40 CFR § 122.26(d)(2)(iv)(B)(1);
 - (17) Non-stormwater discharges that are specifically listed in the TPDES Multi Sector General Permit (MSGP) TXR050000 or the TPDES Construction General Permit (CGP) TXR150000;
 - (18) Discharges that are authorized by a TPDES or NPDES permit or that are not required to be permitted; and
 - (19) Other similar occasional incidental non-stormwater discharges such as spray park water, unless the TCEQ develops permits or regulations addressing these discharges.
- (c) The use of BMPs or the presence of pervious cover that filters pollutants or contaminants from a discharge before the discharge reaches the MS4 will be considered an additional affirmative defense if no pollutant or contaminant is present upon the discharge's release into the MS4.
- (d) In any civil or criminal action, the discharger has the burden of proving that a discharge in violation of Subsection (a) is uncontaminated or falls within a defense to prosecution under Subsection (b). Prima facie proof that a discharge is uncontaminated must be made in the form of an analysis by a

certified laboratory, using standard methods or procedures prescribed by EPA or TCEQ regulations. A copy of the laboratory analysis must be provided to the City.

- (e) Right of entry; inspection and sampling. A discharger must comply with all requirements provided in Section 27-53, below.

Sec. 27-43. Specific Prohibitions and Requirements.

- (a) The specific prohibitions and requirements in this Section are not inclusive of all the discharges prohibited by the general prohibitions in Section 27-42, above.
- (b) A person commits an offense if he discharges or causes to be discharged into the MS4, waters of the United States, or state water a pollutant or substance that causes or contributes in causing the City to violate a Texas surface water quality standard, the City's NPDES permit or TPDES permit, or state or federal law or regulation.
- (c) A person commits an offense if he discharges or allows or permits the discharge of any of the following into the MS4:
- (1) used motor oil, antifreeze, or any motor vehicle fluid;
 - (2) industrial waste;
 - (3) hazardous substance or hazardous waste, including hazardous household waste;
 - (4) domestic sewage, septic tank waste, grease trap waste, or grit trap waste;
 - (5) garbage, rubbish, or yard waste;
 - (6) wastewater from:
 - (A) any commercial vehicle washing facility, including any commercial car wash located on the premises of any office building or in any parking garage;
 - (B) any vehicle washing, cleaning, or maintenance at any new or used automobile or other vehicle dealership, rental agency, body shop, repair shop, or maintenance facility;
 - (C) any washing, cleaning, or maintenance of any business, commercial, or public service vehicle (including a truck, bus, or heavy equipment) by a business or public entity that operates more than two of such vehicles;
 - (D) discharge from the washing, cleaning, de-icing, or other maintenance of aircraft;

- (E) any mobile power washing operation if the wastewater contains a harmful quantity of any soap, detergent, degreaser, solvent, emulsifier, dispersant, or other cleaning substance or pollutant;
 - (F) floor, rug, or carpet cleaning;
 - (G) the washdown or other cleaning of pavement if the wastewater contains a harmful quantity of any soap, detergent, solvent, degreaser, emulsifier, dispersant, or other cleaning substance or pollutant;
 - (H) the washdown or other cleaning of any pavement where any spill, leak, or other release of oil, motor fuel, or other petroleum product or hazardous substance has occurred, unless all harmful quantities of the released material have been previously removed; or
 - (I) a portable restroom or other temporary sanitary facility;
- (7) effluent from a cooling tower, condenser, compressor, emissions scrubber, emissions filter, or the blow down from a boiler, except as allowed under a TPDES permit;
 - (8) ready-mixed concrete, mortar, ceramic, or asphalt base material, or hydromulch material, or wastewater from the cleaning of vehicles or equipment containing, or used in transporting or applying, such material;
 - (9) runoff or wash down water from any animal pen, kennel, or fowl or livestock containment area;
 - (10) filter backwash from a swimming pool, fountain, or spa;
 - (11) swimming pool water that violates Texas Surface Water Quality Standards;
 - (12) fire protection water containing oil or hazardous substances or materials, unless treatment adequate to remove pollutants and contaminants occurs before discharge, except that this prohibition does not apply to discharges or flow from emergency firefighting (emergency firefighting does not include washing of trucks, runoff water from training activities, test water from fire suppression systems, and similar activities);
 - (13) water from a water curtain in a spray room used for painting vehicles or equipment;
 - (14) substance or material that will damage, block, or clog the MS4;
 - (15) discharge from a petroleum storage tank (PST) or any leachate or runoff from soil contaminated by a leaking PST, or any discharge of pumped, confined, or treated wastewater from the remediation of a PST release, unless the discharge satisfies all of the following criteria: (a) is in compliance with all state and federal standards and requirements; (b) does not contain a harmful quantity of any pollutant; and (c) discharge does not contain more than 50 parts per billion of

benzene, 500 parts per billion combined total quantities of benzene, toluene, ethylbenzene, and xylene (BTEX), or 15 mg/L of total petroleum hydrocarbons (TPH);

(16) paint, finish, or paint cleaning material, including, but not limited to, auto body paint, latex paint, wood finishing material, texturing product, varnish, paint thinner, or paint solvent of any kind; and

(17) a harmful quantity of dust resulting from sanding, grinding, cutting, sawing, or storage of any materials.

(d) A person commits an offense if they discharge into the MS4 a harmful quantity of sediment, silt, earth, soil, or other material associated with:

(1) clearing, grading, filling, excavating, or other construction activities; or

(2) landfilling or other placement or disposal of soil, rock, or other earth materials in excess of what could be retained on site or captured by employing sediment and erosion control measures to the maximum extent practicable.

(e) A person commits an offense if they:

(1) discharge motor vehicle fluid, oil, petroleum product, or used oil into the MS4, into a private drainage system that feeds into the MS4, or into any septic tank, surface water, groundwater, or watercourse within the City;

(2) mix or commingle motor vehicle fluid, oil, petroleum product, or used oil with any type of waste that is to be disposed of in a landfill or directly dispose of motor vehicle fluids, oil, petroleum products, or used oil on land or in a landfill; or

(3) apply motor vehicle fluid, oil, petroleum product, or used oil to a road or land for dust suppression, weed abatement, or other similar use that introduces or has the potential to introduce motor vehicle fluids, oil, petroleum products, or used oil into the MS4 or a sewer drainage system, septic tank, surface water, groundwater, or watercourse or any part of the environment.

Sec. 27-44. Regulation of pesticides, herbicides, and fertilizers.

(a) Any sale, distribution, application, labeling, manufacture, transportation, storage, or disposal of a pesticide, herbicide, or fertilizer within the City must comply fully with all applicable state and federal statutes and regulations, including, but not limited to:

(1) the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended;

(2) federal regulations promulgated pursuant to FIFRA; and

- (3) applicable provisions of Chapters 63 and 76 of the Texas Agriculture Code, as amended, and state regulations promulgated pursuant to those chapters.
- (b) A license, permit, registration, certification, or evidence of financial responsibility required by state or federal law for the sale, distribution, application, manufacture, transportation, storage, or disposal of a pesticide, herbicide, or fertilizer must be presented to any City official, including any environmental health officer, Public Works Department employee, City code compliance officer, and any police officer for examination upon request.
- (c) No person must, within the City, use or cause to be used any pesticide or herbicide contrary to any directions for use on any labeling required by state or federal statute or regulation.
- (d) No person may, within the City, use, dispose of, discard, store, or transport a pesticide, herbicide, or fertilizer or a pesticide, herbicide, or fertilizer container in a manner that the person knows or reasonably should know is likely to cause, or does cause, a harmful quantity of the pesticide, herbicide, or fertilizer to enter the MS4, waters of the United States, or state water.

Sec. 27-45. Illicit or unauthorized connections.

- (a) Illicit connections. The construction, connection, use, maintenance, or continued existence of any illicit connection, as defined by this Chapter, to the MS4 is prohibited.
- (b) Unauthorized Connections. The construction, connection, use, maintenance, or continued existence of any unauthorized connection, as defined by this Chapter, to the MS4 is prohibited.
- (c) A person violates this Article if the person connects a line conveying domestic or industrial sewage to the MS4 or allows such a connection to continue.
- (d) These prohibitions expressly include, without limitation, currently unauthorized or illicit connections that were made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (e) Unauthorized or illicit connections to the MS4 in violation of this Article must be disconnected and redirected, if necessary, by the discharger to an approved onsite wastewater management system or the sanitary sewer system upon approval of the City at the expense of the discharger.
- (f) A person who constructs, connects, maintains, permits, or allows the continued existence of an unauthorized or illicit connection commits an offense.
- (g) Any drain or conveyance that has not been documented in plans, maps, or an equivalent, and which may be connected to the MS4, must be located by the owner or operator of a facility within three (3) days following receipt of a written notice of violation (NOV) from the City. Such notice may grant a longer time period, not to exceed sixty (60) days, but must require that the drain or conveyance be identified as a storm sewer, sanitary sewer, or other type of conveyance and that the outfall location

or point of connection to the MS4, sanitary sewer system, or other discharge point be identified. Results of these investigations must be documented and provided to the City to confirm compliance with this Article.

Sec. 27-46. Watercourses.

Watercourse Protection. Every person owning property through which a watercourse passes, or the property's occupant, lessee, tenant, agent, or manager, or the like, must keep and maintain the section of the watercourse within this property free of trash, debris, and other obstacles that may pollute, contaminate, or adversely retard the flow of water through the watercourse. Failure for a person to comply with this Section is an offense.

Sec. 27-47. Notification of release.

(a) A discharger of a reportable quantity of a hazardous or extremely hazardous substance into the MS4, waters of the United States, or state water must telephone and notify the City, TCEQ, and applicable fire department immediately after becoming aware of the discharge. A discharger of a reportable quantity of any of the following substances into the MS4, waters of the United States, or state water must telephone and notify the City and TCEQ concerning the incident within twenty-four (24) hours after its occurrence:

(1) An amount of oil that either:

(A) violates applicable water quality standards; or

(B) causes a film or sheen upon, or discoloration of, the surface of the water or an adjoining shoreline, or causes a sludge or emulsion to be deposited beneath the surface of the water or upon an adjoining shoreline.

(2) A harmful quantity of any other pollutant that is not a hazardous or extremely hazardous substance but has been discharged in a quantity that exceeds surface water quality standards as set forth in Chapter 307, Title 30 of the Texas Administrative Code, as amended.

(b) The notification required by Subsection (a) of this Section must include all the following information:

(1) the identity or chemical name of the substance released and whether the substance is an extremely hazardous substance;

(2) the exact location of the discharge, including any known name of the waters involved or threatened and any other environmental media affected;

(3) the time and duration of the discharge at the moment of notification;

- (4) an estimate of the quantity and concentration, if known, of the substance discharged;
 - (5) the source of the discharge;
 - (6) any known or anticipated health risks associated with the discharge and, where appropriate, advice regarding medical attention that may be necessary for exposed individuals;
 - (7) precautions that should be taken as a result of the discharge;
 - (8) steps that have been taken to contain or clean up the discharged substance and related material and to minimize the impact of the discharge; and
 - (9) the name and telephone number of each person to be contacted for further information.
- (c) Within three (3) days after a discharge under this Section, the discharger must, unless expressly waived in writing by the City, submit a written report containing each item of information required by Subsection (b), as well as the following additional information:
- (1) the ultimate duration, concentration, and quantity of the discharge;
 - (2) all actions taken to respond to, contain, and clean up the discharged substances, and all precautions taken to minimize the impact of the discharge;
 - (3) any known or anticipated acute or chronic health risks associated with the discharge;
 - (4) where appropriate, advice regarding medical attention necessary for exposed individuals;
 - (5) the identity of each governmental entity and private sector representative responding to the discharge; and
 - (6) measures taken or to be taken by the discharger to prevent similar future occurrences.
- (d) The notifications required by Subsections (b) and (c) of this Section do not relieve the discharger from any expense, loss, damage, or other liability that may be incurred as a result of the discharge, including any liability for damage to the City, to natural resources, or to any other person or property. The notifications also do not relieve the discharger from any fine, penalty, or other liability that may be imposed under this Chapter or under any other local, state, or federal law, regulation, or permit.
- (e) A release report required by a state or federal regulatory authority that contains the information described in Subsections (b) and (c) of this Section meets the reporting requirements of Subsection (c), upon submittal of the report to the City.
- (f) The owner or operator of any facility, vehicle, or other source responsible for a discharge described in Subsection (a) of this Section must:

(1) comply with all state, federal, and local laws, regulations, and permits requiring reporting, cleanup, containment, and any other appropriate remedial action in response to the discharge; and

(2) reimburse the City for any costs incurred by the City in responding to the discharge.

(g) A discharger commits an offense if he:

(1) fails or refuses to report the discharge within the time required by Subsection (a) after becoming aware of the discharge;

(2) fails or refuses to submit a written report within the time required by Subsection (c), if this requirement was not expressly waived in writing by the City;

(3) knowingly provides false or incorrect information in a notification or report required under this Section; or

(4) fails or refuses to take the necessary action to clean up pollution or damage to the MS4, waters of the United States, or state water, or to other property, that is caused by the discharge.

DIVISION II. STORMWATER DISCHARGES FOR INDUSTRIAL ACTIVITY

Sec. 27-48. Applicability of Division.

The provisions of this Division apply to discharges from any conveyance that is used for collecting and conveying stormwater and that is directly related to manufacturing, processing, or raw materials storage areas at an industrial facility, which facility is within one of the categories of facilities listed in 40 CFR Section 122.26(b)(14), as amended, or is identified in a multi-sector general permit as being engaged in industrial activity. The term does not include any discharge that is excluded from the EPA's definition of "stormwater discharge associated with industrial activity."

Sec. 27-49. Permits required.

(a) All facilities required by state or federal law must obtain a multi-sector general permit or an individual NPDES or TPDES permit, whichever is applicable for the activity conducted at the industrial facility.

(b) Facilities regulated under the TPDES General Permit TXR050000 may be excluded from permit requirements if there is no exposure of industrial materials or activities from precipitation or runoff. To qualify for a no exposure exclusion from permit requirements, the operator of a facility must comply with all TCEQ's requirements for exclusion. Facilities that qualify for this exclusion and that contribute stormwater discharge to a MS4 must provide copies of the certification that industrial facilities and materials are isolated from stormwater by storm resistant shelters to the City. Failure to provide this certification to the City is an offense.

- (c) A person violates this Division if the person discharges, causes to be discharged, or allows to be discharged stormwater associated with industrial activity without first having obtained a multi-sector general permit or an individual NPDES or TPDES permit, as applicable, to do so.

Sec. 27-50. Compliance with permits.

Responsible parties of an industrial facility must comply with all terms and conditions of a multi-sector general permit or an individual NPDES or TPDES permit, whichever is applicable for the activity conducted at the industrial facility. A person who violates a term or condition of an applicable a multi-sector general permit or an individual NPDES or TPDES permit commits an offense.

Sec. 27-51. When SWP3, NOI, NEC, NOC, and NOT are required.

- (a) Responsible parties of such facilities must submit a copy of any applicable NOI, NEC, NOC, and NOT to the City within two (2) days after submitting such document to TCEQ.
- (b) Responsible parties of an industrial facility required to have a SWP3 under a multi-sector general permit or an individual NPDES or TPDES permit must provide a copy of the SWP3 to the City upon request.
- (c) Failure to comply with this Section is an offense.

Sec. 27-52. Best Management Practices (BMPs).

- (a) Responsible parties of an industrial facility governed by this Division must use best management practices to control and minimize the discharge into the MS4, waters of the United States, and state water of any material or substance handled, stored, or generated by the industrial facility and any pollutant that may be attributed to those materials or substances. The applicable SWP3 must establish BMPs. Compliance with required BMPs must be at the responsible parties' expense.
- (b) Responsible parties of an industrial facility must comply with all BMPs required by the state, federal, or local laws, regulations, and permits.
- (c) The City may require a person responsible of an industrial facility to implement, at said person's expense, additional BMPs, in addition to those required by TCEQ or the EPA, to prevent discharge of pollutants or contaminants to the MS4.

Sec. 27-53. Right of entry; inspection and sampling.

- (a) The City is authorized to enter the premises of any person who is discharging stormwater into the MS4, waters of the United States, or state water to determine if the discharger is complying with all requirements of this Chapter and of any applicable state or federal discharge permits, limitations, or requirements.

(b) A discharger must:

- (1) allow the City ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties;
- (2) retain records of all monitoring and reporting records, including records of calibration and maintenance, and copies of all records and reports required by a TCEQ permit for a period of three (3) years from the date of the record or sample, measurement, report, application, or certification;
- (3) retain any applicable SWP3 for a minimum of one (1) year after a NPDES or TPDES general permit is terminated or allowed to expire without renewal;
- (4) make available to the City any SWP3s or modifications to plans, self-inspection reports, monitoring records, compliance evaluations, notices of intent, and other records, reports, and documents required by the NPDES permit or TPDES permit; and
- (5) retain and provide to the City, upon request, any annual, semi-annual, or periodic monitoring reports as required by the NPDES or TPDES permit.

(c) A person commits an offense if they fail to comply with any of the requirements provided in Subsection (b), above.

(d) If a discharger has security measures in force that require proper identification and clearance before entry into the premises, the discharger must make necessary arrangements with its security guards so that, upon presentation of suitable identification, the City is permitted to enter without delay for the purpose of performing the City's responsibilities.

(e) The City has the authority to install on the discharger's property, or to require installation of, such devices as are necessary to conduct sampling or metering of the discharger's operations.

(f) The City may require a discharger that contributes, or the City believes may contribute, a harmful quantity of a pollutant to the MS4, waters of the United States, or state water to conduct specified sampling, testing, analysis, and other monitoring of its stormwater discharges. All such activities must be at the discharger's expense. The City may specify the frequency and parameters of any required monitoring.

(g) The City may require the discharger to install monitoring equipment as necessary at the discharger's expense.

(h) All required sampling and monitoring equipment must be maintained in a safe and proper operating condition by the discharger. The discharger must ensure that each device used to measure stormwater flow and quality is calibrated for accuracy.

- (i) Any temporary or permanent obstruction that obstructs safe and easy access to facility that is to be inspected or sampled must be promptly removed by the discharger at the written or verbal request of the City and must not be thereafter replaced. The costs of clearing access to the facility must be borne by the discharger.
- (j) Failure for a discharger to comply with any provision of this Section is an offense.

ARTICLE V. ENFORCEMENT

Sec. 27-54. Administrative Enforcement Remedies.

- (a) Generally. Unless otherwise provided in this Chapter, nothing in this Chapter limits the authority of the City to take any action, including emergency action and filing a civil suit or criminal charges, without first issuing any other type of notice or order provided under this Article. Compliance with any notice issued hereunder in no way relieves the alleged violator of liability for any violations occurring before or after receipt of any notice or order.
- (b) Notification of Violation (NOV). Except as otherwise provided by this Chapter, when the City finds that any person has violated, or continues to violate, any provision of this Chapter, the City may serve upon that person a written NOV in person or by mail. Notice of violations may order a violator to perform, within a prescribed period, any or all of the following actions:
 - (1) provide the City an explanation of the violation;
 - (2) provide the City a plan for the satisfactory correction and prevention of reoccurrence thereof, to include specific required actions and timelines for completion, which will be subject to City approval;
 - (3) correct the violation and make any remediation necessary within a period prescribed by the City; and
 - (4) perform any other action deemed necessary by the City to ensure the public's health, safety, and welfare and prevent property damage.
- (c) If the person denies that any violation occurred or contends that no corrective action is necessary, an explanation of the basis of any such denial or contention must be submitted to the City by a date specified in the Notice of Violation.
- (d) Failure to take timely or proper action as required by Subsection (b) or reply to the City by a specified date as required by Subsection (c) is an offense.

- (e) All plans submitted to the City under Subsection (b)(2), above, must be approved by the City. If the City disapproves of a plan, the City may require a submitter to modify a plan.
 - (1) Failure to comply with a plan approved by the City or failure to obtain City approval for a plan under this Subsection is an offense.
- (f) The City may issue a stop work order if the City does not accept a person's denial of a violation or contention that corrective action is not needed submitted under Subsection (c).
- (g) Stop Work Orders. When the City finds that any person has violated, continues to violate, or threatens to violate any provision of this Chapter, or any order issued by the City hereunder, the City may issue a stop work order, which will: (1) suspend or revoke any City issued permits or approvals associated with the regulated activity, facility, or site in question; or (2) halt the permitted or approved activity or facility until the violation is abated or corrected.
- (h) If a violator fails to timely correct a violation or make required remediation or there is an imminent danger to the public health, safety, or welfare, the City may perform any action deemed necessary by the City to ensure the public's health, safety, and welfare. The City may charge the owner of the property for any work performed by the City under this Subsection. Failure to pay the City for this work may result in the City filing a lien against the property.

Sec. 27-55. Criminal and Civil Enforcement.

- (a) The commission of any act that is prohibited by this Chapter or the failure to perform any act that is required by this Chapter is a violation.
- (b) Penalties for violations.
 - (1) Criminal.
 - (A) A person who knowingly, intentionally, recklessly, or with criminal negligence violates any provision of this Chapter commits an offense.
 - (B) A person who violates any provision of this Chapter commits a Class C misdemeanor. A person convicted of a violation of this Chapter must be fined a minimum amount of not less than two hundred fifty dollars (\$250.00) for the first violation, five hundred dollars (\$500.00) for the second violation, and a thousand dollars (\$1000.00) for the third violation and each violation thereafter. The maximum fined amount for any violation of this Chapter may not be more than two thousand dollars (\$2,000.00) per violation.
 - (C) A person is criminally responsible for a violation of this Chapter if the person:
 - i. commits or assists in the commission of the violation or causes or permits another person to commit the violation;

ii. owns, operates, or manages a site or facility determined to be the cause of the violation.

(D) Each violation of this Article constitutes a separate offense, and each day or portion of a day an offense continues will be considered a new violation for purposes of enforcing this Article.

(E) Filing criminal charges will not be a bar against, or a prerequisite for, taking any other action against a person.

(2) Civil.

(A) The City has the authority to pursue all legal and equitable remedies to enforce provisions of this Chapter, including, but not limited to, civil penalties of up to \$5000.00 a day or a portion of a day for each violation of this Article, injunctive relief, and all other available relief.

(B) The City has the authority to recover expenses and loss or damage to City property.

(C) Filing a suit for civil penalties will not be a bar against, or a prerequisite for, taking any other action against a person.

(c) Remedies Nonexclusive. The remedies provided for in this Section are not exclusive. The City may take any, all, or any combination of these actions against a noncompliant person.

ARTICLE VI. MISC. PROVISIONS.

Sec. 27-56. Authority to enter agreements to enforce provisions of this Chapter.

The City has the authority to enter any interagency or interlocal agreements or other maintenance agreements, as necessary, to comply with the requirements of any state, federal, or local law or regulation or to enforce the terms of this Chapter.

Sec. 27-57. Severability.

The provisions and sections of this ordinance must be deemed to be severable, and the invalidity of any portion of this ordinance must not affect the validity of the remainder.

ORDINANCE NO. 2019-4966

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING THE CODE OF ORDINANCES CHAPTER 27, "STORMWATER MANAGEMENT" TO BRING THIS CHAPTER INTO COMPLIANCE WITH THE CITY'S CURRENT TCEQ PERMITS, SIMPLIFY AND CLARIFY LANGUAGE AND TERMS, AND PROVIDE MORE EFFECTIVE ENFORCEMENT TOOLS; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in a continuing effort to review and update the City's Code of Ordinances, Staff recommends amendments to Chapter 27, "Stormwater Management" that include general language clean-up and changes to formatting - Staff suggests changing the formatting section of titles and the numbering of subsections to conform with that of other City Code Chapters and correcting minor spelling errors;

Whereas, other proposed amendments to Chapter 27 include:

- A change in title of the Chapter from "Storm Water Management" to "Stormwater;"
- A deletion of the Table of Contents to make this Chapter consistent with other City Code chapters;
- Addition of a list of acronyms and consolidation of definitions placed at the beginning of the Chapter to aid the reader;
 - Currently acronyms and definitions are scattered throughout the Chapter;
- Deletion of defined words that are not used within the Chapter;
- Addition of and updates to definitions to reflect the following TCEQ permits:
 - Multi-Sector General Permit (TXR050000) - effective 8/14/16;
 - Construction General Permit (TXR150000) - effective 3/5/18;
 - General Permit for Phase II (Small) MS4s (TXR040000) - effective 1/24/19;
- Renaming of the term "Stormwater Management Plan (SWMP)" that applied to construction contractors to "Post-Construction Management Plan;"
 - This change is recommended to prevent confusion with the Stormwater Management Plan (SWMP) that the City is required to submit to TCEQ for the City's MS4 permit;
- Update of sections regulating large and small construction site requirements, including submittal requirements, to bring the Chapter into compliance with TCEQ Construction General Permit TXR150000;
- Addition of an administrative enforcement section in Article II. Stormwater Compliance for Construction Activity;
- Deletion of "Stormwater Management Plan Requirements;"
 - These requirements would be placed in a separate guidance document called "Post-Construction Management Plan;"

- Update of the Post-Construction Stormwater Runoff Control article to comply with General Permit for Phase II (Small) MS4s (TXR040000) - This update includes requiring:
 - Post-construction management plans to include maintenance and repair plans for stormwater management facilities;
 - Parties responsible for stormwater management facilities to keep records of these facilities' maintenance and repairs and allow the City to inspect these records; and
 - Parties responsible for stormwater management facilities to regularly inspect these facilities and allow the City to inspect these facilities;
- Update of the General Prohibitions and Requirements section in the "Illicit Discharge Prevention" article in accordance with General Permit for Phase II (Small) MS4s (TXR040000);
- Addition of a section regulating pesticides, herbicides, and fertilizers, which prohibits a person from violating federal and state laws and regulations governing these products or discarding, storing, or transporting these products in a manner that is likely to cause or does cause the product to enter the City's stormwater system or any other water source, including lakes and creeks;
- Addition of a section that prohibits illicit and unauthorized connections to the City's MS4;
- Addition of a section that lays out a notification procedure for people to follow when they release a hazardous substance into the public water or the City's MS4;
- Addition of a new division for Stormwater Discharges for Industrial Activity to meet requirements in Multi-Sector General Permit (TXR050000) and General Permit for Phase II (Small) MS4s (TXR040000);
- Addition of a new article titled "Enforcement" to meet requirements in Multi-Sector General Permit (TXR050000) and General Permit for Phase II (Small) MS4s (TXR040000). This article would include:
 - Administrative enforcement remedies;
 - Criminal enforcement
 - Escalated scale of fines from \$250 for the first violation to a \$2000 maximum fine;
 - Civil Remedies
 - Authority to the City to seek civil penalties of up to \$5000 as well as all other legal and equitable remedies;

Whereas, for the above reasons, Staff recommends Council amend the Code of Ordinances Chapter 27, "Stormwater Management," as outlined in Exhibit 'A,' attached hereto and incorporated herein for all purposes; and

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

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

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 Ordinance as if copied in their entirety.

Part 2: The City Council amends the Code of Ordinances Chapter 27, “Stormwater Management” as outlined in Exhibit ‘A,’ attached hereto and incorporated herein for all purposes.

Part 3: All Ordinances or parts of Ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

Part 4: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid phrase, clause, sentence, paragraph or section.

Part 5: This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

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

PASSED AND APPROVED on First Reading and Public Hearing on the **2nd** day of **May**, 2019.

PASSED AND APPROVED on Second Reading on the **16th** day of **May**, 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

05/16/19
Item #4(O)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

David Olson, Assistant City Manager
Don Bond, Interim Public Works Director
Christine Leal, Water Conservation Coordinator

ITEM DESCRIPTION: SECOND READING – FINAL HEARING: Consider adopting an ordinance updating the City of Temple’s Drought Contingency Plan.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance on first reading and set second and final reading for May 16, 2019.

ITEM SUMMARY: Title 30, Texas Administrative Code, Chapter 288 requires wholesale public water suppliers and retail public water suppliers serving 3,300 connections or more to adopt and submit Drought Contingency plans to the Texas Commission on Environmental Quality. In March 2000, the Temple City Council adopted the City’s initial Water Conservation & Drought Contingency Plan. The plan was last updated in 2014. The City’s plan provides a mechanism for conservation of available water supply; protection of the integrity of water supply facilities; and protection of the public health, safety and welfare.

The proposed update was developed to provide a combination of proactive and reactive strategies to achieve the goals of the Water Conservation Plan and to provide specific, phased, and enforceable measures related to water use.

The plan meets the requirements of the Texas Administrative Code and recommends measures that are achievable, practical, and sustainable.

FISCAL IMPACT: There is no direct fiscal impact for this ordinance.

ATTACHMENTS:

[Drought Contingency Plan](#)
[Ordinance](#)



DROUGHT CONTINGENCY PLAN

Updated:
May 2019

Utility Services Division
Department of Public Works
City of Temple, Texas
Public Water Supply Number: 140005

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Section I. Declaration of Policy, Purpose, and Intent

The City of Temple ("The City") formally adopted this Drought Contingency Plan ("The Plan") to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage during drought or other water supply emergencies. This Plan is designed to meet the requirements of 30 Tex. Admin. Code § 288, pertaining to Drought Contingency Plans for Municipal Uses by Public Water Suppliers. These regulations require all Texas retail and wholesale public water suppliers providing water service to 3,300 or more connections to update Drought Contingency Plans by May 1, 2009, and every five years thereafter.

Water uses regulated or prohibited under this Plan are considered non-essential, and continuation of such uses during times of water shortage or other emergency water supply conditions constitutes a waste of water which subjects the offender(s) to penalties defined in Section XIII of this Plan.

Section II. Public Involvement

Opportunity for public input into the preparation of the Plan was provided by the City at public workshops and hearings.

Section III. Public Education and Notification

The City will periodically provide the public, retail water customers, and wholesale water customers with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the response measures to be implemented in each stage. This information will be provided through the City's website and media releases and may also include additional means such as printed brochures and utility bill inserts.

Notification

Notification of the Public:

The City Manager shall notify the public of water shortage stages by appropriate means which may include:

- publication in a newspaper of general circulation
- direct mail to each customer
- public service announcements
- signs posted in public places
- other appropriate means

Additional Notification:

The City Manager shall directly notify appropriate individuals and entities, which may include:

- Mayor and City Council
- City department heads
- City and/or County emergency management coordinator
- County Judge & Commissioners
- Texas Commission on Environmental Quality
- major water users
- critical water users, e.g. hospitals

Section IV. Wholesale Water Contract Provisions

In the event that a wholesale water contract is renewed, extended, or amended, the wholesale customer shall be required to develop and implement a water conservation and drought contingency plan. This requirement shall be made a part of the contract. Further, if the wholesale customer intends to resell the water, a contract between the initial supplier and wholesale customer must provide that the contract for resale of the water have a water conservation requirement, so that each successive customer in the resale of the water will be required to implement conservation measures in accordance with 30 Tex. Admin. Code § 288.

It shall also be a contract provision in every wholesale water contract entered into or renewed after the adoption of the Plan, that in case of water shortage, potable water must be distributed in accordance with Texas Water Code § 11.039.

Section V. Coordination with Regional Water Planning Groups

The utility service area of the City is located within the Brazos G Regional Water Planning Area. The City has provided a copy of this Plan to the Brazos G Regional Water Planning Group. A copy of the transmittal letter is included in Appendix B.

Section VI. Authorization

The City Manager is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The City Manager shall have the authority to initiate or terminate drought stages or water shortage response measures as described in this Plan.

Section VII. Application

The provisions of this Plan shall apply to all persons, customers, and property using water provided by the City. The terms “person” and “customer” as used in this Plan include individuals, corporations, partnerships, associations, and all other legal entities.

Section VIII. Definitions

For the purposes of this Plan, the following definitions shall apply:

Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

City Manager means the appointed City Manager or his/her designee.

Commercial and Institutional water use: water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer: any person, company, or organization using water supplied by the City.

Domestic water use: water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Even number address: street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

Non-essential water use: water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:

- (a) irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
- (b) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (c) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (d) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (e) flushing gutters or permitting water to run or accumulate in any gutter or street;
- (f) use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
- (g) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (h) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (i) use of water from hydrants for construction purposes or any other purposes other than firefighting.

Odd numbered address: street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

Section IX. Initiation and Termination of Water Shortage Stages

The City Manager shall monitor water supply and/or demand conditions on a regular basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified “triggers” are reached.

The triggering criteria described below are based on known capacity limits of the water treatment system, total daily water demand, and the water level of the City’s water supply source.

Year-Round Water Conservation

Customers shall be requested to adopt year-round water conservation practices, regardless of the season or water supply conditions. Guidelines for Year-Round Water Conservation as provided in Section X, “Water Shortage Response,” remain in effect until the City Manager declares a water shortage. Year-Round Water Conservation automatically resumes by default immediately upon ordered termination of all water shortage stages. The peak season for water use in Temple is the period from June 1st to September 30th, and special attention to water conservation in this period is critical to protecting valuable drinking water resources.

Moderate Water Shortage

Requirements for initiation- Customers shall be required to comply with the requirements and restrictions for Moderate Water Shortage as provided in Section X, “Water Shortage Response” when one of the following criteria are met:

1. When total daily water demand equals or exceeds 85% of plant capacity for 3 consecutive days or 90% of plant capacity on a single day;
2. Brazos River Authority initiates Stage 2 of their Drought Contingency Plan; or
3. The City Manager declares a Moderate Water Shortage.

Requirements for termination – Declaration of Moderate Water Shortage may be rescinded when all the conditions listed as triggering events have ceased to exist for a period of 7 consecutive days or when the City Manager declares termination. Upon termination of Moderate Water Shortage, the standard condition of Year-Round Water Conservation becomes operative.

Severe Water Shortage

Requirements for initiation- Customers shall be required to comply with the requirements and restrictions for Severe Water Shortage as provided in Section X, “Water Shortage Response” when one of the following criteria are met:

1. When total daily water demand equals or exceeds 90% of plant capacity for 3 consecutive days or 95% of plant capacity on a single day;

2. Brazos River Authority initiates Stage 3 of their Drought Contingency Plan; or
3. The City Manager declares a Severe Water Shortage.

Requirements for termination- Declaration of Severe Water Shortage may be rescinded when all the conditions listed as triggering events have ceased to exist for a period of 7 consecutive days or when the City Manager declares termination. Upon termination of Severe Water Shortage, water use requirements and restrictions of Moderate Water Shortage become operative unless otherwise determined by the City Manager.

Emergency Water Shortage

Requirements for initiation- Customers shall be required to comply with the requirements and restrictions for Emergency Water Shortage as provided in Section X, "Water Shortage Response" when one of the following criteria are met:

1. Major water line breaks, or pump or system failures occur, which cause loss of capability to provide water service;
2. Natural or man-made contamination of the water supply source;
3. Brazos River Authority initiates Stage 4 of their Drought Contingency Plan; or
4. The City Manager declares an Emergency Water Shortage.

Requirements for termination- Declaration of Emergency Water Shortage may be rescinded when all the conditions listed as triggering events have ceased to exist for a period of 7 consecutive days or when the City Manager declares termination. Upon termination of Emergency Water Shortage, water use requirements and restrictions of Severe Water Shortage become operative unless otherwise determined by the City Manager.

Section X. Water Shortage Response

The City Manager shall monitor water supply and/or demand conditions on a regular basis and, in accordance with the triggering criteria set forth in Section IX of this Plan, shall determine that a moderate, severe, or emergency water shortage exists and shall implement the following actions:

Year-Round Water Conservation Guidelines

Target: Achieve a voluntary reduction in daily water demand.

Voluntary Water Use Restrictions:

- (a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number, and Saturdays and Wednesdays for water customers with a street address ending in an odd number, and to irrigate landscapes only before 10:00 a.m. or after 8:00 p.m. on designated watering days. However, irrigation of landscaped areas is permitted anytime if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or a permanently installed drip irrigation system;

- (b) Irrigation of public landscaped areas by the City shall adhere to a Year-Round Water Conservation water use schedule approved by the City Manager; and
- (c) Water customers are requested to practice water conservation and to minimize water use for non-essential purposes.

Wholesale Customers

- (a) The City Manager will request wholesale water customers to implement a comparable stage of the customer's water conservation or drought contingency plan.

Moderate Water Shortage Response

Target: Achieve a 10 percent reduction in daily water demand.

Mandatory Water Use Restrictions:

Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

- (a) Irrigation of landscaped areas shall be limited to Sundays and Thursdays for customers with a street address ending in an even number, and Saturdays and Wednesdays for water customers with a street address ending in an odd number. Additionally, irrigation of landscapes is only permitted before 10:00 a.m. or after 8:00 p.m. on designated watering days. However, irrigation of landscaped areas is permitted anytime if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or a permanently installed drip irrigation system;
- (b) Irrigation of public landscaped areas by the City shall adhere to the Moderate Water Shortage water use schedule approved by the City Manager;
- (c) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated watering days;
- (d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system;
- (e) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days before 10:00 a.m. or after 8:00 p.m. However, if the golf course utilizes a water source other than that provided by the City, the facility shall not be subject to these regulations;
- (f) All restaurants are prohibited from serving water to patrons except upon request of the patron;
- (g) The following uses of water are defined as non-essential and are prohibited:
 - (i) wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 - (ii) use of water to wash down buildings or structures for purposes other than immediate fire protection;
 - (iii) use of water for dust control;

- (iv) flushing gutters or permitting water to run or accumulate in any gutter or street; and
 - (v) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (h) The City Manager may order water rationing to selected users of the system in accordance with the following sequence:
 - (i) Recreational users
 - (ii) Commercial and Industrial users
 - (iii) School users
 - (iv) Residential Users
 - (v) Hospitals, public health facilities, and safety facilities.

Wholesale Customers

- (a) The City Manager will request wholesale water customers to implement response measures of the customer's water conservation or drought contingency plan that are comparable to the City's Moderate Water Shortage Response; and
- (b) The City Manager will initiate contact with wholesale water customers to discuss water supply and/or demand conditions and the possibility of pro rata curtailment of water diversions and/or deliveries.

Severe Water Shortage Response

Target: Achieve a 20 percent reduction in daily water demand.

Mandatory Water Use Restrictions:

All requirements of Moderate Water Shortage response shall remain in effect during Severe Water Shortage, and:

- (a) Irrigation of landscaped areas shall be limited to designated watering days. Additionally, irrigation of landscapes is only permitted before 8:00 a.m. or after 8:00 p.m. on designated watering days. However, irrigation of landscaped areas is permitted at any time if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or a permanently installed drip irrigation system;
- (b) Irrigation of public landscaped areas by the City shall adhere to the Severe Water Shortage water use schedule approved by the City;
- (c) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited unless the golf course utilizes a water source other than that provided by the City;
- (d) Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare. The use of water from designated fire hydrants for construction purposes may be allowed under special permit from the City; and

- (e) The City Manager may order water rationing to selected users of the system in accordance with the following sequence:
 - (i) Recreational users
 - (ii) Commercial and Industrial users
 - (iii) School users
 - (iv) Residential Users
 - (v) Hospitals, public health facilities, and safety facilities.

Wholesale Customers

- (a) The City Manager will request wholesale water customers to implement response measures of the customer's water conservation or drought contingency plan that are comparable to the City's Severe Water Shortage Response; and
- (b) The City Manager will initiate preparations for the implementation of pro rata curtailment of water diversions and/or deliveries by preparing a monthly water usage allocation baseline for each wholesale customer according to the procedures specified in Section XI of the Plan.

Emergency Water Shortage Response

Target: Achieve a 30 percent reduction in daily water demand.

Mandatory Water Use Restrictions:

All requirements of Moderate and Severe Water Shortage response remain in effect during Emergency Water Shortage, and:

- (a) Irrigation of landscaped areas is absolutely prohibited;
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited;
- (c) The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited;
- (d) The use of water for construction purposes from designated fire hydrants under special permit is prohibited, even when previously allowed.
- (e) No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be allowed or approved; and
- (f) The City Manager is authorized to implement any actions or restrictions necessary to protect the public health, safety, and welfare including, but not limited to, water rationing, water service termination; and mandatory closure of commercial and industrial facilities; and
- (g) The City Manager may order water rationing to selected users of the system in

accordance with the following sequence:

- (i) Recreational users
- (ii) Commercial and Industrial users
- (iii) School users
- (iv) Residential Users
- (v) Hospitals, public health facilities, and safety facilities.

Wholesale Customers

- (a) The City Manager will request wholesale water customers to implement response measures of the customer's water conservation or drought contingency plan that are comparable to the City's Emergency Water Shortage Response; and
- (b) The City Manager may initiate pro rata curtailment of water diversions and/or deliveries in accordance with the procedures in Section XI of the Plan in order to achieve a 30 percent reduction in all wholesale customers' allocations.

Section XI. Pro Rata Water Allocation (Wholesale Customers)

In the event that the triggering criteria specified in Section IX of the Plan for Emergency Water Shortage have been met, the City Manager is hereby authorized to initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code § 11.039 and according to the following water allocation policies and procedures:

- (a) A wholesale customer's monthly allocation shall be a percentage of the customer's water usage baseline. The percentage will be set by resolution of the City Council based on the City Manager's assessment of the severity of the water shortage condition and the need to curtail water diversions and/or deliveries. Monthly allocations may be adjusted periodically by resolution of the City Council as conditions warrant. Once pro rata allocation is in effect, water diversions by or deliveries to each wholesale customer shall be limited to the allocation established for each month.
- (b) A monthly water usage allocation shall be established by the City Manager for each wholesale customer. The wholesale customer's water usage baseline will be computed on the average water usage by month for the previous four-year period. If the wholesale water customer's billing history is less than four years, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists.

Example of Calculation of Monthly Allocation for Hypothetical Wholesale Water Customer

YEAR	2014	2015	2016	2017	2018	SUM	AVERAGE	ALLOCATION PERCENTAGE	MONTHLY ALLOCATION
January	133	137	146	148	156	720	144	75%	108
February	115	122	133	133	147	650	130	75%	98
March	130	150	146	149	159	734	147	75%	110
April	130	167	168	157	187	809	162	75%	121
May	160	152	179	183	171	845	169	75%	127
June	226	184	172	205	249	1,036	207	75%	155
July	235	274	232	314	246	1,301	260	75%	195
August	222	203	206	337	309	1,277	255	75%	191
September	199	160	196	229	198	982	196	75%	147
October	165	172	197	165	185	884	177	75%	133
November	139	142	149	153	162	745	149	75%	112
December	142	143	150	156	165	756	151	75%	113
TOTAL	1,863	2,006	2,074	2,329	2,334	10,606	2,148		

- (c) The City Manager shall provide notice, by certified mail, to each wholesale customer informing them of their monthly water usage allocations and shall notify the news media and the executive director of the Texas Commission on Environmental Quality upon initiation of pro rata water allocation.
- (d) Upon request of the customer or at the initiative of the City Manager the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the wholesale customer's normal water usage; (2) the customer agrees to transfer part of its allocation to another wholesale customer; or (3) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the City Council of the City.
- (e) During any period when pro rata allocation of available water supplies is in effect, wholesale customers shall pay the following surcharges on excess water diversions and/or deliveries. The below surcharges shall be cumulative:
- 1.5 times the normal water charge per 1,000 gallons for deliveries exceeding the monthly allocation up through 5 percent above the monthly allocation;
 - 2.0 times the normal water charge per 1,000 gallons for deliveries exceeding the monthly allocation from 5 percent through 10 percent above the monthly allocation;
 - 2.5 times the normal water charge per 1,000 gallons for water deliveries exceeding the monthly allocation from 10 percent through 15 percent above the monthly allocation, and;
 - 3.0 times the normal water charge per 1,000 gallons for water deliveries more than 15 percent above the monthly allocation.

Section XII. Variances

The City Manager may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

- (a) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
- (b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with the City within 5 days after the Plan or a drought response stage has been invoked. All petitions for variances shall be reviewed by the City Manager and shall include the following:

- (a) Name and address of the petitioner(s).
- (b) Purpose of water use.
- (c) Specific provision(s) of the Plan from which the petitioner is requesting relief.
- (d) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- (e) Description of the relief requested.
- (f) Period of time for which the variance is sought.
- (g) Alternative water-use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (h) Other pertinent information.

Section XIII. Enforcement

- (a) No person shall knowingly or intentionally allow the use of water from the City for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this ordinance, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the City Manager, in accordance with provisions of this ordinance.
- (b) Any person who violates this ordinance is guilty of a Class C Misdemeanor, and upon conviction shall be punished by a fine of not less than fifty dollars (\$50.00) and not more than two-thousand dollars (\$2,000.00). Each day that one or more of the provisions in this ordinance is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this ordinance, the City Manager shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge in accordance with current

policies and ordinances and any other cost incurred by the City in discontinuing service. In addition, suitable assurance must be given to the City Manager that the same action shall not be repeated while the ordinance is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.

- (c) Any person, including a person classified as a water customer of the City in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this ordinance and that the parent could not have reasonably known of the violation.
- (d) Any employee of the City, police officer, or other employee designated by the City Manager, may issue a citation to a person he/she reasonably believes to be in violation of this ordinance. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall
- (e) direct him/her to appear in the municipal court on the date shown on the citation for which the date shall not be less than 3 days nor more than 5 days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in municipal court to enter a plea of guilty or not guilty for the violation of this ordinance. If the alleged violator fails to appear in municipal court a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in municipal court before all other cases.

Section XIV. Severability

It is hereby declared to be the intention of the City Council of the City that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would not have been enacted by the City Council of the City without the incorporation into this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

Appendix A—Ordinance

Appendix B—Transmittal Letter

Transmittal Letter

ORDINANCE NO. 2019-4967

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ADOPTING AN UPDATE TO THE CITY OF TEMPLE'S DROUGHT CONTINGENCY PLAN; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Title 30, Texas Administrative Code, Chapter 288 requires wholesale public water suppliers and retail public water suppliers serving 3,300 connections or more to adopt and submit drought contingency plans to the Texas Commission on Environmental Quality;

Whereas, in March 2000, City Council adopted the City's initial Water Conservation and Drought Contingency Plan, last updated in 2014, which provides a mechanism for the conservation of available water supply, protection of the integrity of water supply facilities, and protection of the public health, safety, and welfare;

Whereas, the proposed update was developed to provide a combination of proactive and reactive strategies to achieve the goals of the Water Conservation Plan and to provide specific, phased, and enforceable measures related to water use - the plan meets the requirements of the Texas Administrative Code and recommends measures that are achievable, practical, and sustainable; and

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

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

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 Ordinance as if copied in their entirety.

Part 2: The City Council adopts the City of Temple's Drought Contingency Plan which is attached hereto as Exhibit A and is incorporated herein for all purposes.

Part 3: All Ordinances or parts of ordinances in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

Part 4: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid phrase, clause, sentence, paragraph or section.

Part 5: This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

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

PASSED AND APPROVED on First Reading and Public Hearing on the **2nd** day of **May**, 2019.

PASSED AND APPROVED on Second Reading on the **16th** day of **May**, 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

05/16/19
Item #4(P)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution approving second quarter financial results for Fiscal Year 2019.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

BACKGROUND: This item will present in detail the second quarter ending March 31, 2019, for the General, Water & Sewer, Hotel/Motel Tax, and Drainage Funds.

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

The second quarter financial statements also include a forecast of year-end financial results for the General Fund as of September 30, 2019.

FISCAL IMPACT: Not applicable.

ATTACHMENTS:

[Quarterly Financial Statements](#)
[Resolution](#)



SECOND QUARTER FINANCIAL STATEMENTS

2018/19

Prepared by the
Finance Department



QUARTERLY FINANCIAL STATEMENTS

For the six months ended 03.31.19

Prepared by:

City of Temple, Finance Department

Traci L. Barnard, CPA
Director of Finance

Melissa A. Przybylski, CPA
Assistant Director of Finance

Stacey Reisner, CPA
Treasury/Grants Manager

Jennifer Emerson
Director of Budget

Sherry M. Pogor
Financial Analyst

Erica Glover
Senior Accountant



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TRANSMITTAL LETTER

May 16, 2019

Honorable Mayor and Council Members

City of Temple, Texas

We are pleased to submit the Quarterly Financial Statements for the General Fund, Water and Sewer Fund, and Special Revenue Funds of the City of Temple, Texas for the six months ended March 31, 2019. These financial statements were prepared by the Finance Department of the City of Temple.

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

SIX-MONTH REVIEW

GENERAL FUND –

The amount of revenues from various sources for the six months ended March 31, 2019, as compared to the FY 2019 amended budget, is shown in the following table (presented in thousands):

	<u>Actual</u>	<u>Amended Budget</u>	<u>Percent of Budget</u>
Revenues:			
Taxes	\$ 24,762	\$ 36,499	68%
Franchise fees	5,460	7,103	77%
Licenses and permits	554	909	61%
Intergovernmental	44	62	71%
Charges for services	12,721	26,680	48%
Fines	1,028	2,209	47%
Interest and other	1,136	2,059	55%
Total revenues	<u><u>\$ 45,705</u></u>	<u><u>\$ 75,520</u></u>	<u><u>61%</u></u>

TRANSMITTAL LETTER

Revenues compared to the amended budget for FY 2019 are at 61% with 50% of the year completed. A detail of the revenues as compared to budget is shown below:

Revenues	% of Budget
Ad valorem taxes	97.25%
Sales tax receipts	50.01%
Other taxes	53.79%
Franchise fees	76.87%
Licenses and permits	60.90%
Intergovernmental revenues	70.59%
Charges for services	47.68%
Fines	46.56%
Interest and other	55.17%

Expenditures by major function for the six months ended March 31, 2019, as compared to the FY 2019 amended budget are shown in the following table (presented in thousands):

	Actual	Amended Budget	Percent of Budget
Expenditures:			
General government	\$ 8,294	\$ 17,754	47%
Public safety	17,270	34,578	50%
Highways and streets	1,759	3,854	46%
Sanitation	3,694	6,739	55%
Parks and recreation	4,058	10,947	37%
Education	900	1,864	48%
Airport	1,213	2,397	51%
Debt Service:			
Principal	41	135	30%
Interest	7	16	41%
Total expenditures	\$ 37,236	\$ 78,284	48%

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

Expenditures	% of Budget
Personnel	47.03%
Operations	46.29%
Capital	64.29%
Debt service	31.17%

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

TRANSMITTAL LETTER

WATER/WASTEWATER FUND –

Operating revenue has decreased by \$1,448,905 over the same time period as last fiscal year. Operating expenses increased by \$424,689 compared to the same period of last fiscal year. Second quarter financials for this fund begin on page 32.

HOTEL-MOTEL FUND –

The Hotel-Motel Fund is reported beginning on page 40. This special revenue fund is used to account for the levy and utilization of the hotel-motel room tax.

DRAINAGE FUND –

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

CAPITAL PROJECTS –

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

INVESTMENTS/CASH MANAGEMENT –

All of the City's cash and investments are maintained in a pool that is available for use by all funds. Interest earnings are allocated based on cash amounts in individual funds in a manner consistent with legal requirements. Investments are made in accordance with the Comprehensive Policy adopted by the City on August 24, 2018. The City's primary investment objectives, in order of priority, are as follows:

- Safety
- Liquidity
- Yield

As of March 31, 2019, the City had cash and investments with a carrying value of \$174,147,493 and a fair value of \$176,935,239. Total interest earnings for the six months ended are \$2,079,865. The investment schedules presented in Exhibit F-1 through F-3 are prepared in accordance with Generally Accepted Accounting Principles (GAAP).

TRANSMITTAL LETTER

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

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

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

Details of our current investment portfolio begin on page 73, Exhibit F-1 through F-3.

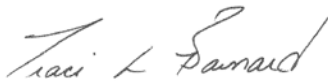
SUPPLEMENTAL INFORMATION –

This section has details of General Fund balances and designations (page 79). Also in this section is a schedule of federal and state grants, a detailed schedule of historical sales tax revenue by month, a schedule of Hotel/Motel receipts by month, and a schedule of parks escrow funds.

CONCLUSION –

I want to take time to thank the Finance Department staff for their hard work in preparing these financial statements particularly Assistant Director of Finance, Melissa Przybylski, CPA; Treasury/Grants Manager, Stacey Reisner, CPA; Director of Budget, Jennifer Emerson; Financial Analyst, Sherry Pogor; and Senior Accountant, Erica Glover for their excellent work and efforts.

Respectively submitted,



Traci L. Barnard, CPA
Director of Finance

GENERAL FUND FINANCIALS

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

CITY OF TEMPLE, TEXAS
GENERAL FUND
COMPARATIVE BALANCE SHEETS
March 2019 and 2018

	<u>2019</u>	<u>2018</u>	<u>Increase (Decrease)</u>
ASSETS			
Cash	\$ 5,250	\$ 5,900	\$ (650)
Investments	39,943,122	39,905,654	37,468
Receivables (net of allowance for estimated uncollectible):			
State sales tax	1,787,205	1,603,658	183,547
Accounts	1,502,988	1,418,788	84,200
Ad valorem taxes	489,895	490,667	(772)
Inventories	352,674	325,413	27,261
Prepaid items	406,034	412,965	(6,931)
<i>Total current assets</i>	<u>44,487,168</u>	<u>44,163,045</u>	<u>324,123</u>
 Restricted cash and investments:			
Drug enforcement	262,874	189,289	73,585
Public safety	30,107	31,078	(971)
R.O.W. Escrow	22,370	92,179	(69,809)
Parks Escrow {Table VI, pg. 85}	474,484	389,248	85,236
Rob Roy MacGregor Trust - Library	7,525	8,512	(987)
<i>Total restricted cash and investments</i>	<u>797,360</u>	<u>710,306</u>	<u>87,054</u>
 TOTAL ASSETS	<u><u>\$ 45,284,528</u></u>	<u><u>\$ 44,873,351</u></u>	<u><u>\$ 411,177</u></u>

	2019	2018	Increase (Decrease)
LIABILITIES AND FUND BALANCES			
Liabilities:			
Vouchers payable	\$ 6,270,774	\$ 6,242,967	\$ 27,807
Retainage payable	5,884	1,605	4,279
Accrued payroll	1,832,729	1,870,267	(37,538)
Deposits	41,078	37,350	3,728
Deferred revenues:			
Ad valorem taxes	462,310	463,082	(772)
R.O.W. Escrow	22,370	14,089	8,281
Parks Escrow	474,484	389,248	85,236
Other	360,551	251,918	108,633
Total liabilities	9,470,180	9,270,526	199,654
Fund Balance:			
Nonspendable:			
Inventories and prepaid items	492,994	432,639	60,355
Restricted for:			
Drug enforcement	217,001	160,520	56,481
Public safety	30,643	30,909	(266)
Rob Roy MacGregor Trust - Library	8,590	9,925	(1,335)
Municipal court	320,950	492,839	(171,889)
Vital statistics preservation	3,050	-	3,050
Public education channel	144,338	135,256	9,082
Assigned to:			
Technology replacement	12,071	27,586	(15,515)
Capital projects {Table I, pg. 79}	1,315,630	1,819,483	(503,853)
Unassigned:	20,132,300	20,132,300	-
Budgeted decrease in fund balance	5,102,161	5,240,655	(138,494)
Total fund balance	27,779,728	28,482,112	(702,384)
Excess revenues over expenditures YTD	8,034,620	7,120,713	913,907
TOTAL LIABILITIES AND FUND BALANCES	\$ 45,284,528	\$ 44,873,351	\$ 411,177

GENERAL FUND

SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES

IN FUND BALANCE - ACTUAL AND BUDGET

For the six months ended March 31, 2019

(With comparative amounts for the six months ended March 31, 2018)

	FY 2019			FY 2018	Analytical
	Actual	Budget	Percent of Budget	Actual	\$ Increase (Decrease) Prior yr.
Revenues:					
Taxes	\$ 24,762,153	\$ 36,498,625	67.84%	\$ 24,035,794	\$ 726,359
Franchise fees	5,460,439	7,103,030	76.87%	5,270,808	189,631
Licenses and permits	553,747	909,250	60.90%	426,598	127,149
Intergovernmental	44,062	62,418	70.59%	43,106	956
Charges for services	12,720,702	26,679,748	47.68%	11,886,441	834,261
Fines	1,028,274	2,208,553	46.56%	964,147	64,127
Interest and other	1,135,939	2,058,864	55.17%	826,291	309,648
Total revenues	45,705,316	75,520,488	60.52%	43,453,185	2,252,131
Expenditures:					
General government	8,294,267	17,754,003	46.72%	7,820,923	473,344
Public safety	17,270,331	34,578,385	49.95%	17,038,254	232,077
Highways and streets	1,758,920	3,853,618	45.64%	1,662,276	96,644
Sanitation	3,694,448	6,738,720	54.82%	3,628,619	65,829
Parks and recreation	4,057,915	10,947,066	37.07%	4,367,213	(309,298)
Education	900,214	1,863,588	48.31%	840,020	60,194
Airport	1,213,020	2,397,293	50.60%	1,177,933	35,087
Debt Service:					
Principal	40,511	134,876	30.04%	40,733	(222)
Interest	6,542	16,072	40.70%	3,776	2,766
Total expenditures	37,236,168	78,283,621	47.57%	36,579,747	656,421
Excess (deficiency) of revenues over expenditures	8,469,148	(2,763,133)	-	6,873,438	1,595,710
Other financing sources (uses):					
Transfers out:					
Debt Service	(70,900)	(1,506,800)	4.71%	(57,219)	(13,681)
Capital Projects - Designated	(345,161)	(915,683)	37.69%	(224,821)	(120,340)
Grant Fund	(18,467)	(19,771)	93.40%	(8,871)	(9,596)
Lease Proceeds	-	103,226	0.00%	538,186	(538,186)
Total other financing sources (uses)	(434,528)	(2,339,028)	18.58%	247,275	(681,803)
Excess (deficiency) of revenues and other financing sources over expenditures and other financing uses	8,034,620	(5,102,161)	-	7,120,713	913,907
Fund balance, beginning of period	27,779,728	27,779,728	-	28,482,112	(702,384)
Fund balance, end of period	\$ 35,814,348	\$ 22,677,567	\$ -	\$ 35,602,825	\$ 211,523

GENERAL FUND

SCHEDULE OF REVENUES - ACTUAL AND BUDGET

For the six months ended March 31, 2019

(With comparative amounts for the six months ended March 31, 2018)

	FY 2019			FY 2018	Analytical
	Actual	Budget	Percent of Budget	Actual	\$ Increase (Decrease) Prior yr.
Taxes:					
Ad valorem:					
Property, current year	\$ 13,311,351	\$ 13,527,275	98.40%	\$ 13,156,940	\$ 154,411
Property, prior year	27,096	141,350	19.17%	38,988	(11,892)
Penalty and interest	42,394	90,000	47.10%	44,934	(2,540)
Total ad valorem taxes	13,380,841	13,758,625	97.25%	13,240,862	139,979
Non-property taxes:					
City sales {Table V, pg. 84}	11,268,354	22,530,000	50.01%	10,692,466	575,888
Mixed beverage	90,698	155,000	58.51%	81,051	9,647
Occupation	22,260	40,000	55.65%	21,415	845
Bingo	-	15,000	0.00%	-	-
Total non-property taxes	11,381,312	22,740,000	50.05%	10,794,932	586,380
Total taxes	24,762,153	36,498,625	67.84%	24,035,794	726,359
Franchise Fees:					
Electric franchise	3,364,131	3,445,000	97.65%	3,236,830	127,301
Gas franchise	564,863	560,000	100.87%	517,116	47,747
Telephone franchise	189,623	380,000	49.90%	203,398	(13,775)
Cable franchise	404,731	835,821	48.42%	411,503	(6,772)
Water/Sewer franchise	897,930	1,795,859	50.00%	860,705	37,225
Other	39,161	86,350	45.35%	41,256	(2,095)
Total franchise fees	5,460,439	7,103,030	76.87%	5,270,808	189,631
Licenses and permits:					
Building permits	358,894	605,500	59.27%	203,437	155,457
Electrical permits and licenses	16,585	36,000	46.07%	40,007	(23,422)
Mechanical	10,703	18,000	59.46%	37,068	(26,365)
Plumbing permit fees	51,460	96,000	53.60%	68,331	(16,871)
Other	116,105	153,750	75.52%	77,755	38,350
Total licenses and permits	553,747	909,250	60.90%	426,598	127,149
Intergovernmental revenues:					
Federal grants	17,353	17,353	100.00%	14,712	2,641
State grants	-	-	0.00%	1,685	(1,685)
State reimbursements	8,352	8,352	100.00%	8,352	-
Department of Civil Preparedness	18,357	36,713	50.00%	18,357	-
Total intergovernmental revenues	44,062	62,418	70.59%	43,106	956

(Continued)

GENERAL FUND
SCHEDULE OF REVENUES - ACTUAL AND BUDGET

(Continued)

For the six months ended March 31, 2019

(With comparative amounts for the six months ended March 31, 2018)

	FY 2019			FY 2018	Analytical
	Actual	Budget	Percent of Budget	Actual	\$ Increase (Decrease) Prior yr.
Library fees	\$ 14,208	\$ 25,500	55.72%	\$ 13,293	\$ 915
Recreational entry fees	40,034	104,500	38.31%	48,038	(8,004)
Recreational services	472,635	1,215,954	38.87%	484,151	(11,516)
Summit recreational fees	199,857	405,800	49.25%	199,464	393
Hillcrest Cemetery	-	62,500	0.00%	-	-
Golf course revenues	246,282	842,080	29.25%	255,634	(9,352)
Swimming pool	1,195	34,000	3.51%	1,011	184
Lions Junction water park	21,159	478,820	4.42%	20,670	489
Sammons indoor pool	34,352	90,100	38.13%	34,425	(73)
Vital statistics	62,041	115,000	53.95%	59,269	2,772
Police revenue	643,786	999,478	64.41%	663,873	(20,087)
Contractual services					
-proprietary fund	2,110,554	4,310,357	48.96%	2,070,484	40,070
Curb and street cuts	50,149	40,000	125.37%	30,105	20,044
Other	6,766	80,000	8.46%	981	5,785
Solid waste collection - residential	2,796,337	5,641,221	49.57%	2,576,062	220,275
Solid waste collection - commercial	1,728,795	3,351,342	51.59%	1,612,790	116,005
Solid waste collection - roll-off	1,518,454	2,710,527	56.02%	1,341,477	176,977
Landfill contract	989,128	2,441,794	40.51%	921,294	67,834
Airport sales and rental	1,132,901	2,278,946	49.71%	1,190,207	(57,306)
Subdivision fees	14,649	22,000	66.59%	15,749	(1,100)
Fire department	28,097	87,588	32.08%	42,516	(14,419)
Reinvestment Zone reimbursements	609,323	1,342,241	45.40%	304,948	304,375
Total charges for services	12,720,702	26,679,748	47.68%	11,886,441	834,261
Fines:					
Court	685,704	1,479,853	46.34%	664,943	20,761
Animal pound	21,971	49,000	44.84%	25,417	(3,446)
Over parking	7,130	20,000	35.65%	30	7,100
Administrative fees	313,469	659,700	47.52%	273,757	39,712
Total fines	1,028,274	2,208,553	46.56%	964,147	64,127
Interest and other:					
Interest	349,108	793,500	44.00%	225,701	123,407
Lease and rental	81,191	177,380	45.77%	206,227	(125,036)
Sale of fixed assets	65,574	142,900	45.89%	18,167	47,407
Insurance claims	34,815	69,809	49.87%	183,936	(149,121)
Payment in lieu of taxes	16,588	18,033	91.99%	18,033	(1,445)
Building rental -					
BOA bldg.	47,918	86,390	55.47%	47,148	770
Other	540,745	770,852	70.15%	127,079	413,666
Total interest and other	1,135,939	2,058,864	55.17%	826,291	309,648
Total revenues	\$ 45,705,316	\$ 75,520,488	60.52%	\$ 43,453,185	\$ 2,252,131

GENERAL FUND

SCHEDULE OF EXPENDITURES- ACTUAL AND BUDGET

For the six months ended March 31, 2019

(With comparative amounts for the six months ended March 31, 2018)

	FY 2019			FY 2018	Analytical
	Actual	Budget	Percent of Budget	Actual	\$ Increase (Decrease) Prior yr.
General government:					
City council	\$ 114,461	\$ 215,269	53.17%	\$ 95,529	\$ 18,932
City manager	687,947	1,438,420	47.83%	334,059	353,888
Administrative services	-	-	0.00%	107,400	(107,400)
Finance	857,958	1,765,663	48.59%	823,613	34,345
Purchasing	251,381	584,649	43.00%	217,229	34,152
City secretary	228,950	509,041	44.98%	238,364	(9,414)
Special services	429,356	1,429,305	30.04%	768,340	(338,984)
Legal	479,879	979,187	49.01%	465,686	14,193
City planning	355,318	731,009	48.61%	333,853	21,465
Information technology services	1,606,485	3,051,169	52.65%	1,637,922	(31,437)
Human resources	429,906	1,003,742	42.83%	442,470	(12,564)
Economic development	1,342,158	2,521,213	53.23%	893,540	448,618
Fleet services	457,741	1,233,567	37.11%	561,607	(103,866)
Inspections/Permits	303,108	638,379	47.48%	257,240	45,868
Facility services	749,619	1,653,390	45.34%	644,071	105,548
	<u>8,294,267</u>	<u>17,754,003</u>	<u>46.72%</u>	<u>7,820,923</u>	<u>473,344</u>
Public safety:					
Municipal court	388,632	836,279	46.47%	496,221	(107,589)
Police	9,485,049	18,383,621	51.60%	9,131,748	353,301
Animal control	244,209	572,100	42.69%	254,884	(10,675)
Fire	6,177,441	12,553,180	49.21%	6,211,937	(34,496)
Communications	470,447	940,894	50.00%	497,129	(26,682)
Code compliance	504,553	1,292,311	39.04%	446,335	58,218
	<u>17,270,331</u>	<u>34,578,385</u>	<u>49.95%</u>	<u>17,038,254</u>	<u>232,077</u>
Highways and streets:					
Street	1,218,930	2,765,420	44.08%	1,186,822	32,108
Traffic signals	233,761	453,149	51.59%	192,155	41,606
Engineering	306,229	635,049	48.22%	283,299	22,930
	<u>1,758,920</u>	<u>3,853,618</u>	<u>45.64%</u>	<u>1,662,276</u>	<u>96,644</u>
Sanitation:	<u>3,694,448</u>	<u>6,738,720</u>	<u>54.82%</u>	<u>3,628,619</u>	<u>65,829</u>

(Continued)

	FY 2019			FY 2018	Analytical \$ Increase (Decrease) Prior yr.
	Actual	Budget	Percent of Budget	Actual	
Parks and recreation:					
Administration	\$ 285,816	\$ 609,003	46.93%	\$ 268,995	\$ 16,821
Parks	1,762,251	4,876,684	36.14%	1,798,973	(36,722)
Recreation	1,419,808	4,043,049	35.12%	1,453,172	(33,364)
Golf course	590,040	1,418,330	41.60%	846,073	(256,033)
	<u>4,057,915</u>	<u>10,947,066</u>	<u>37.07%</u>	<u>4,367,213</u>	<u>(309,298)</u>
Library:	<u>900,214</u>	<u>1,863,588</u>	<u>48.31%</u>	<u>840,020</u>	<u>60,194</u>
Airport:	<u>1,213,020</u>	<u>2,397,293</u>	<u>50.60%</u>	<u>1,177,933</u>	<u>35,087</u>
Debt service:	<u>47,053</u>	<u>150,948</u>	<u>31.17%</u>	<u>44,509</u>	<u>2,544</u>
Totals	<u>\$ 37,236,168</u>	<u>\$ 78,283,621</u>	<u>47.57%</u>	<u>\$ 36,579,747</u>	<u>\$ 656,421</u>

GENERAL FUND

DETAILED SCHEDULE OF EXPENDITURES - ACTUAL AND BUDGET

For the six months ended March 31, 2019

(With comparative amounts for the six months ended March 31, 2018)

	FY 2019			FY 2018	Analytical \$ Increase (Decrease) Prior yr.
	Actual	Budget	Percent of Budget	Actual	
General government:					
City council:					
Personnel services	\$ 6,467	\$ 18,315	35.31%	\$ 6,029	\$ 438
Operations	107,994	196,954	54.83%	89,500	18,494
	<u>114,461</u>	<u>215,269</u>	<u>53.17%</u>	<u>95,529</u>	<u>18,932</u>
City manager:					
Personnel services	469,153	1,129,118	41.55%	291,087	178,066
Operations	91,804	182,312	50.36%	30,930	60,874
Capital outlay	126,990	126,990	100.00%	12,042	114,948
	<u>687,947</u>	<u>1,438,420</u>	<u>47.83%</u>	<u>334,059</u>	<u>353,888</u>
Administrative services:					
Personnel services	-	-	0.00%	82,128	(82,128)
Operations	-	-	0.00%	21,621	(21,621)
Capital outlay	-	-	0.00%	3,651	(3,651)
	<u>-</u>	<u>-</u>	<u>0.00%</u>	<u>107,400</u>	<u>(107,400)</u>
Finance:					
Personnel services	565,576	1,175,886	48.10%	519,808	45,768
Operations	292,382	589,777	49.58%	283,599	8,783
Capital outlay	-	-	0.00%	20,206	(20,206)
	<u>857,958</u>	<u>1,765,663</u>	<u>48.59%</u>	<u>823,613</u>	<u>34,345</u>
Purchasing:					
Personnel services	243,529	566,710	42.97%	201,405	42,124
Operations	7,852	17,939	43.77%	6,377	1,475
Capital outlay	-	-	0.00%	9,447	(9,447)
	<u>251,381</u>	<u>584,649</u>	<u>43.00%</u>	<u>217,229</u>	<u>34,152</u>
City secretary:					
Personnel services	206,915	426,083	48.56%	203,059	3,856
Operations	22,035	82,958	26.56%	20,025	2,010
Capital outlay	-	-	0.00%	15,280	(15,280)
	<u>228,950</u>	<u>509,041</u>	<u>44.98%</u>	<u>238,364</u>	<u>(9,414)</u>
Special services:					
Personnel services	288,603	353,012	81.75%	402,277	(113,674)
Operations	140,753	715,769	19.66%	366,063	(225,310)
Capital outlay (Contingency)	-	360,524	0.00%	-	-
	<u>429,356</u>	<u>1,429,305</u>	<u>30.04%</u>	<u>768,340</u>	<u>(338,984)</u>
Legal:					
Personnel services	430,576	878,842	48.99%	410,575	20,001
Operations	49,303	100,345	49.13%	43,070	6,233
Capital outlay	-	-	0.00%	12,041	(12,041)
	<u>479,879</u>	<u>979,187</u>	<u>49.01%</u>	<u>465,686</u>	<u>14,193</u>
City planning:					
Personnel services	337,287	679,448	49.64%	302,908	34,379
Operations	18,031	51,561	34.97%	23,044	(5,013)
Capital outlay	-	-	0.00%	7,901	(7,901)
	<u>355,318</u>	<u>731,009</u>	<u>48.61%</u>	<u>333,853</u>	<u>21,465</u>

(Continued)

CITY OF TEMPLE, TEXAS
GENERAL FUND
DETAILED SCHEDULE OF EXPENDITURES - ACTUAL AND BUDGET
For the six months ended March 31, 2019
(With comparative amounts for the six months ended March 31, 2018)

Exhibit A-5
(Continued)

	FY 2019			FY 2018	Analytical \$ Increase (Decrease) Prior yr.
	Actual	Budget	Percent of Budget	Actual	
Information technology services:					
Personnel services	\$ 719,465	\$ 1,530,146	47.02%	\$ 671,416	\$ 48,049
Operations	871,333	1,497,714	58.18%	848,391	22,942
Capital outlay	15,687	23,309	67.30%	118,115	(102,428)
	<u>1,606,485</u>	<u>3,051,169</u>	<u>52.65%</u>	<u>1,637,922</u>	<u>(31,437)</u>
Human resources:					
Personnel services	307,365	648,503	47.40%	301,396	5,969
Operations	122,541	342,621	35.77%	127,907	(5,366)
Capital outlay	-	12,618	0.00%	13,167	(13,167)
	<u>429,906</u>	<u>1,003,742</u>	<u>42.83%</u>	<u>442,470</u>	<u>(12,564)</u>
Economic development:					
Operations	1,342,158	2,521,213	53.23%	893,540	448,618
	<u>1,342,158</u>	<u>2,521,213</u>	<u>53.23%</u>	<u>893,540</u>	<u>448,618</u>
Fleet services:					
Personnel services	404,867	1,080,905	37.46%	469,207	(64,340)
Operations	43,658	100,962	43.24%	39,782	3,876
Capital outlay	9,216	51,700	17.83%	52,618	(43,402)
	<u>457,741</u>	<u>1,233,567</u>	<u>37.11%</u>	<u>561,607</u>	<u>(103,866)</u>
Inspections/Permits:					
Personnel services	255,429	530,522	48.15%	226,690	28,739
Operations	19,868	48,047	41.35%	25,794	(5,926)
Capital outlay	27,811	59,810	46.50%	4,756	23,055
	<u>303,108</u>	<u>638,379</u>	<u>47.48%</u>	<u>257,240</u>	<u>45,868</u>
Facility services:					
Personnel services	363,613	834,000	43.60%	329,505	34,108
Operations	225,661	558,199	40.43%	247,059	(21,398)
Capital outlay	160,345	261,191	61.39%	67,507	92,838
	<u>749,619</u>	<u>1,653,390</u>	<u>45.34%</u>	<u>644,071</u>	<u>105,548</u>
Total general government	<u>8,294,267</u>	<u>17,754,003</u>	<u>46.72%</u>	<u>7,820,923</u>	<u>473,344</u>
Public safety:					
Municipal court:					
Personnel services	351,306	750,717	46.80%	354,279	(2,973)
Operations	24,640	72,875	33.81%	24,623	17
Capital outlay	12,686	12,687	99.99%	117,319	(104,633)
	<u>388,632</u>	<u>836,279</u>	<u>46.47%</u>	<u>496,221</u>	<u>(107,589)</u>
Police:					
Personnel services	7,458,083	15,464,820	48.23%	7,515,545	(57,462)
Operations	925,865	1,753,404	52.80%	784,605	141,260
Capital outlay	1,101,101	1,165,397	94.48%	831,598	269,503
	<u>9,485,049</u>	<u>18,383,621</u>	<u>51.60%</u>	<u>9,131,748</u>	<u>353,301</u>
Animal control:					
Personnel services	169,154	438,032	38.62%	198,590	(29,436)
Operations	45,545	100,558	45.29%	37,289	8,256
Capital outlay	29,510	33,510	88.06%	19,005	10,505
	<u>244,209</u>	<u>572,100</u>	<u>42.69%</u>	<u>254,884</u>	<u>(10,675)</u>

(Continued)

CITY OF TEMPLE, TEXAS
GENERAL FUND
DETAILED SCHEDULE OF EXPENDITURES - ACTUAL AND BUDGET
For the six months ended March 31, 2019
(With comparative amounts for the six months ended March 31, 2018)

Exhibit A-5
(Continued)

	FY 2019			FY 2018	Analytical \$ Increase (Decrease) Prior yr.
	Actual	Budget	Percent of Budget	Actual	
Fire:					
Personnel services	\$ 5,525,944	\$ 11,242,148	49.15%	\$ 5,568,745	\$ (42,801)
Operations	463,579	1,096,022	42.30%	491,348	(27,769)
Capital outlay	187,918	215,010	87.40%	151,844	36,074
	<u>6,177,441</u>	<u>12,553,180</u>	<u>49.21%</u>	<u>6,211,937</u>	<u>(34,496)</u>
Communications:					
Operations	470,447	940,894	50.00%	497,129	(26,682)
	<u>470,447</u>	<u>940,894</u>	<u>50.00%</u>	<u>497,129</u>	<u>(26,682)</u>
Code compliance:					
Personnel services	350,606	701,437	49.98%	350,231	375
Operations	85,558	383,117	22.33%	47,792	37,766
Capital outlay	68,389	207,757	32.92%	48,312	20,077
	<u>504,553</u>	<u>1,292,311</u>	<u>39.04%</u>	<u>446,335</u>	<u>58,218</u>
Total public safety	<u>17,270,331</u>	<u>34,578,385</u>	<u>49.95%</u>	<u>17,038,254</u>	<u>232,077</u>
Highways and streets:					
Streets:					
Personnel services	565,434	1,243,111	45.49%	578,820	(13,386)
Operations	551,415	1,297,340	42.50%	603,609	(52,194)
Capital outlay	102,081	224,969	45.38%	4,393	97,688
	<u>1,218,930</u>	<u>2,765,420</u>	<u>44.08%</u>	<u>1,186,822</u>	<u>32,108</u>
Traffic signals:					
Personnel services	183,537	352,380	52.08%	153,046	30,491
Operations	50,224	100,769	49.84%	39,019	11,205
Capital outlay	-	-	0.00%	90	(90)
	<u>233,761</u>	<u>453,149</u>	<u>51.59%</u>	<u>192,155</u>	<u>41,606</u>
Engineering:					
Personnel services	239,202	501,303	47.72%	240,892	(1,690)
Operations	36,066	102,785	35.09%	37,925	(1,859)
Capital outlay	30,961	30,961	100.00%	4,482	26,479
	<u>306,229</u>	<u>635,049</u>	<u>48.22%</u>	<u>283,299</u>	<u>22,930</u>
Total highways and streets	<u>1,758,920</u>	<u>3,853,618</u>	<u>45.64%</u>	<u>1,662,276</u>	<u>96,644</u>
Sanitation:					
Personnel services	1,340,388	2,789,983	48.04%	1,198,722	141,666
Operations	2,264,722	3,850,399	58.82%	2,014,962	249,760
Capital outlay	89,338	98,338	90.85%	414,935	(325,597)
Total sanitation	<u>3,694,448</u>	<u>6,738,720</u>	<u>54.82%</u>	<u>3,628,619</u>	<u>65,829</u>
Parks and recreation:					
Administration					
Personnel services	199,726	385,357	51.83%	206,032	(6,306)
Operations	86,090	223,646	38.49%	52,808	33,282
Capital outlay	-	-	0.00%	10,155	(10,155)
	<u>285,816</u>	<u>609,003</u>	<u>46.93%</u>	<u>268,995</u>	<u>16,821</u>

(Continued)

CITY OF TEMPLE, TEXAS
GENERAL FUND
DETAILED SCHEDULE OF EXPENDITURES - ACTUAL AND BUDGET
For the six months ended March 31, 2019
(With comparative amounts for the six months ended March 31, 2018)

Exhibit A-5
(Continued)

	FY 2019			FY 2018	Analytical \$ Increase (Decrease) Prior yr.
	Actual	Budget	Percent of Budget	Actual	
Parks					
Personnel services	\$ 773,750	\$ 1,908,517	40.54%	\$ 834,221	\$ (60,471)
Operations	678,299	2,482,446	27.32%	732,763	(54,464)
Capital outlay	310,202	485,721	63.86%	231,989	78,213
	<u>1,762,251</u>	<u>4,876,684</u>	<u>36.14%</u>	<u>1,798,973</u>	<u>(36,722)</u>
Recreation					
Personnel services	893,494	2,432,414	36.73%	894,314	(820)
Operations	513,723	1,555,664	33.02%	514,249	(526)
Capital outlay	12,591	54,971	22.90%	44,609	(32,018)
	<u>1,419,808</u>	<u>4,043,049</u>	<u>35.12%</u>	<u>1,453,172</u>	<u>(33,364)</u>
Golf course					
Personnel services	376,702	817,588	46.07%	351,477	25,225
Operations	213,338	497,516	42.88%	175,746	37,592
Capital outlay	-	103,226	0.00%	318,850	(318,850)
	<u>590,040</u>	<u>1,418,330</u>	<u>41.60%</u>	<u>846,073</u>	<u>(256,033)</u>
Total parks and recreation	<u>4,057,915</u>	<u>10,947,066</u>	<u>37.07%</u>	<u>4,367,213</u>	<u>(309,298)</u>
Library:					
Personnel services	621,037	1,279,163	48.55%	553,673	67,364
Operations	279,177	584,425	47.77%	282,071	(2,894)
Capital outlay	-	-	0.00%	4,276	(4,276)
Total library	<u>900,214</u>	<u>1,863,588</u>	<u>48.31%</u>	<u>840,020</u>	<u>60,194</u>
Airport:					
Personnel services	364,190	894,879	40.70%	438,598	(74,408)
Operations	836,835	1,458,419	57.38%	737,937	98,898
Capital outlay	11,995	43,995	27.26%	1,398	10,597
Total airport	<u>1,213,020</u>	<u>2,397,293</u>	<u>50.60%</u>	<u>1,177,933</u>	<u>35,087</u>
Debt service:					
Principal	40,511	134,876	30.04%	40,733	(222)
Interest	6,542	16,072	40.70%	3,776	2,766
Total debt service	<u>47,053</u>	<u>150,948</u>	<u>31.17%</u>	<u>44,509</u>	<u>2,544</u>
Total	<u>\$ 37,236,168</u>	<u>\$ 78,283,621</u>	<u>47.57%</u>	<u>\$ 36,579,747</u>	<u>\$ 656,421</u>

GENERAL FUND FINANCIAL FORECAST

The *forecasted* financial statements for the General Fund are presented for purposes of additional analysis, and in our opinion, these forecasts are fairly stated in all material respects in relation to the financial forecast taken as a whole. However, there may be differences between the forecasted and actual results because events and circumstances do not occur as expected, and those differences could be material. The Finance staff will update future financial statements for events and circumstances occurring after the date of these statements.

GENERAL FUND

SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES

IN FUND BALANCE - ACTUAL AND BUDGET

For the six months ended March 31, 2019

(With forecasted amounts for the year ending September 30, 2019)

	Actual - 03/31/2019			Forecasted - 09/30/19		
	Actual	Budget	Percent of Budget	12 months 9/30/2019	Compared to Budget	Percent of Budget
Revenues:						
Taxes	\$ 24,762,153	\$ 36,498,625	67.84%	\$ 36,565,931	\$ 67,306	100.18%
Franchise fees	5,460,439	7,103,030	76.87%	7,085,651	(17,379)	99.76%
Licenses and permits	553,747	909,250	60.90%	1,157,807	248,557	127.34%
Intergovernmental	44,062	62,418	70.59%	62,418	-	100.00%
Charges for services	12,720,702	26,679,748	47.68%	26,865,792	186,044	100.70%
Fines	1,028,274	2,208,553	46.56%	2,158,340	(50,213)	97.73%
Interest and other	1,135,939	2,058,864	55.17%	2,135,136	76,272	103.70%
Total revenues	45,705,316	75,520,488	60.52%	76,031,075	510,587	100.68%
Expenditures:						
General government	8,294,267	17,754,003	46.72%	16,974,639	779,364	95.61%
Public safety	17,270,331	34,578,385	49.95%	33,909,385	669,000	98.07%
Highways and streets	1,758,920	3,853,618	45.64%	3,716,463	137,155	96.44%
Sanitation	3,694,448	6,738,720	54.82%	6,788,732	(50,012)	100.74%
Parks and recreation	4,057,915	10,947,066	37.07%	10,433,387	513,679	95.31%
Education	900,214	1,863,588	48.31%	1,799,730	63,858	96.57%
Airport	1,213,020	2,397,293	50.60%	2,261,914	135,379	94.35%
Debt Service:						
Principal	40,511	134,876	30.04%	134,876	-	100.00%
Interest	6,542	16,072	40.70%	16,072	-	100.00%
Total expenditures	37,236,168	78,283,621	47.57%	76,035,198	2,248,423	97.13%
Excess (deficiency) of revenues over expenditures	8,469,148	(2,763,133)	-	(4,123)	2,759,010	-
Other financing sources (uses):						
Transfers out:						
Debt Service	(70,900)	(1,506,800)	4.71%	(1,506,800)	-	100.00%
Capital Projects - Designated	(345,161)	(915,683)	37.69%	(915,683)	-	100.00%
Grant Fund	(18,467)	(19,771)	93.40%	(19,771)	-	100.00%
Lease Proceeds	-	103,226	0.00%	103,226	-	100.00%
Total other financing sources (uses)	(434,528)	(2,339,028)	18.58%	(2,339,028)	-	100.00%
Excess (deficiency) of revenues and other financing sources over expenditures and other financing uses	8,034,620	(5,102,161)	-	(2,343,151)	2,759,010	-
Fund balance, beginning of period	27,779,728	27,779,728	-	27,779,728	-	-
Fund balance, end of period	<u>\$ 35,814,348</u>	<u>\$ 22,677,567</u>	<u>\$ -</u>	<u>\$ 25,436,577</u>	<u>\$ 2,759,010</u>	<u>-</u>

GENERAL FUND

SCHEDULE OF REVENUES - ACTUAL AND BUDGET

For the six months ended March 31, 2019

(With forecasted amounts for the year ending September 30, 2019)

	Actual - 03/31/2019			Forecasted - 09/30/19		
	Actual	Budget	Percent of Budget	12 months 9/30/2019	Compared to Budget	Percent of Budget
Taxes:						
Ad valorem:						
Property, current year	\$ 13,311,351	\$ 13,527,275	98.40%	\$ 13,494,371	\$ (32,904)	99.76%
Property, prior year	27,096	141,350	19.17%	56,000	(85,350)	39.62%
Penalty and interest	42,394	90,000	47.10%	84,000	(6,000)	93.33%
Total ad valorem taxes	13,380,841	13,758,625	97.25%	13,634,371	(124,254)	99.10%
Non-property taxes:						
City sales	11,268,354	22,530,000	50.01%	22,686,836	156,836	100.70%
Mixed beverage	90,698	155,000	58.51%	188,724	33,724	121.76%
Occupation	22,260	40,000	55.65%	41,000	1,000	102.50%
Bingo	-	15,000	0.00%	15,000	-	100.00%
Total non-property taxes	11,381,312	22,740,000	50.05%	22,931,560	191,560	100.84%
Total taxes	24,762,153	36,498,625	67.84%	36,565,931	67,306	100.18%
Franchise Fees:						
Electric franchise	3,364,131	3,445,000	97.65%	3,379,779	(65,221)	98.11%
Gas franchise	564,863	560,000	100.87%	584,776	24,776	104.42%
Telephone franchise	189,623	380,000	49.90%	363,000	(17,000)	95.53%
Cable franchise	404,731	835,821	48.42%	858,000	22,179	102.65%
Water/Sewer franchise	897,930	1,795,859	50.00%	1,795,859	-	100.00%
Other	39,161	86,350	45.35%	104,237	17,887	120.71%
Total franchise fees	5,460,439	7,103,030	76.87%	7,085,651	(17,379)	99.76%
Licenses and permits:						
Building permits	358,894	605,500	59.27%	726,888	121,388	120.05%
Electrical permits and licenses	16,585	36,000	46.07%	55,000	19,000	152.78%
Mechanical	10,703	18,000	59.46%	24,500	6,500	136.11%
Plumbing permit fees	51,460	96,000	53.60%	105,000	9,000	109.38%
Other	116,105	153,750	75.52%	246,419	92,669	160.27%
Total licenses and permits	553,747	909,250	60.90%	1,157,807	248,557	127.34%
Intergovernmental revenues:						
Federal grants	17,353	17,353	100.00%	17,353	-	100.00%
State reimbursements	8,352	8,352	100.00%	8,352	-	100.00%
Department of Civil Preparedness	18,357	36,713	50.00%	36,713	-	100.00%
Total intergovernmental revenues	\$ 44,062	\$ 62,418	70.59%	\$ 62,418	\$ -	100.00%

(Continued)

CITY OF TEMPLE, TEXAS
GENERAL FUND
SCHEDULE OF REVENUES - ACTUAL AND BUDGET
For the six months ended March 31, 2019
(With forecasted amounts for the year ending September 30, 2019)

Exhibit A-7
(Continued)

	Actual - 03/31/2019			Forecasted - 09/30/19		
	Actual	Budget	Percent of Budget	12 months 9/30/2019	Compared to Budget	Percent of Budget
Charges for services:						
Library fees	\$ 14,208	\$ 25,500	55.72%	\$ 28,165	\$ 2,665	110.45%
Recreational entry fees	40,034	104,500	38.31%	88,300	(16,200)	84.50%
Recreational services	472,635	1,215,954	38.87%	1,191,561	(24,393)	97.99%
Summit recreational fees	199,857	405,800	49.25%	407,400	1,600	100.39%
Hillcrest Cemetery	-	62,500	0.00%	19,500	(43,000)	31.20%
Golf course revenues	246,282	842,080	29.25%	733,850	(108,230)	87.15%
Swimming pool	1,195	34,000	3.51%	34,000	-	100.00%
Lions Junction water park	21,159	478,820	4.42%	425,500	(53,320)	88.86%
Sammons indoor pool	34,352	90,100	38.13%	87,000	(3,100)	96.56%
Vital statistics	62,041	115,000	53.95%	128,549	13,549	111.78%
Police revenue	643,786	999,478	64.41%	1,000,045	567	100.06%
Contractual services						
-proprietary fund	2,110,554	4,310,357	48.96%	4,233,405	(76,952)	98.21%
Curb and street cuts	50,149	40,000	125.37%	90,000	50,000	225.00%
Other	6,766	80,000	8.46%	91,923	11,923	114.90%
Solid waste collection - residential	2,796,337	5,641,221	49.57%	5,604,587	(36,634)	99.35%
Solid waste collection - commercial	1,728,795	3,351,342	51.59%	3,476,787	125,445	103.74%
Solid waste collection - roll-off /other	1,518,454	2,710,527	56.02%	3,005,743	295,216	110.89%
Landfill contract	989,128	2,441,794	40.51%	2,611,835	170,041	106.96%
Airport sales and rental	1,132,901	2,278,946	49.71%	2,171,413	(107,533)	95.28%
Subdivision fees	14,649	22,000	66.59%	24,000	2,000	109.09%
Fire department	28,097	87,588	32.08%	69,988	(17,600)	79.91%
Reinvestment Zone reimbursements	609,323	1,342,241	45.40%	1,342,241	-	100.00%
Total charges for services	12,720,702	26,679,748	47.68%	26,865,792	186,044	100.70%
Fines:						
Court	685,704	1,479,853	46.34%	1,367,453	(112,400)	92.40%
Animal pound	21,971	49,000	44.84%	40,000	(9,000)	81.63%
Overparking	7,130	20,000	35.65%	12,500	(7,500)	62.50%
Administrative fees	313,469	659,700	47.52%	738,387	78,687	111.93%
Total fines	1,028,274	2,208,553	46.56%	2,158,340	(50,213)	97.73%
Interest and other:						
Interest	349,108	793,500	44.00%	751,126	(42,374)	94.66%
Lease and rental	81,191	177,380	45.77%	177,380	-	100.00%
Sale of fixed assets	65,574	142,900	45.89%	189,195	46,295	132.40%
Insurance claims	34,815	69,809	49.87%	132,371	62,562	189.62%
Payment in lieu of taxes	16,588	18,033	91.99%	16,588	(1,445)	91.99%
Building rental -						
BOA bldg.	47,918	86,390	55.47%	86,390	-	100.00%
Other	540,745	770,852	70.15%	782,086	11,234	101.46%
Total interest and other	1,135,939	2,058,864	55.17%	2,135,136	76,272	103.70%
Total revenues	\$ 45,705,316	\$ 75,520,488	60.52%	\$ 76,031,075	\$ 510,587	100.68%

GENERAL FUND

SCHEDULE OF EXPENDITURES- ACTUAL AND BUDGET

For the six months ended March 31, 2019

(With forecasted amounts for the year ending September 30, 2019)

	Actual - 03/31/2019			Forecasted - 09/30/19		
	Actual	Budget	Percent of Budget	12 months 9/30/2019	Compared to Budget	Percent of Budget
General government:						
City council	\$ 114,461	\$ 215,269	53.17%	\$ 203,095	\$ 12,174	94.34%
City manager	687,947	1,438,420	47.83%	1,247,231	191,189	86.71%
Finance	857,958	1,765,663	48.59%	1,709,055	56,608	96.79%
Purchasing	251,381	584,649	43.00%	508,145	76,504	86.91%
City secretary	228,950	509,041	44.98%	497,092	11,949	97.65%
Special services	429,356	1,429,305	30.04%	1,429,240	65	100.00%
Legal	479,879	979,187	49.01%	963,155	16,032	98.36%
City planning	355,318	731,009	48.61%	715,896	15,113	97.93%
Information Technology Services	1,606,485	3,051,169	52.65%	2,918,454	132,715	95.65%
Human Resources	429,906	1,003,742	42.83%	962,743	40,999	95.92%
Economic development	1,342,158	2,521,213	53.23%	2,711,213	(190,000)	107.54%
Fleet Services	457,741	1,233,567	37.11%	967,487	266,080	78.43%
Inspections	303,108	638,379	47.48%	620,395	17,984	97.18%
Facility services	749,619	1,653,390	45.34%	1,521,437	131,953	92.02%
	8,294,267	17,754,003	46.72%	16,974,639	779,364	95.61%
Public safety:						
Municipal court	388,632	836,279	46.47%	789,009	47,270	94.35%
Police	9,485,049	18,383,621	51.60%	17,883,090	500,531	97.28%
Animal control	244,209	572,100	42.69%	467,269	104,831	81.68%
Fire	6,177,441	12,553,180	49.21%	12,560,896	(7,716)	100.06%
Communications	470,447	940,894	50.00%	940,894	-	100.00%
Code compliance	504,553	1,292,311	39.04%	1,268,227	24,084	98.14%
	17,270,331	34,578,385	49.95%	33,909,385	669,000	98.07%
Highways and streets:						
Street	1,218,930	2,765,420	44.08%	2,638,861	126,559	95.42%
Traffic signals	233,761	453,149	51.59%	465,650	(12,501)	102.76%
Engineering	306,229	635,049	48.22%	611,951	23,098	96.36%
	1,758,920	3,853,618	45.64%	3,716,463	137,155	96.44%
Sanitation:	3,694,448	6,738,720	54.82%	6,788,732	(50,012)	100.74%
Parks and recreation:						
Administration	285,816	609,003	46.93%	597,213	11,790	98.06%
Parks	1,762,251	4,876,684	36.14%	4,698,814	177,870	96.35%
Recreation	1,419,808	4,043,049	35.12%	3,893,607	149,442	96.30%
Golf course	590,040	1,418,330	41.60%	1,243,754	174,576	87.69%
	4,057,915	10,947,066	37.07%	10,433,387	513,679	95.31%
Library:	900,214	1,863,588	48.31%	1,799,730	63,858	96.57%
Airport:	1,213,020	2,397,293	50.60%	2,261,914	135,379	94.35%
Debt Service:	47,053	150,948	31.17%	150,948	-	100.00%
Totals	\$ 37,236,168	\$ 78,283,621	47.57%	\$ 76,035,198	\$ 2,248,423	97.13%



WATER & WASTEWATER ENTERPRISE FUND FINANCIALS

The Water & Wastewater Fund is to account for the provision of water and wastewater services to the residents of the City. All activities necessary to provide such services are accounted for in this fund, including but not limited to administration, operation, maintenance, financing and related debt services, billing and collection.

CITY OF TEMPLE, TEXAS
WATER AND WASTEWATER ENTERPRISE FUND
STATEMENT OF FUND NET POSITION
March 31, 2019 and 2018

Exhibit B-1

	<u>2019</u>	<u>2018</u>	<u>Increase (Decrease)</u>
ASSETS			
Current assets:			
Cash	\$ 13,050	\$ 6,610	\$ 6,440
Investments	24,841,030	30,497,598	(5,656,568)
Customer receivables	2,070,591	1,217,080	853,511
Accounts receivable	160,539	122,101	38,438
Inventories	294,309	267,875	26,434
Total current assets	<u>27,379,519</u>	<u>32,111,264</u>	<u>(4,731,745)</u>
Restricted cash and investments:			
Revenue bond debt service	5,039,847	4,949,417	90,430
Customer deposits	757,727	731,059	26,668
Construction account	20,402,871	40,609,042	(20,206,171)
	<u>26,200,445</u>	<u>46,289,518</u>	<u>(20,089,073)</u>
Property and equipment:			
Land	3,238,061	2,583,946	654,115
Improvements other than buildings	196,171,770	189,389,080	6,782,690
Buildings	48,873,177	47,998,956	874,221
Machinery and equipment	13,042,181	11,205,863	1,836,318
	261,325,189	251,177,845	10,147,344
Less accumulated depreciation	(124,337,244)	(117,418,830)	(6,918,414)
Construction in progress	62,188,573	49,765,791	12,422,782
Net property and equipment	<u>199,176,518</u>	<u>183,524,806</u>	<u>15,651,712</u>
Total assets	<u>252,756,482</u>	<u>261,925,588</u>	<u>(9,169,106)</u>
DEFERRED OUTFLOWS OF RESOURCES			
Deferred amounts on refunding	1,938,407	2,259,263	(320,856)
Deferred amounts of contributions	499,673	444,307	55,366
Deferred amounts of changes in assumptions	60,797	774,284	(713,487)
Difference in expected and actual experience	136,497	13,488	123,009
Total deferred outflows of resources	<u>\$ 2,635,374</u>	<u>\$ 3,491,342</u>	<u>\$ (855,968)</u>

	2019	2018	Increase (Decrease)
LIABILITIES			
Current liabilities:			
Vouchers & contracts payable	\$ 4,177,635	\$ 6,952,541	\$ (2,774,906)
Retainage payables	128,648	178,983	(50,335)
Accrued payroll	173,586	170,275	3,311
Deferred revenue	70,641	70,641	-
Total current liabilities	4,550,510	7,372,440	(2,821,930)
Liabilities payable from restricted assets:			
Customers deposits	757,727	731,059	26,668
Vouchers & contracts payable	13,141,438	18,687,724	(5,546,286)
Retainage payables	981,858	265,102	716,756
Accrued interest - revenue bonds	724,275	676,809	47,466
Current maturities of long-term liabilities	6,016,895	5,948,137	68,758
	21,622,193	26,308,831	(4,686,638)
Long-term liabilities, less current maturities:			
Revenue bonds payable	103,285,000	109,295,000	(6,010,000)
Vacation and sick leave payable	346,027	346,027	-
Net pension liability	2,927,428	4,000,525	(1,073,097)
Other post-employment benefits payable	785,048	737,386	47,662
Net supplemental death benefits payable	252,091	-	252,091
Notes payable	12,713	28,216	(15,503)
Premium on bonds payable	7,018,131	7,583,954	(565,823)
Discount on bonds payable	(698,852)	(757,226)	58,374
	113,927,586	121,233,882	(7,306,296)
Total liabilities	140,100,289	154,915,153	(14,814,864)
DEFERRED INFLOWS OF RESOURCES			
Difference in projected and actual investment earnings	490,452	-	490,452
Total deferred inflows of resources	490,452	-	490,452
NET POSITION			
Invested in capital assets, net of related debt	106,639,751	105,500,942	1,138,809
Restricted for debt service	4,315,572	4,272,608	42,964
Unrestricted	6,074,665	1,113,265	4,961,400
Total net position	117,029,988	110,886,815	6,143,173
Net income {YTD}	(2,228,873)	(385,038)	(1,843,835)
Total liabilities and net position	\$ 255,391,856	\$ 265,416,930	\$ (10,025,074)

CITY OF TEMPLE, TEXAS
WATER AND WASTEWATER ENTERPRISE FUND
STATEMENT OF REVENUES, EXPENSES,
AND CHANGES IN FUND NET POSITION
For the six months ended March 31, 2019
(With comparative amounts for the six months ended March 31, 2018)

Exhibit B-2

	<u>2019</u>	<u>2018</u>	<u>Increase (Decrease)</u>
Operating revenues:			
Water service	\$ 7,006,218	\$ 8,200,240	\$ (1,194,022)
Sewer service	5,931,406	6,173,861	(242,455)
Other	<u>1,062,729</u>	<u>1,075,157</u>	<u>(12,428)</u>
Total operating revenues	<u>14,000,353</u>	<u>15,449,258</u>	<u>(1,448,905)</u>
Operating expenses:			
Personnel services	2,821,863	2,617,750	204,113
Supplies	727,685	812,572	(84,887)
Repairs and maintenance	614,808	616,173	(1,365)
Depreciation	3,520,532	3,369,893	150,639
Other services and charges	<u>6,731,557</u>	<u>6,575,368</u>	<u>156,189</u>
Total operating expenses	<u>14,416,445</u>	<u>13,991,756</u>	<u>424,689</u>
Operating income	<u>(416,092)</u>	<u>1,457,502</u>	<u>(1,873,594)</u>
Nonoperating revenues (expenses):			
Interest income	602,989	504,521	98,468
Interest expense	<u>(2,418,865)</u>	<u>(2,363,291)</u>	<u>55,574</u>
Total nonoperating revenues (expenses)	<u>(1,815,876)</u>	<u>(1,858,770)</u>	<u>42,894</u>
Income before transfers and contributions	(2,231,968)	(401,268)	(1,830,700)
Contributions from TxDot	<u>3,095</u>	<u>16,230</u>	<u>(13,135)</u>
Change in net position	(2,228,873)	(385,038)	(1,843,835)
Net position, beginning of period	<u>117,029,988</u>	<u>110,886,815</u>	<u>6,143,173</u>
Net position, end of period	<u>\$ 114,801,115</u>	<u>\$ 110,501,777</u>	<u>\$ 4,299,338</u>

CITY OF TEMPLE, TEXAS
WATER AND WASTEWATER ENTERPRISE FUND
COMPARATIVE SCHEDULE OF OPERATING REVENUES

Exhibit B-3

For the six months ended March 31, 2019

(With comparative amounts for the six months ended March 31, 2018)

	<u>2019</u>	<u>2018</u>	<u>Increase (Decrease)</u>
<i>Current water service:</i>			
Residential	\$ 3,223,317	\$ 3,872,365	\$ (649,048)
Commercial	3,025,052	3,484,757	(459,705)
Wholesale	392,494	393,862	(1,368)
Effluent	<u>365,355</u>	<u>449,256</u>	<u>(83,901)</u>
Total water service	<u>7,006,218</u>	<u>8,200,240</u>	<u>(1,194,022)</u>
<i>Current sewer service:</i>			
Residential	3,506,244	3,450,126	56,118
Commercial	<u>2,425,162</u>	<u>2,723,735</u>	<u>(298,573)</u>
Total sewer service	<u>5,931,406</u>	<u>6,173,861</u>	<u>(242,455)</u>
<i>Other:</i>			
Transfers and rereads	75,821	79,945	(4,124)
Penalties	218,266	216,144	2,122
Reconnect fees	138,600	147,025	(8,425)
Tap fees	141,134	122,040	19,094
Panda reimbursements	445,772	414,413	31,359
Other sales	<u>43,136</u>	<u>95,590</u>	<u>(52,454)</u>
Total other	<u>1,062,729</u>	<u>1,075,157</u>	<u>(12,428)</u>
Total operating revenues	<u>\$ 14,000,353</u>	<u>\$ 15,449,258</u>	<u>\$ (1,448,905)</u>

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

Exhibit B-4

For the six months ended March 31, 2019

(With comparative amounts for the six months ended March 31, 2018)

	2019	2018	Increase (Decrease)
Administrative:			
Personnel services	\$ 427,020	\$ 288,843	\$ 138,177
Supplies	17,069	10,419	6,650
Repairs and maintenance	3,149	2,686	463
Other services and charges	3,022,348	2,838,751	183,597
	<u>3,469,586</u>	<u>3,140,699</u>	<u>328,887</u>
Water treatment and production:			
Personnel services	544,399	623,936	(79,537)
Supplies	400,984	510,301	(109,317)
Repairs and maintenance	209,370	193,963	15,407
Other services and charges	1,080,779	1,104,369	(23,590)
	<u>2,235,532</u>	<u>2,432,569</u>	<u>(197,037)</u>
Distribution system:			
Personnel services	587,264	553,321	33,943
Supplies	116,432	102,850	13,582
Repairs and maintenance	247,843	277,056	(29,213)
Other services and charges	47,223	55,397	(8,174)
	<u>998,762</u>	<u>988,624</u>	<u>10,138</u>
Metering:			
Personnel services	206,631	192,409	14,222
Supplies	96,943	99,810	(2,867)
Repairs and maintenance	12,660	13,411	(751)
Other services and charges	153,321	147,458	5,863
	<u>469,555</u>	<u>453,088</u>	<u>16,467</u>
Wastewater collection system:			
Personnel services	570,718	553,052	17,666
Supplies	88,595	72,945	15,650
Repairs and maintenance	118,040	107,813	10,227
Other services and charges	90,449	33,679	56,770
	<u>867,802</u>	<u>767,489</u>	<u>100,313</u>
Wastewater treatment and disposal:			
Supplies	2,811	-	2,811
Other services and charges	1,838,400	1,915,145	(76,745)
	<u>1,841,211</u>	<u>1,915,145</u>	<u>(73,934)</u>

(Continued)

WATER AND WASTEWATER ENTERPRISE FUND
(Continued)
COMPARATIVE SCHEDULE OF OPERATING
EXPENSES BY DEPARTMENT
For the six months ended March 31, 2019
(With comparative amounts for the six months ended March 31, 2018)

	2019	2018	Increase (Decrease)
Water collection offices:			
Personnel services	\$ 279,527	\$ 257,497	\$ 22,030
Supplies	3,233	10,446	(7,213)
Repairs and maintenance	19,965	19,400	565
Other services and charges	489,468	469,432	20,036
	<u>792,193</u>	<u>756,775</u>	<u>35,418</u>
Water purchasing:			
Personnel services	35,899	37,451	(1,552)
Supplies	531	3,213	(2,682)
Repairs and maintenance	892	1,778	(886)
Other services and charges	3,574	5,885	(2,311)
	<u>40,896</u>	<u>48,327</u>	<u>(7,431)</u>
Environmental programs:			
Personnel services	170,405	111,241	59,164
Supplies	3,898	2,588	1,310
Repairs and maintenance	78	66	12
Other services and charges	5,995	5,252	743
	<u>180,376</u>	<u>119,147</u>	<u>61,229</u>
Depreciation	<u>3,520,532</u>	<u>3,369,893</u>	<u>150,639</u>
Totals	<u>\$ 14,416,445</u>	<u>\$ 13,991,756</u>	<u>\$ 424,689</u>

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

Exhibit B-5

For the six months ended March 31, 2019

(With comparative amounts for the six months ended March 31, 2018)

	2019			2018			19 vs. 18
	Actual	Budget	% of Budget	Actual	Budget	% of Budget	Increase (Decrease)
Operating revenues:							
Water service	\$ 6,640,863	\$ 18,574,662	35.75%	\$ 7,750,984	\$ 18,147,198	42.71%	\$ (1,110,121)
Sewer service	5,931,406	12,881,780	46.04%	6,173,861	12,701,253	48.61%	(242,455)
Effluent	365,355	1,050,000	34.80%	449,256	775,000	57.97%	(83,901)
Other	1,062,729	2,112,159	50.31%	1,075,157	2,057,303	52.26%	(12,428)
Total operating revenues	14,000,353	34,618,601	40.44%	15,449,258	33,680,754	45.87%	(1,448,905)
Operating expenses:							
Personnel services	2,821,863	5,963,070	47.32%	2,617,750	5,410,001	48.39%	204,113
Supplies	727,685	2,005,464	36.29%	812,572	1,832,582	44.34%	(84,887)
Repairs and maintenance	614,808	1,334,903	46.06%	616,173	1,449,695	42.50%	(1,365)
Depreciation	3,520,532	7,000,000	50.29%	3,369,893	6,600,000	51.06%	150,639
Other services and charges	6,731,557	13,781,483	48.84%	6,575,368	13,534,956	48.58%	156,189
Total operating expenses	14,416,445	30,084,920	47.92%	13,991,756	28,827,234	48.54%	424,689
Operating income	(416,092)	4,533,681	-9.18%	1,457,502	4,853,520	30.03%	(1,873,594)
Nonoperating revenues (expenses):							
Interest income	602,989	1,301,823	46.32%	504,521	752,914	67.01%	98,468
Interest expense	(2,418,865)	(5,147,980)	46.99%	(2,363,291)	(4,729,249)	49.97%	55,574
Total nonoperating revenues (expenses)	(1,815,876)	(3,846,157)	-	(1,858,770)	(3,976,335)	-	42,894
Income before transfers and contribution	(2,231,968)	687,524	-	(401,268)	877,185	-	(1,830,700)
Contributions from TxDot	3,095	155,349	1.99%	16,230	629,006	2.58%	(13,135)
Net income	\$ (2,228,873)	\$ 842,873	-	\$ (385,038)	\$ 1,506,191	-	\$ (1,843,835)

SPECIAL REVENUE FUND FINANCIALS

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

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

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

CITY OF TEMPLE, TEXAS
HOTEL-MOTEL FUND
COMPARATIVE BALANCE SHEETS
March 31, 2019 and 2018

Exhibit C-1

	2019	2018	Increase (Decrease)
ASSETS			
Cash	\$ 4,600	\$ 4,600	\$ -
Investments	1,438,923	1,458,079	(19,156)
Accounts receivable	185,665	168,727	16,938
Inventories	13,992	14,585	(593)
Prepaid items	6,450	6,450	-
Museum collection	18,561	18,561	-
Total assets	<u>\$ 1,668,191</u>	<u>\$ 1,671,002</u>	<u>\$ (2,811)</u>
LIABILITIES AND FUND BALANCES			
Liabilities:			
Vouchers payable	\$ 129,402	\$ 90,320	\$ 39,082
Accrued payroll	52,044	51,004	1,040
Deposits	55,185	49,404	5,781
Total liabilities	<u>236,631</u>	<u>190,728</u>	<u>45,903</u>
Fund Balance:			
Nonspendable:			
Inventories and prepaid items	20,442	21,035	(593)
Restricted for:			
Promotion of tourism	1,045,888	1,070,308	(24,420)
Budgeted decrease in fund balance	<u>378,233</u>	<u>390,240</u>	<u>(12,007)</u>
Total fund balance	<u>1,444,563</u>	<u>1,481,583</u>	<u>(37,020)</u>
Excess revenues over expenditures YTD	<u>(13,003)</u>	<u>(1,309)</u>	<u>(11,694)</u>
Total liabilities and fund balances	<u>\$ 1,668,191</u>	<u>\$ 1,671,002</u>	<u>\$ (2,811)</u>

HOTEL-MOTEL FUND

STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES
IN FUND BALANCE - ACTUAL AND BUDGET

For the six months ended March 31, 2019

(With comparative amounts for the six months ended March 31, 2018)

	2019			2018	Analytical Increase (Decrease) Prior year
	Actual	Budget	Percent of Budget	Actual	
Revenues:					
Taxes					
City	\$ 790,078	\$ 1,472,500	53.66%	\$ 685,885	\$ 104,193
County	74,438	74,438	100.00%	73,307	1,131
Charges for services					
Civic center and Visitor center	230,789	368,500	62.63%	200,422	30,367
Museum	35,803	90,100	39.74%	26,474	9,329
Interest and other	18,382	27,600	66.60%	52,392	(34,010)
Total revenues	1,149,490	2,033,138	56.54%	1,038,480	111,010
Expenditures:					
Civic center	538,074	1,124,934	47.83%	537,018	1,056
Railroad museum	296,752	579,417	51.22%	230,208	66,544
Tourism marketing	326,786	703,494	46.45%	285,027	41,759
Debt Service:					
Principal	806	3,262	24.71%	881	(75)
Interest	75	264	28.41%	-	75
Total expenditures	1,162,493	2,411,371	48.21%	1,053,134	109,359
Excess (deficiency) of revenues over expenditures	(13,003)	(378,233)	-	(14,654)	1,651
Other financing sources (uses):					
Lease Proceeds	-	-	0.00%	13,345	13,345
Total other financing sources (uses)	-	-	0.00%	13,345	13,345
Excess (deficiency) of revenues and other financing sources over expenditures and other financing uses	(13,003)	(378,233)	-	(1,309)	(11,694)
Fund balance, beginning of period	1,444,563	1,444,563	-	1,481,583	(37,020)
Fund balance, end of period	\$ 1,431,560	\$ 1,066,330	-	\$ 1,480,274	\$ (48,714)

HOTEL-MOTEL FUND

DETAILED SCHEDULE OF EXPENDITURES - BUDGET AND ACTUAL

For the six months ended March 31, 2019

(With comparative amounts for the six months ended March 31, 2018)

	2019			2018	Analytical Increase (Decrease) Prior yr.
	Actual	Budget	Percent of Budget	Actual	
Civic center:					
Personnel services	\$ 360,558	\$ 704,572	51.17%	\$ 366,350	\$ (5,792)
Operations	161,091	300,729	53.57%	160,834	257
Capital outlay	16,425	119,633	13.73%	9,834	6,591
	<u>538,074</u>	<u>1,124,934</u>	<u>47.83%</u>	<u>537,018</u>	<u>1,056</u>
Railroad museum:					
Personnel services	132,162	315,870	41.84%	143,483	(11,321)
Operations	83,041	175,766	47.25%	69,150	13,891
Capital outlay	81,549	87,781	92.90%	17,575	63,974
	<u>296,752</u>	<u>579,417</u>	<u>51.22%</u>	<u>230,208</u>	<u>66,544</u>
Tourism marketing:					
Personnel services	115,775	236,593	48.93%	80,543	35,232
Operations	205,091	460,901	44.50%	195,455	9,636
Capital outlay	5,920	6,000	98.67%	9,029	(3,109)
	<u>326,786</u>	<u>703,494</u>	<u>46.45%</u>	<u>285,027</u>	<u>41,759</u>
Totals	<u>\$ 1,161,612</u>	<u>\$ 2,407,845</u>	<u>48.24%</u>	<u>\$ 1,052,253</u>	<u>\$ 109,359</u>

CITY OF TEMPLE, TEXAS
DRAINAGE FUND
COMPARATIVE BALANCE SHEETS
March 31, 2019 and 2018

Exhibit D-1

	2019	2018	Increase (Decrease)
ASSETS			
Investments	\$ 2,298,931	\$ 2,297,935	\$ 996
Accounts receivable	108,665	105,330	3,335
Total assets	<u>\$ 2,407,596</u>	<u>\$ 2,403,265</u>	<u>\$ 4,331</u>
LIABILITIES AND FUND BALANCES			
Liabilities:			
Vouchers payable	\$ 595,349	\$ 1,553,079	\$ (957,730)
Retainage payable	862	-	862
Accrued payroll	34,428	36,148	(1,720)
Total liabilities	<u>630,639</u>	<u>1,589,227</u>	<u>(958,588)</u>
Fund balance:			
Committed to:			
Drainage	958,443	186,814	771,629
Budgeted decrease in fund balance	<u>1,185,113</u>	<u>1,628,485</u>	<u>(443,372)</u>
Total fund balance	<u>2,143,556</u>	<u>1,815,299</u>	<u>328,257</u>
Excess revenues over expenditures YTD	<u>(366,599)</u>	<u>(1,001,261)</u>	<u>634,662</u>
Total liabilities and fund balances	<u>\$ 2,407,596</u>	<u>\$ 2,403,265</u>	<u>\$ 4,331</u>

DRAINAGE FUND

STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES

IN FUND BALANCE - ACTUAL AND BUDGET

For the six months ended March 31, 2019

(With comparative amounts for the six months ended March 31, 2018)

	2019			2018	Analytical \$ Increase (Decrease) Prior yr.
	Actual	Budget	Percent of Budget	Actual	
Revenues:					
Drainage fee - commercial	\$ 653,226	\$ 1,310,000	49.86%	\$ 652,928	\$ 298
Drainage fee - residential	657,857	1,410,000	46.66%	669,392	(11,535)
Interest and other	22,393	34,500	64.91%	26,709	(4,316)
Total revenues	<u>1,333,476</u>	<u>2,754,500</u>	<u>48.41%</u>	<u>1,349,029</u>	<u>(15,553)</u>
Expenditures:					
Drainage					
Personnel services	382,915	1,030,622	37.15%	381,616	1,299
Operations	209,912	588,404	35.67%	131,034	78,878
Capital outlay	<u>1,037,664</u>	<u>2,056,418</u>	<u>50.46%</u>	<u>1,803,767</u>	<u>(766,103)</u>
Total expenditures	<u>1,630,491</u>	<u>3,675,444</u>	<u>44.36%</u>	<u>2,316,417</u>	<u>(685,926)</u>
Excess (deficiency) of revenues over expenditures	<u>(297,015)</u>	<u>(920,944)</u>	<u>-</u>	<u>(967,388)</u>	<u>670,373</u>
Other financing sources (uses):					
Transfers out - Debt Service Fund	<u>(69,584)</u>	<u>(264,169)</u>	<u>26.34%</u>	<u>(33,873)</u>	<u>35,711</u>
Total other financing uses	<u>(69,584)</u>	<u>(264,169)</u>	<u>26.34%</u>	<u>(33,873)</u>	<u>35,711</u>
Excess (deficiency) of revenues and other financing sources over expenditures and other financing uses	<u>(366,599)</u>	<u>(1,185,113)</u>	<u>-</u>	<u>(1,001,261)</u>	<u>634,662</u>
Fund balance, beginning of period	<u>2,143,556</u>	<u>2,143,556</u>	<u>-</u>	<u>1,815,299</u>	<u>328,257</u>
Fund balance, end of period	<u>\$ 1,776,957</u>	<u>\$ 958,443</u>	<u>-</u>	<u>\$ 814,038</u>	<u>\$ 962,919</u>

CAPITAL PROJECTS

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

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

CITY OF TEMPLE, TEXAS
SCHEDULE OF CAPITAL PROJECTS BOND PROCEEDS & RELATED EXPENDITURES
As of March 31, 2019

Exhibit E-1

Exhibit	Bond Issue	Focus of Issue	Issue Proceeds	Adjusted Bond Fund Revenues	Total Project Costs (1)	Remaining Funds (2)
E-2	2006, 2008, 2010, 2015, & 2017 Utility Revenue Bond Issue (Fund 561)	Various Utility Infrastructure Improvements	\$ 115,590,344	\$ 122,433,021	\$ 121,130,689	\$ 1,302,332
E-3	2012, 2014, 2016 & 2018 Combination Tax & Revenue Certificates of Obligation Bond Issue (Fund 365)	Street Improvements	84,948,791	93,140,159	91,296,465	1,843,694
E-4	2013 Combination Tax & Revenue Certificates of Obligation Bond Issue (Fund 795)	Various Reinvestment Zone Infrastructure Improvements	25,313,032	25,552,615	25,417,076	135,539
E-5	2015 Parks General Obligation Bond Issue (Fund 362)	Parks Infrastructure Improvements	27,786,449	28,270,908	27,867,297	403,611
E-6	2017 Combination Tax & Revenue Certificates of Obligation Bond Issue (Fund 353)	Drainage Improvements	4,049,422	6,673,788	6,544,727	129,061
E-7	2017 LoneSTAR Loan (Fund 358)	Facility Improvements	2,803,109	2,803,109	2,803,109	-
E-8	2018 Reinvestment Zone No. 1 Tax Increment Revenue Bond Issue (Fund 795)	Various Reinvestment Zone Infrastructure Improvements	24,179,452	24,460,444	24,179,451	280,993
			<u>\$ 284,670,599</u>	<u>\$ 303,334,044</u>	<u>\$ 299,238,814</u>	<u>\$ 4,095,231</u>

Note (1) Total project costs include costs incurred, encumbered and estimated costs to complete.

Note (2) Remaining funds represent funds that are available for allocation to projects.

SCHEDULE OF CAPITAL PROJECTS BOND PROCEEDS & RELATED EXPENDITURES

UTILITY SYSTEM REVENUE BONDS 2006, 2008, 2010, 2015 & 2017 - WATER/SEWER CAPITAL PROJECTS FUND 561

For the period beginning October 11, 2006 and ending March 31, 2019

Expenditures		Revenue & Bond Proceeds	
Construction in Progress			
Expenditures	\$ 104,545,655	Prior Issues FY 2007 - FY 2017	\$ 109,190,000
Encumbrances as of 3/31/19	(1) 9,610,207	Intent to Reimburse {FY 2019 Issuance}	2,000,000
Estimated Costs to Complete Projects	6,974,827	Issuance Premium	6,400,344
	\$ 121,130,689	Interest Income	(2) 2,912,538
		Reimbursement Received from TxDOT	1,930,139
			\$ 122,433,021

Detail of Construction Costs

Project	BUDGET			ACTUAL		
	Original Budget	Adjustments to Original Budget	Adjusted Budgeted	Total Costs Incurred & Encumbered	Estimated Costs to Complete	Total Designated Project Cost
Bond Issue Costs	* \$ 1,194,609	\$ -	\$ 1,194,609	\$ 1,194,609	\$ -	\$ 1,194,609
CIP Management Cost	-	887,129	887,129	848,878	38,251	887,129
Completed Projects - Prior to FY 2019	* 76,795,849	(10,072,853)	66,722,996	66,722,996	-	66,722,996
WL Replacement - Charter Oak, Phase II	-	4,862,190	4,862,190	1,095,896	3,766,294	4,862,190
Leon River Trunk Sewer, Lift Station and Force Main	* -	5,949,372	5,949,372	5,949,372	-	5,949,372
TCIP - Hogan Road Waterline Improvements	1,850,000	148,670	1,998,670	1,626,036	372,634	1,998,670
Bird Creek, Phase III Const.; Phase IV & V Design	-	1,528,646	1,528,646	1,481,221	47,425	1,528,646
Leon River Interceptor	-	108,700	108,700	108,700	-	108,700
Temple-Belton WWTP Expansion, Phase 2 {Design Only}	750,000	489,623	1,239,623	1,239,623	-	1,239,623
WTP Improvements - Tasks 1-3 (Prelim Eng Only)	* 1,000,000	(757,168)	242,832	242,832	-	242,832
TCIP - Outer Loop, Phase III-B	-	600,000	600,000	600,000	-	600,000
Old Town South Sewer Line (3rd, 11th, 9th St)	610,000	550,000	1,160,000	1,159,999	-	1,159,999
Shallowford Lift Station Reconstruction & Relocation	8,200,000	(972,605)	7,227,395	7,225,761	1,634	7,227,395
Jackson Park Vicinity Water & Wastewater Line Impr	* -	495,482	495,482	495,482	-	495,482
Bird Creek Intereceptor, Phase V - Construction	1,500,000	112,349	1,612,349	1,612,349	-	1,612,349
Force Main - Shallowford to Temple-Belton Plant	2,700,000	275,100	2,975,100	2,975,100	-	2,975,100
Ferguson Park Utility Design	-	300,000	300,000	75,600	224,400	300,000
WTP Chlorine Storage Safety	-	95,636	95,636	95,636	-	95,636
TCIP - Kegley Road, Phase III & IV	-	39,600	39,600	39,600	-	39,600
WTP Improvements - Tasks 2 - MWTT Optimization	-	39,353	39,353	20,810	18,543	39,353
WTP Improvements - Tasks 3 - Lagoon Improvements	3,500,000	(3,021,572)	478,428	278,597	199,831	478,428
WTP Improvements - Tasks 4 Dredging	-	36,360	36,360	36,360	-	36,360
Williamson Creek Trunk Sewer	3,200,000	(168,528)	3,031,472	2,947,436	84,036	3,031,472
TCIP - Outer Loop, Phase IV	-	84,000	84,000	84,000	-	84,000
TCIP - Poison Oak, Phase I & II	-	125,000	125,000	123,429	1,571	125,000
Temple-Belton WWTP Expansion, Phase 1 {Construction}	10,100,000	102,299	10,202,299	10,133,751	68,548	10,202,299
Scott Elevated Storage Tank Rehabilitation	-	1,498,279	1,498,279	1,498,279	-	1,498,279
WTP Byproduct Reduction Initiative	-	500,000	500,000	-	500,000	500,000
City-Wide SECAP	1,000,000	-	1,000,000	709,541	290,459	1,000,000
Downtown Utility Assessment	-	267,814	267,814	267,814	-	267,814
WTP Clarifier #3 Rehabilitation	-	800,134	800,134	777,319	22,815	800,134
New Pepper Creek Elevated Storage Tank	-	500,000	500,000	159,590	340,410	500,000
57th - 43rd, Ave R - Ave Z Utility Improvements	-	500,000	500,000	263,800	236,200	500,000
Garden District Utility Improvements	-	300,000	300,000	219,493	80,508	300,001
West Temple Distribution Line	-	200,000	200,000	-	200,000	200,000

(Continued)

SCHEDULE OF CAPITAL PROJECTS BOND PROCEEDS & RELATED EXPENDITURES

UTILITY SYSTEM REVENUE BONDS 2006, 2008, 2010, 2015 & 2017 - WATER/SEWER CAPITAL PROJECTS FUND 561

For the period beginning October 11, 2006 and ending March 31, 2019

Detail of Construction Costs						
Project	BUDGET			ACTUAL		
	Original Budget	Adjustments to Original Budget	Adjusted Budgeted	Total Costs Incurred & Encumbered	Estimated Costs to Complete	Total Designated Project Cost
Apache Elevated Storage Tank Rehabilitation	\$ -	\$ 100,000	\$ 100,000	\$ -	\$ 100,000	\$ 100,000
Friar Creek Assessment	1,000,000	-	1,000,000	906,490	93,510	1,000,000
Outer Loop Water Line & Wastewater Line	-	1,220,000	1,220,000	932,841	287,159	1,220,000
WTP Clarifier #4 Rehabilitation	-	6,625	6,625	6,625	-	6,625
Contingency	(3) 4,189,886	(3,999,808)	190,078	-	-	-
	<u>\$ 117,590,344</u>	<u>\$ 3,730,422</u>	<u>\$ 121,320,766</u>	<u>\$ 114,155,862</u>	<u>\$ 6,974,827</u>	<u>\$ 121,130,689</u>
Remaining (Needed) Funds						<u>\$ 1,302,332</u>

* Project Final

** Substantially Complete

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

Note (2): Reclassification of capitalized interest expense allowing the use of interest income on eligible projects.

Note (3): Contingency funds were used for FY 2016 projects in the FY 2016 Annual Operating and Capital Budget.

CITY OF TEMPLE, TEXAS
SCHEDULE OF CAPITAL PROJECTS BOND PROCEEDS & RELATED EXPENDITURES
COMBINATION TAX & REVENUE CERTIFICATES OF
OBLIGATION BONDS 2012, 2014, 2016 & 2018 - CAPITAL PROJECTS BOND FUND 365
For the period beginning November 15, 2012 and ending March 31, 2019

Exhibit E-3

Expenditures		Revenue & Bond Proceeds	
Construction in Progress			
Expenditures	\$ 65,374,364	Prior Issues CO Bonds, Series 2012-2016	\$ 48,935,000
Encumbrances as of 3/31/19	(1) 10,760,927	Series 4 Issue - CO Bonds, Series 2018	30,165,000
Estimated Costs to Complete Projects	15,161,174	Intent to Reimburse - Series 2019 Issuance	2,725,000
	\$ 91,296,465	Net Offering Premium	5,848,791
		KTMPO Category 7 Grant (Prairie View Construction)	3,888,000
		Transfer In - PTF Bond Funds (Prairie View Road)	112,409
		Transfer In - Street Perimeter Fees	112,695
		Transfer In - Street Perimeter Fees (Hogan Road)	77,650
		Interest Income	1,275,614
			\$ 93,140,159

****Detail of Construction Costs****

Project		BUDGET			ACTUAL		
		Original Budget	Adjustments to Original Budget	Adjusted Budgeted	Total Costs Incurred & Encumbered	Estimated Costs to Complete	Total Designated Project Cost
Bond Issue Costs	*	\$ 982,036	\$ 338,229	\$ 1,320,265	\$ 1,302,843	\$ -	\$ 1,302,843
CIP Management Cost		-	583,875	583,875	477,998	105,877	583,875
Completed Projects - Prior to FY 2019	*	48,703,576	(6,233,523)	42,470,053	42,470,053	-	42,470,053
Kegley Road Improvements, Phase I	*	700,000	626,750	1,326,750	1,205,248	121,502	1,326,750
Hogan Road Improvements		3,977,650	(487,791)	3,489,859	2,467,966	1,021,893	3,489,859
Westfield Boulevard Improvements, Phase II		-	2,792,210	2,792,210	2,733,248	58,962	2,792,210
Outer Loop, Phase IIIB		5,800,000	455,165	6,255,165	5,681,647	573,518	6,255,165
S Pea Ridge Developer Agreement (WBW Development)		1,000,000	(846,863)	153,137	153,137	-	153,137
East Temple Greenfield Development		-	75,792	75,792	10,500	65,292	75,792
Prairie View Road Improvements-Phase II		8,562,000	(5,740,807)	2,821,193	2,774,677	46,516	2,821,193
Prairie View Road Improvements, Phase II - Construction	(2)	3,888,000	3,075,560	6,963,560	6,375,662	587,898	6,963,560
SH317 Sidewalks	*	-	200,000	200,000	200,000	-	200,000
Kegley Road Improvements, Phase II		4,550,000	613,800	5,163,800	491,251	4,672,549	5,163,800
Kegley Road Improvements, Phase III & IV		720,000	456,090	1,176,090	845,076	331,014	1,176,090
Signal - N Kegley @ Airport	*	-	224,650	224,650	216,360	8,290	224,650
Signal - Adams-LP/Greenview	*	-	291,650	291,650	247,521	44,129	291,650
N Pea Ridge, Phase I		1,800,000	385,000	2,185,000	665,650	1,519,350	2,185,000
Outer Loop, Phase IV		1,600,000	800,000	2,400,000	894,900	1,505,100	2,400,000
Poison Oak Road, Phase I & II		3,400,000	805,000	4,205,000	2,307,451	1,897,549	4,205,000
Sammons Golf Course - Green Improvements	*	550,000	70,000	620,000	618,382	1,618	620,000
Hogan Road Developer Agreement		-	800,240	800,240	800,240	-	800,240
S 31st Sidewalk Advanced Funding Agreement		-	415,000	415,000	415,000	-	415,000
South Temple Park Restrooms		-	79,400	79,400	62,250	17,150	79,400
Westfield Developer Agreement (Keilla)	*	-	70,510	70,510	70,509	-	70,509
S 5th Street Cost Sharing Agreement		-	73,619	73,619	73,619	-	73,619
Grant Match Sidewalks/Trail Connections		500,000	(414,290)	85,710	-	85,710	85,710
Friars Creek Trail - Grant		-	24,600	24,600	-	24,600	24,600
Azalea Drive Developer Agreement (Patco Construction)		-	682,163	682,163	682,163	-	682,163
South Pea Ridge Road (Design & ROW)		1,375,000	-	1,375,000	331,210	1,043,790	1,375,000
Replace 2004 Crimson Spartan - Upgrade to Small Quint		973,500	-	973,500	933,080	40,420	973,500

(Continued)

SCHEDULE OF CAPITAL PROJECTS BOND PROCEEDS & RELATED EXPENDITURES

(Continued)

COMBINATION TAX & REVENUE CERTIFICATES OF

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

For the period beginning November 15, 2012 and ending March 31, 2019

****Detail of Construction Costs****

Project	BUDGET			ACTUAL		
	Original Budget	Adjustments to Original		Total Costs Incurred & Encumbered	Estimated Costs to Complete	Total Designated Project Cost
		Budget	Adjusted Budgeted			
Medium Rescue Apparatus	\$ 376,500	\$ -	\$ 376,500	\$ 329,500	\$ 47,000	\$ 376,500
Signal - Video Detection Equipment FY 19 / FY 20 *	-	168,000	168,000	166,560	1,440	168,000
Azalea Drive (31st Street to Lowes Drive)	-	1,442,800	1,442,800	102,800	1,340,000	1,442,800
Georgetown Railroad Hike/Bike Trail	-	28,800	28,800	28,800	-	28,800
Contingency	2,396,058	(1,824,421)	571,637	-	-	-
Contingency - CIP Management Cost	240,000	(226,645)	13,355	-	-	-
	\$ 92,094,320	\$ (195,437)	\$ 91,898,883	\$ 76,135,291	\$ 15,161,174	\$ 91,296,465

* Project Final

Remaining (Needed) Funds	\$ 1,843,694
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** Substantially Complete

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

Note (2): Includes funding from KTMOPO Category 7 Grant funding of \$3,888,000 and Pass-Through Financing bond funds of \$112,409.

CITY OF TEMPLE, TEXAS
SCHEDULE OF CAPITAL PROJECTS BOND PROCEEDS & RELATED EXPENDITURES
COMBINATION TAX & REVENUE CERTIFICATES OF
OBLIGATION BONDS 2013 - CAPITAL PROJECTS BOND FUND - 795
For the period beginning August 8, 2013 and ending March 31, 2019

Exhibit E-4

Expenditures		Revenue & Bond Proceeds	
Construction in Progress			
Expenditures	\$ 25,003,781	Original Issue {August 2013}	\$ 25,260,000
Encumbrances as of 3/31/19	(1) 268,548	Net Offering Premium/Discount	53,032
Estimated Costs to Complete Projects	144,747	Interest Income	239,583
	<u>\$ 25,417,076</u>		<u>\$ 25,552,615</u>

****Detail of Construction Costs****

Project	BUDGET			ACTUAL		
	Original Budget	Adjustments to Original Budget	Adjusted Budgeted	Total Costs Incurred & Encumbered	Estimated Costs to Complete	Total Designated Project Cost
Bond Issue Costs	* \$ 120,000	\$ (15,305)	\$ 104,695	\$ 99,850	\$ -	\$ 99,850
TMED Avenue R - Intersections	* -	1,077,710	1,077,710	1,077,710	-	1,077,710
Outer Loop (IH-35 to Wendland Ultimate)	2,705,000	741,000	3,446,000	3,442,621	3,379	3,446,000
Outer Loop (Wendland to McLane Pkwy)	5,960,000	(3,535,000)	2,425,000	2,320,763	104,237	2,425,000
Outer Loop (McLane Pkwy to Cen Pt Pkwy)	1,500,000	(656,000)	844,000	806,869	37,131	844,000
Corporate Campus Park - Bioscience Trail	* 750,000	(295,100)	454,900	454,900	-	454,900
McLane Pkwy / Research Pkwy Connection	* 710,000	(212,959)	497,041	497,041	-	497,041
Crossroads Park @ Pepper Creek Trail	1,750,000	1,200,150	2,950,150	2,950,150	-	2,950,150
Synergy Park Entry Enhancement	500,000	(484,745)	15,255	15,254	-	15,254
Lorraine Drive / Panda Drive Asphalt	* 610,000	(272,673)	337,327	337,327	-	337,327
Santa Fe Plaza (Design)	* 300,000	663,600	963,600	963,600	-	963,600
Downtown Master Plan	* 125,000	(19,500)	105,500	105,500	-	105,500
TMED - Loop 363 Frontage (UPRR to 5th) - TXDOT AFA	** 6,450,000	-	6,450,000	6,450,000	-	6,450,000
TMED - 31st Street/Loop 363/Monumentation	520,000	461,527	981,527	981,526	-	981,526
TMED - Avenue U - 1st Street to 13th Street	1,275,000	1,485,319	2,760,319	2,760,320	-	2,760,320
TMED Master Plan (Health Care Campus)	125,000	(20,150)	104,850	104,850	-	104,850
Friar's Creek Trail to Ave R Trail	* 500,000	36,558	536,558	536,557	-	536,557
Airport Enhancement Projects	* 1,320,000	47,490	1,367,490	1,367,490	-	1,367,490
	\$ 25,220,000	\$ 201,922	\$ 25,421,922	\$ 25,272,329	\$ 144,747	\$ 25,417,076
Remaining (Needed) Funds						\$ 135,539

* Project Final

** Substantially Complete

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

CITY OF TEMPLE, TEXAS
SCHEDULE OF CAPITAL PROJECTS BOND PROCEEDS & RELATED EXPENDITURES
GENERAL OBLIGATION BONDS 2015 - CAPITAL PARKS PROJECTS BOND FUND 362
For the period beginning May 10, 2015 and ending March 31, 2019

Exhibit E-5

Expenditures		Revenue & Bond Proceeds	
Construction in Progress			
Expenditures	\$ 24,060,285	Original Issue {September 2015}	\$ 25,130,000
Encumbrances as of 3/31/19	(1) 3,216,700	Net Offering Premium/Discount	2,656,449
Estimated Costs to Complete Projects	590,312	Interest Income	484,459
	\$ 27,867,297		\$ 28,270,908

Detail of Construction Costs

Project	BUDGET			ACTUAL		
	Original Budget	Adjustments to Original Budget	Adjusted Budgeted	Total Costs Incurred & Encumbered	Estimated Costs to Complete	Total Designated Project Cost
Bond Issue Costs	\$ 111,449	\$ -	\$ 111,449	\$ 111,449	\$ -	\$ 111,449
CIP Management Cost	55,464	133,407	188,871	187,287	-	187,287
Carver Park	177,915	(52,643)	125,272	125,272	-	125,272
Crossroads Athletic Park	11,900,000	2,413,691	14,313,691	13,982,080	331,611	14,313,691
Jaycee Park	989,570	69,575	1,059,145	1,059,145	-	1,059,145
Jefferson Park	377,675	(81,954)	295,721	295,721	-	295,721
Korampai Soccer Fields	254,745	(25,408)	229,337	229,337	-	229,337
Linkage Trails-Echo Village	490,000	(360,943)	129,057	129,057	-	129,057
Linkage Trails-Windham Trail	-	193,240	193,240	193,240	-	193,240
Lions Junction	1,925,000	29,986	1,954,986	1,954,986	-	1,954,986
Mercer Fields	677,610	-	677,610	519,243	158,367	677,610
Northam Complex	647,090	11,260	658,350	658,350	-	658,350
Oak Creek Park	458,415	(42,505)	415,910	415,910	-	415,910
Optimist Park	496,285	(65,697)	430,588	430,587	-	430,587
Prairie Park	440,000	(321,826)	118,174	68,776	49,398	118,174
Sammons Community Center	1,750,000	244,290	1,994,290	1,994,290	-	1,994,290
Scott & White Park	300,590	58,884	359,474	359,474	-	359,474
Southwest Community Park	3,330,000	(2,463,264)	866,736	866,736	-	866,736
Western Hills Park	302,140	(14,577)	287,563	287,563	-	287,563
Wilson Basketball Cover	203,770	(2,243)	201,527	201,527	-	201,527
Wilson Football Field	611,375	(111,028)	500,347	500,347	-	500,347
Wilson Recreation Center	1,300,000	(42,568)	1,257,432	1,257,432	-	1,257,432
Wilson South	789,755	535,353	1,325,108	1,320,272	4,836	1,325,108
New Vestibule - Summit Fitness Center	-	47,529	47,529	47,529	-	47,529
Clarence Martin, Phaes 1B Facility Upgrade	-	51,200	51,200	5,100	46,100	51,200
Pool Floor Plaster - Sammons Indoor Pool	-	20,000	20,000	20,000	-	20,000
Gold Course Pump Station (Design)	-	28,000	28,000	28,000	-	28,000
Light Control - Miller Park	-	9,425	9,425	9,425	-	9,425
Light Control - West Temple	-	9,425	9,425	9,425	-	9,425
Light Control - Freedom Park	-	9,425	9,425	9,425	-	9,425
Contingency	78,215	(14,794)	63,421	-	-	-
Contingency - CIP Management Cost	119,386	(119,386)	-	-	-	-
	\$ 27,786,449	\$ 145,854	\$ 27,932,303	\$ 27,276,985	\$ 590,312	\$ 27,867,297

Remaining (Needed) Funds \$ 403,611

* Project Final

**Substantially Complete

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

SCHEDULE OF CAPITAL PROJECTS BOND PROCEEDS & RELATED EXPENDITURES

COMBINATION TAX & REVENUE CERTIFICATES OF OBLIGATION 2017 - CAPITAL PROJECTS BOND FUND 353

For the period beginning April 1, 2017 and ending March 31, 2019

Expenditures		Revenue & Bond Proceeds	
Construction in Progress			
Expenditures	\$ 2,726,386	Current Revenues - FY 2017 ^	\$ 1,033,722
Encumbrances as of 3/31/19	(1) 2,103,541	Fund Balance Appropriation	1,495,941
Estimated Costs to Complete Projects	1,714,800	Original Issue (October 2017)	3,735,000
	<u>\$ 6,544,727</u>	Net Offering Premium/Discount	314,422
		Interest Income	94,703
			<u>\$ 6,673,788</u>

Detail of Construction Costs						
Project	BUDGET			ACTUAL		
	Original Budget	Adjustments to Original Budget	Adjusted Budgeted	Total Costs Incurred & Encumbered	Estimated Costs to Complete	Total Designated Project Cost
Bond Issue Costs *	\$ 51,079	\$ -	\$ 51,079	\$ 50,525	\$ -	\$ 50,525
Meadowbrook/Conner Park Drainage Improvements	1,807,095	2,553	1,809,648	1,809,648	-	1,809,648
Azalea Drive Drainage Improvements	1,223,468	64,670	1,288,138	123,593	1,164,545	1,288,138
Ave T & Ave R Drainage Improvements	1,248,300	325,614	1,573,914	1,570,226	3,688	1,573,914
Ave D & 14th Street Drainage Improvements	516,300	(473,668)	42,632	42,632	-	42,632
Drainage Master Plan Modeling Assessment	1,330,500	-	1,330,500	783,933	546,567	1,330,500
Azalea Drive Developer Agmt (Patco Construction)	-	364,328	364,328	364,328	-	364,328
Pepper Creek Tributary 3 Drainage	-	85,043	85,043	85,043	-	85,043
Contingency	402,343	(368,540)	33,803	-	-	-
	<u>\$ 6,579,085</u>	<u>\$ -</u>	<u>\$ 6,579,085</u>	<u>\$ 4,829,927</u>	<u>\$ 1,714,800</u>	<u>\$ 6,544,727</u>
				Remaining (Needed) Funds		\$ 129,061

* Project Final

** Substantially Complete

^ Available funding due to fee increase effective January 2017 designated for drainage capital improvements

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

CITY OF TEMPLE, TEXAS
SCHEDULE OF CAPITAL PROJECTS BOND PROCEEDS & RELATED EXPENDITURES
SECO LOANSTAR LOAN PROGRAM 2017 - CAPITAL PROJECTS FUND 358
For the period beginning June 1, 2017 and ending March 31, 2019

Exhibit E-7

Expenditures		Revenue & Bond Proceeds	
Construction in Progress			
Expenditures	\$ 2,803,109	Loan Proceeds (July 2017)	\$ 2,803,109
Encumbrances as of 3/31/19	(1) -	Transfer - In	-
Estimated Costs to Complete Projects	-		
	<u>\$ 2,803,109</u>		<u>2,803,109</u>

Detail of Construction Costs						
Project	BUDGET			ACTUAL		
	Original Budget	Adjustments to Original Budget	Adjusted Budgeted	Total Costs Incurred & Encumbered	Estimated Costs to Complete	Total Designated Project Cost
Completed Projects prior to FY 2019 - Lighting Upgrades	* \$ 294,675	\$ (118,754)	\$ 175,921	\$ 175,921	\$ -	\$ 175,921
Police Department - Lighting Upgrade	* 142,000	(30,026)	111,974	111,975	-	111,975
City Hall - Lighting Upgrade	* 17,950	4,149	22,099	22,099	-	22,099
Summit Fitness Center - Lighting Upgrade	* 6,490	6,864	13,354	13,355	-	13,355
Fire Station - #8 - Lighting Upgrade	* 6,285	5,483	11,768	11,768	-	11,768
Sammons Comm Cntr - Indoor Pool - Lighting Upgrade	* 3,415	(1,139)	2,276	2,276	-	2,276
Completed Projects prior to FY 2019 - HVAC Improvements	* 497,950	189,756	687,706	687,706	-	687,706
Santa Fe - HVAC Improvements	* 236,812	129,744	366,556	366,556	-	366,556
Mayborn Convention Center - HVAC Improvements	* 465,300	6,835	472,135	472,135	-	472,135
City Hall - HVAC Improvements	* 172,575	(57,664)	114,911	114,911	-	114,911
Summit Fitness Center - HVAC Improvements	* 165,325	85,641	250,966	250,966	-	250,966
Service Centers A/B/C - HVAC Improvements	* 189,360	104,574	293,934	293,934	-	293,934
Elmer Reed General Aviation Term - HVAC Improvements	* 33,150	14,406	47,556	47,556	-	47,556
Design Fees	* 224,249	7,704	231,953	231,953	-	231,953
Contingency	336,373	(336,373)	-	-	-	-
	<u>\$ 2,803,109</u>	<u>\$ -</u>	<u>\$ 2,803,109</u>	<u>\$ 2,803,109</u>	<u>\$ -</u>	<u>\$ 2,803,109</u>
Remaining (Needed) Funds						<u>\$ -</u>

* Project Final

** Substantially Complete

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

CITY OF TEMPLE, TEXAS
SCHEDULE OF CAPITAL PROJECTS BOND PROCEEDS & RELATED EXPENDITURES
REINVESTMENT ZONE NO. 1 TAX INCREMENT
REVENUE BONDS 2018 - CAPITAL PROJECTS BOND FUND - 795
For the period beginning September 27, 2018 and ending March 31, 2019

Exhibit E-8

Expenditures		Revenue & Bond Proceeds	
Construction in Progress			
Expenditures	\$ 2,955,972	Original Issue (September 2018)	\$ 23,565,000
Encumbrances as of 3/31/19	(1) 3,119,631	Net Offering Premium/Discount	614,452
Estimated Costs to Complete Projects	18,103,848	Interest Income	280,992
	<u>\$ 24,179,451</u>		<u>\$ 24,460,444</u>

****Detail of Construction Costs****

Project	BUDGET			ACTUAL		
	Original Budget	Adjustments to Original Budget	Adjusted Budgeted	Total Costs Incurred & Encumbered	Estimated Costs to Complete	Total Designated Project Cost
Bond Issue Costs *	\$ 179,452	\$ -	\$ 179,452	\$ 179,452	\$ -	\$ 179,452
Outer Loop (IH 35 to Wendland) - ROW	500,000	-	500,000	-	500,000	500,000
Outer Loop (McLane to Central Point Parkway)	7,250,000	-	7,250,000	45,030	7,204,970	7,250,000
Santa Fe Plaza	1,300,000	-	1,300,000	1,300,000	-	1,300,000
TMED - 31st Street/Loop 363/Monumentation	450,000	-	450,000	-	450,000	450,000
Downtown City Center/Hawn Hotel	2,050,000	-	2,050,000	396,900	1,653,100	2,050,000
Outer Loop, Phase VI (Old Waco Road to IH 35 South)	3,340,000	-	3,340,000	1,261,117	2,078,883	3,340,000
East Outer Loop	623,000	-	623,000	622,210	790	623,000
1st Street from Ave A to Central Ave	1,380,000	-	1,380,000	-	1,380,000	1,380,000
Airport Corporate Hangar, Phase IV (Design) *	132,000	-	132,000	131,600	400	132,000
Airport FBO Center & Parking (Design)	440,000	-	440,000	402,000	38,000	440,000
Outer Loop, Phase V (Poison Oak to Old Waco Road)	2,820,000	-	2,820,000	871,865	1,948,135	2,820,000
Avenue C from Main Street to 24th Street	2,740,000	-	2,740,000	648,330	2,091,670	2,740,000
Santa Fe Plaza - Central Ave Parking & Enhancement	325,000	-	325,000	217,100	107,900	325,000
Overlay Industrial Blvd	650,000	-	650,000	-	650,000	650,000
	<u>\$ 24,179,452</u>	<u>\$ -</u>	<u>\$ 24,179,452</u>	<u>\$ 6,075,603</u>	<u>\$ 18,103,848</u>	<u>\$ 24,179,451</u>

Remaining (Needed) Funds \$ 280,993

* Project Final

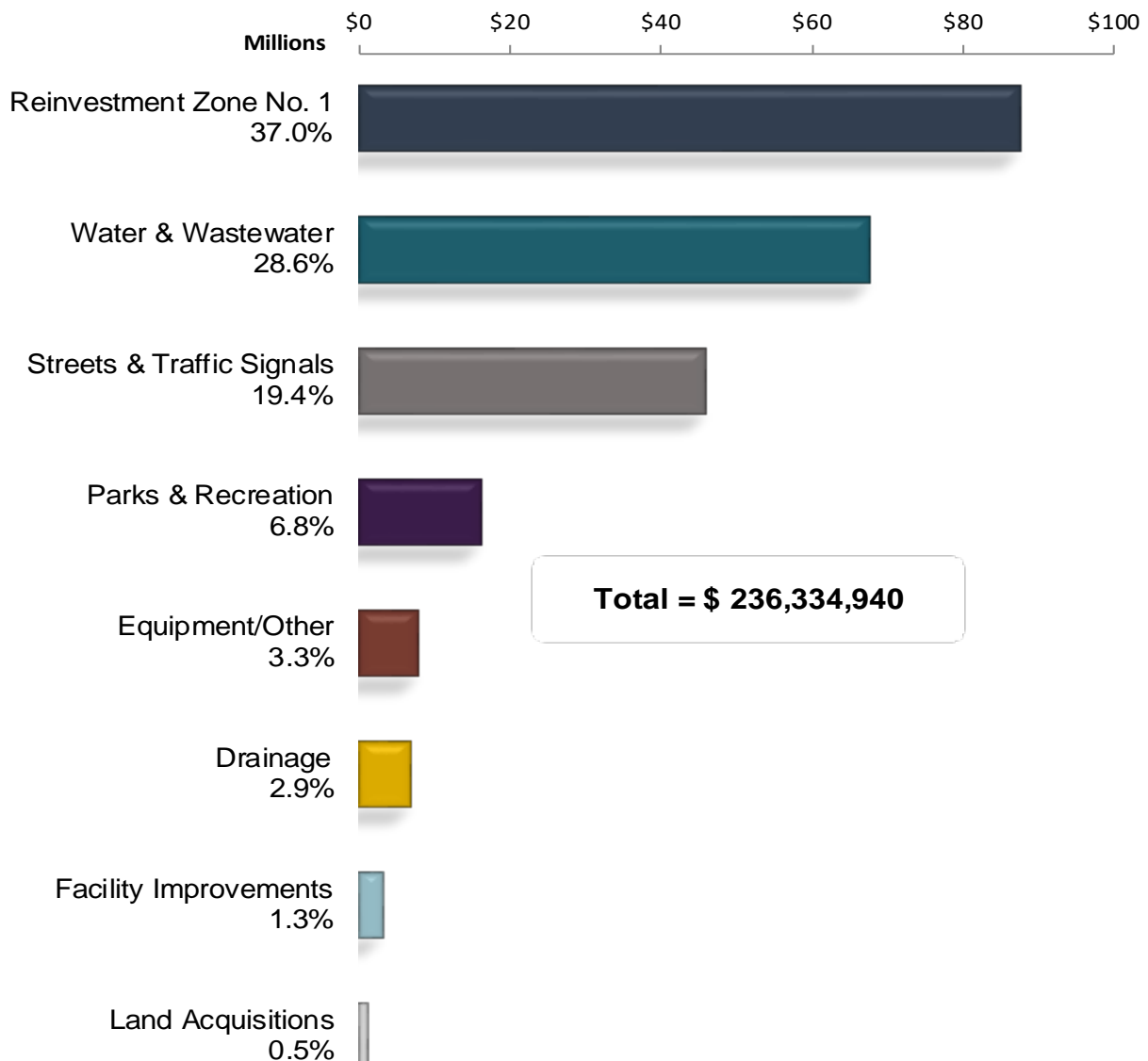
** Substantially Complete

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

CITY OF TEMPLE, TEXAS
CAPITAL IMPROVEMENT PROGRAM - PROJECTS UNDERWAY/SCHEDULED
As of March 31, 2019

Exhibit E-9

Reinvestment Zone No. 1	\$	87,527,370
Water & Wastewater		67,635,025
Streets & Traffic Signals		45,926,531
Parks & Recreation		16,156,684
Equipment/Other		7,904,126
Drainage		6,895,818
Facility Improvements		3,123,463
Land Acquisitions		1,165,923
Total of Capital Improvement Projects Underway/Scheduled		\$ 236,334,940



CITY OF TEMPLE, TEXAS
CAPITAL IMPROVEMENT PROGRAM-PROJECTS UNDERWAY/SCHEDULED - DETAIL
March 31, 2019

Exhibit E-10

Project	Project #	Funding	Acct #	Project Budget	Actual Commit / Spent	Status	Scheduled Completion
Exterior Master Plan Construction, Phase I - Mayborn	101389	Hotel/Motel	240-4400-551-6310	98,890	-	On Hold	TBD
Security Upgrade at Service Center - Video Surveillance and Door Access Control System	101404	LTN-16 BUDG-U	364-3800-519-6310 520-5000-535-6310	84,199	84,198	Complete	Nov-18
Upgrade Gate - Service Center	101405	BUDG-19 LTN-16 BUDG-U	110-5924-519-6310 364-3800-519-6310 520-5000-535-6310	68,537	68,537	Complete	Nov-18
New Vestibule - Summit Fitness Center	101548	BUDG-18 GO-15	110-5932-551-6310 362-3200-551-6421	54,300	54,300	Substantially Complete	Apr-19
Office Remodel - City Manager's Office	101654	BUDG-18 LTN-16	110-1100-513-6310 110-5911-513-6310 364-1100-513-6310	149,821	149,822	Substantially Complete	Apr-19
Roof Replacement, Building A - Service Center	101659	BUDG-18	110-5924-519-6310 292-2900-534-6310 520-5000-535-6310	75,000	-	Planning	Sept-19
Facility Upgrade, Phase 1B - Clarence Martin (Brick Work with Engineering)	101692	BUDG-18 GO-15	110-5932-551-6310 362-3200-551-6422	53,400	7,300	Planning	TBD
Santa Fe - HVAC Improvements (Additional Funding in LoanStar Loan Program)	101751	Hotel/Motel	240-7000-551-6310	78,918	78,918	Complete	Mar-19
Mayborn Convention Center - HVAC Improvements (Additional Funding in LoanStar Loan Program)	101752	Hotel/Motel	240-4400-551-6310	11,537	11,537	Complete	Nov-18
Downtown Lighting	101836	BUDG-18	110-3795-524-6310	60,000	-	Planning	TBD
Airfield Lighting/Wiring (AIP Grant) (Engineering Only)	101868	BUDG-19	110-5900-560-6310	32,000	-	Planning	TBD
Study for Firing Range	101895	BUDG-19	110-5900-521-2616	25,000	24,500	Engineering	July-19
Utility Business Office - Soundproofing	101941	BUDG-U	520-5800-535-6310	17,000	-	Planning	Sept-19
1 South First Street -Building Purchase (Relocate Human Resource Department)	101984	Hotel/Motel Drainage DESCAP BUDG-U	240-4400-551-6310 292-2900-534-6310 351-1100-513-6310 520-5000-535-6310	280,000	271,271	Complete	Nov-18
1 South First Street, Network Connections - Human Resource Offices	101989	BUDG-18 Hotel/Motel Drainage BUDG-U	110-1900-519-6240 240-4400-551-6310 292-2900-534-6310 520-5000-535-6310	15,000	12,538	Complete	Nov-18
1 South First Street, Remodel - Human Resource Offices	101993	BUDG-19 Hotel/Motel Drainage BUDG-U	110-5924-519-6310 240-4400-551-6310 292-2900-534-6310 520-5000-535-6310	15,129	13,361	Complete	Nov-18
City Hall Security	102014	BUDG-19	110-5924-519-6310	66,000	53,332	In Progress	June-19
Lighting Upgrades - Multi Facility (LoneSTAR Loan Program)	Multi	LSL-17	358-XXXX-XXX-6310	210,181	210,182	Complete	Oct-18
HVAC Improvements - Multi Facility (LoneSTAR Loan Program)	Multi	LSL-17	358-XXXX-XXX-6310	1,728,551	1,728,551	Complete	Mar-19
Total Facility Improvements				\$ 3,123,463	\$ 2,768,345		
Meadowbrook/Conner Park Drainage	101592	Drainage CO-18D	292-2900-534-6312 353-2900-534-6714	1,809,648	1,809,648	Construction	July-19
Azalea Drive Drainage Improvements	101636	Drainage CO-18D	292-2900-534-6312 353-2900-534-6712	1,288,138	123,593	Engineering	June-20
Ave T & Ave R Drainage Improvements	101637	Drainage CO-18D	292-2900-534-6312 353-2900-534-6713	1,573,914	1,570,226	Construction	Mar-20
Ave D & 14th Street Drainage Improvements	101638	Drainage	292-2900-534-6312	42,635	42,632	On Hold	TBD
Drainage Master Plan Modeling Assessment	101777	Drainage CO-18D	292-2900-534-6510 353-2900-534-6710	1,330,500	783,933	Engineering	May-20
Hogan Road Developer Agreement (Kiella Development, Inc.)	101802	Drainage	292-2900-534-6312	305,900	305,900	Cost Sharing Agreement Authorized	TBD

(Continued)

Project	Project #	Funding	Acct #	Project Budget	Actual Commit / Spent	Status	Scheduled Completion
Westfield Developer Agreement {Kiella Development, Inc.}	101822	Drainage	292-2900-534-6312	\$ 70,510	\$ 70,509	Complete	Mar-19
Azalea Drive (Lowe's Dr to 13th St) Developer Agreement {Patco Construction, LLC}	101860	CO-18D	353-2900-534-6715	364,328	364,328	Cost Sharing Agreement Authorized	June-19
Range Road Drainage	102011	Drainage	292-2900-534-6312	25,202	-	Planning	TBD
Pepper Creek Tributary 3 Drainage {Design Only}	102016	CO-18D	353-2900-534-6813	85,043	85,043	Engineering	Aug-19
Total Drainage				\$ 6,895,818	\$ 5,155,811		
Advanced Metering Infrastructure	101173	BUDG-U Util-RE	520-5300-535-6250 520-5900-535-6250	1,275,000	1,121,151	Construction	July-19
CityWorks AMS Software - Public Works	101640	BUDG-17 Drainage DESCAP BUDG-U	110-5919-519-6221 292-2900-534-6221 351-1900-519-6221 520-5000-535-6221	108,402	77,022	In Progress	June-19
Replace '05 Ford F150 Pickup - Animal Services Asset #12134	101652	BUDG-18	110-5921-529-6213	29,510	29,510	Complete	Mar-19
Replace '07 Ford F150 4X4 - Engineering Asset #12571	101655	BUDG-18	110-5900-533-6213	30,961	30,961	Complete	Nov-18
Replace '03 Dodge Ram - Facility Services Asset #13402	101656	BUDG-18	110-5924-519-6213	65,949	65,990	Complete	Oct-18
Quad Truck, Shared Custodial Crew - Facility Services Asset #'s 12342, 12786	101658	BUDG-18	110-5924-519-6213	28,200	28,201	Complete	Oct-18
Replace '05 Ford Expedition - Fire Asset #12113	101663	BUDG-18	110-5900-522-6213	42,697	42,676	Complete	Dec-18
Oil Dispenser Expansion - Fleet Services	101666	BUDG-18	110-5938-519-6216	10,000	9,216	Complete	Mar-19
Replace '07 Ford F150 - Inspection/Permits Asset #12573	101670	BUDG-18	110-5947-519-6213	27,810	27,811	Complete	Oct-18
Replace '03 Ford F150 - Parks Asset #11625	101678	BUDG-18	110-5935-552-6213	27,810	27,811	Complete	Oct-18
Replace '05 Dodge Ram 2500 - Parks Asset #12192	101679	BUDG-18	110-5935-552-6213	43,525	43,525	Ordered	May-19
Replace '07 Ford F150 - Parks Asset #12570	101681	BUDG-18	110-5935-552-6213	27,810	27,811	Complete	Oct-18
Replace '08 Kubota RTV - Parks Asset #12801	101683	BUDG-18	110-5935-552-6222	19,000	17,097	Complete	Oct-18
Van with Equipment for Crash Reconstruction - Police Asset #9945 and #11147	101687	BUDG-18	110-2032-521-6213 110-5900-521-6213	59,843	59,843	Complete	Dec-18
Replace (3) BMW Motorcycles for (1) Ford Taurus - Police Asset #'s 13709, 13710, 13872	101688	BUDG-18	110-5900-521-6213	54,253	41,103	Complete	Oct-18
Replace '01 GMC Pickup - Police Asset #13406	101689	BUDG-18	110-5900-521-6213	25,128	25,128	Complete	Oct-18
Replace '98 International Dump Truck - Streets Asset #10365	101701	BUDG-18	110-5900-531-6222	102,081	102,081	Ordered	May-19
Pickup Truck, New C&D Technician - Metering **Addition to Fleet**	101705	BUDG-18	520-5300-535-6213	28,000	27,836	Complete	Oct-18
Replace '04 Chevrolet Silverado - Water/Wastewater Asset #11925	101706	BUDG-18	520-5200-535-6213	28,812	25,455	Complete	Oct-18
Replace '06 Chevrolet Silverado - Water/Wastewater Asset #12274	101708	BUDG-18	520-5100-535-6213	41,823	40,975	Complete	Mar-19
Replace '06 Chevrolet Silverado - Water/Wastewater Asset #12275	101709	BUDG-18	520-5100-535-6213	41,823	40,975	Complete	Mar-19
K-9 (2017 JAG Grant)	101779	GRANT	260-2000-521-6211	17,167	-	Planning	Oct-20
Replace '10 Ford Crown Victoria - Police Asset #13217	101816	BUDG-18	110-2031-521-6213	43,633	43,633	Complete	Nov-18
Replace '08 Ford F350 - Streets Asset #12589	101859	BUDG-18	110-5900-531-6213	52,000	-	Planning	June-19
Velocity Migration Upgrade - Court	101861	BUDG-18	110-1800-525-6221	12,688	12,686	Complete	Dec-18

(Continued)

Project	Project #	Funding	Acct #	Project Budget	Actual Commit / Spent	Status	Scheduled Completion
Shredder - Airport	101867	BUDG-19	110-5900-560-6222	\$ 11,995	\$ 11,995	Complete	Oct-18
Replace '05 Ford F150 Regular Cab - Code Compliance Asset #12136	101869	BUDG-19	110-5900-524-6213	32,000	-	Planning	Sept-19
Replace '08 F350 / Upgrade F250 Crew Cab & Utility Body - Code Compliance Asset #12920	101870	BUDG-19	110-5900-524-6213	45,000	-	Planning	Sept-19
Replace '01 Dodge / Upgrade F250 Regular Cab with Utility Body & Lift Gate - Facility Services Asset #10638	101871	BUDG-19	110-5924-519-6213	43,000	-	Planning	Sept-19
Replace '05 Ford F150 - Facility Services Asset # 12135	101872	BUDG-19	110-5924-519-6213	34,000	-	Planning	Sept-19
Replace Cardiac Defibrillator Monitor - Fire	101878	BUDG-19	110-2230-522-6211 110-5900-522-6211	140,488	133,417	Complete	Jan-19
Vehicle Exhaust System Update/Repair - Fleet	101879	BUDG-19	110-5938-519-6310	19,500	-	Planning	July-19
Pro-Cut On Car Brake Lathe - Fleet	101881	BUDG-19	110-5938-519-6216	14,000	-	Planning	May-19
Replace '08 Ford F150 - Inspections/Permits Asset #12821	101885	BUDG-19	110-5942-519-6213	32,000	-	Planning	Sept-19
Replace '04 Crimson Spartan / Upgrade to Small Quint Fire Apparatus (Intent to Reimburse)	101886	CO-19	365-2200-522-6776	973,500	933,080	Ordered	Aug-19
Replace '06 Ford F350 -Parks Asset #12356	101887	BUDG-19	110-5935-552-6213	43,000	-	Planning	Sept-19
Replace '06 Chevy Truck - Parks Asset #12345	101888	BUDG-19	110-5935-552-6213	32,000	-	Planning	Sept-19
3/4 Ton Truck - Irrigation Technician **Addition to Fleet**	101889	BUDG-19	110-3500-552-6213	43,000	-	Planning	Sept-19
Replace Marked Unit, SRO - Police Asset #13223	101891	BUDG-19	110-3500-552-6211	47,750	42,017	Ordered	May-19
Replace (10) Marked Units, Patrol - Police	101892	BUDG-19	110-2031-521-6213 110-5900-521-6213	508,056	474,447	Ordered	May-19
Axon Evidence Management Software System	101893	BUDG-19	110-5900-521-6211	293,476	293,476	In Progress	July-19
Police Utility Vehicle - Police, Sergeant **Addition to Fleet**	101894	BUDG-19	110-5900-521-6213	57,750	40,202	In Progress	May-19
Medium Rescue Fire Apparatus **Addition to Fleet** (Intent to Reimburse)	101896	CO-19	365-2200-522-6776	376,500	329,500	Ordered	Sept-19
Replace '01 Chevrolet Astro - Recreation (Asset # 11143)	101899	BUDG-19	110-5932-551-6213	32,200	-	Planning	June-19
Skid Steer # 2 - Recycling Program **Addition to Fleet**	101904	BUDG-19	110-5900-540-6222	51,337	51,337	Complete	Jan-19
Lift Truck # 2 - Recycling Program **Addition to Fleet**	101905	BUDG-19	110-5900-540-6222	32,106	32,106	Complete	Nov-18
Replace '14 Freightliner/Heil Garbage Collection Vehicle - Solid Waste Asset #13688 (Intent to Reimburse)	101906	LTN-19	364-2300-540-6220	335,500	329,636	Ordered	May-19
Replace '11 Peterbilt, Frontload - Solid Waste Asset #13276 (Intent to Reimburse)	101908	LTN-19	364-2300-540-6220	349,500	327,435	Ordered	May-19
Replace '08 International Work Star, Sideload - Solid Waste Asset #12581 (Intent to Reimburse)	101909	LTN-19	364-2300-540-6220	295,500	283,845	Ordered	June-19
Replace '08 Ford F250 - Streets Asset #12867	101910	BUDG-19	110-5900-531-6213	32,000	-	Planning	Sept-19
Replace '95 Ford F800 Water Truck -Streets Asset #9837	101912	BUDG-19	110-5900-531-6222	30,888	-	On Hold	Aug-19
Replace '00 Freightliner Dump Truck - Drainage Asset #10942	101914	Drainage	292-2900-534-6222	112,500	102,081	Ordered	May-19
Replace '09 International Street Sweeper - Drainage Asset #13120	101915	Drainage	292-2900-534-6222	240,000	234,027	Complete	Feb-19
72" Cut Zero Turn Mower, New Maintenance Crew - Drainage **Addition to Fleet**	101916	Drainage	292-2900-534-6222	12,000	-	Planning	July-19

(Continued)

Project	Project #	Funding	Acct #	Project Budget	Actual Commit / Spent	Status	Scheduled Completion
192" Cut Batwing Mower, New Maintenance Crew - Drainage **Addition to Fleet**	101917	Drainage	292-2900-534-6222	\$ 98,000	\$ -	Planning	July-19
Trailer for Equipment, New Maintenance Crew - Drainage **Addition to Fleet**	101918	Drainage	292-2900-534-6211	10,000	-	Planning	July-19
1 Ton Crew Cab Pick w Utility Body, New Maintenance Crew - Drainage **Addition to Fleet**	101919	Drainage	292-2900-534-6213	52,000	-	Planning	Sept-19
Replace '08 Ford F350 Regular Cab - Water/Wastewater Asset #12918	101923	BUDG-U	520-5400-535-6213	48,000	-	Planning	Sept-19
Replace '08 Ford F350 Regular Cab - Water/Wastewater Asset #12919	101924	BUDG-U	520-5400-535-6213	48,000	-	Planning	Sept-19
Replace '09 Ford F350 Regular Cab - Water/Wastewater Asset #12968	101925	BUDG-U	520-5400-535-6213	48,000	-	Planning	Sept-19
Replace '10 Ford F350 Regular Cab - Water/Wastewater Asset #13133	101926	BUDG-U	520-5400-535-6213	48,000	-	Planning	Sept-19
Replace '10 Ford F450 Regular Cab - Water/Wastewater Asset #13139	101927	BUDG-U	520-5400-535-6213	50,000	-	Planning	Sept-19
Freightliner SD114 with Vactor Body - W/WW Specialty Crew **Addition to Fleet**	101929	BUDG-U	520-5200-535-6222 520-5400-535-6222	382,000	366,587	Ordered	Sept-19
Upgrade for the Manhole Inspection Van (Closed Circuit Television) - W/WW Specialty Crew (Asset # 11606)	101930	BUDG-U	520-5200-535-6213 520-5400-535-6310	55,000	-	Planning	Aug-19
Service Center Office Improvements - Suite 123	101931	BUDG-U	520-5200-535-6310 520-5400-535-6310	10,000	-	Planning	TBD
Replace '08 Ford F150 Regular Cab - Metering Asset #12825	101932	BUDG-U	520-5300-535-6213	32,000	-	Planning	Sept-19
1/2 Ton Reg Cab Truck, New Crew Leader - Water/Wastewater	101934	BUDG-U	520-5200-535-6213 520-5400-535-6213	32,000	-	Planning	Sept-19
Golf Cart GPS Screens	101936	BUDG-19	110-3110-551-6213	103,226	88,626	In Progress	June-19
Replace '09 Ford F350 - Water/Wastewater Asset #12967	101937	BUDG-U	520-5200-535-6213	48,000	-	Planning	Sept-19
Water Distribution Modeling and Management Software	101938	BUDG-U	520-5200-535-6221	31,215	-	Planning	July-19
(3) Handheld GIS Units	101939	BUDG-U	520-5200-535-6211	26,200	-	Planning	Aug-19
Replace '03 Caterpillar 420D Backhoe - Water/Wastewater Asset #11623	101940	BUDG-U	520-5100-535-6220	91,000	-	Planning	Sept-19
K-9 (2018 JAG Grant)	101959	GRANT	260-2000-521-6211	18,534	-	Planning	Oct-21
Swift Water Boat, State Farm Grant - Fire	101991	BUDG-19	110-2230-522-6222	20,000	-	Planning	June-19
AreaRAE Air Monitor Deployment Kit, LETPA Grant - Fire	101994	BUDG-19 GRANT	110-2230-522-6211 260-2200-522-6211	61,522	61,522	Complete	Dec-18
Cargo Van - Crime Scene Technician	102012	BUDG-19	110-2041-521-6213	24,000	20,001	Substantially Complete	Apr-19
Replace '13 Chevy Caprice w Police Utility Vehicle Asset #13718	102013	BUDG-19	110-2011-521-6213 110-5900-521-6213	52,958	52,958	Ordered	July-19
Total Equipment/Other				\$ 7,904,126	\$ 6,176,790		
Charter Oak Waterline Replacement, Phase II {ROW}	100608	Util-RE	520-5900-535-6110	324,102	315,723	In Progress	July-19
Land Purchase 814 & 818 E Ave B	101207	BUDG-19	110-3795-524-6110	25,000	21,833	Complete	Feb-19
Bird Creek Interceptor {ROW}	101213	Util-RE	520-5900-535-6110	577,134	369,586	In Progress	Apr-19
New Pepper Creek Tank {Property Acquisition}	101944	Util-RE	520-5900-535-6110	100,000	3,500	In Progress	Apr-19
S Temple Ground Storage and Pump Station {Property Acquisition}	101953	Util-RE	520-5900-535-6110	50,000	-	Planning	TBD
SH 317 Ground Storage and Pump Station {Property Acquisition}	101954	Util-RE	520-5900-535-6110	50,000	-	Planning	TBD
Land Purchase 908 E Ave B	101990	BUDG-19	110-3795-524-6110	39,687	39,686	Complete	Oct-18
Total Land Acquisitions				\$ 1,165,923	\$ 750,329		

(Continued)

Project	Project #	Funding	Acct #	Project Budget	Actual Commit / Spent	Status	Scheduled Completion
Caboose Renovations	101303	Hotel/Motel	240-7000-551-6310	21,809	20,348	Construction	June-19
Crossroads Athletic Park {RZ Funds in Project 101005}	101311	GO-15	362-3500-552-6402	\$ 14,313,691	\$ 13,982,080	Construction	July-19
Mercer Fields	101317	GO-15	362-3500-552-6408	677,610	519,243	Substantially Complete	Apr-19
Prairie Park	101321	GO-15	362-3500-552-6412	118,174	68,776	Complete	Jan-19
Trail Repair - Wilson Park	101674	BUDG-18	110-5935-552-6310	17,900	8,910	Complete	Oct-18
Sammons Golf Course Green Improvements	101771	CO-18	365-3100-551-6984	620,000	618,382	Complete	Oct-18
South Temple Park Restrooms	101819	BUDG-18 CO-18	110-3500-552-6332 365-3500-552-6988	199,325	182,175	Construction	June-19
Meadow Bend Park	101862	BUDG-18	110-3500-552-6332	33,862	29,561	Complete	Jan-19
Von Rosenberg Park	101863	BUDG-18	110-3500-552-6332	13,577	13,577	Complete	Dec-18
West Temple Park	101864	BUDG-18	110-3500-552-6332	15,786	15,535	Complete	Dec-18
Pool Floor Plaster - Sammons	101897	BUDG-19	362-3200-551-6423	20,000	20,000	Construction	May-19
Alta Vista Park	101996	BUDG-19	110-3500-552-6332	76,950	41,032	Substantially Complete	Apr-19
Golf Course Pump Station {Design}	102002	GO-15	362-3100-551-6840	28,000	28,000	Engineering	May-19
Total Parks & Recreation				\$ 16,156,684	\$ 15,547,618		
Rail Maintenance	100692	RZ	795-9500-531-6514	383,706	209,073	In Progress	TBD
Road/Sign Maintenance	100693	RZ	795-9500-531-6317	320,331	213,562	In Progress	Sept-19
Little Elm Trunk Sewer	101000	RZ	795-9500-531-6368	1,925,000	1,867,193	Construction	July-19
Temple Industrial Park - Outer Loop (IH35 to Wendland) {Design & ROW}	101000	RZ	795-9600-531-6863 795-9800-531-6863	3,946,000	3,442,621	Engineering	TBD
Temple Industrial Park - Outer Loop (Wendland to McLane Pkwy) {Design & ROW}	101001	RZ	795-9800-531-6864	2,425,000	2,320,763	Engineering	TBD
Corporate Campus Park - Outer Loop (McLane Pkwy to Cen Pt Pkwy)	101004	RZ	795-9600-531-6881 795-9800-531-6881	8,094,000	851,899	Engineering	Dec-20
Crossroads Park @ Pepper Creek Trail {Park Bond Funds in Project 101311}	101005	RZ	795-9500-531-6867 795-9800-531-6867	5,925,000	5,925,000	Construction	July-19
Synergy Park - Entry Enhancement {Design}	101006	RZ	795-9500-531-6868 795-9800-531-6868	62,101	62,100	On Hold	TBD
Downtown - Santa Fe Plaza	101008	RZ	795-9500-531-6870 795-9600-531-6870 795-9800-531-6870	15,112,538	14,870,532	Construction	May-19
TMED - Loop 363 Frontage (UPRR Bridge to 5th TRZ Portion) {AFA - TXDOT}	101010	RZ	795-9500-531-6872 795-9800-531-6872	6,749,994	6,567,065	Substantially Complete	Apr-19
TMED - 31st St./Loop 363 Improvements/Monumentation	101011	RZ	795-9500-531-6873 795-9600-531-6873 795-9800-531-6873	1,495,000	1,013,637	Construction	Dec-20
Downtown City Center / Hawn Hotel	101029	RZ	795-9500-531-6565 795-9600-531-6565	2,200,000	546,900	Engineering	TBD
Santa Fe Market Trail	101262	RZ	795-9500-531-6566	5,035,100	4,819,290	Construction	July-19
Veteran's Memorial Boulevard, Phase II {Design & ROW}	101263	RZ	795-9500-531-6567	925,000	622,217	On Hold	TBD
R & D Rail Tracks {Design}	101457	RZ	795-9500-531-6568	124,400	124,400	On Hold	TBD
Taxiway for Airport	101563	RZ	795-9500-531-6558	1,142,572	1,142,572	Engineering	July-19
Outer Loop, Phase VI (IH35 South) {Design & ROW}	101585	RZ	795-9500-531-6557 795-9600-531-6557	3,750,000	1,666,623	Engineering	Dec-19

(Continued)

Project	Project #	Funding	Acct #	Project Budget	Actual Commit / Spent	Status	Scheduled Completion
TMED South 1st Street, Phase I (Change Order to Project 101010) {AFA - TXDOT}	101627	RZ	795-9500-531-6570	1,845,000	1,845,000	Substantially Complete	Jan-19
East Outer Loop	101796	RZ	795-9600-531-6890	\$ 623,000	\$ 122,210	Engineering	July-19
1st Street from Ave A to Central Ave	101797	RZ	795-9500-531-6561 795-9600-531-6561	1,676,000	295,260	Engineering	Feb-20
N 31st Street (Nugent to Central) {Concept Design & Land Acquisition}	101798	RZ	795-9500-531-6571	2,552,000	2,327,526	Engineering	Nov-19
Corporate Hangar, Phase IV {Design}	101800	RZ	795-9500-531-6558 795-9600-531-6558	232,000	231,600	Complete	Nov-18
Airport FBO Center & Parking Visioning {Design}	101801	RZ	795-9500-531-6573 795-9600-531-6573	559,000	520,860	Engineering	TBD
Outer Loop, Phase V {Design & ROW}	101824	RZ	795-9600-531-6813	2,820,000	871,865	Engineering	June-20
1st Street Parking Garage	101840	RZ	795-9500-531-6891 795-9600-531-6891	6,450,000	595,250	Engineering	Apr-21
Ave C (Main Street to 24th Street) {Design & ROW}	101841	RZ	795-9600-531-6892	2,740,000	648,330	Engineering	Feb-20
Santa Fe Plaza Parking Design	101842	RZ	795-9600-531-6893	325,000	217,100	Engineering	July-19
Rail Backage Road	101844	RZ	795-9500-531-6527	2,500,000	1,389,601	Construction	Sept-19
Industrial Boulevard Overlay	101845	RZ	795-9600-531-6512	650,000	-	Planning	TBD
Corporate Campus Property Acquisition	101846	RZ	795-9500-531-6110	750,000	568,336	In Progress	Apr-19
1st Street from Ave A to Ave B	101847	RZ	795-9500-531-6551	1,275,000	1,059,652	Construction	July-19
Mouser Road Improvements	101928	RZ	795-9500-531-6317	340,000	94,204	Construction	July-19
3rd Street Improvements {United Way}	101977	RZ	795-9500-531-6315	125,000	125,000	Cost Sharing Agreement Authorized	TBD
East/West Gateway Landscaping	101978	RZ	795-9500-531-6319	560,000	59,700	Engineering	May-20
Property Acquisitions (RZ #1)	101979	RZ	795-9500-531-6110	750,000	-	Planning	TBD
Airport Improvements - Clear Area Near Fire Station	101980	RZ	795-9500-531-6341	68,528	-	Planning	TBD
Airport Improvements - Repaint Tower	101981	RZ	795-9500-531-6341	172,500	-	Planning	TBD
Airport Improvements - Demolition of Old Terminal Building	101982	RZ	795-9500-531-6341	115,000	-	Planning	TBD
Airport Improvements - Fence Realignment	101983	RZ	795-9500-531-6341	175,000	-	Planning	TBD
Adams/Central Ave - Bicycle & Pedestrian Improvements {Design}	101987	RZ	795-9500-531-6315	155,000	153,250	Engineering	Aug-19
Mixed Use Master Plan	102018	RZ	795-9500-531-2616	250,000	243,850	Engineering	Feb-20
Downtown Neighborhood Overlay	102019	RZ	795-9500-531-2616	100,000	84,600	Engineering	July-19
Parking Consulting Services	102020	RZ	795-9500-531-2616	65,600	65,600	Engineering	Nov-19
Property Site Certifications and Maps	102021	RZ	795-9500-531-2616	38,000	38,000	Engineering	Aug-19
Total Reinvestment Zone No. 1 Infrastructure				\$ 87,527,370	\$ 57,822,241		
Kegley Road, Phase I	100346	CO-14	365-3400-531-6888	1,326,750	1,205,248	Complete	Jan-19
Hogan Road Improvements	100952	CO-12 CO-18	365-3400-531-6857	3,245,713	2,223,820	Construction	June-20
Westfield Boulevard Improvements, Phase II	100970	CO-12	365-3400-531-6859	2,792,210	2,733,249	Construction	June-19
Outer Loop, Phase IIIB	101121	CO-12 CO-14 CO-18	365-3400-531-6813	6,445,745	5,872,227	Construction	July-19

(Continued)

Project	Project #	Funding	Acct #	Project Budget	Actual Commit / Spent	Status	Scheduled Completion
S Pea Ridge Developer Agreement {WBW Development, LTD}	101214	CO-18	365-3400-531-6860	\$ 153,137	\$ 153,137	Cost Sharing Agreement Authorized	May-19
East Temple - Greenfield	101234	CO-12	365-3400-531-6884	75,792	10,500	On Hold	TBD
Prairie View, Phase II (N Pea Ridge to FM 2483)	101257	GRANT CO-14	260-3400-531-6862 365-3400-531-6862	9,784,753	9,150,338	Construction	July-19
SH317 Sidewalks {AFA - TXDOT}	101285	CO-14	365-3400-531-6315	200,000	200,000	Complete	Dec-18
Kegley Road, Phase II	101606	CO-16 CO-18	365-3400-531-6888	5,163,800	491,251	Engineering	Nov-20
Kegley Road, Phase III & IV {Preliminary Design & ROW}	101607	CO-16 CO-18	365-3400-531-6888	1,176,090	845,076	Engineering	June-19
Traffic Signal Upgrade - N Kegley @ Airport Rd	101611	CO-16	365-2800-532-6810	224,650	216,360	Complete	Feb-19
Traffic Signal Upgrade - Adams @ Greenview	101612	CO-16	365-2800-532-6810	291,650	247,521	Complete	Feb-19
Sidewalk/Transportation Enhancements - CDBG (Along Adams Ave)	101711	GRANT	260-6100-571-6315	107,361	19,979	Construction	June-19
N Pea Ridge, Phase I {Design & ROW}	101713	CO-16 CO-18	365-3400-531-6985	2,185,000	665,650	Engineering	Dec-19
Outer Loop, Phase IV {Design & ROW}	101714	CO-16 CO-18	365-3400-531-6813	2,400,000	894,900	Engineering	June-20
Poison Oak, Phase I & II {Design & ROW}	101715	CO-16 CO-18	365-3400-531-6886	4,205,000	2,307,451	Engineering	Aug-19
Hogan Road Developer Agreement {Kiella Development, Inc.}	101802	CO-16	365-3400-531-6857	800,240	800,240	Cost Sharing Agreement Authorized	TBD
S 31st Street Sidewalk - TXDOT AFA	101804	CO-18	365-3400-531-6532	415,000	415,000	Engineering	May-20
Westfield Developer Agreement {Kiella Development, Inc.}	101822	CO-18	365-3500-552-6516	388,964	388,964	Complete	Mar-19
S 5th Street Sidewalk - Cost Sharing Agreement {WBW Development, Ltd}	101827	CO-18	365-3400-531-6315	73,619	73,619	Cost Sharing Agreement Authorized	May-19
Grant Match - Sidewalk/Trail Connections	101829	CO-18	365-3400-531-6315	85,710	-	Planning	TBD
Friars Creek Trail - Grant	101855	CO-18	365-3400-531-6315	24,600	-	Planning	TBD
Azalea Drive (Lowe's Dr to 13th St) Developer Agreement {Patco Construction, LLC}	101860	CO-18	365-3400-531-6715	682,163	682,163	Cost Sharing Agreement Authorized	June-19
South Pea Ridge Road (Design & ROW, Intent to Reimburse)	101874	CO-19	365-3400-531-6860	1,375,000	331,210	Engineering	May-20
Video Detection Equipment 2019/2020 - Signals	101956	CO-18	365-2800-532-6810	168,000	166,560	Complete	Dec-18
Azalea Drive - 31st Street to Lowes Drive	101985	CO-18	365-3400-531-6715	1,442,800	102,800	Engineering	Aug-20
7th Street Road and Sidewalk - CDBG	102008	CDBG	260-6100-571-6317	663,984	430,326	Construction	July-19
Georgetown Railroad Hike/Bike Trail {Conceptual Design}	102010	CO-18	365-3400-531-6315	28,800	28,800	Engineering	Aug-19
Total Streets/Related Facilities				\$ 45,926,531	\$ 30,656,386		
TCIP - Kegley Road Utility Improvements, Phase I	100346	BUDG-U	520-5200-535-6357	110,000	89,220	Complete	Jan-19
Charter Oak Waterline Replacement, Phase II	100608	UR-15 UR-17	561-5200-535-6939	4,791,792	1,025,497	Engineering	June-19
TXDOT I-35 Utility Relocation Project: North Loop 363 to Northern Temple City Limits {Engineering Only}	100682	TxDOT	520-5900-535-6618	193,240	193,240	Complete	Mar-19
TXDOT I-35 Utility Relocation Project: South Loop 363 to Nugent {Engineering Only}	100687	TxDOT	520-5900-535-6618	544,852	492,690	Complete	Mar-19
TXDOT I-35 Utility Relocation Project: Nugent to North Loop 363 {Engineering Only}	100688	TxDOT	520-5900-535-6618	456,838	404,675	Complete	Mar-19

(Continued)

CITY OF TEMPLE, TEXAS
CAPITAL IMPROVEMENT PROGRAM-PROJECTS UNDERWAY/SCHEDULED - DETAIL
March 31, 2019

Exhibit E-10
(Continued)

Project	Project #	Funding	Acct #	Project Budget	Actual Commit / Spent	Status	Scheduled Completion
Leon River Trunk Sewer, Lift Station and Force Main	100851	UR-10	561-5400-535-6941	\$ 5,949,372	\$ 5,949,371	Complete	Dec-18
TCIP - Hogan Road Waterline Improvements	100952	UR-15 UR-17	561-5200-535-6983	1,998,670	1,626,036	Construction	June-20
TCIP - Westfield Blvd Utility Improvements, Phase II	100970	BUDG-U	520-5200-535-6357	127,096	113,319	Construction	June-19
Bird Creek Interceptor, Phase IV {Design Only}	100980	UR-15	561-5400-535-6925	563,615	516,190	Engineering	May-19
Utility Improvements - FY 2014 {Greenfield Development}	101064	BUDG-U	520-5000-535-6370	312,893	-	On Hold	TBD
Leon River Interceptor, Phase II {ROW Services Only}	101081	UR-10	561-5400-535-6941	108,700	108,700	On Hold	TBD
Temple-Belton WWTP Expansion, Phase II {Engineering Only}	101086	Util-RE UR-15	520-5900-535-6310 561-5500-535-6938	1,589,623	1,589,623	Engineering	June-19
WTP Improvements - Tasks 1-3 {Preliminary Engineering Only}	101087	UR-15	561-5100-535-6954	242,832	242,832	Complete	Mar-19
TCIP - Outer Loop Utility Improvements, Phase III-B	101121	Util-RE UR-15	520-5900-535-6521 561-5200-535-6813	1,282,087	1,245,080	Construction	July-19
Water/Wastewater Replacement - 2nd & 4th; Ave C to Adams Ave	101186	Util-RE	520-5900-535-6521	83,715	83,715	Engineering	May-19
Water and Wastewater Master Plan Update	101197	Util-RE	520-5900-535-2616	499,200	492,934	Engineering	June-19
Old Town South Sewer Line (3rd & 11th/Ave D to Ave H & 3rd & 9th/Ave K to Ave N)	101201	BUDG-U UR-15	520-5400-535-6361 561-5400-535-6964	3,342,907	3,121,525	Construction	May-19
TCIP - Prairie View Utility Improvements, Phase II (N Pea Ridge to FM 2483)	101257	Util-RE	520-5900-535-6521	850,000	779,280	Construction	July-19
WTP Membrane Plant - Repaint Piping, Floors, and Concrete Slab	101420	BUDG-U	520-5100-535-6310	491,893	399,655	Complete	Apr-19
Ave G & Loop 363 Pump Stations - Install Overhead Monorail and Chain Hoist System	101433	BUDG-U	520-5100-535-6222	100,000	-	On Hold	TBD
WTP Conventional - Lab Upgrades	101452	BUDG-U	520-5100-535-6310	144,833	144,833	Substantially Complete	Apr-19
Shallowford Lift Station Reconstruction & Relocation	101475	UR-15 UR-17	561-5400-535-6905	7,227,395	7,225,761	Construction	July-19
Jackson Park Vicinity Water & Wastewater Line Improvements	101476	Util-RE UR-15	520-5900-535-6361 561-5400-535-6970	1,692,778	1,646,277	Complete	Nov-18
Bird Creek Interceptor, Phase V	101477	BUDG-U UR-15 UR-17	520-5400-535-6361 561-5400-535-6925	2,612,349	2,352,806	Construction	July-19
Highland Park Water Lines {Stellar Development}	101488	Util-RE	520-5900-535-6366	152,844	152,844	Cost Sharing Agreement Authorized	TBD
Force Main - Shallowford to TBP	101512	Util-RE UR-15 UR-17	520-5900-535-6352 561-5400-535-6973	4,053,146	3,458,839	Construction	June-19
East Temple Utility Improvements	101575	UR-15	561-5200-535-6974	300,000	75,600	On Hold	TBD
TCIP - Kegley Road Utility Improvements, Phase II	101606	BUDG-U	520-5200-535-6357	514,000	-	Engineering	Nov-20
TCIP - Kegley Road, Phase III & IV {Preliminary Design}	101607	UR-15	561-5200-535-6888	39,600	39,600	Engineering	June-19
WTP Improvements - Tasks 2 - MWTT Optimization	101613	UR-15	561-5100-535-6954	39,353	20,810	Engineering	June-19
WTP Improvements - Tasks 3 - Lagoon Improvements {Final Engineering}	101614	UR-15	561-5100-535-6954	478,428	278,597	Engineering	June-19
WTP Improvements - Tasks 4 - Dredging {Design}	101619	UR-17	561-5100-535-6959	36,360	36,360	Engineering	July-19
Williamson Creek Trunk Sewer	101628	UR-15 UR-17	561-5400-535-6980	3,031,472	2,947,436	Engineering	Sept-19
Knob Creek Trunk Sewer {Design of Phase I-V}	101629	Util-RE	520-5900-535-6631	2,268,126	2,139,429	Engineering	July-19
Emergency Waterline Repair - Panda Line	101649	BUDG-19	520-5200-535-6357	31,359	31,359	Complete	Jan-19

(Continued)

CITY OF TEMPLE, TEXAS
CAPITAL IMPROVEMENT PROGRAM-PROJECTS UNDERWAY/SCHEDULED - DETAIL
March 31, 2019

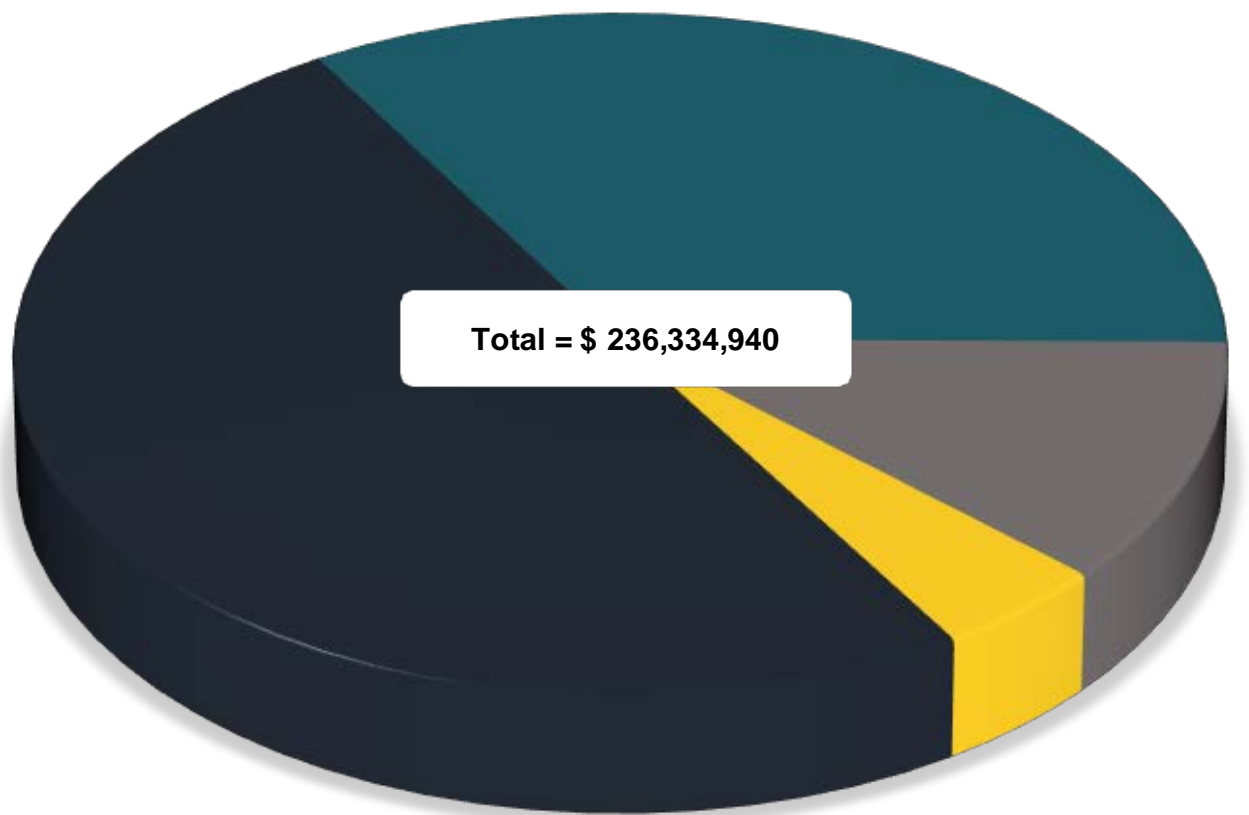
Exhibit E-10
(Continued)

Project	Project #	Funding	Acct #	Project Budget	Actual Commit / Spent	Status	Scheduled Completion
Replace Membrane Modules - FY 2018	101710	BUDG-18	520-5100-535-6211	\$ 349,687	\$ 332,312	Construction	May-19
TCIP - N Pea Ridge, Phase I {Design & ROW}	101713	Util-RE	520-5900-535-6985	584,900	54,900	Engineering	Dec-19
TCIP - Outer Loop, Phase IV {Design & ROW}	101714	UR-15	561-5200-535-6813	84,000	84,000	Engineering	June-20
TCIP - Poison Oak Utility Improvements, Phase I & II {Design}	101715	UR-15	561-5200-535-6986	125,000	123,429	Engineering	Aug-19
Temple-Belton WWTP Expansion, Phase I {Construction}	101774	UR-17	561-5500-535-6938	10,202,299	10,133,751	Construction	July-19
Hogan Road Developer Agreement {Kiella Development, Inc.}	101802	Util-RE	520-5900-535-6368	169,286	169,286	Cost Sharing Agreement Authorized	TBD
Wastewater Line Developer Agreement {Cedon Realty, Ltd}	101823	BUDG-U	520-5400-535-6361	36,751	36,751	Cost Sharing Agreement Authorized	TBD
Turbine Pump at Membrane Water Treatment Plant	101828	BUDG-U	520-5100-535-6211	11,563	11,563	Complete	Nov-18
Scott Elevated Storage Tank Rehabilitation	101834	BUDG-U UR-17	561-5100-535-6954	1,523,079	1,523,079	Construction	July-19
Azalea Drive (Lowe's Dr to 13th St) Developer Agreement {Patco Construction, LLC}	101860	Util-RE	520-5900-535-6362	305,412	305,412	Cost Sharing Agreement Authorized	June-19
WTP - Disinfection Byproduct Reduction Initiative {Design}	101902	UR-17	561-5100-535-6992	500,000	-	On Hold	TBD
FY 2019 - Approach Mains	101921	BUDG-U	520-5000-535-6369	500,000	-	Planning	TBD
City-wide SECAP - SSO {Intent to Reimburse}	101922	UR-19	561-5400-535-6997	1,000,000	709,541	Engineering	Jan-20
Downtown Utility Assessment	101935	UR-17	561-5400-535-6961	267,814	267,814	Engineering	Oct-19
Gateway Center Area Utility Improvements	101943	Util-RE	520-5900-535-6521	500,000	37,412	In Progress	July-19
MWTP - Upgrade Turbidity Analyzers	101945	Util-RE	520-5900-535-6211	100,000	97,585	Complete	Feb-19
Waterline Pressure Monitors (20) - Link to SCADA	101946	Util-RE	520-5900-535-6211	100,000	-	Planning	TBD
WTP - Clarifier #3 Rehabilitation	101947	UR-17	561-5100-535-6990	800,134	777,319	Construction	May-19
New Pepper Creek Storage Tank {Design}	101948	UR-17	561-5100-535-6991	500,000	159,590	Engineering	May-19
57th - 43rd, Ave R - Ave Z Utility Improvements {Design}	101949	UR-17	561-5200-535-6994	500,000	263,800	Engineering	Dec-19
Garden District Utility Improvements {Design}	101950	UR-17	561-5200-535-6995	300,000	219,493	Engineering	Oct-19
West Temple Distribution Line {Design}	101951	UR-17	561-5200-535-6996	200,000	-	Planning	TBD
Apache Elevated Storage Tank Rehabilitation {Design}	101952	UR-17	561-5100-535-6993	100,000	-	Planning	TBD
Friar Creek Assessment - SSO {Intent to Reimburse}	101992	UR-19	561-5400-535-6997	1,000,000	906,490	Engineering	Jan-20
North Outer Loop Water Line and East/West Sewer Main	101997	UR-17	561-5200-535-6813 561-5400-535-6813	1,220,000	932,841	Construction	Aug-19
Wildflower Wastewater Line Replacement	102000	BUDG-U	520-5400-535-6361	117,093	117,093	Complete	Feb-19
Emergency Waterline Repair - Park Tower Line	102009	Util-RE	520-5900-535-6357	172,835	172,835	Complete	Mar-19
Emergency Waterline Repair - Water Treatment Plant Line	102015	Util-RE	520-5900-535-6357	49,119	49,119	Construction	May-19
Hidden Villages Subdivision, Utility Extension {Sears-Bond LP}	520004	Util-RE	520-5900-535-6366	54,685	54,685	Cost Sharing Agreement Authorized	TBD
Total Water & Wastewater Facilities				\$ 67,635,025	\$ 56,564,234		
Total Capital Projects				\$ 236,334,940	\$ 175,441,756		

CITY OF TEMPLE, TEXAS
CAPITAL IMPROVEMENT PROGRAM - PROJECT STATUS {BASED ON \$'s}
As of March 31, 2019

Exhibit E-11

Under Construction / In Progress	\$ 118,662,256
Engineering	79,916,341
Projects Complete	27,298,923
Planning Phase	10,457,420
Total Estimated Costs of Capital Improvement Projects	<u>\$ 236,334,940</u>

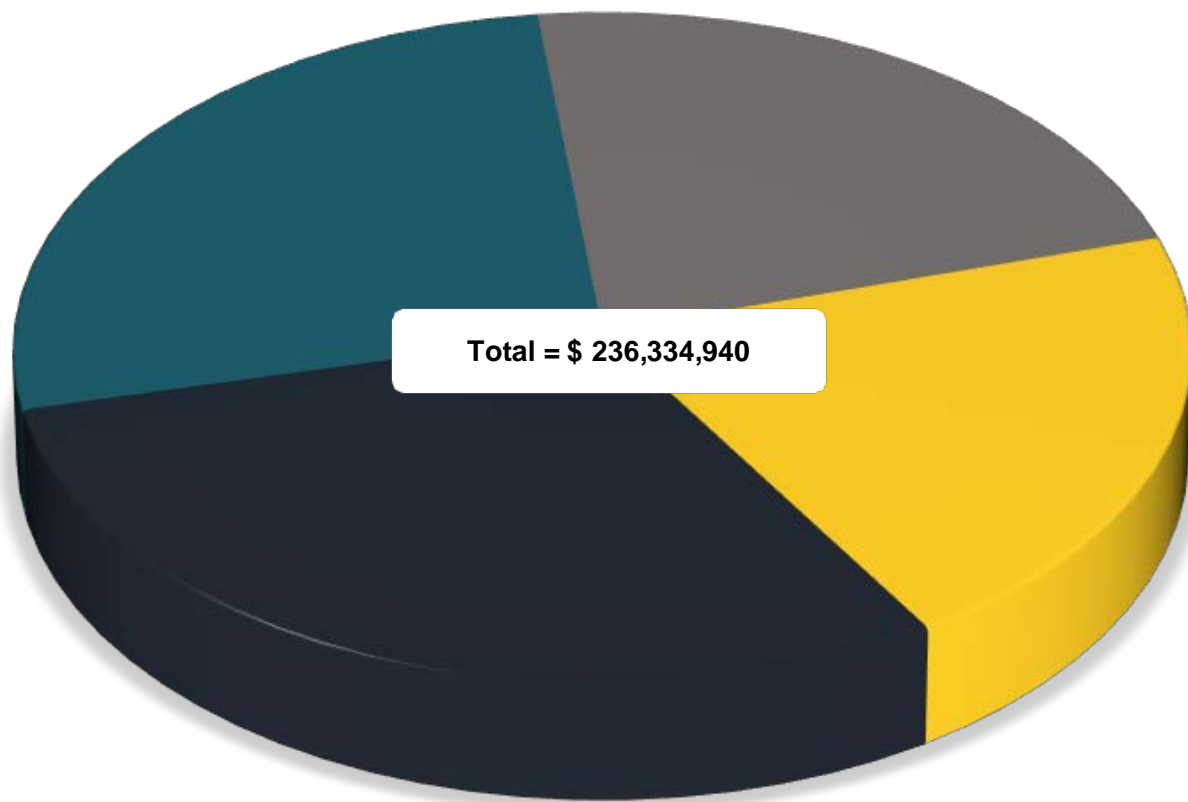


■ Under Construction / In Progress	■ Engineering	■ Projects Complete	■ Planning Phase
50.2%	33.8%	11.6%	4.4%

CAPITAL IMPROVEMENT PROGRAM - PROJECT STATUS {BASED ON NUMBER OF PROJECTS}

As of March 31, 2019

Planning Phase	73
Projects Complete	65
Under Construction / In Progress	54
Engineering	50
Total Number of Capital Improvement Projects	242

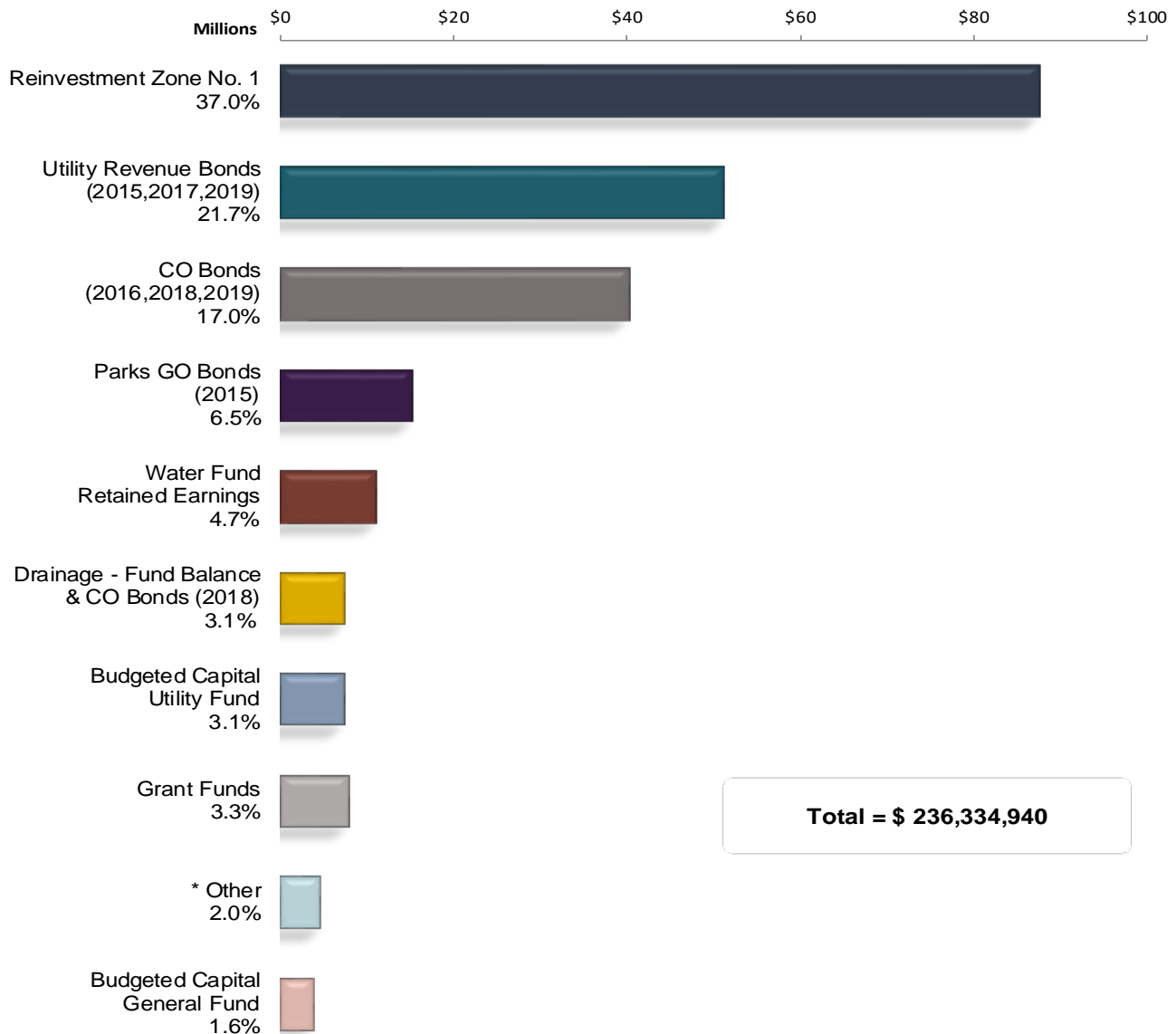


■ Planning Phase 30.2%	■ Projects Complete 26.9%	■ Under Construction/ In Progress 22.3%	■ Engineering 20.7%
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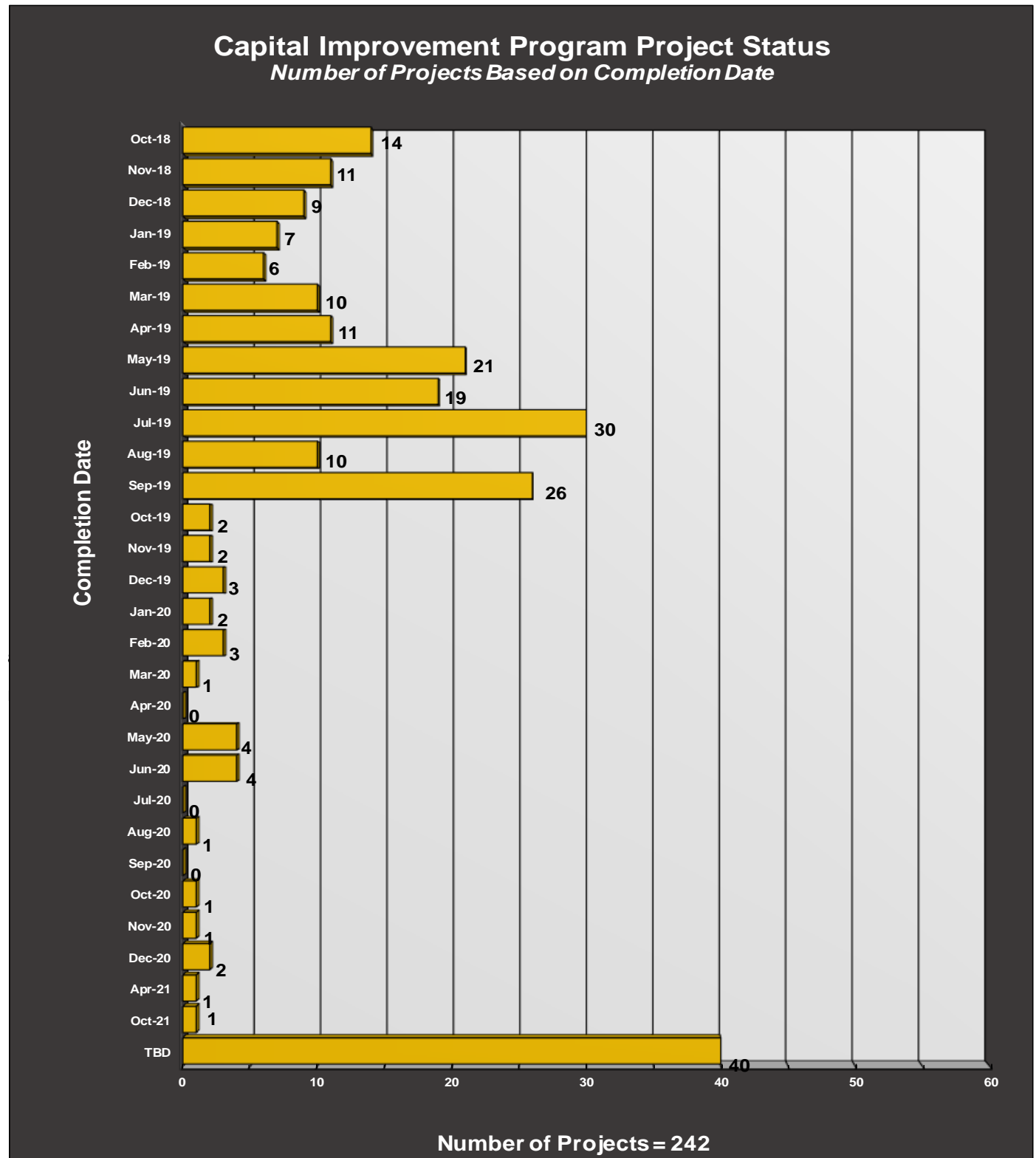
CITY OF TEMPLE, TEXAS
CAPITAL IMPROVEMENT PROGRAM - PROJECT STATUS {BASED ON FUNDING SOURCE}
As of March 31, 2019

Exhibit E-13

	Total Dollars	% of Total
Reinvestment Zone No. 1	\$ 87,527,370	37.04%
Utility Revenue Bonds (2015,2017,2019)	51,187,669	21.66%
Combination Tax & Revenue CO Bonds (2016,2018,2019)	40,241,026	17.03%
Parks GO Bonds (2015)	15,236,204	6.45%
Water Fund - Retained Earnings	11,123,787	4.71%
Grant Funds	7,829,128	3.31%
Drainage Fund - Designated from Fund Balance and CO Bonds (2018)	7,431,638	3.14%
Budgeted Capital - Utility Fund	7,286,202	3.08%
Budgeted Capital - General Fund	3,827,806	1.62%
LoanSTAR Loan Program *	1,938,732	0.82%
TxDOT Reimbursable Utility Agreements *	1,194,930	0.51%
Limited Tax Notes (2016,2019) *	1,057,299	0.45%
General Fund - Designated from Fund Balance/Other *	236,010	0.10%
Hotel-Motel Fund - Designated from Fund Balance *	217,139	0.09%
Total Capital Improvement Projects {by funding source}	\$ 236,334,940	100.00%



*Funding source is reflected in "other" on graph

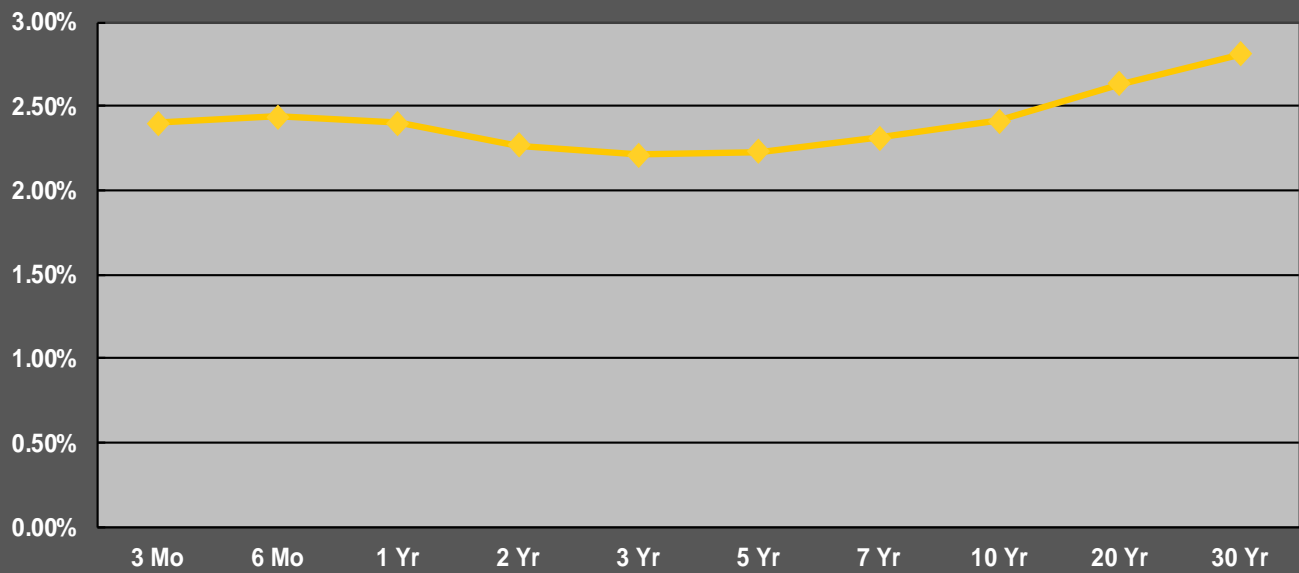




INVESTMENTS

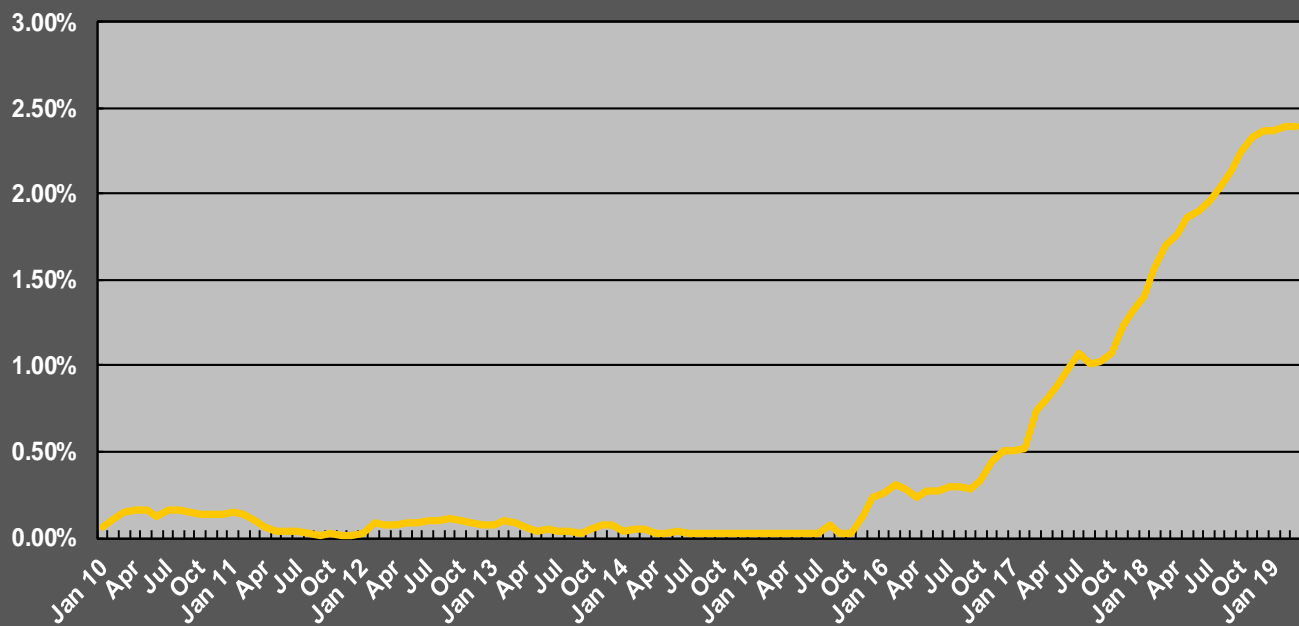
The Public Funds Investment Act, Chapter 2256 of Texas Government Code, requires the investment officer to prepare and submit a written report of investments to the governing body of the entity not less than quarterly.

Treasury Yield Curve



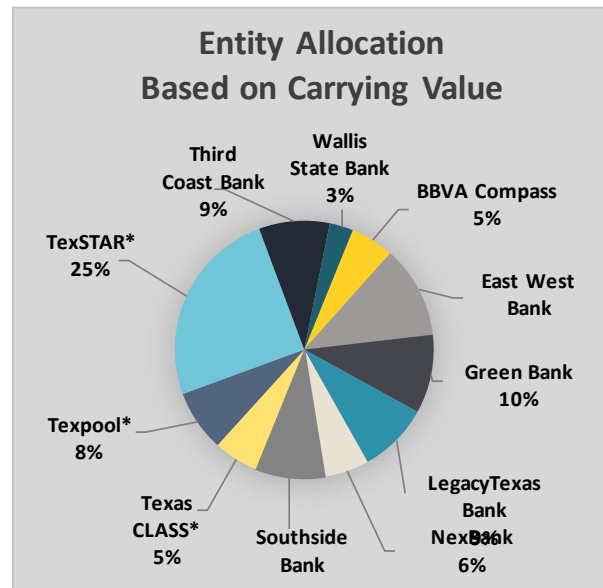
Source - Board of Governors of the Federal Reserve System Statistical Release H.15, April 2, 2019

Average 3-Month Treasury Bill Rate

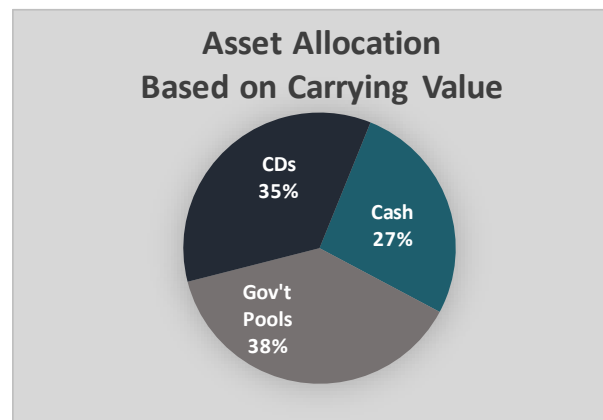


Source - Board of Governors of the Federal Reserve System; <https://fred.stlouisfed.org/series/TB3MS>

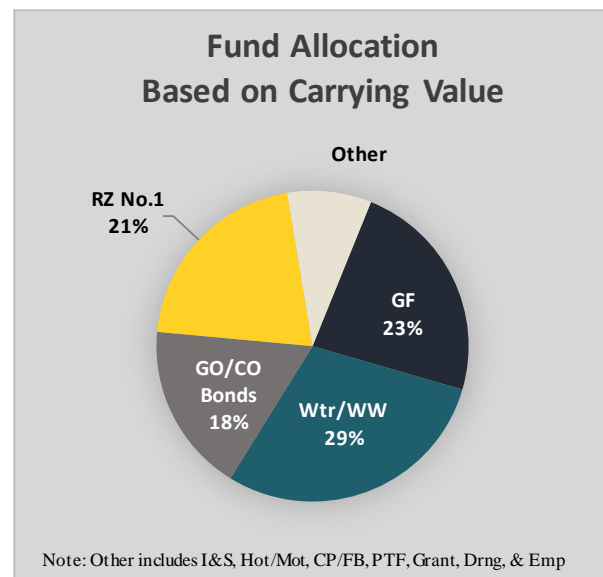
	Carrying Value	Bank Balance/ Fair Value
Entity Allocation		
BBVA Compass	\$ 9,484,678	\$ 12,272,424
East West Bank	20,197,658	20,197,658
Green Bank	17,211,931	17,211,931
LegacyTexas Bank	15,368,874	15,368,874
NexBank	9,754,302	9,754,302
Southside Bank	15,066,340	15,066,340
Texas CLASS*	9,708,695	9,708,695
Texpool*	13,420,164	13,420,164
TexSTAR*	43,423,187	43,423,187
Third Coast Bank	15,385,041	15,385,041
Wallis State Bank	5,126,623	5,126,623
	\$174,147,493	\$176,935,239



	Carrying Value	Bank Balance/ Fair Value
Asset Allocation		
Cash	\$ 46,469,159	\$ 49,256,905
Gov't Pools	66,552,046	66,552,046
CDs	61,126,288	61,126,288
	\$174,147,493	\$176,935,239



	Carrying Value	% of Carrying Value
Fund Allocation		
General Fund (GF)	\$ 40,740,481	23.39%
Water & Wastewater (Wtr/WW)	51,041,475	29.31%
GO Interest & Sinking (I&S)	10,466,939	6.01%
Hotel / Motel (Hot/Mot)	1,438,923	0.83%
Capital Projects - GO/CO Bond Program (GO/CO Bonds)	30,744,019	17.65%
Capital Projects - Designated Fund Balance (CP/FB)	8,437	0.00%
Federal / State Grant Fund (Grant)	(114,513)	-0.07%
Drainage (Drng)	2,298,931	1.32%
Employee Benefits Trust (Emp)	1,087,310	0.62%
Reinvestment Zone No.1 (RZ No.1)	36,435,491	20.92%
	\$174,147,493	100.00%



* The City's investments in local government investment pools are stated at carrying value, which also represents the value of the investments upon withdrawal. Accordingly, carrying and fair value are reported as the same amount.

CITY OF TEMPLE, TEXAS
INVESTMENT PORTFOLIO - MARKET TO MARKET
March 31, 2019

Exhibit F-2

Type	Par Value	Term* (Days)	Yield %	Maturity Date	Carrying Value	Fair Value	Fair vs Carrying
Third Coast Bank CD	\$ 5,110,911	23	2.2000	23-Apr-19	\$ 5,131,550	\$ 5,131,550	\$ -
Legacy Texas CD	5,170,783	37	2.1000	07-May-19	5,177,923	5,177,923	-
East West Bank CD	10,089,978	60	2.7200	30-May-19	10,089,978	10,089,978	-
Wallis State Bank CD	5,121,458	73	1.9300	12-Jun-19	5,126,623	5,126,623	-
LegacyTexas CD	5,136,094	134	1.7000	12-Aug-19	5,140,871	5,140,871	-
Third Coast Bank CD	5,094,771	185	2.5000	02-Oct-19	5,125,479	5,125,479	-
Third Coast Bank CD	5,096,678	277	2.5500	02-Jan-20	5,128,012	5,128,012	-
East West Bank CD	5,077,123	358	2.9100	23-Mar-20	5,077,123	5,077,123	-
Green Bank CD	5,036,616	428	3.0000	01-Jun-20	5,048,092	5,048,092	-
Legacy Texas CD	5,049,663	519	3.0500	31-Aug-20	5,050,080	5,050,080	-
East West Bank CD	5,030,557	561	2.7800	12-Oct-20	5,030,557	5,030,557	-
TexPool Investment Pool	13,420,164	82	2.4164	-	13,420,164	13,420,164	-
TexSTAR Investment Pool	43,423,187	106	2.4112	-	43,423,187	43,423,187	-
Texas CLASS Investment Pool	9,708,695	69	2.6100	-	9,708,695	9,708,695	-
BBVA Compass Cash	6,894,420	1	0.5777	-	6,894,420	9,682,166	N/A
BBVA Compass Money Market	2,590,258	1	1.1100	-	2,590,258	2,590,258	N/A
Green Bank Money Market	12,163,839	1	2.5900	-	12,163,839	12,163,839	N/A
NexBank Money Market	9,754,302	1	2.6800	-	9,754,302	9,754,302	N/A
Southside Bank Money Market	15,066,340	1	2.5900	-	15,066,340	15,066,340	N/A
	\$ 174,035,837				\$ 174,147,493	\$ 176,935,239	\$ -

Fair Value as a % of Carrying Value 100.00%

Weighted Average

Maturity 115.88 Days 2.41% Yield

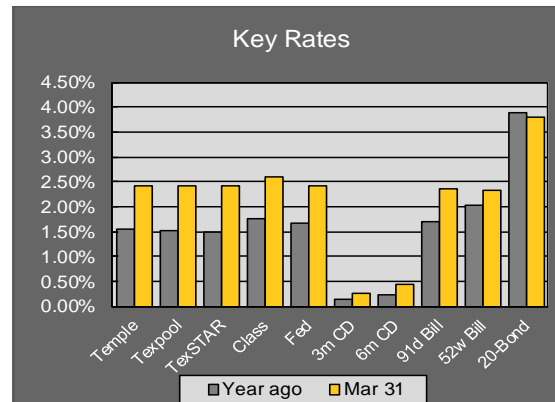
Benchmark Yield

Average rolling 90-day T-Bill rate 2.37%

Key Rates: Cash Markets

Rate	Year ago	Mar 31
City of Temple	1.55	2.41
Texpool	1.52	2.42
TexSTAR	1.50	2.41
Texas Class	1.75	2.61
Fed funds*	1.68	2.43
CDs: Three months*	0.15	0.25
CDs: Six months*	0.24	0.44
T- bill 91-day yield*	1.70	2.35
T- bill 52-week yield*	2.03	2.32
Bond Buyer 20- bond municipal index	3.89	3.79

*Source - Federal Reserve Bank



Traci L. Barnard

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Erica Glover

Erica Glover
Senior Accountant

Stacey Reisner

Stacey Reisner
Treasury Manager

Sherry M. Pogor

Sherry M. Pogor
Financial Analyst

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

CITY OF TEMPLE, TEXAS
CARRYING VALUE AND FAIR VALUE COMPARISON
For the Quarter Ending March 31, 2019

Exhibit F-3

Type	Par Value	Maturity	Carrying Value		Increase / (Decrease)
			12/31/2018	3/31/2019	
Independent Bank CD	\$ 5,113,874	03-Jan-19	\$ 5,124,172	\$ -	\$ (5,124,172)
Southside Bank CD	5,000,000	28-Feb-19	5,010,489	-	(5,010,489)
Southside Bank CD	5,000,000	28-Feb-19	5,010,489	-	(5,010,489)
Independent Bank CD	5,121,542	01-Mar-19	5,132,542	-	(5,132,542)
Third Coast Bank CD	5,110,911	23-Apr-19	5,103,865	5,131,550	27,685
Legacy Texas CD	5,170,783	07-May-19	5,151,204	5,177,923	26,719
East West Bank CD	10,089,978	30-May-19	10,023,523	10,089,978	66,455
Wallis State Bank CD	5,121,458	12-Jun-19	5,102,322	5,126,623	24,301
Legacy Texas CD	5,136,094	12-Aug-19	5,119,389	5,140,871	21,482
Third Coast Bank CD	5,094,771	02-Oct-19	5,094,077	5,125,479	31,402
Third Coast Bank CD	5,096,678	02-Jan-20	5,095,970	5,128,012	32,042
East West Bank CD	5,077,123	23-Mar-20	5,040,824	5,077,123	36,299
Green Bank CD	5,036,616	01-Jun-20	5,011,392	5,048,092	36,700
Legacy Texas CD	5,049,663	31-Aug-20	5,012,783	5,050,080	37,297
East West Bank CD	5,030,557	12-Oct-20	0	5,030,557	5,030,557
TexPool Investment Pool	13,420,164	-	14,084,090	13,420,164	(663,926)
TexSTAR Investment Pool	43,423,187	-	41,235,703	43,423,187	2,187,484
Texas CLASS Investment Pool	9,708,695	-	9,383,580	9,708,695	325,115
BBVA Compass Cash	6,894,420	-	5,238,135	6,894,420	1,656,285
BBVA Compass Money Market	2,590,258	-	3,082,012	2,590,258	(491,754)
Green Bank Money Market	12,163,839	-	13,049,993	12,163,839	(886,154)
NexBank Money Market	9,754,302	-	9,690,826	9,754,302	63,476
Southside Bank Money Market	15,066,340	-	16,811,399	15,066,340	(1,745,059)
	\$194,271,253		\$ 188,608,779	\$ 174,147,493	\$ (14,461,286)

Type	Par Value	Maturity	Fair Value		Increase / (Decrease)
			12/31/2018	3/31/2019	
Independent Bank CD	\$ 5,113,874	03-Jan-19	\$ 5,124,172	\$ -	\$ (5,124,172)
Southside Bank CD	5,000,000	28-Feb-19	5,010,489	-	(5,010,489)
Southside Bank CD	5,000,000	28-Feb-19	5,010,489	-	(5,010,489)
Independent Bank CD	5,121,542	01-Mar-19	5,132,542	-	(5,132,542)
Third Coast Bank CD	5,110,911	23-Apr-19	5,103,865	5,131,550	27,685
Legacy Texas CD	5,170,783	07-May-19	5,151,204	5,177,923	26,719
East West Bank CD	10,089,978	30-May-19	10,023,523	10,089,978	66,455
Wallis State Bank CD	5,121,458	12-Jun-19	5,102,322	5,126,623	24,301
Legacy Texas CD	5,136,094	12-Aug-19	5,119,389	5,140,871	21,482
Third Coast Bank CD	5,094,771	02-Oct-19	5,094,077	5,125,479	31,402
Third Coast Bank CD	5,096,678	02-Jan-20	5,095,970	5,128,012	32,042
East West Bank CD	5,077,123	23-Mar-20	5,040,824	5,077,123	36,299
Green Bank CD	5,036,616	01-Jun-20	5,011,392	5,048,092	36,700
Legacy Texas CD	5,049,663	31-Aug-20	5,012,783	5,050,080	37,297
East West Bank CD	5,030,557	12-Oct-20	0	5,030,557	5,030,557
TexPool Investment Pool	13,420,164	-	14,084,090	13,420,164	(663,926)
TexSTAR Investment Pool	43,423,187	-	41,235,703	43,423,187	2,187,484
Texas CLASS Investment Pool	9,708,695	-	9,383,580	9,708,695	325,115
BBVA Compass Cash	6,894,420	-	7,743,844	9,682,166	1,938,322
BBVA Compass Money Market	2,590,258	-	3,082,012	2,590,258	(491,754)
Green Bank Money Market	12,163,839	-	13,049,993	12,163,839	(886,154)
NexBank Money Market	9,754,302	-	9,690,826	9,754,302	63,476
Southside Bank Money Market	15,066,340	-	16,811,399	15,066,340	(1,745,059)
	\$194,271,253		\$ 191,114,488	\$ 176,935,239	\$ (14,179,249)

Investments with a \$0 Carrying and Fair Value at 12/31/2018 were purchased after 12/31/2018.



SUPPLEMENTAL INFORMATION

Supplemental Information includes:

Fund Balance Reserves/Designations – General Fund	79
Expenditures of Federal and State Awards	80
Awards of Federal & State Grants by Project Type	82
Hotel/Motel Tax Receipts by Reporting Entity	83
Historical Sales Tax Revenue by Month.....	84
Parks Escrow Deposits by Addition Name	85



		Council Approved		
	Balance		Appropriation	Balance
	10/01/18	Reallocation	Increase (Decrease)	03/31/19
<u>CAPITAL PROJECTS:</u>				
2018/2019 Budgetary Supplement-Capital/SIZ/TEDC Matrix:				
Capital Equipment Purchases	\$ 1,833,739	\$ -	\$ (1,833,739)	\$ -
Strategic Investment Zone	100,000	-	(100,000)	-
TEDC Matrix Allocation	863,236	-	(863,236)	-
Capital Replacement - Sanitation Vehicles	274,000	-	(274,000)	-
Capital Replacement - P25 Radios	249,500	-	(249,500)	-
TOTAL BUDGETARY SUPPLEMENT	3,320,475	-	(3,320,475)	-
TOTAL - PROJECT SPECIFIC	3,320,475	-	(3,320,475)	-
CAPITAL PROJECTS -				
*** ASSIGNED ***	1,035,999	-	279,631	1,315,630
TOTAL CAPITAL PROJECTS	4,356,474	-	(3,040,844)	1,315,630
Other Fund Balance Classifications:				
Encumbrances:	1,675,168	-	(1,675,168)	-
Nonspendable:				
Inventory & Prepaid Items	492,994	-	-	492,994
Restricted for:				
Rob Roy MacGregor Trust - Library	8,590	-	-	8,590
Drug enforcement {Forfeiture Funds}	258,281	-	(41,280)	217,001
Municipal Court Restricted Fees	320,950	-	-	320,950
Vital Statistics Preservation Fund	3,050	-	-	3,050
Public Safety	30,643	-	-	30,643
Public Education Government (PEG) Access Channel	144,338	-	-	144,338
Assigned to:				
Technology Replacement	356,940	-	(344,869)	12,071
Budgeted decrease in Fund Balance	-	\$ -	\$ (5,102,161)	5,102,161
Unassigned: { 4 months operations }	20,132,300			20,132,300
Total Fund Balance	\$ 27,779,728			\$ 27,779,728

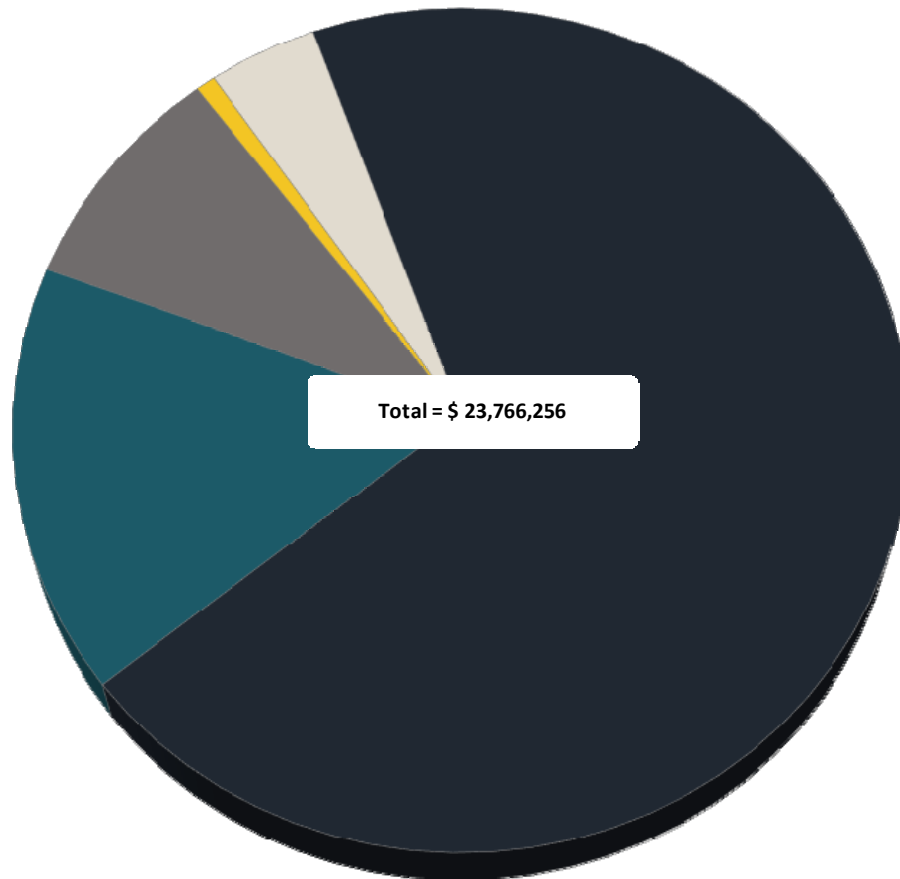
CITY OF TEMPLE, TEXAS
SCHEDULE OF EXPENDITURES OF FEDERAL AND STATE AWARDS
For six months ended March 31, 2019

Table II

<u>Federal/State Grantor</u> <u>Agency or Pass-Through</u> <u>Program Title</u>	<u>Federal</u> <u>CFDA</u> <u>Number</u>	<u>Grant</u> <u>Number</u>	<u>Program</u> <u>or Award</u> <u>Amount</u>	<u>Passed</u> <u>Through to</u> <u>Subrecipients</u>	<u>Program</u> <u>Expenditures</u>
Federal Financial Assistance:					
<u>U.S. Department of H.U.D.</u>					
CDBG 2014	14.218	B-14-MC-48-0021	\$ 390,268	\$ -	\$ 6,496
CDBG 2015	14.218	B-15-MC-48-0021	357,357	-	11,398
CDBG 2016	14.218	B-16-MC-48-0021	410,971	-	5,722
CDBG 2017	14.218	B-17-MC-48-0021	431,615	-	206
CDBG 2018	14.218	B-18-MC-48-0021	536,232	-	-
					<u>23,822</u>
<u>U.S. Department of Homeland Security</u>					
Texas Department of Public Safety:					
Civil Defense	97.042	19TX-EMPG-1142	36,713	-	18,357
Texas Engineering Extension Service					
Urban Search and Rescue	97.025	2178-PP22 2018	-	-	12,133
					<u>30,490</u>
<u>U.S. Department of Justice</u>					
2018 Bullet Proof Vests Grant	16.607	2018-BU-BX-13069168	13,039	-	11,735
					<u>11,735</u>
<u>U.S. Department of Transportation</u>					
Texas Department of Transportation:					
Surface Transportation Program (through KTMO)	20.205	0909-36-155	3,888,000	-	1,000,602
Pass-Through Agreement	20.205	0320-06-001	16,555,000	-	1,505,000
					<u>2,505,602</u>
<u>U.S. Environmental Protection Agency</u>					
Special Appropriation Act Projects	66.202	01F18601	970,000	-	205,349
					<u>205,349</u>
<u>Institute of Museum and Library Services</u>					
Texas State Library and Archives Commission					
Interlibrary Loan Program	45.310	LS-00-17-0044-17	5,220	-	5,220
					<u>5,220</u>
Total Federal Financial Assistance			23,630,116	-	2,782,218
State Financial Assistance:					
<u>Office of the Governor - Criminal Justice Division</u>					
Crisis Assistance Program	-	2820003	34,350	-	1,522
					<u>1,522</u>
<u>Office of the Governor - Homeland Security Division</u>					
Law Enforcement Terrorism Prevention Activities Program	-	3664301	51,790	-	51,790
					<u>51,790</u>
<u>Texas Department of Transportation</u>					
2019 Routine Airport Maintenance Program (RAMP)	-	M1909TEMP	50,000	-	-
					<u>-</u>
Total State Financial Assistance			136,140	-	53,312
Total Federal and State Financial Assistance			\$ 23,766,256	\$ -	\$ 2,835,530

(Continued)

**Schedule of Federal and State Awards
by *Funding Source***



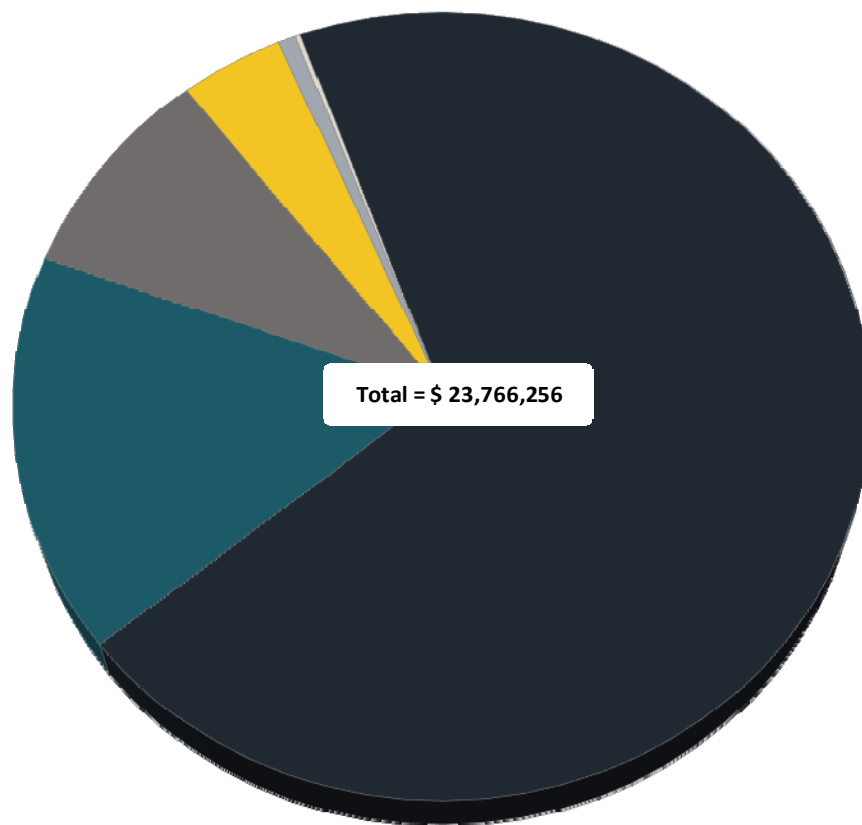
- Pass-Through Agreement - 69.80%
- US Department of Transportation - 16.40%
- US Department of HUD - 9.00%
- Other - 0.70%
- U.S. Environmental Protection Agency - 4.10%

CITY OF TEMPLE, TEXAS
SCHEDULE OF AWARDS OF FEDERAL AND STATE GRANTS - BY PROJECT TYPE
For six months ended March 31, 2019

Table III

Pass-Through Agreement	\$16,555,000
Transportation	3,888,000
Community Development	2,126,443
Health & Human Services	970,000
Public Safety & Youth Programs	176,813
Airport	50,000
	<u>\$23,766,256</u>

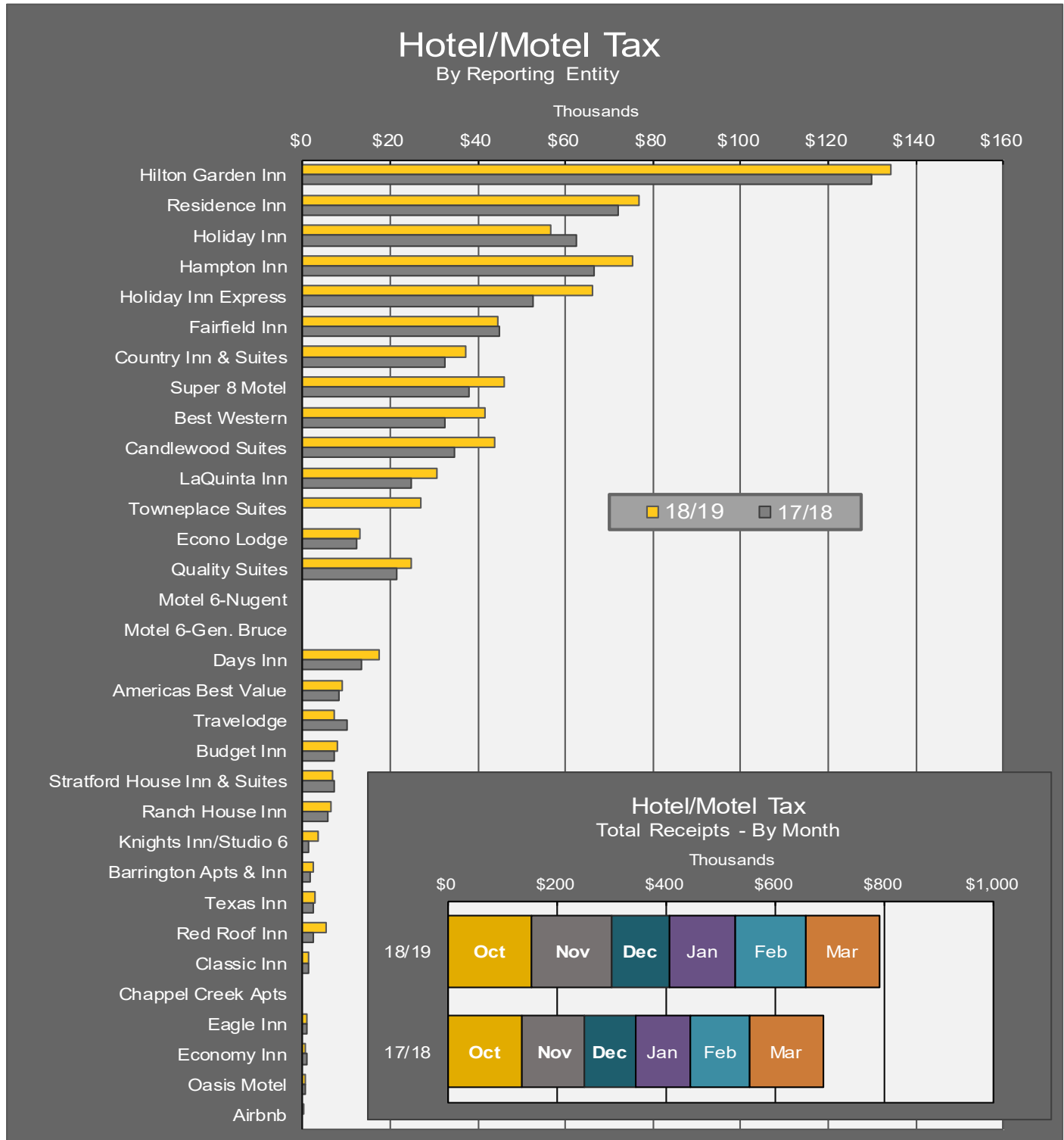
Schedule of Federal and State Awards
by Project Type



- Pass-Through Agreement - 69.70%
- Transportation - 16.40%
- Community Development - 8.90%
- Health & Human Services - 4.10%
- Public Safety & Youth Programs - 0.70%
- Airport - 0.20%

City of Temple, Texas
Hotel/Motel Tax Receipts by Reporting Entity
For the six months ended March 31, 2019 & 2018

Table IV



Hotel/Motel Tax				
	# Reporting			
Fiscal Year	at 3/31	Actual YTD	Budget	% of Budget
18/19	32	\$790,079	\$1,472,500	53.66%
17/18	30	\$687,950	\$1,462,500	47.04%

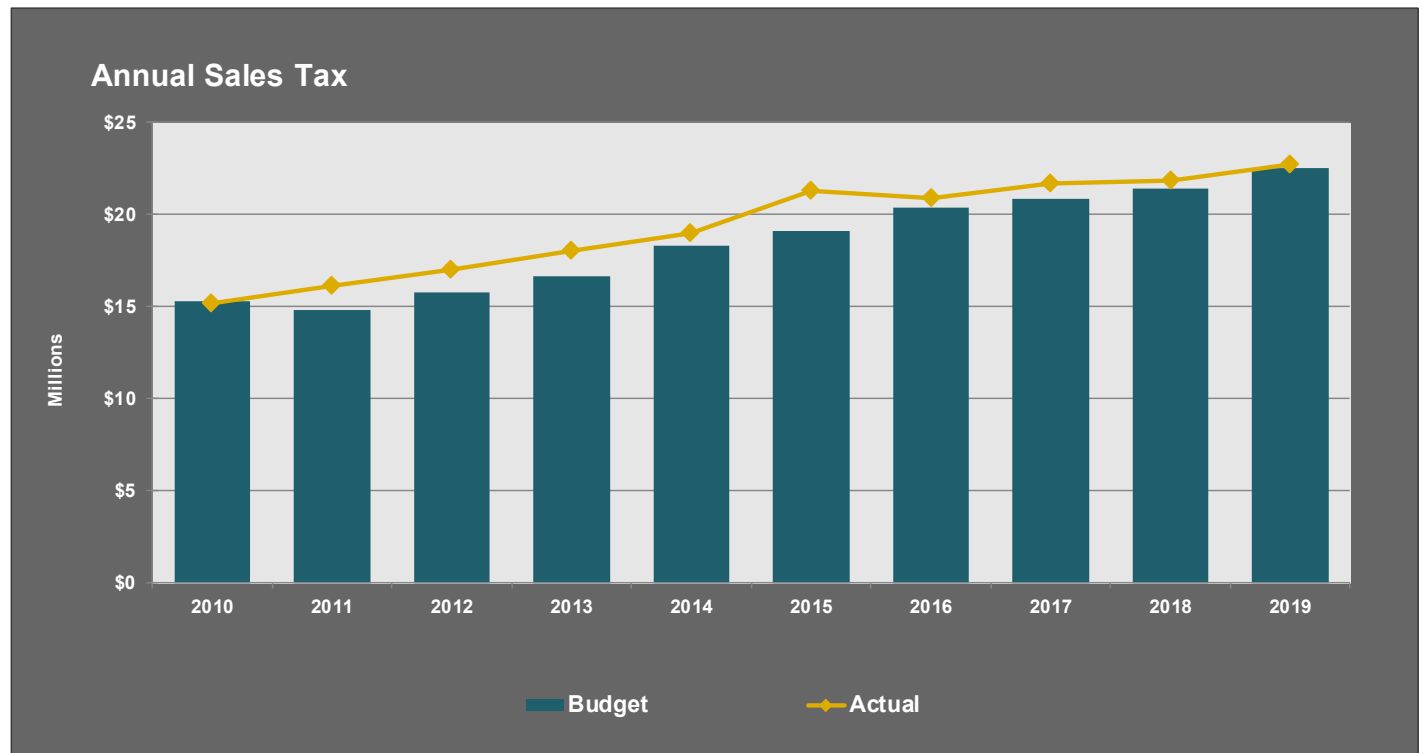
CITY OF TEMPLE, TEXAS
Historical Sales Tax Revenue - By Month

Table V

Month	FY 12	FY 13	FY 14	FY 15 *	FY 16	FY 17 **	FY 18	FY 19^	% Increase (Decrease) 19 Vs. 18
Oct	\$ 1,519,727	\$ 1,534,807	\$ 1,675,339	\$ 3,489,994	\$ 1,857,540	\$ 1,782,147	\$ 1,889,493	\$ 1,917,501	1.48%
Nov	1,167,140	1,392,450	1,479,695	1,566,784	1,524,999	1,562,275	1,698,713	1,876,187	10.45%
Dec	1,214,504	1,462,327	1,419,763	1,430,286	1,514,737	1,642,007	1,721,105	1,786,879	3.82%
Jan	1,861,602	1,838,329	1,960,221	2,213,612	2,260,144	2,214,514	2,215,777	2,233,215	0.79%
Feb	1,157,552	1,258,123	1,433,592	1,457,610	1,418,289	1,558,862	1,563,720	1,667,367	6.63%
Mar	1,299,150	1,414,245	1,400,219	1,421,812	1,792,732	1,663,682	1,603,658	1,787,205	11.45%
Apr	1,645,580	1,687,794	1,835,107	1,826,749	1,997,512	2,013,932	2,115,654	2,041,257	-3.52%
May	1,271,981	1,317,625	1,489,931	1,486,686	1,536,106	1,599,119	1,663,248	1,728,447	3.92%
Jun	1,476,697	1,478,838	1,493,886	1,461,142	1,583,839	2,081,701	1,670,814	1,736,310	3.92%
Jul	1,623,468	1,693,502	1,709,959	1,880,703	2,076,129	2,080,101	2,116,191	2,199,146	3.92%
Aug	1,342,609	1,459,520	1,593,968	1,567,111	1,611,072	1,736,904	1,748,973	1,817,533	3.92%
Sept	1,387,390	1,480,015	1,489,789	1,509,256	1,685,981	1,717,281	1,824,277	1,895,789	3.92%
Annual:	\$ 16,967,401	\$ 18,017,575	\$ 18,981,471	\$ 21,311,743	\$ 20,859,081	\$ 21,652,524	\$ 21,831,623	\$ 22,686,836	3.92%
\$ Increase	\$ 841,539	\$ 1,050,174	\$ 963,895	\$ 2,330,272	\$ (452,662)	\$ 793,443	\$ 179,099	\$ 855,213	
% Increase	5.22%	6.19%	5.35%	12.28%	-2.12%	3.80%	0.83%	3.92%	

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

** - Includes single audit adjustment in the amount \$355,927.23.



^ Forecasted as of 09/30/19

City of Temple, Texas
Parks Escrow Deposits - By Addition Name
March 31, 2019

Table VI

Addition Name	Date of Deposit	Amount of Deposit	Total Expenditures/ Refunds	Balance 3/31/2019
Bell Addition	08/13/97	\$ 450.00	\$ -	\$ 450.00
Colwell	03/31/99	2,250.00	-	2,250.00
Alford	11/06/03	450.00	-	450.00
Chesser-Pitrucha	02/05/04	450.00	-	450.00
Simpson	03/05/04	225.00	-	225.00
Ditzler	07/09/04	225.00	-	225.00
Avanti	11/22/04	450.00	-	450.00
Meadow Bend I & II	07/08/05	26,662.50	-	26,662.50 ³
Willow Grove	10/12/05	225.00	-	225.00
Berry Creek	03/17/06	450.00	-	450.00
Krasiv	04/13/06	900.00	-	900.00
Bluebonnet Meadows	08/21/06	2,025.00	-	2,025.00
Lantana II	10/03/07	1,350.00	1,325.47	24.53
Meadow Oaks	11/05/07	225.00	-	225.00
Eagle Oaks at the Lake III	02/14/08	4,725.00	-	4,725.00
Clark	02/14/08	225.00	-	225.00
Downs First I	07/30/08	1,125.00	-	1,125.00
Country Lane III	05/07/09	7,200.00	-	7,200.00 ³
Scallions	08/18/09	900.00	-	900.00
Overlook Ridge Estates	11/13/09	3,375.00	-	3,375.00
Hamby	06/11/10	225.00	-	225.00
Villa Andrea	02/07/11	450.00	-	450.00
West Ridge Village	07/27/12	5,850.00	5,520.00	330.00 ⁶
Nathans	10/18/12	225.00	-	225.00
Lago Terra	11/06/12	17,550.00	-	17,550.00
Wildflower Meadows I	11/14/12	16,200.00	-	16,200.00 ⁷
Creeks at Deerfield	02/25/13	7,875.00	306.99	7,568.01
Porter	05/07/13	450.00	-	450.00
King's Cove	07/10/13	1,125.00	-	1,125.00
Residences at D'Antoni's V	10/22/13	1,125.00	-	1,125.00
Brazos Bend	02/27/14	8,550.00	7,167.11	1,382.89 ⁵
Oaks at Lakewood	02/27/14	8,325.00	-	8,325.00
Alta Vista II	03/06/14	55,125.00	-	55,125.00 ⁸
Ranch at Woodland Trails	04/22/14	4,500.00	-	4,500.00
Ranch at Woodland Trails #2	04/22/14	4,950.00	-	4,950.00
Villas at Friars Creek	12/31/14	15,300.00	11,130.00	4,170.00 ²
Salisbury VII	01/26/15	1,350.00	1,044.00	306.00
Westfield X	09/09/15	12,600.00	7,037.25	5,562.75
Villas at Friars Creek	09/28/15	14,850.00	-	14,850.00 ²
Phillips	10/13/15	225.00	-	225.00
Hartrick Valley Estates	12/02/15	5,400.00	-	5,400.00 ²
Plains at Riverside I	06/17/16	10,350.00	-	10,350.00
Spurlock's Arbour	07/11/16	450.00	-	450.00
Long View Estates	07/27/16	2,925.00	-	2,925.00
Bluebonnet Ridge Estates II	09/29/16	225.00	-	225.00 ²
Barnhardt	10/31/16	225.00	-	225.00
Goates	02/21/17	675.00	-	675.00
Portico at Fryers Creek	03/28/17	29,475.00	-	29,475.00 ²

(Continued)

City of Temple, Texas
Parks Escrow Deposits - By Addition Name
March 31, 2019

Table VI
(Continued)

Addition Name	Date of Deposit	Amount of Deposit	Total Expenditures/ Refunds	Balance 3/31/2019
Hills of Westwood IX	03/31/17	\$ 14,400.00	\$ -	\$ 14,400.00 ⁴
Moore's Mill	04/13/17	225.00	-	225.00
Hidden Creek	05/11/17	1,350.00	-	1,350.00 ²
Park Ridge	06/30/17	2,700.00	2,122.40	577.60
Wells Place	08/15/17	225.00	-	225.00
Highline	09/22/17	22,387.50	-	22,387.50
Alta Vista III	09/26/17	53,325.00	-	53,325.00 ^{2, 8}
Lago Terra III	10/31/17	3,375.00	-	3,375.00
MKC	12/01/17	900.00	-	900.00
Amata Terra	03/09/18	11,475.00	-	11,475.00
Tennessee Valley	05/01/18	6,075.00	-	6,075.00
Hills of Westwood IX	05/25/18	7,200.00	-	7,200.00
JS Clark	07/02/18	225.00	-	225.00
Horsehugger Acres	08/09/18	450.00	-	450.00
Quill Estates	08/10/18	225.00	-	225.00
Legacy Ranch II	08/31/18	21,825.00	-	21,825.00 ²
Riverside Trail	09/17/18	900.00	-	900.00
Portico at Fryers Creek	09/19/18	450.00	-	450.00
Oliver	09/25/18	450.00	-	450.00
Kurek	10/17/18	225.00	-	225.00
Hilldell Estates III	10/25/18	225.00	-	225.00
Evans	11/07/18	675.00	-	675.00
Shoppes on the Hill	01/02/19	23,175.00	-	23,175.00
Reserve at Friars Creek	02/05/19	12,150.00	-	12,150.00
Valley Ranch IV	03/01/19	4,730.00	-	4,730.00
Dr. Faith	03/22/19	1,350.00	-	1,350.00
South Pointe I	03/22/19	24,075.00	-	24,075.00
Accumulated Interest ¹		106,586.05	91,679.01	14,907.04
Total		\$ 601,816.05	\$ 127,332.23	\$ 474,483.82

Notes:

1. In response to an opinion from the City Attorney's Office, the interest earnings will no longer be added to each individual deposit.
2. Funds appropriated to construct restrooms at South Temple Park.
3. Funds appropriated for a playground at Meadow Bend Park
4. Funds appropriated for a shade structure and Ten Spin play feature at Von Rosenberg Park.
5. Funds appropriated for a sculpture, doggie pots, a pollinator wildflower area and benches at Conner Park.
6. Funds appropriated for a picnic shelter at Westridge Park.
7. Funds appropriated for a shade structure at West Temple Park.
8. Fund appropriated for development of Alta Vista Park.

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

STRATEGIC INVESTMENT ZONES

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

City of Temple, Texas
Redevelopment Grants and Incentive Programs within Strategic Investment Zones (SIZ)
As of March 31, 2019

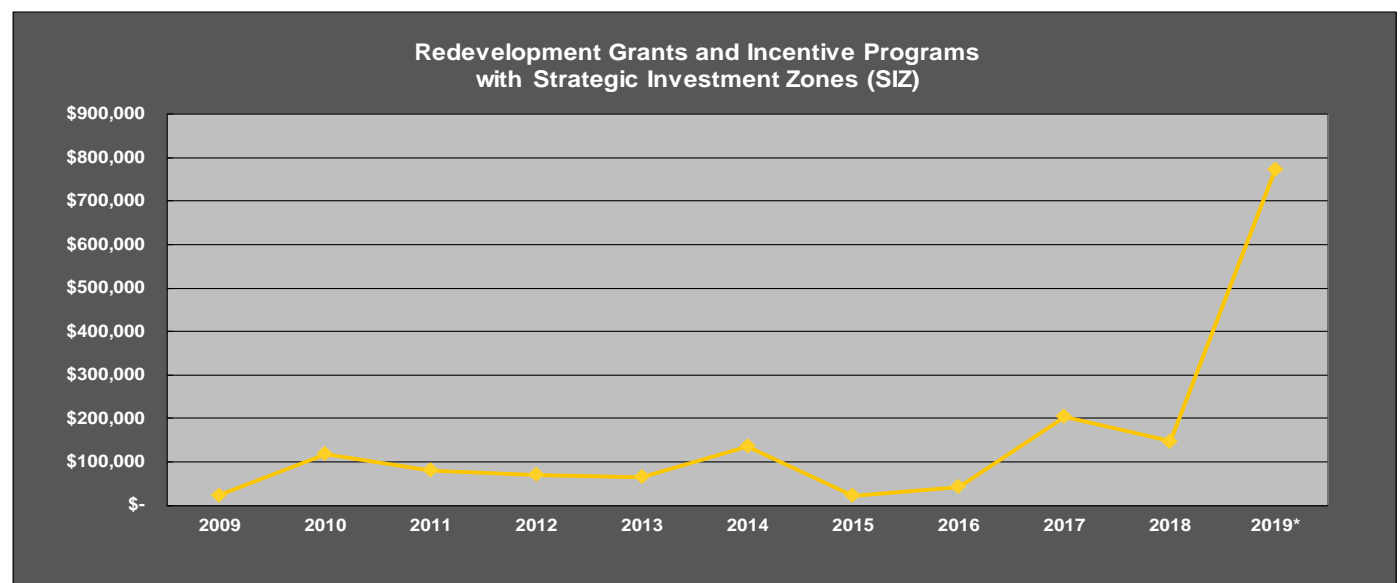
Table VII

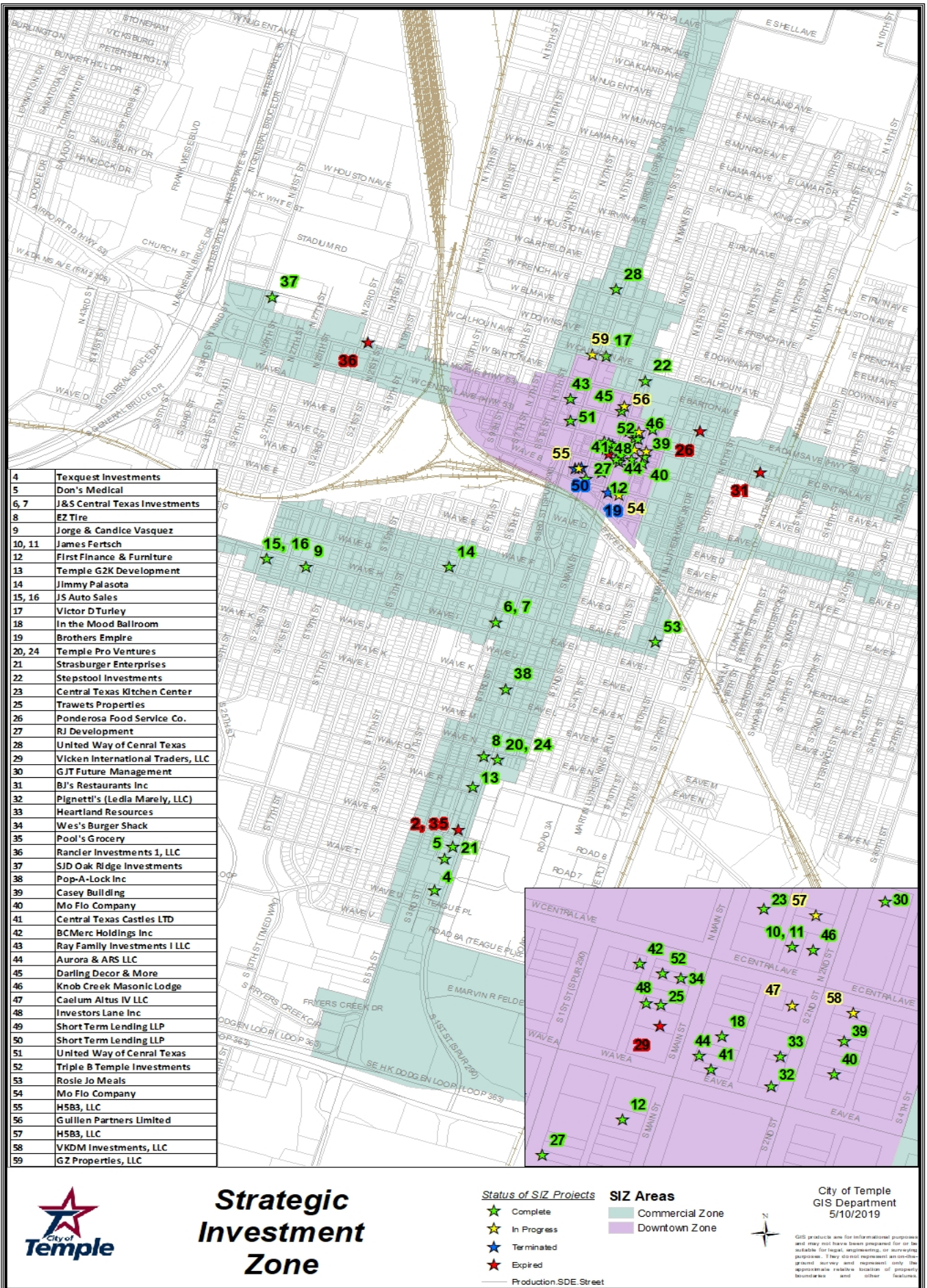
SIZ Map #	Contract/ Council Award	Grantee	Original Match Amount	Actual City Match	Expiration Date	Payment Date	Improvement Status	Improvement Description
46	11/15/2017	Knob Creek Masonic Lodge	\$ 14,429	\$ 14,429	11/15/2018	2/11/2019	Complete	Façade, Sign, Landscaping and Demolition
47	12/7/2017	Caelum Altus IV, LLC	115,000	115,000	7/31/2019	In Process	In Progress	Façade, Sign, Sidewalks, and Landscaping
48	2/15/2018	Investors Lane, Inc	26,000	26,000	2/15/2019	12/28/2018	Complete	Façade and Sprinkler System
49	6/28/2018	Short Term Lending, LLP	90,530	-	6/28/2019	n/a	Terminated	Façade, Sign, Landscaping and Demolition
50	6/28/2018	Short Term Lending, LLP	70,000	-	6/28/2019	n/a	Terminated	Façade, Sign, Sidewalks, and Landscaping
51	6/28/2018	United Way of Central Texas	70,000	70,000	6/28/2019	2/20/2019	Complete	Façade and Landscaping
54	11/15/2018	Mo Flo Company CMO	19,260	19,260	11/15/2019	In Process	In Progress	Façade, Sign, and Demolition
55	2/7/2019	H5B3, LLC	230,000	230,000	12/31/2019	In Process	In Progress	Façade, Fire Surpression and Landscaping
56	2/21/2019	Guillen Partners Limited	130,000	130,000	2/21/2020	In Process	In Progress	Façade, Fire Surpression and Residential Units
57	4/1/19	H5B3, LLC CMO	22,567	22,567	4/1/2020	In Process	In Progress	Façade, Sign, Landscaping and Demolition
58	4/4/2019	VKDM Investments, LLC	145,000	145,000	4/4/2020	In Process	In Progress	Façade, Fire Surpression and Residential Units
59	4/4/2019	GZ Properties, LLC	12,989	-	4/4/2020	In Process	Terminated	Façade and Landscaping

*Committed/Encumbered/Pending FY 2019 **\$ 772,256**

SIZ Program Summary			
	Budget - Reinvestment Zone #1	Budget - General Fund	Expenditures
FY 2008	\$ -	\$ 85,000	\$ -
FY 2009	-	85,000	24,198
FY 2010	-	95,714	119,004
FY 2011	-	142,437	80,712
FY 2012	-	100,000	69,994
FY 2013	-	100,000	65,785
FY 2014	-	100,000	135,528
FY 2015	-	100,000	22,508
FY 2016	-	-	42,132
FY 2017	-	100,000	204,158
FY 2018	250,000	162,000	146,887
*FY 2019	275,000	100,000	772,256
Total	\$ 525,000	\$ 1,170,151	\$ 1,683,162

Total Allocated to Date	\$ 1,695,151
Expenditures to Date	(1,683,162)
Remaining Available Funds	\$ 11,989









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

RESOLUTION NO. 2019-9661-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE SECOND QUARTER FINANCIAL RESULTS FOR FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Director of Finance has prepared the second quarter 2019 fiscal year financial results which details the second quarter ending March 31, 2019, for the General Fund, Water & Sewer Fund, Hotel/Motel Tax Fund and Drainage Fund;

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

Whereas, the City Council deems it in the public interest to approve the second quarter financial results for fiscal year 2019.

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 approves the second quarter financial results for fiscal year 2019, 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 **16th** day of **May**, 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

05/16/19
Item #4(Q)
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 \$40,195.

ATTACHMENTS:

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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2019 BUDGET
May 16, 2019

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
358-4400-551-6310	101752	Capital Buildings & Grounds / Mayborn Convention Center - HVAC Improvements	\$ 749	
358-2400-519-6532		Capital - Special Projects / Contingency		\$ 749
To reallocate funding for HVAC improvements at Mayborn Convention Center related to the SECO Loan Agreement under the LoanSTAR Loan Program.				
110-0000-461-0830		Other / Other Revenues	\$ 1,156	
110-3500-552-6332	101865	Capital Building & Grounds / Park Fee Expenditures - Conner Park		\$ 1,156
To unappropriate funding for new park amenities (sculptures, doggie pots, pollinator wildflower area and benches) for Conner Park. The project was completed under budget.				
110-4000-555-2225		Capital < \$5,000 / Books & Periodicals	\$ 1,500	
110-0000-461-0841		Other / Donations/Gifts		\$ 1,500
To appropriate funding received from the FY 2019 Texas Book Festival Collections Enhancement Grant for the purchase of new e-books.				
110-2031-521-2516		Other Services / Judgments & Damages	\$ 5,698	
110-0000-461-0554		Insurance Claims / Insurance Claims		\$ 5,698
To appropriate insurance proceeds received from TML related to the damages sustained to asset # 13857 on 03/24/19.				
110-1100-513-6212	102028	Capital Equipment / Office Machines - Copier	\$ 4,402	
110-0000-490-1070		Lease Proceeds / Other Financing		\$ 4,402
110-5700-580-7122		Capital Lease / Principal	\$ 1,199	
110-5700-580-7224		Capital Lease / Interest	\$ 65	
110-1100-513-2616		Contracted Services / Professional		\$ 800
110-1100-513-2112		Supplies / Food/Items/Supplies		\$ 464
To appropriate lease proceeds and the associated capital expenditures related to the copier lease for Performance Excellence and Marketing & Communications. The lease meets the criteria to be classified as a capital lease.				
This budget adjustment will also reallocate funding for the lease payment for copier for the remainder of the fiscal year.				
110-1100-513-1115		Salaries / Skilled	\$ 18,582	
110-1100-513-1126		Salaries / Longevity	\$ 831	
110-1100-513-1227		Personnel Benefits / AD&D Insurance	\$ 6	
110-1100-513-1226		Personnel Benefits / Basic Life	\$ 27	
110-1100-513-1225		Personnel Benefits / Dental	\$ 32	
110-1100-513-1228		Personnel Benefits / LTD	\$ 62	
110-1100-513-1222		Personnel Benefits / Health Insurance	\$ 2,341	
110-1100-513-1221		Personnel Benefits / Social Security	\$ 281	
110-1100-513-1220		Personnel Benefits / Retirement/Pension	\$ 3,230	
110-1100-513-1223		Personnel Benefits / Workers Comp	\$ 34	
110-4100-551-1115		Salaries / Skilled		\$ 18,582
110-4100-551-1126		Salaries / Longevity		\$ 831
110-4100-551-1227		Personnel Benefits / AD&D Insurance		\$ 6
110-4100-551-1226		Personnel Benefits / Basic Life		\$ 27
110-4100-551-1225		Personnel Benefits / Dental		\$ 32
110-4100-551-1228		Personnel Benefits / LTD		\$ 62
110-4100-551-1222		Personnel Benefits / Health Insurance		\$ 2,341
110-4100-551-1221		Personnel Benefits / Social Security		\$ 281
110-4100-551-1220		Personnel Benefits / Retirement/Pension		\$ 3,230
110-4100-551-1223		Personnel Benefits / Workers Comp		\$ 34
To reallocate budgeted funding for a Communications Specialist position to be moved from PARD Administration to Marketing & Communications effective 05/03/19.				
TOTAL AMENDMENTS			\$ 40,195	\$ 40,195

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2019 BUDGET
May 16, 2019

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		GENERAL FUND		
		Beginning Contingency Balance	\$	100,000
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	100,000
		Beginning Judgments & Damages Contingency	\$	279,725
		Added to Contingency Judgments & Damages from Council Contingency		-
		Taken From Judgments & Damages		(19,201)
		Net Balance of Judgments & Damages Contingency Account	\$	260,524
		Beginning Compensation Contingency	\$	285,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(285,000)
		Net Balance of Compensation Contingency Account	\$	-
		Net Balance Council Contingency	\$	360,524
		Beginning Balance Budget Sweep Contingency	\$	-
		Added to Budget Sweep Contingency		-
		Taken From Budget Sweep		-
		Net Balance of Budget Sweep Contingency Account	\$	-
		WATER & WASTEWATER FUND		
		Beginning Contingency Balance	\$	219,446
		Added to Contingency Sweep Account		-
		Taken From Contingency		(116,392)
		Net Balance of Contingency Account	\$	103,054
		Beginning Compensation Contingency	\$	54,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(54,000)
		Net Balance of Compensation Contingency Account	\$	-
		Net Balance Water & Wastewater Fund Contingency	\$	103,054
		HOTEL/MOTEL TAX FUND		
		Beginning Contingency Balance	\$	-
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	-
		Beginning Compensation Contingency	\$	16,500
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(13,279)
		Net Balance of Compensation Contingency Account	\$	3,221
		Net Balance Hotel/Motel Tax Fund Contingency	\$	3,221
		DRAINAGE FUND		
		Beginning Contingency Balance	\$	336,406
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		(71,240)
		Net Balance of Contingency Account	\$	265,166
		Beginning Compensation Contingency	\$	10,500
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(9,520)
		Net Balance of Compensation Contingency Account	\$	980
		Net Balance Drainage Fund Contingency	\$	266,146
		FED/STATE GRANT FUND		
		Beginning Contingency Balance	\$	-
		Carry forward from Prior Year		34,641
		Added to Contingency Sweep Account		9,024
		Taken From Contingency		(43,665)
		Net Balance Fed/State Grant Fund Contingency	\$	-

RESOLUTION NO. 2019-9662-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.

Whereas, on the 24th 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 16th day of **May**, 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

05/16/19
Item #5
Regular Agenda
Page 1 of 3

DEPT. / DIVISION SUBMISSION & REVIEW:

Lynn Barrett, Assistant Director of Planning

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – FY-19-9-ZC: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning district to Planned Development General Retail zoning district on a 160.047 +/- acre tract and a 12.541 +/- acre tract situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located south of FM 93 and along and east of Hartrick Bluff Road, Temple, Texas.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning as shown on the site development plan to Planned Development Single Family Two (PD-SF2) on both tracts, except for a PD-GR rezoning on the 1.661 +/- acre section shown along Hartrick Bluff, pending a final City Council voluntary annexation approval on May 16, 2019. The original request was for a PD on the property allowing some potential GR along Hartrick Bluff Road. However, after the original request was publicly noticed, the applicant amended their request to PD GR for 1.66-acres and PD SF-2 for the remaining acreage.

PD Conditions:

For Residential Single-Family Development PD-SF-2:

1. 100% Masonry to include brick, stone and cementitious siding
2. At least two evergreen bushes
3. At least one tree per single family residence
4. Minimum sod turf grass on all front yards
5. 20-foot front yard setback
6. Corner lot side setbacks (street side) of ten feet
7. Lot dimensions to follow SF-2 except 40-foot minimum lot width on cul-de-sac and knuckles due to configuration of streets
8. Up to 10% by acreage may be developed as single family attached as PD-SFA-3

PLANNING & ZONING COMMISSION RECOMMENDATION: At their April 15, 2019 meeting, the Planning & Zoning Commission voted 8 to 0 with 1 abstention to recommend approval of the rezoning to PD SF-2 and PD-GR per staff's recommendation.

ITEM SUMMARY: This request for rezoning is proposed to immediately follow City Council approval of the voluntary annexation ordinance on the property requested by the owner, Short Term Lending GP, Inc.

The applicant is proposing a residential subdivision for the property, with the exception of the 1.661 acres immediately surrounding an existing barn along Hartrick Bluff that could be purposed as a community meeting or market area. Originally, the applicant had requested a PD-GR designation for the property, but subsequently decided on only a small portion to be PD-GR, with the balance PD-SF2 and provided field notes for the division. The subject property is entirely within the Academy School District boundary.

Per UDC, Section 3.4.3 & 3.4.4, a Planned Development requires approval of a Development/Site plan that is binding.

On March 18th, March 21st, and April 1st, the DRC met to discuss the proposal.

SURROUNDING PROPERTY AND USES: The surrounding property is also in the ETJ and is agricultural and rural illustrating a rural land use pattern.

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

Document	Policy, Goal, Objective or Map	Compliant?
CP	Map 3.1 - Future Land Use and Character (FLUP)	Partial
CP	Map 5.2 - Thoroughfare Plan	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Yes
STP	Temple Trails Master Plan Map and Sidewalks Ordinance	Yes

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

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

Agricultural/rural was shown as the dominant future land use for this area. However, as a future extension of the development patterns in the fast-growing southern area of the city, this PD provides a hybrid mixture of single-family homes and the potential of up to 10% of single family attached residential units.

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

Hartrick Bluff is shown as a collector on the Thoroughfare and Trails Map, with no nearby trails illustrated.

Availability of Public Facilities (CP Goal 4.1)

Water is available along Hartrick Bluff, but future water and waste water line extensions will be necessary to serve the development.

UDC, Section 3.4 Planned Development

A Planned Development is defined as:

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

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

PUBLIC NOTICE: Ten courtesy notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property, all of whom reside in the city's ETJ.

FISCAL IMPACT: Not applicable.

ATTACHMENTS:

[Site Plan](#)

[Location Map](#)

[Future Land Use Map](#)

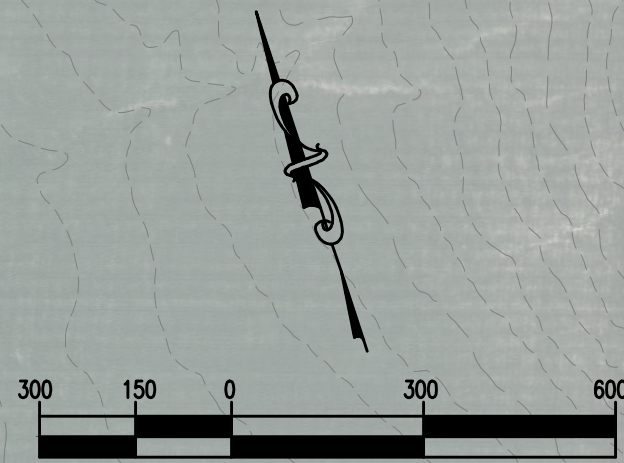
[Site and Surrounding Property Photos](#)

[Thoroughfare & Trails Map](#)

[Notification Map](#)

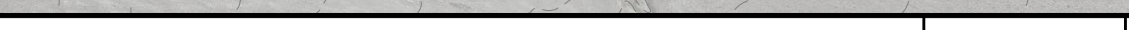
[Excerpts from Planning and Zoning Meeting 4/15/19](#)

[Ordinance](#)



-  PD-GR
1.661 ACRES

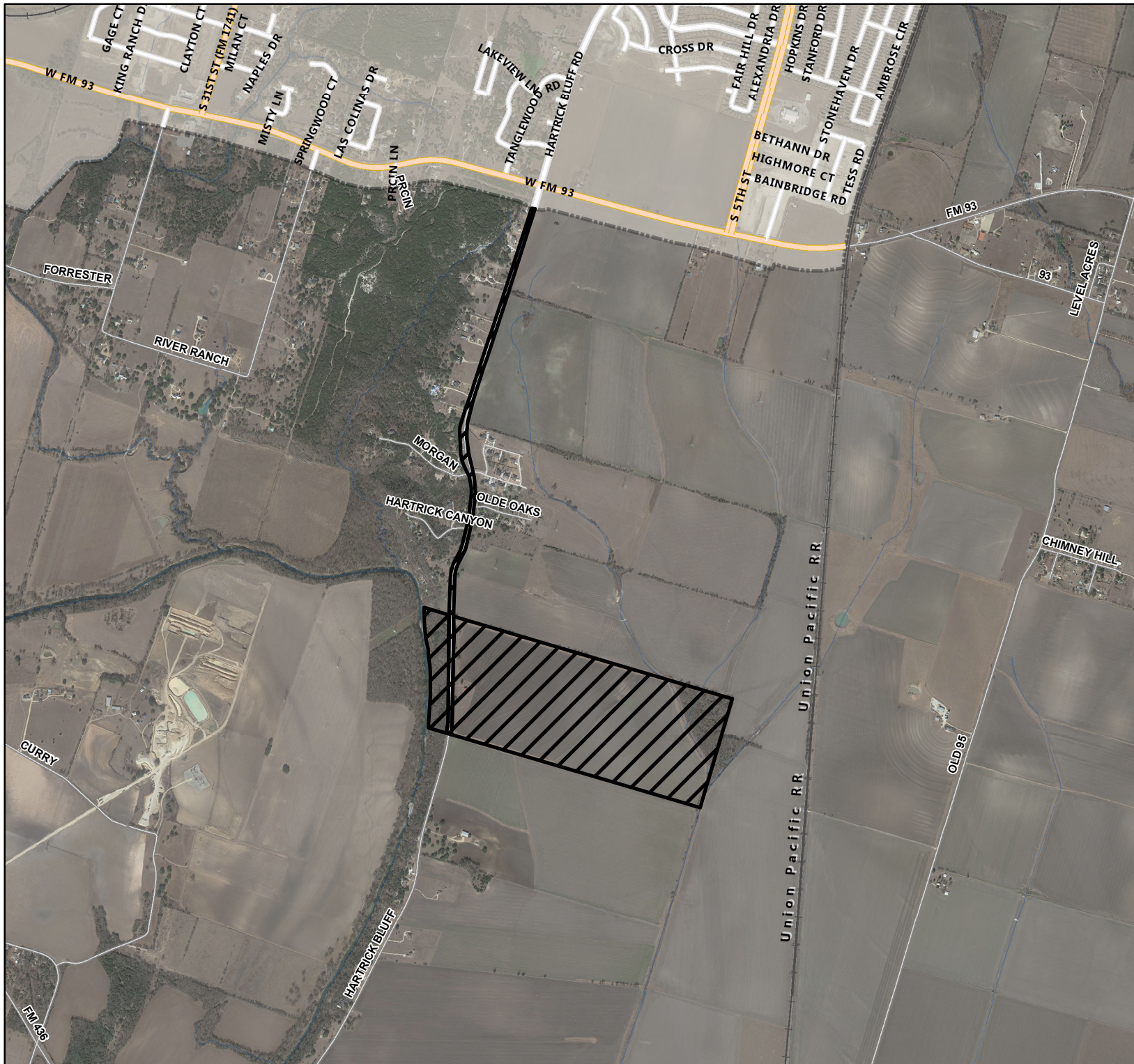
TITLE: ZONING SITE PLAN
 JOB# 18-666
 PAGE# 01

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		04/09/19	ADDED PD—GR	JFBII			DESIGNER:	JFBII						

Annexation AERIAL MAP

FY-19-1-ANX

Hartrick Ranch Estates



- FY-19-1-ANX
- EXPRESSWAY
- MAJOR ARTERIAL
- COLLECTOR
- LOCAL STREET
- MINOR ARTERIAL
- PRIVATE
- RAMP
- Railroad
- Temple Municipal Boundary
- Water Areas
- Water Lines
- Park Areas
- Bell County Streets
- Bell County Municipal Boundaries
- Temple Boundary
- Bell County Boundary

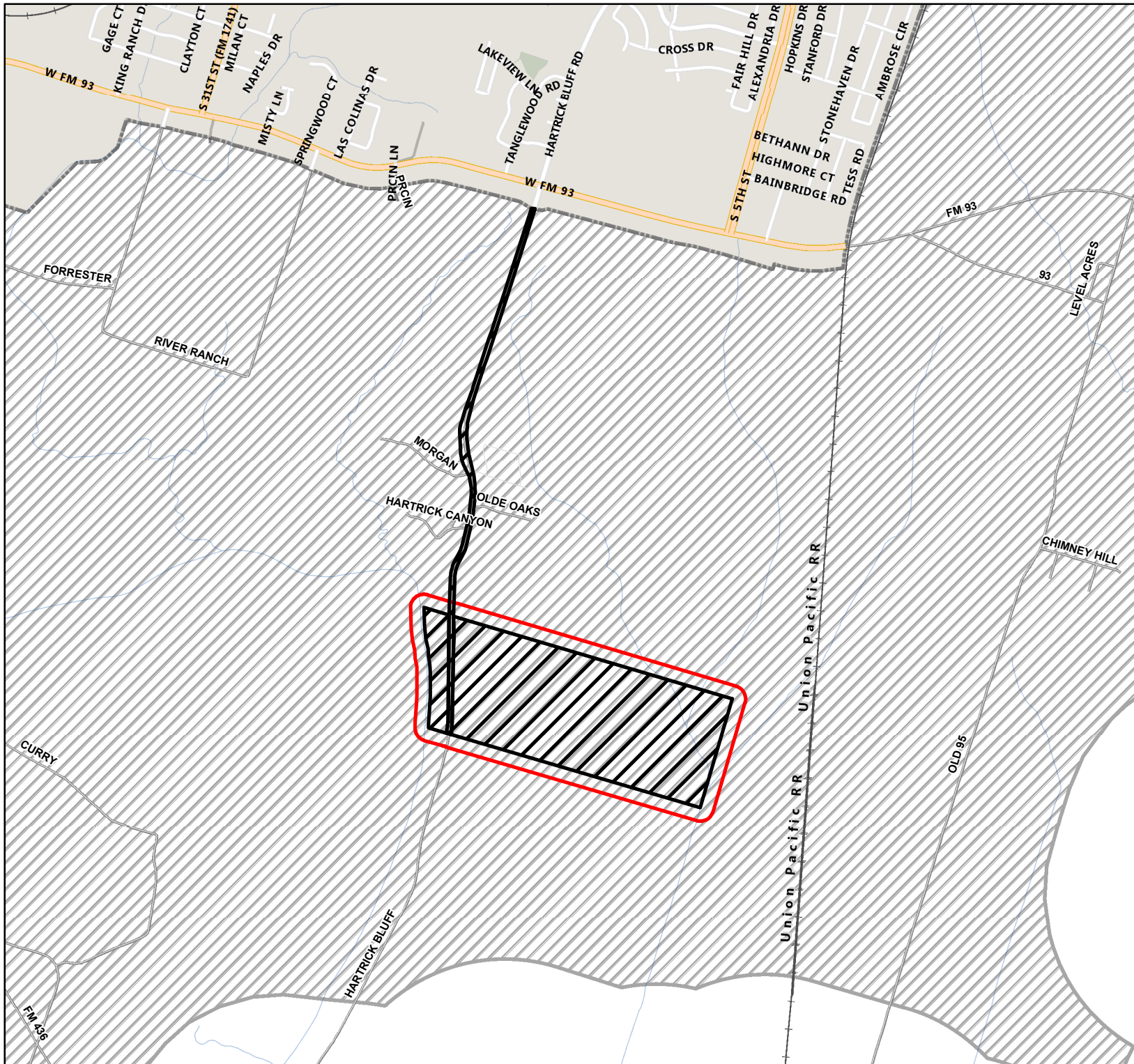
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



Annexation 200' NOTIFICATION MAP

FY-19-1-ANX

Hartrick Ranch Estates

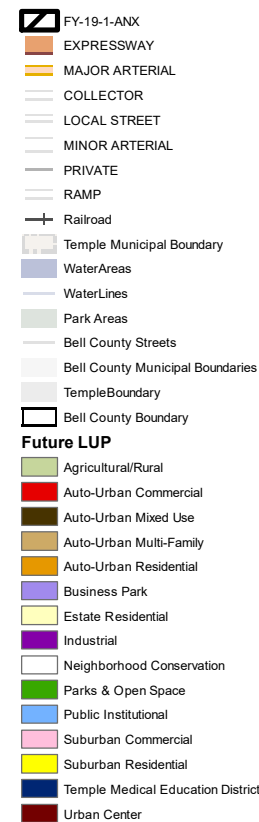


- FY-19-1-ANX
- 200' Courtesy Notification
- Streets**
 - EXPRESSWAY
 - MAJOR ARTERIAL
 - COLLECTOR
 - LOCAL STREET
 - MINOR ARTERIAL
 - PRIVATE
 - RAMP
 - Railroad
- Temple Municipal Boundary
- Water Areas
- Water Lines
- Park Areas
- Bell County Streets
- Bell County Municipal Boundaries
- Temple Boundary
- Bell County Boundary
- ETJ Boundary

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Hartrick Ranch Estates



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SITE PHOTOS FY-19-9-ZC







THOROUGHFARE AND TRAILS MAP

: FY-19-9-ZC

Haymarket Tract

Trails Masterplan

- EXISTING, CITY WIDE SPINE
- EXISTING, COMMUNITY WIDE CONNECTOR
- EXISTING, LOCAL CONNECTOR
- PROPOSED, CITY WIDE SPINE
- PROPOSED, COMMUNITY WIDE CONNECTOR
- PROPOSED, LOCAL CONNECTOR

Thoroughfare Plan

CLASS

- Expressway
- Major Arterial
- Proposed Major Arterial
- Minor Arterial
- Proposed Minor Arterial
- Collector
- Proposed Collector
- Park Area
- Municipal Boundary
- FY-19-13-ZC

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UTILITY MAP

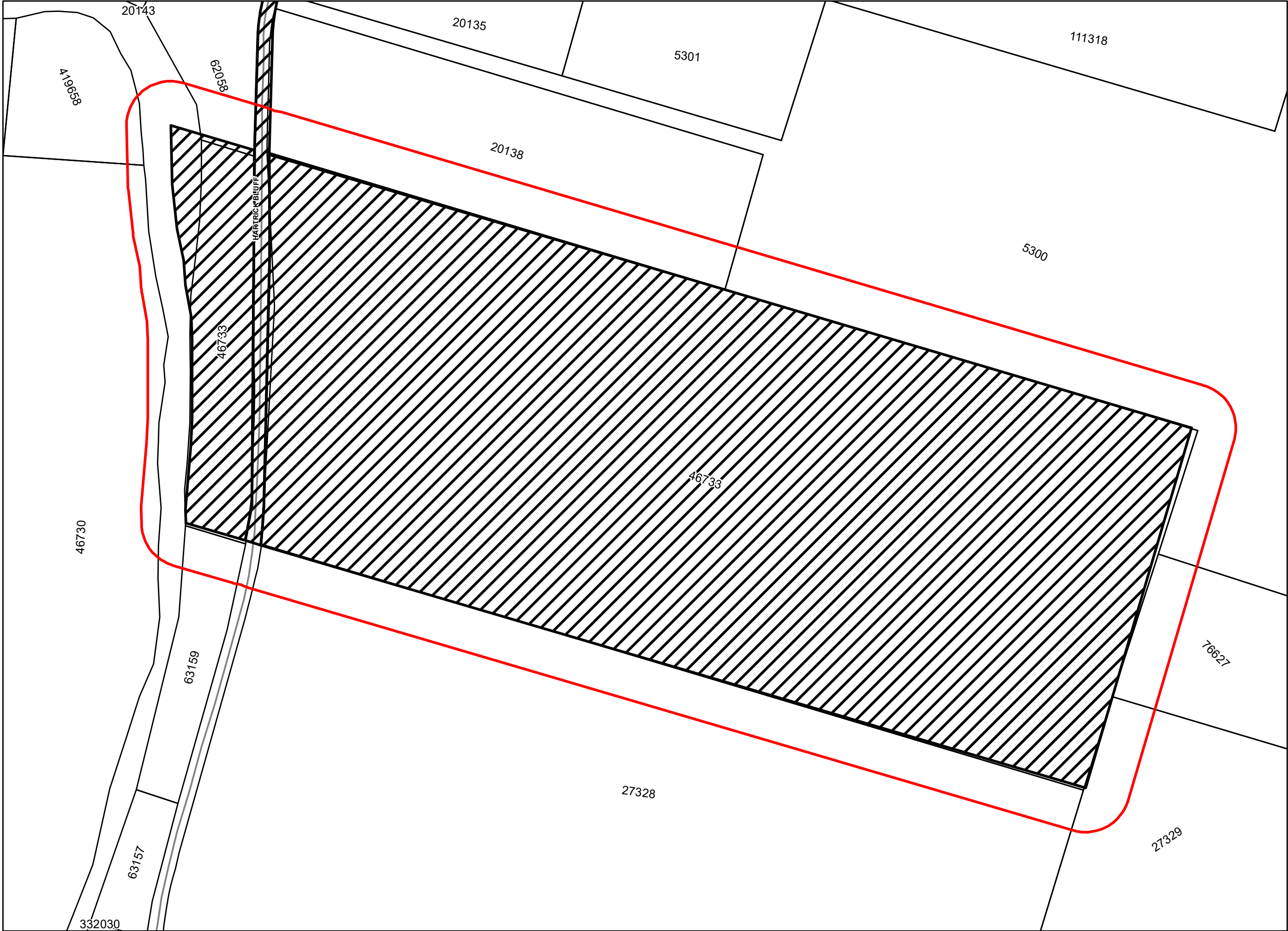
FY--19-9-ZC

Haymarket Tract

-  Hydrant
-  Sanitary Sewer
-  Water Main
-  Park Area
-  Municipal Boundary
-  FY-19-13-ZC



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Annexation
NOTIFICATION MAP

FY-19-1-ANX
Hartrick Ranch Estates

 200' Courtesy Notification
 FY-19-1-ANX

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



**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, APRIL 15, 2019
ACTION ITEMS**

Item 2: FY-19-9-ZC – Hold a public hearing to discuss and recommend action for a rezoning (contingent upon voluntary annexation) from Agricultural (AG) zoning district to Planned Development General Retail (PD-GR) zoning district on a 160.047 +/- acre tract, and a 12.541 +/- acre tract situated in the Maximo Moreno Survey, Abstract No.14, Bell County, Texas, located south of FM 93 and along and east of Hartrick Bluff Road, Temple, Texas.

Item 3: FY-19-13-ZC – Hold a public hearing to discuss and recommend action for a rezoning (contingent upon voluntary annexation) from Agricultural (AG) zoning district to Planned Development Single Family Two (PD-SF-2) on a 118.560 +/- acre tract situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located south of FM 93 and east of Hartrick Bluff Road, Temple, Texas.

Ms. Lynn Barrett, Assistant Director of Planning, stated these items are rezoning requests presented together and both cases are scheduled to go to City Council for first reading on May 16, 2019 and second reading on June 6, 2019.

Location maps of both subject properties with proposed voluntary street right-of-way (ROW) annexations shown.

Both items involve pending voluntary annexation cases, and the annexation schedule is as follows:

- Petitions approved per Resolution No. 2019-9573-R and No. 2019-9574-R by City Council on February 21, 2019 to develop Municipal Service Plans on these properties. Both resolutions were reviewed by all relevant departments and no issues were found.
- First Public Hearing—Municipal Service Plans on April 4, 2019.
- Second Public Hearing-Municipal Service Plans on April 5, 2019.
- First Reading for Annexation Ordinances will be on the May 2, 2019 City Council Meeting.
- Second Reading for Annexation Ordinances will be on the May 16, 2019 City Council Meeting.

Both properties are in the Academy Independent School District.

Item 2 developer proposes Single Family Residential uses and requests an option to add single family attached units on up to ten percent of the site and PD-GR for 1.66 acres around existing barn structure on the property for potential use as a market for retail or a community center area.

Item 2 aerial map shown.

Item 3 developer proposes Planned Development (PD) for single family residential uses; requests option to add single family attached units on up to ten percent of site.

Item 2 site and area photos shown.

Item 3 site and area photos shown.

Future Land Use Map shown for both subject properties was shown and found to be in partial compliance for both PD sites and the surrounding ETJ areas.

Utility Map shown for both subject properties and found to be in partial compliance.

Waterlines are adjacent to the subject properties; however, water and wastewater line extensions will be required to serve the development.

Thoroughfare and Trails Map shown for both subject properties and found to be in compliance.

Hartrick Bluff Road is a Collector, and Haymarket Drive will be a local street upon annexation.

No nearby existing or future trails are shown on the current Trails Map.

Ms. Barrett reviewed the Unified Development Code (UDC), Section 3.4 definition of a PD as follows:

- “A flexible overlay zoning district designed to respond to unique development proposals, special design considerations and land use transitions by allowing evaluation of land use relationships to surrounding areas through development plan approval.”
- Per UDC, Section 3.4.3 & 3.4.4, a Planned Development requires approval of a Development/Site plan that is binding.

Development Site Plan shown for both subject properties.

PD Conditions for both Rezoning Cases for Residential Single-Family Development PD-SF-2 are as follows:

1. 100% masonry to include brick, stone and cementitious siding

2. At least two evergreen bushes
3. At least one tree per single family residence
4. Minimum sod turf grass on all front yards
5. Twenty-foot front yard setback
6. Minimum Corner lot side setback (street side) of ten feet
7. Lot dimensions to follow SF-2 except forty foot minimum lot width on cul-de-sac and knuckles due to configuration of street
8. Up to ten percent by acreage may be developed as single family attached as PD-SFA-3

An additional PD Condition was requested by the applicant for Item 3 FY-19-13-ZC:

9. On the approximately eighteen acres extending from the northwest edge of the power line easement traversing the property north and west to the northwest corner of the property, lots will be a minimum of 75 feet in width, in order to more closely match the existing larger lot homes in subdivisions in the area.

PD Condition Nine shown on aerial map.

Twenty-five courtesy notices in ETJ were mailed, and the newspaper notice was printed April 4, 2019, in accordance with state law and local ordinance.

Staff recommends approval of the rezoning requests:

1. FY-19-9-ZC to PD-SF2 and PD-GR on 1.66 +/-, and
2. FY-19-13-ZC to PD-SF2;

With the previously mentioned conditions and with the Site Development Plan as presented pending final approval of the voluntary annexation cases for each property.

Chair Langley opened the public hearing.

Speaker, developer and applicant Mr. John Kiella, 1122 White Rock Drive, Temple Texas, explained possible uses for the barn as a market area that residents could easily walk to.

There being no further speakers, the public hearing was closed.

Commissioner Armstrong made a motion to approve Item 2, **FY-19-9-ZC**, based on an amended request and site development plan submitted by the applicant for PD-GR zoning on 1.66+/- acres of the 160.047+/- tract and for PD-SF-2 on the remaining portion of said tract and the 12.541+/-acre tract and per staff recommendation, and Commissioner Fettig made a second.

Motion passed: (8:0:1)

Commissioner Jeanes abstained.

Commissioner Wright made a motion to approve Item 3, **FY-19-13-ZC**, per staff recommendation, and Commissioner Alaniz made a second.

Motion passed: (8:0:1)

Commissioner Jeanes abstained.

ORDINANCE NO. 2019-4968
(FY-19-9-ZC)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING OF AN APPROXIMATELY 12.541 ACRE TRACT AND AN APPROXIMATELY 160.047 ACRE TRACT SITUATED IN THE MAXIMO MORENO SURVEY, ABSTRACT NO. 14, BELL COUNTY, TEXAS; LOCATED SOUTH OF FM 93 AND EAST OF HARTRICK BLUFF ROAD, TEMPLE, TEXAS FROM AGRICULTURAL ZONING DISTRICT TO PLANNED DEVELOPMENT GENERAL RETAIL ZONING DISTRICT AND PLANNED DEVELOPMENT SINGLE FAMILY TWO ZONING DISTRICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, Short Term Lending GP, LLC, is the owner of a 160.047-acre tract of land and a 12.541-acre tract of land located south of FM 93 and along and east of Hartrick Bluff Road;

Whereas, the current zoning designation for both tracts is Agricultural and the applicant is requesting a rezoning of the properties for a primary use as a residential subdivision;

Whereas, in its original rezoning request, the applicant requested a Planned Development – Single Family Two zoning designation for the entire portion of both tracts, but subsequently requested that a small portion consisting of 1.661 acres surrounding an existing barn on the 160.047-acre tract be zoned as Planned Development – General Retail zoning, with the remaining acreage of both tracts to be Planned Development-Single Family Two zoning;

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration to the planned development conditions, recommends approval of the rezoning from Agricultural zoning district to Planned Development - General Retail zoning district on the 1.661 acre portion surrounding the existing barn, and rezoning from Agricultural zoning district to Planned Development - Single Family Two zoning district on the remaining approximately 170.928 acres of both tracts, situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located south of FM 93 and east of Hartrick Bluff Road, Temple, Texas, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes, and subject to the following conditions:

For Residential Single-Family Development PD-SF-2:

- 100% Masonry to include brick, stone and cementitious siding;
- At least 2 evergreen bushes;
- At least 1 tree per single family residence;
- Minimum sod turf grass on all front yards;
- 20-foot front yard setback;
- Corner lot side setbacks (street side) of 10 feet;
- Lot dimensions to follow SF-2 except 40-foot minimum lot width on cul-de-sac and knuckles due to configuration of streets;
- Up to 10% by acreage may be developed as single family attached as PD-SFA-3; and

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

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

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 Ordinance as if copied in their entirety.

Part 2: The City Council approves of the rezoning from Agricultural zoning district to Planned Development - General Retail zoning district on the 1.661 acre portion surrounding the existing barn, and rezoning from Agricultural zoning district to Planned Development - Single Family Two zoning district on the remaining approximately 170.928 acres of both tracts, situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located south of FM 93 and east of Hartrick Bluff Road, Temple, Texas, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes, and subject to the following conditions::

For Residential Single-Family Development PD-SF-2:

- 100% Masonry to include brick, stone and cementitious siding;
- At least 2 evergreen bushes;
- At least 1 tree per single family residence;
- Minimum sod turf grass on all front yards;
- 20-foot front yard setback;
- Corner lot side setbacks (street side) of 10 feet;
- Lot dimensions to follow SF-2 except 40-foot minimum lot width on cul-de-sac and knuckles due to configuration of streets;
- Up to 10% by acreage may be developed as single family attached as PD-SFA-3; and

Part 3: The City Council approves the Site Development Plan attached hereto as Exhibit ‘B,’ and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **16th** day of **May**, 2019.

PASSED AND APPROVED on Second Reading on the **6th** day of **June**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Charla Thomas
Assistant City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/16/19
Item #6
Regular Agenda
Page 1 of 3

DEPT. / DIVISION SUBMISSION & REVIEW:

Lynn Barrett, Assistant Director of Planning

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – FY-19-13-ZC: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning district to Planned Development Single Family Two on a 118.560 +/- acre tract situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located south of FM 93 and east of Hartrick Bluff Road, Temple, Texas.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning as shown on the site development plan to Planned Development Single Family Two (PD-SF2) on both tracts, except for a PD-GR rezoning on the 1.661 +/- acre section shown along Hartrick Bluff, pending a final City Council voluntary annexation approval on May 16, 2019. The original request was for a PD on the property allowing some potential GR along Hartrick Bluff Road. However, after the original request was publicly noticed, the applicant amended their request to PD GR for 1.66-acres and PD SF-2 for the remaining acreage.

PD Conditions:

For Residential Single-Family Development PD-SF-2:

9. 100% Masonry to include brick, stone and cementitious siding
10. At least two evergreen bushes
11. At least one tree per single family residence
12. Minimum sod turf grass on all front yards
13. 20-foot front yard setback
14. Corner lot side setbacks (street side) of ten feet
15. Lot dimensions to follow SF-2 except 40-foot minimum lot width on cul-de-sac and knuckles due to configuration of streets
16. Up to 10% by acreage may be developed as single family attached as PD-SFA-3

PLANNING & ZONING COMMISSION RECOMMENDATION: At their April 15, 2019 meeting, the Planning & Zoning Commission voted 8 to 0 with 1 abstention to recommend approval of the rezoning to PD-GR per staff's recommendation.

ITEM SUMMARY: This request for rezoning is proposed to immediately follow City Council approval of the voluntary annexation ordinance on the property requested by the owner, Short Term Lending GP, LLC.

The applicant is proposing a residential subdivision for the property, with the exception of the 1.661 acres immediately surrounding an existing barn along Hartrick Bluff that could be purposed as a community meeting or market area. Originally, the applicant had requested a PD-GR designation for the property, but subsequently decided on only a small portion to be PD-GR, with the balance PD-SF2 and provided field notes for the division. The subject property is entirely within the Academy School District boundary.

Per UDC, Section 3.4.3 & 3.4.4, a Planned Development requires approval of a Development/Site plan that is binding.

On March 18th, March 21st, and April 1st, the DRC met to discuss the proposal.

SURROUNDING PROPERTY AND USES: The surrounding property is also in the ETJ and is agricultural and rural illustrating a rural land use pattern.

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

Document	Policy, Goal, Objective or Map	Compliant?
CP	Map 3.1 - Future Land Use and Character (FLUP)	Partial
CP	Map 5.2 - Thoroughfare Plan	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Yes
STP	Temple Trails Master Plan Map and Sidewalks Ordinance	Yes

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

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

Agricultural/rural was shown as the dominant future land use for this area. However, as a future extension of the development patterns in the fast-growing southern area of the city, this PD provides a hybrid mixture of single-family homes and the potential of up to 10% of single family attached residential units.

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

Hartrick Bluff is shown as a collector on the Thoroughfare and Trails Map, with no nearby trails illustrated.

Availability of Public Facilities (CP Goal 4.1)

Water is available along Hartrick Bluff, but future water and waste water line extensions will be necessary to serve the development.

UDC, Section 3.4 Planned Development

A Planned Development is defined as:

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

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

PUBLIC NOTICE: Ten courtesy notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property, all of whom reside in the city's ETJ.

FISCAL IMPACT: Not applicable.

ATTACHMENTS:

[Site Plan](#)

[Location Map](#)

[Future Land Use Map](#)

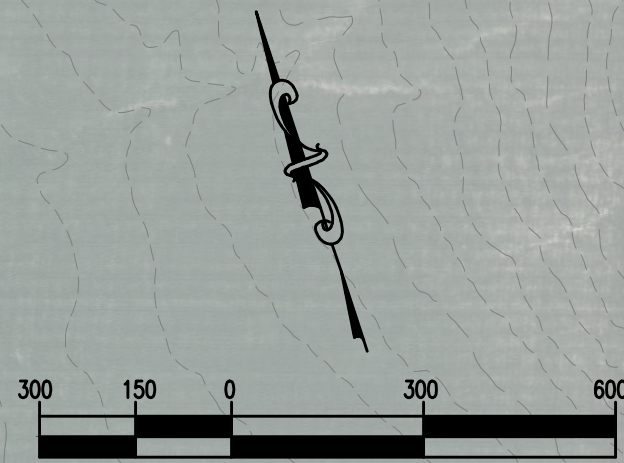
[Site and Surrounding Property Photos](#)

[Thoroughfare & Trails Map](#)

[Notification Map](#)

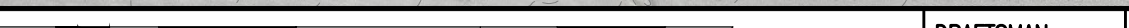
[Excerpts from Planning and Zoning Meeting 4/15/19](#)

[Ordinance](#)



-  PD-GR
1.661 ACRES

TITLE: ZONING SITE PLAN
 JOB# 18-666
 PAGE# 01

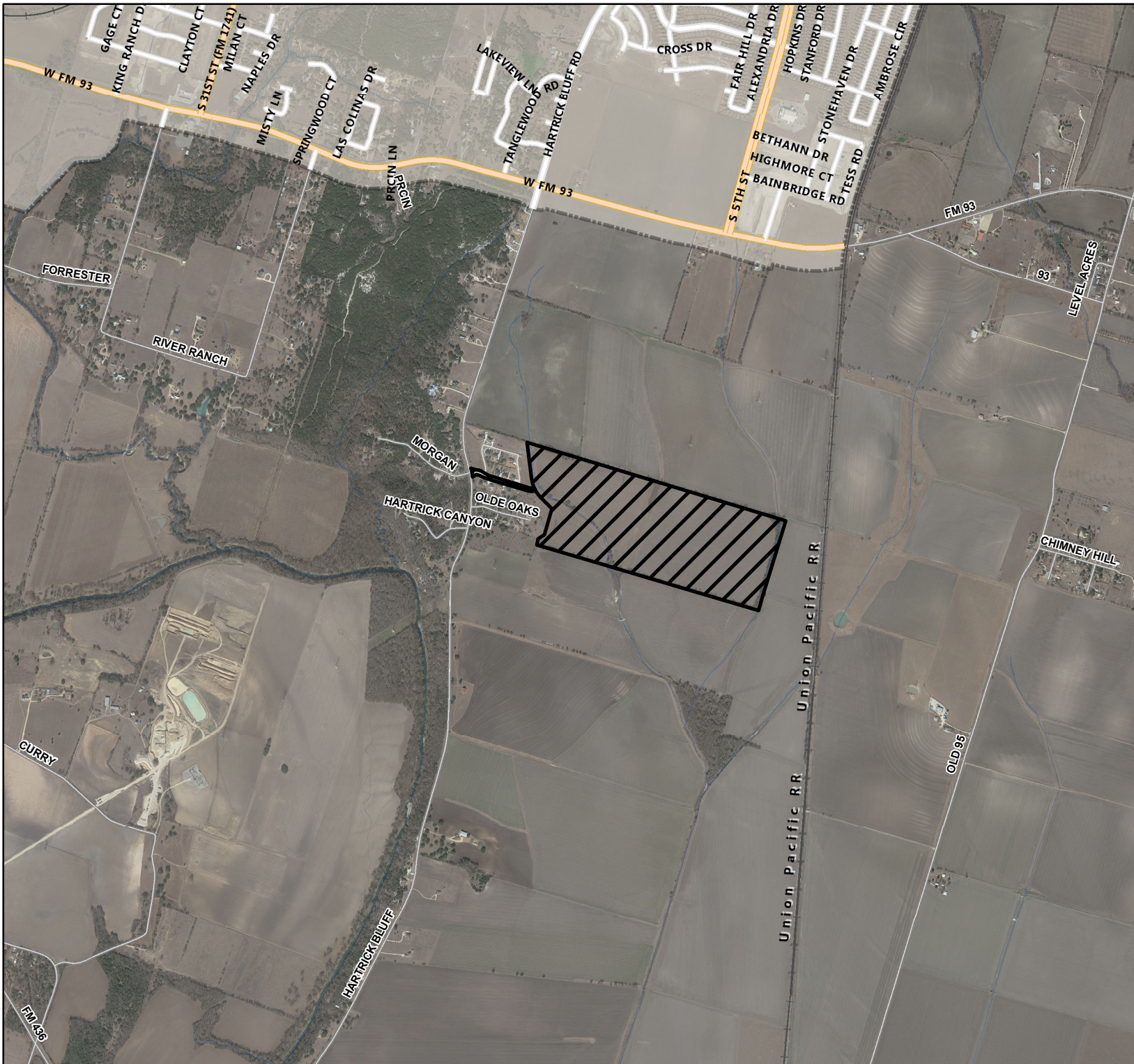
© TURLEY ASSOCIATES, INC. THIS DRAWING IS THE PROPERTY OF TURLEY ASSOCIATES INC. AND MUST BE SURRENDERED UPON REQUEST. THE INFORMATION THEREON MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF TURLEY ASSOCIATES INC.	REVISIONS	DATE	DESCRIPTION	DFTR.	AUTHORS	 TURLEY ASSOCIATES, INC. ENGINEERING • PLANNING • SURVEYING 301 N. 3rd St. Temple, Texas 76501 SURVEY FIRM NO. 10056000 • ENGINEERING FIRM NO. 1658 254.773.2400 www.turley-inc.com 254.773.3998 fax	DRAFTSMAN:	JFBII	PROJECT	HARTRICK RANCH	TITLE:	ZONNING SITE PLAN	PAGE#	01
		04/09/19	ADDED PD-GR	JFBII			DESIGNER:	JFBII						


















Annexation

AERIAL MAP

FY-19-2-ANX

Hartrick Ranch Estates



-  FY-19-2-ANX
-  EXPRESSWAY
-  MAJOR ARTERIAL
-  COLLECTOR
-  LOCAL STREET
-  MINOR ARTERIAL
-  PRIVATE
-  RAMP
-  Railroad
-  Temple Municipal Boundary
-  WaterAreas
-  WaterLines
-  Park Areas
-  Bell County Streets
-  Bell County Municipal Boundaries
-  TempleBoundary
-  Bell County Boundary

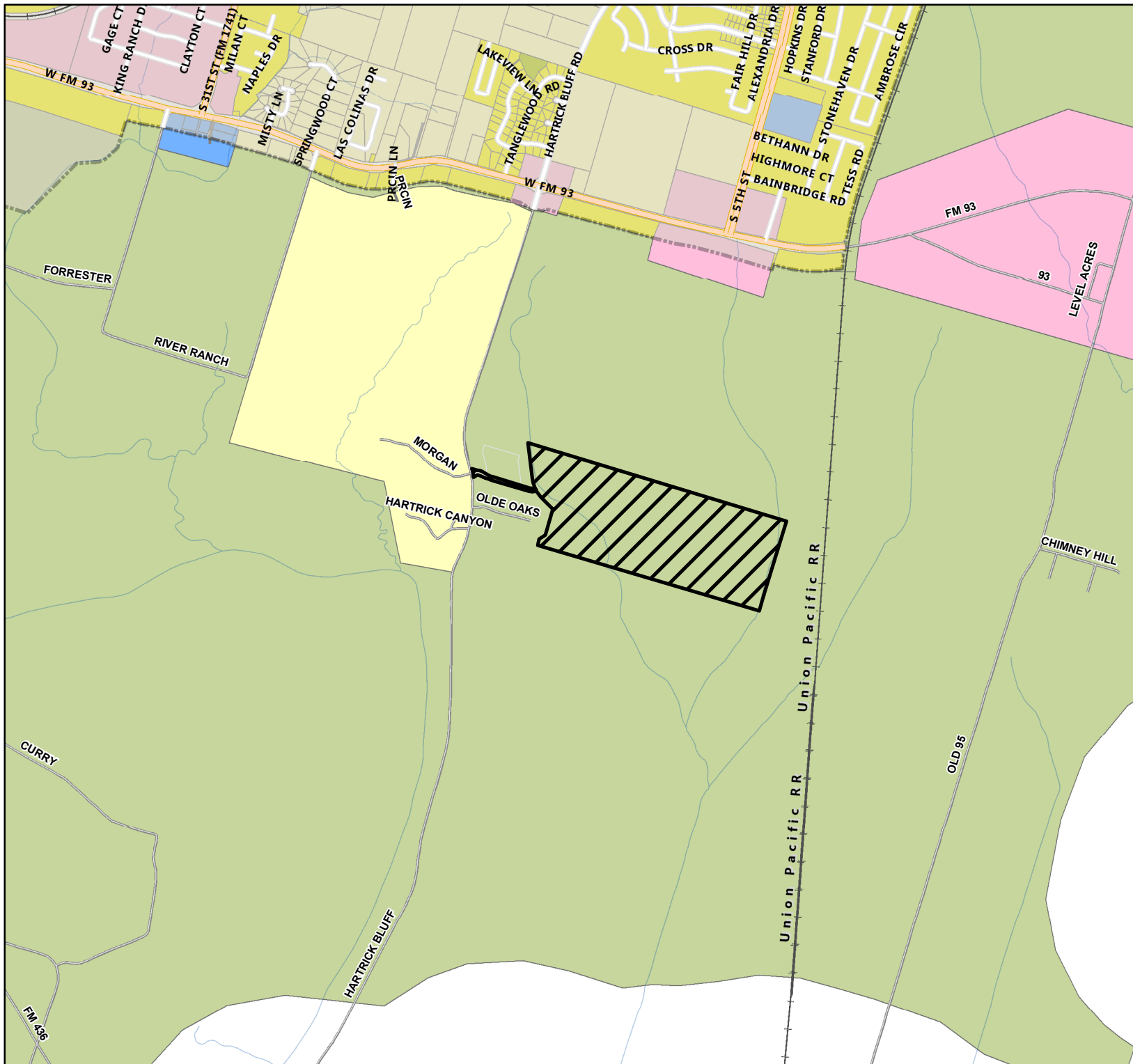
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Annexation FUTURE LAND USE MAP

FY-19-2-ANX

Hartrick Ranch Estates



- FY-19-2-ANX
- EXPRESSWAY
- MAJOR ARTERIAL
- COLLECTOR
- LOCAL STREET
- MINOR ARTERIAL
- PRIVATE
- RAMP
- Railroad
- Temple Municipal Boundary
- WaterAreas
- WaterLines
- Park Areas
- Bell County Streets
- Bell County Municipal Boundaries
- TempleBoundary
- Bell County Boundary
- Future LUP**
 - Agricultural/Rural
 - Auto-Urban Commercial
 - Auto-Urban Mixed Use
 - Auto-Urban Multi-Family
 - Auto-Urban Residential
 - Business Park
 - Estate Residential
 - Industrial
 - Neighborhood Conservation
 - Parks & Open Space
 - Public Institutional
 - Suburban Commercial
 - Suburban Residential
 - Temple Medical Education District
 - Urban Center

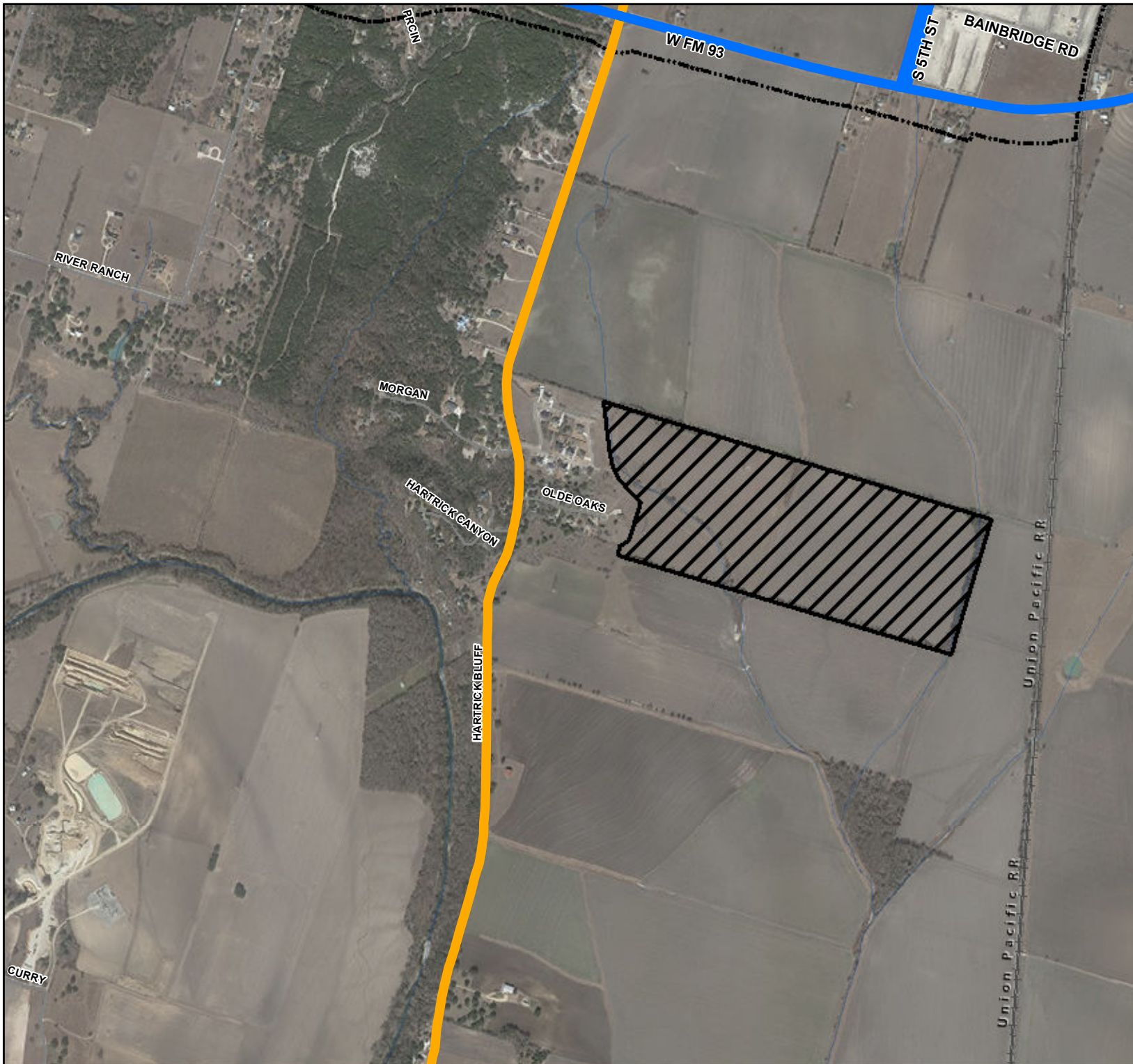
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SITE PHOTOS FY-19-13-ZC







THOROUGHFARE AND TRAILS MAP

Zoning Case:

FY-19-13-ZC

Hartrick Bluff Estates

Trails Masterplan

- EXISTING, CITY WIDE SPINE
- EXISTING, COMMUNITY WIDE CONNECTOR
- EXISTING, LOCAL CONNECTOR
- PROPOSED, CITY WIDE SPINE
- PROPOSED, COMMUNITY WIDE CONNECTOR
- PROPOSED, LOCAL CONNECTOR

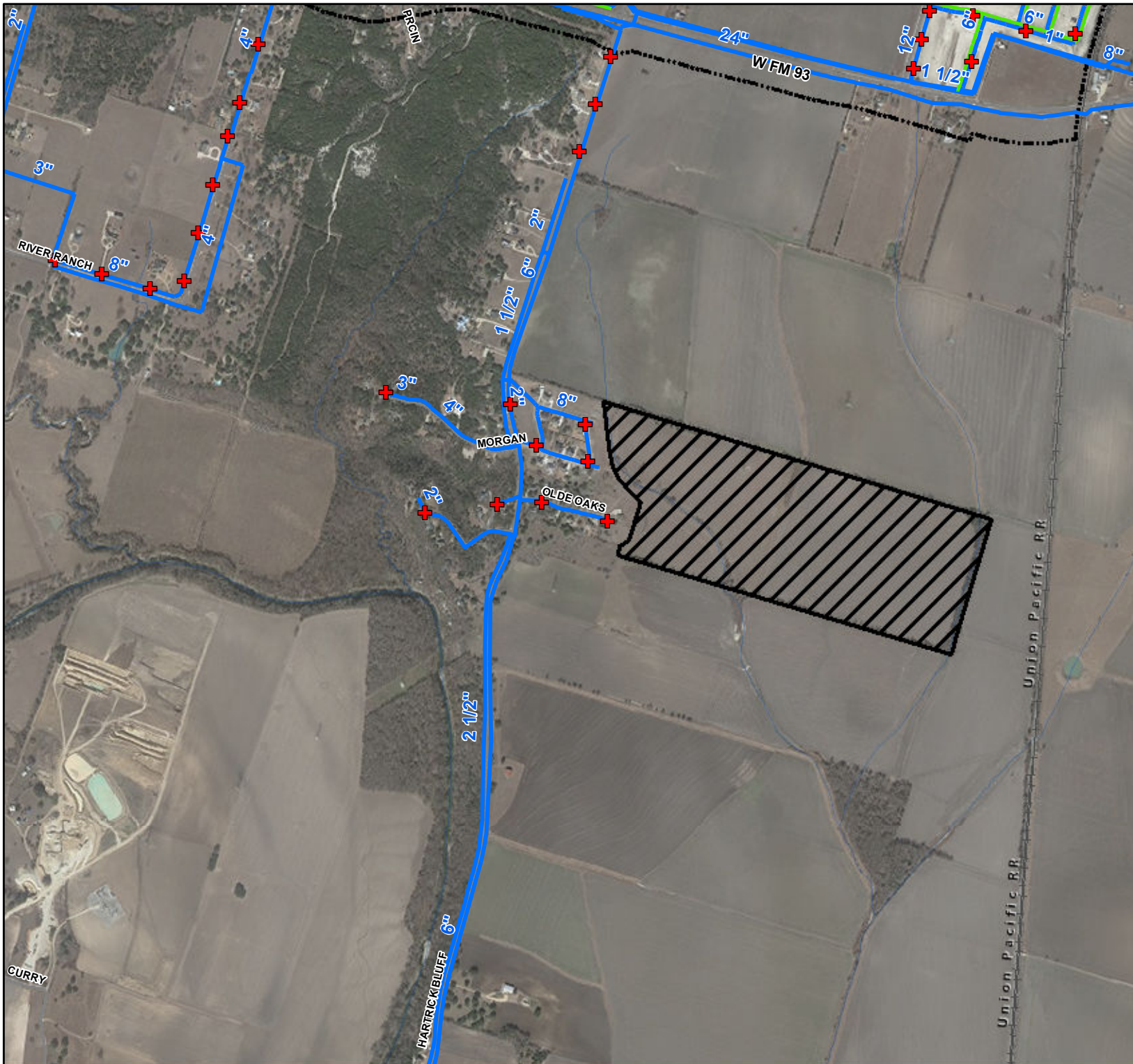
Thoroughfare Plan

CLASS

- Expressway
- Major Arterial
- Proposed Major Arterial
- Minor Arterial
- Proposed Minor Arterial
- Collector
- Proposed Collector
- Park Area
- Municipal Boundary
- FY-19-9-ZC

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












UTILITY MAP

: S

FY-19-13-ZC

Hartrick Bluff Estates



-  Hydrant
-  Sanitary Sewer
-  Production.SDE.ssPressurizedMain
-  Water Main
-  Park Area
-  Municipal Boundary
-  FY-19-9-ZC

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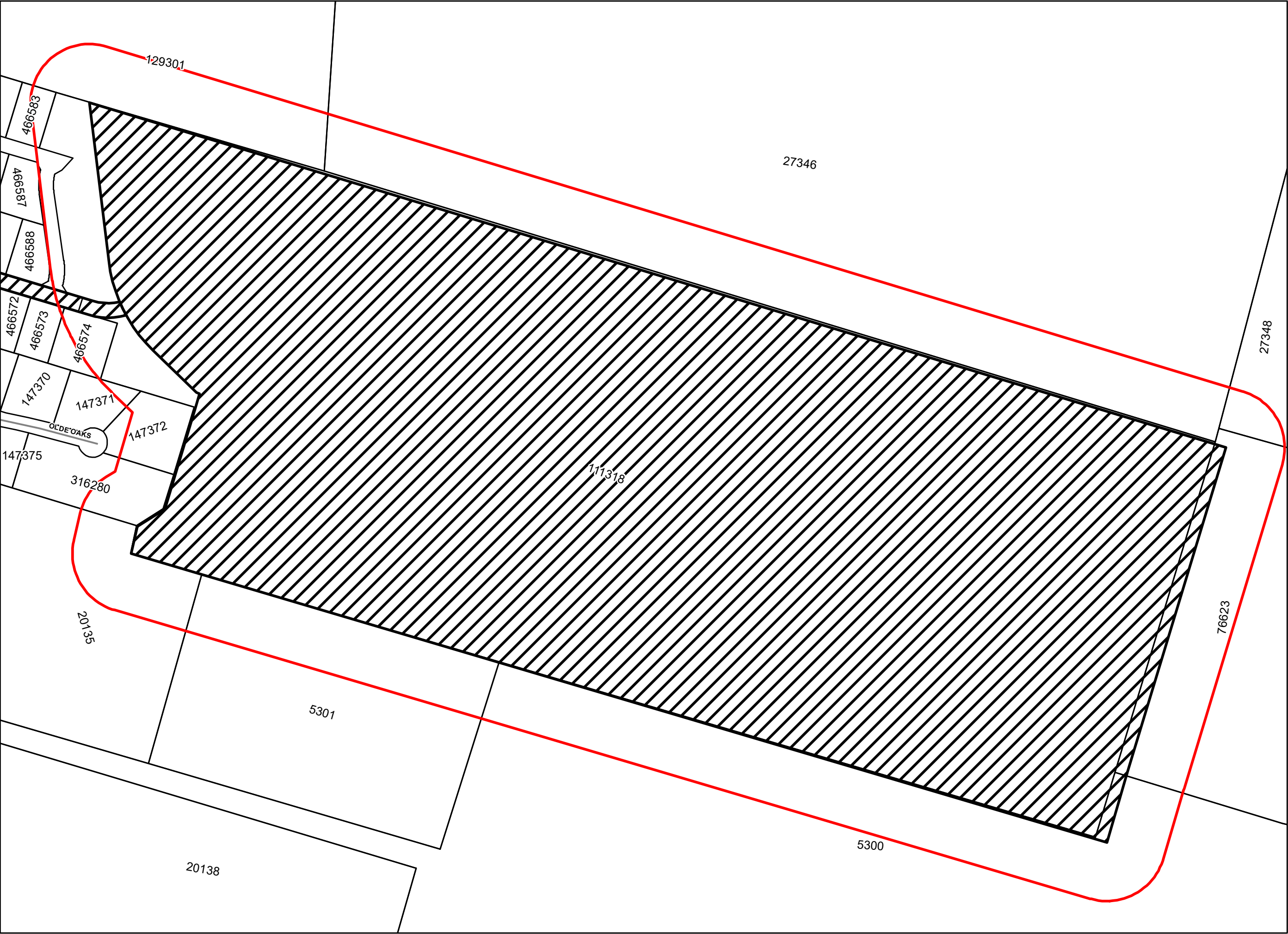


Annexation
NOTIFICATION MAP

FY-19-2-ANX
Hartrick Ranch Estates

 200' Courtesy Notification
 FY-19-2-ANX

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



**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, APRIL 15, 2019
ACTION ITEMS**

Item 2: FY-19-9-ZC – Hold a public hearing to discuss and recommend action for a rezoning (contingent upon voluntary annexation) from Agricultural (AG) zoning district to Planned Development General Retail (PD-GR) zoning district on a 160.047 +/- acre tract, and a 12.541 +/- acre tract situated in the Maximo Moreno Survey, Abstract No.14, Bell County, Texas, located south of FM 93 and along and east of Hartrick Bluff Road, Temple, Texas.

Item 3: FY-19-13-ZC – Hold a public hearing to discuss and recommend action for a rezoning (contingent upon voluntary annexation) from Agricultural (AG) zoning district to Planned Development Single Family Two (PD-SF-2) on a 118.560 +/- acre tract situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located south of FM 93 and east of Hartrick Bluff Road, Temple, Texas.

Ms. Lynn Barrett, Assistant Director of Planning, stated these items are rezoning requests presented together and both cases are scheduled to go to City Council for first reading on May 16, 2019 and second reading on June 6, 2019.

Location maps of both subject properties with proposed voluntary street right-of-way (ROW) annexations shown.

Both items involve pending voluntary annexation cases, and the annexation schedule is as follows:

- Petitions approved per Resolution No. 2019-9573-R and No. 2019-9574-R by City Council on February 21, 2019 to develop Municipal Service Plans on these properties. Both resolutions were reviewed by all relevant departments and no issues were found.
- First Public Hearing—Municipal Service Plans on April 4, 2019.
- Second Public Hearing-Municipal Service Plans on April 5, 2019.
- First Reading for Annexation Ordinances will be on the May 2, 2019 City Council Meeting.
- Second Reading for Annexation Ordinances will be on the May 16, 2019 City Council Meeting.

Both properties are in the Academy Independent School District.

Item 2 developer proposes Single Family Residential uses and requests an option to add single family attached units on up to ten percent of the site and PD-GR for 1.66 acres around existing barn structure on the property for potential use as a market for retail or a community center area.

Item 2 aerial map shown.

Item 3 developer proposes Planned Development (PD) for single family residential uses; requests option to add single family attached units on up to ten percent of site.

Item 2 site and area photos shown.

Item 3 site and area photos shown.

Future Land Use Map shown for both subject properties was shown and found to be in partial compliance for both PD sites and the surrounding ETJ areas.

Utility Map shown for both subject properties and found to be in partial compliance.

Waterlines are adjacent to the subject properties; however, water and wastewater line extensions will be required to serve the development.

Thoroughfare and Trails Map shown for both subject properties and found to be in compliance.

Hartrick Bluff Road is a Collector, and Haymarket Drive will be a local street upon annexation.

No nearby existing or future trails are shown on the current Trails Map.

Ms. Barrett reviewed the Unified Development Code (UDC), Section 3.4 definition of a PD as follows:

- “A flexible overlay zoning district designed to respond to unique development proposals, special design considerations and land use transitions by allowing evaluation of land use relationships to surrounding areas through development plan approval.”
- Per UDC, Section 3.4.3 & 3.4.4, a Planned Development requires approval of a Development/Site plan that is binding.

Development Site Plan shown for both subject properties.

PD Conditions for both Rezoning Cases for Residential Single-Family Development PD-SF-2 are as follows:

1. 100% masonry to include brick, stone and cementitious siding

2. At least two evergreen bushes
3. At least one tree per single family residence
4. Minimum sod turf grass on all front yards
5. Twenty-foot front yard setback
6. Minimum Corner lot side setback (street side) of ten feet
7. Lot dimensions to follow SF-2 except forty foot minimum lot width on cul-de-sac and knuckles due to configuration of street
8. Up to ten percent by acreage may be developed as single family attached as PD-SFA-3

An additional PD Condition was requested by the applicant for Item 3 FY-19-13-ZC:

9. On the approximately eighteen acres extending from the northwest edge of the power line easement traversing the property north and west to the northwest corner of the property, lots will be a minimum of 75 feet in width, in order to more closely match the existing larger lot homes in subdivisions in the area.

PD Condition Nine shown on aerial map.

Twenty-five courtesy notices in ETJ were mailed, and the newspaper notice was printed April 4, 2019, in accordance with state law and local ordinance.

Staff recommends approval of the rezoning requests:

1. FY-19-9-ZC to PD-SF2 and PD-GR on 1.66 +/-, and
2. FY-19-13-ZC to PD-SF2;

With the previously mentioned conditions and with the Site Development Plan as presented pending final approval of the voluntary annexation cases for each property.

Chair Langley opened the public hearing.

Speaker, developer and applicant Mr. John Kiella, 1122 White Rock Drive, Temple Texas, explained possible uses for the barn as a market area that residents could easily walk to.

There being no further speakers, the public hearing was closed.

Commissioner Armstrong made a motion to approve Item 2, **FY-19-9-ZC**, based on an amended request and site development plan submitted by the applicant for PD-GR zoning on 1.66+/- acres of the 160.047+/- tract and for PD-SF-2 on the remaining portion of said tract and the 12.541+/-acre tract and per staff recommendation, and Commissioner Fettig made a second.

Motion passed: (8:0:1)

Commissioner Jeanes abstained.

Commissioner Wright made a motion to approve Item 3, **FY-19-13-ZC**, per staff recommendation, and Commissioner Alaniz made a second.

Motion passed: (8:0:1)

Commissioner Jeanes abstained.

ORDINANCE NO. 2019-4969
(FY-19-13-ZC)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL ZONING DISTRICT TO PLANNED DEVELOPMENT SINGLE FAMILY TWO ZONING DISTRICT, ON AN APPROXIMATELY 118.560 ACRE TRACT SITUATED IN THE MAXIMO MORENO SURVEY, ABSTRACT NO. 14, BELL COUNTY, TEXAS; LOCATED SOUTH OF FM 93 AND EAST OF HARTRICK BLUFF ROAD, TEMPLE, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, Short Term Lending GP, LLC, is the owner of an approximately 118.560 acre tract south of FM 93 and east of Hartrick Bluff Road that is currently zoned Agricultural and the applicant is proposing a residential subdivision for the property;

Whereas, the applicant has requested a Planned Development – Single Family Two zoning designation for the property;

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration to the planned development conditions, recommends approval of the rezoning from Agricultural zoning district to Planned Development- Single Family Two zoning district, on an approximately 118.560 acre tract situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located south of FM 93 and east of Hartrick Bluff Road, Temple, Texas, as outlined in the map attached hereto as Exhibit ‘A,’ and made a part hereof for all purposes, and subject to the following conditions:

For Residential Single-Family Development PD-SF-2:

- 100% Masonry to include brick, stone and cementitious siding;
- At least 2 evergreen bushes;
- At least 1 tree per single family residence;
- Minimum sod turf grass on all front yards;
- 20-foot front yard setback;
- Corner lot side setbacks (street side) of 10 feet;
- Lot dimensions to follow SF-2 except 40-foot minimum lot width on cul-de-sac and knuckles due to configuration of streets;
- Up to 10% by acreage may be developed as single family attached as PD-SFA-3;
- On the approximately 18 acres extending from the northwest edge of the power line easement traversing the property north and west to the northwest corner of the property, lots will be a minimum of 75 feet in width, in order to more closely match the existing larger homes in subdivisions in the area; and

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

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

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 Ordinance as if copied in their entirety.

Part 2: The City Council approves of the rezoning from Agricultural zoning district to Planned Development-Single Family Two zoning district, on an approximately 118.560 acre tract situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located south of FM 93 and east of Hartrick Bluff Road, Temple, Texas, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes, and subject to the following conditions:

For Residential Single-Family Development PD-SF-2:

- 100% Masonry to include brick, stone and cementitious siding;
- At least 2 evergreen bushes;
- At least 1 tree per single family residence;
- Minimum sod turf grass on all front yards;
- 20-foot front yard setback;
- Corner lot side setbacks (street side) of 10 feet;
- Lot dimensions to follow SF-2 except 40-foot minimum lot width on cul-de-sac and knuckles due to configuration of streets;
- Up to 10% by acreage may be developed as single family attached as PD-SFA-3;
- On the approximately 18 acres extending from the northwest edge of the power line easement traversing the property north and west to the northwest corner of the property, lots will be a minimum of 75 feet in width, in order to more closely match the existing larger homes in subdivisions in the area; and

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

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

Part 5: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council

without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **16th** day of **May**, 2019.

PASSED AND APPROVED on Second Reading on the **6th** day of **June**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Charla Thomas
Assistant City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/16/19
Item #7
Regular Agenda
Page 1 of 3

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 three properties and two temporary construction easements situated in the Baldwin Robertson Survey, Abstract #17, Bell County, Texas, are necessary for the proposed expansion of Poison Oak Road and authorizing the use of eminent domain to condemn the properties.

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

STAFF RECOMMENDATION: Adopt resolution presented in item description.

ITEM SUMMARY: The City is currently in the design phase for the proposed expansion of Poison Oak Road. The design requires the acquisition of right of way from thirty-two properties. Twenty-nine of the thirty-two properties are owned by twenty-five private citizens or entities, under Chapter 251, Local Government Code § 251.001. The City has acquired eleven rights-of-way, is coordinating closing for two rights-of-way, and has reached an agreement for one right-of-way. Staff is actively negotiating with each of the remaining property owners and hopes to reach agreements with each of them in the coming weeks. However, the City and two property owners have been unable to reach an agreement due to an impasse in negotiations or lack of owner response. One property will require a relocation, including an onsite business. Appraisals were performed on all properties and the City made offers to purchase based on the appraisals. For the property requiring relocation, a relocation study was conducted, and the results presented to the property owner.

The properties needed are as follows:

Property 1: Being 0.331-acre of right-of-way and being a 0.195-acre temporary construction easement, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, being a portion of a called 10.335-acre tract of land conveyed to Benjamin Cecil Reed in Volume 3398, Page 397, Official Public Records of Real Property, Bell

County, Texas. The property is located along Poison Oak Road, Temple, Texas (Bell CAD ID #152275).

- Initial offer made on November 15, 2018
- Discovered owner passed away on or about November 26, 2018
 - Stateside made several attempts to contact the son of the owner; no response
- Initial offer re-sent in the name of the Estate of the owner, Deceased on March 14, 2019
- Stateside continued to try to contact son of owner; no response
- After further due diligence, as of April 12, 2019 Owner's will has not been probated.
- Final offer letter sent on April 30, 2019

Property 2: Being 0.171-acre of right of way and being a 0.110-acre temporary construction easement, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, being a portion of a called 10.335-acre tract of land conveyed to Benjamin Cecil Reed in Volume 3461, Page 644, Official Public Records of Real Property, Bell County, Texas. The property is located at 9100 Poison Oak Road, Temple, Texas (Bell CAD ID #152276).

- Initial offer made on November 21, 2018
- Discovered owner passed away on or about November 26, 2018
 - Stateside made several attempts to contact the son of the owner; no response
- Initial offer re-sent in the name of the Estate of the owner, Deceased on March 14, 2019
- Stateside continued to try to contact son of owner; no response
- After further due diligence, as of April 12, 2019 Owner's will has not been probated.
- Final offer letter sent on April 30, 2019

Property 3: Being 1.13-acres, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, being a portion of a tract of land conveyed to Theodore R. Johns and wife, Bernice Johns in Volume 1057, Page 164, Deed Records of Bell County, Texas. The property is located at 9009 Poison Oak Road, Temple, Texas (Bell CAD ID #55965).

- Initial offer made on October 26, 2018
- Owner made a counteroffer to City on November 21, 2018 that was more than three times the appraised value.
 - Owner did not provide any supporting documentation to support the counteroffer.
- Owner, through Stateside, has stated she will not accept anything less than this amount.
- Because of Owner's stance, negotiations are at an impasse.
- Final offer letter sent on April 8, 2019

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

FISCAL IMPACT: Funding for the three properties and two temporary construction easements necessary for the proposed expansion of Poison Oak Road is available in account 365-3400-531-6886, project 101715.

ATTACHMENTS:

[Surveys](#)
[Resolution](#)

FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

October 10, 2018

Surveyor's Field Notes for:

0.311 ACRE, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, being a portion of a called 10.335 acre tract of land conveyed to Benjamin Cecil Reed in Volume 3398, Page 397, Official Public Records of Real Property, Bell County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found on the occupied south right of way of Poison Oak Road, being the southwest corner of said 10.335 acre tract, same being the southeast corner of another 10.335 acre tract of land conveyed to Kenneth A. McGuire and wife, Brenda G. McGuire in Volume 3436, Page 150, Official Public Records of Real Property, Bell County, Texas, for the southwest corner of this tract of land;

THENCE in a northerly direction, with the west line of said Reed tract (*Deed N. 19° 15' 00" E., 1061.61 feet*), same being the east line of said McGuire tract, **N. 17° 40' 30" E., 32.61 feet**, to a 5/8" iron rod with "ACS" cap set on the proposed north right of way of Poison Oak Road, for the northwest corner of this tract of land;

THENCE in an easterly direction, over and across said Reed tract, with the proposed north right of way of Poison Oak Road, **S. 72° 32' 34" E., 424.47 feet**, to a 5/8" iron rod with "ACS" cap set on the east line of said Reed tract, same being the west line of another 10.335 acre tract of land conveyed to Benjamin Cecil Reed in Volume 3461, Page 644, Official Public Records of Real Property, Bell County, Texas, for the northeast corner of this tract of land;

THENCE in a southerly direction, with the common lines of said Reed tracts (*Deeds S. 19° 15' 00" W., 1059.63 feet*), **S. 17° 40' 52" W., 31.26 feet**, to a 5/8" iron rod with "ACS" cap set on the occupied north right of way of Poison Oak Road, being the common south corner of said Reed tracts, for the southeast corner of this tract of land;

THENCE in a westerly direction, with the south line of said Reed tract (*3398/397*)(*Deed N. 71° 01' 01" W., 424.47 feet*), **N. 72° 43' 30" W., 424.47 feet**, to the **POINT OF BEGINNING** and containing 0.311 Acre of Land.

This project is referenced to the City of Temple coordinate system, an extension of the Texas Coordinate System of 1983, Central Zone, NAD 83. All distances are horizontal surface distances unless noted and all bearings are grid bearings.

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

This mete and bounds description to accompany a Surveyors Sketch of the herein described 0.311 Acre tract.

Surveyed January 22, 2018

ALL COUNTY SURVEYING, INC.

1-800-749-PLAT

Tx. Firm Lic. No. 10023600

Server/projects/pro170000/170800/170809/170809 Reed 2 ROW.doc



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

FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

October 10, 2018

Surveyor's Field Notes for:

0.195 ACRE (8,489 sq. ft.), situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, being a portion of a called 10.335 acre tract of land conveyed to Benjamin Cecil Reed in Volume 3398, Page 397, Official Public Records of Real Property, Bell County, Texas, and being more particularly described as follows:

COMMENCING at a 1/2" iron rod found on the occupied south right of way of Poison Oak Road, being the southwest corner of said 10.335 acre tract, same being the southeast corner of another 10.335 acre tract of land conveyed to Kenneth A. McGuire and wife, Brenda G. McGuire in Volume 3436, Page 150, Official Public Records of Real Property, Bell County, Texas;

THENCE in a northerly direction, with the west line of said Reed tract (*Deed N. 19° 15' 00" E., 1061.61 feet*), same being the east line of said McGuire tract, *N. 17° 40' 30" E., 32.61 feet*, to a 5/8" iron rod with "ACS" cap set on the proposed north right of way of Poison Oak Road, for the **POINT OF BEGINNING** and southwest corner of this tract of land;

THENCE continuing in a northerly direction, with the west line of said Reed tract, same being the east line of said McGuire tract **N. 17° 40' 30" E., 20.00 feet**, to a calculated point, for the northwest corner of this tract of land;

THENCE in an easterly direction, over and across said Reed tract, **S. 72° 32' 34" E., 424.47 feet**, to a calculated point on the east line of said Reed tract, same being the west line of another 10.335 acre tract of land conveyed to Benjamin Cecil Reed in Volume 3461, Page 644, Official Public Records of Real Property, Bell County, Texas, for the northeast corner of this tract of land;

THENCE in a southerly direction, with the common lines of said Reed tracts (*Deeds S. 19° 15' 00" W., 1059.63 feet*), **S. 17° 40' 52" W., 20.00 feet**, to a 5/8" iron rod with "ACS" cap set on the proposed north right of way of Poison Oak Road, for the southeast corner of this tract of land;

THENCE in a westerly direction, with the proposed north right of way of Poison Oak Road, **N. 72° 32' 34" W., 424.47 feet**, to the **POINT OF BEGINNING** and containing 0.195 Acre of Land.

This project is referenced to the City of Temple coordinate system, an extension of the Texas Coordinate System of 1983, Central Zone, NAD 83. All distances are horizontal surface distances unless noted and all bearings are grid bearings.

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

This mete and bounds description to accompany a Surveyors Sketch of the herein described 0.195 Acre tract.

Surveyed January 22, 2018

ALL COUNTY SURVEYING, INC.

1-800-749-PLAT

Tx. Firm Lic. No. 10023600

Server/projects/pro170000/170800/170809/170809 Reed 2 TCE.doc



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

Survey showing 0.311 ACRE (R.O.W) and 0.195 ACRE (T.C.E.) situated in the BALDWIN ROBERTSON SURVEY, ABSTRACT NO. 17, Bell County, Texas.

This sketch to accompany a metes and bounds description of the hereon shown 0.311 & 0.195 Acre tracts.

KENNETH A. MCGUIRE and wife,
BRENDA G. MCGUIRE
Called 10.335 Acres
Save & Accept 1.00 Acre
(Volume 3436, Page 150)

BENJAMIN CECIL REED
Called 10.335 Acres
(Vol. 3398, Page 397)

BENJAMIN CECIL REED
Called 10.335 Acres
Save & Except 1.5 Acres
(Vol. 3461, Page 644)

POINT of
BEGINNING
1/2" Iron
Rod Found

POISON OAK ROAD

This project is referenced to the City of Temple
Coordinate System, an extension of the Texas
Coordinate System of 1983, Central Zone. All
distances are horizontal surface distances unless
noted and all bearings are grid bearings.



LINE	BEARING	DISTANCE	RECORD CALLS
L1	N 17°40'30" E	32.61'	N 19°15'00" E 1059.63
L2	S 17°40'52" W	31.26'	S 16°27'44" W 312.93'
L3	N 17°40'30" E	20.00'	N 19°15'00" E 1059.63
L4	S 72°32'34" E	424.47'	
L5	S 17°40'52" W	20.00'	S 16°27'44" W 312.93'

● Denotes 5/8" Iron Rod with "ACS"
Cap set, unless otherwise noted.

○ Denotes Calculated Point

P.U.E. = Public Utility Easement
T.C.E. = Temporary Construction Easement

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



Charles C. Lucko
4330 South 5th Street
Temple, Texas 76504
254-778-2272 Killeen 254-634-4636
Fax 254-774-7608

Survey
completed: 01-22-2018
Scale: 1" = 100'
Job No.: 170809
Dwg No.: 170809 Reed 2
Drawn by: MDH
Surveyor: CCL # 4636
Copyright 2018 All County Surveying, Inc.

Plot Date: 11-19-2018

RESOLUTION NO. 2019-9663-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, FINDING THAT THREE PROPERTIES AND TWO TEMPORARY CONSTRUCTION EASEMENTS SITUATED IN THE BALDWIN ROBERTSON SURVEY, ABSTRACT NO. 17, BELL COUNTY, TEXAS, ARE NECESSARY FOR THE PROPOSED EXPANSION OF POISON OAK ROAD; AUTHORIZING THE USE OF EMINENT DOMAIN TO CONDEMN THE PROPERTIES PURSUANT TO GOVERNMENT CODE §2206.053; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is currently in the design phase for the proposed expansion of Poison Oak Road and the design requires the acquisition of right of way from thirty-two properties – twenty-nine of the thirty-two properties are owned by twenty-five private citizens or entities;

Whereas, the City has acquired eleven rights of way, is coordinating closings for two rights of way, and has reached an agreement for one right of way - Staff continues to actively negotiate with each of the remaining property owners in hopes of reaching agreement within the coming weeks;

Whereas, the City and two property owners have been unable to reach an agreement due to an impasse in negotiations or lack of owner response - one property will require a relocation, including an onsite business;

Whereas, appraisals were performed on all properties and the City has made offers to purchase based on the appraisals - for the property requiring relocation, a relocation study was conducted, and the results presented to the property owners;

Whereas, the properties needed are as follows:

Property 1: Being a 0.331-acre of right of way and being a 0.195-acre temporary construction easement, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, being a portion of a called 10.335-acre tract of land conveyed to Benjamin Cecil Reed in Volume 3398, Page 397, Official Public Records of Real Property, Bell County, Texas - the property is located along Poison Oak Road, Temple, Texas (Bell CAD ID No. 152275);

Property 2: Being a 0.171-acre of right of way and being a 0.110-acre temporary construction easement, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, being a portion of a called 10.335-acre tract of land conveyed to Benjamin Cecil Reed in Volume 3461, Page 644, Official Public Records of Real Property, Bell County, Texas - the property is located at 9100 Poison Oak Road, Temple, Texas (Bell CAD ID No. 152276);

Property 3: Being a 1.13-acre of right of way situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, being a portion of a tract of land conveyed to Theodore R. Johns and wife, Bernice Johns in Volume 1057, Page 164, Deed Records of Bell County, Texas - the property is located at 9009 Poison Oak Road, Temple, Texas (Bell CAD ID No. 55965);

Whereas, Staff requests, pursuant to Government Code § 2206.053, that Council authorize the use of the power of eminent domain to acquire the three properties and two temporary construction easements legally described above;

Whereas, funding for the purchase of three properties and two temporary construction easements is appropriated in Account No. 365-3400-531-6886, Project No. 101715; 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, three properties listed as:

Property 1: Being a 0.331-acre of right of way and being a 0.195-acre temporary construction easement, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, being a portion of a called 10.335-acre tract of land conveyed to Benjamin Cecil Reed in Volume 3398, Page 397, Official Public Records of Real Property, Bell County, Texas - the property is located along Poison Oak Road, Temple, Texas (Bell CAD ID No. 152275);

Property 2: Being a 0.171-acre of right of way and being a 0.110-acre temporary construction easement, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, being a portion of a called 10.335-acre tract of land conveyed to Benjamin Cecil Reed in Volume 3461, Page 644, Official Public Records of Real Property, Bell County, Texas - the property is located at 9100 Poison Oak Road, Temple, Texas (Bell CAD ID No. 152276);

Property 3: Being a 1.13-acres of right of way situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, being a portion of a tract of land conveyed to Theodore R. Johns and wife, Bernice Johns in Volume 1057, Page 164, Deed Records of Bell County, Texas - the property is located at 9009 Poison Oak Road, Temple, Texas (Bell CAD ID No. 55965);

Part 3: The City Council hereby finds and determines that the expansion of Poison Oak Road 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 16th day of **May**, 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

05/16/19
Item #8
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, City Manager

ITEM DESCRIPTION: Consider adopting a resolution accepting the 2030 Reinvestment Zone Master Plan.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In March 2017, the City Council approved a professional services agreement with Kasberg, Patrick, and Associates (KPA) to develop a 2030 Reinvestment Zone Master Plan.

The 2030 Reinvestment Zone Master Plan identifies four core planning principals that guided the development of the master plan: 1) economic vitality; 2) place making; 3) connectivity; and 4) public well-being.

The Master Plan includes the 6 districts within the Reinvestment Zone: 1) Industrial Park; 2) Corporate Campus; 3) Temple Regional Airport; 4) Downtown; 5) Temple Medical and Education District; and 6) Synergy Park.

The Plan identifies \$366,247,436 in proposed projects within the 6 districts.

FISCAL IMPACT: The total estimated cost for the projects identified in the 2030 Reinvestment Zone Master Plan is \$366,247,436. The projects will be reviewed and prioritized for consideration in future proposed Financing and Project Plans based on available funding sources.

ATTACHMENTS:

[2030 Master Plan
Resolution](#)

RESOLUTION NO. 2019-9664-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,
ACCEPTING THE 2030 REINVESTMENT ZONE MASTER PLAN; AND
PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in March 2017, Council approved a professional services agreement with Kasberg, Patrick & Associates, LP to develop a 2030 Reinvestment Zone Master Plan;

Whereas, the 2030 Reinvestment Zone Master Plan identifies four core planning principals that guided the development of the master plan: 1) economic vitality; 2) place making; 3) connectivity; and 4) public well-being;

Whereas, the 2030 Master Plan includes 6 districts within the Reinvestment Zone: 1) Industrial Park; 2) Corporate Campus; 3) Temple Regional Airport; 4) Downtown; 5) Temple Medical and Education District; and 6) Synergy Park;

Whereas, Staff recommends Council accept the 2030 Reinvestment Zone Master Plan attached hereto as Exhibit 'A,' and made a part hereof for all purposes;

Whereas, the total estimated cost for the projects identified in the 2030 Reinvestment Zone Master Plan is \$366,247,436 - those projects will be reviewed and prioritized for consideration in future proposed Financing and Project Plans based on available funding sources; 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 accepts the 2030 Reinvestment Zone Master Plan attached hereto as Exhibit 'A,' 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 **16th** day of **May**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney