



**MEETING OF THE
TEMPLE CITY COUNCIL**

**MUNICIPAL BUILDING
2 NORTH MAIN STREET
TEMPLE, TX**

THURSDAY, OCTOBER 2, 2008

3:30 P.M.

3RD FLOOR CONFERENCE ROOM

WORKSHOP AGENDA

1. Receive a transportation briefing on the K-TUTS and Metropolitan Transportation Plan Update 2008.
2. 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 Attorney. No final action will be taken.
3. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, October 2, 2008 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. Presentation of Proclamations:
 - (A) [Domestic Violence Awareness Month](#) October, 2008
4. Recognize German exchange students as [honorary citizens](#) of Temple.

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.

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

Minutes:

- (A) [September 18, 2008 Special Called Meeting and Regular Meeting](#)

Contracts, Leases & Bids:

- (B) [2008-5539-R](#): Consider adopting a resolution authorizing the purchase of an annual maintenance contract with Sungard HTE in the amount of \$132,276.
- (C) [2008-5540-R](#): Consider adopting a resolution authorizing the purchase of an annual maintenance contract with Intergraph Public Safety in the amount of \$38,508.
- (D) [2008-5541-R](#): Consider adopting a resolution authorizing an asbestos abatement contract for the new Municipal Court and Utility Business Office facility with AAR, Inc. of Liberty Hill, in the amount of \$39,700.
- (E) Consider adopting resolutions authorizing annual contracts for the following:
 - 1. [2008-5542-R](#): Herbicides and Insecticides - Estes, Inc. and Lesco, Inc. in the estimated amount of \$39,060.42
 - 2. [2008-5543-R](#): Tires and Tubes - Grays Wholesale Tire, in the estimated amount of \$109,455.27
 - 3. [2008-5544-R](#): Design and Printing of T-Shirts - Safari Sun LLC, in the estimated amount of \$25,000
- (F) [2008-5545-R](#): Consider adopting a resolution authorizing a contract amendment to the professional services agreement with Kasberg, Patrick & Associates, LP, (KPA) for engineering services, including design phase services, bid phase services, and construction phase services, required to revise Lorraine Drive street design and design water utilities for the Southeast Industrial Park within the TIF Reinvestment Zone No.1 in an amount not to exceed \$80,200.
- (G) [2008-5546-R](#): Consider adopting a resolution authorizing a developer participation agreement with Holy Trinity Catholic High School for the oversizing of wastewater lines in the Holy Trinity Catholic High School subdivision in an amount not to exceed \$97,680.
- (H)
 - 1. [2008-5547-R](#): Consider adopting a resolution authorizing an agreement with Scott and White Memorial Hospital and Scott, Sherwood and Brindley Foundation, through their Scott and White Pre-hospital Services division, under which Scott & White provides emergency medical services within the City limits.
 - 2. [2008-5548-R](#): Consider adopting a resolution authorizing a First Responder Agreement with Scott and White Memorial Hospital and Scott, Sherwood and Brindley Foundation, through their Scott and White Pre-hospital Services division, under which the City provides first responder services within the City limits in support of Scott & White's EMS services.
- (I) [2008-5549-R](#): Consider adopting a resolution authorizing a Chapter 380 development agreement with Kiella Development, Inc., to share in the cost of a bridge for a proposed extension of Meadowbrook Drive north of FM 2305.

Ordinances - Second and Final Reading

- (J) [2008-4260](#): SECOND READING – Consider and adopt an ordinance approving a negotiated resolution between the Atmos cities steering committee and Atmos Energy Corp., Mid-Tex Division regarding the company's rate review mechanism filing in all cities exercising original jurisdiction.

Ordinances – First Reading

- (K) [2008-4261](#): FIRST READING - Consider adopting an ordinance authorizing a five year franchise to Scott and White EMS to provide non-emergency ambulance transfer services within the City.
- (L) [2008-4262](#): FIRST READING - Consider adopting an ordinance authorizing a five year franchise to Central Texas EMS to provide non-emergency ambulance transfer services within the City.

Misc.

- (M) [2008-5550-R](#): Consider adopting a resolution naming the new Family Aquatic Center to be constructed at South Temple Park as the “Lions Junction Family Water Park”.
- (N) [2008-5551-R](#): Consider adopting a resolution designating the City Manager as the primary agent and the Director of Finance as the secondary agent authorized to execute and file Application for Public Assistance on behalf of the City for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act or otherwise available for disaster declaration relating to Hurricane Ike.
- (O) [2008-5507-R](#): Consider adopting a resolution authorizing a development agreement with Temple Economic Development Corporation pursuant to Chapter 380 of the Local Government Code to provide for the construction of a gas line on Wendland Road.

V. REGULAR AGENDA

RESOLUTIONS

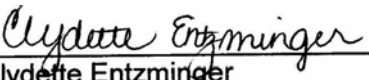
- 6. [2008-5552-R](#): Consider adopting a resolution authorizing a construction contract with R.T. Schneider Construction Co., Ltd. for renovations to Ferguson Park in the amount of \$98,295.
- 7. [2008-5553-R](#): Consider adopting a resolution authorizing a change order to the construction contract with R.T. Schneider Construction Co., Ltd. for construction of drainage improvements near Sundance Drive in the City of Temple in the amount of \$36,018.

BOARD APPOINTMENTS

- 8. [2008-5554-R](#): Consider adopting a resolution appointing members to the following City boards and commissions:
 - (A) Airport Advisory Board – one member to fill an unexpired term through September 1, 2009
 - (B) Parks and Leisure Services Advisory Board – one member to fill an unexpired term through March 1, 2009
 - (C) Reinvestment Zone No. 1 Board of Directors – two members to fill unexpired terms through September 1, 2009
 - (D) Temple Public Safety Advisory Board – one member to fill an unexpired term through September 1, 2010
 - (E) Tree Board – one member to fill an unexpired term through March 1, 2011

***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 1:00 PM, on September 26, 2008.


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 _____ 2008. _____



COUNCIL AGENDA ITEM MEMORANDUM

10/02/08
Item #3
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Presentation of Proclamation:

Domestic Violence Awareness Month October, 2008

STAFF RECOMMENDATION: Present proclamation as presented in item description.

ITEM SUMMARY: Suzanne Armour, the Interim Executive Director for Families in Crisis, Inc., requested this proclamation which will be received by a representative of Families in Crisis, Inc.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

10/02/08
Item #4
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Recognize German exchange students as honorary citizens of Temple.

STAFF RECOMMENDATION: Present recognitions as presented in item description.

ITEM SUMMARY: Recognize the German exchange program and students of Temple High School as honorary citizens of our city.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

10/02/08
Item #5(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Approve Minutes:

- (A) September 18, 2008 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:

[September 18, 2008 Special Called Meeting & Regular Meeting](#)

TEMPLE CITY COUNCIL

SEPTEMBER 18, 2008

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, September 18, 2008 at 3:30pm in the 3rd Floor Conference Room, 2 North Main Street.

Present:

Councilmember Marty Janczak
Councilmember Tony Jeter
Mayor Pro Tem Patsy E. Luna
Councilmember Russell Schneider
Mayor William A. Jones, III

2. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, September 18, 2008 as follows:

Mayor Jones stated this item would be discussed before conducting the executive session in item 1.

Kim Foutz, Assistant City Manager, reviewed the grant application requirements for the 2008 HOME Investment Partnerships Program grant application, item 7 on the regular agenda. The City has to commit to rehab or reconstruct up to six homes. The funding is on a first come, first serve basis this year and is not competitive. Receipt of these HOME funds, if awarded, will not affect our eligibility for other grants, Mrs. Foutz stated.

David Blackburn, City Manager, stated the question for Council to decide is whether we want to get back into the owner occupied rehabilitation/reconstruction program. If we choose to move forward, we can develop the program criteria, under TDHCA guidelines, to apply locally. The Council will approve this criteria.

Councilmember Schneider asked if the recipients of these funds will be chosen by the Community Services Advisory Board as they were previously.

Traci Barnard, Director of Finance, stated that board could select the qualified applicants based on the criteria adopted by the Council. This was the process used last time we received HOME funds.

Mark Taylor, Traylor and Associates, clarified these funds are used as loans to homeowners. The City's obligation ends after the homes are complete. Homeowners city-wide are eligible for these grant funds.

Mayor Jones asked about the cost of administering this program.

Mr. Taylor stated that would be dependent on whether the City chooses to rehab or

reconstruct homes. Traylor and Associate's fee is 16% of the grant. The maximum cost per home in grant funds is \$60,000.

Mrs. Barnard clarified that the City's match for this program is \$58,125, which is 15% of the total grant.

Regarding agenda item 5(D), Councilmember Jeter stated he requested some additional information but has not received it yet. He was previously given some information that indicated Kleinfelder Central was involved with several of the road failures, Olaf and Sunflower, in particular.

Councilmember Schneider explained the geotechnical process followed by firms such as Kleinfelder. He stated the problem with Olaf is related to the road crossings.

Councilmember Jeter stated he felt the City needs to develop criteria in areas where the City doesn't want to accept the liability and responsibility for roads that are built in poor soils. We need to hold those firms responsible that do not perform adequate work whether it be drainage, roads, etc.

Jonathan Graham, City Attorney, stated the engineer does have some liability even though it is often difficult to determine or assess where the exact liability lies.

1. **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 time, approximately 4:15 p.m. He stated no action would be taken.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, September 18, 2008 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

Councilmember Marty Janczak
Councilmember Tony Jeter
Mayor Pro Tem Patsy E. Luna
Councilmember Russell Schneider
Mayor William A. Jones, III

I. CALL TO ORDER

1. Invocation

Mary Lambert, Chaplain, Betty Martin Chapter, Daughters of American

Revolution, voiced the Invocation.

2. Pledge of Allegiance

Marjorie Croninger, Regent, Betty Martin Chapter, Daughters of American Revolution, led the Pledge of Allegiance to the United States flag.

II. PUBLIC COMMENTS

Nancie Etzel, 329 Big Timber Drive, stated she moved here from Maryland. She has been very impressed by the coordination efforts of Temple and Bell County during the recent hurricane event. Ms. Etzel stated she feels safe and secure in Bell county and is proud to be in Temple. She congratulated all of the groups that coordinated these efforts.

David Blackburn, City Manager, also expressed his thanks to all of the people who assisted in the efforts for the evacuees from hurricane Ike. Kelly Key, David Key and their daughter, Samantha, presented the Mayor with a blanket before leaving the Temple Shelter as a gesture of their appreciation for all of the assistance they have received. Mr. Blackburn also recognized Mr. John Holloway, Brazoria County CERT Team, who has been in Temple since last Wednesday when the first busses came to Temple. He has been making daily rounds to all shelters in Bell County.

Mr. Holloway stated he has been overwhelmed by the treatment the guests in Temple have received. He expressed his sincere appreciation to all those involved in this effort.

III. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. Presentation of check from the Lions Club of Temple to the City Council for the South Temple Family Aquatic Center.

Jay Brown, President of Lions Club, Kenny Martin, President of Lions Parks Foundation, and many members of the Lions Club presented this check in the amount of \$100,000 for enhancements to the parks system in Temple. Mr. Brown stated the Lions Club is recommending "Lions Junction Family Water Park" as the name for the new Aquatic Center.

Mayor Jones stated the City has had a long partnership with the Lions Club and this new Aquatic Center is another example of that relationship. He thanked them on behalf of the City.

4. Presentation of Proclamations:

(A) Recognize Mr. Jim Boyd for Outstanding Community Service

Mayor Pro Tem Luna read this proclamation, which was presented by Mayor Jones to Jim Boyd in recognition for his many contributions to the

City of Temple.

Fire Chief Lonzo Wallace expressed his appreciation to Mr. Boyd for the many projects he has participated in that will be a great benefit to the City for many years to come.

Mr. Boyd introduced his wife and expressed his appreciation for the opportunity to serve on advisory boards where he was able to give something to his community.

(B) Constitution Week September 17—23, 2008

Councilmember Janczak presented this proclamation to the members of the Betty Martin Chapter, Daughters of the American Revolution, present at the meeting.

(C) Worldwide Day of Play September 27, 2008

Mayor Pro Tem Luna presented this proclamation to Charlie Kimmey, Executive Director of the Ralph Wilson Youth Club.

IV. CONSENT AGENDA

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

(A) August 28, 2008 Special Called Meeting

(B) September 4, 2008 Special Called Meeting and Regular Meeting

(C) 2008-5516-R: Consider adopting a resolution authorizing a professional services agreement with TBG Partners Inc. of Dallas for development of a comprehensive district ordinance for the I-35 Corridor, in an amount not to exceed \$62,500.

(D) 2008-5499-R: Consider adopting a resolution authorizing a one-year renewal to the professional services agreement with Kleinfelder Central, Inc. of Waco to provide construction materials testing for all public infrastructural projects, both City-initiated and subdivision-related, for FY 08-09 in the estimated amount of \$100,000.

(E) Consider adopting resolutions authorizing annual contracts for the following:

- 1. 2008-5517-R: Hot Mix Asphalt - Ironhorse Asphalt, in the estimated amount of \$63,000**

2. **2008-5518-R: Concrete Repair and Construction Services - Alpha Constructors, Inc., in the estimated amount of \$41,000**
3. **2008-5519-R: Sign and Traffic Control Supplies - Various Vendors, in the estimated amount of \$48,375.26**
4. **2008-5520-R: Traffic Signal Equipment and Supplies - Naztec, in the estimated amount of \$25,000**
5. **2008-5521-R: Oils and Lubricants - Brazos Valley Lubricants, in the estimated amount of \$59,473.12**
6. **2008-5522-R: Water Treatment Plant Chemicals - Various Vendors, in the estimated amount of \$271,032**
7. **2008-5523-R: Electric Motor and Pump Repair - Smith Pump, in the estimated amount of \$60,000**
8. **2008-5524-R: Water Meters - Various Vendors, in the estimated amount of \$115,417**
9. **2008-5525-R: Utility Supplies - Various Vendors, in the estimated amount of \$377,499.43**
10. **2008-5526-R: Building Materials - Lengefeld Lumber Company, in the estimated amount of \$25,000**
11. **2008-5527-R: Fire Department Uniforms - Miller Uniforms & Emblems, in the estimated amount of \$25,377.50**
12. **2008-5528-R: Books, DVDs, CDs - Baker and Taylor and Ingram Library Services, in the estimated amount of \$105,000**

(F) 2008-5529-R: Consider adopting a resolution rejecting all bids received for auto repair parts on September 4, 2008.

(G) 2008-5530-R: Consider adopting a resolution authorizing a contract with Eagle Airport Marking, Inc., of Gladewater for airfield crack filling and runway and taxiway markings at the Draughon-Miller Central Texas Regional Airport in the amount not to exceed \$100,000.

(H) 2008-5531-R: Consider adopting a resolution authorizing a construction contract with CB&I Inc. of The Woodlands for construction activities required to build the 835 pressure plane elevated storage tank as part of the Expansion of West Temple Water & Wastewater Utilities North of FM 2305, Phase 2, in an amount not to exceed \$2,010,000.

(I) 2008-5532-R: Consider adopting a resolution authorizing a developer participation agreement with W&B Development, Ltd., for the oversizing of wastewater lines in Phases I and II of the Windmill Farms subdivision in the amount of \$82,383.

(J) 2008-4243: SECOND READING - Z-FY-08-23: Consider adopting an ordinance amending the City of Temple Zoning Ordinance, Section 12, regarding sign definitions, criteria, and maintenance.

(K) 2008-4253: SECOND READING - Z-FY-08-31: Consider adopting an ordinance authorizing a zoning change from Agricultural District (A) to Light Industrial District (LI) on 349. 4 ± acre of land being out of the J.B. Daniel Survey, Abstract 259, M.A. Young Survey, Abstract 937 and the G.W. Graves Survey, Abstract 355 in Bell County Texas, located on the north side of McLane Boulevard and on the east side of Old Howard Road.

(L) 1. 2008-4254: SECOND READING - Z-FY-08-33-A: Consider adopting an ordinance authorizing an amendment to the West Temple Comprehensive Plan to allow commercial uses on a 1.6 ± acre tract of land being part of the Baldwin Robertson Survey, Abstract No. 17, located at the northeast corner of Tarver Drive and SH 317.

2. 2008-4255: SECOND READING - Z-FY-08-33-B: Consider adopting an ordinance authorizing a zoning change from Agricultural District to General Retail District on 1.6± acre tract of land being part of the Baldwin Robertson Survey, Abstract No. 17, located at the northeast corner of Tarver Drive and SH 317.

(M) 1. 2008-4256: SECOND READING - Z-FY-08-34-A: Consider adopting an ordinance authorizing an amendment to the West Temple Comprehensive Plan to allow commercial uses on a 2.8± acre tract of land being part of the Baldwin Robertson Survey, Abstract No. 17, located at the southeast corner of Tarver Drive and SH 317.

2. 2008-4257: SECOND READING - Z-FY-08-34-B: Consider adopting an ordinance authorizing a zoning change from the Agricultural District to General Retail District on 2.8± acres being part of the Baldwin Robertson Survey, Abstract No. 17, located at the southeast corner of Tarver Drive and SH 317

(N) 1. 2008-4258: SECOND READING - Z-FY-08-35-A: Consider adopting an ordinance authorizing an amendment to the West Temple Comprehensive Plan to allow commercial uses on 3.7+ acre of land being part of the Baldwin Robertson Survey, Abstract No. 17, located on the east side of SH 317, north of Tarver Drive.

2. **2008-4259: SECOND READING - Z-FY-08-35-B: Consider adopting an ordinance authorizing a zoning change from Agricultural District to General Retail District on 3.7± acres being part of the Baldwin Robertson Survey, Abstract No. 17, located on the east side of SH 317, north of Tarver Drive.**

(O) 2008-5533-R: Consider adopting a resolution abandoning a Taylor's Water Valley Supply easement in the D'Antoni's Park Center Subdivision at the northeast corner of FM 93 and SH 31.

(P) 2008-5534-R: Consider adopting a resolution naming the new trail in Jackson Park in the memory of Robert Daniel (Bob) Worley.

(Q) 2008-5535-R: Consider adopting a resolution designating the Temple Daily Telegram as the official newspaper for the City for fiscal year 2008-2009, in accordance with Section 4.20 of the Charter of the City of Temple.

(R) 2008-5536-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2007-2008.

Motion by Councilmember Marty Janczak to adopt resolution approving Consent Agenda, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

V. REGULAR AGENDA

ORDINANCES

6. **2008-4260: FIRST READING - PUBLIC HEARING - Consider and adopt an ordinance approving a negotiated resolution between the Atmos cities steering committee and Atmos Energy Corp., Mid-Tex Division regarding the company's rate review mechanism filing in all cities exercising original jurisdiction.**

Jonathan Graham, City Attorney, presented this item to the Council. The City is part of a coalition of 150 Texas cities that comprise a steering committee, known as the Atmos Cities Steering Committee (ACSC). On April 14, 2008 Atmos filed a rate request, their first RRM (rate review mechanism), which is a streamlined process beneficial to both sides. Their filing was seeking a \$33.5 million rate increase. After review and negotiations by the steering committee, this amount was reduced to \$20 million and that is what is being proposed for consideration by the Council.

Mayor Jones declared the public hearing open with regard to agenda item 6 and asked if anyone wished to address this item. There being no

comments, Mayor Jones closed the public hearing.

Motion by Councilmember Marty Janczak to adopt ordinance, with second reading set for October 2, 2008, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

RESOLUTIONS

7. **2008-5537-R: Consider adopting a resolution authorizing submission of an application to the Texas Department of Housing and Community Affairs (TDHCA) for 2008 HOME Investment Partnerships Program grant funds in the amount of \$382,500.**

Kim Foutz, Assistant City Manager, presented this item to the Council. The grant application is in the amount of \$382,500 with the City providing matching funds in the amount of \$58,125. Mrs. Foutz reviewed the qualifications for the program.

Mark Taylor, Traylor and Associates, discussed the differences in this grant from those in previous years. This is a first come, first serve basis grant whereas those in previous years have been competitive. This was also a straight grant in previous years but now it is a loan, dependent on the homeowners income level.

Councilmember Jeter asked if the Council has any flexibility as to how the program is structured.

Mr. Taylor stated the City does determine the program design but does not need to do so as part of the application process. That can be done at a later date.

Motion by Mayor Pro Tem Patsy E. Luna to adopt resolution, seconded by Councilmember Tony Jeter.

Motion passed unanimously.

8. **2008-5538-R: Consider adopting a resolution authorizing a construction contract with Chaney-Cox Construction, Inc of Temple for the construction of the South Temple Family Aquatic Center in the amount of \$3,889,943, as part of the voter approved Parks bond election.**

Ken Cicora, Parks and Leisure Services Director, presented this item to the Council. This Aquatic Center will provide some of the most popular

amenities for this type of facility. Mr. Cicora reviewed the low bid received and recommended award of the base bid and the first six alternates. Alternates 7 and 8 are not being recommended at this time but it is the staff's intention is to get those items in the project further along in the process. Kimley-Horn, design architects for this project, did reference checks on Chaney Cox Construction, the low bidder. Chaney Cox is not a swimming pool contractor but they will subcontract with Progressive Commercial Aquatics, who has worked with Kimley-Horn in the past. Mr. Cicora thanked the subcommittee of citizens and Parks Board members who worked on this project.

Mark Hatchel, Kimley-Horn, stated he was pleased with the bids received and the fact that the low bidder is a local contractor. It will be a very complimentary facility for this community. He reviewed the amenities that are included in the project.

Motion by Councilmember Marty Janczak to adopt resolution, seconded by Mayor Pro Tem Patsy E. Luna.

Councilmember Russell Schneider abstained. The other Councilmembers voted aye. The motion passed.

9. (A) 2008-5515-R: Consider adopting a resolution authorizing the purchase of land in the downtown area for the construction of a new central fire station.

(B) 2008-5511-R: Consider adopting a resolution authorizing a professional services agreement with Wiginton, Hooker, & Jeffry, P.C., for design of the proposed new main fire station in an amount not to exceed \$696,000 and declaring an official intent to reimburse this expenditure made prior to the issuance of tax-exempt obligations for this project.

David Blackburn, City Manager, presented this item to the Council. The City staff has been working diligently to identify a site in downtown Temple for a new fire station. Several sites were reviewed but one met most of the criteria established for this use.

Jonathan Graham, City Attorney, stated this site is the block bordered by North 3rd Street, Barton Avenue, Calhoun Avenue and North 5th Street. It has good vehicle access and is of a suitable size. It is currently owned by Bank of America who will sell the City the north portion of that block for \$130,000. The City will demolish a portion of the exiting bank structure and construct a new exterior north wall at a cost of about \$60,000. The City will also construct a new entranceway. Mr. Graham displayed an aerial photo of the site with the proposed layout of the fire station. The City has 45 days to complete a feasibility study, with closing on the

property scheduled for no later than December 5th. The City also has first right of refusal on the remainder of the Bank of America site if they decide to sell that portion in the future.

Motion by Mayor Pro Tem Patsy E. Luna to adopt resolution, seconded by Councilmember Tony Jeter.

Motion passed unanimously.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

10/02/08
Item #5(B)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Alan DeLoera, Information Technology Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of an annual maintenance contract with Sungard HTE in the amount of \$132,276.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City currently uses Enterprise Software from Sungard HTE for the following business applications in helping the City to conduct financial transactions:

General Ledger	Accounts Payable	Accounts Receivables
Fixed Assets	Inventory	Purchasing
Cash Receipts	Budgeting	Fleet Management
Work Orders	Payroll	Human Resources
Utility Billing	Permitting	Code Enforcement
Inspections	Zoning	Business Licenses
Municipal Court	Project Accounting	QREP
Looking Glass		

Sungard HTE is the sole provider of maintenance for HTE application software. This is currently the 5th year of support for the current software.

FISCAL IMPACT: The Information Technology Department currently has funds budgeted in account 110-1900-519-23-38 in the amount of \$132,276 for continued annual support of these applications.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,
AUTHORIZING THE PURCHASE OF AN ANNUAL MAINTENANCE
CONTRACT WITH SUNGARD HTE IN THE AMOUNT OF \$132,276; AND
PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City currently uses Enterprise Software from Sungard HTE for certain business applications in helping the City to conduct financial transactions – Sungard HTE is the sole source provider for the HTE application software;

Whereas, the Staff recommends purchasing a yearly maintenance contract for a cost not to exceed \$132,276;

Whereas, this will be the City's fifth year of support for the current software – funds are budgeted in Account No. 110-1900-519-2338 for this purchase; 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 an annual maintenance contract with Sungard HTE for business application software to help the City conduct financial business, for an amount not to exceed \$132,276.

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: 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 2nd day of **October**, 2008.

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

10/02/08
Item #5(C)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Alan DeLoera, Information Technology Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of an annual maintenance contract with Intergraph Public Safety in the amount of \$38,508.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Police and Fire Departments currently use Records Management Software from Intergraph Public Safety for the following public safety applications in helping the City to conduct management of Public Safety records and analysis:

SunPro Fire RMS

I-LEADS RMS (Arrests, warrants, citations, evidence, calls for service, etc...)

CAD Interface Software

Oracle Software

Intergraph Public Safety is the sole provider of maintenance for HTE application software. This is currently the 10th year of support for the current software.

FISCAL IMPACT: The Information Technology Department currently has funds budgeted in account 110-1900-519-23-38 in the amount of \$38,508 for continued annual support of these applications.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,
AUTHORIZING THE PURCHASE OF AN ANNUAL MAINTENANCE
CONTRACT WITH INTERGRAPH PUBLIC SAFETY SOFTWARE
APPLICATIONS IN THE AMOUNT OF \$38,508; AND PROVIDING AN OPEN
MEETINGS CLAUSE.

Whereas, the City currently uses Public Safety Software from Intergraph Public Safety for police and fire software applications – Intergraph Public Safety is the sole source provider for the Public Safety Software;

Whereas, the Staff recommends purchasing an annual maintenance contract for a cost not to exceed \$38,508;

Whereas, this will be the City's tenth year of support for the current software – funds are budgeted in Account No. 110-1900-519-2338 for this purchase; 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 an annual maintenance contract with Intergraph Public Safety for Public Safety Software Applications, for an amount not to exceed \$38,508.

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: 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 **2nd** day of **October**, 2008.

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

10/2/2008
Item #5(D)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing an asbestos abatement contract with AAR, Inc. of Liberty Hill for the new Municipal Court and Utility Business Office facility, in the amount of \$39,700.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Before acquiring the old Compass Bank building located at 401 North 3rd Street, the City engaged Austin Environmental, Inc. to perform a survey of the asbestos-containing materials within the facility. The survey indicated that the following asbestos-containing materials existed:

Black Floor Tile Mastic	approximately 2,780 square feet
Acoustical Ceiling Texture	approximately 6,930 square feet
Pipe Insulation (Mastic)	approximately 365 linear feet
Linoleum Flooring	approximately 275 square feet

Austin Environmental's preliminary estimate of the cost to abate these materials was \$71,339.50.

Upon acquiring the property, the City engaged Austin Environmental to design and monitor the asbestos-containing removal process at a cost of \$11,800.

As shown on the attached bid tabulation, on September 18, 2008, five (5) bids were received for removal and disposal of the asbestos-containing materials. Clean Air Remediation was the low bid on the project; however due to an error in compiling their bid, they withdrew their bid on September 23. Accordingly, staff is recommending award of the bid to the second lowest bidder, AAR, Inc. of Liberty Hill.

Austin Environmental has experience working with AAR, Inc. and they have found them to be a responsible contractor.

FISCAL IMPACT: Funding for this contract is split between General Fund (74%) and Utility Fund Funding (26%) based on the estimated allocation of facility usage between the Municipal Court and Utility Business Office. Funding for the Municipal Court's share of this contract in the amount of \$29,378 is available in the 2003 GO Bond Fund account 359-8800-525-6779, project #100240. Funding for the Utility Business Office's share of this contract in the amount of \$10,322 is available in account 561-5800-535-6929, project #100240.

The anticipated funding available for the renovation of this facility is \$1,927,640. It is anticipated that staff will be bringing forth to Council on November 20, 2008, a recommendation related to the construction contract.

ATTACHMENTS:

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

Tabulation of Bids Received
on September 18, 2008 at 2:00 p.m.
Asbestos Abatement of Future Municipal Court/Utility Business Office Facility

Description	Bidders				
	Sisk - Robb, Inc. Leander, TX	Clean Air Remediation Dallas, TX	ARC Abatement Waco, TX	Robles Service Group Cibolo, TX	AAR, Inc. Liberty Hill, TX
Base Bid	\$41,507.00	\$24,950.00	\$48,900.00	\$60,000.00	\$39,700.00
Black Floor Tile Mastic	\$1.00	\$2.10	\$2.25	\$1.75	\$2.00
Acoustical Ceiling Texture	\$4.00	\$2.00	\$4.12	\$4.50	\$3.00
Pipe Insulation	\$6.00	\$8.50	\$10.00	\$8.50	\$8.00
Linoleum Flooring	\$1.00	\$2.05	\$3.00	\$3.65	\$4.50
Bid Bond	5%	5% - cashiers check	5%	5%	5%
Local Preference	No	No	No	No	No
Bond Affidavit	Yes	None	Yes	No	Yes
Insurance Affidavit	Yes	Yes	Yes	No	Yes
Credit Check Authorization Form	Yes	Yes	Yes	Yes	Yes

Withdrew Bid 9-23-08

I hereby certify that this is a correct and true tabulation of all bids received.

Belinda Mattke

18-Sep-08

Belinda Mattke, Director of Purchasing

Date

*Note: Highlighted bid is recommended
for Council approval.*

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ASBESTOS ABATEMENT CONTRACT FOR THE NEW MUNICIPAL COURT AND UTILITY BUSINESS OFFICE FACILITY WITH AAR, INC., OF LIBERTY HILL, TEXAS, IN THE AMOUNT OF \$39,700; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 18, 2008, the City received 5 bids for the removal and disposal of the asbestos-containing materials in the new Municipal Court and Utility Business Office facility;

Whereas, the Staff recommends approving an agreement with AAR, Inc., of Liberty Hill, Texas, for \$39,700;

Whereas, funds are available in Account No. 359-8800-525-6779, project 100240, and Account No. 561-5800-535-6929, project 100240; 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 AAR, Inc., of Liberty Hill, Texas, after approval as to form by the City Attorney, for asbestos abatement in the new Municipal Court and Utility Business Office facility, in the amount of \$39,700.

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 **2nd** day of **October**, 2008.

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

10/02/08
Item #5(E)-(1)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing annual purchase agreements with Estes, Inc. of Waco and Lesco, Inc. of Cleveland, Ohio, for herbicides and insecticides for FY 08-09 in the estimated annual amount of \$39,060.

STAFF RECOMMENDATION: Adopt resolution as described in item description.

ITEM SUMMARY: On September 4, 2008, the City received three (3) bids for the annual purchase of herbicides and insecticides. Staff recommends award of the bids to the following vendors with estimated annual purchases as highlighted in yellow on the attached 18 line-item bid tabulation:

Estes, Inc. of Waco, TX	\$28,650.42
Lesco, Inc. of Cleveland, OH	\$10,410.00

The City has done business in the past with the vendors being recommended for award, and has found each to be a responsible vendor. The proposed purchase agreements will commence immediately and will expire on September 30, 2009. The agreement will provide for four (4) additional one-year extensions, if so agreed to by the City and the vendors

FISCAL IMPACT: Budgeted amount: Sufficient amounts in various accounts*
Estimated expenditure: \$39,060. *

*These items will be ordered on an as-needed basis and departments will make sure sufficient funds are available for their purchases. The departments with highest usage of these chemicals are Sammons Golf Links and the Parks Department.

ATTACHMENTS:

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

Tabulation of Bids Received
on September 4, 2008 at 2:15 p.m.
Herbicides and Insecticides

Description	Est. Annual Quantity	Bidders			Extended Total
		Lesco, Inc. Cleveland, OH	Estes, Inc. Waco	Univar USA Grand Prairie	
		Unit Price	Unit Price	Unit Price	
Trimec 992 (Vessel) (Accepted substitute - Triplet SF)	60	\$63.20	\$47.58	No Bid	\$2,854.80
Prosecutor (Honch Plus)	90	\$87.00	\$91.40	No Bid	\$7,830.00
MSMA-Bueno 6	60	\$61.26	\$45.00	No Bid	\$2,700.00
Surflan (Prozalin) (Accepted substitute - Oryzalin)	20	\$77.27	\$123.50	No Bid	\$2,470.00
Image (AM 59015058)	15	\$102.56	\$63.39	No Bid	\$950.85
Barricade 65 WG (Prodiamine 65 WDG) (Accepted substitute - Prodiamine 65WG 5#)	10	\$239.60	\$93.75	No Bid	\$937.50
Pendulum 3.3 EC	4	\$108.40	\$77.50	No Bid	\$310.00
Award Fire Ant Bait (Cease Fire)	16	\$286.02	\$170.52	\$205.50	\$2,728.32
Spray pattern indicator dye, water soluble packs 40 pkg/case (BCTMBWSB)	6	\$170.00	No Bid	No Bid	\$1,020.00
Blue spray pattern indicator dye, liquid (quart)(1VM Marking Dye)	80	\$22.44	\$13.00	No Bid	\$1,040.00
Sim-Trol 4L (Princepl 41.9 Simaz SY59200) (Accepted substitute - Princep)	25	\$65.50	\$58.75	No Bid	\$1,468.75
Dimension Ultra WSP	10	\$1,297.64	\$486.72	No Bid	\$4,867.20
Heritage	8	\$1,072.00	\$640.00	No Bid	\$5,120.00
Cleary 3336F (Quali Pro TM 4.5) (Accepted substitute - TMethyl)	8	\$285.00	\$225.00	No Bid	\$1,800.00
26 GT Fungicide (Accepted substitute - Lesco 18 Plus)	8	\$195.00	\$278.48	No Bid	\$1,560.00
Manicure 6 Flowable Fungicide (Accepted substitute - Chlorothalonil 720)	8	\$107.22	\$98.00	No Bid	\$784.00
Illoxan	4	\$237.18	\$154.75	No Bid	\$619.00
Triazicide Insecticide (No Substitutions)	65	No Bid	No Bid	No Bid	
Delivery		No	Yes	Yes	\$39,060.42
Local Preference		No	No	No	
Exceptions		Yes	Yes	No	
Credit Check Authorization		Yes	Yes	Yes	

I hereby certify that this is a correct and true tabulation of all bids received.

Delivery within 7 days for stocked items

Belinda Mattke

4-Sep-08

Belinda Mattke, Director of Purchasing

Date

Note: Highlighted bid is recommended
for Council approval

Substitutions

Bid the exact product

Memo 2007-2008 Contracted Prices
\$48.00/2.5 gal
\$35.52/2.5 gal
\$31.88/2.5 gal
\$105.00/2.5 gal
\$65.37/bottle
\$210.00/10#
\$81.80/2.5 gal
\$147.68/case
\$131.11/case
\$6.25/quart
\$29.04/2.5 gal
\$916.00/case
\$552.64/gal
\$295.00/2.5 gal
\$281.50/2.5 gal
\$86.00/2.5 gal
\$139.75/gal
Not on bid

Vendors who picked up the Invitation to Bid:

Adapco Inc. - Sanford, FL

BWI Schulenburg, Schulenburg, TX

Estes, Inc. - Wichita Falls

Landmark Earth Services - Irving, TX

Lesco, Inc. - Cleveland, OH

Prime Vendor - (Plan Room)

Univar - West Sacramento, CA

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ANNUAL PURCHASE AGREEMENTS FOR FISCAL YEAR 2008-2009 FOR HERBICIDES AND INSECTICIDES WITH ESTES, INC., OF WACO, TEXAS, AND LESCO, INC., OF CLEVELAND, OHIO, FOR AN ESTIMATED EXPENDITURE OF \$39,060; PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 4, 2008 the City received 3 bids for the purchase of herbicides and insecticides for FY2008-2009;

Whereas, the staff recommends accepting the bids from Estes, Inc., of Waco, Texas, and Lesco, Inc., of Cleveland, Ohio;

Whereas, these items will be ordered on an as-needed basis and departments will make sure sufficient funds are available for their purchases– the estimated annual expenditure is \$39,060; 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 annual purchase agreements with Estes, Inc., of Waco, Texas, and Lesco, Inc., of Cleveland, Ohio, for the purchase of herbicides and insecticides for Fiscal Year 2008-2009, in the estimated amount of \$39,060.

Part 2: The City Council authorizes the City Manager, or his designee, to execute any documents which may be necessary for these purchases, subject to approval as to form by the City Attorney.

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 **2nd** day of **October**, 2008.

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

10/02/08
Item #5(E)-(2)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Bruce Butscher, PE, Director of Public Works
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing an annual purchase agreement with Grays Wholesale Tire of Fort Worth for tires and tubes for FY 08-09 in the estimated annual amount of \$109,455.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On September 4, 2008, the City received three (3) bids for the purchase of tires and tubes on an as needed basis for Fleet Services. The bids are shown on the attached tabulation sheet.

The bid was stated to be awarded to the company providing the “best value” to the City. This means that we can consider other factors in addition to price such as bidder’s delivery schedule, including frequency of deliveries, and delivery lead times, and performance and service history with the City and other entities.

An evaluation committee was formed consisting of employees from Equipment Maintenance and Purchasing departments. After evaluating the bids, the committee unanimously selected Grays Wholesale Tire as the best value for the City of Temple. The City has done business with Grays Wholesale Tire in the past and finds them to be a responsible vendor.

The recommended contract is for a one (1) year period commencing immediately, and is renewable for four (4) additional one-year periods, if agreed to by the City and Grays Wholesale Tire.

FISCAL IMPACT: Each department with vehicles has budgeted for tires and/or tubes. These items will be ordered on an as-needed basis. Staff estimates that it will spend approximately \$109,455 over the next 12 months for tires and tubes.

ATTACHMENTS:

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

Tabulation of Bids Received
on September 4, 2008 at 3:30 p.m.
Tires and Tubes

	Bidders		
	Grays Wholesale Tire Ft. Worth	Southern Tire Mart Dallas	A to Z Tires Amarillo
Total for Section 1	\$1,817.40	\$1,831.20	\$1,352.00
Total for Section 2	\$17,006.70	\$17,847.50	\$18,448.40
Total for Section 3	\$22,913.86	\$22,994.00	\$25,322.00
Total for Section 4	\$35,379.74	\$38,897.00	\$39,342.00
Total for Section 5	\$23,074.21	\$18,254.60	\$22,574.00
Total for Section 6	\$2,298.32	\$2,100.00	\$2,242.00
Total for Section 7	\$6,128.04	\$6,242.80	\$6,546.00
Total for Section 8	\$837.00	\$1,177.00	\$936.00
Total for all Tires/Tubes	\$109,455.27	\$109,344.10	\$116,762.40
Delivery (stocked items)	Next Day	Same/Next Day	Mon-Wed-Friday
Delivery (non stocked items)	Monday, Tuesdays or Wednesdays	2-4 days	1-2 Weeks
Disposal of Tires	\$1.90-\$10.00	\$1.50 - \$250.00	\$3.50 -\$35.00
Local Preference	No	No	No
Exceptions	No	Yes	Yes
Credit Check Authorization	Yes	Yes	Yes

Memo 2007-2008 Contracted Prices
\$888.00
\$12,794.00
\$17,362.40
\$28,196.20
\$12,110.60
\$761.40
\$2,779.00
\$474.80
\$75,366.40

Vendors who picked up the Invitation to Bid:

A to Z Tire -- Amarillo, TX
 Bridgestone-Firestone - Nashville, TN
 Grays Wholesale Tire - Fort Worth, TX
 Moores Retread & Tire Company -
 Prime Vendor - Plan Room
 Southern Tire Mart - Fort Worth, TX
 Wingfoot CT LLC - Fort Smith, AR

I hereby certify that this is a correct and true tabulation of all bids received.

Belinda Matthe 9/4/2008
 Belinda Matthe, Director of Purchasing Date

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL PURCHASE AGREEMENT FOR FISCAL YEAR 2008-2009 FOR TIRES AND TUBES WITH GRAYS WHOLESALE TIRE OF FORT WORTH, TEXAS, FOR AN ESTIMATED EXPENDITURE OF \$109,455; PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 4, 2008 the City received 3 bids for the purchase of tubes and tires for FY2008-2009;

Whereas, the staff recommends accepting the bid from Grays Wholesale of Fort Worth, Texas;

Whereas, each department with vehicles has budgeted for tires and/or tubes and the items will be ordered on an as-needed basis – the estimated annual expenditure is \$109,455; 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 accepts the bid for tires and tubes for Fiscal Year 2008-09 from Grays Wholesale of Fort Worth, Texas, for an estimated expenditure of \$109,455.

Part 2: The City Council authorizes the City Manager, or his designee, to execute any documents which may be necessary for these purchases, subject to approval as to form by the City Attorney.

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 **2nd** day of **October**, 2008.

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

10/02/08
Item #5(E)-(3)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing an annual purchase agreement with Safari Sun LLC of Altamonte Springs, Florida for the design and printing of t-shirts in the estimated annual amount of \$25,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: As shown on the attached bid tabulation, on September 9, 2008, the City received two (2) bids for the design and printing of t-shirts.

The bid was stated to be awarded to the company providing the “best value” to the City. This means that factors other than price can be used in evaluation of the bids, including quality of service, reputation of the bidder and his services, and the bidder’s design capabilities.

A committee of six (6) City staff representing the high volume users of the contract evaluated the two bids. Based on a cost evaluation of the most commonly ordered shirts, including consideration of the local preference claimed by Alligator Graphics, Safari Sun had a better value. The bid specified that a sample shirt was to be submitted with each bid to enable the committee to evaluate the design capabilities of the bidder. Only Safari Sun submitted a sample shirt per the bid requirements, and the committee was very pleased with their submittal. From a reputation standpoint, the committee felt that both companies were well qualified; however, Alligator Graphics took exception to the delivery lead times as specified in the bid. Based on the overall evaluation, it is the committee’s recommendation to award the contract to Safari Sun.

The City has done business with Safari Sun in the past and found them to be a very responsive and responsible vendor.

The recommended contract will expire on September 30, 2009, with the option of four (4) additional one-year renewals, if so agreed to by both parties.

FISCAL IMPACT: Budgeted amount: sufficient funds in various account*
Estimated annual expenditure: \$25,000

* These shirts will be ordered on an as-needed basis and departments will make sure sufficient funds are available for their purchases. The majority of the shirts are used by the Recreation department in their athletic events, and others are used by various City departments as uniform shirts.

ATTACHMENTS:

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

Tabulation of Bids Received
on September 9, 2008 at 3:00 p.m.
T-Shirt Design and Printing

	Bidders	
	Alligator Graphics Temple, TX	Safari Sun Altamonte Springs, FL
Description		
SS T-Shirt - 1 color - White YS-XL	\$3.00	\$3.45
SS T-Shirt - 1 color - White XXL	\$4.50	\$4.45
SS T-Shirt - 1 color - White XXXL	\$5.50	\$5.45
SS T-Shirt - 2 color - White YS-XL	\$3.75	\$3.60
SS T-Shirt - 2 color - White XXL	\$5.25	\$4.60
SS T-Shirt - 2 color - White XXXL	\$6.25	\$5.60
SS T-Shirt - 3 color - White YS-XL	\$4.25	\$3.75
SS T-Shirt - 3 color - White XXL	\$5.75	\$4.75
SS T-Shirt - 3 color - White XXXL	\$6.75	\$5.75
SS T-Shirt - 4 color - White YS-XL	\$4.50	\$3.90
SS T-Shirt - 4 color - White XXL	\$6.00	\$4.90
SS T-Shirt - 4 color - White XXXL	\$7.00	\$5.90
SS T-Shirt - 1 color - Light YS-XL	\$4.00	\$3.85
SS T-Shirt - 1 color - Light XXL	\$5.50	\$4.85
SS T-Shirt - 1 color - Light XXXL	\$6.50	\$5.85
SS T-Shirt - 2 color - Light YS-XL	\$4.25	\$4.00
SS T-Shirt - 2 color - Light XXL	\$5.75	\$5.00
SS T-Shirt - 2 color - Light XXXL	\$6.75	\$6.00
SS T-Shirt - 3 color - Light YS-XL	\$4.50	\$4.15
SS T-Shirt - 3 color - Light XXL	\$6.00	\$5.15
SS T-Shirt - 3 color - Light XXXL	\$7.00	\$6.15
SS T-Shirt - 4 color - Light YS-XL	\$5.00	\$4.30
SS T-Shirt - 4 color - Light XXL	\$6.50	\$5.30
SS T-Shirt - 4 color - Light XXXL	\$7.50	\$6.30
SS T-Shirt - 1 color - Dark YS-XL	\$5.00	\$4.15
SS T-Shirt - 1 color - Dark XXL	\$6.50	\$5.15
SS T-Shirt - 1 color - Dark XXXL	\$7.50	\$6.15
SS T-Shirt - 2 color - Dark YS-XL	\$5.25	\$4.30
SS T-Shirt - 2 color - Dark XXL	\$6.75	\$5.30
SS T-Shirt - 2 color - Dark XXXL	\$7.75	\$6.30
SS T-Shirt - 3 color - Dark YS-XL	\$5.50	\$4.45
SS T-Shirt - 3 color - Dark XXL	\$7.00	\$5.45
SS T-Shirt - 3 color - Dark XXXL	\$8.00	\$6.45
SS T-Shirt - 4 color - Dark YS-XL	\$5.75	\$4.60
SS T-Shirt - 4 color - Dark XXL	\$7.25	\$5.60
SS T-Shirt - 4 color - Dark XXXL	\$8.25	\$6.60
LS T-Shirt - 1 color - White YS-XL	\$6.00	\$4.85
LS T-Shirt - 1 color - White XXL	\$7.50	\$5.85
LS T-Shirt - 1 color - White XXXL	\$8.50	\$6.85
LS T-Shirt - 2 color - White YS-XL	\$6.25	\$5.00
LS T-Shirt - 2 color - White XXL	\$7.75	\$6.00
LS T-Shirt - 2 color - White XXXL	\$8.75	\$7.00

Memo 2007-2008 Contracted Prices
\$2.38
\$3.11
\$3.81
\$2.51
\$3.22
\$3.92
\$2.76
\$3.47
\$4.00
\$3.01
\$3.72
\$4.03
\$2.75
\$3.50
\$4.30
\$2.92
\$3.70
\$4.40
\$3.10
\$3.79
\$4.39
\$3.35
\$4.04
\$4.44
\$3.19
\$4.04
\$4.64
\$3.32
\$4.16
\$4.66
\$3.44
\$4.29
\$4.69
\$3.59
\$4.38
\$4.72
\$4.37
\$5.21
\$6.16
\$4.59
\$5.48
\$6.18

	Bidders	
	Alligator Graphics Temple, TX	Safari Sun Altamonte Springs, FL
LS T-Shirt - 3 color - White YS-XL	\$6.50	\$5.15
LS T-Shirt - 3 color - White XXL	\$8.00	\$6.15
LS T-Shirt - 3 color - White XXXL	\$9.00	\$7.15
LS T-Shirt - 4 color - White YS-XL	\$6.75	\$5.30
LS T-Shirt - 4 color - White XXL	\$8.25	\$6.30
LS T-Shirt - 4 color - White XXXL	\$9.25	\$7.30
LS T-Shirt - 1 color - Light YS-XL	\$7.00	\$5.15
LS T-Shirt - 1 color - Light XXL	\$8.50	\$6.15
LS T-Shirt - 1 color - Light XXXL	\$9.50	\$7.15
LS T-Shirt - 2 color - Light YS-XL	\$7.25	\$5.30
LS T-Shirt - 2 color - Light XXL	\$8.75	\$6.30
LS T-Shirt - 2 color - Light XXXL	\$9.75	\$7.30
LS T-Shirt - 3 color - Light YS-XL	\$7.50	\$5.45
LS T-Shirt - 3 color - Light XXL	\$9.00	\$6.45
LS T-Shirt - 3 color - Light XXXL	\$10.00	\$7.45
LS T-Shirt - 4 color - Light YS-XL	\$7.75	\$5.60
LS T-Shirt - 4 color - Light XXL	\$9.25	\$6.60
LS T-Shirt - 4 color - Light XXXL	\$10.25	\$7.60
LS T-Shirt - 1 color - Dark YS-XL	\$7.25	\$5.45
LS T-Shirt - 1 color - Dark XXL	\$8.75	\$6.45
LS T-Shirt - 1 color - Dark XXXL	\$9.75	\$7.45
LS T-Shirt - 2 color - Dark YS-XL	\$7.50	\$5.60
LS T-Shirt - 2 color - Dark XXL	\$9.00	\$6.60
LS T-Shirt - 2 color - Dark XXXL	\$10.00	\$7.60
LS T-Shirt - 3 color - Dark YS-XL	\$7.75	\$5.75
LS T-Shirt - 3 color - Dark XXL	\$9.25	\$6.75
LS T-Shirt - 3 color - Dark XXXL	\$10.25	\$7.75
LS T-Shirt - 4 color - Dark YS-XL	\$8.00	\$5.90
LS T-Shirt - 4 color - Dark XXL	\$9.50	\$6.90
LS T-Shirt - 4 color - Dark XXXL	\$10.50	\$7.90
SS Pocket T-Shirt - 1 color - White YS-XL	\$4.75	\$4.45
SS Pocket T-Shirt - 1 color - White XXL	\$6.25	\$5.45
SS Pocket T-Shirt - 1 color - White XXXL	\$7.25	\$6.45
SS Pocket T-Shirt - 2 color - White YS-XL	\$5.00	\$4.60
SS Pocket T-Shirt - 2 color - White XXL	\$6.50	\$5.60
SS Pocket T-Shirt - 2 color - White XXXL	\$7.50	\$7.60
SS Pocket T-Shirt - 3 color - White YS-XL	\$5.25	\$4.75
SS Pocket T-Shirt - 3 color - White XXL	\$6.75	\$5.75
SS Pocket T-Shirt - 3 color - White XXXL	\$7.75	\$6.75
SS Pocket T-Shirt - 4 color - White YS-XL	\$5.50	\$4.90
SS Pocket T-Shirt - 4 color - White XXL	\$7.00	\$5.90
SS Pocket T-Shirt - 4 color - White XXXL	\$8.00	\$6.90
SS Pocket T-Shirt - 1 color - Light YS-XL	\$5.25	\$5.05
SS Pocket T-Shirt - 1 color - Light XXL	\$6.75	\$6.05
SS Pocket T-Shirt - 1 color - Light XXXL	\$7.75	\$7.05
SS Pocket T-Shirt - 2 color - Light YS-XL	\$5.25	\$5.20

Memo 2007-2008 Contracted Prices
\$4.67
\$5.58
\$6.21
\$4.90
\$5.81
\$6.24
\$4.62
\$5.59
\$6.49
\$4.87
\$5.79
\$6.54
\$5.02
\$5.99
\$6.61
\$5.22
\$6.24
\$6.70
\$4.96
\$5.93
\$6.84
\$5.13
\$6.13
\$6.90
\$5.32
\$6.33
\$6.95
\$5.53
\$6.54
\$6.99
\$3.90
\$4.95
\$5.58
\$3.93
\$5.15
\$5.62
\$4.01
\$5.27
\$5.68
\$4.07
\$5.35
\$5.73
\$4.36
\$5.53
\$6.08
\$4.41

	Bidders	
	Alligator Graphics Temple, TX	Safari Sun Altamonte Springs, FL
SS Pocket T-Shirt - 2 color - Light XXL	\$6.75	\$6.20
SS Pocket T-Shirt - 2 color - Light XXXL	\$7.75	\$7.20
SS Pocket T-Shirt - 3 color - Light YS-XL	\$5.50	\$5.35
SS Pocket T-Shirt - 3 color - Light XXL	\$7.00	\$6.35
SS Pocket T-Shirt - 3 color - Light XXXL	\$8.00	\$7.35
SS Pocket T-Shirt - 4 color - Light YS-XL	\$5.75	\$5.50
SS Pocket T-Shirt - 4 color - Light XXL	\$7.25	\$6.50
SS Pocket T-Shirt - 4 color - Light XXXL	\$8.25	\$7.50
SS Pocket T-Shirt - 1 color - Dark YS-XL	\$6.00	\$5.25
SS Pocket T-Shirt - 1 color - Dark XXL	\$7.50	\$6.25
SS Pocket T-Shirt - 1 color - Dark XXXL	\$8.50	\$7.25
SS Pocket T-Shirt - 2 color - Dark YS-XL	\$6.25	\$5.40
SS Pocket T-Shirt - 2 color - Dark XXL	\$7.75	\$6.40
SS Pocket T-Shirt - 2 color - Dark XXXL	\$8.75	\$7.40
SS Pocket T-Shirt - 3 color - Dark YS-XL	\$6.50	\$5.55
SS Pocket T-Shirt - 3 color - Dark XXL	\$8.00	\$6.55
SS Pocket T-Shirt - 3 color - Dark XXXL	\$9.00	\$7.55
SS Pocket T-Shirt - 4 color - Dark YS-XL	\$6.75	\$5.70
SS Pocket T-Shirt - 4 color - Dark XXL	\$8.25	\$6.70
SS Pocket T-Shirt - 4 color - Dark XXXL	\$9.25	\$7.70
100% Cotton SS - 1 color - Light YS-XL	\$4.50	\$5.45
100% Cotton SS - 1 color - Light XXL	\$6.00	\$6.45
100% Cotton SS - 1 color - Light XXXL	\$7.00	\$7.45
100% Cotton SS - 2 color - Light YS-XL	\$4.75	\$5.60
100% Cotton SS - 2 color - Light XXL	\$6.25	\$6.60
100% Cotton SS - 2 color - Light XXXL	\$7.25	\$7.60
100% Cotton SS - 3 color - Light YS-XL	\$5.00	\$5.75
100% Cotton SS - 3 color - Light XXL	\$6.50	\$6.75
100% Cotton SS - 3 color - Light XXXL	\$7.50	\$7.75
100% Cotton SS - 4 color - Light YS-XL	\$5.25	\$6.90
100% Cotton SS - 4 color - Light XXL	\$6.75	\$7.90
100% Cotton SS - 4 color - Light XXXL	\$7.75	\$8.90
100% Cotton SS - 1 color - Dark YS-XL	\$5.50	\$5.75
100% Cotton SS - 1 color - Dark XXL	\$7.00	\$6.75
100% Cotton SS - 1 color - Dark XXXL	\$8.00	\$7.75
100% Cotton SS - 2 color - Dark YS-XL	\$5.75	\$5.90
100% Cotton SS - 2 color - Dark XXL	\$7.25	\$6.90
100% Cotton SS - 2 color - Dark XXXL	\$8.25	\$7.90
100% Cotton SS - 3 color - Dark YS-XL	\$6.00	\$6.05
100% Cotton SS - 3 color - Dark XXL	\$7.50	\$7.05
100% Cotton SS - 3 color - Dark XXXL	\$8.50	\$8.05
100% Cotton SS - 4 color - Dark YS-XL	\$6.25	\$6.20
100% Cotton SS - 4 color - Dark XXL	\$7.75	\$7.20
100% Cotton SS - 4 color - Dark XXXL	\$8.75	\$8.20
100% Cotton SS w/pocket- 1 color - Light YS-XL	\$5.75	\$6.65
100% Cotton SS w/pocket- 1 color - Light XXL	\$7.25	\$7.65
100% Cotton SS w/pocket- 1 color - Light XXXL	\$8.25	\$8.65

Memo 2007-2008 Contracted Prices
\$5.70
\$6.14
\$4.50
\$5.79
\$6.20
\$4.58
\$5.82
\$6.25
\$4.48
\$5.52
\$5.81
\$4.54
\$5.55
\$5.85
\$4.62
\$5.65
\$5.91
\$4.75
\$5.82
\$5.99
\$2.80
\$3.61
\$4.50
\$2.87
\$3.67
\$4.53
\$2.94
\$3.74
\$4.56
\$2.99
\$3.80
\$4.60
\$3.45
\$4.39
\$4.83
\$3.48
\$4.43
\$4.86
\$3.50
\$4.48
\$4.89
\$3.75
\$4.73
\$4.95
\$4.49
\$5.49
\$5.83

	Bidders	
	Alligator Graphics Temple, TX	Safari Sun Altamonte Springs, FL
100% Cotton SS w/pocket - 2 color - Light YS-XL	\$6.00	\$6.80
100% Cotton SS w/pocket - 2 color - Light XXL	\$7.50	\$7.80
100% Cotton SS w/pocket - 2 color - Light XXXL	\$8.50	\$8.80
100% Cotton SS w/pocket - 3 color - Light YS-XL	\$6.25	\$6.95
100% Cotton SS w/pocket - 3 color - Light XXL	\$7.75	\$7.95
100% Cotton SS w/pocket - 3 color - Light XXXL	\$8.75	\$8.95
100% Cotton SS w/pocket - 4 color - Light YS-XL	\$6.50	\$7.10
100% Cotton SS w/pocket - 4 color - Light XXL	\$8.00	\$8.10
100% Cotton SS w/pocket - 4 color - Light XXXL	\$9.00	\$9.10
100% Cotton SS w/pocket - 1 color - Dark YS-XL	\$6.75	\$6.95
100% Cotton SS w/pocket - 1 color - Dark XXL	\$8.25	\$7.95
100% Cotton SS w/pocket - 1 color - Dark XXXL	\$9.25	\$8.95
100% Cotton SS w/pocket - 2 color - Dark YS-XL	\$7.00	\$7.10
100% Cotton SS w/pocket - 2 color - Dark XXL	\$8.50	\$8.10
100% Cotton SS w/pocket - 2 color - Dark XXXL	\$9.50	\$9.10
100% Cotton SS w/pocket - 3 color - Dark YS-XL	\$7.25	\$7.25
100% Cotton SS w/pocket - 3 color - Dark XXL	\$8.75	\$8.25
100% Cotton SS w/pocket - 3 color - Dark XXXL	\$9.75	\$9.25
100% Cotton SS w/pocket - 4 color - Dark YS-XL	\$7.50	\$7.40
100% Cotton SS w/pocket - 4 color - Dark XXL	\$9.00	\$8.40
100% Cotton SS w/pocket - 4 color - Dark XXXL	\$10.00	\$9.40
SS T-Shirt - 5 color front & 1 color back - Dark YS-XL	\$8.00	\$5.20
SS T-Shirt - 5 color front & 1 color back - Dark XXL	\$9.50	\$6.20
SS T-Shirt - 5 color front & 1 color back - Dark XXXL	\$10.50	\$7.20
SS T-Shirt - 5 color front & 1 color back - Light YS-XL	\$7.50	\$4.90
SS T-Shirt - 5 color front & 1 color back - Light XXL	\$9.00	\$5.90
SS T-Shirt - 5 color front & 1 color back - Light XXXL	\$10.00	\$6.90
LS T-Shirt - 5 color front & 1 color back - Dark YS-XL	\$9.00	\$6.50
LS T-Shirt - 5 color front & 1 color back - Dark XXL	\$10.50	\$7.50
LS T-Shirt - 5 color front & 1 color back - Dark XXXL	\$11.50	\$8.50
8" Numbers (per each)	\$0.50	\$1.50
2" Letters (per letter)	N/C	\$2.00/name
Sleeve/Chest Print 1-Color	\$1.00	\$0.50
Sleeve/Chest Print 2-Color	\$1.50	\$0.60
Sleeve/Chest Print 3-Color	\$1.75	\$0.70
Sleeve/Chest Print 4-Color	\$2.00	\$0.80
Designs Approved and Not Used	\$25.00	\$50.00
Delivery	Yes	Yes
Local Preference	Yes	No
Credit Check Authorization	Yes	Yes
Exceptions?	Yes	No

I hereby certify that this is a correct and true tabulation of all bids received.

Belinda Mattke

Belinda Mattke, Director of Purchasing

9-Sep-08

Date

Note: Highlighted bid is recommended

Memo 2007-2008 Contracted Prices
\$4.52
\$5.54
\$5.86
\$4.56
\$5.58
\$5.91
\$4.61
\$5.61
\$5.95
\$4.93
\$6.01
\$6.82
\$4.99
\$6.05
\$6.85
\$5.04
\$6.09
\$6.91
\$5.09
\$6.13
\$6.95
\$4.14
\$4.93
\$5.28
\$3.90
\$4.59
\$4.99
\$6.10
\$7.10
\$7.65
\$1.25
\$0.75
\$0.35
\$0.60
\$0.85
\$1.10

Vendors who picked up the Invitation to Bid:

Alligator Graphics - Temple, TX

Authentic Promotions - Sacramento, CA

H&H T-Shirts - Belton, TX

Holloways Sport Center - Temple, TX

International Promotional Ideas

Kenny T's, Inc - Tallahassee, FL

Kotis Design, Lynnwood, WA

Osburn Associates - Logan, OH

Presley Design Studio - Temple, TX

Profits Plus Enterprises, Inc - Boynton Beach, FL

Bidders	
Alligator Graphics Temple, TX	Safari Sun Altamonte Springs, FL

for Council approval.

Memo 2007-2008 Contracted Prices

Safari Sun - Altamonte Springs, FL
 Stroud Safety Apparel, Stroud, OK
 The Incentive Mall - Indianapolis, IN

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL PURCHASE AGREEMENT FOR THE DESIGN AND PRINTING OF T-SHIRTS WITH SAFARI SUN LLC, OF ALTAMONTE SPRINGS, FLORIDA, IN THE ESTIMATED ANNUAL AMOUNT OF \$25,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 9, 2008, the City received 2 bids for the design and printing of t-shirts;

Whereas, the Staff recommends authorizing an annual purchase agreement with Safari Sun, LLC, of Altamonte Springs, Florida, for an estimated annual expenditure of \$25,000;

Whereas, there are sufficient funds in the various departmental accounts for the purchases – the t-shirts are ordered on an as-needed basis by each department; 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 an annual purchase agreement with Safari Sun, LLC, of Altamonte Springs, Florida, for an estimated annual expenditure of \$25,000, for the purchase, design, and printing of t-shirts for recreational and municipal activities.

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: 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 **2nd** day of **October**, 2008.

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

10/02/08
Item #5(F)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Bruce A. Butscher, P.E., Director of Public Works

Michael Newman, P.E., City Engineer/Assistant Director of Public Works

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract amendment to the professional services agreement with Kasberg, Patrick & Associates, LP, (KPA) for engineering services, including design phase services, bid phase services, and construction phase services, required to revise Lorraine Drive street design and design water utilities for the Southeast Industrial Park within the TIF Reinvestment Zone No. 1 in an amount not to exceed \$80,200.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On April 19, 2007, Council authorized a professional services agreement with KPA for engineering services, including design phase services, bid phase services, construction phase services, and special services required to design the Southeast Industrial Park. The proposed park is located along Loop 363 within Reinvestment Zone No.1 and includes extension of Lorraine Drive. The original scope of the project consisted of approximately 2100 feet of streets, 2500 feet of wastewater line, and 900 feet of water line.

Revisions to the current planned street improvements to Lorraine Drive are needed to accommodate the Panda power plant. Water lines and drainage infrastructure also need to be extended to serve the site. Water service is currently available along, but not south of, Lorraine Drive.

The engineering services authorized under this resolution include design services, design surveys, construction phase services, and special services required to revise the current plans for Lorraine Drive and design the roadway, drainage, and water lines to service the Panda site. Infrastructure designed with this project will consist of approximately 3200 feet of streets, 700 feet of drainage improvements, and 1600 feet of water line.

The proposed timeline for the design phase of the project is 90 days. In order that KPA provide the engineering services required for completion of this project, the following is a list of costs associated with each task:

Basic Services

Lorraine Dr. Design Revision	\$ 2,200
Civil Design (Street & Drainage)	\$ 28,500
Civil Design (Water)	\$ 7,000
Construction Administration (Street & Drainage)	\$ 10,000
Construction Administration (Water)	\$ 2,000
	\$ 49,700

Special Services

Design Surveys (Streets & Drainage)	\$ 4,000
Design Surveys (Water)	\$ 1,400
Phase I Environmental (Streets & Drainage)	\$ 2,400
Phase I Environmental (Water)	\$ 600
Archaeological (Streets & Drainage)	\$ 2,600
Archaeological (Water)	\$ 700
Construction Staking (Streets & Drainage)	\$ 3,700
Construction Staking (Water)	\$ 1,100
Onsite Representation (Streets & Drainage)	\$ 10,000
Onsite Representation (Water)	\$ 4,000
	\$ 30,500

TOTAL \$ 80,200

FISCAL IMPACT: The cost of this professional services contract amendment is \$80,200. The costs for the changes include basic services of \$49,700 and special services of \$30,500. The original contract with KPA awarded by Council in April 2007 was \$185,000 which brings the total professional services for this project to \$265,200.

The original project budget within the Reinvestment Zone No. 1 Financing Plan for the improvements to the Southeast Industrial Park is \$1,385,000. Currently, there is a project balance of \$1,200,000 to fund this contract amendment. Funding is available in account 795-9500-531-6317, project # 100258.

Funding for the additional work within the Southeast Industrial Park will require a future financing plan amendment to the Reinvestment Zone No. 1 Financing Plan

ATTACHMENTS:

[KPA Proposal](#)
[Schedule](#)
[Map](#)
[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.

September 17, 2008

Mr. Don Bond, E.I.T.
CIP Project Manager
3210 E. Avenue H
Building A
Temple, Texas 76501

Re: City of Temple Reinvestment Zone #1
Southeast Park Plan Revisions and Roadway Extension

Dear Mr. Bond:

At the request of the City of Temple Reinvestment Zone, we were directed to prepare a proposal for the above referenced project. The project will revise the current plans for Lorraine Drive and design the roadway, drainage and water utility to service the Panda site.

This project will consist of revising the current design of Lorraine Drive to incorporate construction phasing for the Panda Project. We will also complete design of a roadway connecting Lorraine Drive with the Panda site. Water utility improvements will be designed connecting to the twelve (12) inch water line adjacent to Lorraine Drive extending to the Panda Site. Storm water utilities will be designed for the proposed roadway and will incorporate into the storage system proposed by Panda. We have attached an exhibit illustrating the project. The proposed timeline for the design of the project is ninety (90) days from the notice to proceed. As can be seen by the attached schedule, the ninety day schedule assumes the review comments from City Staff will be returned to Kasberg, Patrick & Associates, LP within one week of submittal. If this time frame is not met the schedule may be delayed.

Exhibit C outlines rates which would be used to charge for special or additional services authorized beyond the scope as described in this proposal.

The scope of services for this project will include the following:

- Revised design of Lorraine Drive to incorporate the construction phase of the Panda Site
- Design Surveys for the roadway connection
- Phase I Environmental Assessment
- Archaeological Investigations
- Design of a roadway connecting Lorraine Drive to the Panda Site
- Design of water utilities to the Panda Site
- Design of Storm Water for the proposed roadway

Mr. Don Bond, E.I.T.

September 17, 2008

Page Two

- Design of storm water conveyance to Knob Creek
- Cost estimates for the infrastructure
- Bidding the project
 - Coordinate with the City Project Manager to advertise the project
 - Hold the pre-bid meeting
 - Answer questions from bidders
 - Issue addenda for the project
 - Tabulate bids and certify
 - Recommend award of the project
- Construction Administration
 - Hold pre-construction conference
 - Preparation of monthly pay requests by the contractor.
 - Hold progress meetings as required
 - Meet with the contractor and answer questions
- On Site Representation
 - Observe construction by the contractor
 - Take photographs of the project weekly
 - Observe testing to be performed by the consultant of the City of Temple
 - Observation to be an average of twelve hours per week.
- Construction Staking

Basic Services

Revise existing design of Lorraine Drive	\$	2,200
Design Services (Street & Drainage)	\$	28,500
Design Services (Water Utilities)	\$	7,000
Construction Administration (Street & Drainage)	\$	10,000
Construction Administration (Water Utilities)	\$	2,000
Total Basic Services	\$	49,700

Special Services

Design Surveys (Street & Drainage)	\$	4,000
Design Surveys (Water Utilities)	\$	1,400
Phase I Environmental (Street & Drainage)	\$	2,400
Phase I Environmental (Water Utilities)	\$	600
Archeological Investigation (Street & Drainage)	\$	2,600
Archeological Investigation (Water Utilities)	\$	700
Construction Staking (Street & Drainage)	\$	3,700
Construction Staking (Water Utilities)	\$	1,100
On-Site Representation (Street & Drainage)	\$	10,000
On-Site Representation (Water Utilities)	\$	4,000
Total Special Services	\$	30,500

The deliverables for the project shall be as follows:


1. 30% design review sets. Three sets of the 30% design sets shall be delivered to the Project Manager designated for the City of Temple for distribution to staff. The City of Temple shall notify KPA when comments are ready and they shall be incorporated into the design.
2. 90% design review sets. Three sets of the 90% sets shall be delivered to the Project Manager designated for the City of Temple for distribution to staff. The City of Temple shall notify KPA when comments are ready and they shall be incorporated into the design.

3. Final design sets. Three sets of the final design sets shall be delivered to the Project Manager designated for the City of Temple for distribution to staff. The City of Temple shall notify KPA when comments are ready and they shall be incorporated into the design. Once these comments have been incorporated into the plans they shall be considered final and the project design shall be complete.
4. Construction deliverables. After the project has been completed and all punch list items are corrected by the successful contractor, one set of 11x17 mylar record drawings, one CD with pdf record drawings, one copy of inspector reports, one copy of project photos on CD, one copy of test results and one copy of submittals shall be delivered to the Project Manager designated for the City of Temple. The City of Temple shall inform their subcontracted geotechnical consultant to forward one copy of all testing done on the project to Kasberg, Patrick & Associates, LP at One South Main Street, Temple, Texas 76501.

Any requirements beyond the scope of deliverables as listed above shall be considered additional services and shall be billed according to the rate table shown in Exhibit C. Also additional review comments beyond the 30%, 90% and final review sets will be considered additional services.

We can complete all the tasks represented for the lump sum cost of \$80,200. We are available to discuss the scope of the project at your convenience. As always, we look forward to working with you on the project and to the enhancement that it will bring to the City of Temple.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. David Patrick', with a stylized flourish at the end.

R. David Patrick, P.E., CFM

RDP/crc

EXHIBIT C

Charges for Additional Services

City of Temple Reinvestment Zone #1 Southeast Park Plan Revisions and Roadway Extension

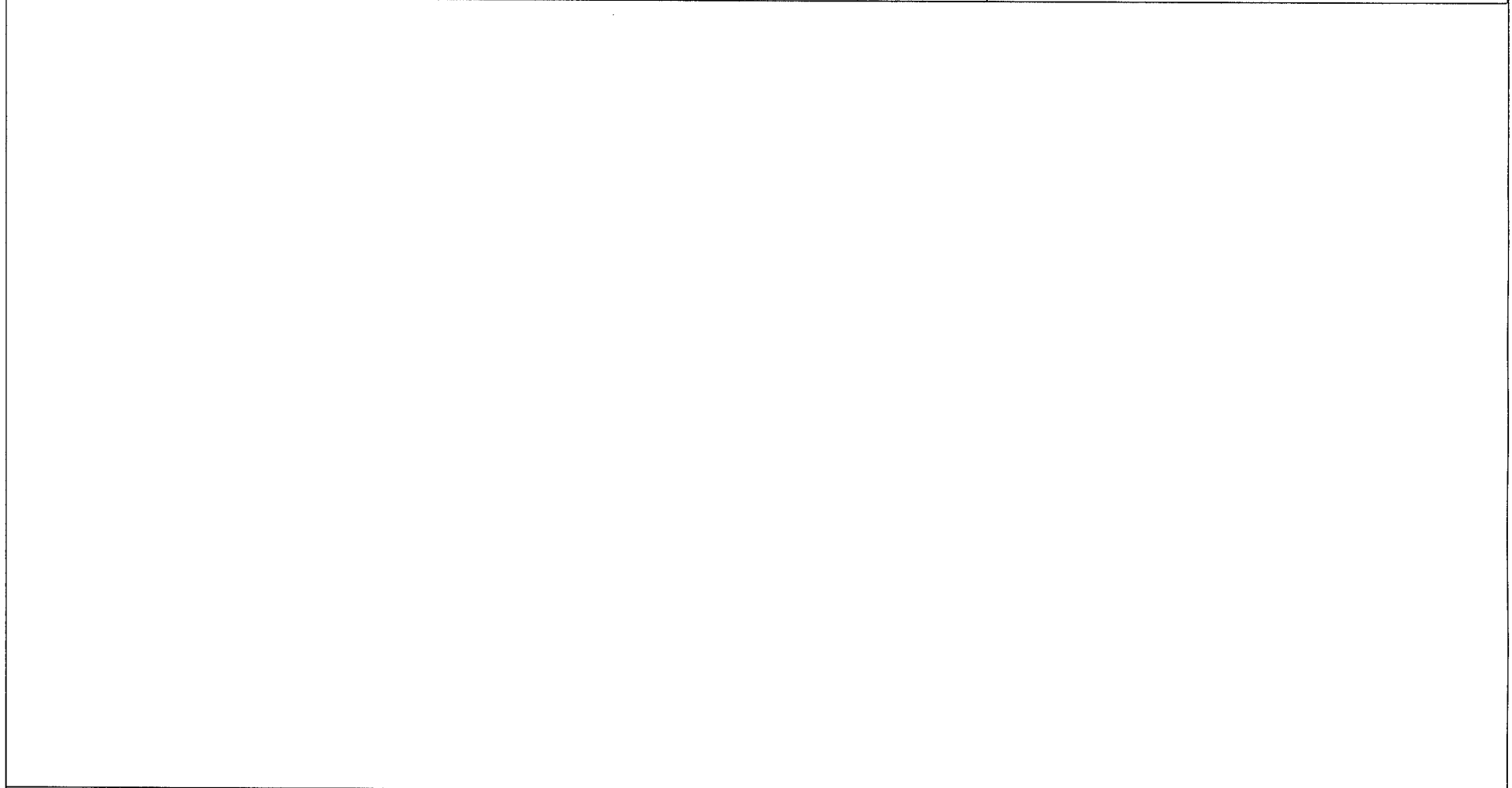
<u>POSITION</u>	<u>MULTIPLIER</u>	<u>SALARY COST/RATES</u>
Principal	2.4	\$ 60.00 – 80.00/hour
Project Manager	2.4	45.00 – 58.00/hour
Project Engineer	2.4	40.00 – 45.00/hour
Engineer-in-Training	2.4	32.00 – 40.00/hour
Engineering Technician	2.4	22.00 – 40.00/hour
CAD Technician	2.4	18.00 – 40.00/hour
Clerical	2.4	13.00 – 25.00/hour
Expenses	1.1	actual cost
Computer	1.0	15.00/hour
Survey Crew	1.1	95.00 – 120.00/hour
Registered Public Surveyor	1.0	110.00/hour
On-Site Representative	2.1	30.00 – 40.00/hour










ID	i	Task Name	Duration	Start	Finish	October			November			December			January	
						B	M	E	B	M	E	B	M	E	B	M
1		Southeast Park Plan Revisions and Roadway Extension	307 days	Thu 10/2/08	Fri 12/11/09											
2		City of Temple	4 days	Thu 10/2/08	Tue 10/7/08											
3		Council Award of the Project	1 day	Thu 10/2/08	Thu 10/2/08											
4		Notice to Proceed	3 days	Fri 10/3/08	Tue 10/7/08											
5																
6		Engineering	64 days	Wed 10/8/08	Mon 1/12/09											
7		Design Surveys	5 days	Wed 10/8/08	Tue 10/14/08											
8		Process Survey and Topo	4 days	Wed 10/15/08	Mon 10/20/08											
9		Preliminary Layout for Street	7 days	Tue 10/21/08	Wed 10/29/08											
10		Preliminary Layout for Water	5 days	Thu 10/30/08	Wed 11/5/08											
11		Preliminary Layout for Drainage	5 days	Thu 11/6/08	Wed 11/12/08											
12		Submit 30% Review Sets to the City Staff	1 day	Thu 11/13/08	Thu 11/13/08											
13		City Staff review and comment	5 days	Fri 11/14/08	Thu 11/20/08											
14		Finalize Street Design	4 days	Fri 11/21/08	Wed 11/26/08											
15		Finalize Water Design	4 days	Mon 12/1/08	Thu 12/4/08											
16		Finalize Drainage Design	4 days	Fri 12/5/08	Wed 12/10/08											
17		Submit 90% Review Sets to City Staff	1 day	Thu 12/11/08	Thu 12/11/08											
18		City Staff review and comment	5 days	Fri 12/12/08	Thu 12/18/08											
19		Incorporate Review Comments	5 days	Fri 12/19/08	Mon 12/29/08											
20		Submit Final Sets to City Staff	1 day	Tue 12/30/08	Tue 12/30/08											
21		City Staff review and comment	5 days	Wed 12/31/08	Wed 1/7/09											
22		Incorporate final comments	3 days	Thu 1/8/09	Mon 1/12/09											
23																
24		Bidding	38 days	Tue 1/13/09	Thu 3/5/09											
25		Advertise the project for Bidding	10 days	Tue 1/13/09	Mon 1/26/09											
26		Hold pre-bid conference	1 day	Tue 1/27/09	Tue 1/27/09											
27		Answer questions from contractors	5 days	Wed 1/28/09	Tue 2/3/09											
28		Issue Addenda	1 day	Wed 2/4/09	Wed 2/4/09											
29		Receive Bids	1 day	Thu 2/5/09	Thu 2/5/09											
30		Tabulate bids and recommend award	5 days	Fri 2/6/09	Thu 2/12/09											
31		Council Approval	1 day	Thu 3/5/09	Thu 3/5/09											
32																

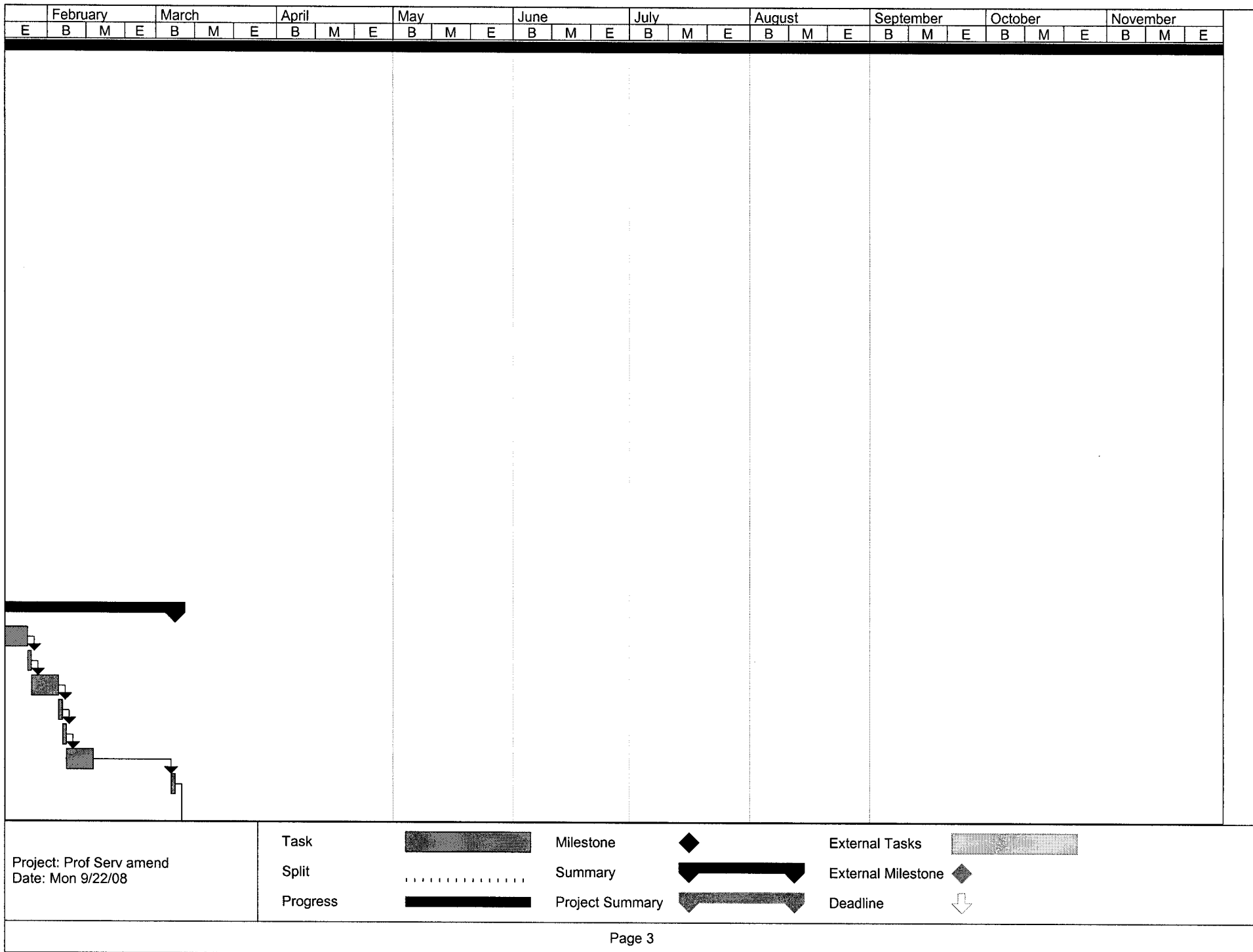
Project: Prof Serv amend Date: Mon 9/22/08	Task		Milestone		External Tasks	
	Split		Summary		External Milestone	
	Progress		Project Summary		Deadline	

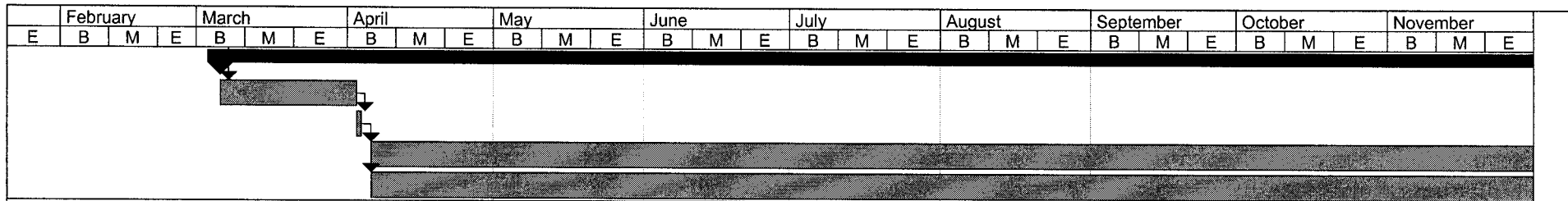
Page 1

ID	i	Task Name	Duration	Start	Finish	October			November			December			January	
						B	M	E	B	M	E	B	M	E	B	M
33		Construction	201 days	Fri 3/6/09	Fri 12/11/09											
34		Contract Execution	20 days	Fri 3/6/09	Thu 4/2/09											
35		Hold Pre-Construction Conference	1 day	Fri 4/3/09	Fri 4/3/09											
36		Construct project	180 days	Mon 4/6/09	Fri 12/11/09											
37		Perform Onsite Representation & Admin	180 days	Mon 4/6/09	Fri 12/11/09											



Project: Prof Serv amend Date: Mon 9/22/08	Task		Milestone		External Tasks	
	Split		Summary		External Milestone	
	Progress		Project Summary		Deadline	






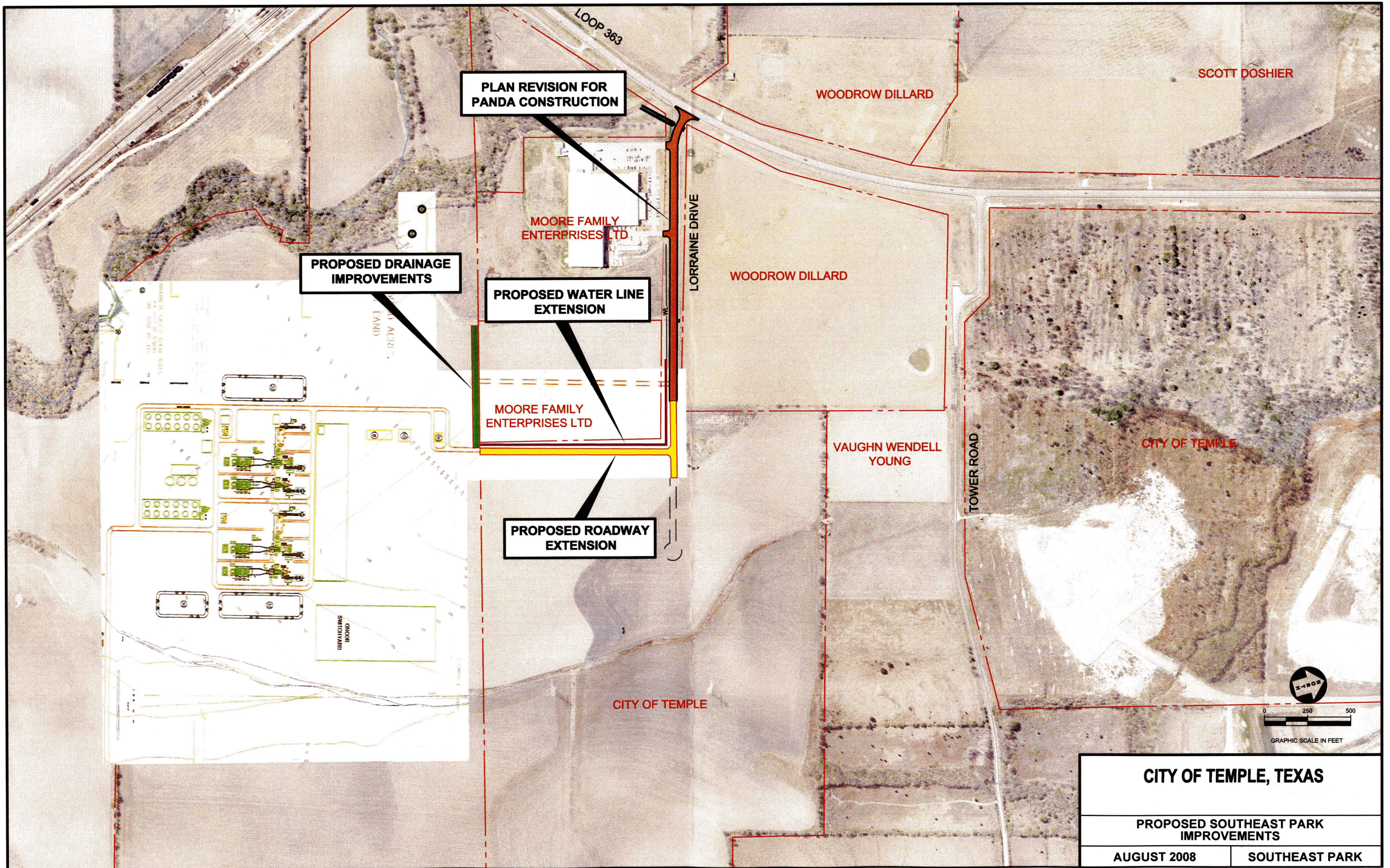


Project: Prof Serv amend
Date: Mon 9/22/08

Task 
Split 
Progress 

Milestone 
Summary 
Project Summary 

External Tasks 
External Milestone 
Deadline 



CITY OF TEMPLE, TEXAS	
PROPOSED SOUTHEAST PARK IMPROVEMENTS	
AUGUST 2008	SOUTHEAST PARK

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PARTRICK & ASSOCIATES, LP, FOR ENGINEERING SERVICES, INCLUDING DESIGN PHASE SERVICES, BID PHASE SERVICES, AND CONSTRUCTION PHASE SERVICES, REQUIRED TO REVISE LORRAINE DRIVE STREET DESIGN AND DESIGN WATER UTILITIES FOR THE SOUTHEAST INDUSTRIAL PARK WITHIN THE TIF REINVESTMENT ZONE #1, IN AN AMOUNT NOT TO EXCEED \$80,200; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on April 19, 2007, the City Council authorized a professional services agreement with Kasberg, Patrick & Associates, LP, for engineering services, including design phase services, bid phase services, construction phase services, and special services required to design the Southeast Industrial Park;

Whereas, revisions to the current planned street improvements to Lorraine Drive are needed to accommodate the Panda power plant – water lines and infrastructure also need to be extended to serve the site;

Whereas, the Staff recommends a contract amendment for a cost not to exceed \$80,200, to fund these project revisions;

Whereas, funds are available for the contract amendment in Account No. 795-9500-531-6317; 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 a contract amendment to the professional services agreement with Kasberg, Patrick & Associates, LP, after approval as to form by the City Attorney, for engineering services, including design phase services, bid phase services, and construction phase services, required to revise Lorraine Drive street design and design water utilities for the Southeast Industrial Park within the TIF Reinvestment Zone #1, in an amount not to exceed \$80,200.

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 **2nd** day of **October**, 2008.

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

10/02/08
Item #5(G)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Michael Newman, City Engineer/Asst. Director of Public Works
Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a developer participation agreement with Holy Trinity Catholic High School for the oversizing of wastewater lines in the Holy Trinity Catholic High School subdivision in an amount not to exceed \$97,680.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: State law allows cities and private developers to enter into “developer participation agreements” in which a city can financially participate in the construction of public improvements (which will be dedicated to the City upon acceptance of a subdivision). Participating in a developer participation agreement is an exception to the general rule that when public dollars are spent on public constructions the work must be bid out. Typically, cities find it beneficial to enter into these developer participation agreements when they are requesting that the developer do something beyond what they are required to do, but which would benefit the residents of the city. For example, widening a road, extending a water line beyond a point required by the City’s subdivision standards, oversizing water or sewer lines, building oversized regional detention ponds, etc.

Our proposed Developer Participation Agreement with Holy Trinity Catholic High School relates to the Holy Trinity Catholic High School subdivision, and under the agreement the City is inducing Holy Trinity Catholic High School to increase the size of certain wastewater lines of that subdivision from 8 inches to 18 inches for the benefit of the City’s wastewater collection system.

Our contribution for this project is a maximum, not to exceed \$97,680. The City will make a contribution to Holy Trinity Catholic High School, if the City council authorizes this agreement, after the improvements are completed and accepted by the City. Our contribution is capped at \$97,680, even if the project comes in over budget.

To satisfy the requirements of Chapter 212, Subchapter C, “Developer Participation in Contract for Public Improvements,” Section 212.073 and 212.074, of the Local Government Code, Holy Trinity Catholic High School agrees to make its books and other records relating to the construction available to the City for inspection purposes.

The developer or its contractor agrees to execute a performance bond with the City as beneficiary for the construction and completion of the Improvements. The bond shall also be executed by a corporate surety and shall be in compliance with Chapter 2253 of the Texas Government Code.

FISCAL IMPACT: This project was not budgeted in as part of the FY 2009 operating budget. Due to the circumstances surrounding the sewer line, it is recommended that funding in the amount of \$97,680 be reallocated from account 520-5700-580-7211, Bond Interest, to account 520-5900-535-6352, project # 100463, Sewer Mains, for the City's contribution for the upsizing of the sewer lines in the Holy Trinity High School subdivision. A budget adjustment is presented for Council's approval reallocating these funds to the appropriate account.

These funds will be replenished with carried forward funds from the FY 2008 operating budget to the FY 2009 operating budget.

ATTACHMENTS:

[Letter from Engineer](#)
[Vicinity Map](#)
[Cost Estimates](#)
[Budget Adjustments](#)
[Resolution](#)

BANDAS ENGINEERING CO.CIVIL ENGINEERING

September 24, 2008

The City of Temple, Texas
Mr. Bruce Butscher
Director of Public Works
3210 East Ave. H, Bldg. "A"
Temple, Texas 76501

Re:
Proposed Holy Trinity Catholic High School Project
6608 West Adams Avenue
Temple, Texas 76503
18" Wastewater Upsizing Project
Cost Recap (Corrected)

Dear Mr. Butscher,

Holy Trinity Catholic High School is seeking reimbursement for the following cost difference between the 8" WW line we need to serve the school and the 18" WW line the City desires to build to serve future growth in the basin upstream from the school.

Engineering:

Topographic survey	8 hrs	@\$125.00	\$1,000.00
Survey Reduction	8 hrs	@\$65.00	\$520.00
Route Study	4 hrs	@\$125.00	\$500.00
Meetings	3 hrs	@\$125.00	\$375.00
Engineering Design Work	16 hrs	@\$125.00	\$1,600.00
Cadd Work Design	24 hrs	@\$65.00	\$1,560.00
Engineering Revisions	4 hrs	@\$125.00	\$500.00
Cadd Work Revisions	4 hrs	@\$65.00	\$260.00
Cadd Work Printing	4 hrs	@\$65.00	\$260.00
M&B Joshlin Easement	All County Surveying Bill		\$757.75
Outside Printing (Est.)	135 shts	@\$2.00	\$270.00
Staking Difference (Est.)	223 lf	@\$1.50	\$334.50
As-built Cadd (Est.)	4 hrs	@\$65.00	\$260.00
As-builts (Est.)	9 shts	@\$7.00	\$63.00
Scans & CD (Est.)	9 shts	@\$7.00	\$63.00
Total			\$8,323.25

I have all the proper insurance coverage certificates on file with purchasing. All policies have been renewed and are in force.

Find attached from Matous Construction, Inc. a Statement of Cost for the work and a statement of cost difference in the amount of \$89,356.84. The grand total for engineering plus cost difference is \$97,680.

Please feel free to call if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "John Hart Bendas". The signature is fluid and cursive, with the first name "John" being the most prominent.

John Hart Bendas, P.E.

Att: Matous Construction, Inc. Statement of Cost

cc: Dr. D.J. Lynch, President, Holy Trinity Catholic High School Board

8" and 18" Comparison Sheet
 Holy Trinity Catholic High School
 Temple, Texas
 September 22, 2008

8" Sanitary Sewer				
	Qty	Unit	Price	Total
Sewer - All Depths	787	LF	\$ 25.68	\$ 20,210.16
48" Manholes (6'-8')	5	EA	\$ 1,839.00	\$ 9,195.00
18" Road Bore at FM 2305	105	LF	\$ 233.00	\$ 24,465.00
Trench Safety Plan	1	LS	\$ 750.00	\$ 750.00
Trench Safety Impl	787	LF	\$ 2.00	\$ 1,574.00
Manhole Testing	5	EA	\$ 200.00	\$ 1,000.00
Deflection Testing	787	LF		\$ 1,000.00
				\$ 58,194.16

Total 18" Sewer	\$ 147,551.00
Total 8" Sewer	\$ 58,194.16
Difference in Cost	\$ 89,356.84

18" Sanitary Sewer				
	Qty	Unit	Price	Total
Sewer - All Depths	1010	LF	\$ 78.00	\$ 78,780.00
60" Manholes (12')	5	EA	\$ 5,000.00	\$ 25,000.00
30" Road Bore at FM 2305	106	LF	\$ 360.00	\$ 38,160.00
Trench Safety Plan	1	LS	\$ 1,250.00	\$ 1,250.00
Trench Safety Impl	787	LF	\$ 3.00	\$ 2,361.00
Manhole Testing	5	EA	\$ 200.00	\$ 1,000.00
Deflection Testing	1010	LF	\$ 1,000.00	\$ 1,000.00
				\$ 147,551.00

BAW
 Major Cost.
 9-22-08

FY 2009

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
520-5900-535-63-52	100463	Sewer Mains	\$ 97,680		
520-5700-580-72-11		Bond Interest			\$ 97,680
TOTAL.....			\$ 97,680		\$ 97,680

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

To appropriate funds for the developer participation agreement with Holy Trinity Catholic High School for the City's contribution for the over sizing of sewer lines in the Holy Trinity Catholic High School subdivision. These funds will be replenished with carried forward funds from the FY 2008 budget to the FY 2009 budget.

☒ Yes ☐ No

10/2/2008

☒ Yes ☐ No

Date _____

Date _____

Date _____

Approved
Disapproved

Approved
Disapproved

Approved
Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A DEVELOPER PARTICIPATION AGREEMENT WITH HOLY TRINITY CATHOLIC HIGH SCHOOL FOR THE OVERSIZING OF WASTEWATER LINES IN THE HOLY TRINITY CATHOLIC HIGH SCHOOL SUBDIVISION, IN AN AMOUNT NOT TO EXCEED \$97,680; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, State law allows cities and private developers to enter into “developer participation agreements” in which a city can financially participate in the construction of public improvements which will be dedicated to the City upon acceptance of a subdivision;

Whereas, the Staff recommends entering into a developer participation agreement with Holy Trinity Catholic High School where Holy Trinity Catholic High School will increase the size of certain wastewater lines of the Holy Trinity Catholic High School subdivision from 8 inches to 18 inches for the benefit of the City’s wastewater collection system;

Whereas, the City’s contribution will not exceed \$97,680 and will be paid after the improvements are completed and accepted by the City;

Whereas, funds are available for this expenditure but an amendment to the FY2008-09 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 a developer participation agreement with Holy Trinity Catholic High School, after approval as to form by the City Attorney, for the oversizing of wastewater lines in the Holy Trinity Catholic High School subdivision, in an amount not to exceed of \$82,838.

Part 2: The City Council approves an amendment to the FY2008-09 budget, substantially in the form of the copy attached as Exhibit A, for this purpose.

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 **2nd** day of **October**, 2008.

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

10/02/08
Item #5(H)(1&2)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney
Lonzo Wallace, Fire Chief

ITEM DESCRIPTION: 1. Consider adopting a resolution authorizing an agreement with Scott and White Memorial Hospital and Scott, Sherwood and Brindley Foundation, through their Scott and White Pre-hospital Services division, under which Scott & White provides emergency medical services within the City limits.

2. Consider adopting a resolution authorizing a First Responder Agreement with Scott and White Memorial Hospital and Scott, Sherwood and Brindley Foundation, through their Scott and White Pre-hospital Services division, under which the City provides first responder services within the City limits in support of Scott & White's EMS services.

STAFF RECOMMENDATION: Adopt resolutions as presented in item description.

ITEM SUMMARY:

EMS Agreement with Scott & White. Item 1 is a resolution that renews an agreement between the City and Scott & White under which Scott & White is the *exclusive* provider of emergency ambulance transfer service within the City limits. Our previous agreement has expired, but Scott & White EMS has continued to provide those services on a month-to-month basis. Negotiation of a new agreement took some time because of some operating changes on Scott & White's side and because of delays associated with commissioning and receiving the City's Master Plan for Fire, Rescue and EMS services from a private consultant. The new agreement is for a term of three (3) years.

Emergency medical services or EMS is defined under the agreement as "emergency ambulance transfer service of persons in need of emergency medical are by personnel trained and specially equipped for that purpose." Under our agreement, Scott & White agrees to respond to all EMS calls with ALS capability. ALS capability means that Scott & White responds with an ALS ambulance and equips that ambulance with a paramedic who, within the protocols and authorization of the City's EMS medical director, can provide patient care at the paramedic level. An ALS ambulance is one certified by the Texas Department of State Health Services at the "MICU" or "BLS with MICU capability," and staffed with a paramedic. Under the proposed agreement, Scott & White provides EMS services within the City limits 24 hours a day, 365 days a year.

In addition to defining the level of EMS provided by Scott & White, the EMS agreement requires that Scott & White maintain liability insurance, maintain records for inspection by the City, sets out response time standards for Scott & White EMS, and sets out a “Unified Incident Command System” protocol to establish the chain of command protocols when the Scott & White EMS and the City’s Fire & Rescue personnel (as First Responder) both respond to the scene of an accident.

Scott and White has performed well under the current EMS agreement and the Staff recommends a new three year EMS agreement.

First Responder Agreement. Item 2 is a resolution that authorizes a First Responder agreement with Scott & White. The City has not previously had a written First Responder agreement with Scott & White, but has provided “first responder”-level services to Scott & White for several years in support of their existing contract with the City to be the City’s exclusive EMS provider.

Under the terms of the First Responder Agreement, the City agrees through its Fire & Rescue personnel to simultaneously respond with Scott & White EMS to accidents and incidents within the City that require emergency medical services. That response is 24 hours a day, 365 days a year.

Those services are dispatched through the Bell County Communications Center. Typically, City Fire & Rescue personnel (which include at least a paramedic) arrive at the scene of an accident or reported medical condition prior to the arrival of a Scott & White EMS ambulance, and begin to provide EMS medical treatment under the direction (by radio) of a physician at Scott & White. When Scott & White EMS personnel arrive, through adherence to a “Unified Incident Command System” control of the patient is handed over to Scott & White EMS. Depending on the nature of call, the patient may or may not be transported to Scott & White or another area hospital.

The Staff recommends approval of the First Responder Agreement with Scott & White for a three year term.

FISCAL IMPACT: Under the EMS Agreement, Scott & White receives no compensation from the City for the services performed under that agreement, but instead has the right to charge patients for those services under rates set by the City Council from time to time. Similarly, under the First Responder agreement, the City receives no compensation from Scott & White for those services—beyond the provision of EMS services that benefit the citizens of Temple.

ATTACHMENTS:

[Resolutions](#)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF TEMPLE AND SCOTT AND WHITE MEMORIAL HOSPITAL AND SCOTT, SHERWOOD AND BRINDLEY FOUNDATION, THROUGH THEIR SCOTT AND WHITE PREHOSPITAL SERVICES DIVISION, UNDER WHICH SCOTT AND WHITE PROVIDES EMERGENCY MEDICAL SERVICES WITHIN THE CITY LIMITS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the agreement between the City and Scott and White Hospital providing that Scott and White is the exclusive provider of emergency ambulance transfer services within the City limits has expired, but Scott and White has continued to provide those services on a month-to-month basis;

Whereas, a new agreement has been negotiated and the Staff recommends entering into a 3-year agreement to continue the emergency medical services within the City limits 24 hours a day, 365 days a year; 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, after approval as to form by the City Attorney, between the City and Scott and White Memorial Hospital and Scott, Sherwood and Brindley Foundation, through their Scott and White Prehospital Services Division, under which Scott and White provides emergency medical services within the City limits.

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 **2nd** day of **October**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A FIRST RESPONDER AGREEMENT BETWEEN THE CITY OF TEMPLE AND SCOTT AND WHITE MEMORIAL HOSPITAL AND SCOTT, SHERWOOD AND BRINDLEY FOUNDATION, THROUGH THEIR SCOTT AND WHITE PREHOSPITAL SERVICES DIVISION, UNDER WHICH THE CITY OF TEMPLE PROVIDES FIRST RESPONDER SERVICES WITHIN THE CITY LIMITS IN SUPPORT OF SCOTT AND WHITE'S EMS SERVICES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City has not previously had a written first responder agreement with Scott and White, but has provided "first responder" level-services to Scott and White for several years in support of their existing contract with the City to be the City's exclusive EMS provider;

Whereas, the City, through its Fire & Rescue personnel, simultaneously responds with Scott & White EMS to accidents and incidents within the City that require emergency medical services, 24 hours a day, 365 days a year;

Whereas, an agreement has been negotiated with Scott and White and the Staff recommends a 3-year agreement; 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 a First Responder Agreement, after approval as to form by the City Attorney, between the City and Scott and White Memorial Hospital and Scott, Sherwood and Brindley Foundation, through their Scott and White Prehospital Services Division, under which the City of Temple provides first responder services within the City limits in support of Scott & White's EMS services.

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 **2nd** day of **October**, 2008.

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

10/02/08
Item #5(I)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney
David Blackburn, City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Chapter 380 development agreement with Kiella Development, Inc., to share in the cost of a bridge for a proposed extension of Meadowbrook Drive north of FM 2305.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The developer, Kiella Development, Inc., is developing Phase IV of the Westfield subdivision. Phase IV is a commercial area immediately north of FM 2305/West Adams, east of Westfield Boulevard, and south of the Westfield Regional Detention Pond. Phase IV is also immediately to the west of a tract at the northwest corner of the Outer Loop at FM 2305—that was the subject of a development agreement in 2007 between the City and Newport Development.

The developer seeks City financial participation in the cost of a box culvert bridge that will span the drainage channel that drains the Westfield Detention Pond to an outlet under FM 2305. The estimated cost of that box culvert bridge with engineer and related costs is approximately \$200,000. The staff recommends entering into an agreement to provide no more than \$150,000 of the cost of the bridge for the reasons set out below. The City's participation cannot exceed \$150,000, but it could be less if actual costs are less than the current estimates.

Phase IV of the Westfield subdivision is a commercial development that includes a Scott & White clinic, a bank, a couple of restaurant pad sites, the developer's own business office and other commercial sites. (A drawing will be attached or provided at the Council meeting.) It is defined by three exits off of FM 2305—the westernmost being Westfield Boulevard, another being Verbena in the middle, and the eastern most being a north-south extension of Meadowbrook Drive (which currently terminates on the south side of FM 2305. An east-west collector street (Honeysuckle) connects all three streets (Westfield, Verbena and Meadowbrook) and parallels FM 2305 for internal circulation.

At the point where Honeysuckle connects to Meadowbrook Drive, the developer will have to cross a ninety foot wide concrete bottom drainage channel constructed by the City.

In 2007, the City Council authorized a Chapter 380 development agreement with Newport Development on the property located immediately to the east of Phase IV of Westfield. That 2007 agreement was designed to encourage the development of a grocery store at the northwest corner of the Outer Loop at FM 2305. Under that 2007 agreement, the City agreed to participate in an amount up to \$150,000 to construct a bridge across the Westfield drainage channel in the same general location as now being proposed by Kiella Development, Inc., but that 2007 commitment is tied to a grocery store being under contract.

The resolution proposed today uses funding allocated by the City Council in 2007 to meet its obligations under the 2007 Newport development agreement, to proceed with providing at least partial funding for the construction of this box culvert bridge.

The Staff believes that the commercial development in Phase IV of the Westfield subdivision, the potential to open property (also owned by the developer) north of the drainage channel to development with an extension of Meadowbrook, and the continuing potential of the Newport agreement at the intersection of the Outer Loop and FM 2305, warrant the investment of \$150,000 by the City to construct a box culvert bridge over the Westfield Detention Pond channel, and recommend approval of the resolution.

FISCAL IMPACT: Funding in the amount of \$150,000 is available to meet the City's obligations under this development agreement pursuant to a budget amendment approved by the City Council in July 2007 to meet its obligations under a development agreement with Newport Development. The City funded the \$150,000 commitment through the Certificate of Obligation bonds issued in October 2006. These funds are available in account 361-2900-534-6820, project # 290002.

ATTACHMENTS:

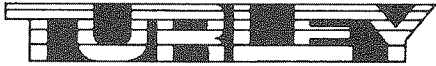
[Project Cost Letter](#)

[Detail drawing of proposed bridge](#)

[Westfield Development overview drawing](#)

[Close up of Westfield Phase IV commercial development](#)

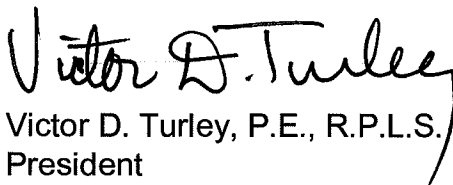
[Resolution](#)

**TURLEY ASSOCIATES, INC.**301 NORTH THIRD STREET • TEMPLE, TEXAS 76501 • (254) 773-2400
FAX • (254) 773-3998

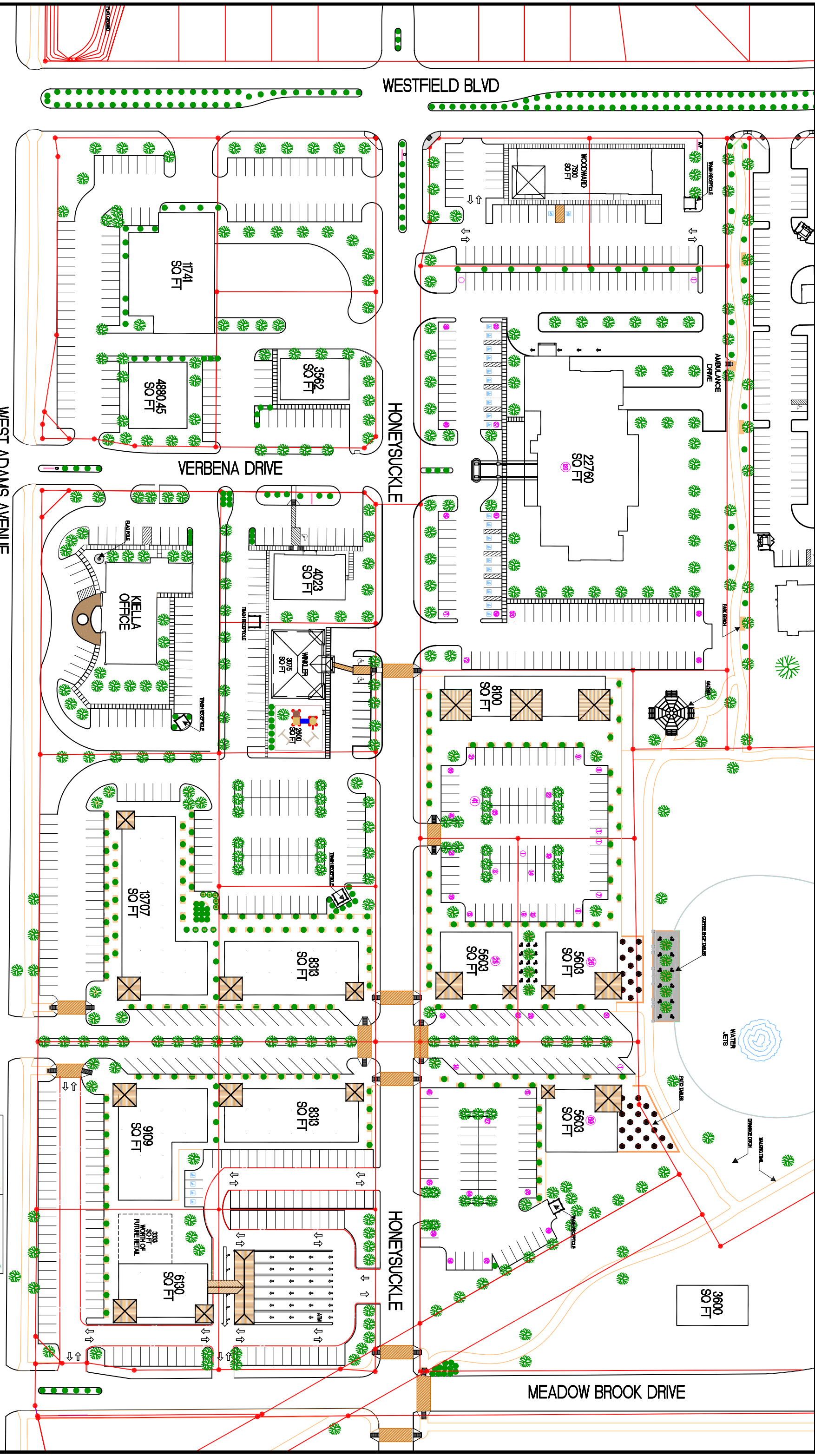
September 3, 2008

Kiella Development
PO Box 1344
Temple, TX 76503**RE: PROJECTED COST for installation of DRAINAGE and UTILITIES
FACILITIES at the intersection of HONEYSUCKLE and MEADOWBROOK**

I.	Engineering Design	\$29,000.00
II.	Surveying services (Pre and Post construction).....	\$5,750.00
III.	Construction cost projection.	
	A. Drainage Improvements	\$143,450.00
	1. 2 - 7' x 3' concrete box culvert (cast in place)	
	2. Wingwalls	
	3. Removal of existing concrete channel bottom	
	B. WATERLINE Extension crossing culvert to the east.....	\$8,510.00
	C. SEWERLINE Extension crossing culvert to the east.....	\$12,460.00
	D. LAND ACQUISITION for Right-of-Way.....	\$4,670.00
	1. Land - 0.217 Ac. @ \$16,000/Ac.	
	2. Drawing and Field Note description	
	TOTAL	\$203,840.00

Sincerely,
TURLEY ASSOCIATES, INC.
Victor D. Turley, P.E., R.P.L.S.
President

VDT/cd



WESTFIELD BLVD

HONEYSUCKLE

VERBENA DRIVE

WEST ADAMS AVENUE

MEADOW BROOK DRIVE

WESTFIELD COMMERCIAL

CONCEPTUAL



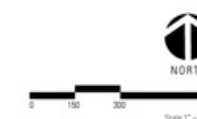
SCALE: 1" = 100'



Westfield Site Plan

data summary				
Parcel	Residential Products	Lot Size	Access	Dwelling Units
A	Manor	70' x 130'	front	145
B	Township	60' x 120'	front	157
C	Township	60' x 120'	front	52
D	Township	60' x 120'	front	75
E	Township	60' x 120'	front	79
F	Cottage	55' x 110'	front	150
G	Cottage	55' x 110'	rear	58
H	Cottage	55' x 110'	rear	73
I	Cottage	40' x 110'	rear	50
J	"Big House"		front	72
K	Townhome	25' x 110'	rear	247
L	Townhome	25' x 110'	rear	97
M	Church	9.50 ac.		
N	Retail	7.70 ac.		
O	Park	44.00 ac.		
P	Tech/Office Park	43.00 ac.		
Q	Office	5.70 ac.		
R	Restaurant	3.00 ac.		
S	Bank	2.85 ac.		
T	Office	1.10 ac.		
U	Retail	5.65 ac.		
TOTAL				1255

TBG#07281 09.28.07 m.meyer/palmer/meyer





WESTFIELD PHASE III
CONCEPTUAL

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHAPTER 380 DEVELOPMENT AGREEMENT WITH KIELLA DEVELOPMENT, INC., TO SHARE IN THE COST OF A BRIDGE FOR A PROPOSED EXTENSION OF MEADOWBROOK DRIVE NORTH OF FM 2305; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Kiella Development, Inc., is developing Phase IV of the Westfield subdivision which is a commercial area immediately north of FM 2305/West Adams, east of Westfield Boulevard, and south of Westfield Regional Detention Pond – Phase IV is also immediately to the west of a attract at the northwest corner of the Outer Loop at FM 2305 that was the subject of a development agreement in 2007 between the City and Newport Development;

Whereas, the developer seeks City financial participation in the cost of a box culvert bridge that will span the drainage channel that drains the Westfield Detention Pond to an outlet under FM 2305 – estimated cost of the project is \$200,000;

Whereas, the Staff recommends authorizing a development agreement with Kiella Development, Inc., pursuant to Chapter 380 of the Local Government Code authorizing reimbursement for the cost of no more than \$150,000;

Whereas, funding is available to meet the City's obligations under this development agreement pursuant to a budget amendment approved by the City Council in July, 2007, to meet its obligations under the development agreement with Newport Development – the City funded the \$150,000 commitment through the Certificate of Obligation bonds issued in October, 2006, and these funds are available in account 361-2900-534-6820, project # 290002; 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 a Chapter 380 development agreement with Kiella Development, Inc., pursuant to Chapter 380 of the Local Government Code, after approval as to form by the City Attorney, not to exceed \$150,000, to share in the cost of a bridge for a proposed extension of Meadowbrook Drive north of FM 2305.

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 **2nd** day of **October**, 2008.

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

10/02/08
Item#5(J)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: SECOND READING – Consider and adopt an ordinance approving a negotiated resolution between the Atmos cities steering committee and Atmos Energy Corp., Mid-Tex Division regarding the company's rate review mechanism filing in all cities exercising original jurisdiction.

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

ITEM SUMMARY: The City, along with 150 other cities served by Atmos Energy Mid-Tex Division ("Atmos" or "Company"), is a member of the Atmos Cities Steering Committee ("ACSC"). On April 14, 2008, Atmos filed with the City an application to increase natural gas rates pursuant to the Rate Review Mechanism ("RRM") tariff approved by the City earlier this year. The Company's April RRM filing seeks a \$33.5 million rate increase. The City worked with ACSC to analyze the schedules and evidence offered by Atmos to support its request to increase rates. The Ordinance and attached tariff approving rates that will increase the Company's revenues by \$20 million effective October 1, 2008, are the result of negotiation between ACSC and the Company to resolve issues raised by ACSC during the review and evaluation of ACSC's RRM filing. The monthly bill impact for the average residential customer is \$0.81. The ACSC Executive Committee recommends that all ACSC cities adopt the ordinance implementing the rate change.

RRM Background:

The RRM tariff was approved by cities as part of the settlement agreement to resolve Atmos' 2007 rate increase case. Atmos' rate request represents the first filing pursuant to the three-year trial project known as the RRM process. The RRM process was created collaboratively by the Steering Committee and Atmos as an alternative to the GRIP surcharge process. The RRM process allows for a more comprehensive rate review and annual adjustment that will function as a substitute for future GRIP filings during the three-year trial period specified by the tariff.

There are two components to the RRM adjustment. The prospective component adjusts rates for known and measurable changes in O&M and net plant investment. Atmos and ACSC agreed to cap changes to expenses and invested capital at no more than five percent. The true up component evaluates whether the Company has over or underrecovered its earnings for the previous year. For purposes of the RRM true up component, Atmos' rate of return on equity and its capital structure are frozen to avoid the parent company from manipulating the overall rate of return. Costs expressly prohibited from recovery through the RRM include first class air-fare, travel, meals or entertainment for employee's spouse, alcohol, sports events, entertainment, arts and cultural events, sponsorship of sports, arts or cultural events, and social club membership dues.

Purpose of the Ordinance:

The purpose of the Ordinance is to approve rate tariffs (Attachment A) that reflect the negotiated rate change pursuant to the RRM process. The Ordinance also approves the Company's proof of revenues (Attachment B), a required part of the RRM filing.

As a result of the negotiations, ACSC was able to reduce the Company's requested \$33.5 million RRM increase by more than 35 percent. Approval of the Ordinance will result in rates that implement a \$20 million increase in Atmos' revenues effective October 1, 2008.

Reasons Justifying Approval of the Negotiated Resolution:

During the time that the City has retained original jurisdiction in this case, consultants working on behalf of ACSC cities have investigated the support for the Company's requested rate increase. While the evidence does not support the \$33.5 million increase requested by the Company, ACSC consultants agree that the Company can justify an increase in revenues of at least \$19.8 million.

A contested case proceeding before the RRC on the Company's current application will take several months and cost ratepayers millions of dollars in rate case expenses and would not likely produce a request more favorable than that to be produced by the settlement. The ACSC Executive Committee recommends that ACSC members take action to approve the ordinance authorizing new rate tariffs.

FISCAL IMPACT: None

ATTACHMENTS:

[Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ("CITY") APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE AND ATMOS ENERGY CORP., MID-TEX DIVISION ("ATMOS MID-TEX" OR "THE COMPANY") REGARDING THE COMPANY'S RATE REVIEW MECHANISM FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; APPROVING ATMOS' PROOF OF REVENUES; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND LEGAL COUNSEL; AND PROVIDING AN OPEN MEETINGS ACT.

WHEREAS, the City of Temple, Texas ("City") is a gas utility customer of Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "the Company"), and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex;

WHEREAS, the City is a member of the Atmos Cities Steering Committee ("ACSC"), a coalition of more than 150 similarly situated cities served by Atmos Mid-Tex that have joined together to facilitate the review and response to natural gas issues affecting rates charged in the Atmos Mid-Tex service area (such participating cities are referred to herein as "ACSC Cities");

WHEREAS, Atmos and ACSC Cities have been in continuing disagreement, dispute, and litigation over the implementation of GRIP surcharges pursuant to Section 104.301 of the Texas Utilities Code;

WHEREAS, as part of the negotiations to resolve Atmos' 2007 rate case, ACSC Cities and the Company worked collaboratively to develop the Rate Review Mechanism ("RRM") tariff that allows for an expedited rate review process controlled by Cities as a substitute to the current GRIP process instituted by the Legislature;

WHEREAS, the City took action earlier this year to approve a Settlement Agreement with Atmos Mid-Tex resolving the Company's 2007 rate case and authorizing the RRM Tariff;

WHEREAS, on or about April 14, 2008, Atmos Mid-Tex filed with the City its first application pursuant to the RRM tariff to increase natural gas rates by approximately

\$33.5 million, such increase to be effective in every municipality that has adopted the RRM tariff within its Mid-Tex Division;

WHEREAS, ACSC Cities coordinated its review of Atmos' RRM filing and designated a Negotiation Committee made up of ACSC representatives and assisted by ACSC attorneys and consultants to resolve issues identified by ACSC in the Company's RRM filing;

WHEREAS, the Company has filed evidence that existing rates are unreasonable and should be changed;

WHEREAS, independent analysis by ACSC's rate expert concluded that Atmos is able to justify a rate increase of \$19.8 million;

WHEREAS, the ACSC Executive Committee, as well as ACSC lawyers and consultants, recommends ACSC members approve the attached rate tariffs ("Attachment A" to this ordinance) that will increase the Company's revenue requirement by \$20 million;

WHEREAS, the attached tariffs implementing new rates and Atmos' Proof of Revenues ("Attachment B" to this ordinance) are consistent with the negotiated resolution reached by ACSC Cities (including but not limited to a reduction of the residential customer monthly charge to \$7.00 per month) and are just, reasonable, and in the public interest;

WHEREAS, it is the intention of the parties that ACSC Cities receive the benefit of any Settlement Agreement that Atmos enters into with other entities arising out of its RRM or any associated appeals of a decision entered by the Railroad Commission regarding the Company's request to increase rates. The ACSC Cities' acknowledge that the exercise of this right is conditioned upon the ACSC Cities' acceptance of all rates, revenues, terms and conditions of any other Settlement Agreement or associated appeals arising out of the Company's RRM filing *in toto*; and

WHEREAS, the negotiated resolution of the Company's RRM filing and the resulting rates are, as a whole, in the public interest.

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

Part 1: The findings set forth in this ordinance are hereby in all things approved.

Part 2: The City Council finds that the existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable and new tariffs and Atmos' proof of revenues, which are attached hereto and incorporated herein as Attachments A and B, are just and reasonable and are hereby adopted.

Part 3: To the extent any resolution or ordinance previously adopted by the Council is inconsistent with this ordinance, it is hereby repealed.

Part 4: The meeting at which this ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Part 5: If any one or more sections or clauses of this ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this ordinance and the remaining provisions of the ordinance shall be interpreted as if the offending section or clause never existed.

Part 6: If ACSC Cities determine any rates, revenues, terms and conditions, or benefits resulting from a Final Order or subsequent negotiated settlement approved in any proceeding addressing the issues raised in Atmos' RRM filing would be more beneficial to the ACSC Cities than the terms of the attached tariff, then the more favorable rates, revenues, terms and conditions, or benefits shall additionally accrue to the ACSC Cities. Exercise of this right is conditioned upon ACSC Cities' acceptance of all rates, revenues, terms and conditions of any other Settlement Agreement or associated appeals arising out of the Company's RRM filing *in toto*.

Part 7: This ordinance shall become effective from and after its passage with rates authorized by attached Tariffs to be effective for customer bills delivered on or after October 1, 2008.

Part 8: A copy of this ordinance shall be sent to Atmos Mid-Tex, care of David Park, Vice President Rates and Regulatory Affairs, at Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1800, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

PASSED AND APPROVED First Reading and Public Hearing this the **18th** day of **September**, 2008.

PASSED AND APPROVED on Second Reading this the **2nd** day of **October**, 2008.

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

10/02/07
Item #5(K)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

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

STAFF RECOMMENDATION: Adopt ordinance as presented on first reading, schedule second reading for October 16, 2008 and public hearing and third reading for November 6, 2008.

ITEM SUMMARY: On October 3, 2002, the City Council authorized a five year franchise to Scott and White Memorial Hospital to provide non-emergency ambulance transfer services within the City. In October of 2007, the City Council extended that franchise for one year. Scott & White is one of two current non-emergency ambulance transfer service franchisees—the other being Central Texas EMS. S&W provides this service through a joint venture with a third party provider, with the joint venture doing business as “Scott & White EMS.”

The Staff recommends authorizing a five year renewal of the franchise. Five years is the normal franchise term by City ordinance. Franchise renewals require three readings, a public hearing, and publication of a summary of the franchise ordinance in the Temple Daily Telegram. Because we have to publish a summary of the franchise ordinance in the Telegram, we are proposing that the first two readings of the franchise ordinance be consent agenda items and that the third reading of the ordinance be on the regular agenda with a public hearing. This will give everyone a chance to read the published summary and make informed comments at the public hearing.

FISCAL IMPACT: Franchisees pay the City 3½ % of the total amount billed per year. In the most recent full reported year (FY 2007), Scott & White paid the City \$42,047.96 in non-emergency ambulance transfer service franchise fees.

ATTACHMENTS:

[Ordinance](#)

ORDINANCE NO. _____

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 7, 2009**, 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 **2nd** day of **October**, 2008.

PASSED AND APPROVED on Second Reading on the **16th** day of **October**, 2008.

PASSED AND APPROVED on Third and Final Reading and Public Hearing on the **6th** day of **November**, 2008.

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, 2008.

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

By: _____



COUNCIL AGENDA ITEM MEMORANDUM

10/02/07
Item #5(L)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: FIRST READING - Consider adopting an ordinance authorizing a five year franchise to Central Texas EMS to provide non-emergency ambulance transfer services within the City.

STAFF RECOMMENDATION: Adopt ordinance as presented on first reading, schedule the second reading for October 16, 2008 and public hearing and third reading for November 6, 2008.

ITEM SUMMARY: The City has previously given Central Texas EMS two one year franchises to provide non-emergency ambulance transfer services within the City. While five years is the normal term of a non-emergency ambulance transfer service franchise by City ordinance, the City Council gave two one year franchises to Central Texas EMS to give itself time to receive the 2007 Master Plan Report on Fire, Rescue and EMS services that it had commissioned from a consultant and to review and implement that report's recommendations.

Central Texas EMS has performed well the past two years under its franchise agreement and the Staff recommends authorizing a five year renewal of the franchise with Central Texas EMS. Franchise renewals require three readings, a public hearing, and publication of a summary of the franchise ordinance in the Temple Daily Telegram. Central Texas EMS is one of two current non-emergency ambulance transfer service franchisees—the other being Scott & White EMS (a franchise is also under consideration for them on this same agenda).

Because we have to publish a summary of the franchise ordinance in the Telegram, we are proposing that the first two readings of the franchise ordinance be consent agenda items and that the third reading of the ordinance be on the regular agenda with a public hearing. This will give everyone a chance to read the published summary and make informed comments at the public hearing.

FISCAL IMPACT: Franchisees pay the City 3½ % of the total amount billed per year. In the most recent full reported year (FY 2007), Central Texas paid the City \$31,960.43 in non-emergency ambulance transfer service franchise fees.

ATTACHMENTS:

[Ordinance](#)

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 7, 2009**, 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 **2nd** day of **October**, 2008.

PASSED AND APPROVED on Second Reading on the **16th** day of **October**, 2008.

PASSED AND APPROVED on Third and Final Reading and Public Hearing on the **6th** day of **November**, 2008.

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 _____, 2008.

CENTRAL TEXAS REGIONAL EMS

By:



COUNCIL AGENDA ITEM MEMORANDUM

10/02/08
Item #5(M)
Consent Agenda
Page 1 of

DEPT./DIVISION SUBMISSION & REVIEW:

Ken Cicora, Director of Parks and Leisure Services

ITEM DESCRIPTION: Consider adopting a resolution naming the new Family Aquatic Center to be constructed at South Temple Park as the “Lions Junction Family Water Park”.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: At the May 15, City Council meeting, the City entered into a ten year agreement with the Temple Lions Club to benefit the proposed family aquatic center that is to be constructed in South Temple Park. As part of that contract, we agreed to name the aquatic center after the Lions Club. The new aquatic center will replace the Lions Swimming Pool in Lions Park.

The Lions Club has proposed the name “Lions Junction Family Water Park” as the name for the new facility. The name would be in keeping with Temple’s heritage and with the theme of the facility.

The naming of this facility after the Temple Lions Club is in keeping with the City Council adopted policy for the naming a park or park facility, which in part states:

II. Naming a park or facility after living people or an organization:

The organization also should have made a major contribution to Temple in either deed or monetary contribution.

Some criteria considerations can include:

A significant monetary contribution toward acquisition or development of a public facility.

When a major contribution has been made by the person or organization to the enhancement of the quality of life in the community.

The Parks and Leisure Services staff is in agreement with the proposed name and recommend City Council approval.

FISCAL IMPACT: None

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, NAMING THE NEW FAMILY AQUATIC CENTER TO CONSTRUCTED AT SOUTH TEMPLE PARK AS THE *LIONS JUNCTION FAMILY WATER PARK*; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on May 15, 2008, the City Council authorized a 10-year agreement with the Temple Lions Club to benefit the proposed family aquatic center to be constructed in South Temple Park;

Whereas, as part of the agreement, the City agreed to name the aquatic center after the Lions Club – the new aquatic center will replace the Lions Swimming Pool in Lions Park;

Whereas, the naming of this facility after the Temple Lions Club meets the criteria for the City Council adopted policy for naming a park or park facility; 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 naming the new Family Aquatic Center to be constructed at South Temple Park as the *Lions Junction Family Water Park*.

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 **2nd** day of **October**, 2008.

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

10/02/08
Item #5(N)
Consent/Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

David Blackburn, City Manager
Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution designating the City Manager as the primary agent and the Director of Finance as the secondary agent authorized to execute and file Application for Public Assistance on behalf of the City for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act or otherwise available for disaster declaration relating to Hurricane Ike.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City is required to file certain forms to be eligible to receive reimbursement for costs incurred assisting the victims of Hurricane Ike. The Designation of Applicant's Agent Public Assistance Form designates the City's primary and secondary agents who are authorized to execute and file the Application for Public Assistance on behalf of the City for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act or otherwise available assistance. The agent is authorized to represent and act for the City in all dealings with the State of Texas for all matters pertaining to such disaster assistance required by the agreements and assurances.

Submittal of the Request for Public Assistance Form is the initial step in filing for disaster assistance. After a Presidential disaster declaration, state and local government agencies, Native American Tribal Organizations, and eligible private nonprofit organizations interested in filing must complete and submit the form to the state. FEMA's date of disaster declaration for Texas was Friday, September 12, 2008. Eighty-eight (88) Texas counties were included in that declaration. The submittal deadline for the form is no later than 30 days after our area is designated eligible for public assistance.

FISCAL IMPACT: This information will be provided at the City Council meeting.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, DESIGNATING THE CITY MANAGER AS THE PRIMARY AGENT AND THE DIRECTOR OF FINANCE AS THE SECONDARY AGENT AUTHORIZED TO EXECUTE AND FILE APPLICATION FOR PUBLIC ASSISTANCE ON BEHALF OF THE CITY FOR THE PURPOSE OF OBTAINING CERTAIN STATE AND FEDERAL FINANCIAL ASSISTANCE UNDER THE ROBERT T. STAFFORD DISASTER RELIEF & EMERGENCY ASSISTANCE ACT OR OTHERWISE AVAILABLE FOR DISASTER DECLARATION RELATING TO HURRICANE IKE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is required to file certain forms to be eligible to receive reimbursement for costs incurred assisting the victims of Hurricane Ike;

Whereas, the Designation of Applicant's Agent Public Assistance Form designates the City's primary and secondary agents who are authorized to execute and file the Application for Public Assistance on behalf of the City for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act or otherwise available assistance;

Whereas, the agent is authorized to represent and act for the City in all dealings with the State of Texas for all matters pertaining to such disaster assistance required by the agreements and assurances; 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 designates the City Manager as the primary agent and the Director of Finance as the secondary agent authorized to execute and file Application for Public Assistance on behalf of the City of Temple, after approval as to form by the City Attorney, for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act or otherwise available for disaster declaration relating to Hurricane Ike.

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 **2nd** day of **October**, 2008.

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

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

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a development agreement with Temple Economic Development Corporation pursuant to Chapter 380 of the Local Government Code to provide for the construction of a gas line on Wendland Road.

STAFF RECOMMENDATION: Adopt resolution as presented in item descriptions.

ITEM SUMMARY: As part of the City's Chapter 380 development agreement last fall with Gulf States Toyota, the City and TEDC committed, among other things, to extend a gas line up Wendland Road. The proposed resolution under consideration will provide funding for TEDC to hire a contractor to extend a gas line up Wendland Road to a point adjacent to Moore's Mill Road. This gas line will not only serve on the Gulf States site, but adjoining property on both sides of Wendland Road and provide for the eventually extension of a gas line on property to the north of Moore's Mill Road. As part of the project, the gas line on Wendland Road will be encased in steel at locations where a future extension of a rail line across Wendland Road is likely to occur.

FISCAL IMPACT: Funds in the amount of \$260,000 are available within the Reinvestment Zone No. 1 Financing Plan and are appropriated in account 795-9700-531-6831, project # 950007, to fund this agreement.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2008-5507-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AGREEMENT WITH THE TEMPLE ECONOMIC DEVELOPMENT CORPORATION (TEDC) PURSUANT TO CHAPTER 380 OF THE LOCAL GOVERNMENT CODE TO PROVIDE FOR THE CONSTRUCTION OF A GAS LINE ON WENDLAND ROAD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, as part of the City's Chapter 380 development agreement last fall with Gulf States Toyota, the City and TEDC committed, among other things, to extend a six inch gas line up Wendland Road to serve the Gulf States Toyota site;

Whereas, the gas line will not only serve on the Gulf States site, but also on the adjoining property on both sides of Wendland Road and provide for the future extension of a gas line on property to the north of Moore's Mill Road;

Whereas, as part of the project, the gas line on Wendland Road will be encased in steel at locations where a future extension of a rail line across Wendland Road is likely to occur;

Whereas, funds are available in the Reinvestment Zone No. 1 Financing Plan and are appropriated in Account 795-9700-531-6831, project 950007, to fund this agreement; 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 the Temple Economic Development Corporation (TEDC) pursuant to Chapter 380 of the Local Government Code, after approval as to form by the City Attorney, not to exceed \$260,000, in which TEDC agrees to contract for the extension of a six (6) inch gas line on Wendland Road to a point adjacent to Moore's Mill Road.

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 **2nd** day of **October**, 2008.

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

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DEPT. /DIVISION SUBMISSION & REVIEW:

Ken Cicora, Director of Parks and Leisure Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with R.T. Schneider Construction Co., Ltd. for renovations to Ferguson Park in the amount of \$98,295.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: One project identified in the Parks bond package that was approved by the voters last fall was renovations to Ferguson Park. Phase 1 of these renovations is complete. That phase consisted of installing new playground equipment into the playground area. Phase 2 will be the addition of a picnic pavilion, a drop-off lane to support the picnic pavilion, additional parking, and adding ADA accessible pathways to serve the park.

A design for these improvements was developed by Comprehensive Engineering Solutions of Temple and we went out to bid on the project at the end of August.

The bid included a base bid for the improvements and 4 alternate bids. Bids were opened on September 9, with four bidders responding.

Base bid	\$ 89,625.00	Pavilion slab/installation, Parking, Drop-off Lane, ADA pathways
Alternate #1	\$ 2,730.00	3' Sidewalk doveled into existing sidewalk
Alternate #2	\$ 3,445.00	3' Sidewalk constructed in place of existing sidewalk
Alternate #3	\$ 5,940.00	Drilled pier footings for pavilion
Alternate #4	\$ 2,640.00	Square footings for pavilion

We are recommending accepting the base bid, alternate bid #1, and alternate bid #3 for a total of \$98,295.00 and rejecting alternate bid #2 and alternate bid #4.

The four bids the City received ranged from \$98,295.00 to \$117,532.00 for the base bid plus alternates #1 and #3.

FISCAL IMPACT: The total budget for the Ferguson Park Improvement project is \$300,000. Funding in the amount of \$182,547 is currently available in account 362-3500-552-6845, project # 100363 for this phase of the construction renovations at Ferguson Park. After funding this contract \$84,252 will remain available to complete the project.

ATTACHMENTS:

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

CITY OF TEMPLE - FERGUSON PARK IMPROVEMENTS

Item No.	Description of Items	Estimated Quantity	Unit	R.T. Schneider Construction		TCB Construction		Shallow Ford Construction		TTG Utilities	
				Belton, Texas		Austin, Texas		Temple, Texas		Gatesville, Texas	
				Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
1	Mobilization & Bonding	1	LS	\$ 4,000.00	\$ 4,000.00	\$ 3,400.00	\$ 3,400.00	\$ 21,200.00	\$ 21,200.00	\$ 9,500.00	\$ 9,500.00
2	Erosion Control	1	LS	\$ 4,000.00	\$ 4,000.00	\$ 1,800.00	\$ 1,800.00	\$ 1,625.00	\$ 1,625.00	\$ 950.00	\$ 950.00
3	Site Preparation	1	LS	\$ 28,500.00	\$ 28,500.00	\$ 18,800.00	\$ 18,800.00	\$ 18,550.00	\$ 18,550.00	\$ 5,100.00	\$ 5,100.00
4	Traffic Control Plan	1	LS	\$ 200.00	\$ 200.00	\$ 1,100.00	\$ 1,100.00	\$ 575.00	\$ 575.00	\$ 1,000.00	\$ 1,000.00
5	1.5" Type D Hot Mix Asphaltic Concrete	690	SY	\$ 13.00	\$ 8,970.00	\$ 11.05	\$ 7,624.50	\$ 13.65	\$ 9,418.50	\$ 15.35	\$ 10,591.50
6	6" Thick Crushed Limestone Base	690	SY	\$ 6.00	\$ 4,140.00	\$ 8.50	\$ 5,865.00	\$ 12.85	\$ 8,866.50	\$ 11.50	\$ 7,935.00
8	2' Standard Curb & Gutter	850	LF	\$ 12.50	\$ 10,625.00	\$ 19.50	\$ 16,575.00	\$ 14.75	\$ 12,537.50	\$ 17.00	\$ 14,450.00
9	Sawcut & Remove Existing Curb & Gutter	160	LF	\$ 5.00	\$ 800.00	\$ 9.00	\$ 1,440.00	\$ 9.00	\$ 1,440.00	\$ 5.00	\$ 800.00
10	All Parking Lot Signage & Striping	1	LS	\$ 550.00	\$ 550.00	\$ 813.00	\$ 813.00	\$ 550.00	\$ 550.00	\$ 650.00	\$ 650.00
11	4' Sidewalk	350	SY	\$ 35.00	\$ 12,250.00	\$ 45.00	\$ 15,750.00	\$ 39.00	\$ 13,650.00	\$ 46.00	\$ 16,100.00
12	12" CMP	20	LF	\$ 12.00	\$ 240.00	\$ 200.00	\$ 4,000.00	\$ 65.00	\$ 1,300.00	\$ 55.00	\$ 1,100.00
13	12" CMP 3:1 Safety Ends	4	EA	\$ 150.00	\$ 600.00	\$ 950.00	\$ 3,800.00	\$ 665.00	\$ 2,660.00	\$ 700.00	\$ 2,800.00
14	Relocate Bench	2	EA	\$ 400.00	\$ 800.00	\$ 800.00	\$ 1,600.00	\$ 225.00	\$ 450.00	\$ 550.00	\$ 1,100.00
15	Relocate Sign	1	EA	\$ 100.00	\$ 100.00	\$ 450.00	\$ 450.00	\$ 125.00	\$ 125.00	\$ 350.00	\$ 350.00
16	Relocate Power Pole	1	EA	\$ 500.00	\$ 500.00	\$ 2,800.00	\$ 2,800.00	\$ 1,500.00	\$ 1,500.00	\$ 5,500.00	\$ 5,500.00
17	Remove Existing Picnic Table with Slab	3	EA	\$ 100.00	\$ 300.00	\$ 750.00	\$ 2,250.00	\$ 75.00	\$ 225.00	\$ 250.00	\$ 750.00
18	Handicap Curb Ramp	2	EA	\$ 750.00	\$ 1,500.00	\$ 900.00	\$ 1,800.00	\$ 1,100.00	\$ 2,200.00	\$ 750.00	\$ 1,500.00
19	Hand Rail	50	LF	\$ 65.00	\$ 3,250.00	\$ 65.00	\$ 3,250.00	\$ 61.00	\$ 3,050.00	\$ 100.00	\$ 5,000.00
20	Pavillion Slab	140	SY	\$ 58.00	\$ 8,120.00	\$ 76.50	\$ 10,710.00	\$ 53.00	\$ 7,420.00	\$ 60.00	\$ 8,400.00
21	4" Schedule 40 PVC Utility Sleeve	60	LF	\$ 3.00	\$ 180.00	\$ 12.00	\$ 720.00	\$ 11.00	\$ 660.00	\$ 40.00	\$ 2,400.00
Total Base Bid				\$	89,625.00	\$	104,547.50	\$	108,002.50	\$	95,976.50

Add Alternate

Item No.	Description of Items	Estimated Quantity	Unit	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
1A	3' Sidewalk, Doweled into Existing Concrete	65	SY	\$ 42.00	\$ 2,730.00	\$ 45.00	\$ 2,925.00	\$ 76.00	\$ 4,940.00	\$ 55.00	\$ 3,575.00
Total Add Alternate 1				\$	2,730.00	\$	2,925.00	\$	4,940.00	\$	3,575.00
2A	Remove Existing 2.5' Sidewalk	65	SY	\$ 11.00	\$ 715.00	\$ 22.50	\$ 1,462.50	\$ 6.00	\$ 390.00	\$ 28.00	\$ 1,820.00
2B	3' Sidewalk	65	SY	\$ 42.00	\$ 2,730.00	\$ 47.25	\$ 3,071.25	\$ 45.00	\$ 2,925.00	\$ 46.00	\$ 2,990.00
Total Add Alternate 2				\$	3,445.00	\$	4,533.75	\$	3,315.00	\$	4,810.00
3A	3'-0" Diameter Drilled Piers	6	EA	\$ 950.00	\$ 5,700.00	\$ 650.00	\$ 3,900.00	\$ 725.00	\$ 4,350.00	\$ 750.00	\$ 4,500.00
3B	¾-10x18" Anchor Bolts	24	EA	\$ 10.00	\$ 240.00	\$ 22.00	\$ 528.00	\$ 10.00	\$ 240.00	\$ 20.00	\$ 480.00
Total Add Alternate 3				\$	5,940.00	\$	4,428.00	\$	4,590.00	\$	4,980.00
4A	4'-6" x 4'-6" Square Footing	6	EA	\$ 400.00	\$ 2,400.00	\$ 500.00	\$ 3,000.00	\$ 500.00	\$ 3,000.00	\$ 950.00	\$ 5,700.00
4B	¾-10x18" Anchor Bolts	24	EA	\$ 10.00	\$ 240.00	\$ 22.00	\$ 528.00	\$ 10.00	\$ 240.00	\$ 20.00	\$ 480.00
Total Add Alternate 4				\$	2,640.00	\$	3,528.00	\$	3,240.00	\$	6,180.00

				R.T. Schneider Construction		TCB Construction		Shallow Ford Construction		TTG Utilities	
				Belton, Texas		Austin, Texas		Temple, Texas		Gatesville, Texas	
Total Base Bid + Total Add Alternate 1 + Total Add Alternate 3				\$	98,295.00	\$	111,900.50	\$	117,532.50	\$	104,531.50



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH R.T. SCHNEIDER CONSTRUCTION COMPANY, LTD., FOR RENOVATIONS TO FERGUSON PARK, IN THE AMOUNT OF \$98,295; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 19, 2008, the City received 4 bids for renovations to Ferguson Park;

Whereas, the Staff recommends accepting the bid from R.T. Schneider Construction Company, Ltd., in the amount of \$98,295;

Whereas, funds are available in Account No. 362-3500-552-6845, project 100363; 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 a construction contract with R.T. Schneider Construction Company, Ltd., after approval as to form by the City Attorney, for renovations to Ferguson Park, in the amount of \$98,295.

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 **2nd** day of **October**, 2008.

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

10/02/08
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DEPT./DIVISION SUBMISSION & REVIEW:

Bruce Butscher, P.E., Director of Public Works

ITEM DESCRIPTION: Consider adopting a resolution authorizing a change order to the construction contract with R.T. Schneider Construction Co., Ltd. for construction of drainage improvements near Sundance Drive in the City of Temple in the amount of \$36,018.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On February 2, 2006, Council authorized a professional services agreement with Kasberg, Patrick & Associates, L.P. to design storm water structures to reduce the risk of flooding within the Sundance right of way. The contractor began construction of these improvements on April 25, 2008, and has completed excavation of the main channel and concrete erosion protection of the channel.

While most of the project is complete, construction of the storm drain system poses challenges that were not addressed in the initial engineering design. During the construction of the storm drain, it was determined that there were some conflicts between the planned storm sewer improvements and existing utilities. The engineering consultants for the project have identified the utility conflicts and have revised the plan sheets for the proposed storm sewer to be able to build improvements around these conflicts. It is projected that a functional storm sewer will be in place by the Thanksgiving holiday time frame. The final completion date is projected to be December 6, 2008.

The duration of this project was originally scheduled to be 180 calendar days. The contractor requests a time extension of 46 days for the additional work.

FISCAL IMPACT: Funding in the amount of \$77,261 is available in account 361-2900-534-6816, project # 100127 to fund change order #1. After funding this change order \$41,243 remains to complete the project.

ATTACHMENTS:

[Map showing project location](#)
[Change Order No. 1](#)
[Resolution](#)



**SUNDANCE/CRESCENT VIEW
DRAINAGE IMPROVEMENTS
DRAINAGE PIPE REVISION**

BURNHAM DR

SUNDANCE DR

PROPOSED
CURB INLET

PROPOSED
JUNCTION BOX

PROPOSED 2 -18"
DRAINAGE PIPES

PROPOSED
CURB INLET

EXISTING
DETENTION
POND

ADD ALTERNATE

HIDDEN
VALLEY DR.

BASE BID

PROPOSED 38' WIDE
CHANNEL WITH 90'
WIDE EASEMENT



0 50 100
GRAPHIC SCALE IN FEET

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Plotted: Sep 09, 2008 - 9:52am By: FTG



KASBERG, PATRICK & ASSOCIATES, L.P.
CONSULTING ENGINEERS
TEMPLE, TEXAS 76701

CHANGE ORDER

PROJECT: **Sundance Drainage Improvements**
 OWNER: **City of Temple**
 CONTRACTOR: **R.T. Schneider Construction Co., Ltd.**
 ENGINEER: **Kasberg, Patrick & Associates, LP**
 CHANGE ORDER #: **1**

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

1. Quantities associated with Alternative Design

Item	Description	Quantity	Unit	Cost	Total
CO1-1	Furnish & Install 2-18-Inch Class IV RCP	223	LF	\$ 129.00	\$ 28,767.00
CO1-2	Furnish & Install 2-18-Inch Class III RCP	496	LF	\$ 125.00	\$ 62,000.00
CO1-3	Furnish & Install 18-Inch Class IV RCP 45° Bend	2	EA	\$ 1,210.00	\$ 2,420.00
CO1-4	Furnish & Install 18-Inch Class III RCP 45° Bend	2	EA	\$ 1,210.00	\$ 2,420.00
CO1-5	Furnish & Install 10'x6.5' Reverse Curb Inlet	1	EA	\$ 6,050.00	\$ 6,050.00
CO1-6	Furnish & Install 5'x6' Junction Box (6' Depth)	1	EA	\$ 5,940.00	\$ 5,940.00
CO1-7	Furnish & Install 12-Inch Crushed Limestone Base Material	215	SY	\$ 12.00	\$ 2,580.00
CO1-8	Furnish & Install 1.5-Inch Type 'D' HMAc, Including Prime and Tack Coat	215	SY	\$ 18.00	\$ 3,870.00
				Subtotal Add:	\$ 114,047.00

2. Deleted quantities

Item	Description	Quantity	Unit	Cost	Total
CO1-9	Furnish & Install 30" Diameter, Class IV RCP	-265	LF	\$ 91.00	\$ (24,115.00)
CO1-10	Furnish & Install 30" Diameter, Class III RCP	-460	LF	\$ 70.15	\$ (32,269.00)
CO1-11	Furnish & Install 10'x51/2' Reverse Curb Inlet	-1	EA	\$ 5,145.00	\$ (5,145.00)
CO1-12	Furnish & Install 5-Strand Barbed Wire Fence,	-1,900	EA	\$ 5.00	\$ (9,500.00)
CO1-13	Furnish & Install TxDOT Standard Guardrail	-100	LF	\$ 70.00	\$ (7,000.00)
				Subtotal Deduct:	\$ (78,029.00)

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

Original Contract Amount	\$	400,031.00
Previous Net Change in Contract Amount	\$	0.00
Net Change in Contract Amount	\$	36,018.00
Revised Contract Amount	\$	436,049.00
Original Contract Time		180 days
Previous Net Change in Contract Time		-
Net Change in Contract Time		46 days
Revised Contract Time		226 days
Original Final Completion Date		October 22, 2008
Revised Final Completion Date		December 6, 2008

Recommended By Engineer:

Approved By Contractor:

By _____

Date

By: _____

Date

Approved by City of Temple:

Approved as to Form:

By: _____

By: _____

City Attorney's Office

Date

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CHANGE ORDER NO. 1 TO THE CONSTRUCTION CONTRACT WITH R.T. SCHNEIDER CONSTRUCTION COMPANY, LTD., FOR CONSTRUCTION OF DRAINAGE IMPROVEMENTS NEAR SUNDANCE DRIVE, IN THE AMOUNT OF \$36,018; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on February 2, 2006, the City Council authorized a construction contract with R.T. Schneider Construction Company, Ltd., to design storm water structures to reduce the risk of flooding within the Sundance Drive right-of-way;

Whereas, while most of the project is complete, construction of the storm drain system poses challenges that were not addressed in the initial engineering design – the engineering consultant for the project recommends approving a change order in the amount of \$36,018 to address these concerns;

Whereas, funds are available in Account No. 361-2900-534-6826, project 100127, for this change order; 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 No. 1 to the construction contract with R.T. Schneider Construction Company, Ltd., after approval as to form by the City Attorney, for construction of drainage improvements near Sundance Drive, in the amount of \$36,018.

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 **2nd** day of **October**, 2008.

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

10/02/08
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DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Consider adopting a resolution appointing members to the following City boards and commissions:

- (A) Airport Advisory Board – one member to fill an unexpired term through September 1, 2009
- (B) Parks and Leisure Services Advisory Board – one member to fill an unexpired term through March 1, 2009
- (C) Reinvestment Zone No. 1 Board of Directors – two members to fill unexpired terms through September 1, 2009
- (D) Temple Public Safety Advisory Board – one member to fill an unexpired term through September 1, 2010
- (E) Tree Board – one member to fill an unexpired term through March 1, 2011

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: (A) David Patterson resigned from the Airport Advisory Board as he has moved outside the Temple City limits. He was serving in a 'Temple Resident' position on this board.

(B) Christina Trammell resigned from the Parks and Leisure Services Advisory Board, effective September 3, 2008.

(C) David Patterson and Randy Ramsey have forfeited their positions on the Reinvestment Zone No.1 Board of Directors due to not meeting attendance requirements.

(D) Sylvia Chesser resigned from the Temple Public Safety Advisory Board, effective September 9, 2008.

(E) Jack Barton resigned from the Tree Board, effective August 22, 2008, as he was appointed to the Planning & Zoning Commission. This position must be filled by a representative from the Parks and Leisure Services Advisory Board. That Board has recommended Doug Smith to fill this unexpired term.

Board summary forms, which list current board members, purpose, membership requirements, term and meeting time/place for the boards are being provided in hard-copy form, as well as board applications received from those requesting service on these particular boards, and a summary listing of these applications.

FISCAL IMPACT: N/A

ATTACHMENTS:

Board Application Summary w/
Board Summary Forms – hard copy