



MEETING OF THE

TEMPLE CITY COUNCIL

MUNICIPAL BUILDING

2 NORTH MAIN STREET

3rd FLOOR – CONFERENCE ROOM

THURSDAY, AUGUST 15, 2019

1:30 P.M.

AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, August 15, 2019.
2. Receive a presentation on a talent and investment attraction brand and marketing study conducted in conjunction with the Temple Economic Development Corporation.
3. Discuss the City's purchasing and monetary guidelines.
4. Receive a presentation regarding the 3rd Quarter Financial results for Fiscal Year 2019.
5. Discuss possible amendments to the City's Code of Ordinances, Chapter 7 "Building".
6. Discuss the fiscal year 2020 Proposed Business Plan including, but not limited to the proposed strategic plan, financial plan, annual budget, capital improvement program, and annual work plan.
7. Receive a presentation on the 2019 Texas Legislative session and state law changes affecting cities.
8. Discuss the status of various right-of-way acquisitions.

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.

9. Enter into closed session under Texas Government Code Section 551.071(2) to consult with the City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551.

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. PUBLIC APPEARANCE

3. Receive comments from Keith Gaines regarding lack of oversight on construction project in the alley between Canyon Oak Court and Wickersham.

IV. BOND ITEMS

4. [2019-4983](#): FIRST & FINAL READING – PUBLIC HEARING – Consideration and action with respect to the "Seventh Supplemental Ordinance to the Master Ordinance Establishing the City of Temple, Texas Utility System Revenue Financing Program" related to the issuance of City of Temple, Texas Utility System Revenues Bonds, Series 2019.
5. [2019-4984](#): FIRST & FINAL READING – PUBLIC HEARING – Consideration and action with respect to an "Ordinance Authorizing the Issuance of \$18,450,000* City of Temple, Texas Combination Tax and Revenue Certificates of Obligation, Series 2019; Authorizing the Levy of an Ad Valorem Tax and the Pledge of Certain Revenues in Support of the Certificates; Approving an Official Statement and a Paying Agent/Registrar Agreement; Awarding the Sale of the Certificates; and Authorizing Other Matters Related to the Issuance of the Certificates.
6. [2019-4985](#): FIRST & FINAL READING – PUBLIC HEARING – Consider adopting an Ordinance authorizing the issuance of the City of Temple, Texas Limited Tax Notes, Series 2019; Authorizing the levy of an ad valorem tax in support of the notes; Approving an Official Statement and a Paying Agent/Registrar Agreement; Awarding the Sale of the Notes; and Authorizing other matters related to the issuance of the Notes.

V. BUDGET / PUBLIC HEARINGS

7. PUBLIC HEARING – Conduct the second of two public hearings to receive comments on the proposed tax rate of 67.27 cents per \$100 valuation for fiscal year 2020 (2019 tax year) and announce meeting to adopt the proposed tax rate on August 23, 2019.

VI. CONSENT AGENDA

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

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

Contracts, Leases, & Bids

- (A) [2019-9745-R](#): Consider adopting a resolution authorizing a construction contract with Sandor Construction, LLC of Salado for the construction of City Hall improvements, in the amount of \$38,473.
- (B) [2019-9746-R](#): Consider adopting a resolution authorizing professional services agreements to provide police escort services for various University football teams from Temple to McLane Stadium, Baylor University in Waco.
- (C) [2019-9747-R](#): Consider adopting a resolution authorizing a Community Enhancement Grant agreement with Zoe's Wings Foundation, Inc., for the Go East Temple program in an amount not to exceed \$30,799.
- (D) [2019-9748-R](#): Consider a resolution authorizing an interlocal agreement with the Temple Independent School District to provide school locations for after school latchkey programming.
- (E) [2019-9749-R](#): Consider adopting a resolution authorizing change order #1 to the Advanced Metering Infrastructure contract with Aqua-Metric Sales Company, in the amount of \$30,919.48.
- (F) [2019-9750-R](#): Consider adopting a resolution authorizing a change order with Bell Contractors, Inc. of Belton, in the amount of \$98,447.79 for construction of Phase 1 of the Williamson Creek Trunk Sewer Improvements.
- (G) [2019-9751-R](#): Consider adopting a resolution authorizing an amendment to Resolution 2018-9441-R to add 1.612 acres of excess right-of-way to the exchange of City-owned property pursuant to Local Government Code § 272.001(b)(3) for right-of-way necessary for the expansion of Old Howard Road and for the City to retain a 0.188-acre public utility easement.
- (H) [2019-9752-R](#): Consider adopting a resolution authorizing the purchase of a canine with associated training from US K9 Unlimited, Inc. of Kaplan, Louisiana, in the amount of \$16,800.

Misc.

- (I) [2019-9753-R](#): Consider adopting a resolution amending Resolution No. 2004-4025-R, Part2(d) "Qualifications of Applicants; Term limitations".
- (J) [2019-9754-R](#): Consider adopting a resolution approving third quarter financial results for Fiscal Year 2019.
- (K) [2019-9755-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2018-2019.

VII. REGULAR AGENDA

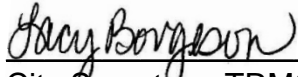
ORDINANCES

- 9. [2019-4986](#): FIRST READING – PUBLIC HEARING – FY-19-17-ZC: Consider adopting an ordinance approving a Conditional Use Permit with a Site Plan to allow a motorcycle sales and repair facility (Indian Motorcycles) on Lot 1, Block 1, Luby's Subdivision, addressed as 3925 South General Bruce Drive, and located within the I-35 Corridor Overlay Gateway sub-district.
- 10. [2019-4987](#): FIRST READING – PUBLIC HEARING – Consider adopting an ordinance amending the City's Code of Ordinances, Chapter 38, "Water, Sewers, and Sewage Disposal," to bring this Chapter into compliance with state regulations and current City regulations, policies, and practices, simplify and clarify language and terms, provide more effective enforcement tools, and make non-substantial modifications to the City's Pretreatment Ordinance and Program.

BOARD APPOINTMENTS

- 11. [2019-9756-R](#): Consider adopting a resolution authorizing the nomination of a member to serve on the Heart of Texas Defense Alliance Board of Directors.
- 12. [2019-9757-R](#): Consider adopting a resolution appointing one member to the Temple Economic Development Corporation Board of Directors.
- 13. [2019-9758-R](#): Consider adopting a resolution appointing members to the following City boards and commissions:
 - (A) Airport Advisory Board – five members to fill expiring terms through September 1, 2022;
 - (B) Animal Services Advisory Board – one member to fill an expiring term through September 1, 2022;
 - (C) Building & Standards Commission – one member to fill an unexpired term through March 1, 2021;
 - (D) Civil Service Commission - one member to fill an expiring term through September 1, 2022;
 - (E) Library Board – three members to fill expiring terms through September 1, 2022; and one member to fill an unexpired term through September 1, 2020;
 - (F) Planning & Zoning Commission – three members to fill expiring terms through September 1, 2022;
 - (G) Reinvestment Zone No. 1 Board of Directors – nine members to fill expiring terms through September 1, 2021;
 - (H) Temple Public Safety Advisory Board – five members to fill expiring terms through September 1, 2022.
- 14. Receive comments from Councilmember Long regarding Chapter 6, "Animals".

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 4:45 pm, on Friday, August 9, 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

08/15/19
Item #3
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Timothy A. Davis, Mayor

ITEM DESCRIPTION: Receive public comments from Keith Gaines regarding lack of oversight on construction project in the alley between Canyon Oak Court and Wickersham.

STAFF RECOMMENDATION: Receive comments as presented in item description.

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

FISCAL IMPACT: None

ATTACHMENTS:

[Requests for placement on agenda](#)



CITY OF TEMPLE, TEXAS

CITY COUNCIL MEETINGS

RECEIVED

AUG 05 2019

CITY OF TEMPLE
CITY SECRETARY

REQUEST FOR PLACEMENT ON AGENDA

___Priority

NAME OF PRESENTER: Keith Gaines

ADDRESS: 2707 Canyon Oak Ct.

TELEPHONE NO. (254) 624-3564

DATE REQUESTED TO APPEAR BEFORE THE COUNCIL: (Note – The City Council meets the first and third Thursdays of each month.) Aug 15, 2019

SUBJECT TO BE PRESENTED: (Your description must identify the subject matter of your appearance in sufficient detail to alert the public what topic you will discuss and what action you are requesting by the Council.) _____

LACK OF OVERSIGHT ON CONSTRUCTION

PROJECT IN THE ALLEY BETWEEN CANTON

OAK COURT & WICKERSHAM

Note: Separate requests must be completed for each subject presented.

I, the above identified presenter, have read the procedures for public appearances before the City Council of the City of Temple, Texas, and will abide by these procedures.

KGaines
SIGNATURE OF PRESENTER

8/5/19
DATE

For Office Use:



COUNCIL AGENDA ITEM MEMORANDUM

08/15/19
Item #4
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: FIRST & FINAL READING – PUBLIC HEARING – Consideration and action with respect to the "Seventh Supplemental Ordinance to the Master Ordinance Establishing the City of Temple, Texas Utility System Revenue Financing Program" related to the issuance of City of Temple, Texas Utility System Revenues Bonds, Series 2019.

STAFF RECOMMENDATION: Adopt ordinance as presented in item description.

ITEM SUMMARY: This item is to award the sale of \$22,000,000* to the lowest responsible bidder of this series of bonds.

The proceeds of the bonds will be used for the purpose of (i) paying costs of acquiring, purchasing, constructing, improving, renovating, enlarging or equipping the City's Utility System and (ii) paying the costs of issuing such Bonds. Specific major project construction and improvements for which the proceeds will be used are as follows:

Project #	Project Description	Amount
101922 & 101992	Sanitary Sewer Evaluation Surveys (SSES) and Remediation Plans	\$ 2,000,000
101948	Pepper Creek Elevated Storage Tank	2,900,000
101081	Leon River Interceptor, Phase II {Design and ROW}	1,020,000
100608	Charter Oak Water Line, Phase II	3,000,000
101628	WTP Improvements, Task 4 (Dredging)	325,000
101933	Bird Creek Interceptor, Phase IV	12,000,000
	Contingency / Placeholder	755,000
Total		\$ 22,000,000

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

The bids for the bonds will be received on August 15, 2019. City Council will consider an Ordinance authorizing the award of the Utility System Revenue Bonds to the Purchaser.

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

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

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

Ratings for the bonds have been applied for Standard & Poor's. The ratings are scheduled to published on Monday, August 12, 2019.

Funds will be delivered to our depository for use on September 10, 2019.

FISCAL IMPACT: The par amount of the bonds will be \$22,000,000* and a maximum maturity of not greater than 20 years. The estimated annual debt service for the bonds is \$1,492,500. The current water and waste water rates will support the debt service for the issue.

The Adopted FY 2019 included an appropriation of \$787,818 for a debt service payment on this series of bonds. Based on project readiness, the bonds are being issued later in the year and will not have a debt service payment in FY 2019.

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

ATTACHMENTS:
[Ordinance](#)

CERTIFICATE FOR ORDINANCE NO. 2019-4983

THE STATE OF TEXAS
COUNTY OF BELL
CITY OF TEMPLE

The undersigned City Secretary of the City of Temple, Texas (the "City"), hereby certifies as follows:

1. The City Council of the City convened in a REGULARLY SCHEDULED MEETING ON THE 15TH DAY OF AUGUST, 2019, at the designated meeting place (the "Meeting"), and the roll was called of the duly constituted officers and members of the Council, to-wit:

Tim Davis - Mayor
Jessica Walker - Councilmember District 1
Judy Morales - Councilmember District 2 (Mayor Pro-Tem)
Susan Long - Councilmember District 3
Wendell Williams – Councilmember District 4

and all of the persons were present, except the following absentees: _____, thus constituting a quorum. Whereupon, among other business, the following was transacted at the Meeting: a written

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

was duly introduced for the consideration of the City Council. It was then duly moved and seconded that the Ordinance be passed; and, after due discussion, said motion carrying with it the passage of the Ordinance, prevailed and carried by the following vote:

AYES: _____

NOES: _____

2. A true, full and correct copy of the Ordinance passed at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; that the Ordinance has been duly recorded in the City Council's minutes of the Meeting; that the above and foregoing paragraph is a true, full and correct excerpt from the City Council's minutes of the Meeting pertaining to the passage of the Ordinance; that the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting city officials as indicated therein; that each of the elected officials and members of the City Council was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the Meeting, and that the Ordinance would be introduced and considered for passage at the Meeting, and each of the elected officials and

members consented, in advance, to the holding of the Meeting for such purpose, and that the Meeting was open to the public and public notice of the time, place and purpose of the meeting was given, all as required by Chapter 551, Government Code, as amended.

3. The Mayor of the City has approved and hereby approves the Ordinance and the Mayor and the City Secretary of the City have duly signed the Ordinance.

SIGNED AND SEALED this August 15, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney

(SEAL)



COUNCIL AGENDA ITEM MEMORANDUM

08/15/19
Item #5
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: FIRST & FINAL READING – PUBLIC HEARING – Consideration and action with respect to an "Ordinance Authorizing the Issuance of \$18,450,000* City of Temple, Texas Combination Tax and Revenue Certificates of Obligation, Series 2019; Authorizing the Levy of an Ad Valorem Tax and the Pledge of Certain Revenues in Support of the Certificates; Approving an Official Statement and a Paying Agent/Registrar Agreement; Awarding the Sale of the Certificates; and Authorizing Other Matters Related to the Issuance of the Certificates.

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

ITEM SUMMARY: This item is to award the sale of \$18,450,000* to the lowest responsible bidder of this series of certificates of obligation.

The FY 2019 Adopted Budget includes the seventh year of a multi-year Transportation Capital Improvement Program (TCIP) and recommends expansion of the program from the original scope of work to include funding for additional projects that have been identified as high-priority needs since the original program began. The project areas identified in the TCIP are intended to address both the need to improve our existing transportation infrastructure and provide new capacity and connectivity. These additions will expand the TCIP from the existing \$140,258,343 effort to a \$145,764,000 program. The FY 2019 Budget also includes an allocation to fund the purchase of land for City purposes and buildings located at 1701 North General Bruce Drive.

The proceeds can be used for the purpose of paying contractual obligations incurred or to be incurred by the City for:

- Constructing, improving, extending, expanding, upgrading and/or developing streets, roads, bridges, trails, sidewalks, intersections, traffic signalization and other transportation improvement projects including related water, wastewater and drainage improvements, signage, landscaping, irrigation, purchasing any necessary rights-of-way and other related transportation costs including Poison Oak Road Improvements and Kegley Road Improvements,

- Acquisition of land for City purposes and buildings located at 1701 North General Bruce Drive including any construction, renovation, demolition and equipment costs related to such land and buildings; and
- Professional services including fiscal, engineering, architectural and legal fees and other such costs incurred in connection therewith including the costs of issuing the Certificates.

The certificates of obligation are scheduled for Council consideration and award to the lowest bidder on Thursday, August 15, 2019.

Standard & Poor's Ratings Services assigned its 'AA' rating and stable outlook to Temple, Texas' series 2019 combination tax and revenue certificates of obligation. The ratings were published August 7, 2019.

The certificate of obligations will be sold through a competitive sale. Pricing will be received on the morning of August 15, 2019. The pricing will be held until the meeting on Thursday evening when Council considers the lowest responsible bidder.

The City's financial advisor, Specialized Public Finance Inc., and bond counsel, McCall, Parkhurst & Horton, L.L.P, will be present at the meeting to review details of the bids and recommended award with Council. The Council will consider the offers and award based on the recommendation.

Funds will be delivered to our depository on September 10, 2019.

FISCAL IMPACT: The FY 2019 Adopted Budget includes the seventh year of a multi-year Transportation Capital Improvement Program (TCIP) totaling \$145,764,000. The TCIP plan included the issuance of \$42,445,000 in CO's for FY 2019. The planned issuance was reduced to \$18,450,000 due to project readiness.

The implementation and financing plan recommended for the TCIP is a phased approach which groups projects in packages with design and right-of-way acquisition funded first and, in most cases, construction funded in the following package. The phased approach allows for the allocation of construction funds only when projects are ready, minimizes and stabilizes the tax rate impact, maximizes opportunity for tax base growth; and allows for the balancing of debt amortization. This approach allowed for the addition of the funding for the purchase of the property located at 1701 North General Bruce Drive.

The current interest and sinking tax rate .3630 will support the debt service for the proposed issue of CO's. The phasing of projects and associated financing enables evaluation of the program from year to year and allows us to pause or adjust the program as needed.

***The issue size is preliminary and will be sized at the time of pricing.**

ATTACHMENTS:
[Ordinance](#)

ORDINANCE NO. 2019-4984

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE ISSUANCE OF CITY OF TEMPLE, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2019; AUTHORIZING THE LEVY OF AN AD VALOREM TAX AND THE PLEDGE OF CERTAIN REVENUES IN SUPPORT OF THE CERTIFICATES; APPROVING AN OFFICIAL STATEMENT AND A PAYING AGENT/REGISTRAR AGREEMENT; AWARDING THE SALE OF THE CERTIFICATES; AND AUTHORIZING OTHER MATTERS RELATED TO THE ISSUANCE OF THE CERTIFICATES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

THE STATE OF TEXAS '
COUNTY OF BELL '
CITY OF TEMPLE '

Whereas, the City Council of the City of Temple, Texas (the "City") deems it advisable to issue certificates of obligation in the amount of \$_____ (the "Certificates") and finds that the payment in whole or in part of contractual obligations are incurred or to be incurred for: (1) constructing, improving, extending, expanding, upgrading and/or developing streets, roads, bridges, trails, sidewalks, intersections, traffic signalization and other transportation improvement projects including related water, wastewater and drainage improvements, signage, landscaping, irrigation, purchasing any necessary rights-of-way and other related transportation costs including Poison Oak Road Improvements and Kegley Road Improvements; (2) acquisition of land and buildings for City purposes located at 1701 North General Bruce Drive including any construction, renovation, demolition and equipment costs related to such land and buildings; and (3) professional services including fiscal, engineering, architectural and legal fees and other such costs incurred in connection therewith including the costs of issuing the Certificates; and

Whereas, the Certificates hereinafter authorized and designated are to be issued and delivered for cash pursuant to Subchapter C of Chapter 271, Texas Local Government Code, as amended, and Section 1502.052, Texas Government Code, as amended; and

Whereas, on July 11, 2019 the City Council passed a resolution authorizing and directing the City Secretary to give notice of intention to issue the Certificates; and

Whereas, the notice was published on July 14, 2019 and July 21, 2019 in the *Temple Daily Telegram*, a newspaper of general circulation in the City and a "newspaper" as defined in Section 2051.044, Government Code; and

Whereas, the City has not received a petition from the qualified electors of the City protesting the issuance of the Certificates; and

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

Whereas, it is considered to be in the best interest of the City that the interest-bearing Certificates be issued.

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

Part 1: RECITALS, AMOUNT AND PURPOSE OF THE CERTIFICATES. Recitals and Purpose. The recitals set forth in the preamble hereof are incorporated by reference herein and shall have the same force and effect as if set forth in this Section. The certificates of the City of Temple, Texas (the "City") are hereby authorized to be issued and delivered in the aggregate principal amount of \$_____ (the "Certificates") for the purpose of paying contractual obligations incurred or to be incurred for: (1) constructing, improving, extending, expanding, upgrading and/or developing streets, roads, bridges, trails, sidewalks, intersections, traffic signalization and other transportation improvement projects including related water, wastewater and drainage improvements, signage, landscaping, irrigation, purchasing any necessary rights-of-way and other related transportation costs including Poison Oak Road Improvements and Kegley Road Improvements; (2) acquisition of land and buildings for City purposes located at 1701 North General Bruce Drive including any construction, renovation, demolition and equipment costs related to such land and buildings; and (3) professional services including fiscal, engineering, architectural and legal fees and other such costs incurred in connection therewith including the costs of issuing the Certificates.

Part 2: DESIGNATION, DATE, DENOMINATIONS, NUMBERS, AND MATURITIES OF CERTIFICATES. Each Certificate issued pursuant to this Ordinance shall be designated: "CITY OF TEMPLE, TEXAS COMBINATION TAX AND REVENUE CERTIFICATE OF OBLIGATION, SERIES 2019", and initially there shall be issued, sold, and delivered hereunder fully registered certificates, without interest coupons, dated September 10, 2019 in the respective denominations and principal amounts hereinafter stated, numbered consecutively from R-1 upward (except the initial Certificate delivered to the Attorney General of the State of Texas which shall be numbered T-1), payable to the respective initial registered owners thereof (as designated in Section 12 hereof), or to the registered assignee or assignees of said certificates or any portion or portions thereof (in each case, the "Registered Owner"), and said certificates shall mature and be payable serially on August 1 in each of the years and in the principal amounts, respectively, as set forth in the following schedule:

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

The term "Certificates" as used in this Ordinance shall mean and include collectively the Certificates initially issued and delivered pursuant to this Ordinance and all substitute Certificates exchanged therefor, as well as all other substitute certificates and replacement Certificates issued pursuant hereto, and the term "Certificate" shall mean any of the Certificates.

Part 3: INTEREST. The Certificates scheduled to mature during the years, respectively, set forth below shall bear interest from the dates specified in the FORM OF CERTIFICATE set forth in this Ordinance to their respective dates of maturity or redemption prior to maturity at the following rates per annum:

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

Interest shall be payable in the manner provided and, on the dates, stated in the FORM OF CERTIFICATE set forth in this Ordinance.

Part 4: CHARACTERISTICS OF THE CERTIFICATES. (a) Registration, Transfer, Conversion and Exchange; Authentication. The City shall keep or cause to be kept at The Bank of New York Mellon Trust Company, N.A., (the "Paying Agent/Registrar") books or records for the registration of the transfer, conversion and exchange of the Certificates (the "Registration Books"), and the City hereby appoints the Paying Agent/Registrar as its registrar and transfer agent to keep such books or records and make such registrations of transfers, conversions and exchanges under such reasonable regulations as the City and Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such registrations, transfers, conversions and exchanges as herein provided. The Paying Agent/Registrar shall obtain and record in the Registration Books the address of the Registered Owner of each Certificate to which payments with respect to the Certificates shall be mailed, as herein provided; but it shall be the duty of each Registered Owner to notify the Paying Agent/Registrar in writing of the address to which payments shall be mailed, and such interest payments shall not be mailed unless such notice has been given. The City shall have the right to inspect the Registration Books during regular business hours of the Paying Agent/Registrar, but otherwise the Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any other entity. The Paying Agent/Registrar shall make the Registration Books available within the State of Texas. The City shall pay the Paying Agent/Registrar's standard or customary fees and charges for making such registration, transfer, conversion, exchange and delivery of a substitute Certificate or Certificates. Registration of assignments, transfers, conversions and exchanges of Certificates shall be made in

the manner provided and with the effect stated in the FORM OF CERTIFICATE set forth in this Ordinance. Each substitute Certificate shall bear a letter and/or number to distinguish it from each other Certificate.

Except as provided in Section 4(c) of this Ordinance, an authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Certificate, date and manually sign said Certificate, and no such Certificate shall be deemed to be issued or outstanding unless such Certificate is so executed. The Paying Agent/Registrar promptly shall cancel all paid Certificates and Certificates surrendered for conversion and exchange. No additional ordinances, orders, or resolutions need be passed or adopted by the governing body of the City or any other body or person so as to accomplish the foregoing conversion and exchange of any Certificate or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution, and delivery of the substitute Certificates in the manner prescribed herein, and said Certificates shall be printed or typed on paper of customary weight and strength. Pursuant to Chapter 1201, Texas Government Code, as amended, and particularly Subchapter D thereof, the duty of conversion and exchange of Certificates as aforesaid is hereby imposed upon the Paying Agent/Registrar, and, upon the execution of said Certificate, the converted and exchanged Certificate shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Certificates which initially were issued and delivered pursuant to this Ordinance, approved by the Attorney General and registered by the Comptroller of Public Accounts.

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

(c) In General. The Certificates (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on such Certificates to be payable only to the Registered Owners thereof, (ii) may be redeemed prior to their scheduled maturities (notice of which shall be given to the Paying Agent/Registrar by the City at least 45 days prior to any such redemption date), (iii) may be converted and exchanged for other Certificates, (iv) may be transferred and assigned, (v) shall have the characteristics, (vi) shall be signed, sealed, executed and authenticated, (vii) the principal of and interest on the Certificates shall be payable, and (viii) shall be administered and the Paying Agent/Registrar and the City shall have certain duties and responsibilities with respect to the Certificates, all as provided, and in the manner and to the effect as required or indicated, in the FORM OF CERTIFICATE set forth in this Ordinance. The Certificates initially issued and delivered pursuant to this Ordinance are not required to be, and shall not be, authenticated by the Paying Agent/Registrar, but on each substitute Certificate issued in conversion of and exchange for any Certificate or Certificates issued under this Ordinance the Paying Agent/Registrar shall execute the PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE, in the form set forth in the FORM OF CERTIFICATE.

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

(e) Book-Entry-Only System. The Certificates issued in exchange for the Certificates initially issued as provided in Section 4(h) shall be issued in the form of a separate single fully registered Certificate for each of the maturities thereof registered in the name of Cede & Co. as nominee of DTC and except as provided in subsection (f) hereof, all of the Outstanding Certificates shall be registered in the name of Cede & Co., as nominee of DTC.

With respect to Certificates registered in the name of Cede & Co., as nominee of DTC, the City and the Paying Agent/Registrar shall have no responsibility or obligation to any securities brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC participants (the "DTC Participant") or to any person on behalf of whom such a DTC Participant holds an interest in the Certificates. Without limiting the immediately preceding sentence, the City and the Paying Agent/Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Certificates, (ii) the delivery to any DTC participant or any other person, other than a Registered Owner, as shown on the Registration Books, of any notice with respect to the Certificates, including any notice of redemption, or (iii) the payment to any DTC Participant or any person, other than a Registered Owner, as shown on the Registration Books of any amount with respect to principal of, premium, if any, or interest on the Certificates. Notwithstanding any other provision of this Ordinance to the contrary, but to the extent permitted by law, the City and the Paying Agent/Registrar shall be entitled to treat and consider the person in whose name each Certificate is registered in the Registration Books as the absolute owner of such Certificate for the purpose of payment of principal, premium, if any, and interest, with respect to such Certificate, for the purposes of registering transfers with respect to such Certificates, and for all other purposes of registering transfers with respect to such Certificates, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all

principal of, premium, if any, and interest on the Certificates only to or upon the order of the respective Registered Owners, as shown in the Registration Books as provided in the Ordinance, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to payment of principal of, premium, if any, and interest on the Certificates to the extent of the sum or sums so paid. No person other than a Registered Owner, as shown in the Registration Books, shall receive a Certificate evidencing the obligation of the City to make payments of principal, premium, if any, and interest pursuant to the Ordinance. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Ordinance with respect to interest checks being mailed to the registered owner at the close of business on the Record Date the word "Cede & Co." in this Ordinance shall refer to such new nominee of DTC.

(f) Successor Securities Depository; Transfer Outside Book-Entry-Only System. In the event that the City determines to discontinue the book-entry system through DTC or a successor or DTC determines to discontinue providing its services with respect to the Certificates, the City shall either (i) appoint a successor securities depository, qualified to act as such under Section 17(a) of the Securities and Exchange Act of 1934, as amended, notify DTC and DTC Participants of the appointment of such successor securities depository and transfer one or more separate Certificates to such successor securities depository or (ii) notify DTC and DTC Participants of the availability through DTC of Certificates and transfer one or more separate Certificates to DTC Participants having Certificates credited to their DTC accounts. In such event, the Certificates shall no longer be restricted to being registered in the Registration Books in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names Registered Owner transferring or exchanging Certificates shall designate, in accordance with the provisions of this Ordinance.

(g) Payments to Cede & Co. Notwithstanding any other provision of this Ordinance to the contrary, so long as any Certificate is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of, premium, if any, and interest on such Certificate and all notices with respect to such Certificate shall be made and given, respectively, in the manner provided in the Blanket Representation of the City to DTC.

(h) Initial Certificate. The Certificates herein authorized shall be initially issued as fully registered certificates, being one certificate for each maturity in the denomination of the applicable principal amount and the initial Certificate shall be registered in the name of the purchaser or the designees thereof as set forth in Section 12 hereof. The initial Certificate shall be the Certificate submitted to the Office of the Attorney General of the State of Texas for approval, certified and registered by the Office of the Comptroller of Public Accounts of the State of Texas and delivered to the Initial Purchaser. Immediately after the delivery of the initial Certificate, the Paying Agent/Registrar shall cancel the initial Certificate delivered hereunder and exchange therefor Certificates in the form of a separate single fully registered Certificate for each of the maturities thereof registered in the name of Cede & Co., as nominee of DTC and except as provided in Section 4(f), all of the outstanding Certificates shall be registered in the name of Cede & Co., as nominee of DTC.

Part 5: FORM OF CERTIFICATE. The form of the Certificate, including the form of Paying Agent/Registrar's Authentication Certificate, the form of Assignment and the form of Registration Certificate of the Comptroller of Public Accounts of the State of Texas to be attached to

the Certificates initially issued and delivered pursuant to this Ordinance, shall be, respectively, substantially as follows, with such appropriate variations, omissions or insertions as are permitted or required by this Ordinance.

FORM OF CERTIFICATE

NO. R-	UNITED STATES OF AMERICA STATE OF TEXAS COUNTY OF BELL CITY OF TEMPLE, TEXAS COMBINATION TAX AND REVENUE CERTIFICATE OF OBLIGATION SERIES 2019	PRINCIPAL AMOUNT \$_____
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<u>INTEREST RATE</u>	<u>DATE OF CERTIFICATES</u> _____, 2019	<u>MATURITY DATE</u>	<u>CUSIP NO.</u>
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REGISTERED OWNER:

PRINCIPAL AMOUNT: _____ **DOLLARS**

ON THE MATURITY DATE specified above, the CITY OF TEMPLE, in Bell County, Texas (the "City"), being a political subdivision of the State of Texas, hereby promises to pay to the Registered Owner set forth above, or registered assigns (hereinafter called the "Registered Owner") the principal amount set forth above, and to pay interest thereon from the initial date of delivery of the Certificates of _____, 2019, on _____, 2019 and semiannually on each _____ and _____ thereafter to the maturity date specified above, or the date of redemption prior to maturity, at the interest rate per annum specified above; except that if this Certificate is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such principal amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Certificate or Certificates, if any, for which this Certificate is being exchanged or converted from is due but has not been paid, then this Certificate shall bear interest from the date to which such interest has been paid in full. Notwithstanding the foregoing, during any period in which ownership of the Certificates is determined only by a book entry at a securities depository for the Certificates, any payment to the securities depository, or its nominee or registered assigns, shall be made in accordance with existing arrangements between the City and the securities depository.

THE PRINCIPAL OF AND INTEREST ON this Certificate are payable in lawful money of the United States of America, without exchange or collection charges. The principal of this Certificate shall be paid to the Registered Owner hereof upon presentation and surrender of this Certificate at maturity, or upon the date fixed for its redemption prior to maturity, at The Bank of New York Mellon Trust Company, N.A., which is the "Paying Agent/Registrar" for this Certificate at their office in Dallas, Texas (the "Designated Payment/Transfer Office"). The payment of interest

on this Certificate shall be made by the Paying Agent/Registrar to the Registered Owner hereof on each interest payment date by check or draft, dated as of such interest payment date, drawn by the Paying Agent/Registrar on, and payable solely from, funds of the City required by the ordinance authorizing the issuance of this Certificate (the "Certificate Ordinance") to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided; and such check or draft shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, on each such interest payment date, to the Registered Owner hereof, at its address as it appeared on the 15th day of the month next preceding each such date (the "Record Date") on the registration books kept by the Paying Agent/Registrar (the "Registration Books"). In addition, interest may be paid by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Registered Owner. In the event of a non-payment of interest on a scheduled payment date, and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each owner of a Certificate appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice. Notwithstanding the foregoing, during any period in which ownership of the Certificates is determined only by a book entry at a securities depository for the Certificates, payments made to the securities depository, or its nominee, shall be made in accordance with arrangements between the City and the securities depository.

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

ANY ACCRUED INTEREST due at maturity or upon the redemption of this Certificate prior to maturity as provided herein shall be paid to the Registered Owner upon presentation and surrender of this Certificate for redemption and payment at the Designated Payment/Transfer Office of the Paying Agent/Registrar. The City covenants with the Registered Owner of this Certificate that on or before each principal payment date, interest payment date, and accrued interest payment date for this Certificate it will make available to the Paying Agent/Registrar, from the "Interest and Sinking Fund" created by the Certificate Ordinance, the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Certificates, when due.

IF THE DATE for the payment of the principal of or interest on this Certificate shall be a Saturday, Sunday, a legal holiday or a day on which banking institutions in the city where the principal corporate trust office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

THIS CERTIFICATE is one of a Series of Certificates dated September 10, 2019, authorized in accordance with the Constitution and laws of the State of Texas in the principal

amount of \$_____ (the "Certificates") for the purpose of paying contractual obligations incurred or to be incurred for: (1) constructing, improving, extending, expanding, upgrading and/or developing streets, roads, bridges, trails, sidewalks, intersections, traffic signalization and other transportation improvement projects including related water, wastewater and drainage improvements, signage, landscaping, irrigation, purchasing any necessary rights-of-way and other related transportation costs including Poison Oak Road Improvements and Kegley Road Improvements; (2) acquisition of land and buildings for City purposes located at 1701 North General Bruce Drive including any construction, renovation, demolition and equipment costs related to such land and buildings; and (3) professional services including fiscal, engineering, architectural and legal fees and other such costs incurred in connection therewith including the costs of issuing the Certificates.

ON AUGUST 1, 20__ or on any date thereafter, the Certificates of this Series maturing on and after **August 1, 20__** may be redeemed prior to their scheduled maturities, at the option of the City, with funds derived from any available and lawful source, at par plus accrued interest to the date fixed for redemption as a whole, or in part, and, if in part, the particular maturities to be redeemed shall be selected and designated by the City and if less than all of a maturity is to be redeemed, the Paying Agent/Registrar shall determine by lot the Certificates, or a portion thereof, within such maturity to be redeemed (provided that a portion of a Certificate may be redeemed only in an integral multiple of \$5,000).

NO LESS THAN 30 days prior to the date fixed for any such redemption, the City shall cause the Paying Agent/Registrar to send notice by United States mail, first-class postage prepaid to the Registered Owner of each Certificate to be redeemed at its address as it appeared on the Registration Books of the Paying Agent/Registrar at the close of business on the 45th day prior to the redemption date and to major securities depositories, national bond rating agencies and bond information services; provided, however, that the failure to send, mail or receive such notice, or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Certificates. By the date fixed for any such redemption due provision shall be made with the Paying Agent/Registrar for the payment of the required redemption price for the Certificates or portions thereof which are to be so redeemed. If due provision for such payment is made, all as provided above, the Certificates or portions thereof which are to be so redeemed thereby automatically shall be treated as redeemed prior to their scheduled maturities, and they shall not bear interest after the date fixed for redemption, and they shall not be regarded as being outstanding except for the right of the Registered Owner to receive the redemption price from the Paying Agent/Registrar out of the funds provided for such payment. If a portion of any Certificate shall be redeemed a substitute Certificate or Certificates having the same maturity date, bearing interest at the same rate, in any denomination or denominations in any integral multiple of \$5,000, at the written request of the Registered Owner, and in aggregate principal amount equal to the unredeemed portion thereof, will be issued to the Registered Owner upon the surrender thereof for cancellation, at the expense of the City, all as provided in the Certificate Ordinance.

WITH RESPECT TO any optional redemption of the Certificates, unless certain prerequisites to such redemption required by the Certificate Ordinance have been met and moneys sufficient to pay the principal of and premium, if any, and interest on the Certificates to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice shall state that said redemption may, at the option of the City, be conditional upon the satisfaction of such prerequisites and receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon any prerequisite set forth in such notice of

redemption. If a conditional notice of redemption is given and such prerequisites to the redemption and sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Certificates and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Bonds have not been redeemed.

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

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

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

IT IS HEREBY certified, recited and covenanted that this Certificate has been duly and validly authorized, issued and delivered; that all acts, conditions and things required or proper to be performed, exist and be done precedent to or in the authorization, issuance and delivery of this Certificate have been performed, existed and been done in accordance with law; that annual ad

valorem taxes sufficient to provide for the payment of the interest on and principal of this Certificate, as such interest comes due and such principal matures, have been levied and ordered to be levied against all taxable property in said City, and have been pledged for such payment, within the limit prescribed by law, and that this Certificate, together with other obligations of the City, is additionally secured by and payable from the surplus revenues of the City's Waterworks and Sewer System, remaining after payment of all operation and maintenance expenses thereof, and all debt service, reserve and other requirements in connection with all of the City's revenue bonds or other obligations (now or hereafter outstanding), which are payable from all or part of the Net Revenues of the City's Waterworks and Sewer System, which amount shall not exceed \$10,000 all as provided in the Certificate Ordinance.

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

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

Lacy Borgeson, City Secretary

TIMOTHY A. DAVIS, Mayor

(SEAL)

FORM OF PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

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

It is hereby certified that this Certificate has been issued under the provisions of the Certificate Ordinance described in the text of this Certificate; and that this Certificate has been issued in conversion or replacement of, or in exchange for, a certificate, certificates, or a portion of a certificate or certificates of a Series which originally was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

Dated _____

**THE BANK OF NEW YORK MELLON
TRUST COMPANY, N.A.**
Paying Agent/Registrar

By _____
Authorized Representative

FORM OF ASSIGNMENT

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto

Please insert Social Security or Taxpayer
Identification Number of Transferee

(Please print or typewrite name and address,
including zip code, of Transferee)

the within Certificate and all rights thereunder, and hereby irrevocably constitutes and appoints
_____, attorney, to register the transfer of the within
Certificate on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

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

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

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

COMPTROLLER'S REGISTRATION CERTIFICATE: REGISTER NO.

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

Witness my signature and seal this _____.

Comptroller of Public Accounts
of the State of Texas

(COMPTROLLER'S SEAL)

INSERTIONS FOR THE INITIAL CERTIFICATE

The initial Certificate shall be in the form set forth in this Section, except that:

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

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

"ON THE MATURITY DATE SPECIFIED ABOVE, the City of Temple, Texas (the "City"), being a political subdivision, hereby promises to pay to the Registered Owner specified above, or registered assigns (hereinafter called the "Registered Owner"), on August 1 in each of the years, in the principal installments and bearing interest at the per annum rates set forth in the following schedule:

<u>Year</u>	<u>Amount</u>	<u>Rate</u>
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(Information from Sections 2 and 3 to be inserted)

The City promises to pay interest on the unpaid principal amount hereof (calculated on the basis of a 360-day year of twelve 30-day months) from the date of initial delivery of the Certificates at the respective Interest Rate per annum specified above. Interest is payable on _____, 2019 and semiannually on each _____ and _____ thereafter to the date of payment of the principal installment specified above; except, that if this Certificate is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such principal amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Certificate or Certificates, if any, for which this Certificate is being exchanged is due but has not been paid, then this Certificate shall bear interest from the date to which such interest has been paid in full."

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

Part 6: INTEREST AND SINKING FUND. A special "Interest and Sinking Fund" is hereby created and shall be established and maintained by the City at an official depository bank of said City. Said Interest and Sinking Fund shall be kept separate and apart from all other funds and accounts of said City, and shall be used only for paying the interest on and principal of said Certificates. All ad valorem taxes levied and collected for and on account of said Certificates shall be deposited, as collected, to the credit of said Interest and Sinking Fund. During each year while any of said Certificates are outstanding and unpaid, the governing body of said City shall compute and ascertain a rate and amount of ad valorem tax which will be sufficient to raise and produce the money required to pay the interest on said Certificates as such interest comes due, and to provide and maintain a sinking fund adequate to pay the principal of said Certificates as such principal matures (but never less than 2% of the original principal amount of said Certificates as a sinking fund each year); and said tax shall be based on the latest approved tax rolls of said City, with full allowances being made for tax delinquencies and the cost of tax collection. Said rate and amount of ad valorem tax is hereby levied, and is hereby ordered to be levied, against all taxable property in said City, for each year while any of said Certificates are outstanding and unpaid, and said tax shall be assessed and collected each such year and deposited to the credit of the aforesaid Interest and Sinking Fund. Said ad valorem taxes sufficient to provide for the payment of the interest on and principal of said Certificates, as such interest comes due and such principal matures, are hereby pledged for such payment, within the limit prescribed by law. Accrued interest on the Certificates shall be deposited in the Interest and Sinking Fund and used to pay interest on the Certificates.

Part 7: REVENUES. The Certificates together with other obligations of the City, are additionally secured by and shall be payable from and secured by the surplus revenues of the City's Waterworks and Sewer System, after payment of all operation and maintenance expenses or collections thereof, and all debt service, reserve, and other requirements in connection with all of the City's revenue bonds or other obligations (now or hereafter outstanding) which are payable from all or any part of the net revenues of the City's Waterworks and Sewer System, with such amount not exceeding \$10,000, constituting "Surplus Revenues." The City shall deposit such Surplus Revenues to the credit of the Interest and Sinking Fund created pursuant to Section 6, to the extent necessary to pay the principal and interest on the Certificates. Notwithstanding the requirements of Section 6, if Surplus Revenues or other lawfully available funds are actually on deposit or budgeted for deposit in the Interest and Sinking Fund in advance of the time when ad valorem taxes are scheduled to be levied for any year, then the amount of taxes which otherwise would have been required to be levied pursuant to Section 6 may be reduced to the extent and by the amount of the Surplus Revenues or other lawfully available funds then on deposit in the Interest and Sinking Fund or budgeted for deposit therein.

The Mayor and the Director of Finance of the City are hereby ordered to do any and all things necessary to accomplish the transfer of monies to the Interest and Sinking Fund of this issue in ample time to pay such items of principal and interest.

Part 8: DEFEASANCE OF CERTIFICATES. (a) Any Certificate and the interest thereon shall be deemed to be paid, retired and no longer outstanding (a "Defeased Certificate") within the meaning of this Ordinance, except to the extent provided in subsections (c) and (e) of this Section, when payment of the principal of such Certificate, plus interest thereon to the due date or dates (whether such due date or dates be by reason of maturity, upon redemption, or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof (including the giving of any required notice of redemption) or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to the Paying Agent/Registrar or a

commercial bank or trust company for such payment (1) lawful money of the United States of America sufficient to make such payment, (2) Defeasance Securities, certified by an independent public accounting firm of national reputation to mature as to principal and interest in such amounts and at such times as will ensure the availability, without reinvestment, of sufficient money to provide for such payment and when proper arrangements have been made by the City with the Paying Agent/Registrar or a commercial bank or trust company for the payment of its services until all Defeased Certificates shall have become due and payable or (3) any combination of (1) and (2). At such time as a Certificate shall be deemed to be a Defeased Certificate hereunder, as aforesaid, such Certificate and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the ad valorem taxes herein levied as provided in this Ordinance, and such principal and interest shall be payable solely from such money or Defeasance Securities.

(b) The deposit under clause (ii) of subsection (a) shall be deemed a payment of a Certificate as aforesaid when proper notice of redemption of such Certificates shall have been given, in accordance with this Ordinance. Any money so deposited with the Paying Agent/Registrar or a commercial bank or trust company as provided in this Section may at the discretion of the City Council also be invested in Defeasance Securities, maturing in the amounts and at the times as hereinbefore set forth, and all income from all Defeasance Securities in possession of the Paying Agent/Registrar or a commercial bank or trust company pursuant to this Section which is not required for the payment of such Certificate and premium, if any, and interest thereon with respect to which such money has been so deposited, shall be remitted to the City Council.

(c) Notwithstanding any provision of any other Section of this Ordinance which may be contrary to the provisions of this Section, all money or Defeasance Securities set aside and held in trust pursuant to the provisions of this Section for the payment of principal of the Certificates and premium, if any, and interest thereon, shall be applied to and used solely for the payment of the particular Certificates and premium, if any, and interest thereon, with respect to which such money or Defeasance Securities have been so set aside in trust. Until all Defeased Certificates shall have become due and payable, the Paying Agent/Registrar shall perform the services of Paying Agent/Registrar for such Defeased Certificates the same as if they had not been defeased, and the City shall make proper arrangements to provide and pay for such services as required by this Ordinance.

(d) Notwithstanding anything elsewhere in this Ordinance, if money or Defeasance Securities have been deposited or set aside with the Paying Agent/Registrar or a commercial bank or trust company pursuant to this Section for the payment of Certificates and such Certificates shall not have in fact been actually paid in full, no amendment of the provisions of this Section shall be made without the consent of the registered owner of each Certificate affected thereby.

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

As used in this section, "Defeasance Securities" means (i) Federal Securities, (ii) noncallable obligations of an agency or instrumentality of the United States of America, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date

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

Part 9: DAMAGED, MUTILATED, LOST, STOLEN, OR DESTROYED CERTIFICATES. (a) Replacement Certificates. In the event any outstanding Certificate is damaged, mutilated, lost, stolen or destroyed, the Paying Agent/Registrar shall cause to be printed, executed and delivered, a new certificate of the same principal amount, maturity and interest rate, as the damaged, mutilated, lost, stolen or destroyed Certificate, in replacement for such Certificate in the manner hereinafter provided.

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

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

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

(e) Authority for Issuing Replacement Certificates. In accordance with Subchapter D of Chapter 1201, Texas Government Code, this Section 9 of this Ordinance shall constitute authority for the issuance of any such replacement certificate without necessity of further action by the governing body of the City or any other body or person, and the duty of the replacement of such certificates is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver such Certificates in the form and manner and with the effect, as provided in Section 4(a) of this Ordinance for Certificates issued in conversion and exchange for other Certificates.

Part 10: CUSTODY, APPROVAL, AND REGISTRATION OF CERTIFICATES; BOND COUNSEL'S OPINION; CUSIP NUMBERS AND CONTINGENT INSURANCE PROVISION, IF OBTAINED. The Mayor of the City is hereby authorized to have control of the Certificates initially issued and delivered hereunder and all necessary records and proceedings pertaining to the Certificates pending their delivery and their investigation, examination, and approval by the Attorney General of the State of Texas, and their registration by the Comptroller of Public Accounts of the State of Texas. Upon registration of the Certificates said Comptroller of Public Accounts (or a deputy designated in writing to act for said Comptroller) shall manually sign the Comptroller's Registration Certificate attached to such Certificates, and the seal of said Comptroller shall be impressed, or placed in facsimile, on such Certificate. The approving legal opinion of the City's Bond Counsel and the assigned CUSIP numbers may, at the option of the City, be printed on the Certificates issued and delivered under this Ordinance, but neither shall have any legal effect, and shall be solely for the convenience and information of the Registered Owners of the Certificates. In addition, if bond insurance is obtained, the Certificates may bear an appropriate legend as provided by the insurer.

Part 11: COVENANTS REGARDING TAX EXEMPTION OF INTEREST ON THE CERTIFICATES. (a) Covenants. The City covenants to take any action necessary to assure, or refrain from any action which would adversely affect, the treatment of the Certificates as obligations described in section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the City covenants as follows:

(1) to take any action to assure that no more than 10 percent of the proceeds of the Certificates or the projects financed therewith (less amounts deposited to a reserve fund, if any) are used for any "private business use," as defined in section 141(b)(6) of the Code or, if more than 10 percent of the proceeds or the projects financed therewith are so used, such amounts, whether or not received by the City, with respect to such private business use, do not, under the terms of this Order or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Certificates, in contravention of section 141(b)(2) of the Code;

(2) to take any action to assure that in the event that the "private business use" described in subsection (1) hereof exceeds 5 percent of the proceeds of the Certificates or the projects financed therewith (less amounts deposited into a reserve fund, if any) then the amount in excess of 5 percent is used for a "private business use" which is "related" and not "disproportionate," within the meaning of section 141(b)(3) of the Code, to the governmental use;

(3) to take any action to assure that no amount which is greater than the lesser of \$5,000,000, or 5 percent of the proceeds of the Certificates (less amounts deposited into a

reserve fund, if any) is directly or indirectly used to finance loans to persons, other than state or local governmental units, in contravention of section 141(c) of the Code;

(4) to refrain from taking any action which would otherwise result in the Certificates being treated as "private activity Certificates" within the meaning of section 141(b) of the Code;

(5) to refrain from taking any action that would result in the Certificates being "federally guaranteed" within the meaning of section 149(b) of the Code;

(6) to refrain from using any portion of the proceeds of the Certificates, directly or indirectly, to acquire or to replace funds which were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) which produces a materially higher yield over the term of the Certificates, other than investment property acquired with --

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

(B) amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the Treasury Regulations, and

(C) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed 10 percent of the proceeds of the Certificates;

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

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

(9) to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Certificates) an amount that is at least equal to 90 percent of the "Excess Earnings," within the meaning of section 148(f) of the Code and to pay to the United States of America, not later than 60 days after the Certificates have been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code.

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

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

(d) Allocation Of, and Limitation On, Expenditures for the Project. The City covenants to account for the expenditure of sale proceeds and investment earnings to be used for the purposes described in Section 1 of this Order (the "Project") on its books and records in accordance with the requirements of the Internal Revenue Code. The City recognizes that in order for the proceeds to be considered used for the reimbursement of costs, the proceeds must be allocated to expenditures within 18 months of the later of the date that (1) the expenditure is made, or (2) the Project is completed; but in no event later than three years after the date on which the original expenditure is paid. The foregoing notwithstanding, the City recognizes that in order for proceeds to be expended under the Internal Revenue Code, the sale proceeds or investment earnings must be expended no more than 60 days after the earlier of (1) the fifth anniversary of the delivery of the Certificates, or (2) the date the Certificates are retired. The City agrees to obtain the advice of nationally-recognized Certificate counsel if such expenditure fails to comply with the foregoing to assure that such expenditure will not adversely affect the tax-exempt status of the Certificates. For purposes hereof, the City shall not be obligated to comply with this covenant if it obtains an opinion that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

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

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

Part 12: SALE OF CERTIFICATES. The Certificates are hereby sold pursuant to the taking of public bids therefor to the bidder whose bid produced the lowest true interest cost and shall be delivered to _____ (the "Initial Purchaser") at a price of \$ _____ which is _____% of the par amount of the Certificates. The City Council hereby finds and determines that the net effective interest rate on the Certificates, as calculated pursuant to Chapter 1204, Texas Government Code, as amended is _____%. The true interest cost on the Certificates is _____%. It is hereby officially found and determined that the terms of this sale are the most advantageous reasonably obtainable as of the date hereof. The Certificates shall initially be registered in the name of Cede & Co.

Part 13: DEFAULT AND REMEDIES. (a) Events of Default. Each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an Event of Default:

(i) the failure to make payment of the principal of or interest on any of the Certificates when the same becomes due and payable; or

(ii) default in the performance or observance of any other covenant, agreement or obligation of the City, the failure to perform which materially, adversely affects the rights of the Registered Owners of the Certificates, including, but not limited to, their prospect or ability to be repaid in accordance with this Ordinance, and the continuation thereof for a period of 60 days after notice of such default is given by any Registered Owner to the City.

(b) Remedies for Default.

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

(ii) It is provided that all such proceedings shall be instituted and maintained for the equal benefit of all Registered Owners of Certificates then outstanding.

(c) Remedies Not Exclusive.

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

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

(iii) By accepting the delivery of a Certificate authorized under this Ordinance, such Registered Owner agrees that the certifications required to effectuate any covenants or representations contained in this Ordinance do not and shall never constitute or give rise to a personal or pecuniary liability or charge against the officers, employees or trustees of the City or the City Council.

(iv) None of the members of the City Council, nor any other official or officer, agent, or employee of the City, shall be charged personally by the Registered Owners with any liability, or be held personally liable to the Registered Owners under any term or provision of this Ordinance, or because of any Event of Default or alleged Event of Default under this Ordinance.

Part 14: INTEREST EARNINGS ON CERTIFICATE PROCEEDS. Interest earnings derived from the investment of proceeds from the sale of the Certificates shall be used along with other certificate proceeds for the purpose for which the Certificates are issued set forth in Section 1 hereof; provided that after completion of such purpose, if any of such interest earnings remain on hand, such interest earnings shall be deposited in the Interest and Sinking Fund. It is further provided, however, that any interest earnings on certificate proceeds which are required to be rebated to the United States of America pursuant to Section 11 hereof in order to prevent the Certificates from being arbitrage certificates shall be so rebated and not considered as interest earnings for the purposes of this Section.

Part 15: APPROVAL OF PAYING AGENT/REGISTRAR AGREEMENT, LETTER OF REPRESENTATIONS AND OFFICIAL STATEMENT. Attached hereto as Exhibit "A" is a substantially final form of Paying Agent/Registrar Agreement. Each the Mayor, the City Manager and the Director of Finance are hereby authorized to amend, complete or modify such agreement as necessary and are further authorized to execute such agreement.

The City hereby approves the form and content of the Official Statement relating to the Certificates and any addenda, supplement or amendment thereto, and approves the distribution of such Official Statement in the reoffering of the Certificates by the Initial Purchaser in final form, with such changes therein or additions thereto as the officer executing the same may deem advisable, such determination to be conclusively evidenced by his execution thereof. The distribution and use of the Preliminary Official Statement dated August 6, 2019, prior to the date hereof is ratified and confirmed. The City Council of the City hereby finds and determines that the Preliminary Official Statement and the Official Statement were and are "deemed final" (as that term is defined in 17 C.F.R. Section 240.15c-12) as of their respective dates.

Part 16: CONTINUING DISCLOSURE UNDERTAKING. (a) Definitions. As used in this Section, the following terms have the meanings ascribed to such terms below:

"Financial Obligation" means a (a) debt obligation; (b) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (c) guarantee of a debt obligation or any such derivative instrument; provided that "financial Obligation" shall not include municipal securities (as defined in the Securities Exchange Act of 1934, as amended) as to which a final official statement (as defined in the Rule) has been provided to the MSRB consistent with Rule.

"MSRB" means the Municipal Securities Rulemaking Board.

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

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

(b) Annual Reports. The City shall provide annually to the MSRB, in an electronic format as prescribed by the MSRB, (i) within six months after the end of each fiscal year of the City ending in or after 2019, financial information and operating data, which information and data may be unaudited, with respect to the City of the general type included in the final Official Statement authorized by Section 15 of this Ordinance, being the information described in Exhibit "B" hereto, including financial statements of the City if audited financial statements of the City are then available and (ii) if not provided as part of such financial information and operating data, audited financial statements of the City, within twelve months after the end of each fiscal year of the City ending in or after 2019. Any financial statements to be so provided shall be (1) prepared in accordance with the accounting principles described in Exhibit "B" hereto, or such other accounting principles as the City may be required to employ from time to time pursuant to state law or regulation, and (2) audited, if the City commissions an audit of such statements and the audit is completed within the period during which they must be provided. If the audit of such financial statements is not complete within such period, then the City shall provide unaudited financial statements within such period, and audited financial statements for the applicable fiscal year to the MSRB, when and if the audit report on such statements become available.

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

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

(c) Event Notices. The City shall file notice to notify the MSRB of any of the following events with respect to the Certificates in a timely manner and not more than ten business days after the occurrence of the event:

1. Principal and interest payment delinquencies;
2. Non-payment related defaults, if material;
3. Unscheduled draws on debt service reserves reflecting financial difficulties;
4. Unscheduled draws on credit enhancements reflecting financial difficulties;
5. Substitution of credit or liquidity providers, or their failure to perform;
6. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Certificates, or other events affecting the tax status of the Certificates

7. Modifications to rights of holders of the Certificates, if material;
8. Certificate calls, if material, and tender offers;
9. Defeasances;
10. Release, substitution, or sale of property securing repayment of the Certificates, if material;
11. Rating changes;
12. Bankruptcy, insolvency, receivership or similar event of the City;
13. The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
14. Appointment of a successor or additional trustee or the change of name of a trustee, if material;
15. Incurrence of a Financial Obligation of the City, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the City, any of which affect security holder, if material; and
16. Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the City, any of which reflect financial difficulties.

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

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

(d) Limitations, Disclaimers, and Amendments. The City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an "obligated person" with respect to the Certificates within the meaning of the Rule, except that the City in any event will give notice of any deposit made in accordance with Section 8 of this Ordinance that causes the Certificates no longer to be outstanding.

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

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

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

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

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

The provisions of this Section may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Certificates in the primary offering of the Certificates in compliance with the Rule, taking into account any amendments or interpretations of the Rule since such offering as well as such changed circumstances and (2) either (a) the holders of a majority in aggregate principal amount (or any greater amount

required by any other provision of this Ordinance that authorizes such an amendment) of the outstanding Certificates consents to such amendment or (b) a person that is unaffiliated with the City (such as nationally recognized Certificate counsel) determines that such amendment will not materially impair the interest of the holders and beneficial owners of the Certificates. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with paragraph (a) of this Section an explanation, in narrative form, of the reason for the amendment and of the impact of any change in the type of financial information or operating data so provided. The City may also amend or repeal the provisions of this continuing disclosure agreement if the SEC amends or repeals the applicable provision of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, but only if and to the extent that the provisions of this sentence would not prevent an underwriter from lawfully purchasing or selling Certificates in the primary offering of the Certificates.

(e) Format, Identifying Information, and Incorporation by Reference. All financial information, operating data, financial statements, and notices required by this Section to be provided to the MSRB shall be provided in an electronic format and be accompanied by identifying information prescribed by the MSRB.

Financial information and operating data to be provided pursuant to Subsection B of this Section may be set forth in full in one or more documents or may be included by specific reference to any document (including an official statement or other offering document) available to the public on the MSRB's Internet Web site or filed with the SEC.

Part 17: NO RECOURSE AGAINST CITY OFFICIALS. No recourse shall be had for the payment of principal of or interest on any Certificates or for any claim based thereon or on this Ordinance against any official of the City or any person executing any Certificates.

Part 18: FURTHER ACTIONS. The officers and employees of the City are hereby authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and under the corporate seal and on behalf of the City all such instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, the Certificates, the initial sale and delivery of the Certificates, the Paying Agent/Registrar Agreement, any insurance commitment letter or insurance policy and the Official Statement. In addition, prior to the initial delivery of the Certificates, the Mayor, the City Manager or Assistant City Manager, the City Attorney and Bond Counsel are hereby authorized and directed to approve any technical changes or corrections to this Ordinance or to any of the instruments authorized and approved by this Ordinance necessary in order to (i) correct any ambiguity or mistake or properly or more completely document the transactions contemplated and approved by this Ordinance and as described in the Official Statement, (ii) obtain a rating from any of the national bond rating agencies or satisfy requirements of the Bond Insurer, or (iii) obtain the approval of the Certificates by the Texas Attorney General's office.

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

Part 19: INTERPRETATIONS. All terms defined herein and all pronouns used in this Ordinance shall be deemed to apply equally to singular and plural and to all genders. The titles and headings of the articles and sections of this Ordinance and the Table of Contents of this Ordinance have been inserted for convenience of reference only and are not to be considered a part hereof and

shall not in any way modify or restrict any of the terms or provisions hereof. This Ordinance and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein and to sustain the validity of the Certificates and the validity of the lien on and pledge of the Pledged Revenues to secure the payment of the Certificates.

Part 20: INCONSISTENT PROVISIONS. All ordinances, orders or resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict and the provisions of this Ordinance shall be and remain controlling as to the matters contained herein.

Part 21: INTERESTED PARTIES. Nothing in this Ordinance expressed or implied is intended or shall be construed to confer upon, or to give to, any person or entity, other than the City and the registered owners of the Certificates, any right, remedy or claim under or by reason of this Ordinance or any covenant, condition or stipulation hereof, and all covenants, stipulations, promises and agreements in this Ordinance contained by and on behalf of the City shall be for the sole and exclusive benefit of the City and the registered owners of the Certificates.

Part 22: INCORPORATION OF RECITALS. The City hereby finds that the statements set forth in the recitals of this Ordinance are true and correct, and the City hereby incorporates such recitals as a part of this Ordinance.

Part 23: SEVERABILITY. If any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance and the application thereof to other circumstances shall nevertheless be valid, and this governing body hereby declares that this Ordinance would have been enacted without such invalid provision.

Part 24: REPEALER. All orders, resolutions and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Part 25: EFFECTIVE DATE. This Ordinance shall become effect immediately from and after its passage on first and final reading in accordance with Section 1201.028, Texas Government Code, as amended.

Part 26: PERFECTION. Chapter 1208, Government Code, applies to the issuance of the Certificates and the pledge of ad valorem taxes and surplus net revenues granted by the City under Sections 6 and 7 of this Ordinance, and such pledge is therefore valid, effective and perfected. If Texas law is amended at any time while the Certificates are outstanding and unpaid such that the pledge of ad valorem taxes and surplus net revenues granted by the City under Sections 6 and 7 of this Ordinance is to be subject to the filing requirements of Chapter 9, Business & Commerce Code, then in order to preserve to the registered owners of the Certificates the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Business & Commerce Code and enable a filing to perfect the security interest in said pledge to occur.

IN ACCORDANCE WITH SECTION 1201.028, Texas Government Code, finally passed, approved and effective on this 15th day of August, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney

EXHIBIT "A"

Paying Agent\Registrar Agreement

EXHIBIT "B"

DESCRIPTION OF ANNUAL FINANCIAL INFORMATION

The following information is referred to in Section 16 of this Ordinance.

Annual Financial Statements and Operating Data

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

- | | | | |
|------|------------|---|--|
| (1) | Appendix B | - | Excerpts from Annual Financial Report; |
| (2) | Table 1 | - | Valuation, Exemptions and Ad Valorem Tax Debt; |
| (3) | Table 2 | - | Valuation and Ad Valorem Tax Debt History; |
| (4) | Table 3 | - | Tax Rate, Levy and Collection History; |
| (5) | Table 4 | - | Ten Largest Taxpayers; |
| (6) | Table 5 | - | Ad Valorem Tax Debt Service Requirements; |
| (7) | Table 6 | - | Interest and Sinking Fund Projection |
| (8) | Table 7 | - | Authorized But Unissued Ad Valorem Tax Bonds; |
| (9) | Table 8 | - | General Fund Revenues and Expenditure History; |
| (10) | Table 9 | - | Municipal Sales Tax History; and |
| (11) | Table 10 | - | Current Investments. |

Accounting Principles

The accounting principles referred to in such Section are the accounting principles described in the notes to the financial statements referred to in the paragraph above.



COUNCIL AGENDA ITEM MEMORANDUM

08/15/19
Item #6
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: FIRST & FINAL READING – PUBLIC HEARING – Consider adopting an Ordinance authorizing the issuance of the City of Temple, Texas Limited Tax Notes, Series 2019; Authorizing the levy of an ad valorem tax in support of the notes; Approving an Official Statement and a Paying Agent/Registrar Agreement; Awarding the Sale of the Notes; and Authorizing other matters related to the issuance of the Notes.

STAFF RECOMMENDATION: Adopt ordinance as presented in item description.

ITEM SUMMARY: This item is to award the sale of \$1,300,000* to the lowest responsible bidder of this series of notes.

The proceeds from the Limited Tax Notes will be used to fund four (4) commercial sanitation trucks, a replacement crack seal machine for the streets department and the purchase/implementation of Routeware Software. The sanitation trucks have a 7 year useful life as a front line route truck and are typically held in reserve status for an additional 3 years to be used on an as needed basis. These purchases have been previously approved in FY 2019 through an official intent to reimburse these expenditures.

The Notes are scheduled for Council consideration and award to the lowest bidder on Thursday, August 15, 2019.

Standard & Poor's Ratings Services assigned its 'AA' rating and stable outlook to Temple, Texas' series 2019 combination tax and revenue certificates of obligation. The ratings were published August 7, 2019.

The notes will be sold through a competitive sale. Pricing will be received on the morning of August 15, 2019. The pricing will be held until the meeting on Thursday evening when Council considers the lowest responsible bidder.

The City's financial advisor, Specialized Public Finance Inc., and bond counsel, McCall, Parkhurst & Horton, L.L.P, will be present at the meeting to review details of the bids and recommended award with Council. The Council will consider the offers and award based on the recommendation.

Funds will be delivered to our depository on September 10, 2019.

FISCAL IMPACT: The maximum maturity of the Limited Tax note is seven years. The payback for the note will be from General Fund revenues and sanitation system revenues. The estimated annual debt service for the notes will be \$208,655. This amount was based on a net interest cost of 2.06%.

ATTACHMENTS:

[Ordinance](#)

ORDINANCE NO. 2019-4985

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE ISSUANCE OF CITY OF TEMPLE, TEXAS LIMITED TAX NOTES, SERIES 2019; AUTHORIZING THE LEVY OF AN AD VALOREM TAX IN SUPPORT OF THE NOTES; APPROVING AN OFFICIAL STATEMENT AND A PAYING AGENT/REGISTRAR AGREEMENT; AWARDING THE SALE OF THE NOTES; AND AUTHORIZING OTHER MATTERS RELATED TO THE ISSUANCE OF THE NOTES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

THE STATE OF TEXAS '
COUNTY OF BELL '
CITY OF TEMPLE '

Whereas, the City Council of the City of Temple, Texas (the "City") deems it advisable to issue limited tax notes (the "Notes") for the purpose of: (1) paying contractual obligations incurred or to be incurred for the purchase of materials, supplies, equipment, machinery, buildings, lands, and rights-of-way for the City's authorized needs and purposes and (2) paying the professional services including fiscal, engineering, architectural and legal fees including the costs associated with the issuance of the Notes; and

Whereas, the Notes hereinafter authorized and designated are to be issued and delivered pursuant to Chapter 1431, Texas Government Code, as amended; and

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

Whereas, it is considered to be in the best interest of the City that the interest-bearing Notes be issued.

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

Part 1: RECITALS, AMOUNT AND PURPOSE OF THE NOTES. Recitals and Purpose. The recitals set forth in the preamble hereof are incorporated by reference herein and shall have the same force and effect as if set forth in this Section. The Notes of the City of Temple, Texas (the "City") are hereby authorized to be issued and delivered in the aggregate principal amount of \$_____ (the "Notes") for the purpose of paying contractual obligations incurred or to be incurred for: (1) paying contractual obligations incurred or to be incurred for the purchase of materials, supplies, equipment, machinery, buildings, lands, and rights-of-way for the City's authorized needs and purposes and (2) paying the professional services including fiscal, engineering, architectural and legal fees including the costs associated with the issuance of the Notes.

Part 2: DESIGNATION, DATE, DENOMINATIONS, NUMBERS, AND MATURITIES OF NOTES. Each Note issued pursuant to this Ordinance shall be designated:

"CITY OF TEMPLE, TEXAS LIMITED TAX NOTE, SERIES 2019", and initially there shall be issued, sold, and delivered hereunder fully registered Notes, without interest coupons, dated _____, 2019 in the respective denominations and principal amounts hereinafter stated, numbered consecutively from R-1 upward (except the initial Note delivered to the Attorney General of the State of Texas which shall be numbered T-1), payable to the respective initial registered owners thereof (as designated in Section 12 hereof), or to the registered assignee or assignees of said Notes or any portion or portions thereof (in each case, the "Registered Owner"), and said Notes shall mature and be payable serially on August 1 in each of the years and in the principal amounts, respectively, as set forth in the following schedule:

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

The term "Notes" as used in this Ordinance shall mean and include collectively the Notes initially issued and delivered pursuant to this Ordinance and all substitute Notes exchanged therefor, as well as all other substitute Notes and replacement Notes issued pursuant hereto, and the term "Note" shall mean any of the Notes.

Part 3: INTEREST. The Notes scheduled to mature during the years, respectively, set forth below shall bear interest from the dates specified in the FORM OF NOTE set forth in this Ordinance to their respective dates of maturity or redemption prior to maturity at the following rates per annum:

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

Interest shall be payable in the manner provided and on the dates stated in the FORM OF NOTE set forth in this Ordinance.

Part 4: CHARACTERISTICS OF THE NOTES. (a) Registration, Transfer, Conversion and Exchange; Authentication. The City shall keep or cause to be kept at The Bank of New York Mellon Trust Company, N.A., (the "Paying Agent/Registrar") books or records for the registration of the transfer, conversion and exchange of the Notes (the "Registration Books"), and the City hereby appoints the Paying Agent/Registrar as its registrar and transfer agent to keep such books or records and make such registrations of transfers, conversions and exchanges under such reasonable regulations as the City and Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such registrations, transfers, conversions and exchanges as herein provided. The Paying Agent/Registrar shall obtain and record in the Registration Books the address of the Registered Owner of each Note to which payments with respect to the Notes shall be mailed, as herein provided; but it shall be the duty of each Registered Owner to notify the Paying Agent/Registrar in writing of the address to which payments shall be mailed, and such interest payments shall not be mailed unless such notice has been given. The City shall have the right to inspect the Registration Books during regular business hours of the Paying Agent/Registrar, but otherwise the Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any other entity. The Paying Agent/Registrar shall make the Registration Books available within the State of Texas. The City shall pay the Paying Agent/Registrar's standard or customary fees and charges for making such registration, transfer, conversion, exchange and delivery of a substitute Note or Notes. Registration of assignments, transfers, conversions and exchanges of Notes shall be made in the manner provided and with the effect stated in the FORM OF NOTE set forth in this Ordinance. Each substitute Note shall bear a letter and/or number to distinguish it from each other Note.

Except as provided in Section 4(c) of this Ordinance, an authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Note, date and manually sign said Note, and no such Note shall be deemed to be issued or outstanding unless such Note is so executed. The Paying Agent/Registrar promptly shall cancel all paid Notes and Notes surrendered for conversion and exchange. No additional ordinances, orders, or resolutions need be passed or adopted by the governing body of the City or any other body or person so as to accomplish the foregoing conversion and exchange of any Note or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution, and delivery of the substitute Notes in the manner prescribed herein, and said Notes shall be printed or typed on paper of customary weight and strength. Pursuant to Chapter 1201, Texas Government Code, as amended, and particularly Subchapter D thereof, the duty of conversion and exchange of Notes as aforesaid is hereby imposed upon the Paying Agent/Registrar, and, upon the execution of said Note, the converted and exchanged Note shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Notes which initially were issued and delivered pursuant to this Ordinance, approved by the Attorney General and registered by the Comptroller of Public Accounts.

(b) Payment of Notes and Interest. The City hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of and interest on the Notes, all as provided in this Ordinance. The Paying Agent/Registrar shall keep proper records of all payments made by the City and the Paying Agent/Registrar with respect to the Notes, and of all conversions and exchanges of Notes, and all replacements of Notes, as provided in this Ordinance. However, in the event of a nonpayment of interest on a scheduled payment date, and for thirty (30) days

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

(c) In General. The Notes (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on such Notes to be payable only to the Registered Owners thereof, (ii) may be redeemed prior to their scheduled maturities (notice of which shall be given to the Paying Agent/Registrar by the City at least 45 days prior to any such redemption date), (iii) may be converted and exchanged for other Notes, (iv) may be transferred and assigned, (v) shall have the characteristics, (vi) shall be signed, sealed, executed and authenticated, (vii) the principal of and interest on the Notes shall be payable, and (viii) shall be administered and the Paying Agent/Registrar and the City shall have certain duties and responsibilities with respect to the Notes, all as provided, and in the manner and to the effect as required or indicated, in the FORM OF NOTE set forth in this Ordinance. The Notes initially issued and delivered pursuant to this Ordinance are not required to be, and shall not be, authenticated by the Paying Agent/Registrar, but on each substitute Note issued in conversion of and exchange for any Note or Notes issued under this Ordinance the Paying Agent/Registrar shall execute the PAYING AGENT/REGISTRAR'S AUTHENTICATION NOTE, in the form set forth in the FORM OF NOTE.

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

(e) Book-Entry-Only System. The Notes issued in exchange for the Notes initially issued as provided in Section 4(h) shall be issued in the form of a separate single fully registered Note for each of the maturities thereof registered in the name of Cede & Co. as nominee of DTC and except as provided in subsection (f) hereof, all of the Outstanding Notes shall be registered in the name of Cede & Co., as nominee of DTC.

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

(f) Successor Securities Depository; Transfer Outside Book-Entry-Only System. In the event that the City determines to discontinue the book-entry system through DTC or a successor or DTC determines to discontinue providing its services with respect to the Notes, the City shall either (i) appoint a successor securities depository, qualified to act as such under Section 17(a) of the Securities and Exchange Act of 1934, as amended, notify DTC and DTC Participants of the appointment of such successor securities depository and transfer one or more separate Notes to such successor securities depository or (ii) notify DTC and DTC Participants of the availability through DTC of Notes and transfer one or more separate Notes to DTC Participants having Notes credited to their DTC accounts. In such event, the Notes shall no longer be restricted to being registered in the Registration Books in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names Registered Owner transferring or exchanging Notes shall designate, in accordance with the provisions of this Ordinance.

(g) Payments to Cede & Co. Notwithstanding any other provision of this Ordinance to the contrary, so long as any Note is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of, premium, if any, and interest on such Note and all notices with respect to such Note shall be made and given, respectively, in the manner provided in the Blanket Representation of the City to DTC.

(h) Initial Note. The Notes herein authorized shall be initially issued as fully registered Notes, being one Note for each maturity in the denomination of the applicable principal amount and the initial Note shall be registered in the name of the purchaser or the designees thereof as set forth in Section 12 hereof. The initial Note shall be the Note submitted to the Office of the Attorney General of the State of Texas for approval, certified and registered by the Office of the Comptroller of Public Accounts of the State of Texas and delivered to the Initial Purchaser. Immediately after the delivery of the initial Note, the Paying Agent/Registrar shall cancel the initial Note delivered hereunder and exchange therefor Notes in the form of a separate single fully registered Note for each of the maturities thereof registered in the name of Cede & Co., as nominee of DTC and except as provided in Section 4(f), all of the outstanding Notes shall be registered in the name of Cede & Co., as nominee of DTC.

Part 5: FORM OF NOTE. The form of the Note, including the form of Paying Agent/Registrar's Authentication Note, the form of Assignment and the form of Registration Note of the Comptroller of Public Accounts of the State of Texas to be attached to the Notes initially issued and delivered pursuant to this Ordinance, shall be, respectively, substantially as follows, with such appropriate variations, omissions or insertions as are permitted or required by this Ordinance.

FORM OF NOTE

NO. R-	UNITED STATES OF AMERICA STATE OF TEXAS COUNTY OF BELL CITY OF TEMPLE, TEXAS COMBINATION TAX AND REVENUE NOTE OF OBLIGATION SERIES 2019	PRINCIPAL AMOUNT \$ _____
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<u>INTEREST RATE</u>	<u>DATE OF NOTES</u>	<u>MATURITY DATE</u>	<u>CUSIP NO.</u>
---------------------------------	---------------------------------	---------------------------------	-------------------------

_____, 2019

REGISTERED OWNER:

PRINCIPAL AMOUNT:	DOLLARS
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ON THE MATURITY DATE specified above, the CITY OF TEMPLE, in Bell County, Texas (the "City"), being a political subdivision of the State of Texas, hereby promises to pay to the Registered Owner set forth above, or registered assigns (hereinafter called the "Registered Owner") the principal amount set forth above, and to pay interest thereon from the initial date of delivery of the Notes of _____, 2019, on _____, 2019 and semiannually on each _____ and _____ thereafter to the maturity date specified above, or the date of

redemption prior to maturity, at the interest rate per annum specified above; except that if this Note is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such principal amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Note or Notes, if any, for which this Note is being exchanged or converted from is due but has not been paid, then this Note shall bear interest from the date to which such interest has been paid in full. Notwithstanding the foregoing, during any period in which ownership of the Notes is determined only by a book entry at a securities depository for the Notes, any payment to the securities depository, or its nominee or registered assigns, shall be made in accordance with existing arrangements between the City and the securities depository.

THE PRINCIPAL OF AND INTEREST ON this Note are payable in lawful money of the United States of America, without exchange or collection charges. The principal of this Note shall be paid to the Registered Owner hereof upon presentation and surrender of this Note at maturity, or upon the date fixed for its redemption prior to maturity, at The Bank of New York Mellon Trust Company, N.A., which is the "Paying Agent/Registrar" for this Note at their office in Dallas, Texas (the "Designated Payment/Transfer Office"). The payment of interest on this Note shall be made by the Paying Agent/Registrar to the Registered Owner hereof on each interest payment date by check or draft, dated as of such interest payment date, drawn by the Paying Agent/Registrar on, and payable solely from, funds of the City required by the ordinance authorizing the issuance of this Note (the "Note Ordinance") to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided; and such check or draft shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, on each such interest payment date, to the Registered Owner hereof, at its address as it appeared on the 15th day of the month next preceding each such date (the "Record Date") on the registration books kept by the Paying Agent/Registrar (the "Registration Books"). In addition, interest may be paid by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Registered Owner. In the event of a non-payment of interest on a scheduled payment date, and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each owner of a Note appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice. Notwithstanding the foregoing, during any period in which ownership of the Notes is determined only by a book entry at a securities depository for the Notes, payments made to the securities depository, or its nominee, shall be made in accordance with arrangements between the City and the securities depository.

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

ANY ACCRUED INTEREST due at maturity or upon the optional redemption of this Note prior to maturity as provided herein shall be paid to the Registered Owner upon presentation and surrender of this Note for redemption and payment at the Designated Payment/Transfer Office of the Paying Agent/Registrar. The City covenants with the Registered Owner of this Note that on or before each principal payment date, interest payment date, and accrued interest payment date for this Note it will make available to the Paying Agent/Registrar, from the "Interest and Sinking Fund" created by the Note Ordinance, the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Notes, when due.

IF THE DATE for the payment of the principal of or interest on this Note shall be a Saturday, Sunday, a legal holiday or a day on which banking institutions in the city where the principal corporate trust office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

THIS NOTE is one of a Series of Notes dated September 10, 2019, authorized in accordance with the Constitution and laws of the State of Texas in the principal amount of \$_____ (the "Notes") for the purpose of paying contractual obligations incurred or to be incurred for: (1) paying contractual obligations incurred or to be incurred for the purchase of materials, supplies, equipment, machinery, buildings, lands, and rights-of-way for the City's authorized needs and purposes and (2) paying the professional services including fiscal, engineering, architectural and legal fees including the costs associated with the issuance of the Notes.

ON AUGUST 1, 20__ or on any date thereafter, the Notes of this Series maturing on and after **August 1, 20__** may be redeemed prior to their scheduled maturities, at the option of the City, with funds derived from any available and lawful source, at par plus accrued interest to the date fixed for redemption as a whole, or in part, and, if in part, the particular maturities to be redeemed shall be selected and designated by the City and if less than all of a maturity is to be redeemed, the Paying Agent/Registrar shall determine by lot the Notes, or a portion thereof, within such maturity to be redeemed (provided that a portion of a Note may be redeemed only in an integral multiple of \$5,000).

NO LESS THAN 30 days prior to the date fixed for any such optional redemption, the City shall cause the Paying Agent/Registrar to send notice by United States mail, first-class postage prepaid to the Registered Owner of each Note to be redeemed at its address as it appeared on the Registration Books of the Paying Agent/Registrar at the close of business on the 45th day prior to the redemption date and to major securities depositories, national bond rating agencies and bond information services; provided, however, that the failure to send, mail or receive such notice, or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Notes. By the date fixed for any such redemption due provision shall be made with the Paying Agent/Registrar for the payment of the required redemption price for the Notes or portions thereof which are to be so redeemed. If due provision for such payment is made, all as provided above, the Notes or portions thereof which are to be so redeemed thereby automatically shall be treated as redeemed prior to their scheduled maturities, and they shall not bear interest after the date fixed for redemption, and they shall not be regarded as being outstanding except for the right of the Registered Owner to receive the redemption price from the

Paying Agent/Registrar out of the funds provided for such payment. If a portion of any Note shall be redeemed a substitute Note or Notes having the same maturity date, bearing interest at the same rate, in any denomination or denominations in any integral multiple of \$5,000, at the written request of the Registered Owner, and in aggregate principal amount equal to the unredeemed portion thereof, will be issued to the Registered Owner upon the surrender thereof for cancellation, at the expense of the City, all as provided in the Note Ordinance.

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

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

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

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

IT IS HEREBY certified, recited and covenanted that this Note has been duly and validly authorized, issued and delivered; that all acts, conditions and things required or proper to be performed, exist and be done precedent to or in the authorization, issuance and delivery of this Note have been performed, existed and been done in accordance with law; that annual ad valorem taxes sufficient to provide for the payment of the interest on and principal of this Note, as such interest comes due and such principal matures, have been levied and ordered to be levied against all taxable property in said City, and have been pledged for such payment, within the limit prescribed by law, all as provided in the Note Ordinance.

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

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

Lacy Borgeson, City Secretary

TIMOTHY A. DAVIS, Mayor

(SEAL)

FORM OF PAYING AGENT/REGISTRAR'S AUTHENTICATION NOTE

PAYING AGENT/REGISTRAR'S AUTHENTICATION NOTE

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

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

Dated _____

**THE BANK OF NEW YORK MELLON
TRUST COMPANY, N.A.**
Paying Agent/Registrar

By _____
Authorized Representative

FORM OF ASSIGNMENT

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto

Please insert Social Security or Taxpayer
Identification Number of Transferee

(Please print or typewrite name and address,
including zip code, of Transferee)

the within Note and all rights thereunder, and hereby irrevocably constitutes and appoints _____, attorney, to register the transfer of the within Note on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

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

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

**FORM OF REGISTRATION NOTE OF
THE COMPTROLLER OF PUBLIC ACCOUNTS**

COMPTROLLER'S REGISTRATION NOTE: REGISTER NO.

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

Witness my signature and seal this _____.

Comptroller of Public Accounts
of the State of Texas

(COMPTROLLER'S SEAL)

INSERTIONS FOR THE INITIAL NOTE

The initial Note shall be in the form set forth in this Section, except that:

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

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

"**ON THE MATURITY DATE SPECIFIED ABOVE**, the City of Temple, Texas (the "City"), being a political subdivision, hereby promises to pay to the Registered Owner specified above, or registered assigns (hereinafter called the "Registered Owner"), on August 1 in each of the years, in the principal installments and bearing interest at the per annum rates set forth in the following schedule:

<u>Year</u>	<u>Amount</u>	<u>Rate</u>
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(Information from Sections 2 and 3 to be inserted)

The City promises to pay interest on the unpaid principal amount hereof (calculated on the basis of a 360-day year of twelve 30-day months) from the date of initial delivery of the Notes at the respective Interest Rate per annum specified above. Interest is payable on _____, 2019 and semiannually on each _____ and _____ thereafter to the date of payment of the principal installment specified above; except, that if this Note is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such principal amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Note or Notes, if any, for which this Note is being exchanged is due but has not been paid, then this Note shall bear interest from the date to which such interest has been paid in full."

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

Part 6: INTEREST AND SINKING FUND. A special "Interest and Sinking Fund" is hereby created and shall be established and maintained by the City at an official depository bank of said City. Said Interest and Sinking Fund shall be kept separate and apart from all other funds and accounts of said City, and shall be used only for paying the interest on and principal of said Notes. All ad valorem taxes levied and collected for and on account of said Notes shall be deposited, as collected, to the credit of said Interest and Sinking Fund. During each year while any of said Notes are outstanding and unpaid, the governing body of said City shall compute and ascertain a rate and amount of ad valorem tax which will be sufficient to raise and produce the money required to pay the interest on said Notes as such interest comes due, and to provide and maintain a sinking fund adequate to pay the principal of said Notes as such principal matures (but never less than 2% of the original principal amount of said Notes as a sinking fund each year); and said tax shall be based on the latest approved tax rolls of said City, with full allowances being made for tax delinquencies and the cost of tax collection. Said rate and amount of ad valorem tax is hereby levied, and is hereby ordered to be levied, against all taxable property in said City, for each year while any of said Notes are outstanding and unpaid, and said tax shall be assessed and collected each such year and deposited to the credit of the aforesaid Interest and Sinking Fund. Said ad valorem taxes sufficient to provide for the payment of the interest on and principal of said Notes, as such interest comes due and such principal matures, are hereby pledged for such payment, within the limit prescribed by law. Accrued interest on the Notes shall be deposited in the Interest and Sinking Fund and used to pay interest on the Notes.

Part 7: APPROPRIATION OF AVAILABLE FUNDS. There is hereby appropriated from funds of the City lawfully available for such purpose a sum sufficient to pay the interest and/or principal to become due on the Notes prior to receipt of applicable tax receipts.

Part 8: DEFEASANCE OF NOTES. (a) Any Note and the interest thereon shall be deemed to be paid, retired and no longer outstanding (a "Defeased Note") within the meaning of this Ordinance, except to the extent provided in subsections (c) and (e) of this Section, when payment of the principal of such Note, plus interest thereon to the due date or dates (whether such due date or dates be by reason of maturity, upon redemption, or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof (including the giving of any required notice of redemption) or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to the Paying Agent/Registrar or a commercial bank or trust company for such payment (1) lawful money of the United States of America sufficient to make

such payment, (2) Defeasance Securities, certified by an independent public accounting firm of national reputation to mature as to principal and interest in such amounts and at such times as will ensure the availability, without reinvestment, of sufficient money to provide for such payment and when proper arrangements have been made by the City with the Paying Agent/Registrar or a commercial bank or trust company for the payment of its services until all Defeased Notes shall have become due and payable or (3) any combination of (1) and (2). At such time as a Note shall be deemed to be a Defeased Note hereunder, as aforesaid, such Note and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the ad valorem taxes herein levied as provided in this Ordinance, and such principal and interest shall be payable solely from such money or Defeasance Securities.

(b) The deposit under clause (ii) of subsection (a) shall be deemed a payment of a Note as aforesaid when proper notice of redemption of such Notes shall have been given, in accordance with this Ordinance. Any money so deposited with the Paying Agent/Registrar or a commercial bank or trust company as provided in this Section may at the discretion of the City Council also be invested in Defeasance Securities, maturing in the amounts and at the times as hereinbefore set forth, and all income from all Defeasance Securities in possession of the Paying Agent/Registrar or a commercial bank or trust company pursuant to this Section which is not required for the payment of such Note and premium, if any, and interest thereon with respect to which such money has been so deposited, shall be remitted to the City Council.

(c) Notwithstanding any provision of any other Section of this Ordinance which may be contrary to the provisions of this Section, all money or Defeasance Securities set aside and held in trust pursuant to the provisions of this Section for the payment of principal of the Notes and premium, if any, and interest thereon, shall be applied to and used solely for the payment of the particular Notes and premium, if any, and interest thereon, with respect to which such money or Defeasance Securities have been so set aside in trust. Until all Defeased Notes shall have become due and payable, the Paying Agent/Registrar shall perform the services of Paying Agent/Registrar for such Defeased Notes the same as if they had not been defeased, and the City shall make proper arrangements to provide and pay for such services as required by this Ordinance.

(d) Notwithstanding anything elsewhere in this Ordinance, if money or Defeasance Securities have been deposited or set aside with the Paying Agent/Registrar or a commercial bank or trust company pursuant to this Section for the payment of Notes and such Notes shall not have in fact been actually paid in full, no amendment of the provisions of this Section shall be made without the consent of the registered owner of each Note affected thereby.

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

As used in this section, "Defeasance Securities" means (i) Federal Securities, (ii) noncallable obligations of an agency or instrumentality of the United States of America, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the City Council adopts or approves proceedings authorizing the issuance of refunding Notes or

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

Part 9: DAMAGED, MUTILATED, LOST, STOLEN, OR DESTROYED NOTES. (a) Replacement Notes. In the event any outstanding Note is damaged, mutilated, lost, stolen or destroyed, the Paying Agent/Registrar shall cause to be printed, executed and delivered, a new Note of the same principal amount, maturity and interest rate, as the damaged, mutilated, lost, stolen or destroyed Note, in replacement for such Note in the manner hereinafter provided.

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

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

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

(e) Authority for Issuing Replacement Notes. In accordance with Subchapter D of Chapter 1201, Texas Government Code, this Section 9 of this Ordinance shall constitute authority for the issuance of any such replacement Note without necessity of further action by the governing body of the City or any other body or person, and the duty of the replacement of such Notes is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar

shall authenticate and deliver such Notes in the form and manner and with the effect, as provided in Section 4(a) of this Ordinance for Notes issued in conversion and exchange for other Notes.

Part 10: CUSTODY, APPROVAL, AND REGISTRATION OF NOTES; BOND COUNSEL'S OPINION; CUSIP NUMBERS AND CONTINGENT INSURANCE PROVISION, IF OBTAINED. The Mayor of the City is hereby authorized to have control of the Notes initially issued and delivered hereunder and all necessary records and proceedings pertaining to the Notes pending their delivery and their investigation, examination, and approval by the Attorney General of the State of Texas, and their registration by the Comptroller of Public Accounts of the State of Texas. Upon registration of the Notes said Comptroller of Public Accounts (or a deputy designated in writing to act for said Comptroller) shall manually sign the Comptroller's Registration Note attached to such Notes, and the seal of said Comptroller shall be impressed, or placed in facsimile, on such Note. The approving legal opinion of the City's Bond Counsel and the assigned CUSIP numbers may, at the option of the City, be printed on the Notes issued and delivered under this Ordinance, but neither shall have any legal effect, and shall be solely for the convenience and information of the Registered Owners of the Notes. In addition, if bond insurance is obtained, the Notes may bear an appropriate legend as provided by the insurer.

Part 11: COVENANTS REGARDING TAX EXEMPTION OF INTEREST ON THE NOTES. (a) Covenants. The City covenants to take any action necessary to assure, or refrain from any action which would adversely affect, the treatment of the Notes as obligations described in section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the City covenants as follows:

(1) to take any action to assure that no more than 10 percent of the proceeds of the Notes or the projects financed therewith (less amounts deposited to a reserve fund, if any) are used for any "private business use," as defined in section 141(b)(6) of the Code or, if more than 10 percent of the proceeds or the projects financed therewith are so used, such amounts, whether or not received by the City, with respect to such private business use, do not, under the terms of this Order or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Notes, in contravention of section 141(b)(2) of the Code;

(2) to take any action to assure that in the event that the "private business use" described in subsection (1) hereof exceeds 5 percent of the proceeds of the Notes or the projects financed therewith (less amounts deposited into a reserve fund, if any) then the amount in excess of 5 percent is used for a "private business use" which is "related" and not "disproportionate," within the meaning of section 141(b)(3) of the Code, to the governmental use;

(3) to take any action to assure that no amount which is greater than the lesser of \$5,000,000, or 5 percent of the proceeds of the Notes (less amounts deposited into a reserve fund, if any) is directly or indirectly used to finance loans to persons, other than state or local governmental units, in contravention of section 141(c) of the Code;

(4) to refrain from taking any action which would otherwise result in the Notes being treated as "private activity Notes" within the meaning of section 141(b) of the Code;

(5) to refrain from taking any action that would result in the Notes being "federally guaranteed" within the meaning of section 149(b) of the Code;

(6) to refrain from using any portion of the proceeds of the Notes, directly or indirectly, to acquire or to replace funds which were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) which produces a materially higher yield over the term of the Notes, other than investment property acquired with --

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

(B) amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the Treasury Regulations, and

(C) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed 10 percent of the proceeds of the Notes;

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

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

(9) to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Notes) an amount that is at least equal to 90 percent of the "Excess Earnings," within the meaning of section 148(f) of the Code and to pay to the United States of America, not later than 60 days after the Notes have been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code.

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

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

modify or expand provisions of the Code, as applicable to the Notes, the City will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Notes under section 103 of the Code. In the event that regulations or rulings are hereafter promulgated which impose additional requirements which are applicable to the Notes, the City agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Notes under section 103 of the Code. In furtherance of such intention, the City hereby authorizes and directs the City Manager or Director of Finance to execute any documents, Notes or reports required by the Code and to make such elections, on behalf of the City, which may be permitted by the Code as are consistent with the purpose for the issuance of the Notes.

(d) Allocation Of, and Limitation On, Expenditures for the Project. The City covenants to account for the expenditure of sale proceeds and investment earnings to be used for the purposes described in Section 1 of this Order (the "Project") on its books and records in accordance with the requirements of the Internal Revenue Code. The City recognizes that in order for the proceeds to be considered used for the reimbursement of costs, the proceeds must be allocated to expenditures within 18 months of the later of the date that (1) the expenditure is made, or (2) the Project is completed; but in no event later than three years after the date on which the original expenditure is paid. The foregoing notwithstanding, the City recognizes that in order for proceeds to be expended under the Internal Revenue Code, the sale proceeds or investment earnings must be expended no more than 60 days after the earlier of (1) the fifth anniversary of the delivery of the Notes, or (2) the date the Notes are retired. The City agrees to obtain the advice of nationally-recognized bond counsel if such expenditure fails to comply with the foregoing to assure that such expenditure will not adversely affect the tax-exempt status of the Notes. For purposes hereof, the City shall not be obligated to comply with this covenant if it obtains an opinion that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

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

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

Part 12: SALE OF NOTES. The Notes are hereby sold pursuant to the taking of public bids therefor to the bidder whose bid produced the lowest true interest cost and shall be delivered to _____ (the "Initial Purchaser") at a price of \$_____ which is _____% of the par amount of the Notes. The City Council hereby finds and determines that the net effective interest rate on the Notes, as calculated pursuant to Chapter 1204, Texas Government

Code, as amended is ____%. The true interest cost on the Notes is ____%. It is hereby officially found and determined that the terms of this sale are the most advantageous reasonably obtainable as of the date hereof. The Notes shall initially be registered in the name of Cede & Co.

Part 13: DEFAULT AND REMEDIES. (a) Events of Default. Each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an Event of Default:

(i) the failure to make payment of the principal of or interest on any of the Notes when the same becomes due and payable; or

(ii) default in the performance or observance of any other covenant, agreement or obligation of the City, the failure to perform which materially, adversely affects the rights of the Registered Owners of the Notes, including, but not limited to, their prospect or ability to be repaid in accordance with this Ordinance, and the continuation thereof for a period of 60 days after notice of such default is given by any Registered Owner to the City.

(b) Remedies for Default.

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

(ii) It is provided that all such proceedings shall be instituted and maintained for the equal benefit of all Registered Owners of Notes then outstanding.

(c) Remedies Not Exclusive.

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

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

(iii) By accepting the delivery of a Note authorized under this Ordinance, such Registered Owner agrees that the certifications required to effectuate any covenants or representations contained in this Ordinance do not and shall never constitute or give rise to a personal or pecuniary liability or charge against the officers, employees or trustees of the City or the City Council.

(iv) None of the members of the City Council, nor any other official or officer, agent, or employee of the City, shall be charged personally by the Registered Owners with any liability, or be held personally liable to the Registered Owners under any term or provision of this Ordinance, or because of any Event of Default or alleged Event of Default under this Ordinance.

Part 14: INTEREST EARNINGS ON NOTE PROCEEDS. Interest earnings derived from the investment of proceeds from the sale of the Notes shall be used along with other Note proceeds for the purpose for which the Notes are issued set forth in Section 1 hereof; provided that after completion of such purpose, if any of such interest earnings remain on hand, such interest earnings shall be deposited in the Interest and Sinking Fund. It is further provided, however, that any interest earnings on Note proceeds which are required to be rebated to the United States of America pursuant to Section 11 hereof in order to prevent the Notes from being arbitrage Notes shall be so rebated and not considered as interest earnings for the purposes of this Section.

Part 15: APPROVAL OF PAYING AGENT/REGISTRAR AGREEMENT, LETTER OF REPRESENTATIONS AND OFFICIAL STATEMENT. Attached hereto as Exhibit "A" is a substantially final form of Paying Agent/Registrar Agreement. Each the Mayor, the City Manager and the Director of Finance are hereby authorized to amend, complete or modify such agreement as necessary and are further authorized to execute such agreement.

The City hereby approves the form and content of the Official Statement relating to the Notes and any addenda, supplement or amendment thereto, and approves the distribution of such Official Statement in the reoffering of the Notes by the Initial Purchaser in final form, with such changes therein or additions thereto as the officer executing the same may deem advisable, such determination to be conclusively evidenced by his execution thereof. The distribution and use of the Preliminary Official Statement dated August 6, 2019, prior to the date hereof is ratified and confirmed. The City Council of the City hereby finds and determines that the Preliminary Official Statement and the Official Statement were and are "deemed final" (as that term is defined in 17 C.F.R. Section 240.15c-12) as of their respective dates.

Part 16: CONTINUING DISCLOSURE UNDERTAKING. (a) Definitions. As used in this Section, the following terms have the meanings ascribed to such terms below:

"Financial Obligation" means a (a) debt obligation; (b) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (c) guarantee of a debt obligation or any such derivative instrument; provided that "financial Obligation" shall not include municipal securities (as defined in the Securities Exchange Act of 1934, as amended) as to which a final official statement (as defined in the Rule) has been provided to the MSRB consistent with Rule.

"MSRB" means the Municipal Securities Rulemaking Board.

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

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

(b) Annual Reports. The City shall provide annually to the MSRB, in an electronic format as prescribed by the MSRB, (i) within six months after the end of each fiscal year of the City ending in or after 2019, financial information and operating data, which information and data may be

unaudited, with respect to the City of the general type included in the final Official Statement authorized by Section 15 of this Ordinance, being the information described in Exhibit "B" hereto, including financial statements of the City if audited financial statements of the City are then available and (ii) if not provided as part of such financial information and operating data, audited financial statements of the City, within twelve months after the end of each fiscal year of the City ending in or after 2019. Any financial statements to be so provided shall be (1) prepared in accordance with the accounting principles described in Exhibit "B" hereto, or such other accounting principles as the City may be required to employ from time to time pursuant to state law or regulation, and (2) audited, if the City commissions an audit of such statements and the audit is completed within the period during which they must be provided. If the audit of such financial statements is not complete within such period, then the City shall provide unaudited financial statements within such period, and audited financial statements for the applicable fiscal year to the MSRB, when and if the audit report on such statements become available.

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

- (c) Event Notices. The City shall file notice to notify the MSRB of any of the following events with respect to the Notes in a timely manner and not more than ten business days after the occurrence of the event:
1. Principal and interest payment delinquencies;
 2. Non-payment related defaults, if material;
 3. Unscheduled draws on debt service reserves reflecting financial difficulties;
 4. Unscheduled draws on credit enhancements reflecting financial difficulties;
 5. Substitution of credit or liquidity providers, or their failure to perform;
 6. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Notes, or other events affecting the tax status of the Notes
 7. Modifications to rights of holders of the Notes, if material;
 8. Note calls, if material, and tender offers;
 9. Defeasances;
 10. Release, substitution, or sale of property securing repayment of the Notes, if material;
 11. Rating changes;

12. Bankruptcy, insolvency, receivership or similar event of the City;
13. The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
14. Appointment of a successor or additional trustee or the change of name of a trustee, if material;
15. Incurrence of a Financial Obligation of the City, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the City, any of which affect security holder, if material; and
16. Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the City, any of which reflect financial difficulties.

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

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

(d) Limitations, Disclaimers, and Amendments. The City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an "obligated person" with respect to the Notes within the meaning of the Rule, except that

the City in any event will give notice of any deposit made in accordance with Section 8 of this Ordinance that causes the Notes no longer to be outstanding.

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

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

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

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

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

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

enters judgment that such provisions of the Rule are invalid, but only if and to the extent that the provisions of this sentence would not prevent an underwriter from lawfully purchasing or selling Notes in the primary offering of the Notes.

(e) Format, Identifying Information, and Incorporation by Reference. All financial information, operating data, financial statements, and notices required by this Section to be provided to the MSRB shall be provided in an electronic format and be accompanied by identifying information prescribed by the MSRB.

Financial information and operating data to be provided pursuant to Subsection B of this Section may be set forth in full in one or more documents or may be included by specific reference to any document (including an official statement or other offering document) available to the public on the MSRB's Internet Web site or filed with the SEC.

Part 17: NO RECOURSE AGAINST CITY OFFICIALS. No recourse shall be had for the payment of principal of or interest on any Notes or for any claim based thereon or on this Ordinance against any official of the City or any person executing any Notes.

Part 18: FURTHER ACTIONS. The officers and employees of the City are hereby authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and under the corporate seal and on behalf of the City all such instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, the Notes, the initial sale and delivery of the Notes, the Paying Agent/Registrar Agreement, any insurance commitment letter or insurance policy and the Official Statement. In addition, prior to the initial delivery of the Notes, the Mayor, the City Manager or Assistant City Manager, the City Attorney and Bond Counsel are hereby authorized and directed to approve any technical changes or corrections to this Ordinance or to any of the instruments authorized and approved by this Ordinance necessary in order to (i) correct any ambiguity or mistake or properly or more completely document the transactions contemplated and approved by this Ordinance and as described in the Official Statement, (ii) obtain a rating from any of the national bond rating agencies or satisfy requirements of the Bond Insurer, or (iii) obtain the approval of the Notes by the Texas Attorney General's office.

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

Part 19: INTERPRETATIONS. All terms defined herein and all pronouns used in this Ordinance shall be deemed to apply equally to singular and plural and to all genders. The titles and headings of the articles and sections of this Ordinance and the Table of Contents of this Ordinance have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof. This Ordinance and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein and to sustain the validity of the Notes and the validity of the lien on and pledge of the Pledged Revenues to secure the payment of the Notes.

Part 20: INCONSISTENT PROVISIONS. All ordinances, orders or resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict and the provisions of this Ordinance shall be and remain controlling as to the matters contained herein.

Part 21: INTERESTED PARTIES. Nothing in this Ordinance expressed or implied is intended or shall be construed to confer upon, or to give to, any person or entity, other than the City and the registered owners of the Notes, any right, remedy or claim under or by reason of this Ordinance or any covenant, condition or stipulation hereof, and all covenants, stipulations, promises and agreements in this Ordinance contained by and on behalf of the City shall be for the sole and exclusive benefit of the City and the registered owners of the Notes.

Part 22: INCORPORATION OF RECITALS. The City hereby finds that the statements set forth in the recitals of this Ordinance are true and correct, and the City hereby incorporates such recitals as a part of this Ordinance.

Part 23: SEVERABILITY. If any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance and the application thereof to other circumstances shall nevertheless be valid, and this governing body hereby declares that this Ordinance would have been enacted without such invalid provision.

Part 24: REPEALER. All orders, resolutions and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Part 25: EFFECTIVE DATE. This Ordinance shall become effect immediately from and after its passage on first and final reading in accordance with Section 1201.028, Texas Government Code, as amended.

Part 26: PERFECTION. Chapter 1208, Government Code, applies to the issuance of the Notes and the pledge of ad valorem taxes and surplus net revenues granted by the City under Sections 6 and 7 of this Ordinance, and such pledge is therefore valid, effective and perfected. If Texas law is amended at any time while the Notes are outstanding and unpaid such that the pledge of ad valorem taxes and surplus net revenues granted by the City under Sections 6 and 7 of this Ordinance is to be subject to the filing requirements of Chapter 9, Business & Commerce Code, then in order to preserve to the registered owners of the Notes the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Business & Commerce Code and enable a filing to perfect the security interest in said pledge to occur.

IN ACCORDANCE WITH SECTION 1201.028, Texas Government Code, finally passed, approved and effective on this 15th day of August, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney

EXHIBIT "A"

Paying Agent\Registrar Agreement

EXHIBIT "B"

DESCRIPTION OF ANNUAL FINANCIAL INFORMATION

The following information is referred to in Section 16 of this Ordinance.

Annual Financial Statements and Operating Data

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

- | | | | |
|------|------------|---|--|
| (1) | Appendix B | - | Excerpts from Annual Financial Report; |
| (2) | Table 1 | - | Valuation, Exemptions and Ad Valorem Tax Debt; |
| (3) | Table 2 | - | Valuation and Ad Valorem Tax Debt History; |
| (4) | Table 3 | - | Tax Rate, Levy and Collection History; |
| (5) | Table 4 | - | Ten Largest Taxpayers; |
| (6) | Table 5 | - | Ad Valorem Tax Debt Service Requirements; |
| (7) | Table 6 | - | Interest and Sinking Fund Projection |
| (8) | Table 7 | - | Authorized But Unissued Ad Valorem Tax Bonds; |
| (9) | Table 8 | - | General Fund Revenues and Expenditure History; |
| (10) | Table 9 | - | Municipal Sales Tax History; and |
| (11) | Table 10 | - | Current Investments. |

Accounting Principles

The accounting principles referred to in such Section are the accounting principles described in the notes to the financial statements referred to in the paragraph above.



COUNCIL AGENDA ITEM MEMORANDUM

08/15/19
Item #7
Regular Agenda
Page 1 of 5

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: PUBLIC HEARING – Conduct the second of two public hearings to receive comments on the proposed tax rate of 67.27 cents per \$100 valuation for fiscal year 2020 (2019 tax year) and announce meeting to adopt the proposed tax rate on August 23, 2019.

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

BACKGROUND: At the August 1, 2019 regular meeting, Council discussed the proposed tax rate of 67.27 cents per \$100 valuation and adopted a resolution scheduling the adoption of the proposed tax rate for August 23, 2019 and setting public hearings for August 9, 2019 and August 15, 2019, on the proposed tax rate for FY 2019-2020. The proposed meeting dates and publication schedules comply with the Truth-In-Taxation requirements set forth by State Law and the City Charter.

The FY 2019-2020 budget was prepared with a preliminary total tax rate of 68.88 cents per \$100 valuation and a preliminary tax base of \$4,760,420,369 (an estimated 8.25% increase from prior year). On July 16, 2019, the Chief Appraiser certified the tax roll of \$4,882,056,874 (an 11.02% increase from prior year) and has completed the effective tax rate calculation. The effective tax rate is 59.50 cents. Comparing the proposed tax rate of 67.27 cents to the *current FY 2019 adopted* tax rate of 66.12 cents:

	FY 2019	PROPOSED FY 2020	Increase (Decrease)
--	------------	------------------------	------------------------

Proposed Tax Rate

M&O (Maintenance & Operation)	\$ 0.2982	\$ 0.3097	\$ 0.0115
I&S (Interest & Sinking - Debt)	0.3630	0.3630	-
	<u>\$ 0.6612</u>	<u>\$ 0.6727</u>	<u>\$ 0.0115</u>

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

With the proposed tax rate of 67.27 cents per \$100 valuation, the cost to a homeowner with a taxable value of \$100,000 would increase by \$11.50 per year (\$0.96 per month) if there was no change in taxable value from the prior year.

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

The preceding tax year's average taxable value of a residence homestead in Temple was \$116,935. In the current tax year, the average taxable value a residence homestead in Temple is \$125,412. With the proposed tax rate of 67.27 cents per \$100 valuation, there would be an annual increase of \$70.48 in taxes (\$5.87 per month).

FISCAL IMPACT:

Changes from the preliminary tax rate and base used to calculate the filed budget on June 28, 2019 to the proposed rate with the certified tax roll as presented August 15, 2019 are as follows:

	Filed Budget 06/28/19	Proposed Budget 08/15/19	Increase/ (Decrease)
<i>Tax Base*</i>	\$4,760,420,369	\$4,882,056,874	\$121,636,505
<i>Tax Rate:</i>			
(General) M&O	32.58¢	30.97¢	(1.61¢)
(Debt) I&S	36.30¢	36.30¢	0.00¢
Total Tax Rate	68.88¢	67.27¢	(1.61¢)
<i>Tax Levy:</i>			
(General) M&O	\$13,909,671	\$13,486,233	(\$423,438)
Frozen Taxes	2,529,644	2,658,038	128,394
(Debt) I&S	15,497,884	15,807,241	309,357
Total Tax Levy*	\$31,937,199	\$31,951,512	(\$14,313)
<i>Budget:</i>			
Projected Revenues	\$82,009,031	\$81,609,850	(\$399,181)
Proposed Expenditures	84,620,149	84,220,968	(\$399,181)

*Excludes Reinvestment Zone No. 1

FY 2020

GENERAL FUND PROPOSED BUDGET

SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET

	Proposed Budget		Increase (Decrease)
	Filed Copy as of 06-28-19	Current as of 08-15-19	
Projected Revenues	\$ 82,009,031	\$ 81,609,850	\$ (399,181) ^A
Proposed Budget Expenditures	82,899,594	82,500,413	(399,181) ^B
Excess Revenues Over (Under) Expenditures	(890,563)	(890,563)	-
Transfers In (Out):			
Less: Transfer Out To Debt Service Fund -			
LTN 2013 - Sanitation Vehicles, CNG Facility and Recycling Containers	(989,400)	(989,400)	-
CO 2017 - Sanitation Vehicles	(273,250)	(273,250)	-
CO 2017 - PS P25 Radios	(249,250)	(249,250)	-
LTN 2019 - Sanitation Vehicles & Software, Street Equipment	(208,655)	(208,655)	-
Total Transfer In (Out)	(1,720,555)	(1,720,555)	-
Excess Revenues Over (Under) Expenditures for FY 2020	\$ (2,611,118)	\$ (2,611,118)	\$ -
Recommended Use of Undesignated Fund Balance:			
- Strategic Investment Zone Funding	\$ 100,000	\$ 100,000	\$ -
- Capital Funded with Fund Balance	1,988,618	1,988,618	-
- Capital Replacement - Sanitation Vehicles	273,250	273,250	-
- Capital Replacement - PS P25 Radios	249,250	249,250	-
	\$ 2,611,118	\$ 2,611,118	\$ -

Explanation of Changes from Filed Budget to Proposed Budget @ 08/15/2019:

^A **Revenue Changes:**

Required adjustment from preliminary to certified tax roll	\$ (292,094)
Adjusted revenue estimates	(107,087)
Total Revenue Changes	\$ (399,181)

^B **Expenditure Changes:**

Various operational adjustments	\$ (229,236)
Proration of new HR software based on revised implantation date	(169,945)
Total Expenditures Changes	\$ (399,181)

Net Revenue Over (Under) Expenditures

\$ -

FY 2020

DEBT SERVICE FUND PROPOSED BUDGET

SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET

	Proposed Budget		Increase (Decrease)
	Filed Copy as of 06-28-19	Current as of 08-15-19	
Projected Revenues	\$ 16,884,084	\$ 17,193,441	\$ 309,357 ^A
Proposed Budget Expenditures	19,200,905	19,510,262	309,357 ^B
Excess Revenues Over (Under) Expenditures	\$ (2,316,821)	\$ (2,316,821)	-
Transfers In (Out):			
Plus: Transfer In From General Fund -			
LTN 2013 - Sanitation Vehicles, CNG Facility and Recycling Containers	989,400	989,400	-
CO 2017 - Sanitation Vehicles	273,250	273,250	-
CO 2017 - PS P25 Radios	249,250	249,250	-
LTN 2019 - Sanitation Vehicles & Software, Street Equipment	208,655	208,655	-
Plus: Transfer In From Drainage Fund -			
CO 2017 - Drainage CIP	262,919	262,919	-
CO 2020 - Drainage CIP	177,500	177,500	-
Total Transfer In (Out)	2,160,974	2,160,974	-
Excess Revenues Over (Under) Expenditures for FY 2020	\$ (155,847)	\$ (155,847)	\$ -
Recommended Use of Undesignated Fund Balance	155,847	155,847	- ^A
	\$ -	\$ -	\$ -

Explanation of Changes from Filed Budget to Proposed Budget @ 08/15/2019:

^A **Revenue Changes:**

Required adjustment from preliminary to certified tax roll	\$ 309,357
Total Revenue Changes	\$ 309,357

^B **Expenditure Changes:**

Adjustment to debt service	\$ 309,357
Total Expenditures Changes	\$ 309,357

Net Revenue Over (Under) Expenditures	\$ -
--	-------------

FY 2020

**WATER & WASTEWATER FUND PROPOSED BUDGET
SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET**

	Proposed Budget		Increase (Decrease)
	Filed Copy as of 06-28-19	Current as of 08-15-19	
Projected Revenues	\$ 46,543,982	\$ 45,547,087	\$(996,895) ^A
Proposed Budget Expenses	46,543,982	45,547,087	(996,895) ^B
Excess Revenues Over (Under) Expenditures for FY 2020	\$ -	\$ -	\$ -

Explanation of Changes from Filed Budget to Proposed Budget @ 08/15/2019:

^A **Revenue Changes:**

Adjusted wastewater revenue estimates	\$ (996,895)
Total Revenue Changes	\$ (996,895)

^B **Expense Changes:**

Reduced intergovernmental expense	\$ (106,414)
Reduced franchise fee	(50,673)
Proration of new HR software based on revised implantation date	(24,600)
Adjusted O&M capital	(524,871)
Reduced debt service	(290,337)
Total Expense Changes	\$ (996,895)
Net Revenue Over (Under) Expenses	\$ -



COUNCIL AGENDA ITEM MEMORANDUM

08/15/19
Item #8(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Sandor Construction, LLC of Salado for the construction of City Hall improvements, in the amount of \$38,473.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Authorization of this construction contract will provide for the construction of receptionist improvements on the first floor of City Hall.

As shown on the attached bid tabulation, on August 8, 2019, three bids were received for the construction of the improvements. Staff is recommending award of the bid to the low bidder, Sandor Construction, LLC (Sandor), in the amount of \$38,473, which includes the base bid plus add alternate #2. Sandor has previously performed construction projects for this City, and Staff has found the performance of their work to be timely and good quality.

The recommended construction contract will provide for a 60-day performance period.

FISCAL IMPACT: Funding for the construction contract with Sandor Construction, LLC in the amount of \$38,473 is available in account 110-5924-519-6310, project 102133, as follows:

Project Budget	\$	46,223
Encumbered/Committed to Date		(7,750)
Sandor Construction, LLC		(38,473)
Remaining Project Funds Available	\$	-

ATTACHMENTS:

[Bid Tabulation](#)
[Resolution](#)

**Tabulation of Bids Received
on August 8, 2019 at 2:00 pm
City Hall Renovations - Reception Desk
Bid# 24-01-19**

	Bidders		
	Sandor Construction, LLC Salado, TX	Tom Wright Construction, LLC dba Built Wright Construction Waco, TX	FCO Construction Services, LLC
Description			
Base Bid	\$37,273.00	\$48,500.00	\$47,791.80
Add Alternate 1 - Curved Wall	\$9,300.00	\$3,450.00	\$3,465.00
Add Alternate 2 - Aluminum Faced Logo	\$1,200.00	\$1,100.00	\$1,559.25
Base Bid + Add Alternate 2	\$38,473.00	\$49,600.00	\$49,351.05
Acknowledge Addendum (1)	No	No	Yes
Bid Bond <i>(If Submitted Bid is Greater than \$25,000)</i>	Yes	Yes	Yes
Bond Requirement Affidavit <i>(If Submitted Bid is Greater than \$25,000)</i>	Yes	Yes	Yes
Credit Check Authorization	Yes	Yes	Yes
Exceptions	No	No	No

Recommended for Council Award

RESOLUTION NO. 2019-9745-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH SANDOR CONSTRUCTION, LLC OF SALADO, TEXAS IN THE AMOUNT OF \$38,473, FOR CITY HALL IMPROVEMENTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, authorization of this construction contract will provide for the construction of receptionist improvements on the first floor of City Hall;

Whereas, on August 8, 2019, three responsive bids were received for the construction of the improvements, with Sandor Construction (“Sandor”) of Salado, Texas providing the low bid in the amount of \$38,473;

Whereas, Sandor has previously performed construction projects for the City, Staff has been pleased with Sandor’s performance, and recommends Council authorize a construction contract with Sandor Construction of Salado, Texas in the amount of \$38,473 for City Hall improvements;

Whereas, funding is available in Account No. 110-5924-519-6310, Project No. 102133; 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 Interim City Attorney, to execute a construction contract with Sandor Construction of Salado, Texas in the amount of \$38,473 for City Hall improvements.

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 **15th** day of **August**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

08/15/19
Item #8(B)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Floyd Mitchell, Chief of Police
Nan Rodriguez, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing Professional Services Agreements to provide police escort services for various University football teams from Temple to McLane Stadium, Baylor University in Waco.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The universities request that the Temple Police Department provide police officers and police vehicles to escort their football teams from Temple to McLane Stadium on the Baylor University campus in Waco. The Department will provide two uniformed police officers, and two marked patrol vehicles to escort university's vehicles from a location in Temple to the players' entrance of McLane Stadium in Waco on the date of each respective university's football game against Baylor University. Each university will reimburse the City the assigned officers' actual overtime salary and benefits for a minimum of four hours at a base salary rate not to exceed eighty-one dollars per hour for each Police Officer, Corporal, or Sergeant assigned as an escort, and a base salary rate not to exceed ninety-four dollars per hour for each Lieutenant assigned as an escort. Each university will reimburse the City forty-five dollars per hour for the use of each police vehicle for a minimum of four hours. The officers will work under the supervision and control of the Temple Police Department through their direct supervisor and the Chief of Police, or his designee. The officers will not provide law enforcement services outside of Bell County. The City reserves the right to deny escort services if the City determines that the police resources are needed to carry out the City's business.

The proposed Agreement will be in effect from September 1, 2019 through November 24, 2019.

FISCAL IMPACT: Based on the minimum number of hours worked during the contract period and assuming all home game opponents will want our service, it is estimated that the City could be reimbursed by participating universities approximately \$4,200 for overtime and benefits and approximately \$2,160 for vehicle costs during FY 2019 and FY 2020.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9746-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING SERVICES AGREEMENTS WITH VARIOUS UNIVERSITIES TO PROVIDE POLICE ESCORT SERVICES FROM TEMPLE, TEXAS TO MCLANE STADIUM, BAYLOR UNIVERSITY IN WACO, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, various University football teams have requested that the Temple Police Department provide police officers and police vehicles to escort their football teams from Temple, Texas to McLane Stadium on the Baylor University campus in Waco, Texas;

Whereas, the Temple Police Department will provide two uniformed police officers and two marked patrol vehicles to escort each university vehicle from a location in Temple, Texas to the players' entrance of McLane Stadium in Waco, Texas on the date of each respective university's football game against Baylor University;

Whereas, each university will reimburse the City of Temple the assigned officers' actual overtime salary and benefits for a minimum of four hours at a base salary rate not to exceed \$81.00 per hour for each Police Officer, Corporal, or Sergeant assigned as an escort, a base salary rate not to exceed \$94.00 per hour for each Lieutenant assigned as an escort, and each university will reimburse the City \$45.00 per hour for the use of each police vehicle for a minimum of four hours;

Whereas, all officers will work under the supervision and control of the Temple Police Department through their direct supervisor and the Chief of Police, or his designee - the officers will not provide law enforcement services outside of Bell County;

Whereas, the City reserves the right to deny police escort services if the City determines that the police resources are needed to carry out the City's business;

Whereas, this agreement will be effective from September 1, 2019 through November 24, 2019;

Whereas, based on the minimum number of hours worked during the contract period for all home football games, and assuming home game opponents desire the services of the Temple Police Department, it is estimated that the City will be reimbursed approximately \$4,200 for overtime and benefits and approximately \$2,160 for vehicle costs during fiscal year 2019 and fiscal year 2020; 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 Interim City Attorney, to execute services agreements with various Universities for police escort services from Temple, Texas to McLane Stadium, Baylor University in Waco, Texas.

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 **15th** day of **August**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

08/15/19
Item #8(C)
Consent Agenda
Page 1 of 1

DEPT. / DIVISION SUBMISSION & REVIEW:

Brynn Myers, City Manager
Erin Smith, Assistant City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Community Enhancement Grant agreement with Zoe's Wings Foundation, Inc., for the Go East Temple program in an amount not to exceed \$30,799.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City supports the efforts of many public service agencies throughout the community through our Community Enhancement Grant program.

It is the policy of the City of Temple to consider funding requests from outside agencies or organizations that help the City leverage service delivery and funding levels in areas such as transportation, social services, recreation, tourism, and cultural services.

We receive numerous requests from community agencies seeking supplemental funding each year. Since there are more requests than available funds, we request each agency submit a formal written request for funding as part of the annual budget process.

Zoe's Wings Foundation, Inc., submitted a grant application to revitalize the community by providing necessary home repairs for safe and healthy housing. Employment opportunities will be available for youth to learn a trade and develop skills, as well as encourage self-improvement and pride in what they repair and build in their own neighborhoods.

FISCAL IMPACT: The FY 2019 Budget includes funding in the amount of \$96,000 in account 110-1500-515-2647 for the award of seven Community Enhancement Grants. \$30,799 of the available funding is allocated for the Community Enhancement Grant agreement with Zoe's Wings Foundation, Inc.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9747-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A COMMUNITY ENHANCEMENT GRANT AGREEMENT WITH ZOE'S WINGS FOUNDATION, INC., IN AN AMOUNT NOT TO EXCEED \$30,799, FOR THE GO EAST TEMPLE PROGRAM; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City supports the efforts of many public service agencies throughout the community through our Community Enhancement grant program - a Community Enhancement Grant is a grant made to an outside agency or organization that helps the City leverage service delivery and funding levels in areas such as transportation, social services, economic development, leisure services, and tourism/cultural services;

Whereas, this grant will provide support to Zoe's Wings Foundation, Inc., to revitalize the community by providing necessary home repairs for safe and healthy housing and Staff recommends Council authorize a Community Enhancement Grant in an amount not to exceed \$30,799;

Whereas, the fiscal year 2019 budget includes funding in the amount of \$96,000 for the award of seven Community Enhancement Grants - funding is available for this Community Enhancement Grant in Account No. 110-1500-515-2647; 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 his designee, after approval as to form by the Interim City Attorney, to execute a Community Enhancement Grant Agreement, in an amount not to exceed \$30,799, with Zoe's Wings Foundation, Inc., for the Go East Temple program.

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 **15th** day of **August**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

08/15/19
Item #8(D)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kevin Beavers, CPRP, Director of Parks and Recreation

Mike Hemker, CPRP, Assistant Director of Parks and Recreation

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

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This agreement would allow the Parks and Recreation Department to continue to provide after school programming at four T.I.S.D. schools that are located in the Temple city limits.

Temple Parks and Recreation was allowed to provide “Latch Key Program Management Services” after school services (The Zone) to Temple ISD students. The purpose of this Agreement is to authorize the use of TISD facilities by The Zone to benefit TISD students and families by providing a safe, structured environment for students after school. Campuses to be served are Cater, Thornton, Western Hills and Kennedy-Powell Elementary Schools. During the 2018-19 school year, Temple Parks and Recreation provided an after-school program for 88, five-year-old to thirteen-year-old children, Monday through Friday, from 3:00 pm to 6:00 pm.

The term of this agreement will be for the Temple ISD 2019-2020 School Year through the last day of the 2019-20 school year, at which time both parties may extend or renegotiate the agreement by mutual consent.

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

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9748-R

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

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

Whereas, the purpose of this Interlocal Agreement is to authorize the use of TISD facilities by The Zone to benefit TISD students and families by providing a safe, structured environment for students after school;

Whereas, during the 2018-2019 school year, the Temple Parks and Recreation Department provided an after-school program Monday through Friday, from 3pm to 6pm to 88 5-to-13-year old’s at Cater, Western Hills, Kennedy-Powell and Thornton Elementary Schools;

Whereas, the term of this Interlocal Agreement will be for the Temple ISD 2019-2020 School Year through the last day of the school year, at which time both parties may extend or renegotiate the agreement by mutual consent;

Whereas, this agreement with TISD assists in Council’s goal of jointly partnering with school districts to provide services and programs, and TISD has agreed to waive all facility usage fees during the time the program is being offered, thus allowing the program to be offered at an affordable rate to the participants; 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 Interim City Attorney, to execute an Interlocal Agreement with the Temple Independent School District to provide school locations for after school latch key programming for the 2019-2020 school year.

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 **15th** day of **August**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

08/15/19
Item#8(E)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Heather Mikulas, Director of Utility Billing

ITEM DESCRIPTION: Consider adopting a resolution authorizing change order #1 to the Advanced Metering Infrastructure contract with Aqua-Metric Sales Company, in the amount of \$30,919.48.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In September 2018, Council authorized a contract with Aqua-Metric Sales Company for the installation of an Advanced Meter Infrastructure (AMI) system in the amount of \$519,227.27. This system will replace approximately 100 large manually-read water meters with automated meter reading meters/devices that will allow both the city and the customers to more accurately monitor water consumption by allowing for frequent automated meter readings, high/low usage alerts and possible leak notifications.

Initial installation efforts of the AMI system revealed additional needs. Change order #1, the amount of \$30,919.48, includes an additional meter, gate valves, additional excavation and additional labor and parts to adjust lay length on 31 of the meters that are to be replaced.

Staff is recommending the execution of the attached change order #1 in the amount of \$30,919.48, making the revised contract value \$550,146.70.

FISCAL IMPACT: Funding for change order #1 to the contract with Aqua-Metric Sales Company, in the amount of \$30,919.48 for the Advanced Metering Infrastructure (AMI) system is available in project 101173 as follows:

	520-5300-535-6250	520-5900-535-6250	Total
Project Budget	\$ 450,000	\$ 825,000	\$ 1,275,000
Encumbered/Committed to Date	(324,983)	(796,169)	(1,121,152)
Aqua-Metric Sales Company Change Order #1	(30,919)	-	(30,919)
Remaining Project Funds	\$ 94,098	\$ 28,831	\$ 122,929

ATTACHMENTS:

[Change Order #1
Resolution](#)



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

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

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

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

July 26, 2019

Mrs. Heather Mikulas
Utility Business Office Manager
401 N. 3rd Street
Temple, Texas 76501

Re: City of Temple, Texas
Advanced Metering Infrastructure Systems Phase II

Dear Mrs. Mikulas:

Enclosed are four (4) copies of Change Order No. 1 in the amount of \$30,919.48 for the above referenced project. This change order includes an adjustment to the performance and payment bond for additional scope, an additional 4" meter and three gate valves requested by the City, construction activities associated with exploratory excavation at existing meters where new concrete vaults are to be installed, materials on hand and labor costs to adjust for lay length within existing meter vaults. Items within proposed change order are described below:

Bid Items 24, 38, 39 (4" Omni C2 Meter and Gate Valves)

City of Temple staff has requested one (1) 4" meter and three (3) gate valves to be installed per site observations. Additional 4" meter is to account for loss of existing water meter at the Wilsonart production facility. Gate valves will be installed at Meter Nos. 12, 20 and 62 to replace broken valves found during site evaluations by City Staff.

CO1-1 (Exploratory Excavation)

A site visit was performed with AquaMetric staff and it was determined that additional excavation is required to confirm existing bypass dimensions and utility locates around meters Nos. 14 (Midway Mobile Home Park), 33 (Temple Living Center Western Hills), 54 (Johnathan Moore Apartments), and 60 (Artco-Bell Corporation). This exploratory excavation is required in order to prepare concrete vaults with dimensions and penetrations specific to the site and bypass layouts.

CO1-2 & CO1-3 (Labor and Parts to Adjust Lay Length)

AquaMetric is requesting additional compensation for parts and labor to adjust for lay length on the remaining 31 meters to be replaced. Contractor has evaluated the layout of some of the remaining meters and determined that there may be a need for more than predicted lay length modifications to accommodate the OMNI C2 compound meters. Parts will include solid sleeves, gaskets and spool pieces. All additional parts will be paid for on a case-by-case basis with materials on hand invoices provided to account for parts installed. Invoices and installation will be reviewed by City Staff and Engineer prior to payment being released.

Mrs. Heather Mikulas
July 26, 2019
Page Two

We recommend approval of Change Order No. 1 in the amount of \$30,919.48 for a Revised Contract Amount of \$550,146.70.

Sincerely,

A handwritten signature in blue ink, appearing to read "Thomas D. Valle". The signature is fluid and cursive, with the first name "Thomas" and last name "Valle" clearly distinguishable.

Thomas D. Valle, P.E.

TDV/

xc: Mr. Jeremy Lancon, AquaMetric Sales Company
2015-118-40

CONTRACT AMENDMENT

PROJECT: **Advanced Metering Infrastructure Systems Phase II**
 OWNER: **City of Temple**
 CONTRACTOR: **AquaMetric**
 ENGINEER: **Kasberg, Patrick & Associates, LP**
 CHANGE ORDER #: **1**

Make the following additions, ~~modifications~~ or ~~deletions~~ (circle those that apply) to the work described in the Contract Documents:

Add:

Item	Description	Quantity	Unit	Cost	Total
1	Performance and Payment Bond	100%	LS	\$ 390.00	\$ 390.00
24	Provide 4" OMNI C2 Compound Meter	1	EA	\$ 2,344.75	\$ 2,344.75
38	Provide 4" Gate Valve	3	EA	\$ 564.29	\$ 1,692.87
39	Install 4" Gate Valve (Inlet Valves at Meter Nos. 12 & 20. Outlet Valve at Meter No. 62)	3	EA	\$ 1,074.29	\$ 3,222.87
CO1-1	Exploratory Excavation at Meter Nos. 14, 33, 54 and 60 to confirm dimensions of existing bypass assemblies for concrete vault	100%	LS	\$ 7,775.00	\$ 7,775.00
CO1-2	Additional Cost for Parts to Adjust for Lay Length within Existing Meter Vaults	31	EA	\$ 435.29	\$ 13,493.99
CO1-3	Additional Cost for Labor to Adjust for Lay Length within Existing Meter Vaults	20	MH	\$ 100.00	\$ 2,000.00
Total Add					\$ 30,919.48
Change Order Total					\$ 30,919.48

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

Original Contract Amount	\$ 519,227.22
Previous Net Change in Contract Amount	\$ -
Net Change in Contract Amount	\$ 30,919.48
Revised Contract Amount	\$ 550,146.70
Original Contract Time	N/A (HGAC Contract)
Previous Net Change in Contract Time	N/A (HGAC Contract)
Net Change in Contract Time	0 days
Revised Contract Time	0 days
Original Final Completion Date	N/A (HGAC Contract)
Revised Final Completion Date	N/A (HGAC Contract)

Project Manager (City Staff) 8-2-19
Date


 Architect/Engineer

 7-18-19
 Date

Contractor Mark Campbell Date 7/18/19

Brynn Myers, City Manager Date

City Attorney's Office _____ Date _____

Finance	Date
---------	------



Sales Quote

Aqua-Metric Sales Company

July 26, 2019

Kristy Segarra - Manager, Bids and Proposals
16914 Alamo Parkway, Building 2 | Selma, TX 78154
Phone: (210) 967-6300 | Facsimile: (210) 967-6305

Quote for: KPA Engineers
Attention: Jake Blair
Project: City of Temple, Texas - AMI Pilot
Phone: (254) 773-3731
Email: Jblair@kpaengineers.com

Quantity	Description	Unit Price	Line Total
Excavation Services ⁷			
32	Special Job Hour Rate, Price per Installation Technician per Hour ⁸	\$106.25	\$3,400.00
1	Excavation Rental Equipment, Weekly Rate ⁹	\$4,375.00	\$4,375.00
Subtotal:			\$7,775.00
Performance and Payment Bond:			\$200.00
Total:			\$7,975.00
Additional Metering Product and Services			
1	4" OMNI C2 Compound Meter	\$2,344.75	\$2,344.75
3	4" Isolation Valve (Gate Valve) Only - Clow, Flange x Flange	\$564.29	\$1,692.87
3	4" Valve Replacement - During Meter Exchange / Outside Vault - Labor Only ^{11,12,13}	\$1,074.29	\$3,222.87
Subtotal:			\$7,260.49
Performance and Payment Bond:			\$190.00
Total:			\$7,450.49

This quote for the product and services named above is subject to the following terms:

1. All quotes are subject to the Aqua-Metric Terms of Sale.
2. Quote is valid for thirty days.
3. Freight allowed on single orders exceeding \$10,000.00.
4. Net Thirty Days to Pay
5. Returned product may be subject to a 25% restocking fee.
6. Sales Tax and/or Freight charges are approximated and may vary on final invoice.
7. Excavation Services pricing reflects a not to exceed price
8. An estimated eight hours to be utilized for each job site.
9. All four sites to be completed within one week.
11. Installation pricing based on standard meter installations for like-for-like metering items. Please refer to our incidental line item price sheet for items outside of our scope.
12. Meter Valve Only - like for like replacement - No other Parts or Materials Included
13. Aqua-Metric will provide nuts and bolts to facilitate meter installations - any other items to be provided by the City.
14. Metering incidentals beyond quote above subject to review and price negotiations
15. Any items beyond quoted above will be subject to negotiations
16. Bonding Costs Shown Above for One Year P&P Bond Only



Aqua-Metric Sales Company
Kristy Segarra - Manager, Bids and Proposals
Jeremy Lancon - Manager, Meter Services
16914 Alamo Parkway, Building 2 | Selma, TX 78154
Phone: (210) 967-6300 | Facsimile: (210) 967-6305

Change Order

June 28, 2019

Quote for: KPA Engineers
Attention: Jake Blair
Project: City of Temple, Texas - AMI Pilot
Phone: (254) 773-3731
Email: jblair@kpaengineers.com

Quantity	Description	Unit Price	Line Total
Change Order: Large Meter Replacement Services with Parts and Labor			
31	Parts: Average Parts Price per Water Meter ⁷	\$435.29	\$13,493.99
80	Labor: Special Job Hour Rate for Additional Labor ^{7,8}	\$100.00	\$8,000.00
1	Deduction for Labor Costs ⁹	(\$6,000.00)	(\$6,000.00)

Change Order Total: \$15,493.99

Signature

Date

This quote for the product and services named above is subject to the following terms:

1. All quotes are subject to the Aqua-Metric Terms of Sale.
2. Quote is valid for thirty days.
3. Freight allowed on single orders exceeding \$10,000.00.
4. Net Thirty Days to Pay
5. Returned product may be subject to a 25% restocking fee.
6. Sales Tax and/or Freight charges are approximated and may vary on final invoice.
7. Invoicing will reflect itemized parts and labor as required.
8. Price per Installation Technician, per Hour
9. Labor will be invoiced and reduced until a \$6,000 deduction is met.
10. Metering Incidentals beyond quote above subject to review and price negotiations
11. Any items beyond quoted above will be subject to negotiations
12. Bonding Not Included



CONTRACT PRICING WORKSHEET
For Catalog & Price Sheet Type Purchases

Contract
No.:

WM08-18

Date
Prepared:

9/6/18

This Worksheet is prepared by Contractor and given to End User. If a PO is issued, both documents **MUST** be faxed to H-GAC @ 713-993-4548. Therefore please type or print legibly.

Buying Agency:	City of Temple	Contractor:	Aqua Metric Sales Company
Contact Person:	Heather Mikulas	Prepared By:	Kristy Segarra
Phone:	(254) 298 5616	Phone:	210-967-6300
Fax:		Fax:	210-967-6305
Email:	hmikulas@templetx.gov	Email:	kristy.segarra@aqua-metric.com

Catalog / Price Sheet Name:	Sensus Meter Pricing September 2018
General Description of Product:	AMI System Product and Installation

A. Catalog / Price Sheet Items being purchased - Itemize Below - Attach Additional Sheet If Necessary

Quan	Description	Unit Pr	Total
3	M400 Basestation - WM0825A	24720	74160
3	Basestation Installation - WM0825C	25000	75000
1	FL6501-GB Hand Held - WM0825A	8355.936	8355.936
1	HHD Docking Station - WM0825A	921.16	921.16
1	Command Link - WM0825A	547.232	547.232
1	3096+ Mini Reader - WM0825A	495.552	495.552
1	UniPro Communicator Tool - WM0825A	275.368	275.368
1	Annual Hosted RNI Software-as-a-Service - WM0825B	8240	8240
1	Sensus Analytics Enhanced Water - WM0825B	6758	6758
1	Consumer Portal Core (Minimum 1500 Users) - WM0825B	6250	6250
1	Annual Aqua Metric Maintenance and Support - WM0825C	30000	30000
1	Project Management - WM0825C	25000	25000
Total From Other Sheets, If Any:			340675.806
Subtotal A:			576679.054

B. Unpublished Options, Accessory or Service items - Itemize Below - Attach Additional Sheet If Necessary
(Note: Unpublished items are any which were not submitted and priced in contractor's bid.)

Quan	Description	Unit Pr	Total
82	Large Meter Register Retrofit	42.05	3448.1
82	Registers purchased by the City - Estimate	250	
1	NovusCenter Setup and Configuration	5000	5000
2	4" Precast Meter Vault (Does not include Bypass or Valves)	6938.57	13877.14
Total From Other Sheets, If Any:			69396.83
Subtotal B:			91722.07

Check: Total cost of Unpublished Options (B) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B).

For this transaction the percentage is:

16%

C. Trade-Ins / Special Discounts / Other Allowances / Freight / Installation / Miscellaneous Charges

Discount	-126931.76
One Year Performance and Payment Bond (Increased by \$190 for Change Order One)	9190
Discount for Change Order One Dated 07/25/2019	-512.67
Subtotal C:	-118254.43

Delivery Date:

D. Total Purchase Price (A+B+C):

550146.694

HGACBuy		CONTRACT PRICING WORKSHEET For Catalog & Price Sheet Type Purchases		Contract No.:	WM08-18	Date Prepared:	9/6/18
<p>This Worksheet is prepared by Contractor and given to End User. If a PO is issued, both documents <u>MUST</u> be faxed to H-GAC @ 713-993-4548. Therefore please type or print legibly.</p>							
Buying Agency:	City of Temple		Contractor:	Aqua Metric Sales Company			
Contact Person:	Heather Mikulas		Prepared By:	Kristy Segarra			
Phone:	(254)298 5616		Phone:	210-967-6300			
Fax:			Fax:	210-967-6305			
Email:	hmikulas@templetx.gov		Email:	kristy.segarra@aqua-metric.com			
Catalog / Price Sheet Name:	Sensus Meter Pricing September 2018						
General Description of Product:	AMI System Product and Installation						
A. Catalog / Price Sheet Items being purchased - Itemize Below - Attach Additional Sheet If Necessary							
Quan	Description			Unit Pr	Total		
1	Consumer Portal Unlimited Text Message Block for 1,500 Users - WM0825B			225	225		
1	RNI SaaS Setup - WM0825B			7957	7957		
1	Water Analytics System Setup - WM0825B			3750	3750		
1	Consumer Portal System Setup - WM0825B			6250	6250		
1	Consumer Portal CIS Integration Fee - WM0825B			12500	12500		
1	Consumer Portal Onsite Training - WM0825B			2250	2250		
34	4" OMNI C2 Compound Meter - WM0825G			2857.416	97152.144		
22	6" OMNI C2 Compound Meter - WM0825G			4935.536	108581.792		
4	8" OMNI C2 Compound Meter - WM0825G			7972.984	31891.936		
101	MXU 520M Single Port SmartPoint - WM0825L			141.336	14274.936		
34	4" Water Meter Installations - WM0825E			707.139	24042.726		
22	6" Water Meter Installations - WM0825E			900	19800		
4	8" Water Meter Installations - WM0825E			1285.713	5142.852		
1	Sensus Analytics Basic Integration			4000	4000		
					Total From Other Sheets, If Any:		2857.42
					Subtotal A:		340675.806
B. Trade-Ins / Special Discounts / Other Allowances / Freight / Installation / Miscellaneous Charges							
Quan	Description			Unit Pr	Total		
2	Installation of 4" Precast Meter Vault			3571.43	7142.86		
2	6" Precast Meter Vault (Does not include Bypass or Valves)			8510	17020		
2	Installation of above 6" precast Meter Vault			4571.43	9142.86		
5	DFW Rotec Plastic Meter Box with Solid Lid (30" x 24" Deep)			495.64	2478.2		
5	DFW Meter Box Replacement			62.5	312.5		
3	4" Isolation Valve (Gate Valve) Only - Clow, Flange x Flange			564.29	1692.87		
3	4" Valve Replacement - During Meter Exchange / Outside Vault - Labor Only			1074.27	3222.81		
					Total From Other Sheets, If Any:		28384.73
					Subtotal B:		69396.83
Check: Total cost of Unpublished Options (B) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B)				For this transaction the percentage is:		20%	
C. Trade-Ins / Special Discounts / Other Allowances / Freight / Installation / Miscellaneous Charges							
							0
					Subtotal C:		31242.15
Delivery Date:				D. Total Purchase Price (A+B+C):			



CONTRACT PRICING WORKSHEET
For Catalog & Price Sheet Type Purchases

Contract
No.:

WM08-18

Date
Prepared:

7/30/19

This Worksheet is prepared by Contractor and given to End User. If a PO is issued, both documents **MUST** be faxed to H-GAC @ 713-993-4548. Therefore please type or print legibly.

Buying Agency:	City of Temple	Contractor:	Aqua Metric Sales Company
Contact Person:	Heather Mikulas	Prepared By:	Kristy Segarra
Phone:	(254)298 5616	Phone:	210-967-6300
Fax:		Fax:	210-967-6305
Email:	hmikulas@templetx.gov	Email:	kristy.segarra@aqua-metric.com

Catalog / Price Sheet Name:	Sensus Meter Pricing September 2018
General Description of Product:	AMI System Product and Installation

A. Catalog / Price Sheet Items being purchased - Itemize Below - Attach Additional Sheet If Necessary

Quan	Description	Unit Pr	Total
1	4" OMNI C2 Compound Meter - WM0825G (Change Order One Dated 07/25/2019)	2857.42	2857.42
			0
			0
			0
			0
			0
			0
			0
			0
			0
			0
			0
			0
			0
			0

Total From Other Sheets, If Any:

Subtotal A: 2857.42

B. Bonding

Quan	Description	Unit Pr	Total
3	4" Isolation Valve (Gate Valve) Only - Clow, Flange x Flange (Change Order One Dated 07/25/2019)	564.29	1692.87
3	4" Valve Replacement - During Meter Exchange / Outside Vault - Labor Only (Change Order One Dated 07/25/2019)	1074.29	3222.87
1	Exploratory Excavation Services (LS) (Change Order One Dated 07/25/2019)	7975	7975
31	Additional Costs for Parts to Adjust Lay Lengths within Existing Meter Vaults (Change Order One Dated 07/25/2019)	435.29	13493.99
20	Additional Costs for Labor to Adjust Lay Lengths within Existing Meter Vaults (Change Order One Dated 07/25/2019)	100	2000
			0
			0

Total From Other Sheets, If Any:

Subtotal B: 28384.73

Check: Total cost of Unpublished Options (B) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B) For this transaction the percentage is: 993%

C. Traffic / Ins / Special Discounts / Other Allowances / Freight / Installation / Miscellaneous Charges:

Discount	-512.67
Updated Bonding for Change Order	190
	-322.67
Subtotal C:	-322.67

Delivery Date:

D. Total Purchase Price (A+B+C):

RESOLUTION NO. 2019-9749-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHANGE ORDER WITH AQUA-METRIC SALES COMPANY OF RIVERSIDE, CALIFORNIA IN THE AMOUNT OF \$30,919.48, FOR THE INSTALLATION OF AN ADVANCED METERING INFRASTRUCTURE SYSTEM; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in September 2018, Council authorized a contract with Aqua-Metric Sales Company for the installation of an Advanced Meter Infrastructure (AMI) system in the amount of \$519,227.27 - this system will replace approximately 100 large manually-read water meters with automated meter reading meters/devices that will allow both the city and the customers to more accurately monitor water consumption by allowing for frequent automated meter readings, high/low usage alerts and possible leak notifications;

Whereas, initial installation efforts of the AMI system revealed additional needs and Change Order No. 1 is necessary to include an additional meter, gate valves, additional excavation and additional labor and parts to adjust lay length on 31 of the meters that are to be replaced;

Whereas, funds are available for this Change Order in Account No. 520-5300-535-6250, Account No. 520-5900-535-6250, Project No. 101173; 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 Interim City Attorney, to execute a Change Order with Aqua-Metric Sales Company of Riverside, California in the amount of \$30,919.48, for the installation of an Advanced Metering Infrastructure system.

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 **15th** day of **August**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

08/15/19
Item #8(F)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Don Bond, P.E., CFM, Public Works Director
Richard Wilson, P.E., CFM, City Engineer

ITEM DESCRIPTION: Consider adopting a resolution authorizing a change order with Bell Contractors, Inc. of Belton, in the amount of \$98,447.79 for construction of Phase 1 of the Williamson Creek Trunk Sewer Improvements.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The existing Williamson Creek trunk sewer, built in the mid-1970's, provides wastewater service to many neighborhoods, restaurants and commercial developments to the northeastern portions of Temple. The 5 ½ mile line was assessed to ensure that the system is properly sized and capable of continuing to provide adequate service to a fully built-out contributing area. The results confirmed that the trunk sewer has significant aging, failures, and excessive amounts of infiltration with a recommendation to implement necessary upgrades and improvements in three phases, with Phase I being the most critical to rehabilitate.

In August 2018, Council approved a construction contract for \$1,853,473.75 with Bell for Williamson Creek Trunk Sewer Improvements Phase 1. Change orders 1-4 in the amount of \$21,958.56 were authorized by Staff.

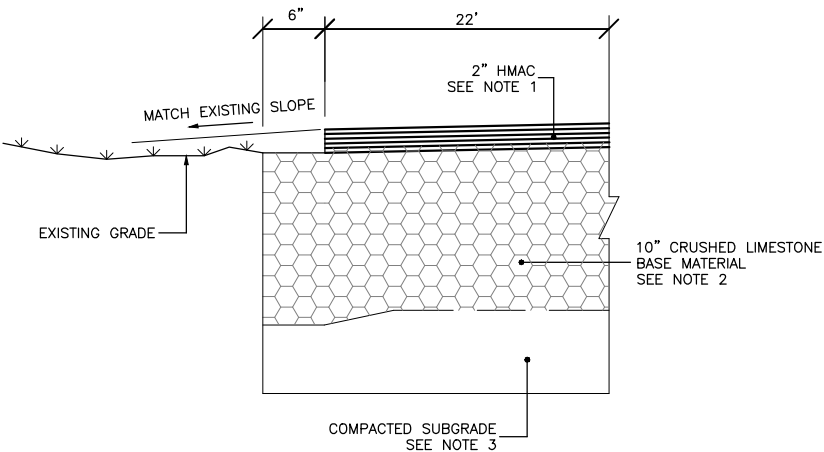
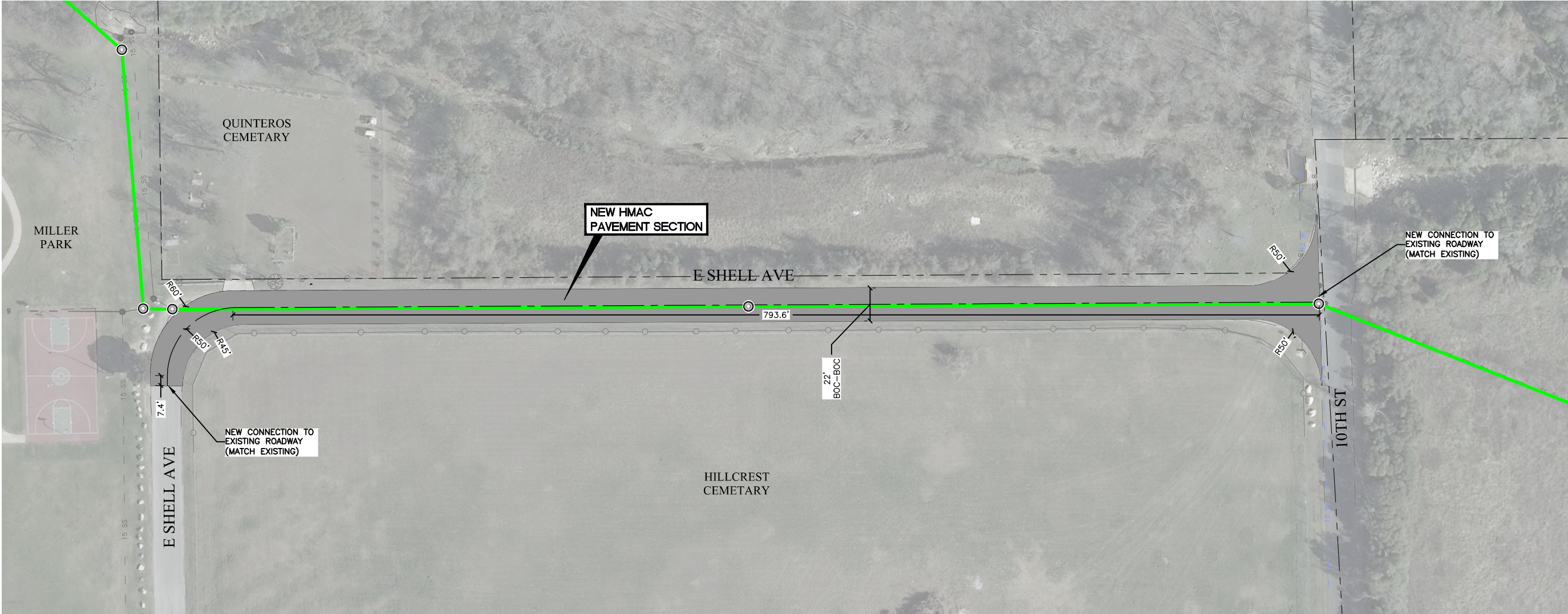
The attached change order form represents additional quantities needed to repair Shell Avenue (see project map). During excavation, the trench walls for the proposed trunk sewer collapsed due to poor soil conditions underneath the existing roadway. As a result, the Engineer recommends that the full width of Shell Avenue to be replaced (see recommendation letter). This will increase the contract price to \$1,973,880.10, a net overall increase of 6.5% to the original contract amount.

FISCAL IMPACT: A budget adjustment is being presented to Council for approval to appropriate funding for change order #5 to the construction contract with Bell Contractors, Inc. in the amount of \$98,447.79 for the construction of Phase 1 of the Williamson Creek Trunk Sewer Improvements. Funding will be available in account 561-5400-535-6980, project 101628, as follows:

Project Budget	\$	3,031,472
Budget Adjustment		14,412
Encumbered/Committed to Date		(2,947,436)
Bell Contractors, Inc Change Order #5		(98,448)
Remaining Project Funds Available	\$	-

ATTACHMENTS:

[Project Map](#)
[Recommendation Letter](#)
[Change Order Form](#)
[Budget Adjustment](#)
[Resolution](#)



NOTES FOR PAVEMENT SECTIONS:

THE PAVEMENT SHALL BE CONSTRUCTED IN GENERAL ACCORDANCE WITH TxDOT STANDARD SPECIFICATIONS FOR CONSTRUCTION OF HIGHWAYS, STREETS, AND BRIDGES, 1993 EDITION.

THE FOLLOWING CRITERIA ARE APPLICABLE:

1. HMAC - TxDOT ITEM 340, TYPE D.
2. CRUSHED LIMESTONE BASE MATERIALS - 2014 TxDOT ITEM 247, TYPE A, GRADE 2 OR BETTER. THE MATERIAL SHOULD BE COMPACTED IN MAXIMUM 6-INCH LIFTS TO AT LEAST 95 PERCENT OF ASTM D 1557-91 (MODIFIED PROCTOR) AT OR ABOVE OPTIMUM MOISTURE CONTENT.
3. SUBGRADE PREPARATION - THE SUBGRADE SHALL BE SCARIFIED TO A DEPTH OF AT LEAST 6" TO REMOVE VEGETATION, EXISTING FILL, DEBRIS OR OTHER DELETRIOUS MATERIALS. THE EXPOSED SUBGRADES SHOULD BE PROOF-ROLLED IN THE PRESENCE OF THE GEOTECHNICAL ENGINEER, AND ANY SOFT OR WEAK AREAS REMOVED AND REPLACED WITH COMPACTED SELECT FILL. THE SUBGRADE SHOULD BE COMPACTED TO BETWEEN 95 AND 100 PERCENT OF ASTM D 698-97 (STANDARD PROCTOR) AT OR ABOVE OPTIMUM MOISTURE CONTENT. SOFT OR WEAK AREAS SHOULD BE REMOVED AND REPLACED WITH ENGINEERED FILL.

1 HMAC PAVEMENT SECTION
SCALE: N.T.S.

LEGEND

NEW HMAC PAVEMENT SECTION (PER DETAILS)

CLARK & FULLER
CIVIL ENGINEERING • DESIGN • PLANNING

CITY OF TEMPLE
2017 WILLIAMSON CREEK
NEW TRUNK SEWER
IMPROVEMENTS PROJECT
PHASE I
TEMPLE, TEXAS

**PAVEMENT REPLACEMENT
SHELL AVENUE**

DRAWING STATUS

THESE DRAWINGS WERE PREPARED UNDER THE AUTHORITY OF
MONTY L. CLARK P.E. 90894, CLARK & FULLER, PLLC FIRM NO: F-10384.

☐ FOR REVIEW
THIS DOCUMENT IS RELEASED FOR THE PURPOSES OF INTERIM REVIEW ONLY
AS PER DATE ON DRAWING. IT IS NOT TO BE USED FOR BIDDING OR
CONSTRUCTION PURPOSES. ONLY DRAWINGS ISSUED "FOR CONSTRUCTION"
CAN BE CONSIDERED COMPLETE.

☒ FOR CONSTRUCTION
FINAL DRAWINGS

Designed	MLC
Drafted	ECB
Project No	171768.00
Plot Date	7-19-19

7-19-19

1



215 North Main Street
Temple, Texas 76501
(254) 899-0899
Fax (254) 899-0901
www.clark-fuller.com
Firm Registration No: F-10384

July 31, 2019

City of Temple
Sharon Carlos, P.E.
3210 E. Ave H, Bldg A
Temple, Texas 76501

Re: City of Temple Williamson Creek New Trunk Sewer Improvements Project, Phase I - Change Order 5

Dear Ms. Carlos,

On July 30th Change Order No. 5 was submitted for City of Temple Williamson Creek New Trunk Sewer Improvements Project, Phase I. The amount of Change Order No. 5 is in the amount of \$98,447.79. This change order is for the purpose of reconstructing approximately 920 linear feet of the existing Shell Avenue between N. 10th Street and Miller Park.

During trunk sewer trenching excavation in Shell Avenue the contractor encountered unknown negative soil conditions which caused the existing roadway and trench walls to collapse during construction. The extents of the roadway and trench wall collapse were approximately the full width of the road at this location. Due to the trench collapse, there is presently no asphalt surface remaining and the roadway is temporarily closed until it can be reconstructed.

It is the engineer's opinion to authorize this change order.

Sincerely,

Monty Clark, P.E., CPESC



CHANGE ORDER

PROJECT: City of Temple Williamson Creek Trunk Sewer Improvements Project, Phase I
OWNER: City of Temple
CONTRACTOR: Bell Contractors, Inc.
ENGINEER: Clark & Fuller, PLLC
CHANGE ORDER #: Five (5)

Make the following additions, modifications or deletions (circle those that apply) to the work described in the Contract Documents:

ITEM #:

ADD: Contractor Item

Shell Avenue Pavement Replacement:

#2	100% LS – Mobilization, Bonds, and Insurance	\$ 8,317.52
#3	100% LS – Traffic Control Plan and Implementation	\$ 6,507.83
	100% LS – Sawcut and Demolish Existing Pavement	\$ 6,196.32
	945 CY – Excavation	\$ 14,071.05
	2391 SY – Subgrade preparation	\$ 1,506.33
	2391 SY – 10" Crushed Limestone Base Material	\$ 29,552.76
#10	2203 SY – New Asphalt Pavement	\$ 32,295.98

Total Add: \$ 98,447.79

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

Original Contract Amount:	\$ 1,853,473.75
Previous Net Change in Contract Amount:	\$ 21,958.56
Net Change in Contract Amount:	\$ 98,447.79
Revised Contract Amount:	\$ 1,973,880.10
Original Contract Time:	310 Days
Previous Net Change in Contract Time:	49 Days
Net Change in Contract Time:	0 Days
Revised Contract Time:	359 Days
Original Final Completion Date:	8-14-2019
Revised Final Completion Date:	10-2-2019

Recommended by:

Project Manager (City Staff) Date

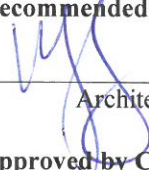
Agreed to:

Contractor Date

Approved as to form:

City Attorney's Office Date

Recommended by:



Architect/Engineer Date **8-6-19**

Approved by City of Temple:

Brynn Myers, City Manager Date

Approved by Finance Department:

Finance Date

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
561-5400-535-69-80	101628	Capital - Bonds / Williamson Creek Trunk Swr	\$ 14,412	
561-5100-535-69-89	101834	Capital - Bonds / Scott Elevated Storage Tank		14,412
TOTAL.....			\$ 14,412	\$ 14,412

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

To appropriate funding for Change Order #5 to the construction contract with Bell Contractors, Inc. in the amount of \$98,447.79 for the construction of Phase 1 of Williamson Creek Trunk Sewer Improvements, project 101628.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

08/15/19

WITH AGENDA ITEM?

☒ Yes☐ No

Department Head/Division Director

Date

☐ Approved
☐ Disapproved

Finance

Date

☐ Approved
☐ Disapproved

City Manager

Date

☐ Approved
☐ Disapproved

RESOLUTION NO. 2019-9750-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CHANGE ORDER NO. 5 TO THE CONSTRUCTION CONTRACT WITH BELL CONTRACTORS, INC. OF BELTON, TEXAS IN THE AMOUNT OF \$98,447.79, FOR CONSTRUCTION OF PHASE 1 OF THE WILLIAMSON CREEK TRUNK SEWER IMPROVEMENTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the existing Williamson Creek trunk sewer, built in the mid-1970's, provides wastewater service to many neighborhoods, restaurants and commercial developments in the northeastern portions of Temple;

Whereas, the 5 ½ mile line was recently assessed to ensure the system is properly sized and capable of continuing to provide adequate service to a fully built-out contributing area – the results of that assessment confirmed that the trunk sewer has significant aging, failures, and excessive amounts of infiltration;

Whereas, the assessment also recommended the implementation of necessary upgrades and improvements in three phases, with Phase 1 being the most critical to rehabilitate;

Whereas, in August 2018, Council approved a construction contract for \$1,853,473.75 with Bell for Williamson Creek Trunk Sewer Improvements Phase 1 - Change Orders 1-4 in the amount of \$21,958.56 were authorized by Staff;

Whereas, during excavation, the trench walls for the proposed trunk sewer collapsed due to poor soil conditions underneath the existing roadway and as a result the full width of Shell Avenue needs to be replaced - Staff and the City's Engineer recommend Council authorize Change Order No. 5 for additional quantities needed to repair Shell Avenue;

Whereas, this Change Order will increase the contract price to \$1,973,880.10, a net 6.5% increase of the original contract amount;

Whereas, funding is available, but a budget adjustment is being presented to Council for approval to appropriate funds to Account No. 561-5400-535-6980, Project No. 101628; and

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

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

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 Interim City Attorney, to execute Change Order No. 5 to the construction contract with Bell Contractors, Inc. of Belton, Texas in the amount of \$98,447.79, for the construction of Phase 1 of the Williamson Creek Trunk Sewer Improvements.

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 **15th** day of **August**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

08/15/19
Item #8(G)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing an amendment to Resolution 2018-9441-R to add 1.612 acres of excess right-of-way to the exchange of City-owned property pursuant to Local Government Code § 272.001(b)(3) for right-of-way necessary for the expansion of Old Howard Road and for the City to retain a 0.188-acre public utility easement.

STAFF RECOMMENDATION: Adopt resolution presented in item description.

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

The City has acquired or has entered into a possession and use agreement for all twenty-one properties needed for right-of-way. The City has reached an agreement for the remaining right-of-way needed for this project. The City needs 0.918-acres of right-of-way from the property owner. With the construction of Research Parkway, current City-owned right-of-way along Old Howard Road and excess property acquired as part of the Research Parkway Project will no longer be needed. This property is adjacent to the property owners' land. The City has agreed to exchange a total of 4.693-acres. Public utilities are in a 0.188-acre tract of excess right-of-way. The City will retain a 0.188-acre public utility easement in this tract.

The City has also reached an agreement with this property owner to purchase 3420 Old Howard Road. The property is adjacent to an approximately 125-acre tract that is currently owned by the City. During negotiations, the property owner asked if the City would consider buying this property as it would complete the frontage of the City owned tract along Old Howard Road and eventually Research Parkway. Staff believes there are benefits to purchasing the property to combine with the larger City-owned tract and provide complete frontage access to the new Outer Loop after construction. Acquisition of this property will increase the property value and marketability of the approximately 125-acre tract.

At this time, Staff is asking for the authorization for the exchange of City-owned property pursuant to Local Government Code § 272.001(b)(3) for right-of-way necessary for the expansion of Old Howard Road and authorizing the purchase of 3420 Old Howard Road and closing costs in an estimated amount of \$105,000.

FISCAL IMPACT: Funding for the amendment to Resolution 2018-9441-R to add 1.612 acres of excess right of way to the exchange of City-owned property for right of way necessary for the expansion of Old Howard Road and for the City to retain a 0.188-acre public utility easement in an estimated amount of \$105,000 is available in account 795-9500-531-6110, project #101846.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9751-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO RESOLUTION 2018-9441-R TO ADD 1.612 ACRES OF EXCESS RIGHT OF WAY TO THE EXCHANGE OF CITY-OWNED PROPERTY PURSUANT TO LOCAL GOVERNMENT CODE § 272.001(B)(3) FOR RIGHT OF WAY NECESSARY FOR THE EXPANSION OF OLD HOWARD ROAD AND FOR THE CITY TO RETAIN A 0.188-ACRE PUBLIC UTILITY EASEMENT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Whereas, the City has acquired or has entered into a possession and use agreement for all 21 properties needed for right-of-way and the City has reached an agreement for the remaining right-of-way needed for this project - the City needs approximately 0.918-acres of right-of-way from the property owner;

Whereas, with the construction of Research Parkway, current City-owned right-of-way along Old Howard Road and excess property acquired as part of the Research Parkway Project will no longer be needed - this property is adjacent to the property owner's land and the City has agreed to exchange a total of approximately 4.693 acres;

Whereas, public utilities are in a 0.188-acre tract of excess right of way and the City will retain a 0.188-acre public utility easement in this tract;

Whereas, the City has also reached an agreement with the property owner to purchase 3420 Old Howard Road which is adjacent to an approximately 125-acre tract that is currently owned by the City;

Whereas, during negotiations, the property owner asked if the City would consider buying this property as it would complete the frontage of the City-owned tract along Old Howard Road, and eventually Research Parkway;

Whereas, Staff believes there is benefit to purchasing the property to combine with the larger City-owned tract and provide complete frontage access to the new Outer Loop after construction - acquisition of this property will increase the property value and marketability of the approximately 125-acre tract;

Whereas, Staff recommends Council authorize the exchange of City-owned property pursuant to Local Government Code §272.001(b)(3) for right-of-way necessary for the expansion of Old Howard Road and authorize the purchase of 3420 Old Howard Road in the amount of \$105,000;

Whereas, funding for the amendment to Resolution 2018-9441-R to add 1.612 acres of excess right of way to the exchange of City-owned property for right of way necessary for the expansion of Old Howard Road and for the City to retain a 0.188-acre public utility easement is available in Account No. 795-9500-531-6110, Project No. 101846; 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 an amendment to Resolution 2018-9441-R to add 1.612 acres of excess right of way to the exchange of city-owned property pursuant to Local Government Code Section 272.001(B)(3) for right of way necessary for the expansion of Old Howard Road and for the City to retain a 0.188-acre public utility easement.

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 15th day of **August**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

08/15/19
Item #8(H)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Floyd Mitchell, Chief of Police

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of a canine with associated training from US K9 Unlimited, Inc. of Kaplan, Louisiana, in the amount of \$16,800.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Earlier this fiscal year, the Police Department purchased a canine that included training and lodging for the City's assigned handler from US K9 Unlimited, Inc. (US K9) in the amount of \$16,800. Grant funding is available to purchase a second dog with handler training and lodging for an additional \$16,800, making a total FY2019 purchase of \$33,600.

The Police Department has utilized US K9 since 2011 for sourcing its canines and associated training. The Police Department has learned that training consistency is vital to the quality of services the canines can provide, and accordingly, staff is recommending the single-sourcing of the dogs and training through US K9. The \$16,800 purchase includes the canine fully trained in narcotics detection and patrol functions, a five-week handler course, handler certification, and handler lodging

Council authorized the grant funding associated with this purchase on August 15, 2018, a 2018 Edward Byrne Memorial Justice Assistance Grant (JAG).

FISCAL IMPACT: Funding for the purchase of the canine with associated training from US K9 Unlimited, Inc. in the amount of \$16,800 is available in account 260-2000-521-6211, project #101959, as follows:

Project Budget	\$	18,534
Encumbered/Committed to Date		-
US K9 Unlimited, Inc.		(16,800)
Remaining Project Funds Available	\$	<u>1,734</u>

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9752-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A CANINE WITH ASSOCIATED TRAINING FROM US K9 UNLIMITED OF KAPLAN, LOUISIANA IN THE AMOUNT OF \$16,800; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, earlier this fiscal year, the Police Department purchased a canine that included training and lodging for the City's assigned handler from US K9 Unlimited, Inc. (US K9) in the amount of \$16,800 - grant funding is available to purchase a second dog with handler training and lodging for an additional \$16,800, making a total fiscal year 2019 purchase of \$33,600;

Whereas, the Police Department has utilized US K9 since 2011 for sourcing its canines and associated training - the Police Department has learned that training consistency is vital to the quality of services the canines can provide, and accordingly, Staff is recommending the single-source purchasing of the dogs and training through US K9 which includes the canine fully trained in narcotics detection and patrol functions, a 5-week handler course, handler certification, and handler lodging;

Whereas, Council authorized the grant funding associated with this purchase on August 15, 2018, a 2018 Edward Byrne Memorial Justice Assistance Grant (JAG);

Whereas, funding for this purchase is available in Account No. 260-2000-521-6211, Project No. 101959; 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 a canine with associated training from US K9 Unlimited of Kaplan, Louisiana in the amount of \$16,800, and authorizes the City Manager, or her designee, after approval as to form by the Interim City Attorney, to execute any documents that may be necessary for this purchase.

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

PASSED AND APPROVED this the **15th** day of **August**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

08/15/19
Item #8(I)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, City Manager

ITEM DESCRIPTION: Consider adopting a resolution amending Resolution No. 2004-4025-R, Part2(d) "Qualifications of Applicants; Term limitations".

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In April 2004 the City Council adopted Resolution No. 2004-4025-R which established policies governing the appointment and training of citizens to City boards and commissions. Part 2(d) of this resolution addresses the qualifications of applicants and, in part, states, "No person shall be appointed to serve on any particular board or commission for more than two consecutive terms but shall be eligible for reappointment at a later date. Completion of any unexpired term shall not count against the two consecutive term limitation."

In 2007, Council amended the above language to state that no person may be appointed to serve on any particular board or commission for more than two consecutive terms or six consecutive years, whichever is greater.

City representatives on the Reinvestment Zone No. 1 Board of Directors are subject to the term limitations set forth above. Board members serve two-year terms, but the appointed Chair of the Board serves as Chair for one year beginning on January 1 and ending on December 31. The one-year term for the appointed Chair is required by Chapter 311 of the Texas Tax Code. Based on the City's current Board appointment schedule, it is possible for an appointed Chair to reach his or her term limit in September before completion of his or her one-year appointment as Chair. In order to allow a sitting Chair to complete his or her one-year appointment, the following amendments are proposed for Part 2(d) of Resolution No. 2004-4025-R:

(d) Qualifications of Applicants; Term Limitations

- (1) Applicants for board and commission appointments must meet the requirements established by the City Council for that particular board or commission.
- (2) Except as provided in subsection (A) below, no person may be appointed to serve on any particular board or commission for more than two consecutive terms or six

consecutive years, whichever is greater, but will be eligible for reappointment at a later date. Completion of any unexpired term will not count against the term limits set forth herein.

- (A) A sitting Chair of the Reinvestment Zone No. 1 Board of Directors may be reappointed to serve an additional one (1) year, notwithstanding the term limits set forth above, when the sitting Chair reaches the stated term limits, but has not yet completed his one-year appointment as Chair of the Board.
- (3) No person may serve simultaneously on more than two City-established boards or commissions without accepting the resignation of that prospective appointee from one of two City boards or commissions upon which that person is currently serving.

FISCAL IMPACT: None

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. 2019-9753-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING RESOLUTION NO. 2004-4025-R, PART 2(D) "QUALIFICATIONS OF APPLICANTS; TERM LIMITATIONS;" AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in April 2004 the City Council adopted Resolution No. 2004-4025-R which established policies governing the appointment and training of citizens to City boards and commissions - Part 2(d) of this Resolution addresses the qualifications of applicants and, in part, states, "No person shall be appointed to serve on any particular board or commission for more than two consecutive terms, but shall be eligible for reappointment at a later date. Completion of any unexpired term shall not count against the two consecutive term limitation;"

Whereas, in 2007, Council amended the above language to state that no person may be appointed to serve on any particular board or commission for more than two consecutive terms, or six consecutive years, whichever is greater;

Whereas, City representatives on the Reinvestment Zone No. 1 Board of Directors are subject to the term limitations set forth above - Board Members serve two-year terms, but the appointed Chair of the Board serves as Chair for one year beginning January 1 and ending December 31;

Whereas, the one-year term for the appointed Chair is required by Chapter 311 of the Texas Tax Code and based on the City's current Board appointment schedule, it is possible for an appointed Chair to reach his or her term limit in September before completion of his or her one-year appointment as Chair;

Whereas, in order to allow a sitting Chair to complete his or her one-year appointment, the following amendments are proposed for Part 2(d) of Resolution No. 2004-4025-R:

(d) Qualifications of Applicants; Term Limitations

(1) Applicants for board and commission appointments must meet the requirements established by the City Council for that particular board or commission.

(2) Except as provided in subsection (A) below, no person may be appointed to serve on any particular board or commission for more than two consecutive terms or six consecutive years, whichever is greater, but will be eligible for reappointment at a later date. Completion of any unexpired term will not count against the term limits set forth herein.

(A) A sitting Chair of the Reinvestment Zone No. 1 Board of Directors may be reappointed to serve an additional one (1) year, notwithstanding the term limits set forth above, when the sitting Chair reaches the stated term limits, but has not yet completed his or her one-year appointment as Chair of the Board.

(3) No person may serve simultaneously on more than two City-established boards or commissions without accepting the resignation of that prospective appointee from one of two City boards or commissions upon which that person is currently serving; 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 amends Resolution No. 2004-4025-R, Part 2(d) “Qualifications of Applicants; Term Limitations,” as follows:

(d) Qualifications of Applicants; Term Limitations

(1) Applicants for board and commission appointments must meet the requirements established by the City Council for that particular board or commission.

(2) Except as provided in subsection (A) below, no person may be appointed to serve on any particular board or commission for more than two consecutive terms or six consecutive years, whichever is greater, but will be eligible for reappointment at a later date. Completion of any unexpired term will not count against the term limits set forth herein.

(A) A sitting Chair of the Reinvestment Zone No. 1 Board of Directors may be reappointed to serve an additional one (1) year, notwithstanding the term limits set forth above, when the sitting Chair reaches the stated term limits, but has not yet completed his or her one-year appointment as Chair of the Board.

(3) No person may serve simultaneously on more than two City-established boards or commissions without accepting the resignation of that prospective appointee from one of two City boards or commissions upon which that person is currently serving

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 15th day of **August**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

08/15/19
Item #8(J)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution approving third quarter financial results for Fiscal Year 2019.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

BACKGROUND: This item will present in detail the third quarter ending June 30, 2019, for the General, Water & Sewer, Hotel/Motel Tax, and Drainage Funds.

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

The third quarter financial statements also include a forecast of year-end financial results for the General Fund as of September 30, 2019.

FISCAL IMPACT: Not applicable.

ATTACHMENTS:

[Quarterly Financial Statements](#)
[Resolution](#)



THIRD QUARTER FINANCIAL STATEMENTS

2018/19

Prepared by the
Finance Department



QUARTERLY FINANCIAL STATEMENTS

For the nine months ended 06.30.19

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

August 15, 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 nine months ended June 30, 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.

NINE-MONTH REVIEW

GENERAL FUND –

The amount of revenues from various sources for the nine months ended June 30, 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	\$ 30,738	\$ 36,499	84%
Franchise fees	6,307	7,103	89%
Licenses and permits	808	909	89%
Intergovernmental	53	71	74%
Charges for services	20,154	27,592	73%
Fines	1,555	2,209	70%
Interest and other	1,647	2,165	76%
Total revenues	\$ 61,260	\$ 76,548	80%

TRANSMITTAL LETTER

Revenues compared to the amended budget for FY 2019 are at 80% with 75% of the year completed. A detail of the revenues as compared to budget is shown below:

Revenues	% of Budget
Ad valorem taxes	98.65%
Sales tax receipts	75.43%
Other taxes	81.11%
Franchise fees	88.79%
Licenses and permits	88.82%
Intergovernmental revenues	73.91%
Charges for services	73.04%
Fines	70.40%
Interest and other	76.08%

Expenditures by major function for the nine months ended June 30, 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	\$ 12,559	\$ 17,841	70%
Public safety	25,330	34,779	73%
Highways and streets	2,537	3,859	66%
Sanitation	5,654	7,694	73%
Parks and recreation	6,675	10,946	61%
Education	1,321	1,866	71%
Airport	1,904	2,400	79%
Debt Service:			
Principal	86	137	63%
Interest	12	16	74%
Total expenditures	\$ 56,077	\$ 79,539	71%

Expenditures compared to the amended budget are at 71% with 75% of the year complete. Detail is provided below:

Expenditures	% of Budget
Personnel	71.37%
Operations	68.12%
Capital	75.27%
Debt service	64.23%

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

TRANSMITTAL LETTER

WATER/WASTEWATER FUND –

Operating revenue has decreased by \$2,550,454 over the same time as last fiscal year. Operating expenses increased by \$601,536 compared to the same period of last fiscal year. Third 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 June 30, 2019, the City had cash and investments with a carrying value of \$177,168,317 and a fair value of \$177,882,176. Total interest earnings for the nine months ended are \$3,140,330. 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 75, Exhibit F-1 through F-3.

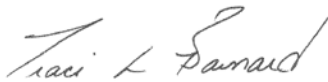
SUPPLEMENTAL INFORMATION –

This section has details of General Fund balances and designations (page 81). 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
June 30, 2019 and 2018

	<u>2019</u>	<u>2018</u>	<u>Increase (Decrease)</u>
ASSETS			
Cash	\$ 8,200	\$ 8,300	\$ (100)
Investments	35,248,012	36,322,281	(1,074,269)
Receivables (net of allowance for estimated uncollectible):			
State sales tax	1,831,047	1,670,814	160,233
Accounts	1,621,737	1,453,183	168,554
Ad valorem taxes	296,838	287,176	9,662
Inventories	336,405	354,014	(17,609)
Prepaid items	306,001	238,570	67,431
<i>Total current assets</i>	<u>39,648,240</u>	<u>40,334,338</u>	<u>(686,098)</u>
 Restricted cash and investments:			
Drug enforcement	263,777	258,263	5,514
Public safety	30,276	30,508	(232)
R.O.W. Escrow	22,504	22,007	497
Parks Escrow {Table VI, pg. 87}	502,401	404,237	98,164
Rob Roy MacGregor Trust - Library	7,571	8,549	(978)
<i>Total restricted cash and investments</i>	<u>826,529</u>	<u>723,564</u>	<u>102,965</u>
 TOTAL ASSETS	<u><u>\$ 40,474,769</u></u>	<u><u>\$ 41,057,902</u></u>	<u><u>\$ (583,133)</u></u>

	2019	2018	Increase (Decrease)
LIABILITIES AND FUND BALANCES			
Liabilities:			
Vouchers payable	\$ 3,113,635	\$ 3,989,677	\$ (876,042)
Retainage payable	4,584	2,335	2,249
Accrued payroll	2,820,632	2,782,809	37,823
Deposits	39,598	38,374	1,224
Deferred revenues:			
Ad valorem taxes	269,253	259,591	9,662
R.O.W. Escrow	22,504	22,007	497
Parks Escrow	502,401	404,462	97,939
Electric franchise	816,934	812,519	4,415
Gas franchise	178,394	216,122	(37,728)
Other	360,551	254,488	106,063
Total liabilities	8,128,486	8,782,384	(653,898)
Fund Balance:			
Nonspendable:			
Inventories and prepaid items	492,994	432,639	60,355
Restricted for:			
Drug enforcement	198,298	160,520	37,778
Public safety	30,643	30,909	(266)
Rob Roy MacGregor Trust - Library	7,590	9,925	(2,335)
Municipal court	320,950	479,351	(158,401)
Vital statistics preservation	3,050	-	3,050
Public education channel	144,338	127,256	17,082
Assigned to:			
Technology replacement	12,071	27,586	(15,515)
Capital projects {Table I, pg. 81}	1,115,630	1,819,483	(703,853)
Unassigned:	20,132,300	20,132,300	-
Budgeted decrease in fund balance	5,321,864	5,262,143	59,721
Total fund balance	27,779,728	28,482,112	(702,384)
Excess revenues over expenditures YTD	4,566,555	3,793,406	773,149
TOTAL LIABILITIES AND FUND BALANCES	\$ 40,474,769	\$ 41,057,902	\$ (583,133)

GENERAL FUND

SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES

IN FUND BALANCE - ACTUAL AND BUDGET

For the nine months ended June 30, 2019

(With comparative amounts for the nine months ended June 30, 2018)

	2019			2018	Analytical \$ Increase (Decrease) Prior yr.
	Actual	Budget	Percent of Budget	Actual	
Revenues:					
Taxes	\$ 30,737,545	\$ 36,498,625	84.22%	\$ 29,778,508	\$ 959,037
Franchise fees	6,306,525	7,103,030	88.79%	6,058,288	248,237
Licenses and permits	807,618	909,250	88.82%	741,172	66,446
Intergovernmental	52,710	71,318	73.91%	52,284	426
Charges for services	20,153,785	27,592,247	73.04%	18,871,051	1,282,734
Fines	1,554,859	2,208,553	70.40%	1,398,515	156,344
Interest and other	1,646,894	2,164,766	76.08%	1,264,873	382,021
Total revenues	61,259,936	76,547,789	80.03%	58,164,691	3,095,245
Expenditures:					
General government	12,558,841	17,840,647	70.39%	11,538,627	1,020,214
Public safety	25,329,581	34,779,324	72.83%	25,161,859	167,722
Highways and streets	2,536,621	3,858,751	65.74%	2,464,902	71,719
Sanitation	5,654,078	7,694,370	73.48%	4,937,944	716,134
Parks and recreation	6,675,353	10,946,342	60.98%	7,097,803	(422,450)
Education	1,320,564	1,866,088	70.77%	1,266,693	53,871
Airport	1,903,661	2,400,393	79.31%	1,866,586	37,075
Debt Service:					
Principal	86,390	136,870	63.12%	82,205	4,185
Interest	11,910	16,169	73.66%	9,932	1,978
Total expenditures	56,076,999	79,538,954	70.50%	54,426,551	1,650,448
Excess (deficiency) of revenues over expenditures	5,182,937	(2,991,165)	-	3,738,140	1,444,797
Other financing sources (uses):					
Transfers out:					
Debt Service	(70,900)	(1,506,800)	4.71%	(57,219)	(13,681)
Capital Projects - Designated	(579,886)	(915,683)	63.33%	(403,618)	(176,268)
Grant Fund	(18,467)	(19,771)	93.40%	(22,083)	3,616
Lease Proceeds	52,871	111,555	47.39%	538,186	(485,315)
Total other financing sources (uses)	(616,382)	(2,330,699)	26.45%	55,266	(671,648)
Excess (deficiency) of revenues and other financing sources over expenditures and other financing uses	4,566,555	(5,321,864)	-	3,793,406	773,149
Fund balance, beginning of period	27,779,728	27,779,728	-	28,482,112	(702,384)
Fund balance, end of period	\$ 32,346,283	\$ 22,457,864	\$ -	\$ 32,275,518	\$ 70,765

GENERAL FUND

SCHEDULE OF REVENUES - ACTUAL AND BUDGET

For the nine months ended June 30, 2019

(With comparative amounts for the nine months ended June 30, 2018)

	2019			2018	Analytical
	Actual	Budget	Percent of Budget	Actual	\$ Increase (Decrease) Prior yr.
Taxes:					
Ad valorem:					
Property, current year	\$ 13,475,254	\$ 13,527,275	99.62%	\$ 13,364,082	\$ 111,172
Property, prior year	34,583	141,350	24.47%	49,644	(15,061)
Penalty and interest	63,125	90,000	70.14%	68,122	(4,997)
Total ad valorem taxes	13,572,962	13,758,625	98.65%	13,481,848	91,114
Non-property taxes:					
City sales {Table V, pg. 86}	16,994,259	22,530,000	75.43%	16,142,181	852,078
Mixed beverage	138,724	155,000	89.50%	125,189	13,535
Occupation	31,600	40,000	79.00%	29,290	2,310
Bingo	-	15,000	0.00%	-	-
Total non-property taxes	17,164,583	22,740,000	75.48%	16,296,660	867,923
Total taxes	30,737,545	36,498,625	84.22%	29,778,508	959,037
Franchise Fees:					
Electric franchise	3,379,779	3,445,000	98.11%	3,249,425	130,354
Gas franchise	584,777	560,000	104.42%	518,950	65,827
Telephone franchise	300,645	380,000	79.12%	302,628	(1,983)
Cable franchise	621,528	835,821	74.36%	631,361	(9,833)
Water/Sewer franchise	1,346,894	1,795,859	75.00%	1,291,057	55,837
Other	72,902	86,350	84.43%	64,867	8,035
Total franchise fees	6,306,525	7,103,030	88.79%	6,058,288	248,237
Licenses and permits:					
Building permits	497,916	605,500	82.23%	414,518	83,398
Electrical permits and licenses	32,796	36,000	91.10%	49,963	(17,167)
Mechanical	17,494	18,000	97.19%	42,607	(25,113)
Plumbing permit fees	84,626	96,000	88.15%	102,422	(17,796)
Other	174,786	153,750	113.68%	131,662	43,124
Total licenses and permits	807,618	909,250	88.82%	741,172	66,446
Intergovernmental revenues:					
Federal grants	14,623	17,353	84.27%	14,712	(89)
State grants	2,200	8,900	24.72%	1,685	515
State reimbursements	8,352	8,352	100.00%	8,352	-
Department of Civil Preparedness	27,535	36,713	75.00%	27,535	-
Total intergovernmental revenues	52,710	71,318	73.91%	52,284	426

(Continued)

GENERAL FUND
SCHEDULE OF REVENUES - ACTUAL AND BUDGET

(Continued)

For the nine months ended June 30, 2019

(With comparative amounts for the nine months ended June 30, 2018)

	2019			2018	Analytical
	Actual	Budget	Percent of Budget	Actual	\$ Increase (Decrease) Prior yr.
Library fees	\$ 22,752	\$ 25,500	89.22%	\$ 21,699	\$ 1,053
Recreational entry fees	66,930	104,500	64.05%	72,874	(5,944)
Recreational services	993,665	1,253,946	79.24%	1,008,846	(15,181)
Summit recreational fees	313,473	405,800	77.25%	325,642	(12,169)
Hillcrest Cemetery	10,489	62,500	16.78%	-	10,489
Golf course revenues	470,194	842,080	55.84%	386,661	83,533
Swimming pool	41,615	34,000	122.40%	28,943	12,672
Lions Junction water park	243,935	463,500	52.63%	243,342	593
Sammons indoor pool	50,800	90,100	56.38%	72,359	(21,559)
Vital statistics	104,537	115,000	90.90%	95,069	9,468
Police revenue	883,095	1,159,370	76.17%	1,051,365	(168,270)
Contractual services					
-proprietary fund	3,171,463	4,310,357	73.58%	3,099,519	71,944
Curb and street cuts	72,063	40,000	180.16%	52,180	19,883
Other	100,554	80,000	125.69%	85,160	15,394
Solid waste collection - residential	4,203,368	5,601,221	75.04%	3,884,739	318,629
Solid waste collection - commercial	2,604,421	3,481,047	74.82%	2,419,105	185,316
Solid waste collection - roll-off	2,349,435	3,150,757	74.57%	2,107,311	242,124
Landfill contract	1,591,861	2,641,794	60.26%	1,468,626	123,235
Airport sales and rental	1,835,980	2,278,946	80.56%	1,880,701	(44,721)
Subdivision fees	23,225	22,000	105.57%	25,849	(2,624)
Fire department	59,463	87,588	67.89%	54,016	5,447
Reinvestment Zone reimbursements	940,467	1,342,241	70.07%	487,045	453,422
Total charges for services	20,153,785	27,592,247	73.04%	18,871,051	1,282,734
Fines:					
Court	1,046,312	1,479,853	70.70%	961,035	85,277
Animal pound	35,576	49,000	72.60%	39,812	(4,236)
Code enforcement	5,897	-	0.00%	-	5,897
Over parking	7,745	20,000	38.73%	1,110	6,635
Administrative fees	459,329	659,700	69.63%	396,558	62,771
Total fines	1,554,859	2,208,553	70.40%	1,398,515	156,344
Interest and other:					
Interest	529,981	793,500	66.79%	366,583	163,398
Lease and rental	134,075	177,380	75.59%	293,425	(159,350)
Sale of fixed assets	178,342	142,900	124.80%	138,297	40,045
Insurance claims	165,062	174,967	94.34%	226,384	(61,322)
Payment in lieu of taxes	16,588	18,033	91.99%	18,033	(1,445)
Building rental -					
BOA bldg.	66,003	86,390	76.40%	69,603	(3,600)
Other	556,843	771,596	72.17%	152,548	404,295
Total interest and other	1,646,894	2,164,766	76.08%	1,264,873	382,021
Total revenues	\$ 61,259,936	\$ 76,547,789	80.03%	\$ 58,164,691	\$ 3,095,245

GENERAL FUND

SCHEDULE OF EXPENDITURES- ACTUAL AND BUDGET

For the nine months ended June 30, 2019

(With comparative amounts for the nine months ended June 30, 2018)

	2019			2018	Analytical
	Actual	Budget	Percent of Budget	Actual	\$ Increase (Decrease) Prior yr.
General government:					
City council	\$ 145,253	\$ 215,269	67.48%	\$ 143,885	\$ 1,368
City manager	1,022,656	1,417,280	72.16%	543,285	479,371
Administrative services	-	-	0.00%	138,231	(138,231)
Finance	1,265,691	1,777,681	71.20%	1,216,629	49,062
Purchasing	394,598	584,649	67.49%	327,375	67,223
City secretary	358,309	509,041	70.39%	349,463	8,846
Special services	850,126	1,180,397	72.02%	1,140,412	(290,286)
Legal	707,830	1,046,187	67.66%	680,392	27,438
City planning	528,027	731,009	72.23%	501,089	26,938
Information technology services	2,405,768	3,152,666	76.31%	2,209,150	196,618
Human resources	636,514	984,114	64.68%	691,818	(55,304)
Economic development	2,041,552	2,721,213	75.02%	1,348,750	692,802
Fleet services	710,385	1,232,850	57.62%	810,649	(100,264)
Inspections/Permits	436,367	638,379	68.36%	404,301	32,066
Facility services	1,055,765	1,649,912	63.99%	1,033,198	22,567
	<u>12,558,841</u>	<u>17,840,647</u>	<u>70.39%</u>	<u>11,538,627</u>	<u>1,020,214</u>
Public safety:					
Municipal court	553,666	836,279	66.21%	688,102	(134,436)
Police	13,693,360	18,591,251	73.65%	13,287,089	406,271
Animal control	347,644	572,100	60.77%	396,825	(49,181)
Fire	9,212,436	12,546,089	73.43%	9,333,938	(121,502)
Communications	705,670	940,894	75.00%	745,693	(40,023)
Code compliance	816,805	1,292,711	63.19%	710,212	106,593
	<u>25,329,581</u>	<u>34,779,324</u>	<u>72.83%</u>	<u>25,161,859</u>	<u>167,722</u>
Highways and streets:					
Street	1,749,783	2,770,553	63.16%	1,720,598	29,185
Traffic signals	345,710	453,149	76.29%	295,568	50,142
Engineering	441,128	635,049	69.46%	448,736	(7,608)
	<u>2,536,621</u>	<u>3,858,751</u>	<u>65.74%</u>	<u>2,464,902</u>	<u>71,719</u>
Sanitation:	<u>5,654,078</u>	<u>7,694,370</u>	<u>73.48%</u>	<u>4,937,944</u>	<u>716,134</u>

(Continued)

CITY OF TEMPLE, TEXAS

GENERAL FUND

SCHEDULE OF EXPENDITURES- ACTUAL AND BUDGET

For the nine months ended June 30, 2019

(With comparative amounts for the nine months ended June 30, 2018)

Exhibit A-4

(Continued)

	2019			2018	Analytical \$ Increase (Decrease) Prior yr.
	Actual	Budget	Percent of Budget	Actual	
Parks and recreation:					
Administration	\$ 415,349	\$ 581,430	71.44%	\$ 401,280	\$ 14,069
Parks	2,735,813	4,878,139	56.08%	2,898,238	(162,425)
Recreation	2,571,417	4,068,443	63.20%	2,640,565	(69,148)
Golf course	952,774	1,418,330	67.18%	1,157,720	(204,946)
	<u>6,675,353</u>	<u>10,946,342</u>	<u>60.98%</u>	<u>7,097,803</u>	<u>(422,450)</u>
Library:	<u>1,320,564</u>	<u>1,866,088</u>	<u>70.77%</u>	<u>1,266,693</u>	<u>53,871</u>
Airport:	<u>1,903,661</u>	<u>2,400,393</u>	<u>79.31%</u>	<u>1,866,586</u>	<u>37,075</u>
Debt service:	<u>98,300</u>	<u>153,039</u>	<u>64.23%</u>	<u>92,137</u>	<u>6,163</u>
Totals	<u>\$ 56,076,999</u>	<u>\$ 79,538,954</u>	<u>70.50%</u>	<u>\$ 54,426,551</u>	<u>\$ 1,650,448</u>

GENERAL FUND

DETAILED SCHEDULE OF EXPENDITURES - ACTUAL AND BUDGET

For the nine months ended June 30, 2019

(With comparative amounts for the nine months ended June 30, 2018)

	2019			2018	Analytical \$ Increase (Decrease) Prior yr.
	Actual	Budget	Percent of Budget	Actual	
General government:					
City council:					
Personnel services	\$ 7,092	\$ 16,215	43.74%	\$ 9,041	\$ (1,949)
Operations	138,161	199,054	69.41%	134,844	3,317
	<u>145,253</u>	<u>215,269</u>	<u>67.48%</u>	<u>143,885</u>	<u>1,368</u>
City manager:					
Personnel services	758,647	1,115,591	68.00%	439,252	319,395
Operations	145,620	182,148	79.95%	60,649	84,971
Capital outlay	118,389	119,541	99.04%	43,384	75,005
	<u>1,022,656</u>	<u>1,417,280</u>	<u>72.16%</u>	<u>543,285</u>	<u>479,371</u>
Administrative services:					
Personnel services	-	-	0.00%	95,242	(95,242)
Operations	-	-	0.00%	21,938	(21,938)
Capital outlay	-	-	0.00%	21,051	(21,051)
	<u>-</u>	<u>-</u>	<u>0.00%</u>	<u>138,231</u>	<u>(138,231)</u>
Finance:					
Personnel services	832,798	1,175,886	70.82%	776,746	56,052
Operations	432,893	589,777	73.40%	419,677	13,216
Capital outlay	-	12,018	0.00%	20,206	(20,206)
	<u>1,265,691</u>	<u>1,777,681</u>	<u>71.20%</u>	<u>1,216,629</u>	<u>49,062</u>
Purchasing:					
Personnel services	379,108	566,710	66.90%	306,660	72,448
Operations	15,490	17,939	86.35%	11,268	4,222
Capital outlay	-	-	0.00%	9,447	(9,447)
	<u>394,598</u>	<u>584,649</u>	<u>67.49%</u>	<u>327,375</u>	<u>67,223</u>
City secretary:					
Personnel services	311,729	426,083	73.16%	304,838	6,891
Operations	46,580	82,958	56.15%	29,345	17,235
Capital outlay	-	-	0.00%	15,280	(15,280)
	<u>358,309</u>	<u>509,041</u>	<u>70.39%</u>	<u>349,463</u>	<u>8,846</u>
Special services:					
Personnel services	473,496	353,012	134.13%	601,570	(128,074)
Operations	376,630	811,769	46.40%	538,842	(162,212)
Capital outlay (Contingency)	-	15,616	0.00%	-	-
	<u>850,126</u>	<u>1,180,397</u>	<u>72.02%</u>	<u>1,140,412</u>	<u>(290,286)</u>
Legal:					
Personnel services	650,717	878,842	74.04%	600,235	50,482
Operations	57,113	167,345	34.13%	68,116	(11,003)
Capital outlay	-	-	0.00%	12,041	(12,041)
	<u>707,830</u>	<u>1,046,187</u>	<u>67.66%</u>	<u>680,392</u>	<u>27,438</u>
City planning:					
Personnel services	507,094	679,448	74.63%	465,041	42,053
Operations	20,933	51,561	40.60%	28,147	(7,214)
Capital outlay	-	-	0.00%	7,901	(7,901)
	<u>528,027</u>	<u>731,009</u>	<u>72.23%</u>	<u>501,089</u>	<u>26,938</u>

(Continued)

CITY OF TEMPLE, TEXAS
GENERAL FUND
DETAILED SCHEDULE OF EXPENDITURES - ACTUAL AND BUDGET
For the nine months ended June 30, 2019
(With comparative amounts for the nine months ended June 30, 2018)

Exhibit A-5
(Continued)

	2019			2018	Analytical \$ Increase (Decrease) Prior yr.
	Actual	Budget	Percent of Budget	Actual	
Information technology services:					
Personnel services	\$ 1,064,638	\$ 1,530,146	69.58%	\$ 1,012,655	\$ 51,983
Operations	1,263,396	1,527,024	82.74%	1,106,537	156,859
Capital outlay	77,734	95,496	81.40%	89,958	(12,224)
	<u>2,405,768</u>	<u>3,152,666</u>	<u>76.31%</u>	<u>2,209,150</u>	<u>196,618</u>
Human resources:					
Personnel services	465,316	648,503	71.75%	428,643	36,673
Operations	171,198	322,993	53.00%	221,942	(50,744)
Capital outlay	-	12,618	0.00%	41,233	(41,233)
	<u>636,514</u>	<u>984,114</u>	<u>64.68%</u>	<u>691,818</u>	<u>(55,304)</u>
Economic development:					
Operations	<u>2,041,552</u>	<u>2,721,213</u>	<u>75.02%</u>	<u>1,348,750</u>	<u>692,802</u>
	<u>2,041,552</u>	<u>2,721,213</u>	<u>75.02%</u>	<u>1,348,750</u>	<u>692,802</u>
Fleet services:					
Personnel services	631,003	1,080,905	58.38%	697,442	(66,439)
Operations	64,036	100,962	63.43%	60,589	3,447
Capital outlay	15,346	50,983	30.10%	52,618	(37,272)
	<u>710,385</u>	<u>1,232,850</u>	<u>57.62%</u>	<u>810,649</u>	<u>(100,264)</u>
Inspections/Permits:					
Personnel services	383,138	530,522	72.22%	322,622	60,516
Operations	25,418	48,047	52.90%	49,113	(23,695)
Capital outlay	27,811	59,810	46.50%	32,566	(4,755)
	<u>436,367</u>	<u>638,379</u>	<u>68.36%</u>	<u>404,301</u>	<u>32,066</u>
Facility services:					
Personnel services	543,563	834,000	65.18%	484,757	58,806
Operations	345,740	536,040	64.50%	453,390	(107,650)
Capital outlay	166,462	279,872	59.48%	95,051	71,411
	<u>1,055,765</u>	<u>1,649,912</u>	<u>63.99%</u>	<u>1,033,198</u>	<u>22,567</u>
Total general government	<u>12,558,841</u>	<u>17,840,647</u>	<u>70.39%</u>	<u>11,538,627</u>	<u>1,020,214</u>
Public safety:					
Municipal court:					
Personnel services	506,188	750,717	67.43%	531,900	(25,712)
Operations	34,792	72,875	47.74%	38,883	(4,091)
Capital outlay	12,686	12,687	99.99%	117,319	(104,633)
	<u>553,666</u>	<u>836,279</u>	<u>66.21%</u>	<u>688,102</u>	<u>(134,436)</u>
Police:					
Personnel services	11,301,173	15,628,251	72.31%	11,260,681	40,492
Operations	1,256,528	1,794,969	70.00%	1,141,226	115,302
Capital outlay	1,135,659	1,168,031	97.23%	885,182	250,477
	<u>13,693,360</u>	<u>18,591,251</u>	<u>73.65%</u>	<u>13,287,089</u>	<u>406,271</u>
Animal control:					
Personnel services	254,464	438,032	58.09%	296,698	(42,234)
Operations	63,670	100,558	63.32%	55,667	8,003
Capital outlay	29,510	33,510	88.06%	44,460	(14,950)
	<u>347,644</u>	<u>572,100</u>	<u>60.77%</u>	<u>396,825</u>	<u>(49,181)</u>

(Continued)

CITY OF TEMPLE, TEXAS
GENERAL FUND
DETAILED SCHEDULE OF EXPENDITURES - ACTUAL AND BUDGET
For the nine months ended June 30, 2019
(With comparative amounts for the nine months ended June 30, 2018)

Exhibit A-5
(Continued)

	2019			2018	Analytical \$ Increase (Decrease) Prior yr.
	Actual	Budget	Percent of Budget	Actual	
Fire:					
Personnel services	\$ 8,304,924	\$ 11,242,148	73.87%	\$ 8,374,317	\$ (69,393)
Operations	700,573	1,096,022	63.92%	773,395	(72,822)
Capital outlay	206,939	207,919	99.53%	186,226	20,713
	<u>9,212,436</u>	<u>12,546,089</u>	<u>73.43%</u>	<u>9,333,938</u>	<u>(121,502)</u>
Communications:					
Operations	705,670	940,894	75.00%	745,693	(40,023)
	<u>705,670</u>	<u>940,894</u>	<u>75.00%</u>	<u>745,693</u>	<u>(40,023)</u>
Code compliance:					
Personnel services	552,845	701,937	78.76%	501,414	51,431
Operations	195,571	383,017	51.06%	120,159	75,412
Capital outlay	68,389	207,757	32.92%	88,639	(20,250)
	<u>816,805</u>	<u>1,292,711</u>	<u>63.19%</u>	<u>710,212</u>	<u>106,593</u>
Total public safety	<u>25,329,581</u>	<u>34,779,324</u>	<u>72.83%</u>	<u>25,161,859</u>	<u>167,722</u>
Highways and streets:					
Streets:					
Personnel services	846,773	1,243,111	68.12%	843,050	3,723
Operations	799,329	1,297,340	61.61%	873,156	(73,827)
Capital outlay	103,681	230,102	45.06%	4,392	99,289
	<u>1,749,783</u>	<u>2,770,553</u>	<u>63.16%</u>	<u>1,720,598</u>	<u>29,185</u>
Traffic signals:					
Personnel services	275,718	362,430	76.07%	238,050	37,668
Operations	69,992	90,719	77.15%	57,428	12,564
Capital outlay	-	-	0.00%	90	(90)
	<u>345,710</u>	<u>453,149</u>	<u>76.29%</u>	<u>295,568</u>	<u>50,142</u>
Engineering:					
Personnel services	347,490	501,303	69.32%	362,675	(15,185)
Operations	62,677	102,785	60.98%	50,619	12,058
Capital outlay	30,961	30,961	100.00%	35,442	(4,481)
	<u>441,128</u>	<u>635,049</u>	<u>69.46%</u>	<u>448,736</u>	<u>(7,608)</u>
Total highways and streets	<u>2,536,621</u>	<u>3,858,751</u>	<u>65.74%</u>	<u>2,464,902</u>	<u>71,719</u>
Sanitation:					
Personnel services	2,006,039	2,726,718	73.57%	1,774,793	231,246
Operations	3,558,701	4,855,562	73.29%	2,998,410	560,291
Capital outlay	89,338	112,090	79.70%	164,741	(75,403)
Total sanitation	<u>5,654,078</u>	<u>7,694,370</u>	<u>73.48%</u>	<u>4,937,944</u>	<u>716,134</u>
Parks and recreation:					
Administration					
Personnel services	272,708	358,884	75.99%	307,097	(34,389)
Operations	142,641	222,546	64.10%	84,028	58,613
Capital outlay	-	-	0.00%	10,155	(10,155)
	<u>415,349</u>	<u>581,430</u>	<u>71.44%</u>	<u>401,280</u>	<u>14,069</u>

(Continued)

CITY OF TEMPLE, TEXAS
GENERAL FUND
DETAILED SCHEDULE OF EXPENDITURES - ACTUAL AND BUDGET
For the nine months ended June 30, 2019
(With comparative amounts for the nine months ended June 30, 2018)

Exhibit A-5
(Continued)

	2019			2018	Analytical \$ Increase (Decrease) Prior yr.
	Actual	Budget	Percent of Budget	Actual	
Parks					
Personnel services	\$ 1,192,733	\$ 1,893,517	62.99%	\$ 1,226,797	\$ (34,064)
Operations	1,191,136	2,505,588	47.54%	1,200,025	(8,889)
Capital outlay	351,944	479,034	73.47%	471,416	(119,472)
	<u>2,735,813</u>	<u>4,878,139</u>	<u>56.08%</u>	<u>2,898,238</u>	<u>(162,425)</u>
Recreation					
Personnel services	1,533,962	2,432,414	63.06%	1,551,769	(17,807)
Operations	1,025,031	1,578,336	64.94%	1,037,653	(12,622)
Capital outlay	12,424	57,693	21.53%	51,143	(38,719)
	<u>2,571,417</u>	<u>4,068,443</u>	<u>63.20%</u>	<u>2,640,565</u>	<u>(69,148)</u>
Golf course					
Personnel services	574,568	817,588	70.28%	535,964	38,604
Operations	329,736	502,918	65.56%	302,905	26,831
Capital outlay	48,470	97,824	49.55%	318,851	(270,381)
	<u>952,774</u>	<u>1,418,330</u>	<u>67.18%</u>	<u>1,157,720</u>	<u>(204,946)</u>
Total parks and recreation	<u>6,675,353</u>	<u>10,946,342</u>	<u>60.98%</u>	<u>7,097,803</u>	<u>(422,450)</u>
Library:					
Personnel services	928,000	1,279,163	72.55%	852,591	75,409
Operations	392,564	586,925	66.88%	409,826	(17,262)
Capital outlay	-	-	0.00%	4,276	(4,276)
Total library	<u>1,320,564</u>	<u>1,866,088</u>	<u>70.77%</u>	<u>1,266,693</u>	<u>53,871</u>
Airport:					
Personnel services	570,149	894,879	63.71%	671,433	(101,284)
Operations	1,321,517	1,457,592	90.66%	1,193,755	127,762
Capital outlay	11,995	47,922	25.03%	1,398	10,597
Total airport	<u>1,903,661</u>	<u>2,400,393</u>	<u>79.31%</u>	<u>1,866,586</u>	<u>37,075</u>
Debt service:					
Principal	86,390	136,870	63.12%	82,205	4,185
Interest	11,910	16,169	73.66%	9,932	1,978
Total debt service	<u>98,300</u>	<u>153,039</u>	<u>64.23%</u>	<u>92,137</u>	<u>6,163</u>
Total	<u>\$ 56,076,999</u>	<u>\$ 79,538,954</u>	<u>70.50%</u>	<u>\$ 54,426,551</u>	<u>\$ 1,650,448</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 nine months ended June 30, 2019

(With forecasted amounts for the year ending September 30, 2019)

	Actual - 06/30/2019			Forecasted - 09/30/19		
	Actual	Budget	Percent of Budget	12 months 9/30/2019	Compared to Budget	Percent of Budget
Revenues:						
Taxes	\$ 30,737,545	\$ 36,498,625	84.22%	\$ 36,785,043	\$ 286,418	100.78%
Franchise fees	6,306,525	7,103,030	88.79%	7,121,652	18,622	100.26%
Licenses and permits	807,618	909,250	88.82%	1,087,579	178,329	119.61%
Intergovernmental	52,710	71,318	73.91%	71,318	-	100.00%
Charges for services	20,153,785	27,592,247	73.04%	27,425,340	(166,907)	99.40%
Fines	1,554,859	2,208,553	70.40%	2,282,799	74,246	103.36%
Interest and other	1,646,894	2,164,766	76.08%	2,108,746	(56,020)	97.41%
Total revenues	61,259,936	76,547,789	80.03%	76,882,477	334,688	100.44%
Expenditures:						
General government	12,558,841	17,840,647	70.39%	17,165,206	675,441	96.21%
Public safety	25,329,581	34,779,324	72.83%	34,352,928	426,396	98.77%
Highways and streets	2,536,621	3,858,751	65.74%	3,611,940	246,811	93.60%
Sanitation	5,654,078	7,694,370	73.48%	7,615,743	78,627	98.98%
Parks and recreation	6,675,353	10,946,342	60.98%	10,217,500	728,842	93.34%
Education	1,320,564	1,866,088	70.77%	1,802,069	64,019	96.57%
Airport	1,903,661	2,400,393	79.31%	2,276,746	123,647	94.85%
Debt Service:						
Principal	86,390	136,870	63.12%	136,870	-	100.00%
Interest	11,910	16,169	73.66%	16,169	-	100.00%
Total expenditures	56,076,999	79,538,954	70.50%	77,195,172	2,343,782	97.05%
Excess (deficiency) of revenues over expenditures	5,182,937	(2,991,165)	-	(312,695)	2,678,470	-
Other financing sources (uses):						
Transfers out:						
Debt Service	(70,900)	(1,506,800)	4.71%	(1,506,800)	-	100.00%
Capital Projects - Designated	(579,886)	(915,683)	63.33%	(915,683)	-	100.00%
Grant Fund	(18,467)	(19,771)	93.40%	(19,771)	-	100.00%
Lease Proceeds	52,871	111,555	47.39%	111,555	-	100.00%
Total other financing sources (uses)	(616,382)	(2,330,699)	26.45%	(2,330,699)	-	100.00%
Excess (deficiency) of revenues and other financing sources over expenditures and other financing uses	4,566,555	(5,321,864)	-	(2,643,394)	2,678,470	-
Fund balance, beginning of period	27,779,728	27,779,728	-	27,779,728	-	-
Fund balance, end of period	\$ 32,346,283	\$ 22,457,864	\$ -	\$ 25,136,334	\$ 2,678,470	-

GENERAL FUND

SCHEDULE OF REVENUES - ACTUAL AND BUDGET

For the nine months ended June 30, 2019

(With forecasted amounts for the year ending September 30, 2019)

	Actual - 06/30/2019			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	\$ 13,475,254	\$ 13,527,275	99.62%	\$ 13,547,272	\$ 19,997	100.15%
Property, prior year	34,583	141,350	24.47%	56,000	(85,350)	39.62%
Penalty and interest	63,125	90,000	70.14%	84,000	(6,000)	93.33%
Total ad valorem taxes	13,572,962	13,758,625	98.65%	13,687,272	(71,353)	99.48%
Non-property taxes:						
City sales	16,994,259	22,530,000	75.43%	22,851,305	321,305	101.43%
Mixed beverage	138,724	155,000	89.50%	190,466	35,466	122.88%
Occupation	31,600	40,000	79.00%	41,000	1,000	102.50%
Bingo	-	15,000	0.00%	15,000	-	100.00%
Total non-property taxes	17,164,583	22,740,000	75.48%	23,097,771	357,771	101.57%
Total taxes	30,737,545	36,498,625	84.22%	36,785,043	286,418	100.78%
Franchise Fees:						
Electric franchise	3,379,779	3,445,000	98.11%	3,379,779	(65,221)	98.11%
Gas franchise	584,777	560,000	104.42%	584,777	24,777	104.42%
Telephone franchise	300,645	380,000	79.12%	399,000	19,000	105.00%
Cable franchise	621,528	835,821	74.36%	858,000	22,179	102.65%
Water/Sewer franchise	1,346,894	1,795,859	75.00%	1,795,859	-	100.00%
Other	72,902	86,350	84.43%	104,237	17,887	120.71%
Total franchise fees	6,306,525	7,103,030	88.79%	7,121,652	18,622	100.26%
Licenses and permits:						
Building permits	497,916	605,500	82.23%	658,000	52,500	108.67%
Electrical permits and licenses	32,796	36,000	91.10%	55,000	19,000	152.78%
Mechanical	17,494	18,000	97.19%	24,500	6,500	136.11%
Plumbing permit fees	84,626	96,000	88.15%	105,000	9,000	109.38%
Other	174,786	153,750	113.68%	245,079	91,329	159.40%
Total licenses and permits	807,618	909,250	88.82%	1,087,579	178,329	119.61%
Intergovernmental revenues:						
Federal grants	14,623	17,353	84.27%	17,353	-	100.00%
State grants	2,200	8,900	24.72%	8,900	-	0.00%
State reimbursements	8,352	8,352	100.00%	8,352	-	100.00%
Department of Civil Preparedness	27,535	36,713	75.00%	36,713	-	100.00%
Total intergovernmental revenues	\$ 52,710	\$ 71,318	73.91%	\$ 71,318	\$ -	100.00%

(Continued)

	Actual - 06/30/2019			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	\$ 22,752	\$ 25,500	89.22%	\$ 28,165	\$ 2,665	110.45%
Recreational entry fees	66,930	104,500	64.05%	88,300	(16,200)	84.50%
Recreational services	993,665	1,253,946	79.24%	1,251,139	(2,807)	99.78%
Summit recreational fees	313,473	405,800	77.25%	407,400	1,600	100.39%
Hillcrest Cemetery	10,489	62,500	16.78%	45,000	(17,500)	72.00%
Golf course revenues	470,194	842,080	55.84%	741,150	(100,930)	88.01%
Swimming pool	41,615	34,000	122.40%	50,000	16,000	147.06%
Lions Junction water park	243,935	463,500	52.63%	434,935	(28,565)	93.84%
Sammons indoor pool	50,800	90,100	56.38%	87,000	(3,100)	96.56%
Vital statistics	104,537	115,000	90.90%	141,549	26,549	123.09%
Police revenue	883,095	1,159,370	76.17%	1,177,460	18,090	101.56%
Contractual services						
-proprietary fund	3,171,463	4,310,357	73.58%	4,233,405	(76,952)	98.21%
Curb and street cuts	72,063	40,000	180.16%	90,000	50,000	225.00%
Other	100,554	80,000	125.69%	104,883	24,883	131.10%
Solid waste collection - residential	4,203,368	5,601,221	75.04%	5,641,899	40,678	100.73%
Solid waste collection - commercial	2,604,421	3,481,047	74.82%	3,477,893	(3,154)	99.91%
Solid waste collection - roll-off /other	2,349,435	3,150,757	74.57%	3,155,757	5,000	100.16%
Landfill contract	1,591,861	2,641,794	60.26%	2,709,776	67,982	102.57%
Airport sales and rental	1,835,980	2,278,946	80.56%	2,113,800	(165,146)	92.75%
Subdivision fees	23,225	22,000	105.57%	33,600	11,600	152.73%
Fire department	59,463	87,588	67.89%	69,988	(17,600)	79.91%
Reinvestment Zone reimbursements	940,467	1,342,241	70.07%	1,342,241	-	100.00%
Total charges for services	20,153,785	27,592,247	73.04%	27,425,340	(166,907)	99.40%
Fines:						
Court	1,046,312	1,479,853	70.70%	1,489,523	9,670	100.65%
Animal pound	35,576	49,000	72.60%	51,000	2,000	104.08%
Code enforcement	5,897	-	0.00%	5,897	5,897	0.00%
Overparking	7,745	20,000	38.73%	8,400	(11,600)	42.00%
Administrative fees	459,329	659,700	69.63%	727,979	68,279	110.35%
Total fines	1,554,859	2,208,553	70.40%	2,282,799	74,246	103.36%
Interest and other:						
Interest	529,981	793,500	66.79%	670,361	(123,139)	84.48%
Lease and rental	134,075	177,380	75.59%	177,380	-	100.00%
Sale of fixed assets	178,342	142,900	124.80%	205,941	63,041	144.12%
Insurance claims	165,062	174,967	94.34%	170,000	(4,967)	97.16%
Payment in lieu of taxes	16,588	18,033	91.99%	16,588	(1,445)	91.99%
Building rental -						
BOA bldg.	66,003	86,390	76.40%	86,390	-	100.00%
Other	556,843	771,596	72.17%	782,086	10,490	101.36%
Total interest and other	1,646,894	2,164,766	76.08%	2,108,746	(56,020)	97.41%
Total revenues	\$ 61,259,936	\$ 76,547,789	80.03%	\$ 76,882,477	\$ 334,688	100.44%

GENERAL FUND

SCHEDULE OF EXPENDITURES- ACTUAL AND BUDGET

For the nine months ended June 30, 2019

(With forecasted amounts for the year ending September 30, 2019)

	Actual - 06/30/2019			Forecasted - 09/30/19		
	Actual	Budget	Percent of Budget	12 months 9/30/2019	Compared to Budget	Percent of Budget
General government:						
City council	\$ 145,253	\$ 215,269	67.48%	\$ 196,816	\$ 18,453	91.43%
City manager	1,022,656	1,417,280	72.16%	1,327,757	89,523	93.68%
Finance	1,265,691	1,777,681	71.20%	1,706,027	71,654	95.97%
Purchasing	394,598	584,649	67.49%	535,642	49,007	91.62%
City secretary	358,309	509,041	70.39%	504,557	4,484	99.12%
Special services	850,126	1,180,397	72.02%	1,485,814	(305,417)	125.87%
Legal	707,830	1,046,187	67.66%	1,024,229	21,958	97.90%
City planning	528,027	731,009	72.23%	730,011	998	99.86%
Information Technology Services	2,405,768	3,152,666	76.31%	2,986,817	165,849	94.74%
Human Resources	636,514	984,114	64.68%	897,404	86,710	91.19%
Economic development	2,041,552	2,721,213	75.02%	2,739,789	(18,576)	100.68%
Fleet Services	710,385	1,232,850	57.62%	995,144	237,706	80.72%
Inspections	436,367	638,379	68.36%	596,670	41,709	93.47%
Facility services	1,055,765	1,649,912	63.99%	1,438,532	211,380	87.19%
	12,558,841	17,840,647	70.39%	17,165,206	675,441	96.21%
Public safety:						
Municipal court	553,666	836,279	66.21%	773,160	63,119	92.45%
Police	13,693,360	18,591,251	73.65%	18,330,620	260,631	98.60%
Animal control	347,644	572,100	60.77%	474,102	97,998	82.87%
Fire	9,212,436	12,546,089	73.43%	12,622,258	(76,169)	100.61%
Communications	705,670	940,894	75.00%	940,894	-	100.00%
Code compliance	816,805	1,292,711	63.19%	1,211,894	80,817	93.75%
	25,329,581	34,779,324	72.83%	34,352,928	426,396	98.77%
Highways and streets:						
Street	1,749,783	2,770,553	63.16%	2,557,055	213,498	92.29%
Traffic signals	345,710	453,149	76.29%	452,103	1,046	99.77%
Engineering	441,128	635,049	69.46%	602,782	32,267	94.92%
	2,536,621	3,858,751	65.74%	3,611,940	246,811	93.60%
Sanitation:	5,654,078	7,694,370	73.48%	7,615,743	78,627	98.98%
Parks and recreation:						
Administration	415,349	581,430	71.44%	566,765	14,665	97.48%
Parks	2,735,813	4,878,139	56.08%	4,572,556	305,583	93.74%
Recreation	2,571,417	4,068,443	63.20%	3,825,717	242,726	94.03%
Golf course	952,774	1,418,330	67.18%	1,252,462	165,868	88.31%
	6,675,353	10,946,342	60.98%	10,217,500	728,842	93.34%
Library:	1,320,564	1,866,088	70.77%	1,802,069	64,019	96.57%
Airport:	1,903,661	2,400,393	79.31%	2,276,746	123,647	94.85%
Debt Service:	98,300	153,039	64.23%	153,039	-	100.00%
Totals	\$ 56,076,999	\$ 79,538,954	70.50%	\$ 77,195,172	\$ 2,343,782	97.05%



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
June 30, 2019 and 2018

Exhibit B-1

	<u>2019</u>	<u>2018</u>	<u>Increase (Decrease)</u>
ASSETS			
Current assets:			
Cash	\$ 7,391	\$ 7,150	\$ 241
Investments	23,777,830	28,801,320	(5,023,490)
Customer receivables	1,582,297	1,855,796	(273,499)
Accounts receivable	116,108	123,850	(7,742)
Inventories	320,995	278,668	42,327
Total current assets	<u>25,804,621</u>	<u>31,066,784</u>	<u>(5,262,163)</u>
Restricted cash and investments:			
Revenue bond debt service	7,643,142	7,661,079	(17,937)
Customer deposits	772,680	749,771	22,909
Construction account	13,370,632	35,591,536	(22,220,904)
	<u>21,786,454</u>	<u>44,002,386</u>	<u>(22,215,932)</u>
Property and equipment:			
Land	3,238,061	2,583,946	654,115
Improvements other than buildings	196,546,794	190,226,784	6,320,010
Buildings	49,272,832	47,998,956	1,273,876
Machinery and equipment	13,139,765	11,266,329	1,873,436
	<u>262,197,452</u>	<u>252,076,015</u>	<u>10,121,437</u>
Less accumulated depreciation	(126,115,589)	(119,107,635)	(7,007,954)
Construction in progress	65,629,254	51,110,357	14,518,897
Net property and equipment	<u>201,711,117</u>	<u>184,078,737</u>	<u>17,632,380</u>
Total assets	<u>249,302,192</u>	<u>259,147,907</u>	<u>(9,845,715)</u>
DEFERRED OUTFLOWS OF RESOURCES			
Deferred amounts on refunding	2,068,395	2,179,049	(110,654)
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>\$ 2,765,362</u>	<u>\$ 3,411,128</u>	<u>\$ (645,766)</u>

	2019	2018	Increase (Decrease)
LIABILITIES			
Current liabilities:			
Vouchers & contracts payable	\$ 3,633,755	\$ 5,576,490	\$ (1,942,735)
Retainage payables	130,444	106,765	23,679
Accrued payroll	254,829	259,186	(4,357)
Deferred revenue	70,641	70,641	-
Total current liabilities	4,089,669	6,013,082	(1,923,413)
Liabilities payable from restricted assets:			
Customers deposits	772,680	749,771	22,909
Vouchers & contracts payable	9,084,397	14,735,162	(5,650,765)
Retainage payables	1,088,367	470,977	617,390
Accrued interest - revenue bonds	724,275	676,809	47,466
Current maturities of long-term liabilities	6,016,895	5,944,790	72,105
	17,686,614	22,577,509	(4,890,895)
Long-term liabilities, less current maturities:			
Revenue bonds payable	101,105,000	109,295,000	(8,190,000)
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	9,278	28,216	(18,938)
Premium on bonds payable	9,343,787	7,442,498	1,901,289
Discount on bonds payable	(775,368)	(742,632)	(32,736)
	113,993,291	121,107,020	(7,113,729)
Total liabilities	135,769,574	149,697,611	(13,928,037)
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	102,144,831	101,120,668	1,024,163
Restricted for debt service	6,918,867	6,984,270	(65,403)
Unrestricted	7,966,290	2,781,877	5,184,413
Total net position	117,029,988	110,886,815	6,143,173
Net income {YTD}	(1,222,460)	1,974,609	(3,197,069)
Total liabilities and net position	\$ 252,067,554	\$ 262,559,035	\$ (10,491,481)

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

Exhibit B-2

For the nine months ended June 30, 2019

(With comparative amounts for the nine months ended June 30, 2018)

	<u>2019</u>	<u>2018</u>	<u>Increase (Decrease)</u>
Operating revenues:			
Water service	\$ 11,194,265	\$ 13,323,225	\$ (2,128,960)
Sewer service	8,934,545	9,333,750	(399,205)
Other	1,598,351	1,620,640	(22,289)
Total operating revenues	<u>21,727,161</u>	<u>24,277,615</u>	<u>(2,550,454)</u>
Operating expenses:			
Personnel services	4,116,853	3,867,395	249,458
Supplies	1,072,980	1,246,483	(173,503)
Repairs and maintenance	932,153	906,333	25,820
Depreciation	5,298,876	5,058,698	240,178
Other services and charges	9,831,365	9,571,782	259,583
Total operating expenses	<u>21,252,227</u>	<u>20,650,691</u>	<u>601,536</u>
Operating income	<u>474,934</u>	<u>3,626,924</u>	<u>(3,151,990)</u>
Nonoperating revenues (expenses):			
Interest income	905,393	790,047	115,346
Interest expense	(2,605,882)	(2,458,706)	147,176
Total nonoperating revenues (expenses)	<u>(1,700,489)</u>	<u>(1,668,659)</u>	<u>(31,830)</u>
Income before transfers and contributions	(1,225,555)	1,958,265	(3,183,820)
Contributions from TxDot	<u>3,095</u>	<u>16,344</u>	<u>(13,249)</u>
Change in net position	(1,222,460)	1,974,609	(3,197,069)
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>\$ 115,807,528</u>	<u>\$ 112,861,424</u>	<u>\$ 2,946,104</u>

CITY OF TEMPLE, TEXAS
WATER AND WASTEWATER ENTERPRISE FUND
COMPARATIVE SCHEDULE OF OPERATING REVENUES

Exhibit B-3

For the nine months ended June 30, 2019

(With comparative amounts for the nine months ended June 30, 2018)

	<u>2019</u>	<u>2018</u>	<u>Increase (Decrease)</u>
<i>Current water service:</i>			
Residential	\$ 5,228,119	\$ 6,528,017	\$ (1,299,898)
Commercial	4,702,747	5,384,447	(681,700)
Wholesale	631,313	671,571	(40,258)
Effluent	<u>632,086</u>	<u>739,190</u>	<u>(107,104)</u>
Total water service	<u>11,194,265</u>	<u>13,323,225</u>	<u>(2,128,960)</u>
<i>Current sewer service:</i>			
Residential	5,195,094	5,170,696	24,398
Commercial	<u>3,739,451</u>	<u>4,163,054</u>	<u>(423,603)</u>
Total sewer service	<u>8,934,545</u>	<u>9,333,750</u>	<u>(399,205)</u>
<i>Other:</i>			
Transfers and rereads	126,761	129,390	(2,629)
Penalties	324,425	320,655	3,770
Reconnect fees	212,140	226,405	(14,265)
Tap fees	215,488	206,281	9,207
Panda reimbursements	652,978	621,619	31,359
Other sales	<u>66,559</u>	<u>116,290</u>	<u>(49,731)</u>
Total other	<u>1,598,351</u>	<u>1,620,640</u>	<u>(22,289)</u>
Total operating revenues	<u>\$ 21,727,161</u>	<u>\$ 24,277,615</u>	<u>\$ (2,550,454)</u>

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

Exhibit B-4

For the nine months ended June 30, 2019

(With comparative amounts for the nine months ended June 30, 2018)

	2019	2018	Increase (Decrease)
Administrative:			
Personnel services	\$ 589,090	\$ 437,401	\$ 151,689
Supplies	25,496	19,410	6,086
Repairs and maintenance	3,178	2,973	205
Other services and charges	4,522,205	4,208,683	313,522
	<u>5,139,969</u>	<u>4,668,467</u>	<u>471,502</u>
Water treatment and production:			
Personnel services	821,523	915,408	(93,885)
Supplies	601,932	770,145	(168,213)
Repairs and maintenance	325,859	302,903	22,956
Other services and charges	1,378,751	1,462,192	(83,441)
	<u>3,128,065</u>	<u>3,450,648</u>	<u>(322,583)</u>
Distribution system:			
Personnel services	871,884	805,736	66,148
Supplies	177,653	172,210	5,443
Repairs and maintenance	378,223	390,470	(12,247)
Other services and charges	72,034	71,298	736
	<u>1,499,794</u>	<u>1,439,714</u>	<u>60,080</u>
Metering:			
Personnel services	297,756	291,506	6,250
Supplies	132,750	155,967	(23,217)
Repairs and maintenance	18,870	22,710	(3,840)
Other services and charges	228,676	219,777	8,899
	<u>678,052</u>	<u>689,960</u>	<u>(11,908)</u>
Wastewater collection system:			
Personnel services	836,934	805,455	31,479
Supplies	123,619	107,577	16,042
Repairs and maintenance	182,016	164,382	17,634
Other services and charges	128,268	56,974	71,294
	<u>1,270,837</u>	<u>1,134,388</u>	<u>136,449</u>
Wastewater treatment and disposal:			
Supplies	2,811	-	2,811
Other services and charges	2,699,291	2,832,069	(132,778)
	<u>2,702,102</u>	<u>2,832,069</u>	<u>(129,967)</u>

(Continued)

WATER AND WASTEWATER ENTERPRISE FUND
COMPARATIVE SCHEDULE OF OPERATING
EXPENSES BY DEPARTMENT

(Continued)

For the nine months ended June 30, 2019

(With comparative amounts for the nine months ended June 30, 2018)

	2019	2018	Increase (Decrease)
Water collection offices:			
Personnel services	\$ 419,988	\$ 389,766	\$ 30,222
Supplies	5,744	13,320	(7,576)
Repairs and maintenance	20,129	20,651	(522)
Other services and charges	789,877	703,976	85,901
	<u>1,235,738</u>	<u>1,127,713</u>	<u>108,025</u>
Water purchasing:			
Personnel services	54,101	55,011	(910)
Supplies	654	3,706	(3,052)
Repairs and maintenance	892	2,102	(1,210)
Other services and charges	4,939	7,113	(2,174)
	<u>60,586</u>	<u>67,932</u>	<u>(7,346)</u>
Environmental programs:			
Personnel services	225,577	167,112	58,465
Supplies	5,132	4,148	984
Repairs and maintenance	175	142	33
Other services and charges	7,324	9,700	(2,376)
	<u>238,208</u>	<u>181,102</u>	<u>57,106</u>
Depreciation	<u>5,298,876</u>	<u>5,058,698</u>	<u>240,178</u>
Totals	<u>\$ 21,252,227</u>	<u>\$ 20,650,691</u>	<u>\$ 601,536</u>

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

Exhibit B-5

For the nine months ended June 30, 2019

(With comparative amounts for the nine months ended June 30, 2018)

	2019			2018			19 vs. 18
	Actual	Budget	% of Budget	Actual	Budget	% of Budget	Increase (Decrease)
Operating revenues:							
Water service	\$ 10,562,179	\$ 18,574,662	56.86%	\$ 12,584,035	\$ 18,147,198	69.34%	\$ (2,021,856)
Sewer service	8,934,545	12,881,780	69.36%	9,333,750	12,701,253	73.49%	(399,205)
Effluent	632,086	1,050,000	60.20%	739,190	775,000	95.38%	(107,104)
Other	1,598,351	2,147,074	74.44%	1,620,640	2,059,627	78.69%	(22,289)
Total operating revenues	21,727,161	34,653,516	62.70%	24,277,615	33,683,078	72.08%	(2,550,454)
Operating expenses:							
Personnel services	4,116,853	5,989,745	68.73%	3,867,395	5,414,001	71.43%	249,458
Supplies	1,072,980	1,986,089	54.02%	1,246,483	1,920,346	64.91%	(173,503)
Repairs and maintenance	932,153	1,373,079	67.89%	906,333	1,440,019	62.94%	25,820
Depreciation	5,298,876	7,000,000	75.70%	5,058,698	6,600,000	76.65%	240,178
Other services and charges	9,831,365	13,848,353	70.99%	9,571,782	13,558,678	70.60%	259,583
Total operating expenses	21,252,227	30,197,266	70.38%	20,650,691	28,933,044	71.37%	601,536
Operating income	474,934	4,456,250	10.66%	3,626,924	4,750,034	76.36%	(3,151,990)
Nonoperating revenues (expenses):							
Interest income	905,393	1,301,823	69.55%	790,047	752,914	104.93%	115,346
Interest expense	(2,605,882)	(5,147,980)	50.62%	(2,458,706)	(4,729,249)	51.99%	147,176
Total nonoperating revenues (expenses)	(1,700,489)	(3,846,157)	-	(1,668,659)	(3,976,335)	-	(31,830)
Income before transfers and contribution	(1,225,555)	610,093	-	1,958,265	773,699	-	(3,183,820)
Contributions from TxDot	3,095	155,349	1.99%	16,344	629,006	2.60%	(13,249)
Net income	\$ (1,222,460)	\$ 765,442	-	\$ 1,974,609	\$ 1,402,705	-	\$ (3,197,069)

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
June 30, 2019 and 2018

Exhibit C-1

	2019	2018	Increase (Decrease)
ASSETS			
Cash	\$ 4,600	\$ 4,600	\$ -
Investments	1,477,969	1,451,323	26,646
Accounts receivable	213,945	183,902	30,043
Inventories	14,515	15,707	(1,192)
Prepaid items	6,450	6,450	-
Museum collection	18,561	18,561	-
Total assets	<u>\$ 1,736,040</u>	<u>\$ 1,680,543</u>	<u>\$ 55,497</u>
LIABILITIES AND FUND BALANCES			
Liabilities:			
Vouchers payable	\$ 83,491	\$ 155,263	\$ (71,772)
Retainage payable	-	10,200	(10,200)
Accrued payroll	74,043	68,347	5,696
Deposits	65,450	60,066	5,384
Total liabilities	<u>222,984</u>	<u>293,876</u>	<u>(70,892)</u>
Fund Balance:			
Nonspendable:			
Inventories and prepaid items	20,965	22,157	(1,192)
Restricted for:			
Promotion of tourism	1,045,365	990,268	55,097
Budgeted decrease in fund balance	<u>378,233</u>	<u>469,158</u>	<u>(90,925)</u>
Total fund balance	<u>1,444,563</u>	<u>1,481,583</u>	<u>(37,020)</u>
Excess revenues over expenditures YTD	<u>68,493</u>	<u>(94,916)</u>	<u>163,409</u>
Total liabilities and fund balances	<u>\$ 1,736,040</u>	<u>\$ 1,680,543</u>	<u>\$ 55,497</u>

HOTEL-MOTEL FUND

STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES
IN FUND BALANCE - ACTUAL AND BUDGET

For the nine months ended June 30, 2019

(With comparative amounts for the nine months ended June 30, 2018)

	2019			2018	Analytical Increase (Decrease) Prior year
	Actual	Budget	Percent of Budget	Actual	
Revenues:					
Taxes					
City	\$ 1,271,664	\$ 1,472,500	86.36%	\$ 1,128,197	\$ 143,467
County	74,438	74,438	100.00%	73,307	1,131
Charges for services					
Civic center and Visitor center	378,903	378,000	100.24%	350,849	28,054
Museum	54,642	90,100	60.65%	35,383	19,259
Interest and other	30,428	27,600	110.25%	58,191	(27,763)
Total revenues	<u>1,810,075</u>	<u>2,042,638</u>	<u>88.61%</u>	<u>1,645,927</u>	<u>164,148</u>
Expenditures:					
Civic center	812,097	1,134,434	71.59%	999,690	(187,593)
Railroad museum	402,134	579,417	69.40%	343,464	58,670
Tourism marketing	524,707	703,494	74.59%	408,391	116,316
Debt Service:					
Principal	2,431	3,262	74.52%	2,464	(33)
Interest	213	264	80.68%	179	34
Total expenditures	<u>1,741,582</u>	<u>2,420,871</u>	<u>71.94%</u>	<u>1,754,188</u>	<u>(12,606)</u>
Excess (deficiency) of revenues over expenditures	<u>68,493</u>	<u>(378,233)</u>	<u>-</u>	<u>(108,261)</u>	<u>176,754</u>
Other financing sources (uses):					
Lease Proceeds	-	-	0.00%	13,345	13,345
Total other financing sources (uses)	<u>-</u>	<u>-</u>	<u>0.00%</u>	<u>13,345</u>	<u>13,345</u>
Excess (deficiency) of revenues and other financing sources over expenditures and other financing uses	<u>68,493</u>	<u>(378,233)</u>	<u>-</u>	<u>(94,916)</u>	<u>163,409</u>
Fund balance, beginning of period	<u>1,444,563</u>	<u>1,444,563</u>	<u>-</u>	<u>1,481,583</u>	<u>(37,020)</u>
Fund balance, end of period	<u>\$ 1,513,056</u>	<u>\$ 1,066,330</u>	<u>-</u>	<u>\$ 1,386,667</u>	<u>\$ 126,389</u>

HOTEL-MOTEL FUND

DETAILED SCHEDULE OF EXPENDITURES - BUDGET AND ACTUAL

For the nine months ended June 30, 2019

(With comparative amounts for the nine months ended June 30, 2018)

	2019			2018	Analytical Increase (Decrease) Prior yr.
	Actual	Budget	Percent of Budget	Actual	
Civic center:					
Personnel services	\$ 551,623	\$ 699,597	78.85%	\$ 561,127	\$ (9,504)
Operations	244,049	315,204	77.43%	263,907	(19,858)
Capital outlay	16,425	119,633	13.73%	174,656	(158,231)
	<u>812,097</u>	<u>1,134,434</u>	<u>71.59%</u>	<u>999,690</u>	<u>(187,593)</u>
Railroad museum:					
Personnel services	198,131	315,870	62.73%	217,401	(19,270)
Operations	122,186	176,536	69.21%	106,029	16,157
Capital outlay	81,817	87,011	94.03%	20,034	61,783
	<u>402,134</u>	<u>579,417</u>	<u>69.40%</u>	<u>343,464</u>	<u>58,670</u>
Tourism marketing:					
Personnel services	173,282	231,618	74.81%	112,297	60,985
Operations	345,505	465,955	74.15%	253,648	91,857
Capital outlay	5,920	5,921	99.98%	42,446	(36,526)
	<u>524,707</u>	<u>703,494</u>	<u>74.59%</u>	<u>408,391</u>	<u>116,316</u>
Totals	<u>\$ 1,738,938</u>	<u>\$ 2,417,345</u>	<u>71.94%</u>	<u>\$ 1,751,545</u>	<u>\$ (12,607)</u>

CITY OF TEMPLE, TEXAS
DRAINAGE FUND
COMPARATIVE BALANCE SHEETS
June 30, 2019 and 2018

Exhibit D-1

	2019	2018	Increase (Decrease)
ASSETS			
Investments	\$ 2,545,263	\$ 2,511,404	\$ 33,859
Accounts receivable	126,862	114,832	12,030
Total assets	<u>\$ 2,672,125</u>	<u>\$ 2,626,236</u>	<u>\$ 45,889</u>
LIABILITIES AND FUND BALANCES			
Liabilities:			
Vouchers payable	\$ 1,025,963	\$ 1,325,101	\$ (299,138)
Retainage payable	862	-	862
Accrued payroll	51,647	47,841	3,806
Total liabilities	<u>1,078,472</u>	<u>1,372,942</u>	<u>(294,470)</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>(549,903)</u>	<u>(562,005)</u>	<u>12,102</u>
Total liabilities and fund balances	<u>\$ 2,672,125</u>	<u>\$ 2,626,236</u>	<u>\$ 45,889</u>

DRAINAGE FUND

STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES

IN FUND BALANCE - ACTUAL AND BUDGET

For the nine months ended June 30, 2019

(With comparative amounts for the nine months ended June 30, 2018)

	2019			2018	Analytical \$ Increase (Decrease) Prior yr.
	Actual	Budget	Percent of Budget	Actual	
Revenues:					
Drainage fee - commercial	\$ 983,386	\$ 1,310,000	75.07%	\$ 980,479	\$ 2,907
Drainage fee - residential	1,007,677	1,410,000	71.47%	1,025,064	(17,387)
Interest and other	34,312	34,500	99.46%	35,849	(1,537)
Total revenues	2,025,375	2,754,500	73.53%	2,041,392	(16,017)
Expenditures:					
Drainage					
Personnel services	580,451	1,030,622	56.32%	573,244	7,207
Operations	266,060	588,404	45.22%	188,963	77,097
Capital outlay	1,659,183	2,056,418	80.68%	1,807,317	(148,134)
Total expenditures	2,505,694	3,675,444	68.17%	2,569,524	(63,830)
Excess (deficiency) of revenues over expenditures	(480,319)	(920,944)	-	(528,132)	47,813
Other financing sources (uses):					
Transfers out - Debt Service Fund	(69,584)	(264,169)	26.34%	(33,873)	35,711
Total other financing uses	(69,584)	(264,169)	26.34%	(33,873)	35,711
Excess (deficiency) of revenues and other financing sources over expenditures and other financing uses	(549,903)	(1,185,113)	-	(562,005)	12,102
Fund balance, beginning of period	2,143,556	2,143,556	-	1,815,299	328,257
Fund balance, end of period	\$ 1,593,653	\$ 958,443	-	\$ 1,253,294	\$ 340,359

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 cost 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 life of at least 10 years.
- Major maintenance or rehabilitation project for existing facilities with a cost of \$10,000 or more and an economic life of at least 10 years.

CITY OF TEMPLE, TEXAS
SCHEDULE OF CAPITAL PROJECTS BOND PROCEEDS & RELATED EXPENDITURES
As of June 30, 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	\$ 115,590,343	122,563,505	121,130,690	\$ 1,432,815
E-3	2012, 2014, 2016 & 2018 Combination Tax & Revenue Certificates of Obligation Bond Issue (Fund 365)	Street Improvements	84,948,791	90,613,602	86,896,464	3,717,138
E-4	2013 Combination Tax & Revenue Certificates of Obligation Bond Issue (Fund 795)	Various Reinvestment Zone Infrastructure Improvements	25,313,032	25,556,388	25,417,075	139,313
E-5	2015 Parks General Obligation Bond Issue (Fund 362)	Parks Infrastructure Improvements	27,786,449	28,302,317	27,867,297	435,020
E-6	2017 Combination Tax & Revenue Certificates of Obligation Bond Issue (Fund 353)	Drainage Improvements	4,049,422	6,695,243	6,664,918	30,325
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	24,594,421	24,181,391	413,030
E-9	2019 Limited Tax Notes (Fund 364)	Capital Streets and Sanitation Equipment	-	1,300,000	1,300,000	-
			\$ 284,670,598	\$ 302,428,585	\$ 296,260,944	\$ 6,167,641

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 June 30, 2019

Expenditures		Revenue & Bond Proceeds	
Construction in Progress			
Expenditures	\$ 109,921,722	Prior Issues FY 2007 - FY 2017	\$ 109,190,000
Encumbrances as of 6/30/19	(1) 7,501,716	Intent to Reimburse {FY 2019 Issuance}	2,000,000
Estimated Costs to Complete Projects	3,707,252	Issuance Premium	6,400,343
	<u>\$ 121,130,690</u>	Interest Income	(2) 3,043,023
		Reimbursement Received from TxDOT	1,930,139
			<u>\$ 122,563,505</u>

Detail of Construction Costs

Project	BUDGET			ACTUAL		
	Original Budget	Adjustments		Total Costs Incurred & Encumbered	Estimated Costs to Complete	Total Designated Project Cost
		to Original Budget	Adjusted Budgeted			
Bond Issue Costs	\$ 1,194,609	\$ -	\$ 1,194,609	\$ 1,194,609	\$ -	\$ 1,194,609
CIP Management Cost	-	887,129	887,129	875,723	11,406	887,129
Completed Projects - Prior to FY 2019	* 76,795,849	(10,072,853)	66,722,996	66,722,996	-	66,722,996
Charter Oak Water Line, Phase II	-	1,862,190	1,862,190	1,100,996	761,194	1,862,190
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	(50,220)	1,799,780	1,655,074	144,706	1,799,780
Bird Creek, Phase III Const.; Phase IV & V Design	-	1,415,528	1,415,528	1,415,528	-	1,415,528
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	1,159,999	1,159,999	-	1,159,999
Shallowford Lift Station Reconstruction & Relocation	8,200,000	(809,690)	7,390,310	7,225,761	164,549	7,390,310
Jackson Park Vicinity Water & Wastewater Line Impr	* -	495,482	495,482	495,482	-	495,482
Bird Creek Intereceptor, Phase V	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	(3,171,572)	328,428	278,597	49,831	328,428
WTP Improvements - Tasks 3 Intake Recoating	-	650,000	650,000	49,790	600,210	650,000
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	10,202,300	10,202,300	-	10,202,300
Scott Elevated Storage Tank Rehabilitation	-	1,498,279	1,498,279	1,498,279	-	1,498,279
City-Wide SECAP	1,000,000	-	1,000,000	709,541	290,459	1,000,000
Bird Creek Intereceptor, Phase IV	-	113,118	113,118	65,693	47,425	113,118
Downtown Utility Assessment	-	267,814	267,814	267,814	-	267,814
WTP Clarifier #3 Rehabilitation	** -	800,134	800,134	789,584	10,550	800,134

(Continued)

SCHEDULE OF CAPITAL PROJECTS BOND PROCEEDS & RELATED EXPENDITURES

(Continued)

UTILITY SYSTEM REVENUE BONDS 2006, 2008, 2010, 2015 & 2017 - WATER/SEWER CAPITAL PROJECTS FUND 561

For the period beginning October 11, 2006 and ending June 30, 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
New Pepper Creek Elevated Storage Tank	\$ -	\$ 500,000	\$ 500,000	\$ 159,789	\$ 340,211	\$ 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	82,580	117,420	200,000
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	936,146	283,854	1,220,000
WTP Clarifier #4 Rehabilitation	-	6,625	6,625	6,625	-	6,625
Hatrick Bluff Reconstruction (30% Design)	-	35,975	35,975	35,975	-	35,975
Membrane Water Treatment Plant Expansion	-	3,000,000	3,000,000	2,953,930	46,070	3,000,000
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>\$ 117,423,438</u>	<u>\$ 3,707,252</u>	<u>\$ 121,130,690</u>
Remaining (Needed) Funds						<u>\$ 1,432,815</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 June 30, 2019

Exhibit E-3

Expenditures		Revenue & Bond Proceeds	
Construction in Progress			
Expenditures	\$ 67,249,218	Prior Issues CO Bonds, Series 2012-2016	\$ 48,935,000
Encumbrances as of 6/30/19	(1) 9,902,484	Series 4 Issue - CO Bonds, Series 2018	30,165,000
Estimated Costs to Complete Projects	9,744,762	Net Offering Premium	5,848,791
	<u>\$ 86,896,464</u>	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	1,474,057
			<u>\$ 90,613,602</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	*	\$ 982,036	\$ 338,229	\$ 1,320,265	\$ 1,302,843	\$ -	\$ 1,302,843
CIP Management Cost		-	583,875	583,875	504,845	79,030	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	(1,089,758)	2,887,892	2,360,546	527,346	2,887,892
Westfield Boulevard Improvements, Phase II		-	2,792,210	2,792,210	2,738,975	53,235	2,792,210
Outer Loop, Phase IIIB		5,800,000	413,299	6,213,299	5,768,283	445,016	6,213,299
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	2,774,857	46,336	2,821,193
Prairie View Road Improvements, Phase II - Construction	(2)	3,888,000	3,075,560	6,963,560	6,488,772	474,788	6,963,560
SH317 Sidewalks	*	-	200,000	200,000	200,000	-	200,000
Kegley Road Improvements, Phase II (Design & ROW)		4,550,000	(3,786,200)	763,800	491,251	272,549	763,800
Kegley Road Improvements, Phase III & IV (Design & ROW)	*	720,000	456,090	1,176,090	845,076	331,014	1,176,090
Signal - N Kegley @ Airport	*	-	216,360	216,360	216,360	-	216,360
Signal - Adams-LP/Greenview	*	-	247,521	247,521	247,521	-	247,521
N Pea Ridge, Phase I		1,800,000	385,000	2,185,000	738,070	1,446,930	2,185,000
Outer Loop, Phase IV		1,600,000	800,000	2,400,000	904,800	1,495,200	2,400,000
Poison Oak Road, Phase I & II		3,400,000	805,000	4,205,000	2,661,289	1,543,711	4,205,000
Sammons Golf Course - Green Improvements	*	550,000	68,382	618,382	618,382	-	618,382
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 Development)	*	-	70,510	70,510	70,509	-	70,509
S 5th Street Cost Sharing Agreement	*	-	70,962	70,962	70,962	-	70,962
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	937,262	36,238	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 June 30, 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	\$ 333,682	\$ 42,818	\$ 376,500
Signal - Video Detection Equipment FY 19 / FY 20 *	-	166,560	166,560	166,560	-	166,560
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
Canyon Creek/Blackland Extension	-	155,000	155,000	2,500	152,500	155,000
Hatrick Bluff Reconstruction (30% Design)	-	251,825	251,825	251,825	-	251,825
Pedestrian Signal - 5th Street @ Lions Junction	-	100,000	100,000	-	100,000	100,000
Pavement Assessment	-	195,142	195,142	195,142	-	195,142
Contingency	2,396,058	(259,421)	2,136,637	-	-	-
Contingency - CIP Management Cost	240,000	(116,645)	123,355	-	-	-
	<u>\$ 89,369,320</u>	<u>\$ (195,437)</u>	<u>\$ 89,173,883</u>	<u>\$ 77,151,702</u>	<u>\$ 9,744,762</u>	<u>\$ 86,896,464</u>

* Project Final

Remaining (Needed) Funds

\$ 3,717,138

** 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 June 30, 2019

Exhibit E-4

Expenditures		Revenue & Bond Proceeds	
Construction in Progress			
Expenditures	\$ 25,033,032	Original Issue {August 2013}	\$ 25,260,000
Encumbrances as of 6/30/19	(1) 262,897	Net Offering Premium/Discount	53,032
Estimated Costs to Complete Projects	121,146	Interest Income	243,356
	\$ 25,417,075		\$ 25,556,388

****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	3,443,464	2,536	3,446,000
Outer Loop (Wendland to McLane Pkwy)	5,960,000	(3,535,000)	2,425,000	2,343,521	81,479	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	\$ 25,295,929	\$ 121,146	\$ 25,417,075
Remaining (Needed) Funds						\$ 139,313

* 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 June 30, 2019

Exhibit E-5

Expenditures		Revenue & Bond Proceeds	
Construction in Progress			
Expenditures	\$ 25,509,833	Original Issue {September 2015}	\$ 25,130,000
Encumbrances as of 6/30/19	(1) 1,804,933	Net Offering Premium/Discount	2,656,449
Estimated Costs to Complete Projects	552,531	Interest Income	515,868
	<u>\$ 27,867,297</u>		<u>\$ 28,302,317</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	* \$ 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	14,007,176	306,515	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	531,928	145,682	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
Golf 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	\$ 27,314,766	\$ 552,531	\$ 27,867,297

Remaining (Needed) Funds \$ 435,020

* 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
COMBINATION TAX & REVENUE CERTIFICATES OF OBLIGATION 2017 - CAPITAL PROJECTS BOND FUND 353
For the period beginning April 1, 2017 and ending June 30, 2019

Exhibit E-6

Expenditures		Revenue & Bond Proceeds	
Construction in Progress			
Expenditures	\$ 2,900,752	Current Revenues - FY 2017 ^	\$ 1,033,722
Encumbrances as of 6/30/19 (1)	2,562,642	Fund Balance Appropriation	1,495,941
Estimated Costs to Complete Projects	1,201,524	Original Issue (October 2017)	3,735,000
	\$ 6,664,918	Net Offering Premium/Discount	314,422
		Interest Income	116,158
			\$ 6,695,243

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	46,133	1,269,601	123,593	1,146,008	1,269,601
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	48,950	1,379,450	1,379,450	-	1,379,450
Azalea Drive Developer Agmt (Patco Construction)	-	364,328	364,328	364,328	-	364,328
Pepper Creek Tributary 3 Drainage	-	174,820	174,820	122,993	51,828	174,821
Contingency	402,343	(368,540)	33,803	-	-	-
	\$ 6,579,085	\$ 120,190	\$ 6,699,275	\$ 5,463,394	\$ 1,201,524	\$ 6,664,918
				Remaining (Needed) Funds		\$ 30,325

* 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 June 30, 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 6/30/19	(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 June 30, 2019

Exhibit E-8

Expenditures		Revenue & Bond Proceeds	
Construction in Progress			
Expenditures	\$ 3,543,627	Original Issue (September 2018)	\$ 23,565,000
Encumbrances as of 6/30/19	(1) 2,130,823	Net Offering Premium/Discount	614,452
Estimated Costs to Complete Projects	18,506,941	Interest Income	414,969
	\$ 24,181,391		\$ 24,594,421

****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	1,261,624	2,078,376	3,340,000
East Outer Loop	623,000	-	623,000	122,210	500,790	623,000
1st Street from Ave A to Central Ave	1,380,000	-	1,380,000	58,000	1,322,000	1,380,000
Airport Corporate Hangar, Phase IV (Design) *	132,000	(400)	131,600	131,600	-	131,600
Airport FBO Center & Parking (Design)	440,000	2,340	442,340	442,340	-	442,340
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
	\$ 24,179,452	\$ 1,940	\$ 24,181,392	\$ 5,674,450	\$ 18,506,941	\$ 24,181,391

Remaining (Needed) Funds \$ 413,030

* 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
LIMITED TAX NOTES 2019 - CAPITAL PROJECTS BOND FUND 364
For the period beginning October 1, 2018 and ending June 30, 2019

Exhibit E-9

Expenditures		Revenue & Bond Proceeds	
Construction in Progress			
Expenditures	\$ 809,504	Original Issue	\$ -
Encumbrances as of 6/30/19	(1) 292,677	Intent to Reimburse - Series 2019 Issuance	1,300,000
Estimated Costs to Complete Projects	197,819	Interest Income	-
	<u>\$ 1,300,000</u>		<u>\$ 1,300,000</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	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Replace 2014 Freightliner/Heil Garbage Collection *	335,500	-	335,500	329,636	5,864	335,500
Replace 2011 Peterbilt - Frontload *	349,500	-	349,500	328,534	20,966	349,500
Replace 2008 International Work Star - Sideload **	295,500	-	295,500	283,845	11,655	295,500
Western Star 4700SB - Rolloff *	162,000	-	162,000	160,166	1,834	162,000
Replace Crafcro SuperShot 60 with Super Shot 125	52,000	-	52,000	-	52,000	52,000
Routeware Software Purchase/Implementation	105,500	-	105,500	-	105,500	105,500
	<u>\$ 1,300,000</u>	<u>\$ -</u>	<u>\$ 1,300,000</u>	<u>\$ 1,102,181</u>	<u>\$ 197,819</u>	<u>\$ 1,300,000</u>
Remaining (Needed) Funds						<u>\$ -</u>

* Project Final

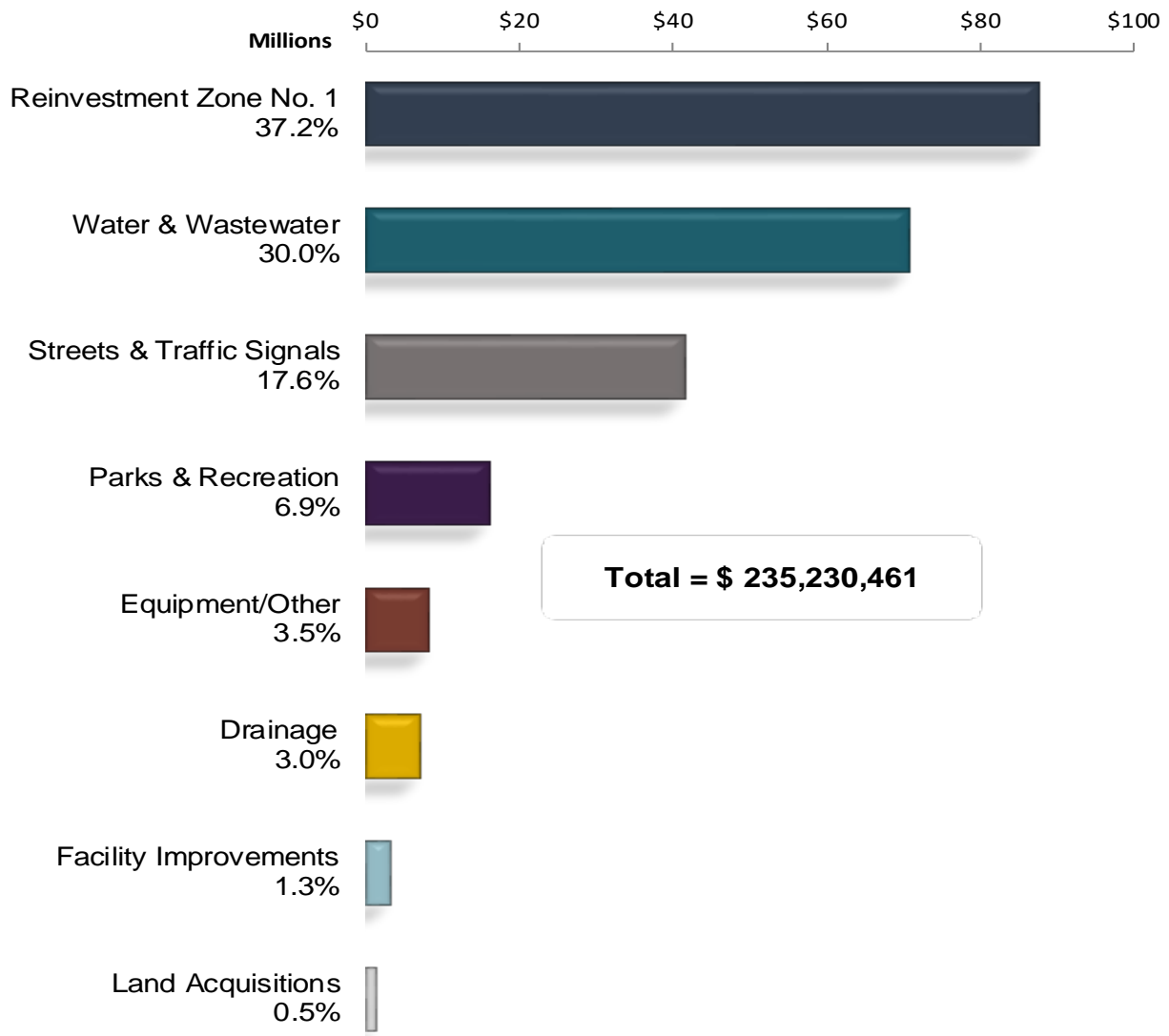
** Substantially Complete

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
CAPITAL IMPROVEMENT PROGRAM - PROJECTS UNDERWAY/SCHEDULED
As of June 30, 2019

Exhibit E-10

Reinvestment Zone No. 1	\$	87,529,310
Water & Wastewater		70,579,794
Streets & Traffic Signals		41,383,254
Parks & Recreation		16,137,166
Equipment/Other		8,143,315
Drainage		7,016,005
Facility Improvements		3,121,494
Land Acquisitions		1,320,123
Total of Capital Improvement Projects Underway/Scheduled	\$	235,230,461



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	54,133	54,132	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	137,970	137,970	Complete	June-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	10,787	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	Substantially Complete	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	13,001	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	14,410	13,361	Complete	Nov-18
City Hall Security	102014	BUDG-19	110-5924-519-6310	66,000	59,448	Complete	June-19
City Hall - 3rd Floor Finance Suite Renovations	102110	BUDG-19	110-5912-515-6310	12,018	-	Planning	Dec-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	1,729,300	1,729,300	Complete	Mar-19
Total Facility Improvements				\$ 3,121,494	\$ 2,762,442		
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	1,269,601	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	42,632	42,632	On Hold	TBD
Drainage Master Plan Modeling Assessment	101777	Drainage CO-18D	292-2900-534-6510 353-2900-534-6710	1,379,450	1,379,450	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	Oct-19
Range Road Drainage	102011	Drainage	292-2900-534-6312	25,202	24,402	Complete	June-19
Pepper Creek Tributary 3 Drainage {Design Only}	102016	CO-18D	353-2900-534-6813	174,820	122,993	Engineering	Sept-19
Total Drainage				\$ 7,016,005	\$ 5,813,680		
Advanced Metering Infrastructure	101173	BUDG-U Util-RE	520-5300-535-6250 520-5900-535-6250	1,275,000	1,121,151	Construction	Sept-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	Nov-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	65,991	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	42,677	42,676	Complete	Dec-18
Oil Dispenser Expansion - Fleet Services	101666	BUDG-18	110-5938-519-6216	9,283	9,283	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	Sept-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	17,097	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	107,214	103,681	Substantially Complete	July-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	16,800	In Progress	Sept-19
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	Nov-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	Nov-19
Replace '08 F350 / Upgrade F250 Crew Cab & Utility Body - Code Compliance Asset #12920	101870	BUDG-19	110-5900-524-6213	45,000	-	Planning	Nov-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	Nov-19
Replace '05 Ford F150 - Facility Services Asset # 12135	101872	BUDG-19	110-5924-519-6213	34,000	-	Planning	Nov-19
Replace Cardiac Defibrillator Monitor - Fire	101878	BUDG-19	110-2230-522-6211 110-5900-522-6211	133,417	133,417	Complete	Jan-19
Vehicle Exhaust System Update/Repair - Fleet	101879	BUDG-19	110-5938-519-6310	19,500	-	Planning	Nov-19
Replace '08 Ford F150 - Inspections/Permits Asset #12821	101885	BUDG-19	110-5942-519-6213	32,000	-	Planning	Nov-19
Replace '04 Crimson Spartan / Upgrade to Small Quint Fire Apparatus	101886	CO-18	365-2200-522-6776	973,500	937,262	Ordered	Sept-19
Replace '06 Ford F350 -Parks Asset #12356	101887	BUDG-19	110-5935-552-6213	43,000	-	Planning	Nov-19
Replace '06 Chevy Truck - Parks Asset #12345	101888	BUDG-19	110-5935-552-6213	32,000	-	Planning	Nov-19
3/4 Ton Truck - Irrigation Technician **Addition to Fleet**	101889	BUDG-19	110-3500-552-6213	43,000	-	Planning	Nov-19
Replace Marked Unit, SRO - Police Asset #13223	101891	BUDG-19	110-5900-521-6213	47,750	42,017	Complete	May-19
Replace (10) Marked Units, Patrol - Police	101892	BUDG-19	110-2031-521-6213 110-5900-521-6213	514,056	505,003	Complete	May-19
Axon Evidence Management Software System	101893	BUDG-19	110-5900-521-6211	293,476	293,476	Complete	Jan-19
Police Utility Vehicle - Police, Sergeant **Addition to Fleet**	101894	BUDG-19	110-5900-521-6213	57,750	40,202	Complete	May-19
Medium Rescue Fire Apparatus **Addition to Fleet**	101896	CO-18	365-2200-522-6776	376,500	333,682	Ordered	Sept-19
Replace '01 Chevrolet Astro - Recreation (Asset # 11143)	101899	BUDG-19	110-5932-551-6213	35,140	-	Planning	Nov-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	Complete	June-19
Replace '11 Peterbilt, Frontload - Solid Waste Asset #13276 (Intent to Reimburse)	101908	LTN-19	364-2300-540-6220	349,500	328,534	Complete	June-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	Substantially Complete	July-19
Replace '08 Ford F250 - Streets Asset #12867	101910	BUDG-19	110-5900-531-6213	32,000	-	Planning	Nov-19
Replace '95 Ford F800 Water Truck -Streets Asset #9837	101912	BUDG-19	110-5900-531-6222	30,888	-	Planning	Nov-19
Replace '00 Freightliner Dump Truck - Drainage Asset #10942	101914	Drainage	292-2900-534-6222	112,500	103,681	Complete	May-19
Replace '09 International Street Sweeper - Drainage Asset #13120	101915	Drainage	292-2900-534-6222	239,552	234,027	Complete	Feb-19
72" Cut Zero Turn Mower, New Maintenance Crew - Drainage **Addition to Fleet**	101916	Drainage	292-2900-534-6222	10,750	-	Planning	Nov-19
192" Cut Batwing Mower, New Maintenance Crew - Dainage **Addition to Fleet**	101917	Drainage	292-2900-534-6222	99,698	-	Planning	Nov-19

(Continued)

Project	Project #	Funding	Acct #	Project Budget	Actual Commit / Spent	Status	Scheduled Completion
Trailer for Equipment, New Maintenance Crew - Drainage **Addition to Fleet**	101918	Drainage	292-2900-534-6211	\$ 10,000	\$ -	Planning	Nov-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	Nov-19
Replace '08 Ford F350 Regular Cab - Water/Wastewater Asset #12918	101923	BUDG-U	520-5400-535-6213	48,000	-	Planning	Nov-19
Replace '08 Ford F350 Regular Cab - Water/Wastewater Asset #12919	101924	BUDG-U	520-5400-535-6213	48,000	-	Planning	Nov-19
Replace '09 Ford F350 Regular Cab - Water/Wastewater Asset #12968	101925	BUDG-U	520-5400-535-6213	48,000	-	Planning	Nov-19
Replace '10 Ford F350 Regular Cab - Water/Wastewater Asset #13133	101926	BUDG-U	520-5400-535-6213	48,000	-	Planning	Nov-19
Replace '10 Ford F450 Regular Cab - Water/Wastewater Asset #13139	101927	BUDG-U	520-5400-535-6213	50,000	-	Planning	Nov-19
Freightliner SD114 with Vector 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	101930	BUDG-U	520-5200-535-6213 520-5400-535-6310	55,000	-	Planning	Nov-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	Nov-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	Nov-19
Golf Cart GPS Screens	101936	BUDG-19	110-3110-551-6213	97,824	88,626	In Progress	Sept-19
Replace '09 Ford F350 - Water/Wastewater Asset #12967	101937	BUDG-U	520-5200-535-6213	48,000	-	Planning	Nov-19
Water Distribution Modeling and Management Software	101938	BUDG-U	520-5200-535-6221	33,600	33,600	Complete	May-19
(3) Handheld GIS Units	101939	BUDG-U	520-5200-535-6211	26,200	-	Planning	Sept-19
Replace '03 Caterpillar 420D Backhoe - Water/Wastewater Asset #11623	101940	BUDG-U	520-5100-535-6220	91,000	-	On Hold	Sept-19
K-9 (2018 JAG Grant)	101959	GRANT	260-2000-521-6211	18,534	-	In Progress	Sept-19
Swift Water Boat, State Farm Grant - Fire	101991	BUDG-19	110-2230-522-6222	20,000	19,021	Substantially Complete	July-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	110-2041-521-6229	24,003	24,003	Complete	June-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	In Progress	Aug-19
Solid Waste Roll-off Refuse Vehicle **Addition to Fleet** {Intent to Reimburse}	102022	LTN-19	364-2300-540-6220	162,000	160,166	Complete	May-19
Fleet Services Compressor (1)	102030	BUDG-19	110-5938-519-6216	14,000	-	Planning	Aug-19
Rebuild Engine - 2014 Freightliner Rolloff Garbage Collection Vehicle	102032	BUDG-19	110-2370-540-6222	13,752	-	Planning	Aug-19
OpenGov Software - Implementation	102058	BUDG-19	110-1900-519-6221	62,047	62,047	In Progress	May-20
Total Equipment/Other				\$ 8,143,315	\$ 6,515,711		
Charter Oak Waterline Replacement, Phase II {ROW}	100608	Util-RE	520-5900-535-6110	324,102	315,723	In Progress	July-19
814 & 818 E Ave B	101207	BUDG-19	110-3795-524-6110	24,200	21,833	Complete	Feb-19
Bird Creek Interceptor {ROW}	101213	Util-RE	520-5900-535-6110	577,134	366,011	Complete	Apr-19
New Pepper Creek Tank {Property Acquisition}	101944	Util-RE	520-5900-535-6110	150,000	138,242	Complete	Apr-19
SH 317 Ground Storage and Pump Station {Property Acquisition}	101954	Util-RE	520-5900-535-6110	50,000	-	Planning	TBD

(Continued)

Project	Project #	Funding	Acct #	Project Budget	Actual Commit / Spent	Status	Scheduled Completion
Land Purchase 908 E Ave B	101990	BUDG-19	110-3795-524-6110	39,687	39,686	Complete	Oct-18
Canyon Creek / Blackland Extension {ROW}	102024	CO-18	365-3400-531-6998	\$ 155,000	\$ 2,500	In Progress	Sept-19
Total Land Acquisitions				\$ 1,320,123	\$ 883,995		
Caboose Renovations	101303	Hotel/Motel	240-7000-551-6310	21,809	20,615	Construction	Aug-19
Crossroads Athletic Park {RZ Funds in Project 101005}	101311	GO-15	362-3500-552-6402	14,313,691	14,007,176	Construction	Oct-19
Mercer Fields	101317	GO-15	362-3500-552-6408	677,610	531,928	Complete	June-19
Prairie Park	101321	GO-15	362-3500-552-6412	118,174	68,776	Complete	Jan-19
Sammons Golf Course Green Improvements	101771	CO-18	365-3100-551-6984	618,382	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	Aug-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	Complete	May-19
Alta Vista Park	101996	BUDG-19	110-3500-552-6332	76,950	74,354	Construction	Oct-19
Golf Course Pump Station {Design}	102002	GO-15	362-3100-551-6840	28,000	28,000	Engineering	Sept-19
Total Parks & Recreation				\$ 16,137,166	\$ 15,610,078		
Rail Maintenance	100692	RZ	795-9500-531-6514	383,706	213,313	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	1,902,476	Construction	Aug-19
Temple Industrial Park - Outer Loop (IH35 to Wendland) {Design & ROW}	101000	RZ	795-9600-531-6863 795-9800-531-6863	3,946,000	3,443,464	Engineering	TBD
Temple Industrial Park - Outer Loop (Wendland to McLane Pkwy) {Design & ROW}	101001	RZ	795-9800-531-6864	2,425,000	2,343,521	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	Jan-21
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	Oct-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	14,974,561	Construction	Apr-20
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	Construction	Aug-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	4,815,927	Construction	Oct-19
Veteran's Memorial Boulevard, Phase II {Design & ROW}	101263	RZ	795-9500-531-6567	925,000	622,217	On Hold	TBD

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Project	Project #	Funding	Acct #	Project Budget	Actual Commit / Spent	Status	Scheduled Completion
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	1,160,593	1,160,593	Construction	Oct-19
Outer Loop, Phase VI (IH35 South) {Design & ROW}	101585	RZ	795-9500-531-6557 795-9600-531-6557	3,750,000	1,667,130	Engineering	Dec-19
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	Construction	Aug-19
East Outer Loop	101796	RZ	795-9600-531-6890	623,000	122,210	Engineering	TBD
1st Street from Ave A to Central Ave	101797	RZ	795-9500-531-6561 795-9600-531-6561	1,676,000	353,260	Engineering	Mar-20
N 31st Street (Nugent to Central) {Concept Design & Land Acquisition}	101798	RZ	795-9500-531-6571	2,552,000	2,441,964	Engineering	Nov-19
Corporate Hangar, Phase IV {Design}	101800	RZ	795-9500-531-6558 795-9600-531-6558	231,600	231,600	Complete	Nov-18
Airport FBO Center & Parking Visioning {Design}	101801	RZ	795-9500-531-6573 795-9600-531-6573	561,340	561,200	Engineering	Dec-19
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	5,881,550	595,250	Engineering	TBD
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	Sept-19
Rail Backage Road	101844	RZ	795-9500-531-6527	2,500,000	1,452,512	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	Sept-19
1st Street from Ave A to Ave B	101847	RZ	795-9500-531-6551	1,275,000	1,118,956	Construction	Nov-19
Parking Garage @ 4th Street and Central Ave	101907	RZ	795-9500-531-6891	568,450	568,450	Engineering	Apr-20
Mouser Road Improvements	101928	RZ	795-9500-531-6317	340,000	181,654	Construction	Dec-19
3rd Street Improvements (United Way)	101977	RZ	795-9500-531-6315	124,850	123,130	Complete	Jan-19
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	50,507	-	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	5,012	In Progress	Sept-19
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	155,150	155,150	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	In Progress	Sept-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				\$ 87,529,310	\$ 59,000,494		

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Project	Project #	Funding	Acct #	Project Budget	Actual Commit / Spent	Status	Scheduled Completion
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	2,643,746	2,116,400	Construction	June-20
Westfield Boulevard Improvements, Phase II	100970	CO-12	365-3400-531-6859	2,792,210	2,738,976	Construction	Aug-19
Outer Loop, Phase IIIB	101121	CO-12 CO-14 CO-18	365-3400-531-6813	6,403,879	5,958,863	Construction	Nov-19
S Pea Ridge Developer Agreement {WBW Development, LTD}	101214	CO-18	365-3400-531-6860	153,137	153,137	Cost Sharing Agreement Authorized	Sept-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	9,263,628	Construction	Oct-19
SH317 Sidewalks {AFA - TXDOT}	101285	CO-14	365-3400-531-6315	200,000	200,000	Complete	Dec-18
Kegley Road, Phase II {Design & ROW}	101606	CO-16 CO-18	365-3400-531-6888	763,800	491,251	Engineering	Apr-20
Kegley Road, Phase III & IV {Design & ROW}	101607	CO-16 CO-18	365-3400-531-6888	1,176,090	845,076	Complete	June-19
Traffic Signal Upgrade - N Kegley @ Airport Rd	101611	CO-16	365-2800-532-6810	216,360	216,360	Complete	Feb-19
Traffic Signal Upgrade - Adams @ Greenvew	101612	CO-16	365-2800-532-6810	247,521	247,521	Complete	Feb-19
Sidewalk/Transportation Enhancements - CDBG (Along Adams Ave)	101711	GRANT	260-6100-571-6315	117,466	109,343	Construction	July-19
N Pea Ridge, Phase I {Design & ROW}	101713	CO-16 CO-18	365-3400-531-6985	2,185,000	738,070	Engineering	Mar-20
Outer Loop, Phase IV {Design & ROW}	101714	CO-16 CO-18	365-3400-531-6813	2,400,000	904,800	Engineering	June-20
Poison Oak, Phase I & II {Design & ROW}	101715	CO-16 CO-18	365-3400-531-6886	4,205,000	2,661,289	Engineering	Sept-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	70,962	70,962	Complete	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	Oct-19
South Pea Ridge Road {Design & ROW}	101874	CO-18	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	166,560	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	460,546	Substantially Complete	July-19
Georgetown Railroad Hike/Bike Trail {Conceptual Design}	102010	CO-18	365-3400-531-6315	28,800	28,800	Engineering	Aug-19
Hartrick Bluff Road {30% Design}	102025	CO-18	365-3400-531-6716	251,825	251,825	Engineering	Dec-19
Pedestrian Signal - 5th Street @ Lions Junction	102029	CO-18	365-2800-532-6810	100,000	-	Planning	Dec-19

(Continued)

Project	Project #	Funding	Acct #	Project Budget	Actual Commit / Spent	Status	Scheduled Completion
Pavement Assessment	102031	CO-18	365-3400-531-6527	\$ 195,142	\$ 195,142	Engineering	Dec-19
Total Streets/Related Facilities				\$ 41,383,254	\$ 31,754,672		
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	1,791,792	1,030,597	Engineering	Aug-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
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	1,799,780	1,655,074	Construction	June-20
TCIP - Westfield Blvd Utility Improvements, Phase II	100970	BUDG-U	520-5200-535-6357	127,096	113,319	Construction	Aug-19
Bird Creek Interceptor, Phase IV {Design Only}	100980	UR-15	561-5400-535-6925	450,497	450,497	Engineering	Aug-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	Sept-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	Nov-19
Water/Wastewater Replacement - 2nd & 4th; Ave C to Adams Ave	101186	Util-RE	520-5900-535-6521	83,715	83,715	Engineering	May-20
Water and Wastewater Master Plan Update	101197	Util-RE	520-5900-535-2616	499,200	492,934	Engineering	Sept-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	Aug-19
TCIP - Prairie View Utility Improvements, Phase II (N Pea Ridge to FM2483)	101257	Util-RE	520-5900-535-6521	850,000	724,065	Construction	Oct-19
WTP Membrane Plant - Repaint Piping, Floors, and Concrete Slab	101420	BUDG-U	520-5100-535-6310	463,220	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	-	Planning	TBD
WTP Conventional - Lab Upgrades	101452	BUDG-U	520-5100-535-6310	144,833	127,730	Complete	June-19
Shallowford Lift Station Reconstruction & Relocation	101475	UR-15 UR-17	561-5400-535-6905	7,390,310	7,225,761	Construction	Aug-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	2,376,750	Construction	Sept-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	4,031,096	3,475,299	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	Apr-21

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Project	Project #	Funding	Acct #	Project Budget	Actual Commit / Spent	Status	Scheduled Completion
TCIP - Kegley Road, Phase III & IV {Design & ROW}	101607	UR-15	561-5200-535-6888	\$ 39,600	\$ 39,600	Complete	June-19
WTP Improvements - Tasks 2 - MWTT Optimization	101613	UR-15	561-5100-535-6954	39,353	20,810	Substantially Complete	July-19
WTP Improvements - Tasks 3 - Lagoon Improvements {Final Engineering}	101614	UR-15	561-5100-535-6954	328,428	278,597	On Hold	TBD
WTP Improvements - Intake Recoating	101615	UR-17	561-5100-535-6954	650,000	49,790	Engineering	Apr-20
WTP Improvements - Tasks 4 - Dredging {Design}	101619	UR-17	561-5100-535-6959	36,360	36,360	Engineering	Aug-19
Williamson Creek Trunk Sewer	101628	UR-15 UR-17	561-5400-535-6980	3,031,472	2,947,436	Construction	Sept-19
Knob Creek Trunk Sewer {Design of Phase I-V}	101629	Util-RE	520-5900-535-6631	2,268,126	2,175,529	Engineering	Feb-20
Emergency Waterline Repair - Panda Line	101649	BUDG-19	520-5200-535-6357	62,718	31,359	Complete	Jan-19
Replace Membrane Modules - FY 2018	101710	BUDG-18	520-5100-535-6211	351,679	351,679	In Progress	Sept-19
TCIP - N Pea Ridge, Phase I {Design & ROW}	101713	Util-RE	520-5900-535-6985	404,131	54,900	Engineering	Mar-20
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	Sept-19
Temple-Belton WWTP Expansion, Phase I {Construction}	101774	UR-17	561-5500-535-6938	10,202,299	10,202,300	Construction	Sept-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	Aug-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	Oct-19
City-wide SECAP - SSO {Intent to Reimburse}	101922	UR-19	561-5400-535-6997	1,000,000	709,541	Engineering	Jan-20
Bird Creek Interceptor, Phase IV {Design}	101933	UR-17	561-5400-535-6925	113,118	65,693	Engineering	Oct-19
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	319,302	Construction	Sept-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	789,584	Substantially Complete	July-19
New Pepper Creek Storage Tank {Design}	101948	UR-17	561-5100-535-6991	3,400,000	3,040,169	Construction	Aug-20
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	82,580	Engineering	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	936,146	Construction	Aug-19

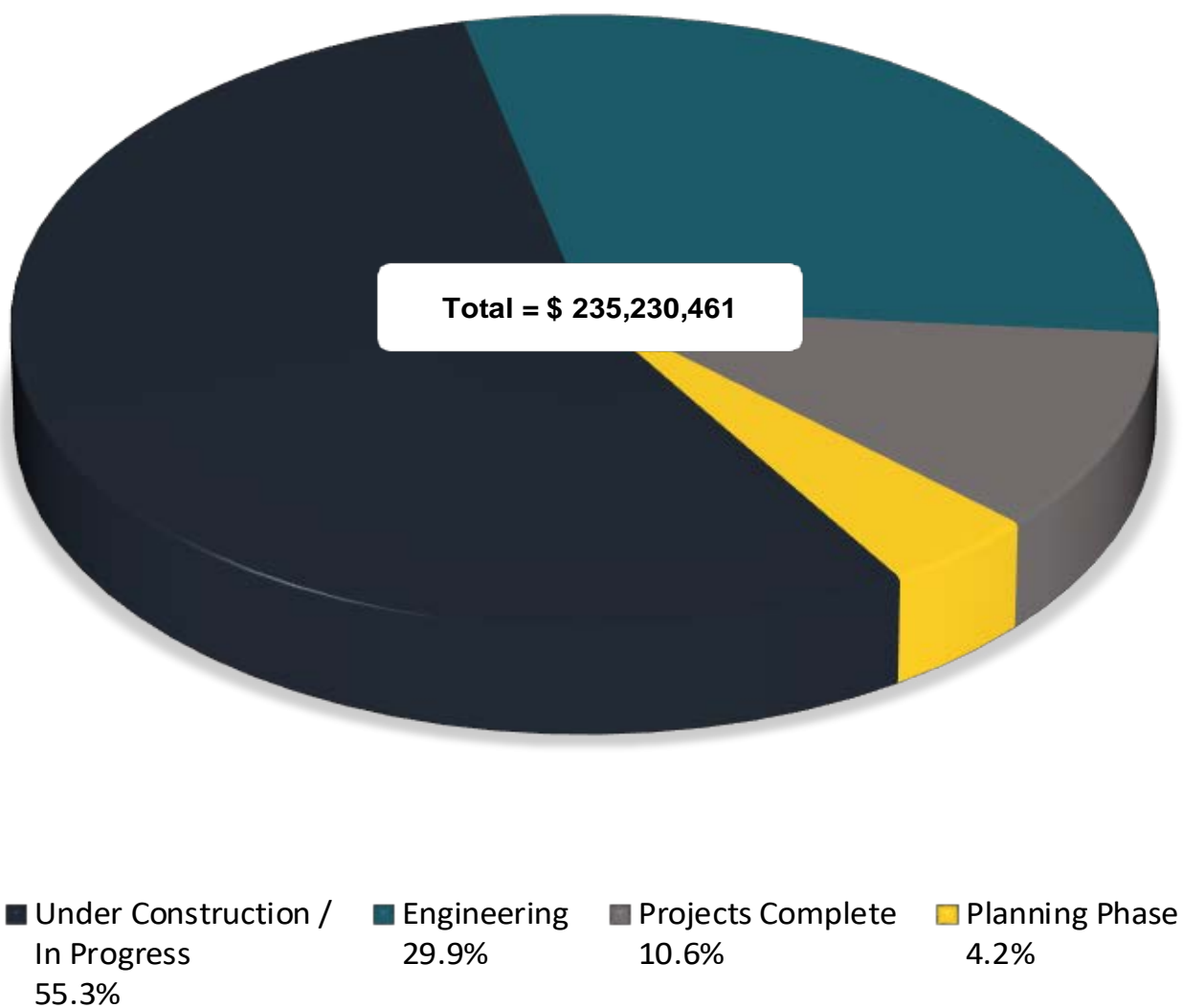
(Continued)

Project	Project #	Funding	Acct #	Project Budget	Actual Commit / Spent	Status	Scheduled Completion
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	71,169	71,169	Complete	May-19
Replace Variable Frequency Drive (2) - Pump 2 & 3	102023	BUDG-U	520-5100-535-6310	13,410	13,410	Complete	Apr-19
TCIP - Hartrick Bluff Road {30% Design}	102025	UR-17	561-5200-535-6716	35,975	35,975	Engineering	Dec-19
MWTP - Refurbish High Service Pump #11	102026	BUDG-U	520-5100-535-6211	26,681	26,681	Complete	May-19
Membrane Water Treatment Plant Expansion	102027	UR-17	561-5100-535-6921	3,000,000	2,953,930	Engineering	Jan-20
County View Subdivision, Utility Extension {3 Nex-Gen Devel, LLC}	102109	Util-RE	520-5900-535-6362	680,769	680,768	Cost Sharing Agreement Authorized	July-20
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				\$ 70,579,794	\$ 63,733,696		
Total Capital Projects				\$ 235,230,461	\$ 186,074,771		

CAPITAL IMPROVEMENT PROGRAM - PROJECT STATUS {BASED ON \$'s}

As of June 30, 2019

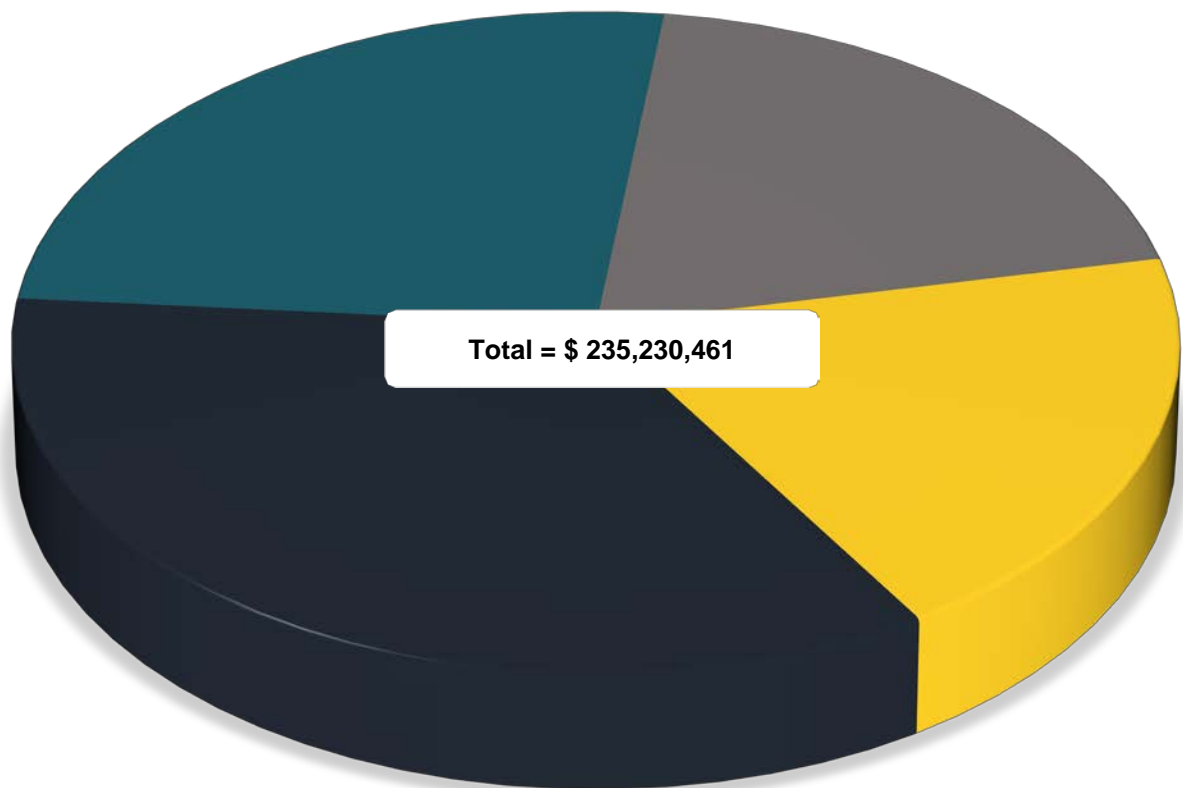
Under Construction / In Progress	\$ 130,138,041
Engineering	70,258,679
Projects Complete	24,948,727
Planning Phase	9,885,014
Total Estimated Costs of Capital Improvement Projects	<u>\$ 235,230,461</u>



CITY OF TEMPLE, TEXAS
CAPITAL IMPROVEMENT PROGRAM - PROJECT STATUS {BASED ON NUMBER OF PROJECTS}
As of June 30, 2019

Exhibit E-13

Projects Complete	89
Planning Phase	65
Under Construction / In Progress	50
Engineering	49
Total Number of Capital Improvement Projects	<u>253</u>

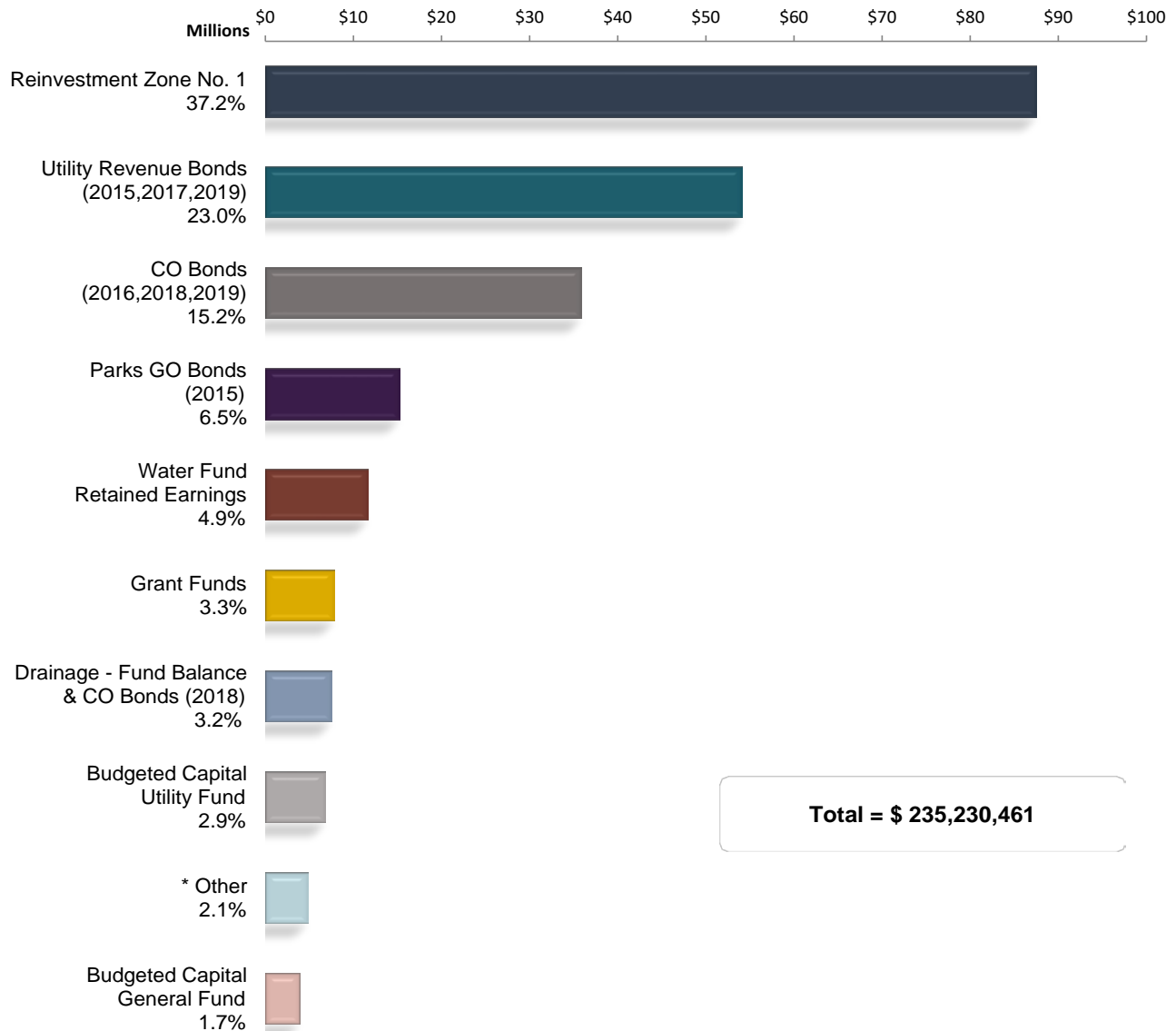


■ Projects Complete 35.2%	■ Planning Phase 25.7%	■ Under Construction/ In Progress 19.8%	■ Engineering 19.3%
------------------------------	---------------------------	---	------------------------

CITY OF TEMPLE, TEXAS
CAPITAL IMPROVEMENT PROGRAM - PROJECT STATUS {BASED ON FUNDING SOURCE}
As of June 30, 2019

Exhibit E-14

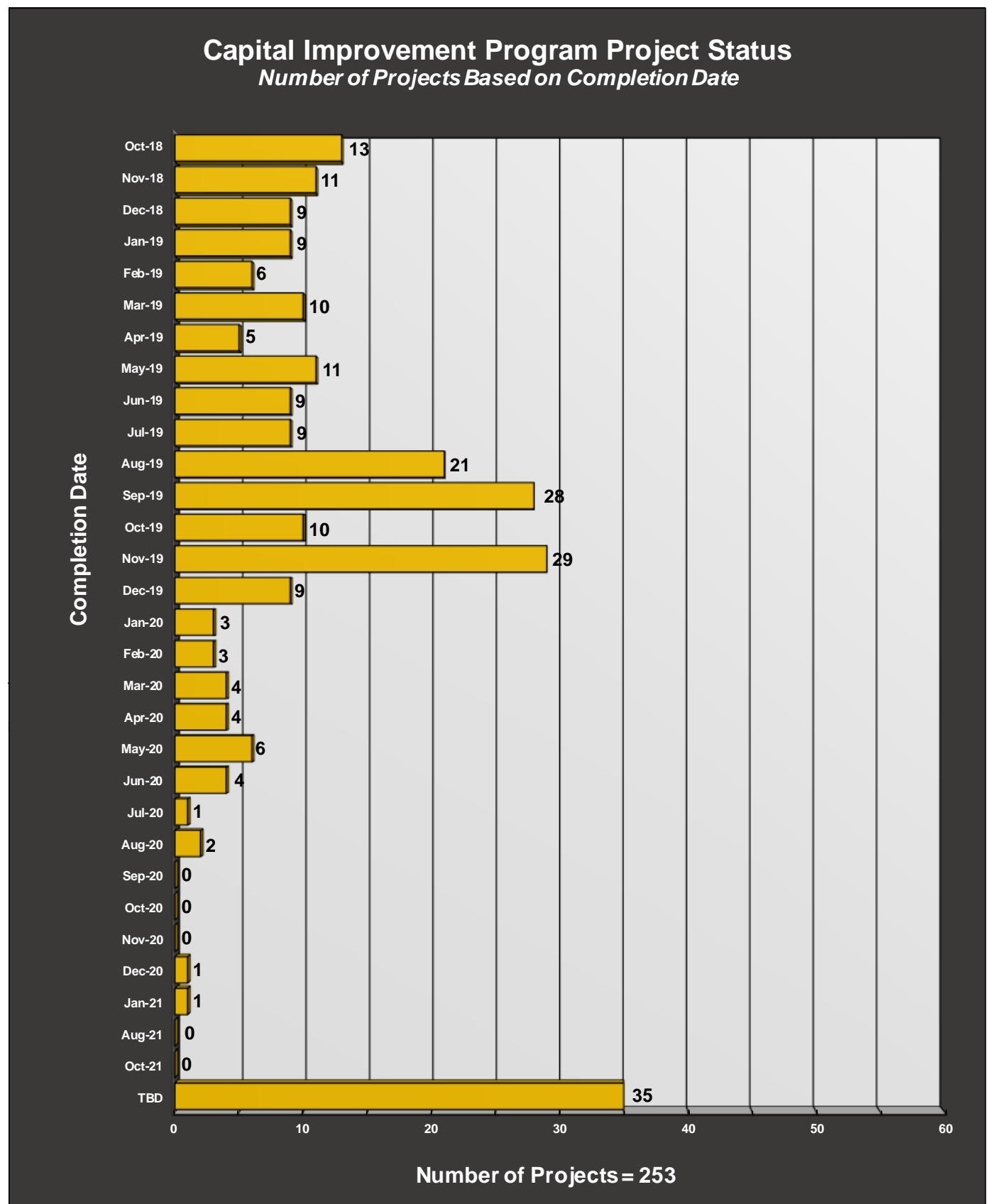
	Total Dollars	% of Total
Reinvestment Zone No. 1	\$ 87,529,310	37.21%
Utility Revenue Bonds (2015,2017,2019)	54,087,669	22.99%
Combination Tax & Revenue CO Bonds (2016,2018)	35,841,026	15.24%
Parks GO Bonds (2015)	15,236,204	6.48%
Water Fund - Retained Earnings	11,623,787	4.94%
Grant Funds	7,839,233	3.33%
Drainage Fund - Designated from Fund Balance and CO Bonds (2018)	7,551,825	3.21%
Budgeted Capital - Utility Fund	6,800,005	2.89%
Budgeted Capital - General Fund	3,914,543	1.66%
LoanSTAR Loan Program *	1,939,481	0.82%
TxDOT Reimbursable Utility Agreements *	1,194,930	0.51%
Limited Tax Notes (2016,2019) *	1,219,299	0.52%
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}	\$ 235,230,461	100.00%



*Funding source is reflected in "other" on graph

CAPITAL IMPROVEMENT PROGRAM - PROJECT STATUS {COMPLETION DATE}

As of June 30, 2019

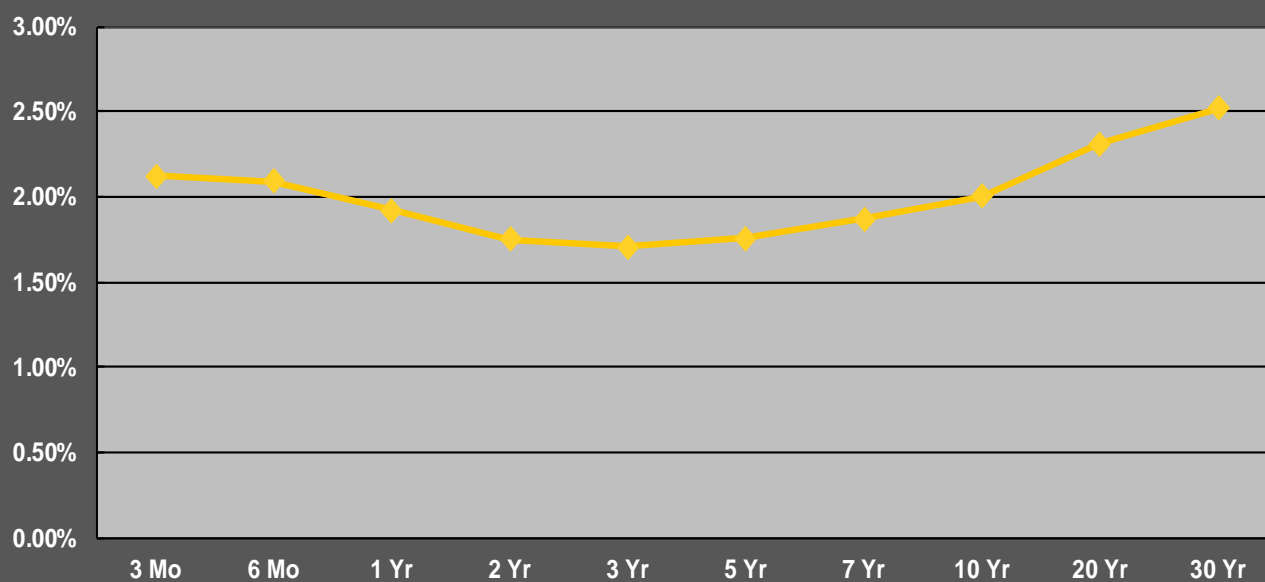




INVESTMENTS

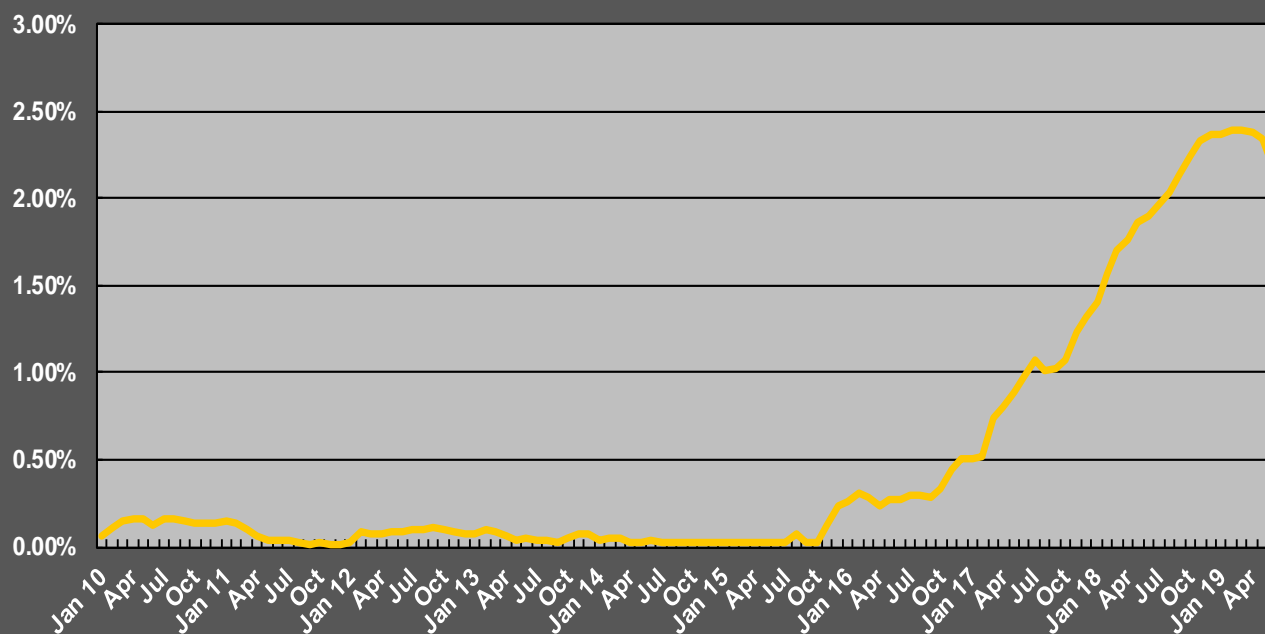
The Public Funds Investment Act, Chapter 2256 of Texas Government Code, requires the investment officer to prepare and submit a written report of investments to the governing body of the entity not less than quarterly.

Treasury Yield Curve



Source - Board of Governors of the Federal Reserve System Statistical Release H.15, July 2, 2019

Average 3-Month Treasury Bill Rate

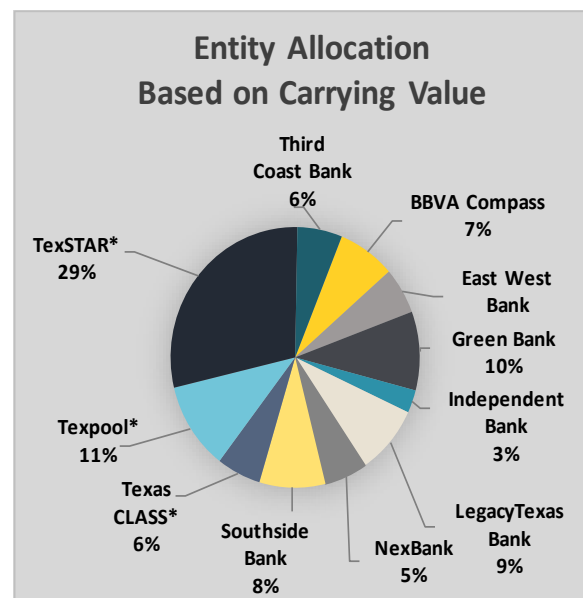


Source - Board of Governors of the Federal Reserve System; <https://fred.stlouisfed.org/series/TB3MS>

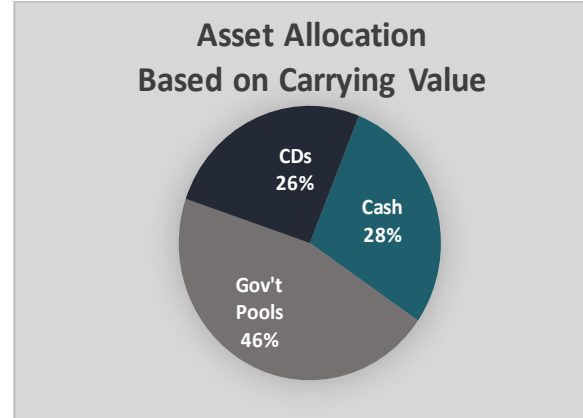
CITY OF TEMPLE, TEXAS
SCHEDULE OF INVESTMENT ALLOCATIONS
June 30, 2019

Exhibit F-1

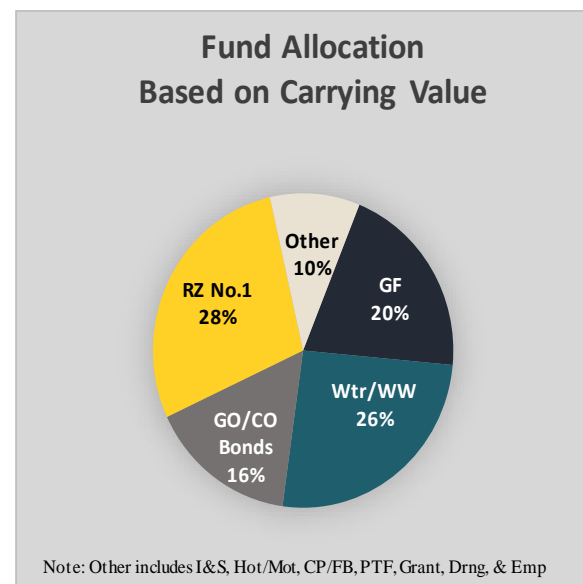
	Carrying Value	Bank Balance/ Fair Value
Entity Allocation		
BBVA Compass	\$ 13,199,238	\$ 13,913,097
East West Bank	10,179,633	10,179,633
Green Bank	17,327,369	17,327,369
Independent Bank	5,019,603	5,019,603
LegacyTexas Bank	15,269,279	15,269,279
NexBank	9,818,878	9,818,878
Southside Bank	15,162,437	15,162,437
Texas CLASS*	10,197,766	10,197,766
Texpool*	19,249,532	19,249,532
TexSTAR*	51,426,543	51,426,543
Third Coast Bank	10,318,039	10,318,039
	\$177,168,317	\$177,882,176



	Carrying Value	Bank Balance/ Fair Value
Asset Allocation		
Cash	\$ 50,422,453	\$ 51,136,312
Gov't Pools	80,873,841	80,873,841
CDs	45,872,023	45,872,023
	\$177,168,317	\$177,882,176



	Carrying Value	% of Carrying Value
Fund Allocation		
General Fund (GF)	\$ 36,074,541	20.36%
Water & Wastewater (Wtr/WW)	45,564,284	25.72%
GO Interest & Sinking (I&S)	12,179,897	6.87%
Hotel / Motel (Hot/Mot)	1,477,969	0.83%
Capital Projects - GO/CO Bond Program (GO/CO Bonds)	28,109,815	15.87%
Capital Projects - Designated Fund Balance (CP/FB)	8,026	0.00%
Federal / State Grant Fund (Grant)	(221,480)	-0.13%
Drainage (Drng)	2,545,263	1.44%
Employee Benefits Trust (Emp)	1,125,149	0.64%
Reinvestment Zone No.1 (RZ No.1)	50,304,853	28.39%
	\$177,168,317	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
June 30, 2019

Exhibit F-2

Type	Par Value	Term* (Days)	Yield %	Maturity Date	Carrying Value	Fair Value	Fair vs Carrying
LegacyTexas CD	\$ 5,158,133	43	1.7000	12-Aug-19	\$ 5,162,698	\$ 5,162,698	\$ -
Third Coast Bank CD	5,126,177	94	2.5000	02-Oct-19	5,157,425	5,157,425	-
Third Coast Bank CD	5,128,724	186	2.5500	02-Jan-20	5,160,614	5,160,614	-
East West Bank CD	5,114,090	267	2.9100	23-Mar-20	5,114,090	5,114,090	-
Green Bank CD	5,074,321	337	3.0000	01-Jun-20	5,085,469	5,085,469	-
Legacy Texas CD	5,088,071	428	3.0500	31-Aug-20	5,088,071	5,088,071	-
East West Bank CD	5,065,544	470	2.7800	12-Oct-20	5,065,543	5,065,543	-
Independent Bank CD	5,000,000	498	2.6500	09-Nov-20	5,019,603	5,019,603	-
LegacyTexas CD	5,010,616	589	2.5000	08-Feb-21	5,018,510	5,018,510	-
TexPool Investment Pool	19,249,532	105	2.3812	-	19,249,532	19,249,532	-
TexSTAR Investment Pool	51,426,543	103	2.3790	-	51,426,543	51,426,543	-
Texas CLASS Investment Pool	10,197,766	76	2.5100	-	10,197,766	10,197,766	-
BBVA Compass Cash	3,895,580	1	1.1652	-	3,895,580	4,609,439	N/A
BBVA Compass Money Market	9,303,658	1	1.7600	-	9,303,658	9,303,658	N/A
Green Bank Money Market	12,241,900	1	2.5300	-	12,241,900	12,241,900	N/A
NexBank Money Market	9,818,878	1	2.5600	-	9,818,878	9,818,878	N/A
Southside Bank Money Market	15,162,437	1	2.6600	-	15,162,437	15,162,437	N/A
	\$ 177,061,970				\$ 177,168,317	\$ 177,882,176	\$ -

Fair Value as a % of Carrying Value 100.00%

Weighted Average

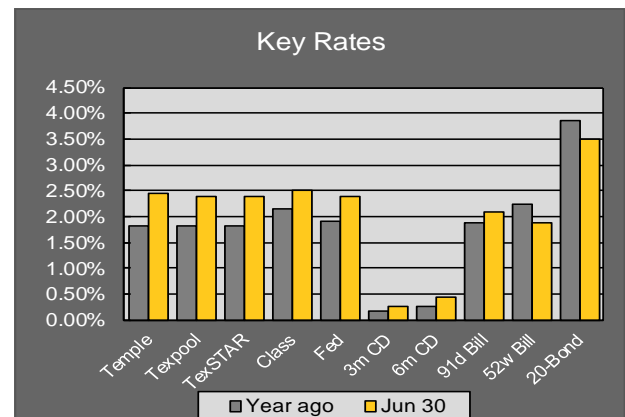
Maturity 129.20 Days 2.44% Yield

Benchmark Yield

Average rolling 90-day T-Bill rate 2.37%

Key Rates: Cash Markets		
Rate	Year ago	Jun 30
City of Temple	1.82	2.44
Texpool	1.81	2.38
TexSTAR	1.83	2.38
Texas Class	2.16	2.51
Fed funds*	1.91	2.40
CDs: Three months*	0.17	0.25
CDs: Six months*	0.27	0.45
T- bill 91-day yield*	1.89	2.08
T- bill 52-week yield*	2.25	1.87
Bond Buyer 20- bond municipal index	3.87	3.51

*Source - Federal Reserve Bank



Traci L. Barnard

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Director of Finance

Melissa A. Przybylski

Melissa Przybylski
Assistant Director of Finance

Erica Glover

Erica Glover
Senior Accountant

Stacey Reiser

Stacey Reiser
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 June 30, 2019

Exhibit F-3

Type	Par Value	Maturity	Carrying Value		Increase / (Decrease)
			3/31/2019	6/30/2019	
Third Coast Bank CD	5,110,911	23-Apr-19	\$ 5,131,550	\$ -	\$ (5,131,550)
Legacy Texas CD	5,170,783	07-May-19	5,177,923	-	(5,177,923)
East West Bank CD	10,089,978	30-May-19	10,089,978	-	(10,089,978)
Wallis State Bank CD	5,121,458	12-Jun-19	5,126,623	-	(5,126,623)
LegacyTexas CD	5,158,133	12-Aug-19	5,140,871	5,162,698	21,827
Third Coast Bank CD	5,126,177	02-Oct-19	5,125,479	5,157,425	31,946
Third Coast Bank CD	5,128,724	02-Jan-20	5,128,012	5,160,614	32,602
East West Bank CD	5,114,090	23-Mar-20	5,077,123	5,114,090	36,967
Green Bank CD	5,074,321	01-Jun-20	5,048,092	5,085,469	37,377
Legacy Texas CD	5,088,071	31-Aug-20	5,050,080	5,088,071	37,991
East West Bank CD	5,065,544	12-Oct-20	5,030,557	5,065,543	34,986
Independent Bank CD	5,000,000	09-Nov-20	0	5,019,603	5,019,603
LegacyTexas CD	5,010,616	08-Feb-21	0	5,018,510	5,018,510
TexPool Investment Pool	19,249,532	-	13,420,164	19,249,532	5,829,368
TexSTAR Investment Pool	51,426,543	-	43,423,187	51,426,543	8,003,356
Texas CLASS Investment Pool	10,197,766	-	9,708,695	10,197,766	489,071
BBVA Compass Cash	3,895,580	-	6,894,420	3,895,580	(2,998,840)
BBVA Compass Money Market	9,303,658	-	2,590,258	9,303,658	6,713,400
Green Bank Money Market	12,241,900	-	12,163,839	12,241,900	78,061
NexBank Money Market	9,818,878	-	9,754,302	9,818,878	64,576
Southside Bank Money Market	15,162,437	-	15,066,340	15,162,437	96,097
	\$202,555,100		\$ 174,147,493	\$ 177,168,317	\$ 3,020,824

Type	Par Value	Maturity	Fair Value		Increase / (Decrease)
			3/31/2019	6/30/2019	
Third Coast Bank CD	5,110,911	23-Apr-19	\$ 5,131,550	\$ -	\$ (5,131,550)
Legacy Texas CD	5,170,783	07-May-19	5,177,923	-	(5,177,923)
East West Bank CD	10,089,978	30-May-19	10,089,978	-	(10,089,978)
Wallis State Bank CD	5,121,458	12-Jun-19	5,126,623	-	(5,126,623)
LegacyTexas CD	5,158,133	12-Aug-19	5,140,871	5,162,698	21,827
Third Coast Bank CD	5,126,177	02-Oct-19	5,125,479	5,157,425	31,946
Third Coast Bank CD	5,128,724	02-Jan-20	5,128,012	5,160,614	32,602
East West Bank CD	5,114,090	23-Mar-20	5,077,123	5,114,090	36,967
Green Bank CD	5,074,321	01-Jun-20	5,048,092	5,085,469	37,377
Legacy Texas CD	5,088,071	31-Aug-20	5,050,080	5,088,071	37,991
East West Bank CD	5,065,544	12-Oct-20	5,030,557	5,065,543	34,986
Independent Bank CD	5,000,000	09-Nov-20	0	5,019,603	5,019,603
LegacyTexas CD	5,010,616	08-Feb-21	0	5,018,510	5,018,510
TexPool Investment Pool	19,249,532	-	13,420,164	19,249,532	5,829,368
TexSTAR Investment Pool	51,426,543	-	43,423,187	51,426,543	8,003,356
Texas CLASS Investment Pool	10,197,766	-	9,708,695	10,197,766	489,071
BBVA Compass Cash	3,895,580	-	9,682,166	4,609,439	(5,072,727)
BBVA Compass Money Market	9,303,658	-	2,590,258	9,303,658	6,713,400
Green Bank Money Market	12,241,900	-	12,163,839	12,241,900	78,061
NexBank Money Market	9,818,878	-	9,754,302	9,818,878	64,576
Southside Bank Money Market	15,162,437	-	15,066,340	15,162,437	96,097
	\$202,555,100		\$ 176,935,239	\$ 177,882,176	\$ 946,937

Investments with a \$0 Carrying and Fair Value at 3/31/2019 were purchased after 3/31/2019.



SUPPLEMENTAL INFORMATION

Supplemental Information includes:

Fund Balance Reserves/Designations – General Fund	81
Expenditures of Federal and State Awards	82
Awards of Federal & State Grants by Project Type	84
Hotel/Motel Tax Receipts by Reporting Entity	85
Historical Sales Tax Revenue by Month.....	86
Parks Escrow Deposits by Addition Name	87



		Council Approved		
	Balance		Appropriation	Balance
	10/01/18	Reallocation	Increase (Decrease)	06/30/19
CAPITAL PROJECTS:				
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	-	79,631	1,115,630
TOTAL CAPITAL PROJECTS	4,356,474	-	(3,240,844)	1,115,630
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	-	(1,000)	7,590
Drug enforcement {Forfeiture Funds}	258,281	-	(59,983)	198,298
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	-	\$ -	\$ (5,321,864)	5,321,864
Unassigned: { 4 months operations }	20,132,300			20,132,300
Total Fund Balance	\$ 27,779,728			\$ 27,779,728

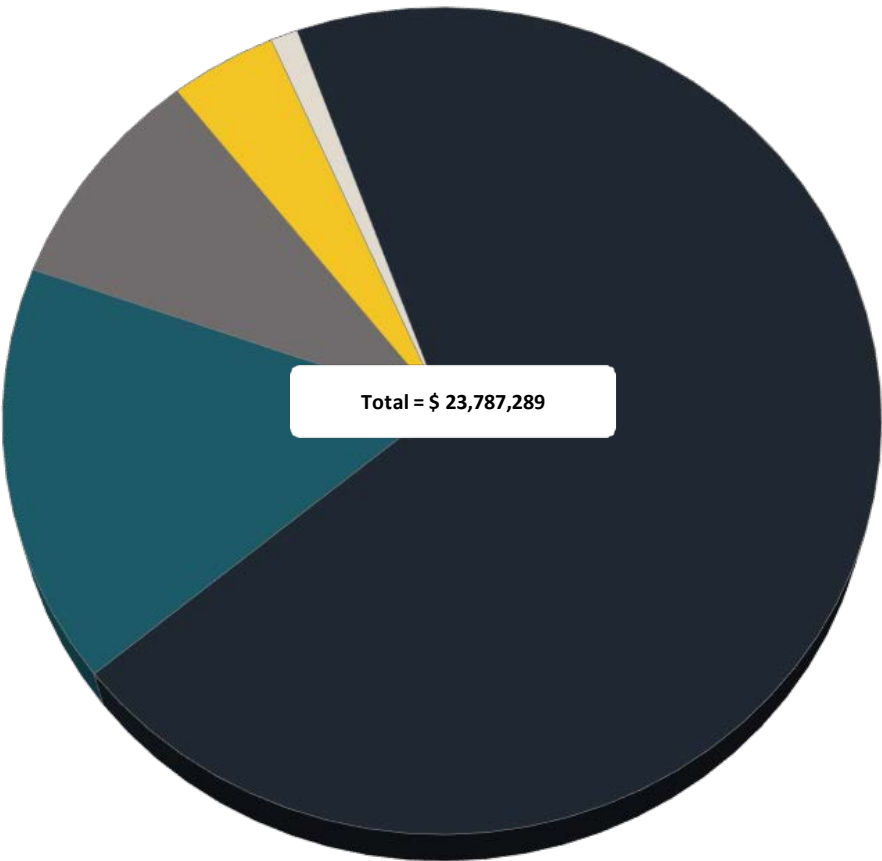
CITY OF TEMPLE, TEXAS
SCHEDULE OF EXPENDITURES OF FEDERAL AND STATE AWARDS
For the nine months ended June 30, 2019

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	-	120,803
CDBG 2016	14.218	B-16-MC-48-0021	410,971	-	142,630
CDBG 2017	14.218	B-17-MC-48-0021	431,615	-	278,302
CDBG 2018	14.218	B-18-MC-48-0021	536,232	-	119,336
					<u>667,567</u>
<u>U.S. Department of Homeland Security</u>					
Texas Department of Public Safety:					
Civil Defense	97.042	19TX-EMPG-1142	36,713	-	27,535
Texas Engineering Extension Service					
Urban Search and Rescue	97.025	2178-PP22 2018	12,133	-	12,133
					<u>39,668</u>
<u>U.S. Department of Justice</u>					
2018 Bullet Proof Vests Grant	16.607	2018-BU-BX-13069168	13,039	-	11,735
Killeen Police Department:					
2017 Edward Byrne Memorial Justice Assistance Grant	16.738	2017-DJ-BX-0809	17,167	-	16,800
2018 Edward Byrne Memorial Justice Assistance Grant	16.738	2018-DJ-BX-0877	18,534	-	-
					<u>16,800</u>
					<u>28,535</u>
<u>U.S. Department of Transportation</u>					
Texas Department of Transportation:					
Surface Transportation Program (through KTMOPO)	20.205	0909-36-155	3,888,000	-	1,139,270
Pass-Through Agreement	20.205	0320-06-001	16,555,000	-	1,505,000
					<u>2,644,270</u>
<u>U.S. Environmental Protection Agency</u>					
Special Appropriation Act Projects	66.202	01F18601	970,000	-	234,851
					<u>234,851</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			23,642,249	-	3,620,111
State Financial Assistance:					
<u>Office of the Governor - Criminal Justice Division</u>					
Crisis Assistance Program	-	2820003	34,350	-	8,614
					<u>8,614</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	-	50,000
					<u>50,000</u>
<u>Texas State University System</u>					
Texas School Safety Center					
Tobacco Prevention and Community Services Division					
Tobacco Enforcement Program	-	-	8,900	-	2,200
					<u>2,200</u>
Total State Financial Assistance			145,040	-	112,604
Total Federal and State Financial Assistance			\$ 23,787,289	\$ -	\$ 3,732,715

(Continued)

Schedule of Federal and State Awards
by *Funding Source*



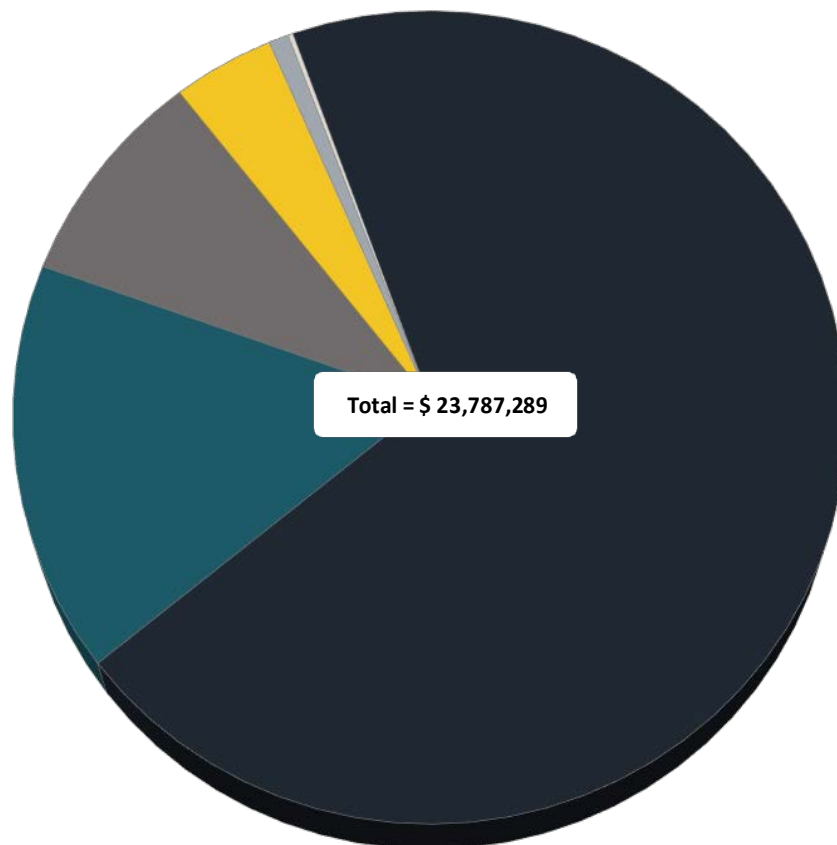
- Pass-Through Agreement 69.60%
- US Department of Transportation 16.34%
- US Department of HUD 8.94%
- U.S. Environmental Protection Agency 4.08%
- Other 1.04%

CITY OF TEMPLE, TEXAS
SCHEDULE OF AWARDS OF FEDERAL AND STATE GRANTS - BY PROJECT TYPE
For the nine months ended June 30, 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	197,846
Airport	50,000
	<u>\$23,787,289</u>

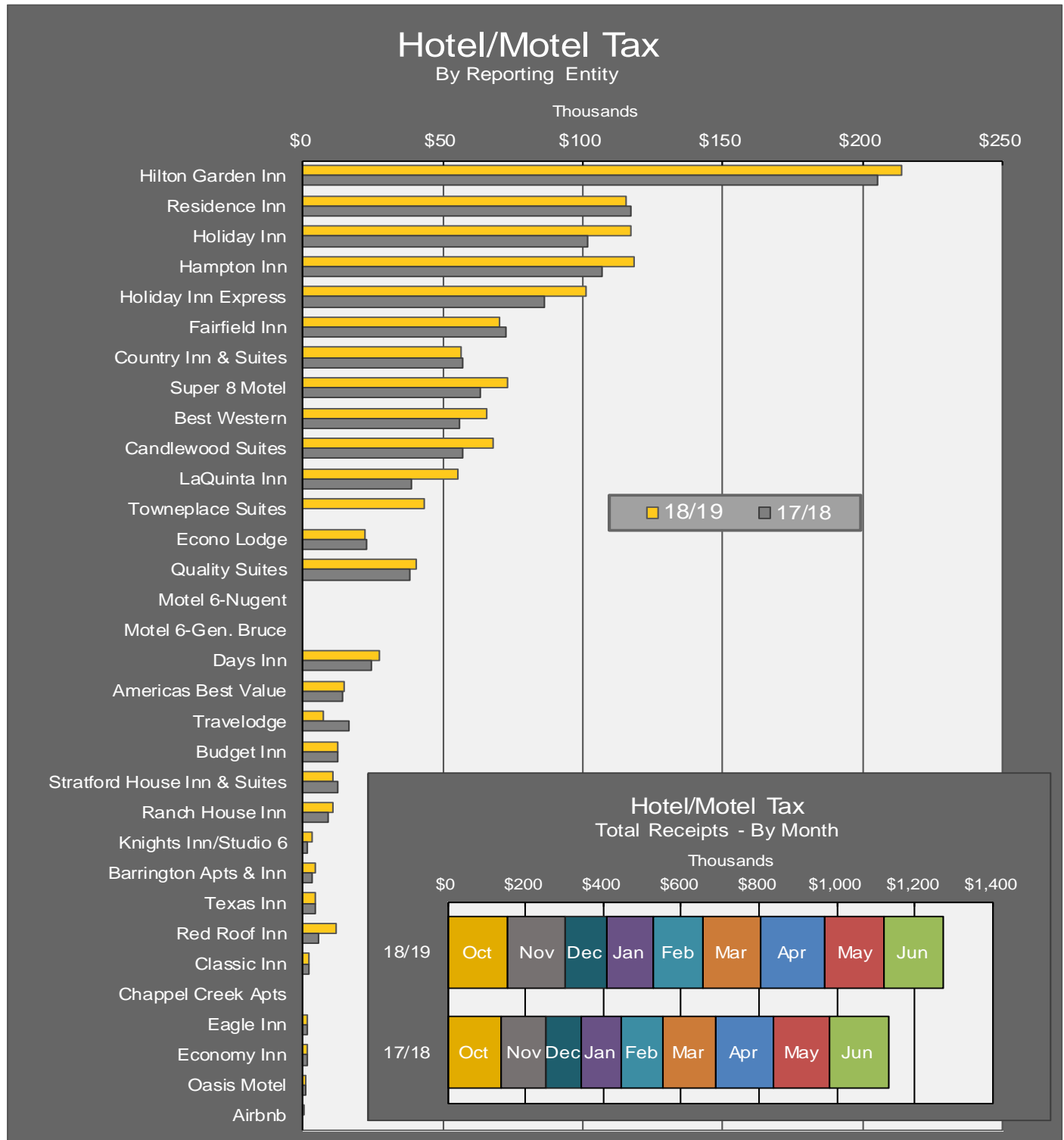
**Schedule of Federal and State Awards
by Project Type**



- Pass-Through Agreement - 69.70%
- Transportation - 16.30%
- Community Development - 8.90%
- Health & Human Services - 4.10%
- Public Safety & Youth Programs - 0.80%
- Airport - 0.20%

City of Temple, Texas
Hotel/Motel Tax Receipts by Reporting Entity
For the nine months ended June 30, 2019 & 2018

Table IV



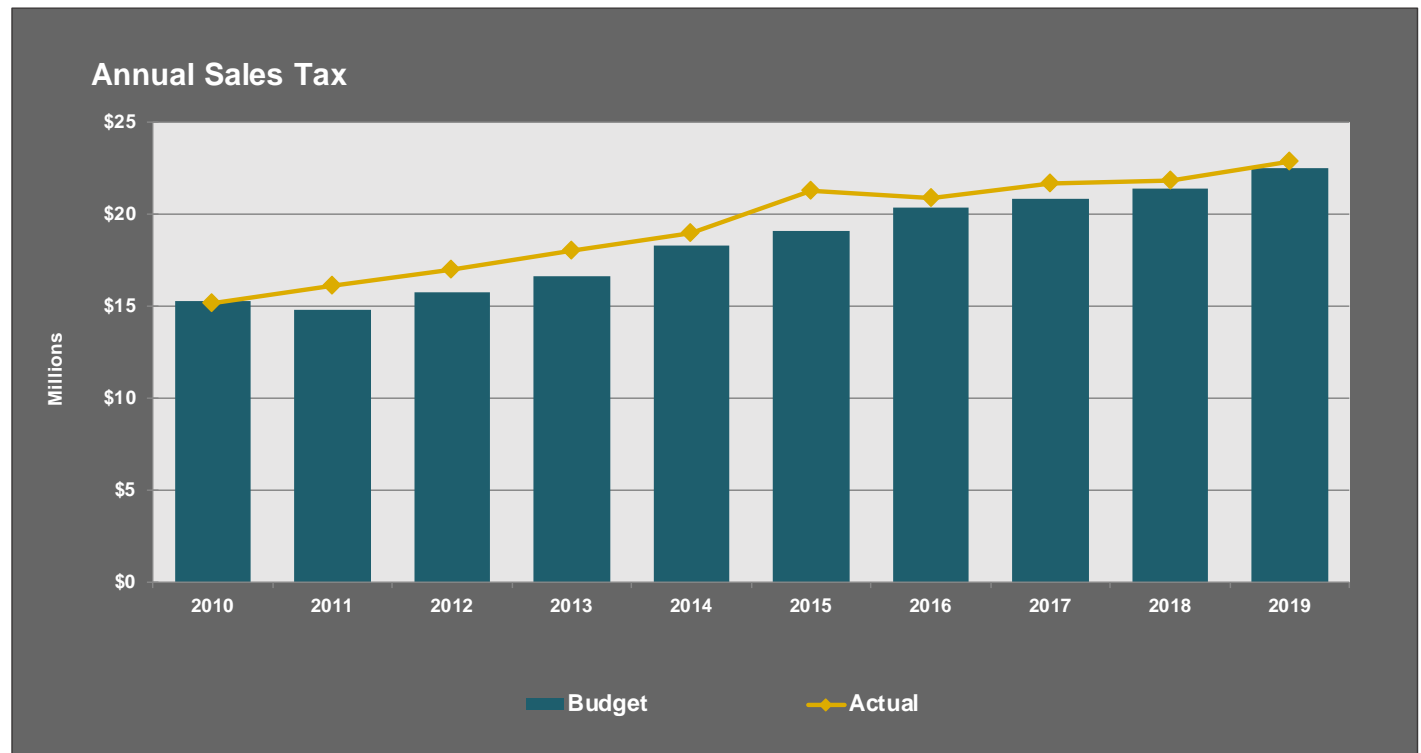
Hotel/Motel Tax				
Fiscal Year	# Reporting	Actual YTD	Budget	% of Budget
	at 6/30			
18/19	32	\$1,271,664	\$1,472,500	86.36%
17/18	30	\$1,130,653	\$1,462,500	77.31%

Historical Sales Tax Revenue - By Month

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	1,853,601	11.44%
Jun	1,476,697	1,478,838	1,493,886	1,461,142	1,583,839	2,081,701	1,670,814	1,831,047	9.59%
Jul	1,623,468	1,693,502	1,709,959	1,880,703	2,076,129	2,080,101	2,116,191	2,116,924	0.03%
Aug	1,342,609	1,459,520	1,593,968	1,567,111	1,611,072	1,736,904	1,748,973	1,830,650	4.67%
Sept	1,387,390	1,480,015	1,489,789	1,509,256	1,685,981	1,717,281	1,824,277	1,909,471	4.67%
Annual:	\$ 16,967,401	\$ 18,017,575	\$ 18,981,471	\$ 21,311,743	\$ 20,859,081	\$ 21,652,524	\$ 21,831,623	\$ 22,851,305	4.67%
\$ Increase	\$ 841,539	\$ 1,050,174	\$ 963,895	\$ 2,330,272	\$ (452,662)	\$ 793,443	\$ 179,099	\$ 1,019,681	
% Increase	5.22%	6.19%	5.35%	12.28%	-2.12%	3.80%	0.83%	4.67%	

* - 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
June 30, 2019

Table VI

Addition Name	Date of Deposit	Amount of Deposit	Total Expenditures/ Refunds	Balance 6/30/2019
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
Krasivi	04/13/06	900.00	-	900.00
Bluebonnet Meadows	08/21/06	2,025.00	-	2,025.00
Lantana II	10/03/07	1,350.00	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 ⁵
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 ⁶
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
Oaks at Lakewood	02/27/14	8,325.00	-	8,325.00
Alta Vista II	03/06/14	55,125.00	-	55,125.00 ⁷
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
Hills of Westwood IX	03/31/17	14,400.00	-	14,400.00 ⁴
Moore's Mill	04/13/17	225.00	-	225.00

(Continued)

City of Temple, Texas
Parks Escrow Deposits - By Addition Name
June 30, 2019

Table VI
(Continued)

Addition Name	Date of Deposit	Amount of Deposit	Total Expenditures/ Refunds	Balance 6/30/2019
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, 7}
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
Barnhardt	04/23/19	225.00	-	225.00
Plains at Riverside IV	05/06/19	21,825.00	-	21,825.00
Sonder	05/06/19	2,475.00	-	2,475.00
Helen V	05/22/19	225.00	-	225.00
Wesley Hart	05/22/19	225.00	-	225.00
Accumulated Interest ¹		109,528.47	91,679.01	17,849.46
Total		\$ 629,733.47	\$ 127,332.23	\$ 502,401.24

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 picnic shelter at Westridge Park.
6. Funds appropriated for a shade structure at West Temple Park.
7. 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 June 30, 2019

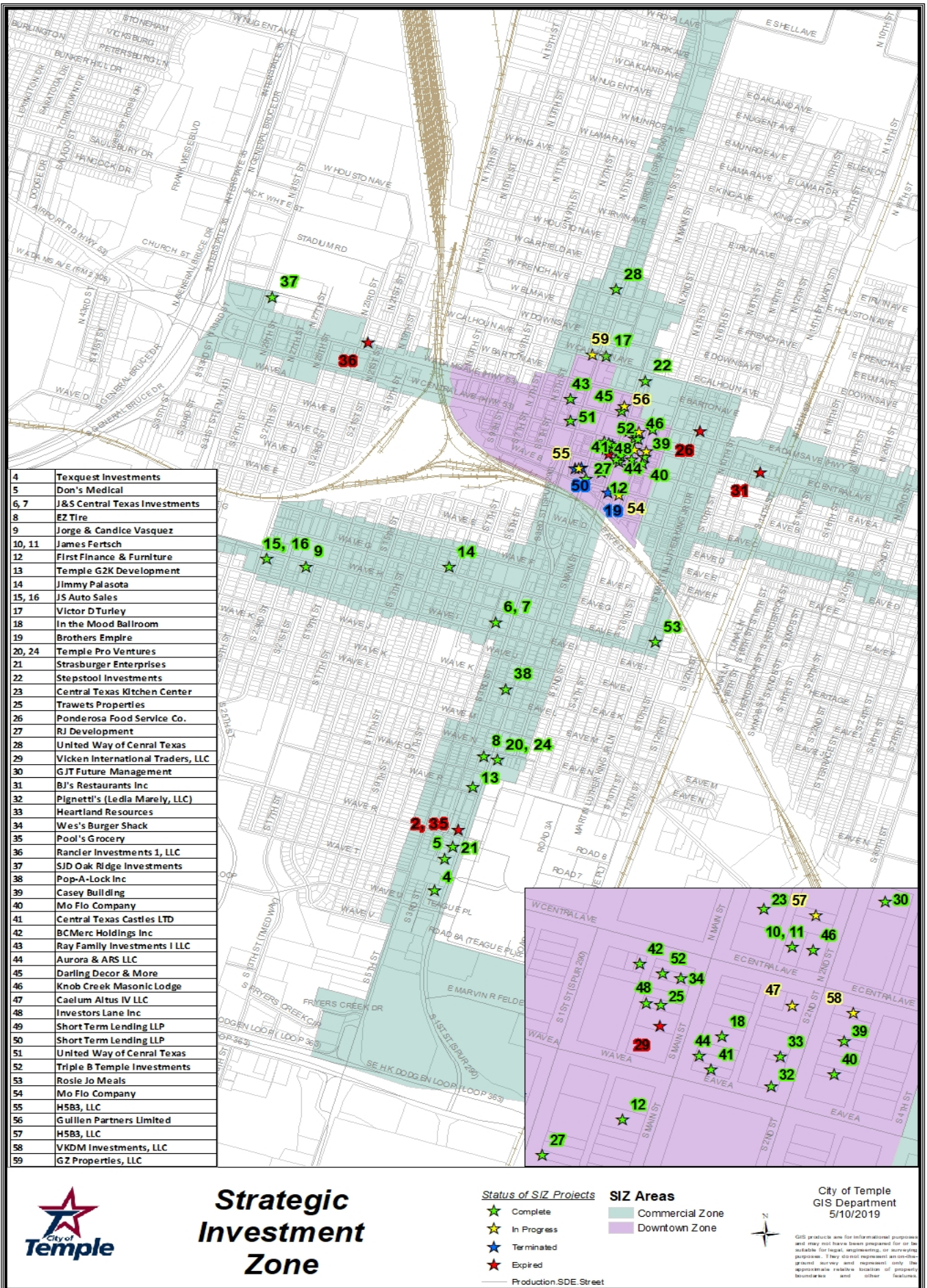
Table VII

SIZ Map #	Contract/ Council Award	Grantee	ACTIVE PROJECTS						
			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 CMO	Mo Flo Company	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 CMO	H5B3, LLC	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	Total Costs Incurred & Encumbered
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. 2019-9754-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, APPROVING THE THIRD QUARTER FINANCIAL RESULTS FOR
FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Director of Finance has prepared the third quarter 2019 fiscal year financial results which details the third quarter ending June 30, 2019, for the General Fund, Water & Sewer Fund, Hotel/Motel Tax Fund and the Drainage Fund;

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

Whereas, the third quarter financial statements also include a forecast of year-end financial results for the General Fund as of September 30, 2019; and

Whereas, the City Council deems it in the public interest to approve the third 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 third 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 **15th** day of **August**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

08/15/19
Item #8(K)
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 \$208,912.

ATTACHMENTS:

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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2019 BUDGET
August 15, 2019

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-2020-521-2533		Other Services / DARE CJD Expenses	\$ 2,780	
110-0000-442-0723		Police Revenue / DARE Donations		\$ 2,780
To appropriate revenue and expenditures related to registration fees collected for the four School Resource Summer Camps.				
110-3400-531-2334		Repair & Maintenance / Traffic Signal/Sign	\$ 144	
110-0000-461-0554		Insurance Claims / Insurance Claims		\$ 144
To appropriate insurance proceeds from Gallagher Bassett Services, Inc. for damages sustained to a sign and pole on 02/27/19 at the corner of 3rd and Central Avenue.				
110-2041-521-2516		Other Services / Judgments & Damages	\$ 2,697	
110-0000-461-0554		Insurance Claims / Insurance Claims		\$ 2,697
To appropriate insurance proceeds from Progressive for damages sustained to asset 13848 on 05/22/19.				
110-2222-522-1119		Salaries / Overtime	\$ 93	
110-2223-522-1119		Salaries / Overtime	\$ 311	
110-2230-522-1119		Salaries / Overtime	\$ 2,703	
110-2222-522-1220		Personnel Benefits / Retirement/Pension	\$ 17	
110-2223-522-1220		Personnel Benefits / Retirement/Pension	\$ 56	
110-2230-522-1220		Personnel Benefits / Retirement/Pension	\$ 491	
110-2222-522-1221		Personnel Benefits / Social Security	\$ 2	
110-2223-522-1221		Personnel Benefits / Social Security	\$ 6	
110-2230-522-1221		Personnel Benefits / Social Security	\$ 47	
110-2222-522-1223		Personnel Benefits / Worker Compensation	\$ 1	
110-2223-522-1223		Personnel Benefits / Worker Compensation	\$ 3	
110-2230-522-1223		Personnel Benefits / Worker Compensation	\$ 30	
110-0000-431-0163		Federal Grants / Federal Grants		\$ 3,760
To appropriate TEEX reimbursement for May Server Weather deployment (pay period 12, 2019).				
110-2011-521-1119		Salaries / Overtime	\$ 158,531	
110-0000-442-0718		Police Revenue / Police Overtime		\$ 158,531
To appropriate additional revenue and expenditures related to James Construction overtime for I-35 reconstruction project.				
Council authorized a budget adjustment on 12/06/18 to appropriate estimated revenue and expenditures related to James Construction overtime in the amount of \$170,000. It was assumed that services provided by the City would end in the Spring of 2019.				
240-4400-551-2725		Cost of Goods Sold / Alcohol Beverages	\$ 41,000	
240-0000-445-1072		Civic Center / Alcoholic Beverages - Cash Sales		\$ 41,000
To appropriate additional revenue and expenditures related to the sale of alcoholic beverages at Mayborn Convention Center.				
TOTAL AMENDMENTS			\$ 208,912	\$ 208,912

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2019 BUDGET
August 15, 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		(96,000)
		Net Balance of Contingency Account	\$	4,000
		Beginning Judgments & Damages Contingency	\$	279,725
		Added to Contingency Judgments & Damages from Council Contingency		-
		Taken From Judgments & Damages		(268,109)
		Net Balance of Judgments & Damages Contingency Account	\$	11,616
		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	\$	15,616
		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		(120,190)
		Net Balance of Contingency Account	\$	216,216
		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	\$	217,196

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2019 BUDGET
August 15, 2019

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		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. 2019-9755-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 15th day of **August**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

08/15/19
Item #9
Regular Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Tammy Lyerly, Senior Planner

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – FY-19-17-ZC: Consider adopting an ordinance approving a Conditional Use Permit with a Site Plan to allow a motorcycle sales and repair facility (Indian Motorcycles) on Lot 1, Block 1, Luby's Subdivision, addressed as 3925 South General Bruce Drive, and located within the I-35 Corridor Overlay Gateway sub-district.

PLANNING AND ZONING COMMISSION RECOMMENDATION: At its August 5, 2019 meeting, the Planning and Zoning Commission voted 5/1 (Commissioner Ward voted nay) to recommend approval of the requested Conditional Use Permit (CUP) with a Site Plan to allow a motorcycle sales and repair facility (Indian Motorcycles), per staff recommendation.

STAFF RECOMMENDATION: Staff recommends approval of the requested Conditional Use Permit (CUP) with a Site Plan to allow a motorcycle sales and repair facility, for the following reasons:

1. The request is in compliance with the Future Land Use and Character Map;
2. The request is compatible with existing adjacent properties;
3. The request is in compliance with the Thoroughfare Plan;
4. Public facilities are available to the subject property; and
5. The request has demonstrated compliance with the specific standards in Unified Development Code (UDC) Section 3.5 – Conditional Use Permit

And subject to the following condition:

1. That the property be subject to the CUP site plan exhibits

ITEM SUMMARY: The applicants request this Conditional Use Permit to allow a motorcycle sales and repair facility (Indian Motorcycles) on Lot 1, Block 1, Luby's Subdivision, addressed as 3925 South General Bruce Drive. The subject property is zoned Commercial District and located within the I-35 Corridor Overlay Gateway sub-district.

The applicants are pursuing a Conditional Use Permit (CUP) for motorcycle sales and repair because the use, while allowed in the property's existing Commercial (C) zoning district, is not allowed by right within the property's I-35 Corridor Overlay Gateway sub-district.

The CUP site plan meets the Conditional Use Permit criteria of UDC Section 3.5.4 – Review Criteria. Please see the attached CUP Review Criteria table. The subject property is the former site of a restaurant with an existing building and an established parking lot with adequate vehicle circulation.

The applicants propose a traffic flow re-route at the south boundary line of the subject parking lot to the parking lot to the east, as shown in the attached CUP site plan exhibits.

During the Planning and Zoning meeting, Commissioners Ward and Wright had questions regarding the applicant's proposed traffic re-route from Government Drive, a private street, to the adjacent parking lot to the east. Commissioner Ward expressed concerns of whether the subject parking lot was adequate for the applicant's proposed traffic flow re-route to the adjacent parking lot leading to General Bruce Drive. No one spoke during the public hearing.

As a reminder in authorizing a CUP, the Planning and Zoning Commission may recommend, and the City Council may impose additional reasonable conditions necessary to protect the public interest and welfare of the community, per UDC Section 3.5.5 – Additional Conditions.

Per UDC Section 3.5.6 – Revocation and Modification, a CUP may be revoked or modified, after notice to the property owner and a hearing before the City Council, for any of the following reasons:

- A. The CUP was obtained or extended by fraud or deception;
- B. One or more of the conditions imposed by the permit has not been met or has been violated, or
- C. The CUP previously authorized is determined to be detrimental to the public health, safety and / or welfare.

DEVELOPMENT REVIEW COMMITTEE (DRC): The DRC reviewed this Conditional Use Permit (CUP) request on July 1, 2019. DRC staff studied the various access points into the subject property from the adjacent parking lots of properties to the south and west. No issues were identified during the review.

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

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

The subject property is within the Auto-Urban Commercial character district of the *Choices '08* City of Temple Comprehensive Plan. The subject property and proposed uses complies with this recommendation.

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

The subject property has an entrance along General Bruce Drive, the frontage road along I-35. The rear parking lot has an additional west access point from South General Bruce Drive. Additional access into the subject property is from the adjacent parking lot to the south through Government Drive, a private road, as well as a private drive to the adjacent retail center to the east.

Availability of Public Facilities (CP Goal 4.1)

There are existing water and wastewater facilities available to the subject property.

PUBLIC NOTICE: Nine property owners within 200 feet of the subject property were sent notification letters for the Planning and Zoning Commission public hearing on August 5, 2019, for this requested Conditional Use Permit, as required by State law and City Ordinance. As of Tuesday, August 6, 2019 at 11:26 AM, no new notices have been received and none in opposition to the request.

The newspaper printed notice of the public hearing on July 25, 2019, in accordance with state law and local ordinance.

Staff initially sent out notification letters to nine property owners within 200 feet of the subject property for the Planning and Zoning Commission public hearing previously scheduled on July 15, 2019. But staff then determined that page one of the public notices sent out was missing. Therefore, staff recommended tabling the public hearing until August 5, 2019, to allow for reposting and sending out new notices. One notice from Cross Church was returned in favor of the requested CUP during this initial mailing.




FISCAL IMPACT: Not Applicable




ATTACHMENTS:




[Site and Surrounding Property Photos](#)
[Maps](#)
[Conditional Use Permit Criteria Table](#)
[CUP Site Plan Exhibits](#)
[Notification Response Letter](#)
[Ordinance](#)

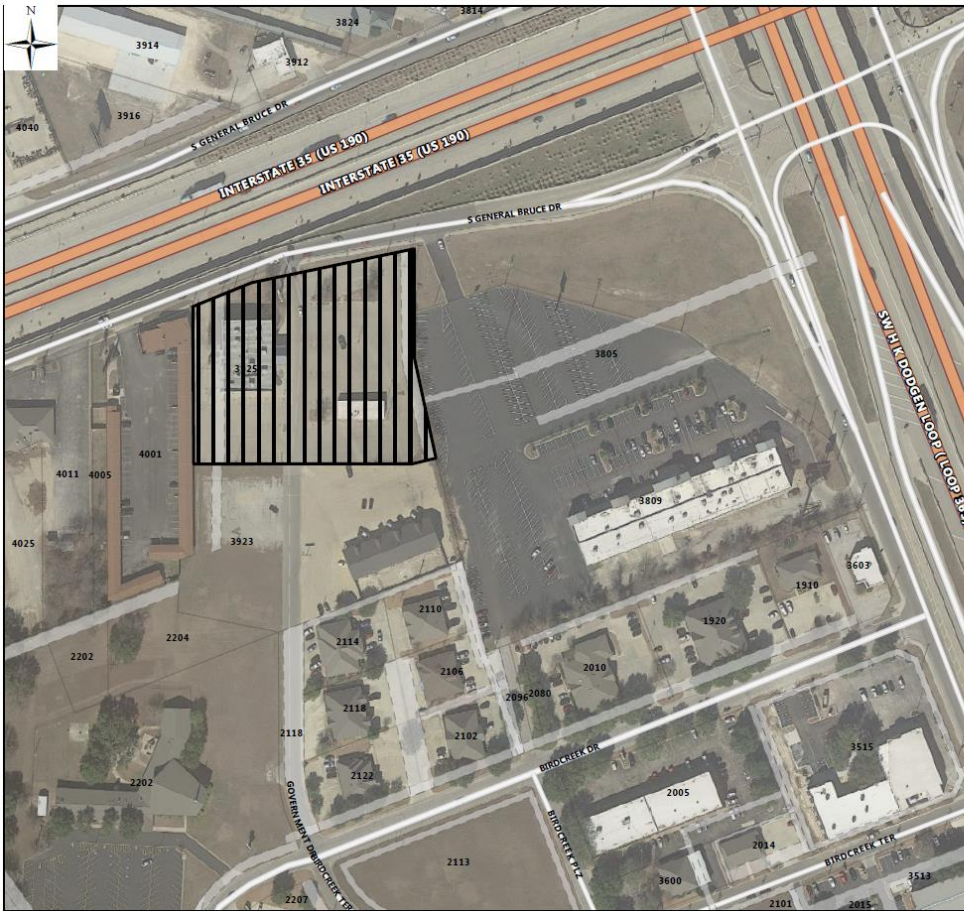
SURROUNDING PROPERTY AND USES:

The following table shows the subject property, existing zoning and current land uses:

Direction	Zoning	Current Land Use	Photo
Subject Property	C	Vacant Restaurant	
			
			

Direction	Zoning	Current Land Use	Photo
East	LI	Retail	
			
West	GR	Motel	

Direction	Zoning	Current Land Use	Photo
South	C	Offices, Undeveloped land, & Place of Worship	 <p>Government Drive (Private)</p> <p>Subject Parking Lot</p>
			
North	C	I-35	 <p>S. General Bruce Dr</p>



C.U.P. for Motorcycle
Sales & Repairs

AERIAL MAP

Zoning Case :
FY-19-17-ZC

Address :
3925 S General Bruce

Transportation

Streets

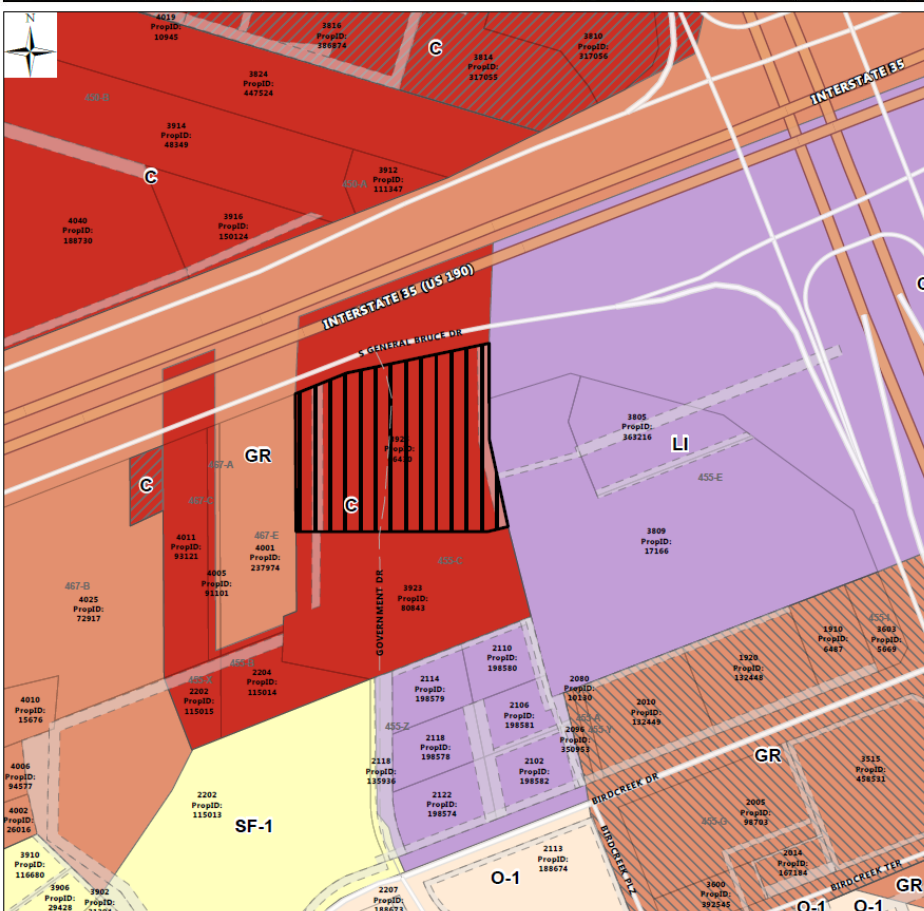
- EXPRESSWAY
- COLLECTOR
- LOCAL STREET
- PRIVATE
- RAMP
- Temple Municipal Boundary

Parcel Features

- Parcels
- Production.SDE.Easement

GIS products are for informational purposes and
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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.

tylerly
Date: 7/1/2019



C.U.P. for Motorcycle
& Repairs

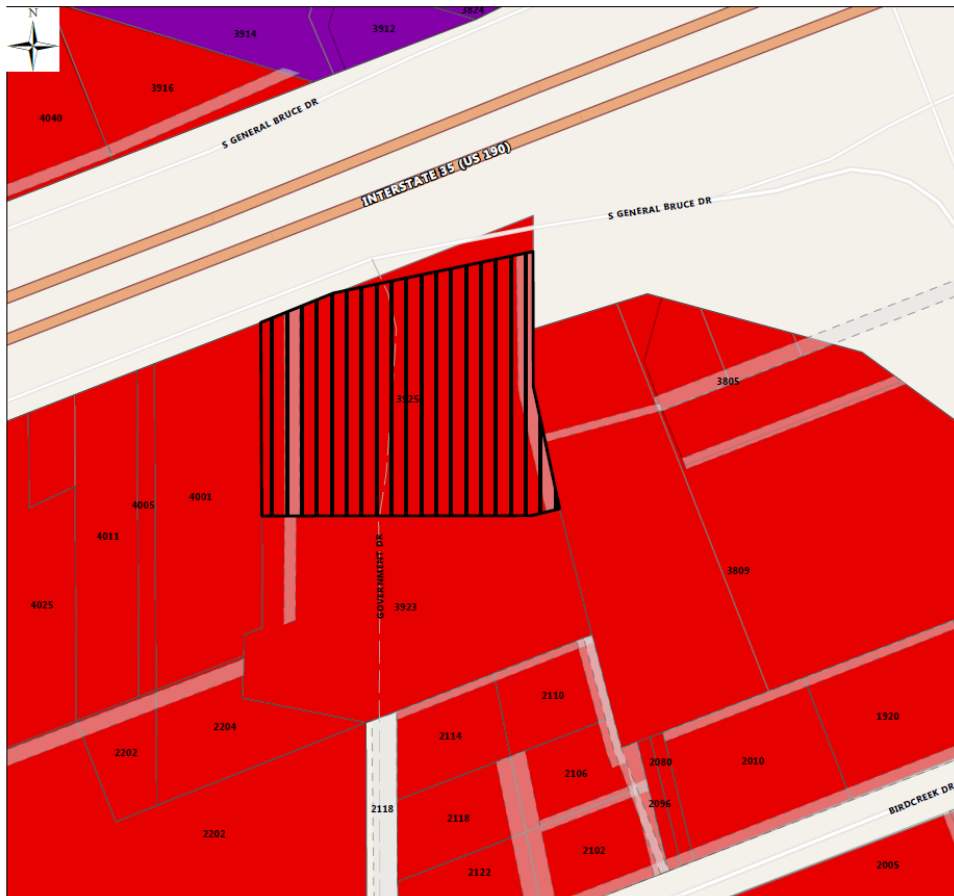
Zoning Case :
FY-19-17-ZC
3925 S General Bruce Dr

- | | |
|----------------|--------------|
| Current Zoning | CA |
| CA | CA - CLP |
| LI | LI - CLP |
| LI-1 | LI-1 - CLP |
| LI-2 | LI-2 - CLP |
| LI-3 | LI-3 - CLP |
| LI-4 | LI-4 - CLP |
| LI-5 | LI-5 - CLP |
| LI-6 | LI-6 - CLP |
| LI-7 | LI-7 - CLP |
| LI-8 | LI-8 - CLP |
| LI-9 | LI-9 - CLP |
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| LI-95 | LI-95 - CLP |
| LI-96 | LI-96 - CLP |
| LI-97 | LI-97 - CLP |
| LI-98 | LI-98 - CLP |
| LI-99 | LI-99 - CLP |
| LI-100 | LI-100 - CLP |

GIS products are for informational purposes and
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represent only the approximate relative location
of property boundaries and other features.

tylerly
Date: 7/1/2019





C.U.P. for Motorcycle Sales
& Repairs

FUTURE LAND USE MAP

Zoning Case :

FY-19-17-ZC

Address :

3925 S General Bruce Dr

Transportation

EXPRESSWAY

MAJOR ARTERIAL

COLLECTOR

LOCAL STREET

MINOR ARTERIAL

PRIVATE

RAMP

Parcel Features

Parcels

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

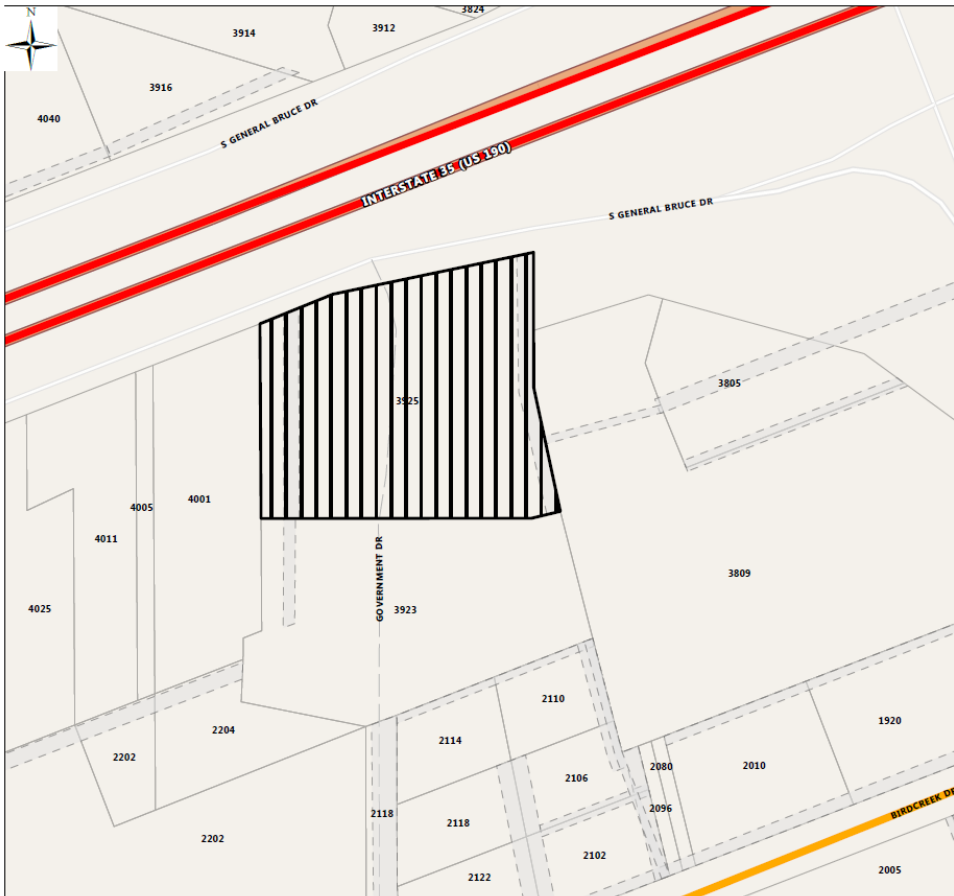
Urban Center

Production, SDE, Easement

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tlyerly

Date: 7/1/2019



C.U.P. for Motorcycle Sales
& Repairs

THOROUGHFARE AND TRAILS MAP

Zoning Case :

FY-19-17-ZC

Address :

3925 S General Bruce Dr

Parcel Features

Parcels

Thoroughfare Plan

Expressway

Major Arterial

Proposed Major Arterial

Minor Arterial

Proposed Minor Arterial

Collector

Proposed Collector

Production, SDE

Trails Master Plan

Existing, Community Wide Connector

Existing, Local Connector

Proposed, City Wide Spine

Proposed, Community Wide Connector

Proposed, Local Connector

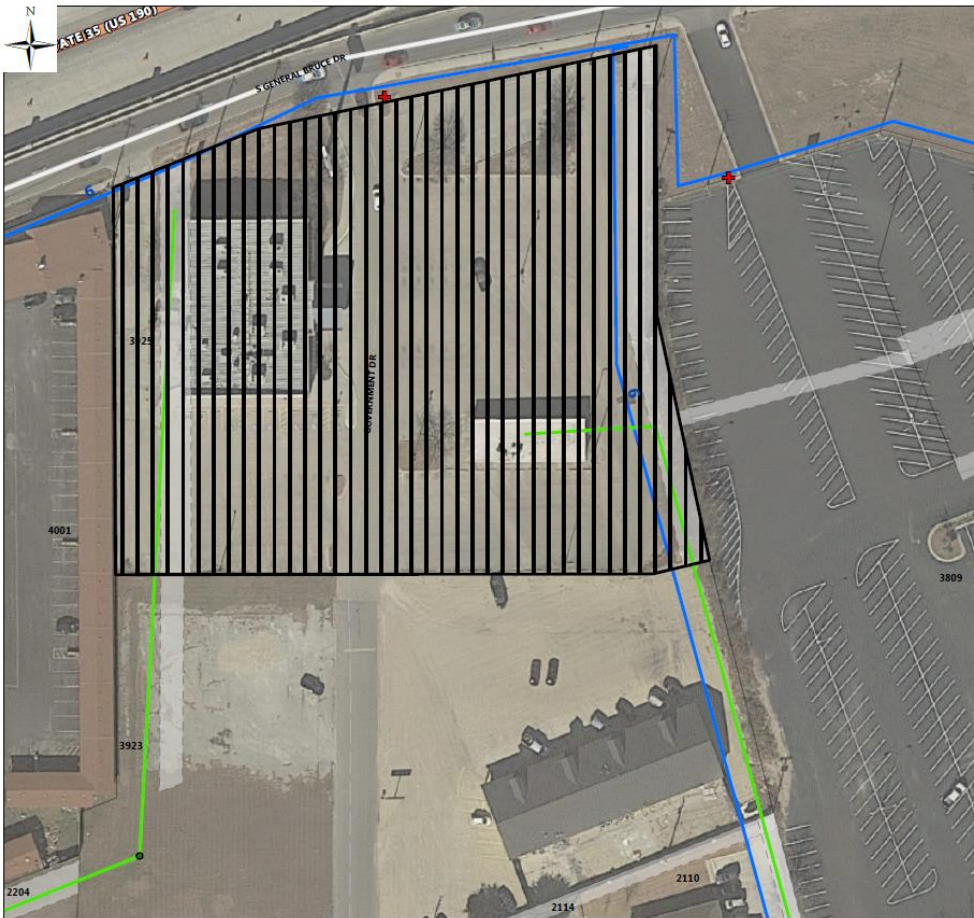
Production, SDE

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tlyerly

Date: 7/1/2019





C.U.P. for Motorcycle Sales & Repairs

UTILITY MAP

Zoning Case :
FY-19-17-ZC

Sewer

- Manhole
- Gravity Main

WaterDistribution

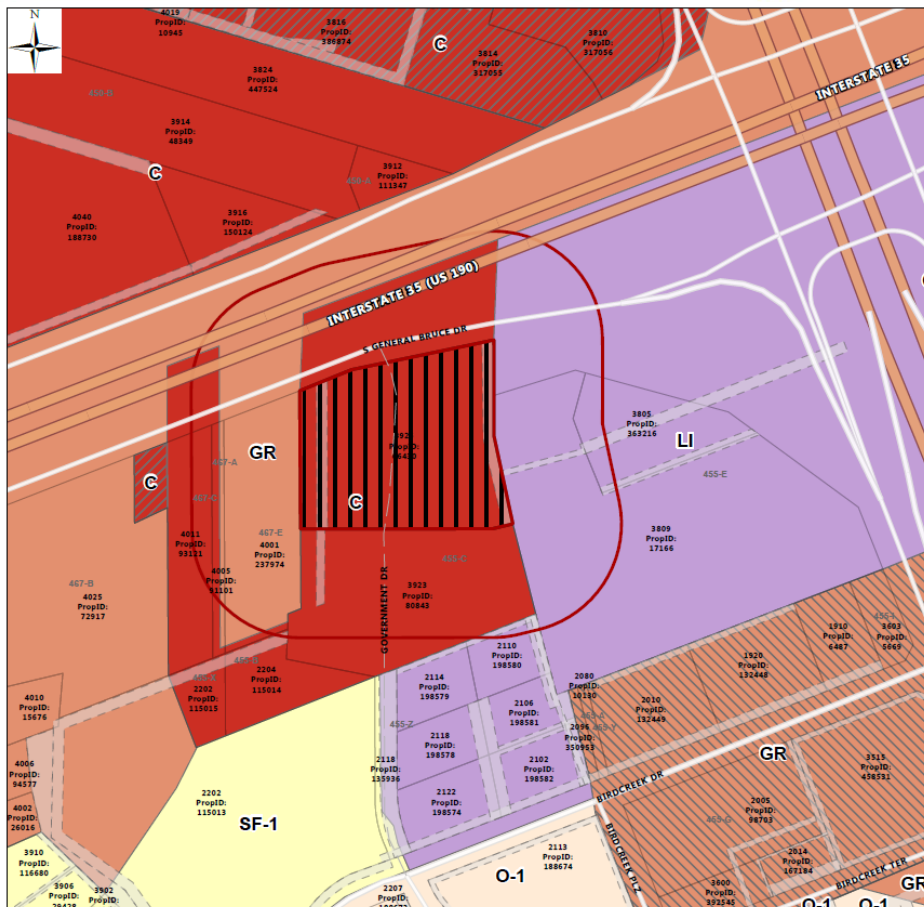
- Hydrant
- Main

Parcel Features

- Parcels
- Production,SDE,Easement

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tylerly
Date: 7/1/2019



C.U.P. for Motorcycle Sales & Repairs

200' NOTIFICATION MAP

Zoning Case :
FY-19-17-ZC
3925 S General Bruce Dr

- | | |
|--|--|
| <ul style="list-style-type: none"> ■ C-1 ■ C-2 ■ C-3 ■ C-4 ■ C-5 ■ C-6 ■ C-7 ■ C-8 ■ C-9 ■ C-10 ■ C-11 ■ C-12 ■ C-13 ■ C-14 ■ C-15 ■ C-16 ■ C-17 ■ C-18 ■ C-19 ■ C-20 ■ C-21 ■ C-22 ■ C-23 ■ C-24 ■ C-25 ■ C-26 ■ C-27 ■ C-28 ■ C-29 ■ C-30 ■ C-31 ■ C-32 ■ C-33 ■ C-34 ■ C-35 ■ C-36 ■ C-37 ■ C-38 ■ C-39 ■ C-40 ■ C-41 ■ C-42 ■ C-43 ■ C-44 ■ C-45 ■ C-46 ■ C-47 ■ C-48 ■ C-49 ■ C-50 ■ C-51 ■ C-52 ■ C-53 ■ C-54 ■ C-55 ■ C-56 ■ C-57 ■ C-58 ■ C-59 ■ C-60 ■ C-61 ■ C-62 ■ C-63 ■ C-64 ■ C-65 ■ C-66 ■ C-67 ■ C-68 ■ C-69 ■ C-70 ■ C-71 ■ C-72 ■ C-73 ■ C-74 ■ C-75 ■ C-76 ■ C-77 ■ C-78 ■ C-79 ■ C-80 ■ C-81 ■ C-82 ■ C-83 ■ C-84 ■ C-85 ■ C-86 ■ C-87 ■ C-88 ■ C-89 ■ C-90 ■ C-91 ■ C-92 ■ C-93 ■ C-94 ■ C-95 ■ C-96 ■ C-97 ■ C-98 ■ C-99 ■ C-100 | <ul style="list-style-type: none"> ■ C-101 ■ C-102 ■ C-103 ■ C-104 ■ C-105 ■ C-106 ■ C-107 ■ C-108 ■ C-109 ■ C-110 ■ C-111 ■ C-112 ■ C-113 ■ C-114 ■ C-115 ■ C-116 ■ C-117 ■ C-118 ■ C-119 ■ C-120 ■ C-121 ■ C-122 ■ C-123 ■ C-124 ■ C-125 ■ C-126 ■ C-127 ■ C-128 ■ C-129 ■ C-130 ■ C-131 ■ C-132 ■ C-133 ■ C-134 ■ C-135 ■ C-136 ■ C-137 ■ C-138 ■ C-139 ■ C-140 ■ C-141 ■ C-142 ■ C-143 ■ C-144 ■ C-145 ■ C-146 ■ C-147 ■ C-148 ■ C-149 ■ C-150 ■ C-151 ■ C-152 ■ C-153 ■ C-154 ■ C-155 ■ C-156 ■ C-157 ■ C-158 ■ C-159 ■ C-160 ■ C-161 ■ C-162 ■ C-163 ■ C-164 ■ C-165 ■ C-166 ■ C-167 ■ C-168 ■ C-169 ■ C-170 ■ C-171 ■ C-172 ■ C-173 ■ C-174 ■ C-175 ■ C-176 ■ C-177 ■ C-178 ■ C-179 ■ C-180 ■ C-181 ■ C-182 ■ C-183 ■ C-184 ■ C-185 ■ C-186 ■ C-187 ■ C-188 ■ C-189 ■ C-190 ■ C-191 ■ C-192 ■ C-193 ■ C-194 ■ C-195 ■ C-196 ■ C-197 ■ C-198 ■ C-199 ■ C-200 |
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tylerly
Date: 7/1/2019



Conditional Use Permit Criteria:

UDC Code Section 3.5.4		Criteria met?
A. The conditional use is compatible with and not injurious to the use and enjoyment of the property and does not significantly diminish or impair property values within the immediate area.		Yes
B. The establishment of the conditional use does not impede normal and orderly development and improvement of surrounding vacant property.		Yes
C. Adequate utilities, access roads, drainage, and other necessary support facilities have been or will be provided.		Yes
D. The design, location and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development.		Yes
E. Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odors, fumes, dust, noise, and vibration.		Yes
F. Directional lighting is provided so as not to disturb or adversely affect neighboring properties.		Yes
G. There is sufficient landscaping and screening to insure harmony and compatibility with adjacent property.		Yes

Reference: City of Temple Unified Development Code

ASC/Bearcreek Properties, LLC.

3724 Jefferson St., Suite 210 • Austin, Texas 78731 • Phone: (512) 452-9902 • Fax: (512) 453-8412

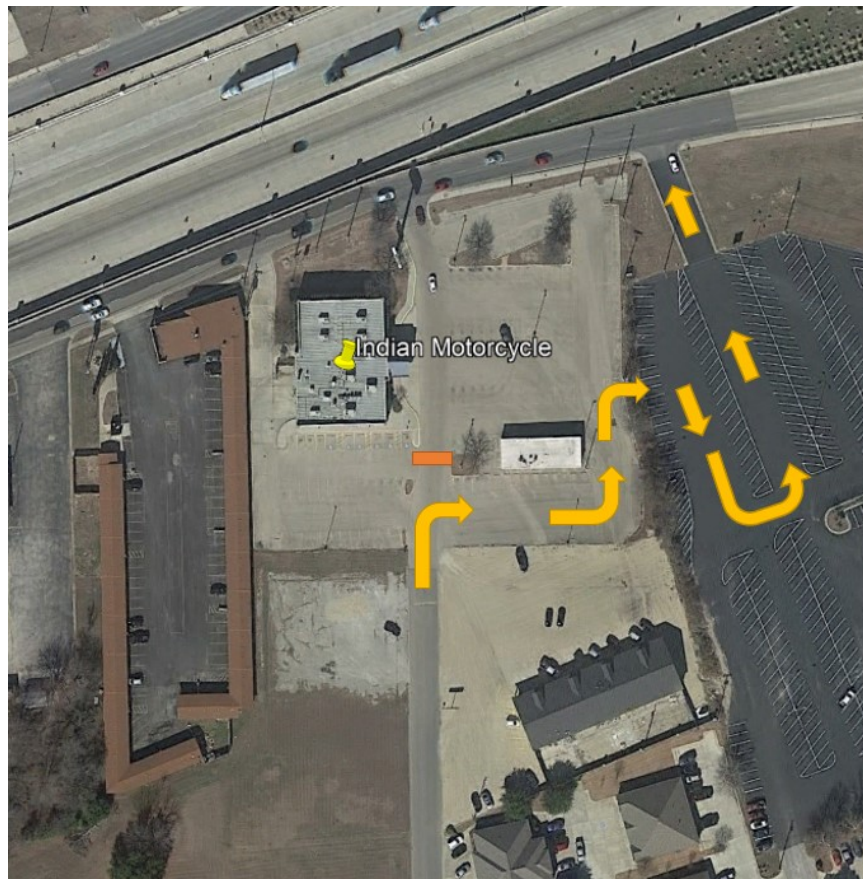
Traffic Flow Proposal

Dear Ms. Lyerly,

In reference to Conditional Use Permit request for Indian Motorcycle to be located at 3925 S. General Bruce Drive, we ask that you kindly consider the traffic flow re-routing proposals by either the Tenant, Indian Motorcycle, or Property Owner, ASC/Bearcreek Properties:

Tenant's Proposal:

Indian Motorcycle proposes the ability to block off through-traffic during business hours. This should not create any hardship for the offices to the south of the parking lot as the landlord has provided a ramp from this parking lot to its adjacent property, allowing exiting to General Bruce.

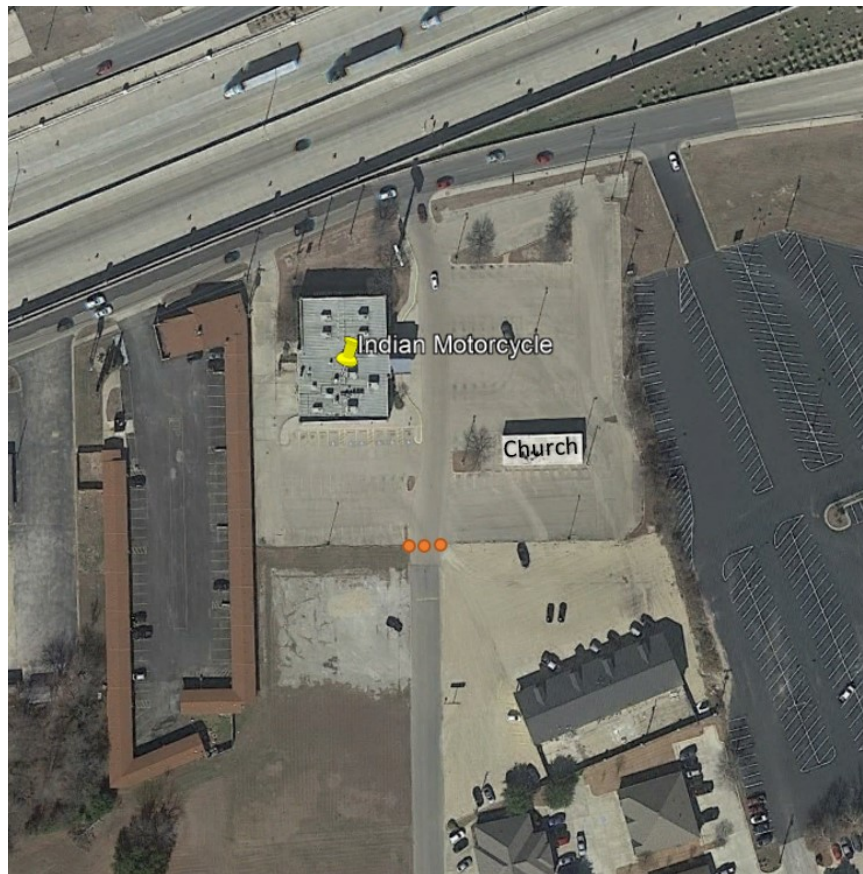


ASC/Bearcreek Properties, LLC.

3724 Jefferson St., Suite 210 • Austin, Texas 78731 • Phone: (512) 452-9902 • Fax: (512) 453-8412

Owner's Proposal:

ASC/Bearcreek Properties prefers to not have its parking lot used as a cut-through to S. General Bruce Drive. Therefore, it proposes to install bollards at the end of the drive to re-establish quiet enjoyment of its property. ASC/Bearcreek further proposes to delay the installation of said bollards until after the Church has moved out of the smaller building, shown below, in February of 2020 to avoid inconveniencing any church members that currently use this route as their means of travel to and from Church.



Please do not hesitate to contact me with any questions or concerns.

Sincerely,

A handwritten signature in black ink that reads 'Mani Mashhoon'. The signature is fluid and cursive, with a long horizontal stroke at the end.

Mani Mashhoon



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

115014

TEMPLE BRETHREN CHURCH / *Cross Church on Birdcreek*
2202 BIRDCREEK DR
TEMPLE, TX 76502-1031

Zoning Application Number: FY-19-17-ZC

Case Manager: Tammy Lyerly

Location: 3925 South General Bruce Drive, Temple, TX

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:

See attached 6 (six) pages.

Signature

Gayle Farrow

Print Name

Gayle Farrow

7 pages total

(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, tllyerly@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **July 15, 2019**.

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

Number of Notices Mailed: 9

Date Mailed: July 3, 2019

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

Cross Church on Birdcreek (formerly Temple Brethren Church) is very agreeable to have this new business come into the area.

The attached portion of a Deed dated August 16, 1991 allows for the Cross Access Agreement to continue between the I35 Frontage Road and Birdcreek Drive. Filed in Vol. 2753, Page 473. This Cross Access is necessary for safe travel between these two streets by avoiding excess traffic through the nearby residential area. We respectfully ask that site planning allow for this traffic flow.

Gayle Farrow

Cross Church on Birdcreek

Church: 254-778-8759

Personal cell: 254-718-2683

Email: tbc@hot.rr.com

CROSS ACCESS AGREEMENT

THIS AGREEMENT is made as of August 16, 1991 between CARPARKING, INC., a Georgia corporation (herein called "Carparking"); LUBY'S CAFETERIAS, INC., a Texas corporation (herein called "Luby's"), SHIRLEY RICHARDS and wife, GLENNIE RICHARDS (herein called "Richards"); SHIRLEY RICHARDS ENTERPRISES, INC., a Texas corporation (herein called "Richards Enterprises"); and FIRST CITY, TEXAS - LAKE JACKSON, a state banking association (herein called "First City"), in consideration of the mutual covenants herein contained as follows:

1. First City's Ownership:

First City represents and warrants that First City owns the parcel of land containing 2.469 acres, more or less, described by metes and bounds as Parcel "B" attached hereto and made a part hereof for all purposes.

2. Carparking Ownership:

Carparking represents and warrants that Carparking owns the parcel of land containing 7.475 acres, more or less, described by metes and bounds as Parcel "C" attached hereto and made a part hereof for all purposes; and a non-exclusive easement for public parking and passage of pedestrian and vehicular traffic over and across the parcel of land containing 2.489 acres, more or less, described by metes and bounds as Parcel "B".

3. Luby's Ownership:

Luby's represents and warrants that Luby's owns the parcel of land containing 2.670 acres, more or less, described by metes and bounds as Parcel "D" attached hereto and made a part hereof for all purposes.

4. Richards Ownership:

Richards represent and warrant that Richards owns the following described parcels of land:

a. a parcel of land containing 2.785 acres, more or less, described by metes and bounds as Parcel "A" attached hereto and made a part hereof for all purposes.

b. an interest (together with Richards Enterprises only) in and to that certain parcel of land containing 0.431 acres and generally known as Government Drive described by metes and bounds as Parcel "F" attached hereto and made a part hereof for all purposes.

c. non-exclusive passageway easement between Shirley Richards and Clark Development Company recorded in Volume 1386, page 623, of the Deed Records of Bell County, Texas.

5. Richards Enterprises Ownership:

Richards Enterprises represents and warrants that it owns the following described parcels of land:

a. an interest (together with Richards only) in and to that parcel of land described as Parcel "F" attached hereto.

b. a parcel of land containing 0.122 acres of land generally known as Bird Creek Terrace, a private street and

described by metes and bounds as Parcel "E" attached hereto and made a part hereof for all purposes.

That parcel of land of 0.122 acres also known as Bird Creek Terrace and described in as Parcel "E" is the subject of a private Non-Exclusive Passageway Easement Agreement between Shirley Richards and Clark Development Company recorded in Volume 1386, Page 623 of the Deed Records of Bell County, Texas.

That parcel of land described as Parcel "F" and also known as Government Drive (0.431 acres thereof) is the subject of a Non-Exclusive Passageway Easement from Shirley Richards Enterprises, Inc. to Temple Brethren Church recorded in Volume 2405, Page 322 of the Deed Records of Bell County, Texas. The south end of those two particular Parcels "E" and "F", also known as Government Drive and Bird Creek Terrace, serves to join Parcels "A", "B", "C" and "D" with road access to Bird Creek Drive, in the City of Temple, Bell County, Texas, which is a public right of way, 60 foot width, dedicated and conveyed to the City of Temple by document recorded in Volume 2436, Page 692, of the Deed Records of Bell County, Texas.

There presently exists certain non-exclusive passageway and and/or access agreements by and between either the owners stated above or their predecessors in title with the other owners stated above and between the related parcels.

The purpose and intention of this document is to clarify and establish the rights of the above-named present owners, their heirs, successors and assigns to common access over, upon and across all of the parcels described herein and attached hereto.

VOL. 2753 PAGE 476

In this connection, each owner named hereinabove, as Grantor, does hereby grant and convey to each other owner named hereinabove, as Grantee, a perpetual nonexclusive easement for ingress, egress and the passage of motor vehicles over, upon and across each parcel of land described as Parcels "A", "B", "C", "D", "E", and "F" attached hereto for the purpose of allowing motor vehicle traffic between the various parcels, Interstate Highway 35, South Loop 363, and Bird Creek Drive. Such easements shall relate to all of the parcels and shall run with the land and be binding upon each respective parcel and future owners thereof and inure to the benefit of the customers, invitees, employees, agents, and tenants of each such parcel, subject, however, to the following:

1. This granting shall be subject to any existing restrictions of record affecting each respective parcel.
2. The owner of each of the parcels described as Parcels "A", "B", "C" and "D" shall have the unrestricted right to place buildings and other improvements anywhere on such parcel so long as an adequate passageway remains open to accommodate motor vehicles utilizing the easements herein granted; provided, however, that the owner of that parcel described as Parcel "A" shall not have the right to place buildings or other improvements on that portion of Parcel "F" which also is a portion of Parcel "A".
3. It is fully understood and agreed that the easements herein granted are for the passage of motor vehicles only and no parking rights are intended to be granted under this agreement

with only the owner of each respective parcel having the right to designate parking upon such parcel, provided, however, that Parcel "E" (Bird Creek Terrace) and Parcel "F" (Government Drive) shall have parking rights granted upon same only as may be provided and designated by the appropriate departments of the City of Temple, Bell County, Texas.

Each of the undersigned lienholders and/or tenants hereby acknowledges receipt of a copy of this agreement and agrees to and does hereby subordinate its respective lien rights and/or leasehold interests to the terms and conditions of this Cross Access Agreement and the perpetual rights of ingress and egress granted herein.

A PLAT identifying the location of Parcels "A", "B", "C", "D", "E" and "F" and the related public thoroughfares is attached hereto.

This document may be executed in one or more counterparts with each originally signed document binding the signatory effective on the date of each such signature or upon this the 16th day of August, 1991, which shall be deemed the effective date of this agreement, whichever such date is first.

CARPARKING, INC.

By: Stanley D. Elmer, Pres. (6/13/91)

LUBY'S CAFETERIAS, INC.

By: J. A. Finch (8/16/91)
John A. Finch, Vice President

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ORDINANCE NO. 2019-4986
(FY-19-17-ZC)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONDITIONAL USE PERMIT WITH A SITE PLAN TO ALLOW A MOTORCYCLE SALES AND REPAIR FACILITY (INDIAN MOTORCYCLES) ON LOT 1, BLOCK 1, LUBY'S SUBDIVISION, ADDRESSED AS 3925 SOUTH GENERAL BRUCE DRIVE, AND LOCATED WITHIN THE I-35 CORRIDOR OVERLAY GATEWAY SUB-DISTRICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant has requested a Conditional Use Permit (CUP) to allow a motorcycle sales and repair facility (Indian Motorcycles) on Lot 1, Block 1, Luby's Subdivision, addressed as 3925 South General Bruce Drive, and located within the I-35 Corridor Overlay Gateway sub-district;

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration to the planned development conditions, recommends approval of the requested Conditional Use Permit, subject to the following condition:

- The property be subject to the CUP site plan exhibits, attached as Exhibit A;

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 a Conditional Use Permit with a Site Plan to allow a motorcycle sales and repair facility (Indian Motorcycles) on Lot 1, Block 1, Luby's Subdivision, addressed as 3925 South General Bruce Drive, and located within the I-35 Corridor Overlay Gateway sub-district and subject to the following condition:

The property be subject to the CUP site plan exhibits, attached as Exhibit A.

Part 3: The City Council approves the Site Development Plan which is 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 **15th** day of **August**, 2019.

PASSED AND APPROVED on Second Reading on the **5th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

08/15/19
Item #10
Regular Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, Interim City Attorney
Amanda Rice, Deputy City Attorney
Carrie Weir, Deputy Utility Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – Consider adopting an ordinance amending the City's Code of Ordinances, Chapter 38, "Water, Sewers, and Sewage Disposal," to bring this Chapter into compliance with state regulations and current City regulations, policies, and practices, simplify and clarify language and terms, provide more effective enforcement tools, and make non-substantial modifications to the City's Pretreatment Ordinance and Program.

STAFF RECOMMENDATION: Adopt ordinance on first reading as presented in the item description and conduct a public hearing. Second reading will be scheduled for September 5, 2019.

ITEM SUMMARY: In a continuing effort to review and update the City's Code of Ordinances, Staff is proposing amendments to Chapter 38, "Water, Sewers, and Sewage Disposal." The amendments include a general clean-up of the language and changes to formatting. For example, Staff suggests changing the spacing and general formatting of the Chapter to conform with other City Code chapters and correcting minor spelling errors.

Other proposed amendments to Chapter 38, broken down by article, include:

- Article I, Definitions:
 - Moving all Chapter 38 article definitions to the top of the Chapter, with the exception of Article V, Industrial Wastes Standards and Article IV, Billing and Customer Service.
- Article II, Pollution of Water Sources:
 - Establishing restricted zones within a 200-foot radius of raw water intake and prohibiting recreational activities and trespassing within these zones as required by state law.
- Article III, Water and Sanitary Sewer Connection Regulations:
 - Adding City of Temple Public Works Department's (PW) required permit and inspection process for connection to the City's water and wastewater services.
 - Prohibiting private water or sewer systems from being connected to the City's publicly owned treatment works (POTW) without authorization from the City.
 - Adding authorization for the City to establish water fees for commercial and residential construction to align Chapter with current City processes.
- Article IV, Billing and Customer Service:
 - Aligning Article with the Utility Business Office's (UBO) current practices and procedures, including UBO's current billing structure.

- Requiring notice and an opportunity to dispute charges prior to disconnection, except in cases of imminent threats to public health and safety.
- Imposing a trip fee for missed water reconnection appointments.
- Creating offenses for unlawful use of water and utility service diversion and allowing the City to collect payment for water unlawfully used or diverted and the costs of any City equipment damaged by a person.
- Article V, Industrial Wastes Standards:
 - Incorporating TCEQ approved Non-Substantial Modifications into Article V and City's Pretreatment Program.
 - Article V Amendments:
 - Reallocation - Increasing the current allowable limit of bio-chemical oxygen demand (BOD) to contributing industrial users discharging to the Doshier Farm Wastewater Treatment Plant.
 - Takes “unused” BOD of non-contributing users and enables contributing users to discharge higher limits of these constituents without permit violations.
 - Incorporating chemical oxygen demand (COD) limit as outlined in local limit study from 1991 for industrial users discharging to the Doshier Farm Wastewater Treatment Plant.
 - Pretreatment Program Amendments:
 - Updating industrial user permit templates to incorporate reallocation of BOD and increased COD limit.
 - Updating SOP for assessing local limit for BOD using Contributory Flow Method.
- Article VI, Cross Connection Control:
 - Adding a reference to Chapter 7, Plumbing Code, which would allow double-check assemblies to be used on non-health hazard irrigation systems if proposed Chapter 7 amendments are passed.
 - Double-check assemblies are not permitted on irrigation systems where a health hazard exists; this includes properties serviced by on-site septic systems and those that use chemical injection.
 - Specifying frequency of required backflow assembly testing after installation:
 - Annual testing for irrigation on property serviced by a septic system;
 - Annual testing for all assemblies on commercial property; and
 - Testing every five years for residential irrigation systems on property not served by a septic system.
 - Requiring backflow assembly testing:
 - When the City deems it necessary to protect the health and safety of the public;
 - When required to test under the City's currently adopted plumbing code; and
 - When an irrigation system is installed.
 - Chapter 7 of the City's Code of Ordinances has historically required backflow assembly testing when required by the City's currently adopted plumbing code and when an irrigation system is installed.
 - Clarifying when the City is authorized to perform a customer service inspection in response to changes in occupancy or construction or renovation of a premises.
 - Authorizing the City to perform a customer service inspection:

- Prior to the certificate of occupancy being issued for a premises; and
- After a City permit is issued for the premises.

Updating civil remedies for violations from a maximum amount a person could be found liable to the City from \$2000 to \$5000 in accordance with Sec. 54.017, Texas Local Gov't Code.

- Article VII, Liquid Waste:
 - Updating civil remedies for violations from a maximum amount a person could be found liable to the City from \$2000 to \$5000 in accordance with Sec. 54.017, Texas Local Gov't Code.
- Article VIII, Water Wells:
 - Removing an outdated permit process for the drilling of water wells located within the City.
 - Establishing a City approval process for the drilling of water wells that works in conjunction with the Clearwater Underground Water Conservation District's permitting and registration standards for the drilling of water wells.
 - Allowing the City to create a policy related to drilling, maintenance, and abandonment of water wells.
- Article IX, Enforcement:

Adding a general enforcement article to provide civil remedies and criminal penalties for violations of sections or articles in Chapter 38 that do not provide for specific enforcement tools.

FISCAL IMPACT: As stated above, the proposed amendments include imposing a trip fee for missed water reconnection appointments and increasing maximums for code violations.

ATTACHMENTS:

[Current Chapter 38](#)

[Clean copy of amended Chapter 38](#)

[Ordinance](#)

Chapter 38

WATER, SEWERS AND SEWAGE DISPOSAL

ARTICLE I. IN GENERAL

Sec. 38-1. Water wells--Drilling Permit.

It shall be unlawful for any person to drill or commence to drill a water well in the city limits without first obtaining a water well drilling permit from the water superintendent.

Sec. 38-2. Same--Covering.

Each person owning a water well or hereafter owning or drilling a water well in the city shall enclose such well with a cement covering or other covering equally as good and of sufficient quality and construction to keep mosquitoes, flies, rats and all other animals, insects and foreign matter from entering such well, and sufficient to prevent the well from becoming unsanitary for any reason whatsoever.

Sec. 38-3. Same--Not to be connected with public water system.

It shall be unlawful for any person to connect any private water well with any pipe, water main or any other portion of the public water system of the city. The city shall have the right to disconnect any connection in violation of this section.

Sec. 38-4. When sewer connections required.

Each property owner owning a lot or plot of ground in the city on which there is located a house or dwelling occupied or capable of being occupied by human beings, which lot or plot of ground is located within two hundred (200) feet of a city sewer line, is hereby required to connect such house or dwelling with the sewer line at his expense, if the sewer line is lower than such residence or dwelling connection, and toilet facilities and keep the same connected at all times with the city sewer line so that the occupants of the house, or dwelling shall at all times use the sewer facilities of the city.

Sec. 38-5. Construction and use of septic tanks and cesspools.

It shall be unlawful for any person to construct, use, keep, maintain, or allow to be constructed, used, kept or maintained, a septic tank or cesspool used for toilet purposes by human beings on any lot or plot of ground where a sewer connection is required by section 38-4. If such lot or plot of ground is so located that such sewer connection is not required, the owner or occupant thereof may construct and use, for toilet purposes, a septic tank or cesspool of a type and design approved by the state health department, but the construction or use of any other type of septic tank or cesspool on such lot or plot of ground is hereby declared to be unlawful.

Sec. 38-6. Pit toilets prohibited.

It shall be unlawful for any person to construct, use, keep, maintain, or to allow to be constructed, used, kept or maintained, a pit toilet for toilet purposes of human beings on any lot or plot of ground located within the city limits.

Sec. 38-7. Unlawful deposit of sewage.

It shall be unlawful for any person to deposit or place any human excreta upon the ground or in any other way so as to expose it to the air or to flies on any lot or plot of ground within the city. It shall likewise be unlawful for the owner or controller of any premises, or for any other person to permit or allow any foul or unwholesome fluid, fecal or urinal matter, fluid or substance, or washings or slops from any kitchen, laundry, or private or public house or place, to run into or be deposited in any excavation, pit, sink or well.

Sec. 38-8. Connections to city systems to be made by water and sewer departments.

All connections with water and sewer mains and laterals in the city shall be done by employees of the water and sewer department of the city, and under the supervision of the water and sewer superintendent, and it shall be unlawful for any other person to make any connection with any water or sewer main or lateral in the city.

Sec. 38-9. Applicants and work order for connections with city systems.

Any person who desires a connection with the water and sewer mains and laterals of the city shall make application therefore to the water and sewer department, on forms prescribed by it, at least two (2) days in advance of the time such connection is desired to be in effect; whereupon the work order shall be issued and all laying of pipes from such main or lateral to the property line shall be done by the city.

Sec. 38-10. Same--New construction.

(a) *Terms defined.* The term "new user" when used in this section shall mean any landowner, developer or other person who connects to a newly constructed sewer trunk main, water distribution main or similar facility which is a part of the city's water and sanitary sewer system or part of a system which is managed or operated by the city when that landowner, developer or other person is either not presently served in that particular area by the city water and sanitary sewer system or who receives upgraded service. The term "upgraded service" shall mean service in the form of increased capacity due to an increase in the size of the line or other improvement which is a part of the new construction.

(b) *Authorization for one-time charge for new users.* The following charge shall be made and collected by the water and sewer department for each water and sewer tap connection demanded by a "new user" resulting from newly constructed sewer trunk mains, water distribution mains, lift stations and similar facilities:

- (1) A one-time connection fee of thirty-one cents (\$0.31) per gallon of daily flow for connections by a new user into or onto the Fryers Creek Trunk Sewer Project.

- (2) A one-time connection fee per gallon of daily flow determined by dividing the cost of the improvements by the total daily capacity of the line to be charged to all new users of newly constructed or improved sewer trunk mains, water distribution mains, lift stations and other similar facilities. Provided, however, the exact connection fee to be charged for each project shall be determined by the superintendent of water utilities and approved by the city council taking into consideration the above mentioned formula and any factors which may be reasonably considered in determining the exact connection fee.
- (3) Nothing herein shall prevent the city through its superintendent of water utilities from utilizing the water and sewer extension and rebate procedures set forth in Article III of this chapter as an alternative to the connection fee set forth herein.

Sec. 38-11. Interfering with or injuring water equipment or apparatus.

It shall be unlawful for any person to interfere with or injure in any manner any reservoir, tank, fountain, pipe, stop cock, valve or other apparatus pertaining to any water system in the city, or to turn on or off, without authority, the water in any street hydrant or other water fixture.

Sec. 38-12. Pollution of water sources generally.

It shall be unlawful for any person in this city to bathe his hands, face, feet or any other portion of his body in, or pollute or make foul the water of any public or private cistern, tank, spring or well, or to water any animal in any spring. Likewise, any person who shall place, throw or deposit in any well, cistern, tank, fountain, spring or other place containing water in this city, any substance or liquid whatever, calculated to pollute, poison or render unwholesome the water therein, shall be deemed guilty of a misdemeanor.

Sec. 38-13. Pollution of Knob Creek.

It shall be unlawful for any person within the corporate limits of the city to throw, place, put, conduct or deposit into Knob Creek, or any tributary, ditch, drain, gutter, gulley, pipe receptacle or conduit leading into Knob Creek or any tributary thereof, any filth, foul matter, offal, refuse, slops, vegetable matter, human or animal excrement, alvine or fecal matter or any carcass or any part of any dead animal, fish or fowl, or soapy water, suds, dishwater, soapsuds or any water impregnated with soap, pearline, washing powder or any substance or preparation of any nature whatever used in water to aid in its cleansing effect, or any liquid or substance of any nature, kind, class or character whatever that may pollute the waters of Knob Creek or that may be calculated to rot or decay or cause to become putrid or foul or make the water of Knob Creek putrid or foul. It shall be unlawful for any person within the corporate limits of the city to cause, suffer or permit any violation of this section upon any premises owned or occupied by him or controlled by him as agent, lessee, manager or otherwise.

Sec. 38-14. Leon River Reservoir--Swimming and fishing prohibited at certain

location.

It shall be unlawful for any person to swim or fish in or on the waters of the Leon River Reservoir, located on the Leon River between the cities of Temple and Belton, at any place between the banks of the reservoir and between the dam located just south of the highway bridge across the reservoir on U.S. Highway No. 81, and a point two thousand eight hundred (2,800) feet up the river from the location of the water intake pipe of the city, located on the East bank of the reservoir.

Sec. 38-15. Same--Boating prohibited at certain location.

It shall be unlawful for any person to ride in a boat, on a raft or any other conveyance placed in or on the waters of the Leon River Reservoir between the dam and a point two thousand eight hundred (2,800) feet up the river from the water intake pipe of the city.

Sec. 38-16. Same--Deposit of foreign substances.

It shall be unlawful for any person to place any boat, log, stick, can, bucket, trash, debris or foreign substance of any kind in the water of the Leon River Reservoir between the dam and a point two thousand eight hundred (2,800) feet up the river from the location of the water intake pipe of the city.

Sec. 38-17. Polyvinyl chloride (PVC) pipe; minimum specifications.

(a) Four (4) inch through twelve (12) inch polyvinyl chloride (PVC) pipe which meets the minimum specifications set out in paragraph (b) hereof may be used for the Temple municipal water main distribution system under the guidelines set out herein.

(b) Material specifications for four (4) inch through twelve (12) inch polyvinyl chloride (PVC) pipe for use in the Temple municipal water main distribution system shall be as follows:

(1) Scope and product:

- a. Requirements for unplasticized polyvinyl chloride (PVC) pipe for municipal distribution systems. There shall be a minimum pressure classification of one hundred fifty (150) pounds per square inch (psi) and dimension ration (DR) of eighteen (18). The pipe class and DR will be indicated on plans.
- b. The pipe shall meet or exceed requirements of AWWA C-900, PVC pipe with cast iron outside dimensions and with rubber ring gaskets. PVC water pipe shall be listed by Underwriters' Laboratories and approved for use in cities and towns of Texas by the state board of insurance. The rigid PVC pipe shall bear the seal of approval (or "NSF" mark) of the National Sanitation Foundation Testing Laboratory for potable water pipe. Provisions must be made for the contraction and expansion at each joint with a rubber ring, and an integral thickened bell, twin-gasketed coupling, or integral sleeve as part of each joint. Pipe and fittings

- must be assembled with a nontoxic lubricant. Laying lengths shall nominally be twenty (20) feet plus or minus (\pm) one inch (Laying lengths of ten (10) feet or thirteen (13) feet may be utilized for pipe lines laid on a curve when deemed appropriate by the city engineer.)
- c. Pipe shall be made in nominal size of four (4) to twelve (12) inches, and shall meet the dimension ratios (DR's) and physical dimensions as shown in Table 2, save and except that the minimum pressure class shall be one hundred fifty (150) pounds per square inch (psi) and minimum DR shall be eighteen (18).

TABLE 2

Dimensions and Pressure Classes for Dimension Ratio (DR) for PVC 1120 Pipe With Cast-Iron Pipe-Equivalent OD's

Nominal Size--in.	Pressure Class* at 73.4F(23C) --psi	DR	Average OD--in.	Tolerance	Wall Min.	Thickness--in. Tolerance
4	150	18	4,800	± 0.0090	0.267	+0.032
4	200	14	4,800	± 0.0090	0.343	+0.041
6	150	18	6,900	± 0.0110	0.383	+0.046
6	200	14	6,900	± 0.0110	0.493	+0.059
8	150	18	9,050	± 0.0150	0.503	+0.060
8	200	14	9,050	± 0.0150	0.646	+0.078
10	150	18	11,100	± 0.0150	0.617	+0.074
10	200	14	11,100	± 0.0150	0.793	+0.095
12	150	18	13,200	± 0.0150	0.733	+0.088
12	200	14	13,200	± 0.0150	0.943	+0.113

(2) *Materials.* Pipe shall be made from NSF-approved Class 1245-4A or B PVC compound, conforming to ASTM resin specification D1784.

(3) *Hydrostatic routine test.* Each length of pipe shall be tested to four (4) times the class pressure of the pipe for a minimum dwell of five (5) seconds. Field testing shall be done under a separate specification.

(4) *Service taps:*

- a. All corporation cocks shall be installed using the proper service clamp or saddle for PVC pipe that:
1. Provides full support around the circumference of the pipe;
 2. Provides a bearing area of sufficient width (two (2) inches minimum) along the axis of the pipe;

3. Is constructed of bronze, stainless steel or epoxy coated cast iron.

- b. All taps will be made with an approved bit/cutter for PVC pipe designed to remove/retain the shavings and plug. Any tap larger than two (2) inches will require use of a tapping sleeve and valve.

(5) *Certification.* When requested, the manufacturer will furnish certification that pipe meets all requirements of this specification.

Secs. 38-18--38-29. Reserved.

ARTICLE II. CUSTOMER SERVICE

Sec. 38-30. Definitions.

The following definitions shall be applicable to this article:

Business days. All days, other than Saturday, Sunday and holidays on which the Utility Business Office is closed under authority of the City Council, are declared to be "business days."

Class A service means water, sewer service, or both provided for a dwelling designed and constructed for occupancy by one family, including mobile and HUD-code manufactured homes which are used as dwellings and which are not located in a mobile home or recreational vehicle park.

Class B service means water, sewer service, or both provided for any location except a dwelling designed and constructed for occupancy by one (1) family. Class B sewer service includes but is not limited to service for office, church, retail, business, commercial, industrial, governmental and manufacturing users; mobile and HUD-code manufactured homes not used as dwellings, or located in mobile home parks and recreational vehicle parks; and dwellings designed and constructed for occupancy by more than one family, such as apartments, duplexes and four-plexes.

Good payment history means that for the previous twelve (12) consecutive months, service has been maintained in the customers' name (including transfers, new meters and address changes) without having service disconnected for non-payment and without having more than two penalties assessed for late payment.

Office hours. The Utility Business Office shall be open for all purposes on all business days from 8:00 a.m. to 5:00 p.m., Monday through Friday.

Sec. 38-31. Rates, deposits, penalties and service charges.

The Utility Business Office is hereby authorized to charge and collect monthly service charges for water and sewer service, security deposits, penalties and other charges

established by ordinance or resolution. The amounts to be charged shall be established by Resolution of the City Council and adjusted from time to time as necessary to sustain efficient utility services and comply with laws and regulations.

Sec. 38-32. City divided into zones for billing purposes.

The Utility Business Office may divide utility service areas into geographical zones for billing purposes. A current map of billing zones shall be maintained and made available for public inspection in the Utility Business Office.

Sec. 38-33. When bills due.

The minimum monthly billing cycle for utility services shall be as follows:

- (a) The invoice date is the date that payment becomes due.
- (b) The penalty date, which shall never be less than 16 days from date invoice issued, is the date that penalty for late payment becomes due.
- (c) The disconnect date, which shall never be less than 10 days after the penalty date, is the date that utility service may be disconnected for non-payment.

For purposes of scheduling services of the Utility Business Office, billing cycles may be staggered by billing zones.

Sec. 38-34. Contents of invoice.

Utility invoices are due on the date the invoice for service is issued. Invoices shall provide the following information:

- (a) Customer information
 - (1) Account number
 - (2) Customer number
 - (3) Date invoice issued
 - (4) Water meter reading in 100 gallons
 - (5) Winter water average, if applicable
- (b) Consumption information
 - (1) Meter read date
 - (2) Billing period
 - (3) Present reading
 - (4) Previous reading
- (c) Customer charges
 - (1) Previous balance
 - (2) Water
 - (3) Sewer
 - (4) Sanitation

- (5) Drainage
- (6) Cost sharing fees
- (7) Sales tax
- (8) New connect fee
- (9) Re-read charge
- (10) Transfer fee
- (11) Miscellaneous charges
- (12) Disconnect charge
- (13) Amount due on date invoice issued
- (14) Amount due late charge
- (15) Date on which service may be disconnected for non-payment

Sec. 38-35. Failure to receive bill does not excuse nonpayment.

A customer's failure to receive a utility bill shall not excuse failure to pay the same before it becomes delinquent.

Sec. 38-36. When deposit required-Class A service.

(a) *Deposits required.* Customers requesting new Class A service or requesting reconnection following disconnection for non-payment shall be required to post a deposit if the customer's utility service at any address has been disconnected for nonpayment or the customer has not established good payment history.

(b) *Deposits not required.* Customers requesting new Class A service or an additional meter at the same service address shall be exempt from posting a deposit when the following conditions are met:

- (1) The customer has established good payment history; or
- (2) A letter of reference citing good payment history from another utility is submitted to the Business Office; or
- (3) For persons employed in the U. S. armed forces, a Base Authorization Quarters (BAQ) certificate is submitted; or
- (4) Any owner or manager of rental property who has a utility account that is not overdue requests 10-day cleanup service for the rental property. A flat fee covers water and sewer service for a maximum of ten (10) days and two thousand (2,000) gallons of water. Consumption exceeding 2,000 gallons of water is billed at the regular rate.
- (5) The City Manager is authorized to waive utility deposits for service in the event of a state or federal emergency declaration, when he determines it is in the best interest of the City to do so.

(c) *Deposits refunded.* Deposits posted to secure Class A service accounts shall be refunded whenever the customer establishes good payment history. Months for which

service was temporarily disconnected at the customer's request are counted. Refunds of deposits shall be paid by check. Checks shall be mailed monthly to eligible customers.

Sec. 38-37. When deposit required-Class B service.

(a) *Deposits required for certain categories of businesses.* Customers requesting new Class B service for property used as a restaurant, tavern, private club, apartment, hotel, or motel shall post a deposit in an amount established by resolution of the City Council.

(b) *Deposits required-generally.* Customers requesting new Class B service or requesting reconnection following disconnection for non-payment shall be required to post a deposit if the customer's utility service at any address has been disconnected for nonpayment or the customer has not established good payment history.

(c) *Deposits not required.* Customers-other than the categories excluded in part (a) of this section-requesting new Class B service or an additional meter at the same service address shall be exempt from posting a deposit when the following conditions are met:

- (1) The customer has established good payment history; or
- (2) A letter of reference citing good credit history from another utility is submitted to the Business Office; or
- (3) Any owner or manager of rental property who has a utility account that is current requests 10-day cleanup service for the rental property. A flat fee covers water and sewer service for a maximum of ten (10) days and two thousand (2,000) gallons of water. Consumption exceeding 2,000 gallons of water is billed at the regular rate.
- (4) Deposits shall not be required for service provided to federal, state or local government entities; or
- (5) The Temple Economic Development Corporation requests waiver of the deposit as an economic development incentive.
- (6) The City Manager is authorized to waive utility deposits for service in the event of a state or federal emergency declaration, when he determines it is in the best interest of the City to do so.

(d) *Deposits refunded.* Deposits for service to categories listed in part (a) of this section are not refundable until the account is closed. Deposits posted to secure Class B service accounts shall be refunded whenever the customer has established good payment history. Months for which service was temporarily disconnected at the customer's request are counted. Refunds of deposits shall be paid by check. Checks shall be mailed monthly to eligible customers.

Sec. 38-38. Delinquencies-penalties.

A utility service account becomes delinquent if payment is not received by the Utility Business Office before 5:00 p.m. on the penalty date shown on the customer's invoice. A check or bank draft that is dishonored by the customer's bank does not constitute payment of a utility service account.

A late charge or penalty shall be applied only to current monthly charges of fifteen dollars (\$15.00) or more. Late charges shall not be assessed against federal, state or local governmental entities.

Sec. 38-39. Delinquencies-reminder notices.

Prior to disconnection of service for non-payment of any customer charges shown on the invoice, the Utility Business Office will send a reminder notice to customers whose accounts have become delinquent. Utility service shall be disconnected when delinquent charges equaling or exceeding the minimum utility services billing rate are not paid *before* the Disconnect Date shown on the customer's invoice. Failure to receive a reminder notice shall not excuse non-payment or prevent disconnection.

Service will not be disconnected for failure to pay the current penalty. Failure to pay penalties assessed in prior months will result in disconnection.

Sec. 38-40. Delinquencies-Application of Deposit to Unpaid Charges.

Deposits shall be applied to unpaid charges when an account is closed for any reason. When the deposit is insufficient to satisfy the unpaid charges, the Utility Business Office will bill the customer for any deficiency greater than two dollars (\$2.00).

Sec. 38-41. Returned check policy.

A fee shall be charged for processing each check or bank draft given in payment for utility services which is dishonored by the customer's bank for any reason. On or after the disconnect date shown on the customer's invoice, utility service is subject to immediate disconnection when the City's bank notifies the City that the customer's check or bank draft has been dishonored.

The Utility Business Office will not accept payments made by check or bank draft for charges owed on any utility accounts of a customer who has had three (3) or more checks dishonored within a period of one (1) year. Payments must be made by cash, cashier's check or money order until the customer has maintained service in the name (including transfers, new meters and address changes) for at least twelve (12) consecutive months, without having service disconnected for non-payment or two or more penalties assessed for late payment.

Sec. 38-42. Reconnection after disconnection for non-payment.

Utility customers whose service has been disconnected for non-payment are entitled to have service reconnected upon payment of the following charges:

- (a) utility charges which are due or delinquent;
- (b) reconnect-disconnect fee;
- (c) service charges incurred for tampering with or damaging meters, padlocks and locking devices; and
- (d) deposit in the amount which would be required to institute new service.

A Base Authorization Quarters (BAQ) certificate shall not be accepted in lieu of a deposit following disconnection for non-payment.

Persons requesting new service at an address where service has been disconnected for non-payment must present evidence of a lease, rental agreement or other real property transaction, for purposes of verifying that service is not being restored to the customer whose non-payment precipitated disconnection. Persons who reside with a customer whose service has been disconnected for non-payment are not eligible for new service at that residence until all conditions for reconnection are met.

Sec. 38-43. Liens for delinquent utility bills.

The Utility Business Office may impose a lien against property that is not protected by the Texas Constitution as a homestead, for delinquent bills for municipal utility service to the property. Liens for delinquent utility bills shall be perfected by recording in the real property records of the county where the property is located a notice of lien containing a legal description of the property and the account number for the delinquent charges. Liens may include penalties, interest and collection costs. A lien for utility service is inferior to a bona fide mortgage lien that is recorded before the recording of the City's lien in the real property records of the county where the property is located. The City's lien is superior to all other liens, including previously recorded judgment liens and any liens recorded after the City's lien.

A lien shall not apply to bills for service connected to a tenant's name after notice by the property owner to the municipality that the property is rental property. A lien shall not apply to bills for service connected in a tenant's name prior to March 4, 1993.

Sec. 38-44. Voluntary disconnection.

A disconnect fee is charged for temporary disconnection. The Utility Business Office shall disconnect water utility service on request of a customer, by telephone, for Class A or Class B service, when the customer can provide proper account information for purposes of identification. The requirement for identification is intended to protect customers from disconnection initiated by unauthorized persons.

Sec. 38-45. Separate water meter for each residence or apartment.

The City shall install a separate water meter for each separate residence which is not divided into apartments. The City shall also install a separate water meter for each apartment of each residence and apartment building, except when the owner of such residence or apartment building assumes all liability for water and sewer services furnished such residence or apartment building.

Sec. 38-46. Water charge when meter fails or becomes defective.

A service charge will be charged for meter testing requested by a customer if testing shows that meter was not out of tolerance in either direction. Whenever a water meter installed by the city fails or becomes defective, the meter shall be replaced and such customer shall be charged a monthly fee equal to the average of the last three (3) normal months' consumption. This average fee shall be assessed for each month the meter was defective.

Sec. 38-47. Re-reading of water meters.

A fee shall be charged for rereading a water meter at the customer's request, unless it is found that the prior reading was in error.

Sec. 38-48. Fire hydrant meters.

After March 4, 1993, a fire hydrant meter will be installed and relocated only by service personnel of the Water Department. Fire hydrant meters rented by customers prior to March 4, 1993, must be returned to the Water Department by June 1, 1993, for processing in accordance with this section.

Requests for installation of a fire hydrant meters shall be made by written application in the Utility Business Office. Payment of the required security deposit for installation of a fire hydrant meter must be made in advance of installation. The service charge for relocation of a fire hydrant meter assigned to a customer will be billed to the customer's account. Customers requesting use of a fire hydrant meter agree to be financially responsible for any damage to the locking device or gate valve on the meter which occurs while the meter is assigned to them.

The Water Department shall be responsible for reading fire hydrant meters, billing for consumption obtained through fire hydrant meters, recalibrating meters prior to re-assignment, and notifying the Temple Fire Department of all installations and relocations of fire hydrant meters. Meters which have not been used for a period of one (1) month may be removed by service personnel, to lessen risks of damage or misappropriation and to make the meter available to other customers.

Sec. 38-49. Temple Shares program.

The Temple Shares program is hereby established for the purpose of aiding customers who need assistance to pay utility bills owed to the City of Temple. Customers may

contribute to Temple Shares by submitting an application to the Utility Business Office. The minimum contribution which can be billed is one dollar (\$1.00) per month. The Utility Business Office will maintain records of all contributions. Letters acknowledging customers' contributions will be sent annually during January. The Director of Utilities shall have authority to suspend collection of contributions whenever adequate funding is established.

A board consisting of the Utility Business Manager, a member of a benevolent organization appointed by the Mayor, and a city employee appointed by the City Manager, will meet as needed to review requests for assistance. Appointed members of the board serve terms of two years and rotate off board in alternate years.

Funds may be expended only with approval of the board. When disconnection of service for non-payment is imminent, an extension of time for payment may be granted by the Utility Business Manager or deputy of the Manager.

Criteria for assistance will be based on individual need as determined by the board, giving consideration to emergencies presented by events such as unemployment, illness and death. Assistance will be granted one time per year except in cases of extreme circumstances.

Sec. 38-50. Director of utilities-rule-making authority.

(a) The director of utilities shall promulgate such rules and regulations as are necessary to administer this article and shall make such interpretations of the various provisions of this chapter as are necessary to ensure proper administration and enforcement. All rules and regulations promulgated by the director of utilities shall be in writing and shall be adopted by the city council.

(b) The director of utilities shall from time to time make interpretations of the various provisions of this article and in doing so shall seek the advice of the city manager and the city attorney. Any such interpretations shall be in writing, shall be distributed to the affected departments and a copy of such interpretation shall be provided to any citizen who may request a copy thereof.

(c) Any utility customer of the City of Temple who is adversely affected by an interpretation of the provisions of this article made by the director of the public utilities shall have the right to appeal such interpretation or ruling to the city council of the City of Temple. Provided, that such appeal is made within ten (10) days of the time when the appellant received notice of said rule or regulation or should have known of said rule or regulation. Any such appeal shall be in writing and the city council shall set a date for a hearing of said appeal within thirty (30) days of the appellant's filing of a written request for such hearing with the city manager.

(d) All hearings of the city council shall be public, and the appellant, his representative, the director of utilities and any other person whose interest may be

affected by the matter on appeal shall be given an opportunity to be heard. The mayor, or in his absence, the mayor pro-tem, may administer oaths and compel the attendance of witnesses. Upon hearing, the board may reverse, or modify, the interpretation of the director of utilities, but may not actually change or alter the provisions of this article without passing a duly adopted ordinance. Any decision of the city council shall be recorded in the minutes and shall be in writing. Such record, immediately following the board's decision, shall be filed in the office of the director of utilities, who, upon request, shall promptly furnish a copy to the appellant, his representative, and any person who has filed a written entry of appearance.

(e) Every decision of the board shall be final, except when such decision shall affect vested rights of the appellant to the extent that appellant may have a legal right to pursue a remedy in a court of competent jurisdiction. In such a case, the decision of the city council shall only become final if no appeal of that decision is made by filing a suit in a court of competent jurisdiction within thirty (30) days of the date of their ruling.

Secs. 38-51--38-70. Reserved.

ARTICLE III. WATER SERVICE OUTSIDE CITY

Sec. 38-71. City authorized to sell water, outside city limits.

The City of Temple, Texas, may sell water, may participate in the construction and maintenance of water mains, and may permit connections to be made to such water mains outside the city limits; provided that the terms and conditions hereinafter set out are met.

Sec. 38-72. Application for authority to sell water; contents; hearing; final action by city council.

Authority to sell water and permission to construct water mains and/or make connections to such mains outside the city limits may be granted by resolution of the city council upon application and hearing. The application may be made by any interested party or parties and shall be made in writing addressed to and filed with the secretary of the city council.

The application shall consist of an original and two (2) copies and shall set out the names of the parties requesting permission to purchase water, install water mains, or make a tap; the use to which the water is to be put; the size and type of pipe proposed to be used; the estimated cost of construction; the estimated daily average amount of water which such use would consume; a plat, map or sketch showing the location of the proposed use, the location of adjoining properties and names of owners, adjacent streets, the location of the line or main proposed to be tapped, the proposed location of the line to be installed, any other information that would be helpful or of assistance; and a short statement of the reasons why the city council should grant such application, whichever is applicable.

Upon receipt thereof, the secretary shall transmit the copies to the secretary of the planning commission agenda, provided that the application shall have been received at least ten (10) days prior to such next regular meeting in the name of such applicants. At the planning commission meeting the applicants and all interested parties may appear and be heard. The planning commission shall vote either to accept, conditionally accept, or deny such application.

For final action, the applicant shall appeal the decision of the planning commission to the city council. It shall require a four-fifths (4/5) vote of the city council to overrule or modify the decision of the planning commission.

Sec. 38-73. Prerequisites for securing permission to sell water.

Before permission to sell water, install a main or make a tap is granted, the following terms and conditions shall be met:

- (1) The pipe and installation thereof shall meet city specifications.
- (2) The superintendent of the water department shall calculate the average daily amount of water that the use proposed by the applicants would consume and certify that the City of Temple has the capability of supplying such an amount in addition to that used by the residents and businesses of the city.
- (3) The city engineer shall calculate the main size which is necessary to furnish the amount of water to be used by such applicants, the water main deemed desirable to meet the future needs of the area surrounding the location of the proposed use, and the acreage that should be served in the future by a main located in the proposed location. If a main size larger than that needed to serve the applicants is deemed necessary to meet the future needs of the area, the additional expense of materials and installation caused thereby shall be borne by the city as follows: By an agreement refunding thirty (30) percent of the revenue derived from such main for a period of twelve (12) years from the date of completion of the line, the total initial cost to be borne by the applicant.
- (4) Should others thereafter desire to tap the main, the owner, other than the City of Temple, may charge for the tap a pro rata amount of the cost of the main based on the following formula:

$$\frac{\text{proposed acreage to be served}}{\text{acreage to be served by tap}} = \frac{\text{original cost of main} - (\text{depreciation and amount rebated})}{\text{charge for tap}}$$

- (5) The owner will not allow taps onto such a main without prior approval from the City of Temple. the city shall make such taps at the expense set out in the appropriate ordinance, and the person desiring the tap shall pay to the City of Temple the charge, if any, for the tap in addition to the payment set out in (4). If a tap is allowed or permitted on the main without prior approval of the city, the

city may cease selling water to applicant.

- (6) The City of Temple reserves the right to make periodic inspections of the main or mains and, if such mains do not meet city specifications in any particular, the City of Temple may cease transporting and/or selling water through such line.
- (7) A meter shall be placed at the point where such main branches off from the city water system, or at the intersection of such main and the then existing city limits, or as near thereto as may be practicable, whichever location is, in the judgment of the city, best suited. Such meter will be read periodically and the owner will be billed for the amount of water which has passed through the meter at a rate not more than or in excess of double the amount paid by users within the city.
- (8) If the city limits are extended to take in a part or all of such mains, the City of Temple may by resolution assume the title and maintenance of that part of the line taken over. The price to be paid shall be the original pro rata cost of that portion of the main to which title is assumed less the pro rata amount of depreciation, rebate under subsection (3) above, and charge to subsequent users. In such event the meter, if located at the city limits line shall be moved at the expense of the city and the pro rata portion of the rebate, if any, as to the acquired mains would cease to be paid. As to properties which are subsequently brought into the city limits, the rate charged shall become that charged to users within the city. Nothing herein shall obligate the city to assume or pay any debts outstanding and owing from the applicant to any person because of such main; but such obligation shall be and remain that of the applicant or owner.
- (9) If applicants cannot or will not install the main size determined to be desirable, then such applicants must request that they be brought into the city limits. In such cases, the installation of mains shall be controlled by the applicable state statutes and city ordinances.

Sec. 38-74. Contract; required; contents.

A contract setting out the agreement of the parties shall be executed and shall contain the agreement of the parties concerning the following items:

- (1) Purpose of contract.
- (2) Quantity of water to be supplied. In no case shall the obligation of the City of Temple to supply water be absolute, but the obligation shall be conditioned on the availability of water.
- (3) Term of agreement.
- (4) The rates to be charged shall be not more than twice the rate charged users within the city limits. The rate will increase or decrease in proportion to the increase or

decrease of the charge to users within the city.

- (5) Point of delivery of water.
- (6) Quality of water.
- (7) Air-gap reservoirs.
- (8) Inspections.
- (9) Title to the water and to the mains and appurtenances.
- (10) Indemnity. The purchaser shall agree to indemnify and hold harmless the city from any liability whatsoever.
- (11) Resale of water is to be prohibited.
- (12) Forfeiture.
- (13) Provisions relating to emergencies.
- (14) Any other matter which the parties deem desirable or necessary to include in the contract.

Sec. 38-75. Discontinuance of water service--In cases of emergency.

In cases of emergency only, the city shall have the right to discontinue water service to users outside of the limits of the city without notice.

Sec. 38-76. Same--When city water supply becomes inadequate.

Upon thirty (30) days notice, the city shall have the right to discontinue service to users outside of the limits of the city in the event the water supply of the city becomes inadequate. In such events, service to users outside of the limits of the city shall be resumed when the supply becomes adequate for the needs of the residents of the city and users outside of the limits of the city.

Sec. 38-77. State department of health approval of plans and specifications required.

The plans and specifications of the line proposed to be installed must be approved by the department of health of the State of Texas prior to their becoming binding.

Secs. 38-78--38-89. Reserved.

ARTICLE V. INDUSTRIAL WASTES STANDARDS

Sec. 38-90. General provisions, purpose and policy.

This ordinance sets forth uniform requirements for users of the publicly owned treatment works for the city and enables the city to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code § 1251 *et seq.*) and the General Pretreatment Regulations (40 Code of Federal Regulations (CFR) Part 403). The objectives of this ordinance are:

(a) To prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operation;

(b) To prevent the introduction of pollutants into the publicly owned treatment works that will pass through the publicly owned treatment works, inadequately treated, into receiving waters, or otherwise be incompatible with the publicly owned treatment works;

(c) To protect both publicly owned treatment works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

(d) To promote reuse and recycling of industrial wastewater and sludge from the publicly owned treatment works;

(e) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the publicly owned treatment works; and

(f) To enable the city to comply with its Texas Pollutant Discharge Elimination System (TPDES) permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the publicly owned treatment works is subject.

This ordinance shall apply to all users of the publicly owned treatment works. The ordinance authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

Sec. 38-91. Administration.

Except as otherwise provided herein, the director of public works shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the director of public works may be delegated by the director to a duly authorized representative.

Sec. 38-92. Abbreviations.

The following abbreviations and or definitions, when used in this ordinance, shall have the designated meanings:

- BOD - Biochemical Oxygen Demand
- BMP - Best Management Practice
- BMR - Baseline Monitoring Report

- CFR - Code of Federal Regulations
- CIU - Categorical Industrial User
- COD - Chemical Oxygen Demand
- EPA - U.S. Environmental Protection Agency
- gpd - gallons per day
- IU - Industrial User
- mg/l - milligrams per liter
- POTW - publicly owned treatment works
- RCRA - Resource Conservation and Recovery Act
- SIC - Standard Industrial Classification
- SIU - Significant Industrial User
- SNC - Significant Noncompliance
- TCEQ - Texas Commission on Environmental Quality
- TPDES - Texas Pollutant Discharge Elimination System
- TSS - Total Suspended Solids
- TTO - Total Toxic Organics
- U.S.C. - United States Code

Sec. 38-93. Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated.

“Act or The Act” shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251.

Administrative fine shall mean a punitive monetary charge unrelated to actual treatment costs which are assessed by the control authority rather than a court.

Approval authority shall mean the Texas Commission on Environmental Quality (TCEQ).

Authorized or duly authorized representative of the industrial user shall mean the person authorized to represent, sign, and submit documents in accordance with the following criteria:

(a) If the user is a corporation:

1. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
2. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management

decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(c) If the user is a Federal, State, or local governmental facility, a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(d) The individuals described in paragraphs (a) through (c), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City of Temple.

Best management practices or BMPs shall mean the schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in section 38-95 (a)[40 CFR 403.5(a)(1) and (b)]. BMPs include treatment procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Biochemical oxygen demand or BOD shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade, usually expressed as a concentration (e.g., mg/l).requirements, operating

Building drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning three (3) feet outside the inner face of the building wall.

Building sewer shall mean the extension from the building drain to the public sewer or other place of disposal.

Bypass shall mean the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.

Categorical industrial user shall mean an industrial user subject to categorical standards as established by the U. S. Environmental Protection Agency.

Categorical standard or pretreatment standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

Cease and desist order shall mean an administrative order directing an industrial user to immediately halt illegal or unauthorized discharges.

Chemical oxygen demand or COD shall mean a measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

City shall mean the city of Temple, the city council of Temple or the duly authorized representatives of the city.

Compliance order shall mean an administrative order directing a noncompliant industry to achieve or restore compliance by a date specified in the order.

Composite sample shall mean a sampling method consisting of either discrete or continuous samples collected in equal amounts and over equal time intervals. For discrete sampling, at least 12 aliquots shall be composited. Where a 24 hour composite sample is not feasible, four (4) grab samples may be collected in equal amounts and equal time intervals. All samples must be representatives of normal daily operations.

Consent order shall mean an administrative order embodying a legally enforceable agreement between the control authority and the noncompliant industrial user designed to restore the user to compliance status.

Control authority shall mean the city or duly authorized representatives of the city.

Daily limit or daily maximum limit shall mean the maximum allowable discharge of a pollutant over a calendar day or equivalent representative 24-hour period. Where daily maximum limits are expressed in units of mass and the daily discharge is calculated by multiplying the daily average concentration and total flow volumes in the same 24-hour period by a conversion factor to get the desired units. Where daily limits are expressed in terms of a concentration, the daily discharge is the composite sample value, or flow weighted average if more than one discrete sample was collected. Where flow weighting is infeasible, the daily average is the arithmetic average of all samples if analyzed separately, or the same value if samples are composited prior to analysis.

Direct discharge shall mean the discharge of untreated wastewater directly to the waters of the State of Texas.

Environmental Protection Agency or EPA shall mean the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division director, or other duly authorized official of said agency.

Existing source shall mean any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

Garbage shall mean solid wastes from the preparation, cooking, and dispensing food, and from the handling, storage, and sale of produce.

Grab sample shall mean a sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

Indirect discharge or discharge shall mean the introduction of pollutants into the

POTW from any nondomestic source regulated under Section 307(b), (c), or (4) of the Act, as amended.

Industrial user shall mean a source of indirect discharge which does not constitute a “discharge of pollutants” under regulations issued pursuant to Section 402 of the Act, (33 USC 1317) into the wastewater system (including holding tank waste discharged into the system).

Industrial wastes shall mean the liquid wastes from industrial processes as distinct from sanitary sewer.

Instantaneous maximum allowable discharge limit shall mean the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interference shall mean a discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and therefore, is a cause of a violation of the TPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued there under, or any more stringent State or local regulations:

Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

Local limit shall mean a specific discharge limits developed and enforced by the city upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

Medical waste shall mean isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

Monthly average shall mean the arithmetic mean of the effluent samples collected during a calendar month or specified 30-day period. Where the control authority has taken a sample during the period, it must be included in the monthly average if provided in time. However, where composite samples are required, grab samples taken for process control or by the control authority are not to be included in a monthly average.

National pollution discharge elimination system or NPDES Permit shall mean a permit pursuant to section 402 of the Act.

National pretreatment standards, pretreatment standard, or standard (i.e. prohibitive discharge standards, categorical pretreatment standards, and local limits) shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act, which applies to Industrial users. This

term includes prohibitive discharge limits established pursuant to 403.5.

New source

(a) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

1. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
3. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of section (a) (2) or (3) above but otherwise alters, replaces, or adds to existing process or production equipment.

(c) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

1. Begun, or caused to begin, as part of a continuous on site construction program:
 - i. any placement, assembly, or installation of facilities or equipment; or
 - ii. significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
2. Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Noncontact cooling water shall mean water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished

Pass through shall mean a discharge which exits the POTW into waters of the

United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the city's TPDES permit, including an increase in the magnitude or duration of a violation.

Person shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

pH shall mean a measure of the acidity or alkalinity of a solution, expressed in standard units.

Pollutant shall mean dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

Pretreatment or treatment shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

Pretreatment requirements shall mean any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

Pretreatment standard or standard shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

Process wastewater shall mean any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by product, or waste product.

Prohibited discharge standards or prohibited discharge shall mean absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 38-95(a) of this ordinance.

Properly shredded garbage shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.

Publicly owned treatment works or POTW shall mean "treatment works," as defined by section 212 of the Act (33 U.S.C. *1292). This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

Sanitary sewer shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

Septic tank waste shall mean any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Sewage shall mean human excrement and gray water (household showers, dish washing operations, etc.).

Sewage treatment plant shall mean an arrangement of devices and structures used for treating sewage.

Sewage works shall mean all facilities for collecting, pumping, treating and disposing of sewage.

Sewer shall mean a pipe or conduit for carrying sewage.

Shall is mandatory; may is permissive or discretionary.

Significant industrial user shall mean:

(a) An industrial user subject to categorical pretreatment standards; or

(b) An industrial user that:

1. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blow down wastewater);
2. Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
3. Is designated as such by the city on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(c) Upon a finding that a user meeting the criteria in subsection (b), has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403((f) (6), determine that such user should not be considered a significant industrial user.

Slug load or slug shall mean any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in section 38-95(a) of this ordinance. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.

Standard industrial classification code or SIC code shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

Storm water shall mean any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

Suspended solids shall mean the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by

laboratory filtering.

System shall mean all facilities for collecting, pumping, treating and disposing of sewage.

TBRSS pretreatment program shall mean the approved Temple-Belton Regional Sewerage System pretreatment program as amended.

Temple pretreatment program shall mean the approved city of Temple pretreatment program as amended.

Texas Commission on Environmental Quality (TCEQ) shall mean the State agency of that title, or where appropriate, the term may also be used as a designation for the director or other duly authorized official of said agency.

Upset shall mean an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment regulations because of factors beyond the reasonable control of the industrial user. This does not include noncompliance caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

User shall mean any person who contributes, causes, or permits the contribution of wastewater into city's wastewater system.

User permit shall mean permits issued to significant industrial users and categorical industrial users by the city as set forth in section 38-99 of this ordinance.

Wastewater shall mean liquid and any water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

Wastewater treatment plant or treatment plant shall mean the portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

Sec. 38-94. Duties of the director of public works.

It shall be the duty of the director to see that certain provisions of this article as pertaining to the use of public sewers are carried out, to determine if the sewage collected by the sewer collection system is treatable, and to supervise the treatment of the sewage.

Sec. 38-95. General sewer use requirements for the Temple-Belton Regional Sewerage System.

(a) Prohibited Discharge Standards.

1. General prohibitions.

- i. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any

other National, State, or local pretreatment standards or requirements.

ii. If in the opinion of the director, the character of the sewage from any manufacturer or industrial plant, building or other premises is such that it will (1) injure or interfere with wastewater treatment processes or facilities, (2) constitute a hazard to humans or animals, (3) create a hazard in receiving waters of the wastewater treatment plant effluent, or (4) violate appropriate Federal, State or local regulations, the city manager shall have the right to require such user to dispose of such waste otherwise, and prevent it from entering the system.

iii. The city shall require industrial users to control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards and local limits upon reduction, loss, or failure of its treatment facility. In the event of a plant/system upset, provisions outlined in 40 CFR 403.16 shall prevail.

2. Specific Prohibitions. Except as hereinafter provided, no user shall introduce or cause to be introduced into the sewerage system of the city, directly or indirectly, any of the following pollutants, substances, or wastewater:

- i. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
- ii. Wastewater having a pH less than 5.5 or more than 10.5 or otherwise causing corrosive material damage to the POTW or equipment;
- iii. Solid or viscous substances in amounts which will cause obstruction resulting in interference to the flow in the POTW or interference with the proper operation of the sewage works,
- iv. Wastewater with twenty-four (24) hour composite samples containing biochemical oxygen demand and/or total suspended solids in excess of eight (800) milligram per liter (mg/l).
- v. Wastewater having a temperature greater than 40°C (104°F), or which will inhibit biological activity in the treatment plant resulting in interference,
- vi. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
- vii. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

- viii. Trucked or hauled pollutants, except at discharge points designated by the director in accordance with section 38-97 (c) of this ordinance;
- ix. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewer for maintenance;
- x. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, inks, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the city's TPDES permit;
- xi. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- xii. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, contact cooling water, and unpolluted wastewater, unless specifically authorized by the city;
- xiii. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- xiv. Medical wastes, except as specifically authorized by the city in a wastewater discharge permit;
- xv. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- xvi. Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
- xvii. Any water or waste which may contain more than ninety-six (96.0) milligrams per liter of fat, oil or grease or other substances which may solidify or become viscous at temperatures between 32 degrees Fahrenheit and 150 degrees Fahrenheit.
- xviii. Any garbage that has not been properly shredded;
- xix. Any feathers, entrails, feet, bones, paunch manure, hair, fleshings or eggshells, whole blood or other liquids in quantities which exert an unusual oxygen or chlorine requirement or which result in a discoloration of the treatment plant influent.
- xx. Wastewater taken as a grab sample which contains total phenols and/or formaldehyde in concentrations greater than 15.7 parts per million.
- xxi. Wastewater which contains hydrogen sulfide measured as H₂S or Fluoride that is discharged in an amount that would cause the levels of H₂S or Fluoride to increase in the treated effluent from the sewage treatment plant.

Hazardous wastes that are prohibited by Regulatory Agencies shall not be discharged to the sewer system.

Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

(b) National Categorical pretreatment standards.

Users must comply with the categorical Pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471.

1. When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the director may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users.
2. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same Standard, the director shall impose an alternate limit in accordance with 40 CFR 403.6(e).
3. A CIU may obtain a net/gross adjustment to a categorical Pretreatment standard in accordance with the following paragraphs of this Section.40 CFR 403.15:
 - i. Categorical Pretreatment standards may be adjusted to reflect the presence of pollutants in the Industrial user's intake water in accordance with this section. Any Industrial user wishing to obtain credit for intake pollutants must make application to the city. Upon request of the Industrial user, the applicable standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraph (ii) of this section are met.
 - ii. Criteria.
 - a. Either (i) the applicable categorical Pretreatment standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or (ii) The Industrial user demonstrates that the control system it proposes or uses to meet applicable categorical Pretreatment standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.
 - b. Credit for generic pollutants such as biochemical oxygen demand, total suspended solids and oil and grease should not be granted unless the Industrial user demonstrates that the constituents of the generic measure in the user's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.

- c. Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with standard(s) adjusted under this section.
- d. Credit shall be granted only if the user demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The city may waive this requirement if it finds that no environmental degradation will result.

(c) State pretreatment standards.

Users must comply with TCEQ pretreatment standards codified at 30 TAC 315.

(d) Local limits.

1. The director is authorized to establish local limits pursuant to 40 CFR 403.5(c).
2. The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following daily maximum limit.

10.688 mg/l	Aluminum
0.121 mg/l	Arsenic
0.145 mg/l	Cadmium
1.478 mg/l	Chromium (T)
0.282 mg/l	Copper
0.524 mg/l	Cyanide
0.836 mg/l	Lead
0.001 mg/l	Mercury
0.207 mg/l	Molybdenum
0.662 mg/l	Nickel
96.00 mg/l	Oil and grease (T)
15.7 mg/l	Phenols/Formaldehyde combined
0.017 mg/l	Selenium
1.820 mg/l	Silver (T)
0.849 mg/L	TTO
0.661 mg/L	Zinc

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise.

3. The city may develop best management practices by ordinance or in individual wastewater discharge permits to implement categorical standards only.

(e) Right of revision.

The city and/or TBRSS reserve the right to establish, by ordinance, or in wastewater discharge permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this ordinance.

(f) Dilution.

No user shall ever increase the use of process water, or in any way attempt to dilute discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement.

Sec. 38-96. General sewer use requirements for the Temple Sewerage System.

(a) Prohibited discharge standards.

1. General prohibitions.

- i. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.
- ii. If in the opinion of the director, the character of the sewage from any manufacturer or industrial plant, building or other premises is such that it will (1) injure or interfere with wastewater treatment processes or facilities, (2) constitute a hazard to humans or animals, (3) create a hazard in receiving waters of the wastewater treatment plant effluent, or (4) violate appropriate Federal, State or local regulations, the city manager shall have the right to require such user to dispose of such waste otherwise, and prevent it from entering the system.
- iii. The city shall require industrial users to control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards and local limits upon reduction, loss, or failure of its treatment facility. In the event of a plant/system upset, provisions outlined in 40 CFR 403.16 shall prevail.

2. Specific Prohibitions. Except as hereinafter provided, no user shall introduce or cause to be introduced into the sewerage system of the city, directly or indirectly, any of the following pollutants, substances, or wastewater:

- i. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup

flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;

- ii. Wastewater having a pH less than 5.5 or more than 10.5 or otherwise causing corrosive material damage to the POTW or equipment;
- iii. Solid or viscous substances in amounts which will cause obstruction resulting in interference to the flow in the POTW or interference with the proper operation of the sewage works;
- iv. Wastewater with twenty-four (24) hour composite samples containing biochemical oxygen demand (BOD) and/or total suspended solids (TSS) in excess of eight (800) milligram per liter (mg/l);
- v. Wastewater having a temperature greater than 40°C (104°F), or which will inhibit biological activity in the treatment plant resulting in interference;
- vi. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
- vii. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- viii. Trucked or hauled pollutants, except at discharge points designated by the director in accordance with section 38-97(c) of this ordinance;
- ix. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewer for maintenance;
- x. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the city's TPDES permit;
- xi. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- xii. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, contact cooling water, and unpolluted wastewater, unless specifically authorized by the city;
- xiii. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- xiv. Medical wastes, except as specifically authorized by the city in a wastewater discharge permit;
- xv. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;

- xvi. Concentrations exceeding one hundred seventy-five (175) milligrams per liter of oil and grease, wax, fats and plastic or other substances which will solidify or become discernibly viscous at any temperature between thirty-two (32) degrees Fahrenheit and one hundred fifty (150) degrees Fahrenheit.
- xvii. Any garbage that has not been properly shredded;
- xviii. Detergents, surface-active agents, or other substance which that might cause excessive foaming in the POTW;
- xix. Wastewater containing chemical oxygen demand in excess of fifty-three hundred (5300) milligrams per liter; or
- xx. Any feathers, entrails, feet, bones, paunch manure, hair, fleshings or eggshells, whole blood or other liquids in quantities which exert an unusual oxygen or chlorine requirement or which result in a discoloration of the treatment plant influent;
- xxi. Wastewater taken as a grab sample which contains total phenols and/or formaldehyde in concentrations greater than 7 parts per million;
- xxii. Wastewater which contains Hydrogen Sulfide measured as H₂S, Chlorides, or Fluoride that is discharged in an amount that would cause the levels of H₂S or Fluoride to increase in the treated effluent from the sewage treatment plant.

Hazardous wastes are prohibited by regulatory agencies shall not be discharged to the sewer system;

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

(b) National categorical pretreatment standards.

The categorical pretreatment standards found at 40 CFR Chapter 1, Subchapter N, Part 405-471 are hereby incorporated.

1. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the director shall impose an alternate limit in accordance with 40 CFR 403.6(e).
2. A CIU may obtain a net/gross adjustment to a categorical pretreatment standard in accordance with the following paragraphs of this section.40 CFR 403.15.
 - i. Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in the Industrial user's intake water in accordance with this section. Any industrial user wishing to obtain credit for intake pollutants must make application to the city. Upon request of the industrial user, the applicable standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for

pollutants in the intake water) if the criteria found in paragraph (ii) of this section are met:

ii. Criteria:

- a. Either (i) the applicable categorical pretreatment standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or (ii) The industrial user demonstrates that the control system it proposes or uses to meet applicable categorical pretreatment standards would, if properly installed and operated, meet the standards in the absence of pollutants in the intake waters.
- b. Credit for generic pollutants such as biochemical oxygen demand, total suspended solids, and oil and grease should not be granted unless the Industrial user demonstrates that the constituents of the generic measure in the user's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.
- c. Credit shall be granted only to the extent necessary to meet the applicable categorical pretreatment standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with standard(s) adjusted under this section.
- d. Credit shall be granted only if the user demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The city may waive this requirement if it finds that no environmental degradation will result.

(c) State pretreatment standards.

Users must comply with TCEQ codified at 30 TAC 315.

(d) Local Limits.

1. The director is authorized to establish local limits pursuant to 40 CFR 403.5(c).
2. The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following daily maximum limit.

0.03 mg/l	Arsenic
0.36 mg/l	Cadmium
9.14 mg/l	Chromium (T)
1.05 mg/l	Chromium (Hex)
0.50 mg/l	Copper

0.60 mg/l	Cyanide (Grab)
7.30 mg/l	Lead
0.08 mg/l	Mercury
1.75 mg/l	N-Ammonia
1.00 mg/l	Nickel
0.12 mg/l	Silver
7.03 mg/l	Zinc

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise.

3. The city may develop best management practices by ordinance or in individual wastewater discharge permits to implement categorical standards only.

(e) Right of Revision.

The city reserves the right to establish, by ordinance, or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW consistent with the purpose of this ordinance.

(f) Dilution.

No user shall ever increase the use of process water, or in any way attempt to dilute discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement.

Sec. 38-97. Pretreatment of wastewater.

(a) Pretreatment facilities.

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in section 38-95 for industries discharging to the TBRSS system and section 38-96 for industries discharging to the Temple sewerage system, of this ordinance within the time limitations specified by EPA, the State, or the city, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. When required by the director of public works, the owner of any property served by a building sewer carrying industrial wastes, shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the industrial wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the city. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. Detailed plans describing such facilities and operating procedures shall be submitted to the city for review, and shall be acceptable to the director before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve

the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the city under the provisions of this ordinance.

(b) Accidental discharge/slug control plans.

The city shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The city may require any user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

1. Description of discharge practices, including non-routine batch discharges;
2. Description of stored chemicals;
3. Procedures for immediately notifying the director of any accidental or slug discharge, as required by section 38-100 (f) of this ordinance; and
4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

The results of such activities shall be available to the approval authority upon request. All documentation associated with BMP's shall be included.

The city will evaluate each SIU within one year of being designated an SIU to determine whether each such SIU needs a plan or other action to control slug discharges.

(c) Hauled wastewater.

1. Septic tank waste may be introduced into the POTW only at locations designated by the city, and at such times as are established by the city. Such waste shall not violate section 38-95 for the TBRSS system or 38-96 for the Temple system of this ordinance or any other requirements established by the city. The city may require septic tank waste haulers to obtain individual wastewater discharge permits.
2. Septic tank waste haulers may discharge loads only at locations designated by the director. No load may be discharged without prior consent of the chief operator at the POTW. The director may collect samples of each hauled load to ensure compliance with applicable standards. The director may require the septic tank waste hauler to provide a waste analysis of any load prior to discharge.
3. No industrial, hazardous waste is allowed to be discharged to the POTW.
4. Septic tank haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the

type of business the waste originated from, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

Sec. 38-98. Wastewater discharge permits.

(a) Wastewater analysis.

When requested by the city, a user must submit information on the nature and characteristics of its wastewater within (60) days of the request. The director is authorized to prepare a form for this purpose and may periodically require users to update this information.

(b) Wastewater discharge permit requirement.

1. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the city, except that significant industrial user that has filed a timely application pursuant to section 38-98 (c) of this ordinance may continue to discharge for the time period specified therein.
2. The city may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.
3. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in sections 38-104 and 38-105 of this ordinance. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

(c) Wastewater discharge permitting: Existing connections.

Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within 60 days after said date, apply to the director for a wastewater discharge permit in accordance with section 38-98 (e) of this ordinance, and shall not cause or allow discharges to the POTW to continue after 90 days of the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the city. For existing permitted user reapplication, see requirements in Section 38-99 (f).

(d) Wastewater discharge permitting: New connections.

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with section 38-98 (e) of this ordinance, must be filed at least 90 days prior to the date upon which any discharge will begin or recommence.

(e) Wastewater discharge permit application contents.

All users required to obtain a wastewater discharge permit must submit a permit

application. The city may require all users to submit all or some of the following information as part of a permit application:

1. Identifying Information.
 - i. The name and address of the facility, including the name of the operator, owner, and facility contact person; and
 - ii. Contact information, description of activities, facilities, and plant production processes on the premises;
2. Environmental Permits. A list of any environmental control permits held by or for the facility.
3. Description of Operations.
 - i. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated process(es);
 - ii. Number and type of employees, hours of operation, and proposed or actual hours of operation;
 - iii. Each product produced by type, amount, process or processes, and rate of production;
 - iv. Type and amount of raw materials processed and chemicals used (average and maximum per type);
 - v. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
4. Time and duration of discharges;
5. The location for monitoring all wastes covered by the permit;
6. Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in section 38-95 (b)(1) [40 CFR 403.6(e)];
7. Measurement of pollutants.
 - i. The categorical pretreatment standards applicable to each regulated process and any new categorically regulated process for existing sources.
 - ii. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the city, of regulated pollutants in the discharge from each regulated process.

- iii. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.
 - iv. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in section 38-100 (i) of this ordinance. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the city or the applicable standards to determine compliance with the standard.
 - v. Sampling must be performed in accordance with procedures set out in section 38-100 (j) of this ordinance.
- 8. Any requests for a monitoring waiver, or a renewal of an approved monitoring waiver, for a pollutant neither present nor expected to be present in the discharge based on section 38-100 (d) (3) [40 CFR 403.12(e)(2)];
 - 9. Any other information as may be deemed necessary by the director to evaluate the wastewater discharge permit application.
 - 10. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

(f) Application signatories and certification.

- 1. All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, to be, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

- 2. If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this section must be submitted to the director prior to or together with any reports to be signed by an authorized representative.

(g) Wastewater discharge permit decision.

After receipt of a complete wastewater discharge permit application, the director will determine whether or not to issue a wastewater discharge permit. The director may deny any application for a wastewater discharge permit or require additional safeguards, reports or information. For users not meeting the criteria of significant industrial users, the director may also waive or defer a permit, or allow discharges in the interim while a permit is being prepared.

(h) Extraterritorial users.

No discharge originating in areas outside the territorial limits of the city shall be made into any sanitary sewer of the city without first obtaining a special permit, which shall be subject to and incorporate by reference the terms of this ordinance.

Sec. 38-99. Wastewater discharge permit issuance.

(a) Permit Duration.

A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the director. Each wastewater discharge permit will indicate a specific date upon which it will expire.

(b) Permit Contents.

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the city to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

1. Permits must contain:

- i. A statement that indicates wastewater discharge permit issuance date, expiration date and effective date;
- ii. A statement that the wastewater discharge permit is nontransferable without prior notification to the city in accordance with Section 38-99(d) of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- iii. Effluent limits, including best management practices, based on applicable pretreatment standards;
- iv. Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants or best management practice to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law;
- v. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law;
- vi. Requirements to control slug discharge, if determined by the city to be necessary; and

2. Wastewater discharge permits may contain, but need not be limited to, the following conditions:

- i. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- ii. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- iii. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
- iv. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- v. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
- vi. Other conditions as deemed appropriate by the city to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

(c) Permit modification.

1. The city may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:
 - i. To incorporate any new or revised Federal, State, and local pretreatment standards or requirements;
 - ii. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
 - iii. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - iv. Information indicating that the permitted discharge poses a threat to the POTW, city personnel, or the receiving waters;
 - v. Violation of any terms or conditions of the individual wastewater discharge permit;
 - vi. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
 - vii. Revision of or a grant of variance from categorical Pretreatment standards pursuant to 40 CFR 403.13;
 - viii. To correct typographical or other errors in the wastewater discharge permit; or

- ix. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with section 38-99 (d).

(d) Permit Transfer.

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 30 days advance notice to the city and the director approves the wastewater discharge permit transfer. The notice to the city must include a written certification by the new owner or operator which:

1. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
2. Identifies the specific date on which the transfer is to occur; and
3. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Upon approval by the city of the permit transfer, a copy of the new permit will be provided to the new owner(s).

(e) Permit Revocation.

The city may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

1. Failure to notify the director of significant changes to the wastewater prior to the changed discharge;
2. Failure to provide prior notification to the director of changed conditions pursuant to Section 38-100 (e) of this ordinance;
3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
4. Falsifying self-monitoring reports;
5. Tampering with monitoring equipment;
6. Refusing to allow the director timely access to the facility premises and records;
7. Failure to meet effluent limitations;
8. Failure to pay fines;
9. Failure to pay sewer charges;
10. Failure to meet compliance schedules;
11. Failure to complete a wastewater survey or the wastewater discharge permit application;
12. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
13. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership with the exception for transfer provisions outlined in Section 38-99 (d). All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

(f) Permit reissuance.

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 38-98 (e) of this ordinance, a minimum of 60 days prior to the expiration of the user's existing wastewater discharge permit.

Sec. 38-100. Reporting requirements.

(a) Baseline Monitoring Reports.

1. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a) (4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the director a report which contains the information listed in paragraph 2., below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the city a report which contains the information listed in paragraph (2), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
2. Users described above shall submit the information set forth below.
 - i. All information required in section 38-98 (e) (1)(i), section 38-98 (e) (2), section 38-98 (e) (3) (i), and section 38-98 (e) (6).
 - ii. Measurement of pollutants.
 - a. The user shall provide the information required in section 38-98 (e) (7) (i) through (iv).
 - b. The user shall take a minimum of one representative sample of daily operations to compile that data necessary to comply with the requirements of this paragraph.
 - c. Samples should be taken immediately downstream from the pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined

wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the pretreatment standards.

- d. Sampling and analysis shall be performed in accordance with section 38-100 (i) and 40 CFR Part 136.
 - e. The director may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.
 - f. The baseline report shall indicate the time, date and place of sampling and methods of analysis and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
- iii. Compliance certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether Pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pretreatment is required to meet the pretreatment standards and requirements.
 - iv. Compliance schedule. If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or operations and maintenance must be provided. The completion date in this schedule shall not be later than the compliance due established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirement set out in section 38-100(b) of this ordinance.
 - v. All baseline monitoring reports must be certified in accordance with section 38-100(m) (1) of this ordinance and signed by an authorized representative.

(b) Compliance schedule progress reports.

The following conditions shall apply to the compliance schedule required by section 38-100 (a) (2) (iv) of this ordinance:

1. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
2. The user shall submit a progress report to the city no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of

progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

3. In no event shall more than nine (9) months elapse between increments or progress reports to the director.

(c) Reports on compliance with categorical pretreatment standard deadline.

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source, 90 days following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the city a report containing the information described in section 38-98 (e) (6) and (7) and section 38-100 (a) (2) (ii) of this ordinance. All compliance reports must be signed and certified in accordance with section 38-98 (f) of this ordinance.

(d) Periodic Compliance Reports.

1. All significant industrial users shall, at a frequency determined by the city but in no case less than twice per year (in June and December or dates specified by the control authority), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a best management practice or pollution prevention alternative, the user must submit documentation required by the city or the pretreatment standard necessary to determine the compliance status of the user.
2. All periodic compliance reports must be signed and certified in accordance with section 38-98 (f) of this ordinance.
3. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
4. If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the director, using the procedures prescribed in section 38-100 (j) of this ordinance, the results of this monitoring shall be included in the report.
5. User shall report the average and maximum daily flows for the reporting period and identify where flow estimates are used.
6. All periodic compliance reports must be signed and certified in accordance with section 38-100 (m) (1) of this ordinance.

(e) Reports of changed conditions.

Each user must notify the director of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 30 days before the change.

1. The director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 38-98 (e) of this ordinance.
2. The director may issue a wastewater discharge permit under section 38-99 (f) of this ordinance or modify an existing wastewater discharge permit under section 38-99 (c) of this ordinance in response to changed conditions or anticipated changed conditions.

(f) Reports of Potential Problems.

1. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately notify the director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
2. Within five (5) days following such discharge, the user shall, unless waived by the director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.
3. A notice shall be permanently posted in a prominent place advising employees who to call in the event of a discharge described in paragraph (1) above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.
4. Significant Industrial users are required to notify the city immediately of any changes at its facility affecting the potential for a slug discharge.

(g) Reports from unpermitted users.

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the director as the city may required.

(h) Notice of Violation/Repeat Sampling and Reporting.

If sampling performed by a user indicates a violation, the user must notify the director within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the director within thirty (30) days after becoming aware of the violation. Resampling by the

industrial user is not required if the city performs sampling at the user's facility at least once a month, or if the city performs sampling at the user's facility between the time when the initial sampling was conducted and the time when the user or the city receives the results of this sampling. If the city has performed sampling, the user will repeat the sampling and analysis and submit the results of the repeat analysis to the director within thirty (30) days upon being notified by the city of any violations.

(i) Analytical Requirements.

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures. The tests shall be performed on the samples taken at the location designated in each industry's Permit.

(j) Sample Collection.

1. Except as indicated in Section 2 and 3 below, the user must collect wastewater samples using 24-hour flow proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the city. Where time-proportional composite sampling or grab sampling is authorized by the city, the samples must be representative of the discharge. Using protocols specified in 40 CFR part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the city, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.
2. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
3. For sampling required in support of baseline monitoring and 90-day compliance reports required in section 38-100 (a) and (c) [40 CFR 403.12 (b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data is available, the city may authorize a lower minimum. For the reports required by paragraphs section

38-100 (d) [40 CFR 403.12(e) and 403.12(h)] the IU is required to collect the number of grab samples necessary to assess and assure compliance by with applicable pretreatment standards and requirements.

(k) Date of receipt of reports.

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

(l) Record keeping.

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with best management practices established under sections 38-95 (d) (3) and 38-96 (d) (3). Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the city, or where the user has been specifically notified of a longer retention period by the director.

(m) Certification Statements.

1. Certification of permit applications, user reports and initial monitoring waiver. The following certification statement is required to be signed and submitted by users submitting permit applications in accordance with section 38-98 (f); users submitting baseline monitoring reports under section 38-100 (a) (2) (v); users submitting reports on compliance with the categorical pretreatment standard deadlines under section 38-100 (c); and users submitting periodic compliance reports required by section 38-100 (d) (1) through (6). The following certification statement must be signed by an Authorized Representative as defined in Section 38-93:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Sec. 38-101. Compliance monitoring.

(a) Right of entry: inspection and sampling.

The city, or its representative(s), TBRSS representative(s), TCEQ representative(s), and EPA's representative(s) shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this ordinance and any wastewater discharge permit or order issued hereunder. Users shall allow the representatives from the city, TBRSS, TCEQ and/or EPA, 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.

1. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the director will be permitted to enter without delay for the purposes of performing specific responsibilities.
2. The city, T-BRSS, TCEQ, and/or EPA shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
3. The director may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated, annually to ensure their accuracy.
4. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the director and shall not be replaced. The costs of clearing such access shall be born by the user.
5. Unreasonable delays in allowing the director access to the user's premises shall be a violation of this ordinance.
6. When monitoring facility is constructed in the public right-of-way or easement, in an unobstructed location, the IU shall provide ample room in or near the monitoring facility to allow accurate sampling and preparation of samples and analysis and whether constructed on public or private property, the monitoring facilities should be provided in accordance with the city's requirements and all applicable local construction standards and specifications, and such facilities shall be constructed and maintained in such manner so as to enable the director to perform independent monitoring activities.
7. Search Warrant: If the city has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the city, designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the director may seek issuance of a search warrant from the appropriate County or District Court.

Sec. 38-102. Confidential information.

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the city's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the city, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user by furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the TPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

Sec. 38-103. Publication of user in significant noncompliance.

- (a) The city shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the municipality where the POTW is located, a list of the users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements.
- (b) The term significant noncompliance shall be applicable to all significant industrial users (or any other industrial user that violates paragraphs (3), (4), or (8) of this section) and shall mean:
 - 1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the sampled pollutant parameter taken during a six (6) month period exceed by any magnitude, a numeric pretreatment standard or requirement, including instantaneous limits as defined in section 38-93;
 - 2. Technical review criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limit, as defined by section 98-93 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease; and 1.2 for all other pollutants except pH);
 - 3. Any other violation of a pretreatment standard or requirement as defined in section 38-93 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the city determines has caused, alone or in

combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

4. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the city's exercise of its emergency authority to halt or prevent such a discharge;
5. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
6. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
7. Failure to accurately report noncompliance; or
8. Any other violation(s), which may include a violation of best management practices, which the director determines will adversely affect the operation or implementation of the local pretreatment program.

Sec. 38-104. Administrative enforcement remedies and administrative orders.

All enforcement actions shall follow the TCEQ approved enforcement response plan (ERP) and the enforcement response guide (ERG). This plan contains detailed procedures indicating how the control authority will investigate and respond to instances of industrial user noncompliance.

(a) Notification of Violation.

When the city finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the director may serve upon that user a written notice of violation. Within thirty (30) days of receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the director to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(b) Consent Orders.

The city may enter into consent orders, assurances of voluntary compliance or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents shall include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such

documents shall have the same force and effect as the administrative orders issued pursuant to sections 38-104 (d) and (e) of this ordinance and shall be judicially enforceable.

(c) Show Cause Hearing.

The city may order a user which has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least fifteen (15) business days prior to the hearing. Such notice may be served on any authorized representative of the user as defined in section 38-93 and required by section 38-98 (f) (1). A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

(d) Compliance Orders.

When the director finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the director may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(e) Cease and Desist Orders.

When the director finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the director may issue an order to the user directing it to cease and desist all such violations and directing the user to:

1. Immediately comply with all requirements; and
2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(f) Emergency Suspensions.

The director may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The director may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

1. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The director may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the director that the period of endangerment has passed, unless the termination proceedings in section 38-104 (g) of this ordinance are initiated against the user.
2. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the director prior to the date of any show cause or termination hearing under sections 38-104 (c) or 38-104 (g) of this ordinance.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

(g) Termination of Discharge.

In addition to the provisions in section 38-99 (e) of this ordinance, any user who violates the following conditions is subject to discharge termination:

1. Violation of wastewater discharge permit conditions;
2. Failure to accurately report the wastewater constituents and characteristics of its discharge;
3. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
4. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
5. Violation of the pretreatment standards in section 38-95 for TBRSS or 38-96 for the Temple Sewerage System, of this ordinance.
6. Problems existing at the headworks.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under section 38-104 (c) of this ordinance why the proposed

action should not be taken. Exercise of this option by the director shall not be a bar to, or a prerequisite for, taking any other action against the user.

Sec. 38-105. Judicial enforcement remedies.

(a) Injunctive Relief.

When the director finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment standard or Requirement, the director may petition the district court through the city's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user. The director may also seek such other action as is appropriate for legal and or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

(b) Civil Penalties.

1. A user who has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the city for a maximum civil penalty of \$2000 but not less than \$1000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
2. The director may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.
3. In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
4. Filing a suit for civil penalties shall not be a bar against or a prerequisite for, taking any other action against a user.

(c) Criminal Prosecution.

1. A user who willfully or negligently violates any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$2000 per violation, per day, or not more than one year imprisonment, or both.

2. A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty up to \$2000, or be subject to not more than one year imprisonment, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.
3. A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than \$2000 per violation, per day, or not more than one year imprisonment or both.
4. In the event of a second conviction, a user shall be punished by a fine of not more than \$2000 per violation, per day, or not more than one year imprisonment, or both.

(d) Remedies Nonexclusive.

The remedies provided for in this ordinance are not exclusive. The city may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the city may take other action against any user when the circumstances warrant. Further, the city is empowered to take more than one enforcement action against any noncompliant user.

Sec. 38-106. Affirmative defenses to discharge violations.

(a) Upset.

1. In an action brought in federal court and for the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
2. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (3), below, are met.
3. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs or other relevant evidence that:
 - i. An upset occurred and the user can identify the cause(s) of the upset;

- ii. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
- iii. The user has submitted the following information to the director within twenty-four (24) hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five (5) days:
 - a. A description of the indirect discharge and cause of noncompliance;
 - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- 4. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- 5. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- 6. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(b) Act of God.

- 1. The Act of God defense constitutes a statutory affirmative defense [Texas Water Code Section 7.25] in an action brought in municipal or state court. If a person can establish that an event that would otherwise be a violation of a pretreatment ordinance, or a permit issued under the ordinance, was caused solely by an act of God, war, strike, riot, or other catastrophe, the event is not a violation of the ordinance or permit.
- 2. An industrial user who wishes to establish the Act of God affirmative defense shall demonstrate, through relevant evidence that:
 - i. An event that would otherwise be a violation of a pretreatment ordinance or a permit issued under the ordinance occurred, and the sole cause of the event was an act of God, war, strike, riot or other catastrophe; and
 - ii. The industrial user has submitted the following information to the POTW and the city within 24 hours of becoming aware of the event that would otherwise be a violation of a pretreatment ordinance or a

permit issued under the ordinance (if this information is provided orally, a written submission must be provided within five days):

- a. A description of the event, and the nature and cause of the event;
 - b. The time period of the event, including exact dates and times or, if still continuing, the anticipated time the event is expected to continue; and
 - c. Steps being taken or planned to reduce eliminate and prevent recurrence of the event.
- iii. Burden of proof. In any enforcement proceeding, the industrial user seeking to establish the act of God affirmative defense shall have the burden of proving by a preponderance of the evidence that an event that would otherwise be a violation of a pretreatment ordinance, or a permit issued under the ordinance, was caused solely by an act of God, war, strike, riot or other catastrophe.

(c) Prohibited Discharge Standards.

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in section 38-95 (a) (1) (i) through (iii) for industries discharging to the TBRSS system or section 38-96 (a) (1) (i) through (iii) for industries discharging to the Temple sewerage system of this ordinance or the specific prohibitions in sections 38-95 (a) (2) (i) through (xxi). for TBRSS industries or sections 38-96 (a) (2) (i) through (xxii) for Temple industries of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

1. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference;
2. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the city was regularly in compliance with its TPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(d) Bypass.

1. For the purposes of this section:
 - i. Bypass means the intentional diversion of wastestreams from any portion of a user's treatment facility; and
 - ii. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

2. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (3) and (4) of this section.
3. Any other bypass must meet the following requirements:
 - i. If a user knows in advance of the need for a bypass, it shall submit prior notice to the director, at least ten (10) days before the date of the bypass, if possible.
 - ii. A user shall submit oral notice to the director of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The director may waive the written report on a case-by-case basis if the report has been received within twenty-four (24) hours.
4. Bypass is prohibited, and the director may take an enforcement action against a user for a bypass, unless:
 - i. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - iii. The user submitted notices as required under paragraph (3) of this section.
5. The director may approve an anticipated bypass, after considering its adverse effects, if the director determines that it will meet the three conditions listed in paragraph (4) of this section.

Sec. 38-107. Miscellaneous provisions.

(a) Review and approval; preliminary treatment; required facilities.

1. The admission into the public sewers of any waters or wastes having (1) a five-day biochemical oxygen demand greater than three hundred (300) parts

per million (ppm) by weight, or (2) containing more than four hundred (400) parts per million by weight of total suspended solids, or (3) containing any quantity of substances having the characteristics described in section 38-95 for the TBRSS or section 38-96 for the city of Temple, or (4) having an average daily flow greater than five per cent (5%) of the average daily sewage flow of the city, shall be subject to the review and approval of the director. Where the director has approved the admission of (1) or (2) above into the public sewer, that discharge may be subject to a surcharge as determined by the director.

2. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the director and no construction of such facilities shall be commenced until said approvals are obtained in writing.

(b) Pretreatment Charges and Fees.

The city may adopt reasonable fees for reimbursement of costs of setting up and operating the city's pretreatment program which may include:

1. Fees for wastewater discharge permit applications including the cost of processing such applications;
2. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
3. Fees for reviewing and responding to accidental discharge procedures and construction;
4. Fees for filing appeals; and
5. Fees to recover administrative and legal costs [not included in section 38-107 (a) (2) associated with the enforcement activity taken by the director to address IU noncompliance; and
6. Other fees as the city may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the city.
7. Surcharges. After a review by the director, if a determination is made that the discharge is of such unusual strength and/or character that increased treatment within the sewer treatment plant would be required accompanied by increased treatment costs to the POTW, the discharge shall be subject to a surcharge. In no case will a discharge be accepted that will prevent the POTW from meeting its permit limits. The surcharge will be automatic beginning the third month for a user who has had two previous consecutive months with discharges of BOD or TSS which exceed the limits provided in 38-107 (a) (1) above. A surcharge is an additional charge by the POTW for the increased cost of handling discharge of unusual strength and character, and shall not serve as a variance to the requirements of this ordinance, nor shall it serve to bar the

POTW from bringing a criminal action or civil action under section 38-105 for violations of the provisions of this ordinance.

Surcharges for the treatment of discharges shall be determined as follows:

- i. A basic sewer charge of two hundred fifty dollars (\$250.00) per million gallons times the monthly volume discharged in millions of gallons.
- ii. A BOD surcharge of one dollar (\$1.00) per million gallons times the difference between the BOD expressed in milligrams per liter, and three hundred (300) milligrams per liter; all multiplied times the monthly volume discharged expressed in millions of gallons.
- iii. A TSS surcharge of one dollar (\$1.00) per million gallons times the difference between the TSS expressed in milligrams per liter, and four hundred (400) milligrams per liter; all multiplied times the monthly volume discharged in millions of gallons.
- iv. The basic sewer charge, BOD, and TSS surcharges will be reviewed at periodic intervals as determined by the director. Changes in the aforementioned surcharges shall be authorized by resolution of the city council and shall be binding on all city agreements for the treatment of industrial wastes.

(c) Gender.

As used in this Chapter, whenever the context so indicates, the masculine, feminine, or neuter gender and the singular or plural number, shall be deemed to include the others.

(d) Headings.

The headings above the various provisions of this Chapter have been included only in order to make it easier to locate the subject covered by each provision and are not to be used in construing the said provisions.

(e) Amendments of Statutes.

Reference made to any State or Federal statutes or to any local ordinances includes and is intended to refer to those statutes and/or ordinances as they presently exist or as they may hereafter be amended to read.

Sec. 38-108. Effective date.

This ordinance shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

Sec. 38-109 - 38-125. Reserved.

ARTICLE VI. CROSS CONNECTION CONTROL

Sec. 38-130. General Provisions.

(a) **Title.** These regulations shall hereinafter be known, cited, and referred to as the Cross Connection Control Ordinance of the City of Temple, Texas, and shall be included as part of the Code of Ordinances of the City of Temple, Texas.

(b) **Definition of Terms.** For the purposes of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning. If a word or term used in this ordinance is not contained in the following list, its definition or other technical term used, shall have the meaning or definitions listed in the most recent edition of the Manual of Cross Connection Control published by the Foundation for Cross Connection Control and Hydraulic Research, University of Southern California.

1. ***Approved Backflow Prevention Assembly or Backflow Assembly or Assembly*** shall mean an assembly to counteract backpressure or prevent backsiphonage. This assembly must appear on the list of approved assemblies issued by the City of Temple Utilities Department.
 - a. ***Reduced Pressure Principle Backflow Prevention Assembly or Reduced Pressure Principle Assembly or RP Assembly or RP*** shall mean an assembly containing two independently acting approved check valves together with a hydraulically operated, mechanically independent pressure differential relief valve located between the valves and at the same time below the first check valve. The assembly shall include properly located resiliently seated test cocks and tightly closing resiliently seated shut-off valves at the end of the assembly.
 - b. ***Reduced Pressure Principle Detector Backflow Prevention Assembly or Reduced Pressure Detector or RPDA*** shall mean an assembly composed of line-size approved reduced pressure principle assembly with a bypass containing a specific water meter and an approved reduced pressure principle backflow prevention assembly. The meter shall register accurately for very low rates of flow.
 - c. ***Double Check Valve Backflow Prevention Assembly or Double Check Assembly or Double Check or DC*** shall mean an assembly which consists of two independently operating check valves which are spring loaded or weighted. The assembly comes complete with a gate

valve on each side of the checks, as well as test cocks to test the checks for tightness.

- d. ***Double Check Detector Backflow Prevention Assembly or Double Check Detector or DCDA*** shall mean an assembly composed of line-size approved double check assembly with bypass containing a specific water meter and an approved double check valve assembly. The meter shall register accurately for very low rates of flow.
- e. ***Pressure Vacuum Breaker Backflow Prevention Assembly or Pressure Vacuum Breaker or PVB*** shall mean an assembly which protects against backsiphonage, but does not provide adequate protection against backpressure backflow. The assembly is a combination of a single check valve with an AVB and can be used with downstream shutoff valves. In addition, the assembly has suction and discharge gate valves and test cocks which allows the full testing of the assembly.
- f. ***Spill-Resistant Pressure Vacuum Breaker or SVB*** shall mean an assembly containing an independently operating, internally loaded check valve and independently operating, loaded air inlet valve located on the discharge side of the check valve. This assembly is to be equipped with a properly located test cock and shutoff valves on the suction and discharge ports of the assembly.
- g. ***Atmospheric Vacuum Breaker Backflow Prevention Device or Atmospheric Vacuum Breaker or AVB*** shall mean that this device cannot be tested and cannot prevent back pressure backflow, but is used to prevent backsiphonage in nonhealth hazard conditions.
- h. ***Air Gap*** shall mean a physical separation between the free flowing discharge end of a potable water supply piping and/or appurtenance and an open or nonpressure receiving vessel, plumbing fixture or other device. An "approved air gap separation" shall be at least double the diameter of the supply pipe measured vertically above the overflow rim of the vessel, plumbing fixture or other device, in no case less than one inch. Air gaps can be used to protect against backpressure or backsiphonage of a high health or nonhealth hazard.

2. ***Auxiliary Supply*** shall mean any water source or system other than the public water system, that may be available in the building or on the property, including ground water or surface water used for industrial, irrigation or any other purpose.
3. ***AWWA*** shall mean American Water Works Association.
4. ***Backflow*** shall mean the undesirable reversal of flow of water or mixtures of water and other liquid, gaseous, or other substances into the distribution pipes of the potable supply of water from any source or sources.
5. ***Backpressure*** shall mean any elevation of pressure in the downstream piping system (by any means) above the supply pressure at the point of consideration which would cause, or tend to cause, a reversal of the normal direction of flow and the introduction of fluids, mixtures or substances from any source other than the intended source.
6. ***Backsiphonage*** shall mean a form of backflow due to a reduction in system pressure which causes a subatmospheric pressure to exist at a site in the water system.
7. ***Boresight or Boresight to Daylight*** shall mean providing adequate drainage for backflow prevention assemblies installed vaults through the use of an unobstructed drain pipe.
8. ***City*** shall mean the City of Temple, Texas.
9. ***Commercial Establishment*** shall mean any property or location which is primarily used for the manufacture, production, storage, wholesaling or rebuilding of any goods or wares which is or may be placed in the flow of commerce or any property or location which is used primarily for the provision of any service.
10. ***Commission*** shall mean the Texas Natural Resource Conservation Commission (TNRCC).
11. ***Containment*** shall mean the installation of appropriate type or method of backflow protection at the service connection.
12. ***Contaminants*** shall mean any foreign material, solid or liquid, not common to the potable water supply which makes or may make the water unfit or undesirable for human consumption.
13. ***Contamination*** shall mean the entry into or presence in a public water

supply system of any substance which may be deleterious to health and/or the quality of the water.

14. **Cross Connection** means any physical arrangement where a potable water supply is connected, directly or indirectly (actual or potential), with any other non-drinkable water system, used water system, or auxiliary water supply, sewer, drain conduit, swimming pool, storage reservoir, plumbing fixture, swamp coolers, air condition units, fire protection system, or any other assembly which contains, or may contain, contaminated water, sewage, or other liquid of unknown or unsafe quality which may be capable of importing contamination into the public water system as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or changeover assemblies, or other temporary or permanent assemblies through which, or because of which, backflow may occur are considered to be cross connections.
15. **Customer** shall mean the person, company or entity contracting with the City of Temple through the Utility Department to receive potable water service.
16. **Customer Potable Water System** shall mean that portion of the privately owned potable water system lying between the point of delivery and the point of use. This system will include all pipe, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, store or utilize the potable water.
17. **Customer Service Inspection** shall mean a detailed inspection of a location and disposition of the water lines, including without limitation, establishing water lines on the premises, the existence of cross connections, the availability of auxiliary or used water supplies, the use or availability of pollutants, contaminants and other liquid, solid or gaseous substances which may be used for stabilization of water supplies and such other processes necessary to determine degree of hazard. Inspection may include review of records required by this ordinance. The inspection may only be conducted by: (i) plumbing inspectors and water supply protection specialist licensed by the State Board of Plumbing Examiners; (ii) Certified waterworks operators and members of other water related professional groups holding an endorsement by the commission or its designated agent; (iii) licensed plumbers (for single-family residential services only).
18. **Degree of Hazard** shall mean the low or high hazard classification that shall be attached to all actual or potential cross connections.
 - a. **High Hazard** shall mean the classification assigned to an

actual or potential cross connection that potentially can allow a substance to backflow into the potable water supply that may cause illness or death.

- b. **Low Hazard** shall mean the classification assigned to an actual or potential cross connection that potentially could allow a substance that may be objectionable but not hazardous to a human's health to backflow into the potable water supply.
 - c. **Health Hazard** shall mean an actual or potential threat of contamination of a physical or toxic nature to the public potable water system or the consumer's potable water system that would be a danger to health.
 - d. **Plumbing Hazard** shall mean an internal or plumbing-type cross connection in a consumers potable water system that may be either a pollution or a contamination hazard.
 - e. **Pollution Hazard** shall mean an actual or potential threat to the physical properties of the water system or the potability of the public or consumer's potable water system but which would not constitute a health or system hazard, as defined. The maximum degree of intensity of the pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the system or its appurtenances.
 - f. **System Hazard** shall mean an actual or potential threat of severe danger to the physical properties of the public or consumer's potable water supply or of a pollution or contamination that would have a detrimental effect on the quality of the potable water in the system.
19. **Director** shall mean the City's Director of Utilities Department who is vested with the authority and responsibility for the implementation of an effective cross connection control program for the City and for the enforcement of the provisions of this ordinance.
20. **Non-Potable Water** shall mean water that does not comply with the commission's rules and regulations governing drinking water.
21. **Non-Residential Uses** shall include all users not specifically included in residential uses defined under Residential Use.

22. ***Point-of-Use Isolation*** shall mean the appropriate backflow prevention within the consumer's water system at the point at which the actual or potential cross connection exists.
23. ***Pollution*** shall mean an impairment of the quality of the public water supply to a degree which does not create a hazard to the public health but does adversely and unreasonably affect the aesthetic qualities of such potable water for domestic use.
24. ***Potable Water Supply*** shall mean any water supply intended or used for human consumption or other domestic use.
25. ***Premises*** shall mean any piece of property to which water is provided, including all improvements, mobile structures, and structures located on it.
26. ***Premises Isolation*** shall mean the appropriate backflow prevention at the service connection between the public water system and the water user.
27. ***Public Water System or System*** shall mean any public or privately owned water system, which supplies water for public domestic use. The system must meet all the health requirements set forth by the TNRCC. The system will include all services, reservoirs, facilities, and any equipment used in the process of producing, treating, storing or conveying water for public consumption.
28. ***Recognized Tester*** shall mean a person that is a State certified backflow prevention assembly tester.
 - a. ***General Tester*** shall mean qualified to test backflow prevention assemblies on any domestic, commercial, industrial or irrigation service except firelines.
 - b. ***Fireline Tester*** shall mean qualified to test backflow prevention assemblies on firelines only. The State Fire Marshall's office requires that a person performing maintenance on firelines must be employed by an Approved Fireline Contractor.
29. ***Representative of the Water System*** shall mean a person designated by the City of Temple to perform cross connection control duties that shall include, but are not limited to, cross connection inspections and water use surveys.
30. ***Residential Use*** shall include single family dwellings, duplexes,

multiplex, housing and apartments where the individual units are each on a separate meter or the units are full-time dwellings in cases where two or more units are served by one meter.

31. ***Service Connection*** shall mean the terminal end of a service line from the public potable water system, i.e., where the water purveyor loses jurisdiction and sanitary control over the water at its point of delivery to the consumer's potable water system. If a meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the meter.
32. ***Thermal Expansion*** shall mean heated water that does not have the space to expand.
33. ***TNRCC*** shall mean the Texas Natural Resource Conservation Commission.
34. ***Used Water*** shall mean water supplied by a public water system to a water user's system after it has passed through the service connection.
35. ***Utility*** shall mean the City of Temple Utilities Department.
36. ***Water Supply Protection Specialist*** shall mean any person who holds a license endorsement issued by the Texas State Board of Plumbing Examiners to engage in the inspection, in connection with health and safety laws and ordinances, of the plumbing work or installation of a public water system distribution facility or of customer owned plumbing connected to that system's water distribution lines.

(c) **Authority of Requirements.**

This ordinance is adopted under the authority of the Constitution and laws of the State of Texas, as promulgated by Chapter 212 of the Texas Local Government Code, as heretofore, or hereinafter amended. This ordinance is adopted pursuant to the provisions of the Charter for the City of Temple, Texas.

(d) **Purpose of Ordinance.**

The regulations contained herein are adopted to achieve the following purposes and shall be administered to achieve the following objectives:

1. Promote the health, safety and general welfare of the city;
2. Promote and encourage the proper use and control of the City's water distribution system;

3. To protect the City's potable water supply from the possibility of contamination or pollution by isolating within the customer's internal distribution system(s) or the customer's private water system(s) such contaminants or pollutants that could backflow into the public water system;
4. Promote the elimination or control of existing cross connections, actual or potential, between the customer's potable water system(s), and nonpotable water systems, plumbing fixtures, and process piping systems in conjunction with the currently adopted plumbing code;
5. To provide for the maintenance of a continuing program of cross connection control that will systematically and effectively prevent this contamination or pollution of the City's potable water by requiring the certification and operational testing of all testable backflow prevention assemblies located on a premises, and requiring the installation of approved backflow prevention assemblies as required by the currently adopted plumbing code; and
6. To comply with the TNRCC rules and regulations for Public Water Systems.

(e) **Policy.**

It is hereby declared the policy of the City to promote the public health safety and welfare by;

1. Implementing the rules for drinking water standards governing drinking water quality and reporting requirements for public water supply systems promulgated by the Texas Natural Resource Conservation Commission, 31 Texas Administrative Code 290.44 and 290.46, Texas Health and Safety Code, Chapter 341, Subchapter C and the Federal Safe Drinking Water Act, 42 US.CA §§300 f et seq;
2. Establish a cross connection control program of uniform regulations governing the installation, testing and certification of backflow prevention assemblies and technicians;
3. Establishing requirements to permit and control the installation, routine maintenance and inspection of backflow prevention assemblies.

(f) **Jurisdiction and Applicability.**

These rules and regulation contained herein shall apply to the utility water service area and all cross connections and installations of backflow prevention assemblies within:

1. Any service area of the City of Temple Utility;
2. Areas where water is purchased from the City of Temple Utility for the purpose of resale; and
3. Any plumbing outside the City requiring plumbing inspection pursuant to a interlocal agreement between the City and a political subdivision, a water sales contract or applicable ordinance.

(g) **Rulemaking.**

The Director of Utilities is hereby authorized to promulgate reasonable regulations to achieve the purposes of the ordinance that are not in conflict with this chapter, the currently adopted plumbing code, the City charter, the TNRCC, the laws of the State of Texas, Texas Health and Safety Code, §§341.031 et seq., as amended, and the Federal Safe Drinking Water Act, 42. USCA § 300 f et. seq., as amended.

(h) **Conflicts with Public and Private Provisions.**

Except where indicated, these regulations are not intended to:

1. Interfere with, abrogate, or annul any other public ordinance, rule or regulation statute, or other provision of law.
2. Abrogate any easement, deed restriction, covenant or any other private agreement or deed restriction.

(i) **Conformance with Rules and Regulations.**

These regulations herein shall be held to be the minimum requirements concerning cross connections and backflow prevention. In addition to the requirements, each water customer of the City shall be in conformance with all applicable County, State and Federal laws.

Sec. 38-131. Backflow and Siphonage Prevention Program.

(a) **Cross Connection Prohibited.**

1. No installation of potable water supply piping or part thereof shall be made in such a manner that allows used, polluted or contaminated water, mixtures, gases, or other substances to enter any portion of such piping by reason of backsiphonage, backpressure or any other cause.
2. No person shall install any water operated equipment or mechanism or use any water treating chemical or substance. If it is found that such equipment, mechanism, chemical or substance may cause pollution or contamination of the public potable water supply system, such equipment or mechanism may be permitted only when equipped with an approved backflow prevention assembly.
3. No person shall connect to the public potable water supply/system any mechanism(s) or system(s) designed to return used water to the public potable water supply/system through any measures.
4. No person shall connect any auxiliary water system to the public potable water supply/system except as allowed by the ordinance and by the currently adopted plumbing code, as amended.

(b) Installation Provisions.

1. No water connection from a public drinking water supply system shall be made to any establishment where an actual or potential contamination or system hazard exists without an air gap separation between the drinking water supply and the source of potential contamination. The containment air gap is sometimes impractical and instead reliance must be placed on individual air gaps or mechanical backflow prevention devices. Under these conditions, additional protection shall be required at the meter in the form of a backflow prevention device (in accordance with AWWA Standard C510 and C511, and AWWA Manual M14) on those establishments handling substances deleterious or hazardous to the public health. The City need not require backflow protection at the water service entrance (meter) if an adequate cross connection control program is in effect that includes annual inspection and testing by a certified backflow prevention device tester. It will be the responsibility of the City to ensure that the requirements are met. It is the water customer's responsibility to coordinate and pay for any required annual test(s) and inspection(s).

2. No water connection from any public drinking water supply system shall be made to any condensing, cooling or industrial process or any other system of nonpotable usage over which the public water supply system official does not have sanitary control, unless the said connection is made in accordance with the requirements of paragraph one (1) of this section. Water from such systems cannot be returned to the potable water supply.
3. Overhead bulk water dispensing stations must be provided with an air gap between the filling outlet hose and the receiving tank to protect against backsiphonage and cross contamination.
4. The use of a backflow prevention device at the service connection shall be considered as additional backflow protection and shall not negate the use of backflow protection or internal hazards as outlined and enforced by the current adopted plumbing code.
5. **New Installation.**

- a. New, replacement, or reconditioned backflow prevention assemblies shall be installed in accordance with the currently adopted plumbing code, as amended.
- b. Prior to installation, the person must obtain a plumbing permit.
- c. Prior to issuance of a certificate of occupancy, a completed test and maintenance report must be submitted to the Utility Department for any connection requiring a testable backflow prevention assembly. Documentation of an approved air gap can be substituted where applicable and is subject to annual inspection.

6. High Health Hazard Installation.

- a. Only approved backflow prevention assemblies installed at the meter can be used at high health hazard applications unless a variance is obtained from Director of Utilities. Variances will be based on conditions such as type of hazards(s), complexity of facility plumbing, potential for future plumbing connections and others as deemed appropriate.
- b. The Director of Utilities may require a secondary assembly if deemed necessary to protect the public water supply from the failure of the primary backflow prevention assembly or to allow maintenance of the primary backflow prevention assembly.

7. Other Installations.

- a. An approved backflow prevention assembly shall be installed to protect the potable water system from contamination or pollution when such system is connected to any automatic fire protection system, standpipe systems or privately owned fire hydrants.
- b. Installation of a reduced pressure backflow

prevention assembly shall be required on any meter connected to the potable water system for water appropriation from fire hydrants unless an approved air gap is authorized. Only meters and backflow prevention assemblies approved by the Director of Utilities can be used to obtain water from a fire hydrant.

8. **Wholesale Customers.** Any Customer purchasing water for the purpose of resale or distribution shall:
 - a. Install an air gap separation or a reduced pressure backflow prevention assembly at the service connection; or
 - b. Implement a plumbing inspection and cross connection control program that is approved by the Director of Utilities which is not less restrictive than that of the City and provide annual program records to the Director for review and audit.
9. **Government Customers.** Any premises owned, operated, or occupied by a state, federal, county, city or foreign government or agency refusing to comply with the provisions of this chapter shall install a reduced pressure backflow prevention assembly at each service connection.
10. **Water Hauling Vehicles.** Water hauling vehicles obtaining water from a connection to the City's potable water supply system shall have an approved air gap separation or a reduced pressure backflow prevention assembly installed permanently on the vehicle, or if connected by a fire hydrant meter, installed on the fire hydrant meter. The assembly shall be registered with the City and certified for operation annually.
11. **Compliance for Existing Customers.**
 - a. The premise owner, customer or the designated representative of any facility which is determined to have an unprotected or improperly installed high health hazard connection (s) must comply with this section within 60 days upon written

notification by the Director unless the Director determines that circumstances exist which require installation within a shorter time frame. Documentation of the installation and testing shall be submitted as outlined in Section 220.

- b. The premise owner, customer, or designated representative of any facility which is determined to have an unprotected nonhealth hazard connections must install an approved assembly immediately downstream of the City's meter on a schedule determined by the Director. Documentation of the installation and testing shall be submitted as outlined in Section 220.
- c. The premise owner, customer or designated representative shall have all testable backflow prevention assemblies which are currently installed certified for operation by a certified backflow prevention assembly tester on an annual basis. If the assembly has not been certified for operation within the last year, the assembly must be tested and, if required, repaired and the documentation submitted to the director within 60 days upon written notification by the Director or on a schedule approved by the Director.

(c) Inspection and Testing Requirements.

- 1. All backflow prevention assemblies shall be inspected and tested in each of the following circumstances:
 - a. Immediately after installations;
 - b. Whenever the assembly is moved;
 - c. A minimum of once a year;
 - d. Premises that have been vacated and unoccupied for one year, prior to re-occupancy; and
 - e. Immediately after repairs.
- 2. All assembly testing shall be performed by a state certified backflow prevention assembly tester, approved by the regulatory authority and registered with the City of Temple.

3. Duly authorized employees of the city bearing proper credentials and identification are entitled to enter any public or private property at any reasonable time for the purpose of enforcing this ordinance. Persons and occupants of premises which are provided water service by the city, either directly or indirectly, shall allow the city or its representatives ready access at all reasonable times to all parts of the premises for the purposes of inspection, testing, records examination or in the performance of any of their duties. Where persons or occupants of premises have security measures in force which would require proper identification and clearance before entry into their premises, the persons and occupants of the premises shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.
4. The City is not liable for damage to a backflow prevention assembly, which may occur during testing, fluctuation in the distribution system pressure or interruption to the water supply.
5. A water use survey may be conducted at any establishment located in the city which is served by a public water supply or which provides water to the public. Upon determination that the establishment falls under the provisions of this ordinance and requires a backflow prevention assembly, a notice to abate the condition or to install the proper backflow prevention assembly shall be issued.
6. Gauges used in the testing of backflow prevention assemblies shall be tested for accuracy annually and calibrated in accordance with the Manual of Cross Connection Control published by the Foundation of Cross Connection Center, Hydraulic Research, University of Southern California and/or the AWWA Manual of Cross Connection Control (Manual M-14). Testers shall include test gauge serial numbers on "Test and Maintenance" report forms.
7. **Test and Maintenance Report.**

A Backflow Prevention Assembly Test and Maintenance Report must be completed by the recognized backflow prevention assembly test for each assembly tested. The signed

and dated original must be submitted to the City Utility Department within 10 working days for record keeping purposes. Should the tester choose to use a report format which differs from that found in this Section, it must minimally contain all information required by the report form.

Test and maintenance reports shall be retained for a minimum of three years. The public water supplier must provide these records to commission staff for inspection upon request.

(d) Customer Responsibility.

1. It is the responsibility of the person who owns or controls property to have all assemblies tested in accordance with this ordinance. Assemblies may be required to be tested more frequently if the regulatory authority deems necessary.
2. The customer shall be responsible for all costs associated with the installation, general maintenance, testing, upkeep, record keeping, and replacement of the approved backflow prevention assembly.
3. Where an owner of property leases or rents the same to any person as tenant or lessee, the owner or tenant or both may be held financially responsible for any of the requirements of this ordinance.
4. The customer shall be responsible for ensuring that the backflow prevention assembly tester is registered with the utility and the gauges used by the tester have been calibrated within one year of the testing date. Failure to comply with the requirements of this section will be grounds to reject the testing of the backflow prevention assembly and require retesting at the customer's expense.

(e) Thermal Expansion.

It is the responsibility of any person who owns or controls property to eliminate the possibility of thermal expansion, if a closed system has been created by the installation of a backflow assembly.

(f) Pressure Loss.

Any reduction in water pressure caused by the installation of a backflow

assembly is not the responsibility of the City.

Sec. 38-132. Customer Service Inspection Program.

(a) **Inspection Requirements.** A customer service inspection certification shall be completed prior to providing continuous water service to new construction, on any existing service when the water purveyor has reason to believe that cross connections or other unacceptable plumbing practices exist, or after any material improvement, correction, or addition to the private plumbing facilities.

(b) **Inspector Qualifications.** Individuals with the following credentials shall be recognized as capable of conducting a customer service inspection certification:

1. Plumbing Inspectors and Water Supply Protection Specialists licensed by the Texas State Board of Plumbing Examiners.
2. Certified Waterworks Operators and members of other water related professional groups who have completed a training course, passed an examination administered by the Commission or its designated agent, and hold an endorsement granted by the Commission or its designated agent.
3. Licensed Plumbers may perform customer service inspections on single family residential services.
4. Registered Professional Engineers.
5. Registered Sanitarian.

(c) **Inspection Certification Report.**

Copies of properly completed Water Service Inspection Certifications will be kept on file by the City and made available, upon request, for Commission review. The certifications shall be retained for a minimum of ten years. If the certification form included in this Section is not used, the Inspection Certifications must minimally include the name and registration number of the inspector, the type of registration (Plumbing Inspectors, Water Supply Protection Specialists, Certified Operator, etc.) and be dated and signed. It must also certify that:

1. No direct connection between the public drinking water supply and a potential source of contamination exists. Potential sources of contamination are isolated from the public water system by an air-gap or an appropriate backflow prevention assembly in accordance with

state plumbing regulation. Additionally, all pressure relief valves and the thermal expansion devices are in compliance with state plumbing codes.

2. No cross connection between the public drinking water supply and a private water source exists. Where an actual air gap is not maintained between the public water supply and private water supply, an approved reduced pressure-zone backflow prevention assembly is properly installed and a service agreement exists for annual inspection and testing by a recognized backflow prevention assembly tester.
3. No connection exists which would allow the return of water used for condensing, cooling, or industrial processes back to the public water supply.
4. No pipe or pipe fitting which contains more than 8.0% percent lead exists in private plumbing facilities installed on or after July 1, 1988.
5. No solder or flux which contains more than 0.02% percent lead exists in private plumbing facilities installed on or after July 1, 1988.
6. No plumbing fixture is installed which is not in compliance with the state-approved plumbing code.

(d) Inspection Fees.

Any inspection completed within the city limits shall be charged according to the normal permit fees established. The City Council shall set the fee for inspection systems outside the city limits by resolution.

Sec. 38-133. Closing Provisions.

(a) Responsibilities.

It is the responsibility of all property owners and their tenants and occupants to abide by the conditions of this ordinance. In the event of any changes to the plumbing system, it is the responsibility of the property owners to notify the City. All costs associated with this ordinance and the purchase, installation, testing and repair of devices is the responsibility of the property owner and their tenants.

(b) Enforcement and Penalties.

1. The Director and the City Attorney, and each of them, are hereby authorized to enforce the provisions of this ordinance

by any one or more of the enforcement mechanisms set forth in this ordinance.

2. The representatives of the water system or agents of the City charged with enforcement of this ordinance shall be deemed to be performing a governmental function for the benefit of the general public and neither the City, the Director nor representative of the water system or agent of the City engaged in inspection or endorsement activities under this ordinance when acting in good faith and without malice shall ever be held liable for any loss or damage, whether real or asserted, caused, or alleged to have been caused, as a result of the performance of such governmental function.
3. Failure on the part of any customer to discontinue the use of all cross connections and to physically separate cross connections is sufficient cause for the immediate discontinuance of public water service to the premises.
4. Violations. A person commits an offense if:
 - a. He fails to maintain backflow prevention assemblies in compliance with this section.
 - b. He fails to comply with a repair order issued by the regulatory authority or the City.
 - c. Any backflow from premises he owns, operates or manages enters the public water supply system.
 - d. Fails to pay any fees required by this article.
 - e. He violates any section of this article.
 - f. He reinstates water service to premises discontinued or disconnected under this article, except as directed by the regulatory authority.
 - g. He allows an unregistered tester to perform testing work at their establishment.

- h. He tests a backflow prevention assembly within the City without being registered with the regulatory authority and the City.
 - i. He tests a backflow prevention assembly within the City without being certified by the TNRCC.
- 5. **Temporary disconnection of water service.** When the Director believes that an emergency affecting public health or safety exists, the director may immediately discontinue water service. It shall be an emergency affecting public health and safety, if an approved backflow prevention assembly is not installed as required by this chapter or an actual cross connection between the public and private water system exists. The temporary disconnection will continue until the cross connection is eliminated as required by this chapter. Reasonable advance notice and an opportunity to be heard shall be provided to the customer if it is not an emergency. If it is an emergency, notice and an opportunity to be heard shall be provided to the customer as soon as possible after the disconnection of such water service.
- 6. **Refusal of water service.** Failure to obtain and comply with the appropriate plumbing or building permits shall result in placement of a hold on the issuance of certificate of occupancy and termination of water service provided during construction.
- 7. Failure to comply with this ordinance is a criminal offense.
- 8. Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance and this code shall be fined not more than two thousand dollars (\$2000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.
- 9. Any persons violating any of the provisions of this ordinance shall become civilly liable to the City for any expense, loss or damage occasioned by the City by reason of such violation.

In addition to the penalties provided herein, the City may recover reasonable attorney's fees, court costs, court reporter fees and other expenses of litigation by appropriate suit against the person found to have violated this ordinance or the orders, rules, regulations,

and permits issued hereunder.

Article VII. LIQUID WASTE

DIVISION I. GENERALLY

38-140. Purpose and Policy.

- 1) This Article sets forth uniform requirements for liquid waste generators and liquid waste transporters operating in the City of Temple, Texas, to ensure that the City of Temple complies with all applicable State and Federal laws and regulations, including the Clean Water Act (33 United States Code § 1251 et seq.)
- 2) The objectives of this Article are:
 - a) To aid in the prevention of wastewater overflows resulting from blockages and obstructions due to the accumulation of fats, oils, and greases from commercial and industrial facilities;
 - b) To promote the proper maintenance of grease interceptors and grit traps/oil separators; and,
 - c) To ensure the proper handling, disposal, transport, and tracking of trap waste and other liquid waste.

38.141. Definitions.

- 1) The definitions set forth in Section 38-93 of this Chapter are incorporated herein.
- 2) **Approved** - means accepted as satisfactory under the terms of this Article and given formal and official sanction by the City of Temple.

Car Wash – means establishments primarily engaged in cleaning, washing, and/or waxing automotive vehicles, such as passenger cars, trucks, vans, and trailers and are categorized by North American Industry Classification System Number 811192 and by Standard Industrial Classification Number 7542.

Director - means the Public Works Director of the City of Temple, or his/her authorized representative.

Disposal – means the discharge, deposit, release, injection, dumping, spilling, leaking, or placing of any liquid waste into or on any land or water, intentionally or unintentionally, so that such waste or any constituent thereof may enter the environment, be emitted into the air, or discharged to any wastewaters or waters, including ground waters.

Disposal Site – means a permitted site or part of a site at which liquid waste is processed, treated, and/or intentionally placed into or on any land and at which the waste will remain.

Disposer – means a person who receives, stores, retains, processes, or disposes of liquid waste.

Fats, Oils, and Grease (FOG) - means organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR § 136, as may be amended from time to time. All are sometimes collectively referred to herein as “grease” or “greases.”

Food Processing Facility – means every commercial or industrial establishment where raw ingredients are transformed, by physical or chemical means into food, or of food into other forms to produce marketable food products that can be easily prepared and served by the

consumer.

Food Service Facility - means every food preparation and food service establishment including, but not limited to bakeries, bars, butcher shops, cafes, clubhouses, delicatessens, ice cream parlors, hospitals, hotels, restaurants, schools, or similar places where meat, poultry, seafood, dairy products, or fried foods are prepared, served, or offered for sale, but shall not apply to any single-family residence or dwelling not used for the commercial preparation and/or sale of food items.

Generator - means any person who causes, creates, generates, or otherwise produces liquid waste, or a person who, for any reason, has liquid waste removed from his property by a transporter of liquid waste.

Grease Interceptor (or “Grease Trap”) - means a device designed to separate and retain light density liquids, waterborne fats, oils, and greases by their specific gravity, prior to the wastewater entering the POTW. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the POTW.

Grease Interceptor Waste - means any organic, inorganic, greasy or fatty liquid, semi-liquid, and/or solid wastes collected by and removed from a grease trap.

Grit Trap/Oil Separator (or “Grit Trap”) – means a watertight receptacle designed and constructed to intercept and prevent the passage of petroleum based oil, grease wastes and solids into the POTW to which the receptacle is directly or indirectly connected.

Grit Trap Waste - means oil and grease waste, and/or inorganic solids generated by a commercial facility that are collected by and removed from a grit trap/oil separator.

Hazardous Waste – means any liquid, semi-liquid or solid waste (or combination of wastes), which because of its quantity, concentration, physical, chemical or infectious characteristics may:

- a. Be toxic, corrosive, and irritant, a strong sensitizer, flammable or combustible, explosive or otherwise capable of causing substantial personal injury or illness;
- b. Pose a substantial hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise improperly managed, and is identified or listed as a hazardous waste as defined by the Texas Solid Waste Disposal Act or the administrator, U.S. Environmental Protection Agency (EPA) pursuant to the Federal “Solid Waste Disposal Act”, as amended by the “Resource Conservation and Recovery Act of 1976” (RCRA), and as it may be amended in the future.

Immediately – means within 24 hours.

Liquid Waste – means water-borne solids and liquids containing dissolved or suspended waste material including but not limited to septage and wastes from grease traps and grit traps.

Manifest – means the written multi-part documentation required to be in the possession of the transporter enabling disposal of hauled grit trap waste, grease trap waste, and septage at a permitted or registered disposal site.

Manifest System - means a system consisting of a five-part trip ticket used to document the generation, transportation, and disposal of liquid waste.

Septage – means liquid waste and sludge containing sufficient liquid content, which is removed from a portable toilet, chemical toilet, septic tank, or cesspool. Septage does not include non-domestic wastes from commercial or industrial facilities.

Storm Water System – means 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 § 403.3.

Transporter – means any person who is registered with and authorized by the TCEQ to transport sewage sludge, water treatment sludge, domestic septage, chemical toilet waste, grit trap waste, or grease trap waste in accordance with 30 Texas Administrative Code, Chapter 312, Subchapter G, § 312.142.

Trip Ticket – means the shipping document originated and signed by the transporter that contains the information required by the City.

Washwater – means the water-borne solids, liquids, gaseous substances, or other residue and debris resulting from a washing or cleaning process.

Washwater operation – means any cleaning process generally conducted outdoors, such as washing vehicles, equipment, structures, or paved surfaces which generates washwater and does not drain to a grease trap or grit trap. Examples include cleaning of petroleum products from parking lots or service station drives, mobile washing operations, or equipment/vehicle washing, which do not drain to a grit trap.

Wastestream – means the aggregate flow of waste materials from generation to treatment to final disposition.

38-142. Applicability and Prohibitions.

- 1) This Article applies to all Users, as defined in Section 38-93 of this Chapter, of the POTW and transporters as defined by this Article.
- 2) Grease traps or grease interceptors are not required for residential users.
- 3) Facilities generating fats, oils, or grease as a result of food manufacturing, processing, preparation, or food service must install, use, and maintain appropriate grease interceptors as required in Section 38-143 of this Article. These facilities include but are not limited to restaurants, food manufacturers, food processors, hospitals, hotels, motels, schools, nursing homes, and any other facility preparing, serving, or otherwise making any foodstuff available for consumption. Failure to install, maintain, or use grease traps in accordance with this Article is unlawful.
- 4) It is unlawful for a User to intentionally or unintentionally allow the discharge of any petroleum oil, non-biodegradable cutting oil, mineral oil, or any fats, oils, or grease of animal or vegetable origin into the POTW in concentrations greater than those permitted and set forth in Article V, Chapter 38, of the City of Temple Code of Ordinances, as may be amended from time to time.
- 5) It shall be unlawful to discharge transported liquid waste, except as set forth in this Article and in compliance with all federal, state, and local law and at discharge points designated by the City.
- 6) It shall be unlawful for a person to discharge or expose grease, wastewater, or other organic waste in such way as to be a potential instrument or medium of disease transmission to a person or between persons.

- 7) It shall be unlawful to discharge washwater to the storm water system or POTW; washwater may require pretreatment before being discharged to the POTW.

DIVISION 2. LIQUID WASTE GENERATORS

38-143. Installations.

1) New Facilities.

- a) Food processing facilities or food service facilities, which are newly proposed or constructed, or existing facilities, which will be expanded or renovated to include a food service facility where such facility did not previously exist, shall be required to design, install, operate, and maintain a grease interceptor in accordance with locally adopted plumbing codes or other applicable ordinances. Grease interceptors must be installed and inspected prior to issuance of a certificate of occupancy.
- b) Facilities that perform washing, cleaning, or servicing of automobiles, trucks, buses, or similar equipment, which are newly proposed or constructed with floor drains in areas of operation, shall be required to design, install, operate, and maintain a grit trap/oil separator in accordance with locally adopted plumbing codes or other applicable ordinances and guidelines as required by the City. Grit traps/oil separators shall be installed and inspected prior to issuance of a certificate of occupancy.
- c) A generator shall install a sample port to allow access to sample the wastestream as close as possible to the connection with the City wastewater collection main within the bounds of the facility property. The port shall be installed according to the specifications of the City. The port shall be installed and maintained at the generator's expense. The port shall be installed perpendicular to the effluent flow to allow visual observation and sampling.

2) Existing Facilities.

- a) Existing grease interceptor or grit trap/oil separator must be operated and maintained in accordance with the manufacturer's recommendations and in accordance with these standards referenced herein, unless otherwise specified in writing and approved by the City. The City may require some users to install an approved grease interceptor or grit trap/oil separator when the concentration of oil, grease waste, or suspended solids is greater than concentrations permitted and set forth in Article V, Chapter 38 of the City of Temple Code of Ordinances or when discharges may cause blockages in the POTW.
- b) Existing food processing or food service facilities that change in ownership, existing facilities which will be expanded or renovated to include a food service facility, where such facility did not previously exist, and facilities with a lack of, or an inadequately sized, grease interceptor, are required to design, install, operate, and maintain a grease interceptor in accordance with locally adopted plumbing codes, or other applicable ordinances. Grease interceptors shall be installed and inspected prior to the issuance of a certificate of occupancy and prior to issuance of a permit under Chapter 14, City of Temple Code of Ordinances.
- c) Existing facilities which perform washing, cleaning, or servicing of automobiles, trucks, buses, or similar equipment with floor drains in the areas of operation that change in

ownership, are expanded or renovated to include floor drains in areas of operation, or where there is a lack of, or inadequately sized, grit trap/oil separator shall be required to design, install, operate, and maintain a grit trap/oil separator in accordance with locally adopted plumbing codes, or other applicable ordinances. Grit traps/oil separators shall be installed and inspected prior to the issuance of a certificate of occupancy.

- 3) Grease interceptors and grit traps/oil separators shall be installed pursuant to a single certificate of occupancy. No person or persons shall allow the use of an interceptor or trap by more than one business as covered by a certificate of occupancy without prior written approval from the Director.

38-144. Responsibilities.

- 1) A generator of liquid waste must have all liquid waste material removed from their premises by a liquid waste transporter, which holds a valid permit from the City, and the liquid waste must be transported to an approved site for disposal.
- 2) Cleaning Schedule
 - a) All grease interceptors shall be maintained in an efficient operating condition at all times. Grease interceptors shall be cleaned as often as necessary to ensure that:
 - i) Sediment and floating materials do not accumulate and impair the efficiency of the grease interceptor;
 - ii) The discharge is in compliance with local wastewater discharge limits; and
 - iii) No visible grease is observed in the discharge.
 - b) Grease interceptors shall be completely evacuated at a minimum of every ninety (90) days, or more frequently when:
 - i) Twenty-five percent (25%) or more of the wetted height of the grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils, or greases;
 - ii) The discharge exceeds BOD, COD, TSS, FOG, pH, or other pollutant levels established by the City; or
 - iii) The Public Works Department determines that more frequent evacuations are needed for public safety.
- 3) Grit traps/oil separators shall be completely evacuated at a minimum of every 180 days unless an exception is granted by the Director.
- 4) Any person who owns or operates a grease interceptor may submit to the City a request in writing for an exception to the required pumping frequency of the grease interceptor. The City may grant an extension for required cleaning frequency on a case-by-case basis when:
 - a) The grease interceptor owner/operator has demonstrated the specific interceptor will produce an effluent with no visible grease, and, based on defensible analytical results, can demonstrate consistent compliance with established local discharge limits such as BOD, TSS, FOG, or other parameters as determined by the POTW; and
 - b) Less than twenty-five percent (25%) of the wetted height of the grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contained floating materials, sediment, oils, or greases.
- 5) The City may also require interceptors or traps to be serviced on a single-event basis or scheduled basis if deemed necessary for the proper operation of the grease interceptor or grit trap/oil separator. Such determination will be at the Director's discretion.

- 6) In the event that an establishment ceases operation, the establishment is required to pump the interceptor or trap before abandoning the property. If the owner of the business or his/her agent fail to empty the interceptor or trap, it will become the responsibility of the property owner.
- 7) A generator of liquid waste must not have hazardous waste, or liquid waste in combination with hazardous waste, removed from their premises by a liquid waste hauler operating under a City permit.
- 8) When a load is picked up by a permitted transporter, the generator shall verify the accuracy of the trip ticket and then certify the statements contained therein by legibly completing and signing the trip ticket. The generator must keep a copy of all trip tickets for a period of three years at the site of generation, unless otherwise approved. The City may inspect and copy these records at any time.
- 9) A generator must:
 - a) Provide equipment and facilities of a type and capacity approved by the City;
 - b) Position the grease interceptor or grease trap/oil separator in a manner that provides ready and easy accessibility for cleaning and inspection;
 - c) Maintain the trap in effective operating condition;
 - d) Not install or utilize any system, process or pretreatment involving the use of enzymes, bacteria, or other additives, nor alter the design or function of the grease interceptor or grit trap/oil separator unless approved in writing by the City;
 - e) Supervise proper cleaning and removal of the contents of the trap;
 - f) Maintain the grease interceptor or grit trap/oil separator and its surrounding areas in sanitary conditions, free of litter and odors;
 - g) Immediately report spills and accidents involving liquid waste to the City; and
 - h) Clean up all spills and abate all unsanitary conditions immediately and have material used for abatement, such as absorbent materials, disposed of by approved means and in a timely manner. If immediate clean-up is not feasible, the generator must provide to the City a written, detailed explanation of the circumstances and the plan for clean-up and abatement, including a request for additional time.
- 10) A generator of washwater or other liquid waste must:
 - a) Contain, collect, and dispose of liquid waste by approved means;
 - b) Protect the storm water system, the POTW, and the environment from discharges of liquid waste or other contaminants;
 - c) Use approved methods for on-site or mobile treatment of liquid waste; and
 - d) Accurately measure, by approved means, the volume of liquid waste collected and disposed of by the transporter.
- 2) **Rates for sampling and/or analysis.** Should any sampling and/or analysis be required by the City pursuant to any provision in this Article, the payment of such fees incurred for sampling and analysis will be the responsibility of the generator.

DIVISION 3. LIQUID WASTE TRANSPORTERS

38-145. Permit Required.

- 1) **Permit Required.** All persons owning or operating a vacuum truck, cesspool pump truck, liquid waste transport truck, or other vehicle must not service any septic tank, seepage pit,

grease interceptor, grit trap/oil separator, or cesspool without first having received a valid transport truck discharge (TTD) permit.

- 2) **Permit Application and Fee.** TTD permits will be issued by the City upon proper application and payment of a fee established by the City Council and on file in the City Secretary's office. All TTD permits will be valid for one (1) year, running from January 1 through December 31.
 - a) The City may deny a permit, deny the renewal of a permit, revoke a permit in its entirety, suspend the permit for a stated period of time, place the permit holder on terms of probation, or place other conditions thereon as the City deems necessary and appropriate if the City finds that any requirement of the permit has been violated or that false statements were made on any application, agreement, or any required submittal.
- 3) **Unloading or discharge of waste or wastewater.** It is unlawful for any person to unload or discharge waste or wastewater within the City except in a manner and at a place specified by the City. All transporters must discharge waste in an approved facility and provide an approved manifest for said discharge.

38.146. Manifest Requirements.

- 1) Persons who generate, collect, and transport grease interceptor and grit trap/oil separator waste must maintain a record of each individual collection and deposit. Such records will be in the form of a manifest. The manifest must include:
 - a) Name, address, telephone, and TCEQ registration number of transporter;
 - b) Name, signature, address, and telephone of the person who generated the waste and the date collected;
 - c) Type and amount(s) of waste collected or transported;
 - d) Name and signature(s) of responsible person(s) collecting, transporting, and depositing the waste;
 - e) Date and place where the waste was deposited;
 - f) Identification (permit or site registration number, location, and operator) of the facility where the waste was deposited;
 - g) Name and signature of the facility on-site representative acknowledging receipt of the waste;
 - h) The volume of the waste received; and
 - i) A consecutive numerical tracking number to assist transporters, waste generators, and regulating authorities in tracking the volume of grease transported.
- 2) Transporters shall obtain manifests from the City of Temple.
- 3) Manifests must be divided into five parts and records shall be maintained as follows:
 - a) One part of the manifest must have the generator and transporter information completed and will be provided to the generator at the time of waste pickup.
 - b) The remaining four parts of the manifest must have all required information completely filled out and signed by the appropriate party before distribution of the manifest. The remaining four parts will be distributed as follows:
 - i) One part of the manifest must be provided to the receiving facility;
 - ii) One part must be kept by the transporter, who must retain a copy of all manifests showing the collection and disposition of waste;
 - iii) One part of the manifest must be returned by the transporter to the waste generator within fifteen (15) days after the waste is received at the disposal or processing facility; and

- iv) One part of the manifest must be returned by the transporter to the City of Temple Environmental Programs Office within fifteen (15) days after the waste is received at the disposal or processing facility.
- 4) Copies of manifests returned to the waste generator must be retained for three years and be readily available for review by the City.

38-147. Responsibilities.

- 1) Each grease interceptor or grit trap/oil separator that is pumped must be fully evacuated unless the trap volume is greater than the tank capacity on the vacuum truck, in which case the transporter shall arrange for additional transportation capacity so that the trap is fully evacuated within a twenty four (24) hour period, in accordance with 30 Texas Administrative Code, Chapter 312, § 312.143.
- 2) The City, or its representative(s), will have the right to enter the premises of any generator or transporter to determine whether the generator or transporter is complying with all requirements of this Article and any wastewater discharge permit or order issued hereunder. The generator or transporter must allow the representatives from the City access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.
- 3) The City has the right to set up on the generator or transporter's property, or require installation of such devices as necessary to conduct sampling and/or investigation of the user's operations.

DIVISION 4. Abatement of Violations

38-148. Enforcement actions.

- 1) **Notice of Violation.**
 - a) If the City determines that a violation of this Article, a permit or order issued in accordance with this Article, or any other pretreatment standard or requirement has occurred, a written notice of violation may be issued to the person determined to be in violation.
 - b) Upon receipt of written notice and within the timeframe specified in the notice, the person must submit an explanation of the violation and detailed plan, including specific actions to be taken, for satisfactory remedy of the violation at issue and methods for prevention of repeat or future offenses.
 - c) Submitting a corrective action plan in response to a written notice does not relieve the person of liability for any violations occurring before or after receipt of the notice of violation.
 - d) Nothing contained in this section will be construed as to require the City to first issue a written notice of violation before taking any action, including emergency action, or pursuing other enforcement remedies.
- 2) **Administrative Orders.**
 - a) **Compliance Orders.**
 - i) If the City determines that a violation of this Article, a permit or order issued in accordance with this Article, or any other pretreatment standard or requirement has occurred, a compliance order may be issued to the person, as defined in 38-93 of this Chapter, responsible for the discharge directing that the person come into compliance within a specified time period.

- ii) If the person does not come into compliance within the time period provided in the compliance order, water or wastewater service may be discontinued and any permits issued by the City may be revoked.
 - iii) Compliance orders also may contain other requirements to address noncompliance, including, but not limited to, additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the POTW.
 - iv) A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation.
 - v) Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.
- b) **Cease and Desist Orders.**
- i) If the City determines that a violation of this Article, any permit or order issued by the City, or any other pretreatment standard or requirement has occurred or that the person's past violations are likely to reoccur, the City may issue an order to the person directing them to cease and desist all such violations and:
 - (1) Immediately comply with all requirements of this Article; and
 - (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.
- 3) **Service of notice or order.** Any notice or order issued under this Article must be in writing and served in person or by registered or certified mail on the User or transporter of the liquid waste and/or any other persons determined to be responsible for such violation.
- 4) **Termination of service and revocation of permit.** The City may, if a violation is continuing or reoccurring or may reoccur, revoke any permit issued by the City to the person ordered to correct or abate such violation if such violation has not been corrected or abated within the time specified in a compliance order or cease and desist order.
- 5) **Emergency suspension of service.**
- a) **Suspension.** The City may, without prior notice, suspend water service, wastewater service and/or storm water access to a person discharging to the POTW or storm water system when such suspension is necessary in the opinion of the City to stop an actual or threatened discharge that:
 - i) Presents or may present imminent substantial danger to the environment or to the health or welfare of persons;
 - ii) Presents or may present imminent substantial danger to the POTW, storm water system, or waters of the state; or
 - iii) Will cause pass through or interference of the POTW.
 - b) **Notice of suspension.** As soon as is practicable after the suspension of service, the City shall notify the person discharging to the POTW or storm water system of the suspension, and order such person to cease the discharge immediately.

- c) **Reinstating service.** The City will reinstate a person's suspended water and/or wastewater services:
 - i) Upon proof by such person that the non-complying discharge has been eliminated;
 - ii) Upon payment by such person of any outstanding water and wastewater utility charges;
 - iii) Upon arrangement of payment by such person of all costs incurred by the City in responding to the discharge or threatened discharge; and
 - iv) Upon arrangement of payment by such person of all costs incurred by the City in reconnecting service.
- d) **Written statement.** Prior to reinstatement of service, the person must submit to the City a detailed written statement describing the cause of the discharge and the measures taken to prevent any future occurrence as instructed by the City.

38-149. Penalties.

- 1) A person who violates any provision of this Article may be subject to civil and/or criminal penalties.
- 2) **Criminal Penalties.** Any person who violates any provision of this Article will be subject to criminal prosecution. Violation of any provision contained within this Article is a Class C Misdemeanor, to be punished by imposition of a fine upon conviction in the municipal court of up to \$2,000. Each day that the violation exists is a separate offense under this Article.
- 3) **Civil Penalties.** The City, its City Attorney, or authorized designee is authorized to commence a civil action for appropriate legal or equitable relief in a court of competent jurisdiction. Such relief may include, but is not limited to:
 - a) An injunction to prevent a violation of this Article;
 - b) Recovery for damages to the POTW or storm water system resulting from a violation of this Article; and/or
 - c) Recovery for expenses incurred by the City in responding to a violation of this Article.
- 4) **Penalties Cumulative.** Nothing contained in this Article will be construed as to limit the remedies available to the City or to prevent the City from seeking both civil and criminal penalties.

Chapter 38

WATER, SEWERS, AND SEWAGE DISPOSAL

ARTICLE I – DEFINITIONS

Sec. 38-1. Definitions.

Unless otherwise defined in this Chapter, the following definitions apply to this Chapter:

Approved means accepted as satisfactory under the terms of this Chapter and given formal and official sanction by the City.

Approved backflow prevention assembly or backflow assembly or assembly or backflow prevention means a method to counteract backpressure or prevent backsiphonage. All methods must be approved by the City of Temple Utilities Division of the Public Works Department and include the following:

- (a) Air Gap means a physical separation between the free flowing discharge end of a potable water supply piping or appurtenance and an open or nonpressure receiving vessel, plumbing fixture, or other device. An "approved air gap separation" must be at least double the diameter of the supply pipe measured vertically above the overflow rim of the vessel, plumbing fixture, or other device, in no case less than one inch. Air gaps can be used to protect against backpressure or backsiphonage of a health or non-health hazard;
- (b) Atmospheric Vacuum Breaker Backflow Prevention Device or Atmospheric Vacuum Breaker or AVB means that this device cannot be tested and cannot prevent back pressure backflow, but is used to prevent backsiphonage in non-health hazard conditions;
- (c) Double Check Detector Backflow Prevention Assembly or Double Check Detector or DCDA means an assembly composed of line-size approved double check assembly with bypass containing a specific water meter and an approved double check valve assembly. The meter must register accurately for very low rates of flow;
- (d) Double Check Valve Backflow Prevention Assembly or Double Check Assembly or Double Check or DC means an assembly which consists of two independently operating check valves which are spring loaded or weighted. The assembly comes complete with a gate valve on each side of the checks, as well as test cocks to test the checks for tightness;
- (e) Pressure Vacuum Breaker Backflow Prevention Assembly or Pressure Vacuum Breaker or PVB means an assembly which protects against backsiphonage but does not provide adequate protection against backpressure backflow. The assembly is a combination of a single check valve with an AVB and can be used with downstream shutoff valves. In addition, the assembly

has suction and discharge gate valves and test cocks which allows the full testing of the assembly;

- (f) Reduced Pressure Principle Backflow Prevention Assembly or Reduced Pressure Principle Assembly or RP Assembly or RP means an assembly containing two independently acting approved check valves together with a hydraulically operated, mechanically independent pressure differential relief valve located between the valves and at the same time below the first check valve. The assembly must include properly located resiliently seated test cocks and tightly closing resiliently seated shut-off valves at the end of the assembly;
- (g) Reduced Pressure Principle Detector Backflow Prevention Assembly or Reduced Pressure Detector or RPDA means an assembly composed of line-size approved reduced pressure principle assembly with a bypass containing a specific water meter and an approved reduced pressure principle backflow prevention assembly. The meter must register accurately for very low rates of flow; and
- (h) Spill-Resistant Pressure Vacuum Breaker or SVB means an assembly containing an independently operating, internally loaded check valve and independently operating, loaded air inlet valve located on the discharge side of the check valve. This assembly is to be equipped with a properly located test cock and shutoff valves on the suction and discharge ports of the assembly.

Backflow means the undesirable reversal of flow of water or mixtures of water and other liquid, gaseous, or other substances into the distribution pipes of the potable supply of water from any source.

Backsiphonage means a form of backflow due to a reduction in system pressure which causes a subatmospheric pressure to exist at a site in the water system.

Backpressure means any elevation of pressure in the downstream piping system (by any means) above the supply pressure at the point of consideration which would cause, or tend to cause, a reversal of the normal direction of flow and the introduction of fluids, mixtures, or substances from any source other than the intended source.

Business days means all days, other than Saturday, Sunday, and holidays on which the Utility Business Office is closed under authority of City Council.

Cease and desist order means an administrative order directing a user to immediately halt illegal or unauthorized discharges.

Cesspool means an underground container for the temporary storage of liquid waste and sewage.

City means the City of Temple, Texas, the City Council of Temple, Texas, or its representative, employee, agent, or designee.

City Council means the governing body of the City.

Compliance order means an administrative order directing a noncompliant person to achieve or restore compliance by a date specified in the order.

Containment means the installation of appropriate type or method of backflow protection at the service connection.

Contaminants means any foreign material, solid, or liquid, not common to a potable water supply, which makes or may make the water unfit or undesirable for human consumption.

Contamination means the entry into or presence in a public water system of any substance which may be deleterious to the public's health or the quality of the water.

Cross connection means an actual or potential connection to a public water system through which it is possible to introduce contamination or pollution. Bypass arrangements, jumper connections, removable sections, swivel or changeover assemblies, or other temporary or permanent assemblies through which, or because of which, backflow may occur are considered to be cross connections.

Customer means the person, company, or entity contracting with the City of Temple to receive potable water service.

Customer's water system means that portion of the privately owned potable water system lying beyond the point of delivery, which includes all pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, store, or utilize the potable water.

Customer service inspection means a detailed inspection by the City of a location and layout of the water lines, including without limitation, water lines on the premises, cross connections, the availability of auxiliary or used water supplies, the use or presence of pollutants, contaminants, and other liquid, solid, or gaseous substances which may be used for stabilization of water supplies. Inspectors may perform processes necessary to determine degree of hazard. Inspection may include review of records required by this Chapter.

Disposal includes the discharge, deposit, release, injection, dumping, spilling, leaking, or placing of any liquid waste into or on any land or water, intentionally or unintentionally, so that such waste or any constituent thereof may enter the environment, be emitted into the air, or discharged to any wastewaters or waters, including ground waters.

Disposal site includes a permitted site or part of a site at which liquid waste is processed, treated, or intentionally placed into or on any land and on which the waste will remain.

Environmental Protection Agency or EPA means the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division director, or other duly authorized official of said agency.

Fats, oils, and grease (FOG) means organic polar compounds derived from animal or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR § 136, as may be amended from time to time. All are sometimes collectively referred to herein as "grease" or "greases."

Food service facility means every food preparation and food service establishment engaged primarily or incidentally in the preparation of food for human or animal consumption, except that the term does not include any person discharging domestic wastewater from premises used exclusively for residential purposes. The term includes, but is not limited to, restaurants, motels, hotels, cafeterias, hospitals, butcher shops, ice cream parlors, schools, bars, delicatessens, meat processing operations, bakeries, clubhouses, cafes, and similar operations.

Generator means any person who causes, creates, generates, or otherwise produces liquid waste, or a person who, for any reason, has liquid waste removed from their property by a transporter of liquid waste.

Good payment history means utility service that has been maintained in a person's name for 12 consecutive billing periods with the City without:

- (a) an assessment of a non-payment fee;
- (b) an assessment of more than two penalties for late payment;
- (c) a returned payment;
- (d) unlawful use of water service; or
- (e) utility service diversion.

Grease Interceptor (or "Grease trap") means a device designed to separate and retain light density liquids, waterborne fats, oils, and greases by their specific gravity, prior to the wastewater entering the POTW. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the POTW.

Grease interceptor waste means any organic, inorganic, greasy or fatty liquid, semi-liquid, or solid wastes collected by and removed from a grease trap.

Grit trap/oil separator (or "Grit trap") means a watertight receptacle designed and constructed to intercept and prevent the passage of petroleum based oil, grease wastes, and solids into the POTW to which the receptacle is directly or indirectly connected.

Grit trap waste means oil and grease waste, or inorganic solids generated by a commercial facility that are collected by and removed from a grit trap/oil separator.

Hazardous waste means any liquid, semi-liquid, or solid waste (or combination of wastes), which because of its quantity, concentration, physical, chemical, or infectious characteristics may:

- (a) be toxic, corrosive, and irritant, a strong sensitizer, flammable or combustible, explosive, or otherwise capable of causing substantial personal injury or illness; or

(b) pose a substantial hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise improperly managed, and is identified or listed as a hazardous waste as defined by the Texas Solid Waste Disposal Act or the administrator, U.S. Environmental Protection Agency (EPA) pursuant to the Federal "Solid Waste Disposal Act," as amended by the "Resource Conservation and Recovery Act of 1976" (RCRA), and as it may be amended in the future.

Health hazard means a cross-connection, potential contamination hazard, or other situation involving any substance that can cause death, illness, spread of disease, or has a high probability of causing such effects if introduced into the potable water supply.

Immediately means within twenty-four (24) hours.

Interrupt utility service means disconnecting water or wastewater service or stopping solid waste service.

Liquid waste means water-borne solids and liquids containing dissolved or suspended waste material including, but not limited to wastes from grease traps and grit traps.

Manifest means the written multi-part documentation used to document the generation, transportation, and disposal of grease trap and grit trap waste at a permitted or registered disposal site.

Non-health hazard means a cross-connection, potential contamination hazard, or other situation involving any substance that generally will not be a health hazard, but will constitute a nuisance, or be aesthetically objectionable, if introduced into the public water supply.

Non-potable water means water that does not comply with TCEQ's rules and regulations governing drinking water.

Non-residential use includes all users not specifically included in residential uses defined under Residential Use.

Person means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity or their legal representatives, agents, or assigns.

Potable water supply means any water supply intended or used for human consumption or other domestic use.

Premises means any piece of property to which potable water is provided, including all improvements, mobile structures, and structures located on such property.

Publicly owned treatment works or POTW means "treatment works," as defined by 33 U.S.C.S. §1292, which is owned or partly owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

Public Water System or System means any public or privately owned water system, which supplies water for public domestic use. The system must meet all the health requirements set forth by TCEQ. The system will include all services, reservoirs, facilities, and any equipment used in the process of producing, treating, storing, or conveying water for public consumption.

RCRA means the United States Environmental Protection Agency's Resource Conservation and Recovery Act.

Residential use includes single family dwellings, duplexes, multiplex housing, and apartments where the individual units are each on a separate meter or the units are full-time dwellings in cases where two or more units are served by one meter.

Returned payment means a payment returned for insufficient funds, a credit card payment that is charged back at the request of the customer, or any other form of payment that is dishonored in any way or for any reason.

Service address means a premises that receives a City utility service.

Service connection means the terminal end of a service line from the public potable water system, i.e., where the water purveyor loses jurisdiction and sanitary control over the water at its point of delivery to the customer's water system. If a meter is installed at the end of the service connection, then the service connection must mean the downstream end of the meter.

Sewage means human excrement and gray water (e.g. water from household showers, dish washing operations, etc.).

Sewer means a pipe or conduit for carrying sewage.

Storm water means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

Storm water system means 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 POTW.

System means all facilities for collecting, pumping, treating, and disposing of sewage.

System hazard means an actual or potential threat of severe danger to the physical properties of the public or customer's potable water supply or of a pollution or contamination that would have a detrimental effect on the quality of the potable water in the system.

Texas Commission on Environmental Quality (TCEQ) means the state agency of that title, or where appropriate, the term may also be used as a designation for the director or other duly authorized official of said agency.

Thermal expansion means heated water that does not have the space to expand.

Transporter means any person who is registered with and authorized by the TCEQ to transport liquid waste in accordance with Texas Administrative Code, Chapter 312, Subchapter G, § 312.142.

Used water means water supplied by a public water system to a customer's system after it has passed through a service connection.

Utility service diversion means a person's unauthorized action to divert utility service to:

- (a) prevent accurate measurement of utility usage;
- (b) alter metering equipment to prevent accurate meter readings and subsequent billings; or
- (c) alter utility account records or computer data to prevent accurate billings.

Utility service diversion charge means a charge assessed by the City against a person who committed utility service diversion to recover any costs incurred by the City due to the utility service diversion, including the repair or replacement of any City equipment.

Washwater means the water-borne solids, liquids, gaseous substances, or other residue or debris resulting from a washing or cleaning process.

Wastestream means the aggregate flow of waste materials from generation to treatment to final disposition.

Wastewater means liquid and any water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial, and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

Water supply protection specialist means any person who holds a license endorsement issued by the Texas State Board of Plumbing Examiners to engage in the inspection, in connection with local, state, and federal laws, of the plumbing work or installation of a public water system or of customer owned plumbing connected to a public water system.

ARTICLE II – POLLUTION OF WATER SOURCES

Sec. 38-2. Restricted intake areas.

- (a) Recreational activities and trespassing are prohibited in a two hundred (200) feet radius from raw water intake works. These areas are restricted zones. Restricted zones will be designated by signs maintained in plain view of the public and visible from all parts of the restricted zone.

- (b) It is unlawful for a person to take part in a recreational activity or trespass in a restricted zone described in Subsection (a).
- (c) This section does not apply to a City employee or their agent or designee in the performance of an official duty.

ARTICLE III - WATER AND SANITARY SEWER CONNECTION REGULATIONS

Sec. 38-3. Permit required for work performed on water and sanitary sewer system.

- (a) It is unlawful for any person other than the City to perform work on, make connection to, or alter in any manner any portion of the water or sanitary sewer system of the City without first having obtained a permit issued by the City for that purpose.
- (b) If a person wishes to perform work on, make connection to, or alter in any manner any portion of the water or sanitary sewer system of the City, they may contact the City and request the City to perform such work. If the City agrees to perform this work on behalf of the person, no permit need be obtained from the City for the requested work.

1. The City is authorized to charge a fee for performance of requested work. Failure to pay a fee may result in the City refusing to perform the requested work.

Sec. 38-4. Permit procedure.

- (a) To secure a permit to perform work described in Sec. 38-3(a), above, the person responsible for the work (the “applicant”) must file with the Public Works Department a signed and completed application for a permit containing the following information:
 1. construction plans certified by a registered professional engineer, unless in the opinion of the Public Works Department construction plans are not necessary for the particular work proposed;
 2. the name and address of the owner of the property on which the work is to be performed;
 3. the name and business address of the person under whose supervision the work will be performed;
 4. the location at which the work is to be performed; and
 5. any other information required by the Public Works Department.

Sec. 38-5. Issuance of permit and inspection.

- (a) When the requirements of this article have been met and the proposed work plans meet City standards for materials and method of construction, the Public Works Department will issue a permit to the applicant.
- (b) The permit holder must comply with all schedules, orders, and requests issued by the Public Works Department related to the permitted work during performance of the work until final acceptance by the City. A person's failure or refusal to comply with the Public Works Department's schedules, orders, or requests related to the permitted work is unlawful.
- (c) All work performed on the City's water or sanitary sewer system by a permit holder must be accepted by the Public Works Department prior to use. If existing improvements of the City or any public utility are disturbed or affected in any manner by the work performed, the permit holder must obtain the approval of the work by the applicable department of the City and the public utility prior to covering the work or using the work and final acceptance of the work by the Public Works Department. A person's failure or refusal to obtain acceptance from the Public Works Department prior to use of the work related to the permit is unlawful. A person's failure to obtain approval by all applicable City departments and any applicable public utility prior to covering the work or using the work related to the permit is unlawful.

Sec. 38-6. Sanitary sewer connections required.

The owner or occupant of every building located on any lot or parcel of land within the City, the property line of which extends to within two hundred (200) feet of any sanitary sewer collection line adequate both as to size and grade to serve the property, must install or cause to be installed, a suitable flush toilet upon the property, and must connect or cause to be connected the toilet, and any other plumbing fixture, as applicable, with the sanitary sewer collection line in compliance with all provisions of this Code or other ordinances of the City. Failure to do so is unlawful.

Sec. 38-7. Interfering with or injuring water equipment or apparatus.

It is unlawful for any person to interfere with or injure in any manner any reservoir, tank, fountain, pipe, stop cock, valve, or other apparatus pertaining to any water system in the City or to turn on or off, without authority from the City, the water in any street hydrant or other water fixture.

Sec. 38-8. Construction standards.

All work to be performed on public water and sewer systems must be in compliance with the City's Design & Development Standards Manual, the City's Code of Ordinances, and all applicable state and federal regulations. Failure to comply with this manual and all applicable law is unlawful.

Sec. 38-9. Disconnection of improperly constructed work.

If a person's private water or sanitary sewer system fails to comply with applicable law and is not accepted by the City, no person may connect it to a public water system or POTW. The City is authorized to disconnect all connections made to its public water system or POTW in violation of applicable law. Failure to comply with this Section is unlawful.

Sec. 38-10. Commercial and residential construction and water fees.

- (a) The City may establish water fees for commercial and residential construction and charge these fees to customers as provided by City policy.
- (b) Water fees may include, but are not limited to, the fees for a water permit, water tap, water deposit, water meter, cost of water meter, bore, and cost of materials required to complete a water tap.

Secs. 38-11--38-30. Reserved.

ARTICLE IV – BILLING AND CUSTOMER SERVICE

Sec. 38-31. Utility services rates and fees; classes of customers.

- (a) The City is authorized to charge and collect monthly service charges and fees for City utility services, including, but not limited to, water, wastewater, and solid waste (garbage) services and drainage fees.
- (b) The City is authorized to create classes of City utility service customers, including, but not limited to, commercial, residential, and industrial classes.
- (c) The City, through its City Council, has the authority to set utility service rates, which may vary based on class of customer, and charges and fees related to City utility services by resolution and may adjust these rates, charges, and fees from time to time as necessary to sustain efficient service and comply with laws and regulations. The City may also set utility rates through contract.
- (d) For the purposes of this article, the following definitions apply:
 - (1) Customer means:
 - (A) an individual, partnership, association, firm, public or private corporation, governmental authority, or other legal entity that receives City utility service at a service address;
 - (B) an owner or tenant of a service address that receives City's utility service; or
 - (C) a person who receives the benefit of City utility service.

- (2) Residential means utility service provided to a service address used primarily for a single-family residence or as a multi-family unit dwelling with individual meters.

Sec. 38-32. Continuity of Service.

The City may interrupt a customer's utility service when necessary to repair, change, or relocate the City's equipment and facilities. The City is not liable for damage resulting from interrupted service for repair, change, or relocation.

Sec. 38-33. Utility services required.

The City has the authority to require customers to obtain City specified utility services depending on the customer's class, the premises served, and the location of the premises.

Sec. 38-34. Requirements for starting utility services.

- (a) A person may not use a City utility service without first making the proper application for the service with the City. The application must be made on forms provided by the City. The City is authorized to establish other procedures, not in conflict with this Chapter or state or federal laws or regulations, to process and accept customer applications and to collect and process deposits as necessary to secure customer accounts.
- (b) The application constitutes a contract to pay all charges for utility services and to abide by all provisions of this article, the provisions of this Chapter, and other local, state, and federal laws and regulations relating to the utility services.
- (c) An applicant must furnish proper identification and any other relevant information required by the City, including, but not limited to, verifiable proof of the applicant's right to occupy the service address, including the date of occupancy, and proof of ownership or agency. If any information required by the City is not furnished or is false, the application may be denied and utility service, where provided, may be interrupted. A person commits an offense if they knowingly make a false statement on an application for utility service under this article.
- (d) A person who occupies a service address and uses utility services without making application is responsible for all water used from the date of the last meter reading previous to that person occupying the service address.
- (e) If the City believes that an applicant is applying for utility service at a service address where the current customer is in arrears primarily to allow the current customer to avoid payment of a past due invoice, the City may deny the application for service.

Sec. 38-35. Good payment history; deposits.

(a) Deposits.

- (1) A person must pay a deposit to the City to receive new or additional utility services if the person does not have a good payment history with the City except as otherwise provided by this Section.
- (2) The City may refuse or interrupt utility service if a person fails to make a required deposit with their utility service application.
- (3) Deposits for applicants for utility services may be waived if the applicant provides to the City a letter from another utility provider indicating that the equivalent of the City's requirements for good payment history have been met or the applicant provides monthly bills from another utility provider stamped paid or paid on time (including a current or final bill).
- (4) A deposit may be required to reconnect service when service has been interrupted for non-payment.
- (5) Owners or managers of rental property who have a current City utility service billing account in their name may apply for and receive from the City ten (10) day water service ("make ready service") for a property for a one-time flat fee without paying a deposit.
- (6) The City may require a customer to pay a higher deposit than the set deposit for the customer's class, not to exceed three times the average bill at the premises served or to be served, when the City determines that there is a substantial risk of financial loss to the City.
- (7) Deposits for residential customers will be refunded when the customer establishes good payment history or when the customer's utility service account is closed. Refunds will be processed as follows:
 - (A) If a customer has an open account for City utility service after establishing good payment history with the City, the City will apply the customer's deposit as a credit on the customer's account.
 - (B) If a customer's utility service account is closed, any funds remaining from the deposit will be applied to the customer's final bill.
 - (C) The City will refund to the customer any funds remaining after the deposit is applied to the customer's final bill totaling more than five dollars (\$5.00). The City may retain any remaining funds in a customer's account under five dollars (\$5.00) after the customer's deposit is applied to their final bill.

- (D) Regardless of Subsections (a)(7)(A)-(C), above, at the City's sole discretion, a deposit refund to the customer may be authorized and refunded to the customer at any time.

(8) Non-residential customer deposits.

- (A) The City may refuse to refund a deposit for a non-residential customer when the City determines that there is a substantial risk of financial loss to the City regardless of whether the customer has established good payment history. In such cases, the customer's deposit will be returned to the customer when the customer's account is closed as provided by Subsections (a)(7)(B)-(C).

- (B) Other non-residential customer deposits will be refunded when the customer establishes good payment history or when the utility account is closed as provided for residential customers in Subsections (a)(7)(A)-(D), above.

Sec. 38-36. Scheduled service connection appointments and trips fees.

- (a) The City will schedule service connections according to service addresses' billing cycle.
- (b) If required, a person starting utility service must schedule a service connection appointment with the City. If the person is unable to be present at their scheduled appointment, they must notify the City at least 24 hours in advance of their scheduled appointment time and reschedule or cancel the appointment.
- (c) Persons who miss their scheduled appointment time without timely providing notice as required by this Section may be assessed a fee for each additional service connection trip made by the City.

Sec. 38-37. Billing cycles.

The City may divide utility service areas into geographical areas and develop billing cycles that apply to these geographical areas. Billing cycles may be changed as needed by the City.

Sec. 38-38. Billing date.

- (a) Utility service accounts will be billed on a monthly cycle. The billing date is the date when a bill is issued by the City. Billing dates may vary due to weekends and City holidays. A customer's billing date may be delayed for investigation of metering issues.
- (b) A customer's failure to receive a utility service bill or e-notification does not excuse failure to pay the same before it becomes delinquent or relieve a customer or other person liable for the charges under this article from liability for the service.

- (c) The City may, at its sole discretion, allow a customer to enter into a payment plan with the City for amounts due on City utility service accounts.
- (d) Any charge issued under this Section which is not paid when due will subject the customer to interruption of all utility services provided by the City and may be recovered in an action at law or in equity by the City including fixture of a lien against the property, as provided by the Tex. Loc. Gov't Code Ann. § 552.0025, as amended.

Sec. 38-39. Estimated bill.

- (a) The quantity of water delivered to a premises will be estimated under any of the following circumstances:
 - (1) the meter reader is unable to procure a reading of the meter because access to the meter is obstructed or made hazardous by an animal or otherwise;
 - (2) the meter does not properly function, or the equipment used to read the meter does not properly function;
 - (3) adverse weather or an act of God prevents the reading of the meter;
 - (4) no meter is in place at the premises; or
 - (5) for some other reason, a meter reading is not available to the billing section of the City at the time of preparing a bill for the customer.
- (b) An estimate of water delivered to a service address will be determined by the City using the best estimation method for the type of premises in question per City policy.

Sec. 38-40. Re-reading meters.

Customers may request the City have their water meter re-read to verify accuracy of billed consumption. A fee for this re-reading will be assessed to the customer's utility service account, unless it is found that the prior reading was incorrect.

Sec. 38-41. Accuracy tests and defective meters.

- (a) Customers may request the City have their water meter tested for accuracy. If the meter tests within AWWA standards, a fee will be assessed to the customer's utility service account.
- (b) If the water meter is found to be defective or inaccurate, the City will replace or repair the meter, as applicable, and estimate the customer's bill as provided by Sec. 38-39, above.

Sec. 38-42. Leak policy.

When a customer experiences a substantial increase in water or wastewater usage from a hidden water leak, the City may adjust the amount and bill the customer in accordance with the City's Leak Adjustment Policy.

Sec. 38-43. Due date.

The due date is the last day for a customer to pay a utility service bill in full before the customer's utility service account becomes delinquent. The due date will be no less than sixteen (16) days after the billing date. Full payment must be paid prior to 5:00 p.m., Central Standard Time, on the customer's due date, except if the customer's due date falls on a City holiday or weekend, the due date will be the next business day. If full payment is not received by the City before 5:00 p.m., Central Standard Time, on the due date, the customer's utility service account becomes delinquent, and the customer is subject to a penalty or fee. The due date on a utility service bill applies to the current billing charges for a billing cycle. Previous balances are due immediately. Returned payments do not constitute payment in satisfaction of an outstanding balance.

Sec. 38-44. Disconnect date.

The disconnect date is the last day to pay a delinquent account in full to prevent receiving additional fees or interruption of utility services. The disconnect date may not be less than ten (10) days after the due date. Full payment must be paid prior to 5:00 p.m., Central Standard Time, on the customer's disconnect date, except if the customer's disconnect date falls on a City holiday or weekend, the disconnect date is the next business day. When full payment of a delinquent account is not received by the City before 5:00 p.m., Central Standard Time, on the disconnect date, the customer's utility service account is subject to a non-payment fee, and utility service may be interrupted. Non-payment fees may be assessed regardless of whether payment is made at later time or date or utility service is interrupted. Returned payments do not constitute payment in satisfaction of an outstanding balance.

Sec. 38-45. Authority to interrupt or refuse utility service; notice of interruption.

(a) The City may refuse application for utility service, interrupt utility service, or refuse to resume utility service to:

(1) a customer who fails to pay any charges due under this article by the disconnect date;

(2) a person who:

(A) causes damage to a City water meter requiring adjustment, repair, or replacement due to any act, neglect, or carelessness of the customer or owner of the service address;

- (B) commits a violation under Sec. 38-49 (*Unlawful Use of Water Service*);
 - (C) benefits from utility service diversion;
 - (D) provides false information or fails to provide required information to the City; or
 - (E) applies for utility service to a premises, if the person has delinquent charges outstanding at another service address; or
- (3) a customer if the City determines that a substantial waste of water is occurring as a result of leaking, damaged, open, or disconnected private lines, pipes, or drains at the customer's service address.
- (b) The City may also interrupt utility service as otherwise provided by this Chapter or local, state, or federal laws or regulations or to protect public health or safety.
- (c) The City must notify a customer in the following manner before interrupting service, except as otherwise provided by this Chapter:
- (1) The City must provide the customer a written notice of the pending utility service interruption at least ten (10) days before the disconnect date.
 - (2) The notice must provide a statement of reasons for the interruption of utility services and a statement of delinquent charges due, where applicable. The notice must also provide a time, place, and means by which the customer must cure delinquency or abate the violation or dispute the validity of the reasons for interruption.
- (d) In addition to required customer notice as provided in this Subsection (c), above, in cases of master-metered apartments or condominiums, the City must post or caused to be posted notice of pending utility service interruptions on the door of each dwelling unit known to be occupied and in a conspicuous place within the property manager's office or the common area of the premises.
- (e) The City does not have to provide notice prior to interruption as required by Subsection (c), above, if the City determines that there is an imminent or actual threat to the public's health, safety, or welfare.
- (f) Enforcement of this Section does not waive any additional remedies, civil or criminal, available to the City under law.

Sec. 38-46. Service reconnection.

- (a) Interrupted utility service may not be resumed until the customer or other person who is legally responsible for the unpaid charges or violations committed either pays all applicable charges due, makes arrangements for payment satisfactory to the City, or where, applicable, ceases all violations in question.
- (b) If the City decides to resume utility service, the City may require the customer to be present for a scheduled reconnection appointment. In such cases, the provisions related to scheduled service connection appointments under Section 38-36, including notice and assessment of trip fees for missed appointments, apply.
- (c) The City may resume utility service to a customer with delinquent charges or ongoing violations at its discretion.
- (d) The City may require a person requesting service at an address where utility service has been interrupted to produce verifiable proof of the person's right to occupy the service address, including a date of occupancy, before the City resumes service to the service address.
- (e) Where utility service has been interrupted, refused, or the customer has been notified that the utility service will be interrupted at a service address due to nonpayment of delinquent charges or a violation of this article, a new application will not be accepted from an applicant to resume or begin service at the same service address under another name if the City believes that the applicant is applying for service at the service address primarily to allow the current customer to avoid making payment or abating a violation unless the following conditions are met:
 - (1) all charges owed to the City are paid;
 - (2) arrangements for payment satisfactory to the City are made; or
 - (3) the violation is abated.
- (f) Where a person liable for delinquent charges at one address is found to have an account in their name at another address, the delinquent charges due at the previous address may be transferred to the account at the new address, and utility service interrupted at the new address until the delinquent charges are paid.

Sec. 38-47. Termination of utility service accounts; requests to disconnect meters.

- (a) A customer must contact the City to terminate their utility service account. The City may require verification of account information to terminate a customer's utility service account. A customer who does not terminate their utility service account will be held responsible for charges incurred while an active account is open in the customer's name.

- (b) Upon receipt of a customer's request to terminate their utility account, the City may remove the water meter and service connections at the customer's service address.
- (c) Where water service is furnished through more than one meter, the customer may request disconnection of one or more meters and thereafter will be billed on the basis of the remaining meter or meters. The City may remove the disconnected water meter or service connections.
- (d) The City may terminate a customer's utility service account after it has been interrupted for non-payment.

Sec. 38-48. Returned payments.

- (a) A fee will be assessed to a customer's utility service account when a payment is returned. If the payment is returned after the disconnect date for which the payment was given, utility services may be interrupted without notice.
- (b) The City may establish policies that prescribe how payment may be made by customers with returned payments.

Sec. 38-49. Unlawful use of water service.

- (a) A person commits an offense if, where water is furnished by the City to any service address, the person knowingly takes water from any faucet or water connection at the service address without first securing the consent of, and making arrangements with, the owner of the service address or the customer in whose name the account exists.
- (b) A person commits an offense if they knowingly divert or use water from any part of the City's water system without receiving the City's written consent to use the City's water service or having an application for water service approved by the City. Absence of an account for water service on file with the City constitutes prima facie proof of the lack of the City's consent to use the service.
- (c) The City may assess a charge against a person committing an offense under Subsections (a) and (b), above, to recover any costs incurred by the City due to the unlawful use, including the repair or replacement of any City equipment.
- (d) This Section does not apply to any official work performed by the City.

Sec. 38-50. Charges for diversion of utility service; unlawful use of water service; and damage to City equipment.

- (a) If a person commits, allows another person to commit, or benefits from utility service diversion, unlawful use of water service, or damage to City utility equipment, the City may collect payment from the person equal to:
 - (1) the estimated costs of water, wastewater, sewage, or other related water services used under the applicable rate schedule; and
 - (2) utility service diversion charges.
- (b) The City may impound equipment or property used by a person for utility service diversion or unlawful use of water service or to damage City utility equipment.

Sec. 38-51. Fire hydrant meters.

- (a) No person may use a fire hydrant without authorization from the City except authorized emergency services providers in performance of official duties.
- (b) Fire hydrant meters may be rented from the City by making a written application and filing a deposit with the City.
- (c) All persons renting a fire hydrant meter and using a City fire hydrant must comply with the City's fire hydrant policy.

Sec. 38-52. Enforcement.

- (a) A violation of this article is a Class C misdemeanor for each day or portion of a day the violation continues. An offense under this article is punishable by a fine not to exceed:
 - (1) \$500, except as provided in Subsection (a)(2), below; or
 - (2) \$2,000 if the offense is a violation of regulation relating to fire safety, zoning, or public health or sanitation.
- (b) Proof of a culpable mental state is not required for conviction of an offense under this article for offenses unrelated to fire safety, zoning, or public health or sanitation.
- (c) A culpable mental state of intentionally, knowingly, or recklessly committing an offense is required for a conviction under this article for offenses related to fire safety, zoning, or public health or sanitation.

Secs. 38-53--89. Reserved.

ARTICLE V - INDUSTRIAL WASTES STANDARDS

Sec. 38-90. General provisions, purpose and policy.

This ordinance sets forth uniform requirements for users of the publicly owned treatment works for the city and enables the city to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code § 1251 *et seq.*) and the General Pretreatment Regulations (40 Code of Federal Regulations (CFR) Part 403). The objectives of this ordinance are:

(a) To prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operation;

(b) To prevent the introduction of pollutants into the publicly owned treatment works that will pass through the publicly owned treatment works, inadequately treated, into receiving waters, or otherwise be incompatible with the publicly owned treatment works;

(c) To protect both publicly owned treatment works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

(d) To promote reuse and recycling of industrial wastewater and sludge from the publicly owned treatment works;

(e) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the publicly owned treatment works; and

(f) To enable the city to comply with its Texas Pollutant Discharge Elimination System (TPDES) permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the publicly owned treatment works is subject.

This ordinance shall apply to all users of the publicly owned treatment works. The ordinance authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

Sec. 38-91. Administration.

Except as otherwise provided herein, the director of public works shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the director of public works may be delegated by the director to a duly authorized representative.

Sec. 38-92. Abbreviations.

The following abbreviations and or definitions, when used in this ordinance, shall have the designated meanings:

- BOD - Biochemical Oxygen Demand
- BMP - Best Management Practice
- BMR - Baseline Monitoring Report
- CFR - Code of Federal Regulations
- CIU - Categorical Industrial User
- COD - Chemical Oxygen Demand
- EPA - U.S. Environmental Protection Agency
- gpd - gallons per day
- IU - Industrial User
- mg/l - milligrams per liter
- POTW - publicly owned treatment works
- RCRA - Resource Conservation and Recovery Act
- SIC - Standard Industrial Classification
- SIU - Significant Industrial User
- SNC - Significant Noncompliance
- TCEQ - Texas Commission on Environmental Quality
- TPDES - Texas Pollutant Discharge Elimination System
- TSS - Total Suspended Solids
- TTO - Total Toxic Organics
- U.S.C. - United States Code

Sec. 38-93. Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated.

“Act or The Act” shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251.

Administrative fine shall mean a punitive monetary charge unrelated to actual treatment costs which are assessed by the control authority rather than a court.

Approval authority shall mean the Texas Commission on Environmental Quality (TCEQ).

Authorized or duly authorized representative of the industrial user shall mean the person authorized to represent, sign, and submit documents in accordance with the following criteria:

(a) If the user is a corporation:

1. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
2. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(c) If the user is a Federal, State, or local governmental facility, a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(d) The individuals described in paragraphs (a) through (c), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City of Temple.

Best management practices or BMPs shall mean the schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in section 38-95 (a)[40 CFR 403.5(a)(1) and (b)]. BMPs include treatment procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Biochemical oxygen demand or BOD shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade, usually expressed as a concentration (e.g., mg/l). requirements, operating

Building drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning three (3) feet outside the inner face of the building wall.

Building sewer shall mean the extension from the building drain to the public sewer or other place of disposal.

Bypass shall mean the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.

Categorical industrial user shall mean an industrial user subject to categorical standards as established by the U. S. Environmental Protection Agency.

Categorical standard or pretreatment standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

Cease and desist order shall mean an administrative order directing an industrial user to immediately halt illegal or unauthorized discharges.

Chemical oxygen demand or COD shall mean a measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

City shall mean the city of Temple, the city council of Temple or the duly authorized representatives of the city.

Compliance order shall mean an administrative order directing a noncompliant industry to achieve or restore compliance by a date specified in the order.

Composite sample shall mean a sampling method consisting of either discrete or continuous samples collected in equal amounts and over equal time intervals. For discrete sampling, at least 12 aliquots shall be composited. Where a 24 hour composite sample is not feasible, four (4) grab samples may be collected in equal amounts and equal time intervals. All samples must be representatives of normal daily operations.

Consent order shall mean an administrative order embodying a legally enforceable agreement between the control authority and the noncompliant industrial user designed to restore the user to compliance status.

Control authority shall mean the city or duly authorized representatives of the city.

Daily limit or daily maximum limit shall mean the maximum allowable discharge of a pollutant over a calendar day or equivalent representative 24-hour period. Where daily maximum limits are expressed in units of mass and the daily discharge is calculated by multiplying the daily average concentration and total flow volumes in the same 24-hour

period by a conversion factor to get the desired units. Where daily limits are expressed in terms of a concentration, the daily discharge is the composite sample value, or flow weighted average if more than one discrete sample was collected. Where flow weighting is infeasible, the daily average is the arithmetic average of all samples if analyzed separately, or the same value if samples are composited prior to analysis.

Direct discharge shall mean the discharge of untreated wastewater directly to the waters of the State of Texas.

Environmental Protection Agency or EPA shall mean the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division director, or other duly authorized official of said agency.

Existing source shall mean any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

Garbage shall mean solid wastes from the preparation, cooking, and dispensing food, and from the handling, storage, and sale of produce.

Grab sample shall mean a sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

Indirect discharge or discharge shall mean the introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (4) of the Act, as amended.

Industrial user shall mean a source of indirect discharge which does not constitute a “discharge of pollutants” under regulations issued pursuant to Section 402 of the Act, (33 USC 1317) into the wastewater system (including holding tank waste discharged into the system).

Industrial wastes shall mean the liquid wastes from industrial processes as distinct from sanitary sewer.

Instantaneous maximum allowable discharge limit shall mean the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interference shall mean a discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and therefore, is a cause of a violation of the TPDES permit or of the prevention of sewage sludge use or disposal in compliance

with any of the following statutory/regulatory provisions or permits issued there under, or any more stringent State or local regulations:

Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

Local limit shall mean a specific discharge limits developed and enforced by the city upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

Medical waste shall mean isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

Monthly average shall mean the arithmetic mean of the effluent samples collected during a calendar month or specified 30-day period. Where the control authority has taken a sample during the period, it must be included in the monthly average if provided in time. However, where composite samples are required, grab samples taken for process control or by the control authority are not to be included in a monthly average.

National pollution discharge elimination system or NPDES Permit shall mean a permit pursuant to section 402 of the Act.

National pretreatment standards, pretreatment standard, or standard (i.e. prohibitive discharge standards, categorical pretreatment standards, and local limits) shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act, which applies to Industrial users. This term includes prohibitive discharge limits established pursuant to 403.5.

New source

(a) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

1. The building, structure, facility, or installation is constructed at a site at which no other source is located; or

2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
3. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of section (a) (2) or (3) above but otherwise alters, replaces, or adds to existing process or production equipment.

(c) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

1. Begun, or caused to begin, as part of a continuous on site construction program:
 - i. any placement, assembly, or installation of facilities or equipment; or
 - ii. significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
2. Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Noncontact cooling water shall mean water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished

Pass through shall mean a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the city's TPDES permit, including an increase in the magnitude or duration of a violation.

Person shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

pH shall mean a measure of the acidity or alkalinity of a solution, expressed in standard units.

Pollutant shall mean dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

Pretreatment or treatment shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

Pretreatment requirements shall mean any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

Pretreatment standard or standard shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

Process wastewater shall mean any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by product, or waste product.

Prohibited discharge standards or prohibited discharge shall mean absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 38-95(a) of this ordinance.

Properly shredded garbage shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.

Publicly owned treatment works or POTW shall mean "treatment works," as defined by section 212 of the Act (33 U.S.C. *1292). This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

Sanitary sewer shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

Septic tank waste shall mean any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Sewage shall mean human excrement and gray water (household showers, dish washing operations, etc.).

Sewage treatment plant shall mean an arrangement of devices and structures used for treating sewage.

Sewage works shall mean all facilities for collecting, pumping, treating and disposing of sewage.

Sewer shall mean a pipe or conduit for carrying sewage.

Shall is mandatory; *may* is permissive or discretionary.

Significant industrial user shall mean:

(a) An industrial user subject to categorical pretreatment standards; or

(b) An industrial user that:

1. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blow down wastewater);
2. Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
3. Is designated as such by the city on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(c) Upon a finding that a user meeting the criteria in subsection (b), has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403(f) (6), determine that such user should not be considered a significant industrial user.

Slug load or slug shall mean any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in section 38-95(a) of this ordinance. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.

Standard industrial classification code or SIC code shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

Storm water shall mean any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

Suspended solids shall mean the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

System shall mean all facilities for collecting, pumping, treating and disposing of sewage.

TBRSS pretreatment program shall mean the approved Temple-Belton Regional Sewerage System pretreatment program as amended.

Temple pretreatment program shall mean the approved city of Temple pretreatment program as amended.

Texas Commission on Environmental Quality (TCEQ) shall mean the State agency of that title, or where appropriate, the term may also be used as a designation for the director or other duly authorized official of said agency.

Upset shall mean an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment regulations because of factors beyond the reasonable control of the industrial user. This does not include noncompliance caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

User shall mean any person who contributes, causes, or permits the contribution of wastewater into city's wastewater system.

User permit shall mean permits issued to significant industrial users and categorical industrial users by the city as set forth in section 38-99 of this ordinance.

Wastewater shall mean liquid and any water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

Wastewater treatment plant or treatment plant shall mean the portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

Sec. 38-94. Duties of the director of public works.

It shall be the duty of the director to see that certain provisions of this article as pertaining to the use of public sewers are carried out, to determine if the sewage collected by the sewer collection system is treatable, and to supervise the treatment of the sewage.

Sec. 38-95. General sewer use requirements for the Temple-Belton Regional Sewerage System.

(a) Prohibited Discharge Standards.

1. General prohibitions.

- i. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.
- ii. If in the opinion of the director, the character of the sewage from any manufacturer or industrial plant, building or other premises is such that it will (1) injure or interfere with wastewater treatment processes or facilities, (2) constitute a hazard to humans or animals, (3) create a hazard in receiving waters of the wastewater treatment plant effluent, or (4) violate appropriate Federal, State or local regulations, the city manager shall have the right to require such user to dispose of such waste otherwise, and prevent it from entering the system.
- iii. The city shall require industrial users to control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards and local limits upon reduction, loss, or failure of its treatment facility. In the event of a plant/system upset, provisions outlined in 40 CFR 403.16 shall prevail.

2. Specific Prohibitions. Except as hereinafter provided, no user shall introduce or cause to be introduced into the sewerage system of the city, directly or indirectly, any of the following pollutants, substances, or wastewater:

- i. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
- ii. Wastewater having a pH less than 5.5 or more than 10.5 or otherwise causing corrosive material damage to the POTW or equipment;
- iii. Solid or viscous substances in amounts which will cause obstruction resulting in interference to the flow in the POTW or interference with the proper operation of the sewage works,
- iv. Wastewater with twenty-four (24) hour composite samples containing biochemical oxygen demand and/or total suspended solids in excess of eight (800) milligram per liter (mg/l).
- v. Wastewater having a temperature greater than 40°C (104°F), or which will inhibit biological activity in the treatment plant resulting in interference,

- vi. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
- vii. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- viii. Trucked or hauled pollutants, except at discharge points designated by the director in accordance with section 38-97 (c) of this ordinance;
- ix. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewer for maintenance;
- x. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, inks, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the city's TPDES permit;
- xi. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- xii. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, contact cooling water, and unpolluted wastewater, unless specifically authorized by the city;
- xiii. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- xiv. Medical wastes, except as specifically authorized by the city in a wastewater discharge permit;
- xv. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- xvi. Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
- xvii. Any water or waste which may contain more than ninety-six (96.0) milligrams per liter of fat, oil or grease or other substances which may solidify or become viscous at temperatures between 32 degrees Fahrenheit and 150 degrees Fahrenheit.
- xviii. Any garbage that has not been properly shredded;
- xix. Any feathers, entrails, feet, bones, paunch manure, hair, fleshings or eggshells, whole blood or other liquids in quantities which exert an unusual oxygen or chlorine requirement or which result in a discoloration of the treatment plant influent.

- xx. Wastewater taken as a grab sample which contains total phenols and/or formaldehyde in concentrations greater than 15.7 parts per million.
- xxi. Wastewater which contains hydrogen sulfide measured as H₂S or Fluoride that is discharged in an amount that would cause the levels of H₂S or Fluoride to increase in the treated effluent from the sewage treatment plant.

Hazardous wastes that are prohibited by Regulatory Agencies shall not be discharged to the sewer system.

Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

(b) National Categorical pretreatment standards.

Users must comply with the categorical Pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471.

1. When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the director may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users.
2. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same Standard, the director shall impose an alternate limit in accordance with 40 CFR 403.6(e).
3. A CIU may obtain a net/gross adjustment to a categorical Pretreatment standard in accordance with the following paragraphs of this Section. 40 CFR 403.15:
 - i. Categorical Pretreatment standards may be adjusted to reflect the presence of pollutants in the Industrial user's intake water in accordance with this section. Any Industrial user wishing to obtain credit for intake pollutants must make application to the city. Upon request of the Industrial user, the applicable standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraph (ii) of this section are met.
 - ii. Criteria.
 - a. Either (i) the applicable categorical Pretreatment standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or (ii) The Industrial user demonstrates that the control system it proposes or uses to meet

applicable categorical Pretreatment standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.

- b. Credit for generic pollutants such as biochemical oxygen demand, total suspended solids and oil and grease should not be granted unless the Industrial user demonstrates that the constituents of the generic measure in the user's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.
- c. Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with standard(s) adjusted under this section.
- d. Credit shall be granted only if the user demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The city may waive this requirement if it finds that no environmental degradation will result.

(c) State pretreatment standards.

Users must comply with TCEQ pretreatment standards codified at 30 TAC 315.

(d) Local limits.

- 1. The director is authorized to establish local limits pursuant to 40 CFR 403.5(c).
- 2. The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following daily maximum limit.

10.688 mg/l Aluminum

0.121 mg/l Arsenic

0.145 mg/l Cadmium

1.478 mg/l Chromium (T)

0.282 mg/l Copper

0.524 mg/l Cyanide

0.836 mg/l Lead

0.001 mg/l Mercury

0.207 mg/l	Molybdenum
0.662 mg/l	Nickel
96.00 mg/l	Oil and grease (T)
15.7 mg/l	Phenols/Formaldehyde combined
0.017 mg/l	Selenium
1.820 mg/l	Silver (T)
0.849 mg/L	TTO
0.661 mg/L	Zinc

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise.

3. The city may develop best management practices by ordinance or in individual wastewater discharge permits to implement categorical standards only.

(e) Right of revision.

The city and/or TBRSS reserve the right to establish, by ordinance, or in wastewater discharge permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this ordinance.

(f) Dilution.

No user shall ever increase the use of process water, or in any way attempt to dilute discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement.

Sec. 38-96. General sewer use requirements for the Temple Sewerage System.

(a) Prohibited discharge standards.

1. General prohibitions.

- i. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.
- ii. If in the opinion of the director, the character of the sewage from any manufacturer or industrial plant, building or other premises is such that it will (1) injure or interfere with wastewater treatment processes

or facilities, (2) constitute a hazard to humans or animals, (3) create a hazard in receiving waters of the wastewater treatment plant effluent, or (4) violate appropriate Federal, State or local regulations, the city manager shall have the right to require such user to dispose of such waste otherwise, and prevent it from entering the system.

- iii. The city shall require industrial users to control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards and local limits upon reduction, loss, or failure of its treatment facility. In the event of a plant/system upset, provisions outlined in 40 CFR 403.16 shall prevail.

2. Specific Prohibitions. Except as hereinafter provided, no user shall introduce or cause to be introduced into the sewerage system of the city, directly or indirectly, any of the following pollutants, substances, or wastewater:

- i. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
- ii. Wastewater having a pH less than 5.5 or more than 10.5 or otherwise causing corrosive material damage to the POTW or equipment;
- iii. Solid or viscous substances in amounts which will cause obstruction resulting in interference to the flow in the POTW or interference with the proper operation of the sewage works;
- iv. Wastewater with twenty-four (24) hour composite samples containing total suspended solids (TSS) in excess of eight (800) milligram per liter (mg/l);
- v. Wastewater having a temperature greater than 40°C (104°F), or which will inhibit biological activity in the treatment plant resulting in interference;
- vi. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
- vii. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- viii. Trucked or hauled pollutants, except at discharge points designated by the director in accordance with section 38-97(c) of this ordinance;
- ix. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient

to create a public nuisance or a hazard to life, or to prevent entry into the sewer for maintenance;

- x. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the city's TPDES permit;
- xi. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- xii. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, contact cooling water, and unpolluted wastewater, unless specifically authorized by the city;
- xiii. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- xiv. Medical wastes, except as specifically authorized by the city in a wastewater discharge permit;
- xv. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- xvi. Concentrations exceeding one hundred seventy-five (175) milligrams per liter of oil and grease, wax, fats and plastic or other substances which will solidify or become discernibly viscous at any temperature between thirty-two (32) degrees Fahrenheit and one hundred fifty (150) degrees Fahrenheit.
- xvii. Any garbage that has not been properly shredded;
- xviii. Detergents, surface-active agents, or other substance which that might cause excessive foaming in the POTW;
- xix. Wastewater containing chemical oxygen demand in excess of twenty thousand (20,000) milligrams per liter; or
- xx. Any feathers, entrails, feet, bones, paunch manure, hair, fleshings or eggshells, whole blood or other liquids in quantities which exert an unusual oxygen or chlorine requirement or which result in a discoloration of the treatment plant influent;
- xxi. Wastewater taken as a grab sample which contains total phenols and/or formaldehyde in concentrations greater than 7 parts per million;
- xxii. Wastewater which contains Hydrogen Sulfide measured as H₂S, Chlorides, or Fluoride that is discharged in an amount that would

cause the levels of H₂S or Fluoride to increase in the treated effluent from the sewage treatment plant.

Hazardous wastes are prohibited by regulatory agencies shall not be discharged to the sewer system;

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

(b) National categorical pretreatment standards.

The categorical pretreatment standards found at 40 CFR Chapter 1, Subchapter N, Part 405-471 are hereby incorporated.

1. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the director shall impose an alternate limit in accordance with 40 CFR 403.6(e).
2. A CIU may obtain a net/gross adjustment to a categorical pretreatment standard in accordance with the following paragraphs of this section. 40 CFR 403.15.
 - i. Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in the Industrial user's intake water in accordance with this section. Any industrial user wishing to obtain credit for intake pollutants must make application to the city. Upon request of the industrial user, the applicable standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the criteria found in paragraph (ii) of this section are met:
 - ii. Criteria:
 - a. Either (i) the applicable categorical pretreatment standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or (ii) The industrial user demonstrates that the control system it proposes or uses to meet applicable categorical pretreatment standards would, if properly installed and operated, meet the standards in the absence of pollutants in the intake waters.
 - b. Credit for generic pollutants such as biochemical oxygen demand, total suspended solids, and oil and grease should not be granted unless the Industrial user demonstrates that the constituents of the generic measure in the user's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.

- c. Credit shall be granted only to the extent necessary to meet the applicable categorical pretreatment standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with standard(s) adjusted under this section.
- d. Credit shall be granted only if the user demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The city may waive this requirement if it finds that no environmental degradation will result.

(c) State pretreatment standards.

Users must comply with TCEQ codified at 30 TAC 315.

(d) Local Limits.

1. The director is authorized to establish local limits pursuant to 40 CFR 403.5(c).
2. The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following daily maximum limit.

0.03 mg/l	Arsenic
0.36 mg/l	Cadmium
9.14 mg/l	Chromium (T)
1.05 mg/l	Chromium (Hex)
0.50 mg/l	Copper
0.60 mg/l	Cyanide (Grab)
7.30 mg/l	Lead
0.08 mg/l	Mercury
1.75 mg/l	N-Ammonia
1.00 mg/l	Nickel
0.12 mg/l	Silver
7.03 mg/l	Zinc

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise.

3. All industrial users shall be prohibited from discharging industrial contributory flow-based concentrations from BOD₅ exceeding those normally found in domestic sewage, unless specifically allowed by the control authority in the industrial user's wastewater discharge permit. The daily maximum allowable concentration of industrial contributory flow-based BOD₅ limit is eight thousand (8,000) mg/L.
4. The city may develop best management practices by ordinance or in individual wastewater discharge permits to implement categorical standards only.

(e) Right of Revision.

The city reserves the right to establish, by ordinance, or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW consistent with the purpose of this ordinance.

(f) Dilution.

No user shall ever increase the use of process water, or in any way attempt to dilute discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement.

Sec. 38-97. Pretreatment of wastewater.

(a) Pretreatment facilities.

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in section 38-95 for industries discharging to the TBRSS system and section 38-96 for industries discharging to the Temple sewerage system, of this ordinance within the time limitations specified by EPA, the State, or the city, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. When required by the director of public works, the owner of any property served by a building sewer carrying industrial wastes, shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the industrial wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the city. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. Detailed plans describing such facilities and operating procedures shall be submitted to the city for review, and shall be acceptable to the director before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such

facilities as necessary to produce a discharge acceptable to the city under the provisions of this ordinance.

(b) Accidental discharge/slug control plans.

The city shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The city may require any user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

1. Description of discharge practices, including non-routine batch discharges;
2. Description of stored chemicals;
3. Procedures for immediately notifying the director of any accidental or slug discharge, as required by section 38-100 (f) of this ordinance; and
4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

The results of such activities shall be available to the approval authority upon request. All documentation associated with BMP's shall be included.

The city will evaluate each SIU within one year of being designated an SIU to determine whether each such SIU needs a plan or other action to control slug discharges.

(c) Hauled wastewater.

1. Septic tank waste may be introduced into the POTW only at locations designated by the city, and at such times as are established by the city. Such waste shall not violate section 38-95 for the TBRSS system or 38-96 for the Temple system of this ordinance or any other requirements established by the city. The city may require septic tank waste haulers to obtain individual wastewater discharge permits.
2. Septic tank waste haulers may discharge loads only at locations designated by the director. No load may be discharged without prior consent of the chief operator at the POTW. The director may collect samples of each hauled load to ensure compliance with applicable standards. The director may require the septic tank waste hauler to provide a waste analysis of any load prior to discharge.
3. No industrial, hazardous waste is allowed to be discharged to the POTW.

4. Septic tank haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of business the waste originated from, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

Sec. 38-98. Wastewater discharge permits.

(a) Wastewater analysis.

When requested by the city, a user must submit information on the nature and characteristics of its wastewater within (60) days of the request. The director is authorized to prepare a form for this purpose and may periodically require users to update this information.

(b) Wastewater discharge permit requirement.

1. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the city, except that significant industrial user that has filed a timely application pursuant to section 38-98 (c) of this ordinance may continue to discharge for the time period specified therein.
2. The city may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.
3. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in sections 38-104 and 38-105 of this ordinance. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

(c) Wastewater discharge permitting: Existing connections.

Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within 60 days after said date, apply to the director for a wastewater discharge permit in accordance with section 38-98 (e) of this ordinance, and shall not cause or allow discharges to the POTW to continue after 90 days of the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the city. For existing permitted user reapplication, see requirements in Section 38-99 (f).

(d) Wastewater discharge permitting: New connections.

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with section 38-98 (e) of this ordinance, must be filed at least 90 days prior to the date upon which any discharge will begin or recommence.

(e) Wastewater discharge permit application contents.

All users required to obtain a wastewater discharge permit must submit a permit application. The city may require all users to submit all or some of the following information as part of a permit application:

1. Identifying Information.
 - i. The name and address of the facility, including the name of the operator, owner, and facility contact person; and
 - ii. Contact information, description of activities, facilities, and plant production processes on the premises;
2. Environmental Permits. A list of any environmental control permits held by or for the facility.
3. Description of Operations.
 - i. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated process(es);
 - ii. Number and type of employees, hours of operation, and proposed or actual hours of operation;
 - iii. Each product produced by type, amount, process or processes, and rate of production;
 - iv. Type and amount of raw materials processed and chemicals used (average and maximum per type);
 - v. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
4. Time and duration of discharges;
5. The location for monitoring all wastes covered by the permit;

6. Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in section 38-95 (b)(1) [40 CFR 403.6(e)];
7. Measurement of pollutants.
 - i. The categorical pretreatment standards applicable to each regulated process and any new categorically regulated process for existing sources.
 - ii. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the city, of regulated pollutants in the discharge from each regulated process.
 - iii. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.
 - iv. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in section 38-100 (i) of this ordinance. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the city or the applicable standards to determine compliance with the standard.
 - v. Sampling must be performed in accordance with procedures set out in section 38-100 (j) of this ordinance.
8. Any requests for a monitoring waiver, or a renewal of an approved monitoring waiver, for a pollutant neither present nor expected to be present in the discharge based on section 38-100 (d) (3) [40 CFR 403.12(e)(2)];
9. Any other information as may be deemed necessary by the director to evaluate the wastewater discharge permit application.
10. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

(f) Application signatories and certification.

1. All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my

knowledge and belief, to be, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

2. If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this section must be submitted to the director prior to or together with any reports to be signed by an authorized representative.

(g) Wastewater discharge permit decision.

After receipt of a complete wastewater discharge permit application, the director will determine whether or not to issue a wastewater discharge permit. The director may deny any application for a wastewater discharge permit or require additional safeguards, reports or information. For users not meeting the criteria of significant industrial users, the director may also waive or defer a permit, or allow discharges in the interim while a permit is being prepared.

(h) Extraterritorial users.

No discharge originating in areas outside the territorial limits of the city shall be made into any sanitary sewer of the city without first obtaining a special permit, which shall be subject to and incorporate by reference the terms of this ordinance.

Sec. 38-99. Wastewater discharge permit issuance.

(a) Permit Duration.

A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the director. Each wastewater discharge permit will indicate a specific date upon which it will expire.

(b) Permit Contents.

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the city to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

1. Permits must contain:
 - i. A statement that indicates wastewater discharge permit issuance date, expiration date and effective date;

- ii. A statement that the wastewater discharge permit is nontransferable without prior notification to the city in accordance with Section 38-99(d) of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
 - iii. Effluent limits, including best management practices, based on applicable pretreatment standards;
 - iv. Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants or best management practice to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law;
 - v. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law;
 - vi. Requirements to control slug discharge, if determined by the city to be necessary; and
2. Wastewater discharge permits may contain, but need not be limited to, the following conditions:
- i. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 - ii. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
 - iii. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
 - iv. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
 - v. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and

- vi. Other conditions as deemed appropriate by the city to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

(c) Permit modification.

1. The city may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:
 - i. To incorporate any new or revised Federal, State, and local pretreatment standards or requirements;
 - ii. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
 - iii. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - iv. Information indicating that the permitted discharge poses a threat to the POTW, city personnel, or the receiving waters;
 - v. Violation of any terms or conditions of the individual wastewater discharge permit;
 - vi. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
 - vii. Revision of or a grant of variance from categorical Pretreatment standards pursuant to 40 CFR 403.13;
 - viii. To correct typographical or other errors in the wastewater discharge permit; or
 - ix. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with section 38-99 (d).

(d) Permit Transfer.

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 30 days advance notice to the city and the director approves the wastewater discharge permit transfer. The notice to the city must include a written certification by the new owner or operator which:

1. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
2. Identifies the specific date on which the transfer is to occur; and
3. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Upon approval by the city of the permit transfer, a copy of the new permit will be provided to the new owner(s).

(e) Permit Revocation.

The city may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

1. Failure to notify the director of significant changes to the wastewater prior to the changed discharge;
2. Failure to provide prior notification to the director of changed conditions pursuant to Section 38-100 (e) of this ordinance;
3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
4. Falsifying self-monitoring reports;
5. Tampering with monitoring equipment;
6. Refusing to allow the director timely access to the facility premises and records;
7. Failure to meet effluent limitations;
8. Failure to pay fines;
9. Failure to pay sewer charges;
10. Failure to meet compliance schedules;
11. Failure to complete a wastewater survey or the wastewater discharge permit application;
12. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
13. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership with the exception for transfer provisions outlined in Section 38-99 (d). All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

(f) Permit reissuance.

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 38-98 (e) of this ordinance, a minimum of 60 days prior to the expiration of the user's existing wastewater discharge permit.

Sec. 38-100. Reporting requirements.*(a) Baseline Monitoring Reports.*

1. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a) (4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the director a report which contains the information listed in paragraph 2., below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the city a report which contains the information listed in paragraph (2), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
2. Users described above shall submit the information set forth below.
 - i. All information required in section 38-98 (e) (1)(i), section 38-98 (e) (2), section 38-98 (e) (3) (i), and section 38-98 (e) (6).
 - ii. Measurement of pollutants.
 - a. The user shall provide the information required in section 38-98 (e) (7) (i) through (iv).
 - b. The user shall take a minimum of one representative sample of daily operations to compile that data necessary to comply with the requirements of this paragraph.
 - c. Samples should be taken immediately downstream from the pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the pretreatment standards.
 - d. Sampling and analysis shall be performed in accordance with section 38-100 (i) and 40 CFR Part 136.
 - e. The director may allow the submission of a baseline report which utilizes only historical data so long as the data provides

information sufficient to determine the need for industrial pretreatment measures.

- f. The baseline report shall indicate the time, date and place of sampling and methods of analysis and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
- iii. Compliance certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether Pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pretreatment is required to meet the pretreatment standards and requirements.
- iv. Compliance schedule. If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or operations and maintenance must be provided. The completion date in this schedule shall not be later than the compliance due established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirement set out in section 38-100(b) of this ordinance.
- v. All baseline monitoring reports must be certified in accordance with section 38-100(m) (1) of this ordinance and signed by an authorized representative.

(b) Compliance schedule progress reports.

The following conditions shall apply to the compliance schedule required by section 38-100 (a) (2) (iv) of this ordinance:

1. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
2. The user shall submit a progress report to the city no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

3. In no event shall more than nine (9) months elapse between increments or progress reports to the director.

(c) Reports on compliance with categorical pretreatment standard deadline.

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source, 90 days following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the city a report containing the information described in section 38-98 (e) (6) and (7) and section 38-100 (a) (2) (ii) of this ordinance. All compliance reports must be signed and certified in accordance with section 38-98 (f) of this ordinance.

(d) Periodic Compliance Reports.

1. All significant industrial users shall, at a frequency determined by the city but in no case less than twice per year (in June and December or dates specified by the control authority), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a best management practice or pollution prevention alternative, the user must submit documentation required by the city or the pretreatment standard necessary to determine the compliance status of the user.
2. All periodic compliance reports must be signed and certified in accordance with section 38-98 (f) of this ordinance.
3. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
4. If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the director, using the procedures prescribed in section 38-100 (j) of this ordinance, the results of this monitoring shall be included in the report.
5. User shall report the average and maximum daily flows for the reporting period and identify where flow estimates are used.
6. All periodic compliance reports must be signed and certified in accordance with section 38-100 (m) (1) of this ordinance.

(e) Reports of changed conditions.

Each user must notify the director of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 30 days before the change.

1. The director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 38-98 (e) of this ordinance.
2. The director may issue a wastewater discharge permit under section 38-99 (f) of this ordinance or modify an existing wastewater discharge permit under section 38-99 (c) of this ordinance in response to changed conditions or anticipated changed conditions.

(f) Reports of Potential Problems.

1. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately notify the director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
2. Within five (5) days following such discharge, the user shall, unless waived by the director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.
3. A notice shall be permanently posted in a prominent place advising employees who to call in the event of a discharge described in paragraph (1) above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.
4. Significant Industrial users are required to notify the city immediately of any changes at its facility affecting the potential for a slug discharge.

(g) Reports from unpermitted users.

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the director as the city may required.

(h) Notice of Violation/Repeat Sampling and Reporting.

If sampling performed by a user indicates a violation, the user must notify the director within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the director within thirty (30) days after becoming aware of the violation. Resampling by the industrial user is not required if the city performs sampling at the user's facility at least once a month, or if the city performs sampling at the user's facility between the time when the initial sampling was conducted and the time when the user or the city receives the results of this sampling. If the city has performed sampling, the user will repeat the sampling and analysis and submit the results of the repeat analysis to the director within thirty (30) days upon being notified by the city of any violations.

(i) Analytical Requirements.

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures. The tests shall be performed on the samples taken at the location designated in each industry's Permit.

(j) Sample Collection.

1. Except as indicated in Section 2 and 3 below, the user must collect wastewater samples using 24-hour flow proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the city. Where time-proportional composite sampling or grab sampling is authorized by the city, the samples must be representative of the discharge. Using protocols specified in 40 CFR part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the city, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

2. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
3. For sampling required in support of baseline monitoring and 90-day compliance reports required in section 38-100 (a) and (c) [40 CFR 403.12 (b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data is available, the city may authorize a lower minimum. For the reports required by paragraphs section 38-100 (d) [40 CFR 403.12(e) and 403.12(h)] the IU is required to collect the number of grab samples necessary to assess and assure compliance by with applicable pretreatment standards and requirements.

(k) Date of receipt of reports.

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

(l) Record keeping.

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with best management practices established under sections 38-95 (d) (3) and 38-96 (d) (3). Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the city, or where the user has been specifically notified of a longer retention period by the director.

(m) Certification Statements.

1. Certification of permit applications, user reports and initial monitoring waiver. The following certification statement is required to be signed and submitted by users submitting permit applications in accordance with section 38-98 (f); users submitting baseline monitoring reports under section 38-100 (a) (2) (v); users submitting reports on compliance with the categorical pretreatment standard deadlines under section 38-100 (c); and users submitting periodic compliance reports required by section 38-100 (d) (1)

through (6). The following certification statement must be signed by an Authorized Representative as defined in Section 38-93:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Sec. 38-101. Compliance monitoring.

(a) Right of entry: inspection and sampling.

The city, or its representative(s), TBRSS representative(s), TCEQ representative(s), and EPA's representative(s) shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this ordinance and any wastewater discharge permit or order issued hereunder. Users shall allow the representatives from the city, TBRSS, TCEQ and/or EPA, 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.

1. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the director will be permitted to enter without delay for the purposes of performing specific responsibilities.
2. The city, T-BRSS, TCEQ, and/or EPA shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
3. The director may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated, annually to ensure their accuracy.
4. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the director and shall not be replaced. The costs of clearing such access shall be born by the user.

5. Unreasonable delays in allowing the director access to the user's premises shall be a violation of this ordinance.
6. When monitoring facility is constructed in the public right-of-way or easement, in an unobstructed location, the IU shall provide ample room in or near the monitoring facility to allow accurate sampling and preparation of samples and analysis and whether constructed on public or private property, the monitoring facilities should be provided in accordance with the city's requirements and all applicable local construction standards and specifications, and such facilities shall be constructed and maintained in such manner so as to enable the director to perform independent monitoring activities.
7. Search Warrant: If the city has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the city, designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the director may seek issuance of a search warrant from the appropriate County or District Court.

Sec. 38-102. Confidential information.

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the city's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the city, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user by furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the TPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

Sec. 38-103. Publication of user in significant noncompliance.

- (a) The city shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the municipality where the POTW is located, a list of the users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements.
- (b) The term significant noncompliance shall be applicable to all significant industrial users (or any other industrial user that violates paragraphs (3), (4), or (8) of this section) and shall mean:
1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the sampled pollutant parameter taken during a six (6) month period exceed by any magnitude, a numeric pretreatment standard or requirement, including instantaneous limits as defined in section 38-93;
 2. Technical review criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limit, as defined by section 98-93 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease; and 1.2 for all other pollutants except pH);
 3. Any other violation of a pretreatment standard or requirement as defined in section 38-93 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the city determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
 4. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the city's exercise of its emergency authority to halt or prevent such a discharge;
 5. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
 6. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
 7. Failure to accurately report noncompliance; or

8. Any other violation(s), which may include a violation of best management practices, which the director determines will adversely affect the operation or implementation of the local pretreatment program.

Sec. 38-104. Administrative enforcement remedies and administrative orders.

All enforcement actions shall follow the TCEQ approved enforcement response plan (ERP) and the enforcement response guide (ERG). This plan contains detailed procedures indicating how the control authority will investigate and respond to instances of industrial user noncompliance.

(a) Notification of Violation.

When the city finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the director may serve upon that user a written notice of violation. Within thirty (30) days of receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the director to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(b) Consent Orders.

The city may enter into consent orders, assurances of voluntary compliance or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents shall include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to sections 38-104 (d) and (e) of this ordinance and shall be judicially enforceable.

(c) Show Cause Hearing.

The city may order a user which has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least fifteen (15) business days prior to the hearing. Such notice may be served on any authorized representative of the user as

defined in section 38-93 and required by section 38-98 (f) (1). A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

(d) Compliance Orders.

When the director finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the director may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(e) Cease and Desist Orders.

When the director finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the director may issue an order to the user directing it to cease and desist all such violations and directing the user to:

1. Immediately comply with all requirements; and
2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(f) Emergency Suspensions.

The director may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The director may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

1. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The director may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the director that the period of endangerment has passed, unless the termination proceedings in section 38-104 (g) of this ordinance are initiated against the user.
2. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the director prior to the date of any show cause or termination hearing under sections 38-104 (c) or 38-104 (g) of this ordinance.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

(g) Termination of Discharge.

In addition to the provisions in section 38-99 (e) of this ordinance, any user who violates the following conditions is subject to discharge termination:

1. Violation of wastewater discharge permit conditions;
2. Failure to accurately report the wastewater constituents and characteristics of its discharge;
3. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
4. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
5. Violation of the pretreatment standards in section 38-95 for TBRSS or 38-96 for the Temple Sewerage System, of this ordinance.
6. Problems existing at the headworks.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under section 38-104 (c) of this ordinance why the proposed action should not be taken. Exercise of this option by the director shall not be a bar to, or a prerequisite for, taking any other action against the user.

Sec. 38-105. Judicial enforcement remedies.

(a) Injunctive Relief.

When the director finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment standard or Requirement, the director may petition the district court through the city's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user. The director may also seek such other action as is appropriate for legal and or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

(b) Civil Penalties.

1. A user who has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the city for a maximum civil penalty of \$2000 but not less than \$1000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
2. The director may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.
3. In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
4. Filing a suit for civil penalties shall not be a bar against or a prerequisite for, taking any other action against a user.

(c) Criminal Prosecution.

1. A user who willfully or negligently violates any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$2000 per violation, per day, or not more than one year imprisonment, or both.
2. A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty up to \$2000, or be subject to not more than one year imprisonment, or both. This penalty shall be in

addition to any other cause of action for personal injury or property damage available under state law.

3. A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than \$2000 per violation, per day, or not more than one year imprisonment or both.
4. In the event of a second conviction, a user shall be punished by a fine of not more than \$2000 per violation, per day, or not more than one year imprisonment, or both.

(d) Remedies Nonexclusive.

The remedies provided for in this ordinance are not exclusive. The city may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the city may take other action against any user when the circumstances warrant. Further, the city is empowered to take more than one enforcement action against any noncompliant user.

Sec. 38-106. Affirmative defenses to discharge violations.

(a) Upset.

1. In an action brought in federal court and for the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
2. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (3), below, are met.
3. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs or other relevant evidence that:
 - i. An upset occurred and the user can identify the cause(s) of the upset;

- ii. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
- iii. The user has submitted the following information to the director within twenty-four (24) hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five (5) days:
 - a. A description of the indirect discharge and cause of noncompliance;
 - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- 4. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- 5. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- 6. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(b) Act of God.

- 1. The Act of God defense constitutes a statutory affirmative defense [Texas Water Code Section 7.25] in an action brought in municipal or state court. If a person can establish that an event that would otherwise be a violation of a pretreatment ordinance, or a permit issued under the ordinance, was caused solely by an act of God, war, strike, riot, or other catastrophe, the event is not a violation of the ordinance or permit.
- 2. An industrial user who wishes to establish the Act of God affirmative defense shall demonstrate, through relevant evidence that:
 - i. An event that would otherwise be a violation of a pretreatment ordinance or a permit issued under the ordinance occurred, and the sole cause of the event was an act of God, war, strike, riot or other catastrophe; and

- ii. The industrial user has submitted the following information to the POTW and the city within 24 hours of becoming aware of the event that would otherwise be a violation of a pretreatment ordinance or a permit issued under the ordinance (if this information is provided orally, a written submission must be provided within five days):
 - a. A description of the event, and the nature and cause of the event;
 - b. The time period of the event, including exact dates and times or, if still continuing, the anticipated time the event is expected to continue; and
 - c. Steps being taken or planned to reduce eliminate and prevent recurrence of the event.
- iii. Burden of proof. In any enforcement proceeding, the industrial user seeking to establish the act of God affirmative defense shall have the burden of proving by a preponderance of the evidence that an event that would otherwise be a violation of a pretreatment ordinance, or a permit issued under the ordinance, was caused solely by an act of God, war, strike, riot or other catastrophe.

(c) Prohibited Discharge Standards.

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in section 38-95 (a) (1) (i) through (iii) for industries discharging to the TBRSS system or section 38-96 (a) (1) (i) through (iii) for industries discharging to the Temple sewerage system of this ordinance or the specific prohibitions in sections 38-95 (a) (2) (i) through (xxi). for TBRSS industries or sections 38-96 (a) (2) (i) through (xxii) for Temple industries of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- 1. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference;
- 2. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the city was regularly in compliance with its TPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(d) Bypass.

- 1. For the purposes of this section:
 - i. Bypass means the intentional diversion of wastestreams from any portion of a user's treatment facility; and

- ii. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
2. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (3) and (4) of this section.
3. Any other bypass must meet the following requirements:
 - i. If a user knows in advance of the need for a bypass, it shall submit prior notice to the director, at least ten (10) days before the date of the bypass, if possible.
 - ii. A user shall submit oral notice to the director of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The director may waive the written report on a case-by-case basis if the report has been received within twenty-four (24) hours.
4. Bypass is prohibited, and the director may take an enforcement action against a user for a bypass, unless:
 - i. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - iii. The user submitted notices as required under paragraph (3) of this section.

5. The director may approve an anticipated bypass, after considering its adverse effects, if the director determines that it will meet the three conditions listed in paragraph (4) of this section.

Sec. 38-107. Miscellaneous provisions.

(a) Review and approval; preliminary treatment; required facilities.

1. The admission into the public sewers of any waters or wastes having (1) a five-day biochemical oxygen demand greater than three hundred (300) parts per million (ppm) by weight, or (2) containing more than four hundred (400) parts per million by weight of total suspended solids, or (3) containing any quantity of substances having the characteristics described in section 38-95 for the TBRSS or section 38-96 for the city of Temple, or (4) having an average daily flow greater than five per cent (5%) of the average daily sewage flow of the city, shall be subject to the review and approval of the director. Where the director has approved the admission of (1) or (2) above into the public sewer, that discharge may be subject to a surcharge as determined by the director.
2. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the director and no construction of such facilities shall be commenced until said approvals are obtained in writing.

(b) Pretreatment Charges and Fees.

The city may adopt reasonable fees for reimbursement of costs of setting up and operating the city's pretreatment program which may include:

1. Fees for wastewater discharge permit applications including the cost of processing such applications;
2. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
3. Fees for reviewing and responding to accidental discharge procedures and construction;
4. Fees for filing appeals; and
5. Fees to recover administrative and legal costs [not included in section 38-107 (a) (2) associated with the enforcement activity taken by the director to address IU noncompliance; and

6. Other fees as the city may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the city.

7. Surcharges. After a review by the director, if a determination is made that the discharge is of such unusual strength and/or character that increased treatment within the sewer treatment plant would be required accompanied by increased treatment costs to the POTW, the discharge shall be subject to a surcharge. In no case will a discharge be accepted that will prevent the POTW from meeting its permit limits. The surcharge will be automatic beginning the third month for a user who has had two previous consecutive months with discharges of BOD or TSS which exceed the limits provided in 38-107 (a) (1) above. A surcharge is an additional charge by the POTW for the increased cost of handling discharge of unusual strength and character, and shall not serve as a variance to the requirements of this ordinance, nor shall it serve to bar the POTW from bringing a criminal action or civil action under section 38-105 for violations of the provisions of this ordinance.

Surcharges for the treatment of discharges shall be determined as follows:

- i. A basic sewer charge of two hundred fifty dollars (\$250.00) per million gallons times the monthly volume discharged in millions of gallons.
- ii. A BOD surcharge of one dollar (\$1.00) per million gallons times the difference between the BOD expressed in milligrams per liter, and three hundred (300) milligrams per liter; all multiplied times the monthly volume discharged expressed in millions of gallons.
- iii. A TSS surcharge of one dollar (\$1.00) per million gallons times the difference between the TSS expressed in milligrams per liter, and four hundred (400) milligrams per liter; all multiplied times the monthly volume discharged in millions of gallons.
- iv. The basic sewer charge, BOD, and TSS surcharges will be reviewed at periodic intervals as determined by the director. Changes in the aforementioned surcharges shall be authorized by resolution of the city council and shall be binding on all city agreements for the treatment of industrial wastes.

(c) Gender.

As used in this Chapter, whenever the context so indicates, the masculine, feminine, or neuter gender and the singular or plural number, shall be deemed to include the others.

(d) Headings.

The headings above the various provisions of this Chapter have been included only in order to make it easier to locate the subject covered by each provision and are not to be used in construing the said provisions.

(e) Amendments of Statutes.

Reference made to any State or Federal statutes or to any local ordinances includes and is intended to refer to those statutes and/or ordinances as they presently exist or as they may hereafter be amended to read.

Sec. 38-108. Effective date.

This ordinance shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

Secs. 38-108--38-129. Reserved.

ARTICLE VI - CROSS CONNECTION CONTROL

Sec. 38-130. General Provisions.

(a) Title. This article will hereinafter be known, cited, and referred to as the Cross Connection Control Act of the City of Temple, Texas.

(b) Purpose of this article.

The regulations contained herein are adopted to achieve the following purposes and will be administered to achieve the following objectives:

1. Promote the health, safety, and general welfare of the City;
2. Promote and ensure the proper use and control of the City's public water system;
3. Protect the City's water supply from the possibility of contamination or pollution by isolating within a customer's water system such contaminants or pollutants that could backflow into the public water system;
4. Eliminate cross connections between a customer's potable water supply and non-potable water, plumbing fixtures, and process piping systems in conjunction with the City's currently adopted plumbing code;
5. Provide for the maintenance of a continuing program of cross connection control that will systematically and effectively prevent contamination or pollution of the City's potable water

supply by requiring the certification and operational testing of all testable backflow assemblies located on a premises and the installation of approved backflow assemblies as required by the City's currently adopted plumbing code; and

6. Comply with all local, state, and federal laws and regulations.

(c) Policy.

It is hereby declared the policy of the City to promote the public health safety and welfare by:

1. Implementing the rules for drinking water standards governing drinking water quality and reporting requirements for public water supply systems promulgated by the Texas Health and Safety Code, Chapter 341, Subchapter C, 30 Tex. Admin. Code Chapter 290, and the Federal Safe Drinking Water Act, 42 USCS §§ 300f et seq., all as amended;
2. Establishing a cross connection control program of uniform regulations governing the installation, testing, and certification of backflow assemblies and technicians; and
3. Establishing requirements to permit and control the installation, routine maintenance, and inspection of backflow assemblies.

(d) Jurisdiction and applicability.

The rules and regulations contained in this article apply to the public utility water service area and all cross connections and installations of backflow assemblies within:

1. service areas of the City;
2. areas where water is purchased from the City; and
3. any plumbing outside the City requiring plumbing inspection pursuant to an interlocal agreement between the City and a political subdivision, a water sales contract, this article, or applicable ordinance.

(e) Rulemaking.

The City is hereby authorized to promulgate reasonable regulations to achieve the purposes of the article that are not in conflict with this Chapter or any other local laws or rules, and any applicable state and federal laws and regulations.

(f) Conflicts with public and private provisions.

Except where indicated, these regulations are not intended to:

1. interfere with, abrogate, or annul any other public ordinance, rule, regulation, or statute, or other provision of law; or
2. abrogate any easement, deed restriction, covenant, or any other private agreement or deed restriction.

(g) Conformance with rules and regulations.

The provisions in this article are the minimum requirements concerning cross connections and backflow prevention. In addition to the requirements, each customer must be in conformance with all applicable local, state, and federal laws and regulations. If there is a conflict, the stricter provision controls.

Sec. 38-131. Backflow and siphonage prevention program.

(a) Cross connection prohibited.

1. No installation of potable water supply piping or part thereof may be made in such a manner that allows used, polluted, or contaminated water, mixtures, gases, or other substances to enter any portion of such piping by reason of backsiphonage, backpressure, or any other cause.
2. No person may install or use any water operated equipment or mechanism or use any water treating chemical or substance if it has the potential of causing pollution or contamination of a public water system. If a person wishes to install or use this type of equipment, mechanism, chemical, or substance, the equipment, mechanism, chemical, or substance may be permitted by the City only when equipped with an approved backflow assembly.
3. No person may connect to a public water system any mechanism or system designed to return used water to a public water system through any measure.
4. No person may connect any auxiliary water system to a public water system except as allowed by this article and by the City's currently adopted plumbing code, as amended.

(b) Installation provisions.

1. No water connection from a public water system may be made to any structure or facility where actual or potential contamination or a system hazard exists without backflow prevention between the public water system and the source of actual or potential contamination or system hazard in accordance with all applicable local, state, and federal standards.
2. No water connection from any public water system may be made to any condensing, cooling, or industrial process or any other system of non-potable usage over which a public water supply system official does not have sanitary control, unless the said connection is made in accordance with the requirements of paragraph (b)(1) of this Section. Water from such systems cannot be returned to the potable water supply.
3. Overhead bulk water dispensing stations must be provided with an air gap between the filling outlet hose and the receiving tank to protect against backsiphonage and cross contamination.
4. The use of a backflow prevention device at the service connection will be considered as additional backflow protection and does not negate the use of backflow protection or internal hazards as outlined and enforced by the City's current adopted plumbing code.
5. New installation.
 - i. New, replacement, or reconditioned backflow assemblies must be installed in accordance with the City's currently adopted plumbing code, as amended.

- ii. Prior to installation of a backflow assembly, a person must obtain a plumbing permit.
 - iii. Prior to issuance of a certificate of occupancy, a completed test and maintenance report must be submitted to the City for any connection requiring a backflow assembly.
 - 6. Health hazard installation.
 - i. Approved backflow assemblies installed at the meter must be used at health hazard applications.
 - ii. The City may require a secondary assembly if the City deems it necessary to protect the public water system from the failure of the primary backflow assembly or to allow maintenance of the primary backflow assembly.
 - 7. Other installations.
 - i. An approved backflow assembly must be installed to protect the potable water supply from contamination or pollution when such system is connected to any automatic fire protection system, standpipe systems, or privately owned fire hydrants.
 - ii. A meter obtained from the City must be used to connect to a public water system for water appropriation from a fire hydrant. Installation of an approved backflow prevention assembly is required on any meter connected to a public water system for water appropriation from a fire hydrant, except as provided in this article.
 - 8. Wholesale customers. Any customer purchasing water for resale or distribution must install an approved air gap separation or a reduced pressure backflow prevention assembly at the service connection.
 - 9. Water hauling vehicles. Water hauling vehicles obtaining water from a connection to the City's potable water supply must have an approved backflow assembly installed permanently on the vehicle, or if connected by a fire hydrant meter, installed on the fire hydrant meter. The assembly must be registered with the City and certified for operation annually.
 - 10. Compliance for existing customers. A premises' owner, customer, or the designated representative of any facility that the City determines has a cross-connection or an improperly installed, untested, or broken backflow assembly must take prompt remedial measures and comply with this article on a schedule determined by the City by written notice. Documentation of the installation, testing, or repair must be submitted to the City as required.
- (c) Customer testing requirements.
- 1. The owner of a premises, customer, or the designated representative of any facility containing a backflow assembly must test the assembly as follows:
 - i. For commercial properties:
 - A. Annually after installation.
 - ii. For residential properties:

- a. For backflow assemblies not on a property served by a septic system: every five years; and
 - b. For backflow assemblies on a property served by a septic system: annually after installation.
 - iii. For both commercial and residential properties:
 - a. Immediately after installation;
 - b. Whenever the backflow assembly is moved;
 - c. When the City deems it necessary to protect the health and safety of the public;
 - d. When required to test under the City's currently adopted plumbing code;
 - e. When an irrigation system is installed; and
 - f. Immediately after any backflow assembly repair.
 2. All backflow assembly testing must be performed by a person holding a current Backflow Prevention Assembly Tester (BPAT) license issued by TCEQ.
- (d) Any tester described in Sec. 38-131(c)(2) must be on the City's list of approved testers prior to performing backflow assembly testing within the City.
 1. A tester may be placed on the City's approved list by providing their contact information, any applicable registration, certification, and licensing information to the City, and current accuracy test results and calibrations for the gauges to be used by the tester to test backflow assemblies.
 2. The City may remove a tester from the City's list of approved testers if:
 - i. The tester fails to annually provide to the City current certificates of calibrations and serial numbers for the gauges the tester will use to test backflow assemblies;
 - ii. The tester fails to submit backflow assembly test results to the City within ten (10) business days of the date the tester performs the test; or
 - iii. The tester fails to comply with any City policy or ordinance related to testing backflow assemblies.
 3. The City may allow a tester that is removed to be added back on the City's approved list of testers per City policy.
- (e) Customer responsibility.
 1. It is the responsibility of the owner of a premises, customer, or the designated representative of any facility containing a backflow assembly to have all assemblies tested in accordance with this article.

2. An owner of a premises, customer, or the designated representative of any facility containing a backflow assembly is responsible for all costs associated with the installation, general maintenance, repair, testing, upkeep, record keeping, and replacement of the backflow assembly.
3. When an owner of a premises, customer, or the designated representative of any facility containing a backflow assembly leases or rents the same to any person, the owner, customer, designated representative of the facility, tenant, or lessee may be held responsible for not complying with any of the requirements of this article.
4. An owner of a premises, customer, or the designated representative of any facility containing a backflow assembly is responsible for ensuring that the tester who tests their assembly is on the approved list of testers for the City.

(f) Thermal expansion.

It is the responsibility of any owner of a premises, customer, or the designated representative of any facility containing a backflow assembly to eliminate the possibility of thermal expansion if a closed system has been created by the installation of a backflow assembly.

(g) Pressure loss.

Any reduction in water pressure caused by the installation of a backflow assembly is not the responsibility of the City.

Sec. 38-132. Customer service inspection program.

(a) Inspection Requirements. The City is authorized to perform a customer service inspection of a premises served by a public water system in the following circumstances:

1. prior to providing continuous water service to new construction on the premises;
2. when a public water system official has reason to believe that cross connections or other unacceptable plumbing practices or health hazards have the potential to or may exist on the premises;
3. prior to a certificate of occupancy being issued for the premises;
4. after a City permit is issued for the premises; and
5. after any material improvement, correction, or addition to the plumbing facilities on the premises.

(b) Duly authorized employees of the City bearing proper credentials and identification have the authority to enter any public or private property at any reasonable time to enforce this article. Owners of premises, designated representatives of a facility, and customers who are provided water service by the City must allow the City or its representatives ready access at all reasonable times to all parts of the premises for the purposes of inspection, testing, records examination, or in the performance of any of their duties under this article. Where there are measures in force that would require proper identification and clearance before entry onto a premises, the owner of a premises, customer, or the designated representative of the facility must make necessary

arrangements so that upon presentation of suitable identification, City employees are permitted to enter without delay for the purposes of performing their specific responsibilities under this article.

- (c) The City is not liable for damage to a backflow assembly that may occur during a customer service inspection, fluctuation in the distribution system pressure, or interruption to the water supply.
- (d) If after a customer service inspection of a premises, the City determines that a backflow assembly needs to be installed under this article or an existing backflow assembly needs to be repaired, tested, or maintained, a notice to install an approved backflow assembly or to repair, test, or maintain the existing backflow assembly within a period of time specified by the City will be issued to the premises' owner, customer, or designated representative of the facility.

Sec. 38-133. Closing provisions.

(a) Responsibilities.

It is the responsibility of all premises' owners, designated representatives of a facility, tenants, lessees, customers, and all designees of these persons to abide by the conditions of this article. In the event of any changes to a customer's water system or change of occupancy, it is the responsibility of these persons to notify the City. All costs associated with this article and the purchase, installation, testing, maintenance, and repair of any backflow assemblies are the responsibility of premises' owners, designated representatives of a facility, tenants, lessees, customers, and all designees of these persons.

(b) Enforcement and offenses.

1. Violations. A person commits an offense if they:

- i. fail to maintain backflow assemblies in compliance with this article;
- ii. fail to comply with a City notice to repair, test, maintain, or install a backflow assembly within a period of time specified by the City;
- iii. have any backflow from premises they own, rent, lease, operate, or manage enter the public water system;
- iv. fail to pay any fees required by this article;
- v. violate any section of this article;
- vi. reinstate water service to a premises that was discontinued or disconnected under this article, except as directed by the City;
- vii. allow a person not on the City's approved list of backflow assembly testers to perform a backflow assembly test at their premises; or
- viii. test a backflow assembly within the City without being on the City's approved list of backflow assembly testers.

2. Administrative remedies.

i. Disconnection of water service.

- a. When the City believes that an emergency affecting public health or safety exists, the City may immediately discontinue water service. It is an emergency affecting public health or safety if a backflow assembly is not installed as required by this article or an actual cross connection between a public and private water system exists. This temporary disconnection will continue until the cross connection is eliminated or a backflow assembly is installed as required by this article and the premises are inspected by the City for compliance. Notice and an opportunity to be heard will be provided to the customer as soon as possible after the disconnection of such water service in cases of emergency.
- b. The City may temporarily discontinue water service if a customer or property owner is not complying with any term of this article. Reasonable advance notice and an opportunity to be heard will be provided to the customer prior to a disconnection of water service if there is not an emergency.

ii. Refusal of water service. Failure to comply with this Chapter or other local, state, and federal laws, rules, and regulations or obtain and comply with the appropriate plumbing or building permits may result in placement of a hold on the issuance of a City certificate of occupancy and permanent termination of water service.

3. Civil Penalties.

- i. A person who has violated, or continues to violate, any provision of this article is liable to the City for not less than \$1000.00 but no more than \$5000.00 a day for each violation.
- ii. The City may recover expenses and loss or damage to City property as well as all other available relief.
- iii. The City may enforce this chapter by injunction, declaratory relief, or other action at law or in equity.
- iv. Filing a suit for civil penalties is not a bar against, or a prerequisite for, taking any other action against a person.

4. Criminal Prosecution.

- i. A person who knowingly, intentionally, recklessly, or with criminal negligence violates any provision of this article commits an offense.
- ii. Each occurrence of an offense per a day is a separate offense.
- iii. An offense under this article is a Class C misdemeanor punishable by a fine of up to \$2000.00.
- iv. Filing criminal charges is not a bar against, or a prerequisite for, taking any other action against a person.

5. 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.

Secs. 38-134--38.139. Reserved.

ARTICLE VII - LIQUID WASTE

DIVISION I. GENERALLY.

Sec. 38-140. Purpose and policy.

- (a) This article sets forth uniform requirements for liquid waste generators and liquid waste transporters operating in the City of Temple, Texas, to ensure that the City of Temple complies with all applicable State and Federal laws and regulations, including the Clean Water Act (33 United States Code § 1251 et seq.)
- (b) The objectives of this article are:
 - 1. to aid in the prevention of wastewater overflows resulting from blockages and obstructions due to the accumulation of fats, oils, and greases from commercial and industrial facilities;
 - 2. to promote the proper maintenance of grease interceptors and grit traps/oil separators; and,
 - 3. to ensure the proper handling, disposal, transport, and tracking of trap waste and other liquid waste.

Sec. 38-141. Applicability and prohibitions.

- (a) This article applies to all users of the POTW and transporters as defined by this Chapter.
- (b) Grease traps or grease interceptors are not required for individuals engaging in a cottage food production operation as defined by Sec. 437.001, Texas Health and Safety Code, as amended, and complying with all applicable state laws and regulations related to cottage food industries.
- (c) Facilities generating fats, oils, or grease as a result of food manufacturing, processing, preparation, or food service must install, use, and maintain appropriate grease interceptors as required in Section 38-142 of this article. These facilities include but are not limited to restaurants, food manufacturers, food processors, hospitals, hotels, motels, schools, nursing homes, and any other facility preparing, serving, or otherwise making any foodstuff available for consumption. Failure to install, maintain, or use grease traps in accordance with this article is unlawful.
- (d) It is unlawful for a User to intentionally or unintentionally allow the discharge of any petroleum oil, non-biodegradable cutting oil, mineral oil, or any fats, oils, or grease of animal or vegetable origin into the POTW in concentrations greater than those permitted and set forth in Article V, Chapter 38, of the City of Temple Code of Ordinances, as may be amended from time to time.

- (e) It is unlawful to discharge transported liquid waste, except as set forth in this article and in compliance with all federal, state, and local law and at discharge points designated by the City.
- (f) It is unlawful for a person to discharge or expose grease, wastewater, or other organic waste in such way as to be a potential instrument or medium of disease transmission to a person or between persons.
- (g) It is unlawful to discharge washwater to the storm water system or POTW; washwater may require pretreatment before being discharged to the POTW.

DIVISION 2. LIQUID WASTE GENERATORS

Sec. 38-142. Installations.

(a) New Facilities.

1. Food processing facilities or food service facilities, which are newly proposed or constructed, or existing facilities, which will be expanded or renovated to include a food service facility where such facility did not previously exist, are required to design, install, operate, and maintain a grease interceptor in accordance with locally adopted plumbing codes or other applicable ordinances. Grease interceptors must be installed and inspected prior to issuance of a certificate of occupancy.
2. Facilities that perform washing, cleaning, or servicing of automobiles, trucks, buses, or similar equipment, which are newly proposed or constructed with floor drains in areas of operation, are required to design, install, operate, and maintain a grit trap/oil separator in accordance with locally adopted plumbing codes or other applicable ordinances and guidelines as required by the City. Grit traps/oil separators must be installed and inspected prior to issuance of a certificate of occupancy.
3. A generator must install a sample port to allow access to sample the wastestream as close as possible to the connection with the City wastewater collection main within the bounds of the facility property. The port must be installed according to the specifications of the City. The port must be installed and maintained at the generator's expense. The port must be installed perpendicular to the effluent flow to allow visual observation and sampling.

(b) Existing Facilities.

1. An existing grease interceptor or grit trap/oil separator must be operated and maintained in accordance with the manufacturer's recommendations and in accordance with these standards referenced herein, unless otherwise specified in writing and approved by the City. The City may require users to install an approved grease interceptor or grit trap/oil separator when the concentration of oil, grease waste, or suspended solids is greater than concentrations permitted and set forth in Article V, Chapter 38 of the City of Temple Code of Ordinances or when discharges may cause blockages in the POTW. The City may also require users to replace an existing grease or grit trap when the fixture is not operating in accordance with the manufacturer's recommendations or the standards provided in this Chapter.

2. Existing food processing or food service facilities that change in use, existing facilities which will be expanded or renovated to include a food service facility, where such facility did not previously exist, and facilities with a lack of, or an inadequately sized, grease interceptor, are required to design, install, operate, and maintain a grease interceptor in accordance with locally adopted plumbing codes, or other applicable ordinances. Grease interceptors must be installed and inspected prior to the issuance of a certificate of occupancy and prior to a permit issued under Bell County regulations for food establishments.
 3. Existing facilities which perform washing, cleaning, or servicing of automobiles, trucks, buses, or similar equipment with floor drains in the areas of operation that change in use, are expanded or renovated to include floor drains in areas of operation, or where there is a lack of, or inadequately sized, grit trap/oil separator are required to design, install, operate, and maintain a grit trap/oil separator in accordance with locally adopted plumbing codes, or other applicable ordinances. Grit traps/oil separators must be installed and inspected prior to the issuance of a certificate of occupancy.
- (c) Grease interceptors and grit traps/oil separators must be installed pursuant to a single certificate of occupancy. No person or persons may allow the use of an interceptor or trap by more than one business as covered by a certificate of occupancy without prior written approval from the City.

Sec. 38-143. Responsibilities.

- (a) A generator of liquid waste must have all liquid waste material removed from their premises by a liquid waste transporter, which holds a valid permit from the City, and the liquid waste must be transported to an approved site for disposal.
- (b) Cleaning Schedule
1. All grease interceptors must be maintained in an efficient operating condition at all times. Grease interceptors must be cleaned as often as necessary to ensure that:
 - i. sediment and floating materials do not accumulate and impair the efficiency of the grease interceptor;
 - ii. the discharge is in compliance with local wastewater discharge limits; and
 - iii. no visible grease is observed in the discharge.
 2. Grease interceptors must be completely evacuated at a minimum of every ninety (90) days, or more frequently when:
 - i. twenty-five percent (25%) or more of the wetted height of the grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils, or greases;
 - ii. the discharge exceeds BOD, COD, TSS, FOG, pH, or other pollutant levels established by the City; or

- iii. the Public Works Department determines that more frequent evacuations are needed for public safety.
- (c) Grit traps/oil separators must be completely evacuated at a minimum of every 180 days unless an exception is granted by the City.
- (d) Any person who owns or operates a grease interceptor may submit to the City a request in writing for an extension to the required pumping frequency of the grease interceptor. The City may grant an extension for required cleaning frequency on a case-by-case basis when:
 - 1. the grease interceptor owner or operator has demonstrated the specific interceptor will produce an effluent with no visible grease, and, based on defensible analytical results, can demonstrate consistent compliance with established local discharge limits such as BOD, TSS, FOG, or other parameters as determined by the POTW; and
 - 2. less than twenty-five percent (25%) of the wetted height of the grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contained floating materials, sediment, oils, or greases.
- (e) The City may also require interceptors or traps to be serviced on a single-event basis or scheduled basis if deemed necessary for the proper operation of the grease interceptor or grit trap/oil separator. Such determination will be at the City's discretion.
- (f) In the event that an establishment ceases operation, the establishment is required to pump the interceptor or trap before abandoning the property. If the owner of the business or their agent fail to empty the interceptor or trap, it will become the responsibility of the property owner.
- (g) A generator of liquid waste must not have hazardous waste, or liquid waste in combination with hazardous waste, removed from their premises by a liquid waste hauler operating under a City permit.
- (h) When a load is picked up by a permitted transporter, the generator must verify the accuracy of the manifest and then certify the statements contained therein by legibly completing and signing the manifest. The generator must keep a copy of all manifests for a period of three years at the site of generation, unless otherwise approved. The City may inspect and copy these records at any time.
- (i) A generator must:
 - 1. provide equipment and facilities of a type and capacity approved by the City;
 - 2. position the grease interceptor or grease trap/oil separator in a manner that provides ready and easy accessibility for cleaning and inspection;
 - 3. maintain the trap in effective operating condition;
 - 4. not install or utilize any system, process or pretreatment involving the use of enzymes, bacteria, or other additives, nor alter the design or function of the grease interceptor or grit trap/oil separator unless approved in writing by the City;
 - 5. supervise proper cleaning and removal of the contents of the trap;

6. maintain the grease interceptor or grit trap/oil separator and its surrounding areas in sanitary conditions, free of litter and odors;
 7. immediately report spills and accidents involving liquid waste to the City; and
 8. clean up all spills and abate all unsanitary conditions immediately and have material used for abatement, such as absorbent materials, disposed of by approved means and in a timely manner. If immediate clean-up is not feasible, the generator must provide to the City a written, detailed explanation of the circumstances and the plan for clean-up and abatement, including a request for additional time.
- (j) A generator of washwater or other liquid waste must:
1. contain, collect, and dispose of liquid waste by approved means;
 2. protect the storm water system, the POTW, and the environment from discharges of liquid waste or other contaminants;
 3. use approved methods for on-site or mobile treatment of liquid waste; and
 4. accurately measure, by approved means, the volume of liquid waste collected and disposed of by the transporter.
- (k) Rates for sampling or analysis. Should any sampling or analysis be required by the City pursuant to any provision in this article, the payment of such fees incurred for sampling and analysis will be the responsibility of the generator.

DIVISION 3. LIQUID WASTE TRANSPORTERS

Sec. 38-144. Permit required.

- (a) Permit Required. All persons owning or operating a vacuum truck, cesspool pump truck, liquid waste transport truck, or other vehicle must not service any grease interceptor, grit trap/oil separator, or cesspool without first having received a valid transport truck discharge (TTD) permit.
- (b) Permit Application and Fee. TTD permits will be issued by the City upon proper application and payment of a fee established by the City Council and on file in the City Secretary's office. All TTD permits will be valid for one (1) year, running from January 1 through December 31.
1. The City may deny a permit or the renewal of a permit, revoke a permit in its entirety, suspend the permit for a stated period of time, place the permit holder on terms of probation, or place other conditions thereon as the City deems necessary and appropriate if the City finds that any requirement of the permit has been violated or that false statements were made on any application, agreement, or any required submittal.
- (c) Unloading or discharge of waste or wastewater. It is unlawful for any person to unload or discharge waste or wastewater within the City except in a manner and at a place specified by the City. All transporters must discharge waste in an approved facility and provide an approved manifest for said discharge.

Sec. 38-145. Manifest requirements.

(a) Persons who generate, collect, and transport grease interceptor and grit trap/oil separator waste must maintain a record of each individual collection and deposit. Such records will be in the form of a manifest. The manifest must include:

1. name, address, telephone, and TCEQ registration number of transporter;
2. name, signature, address, and telephone of the person who generated the waste and the date collected;
3. type and amount(s) of waste collected or transported;
4. name and signature(s) of responsible person(s) collecting, transporting, and depositing the waste;
5. date and place where the waste was deposited;
6. identification (permit or site registration number, location, and operator) of the facility where the waste was deposited;
7. name and signature of the facility on-site representative acknowledging receipt of the waste;
8. the volume of the waste received; and
9. a consecutive numerical tracking number to assist transporters, waste generators, and regulating authorities in tracking the volume of grease transported.

(b) Transporters must obtain manifests from the City of Temple.

(c) Manifests must be divided into five parts and records must be maintained as follows:

1. One part of the manifest must have the generator and transporter information completed and will be provided to the generator at the time of waste pickup.
2. The remaining four parts of the manifest must have all required information completely filled out and signed by the appropriate party before distribution of the manifest. The remaining four parts will be distributed as follows:
 - i. one part of the manifest must be provided to the receiving facility;
 - ii. one part must be kept by the transporter, who must retain a copy of all manifests showing the collection and disposition of waste;
 - iii. one part of the manifest must be returned by the transporter to the waste generator within fifteen (15) days after the waste is received at the disposal or processing facility; and
 - iv. one part of the manifest must be returned by the transporter to the City of Temple Environmental Programs Office within fifteen (15) days after the waste is received at the disposal or processing facility.

- (d) Copies of manifests returned to the waste generator must be retained for three years by the generator and be readily available for review by the City.

Sec. 38-146. Responsibilities.

- (a) Each grease interceptor or grit trap/oil separator that is pumped must be fully evacuated unless the trap volume is greater than the tank capacity on the vacuum truck, in which case the transporter must arrange for additional transportation capacity so that the trap is fully evacuated within a twenty-four (24) hour period, in accordance with 30 Texas Administrative Code, Chapter 312, § 312.143.
- (b) The City, or its representative, has the right to enter the premises of any generator or transporter to determine whether the generator or transporter is complying with all requirements of this article and any wastewater discharge permit or order issued hereunder. The generator or transporter must allow the representatives from the City access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.
- (c) The City has the right to install on a user's property or require the installation of such devices as necessary to conduct sampling or investigation of the user's operations.

DIVISION 4. ABATEMENT OF VIOLATIONS

Sec. 38-147. Enforcement actions.

(a) Notice of Violation.

1. If the City determines that a violation of this article, a permit, or order issued in accordance with this article, or any other pretreatment standard or requirement has occurred, a written notice of violation may be issued to the person determined to be in violation.
2. Upon receipt of written notice and within the timeframe specified in the notice, the person must submit an explanation of the violation and detailed plan, including specific actions to be taken, for satisfactory remedy of the violation at issue and methods for prevention of repeat or future offenses.
3. Submitting a corrective action plan in response to a written notice does not relieve the person of liability for any violations occurring before or after receipt of the notice of violation.
4. Nothing contained in this Section will be construed as to require the City to first issue a written notice of violation before taking any action, including emergency action, or pursuing other enforcement remedies.

(b) Administrative Orders.

1. Compliance Orders.
 - i. If the City determines that a violation of this article, a permit, or order issued in accordance with this article, or any other pretreatment standard or requirement has occurred, a compliance order as defined by this Chapter may be issued to the person

- responsible for the discharge directing that the person come into compliance within a specified time period.
- ii. If the person does not come into compliance within the time period provided in the compliance order, water or wastewater service may be discontinued and any permits issued by the City may be revoked.
 - iii. Compliance orders also may contain other requirements to address noncompliance, including, but not limited to, additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the POTW.
 - iv. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation.
 - v. Issuance of a compliance order is not be a bar against, or a prerequisite for, taking any other action against the User.
2. Cease and Desist Orders.
- i. If the City determines that a violation of this article, any permit, or order issued by the City, or any other pretreatment standard or requirement has occurred or that the person's past violations are likely to reoccur, the City may issue an order to the person directing them to cease and desist all such violations and:
 - a. immediately comply with all requirements of this article; and
 - b. take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations or terminating the discharge.
- (c) Service of notice or order. Any notice or order issued under this article must be in writing and served in person or by registered or certified mail on the user or transporter of the liquid waste or any other persons determined to be responsible for such violation.
- (d) Termination of service and revocation of permit. The City may, if a violation is continuing or reoccurring or may reoccur, revoke any permit issued by the City to the person ordered to correct or abate such violation if such violation has not been corrected or abated within the time specified in a compliance order or cease and desist order.
- (e) Emergency suspension of service.
- 1. Suspension. The City may, without prior notice, suspend water service, wastewater service, or storm water access to a person discharging to the POTW or storm water system when such suspension is necessary in the opinion of the City to stop an actual or threatened discharge that:
 - i. presents or may present imminent substantial danger to the environment or to the health or welfare of persons;

- ii. presents or may present imminent substantial danger to the POTW, storm water system, or waters of the state; or
 - iii. will cause pass through or interference of the POTW.
- 2. Notice of suspension. As soon as is practicable after the suspension of service, the City will notify the person discharging to the POTW or storm water system of the suspension and the reasons thereof and order such person to cease the discharge immediately.
- 3. Reinstating service. The City will reinstate a person's suspended water or wastewater services:
 - i. upon proof by such person that the non-complying discharge has been eliminated;
 - ii. upon payment by such person of any outstanding water and wastewater utility charges;
 - iii. upon arrangement of payment by such person of all costs incurred by the City in responding to the discharge or threatened discharge; and
 - iv. upon arrangement of payment by such person of all costs incurred by the City in reconnecting service.
- 4. Written statement. Prior to reinstatement of service, the person must submit to the City a detailed written statement describing the cause of the discharge and the measures taken to prevent any future occurrence as instructed by the City.

Sec. 38-148. Penalties.

- (a) A person who violates any provision of this article may be subject to civil or criminal penalties or both.
- (b) Criminal Penalties. A person who violates any provision of this article or any term or condition of a permit granted pursuant to this article is guilty of a separate offense for each day or portion of a day during which the violation is continued. Each offense is punishable by a fine of not less than \$1,000 or more than \$2,000.
 - 1. A person is criminally responsible for a violation of this article if the person acted knowingly, recklessly, intentionally, or with criminal negligence.
- (c) Civil Penalties. The City, its City Attorney, or authorized designee is authorized to commence a civil action for appropriate legal or equitable relief in a court of competent jurisdiction. Such relief may include, but is not limited to:
 - 1. an injunction to prevent a violation of this article;
 - 2. recovery for damages to the POTW or storm water system resulting from a violation of this article; and
 - 3. recovery for expenses incurred by the City in responding to a violation of this article.

- (d) Penalties Cumulative. Nothing contained in this article will be construed as to limit the remedies available to the City or to prevent the City from seeking both civil and criminal penalties.

ARTICLE VIII – WELLS

Sec. 38-149. City water well policy.

The City may establish a policy related to the drilling, maintenance, and abandonment of water wells. A person who violates a provision of the City's water well policy commits an offense under this Chapter.

Sec. 38-150. Requirements prior to drilling water well.

It is unlawful for any person to drill or commence to drill a water well in the City limits without first obtaining written approval from the City and complying with the permitting and registration standards required by the Clearwater Underground Water Conservation District (CUWCD)

Sec. 38-151. Water well location and approval.

- (a) A water well proposed on a tract over two (2) acres in size may be allowed in the City subject to the permitting and registration standards required by the CUWCD and upon approval by the City.
- (b) A water well proposed on a tract less than two (2) acres in size is prohibited in the City if an adequate public water supply is located adjacent, across the street, or within three hundred (300) feet of the property on which a well site is proposed.
 - 1. An adequate public water supply means the City of Temple water supply or another public water system that is capable of permitting additional water meters and which has a water supply which will meet the applicant's needs for water service.

Sec. 38-152. City approval of water well.

- (a) A person must file a written request for City approval prior to drilling or commencing to drill a water well. Once a request is filed, the City may require the applicant to provide additional information related to the proposed well.
- (b) The City may consider any of the following criteria in determining whether to approve a well:
 - 1. The City's water master plan;
 - 2. The water master plan of any authorized rural water system providers in the vicinity;
 - 3. Availability and accessibility of the tract of land to a public water supply;
 - 4. Health and safety concerns posed by the proposed well, including the risk of cross-connections;

5. Information provided by the applicant; and
 6. Any other information related to the proposed well or its construction or location deemed necessary by the City.
- (c) If a well is approved by the City, the well is permitted in the City subject to the permitting and registration standards required by CUWCD and the provisions of this article.

Sec. 38-153. Cross connections.

- (a) No water well may be connected in any manner to the City's public water system without the City's written approval. A property owner responsible for any such cross connection will be liable to the City for the maximum fine permissible by law, as well as all costs required by TCEQ for flushing, disinfecting, and testing the City's water line after the cross connection is terminated.
- (b) All plumbing associated with any water well must be compliant with all applicable City Codes, including this Chapter and local building, plumbing, and electrical codes.

Sec. 38-154. Crossing lot lines prohibited.

A water well may only serve the property on which the water well is located. No part of any plumbing system connected to the water well may be located in any lot other than the lot that is the site of the water well. The crossing of any lot line or property boundary by any plumbing system connected to a water well is prohibited.

Sec. 38-155. Enforcement.

Failure to obey any provision of this article is an offense under this Chapter.

ARTICLE IX – ENFORCEMENT

Sec. 38-156. Civil remedies.

Unless otherwise provided in this Chapter, the following provisions apply:

- (a) The City may enforce this Chapter by injunction, declaratory relief, or other action at law or in equity.
- (b) A person who has violated, or continues to violate, any provision of this Chapter is liable to the City for not less than \$1000.00 but no more than \$5000.00 a day for each violation.
- (c) The City may recover expenses and loss or damage to City property as well as all other available relief.
- (d) Filing a suit for civil penalties is not be a bar against, or a prerequisite for, taking any other action against a person.

Sec. 38-157. Criminal prosecution.

Unless otherwise provided in this Chapter, the following provisions apply:

- (a) A person who knowingly, intentionally, recklessly, or with criminal negligence violates any provision of this article commits an offense.
- (b) Each occurrence of an offense per a day is a separate offense.
- (c) An offense under this article is a Class C misdemeanor punishable by a fine of up to \$2000.00.
- (d) Filing criminal charges is not a bar against, or a prerequisite for, taking any other action against a person.

Sec. 38-158. Liability; criminal responsibility.

A person may be held liable or criminally responsible for a violation of this Chapter if the person:

- (a) commits or assists in the commission of a violation;
- (b) is an authorized representative under this Chapter; or
- (c) is the owner, occupant, tenant, manager, or water customer of premises, property, or a facility that is the source of pollution or contamination of a potable or reclaimed water system in violation of this Chapter.

ORDINANCE NO. 2019-4987

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING THE CITY'S CODE OF ORDINANCES CHAPTER 38, "WATER, SEWERS, AND SEWAGE DISPOSAL" TO BRING THIS CHAPTER INTO COMPLIANCE WITH STATE REGULATIONS, POLICIES, AND PRACTICES, SIMPLIFY AND CLARIFY LANGUAGE AND TERMS, PROVIDE MORE EFFECTIVE ENFORCEMENT TOOLS, AND MAKE NON-SUBSTANTIAL MODIFICATIONS TO THE CITY'S PRETREATMENT ORDINANCE AND PROGRAM; 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 38, "Water, Sewers, and Sewage Disposal" that includes general clean-up of the language and changes to formatting - Staff suggests changing the spacing and general formatting of the Chapter to conform with other City Code chapters and correcting minor spelling errors;

Whereas, other proposed amendments to Chapter 38, broken down by article, include:

- Article I, Definitions:
 - Moving all Chapter 38 article definitions to the top of the Chapter, with the exception of Article V, Industrial Wastes Standards.
- Article II, Pollution of Water Sources:
 - Establishing restricted zones within a 200-foot radius of raw water intake and prohibiting recreational activities and trespassing within these zones as required by state law.
- Article III, Water and Sanitary Sewer Connection Regulations:
 - Adding City of Temple Public Works Department's (PW) required permit and inspection process for connection to the City's water and wastewater services.
 - Prohibiting private water or sewer systems from being connected to the City's publicly owned treatment works (POTW) without authorization from the City.
- Article IV, Billing and Customer Service:
 - Aligning Article with the Utility Business Office's (UBO) current practices and procedures, including UBO's current billing structure.
 - Providing the UBO additional authority to hold joint owners and spouses occupying a property accountable for delinquent charges.
 - Requiring notice and an opportunity to dispute charges prior to disconnection, except in certain circumstances, such as fraud or utility service diversion.
 - Imposing a trip fee for missed water reconnection appointments.
 - Creating offenses for unlawful use of water and utility service diversion and allowing the City to collect payment for water unlawfully used or diverted and the costs of any City equipment damaged by a person.
- Article V, Industrial Wastes Standards:

- Incorporating TCEQ approved Non-Substantial Modifications into Article V and the City's Pretreatment Program.
 - Article V Amendments:
 - Reallocation - Increasing the current allowable limit of bio-chemical oxygen demand (BOD) to contributing industrial users discharging to the Doshier Farm Wastewater Treatment Plant.
 - Takes “unused” BOD of non-contributing users and enables contributing users to discharge higher limits of these constituents without permit violations.
 - Incorporating chemical oxygen demand (COD) limit as outlined in local limit study from 1991 for industrial users discharging to the Doshier Farm Wastewater Treatment Plant.
 - Pretreatment Program Amendments:
 - Updating industrial user permit templates to incorporate reallocation of BOD and increased COD limit.
 - Updating SOP for assessing local limit for BOD using Contributory Flow Method.
- Article VI, Cross Connection Control:
 - Adding a reference to Chapter 7, Plumbing Code, which would allow double-check assemblies to be used on non-health hazard irrigation systems if proposed Chapter 7 amendments are passed.
 - Double-check assemblies are not permitted on irrigation systems where a health hazard exists; this includes properties serviced by on-site septic systems and those that use chemical injection.
 - Specifying frequency of required backflow assembly testing after installation:
 - Annual testing for irrigation on property serviced by a septic system;
 - Annual testing for all assemblies on commercial property; and
 - Testing every five years for residential irrigation systems on property not served by a septic system.
 - Requiring backflow assembly testing:
 - When the City deems it necessary to protect the health and safety of the public;
 - When required to test under the City's currently adopted plumbing code; and
 - When an irrigation system is installed.
 - Chapter 7 of the City's Code of Ordinances has historically required backflow assembly testing when required by the City's currently adopted plumbing code and when an irrigation system is installed.
 - Clarifying when the City is authorized to perform a customer service inspection in response to changes in occupancy or construction or renovation of a premises.
 - Authorizing the City to perform a customer service inspection:
 - Prior to the certificate of occupancy being issued for a premises; and
 - After a City permit is issued for the premises.
 - Updating civil remedies for violations from a maximum amount a person could be found liable to the City from \$2000 to \$5000 in accordance with Sec. 54.017, Texas Local Gov't Code.

- Article VII, Liquid Waste:
 - Updating civil remedies for violations from a maximum amount a person could be found liable to the City from \$2000 to \$5000 in accordance with Sec. 54.017, Texas Local Gov't Code.
- Article VIII, Water Wells:
 - Removing an outdated permit process for the drilling of water wells located within the City.
 - Establishing a City approval process for the drilling of water wells that works in conjunction with the Clearwater Underground Water Conservation District's permitting and registration standards for the drilling of water wells.
 - Allowing the City to create a policy related to drilling, maintenance, and abandonment of water wells.
- Article IX, Enforcement:
 - Adding a general enforcement article to provide civil remedies and criminal penalties for violations of sections or articles in Chapter 38 that do not provide for specific enforcement tools; 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 38, “Water, Sewers, and Sewage Disposal” 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 **15th** day of **August**, 2019.

PASSED AND APPROVED on Second Reading on the **5th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

08/15/19
Item #11
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DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing the nomination of a member to serve on the Heart of Texas Defense Alliance Board of Directors.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Heart of Texas Defense Alliance is a regional municipally-funded non-profit (501(c)(6)) corporation. The Heart of Texas Defense Alliance (HOTDA) was formed in February 2003 in response to an expressed need by the Central Texas communities most affected by the activities of Fort Hood. The Alliance promotes the importance and sustainability of Fort Hood and all defense-related industries, organizations and institutions in the Killeen-Temple-Fort Hood Metropolitan Statistical Area.

Drayton McLane has been a member of the HOTDA since 2011 and currently serves as Temple's representative. His term will expire in at the end of December 2019; and Mr. McLane cannot be reappointed per the Bylaws.

The HOTDA is soliciting nominations for a member to represent the City of Temple on the Board of Directors. Nominations are will be considered in October by the Board. The appointed member's term will be for two-years and commence on January 1, 2020. Each member is eligible to serve a maximum of six consecutive years.

FISCAL IMPACT: None

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. 2019-9756-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPOINTING MARTY JANCZAK TO THE HEART OF TEXAS DEFENSE ALLIANCE BOARD OF DIRECTORS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, positions on boards of the City of Temple are filled by appointment of the City Council.

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 appoints **Marty Janczak** to fill a term as a member of the **Heart of Texas Defense Alliance Board of Directors**, there to serve when the oath of office is received January 1, 2020 through December 31, 2021, or until the position becomes vacant as provided by law.

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 by law 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 **15th** day of **August**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

08/15/19
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DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Consider adopting a resolution appointing one member to the Temple Economic Development Corporation Board of Directors.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In May, 2017, the City Council approved a new Funding and Operating Agreement which went into effect on October 1, 2017. Pursuant to that Agreement, the City will appoint eight people to TEDC's Board of Directors. The eight Director seats to be filled by the City are:

- (1) the Mayor;
- (2) a Councilmember;
- (3) the current Chair of the Tax Increment Financing Reinvestment Zone #1 ("RZ") Board of Directors;
- (4) a member of the Tax Increment Financing Reinvestment Zone #1 Board of Directors;
- (5) the City Manager; and
- (6) three public at-large members.

The terms of the Mayor and City Councilmember will coincide with their terms on the City Council, except that the Council can vote to appoint a different Councilmember at any time. The terms of the appointed Chair and member of the RZ will coincide with their terms on the RZ Board. The City Manager will be a standing appointment on the TEDC Board of Directors. The terms of the City's three at-large Board members will be three-year terms.

Blake Pitts' term on the TEDC Board is expiring and the City needs to appoint a member to that position through September 1, 2022.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9757-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, REAPPOINTING BLAKE PITTS TO THE TEMPLE ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, positions on boards of the City of Temple are filled by appointment of the City Council.

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 reappoints **Blake Pitts** to fill an expired term as a member of the **Temple Economic Development Corporation Board of Directors**, there to serve when the oath of office is received and through September 1, 2022, or until the position becomes vacant as provided by law.

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 by law 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 **15th** day of **August**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

08/15/19
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DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Consider adopting a resolution appointing members to the following City boards and commissions:

- (A) Airport Advisory Board – five members to fill expiring terms through September 1, 2022;
- (B) Animal Services Advisory Board – one member to fill an expiring term through September 1, 2022;
- (C) Building & Standards Commission – one member to fill an unexpired term through March 1, 2021;
- (D) Civil Service Commission - one member to fill an expiring term through September 1, 2022;
- (E) Library Board – three members to fill expiring terms through September 1, 2022; and one member to fill an unexpired term through September 1, 2020;
- (F) Planning & Zoning Commission – three members to fill expiring terms through September 1, 2022;
- (G) Reinvestment Zone No. 1 Board of Directors – nine members to fill expiring terms through September 1, 2021;
- (H) Temple Public Safety Advisory Board – five members to fill expiring terms through September 1, 2022.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In accordance with the City Council adopted policies governing the appointment and training of citizens to City boards, appointments to the above stated boards are to be made with an effective date of September 1, 2019.

Please see the attached board summary forms, which list current board members, purpose, membership requirements, term and meeting time/place for the boards. Also attached is a summary listing of all applications received for board appointments. Individual board application forms on file for these boards have already been provided. New application forms received will be forwarded to the Council as received by the City Secretary.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Board Summary \(to be provided\)](#)
[Resolution](#)

RESOLUTION NO. 2019-9758-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, APPOINTING MEMBERS TO MULTIPLE BOARDS OF THE CITY
OF TEMPLE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, positions on boards of the City of Temple are filled by appointment of the City Council.

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

Part 1: The City Council reappoints **Steve Wright (TEDC)** and appoints **Perry Cloud, Dr. Edward McCaffrey, Marty Janczak, and Tate Seideman** to fill expiring terms as members of the **Airport Advisory Board**, there to serve when the oaths of office are received and through September 1, 2022, or until the positions become vacant as provided by law.

Part 2: The City Council appoints **Eric Brown** to fill an expiring term as a member of the **Animal Services Advisory Board**, there to serve when the oath of office is received and through September 1, 2022, or until the position becomes vacant as provided by law.

Part 3: The City Council appoints **Bruce Normand** to fill an unexpired term as a member of the **Building and Standards Commission**, there to serve when the oath of office is received and through March 1, 2021, or until the position becomes vacant as provided by law.

Part 4: The City Council reappoints **Bryan Daniel** to fill an expiring term as a member of the **Civil Service Commission**, there to serve when the oath of office is received and through September 1, 2022, or until the position becomes vacant as provided by law.

Part 5: The City Council reappoints **Robert Curtis and Robyn Dadig**, and appoints **Matthew Davis** to fill expiring terms as members of the **Library Board**, there to serve when the oaths of office are received and through September 1, 2022, and appoints **Brenda Warrick** to fill an unexpired term, there to serve when the oath of office is received through September 1, 2020, or until the positions become vacant as provided by law.

Part 6: The City Council appoints **Bryant Ward, Daniel Jeanes, and Lee Armstrong** to fill expiring terms as members of the **Planning & Zoning Commission**, there to serve when the oaths of office are received and through September 1, 2022, or until the positions become vacant as provided by law.

Part 7: The City Council reappoints **Harry Adams, Sonjanette Crossley, Bryan Daniel, Calvin Sanders (Elm Creek Water District), Commissioner Bill Schumann (Bell County), Bob Browder (Temple College), Steve Wright (TISD)**, and appoints **Tanya Mikeska-Reed** to fill expiring terms as members of the **Reinvestment Zone No. 1 Board of Directors**, there to serve when the oaths of office are received and through September 1, 2021, and reappoints **Tyler Johnson** for a one-year extension as the current **Chair of the Reinvestment Zone No. 1 Board of Directors**, there to serve when the oath of office is received through September 1, 2020 or until the position becomes vacant as provided by law.

Part 8: The City Council reappoints **Eric Stalbaum**, and appoints **Richard Arwood, Sandra Creech, Sabrina Young, and Gregory Gregg** to fill expiring terms as members of the **Temple Public Safety Advisory Board**, there to serve when the oaths of office are received and through September 1, 2022, or until the positions become vacant as provided by law.

Part 9: It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required by law 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 **15th** day of **August**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney