



TEMPLE CITY COUNCIL

MUNICIPAL BUILDING

2 NORTH MAIN STREET

TEMPLE, TX

NOTICE OF MEETING

THURSDAY, NOVEMBER 1, 2007

3:00 P.M.

3RD FLOOR CONFERENCE ROOM

WORKSHOP AGENDA

1. Discuss the update to the City's Building Codes.
2. Discuss the update to the City's Sign Ordinances.
3. Executive Session: Chapter 551, Government Code, §551.074 – Personnel Matter – The City Council will meet in executive session to discuss the employment, evaluation, duties and work plan of the Municipal Court Judge. No final action will be taken.
4. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, November 1, 2007 as follows:

5:00 P.M.
CITY COUNCIL CHAMBERS – 2ND FLOOR

TEMPLE CITY COUNCIL

REGULAR MEETING AGENDA

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. Proclamations:
 - (A) [Municipal Courts Week](#) [November 5 – 9, 2007](#)
 - (B) [Alzheimer's Disease Awareness Month](#) [November, 2007](#)

III. 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 3 minutes. No discussion or final action will be taken by the City Council.

IV. CONSENT AGENDA

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

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

Minutes:

- (A) [October 18, 2007 Special Called Meeting and Regular Meeting](#)

Contracts, Leases & Bids:

- (B) [2007-5222-R](#): Consider adopting a resolution authorizing the purchase of 50 digital radios for the Police Department from Dailey-Wells Communications, the sole source provider, in the amount of \$214,918.10 and declare an official intent to reimburse this expenditure and other expenditures related to this project in an amount not to exceed \$235,000 prior to the issuance of tax-exempt obligations designated for this project.
- (C) [2007-5223-R](#): Consider adopting a resolution authorizing a contract with Scott & White Health Plan and establishing rates for substitute Medicare supplement insurance for City of Temple retirees and the City's contribution thereto for calendar year 2008.
- (D) [2007-5224-R](#): Consider adopting a resolution authorizing Change Order #2 in the amount of \$152,644.39 to the Loop 363 Utility Relocation Project Phase 1 construction contract with Bell Contractors, Inc., for items related to additional TxDOT requests, design changes, field adjustments, easement negotiations, and waterline tie in connections as required.
- (E) [2007-5225-R](#): Consider adopting a resolution authorizing Change Order #2 in the amount of \$62,829.46 to the Loop 363 Utility Relocation Phase 2 construction contract with Bell Contractors, Inc., for items related to changes due to TxDOT modifications, design issues, and field adjustments as required.

Ordinances – Second Reading:

- (F)
 1. [2007-4177](#): SECOND READING – Consider adopting an ordinance authorizing a franchise with Central Texas Regional EMS to provide non-emergency ambulance transfer services within the City.
 2. [2007-4178](#): SECOND READING – Consider adopting an ordinance authorizing a franchise with Scott and White EMS to provide non-emergency ambulance transfer services within the City.

Misc:

- (G) [2007-5226-R](#): Consider adopting a resolution approving revised Bylaws and Articles of Incorporation for the Temple Economic Development Corporation.

V. REGULAR AGENDA

RESOLUTIONS

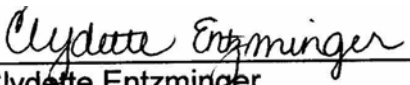
- 5. [2007-5227-R](#): P-FY-07-47: Consider adopting a resolution approving two single-family lots in a Final Plat of Meadow Oaks being a Replat of Tract 40, Meadow Oaks, on a 0.543 acre tract of land located at the northwest corner of Forest Trail and Meadow Oaks Drive and denying the applicant's request for an exception to the parkland dedication fee.

BOARD APPOINTMENTS

6. **2007-5228-R:** Consider adopting a resolution appointing one regular member and two alternate members to the North Central Temple Neighborhood Code Enforcement Board.
7. **2007-5229-R:** Consider adopting a resolution appointing one member to serve as the City's representative on the Board of Directors of the Tax Appraisal District of Bell County for a two year term beginning January 1, 2008.

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 10:45 AM, on October 26, 2007.



Clydette Entzminger
City Secretary

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 _____ 2007. _____

ADDENDUM

NOTICE OF MEETING

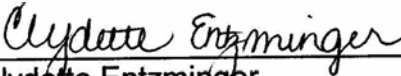
TEMPLE CITY COUNCIL

THURSDAY, NOVEMBER 1, 2007

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

8. (A) **2007-5230-R**: Discuss growth management study areas in the City's Extraterritorial Jurisdiction (ETJ) and consider adopting a resolution directing the City Manager to prepare municipal services plans for areas to be considered as part of the City initiated annexation.
- (B) **2007-5231-R**: Consider adopting a resolution approving a development agreement to be offered to property owners of agricultural, timber and wildlife exempt tracts and directing the City Attorney to offer this agreement to all eligible properties for which municipal service plans are prepared as part of the City initiated annexation.
9. (A) **2007-5232-R**: Consider granting petitions to institute voluntary annexation proceedings, known as the Witter Lane Voluntary Annexation, for three tracts of land in the vicinity of Witter Lane and Forrester Road:
1. Central Texas Christian School tract—approximately 39.2 acres
 2. H. A. Johnson tract—approximately 22.3 acres
 3. VB Connected, LTD. tract—approximately 44.5 acres
- (B) Consider adopting a resolution directing the City Manager to develop a municipal services plan and calling public hearings to consider the three petitions.

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 4:55 PM, on October 29, 2007.


Clydette Entzminger
City Secretary

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 _____ 2007.

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.*



COUNCIL AGENDA ITEM MEMORANDUM

11/01/07
Item #3(A)-(B)
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Presentation of Proclamations:

(A) Municipal Courts Week November 5 – 9, 2007

(B) Alzheimer's Disease Awareness Month November, 2007

STAFF RECOMMENDATION: Present proclamation as presented in item description.

ITEM SUMMARY:

(A) This proclamation was requested by Municipal Court Judge Kathleen Barina. It will be received by Judge Barina and the Municipal Court staff.

(B) This proclamation was requested by Mrs. Betty Decker. It will be received by Mrs. Decker and representatives from the Alzheimer's Disease Family Support Group.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

11/01/07
Item #4(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) October 18, 2007 Special Called Meeting & Regular Meeting

STAFF RECOMMENDATION: Approve minutes as presented in item description.

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

FISCAL IMPACT: N/A

ATTACHMENTS:

[October 18, 2007 Special Called Meeting & Regular Meeting](#)

TEMPLE CITY COUNCIL

OCTOBER 18, 2007

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, October 18, 2007 at 3:00 pm in the City Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

Councilmember Patsy E. Luna
Mayor Pro Tem Martha Tyroch
Councilmember Russell Schneider
Mayor William A. Jones, III

Absent:

Councilmember Tony Jeter

1. Presentation from ESCi regarding their final report on the Fire and EMS Master Plan.

David Blackburn, City Manager, introduced this item to the City Council. He stated this is the first Council directed Fire and EMS report performed by an outside consultant that has been undertaken by the City of Temple. The Council will only receive the report today, with no action being taken. Several workshops will be conducted over the next several months to review the data provided and discuss some policy issues associated with the plan.

Lonzo Wallace, Fire Chief, introduced the representatives from ESCi present at the meeting.

Mr. Bruce Caldwell, ESCi, thanked Chief Wallace and his staff for their cooperation and assistance with this project. He introduced the three basic questions that directed their analysis - Where are we now? Where are we going? How do we get there?

Martin Goughnour reviewed the service cost allocation which shows the greatest portion to be allocated for personnel costs. He also presented comparables with peer cities regarding cost per capita, assessed valuation, taxable valuation, operational costs, resource allocation, and staffing. The staffing summary shows Temple to be light in the area of administrative support. Mr. Goughnour also presented four-year historical data regarding workload by call types and compared these to the same peer city group.

Robert McNally presented data breaking down the workload by month, day of week, and hour of day for both fire and EMS calls. He also discussed numerous statistics on population, demographics, housing, service demand incident density, workload utilization by apparatus and call concurrency.

Next, Mr. Caldwell reviewed timeline data for both fires and cardiac arrests. He also presented critical staffing based on the risk matrix and provided examples of a moderate risk fire and an effective response force. This analysis shows that Temple's resources are quickly depleted with the average daily personnel on duty, Mr. Caldwell noted.

Mr. McNally showed response time performance history for 2006, as well as the average response time by hour. In order to determine where we are going, ESCi's analysis included future demand projections, community risks, including target risk and large employers, construction permit history, census population, growth projection, development forecast population and associated projected workloads by type.

Mr. Goughnour explained in order to determine how to get where Temple needs to be, several issues were addressed including the training center and main fire station. He discussed how to use the appendices to the report in the Council's review and decision making process.

Mr. McNally discussed strategies for getting where you want to go and the needed facilities and staffing associated with each strategy.

Mr. Goughnour addressed the staffing requirements under the 9-station and 15-station models, including administrative staff levels and future cost projections for capital and operations.

Mr. Greene discussed the EMS portion of the report. He presented the current general organizational structure of EMS within the Fire Department. He also discussed the EMS transports and the feasibility of Temple Fire and Rescue getting in the transport business.

Mr. Caldwell concluded by reviewing the next steps for Council, which are to accept the report, address policy issues, and incorporate the Fire Department master plan into the City's Comprehensive Plan. He offered ESCi's assistance as the City Council continues with their review.

2. Discussion of Atmos Energy Corporation's intent to increase utility gas rates.

Jonathan Graham, City Attorney, stated an action item is included on the regular agenda regarding this item. This is the second rate request received this year from Atmos Energy. He reviewed the impact of the requested rate increase. The Railroad Commission has final appellate jurisdiction regarding this request. Mr. Graham reviewed the options the Council has, which are to deny, approve or suspend the requested rates. Mr. Graham recommended the City deny the rate increase and continue to participate with the coalition of cities to negotiate rates.

3. Executive Session: Chapter 551, Government Code, §551.074 - Personnel Matter - The City Council will meet in executive session to discuss the employment, evaluation, duties and work plan of the City Manager. No final action will be taken

Mayor Jones announced the City Council would enter into executive session at this item, approximately 4:22 pm. No final action will be taken regarding this action.

4. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, October 18, 2007 as follows:

There was no discussion regarding this item.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, October 18, 2007 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

Mayor Pro Tem Martha Tyroch
Councilmember Patsy E. Luna
Councilmember Russell Schneider
Mayor William A. Jones, III

Absent:

Councilmember Tony Jeter

I. CALL TO ORDER

1. Invocation

Rev. Jeff Loudin, Taylor's Valley Baptist Church, voiced the Invocation.

2. Pledge of Allegiance

Ken Higdon, President, Temple Chamber of Commerce, led the Pledge of Allegiance.

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. Proclamations:

(A) Make a Difference Day October 27, 2007

Mayor Pro Tem Tyroch presented this proclamation to Elizabeth Garth, Executive Director, Keep Temple Beautiful, Zoe Rascoe, Allen Einboden and David Lockwood, representing Keep Temple Beautiful and the City's Tree Board.

Ms. Garth and Mr. Lockwood presented details about several of the programs being conducted on Make a Difference Day in our community.

(B) Marlene Wagnon Day October 19, 2007

Mayor Jones presented this proclamation to Marlene Wagnon to recognize her for her outstanding dedication and 33 years of service to the children of Taylor's Valley Baptist Church.

(C) National Save for Retirement Week October 21-27, 2007

This proclamation was presented to Barbara Bozon, Executive Director, Central Texas Housing Consortium, and Amy House, City of Temple Human Resources Director.

(D) Chamber of Commerce Week October 15-19, 2007

This proclamation was presented to Mr. Ken Higdon, President, Mr. John King, Chairman, and several other members of the Temple Chamber of Commerce.

III. PUBLIC APPEARANCE

- 4. Receive award from Kate Darnell, Texas Council on Cardiovascular Disease and Stroke, recognizing the City of Temple as a Heart and Stroke Healthy City.**

Ms. Darnell presented the City of Temple with this award for honorable mention as a Heart and Stroke Healthy City.

IV. PUBLIC COMMENTS

Mr. Mark Rendon, Stellar Innovations, 413 Downing Street, Belton, addressed the Council. He stated he is the developer of the Las Colinas subdivision on FM 93. He asked for favorable consideration by the Council regarding the utility cost sharing agreement, item (G) on this agenda, and read a letter into the record supporting his request.

Mr. Allen Einboden, member of Keep Temple Beautiful, addressed the Council representing Citizens for Parks!, the special purpose committee formed to support the Parks bond issue. He encouraged the citizens to vote for the parks bond.

Mr. Lee Peterson, President, Temple Economic Development Corporation, addressed the Council. He presented Mayor Jones with a plaque in appreciation of his service on the TEDC Board of Directors.

V. CONSENT AGENDA

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

(A) September 20, 2007 Special Called Meeting and Regular Meeting

(B) October 4, 2007 Special Called Meeting and Regular Meeting

(C) 2007-5203-R: Consider adopting a resolution authorizing the purchase of a yearly maintenance contract with Intergraph Public Safety for Police and Fire Software Applications in the amount of \$37,000.

(D) 2007-5204-R: Consider adopting a resolution authorizing the purchase of a yearly maintenance contract with Sungard HTE in the amount of \$124,000.

(E) 2007-5205-R: Consider adopting a resolution authorizing a services agreement with BBI Tennis Group, Brit Coleman, for Tennis Pro services at the Summit Recreation Center in the annual amount of \$60,000, with the City of Temple earning 20% of total revenues and \$2 per tournament participant.

(F) 2007-5206-R: Consider adopting a resolution authorizing a FY 07-08 purchase agreement with various vendors for sign and traffic control supplies in the estimated annual amount of \$38,807.71.

(G) 2007-5207-R: Consider adopting a resolution authorizing a utility cost sharing agreement with Stellar Development Company for Las Colinas Subdivision in the amount of \$141,418.35.

(H) 2007-5208-R: Consider adopting a resolution authorizing a construction contract with TTG Utilities, LP, to construct the Lake Jim Thornton Dam Repairs in an amount not to exceed \$367,890.

(I) 2007-5209-R: Consider adopting a resolution authorizing a professional services agreement with G.E. Walker & Associates, L.L.C., of Waco for engineering services including design, construction administration, on-site representation, and easement acquisition services required for the SH 317 Waterline Relocation Project from FM 2305 to the southern city limits as part of TX DOT's SH 317 road improvements project in an amount not to exceed \$313,540.

(J) 2007-5210-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, (KPA) for engineering services required to determine the cause of and offer solutions to current solids handling problems associated with the Membrane Water Treatment Plant, in an amount not to exceed \$108,540.

(K) 2007-5211-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, (KPA) for engineering services, including design, construction administration, on-site representation, and right-of-way (ROW) acquisition services, required for the expansion of West Temple water and wastewater utilities north of FM 2305, Phase 2, in an amount not to exceed \$453,580.

(L) 2007-5212-R: Consider adopting a resolution authorizing Change Order #1 to the FM 2305 Utilities Relocation Project construction contract with TTG Utilities, LP, in the amount of \$62,280.95 to modify the original alignment of Waterline A due to easement issues and add bores required by TXDOT to the project.

(M) 2007-5213-R: Consider adopting a resolution authorizing Change Order #2 to the FM 2305 Utilities Relocation Project construction contract with TTG Utilities, LP, in the amount of \$180,328 to upgrade the original size of Waterline B from a 6" line to an 18" line in preparation for upcoming utility relocation projects and TXDOT improvements to SH 317 south of FM 2305.

(N) 2007-5214-R: Consider adopting a resolution authorizing a farm lease with Marvin Brenek for approximately 338 acres of City-owned land located east of the East Loop 363 between Lorraine Drive and SH 36.

(O) 2007-4174: SECOND READING - Consider adopting an ordinance establishing the City's Economic Development Policy, setting out a program for promoting economic development within the City by authorizing loans and grants of public money and providing personnel and services of the municipality, to promote local economic development and to stimulate business and commercial activity.

(P) 2007-4165: SECOND READING - Z-FY-07-53: Consider adopting an ordinance amending the City of Temple Zoning Ordinance Section 13 regarding Fence and Wall Regulations, Display for Sale, Open Storage and add Metal Building Regulations to the Title and create Section 13-200, Regulations for Residential Primary and Accessory Metal Buildings.

(Q) 2007-4175: SECOND READING - Z-FY-07-58: Consider adopting an ordinance authorizing a site plan approval for an existing Planned Development General Retail District on Lot 3, Block 1, J.A.J. Addition, located at 8774 West Adams Avenue.

(R) 2007-4176: SECOND READING - Z-FY-07-59: Consider adopting an ordinance authorizing an amendment to the Planned Development Light Industrial District Ordinance 2003-3878 by adding the barber shop or beauty shop uses on the west ½ of Lot 2, Block 1, Bentley Bellview Addition at 1614 West Avenue H.

(S) 2007-5215-R: P-FY-07-31: Consider adopting a resolution amending Resolution 2007-5076-R and authorizing the revised preliminary plat of Country Lane Addition, a 55.386 acre commercial and residential subdivision, located at the northwest corner of SE H K Dodgen Loop and South Martin Luther King Jr. Drive, retaining the previously approved exception to the

maximum allowed cul-de-sac length.

(T) 2007-5216-R: Consider adopting a resolution dedicating right of way for the Outer Loop Phase II across City owned property commonly referred to as the TI Property, between SH 36 and Hilliard Road.

(U) 2007-5217-R: Consider adopting a resolution designating the Temple Daily Telegram as the official newspaper for the City for fiscal year 2007-2008, in accordance with Section 4.20 of the Charter of the City of Temple.

(V) 2007-5218-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2007-2008.

Motion by Councilmember Patsy E. Luna to adopt resolution approving Consent Agenda, with exception of items 5(G) and (I), seconded by Councilmember Russell Schneider.

Motion passed unanimously.

(G) 2007-5207-R: Consider adopting a resolution authorizing a utility cost sharing agreement with Stellar Development Company for Las Colinas Subdivision in the amount of \$141,418.35.

Motion by Councilmember Patsy E. Luna to table item 5(G). Motion failed due to lack of second.

Motion by Mayor Pro Tem Martha Tyroch to adopt resolution approving item 5 (G), seconded by Councilmember Russell Schneider.

Councilmember Patsy E. Luna voted nay. The other Councilmembers voted aye. The motion passed.

(I) 2007-5209-R: Consider adopting a resolution authorizing a professional services agreement with G.E. Walker & Associates, L.L.C., of Waco for engineering services including design, construction administration, on-site representation, and easement acquisition services required for the SH 317 Waterline Relocation Project from FM 2305 to the southern city limits as part of TX DOT's SH 317 road improvements project in an amount not to exceed \$313,540.

Mayor Pro Tem Tyroch questioned why this portion of the project was being awarded to a different engineering firm.

Bruce Butscher, Director of Public Works, stated this is a separate project. They try to spread the work around to qualified engineers. This work will be performed out

Walker & Associates Killeen office. They are a very qualified to perform this type of work.

Motion by Mayor Pro Tem Martha Tyroch to disapprove item 5(I). Motion failed due to lack of second.

Motion by Councilmember Patsy E. Luna to adopt resolution approving item 5 (I), seconded by Councilmember Russell Schneider.

Mayor Pro Tem Martha Tyroch voted nay. The other Councilmembers voted aye. The motion passed.

V. REGULAR AGENDA

6. **(A) 2007-4173: SECOND READING - Consider adopting an ordinance amending the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan for FY 2008-2022 to include redesignation of projects within the Project Plan, bond proceeds, and future year bond payments.**

(B) 2007-5219-R: Consider adopting a resolution authorizing a construction contract with R.T. Schneider Construction Company, LTD, for construction activities required to build the Airport Business Park in northwest Temple within the TIF Reinvestment Zone #1 in an amount not to exceed \$2,221,641.50 and declare an official intent to reimburse this expenditure prior to the issuance of tax-exempt obligations for this project.

Mayor Jones and Councilmember Schneider indicated they would have to abstain from the discussion and vote on these items. There was no action taken on items 6 (A) and (B) due to the lack of a voting quorum.

7. **(A) 2007-4177: FIRST READING - PUBLIC HEARING - Consider adopting an ordinance authorizing a franchise to Central Texas Regional EMS to provide non-emergency ambulance transfer services within the City.**

(B) 2007-4178: FIRST READING - PUBLIC HEARING - Consider adopting an ordinance authorizing a franchise to Scott and White Memorial Hospital to provide non-emergency ambulance transfer services within the City.

Jonathan Graham, City Attorney, gave a brief presentation to the City Council regarding items A and B. He stated both of these franchises expire September 30, 2007. ESCi, the firm hired by the City to develop recommendations concerning the City's fire rescue and EMS services, presented their initial report to the Council during a work session this afternoon. Mr. Graham recommended each franchise be renewed for one year to allow the Council adequate time to analyze the recommendations in the report. Letters have been received from both agencies requesting a one-year renewal to their franchises. Scott & White has requested

their franchise be issued in the name of Scott & White EMS, their new joint venture.

Mayor Jones declared the public hearing open with regard to agenda item 7(A) and asked if anyone wished to address this item. There being no comments, Mayor Jones closed the public hearing.

Motion by Councilmember Patsy E. Luna to adopt ordinance on first reading, with second reading set for November 1st and third reading and final adoption on November 15th, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

Mayor Jones declared the public hearing open with regard to agenda item 7(B) and asked if anyone wished to address this item. There being no comments, Mayor Jones closed the public hearing.

Motion by Councilmember Patsy E. Luna to adopt ordinance on first reading, with second reading set for November 1st and third reading and final adoption on November 15th, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

8. 2007-5220-R: Consider adopting a resolution approving, denying or suspending Atmos Energy Corporation's (Mid-Tex Division) request for a rate increase in the City of Temple.

Jonathan Graham, City Attorney, stated a work session was held earlier this afternoon regarding this item. Atmos Energy filed a rate increase with the City on September 20, 2007 to be effective on October 25, 2007. The City has primary jurisdiction to approve the rates for gas and the Texas Railroad Commission has appellate jurisdiction. Mr. Graham reviewed the City's options, which are to take no action, deny, approve or suspend the requested rate increase. He stated our practice has been to join with a coalition of cities to hire rate analysts to provide an effective review of Atmos' rate requests. Mr. Graham recommended the City suspend the rate for 90 days.

Motion by Mayor Pro Tem Martha Tyroch to adopt resolution, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

BOARD APPOINTMENTS

9. 2007-5221-R: Consider adopting a resolution appointing members to the

following City boards and commissions:

(A) Convention Center & Tourism Advisory Board - one member to fill an unexpired term through September 1, 2008

(B) Temple Public Safety Advisory Board - two members to fill an unexpired term through September 1, 2009

Motion by Mayor Pro Tem Martha Tyroch to table item 9(A) and (B), seconded by Councilmember Patsy E. Luna.

Motion passed unanimously.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

11/01/07
Item #4(B)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Gary O. Smith, Chief of Police Department
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of 50 digital radios for the Police Department from Dailey-Wells Communications, the sole source provider, in the amount of \$214,918.10 and declare an official intent to reimburse this expenditure and other expenditures related to this project in an amount not to exceed \$235,000 prior to the issuance of tax-exempt obligations designated for this project.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On February 15, 2007, Council authorized the purchase of 89 encrypted digital radios for the police department in the amount of \$364,993.75. This purchase was designated and funded through the 2006 Certificate of Obligation bonds. Included in the adopted FY 2008 Capital Improvement Plan is \$235,000 to replace the remaining 50 Police Department analog radios with digital radios. Funding for the remaining radios is designated in the planned FY 2008 Certificate of Obligation bond issue.

The current Ericsson LPE 200 hand-held analog radios have been used by the departments since 1998. The manufacturer of the analog radios has declared the radios to be obsolete. The obsolescence and discontinuance of parts is due to a transition in technology from analog to digital radio systems.

The Bell County Communications Center has recently purchased and installed a digital communication system, Enhanced Digital Access Communications System (EDACS). Accordingly, to retain the best quality and reliable communication with the County Communications Center, the City needs to upgrade its radios to ones compatible with EDACS. Due to property rights that currently exist with the EDACS, EDACS equipment can only be purchased from the manufacturer of the system, M/A-COM, and per the attached single-source justification letter, M/A-COM has assigned Dailey-Wells Communications as the only sales and service support for Bell County.

Attached is a quote from Dailey-Wells Communications for the purchase of the 50 radios, accessories, and maintenance equipment:

50 encrypted radios, accessories, and equipment	\$214,918.10
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The encryption feature of the radios ensures that communications can not be invaded by non-public safety radio users.

FISCAL IMPACT: Funding in the amount of \$235,000 is designated for the purchase of the remaining radios in the planned FY2008 Certificate of Obligation bond issue, account 361-2000-521-6803, Project #100061. Of the designated \$235,000, \$214,918.10 will be used to purchase the remaining radios with the balance of \$20,081.90 being used to purchase tactical headsets and accessories for all of the 139 radios.

Initially, funding for the purchase of the radios and accessories will come from funding available from the 2006 Certificate of Obligation bonds with the intent to reimburse the 2006 Certificate of Obligation bond funds from the proposed 2007 Certificate of Obligation bond issue.

ATTACHMENTS:

[Dailey-Wells Communications Quote
Resolution](#)

DAILEY-WELLS COMMUNICATIONS

M/A-COM Inc., 3440 E. Houston St., San Antonio, TX 78219

To: Temple Police Department- Ronnie Wilcox

From: Larry Sayles, 405-204-0347

Date: 24 September, 2007



EDACS P7150 Portable-PRO-VOICE EDACS- DES

Item	Part Number	Description	Qty.	Unit List	Disc. %	Unit Sale	Ext Sale
1	HT7150S81E	P7150, 800 MHZ,SCAN-BASIC-DES	50	\$ 2,320.00	25%	\$ 1,740.00	\$ 87,000.00
2	HTPV	FEATURE PACKAGE, EDACS Pro Voice	50	\$ 1,795.00	25%	\$ 1,346.25	\$ 67,312.50
3	HTEN	EXTD NTRWK-800SYS/GRPS, ProScan, ProFile	50	\$ 550.00	25%	\$ 412.50	\$ 20,625.00
4	HTPA7Y	BATTERY, NIMH, EXTRA HIGH CAPACITY	100	\$ 135.00	25%	\$ 101.25	\$ 10,125.00
5	SHPS14832	ANT, 800 MHZ STUBBY	120	\$ 25.00	25%	\$ 18.75	\$ 2,250.00
6	HTHC7N	LEATHER CASE W/ BELT LOOP & SWIVEL	70	\$ 130.00	25%	\$ 97.50	\$ 6,825.00
8	HTCH9E	DESKTOP RAPID CHARGER, 120/230VAC	50	\$ 120.00	25%	\$ 90.00	\$ 4,500.00

EXTENDED TOTAL **\$ 198,637.50**

Optional Software, Chargers and Accessories

Item	Part Number	Description	Qty.	Unit List	Disc. %	Unit Sale	Ext Sale
1	V2-10156	EVOLUTION SPEAKER MIC (MiniCoiled)	66	\$ 140.00	10%	\$ 126.00	\$ 8,316.00
2	V1-10432	EARPHONE KIT- RIGHT ANGLE 2.5MM	80	\$ 40.00	10%	\$ 36.00	\$ 2,880.00
3	HTHC7P	BELT CLIP, METAL	32	\$ 16.00	25%	\$ 12.00	\$ 384.00
4	HTCH9A	MULTICHARGER-RAPID	1	\$ 695.00	25%	\$ 521.25	\$ 521.25
5	BA4547	ADAPTER SLEEVES FOR IQ5 - NIMH	6	\$ 87.00	25%	\$ 65.25	\$ 391.50
6	BC-3506QP-5	IQ5 BATTERY ANALYZER 6 BAYS	1	\$ 1,425.00	25%	\$ 1,068.75	\$ 1,068.75
SHIPPING & HANDLING CHARGES							\$1,200.00

P7150 PORT. & ACCESS. EXTENDED TOTAL **\$ 213,399.00**

Price valid until 30 November, 2007

Terms: Net 30 Days, FOB Source Pre-pay.

DAILEY-WELLS COMMUNICATIONS

M/A-COM Inc., 3440 E. Houston St., San Antonio, TX 78219

To: Temple Police Department - Ronnie Wilcox
From: Larry Sayles, 405-204-0347
Date: 26 September, 2007



Tools for P7100 Portable

Item	Part Number	Description	Qty.	Unit List	Disc. %	Unit Sale	Ext Sale
1	12RTD	Handtool Torques Driver	1	\$ 645.00	10%	\$ 580.50	\$ 580.50
2	BW 1.27	Bit Hex, 1.27 mm	1	\$ 55.00	10%	\$ 49.50	\$ 49.50
3	G3UK08079	Handtool Ringnut Removal	1	\$ 345.00	10%	\$ 310.50	\$ 310.50
4	T4WK03399	Tool, P7100, Vol and Chan Switch Remover	1	\$ 180.00	10%	\$ 162.00	\$ 162.00
5	49-TX-06	Tool Torque Bit for P7100 Rear Cover	1	\$ 20.00	10%	\$ 18.00	\$ 18.00
6	337097G1B	Handtool Antenna Connector	1	\$ 185.00	10%	\$ 166.50	\$ 166.50
7	G4UK07188-0	Tool RF Connector Remover - P7100	1	\$ 58.00	10%	\$ 52.20	\$ 52.20
8	T4WK03490	Tool, Channel Knob Base Spacer	1	\$ 66.00	10%	\$ 59.40	\$ 59.40
9	T4WK03594	Tool, Rear Plastic Cover Remover P7100	1	\$ 95.00	10%	\$ 85.50	\$85.50
		Shipping					\$35.00

Tools for P7150 EXTENDED TOTAL \$ 1,519.10

Price valid until 30 November, 2007
Terms: Net 30 Days, FOB Source Pre-pay.

TOTAL \$214,918.10

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF 50 DIGITAL RADIOS FOR THE POLICE DEPARTMENT FROM DAILEY-WELLS COMMUNICATIONS IN THE AMOUNT OF \$214,918.10; DECLARING AN OFFICIAL INTENT TO REIMBURSE THIS EXPENDITURE AND OTHER EXPENDITURES RELATED TO THIS PROJECT IN AN AMOUNT NOT TO EXCEED \$235,000 PRIOR TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS DESIGNATED FOR THIS PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on February 15, 2007, the City Council authorized the purchase of 89 encrypted digital radios for the Police Department – included in the adopted FY 2008 Capital Improvement Plan is \$235,000 to replace the remaining 50 Police Department analog radios with digital radios;

Whereas, the Bell County Communications Center recently purchased and installed a digital communication system, Enhanced Digital Access Communications System (EDACS) – in order to retain the best quality and reliable communication with the County Communications Center, the City needs to upgrade its radios to ones compatible with EDACS;

Whereas, due to property rights that currently exist with the EDACS, EDACS equipment can only be purchased from the manufacturer of the system, M/A-COM and this company has assigned Dailey-Wells Communications as the only sales and service support for Bell County;

Whereas, funds are available for this purchase (\$214,918.10) in Account No. 361-2000-521-6803, Project #100061;

Whereas, the City of Temple anticipates the issuance of one or more series of obligations, the interest on which will be excludable from gross income under Section 103 of the Internal Revenue Code of 1986, as amended, in order to finance all or a portion of this project;

Whereas, certain expenditures relating to the Project will be paid prior to the issuance of the Obligations;

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

Whereas, upon issuance of the Obligations, the City desires to reimburse these prior expenditures with proceeds of the Obligations;

Whereas, Section 1.150-2 of the Treasury Regulations provides that an expenditure on the Project may not be reimbursed from Obligation proceeds unless, along with other requirements, the City declares official intent to reimburse the expenditure prior to the date that the expenditure to be reimbursed was paid; 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: The City Council authorizes the purchase of 50 digital radios for the Police Department from Dailey-Wells Communications for a cost not to exceed \$214,918.10.

Part 2: The City Council authorizes the City Manager, or his designee, to execute any documents, after approval as to form by the City Attorney, that may be necessary for this purchase.

Part 3: The findings, determinations and certifications contained in the preamble hereof are incorporated herein for all purposes.

Part 4: This Resolution is a declaration of official intent under Section 1.150.2 of the Treasury Regulations by the City that it reasonably expects to reimburse the expenditures described in Part 4 with proceeds of debt to be incurred by the City, such debt to be issued on or before eighteen (18) months after the date of (i) the date the first expenditure is paid; or (ii) the date on which the property is placed in service, but in no event three years after the first expenditure is paid.

Part 5: The following is a general functional description of the Project for which the expenditures to be reimbursed are paid and a statement of the maximum principal amount of debt expected to be issued for the purpose of paying the costs of the Project.

<u>Project Description</u>	<u>Debt To Be Issued</u>
Purchase of 50 digital radios for the Police Department	\$214,918.10

Part 6: The expenditures described in Part 5 is a capital expenditure under general Federal income tax principles or a cost of issuance.

Part 7: Except for the proceeds of the Obligations, no funds are, or are reasonably expected to be reserved, allocated on a long-term basis, or otherwise set aside by the City or by any member of the same controlled group to pay for the expenditures described in Part 4.

Part 8: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **1st** day of **November**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/01/07
Item #4(C)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Amy M. House, Director of Human Resources/Civil Service

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract with Scott & White Health Plan and establishing rates for substitute Medicare supplement insurance for City of Temple retirees and the City's contribution thereto for calendar year 2008.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Previously the trustees of the City of Temple Employee Benefits Trust adopted rates for health and dental insurance for all active employees and retirees not eligible for Medicare. City policy requires that when retirees turn 65, if they are eligible, they must enroll in the substitute Medicare supplement plan(s) offered through the City in order to receive the City's contribution. These rates are not available until the late Fall of each year, so at this time Council needs to adopt substitute Medicare supplement rates for retirees for 2008. The rates for substitute Medicare supplement insurance run from January 1st through December 31st of each year while rates for our active employees and non Medicare eligible retirees run from October 1st through September 30th of each year.

The Personnel Policies and Procedures Manual states that the City will pay 50% of the substitute Medicare Supplement rates adopted by Council for Medicare eligible retirees who have at least twenty-five (25) years of actual service with the City of Temple. On October 22, 2007, the City received two proposals. The proposals were received from Scott and White Health Plan and United Retiree Solutions. The City's consultant, Terry Hale of City-County Benefit Services, reviewed the proposals received and recommends the Scott and White proposal.

Scott and White, the recommended carrier, offers SeniorCare as their substitute Medicare supplement. In 2007, retirees were offered twelve medicare supplement plans through the City. Staff has determined that Plan K - "Senior Care Preferred Plus with Basic Rx" is the package that most closely reflects the plan the City contributed 50% to in the past. Staff recommends that Council authorize a contribution of 50% toward all plans up to a maximum contribution of \$86.85 (50% of the cost of Plan K).

The new SeniorCare monthly premium recommendations for 2008 are as follows:

Plan	Description	Monthly Premium	City's Contribution	Retiree's Contribution
A	Senior Care Select without Rx	\$20.00	\$10.00	\$10.00
B	Senior Care Select with Value Rx	\$38.60	\$19.30	\$19.30
C	Senior Care Select with Basic Rx	\$41.70	\$20.85	\$20.85
D	Senior Care Select with Enhanced Rx	\$76.40	\$38.20	\$38.20
E	Senior Care Preferred without Rx	\$90.00	\$45.00	\$45.00
F	Senior Care Preferred with Value Rx	\$108.60	\$54.30	\$54.30
G	Senior Care Preferred with Basic Rx	\$111.70	\$55.85	\$55.85
H	Senior Care Preferred with Enhanced Rx	\$146.40	\$73.20	\$73.20
I	Senior Care Preferred Plus without Rx	\$152.00	\$76.00	\$76.00
J	Senior Care Preferred Plus with Value Rx	\$170.60	\$85.30	\$85.30
K	Senior Care Preferred Plus with Basic Rx	\$173.70	\$86.85	\$86.85
L	Senior Care Preferred Plus with Enhanced Rx	\$208.40	\$86.85	\$121.55

According to the consultant, this insurance should be awarded by the Council and not the Trust because it is considered an individual plan instead of a group plan and is not eligible for the tax credit.

FISCAL IMPACT: Budgeted amount: \$185,450 in account 110-2700-515-1231*
Estimated amount for FY06-07: \$39,864.15 **

* Budget includes all retirees' insurance

** Maximum contribution of \$86.85 x 51 Medicare eligible retirees (as of 11/01/07) x 9 months (Jan - Sept) = \$39,864.15; the number of retirees could change over the course of the year.

ATTACHMENTS:

[Plan Descriptions/Proposal Tabulation
Resolution](#)

City of Temple
Medicare Supplement
Rates 1/1/08-12/31/08

Plan	Description SWHP	Monthly Cost	City Pays	Retiree Pays
A	Senior Care Select without Rx	\$20.00	\$10.00	\$10.00
B	Senior Care Select with Value Rx	\$38.60	\$19.30	\$19.30
C	Senior Care Select with Basic Rx	\$41.70	\$20.85	\$20.85
D	Senior Care Select with Enhanced Rx	\$76.40	\$38.20	\$38.20
E	Senior Care Preferred without Rx	\$90.00	\$45.00	\$45.00
F	Senior Care Preferred with Value Rx	\$108.60	\$54.30	\$54.30
G	Senior Care Preferred with Basic Rx	\$111.70	\$55.85	\$55.85
H	Senior Care Preferred with Enhanced Rx	\$146.40	\$73.20	\$73.20
I	Senior Care Preferred Plus without Rx	\$152.00	\$76.00	\$76.00
J	Senior Care Preferred Plus with Value Rx	\$170.60	\$85.30	\$85.30
K	Senior Care Preferred Plus with Basic Rx	\$173.70	\$86.85	\$86.85
L	Senior Care Preferred Plus with Enhanced Rx	\$208.40	\$86.85	\$121.55

K is the Plan City currently pays @ 50%

Plan	Description UHC/AARP	Monthly Cost	City Pays	Retiree Pays
1	Plan F	\$189.25	\$94.63	\$94.63
2	Plan F Plus MedicareRx	\$221.45	\$110.73	\$110.73
3	Plan F Plus Enhanced MedicareRx	\$255.45	\$127.73	\$127.73
4	Plan K	\$93.50	\$46.75	\$46.75
5	Plan K Plus MedicareRx	\$125.70	\$62.85	\$62.85
6	Plan K Plus Enhanced MedicareRx	\$159.70	\$79.85	\$79.85

2 is nearest to Plan City currently pays @ 50%

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH SCOTT AND WHITE HEALTH PLAN AND ESTABLISHING RATES FOR SUBSTITUTE MEDICARE SUPPLEMENT INSURANCE FOR CITY OF TEMPLE RETIREES AND THE CITY'S CONTRIBUTION THERETO FOR CALENDAR YEAR 2008; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on October 22, 2007, the City received 2 proposals for substitute Medicare supplement insurance for retirees for calendar year 2008;

Whereas, the proposals were reviewed by the City's consultant with City-County Benefits Service who recommends accepting the proposal received from Scott and White Health Plan;

Whereas, the City's Personnel Policies & Procedure Manual provides that the City will pay 50% of the substitute Medicare Supplement rates adopted by the City Council for Medicare eligible retirees who have at least 25 years of actual service with the City of Temple;

Whereas, the estimated expenditure for 2008 is \$39,864.15, and funds for retirees' insurance are budgeted in Account No. 110-2700-515-1231; 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: The City Council authorizes the City Manager, or his designee, to execute an agreement with Scott and White Health Plan, after approval as to form by the City Attorney, for substitute Medicare supplement insurance for City of Temple retirees for calendar year 2008 at the following rates:

Plan	Description	Monthly Premium	City's Contribution	Retiree's Contribution
A	Senior Care Select without Rx	\$20.00	\$10.00	\$10.00
B	Senior Care Select with Value Rx	\$38.60	\$19.30	\$19.30
C	Senior Care Select with Basic Rx	\$41.70	\$20.85	\$20.85
D	Senior Care Select with Enhanced Rx	\$76.40	\$38.20	\$38.20
E	Senior Care Preferred without Rx	\$90.00	\$45.00	\$45.00
F	Senior Care Preferred with Value Rx	\$108.60	\$54.30	\$54.30
G	Senior Care Preferred with Basic Rx	\$111.70	\$55.85	\$55.85
H	Senior Care Preferred with Enhanced Rx	\$146.40	\$73.20	\$73.20
I	Senior Care Preferred Plus without Rx	\$152.00	\$76.00	\$76.00
J	Senior Care Preferred Plus with Value Rx	\$170.60	\$85.30	\$85.30
K	Senior Care Preferred Plus with Basic Rx	\$173.70	\$86.85	\$86.85
L	Senior Care Preferred Plus with Enhanced Rx	\$208.40	\$86.85	\$121.55

PART 2: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 1st day of **November**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/01/07
Item #4(D)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Bruce A. Butscher, P.E., Director of Public Works
Nicole Torralva, P.E., Assistant City Engineer

ITEM DESCRIPTION: Consider adopting a resolution authorizing Change Order #2 in the amount of \$152,644.39 to the Loop 363 Utility Relocation Project Phase 1 construction contract with Bell Contractors, Inc., for items related to additional TxDOT requests, design changes, field adjustments, easement negotiations, and waterline tie in connections as required.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On December 7, 2006, Council authorized a construction contract in the amount of \$1,119,274.34 with Bell Contractors, Inc. to relocate City owned utilities along Loop 363 and 31st Street related to TxDOT's highway widening of Loop 363 between 57th Street and 5th Street. Through the course of construction, additional TxDOT requests, field adjustments and design issues have arisen which have resulted in increased costs to the construction contract. In addition, easement negotiations and waterline tie in connections not considered during design have also resulted in additional work.

In summary, approximately \$100,081.84 is a result of additional TxDOT requirements and utility conflicts discovered during construction. Of the remaining amount, \$8,102.24 is attributable to miscellaneous field adjustments, \$6,878.00 to additional requirements due to easement negotiations, and \$37,582.31 to waterline tie in connections not considered during design related to completing construction along 31st Street south of Loop 363. In total, this Change Order #2 in the amount of \$152,644.39 combined with Change Order #1 in the amount of \$49,136.35 is approximately 18.03% of the total contract amount. At the TxDOT reimbursable rate of 51.55%, approximately \$73,956.21 will be the City's share of the additional work.

FISCAL IMPACT: Funding in the amount of \$2,700,000 has been appropriated for all phases of this project in the 2006 Utility Revenue Bond Issue, which includes the City's estimated share of the project cost only. At the TxDOT reimbursable percentage rate of 51.55% for Phase 1 improvements, the City's share of the cost for this Change Order #2 will be approximately \$73,956.

Funding for the City's share of this change order is available in account 561-5200-535-6916, project #100097. A summary of the updated costs for this project, including the awarded construction contracts for all three phases, previously executed Change Orders, and recommended Change Order #2 for Phase 1, and the TxDOT cost participation rate per the recommended Utility Agreements is as follows:

	Phase I	Phase 2	Phase 3	Total
TxDOT participation (excluding betterments)	51.55%	39.54%	39.54%	
Construction	\$ 1,119,274	\$ 1,394,406	\$ 446,189	\$ 2,959,869
Construction Change Order #1 (Executed)	49,136	170,805	(1,540)	218,401
Construction Change Order #2 (Pending)	152,644	62,829	-	215,473
Engineering	230,800	412,818	192,182	835,800
On-Site Representation	36,000	41,000	31,000	108,000
Easement Acquisition (estimated)	5,356	112,998	22	118,376
Total Project Cost	\$ 1,593,210	\$ 2,194,856	\$ 667,853	\$ 4,455,919
Betterments Included Above	\$ 9,572	\$ 359,207	\$ 52,932	\$ 421,711
City's Estimated Share (including betterments)	\$ 776,845	\$ 1,469,040	\$ 424,713	\$ 2,670,598

Currently, there is \$263,342 to fund the city's share of this change order and the remaining easement acquisition. A budget adjustment is presented for Council's approval appropriating TxDOT's share of this change order in the amount of \$78,688. The budget adjustment also reallocates \$25,000 from the Avenue P Storage Tank Relocation project to fund future anticipated change orders. The budget adjustment adjusts the amount due from TXDOT due to better cost estimates on the amount needed for easements.

ATTACHMENTS:

[Engineer's Recommendation](#)
[Change Order #2](#)
[Budget Adjustment](#)
[Resolution](#)



KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS

One South Main

Temple, Texas 76501

(254) 773-3731

Fax (254) 773-6667

mail@kpaengineers.com

RICK N. KASBERG, P.E.

R. DAVID PATRICK, P.E., C.F.M.

THOMAS D. VALLE, P.E.

October 23, 2007

Mrs. Nicole Torralva, P.E.

Assistant City Engineer

3210 E. Avenue H

Building A

Temple, Texas 76501

Re: City of Temple, Texas
Loop 363 and 31st Street Utility Relocations
Phase I – 31st Street Utilities

Dear Mrs. Torralva:

Enclosed are three (3) copies of Change Order No. 2, which is for the changes to the above referenced contract to date. The specific items are described in detail as part of the change order document with itemized costs for each. As you know, these items were a result of TxDOT requirements after the project had bid, easement requirements, additional valving to facilitate tie-ins and field modifications dictated by field conditions. Please execute and return two copies to our office once approved by the City Council and we will distribute to the Contractor.

Sincerely,

Ginger R. Tolbert, P.E.

GRT/

xc: Mr. Jay Pearson, Bell Contractors, Inc.
2004-143-40 – Phase I

RECEIVED

OCT 23 2007

City of Temple Engineering Dept.

CHANGE ORDER

PROJECT: **Loop 363 and 31st Street Utility Relocations, Phase I-31st Street Utilities**
 OWNER: **City of Temple**
 CONTRACTOR: **Bell Contractors, Inc.**
 ENGINEER: **Kasberg, Patrick & Associates, LP**
 CHANGE ORDER #: **2**

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

WATER

1. 8" Valve Installation in Existing Water Line to facilitate the tie-in for Line "L-1".

Item	Description	Quantity	Unit	Cost	Total
CO2-1	8" Gate Valve Cut-In	100%	LS	\$ 4,265.00	\$ 4,265.00
23	8" x 8" Tee	-1	EA	\$ 272.83	\$ (272.83)
30	8" 90 deg. Bend	1	EA	\$ 312.14	\$ 312.14
				Sub-Total	\$ 4,304.31

2. Extension of 14" Water Line "M-1" to Azalea Dr. to avoid retaining wall and replace existing water line, which would not have adequate cover after road construction per TxDOT correspondence dated 6/22/07.

Item	Description	Quantity	Unit	Cost	Total
4	Trench Safety	250	LF	\$ 1.79	\$ 447.50
11	14" Water Line	250	LF	\$ 68.28	\$ 17,070.00
CO2-2	14" 22 1/2 deg. Bend	2	EA	\$ 565.00	\$ 1,130.00
40	30" Encasement by Open Cut	18	LF	\$ 101.08	\$ 1,819.44
				Sub-Total	\$ 20,466.94

3. Installation and Maintenance of Barricades in the Temple Mall parking lot per the easement agreement.

Item	Description	Quantity	Unit	Cost	Total
CO2-1	Barricades per Easement Agreement	100%	LS	\$ 6,878.00	\$ 6,878.00
				Sub-Total	\$ 6,878.00

4. Removal of unknown underground concrete along Water Line "L-1". Concrete structure appeared to be the foundation for the old Hospitality Inn.

Item	Description	Quantity	Unit	Cost	Total
CO2-2	Excavation of Concrete Structures	288	CF	\$ 8.23	\$ 2,370.24
				Sub-Total	\$ 2,370.24

5. Removal of Existing Water Line adjacent to Proposed Water Line "K" from approximate Sta 17+00 to 19+00 per TxDOT.

Item	Description	Quantity	Unit	Cost	Total
57	Slurry Fill Water Line	-200	LF	\$ 16.12	\$ (3,224.00)
CO2-3	Water Line Removal	200	LF	\$ 72.00	\$ 14,400.00
				Sub-Total	\$ 11,176.00

Change Order (continued)

6. Fire Hydrant Risers on Lines "L-2", "M-1" and "K" as necessitated by changes in grade in the field.					
Item	Description	Quantity	Unit	Cost	Total
CO2-4	Additional riser length on hydrants	100%	LS	\$ 5,732.00	\$ 5,732.00
				Sub-Total	\$ 5,732.00
7. 18" Valve Installation in Existing Water Line to facilitate the tie-in for Line "M-2".					
Item	Description	Quantity	Unit	Cost	Total
CO2-5	18" Gate Valve Installation	100%	LS	\$ 18,653.00	\$ 18,653.00
				Sub-Total	\$ 18,653.00
8. Extension of bore across 31st Street on Water Line "M-2" due to conflict in field with existing gas main.					
Item	Description	Quantity	Unit	Cost	Total
39	30" Steel Encasement by Bore	4	LF	\$ 361.05	\$ 1,444.20
CO2-6	18" 22 1/2 deg. Bend	2	EA	\$ 1,197.00	\$ 2,394.00
32	8" 22 1/2 deg. Bend	2	EA	\$ 304.55	\$ 609.10
				Sub-Total	\$ 4,447.30
9. 14" Valve Installation in Existing Water Line to facilitate the tie-in for Line "M-1" at Azalea Drive.					
Item	Description	Quantity	Unit	Cost	Total
CO2-7	14" Gate Valve Installation	100%	LS	\$ 14,625.00	\$ 14,625.00
				Sub-Total	\$ 14,625.00
10. Extension of bore across Temple Mall Entrance on Line "M-1" due to conflict in field with placement of TXU Power Poles.					
Item	Description	Quantity	Unit	Cost	Total
41	24" Steel Encasement by Bore	20	LF	\$ 289.05	\$ 5,781.00
				Sub-Total	\$ 5,781.00
11. Removal of Existing Water Line adjacent to Proposed Water Line "M-1" from approximate Sta -1+50 to 3+00 and 105 LF at the PRV site per TxDOT. This removal is in conflict with existing phone and gas					
Item	Description	Quantity	Unit	Cost	Total
57	Slurry Fill Water Line	-245	LF	\$ 16.12	\$ (3,949.40)
CO2-8	Water Line Removal	555	LF	\$ 112.00	\$ 62,160.00
				Sub-Total	\$ 58,210.60
Total Add					\$ 152,644.39

Change Order (continued)

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	\$	1,119,274.34
Previous Net Change in Contract Amount	\$	49,136.35
Net Change in Contract Amount	\$	152,644.39
Revised Contract Amount	\$	1,321,055.08
Original Contract Time		300 days
Previous Net Change in Contract Time		N/A
Net Change in Contract Time		0 days
Revised Contract Time		300 days
Original Final Completion Date		December 31, 2007
Revised Final Completion Date		December 31, 2007

Recommended By Engineer:

Approved By Contractor:

By: Hunger R. Albert
10/23/07 Date

By: Person Oct. 23, 2007 Date

Approved by City of Temple:

Approved as to Form:

By: _____

By: _____
City Attorney's Office Date

FY **2008****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	
561-0000-461-08-65		Miscellaneous Reimbursements	\$ 78,688	\$ -	
561-5200-535-69-16	100097	Loop 363/31st Street Util Relocation	78,688	-	
561-5200-535-69-16	100097	Loop 363/31st Street Util Relocation	25,000		
561-5100-535-69-19	100041	Ave P Storage Tank Relocation		25,000	
561-0000-461-08-65		Miscellaneous Reimbursements		31,827	
561-5200-535-69-16	100097	Loop 363/31st Street Util Relocation		31,827	
TOTAL.....			\$ 182,376	\$ 88,654	

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

To recognize TXDOT's estimated cost sharing reimbursement on the Loop 363/31st Utility Relocation project related to change order #2 for Phase 1. Utility Agreements have been submitted to TXDOT setting the TXDOT eligibility percentage at 51.55% for Phase 1 and 39.54% for Phase 2 & 3. Per the Utility Agreements the City will fund the progress payments to the contractors upfront and then will be reimbursed by the State at not less than monthly intervals in an amount not to exceed 80% of the eligible costs. Upon completion of the Utility Relocation project, the remaining eligible reimbursable will be received. Reallocate funds from Ave P Storage Tank to Loop 363 to help fund the remaining portion of the project. This budget adjustment also reduces the amount of revenue allocated to be received from TXDOT due to better cost estimates for easements.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

11/1/2007

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CHANGE ORDER #2 TO THE CONSTRUCTION CONTRACT WITH BELL CONTRACTORS, INC., FOR ITEMS RELATED TO ADDITIONAL TXDOT REQUESTS, DESIGN CHANGES, FIELD ADJUSTMENTS, EASEMENT NEGOTIATIONS, AND WATERLINE TIE IN CONNECTIONS AS REQUIRED FOR UTILITY RELOCATIONS INCLUDED IN THE LOOP 363 UTILITY RELOCATION PHASE 1 PROJECT, IN THE AMOUNT OF **\$152,644.39**; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on December 7, 2006, the City Council authorized a construction contract with Bell Contractors, Inc., of Belton, Texas, in the amount of \$1,119,274.34, to relocate City owned utilities along Loop 363 and 31st Street related to TxDOT's widening of Loop 363 between 57th and 5th Street;

Whereas, through the course of construction, additional TxDOT requests, field adjustments and design issues have arisen which have resulted in increased costs to the construction contract – in addition, easement negotiations and waterline tie in connections not considered during design have resulted in additional work;

Whereas, the Staff recommends approving a change order for \$152,644.39 to the contract for this purpose;

Whereas, funds are available for this change order but an amendment to the FY2007-08 budget needs to be approved to transfer the funds to the appropriate expenditure account; 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: The City Council authorizes the City Manager, or his designee, to execute Change Order #2, for a cost not to exceed \$115,644.39, to the construction contract with Bell Contractors, Inc., of Belton, Texas, after approval as to form by the City Attorney, for items related to additional TxDOT requests, design changes, field adjustments, easement negotiations, and waterline tie in connections as required for utility relocations included in the Loop 363 Utility Relocation Phase 1 project.

Part 2: The City Council authorizes an amendment to the FY2007-08 budget, substantially in the form of the copy attached as Exhibit A, for this purchase.

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

PASSED AND APPROVED this the **1st** day of **November**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/01/07
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Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Bruce A. Butscher, P.E., Director of Public Works
Nicole Torralva, P.E., Assistant City Engineer

ITEM DESCRIPTION: Consider adopting a resolution authorizing Change Order #2 in the amount of \$62,829.46 to the Loop 363 Utility Relocation Phase 2 construction contract with Bell Contractors, Inc., for items related to changes due to TxDOT modifications, design issues, and field adjustments as required.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On February 15, 2007, Council authorized a construction contract in the amount of \$1,394,406.36 with Bell Contractors, Inc. to relocate City owned utilities along Loop 363 and 31st Street, from 57th Street to 5th Street. Through the course of construction, field adjustments and design issues have resulted in increased costs to the construction contract.

In summary, approximately \$42,551.46 is attributable to field modifications related to waterline improvements. An additional \$20,278.00 is a result of field modifications related to wastewater improvements. In total, this Change Order #2 in the amount of \$62,829.46 combined with Change Order #1 in the amount of \$170,805.40 is approximately 16.76% of the total contract amount. At the TxDOT reimbursable rate of 39.54%, approximately \$37,986.69 will be the City's share of the additional work.

FISCAL IMPACT: Funding in the amount of \$2,700,000 has been appropriated for all phases of this project in the 2006 Utility Revenue Bond Issue, which includes the City's estimated share of the project cost only. At the TxDOT reimbursable percentage rate of 39.54% for Phase 2 improvements, the City's share of the cost for this Change Order #2 will be approximately \$37,987.

Funding for the City's share of this change order is available in account 561-5200-535-6916, project #100097. A summary of the updated costs for this project, including the awarded construction contracts for all three phases, previously executed Change Orders, and recommended Change Order #2 for Phase 2, and the TxDOT cost participation rate per the recommended Utility Agreements is as follows:

	Phase I	Phase 2	Phase 3	Total
TxDOT participation (excluding betterments)	51.55%	39.54%	39.54%	
Construction	\$ 1,119,274	\$ 1,394,406	\$ 446,189	\$ 2,959,869
Construction Change Order #1 (Executed)	49,136	170,805	-1,540	218,401
Construction Change Order #2 (Pending)	152,644	62,829	-	215,473
Engineering	230,800	412,818	192,182	835,800
On-Site Representation	36,000	41,000	31,000	108,000
Easement Acquisition (estimated)	5,356	112,998	22	118,376
Total Project Cost	<u>\$ 1,593,210</u>	<u>\$ 2,194,856</u>	<u>\$ 667,853</u>	<u>\$ 4,455,919</u>
Betterments Included Above	\$ 9,572	\$ 359,207	\$ 52,932	\$ 421,711
City's Estimated Share (including betterments)	<u>\$ 776,845</u>	<u>\$ 1,469,040</u>	<u>\$ 424,713</u>	<u>\$ 2,670,598</u>

Currently, there is \$189,386 to fund the city's share of this change order and the remaining easement acquisition. A budget adjustment is presented for Council's approval appropriating TxDOT's share of this change order in the amount of \$24,843.

ATTACHMENTS:

[Engineer's Recommendation](#)
[Change Order #1](#)
[Budget Adjustment](#)
[Resolution](#)



KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS

One South Main
Temple, Texas 76501

(254) 773-3731

Fax (254) 773-6667

mail@kpaengineers.com

RICK N. KASBERG, P.E.
R. DAVID PATRICK, P.E., C.F.M.
THOMAS D. VALLE, P.E.

October 23, 2007

Mrs. Nicole Torralva, P.E.
Assistant City Engineer
3210 E. Avenue H
Building A
Temple, Texas 76501

Re: City of Temple, Texas
Loop 363 and 31st Street Utility Relocations
Phase II - Utility Crossings and Frontage Roads

Dear Mrs. Torralva:

Enclosed are three (3) copies of Change Order No. 2, which is for the changes to the above referenced contract to date. The specific items are described in detail as part of the change order document with itemized costs for each. As you know, the major component of the change order is the relocation of the Existing 8" Water Line along the west bound frontage road as required to achieve adequate separation to the Proposed Wastewater Line. The total change in the contract price is \$62,829.46. Please execute and return two copies to our office once approved by the City Council and we will distribute to the Contractor.

Sincerely,

Ginger R. Tolbert, P.E.

GRT/

xc: Mr. Jay Pearson, Bell Contractors, Inc.
2004-143-40 - Phase II

RECEIVED

OCT 23 2007

City of Temple Engineering Dept.

CHANGE ORDER

PROJECT: Loop 363 and 31st Street Utility Relocations, Phase II-Utility Crossings and Frontage Roads
 OWNER: City of Temple
 CONTRACTOR: Bell Contractors, Inc.
 ENGINEER: Kasberg, Patrick & Associates, LP
 CHANGE ORDER #: 2

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

WATER

1. Modify Water Line "D" sizing from 6" to 8" to match existing water line sizing and add 8" Gate Valve at Station 5+60 to replace existing valve.

Item	Description	Quantity	Unit	Cost	Total
12	8" Water Line	461	LF	\$ 34.50	\$ 15,904.50
13	6" Water Line	-461	LF	\$ 32.44	\$ (14,954.84)
16	8" Gate Valve	1	EA	\$ 890.00	\$ 890.00
				Sub-Total	\$ 1,839.66

2. Modify alignment to tie-in 18" Water Line "A-1" to the project west of 57th Street.

Item	Description	Quantity	Unit	Cost	Total
CO1-7	18" 90 deg. Bends	-1	EA	\$ 1,423.20	\$ (1,423.20)
23	18" 11 1/4 deg. Bends	2	EA	\$ 1,037.00	\$ 2,074.00
				Sub-Total	\$ 650.80

3. Relocate Existing 8" Water Line east of Exchange Place to provide adequate separation distance from Wastewater Line "A".

Item	Description	Quantity	Unit	Cost	Total
4	Trench Safety (Pipe)	117	LF	\$ 1.50	\$ 175.50
5	Trench Safety (Structures)	1,800	SF	\$ 0.50	\$ 900.00
12	8" Water Line	117	LF	\$ 34.50	\$ 4,036.50
CO2-1	8" Full Body TS&V	1	EA	\$ 2,800.00	\$ 2,800.00
29	8" 22 1/2 degree bend	3	EA	\$ 245.00	\$ 735.00
44	18" Steel Encasement by Bore	137	LF	\$ 218.00	\$ 29,866.00
45	18" Steel Encasement by Open Cut	18	LF	\$ 86.00	\$ 1,548.00
				Sub-Total	\$ 40,061.00

WASTEWATER

1. Extension of encasement pipe across 39th Street on Wastewater Line "B" to keep 18" Water Line Valve in service.

Item	Description	Quantity	Unit	Cost	Total
43	20" Steel Encasement by Open Cut	15	LF	\$ 99.00	\$ 1,485.00
				Sub-Total	\$ 1,485.00

2. Extension of bore across Trade Place on Wastewater Line "A" to avoid conflict with gas and telephone lines.

Item	Description	Quantity	Unit	Cost	Total
44	18" Steel Encasement by Bore	10	LF	\$ 218.00	\$ 2,180.00
Sub-Total					\$ 2,180.00

3. Emergency Wastewater Connection along Wastewater Line "F" to remove existing line from service.

Item	Description	Quantity	Unit	Cost	Total
CO2-2	Emergency Wastewater Connection	1	LS	\$ 4,285.00	\$ 4,285.00
Sub-Total					\$ 4,285.00

4. Wastewater Service Connections along Wastewater "B".

Item	Description	Quantity	Unit	Cost	Total
CO2-3	Service Connections	4	EA	\$ 1,265.00	\$ 5,060.00
Sub-Total					\$ 5,060.00

5. Internal Drop Connection in Wastewater Line "B" Manholes at 39th and 37th Streets due to existing 6"

Item	Description	Quantity	Unit	Cost	Total
CO2-4	Drop connection	2	EA	\$ 1,414.00	\$ 2,828.00
Sub-Total					\$ 2,828.00

6. Crew Hours associated with stripping existing 4" gas line out of trench and re-installing behind sewer

Item	Description	Quantity	Unit	Cost	Total
CO2-5	Crew Hour	24	Hrs	\$ 185.00	\$ 4,440.00
Sub-Total					\$ 4,440.00

Total Add \$ 62,829.46

Change Order (continued)

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	\$	<u>1,394,406.36</u>
Previous Net Change in Contract Amount	\$	<u>170,805.40</u>
Net Change in Contract Amount	\$	<u>62,829.46</u>
Revised Contract Amount	\$	<u>1,628,041.22</u>
Original Contract Time		<u>300 days</u>
Previous Net Change in Contract Time		<u>N/A</u>
Net Change in Contract Time		<u>0 days</u>
Revised Contract Time		<u>300 days</u>
Original Final Completion Date		<u>March 30, 2008</u>
Revised Final Completion Date		<u>March 30, 2008</u>

Recommended By Engineer:

Approved By Contractor:

By: Mungen R. Albert
10/23/07 Date

By: [Signature] Oct. 23, 2007
 Date

Approved by City of Temple:

Approved as to Form:

By: _____

By: _____
 City Attorney's Office Date

FY 2008

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	
561-0000-461-08-65		Miscellaneous Reimbursements	\$ 24,843	\$ -	
561-5200-535-69-16	100097	Loop 363/31st Street Util Relocation	24,843	-	
TOTAL.....			\$ 49,686	\$ -	

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

To recognize TXDOT's estimated cost sharing reimbursement on the Loop 363/31st Utility Relocation project related to change order #2 for Phase 2. Utility Agreements have been submitted to TXDOT setting the TXDOT eligibility percentage at 51.55% for Phase 1 and 39.54% for Phase 2 & 3. Per the Utility Agreements the City will fund the progress payments to the contractors upfront and then will be reimbursed by the State at not less than monthly intervals in an amount not to exceed 80% of the eligible costs. Upon completion of the Utility Relocation project, the remaining eligible reimbursable will be received.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

11/1/2007

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

Disapproved

Finance

Date

☐

Approved

Disapproved

City Manager

Date

☐

Approved

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CHANGE ORDER #2 TO THE CONSTRUCTION CONTRACT WITH BELL CONTRACTORS, INC., FOR ITEMS RELATED TO ADDITIONAL TXDOT MODIFICATIONS, DESIGN ISSUES, AND FIELD ADJUSTMENTS AS REQUIRED FOR UTILITY RELOCATIONS INCLUDED IN THE LOOP 363 UTILITY RELOCATION PHASE 2 PROJECT, IN THE AMOUNT OF **\$62,829.46**; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on February 15, 2007, the City Council authorized a construction contract with Bell Contractors, Inc., of Belton, Texas, in the amount of \$1,394,406.36, to relocate City owned utilities along Loop 363 and 31st Street related to TxDOT's widening of Loop 363 between 57th and 5th Street;

Whereas, through the course of construction, field adjustments and design issues have resulted in increased costs to the construction contract;

Whereas, the Staff recommends approving a change order for \$62,829.46 to the contract for this purpose;

Whereas, funds are available for this change order but an amendment to the FY2007-08 budget needs to be approved to transfer the funds to the appropriate expenditure account; 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: The City Council authorizes the City Manager, or his designee, to execute Change Order #2, for a cost not to exceed \$62,829.46, to the construction contract with Bell Contractors, Inc., of Belton, Texas, after approval as to form by the City Attorney, for TxDOT modifications, design issues, and field adjustments as required for utility relocations included in the Loop 363 Utility Relocation Phase 2 project.

Part 2: The City Council authorizes an amendment to the FY2007-08 budget, substantially in the form of the copy attached as Exhibit A, for this purchase.

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

PASSED AND APPROVED this the **1st** day of **November**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/01/07
Item #4(F)-(1)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: SECOND READING – Consider adopting an ordinance authorizing a franchise with Central Texas Regional EMS to provide non-emergency ambulance transfer services within the City.

STAFF RECOMMENDATION: Adopt ordinance as presented in item description, on second reading, and schedule third reading and final adoption for November 15th.

ITEM SUMMARY: On October 5, 2006, the City Council authorized a one year franchise to Central Texas Regional EMS to provide non-emergency ambulance transfer services within the City. The franchise expired on September 30, 2007, and the company has requested a renewal of the franchise for an additional year. A separate item on this same agenda is for consideration of a one year franchise extension of Scott and White Hospital non-emergency ambulance service franchise. Scott & White and Central Texas Regional EMS are the City's only two non-emergency ambulance franchisees.

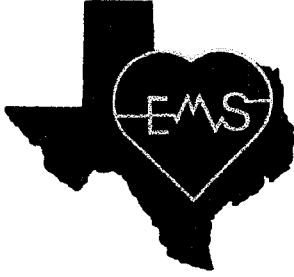
The Staff recommends authorizing a one year renewal of Central Texas Regional EMS' non-emergency ambulance transfer service franchise. Franchise renewals require three readings, a public hearing, and publication of a summary of the franchise ordinance in the Temple Daily Telegram.

The Staff recommends renewal of the franchise for one year to allow the City Staff and City Council to have the opportunity to receive and analyze the recommendations contained in a master plan for the City's fire rescue and EMS services the City commissioned from Emergency Services Consulting, Inc. A preliminary report on ESCI's recommendations will be presented in a workshop format in a separate item on this agenda. Full analysis, adoption and implementation of the recommendations contained in the report are likely to take several months. Extending our two current non-emergency ambulance transfer service franchises for one year will allow time for that analysis and implementation of those recommendations for transitions, if needed.

FISCAL IMPACT: Franchisees pay the City 3½ % of the total amount billed per year.

ATTACHMENTS:

Letter requesting one year extension.
Ordinance



CENTRAL TEXAS REGIONAL EMS

October 1, 2007

Traci Barnard
Finance Director
City of Temple
2 North Main Street
Temple, TX 76501

Subject: Request for Renewal of City Ambulance Franchise

Dear Ms. Barnard:

We are hereby requesting that the City of Temple Council consider granting Central Texas EMS LLC a renewal of our current one (1) year non-emergency ambulance franchise.

We have provided service to the community for the past year, and we believe that we have met or exceeded all requirements and expectations pursuant to the non-emergency ambulance franchise.

Operational changes that have occurred since our original application in September of 2006 include:

- Our operational base in Temple has moved to 5100 Midway Drive, suite 102.
- We have added a 2006 Ford Type II ambulance to our fleet.

We look forward to continuing our relationship with the City of Temple to better meet the medical transportation needs of our community. If you need any additional information, please contact myself at 254.534.1712 or Stephen Paine at 254.534.1834.

Sincerely,

David Phillips
President

cc: David Blackburn, City Manager
Bill Jones III, Mayor

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, GRANTING TO CENTRAL TEXAS REGIONAL EMS, A NON-EXCLUSIVE FRANCHISE FOR ONE YEAR TO OPERATE AND MAINTAIN A NON-EMERGENCY AMBULANCE TRANSFER SERVICE UPON THE PUBLIC STREETS AND HIGHWAYS OF THE CITY OF TEMPLE, TEXAS PURSUANT TO THE PROVISIONS OF THE CONSTITUTION AND LAWS OF THE STATE OF TEXAS, THE CHARTER OF THE CITY OF TEMPLE, AND CHAPTER 5 OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, Article III, Chapter 5 of the City Code, requires that a person or persons desiring to provide non-emergency ambulance transfer services on the streets of the City of Temple obtain a franchise, under conditions set out therein;

WHEREAS, Central Texas Regional EMS has requested a franchise for a non-exclusive, non-emergency transfer service within the City of Temple; and

WHEREAS, Central Texas EMS has established to the satisfaction of the City Council by clear, cogent and convincing evidence that public convenience and necessity will be served by the granting of said franchise.

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

PART 1: A non-exclusive franchise is granted to Central Texas Regional EMS, pursuant to Chapter 5 of the Code of Ordinances of the City of Temple, as amended, and the Charter of the City of Temple, as provided herein.

PART 2: Definitions.

As used in this ordinance, the following words and phrases shall have the meaning ascribed in this section:

(a) ***City*** shall mean the City of Temple, a municipal corporation of the State of Texas, situated in Bell County; the words *in the City* or any similar reference to the territorial limits of the City of Temple, Texas, shall mean the area within the corporate limits of the City of Temple, Texas, as they now exist or as they may hereafter be lawfully modified or extended.

(b) ***Company, Transfer Service Franchise Holder***, as used herein, unless the context clearly indicates otherwise, shall mean Central Texas Regional EMS, or its legally approved successors and assigns.

(c) ***Ambulance*** or ***Transfer Service*** shall mean any motor vehicle used, designed, redesigned or constructed and equipped for the transportation of sick or injured persons, which vehicles for the purposes of this ordinance shall be of the classification of basic life support vehicle or higher, according to the definitions and standards of the City of Temple, Texas or the Bureau of Emergency Management of the Texas Department of Health.

(d) ***Transfer Service*** or ***Non-Emergency Ambulance Transfer Service*** means a response made by a transfer vehicle or ambulance for the transportation of individuals to or from a medical facility, a nursing home or residence under circumstances which do not constitute an emergency.

(e) ***Emergency*** is any circumstance that calls for an immediate action and which the element of time in transporting the sick, wounded or injured for medical treatment is essential to the health or life of any person. Such circumstances include, but are not limited to, general accidents, traffic accidents and acts of violence resulting in personal injury, and sudden illness.

(f) All other words, terms or phrases shall have the meaning assigned to them by Chapter 5 of the City Code, to the extent that such words, terms or phrases have not been assigned other meanings by Chapter 773 of the Texas Health and Safety Code; as amended, or the Bureau of Emergency Management of the Texas Department of Health, in which case those assigned meanings shall prevail. In the absence of an assigned meaning by the above-referenced ordinance, statute, or regulations of the Bureau, the meanings of such words, terms and phrases shall have the ordinary meanings applied at law generally or by common usage in the English language.

PART 3: Notice and Extent of Grant.

The City grants the non-exclusive right and authority to operate and maintain ambulances solely for non-emergency ambulance transfer service of persons upon the public streets and highways of the City of Temple, Texas, for a term ending on **November 16, 2008**, to Company in consideration of the payment of a franchise fee as provided in Part 4 of this ordinance.

PART 4: Standards and Requirements for Personnel, Vehicles and Equipment.

The Company shall comply with all standards and requirements for personnel, vehicles and equipment as enumerated in Chapter 5 of the Code of Ordinances of the City of Temple.

PART 5: Payment to the City Required; Franchise Fee.

(a) The transfer service franchise holder shall, during the life of said franchise, pay to the City of Temple at the Office of the Director of Finance in lawful money of the United States, three and one-half (3 ½%) percent of the total amount billed for the transfer service fees and other income derived from the operation of the transfer service, which said remittance shall be made monthly on or before the tenth day of each calendar month for the preceding calendar month. The compensation provided for in this section shall be in lieu of any other

fees or charges imposed by any other ordinance now or hereafter in force during the life hereof, but shall not release the grantee from the payment of ad valorem taxes levied, or to be levied, on property of its own.

(b) It shall be the duty of the grantee to file with the Director of Finance a sworn statement for each calendar quarter showing the total amount billed for the preceding three (3) months which statement shall be filed within ten (10) days following the end of the third month. The grantee herein shall be required to install and adequately keep a system of bookkeeping to be approved by the Director of Finance, which books shall be subject to inspections of the governing body of the City of Temple and such person or persons as the City may designate, or either of them, so as to enable the City of Temple to check the correctness of the accounts kept and to compute fairly and accurately the amount billed that may be due to the City.

PART 6: Rates.

- (a) The City Council hereby expressly reserves the right, power, and authority to fully regulate and fix, by resolution, the rates and charges for the services of the Company to its customers, fully reserving to the City Council all the rights, powers, privileges, and immunities, subject to the duties, limitations and responsibilities which the constitution, the laws of the State, and the Charter confer upon the City.
- (b) Company may from time to time propose changes in the general rates by filing an application with the City Secretary for consideration of the City Council. Within a reasonable time consistent with law, the City Council shall afford Company a fair hearing with reference to the application and shall either approve or disapprove the proposed changes or make such order as may be reasonable.

PART 7: Liability Insurance Required.

No transfer vehicle shall be operated on the public streets of the City, unless the applicant provides evidence to the City that he has in full force and effect a public liability insurance policy on that transfer vehicle, such insurance policy to be issued by an insurance company licensed to do business in the State of Texas. Such insurance policy shall:

- (a) provide liability coverage for each vehicle of not less than two hundred and fifty thousand dollars (\$250,000) per person, or five hundred thousand dollars (\$500,000) per occurrence for personal injury or death, and one hundred thousand dollars (\$100,000) for property damage;
- (b) **name the City of Temple as an additional insured, and provide a waiver of subrogation in favor of the City;**
- (c) not contain a passenger liability exclusion; and
- (d) **provide for at least thirty (30) days prior written notice** of cancellation to the City.

PART 8: Conditions of Franchise Granted.

The rights, powers and authority herein granted are granted subject to the Constitution and laws of the State of Texas, the Charter of the City of Temple, and where not provided herein, the ordinances and codes of the City of Temple as same now exist or may hereafter be amended so as to constitute reasonable regulations protecting the health, safety and welfare to insure safe, efficient and continuous non-emergency ambulance transfer service, all of which enumerated provisions are incorporated herein by reference and made a part hereof as fully as though the same had been copied herein verbatim.

PART 9: Manner of Giving Notice.

Notice to Company may be given by leaving a written copy thereof at the principal office of Company during ordinary business hours. Notice to the City may be given by leaving a written copy thereof at the Office of the Director of Finance during ordinary business hours.

PART 10: Public Convenience and Necessity.

Company has established by clear, cogent and convincing evidence and the City Council has so found and determined that the present and future public convenience and necessity require the operations here authorized to be performed by Company and the public convenience and necessity will be served by the granting of this franchise.

PART 11: Performance Bond and Revocation Clause.

(a) The transfer service franchise holder shall establish a Ten Thousand Dollar (\$10,000) performance bond. The purpose of this bond is to recover costs to the City of Temple for accepting and administering the applications for a transfer service franchise in the event the franchise is revoked.

(b) If the transfer service franchise holder violates any provision or standard of this ordinance the franchise will be subject to revocation by the City Council of the City of Temple.

PART 12: This franchise shall become effective as provided in Article 10, Section 10.3 of the Charter of the City of Temple, if Company shall have filed its written acceptance of the franchise within thirty (30) days after the final passage and approval of this ordinance.

PART 13: The declarations, determinations and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

PART 14: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

PART 15: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading on the **18th** day of **October**, 2007.

PASSED AND APPROVED on Second Reading on the **1st** day of **November**, 2007.

PASSED AND APPROVED on Third and Final Reading on the **15th** day of **November**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney

Agreement of Franchisee

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF
TEMPLE, TEXAS:

The franchisee, Central Texas Regional EMS, acting by and through its duly authorized and empowered officer, hereby accepts the terms and conditions of Ordinance No. _____ granting a non-exclusive franchise to operate and maintain a non-emergency ambulance transfer service upon the public streets and highways of the City of Temple.

SIGNED this _____ day of November, 2007.

CENTRAL TEXAS REGIONAL EMS

By: _____



COUNCIL AGENDA ITEM MEMORANDUM

11/01/07
Item #4(F)-(2)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: SECOND READING – Consider adopting an ordinance authorizing a franchise with Scott and White EMS to provide non-emergency ambulance transfer services within the City.

STAFF RECOMMENDATION: Adopt ordinance as presented in item description, on second reading, and schedule third reading and final adoption for November 15th.

ITEM SUMMARY: On October 3, 2002, the City Council authorized a five year franchise to Scott and White Memorial Hospital provide non-emergency ambulance transfer services within the City. A separate item on this same agenda is for consideration of a one year franchise extension of Central Texas Regional EMS non-emergency ambulance service franchise. Scott & White and Central Texas Regional EMS are the City's only two non-emergency ambulance franchisees. The S&W franchise expired on September 30, 2007, and S&W has requested a one year renewal of the franchise. S&W has entered into a joint venture with an outside firm to manage and operate their ambulance transfer service and has requested that the franchise renewal be issued in the name of this new joint venture, Scott and White EMS.

The Staff recommends authorizing a one year renewal of the franchise. Franchise renewals require three readings, a public hearing, and publication of a summary of the franchise ordinance in the Temple Daily Telegram.

The Staff recommends renewal of the franchise for one year to allow the City Staff and City Council to have the opportunity to receive and analyze the recommendations contained in a master plan for the City's fire rescue and EMS services the City commissioned from Emergency Services Consulting, Inc. A preliminary report on ESCI's recommendations will be presented in a workshop format in a separate item on this agenda. Full analysis, adoption and implementation of the recommendations contained in the report are likely to take several months. Extending our two current non-emergency ambulance transfer service franchises for one year will allow time for that analysis and implementation of those recommendations for transitions, if needed.

FISCAL IMPACT: Franchisees pay the City 3½ % of the total amount billed per year.

ATTACHMENTS:

[Ordinance](#)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, GRANTING TO SCOTT AND WHITE MEMORIAL HOSPITAL AND THE SCOTT, SHERWOOD, AND BRINDLEY FOUNDATION, A NON-EXCLUSIVE FRANCHISE FOR ONE YEAR TO OPERATE AND MAINTAIN A NON-EMERGENCY AMBULANCE TRANSFER SERVICE UPON THE PUBLIC STREETS AND HIGHWAYS OF THE CITY OF TEMPLE, TEXAS PURSUANT TO THE PROVISIONS OF THE CONSTITUTION AND LAWS OF THE STATE OF TEXAS, THE CHARTER OF THE CITY OF TEMPLE, AND CHAPTER 5 OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, Article III, Chapter 5 of the City Code, requires that a person or persons desiring to provide non-emergency ambulance transfer services on the streets of the City of Temple obtain a franchise, under conditions set out therein;

WHEREAS, Scott and White Memorial Hospital has requested a franchise for a non-exclusive, non-emergency transfer service within the City of Temple; and

WHEREAS, Scott and White Memorial Hospital has established to the satisfaction of the City Council by clear, cogent and convincing evidence that public convenience and necessity will be served by the granting of said franchise.

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

PART 1: A non-exclusive franchise is granted to Scott and White Memorial Hospital and the Scott, Sherwood and Brindley Foundation, pursuant to Chapter 5 of the Code of Ordinances of the City of Temple, as amended, and the Charter of the City of Temple, as provided herein.

PART 2: Definitions.

As used in this ordinance, the following words and phrases shall have the meaning ascribed in this section:

(a) ***City*** shall mean the City of Temple, a municipal corporation of the State of Texas, situated in Bell County; the words *in the City* or any similar reference to the territorial limits of the City of Temple, Texas, shall mean the area within the corporate limits of the City of Temple, Texas, as they now exist or as they may hereafter be lawfully modified or extended.

(b) ***Company, Transfer Service Franchise Holder***, as used herein, unless the context clearly indicates otherwise, shall mean Scott and White Memorial Hospital, or its legally approved successors and assigns.

(c) ***Ambulance*** or ***Transfer Service*** shall mean any motor vehicle used, designed, redesigned or constructed and equipped for the transportation of sick or injured persons, which vehicles for the purposes of this ordinance shall be of the classification of basic life support vehicle or higher, according to the definitions and standards of the City of Temple, Texas or the Bureau of Emergency Management of the Texas Department of Health.

(d) ***Transfer Service*** or ***Non-Emergency Ambulance Transfer Service*** means a response made by a transfer vehicle or ambulance for the transportation of individuals to or from a medical facility, a nursing home or residence under circumstances which do not constitute an emergency.

(e) ***Emergency*** is any circumstance that calls for an immediate action and which the element of time in transporting the sick, wounded or injured for medical treatment is essential to the health or life of any person. Such circumstances include, but are not limited to, general accidents, traffic accidents and acts of violence resulting in personal injury, and sudden illness.

(f) All other words, terms or phrases shall have the meaning assigned to them by Chapter 5 of the City Code, to the extent that such words, terms or phrases have not been assigned other meanings by Chapter 773 of the Texas Health and Safety Code; as amended, or the Bureau of Emergency Management of the Texas Department of Health, in which case those assigned meanings shall prevail. In the absence of an assigned meaning by the above-referenced ordinance, statute, or regulations of the Bureau, the meanings of such words, terms and phrases shall have the ordinary meanings applied at law generally or by common usage in the English language.

PART 3: Notice and Extent of Grant.

The City grants the non-exclusive right and authority to operate and maintain ambulances solely for non-emergency ambulance transfer service of persons upon the public streets and highways of the City of Temple, Texas, for a term ending on **November 16, 2008**, to Company in consideration of the payment of a franchise fee as provided in Part 4 of this ordinance.

PART 4: Standards and Requirements for Personnel, Vehicles and Equipment.

The Company shall comply with all standards and requirements for personnel, vehicles and equipment as enumerated in Chapter 5 of the Code of Ordinances of the City of Temple.

PART 5: Payment to the City Required; Franchise Fee.

(a) The transfer service franchise holder shall, during the life of said franchise, pay to the City of Temple at the Office of the Director of Finance in lawful money of the United States,

three and one-half (3 ½%) percent of the total amount billed for the transfer service fees and other income derived from the operation of the transfer service, which said remittance shall be made monthly on or before the tenth day of each calendar month for the preceding calendar month. The compensation provided for in this section shall be in lieu of any other fees or charges imposed by any other ordinance now or hereafter in force during the life hereof, but shall not release the grantee from the payment of ad valorem taxes levied, or to be levied, on property of its own.

(b) It shall be the duty of the grantee to file with the Director of Finance a sworn statement for each calendar quarter showing the total amount billed for the preceding three (3) months which statement shall be filed within ten (10) days following the end of the third month. The grantee herein shall be required to install and adequately keep a system of bookkeeping to be approved by the Director of Finance, which books shall be subject to inspections of the governing body of the City of Temple and such person or persons as the City may designate, or either of them, so as to enable the City of Temple to check the correctness of the accounts kept and to compute fairly and accurately the amount billed that may be due to the City.

PART 6: Rates.

- (a) The City Council hereby expressly reserves the right, power, and authority to fully regulate and fix, by resolution, the rates and charges for the services of the Company to its customers, fully reserving to the City Council all the rights, powers, privileges, and immunities, subject to the duties, limitations and responsibilities which the constitution, the laws of the State, and the Charter confer upon the City.
- (b) Company may from time to time propose changes in the general rates by filing an application with the City Secretary for consideration of the City Council. Within a reasonable time consistent with law, the City Council shall afford Company a fair hearing with reference to the application and shall either approve or disapprove the proposed changes or make such order as may be reasonable.

PART 7: Liability Insurance Required.

No transfer vehicle shall be operated on the public streets of the City, unless the applicant provides evidence to the City that he has in full force and effect a public liability insurance policy on that transfer vehicle, such insurance policy to be issued by an insurance company licensed to do business in the State of Texas. Such insurance policy shall:

- (a) provide liability coverage for each vehicle of not less than two hundred and fifty thousand dollars (\$250,000) per person, or five hundred thousand dollars (\$500,000) per occurrence for personal injury or death, and one hundred thousand dollars (\$100,000) for property damage;
- (b) **name the City of Temple as an additional insured, and provide a waiver of subrogation in favor of the City;**

(c) not contain a passenger liability exclusion; and

(d) **provide for at least thirty (30) days prior written notice** of cancellation to the City.

PART 8: Conditions of Franchise Granted.

The rights, powers and authority herein granted are granted subject to the Constitution and laws of the State of Texas, the Charter of the City of Temple, and where not provided herein, the ordinances and codes of the City of Temple as same now exist or may hereafter be amended so as to constitute reasonable regulations protecting the health, safety and welfare to insure safe, efficient and continuous non-emergency ambulance transfer service, all of which enumerated provisions are incorporated herein by reference and made a part hereof as fully as though the same had been copied herein verbatim.

PART 9: Manner of Giving Notice.

Notice to Company may be given by leaving a written copy thereof at the principal office of Company during ordinary business hours. Notice to the City may be given by leaving a written copy thereof at the Office of the Director of Finance during ordinary business hours.

PART 10: Public Convenience and Necessity.

Company has established by clear, cogent and convincing evidence and the City Council has so found and determined that the present and future public convenience and necessity require the operations here authorized to be performed by Company and the public convenience and necessity will be served by the granting of this franchise.

PART 11: Performance Bond and Revocation Clause.

(a) The transfer service franchise holder shall establish a Ten Thousand Dollar (\$10,000) performance bond. The purpose of this bond is to recover costs to the City of Temple for accepting and administering the applications for a transfer service franchise in the event the franchise is revoked.

(b) If the transfer service franchise holder violates any provision or standard of this ordinance the franchise will be subject to revocation by the City Council of the City of Temple.

PART 12: This franchise shall become effective as provided in Article 10, Section 10.3 of the Charter of the City of Temple, if Company shall have filed its written acceptance of the franchise within thirty (30) days after the final passage and approval of this ordinance.

PART 13: The declarations, determinations and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

PART 14: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

PART 15: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading on the **18th** day of **October**, 2007.

PASSED AND APPROVED on Second Reading on the **1st** day of **November**, 2007.

PASSED AND APPROVED on Third and Final Reading on the **15th** day of **November**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney

Agreement of Franchisee

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF
TEMPLE, TEXAS:

The franchisee, Scott and White Memorial Hospital and the Scott, Sherwood and Brindley Foundation, acting by and through its duly authorized and empowered officer, hereby accepts the terms and conditions of Ordinance No. _____ granting a non-exclusive franchise to operate and maintain a non-emergency ambulance transfer service upon the public streets and highways of the City of Temple.

SIGNED this _____ day of November, 2007.

SCOTT AND WHITE MEMORIAL HOSPITAL
AND THE SCOTT, SHERWOOD AND
BRINDLEY FOUNDATION

By: _____



COUNCIL AGENDA ITEM MEMORANDUM

11/01/07
Item #4(G)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution approving revised Bylaws and Articles of Incorporation for the Temple Economic Development Corporation.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City Council approved a new economic development services agreement with Temple Economic Development Corporation (TEDC) on September 20, 2007. The new agreement made some minor changes to clarify appointments to the TEDC Board, to include making the immediate past chair of the TEDC Board an ex-officio member of the Board and an ex-officio member of the Executive Committee.

Revisions to the Bylaws and Articles of Incorporation must be first approved by the TEDC Board of Directors, which has occurred, and then by the City of Temple.

FISCAL IMPACT: None

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING REVISED BYLAWS AND ARTICLES OF INCORPORATION FOR THE TEMPLE ECONOMIC DEVELOPMENT CORPORATION (TEDC); AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 20, 2007, the City Council approved a new economic development services agreement with the Temple Economic Development Corporation (TEDC) – the new agreement made some minor changes to clarify appointments to the TEDC Board, to include making the immediate past chair of the TEDC Board an ex-officio member of the Executive Committee;

Whereas, the TEDC Board of Directors has approved the revisions to the Bylaws and Articles of Incorporation; 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: The City Council approves the revised Bylaws and Articles of Incorporation for the Temple Economic Development Corporation, substantially in the form of the copies attached as Exhibits A and B, respectively.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **1st** day of **November**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/01/07
Item #5
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: P-FY-07-47: Consider adopting a resolution approving two single-family lots in a Final Plat of Meadow Oaks being a Replat of Tract 40, Meadow Oaks, on a 0.543 acre tract of land located at the northwest corner of Forest Trail and Meadow Oaks Drive and denying the applicant's request for an exception to the parkland dedication fee.

PLANNING & ZONING COMMISSION RECOMMENDATION: The Commission recommended approval of the final plat (P-FY-07-47), and denial of the applicant's request for an exception to not pay the parkland dedication fee. The applicant will attend the meeting to request the exception.

STAFF RECOMMENDATION: Staff supports the Planning and Zoning Commission's recommendation for final plat approval and denial of applicant's request for an exception to the parkland dedication fees.

ITEM SUMMARY: The Commission, Planning Department, and the Parks and Leisure Department recommend denial of the exception request. Research shows that the Council has not waived or approved an exception for the park dedication fee for single-family lots without any type of private amenities the inside City Limits. The proposed lots are inside City Limits and are located next to area parks. The fee is for park improvements and the Parks and Leisure Department stated that the fee will supplement area trails and other planned improvements.

The Design Review Committee (DRC) reviewed the proposed Replat on July 23, 2007 and considered it administratively complete on July 24, 2007. The newspaper notice and letters mailed to the surrounding property within 200' of the subject property were published and mailed October 1, 2007. A total of 12 notices were mailed, with five responses favoring the Replat. None oppose it.

FISCAL IMPACT: N/A

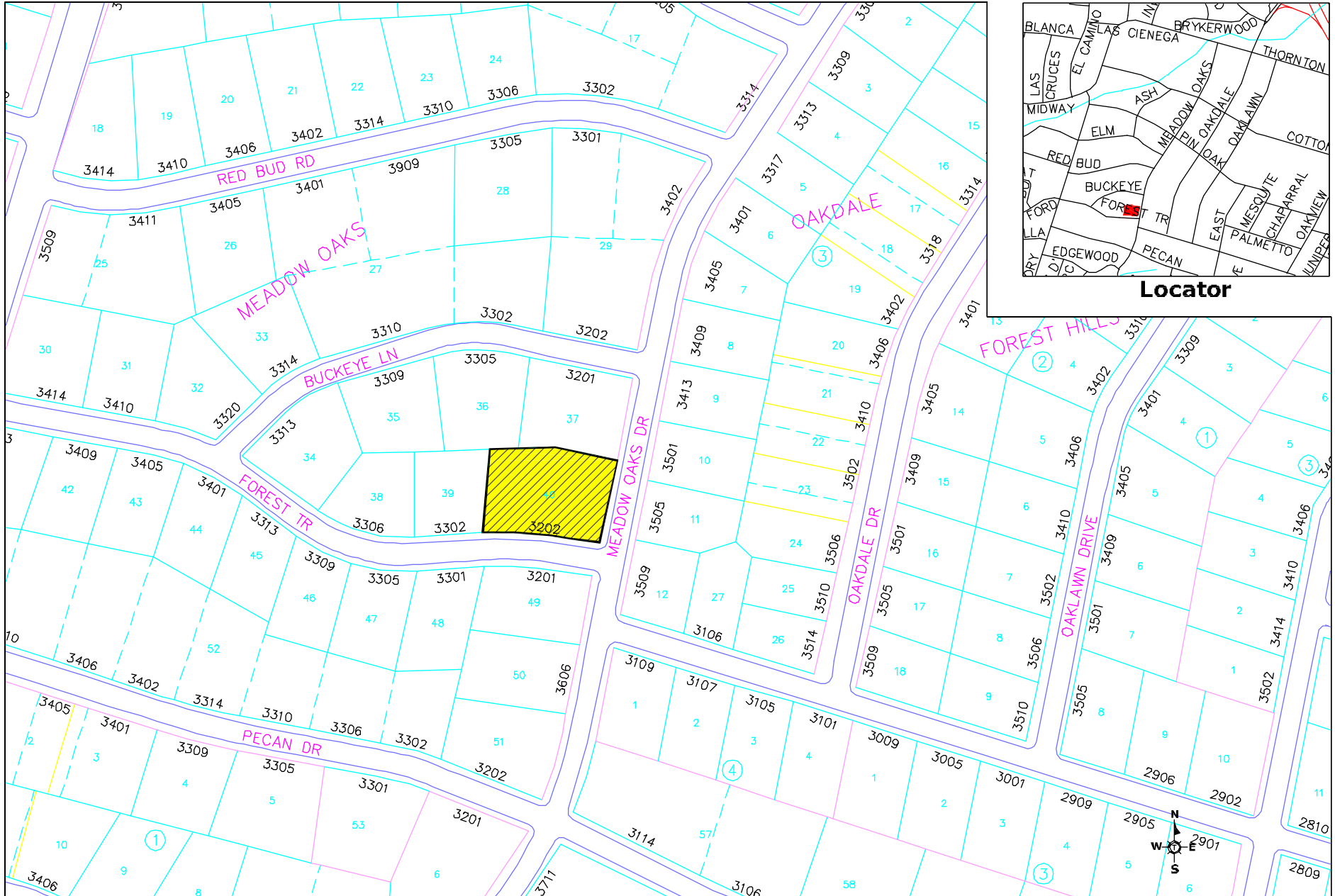
ATTACHMENTS:

[Locator Map](#)
[Plat Map](#)
[Site Plan](#)
[Landscape Plan](#)
[Elevations Map](#)
[Resolution](#)



P-FY-07-47

Meadow Oaks - Replat of Tract 40



 **Area of Proposed Replat**

**J. Stone/GIS Mapping
07-23-07
Scale: 1"=200'**



This Subdivision lies within Zone C of the 100 year Flood Zone per FIRM Panel 4807 060 300 B

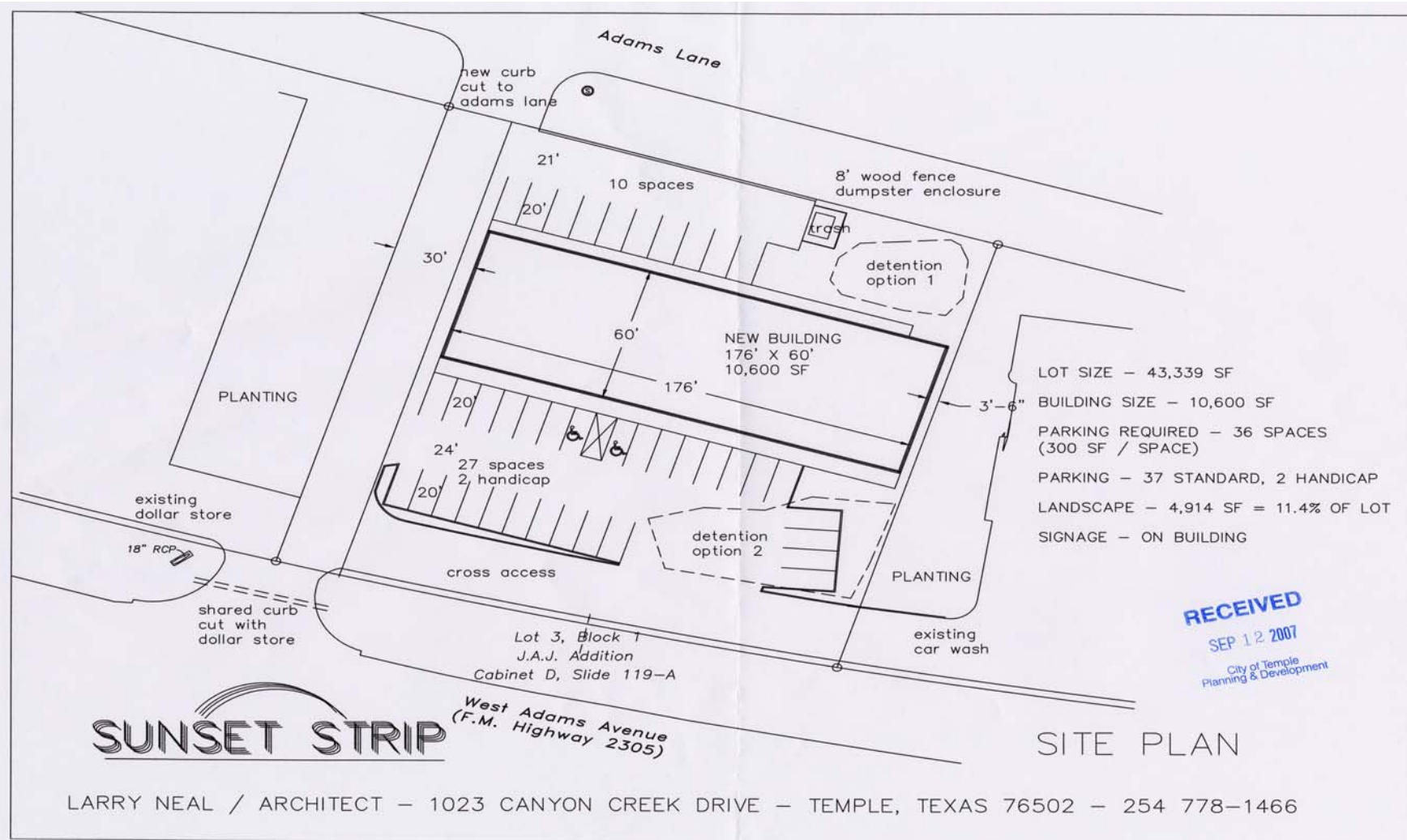
MAC'S LAND SURVEYING
15 SYCAMORE CT.
MORGANS POINT RESORT, TEXAS 76513
254-780-4152

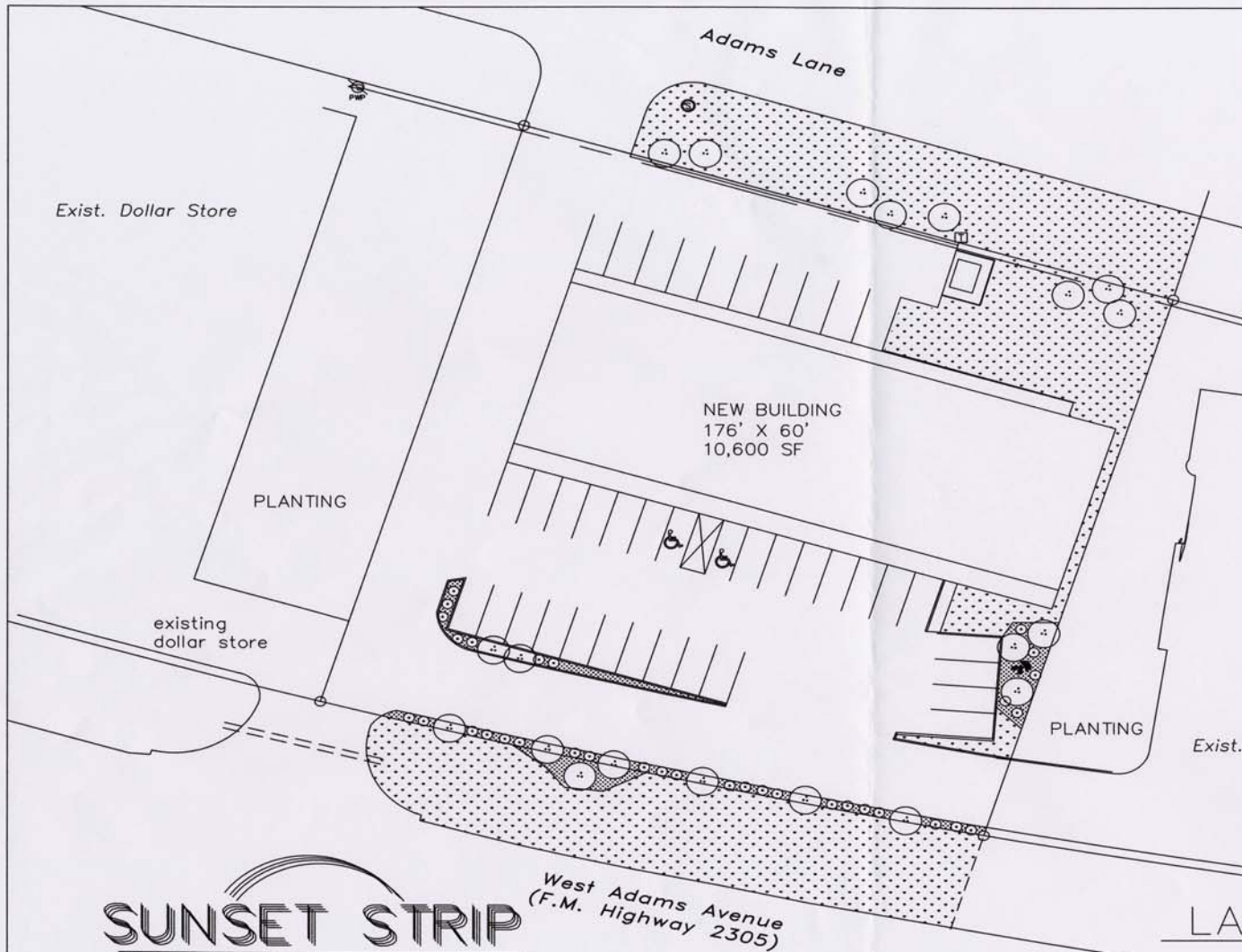
HD	SD	Q	SQ	HD	SD	Q	SQ

VICINITY MAP



A Subdivision within the EJT of Temple, Bell County, Texas





PLANT SCHEDULE

-  LANDSCAPE ROCKS, 2'-3'
-  INDIAN HAWTHORNE (PINK): 5 GAL.
-  CREPE MYRTLE, MULTI-TRUNK, 6-8', RED AND WHITE.
-  SOD OR HYDROMULCH
-  3" PINE BARK MULCH TOPPING.
-  1/8" X 4" METAL EDGING

SCOPE OF WORK:

THE LANDSCAPE CONTRACTOR SHALL PREPARE THE SITE AS REQUIRED FOR PLANTINGS AS SHOWN. HE SHALL DESIGN AND INSTALL A SPRINKLER SYSTEM FOR PLANTING AREAS.

CONTACT THE OWNER'S REPRESENTATIVE WITH ANY QUESTIONS FOR CLARIFICATION.

GENERAL LANDSCAPE NOTES

ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY AND GROWING CONDITION, AND MUST BE PLACED WITH PLANT MATERIAL OF SIMILAR VARIETY.

LANDSCAPED AREAS SHALL BE KEPT FREE OF TRASH, LITTER AND WEEDS.

ALL SINGLE TRUNK TREES SHALL HAVE CALIPER MEASURED AT 4 1/2 FEET ABOVE GROUND LEVEL IMMEDIATELY AFTER PLANTING. ALL MULTI-TRUNK TREES SHALL HAVE A MINIMUM OF THREE TRUNKS.

MULCH SHALL BE MINIMUM OF THREE INCHES THICK.

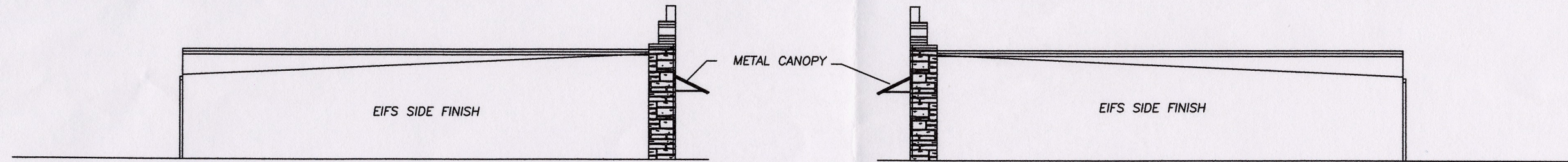
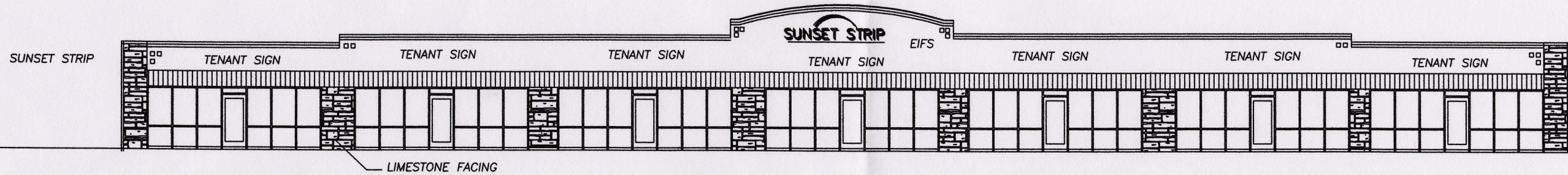
PROVIDE IRRIGATION SYSTEM TO ALL PLANTING AREAS, INCLUDING ROW AS REQUIRED.

RECEIVED
SEP 12 2007
City of Temple
Planning & Development

SUNSET STRIP

LANDSCAPE PLAN

LARRY NEAL / ARCHITECT — 1023 CANYON CREEK DRIVE — TEMPLE, TEXAS 76502 — 254 778-1466



SCHEMATIC ELEVATIONS

RESOLUTION NO. _____

(Zoning No. P-FY-07-47)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE TWO SINGLE-FAMILY LOTS IN A FINAL PLAT OF MEADOW OAKS BEING A REPLAT OF TRACT 40, MEADOW OAKS, ON A 0.543 ACRE TRACT OF LAND LOCATED AT THE NORTHWEST CORNER OF FOREST TRAIL AND MEADOW OAKS DRIVE; DENYING THE APPLICANT'S REQUEST FOR AN EXCEPTION TO THE PARKLAND DEDICATION FEE REQUIREMENT IN THE SUBDIVISION ORDINANCE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on October 15, 2007, the Planning and Zoning Commission approved the two single-family lots in a final plat of Meadow Oaks being a replat of Tract 40, Meadow Oaks, on a 0.543 acre tract of land located at the northwest corner of Forest Trail and Meadow Oaks Drive;

Whereas, the applicant's request for an exception to the parkland dedication fee required by the City's Subdivision Ordinance was denied by the Planning and Zoning Commission;

Whereas, there was no citizen opposition expressed at the October 15, 2007, Planning and Zoning Commission meeting; and

Whereas, the City Council has considered the matter and deems it in the public interest to approve the two single-family lots in a final plat of Meadow Oaks.

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

Part 1: The City Council approves the two single-family lots in a final plat of Meadow Oaks being a replat of Tract 40, Meadow Oaks, on a 0.543 acre tract of land located at the northwest corner of Forest Trail and Meadow Oaks Drive, more fully shown on the Plat which is on file in the City's Planning Department, incorporated herein and referred to by reference.

Part 2: The City Council denies the applicant's request for an exception to the parkland dedication fee requirement in the Subdivision Ordinance.

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

PASSED AND APPROVED this the **19th** day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, MAYOR

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/01/07
Item #6
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution appointing one regular member and two alternate members to the North Central Temple Neighborhood Code Enforcement Board.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On April 19, 2007, the City Council passed Resolution No. 2007-5025-R which created the North Central Temple Neighborhood Code Enforcement Board. On May 3, 2007, the Council appointed five members to the board. One of those members (Sylvia Reyes) resigned from the board and now a member needs to be appointed to fill the unexpired term (through May 3, 2010). The Staff recommends appointing Kay Guedea as a member of the board to fill the unexpired term of Sylvia Reyes. Ms. Guedea is a resident of the North Central Temple NCEB district and works for the City of Austin.

Two alternate members also need to be appointed to this board. June Johnson and Don Jackson, also residents of the North Central Temple NCEB district, have agreed to serve as alternate members on the board.

FISCAL IMPACT: N/A

ATTACHMENTS: N/A



COUNCIL AGENDA ITEM MEMORANDUM

11/01/07
Item #7
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Consider adopting a resolution appointing one member to serve as the City's representative on the Board of Directors of the Tax Appraisal District of Bell County for a two year term beginning January 1, 2008.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In October 2005, Mr. Dell Martin was appointed to serve on the Board of Directors of the Tax Appraisal District of Bell County for a term beginning January 1, 2006. His two year term will expire December 31st and the Appraisal District has requested the City make an appointment to this board no later than November 1, 2007.

FISCAL IMPACT: None

ATTACHMENTS: None