



**MEETING OF THE
TEMPLE CITY COUNCIL**

MUNICIPAL BUILDING

2 NORTH MAIN STREET

THURSDAY, SEPTEMBER 3, 2009

3:00 P.M.

3RD FLOOR CONFERENCE ROOM

WORKSHOP AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, September 3, 2009.
2. Discuss street lighting policy.
3. Discuss the proposed franchise for AM Construction to provide for construction job site cleaning, rental and setting of fifteen (15) yard dumpsters, and hauling and disposing of construction site waste within the City of Temple.
4. Receive an overview and update on the HOME program.
5. Receive a report regarding the 12th Annual Transportation and Infrastructure Summit held August 11 – 15, 2009.

5:00 P.M.

MUNICIPAL BUILDING

**2 NORTH MAIN STREET
CITY COUNCIL CHAMBERS – 2ND FLOOR**

TEMPLE, TX

TEMPLE CITY COUNCIL

REGULAR MEETING AGENDA

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PUBLIC APPEARANCES

3. Receive comments from Mariana Denson regarding [pit bull dogs](#) in the community.

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 promotion of the meeting. Please limit comments to 3 minutes. No discussion or final action will be taken by the City Council.

IV. BUDGET ITEMS

4. [2009-5783-R](#): PUBLIC HEARING – Conduct a public hearing regarding the City's budget for fiscal year beginning October 1, 2009 and ending September 30, 2010 and consider adopting a resolution:
 - (A) Ratifying the property tax increase reflected in the budget – "This budget will raise more total property taxes than last year's budget by \$686,939 (4.00%) and of that amount, \$456,769 is tax revenue to be raised from new property added to the tax roll this year;" and

(B) Adopting the City's budget for fiscal year beginning October 1, 2009 and ending September 30, 2010, including the Operating Budget for 2009-2010, Capital Improvement Plan, and Fiscal & Investment Policies.

5. [2009-4310](#): FIRST & FINAL READING – PUBLIC HEARING - Consider adopting an ordinance approving the tax roll and authorizing calculation of the amount of tax that can be determined for all real and personal property in the City for the tax year 2009, to be considered on an emergency basis.
6. [2009-4311](#): FIRST & FINAL READING - PUBLIC HEARING - Consider adopting an ordinance levying taxes and setting a tax rate for the City for the tax year 2009, making the appropriation for the regular operation of the City, to be considered on an emergency basis.
7. [2009-5784-R](#): Consider adopting a resolution funding the rates for medical/prescription insurance and dental insurance for employees and under age 65 retirees, as well as, Life Insurance, Accidental Death & Dismemberment Insurance and Long Term Disability Insurance.
8. [2009-5785-R](#): Consider adopting a resolution setting the collection charges for residential solid waste services.
9. [2009-5786-R](#): Consider adopting a resolution amending the current utility systems fees associated with the unauthorized use of water, new account fees, disconnect fees, residential deposits, meter accuracy test and returned item charges to be effective October 1, 2009.

V. CONSENT AGENDA

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

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

Minutes:

- (A) [August 14, 2009 Special Called Meeting](#)
- (B) [August 20, 2009 Special Called Meeting and Regular Meeting](#)

Contracts, Leases & Bids:

- (C) Consider adopting resolutions authorizing contract renewals for the following:
 1. [2009-5787-R](#): Aggregate Base – Franklin Industrial Minerals, in the estimated amount of \$77,000.
 2. [2009-5788-R](#): Automotive Repair Parts – The Parts Depot, in the estimated amount of \$39,836.07.
 3. [2009-5789-R](#): Coliform Sample Testing – Waco Regional Water Quality Lab, in the estimated amount of \$30,000.

4. [2009-5790-R](#): Library Books, DVD's, and books on CD and Compact Disks – Baker and Taylor, in the estimated amount of \$105,000.
5. [2009-5791-R](#): Brokerage Opinions, Title Letters, and Appraisals – W. Howard Wright Real Estate for broker's opinions -\$65 per unit; Centraland Title Company for title work services – title letters \$100 each and runsheets \$125 each; and Kokel-Oberrender-Wood for appraisals (prices vary).
6. [2009-5792-R](#): Bunker Gear - Metro Fire Apparatus Inc., in the estimated amount of \$1,509 per set.
7. [2009-5793-R](#): Concrete Repair and Construction Services – Alpha Constructors Inc., in the estimated amount of \$38,780.
8. [2009-5794-R](#): Construction Materials Testing – Kleinfelder Central Inc., in the estimated amount of \$80,000.
9. [2009-5795-R](#): Electric Motor and Pump Repair - Smith Pump Company Inc., in the estimated amount of \$164,000.
10. [2009-5796-R](#): Electrical Services – T. Morales Company, in the estimated amount of \$69,000.
11. [2009-5797-R](#): Fire Department Uniforms - Miller Uniforms & Emblems, in the estimated amount of \$30,632.
12. [2009-5798-R](#): Hot Mix Asphalt - Ironhorse Asphalt, Ltd (dba Heart of Texas Hotmix), in the estimated amount of \$70,000.
13. [2009-5799-R](#): Office Supplies – Perry Office Plus, in the estimated amount of \$200,000.
14. [2009-5800-R](#): Oils and Lubricants - Brazos Valley Lubricants, in the estimated amount of \$59,473.12.
15. [2009-5801-R](#): Library Security Guard Services – Texas Star USA, in the estimated amount of \$28,717.
16. [2009-5802-R](#): Sign and Traffic Control Supplies –Various vendors in the estimated amount of \$48,375.26.
17. [2009-5803-R](#): Sludge Disposal – S&M Vacuum & Waste, in the estimated amount of \$115,000.
18. [2009-5804-R](#): T-Shirt Design and Printing - Safari Sun LLC, in the estimated amount of \$35,000.
19. [2009-5805-R](#): Utility Statement Printing and Accounts Receivable Statements Mailing – MailMax Direct, in the estimated amount of \$154,050.
20. [2009-5806-R](#): Water Meters - Badger Meter, Hersey Meters, and Elster AMCO Water, Inc., in the estimated annual amount of \$111,350; and a new purchase agreement with Elster AMCO Water, Inc., in the estimated annual amount of \$4,568.

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

1. [2009-5807-R](#): Building Materials - Lengefeld Lumber Company, in the estimated amount of \$25,000.
2. [2009-5808-R](#): Herbicides & Insecticides - Red River Specialties, BWI Schulenburg, Crop Production Services, and Alligare LLC, in the estimated amount of \$39,309.59.
3. [2009-5809-R](#): HVAC Repairs and Maintenance – Temple Heat & Air, in the estimated amount of \$150,000.

4. [2009-5810-R](#): Tires and Tubes – Southern Tire Mart, in the estimated amount of \$110,505.20.
 5. [2009-5811-R](#): Utility Supplies – Various vendors, in the estimated amount of \$409,276.17.
- (E) [2009-5775-R](#): Consider adopting a resolution authorizing a four-year agreement with renewal options with CTWP of Temple for copier services in an estimated annual amount of \$86,150.
- (F) [2009-5812-R](#): Consider adopting a resolution authorizing a five-year renewal of the lease agreement with Bell County Human Services/Temple HELP Center regarding the west bay of the former Fire Station #2, located at Avenue A and South 22nd Street, for use as a Day Center for the Family Promise, Inc., organization.
- (G) [2009-5813-R](#): Consider adopting a resolution authorizing a contract amendment to a professional services agreement with Abercrombie Creative, LLC of Fort Worth to provide fire training field master planning services in an amount not to exceed \$75,400 and declaring an official intent to reimburse this expenditure made prior to the issuance of tax-exempt obligations for this project.
- (H) [2009-5814-R](#): Consider adopting a resolution authorizing a professional services agreement with Traylor and Associates of Tyler, Texas for management of the HOME Investment Partnership Grant Program, in an amount not to exceed \$127,879.

Ordinance – Second & Final Reading:

- (I) [2009-4308](#): SECOND READING – Z-FY-09-25: Consider adopting an ordinance authorizing a zoning change from Agricultural (A) to Commercial (C) District on 1± acres, situated in the Maximo Moreno Survey, Abstract No. 14, on the west side of South 5th Street, 500± feet north of Waters Dairy Road, located at 4804 South 5th Street.

(Note: Approval of this item on consent agenda will rezone the subject property to Neighborhood Services (NS), as approved on first reading by City Council and with concurrence of applicant.)

Ordinances – First Reading

- (J) [2009-4312](#): FIRST READING - Consider adopting an ordinance granting a franchise to AM Construction to provide for construction job site cleaning, rental and setting of fifteen (15) yard or less roll-off containers, and the hauling of construction site waste within the City of Temple.

Misc.:

- (K) [2009-5815-R](#): Consider adopting resolutions directing the Staff to submit resolution cover sheets seeking the support of the Texas Municipal League for:
1. Legislation that would allow Texas cities with tax increment financing reinvestment zones to extend the lives of their zones; and
 2. Legislation that would change the Public Utility Commissions rate setting formulas and policies related to municipal street lights.
- (L) [2009-5816-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2008-2009.

VI. REGULAR AGENDA

ORDINANCES

11. [2009-4313](#): FIRST READING – PUBLIC HEARING - Z-FY-09-27: Consider adopting an ordinance authorizing a zoning change from Multiple Family One (MF1) District to General Retail (GR) District on Lots 3 and 4, Block 56, Freeman Heights Addition, located at 1411 West Avenue H.

(Note: Staff and Planning & Zoning Commission recommend rezoning to Neighborhood Services (NS) and the applicant concurs.)

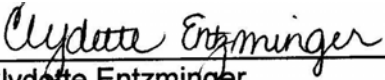
12. [2009-4314](#): FIRST READING – PUBLIC HEARING - Z-FY-09-28: Consider adopting an ordinance to amending City of Temple Subdivision Ordinance Section 33.93 (Streets) to reference the Residential Subdivision Entrance/Access Design Standards in the Design and Development Standards Manual.
13. [2009-4315](#): FIRST READING – PUBLIC HEARING - Z-FY-09-32: Consider adopting an ordinance amending Chapter 22, “Miscellaneous Provisions and Offenses,” of the Code of Ordinances of the City of Temple, Texas, by deleting Section 22.2, “Barbed Wire and Electric Fences,” which have been replaced with amendments to the City of Temple Zoning Ordinance, Section 13-103.
14. [2009-4316](#): FIRST READING – PUBLIC HEARING: Consider adopting an ordinance amending the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan for FY 2009 to recognize reimbursements from Gulf States Toyota and to reallocate project funding within the Project Plan, and for FY 2010-2022 to increase Zone maintenance funding.

BOARD APPOINTMENTS

15. [2009-5817-R](#): Consider adopting a resolution appointing one member to the Airport Advisory Board to fill the expired RZ No. 1 position through September 1, 2012 and one member to fill an unexpired Temple resident position through September 1, 2010.

***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 15:55 PM, on August 28, 2009.


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 at _____ on the _____ day of _____ 2009. _____



COUNCIL AGENDA ITEM MEMORANDUM

09/03/09
Item #3
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

David Blackburn, City Manager

ITEM DESCRIPTION: Receive comments from Mariana Denson regarding pit bull dogs in the community.

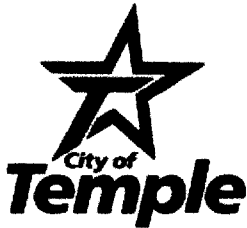
STAFF RECOMMENDATION: Receive comments as presented in item description.

ITEM SUMMARY: Mariana Denson, requests to speak about pit bull dogs in the city and suggests the creation of an ordinance regarding this matter.

FISCAL IMPACT: None

ATTACHMENTS:

[Request for placement on agenda](#)



CITY OF TEMPLE, TEXAS

CITY COUNCIL MEETINGS

REQUEST FOR PLACEMENT ON AGENDA

__Priority

NAME OF PRESENTER: Mariana Denson

ADDRESS: 3702 Del Norte Blvd,

TELEPHONE NO. 254-778-3046

RECEIVED

AUG 26 2009

CITY OF TEMPLE, TX
CITY SECRETARY

DATE REQUESTED TO APPEAR BEFORE THE COUNCIL: (Note - The City Council meets the first and third Thursdays of each month.) Sept. 3, 2009

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

Regarding Pit Bull Dogs in community:
Suggest a city ordinance Regarding
Same.

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

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

Mariana Denson
SIGNATURE OF PRESENTER

Aug. 24, 2009
DATE

For Office Use:



COUNCIL AGENDA ITEM MEMORANDUM

09/03/09
Item #4(A)-(B)
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

David Blackburn, City Manager
Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: PUBLIC HEARING – Conduct a public hearing regarding the City's budget for fiscal year beginning October 1, 2009 and ending September 30, 2010 and consider adopting a resolution:

- (A) Ratifying the property tax increase reflected in the budget – “This budget will raise more total property taxes than last year’s budget by \$686,939 (4.00%) and of that amount, \$456,769 is tax revenue to be raised from new property added to the tax roll this year;” and
- (B) Adopting the City’s budget for fiscal year beginning October 1, 2009 and ending September 30, 2010, including the Operating Budget for 2009-2010, Capital Improvement Plan, and Fiscal & Investment Policies.

STAFF RECOMMENDATION: Conduct public hearing; ratify the property tax increase and adopt resolution as presented in item description.

ITEM SUMMARY: This item is to conduct a public hearing and adopt the 2009-2010 proposed budget. Attached is a list of changes, for all funds, that have been made since the budget was filed with the City Secretary on June 26, 2009. The changes are a result of Council work sessions, public input and updated information since the Council last reviewed the budget.

The ad valorem tax rate is proposed to increase from the prior year’s rate of \$0.5595 to \$0.5646. This increase of \$0.0051 is comprised of a decrease in the maintenance and operation rate of \$0.0149 and an increase in the debt service rate of \$0.0200. The proposed Maintenance and Operation rate (M&O) is \$0.3173 and the Interest and Sinking fund rate (I&S) is \$0.2473 for a total rate of \$0.5646. The proposed rate is 2.45% above the effective tax rate of \$0.5511.

The proposed Budget with the subsequent changes as listed on the attached page remains balanced with the use of Undesignated Fund Balance-Capital Projects and meets the operational needs as requested.

The budget is summarized below by fund.

FY 2010 Proposed Annual Budget

(As Compared to Adopted FY 2009 Budget)

Expenditures/Transfers	Adopted Budget FY 2009	Proposed Budget FY 2010	% Increase/ (Decrease)
General Fund	\$ 55,934,881 ⁽¹⁾	\$ 54,717,771 ⁽²⁾	-2.18%
Water & Wastewater Fund	26,033,246	26,369,924	1.29%
Debt Service Fund	7,430,032	8,534,733	14.87%
Hotel/Motel Tax Fund	1,276,000	1,231,250	-3.51%
Federal/State Grant Fund	533,154	515,539	-3.30%
Drainage Fund	959,735	999,373	4.13%
Reinvestment Zone No. 1 Fund	4,154,262	3,364,783	-19.00%
Total Expenditures/Transfers	\$ 96,321,310	\$ 95,733,373	-0.61%

⁽¹⁾ Includes \$1,626,292 in Capital (\$1,141,292), Strategic Investment Zone (\$85,000) and TEDC Matrix allocation (\$400,000) funded with Undesignated Fund Balance - Capital Projects

⁽²⁾ Includes \$1,414,024 in Capital (\$1,362,243) and TEDC Matrix allocation (\$51,781) funded with Undesignated Fund Balance - Capital Projects

FISCAL IMPACT:

N/A

ATTACHMENTS:

[Budget Transmittal Letter](#)
[Schedule of adjustments to the proposed budget filed with City Secretary on June 26, 2009](#)
[Fiscal & Budgetary Policy](#)
[Investment Policy](#)
[Resolution](#)



June 26, 2009

Honorable Mayor and City Council,

I am pleased to present the Preliminary Fiscal Year 2009-2010 Budget for the City of Temple totaling \$95,456,531 for all funds. Of this amount, \$91,117,705 is proposed for the operations and maintenance budget which includes debt service and transfers. As in previous years, the FY 2010 Preliminary Budget is a balanced budget under the policies and parameters discussed in earlier planning sessions with the City Council.

In addition, \$34,983,826 is proposed for capital improvements programs (CIP). The CIP allocated in FY 2010 can be divided into three categories:

- ▶ Multi-year Non-Routine Capital Recommended for Utility Revenue Bond Funding (U.R. CIP) - \$16,650,000
- ▶ Multi-year Non-Routine Capital Recommended for General Obligation Bond Funding (G.O.CIP) - \$13,995,000
- ▶ Routine Capital Recommended for General Operating Budget Funding - \$4,338,826 is proposed for the capital budget which includes equipment and public infrastructure projects that are underway and/or planned for this fiscal year.

\$1,362,243 of the Routine Capital recommended for General Operating Budget Funding is recommended to be funded with unallocated fund balance.

Budget Background & Framework

The framework for the development of this budget was, in most ways, very similar to previous budgets. Planning and work for this budget began in November 2008 with the City Manager working on timelines and issue identification. Over the course of the winter of 2008, the Manager worked with Finance to develop the budget calendar and process for the FY 2009-2010 Budget.

In February 2009, the City Council met to review and, as might be needed, update the City's strategic plan. 'Temple Tomorrow' was updated and a fourth focus area added, a focus area on 'growing community enhancements'. This focus area was intended to recognize the substantial commitment to priority and resources that is placed on the investments made in our community through many areas in the Budget...areas like our parks, our library, our streets, and our public works infrastructure.

From February through the delivery of this Preliminary FY 2009-2010 Budget, staff has worked countless hours on reviewing, researching and responding to questions from Finance and the Manager relating to the programs and services this Preliminary Budget recommends. The guideposts, the 'fence posts', for our review, research and response continues to be our strategic plan.

All of the above represents, essentially, the same framework as we have followed for the past several years. In essence, nothing new. However, there was something 'new' in the development of the Preliminary Budget and that was the backdrop from which it was prepared. The national recession, and its effect on our local economy, has played a significant role in the development and recommendations of the Preliminary FY 2009-2010 Budget. In fact, the local effects of the economic recession have been significant in both the management of the current year budget and in the development of the preliminary budget for upcoming FY 2010. Due to the economy, cost saving and containment measures went into effect mid-year in FY 2008-2009. Most significant of these cost containment measures was a hiring freeze that this Preliminary FY 2009-2010 proposes to continue.

Cities across the nation are facing major challenges as retail sales and associated sales tax revenues fall; housing prices and tax base values flatline or decline; and jobless rates and foreclosures climb. Temple's diverse economy has proved more stable than many, but our community is not immune to the current recession and the challenges resulting from such. As such, this Preliminary Budget forecasts flat or slightly declining revenues for the FY 2009-2010 year in several key areas. Two key revenue accounts, property and sales taxes, are such areas.

Budget Challenges

The effect of the economy on the City's revenue is clearly demonstrated by two major revenue sources for the City- sales tax and property tax.

Sales Tax- The City of Temple has historically, over the last five years, experienced a 5.16% average annual growth rate in sales tax revenue. The fact that sales tax revenue is closely associated with the general economy means that the slowing of the economy also results in a slowing of the growth in sales tax revenue. Actual sales tax revenue received by the City for the months of October 2008-May 2009 totals \$10,326,917 dollars, which represents a 0.21% growth from the same time period as prior year and is projected to be -1.61% below budgeted revenue levels. Sales tax revenue is a significant source of revenue for the City. In FY 2010, sales tax accounts for 28.85% of the General Fund budgeted revenues, compared to 29.09% in FY 2009, and is the single largest revenue source of the General Fund.

Property Tax- The City's historical practice over the last decade has been to adopt a tax rate that is within 3% of the effective rate. The effective rate is the tax rate which provides the City the same amount of tax revenue as the prior year on properties taxed in both years. If property values rise, the effective tax rate will go down. The opposite occurs if property values decline.

FY 2010 is a unique year in that, for the first time since at least the mid-1980's the City's property tax base is flat or declining. According to preliminary information from the Bell County Tax Appraisal District, this flat or declining assessment is attributable to business inventories being reduced by our commercial base. Again, an anomaly that hasn't been seen in many, many years.

The impact of an increasing property tax base is that, in a year when the property tax base has grown, a constant tax rate provides additional tax revenue. In other words, the City is able to 'live off the growth'. We can fund new programs and new service levels with the same or lower tax rate because it generates more revenue. The tax base, and/or the values in the tax base, have grown...either way, a good thing and an engine for providing programs and services.

However, just the opposite is true in a year when the property tax base declines, a constant tax rate provides less tax revenue than was generated in the prior year.

The preliminary appraisal roll for Ad Valorem taxes provided by the Appraisal District of Bell County indicates the City of Temple's assessed taxable value for the upcoming year is \$3,170,164,601, a potential increase of 2.24% compared with prior year. Historically, over the last five years, the City of Temple has experienced a 7.58% annual growth rate in its tax base.

Like sales tax, property tax is also a significant source of revenue for the City. In FY 2010, property tax accounts for 19.87% of the General Fund budgeted revenues, compared to 19.68% in FY 2009, and is the second largest revenue source of the General Fund.

The impact of these two revenue accounts is significant on the Budget, and especially on the General Fund. Having both property and sales tax revenues flat or declining at the same time presents us with a significant challenge. Add to this the desire to maintain the property tax rate, and we have not just a significant challenge, but, perhaps, a historic challenge.

Property and sales tax are not the only economic indicators the City monitors. Economic indicators such as building permit activity, solid waste tonnage, utility accounts, and unemployment rates are also tracked. Like our sales and property tax revenues, these indicators also point to a local economy that is being impacted by the national economy.

FY 2010 Budget Development

Strategic Direction: Temple Tomorrow- Following the City Council's February planning retreat, in March of 2009, Council adopted the 2009 update to the City's strategic plan, "Temple Tomorrow: Strategic Vision and Plan". This plan establishes the mission and vision of the City, identifies four major areas of focus, and establishes the City's goals and objectives. The areas of focus identified in the Plan are: Grow the Tax Base, Grow Health and Bioscience, Grow the Transportation Infrastructure, and Grow Community Enhancements. These focus areas and their associated goals and objectives guided the development of the FY 2010 Preliminary Budget.

'Fence Posts'- This year's budget, as with every budget I have presented you, has been developed within the framework of the strategic plan priorities adopted by the City Council and the budget parameters, or 'fence posts', that were briefed to the Council at the February 19 and May 21, 2009 work sessions. Those 'fence posts' are:

1. Maintain fiscal soundness;
2. Maintain the tax rate;
3. Align strategic, financial & tactical plan;
4. Align programs & services with revenue;
5. Focus on mission, activities & service levels;
6. Focus on people;
7. Focus on economic development.

A New Budget Approach: Forward Focused Budgeting-

While in many respects the budget development process was similar to past processes, the unprecedented economic challenges facing the nation, state, and City did alter our approach in two key respects.

First, each Department was asked to begin their budget development with zero funding. This 'zero based budgeting' approach allowed departments the opportunity to re-examine service areas and service levels in a way that simply is not done when starting with the funding level of the previous year. 'Starting from scratch' causes, requires, us to re-evaluate why we are doing an activity and, if we are to continue to engage in the activity, examine other means by which to

delivery the activity. While this will probably not be done each year, it is helpful from time to time to 'start from scratch'.

Secondly, the Departments were asked to look at each of their service areas from an 'activity-based' perspective. Each Department was to identify each and every activity that they provide. They were also asked to identify the cost for providing each activity. This 'activity-based' approach allowed for better identification of the services and service levels that we provide. This level of identification and analysis is particularly helpful in times where resources are strained. Thus, unlike zero based budgeting which we will not engage every year, activity based budgeting is intended to be a part of our budgeting process for future budgets.

Budget Highlights

With this background, I would like to highlight a few areas of general priority and emphasis in the FY 2010 Budget.

Tax Rate- A primary 'fence post' for the development of the FY 2010 Preliminary Budget has been the maintenance of the existing tax rate. Maintaining the existing tax rate, and attempting to maintain existing levels of service, presented several extraordinary challenges this year. The historically significant occurrence of a property tax base that is essentially flat, combined with additional property tax-supported debt obligations, results in the fact that, based on the Tax Appraisal District of Bell County's Preliminary Tax Assessment Roll, the existing tax rate will provide less property tax revenue this year for operations and maintenance than was budgeted in FY 2009. In response to flat or declining revenue from major sources such as property tax, sales tax, and interest income, service levels must be adjusted to align with available resources.

In accordance with the budget development 'fence post' to maintain the property tax rate, the preliminary tax rate for FY 2010 is proposed at 57.45¢ per \$100 valuation. This rate is based on the FY 2009 rate of 55.95¢ plus an additional 1.5¢ as approved in May 2008 by the voters for the \$13.9 million Fire General Obligation Bond debt. The tax rate is comprised of two components, the Maintenance and Operations rate (M&O) and the Interest Sinking rate (I&S). This year's proposed tax rate is 32.28¢ for the M&O rate and 25.17¢ for the I&S rate.

The certified appraisal roll for Ad Valorem taxes will not be available from the Appraisal District of Bell County until late July. Therefore, the proposed tax rate is based on assumptions and may require adjustments prior to the final adoption of the budget to reflect the current parameters set forth by Council.

Service Level Adjustments- Another primary 'fence post' for the development of the FY 2010 Preliminary Budget has been the alignment of programs and services with available revenue. The result of the program and activity-based budgeting approach used this year was an extremely intensive budgeting process that, while requiring a significant time investment on the part of all involved, identified several areas of cost savings- both in cost efficiencies and service level reductions.

The adjustments proposed in the FY 2010 Preliminary budget allow us to continue provision of services to our citizens but do so within the confines of the revenues available. Cost efficiencies have been identified in some areas, such as a reduction in wireless data cards, through a review of historical usage. Other areas such as overtime and travel and training have been trimmed across multiple departments.

The preliminary budget anticipates twenty-one positions across multiple departments, programs, and service areas that are either vacant and/or not needed as a result of reduced and/or eliminated services. The FY 2010 Preliminary Budget further proposes the continuation of a strategic hiring freeze ('SHF') implemented during the current fiscal year. The current year SHF

has saved over \$250,000. Of the twenty-one positions, the Preliminary FY 2009-10 Budget proposes 'freezing' seven positions to be 'authorized but unfunded'. These positions, which are all currently vacant, will remain unfilled. In addition, the Manager will continue to 'freeze' positions that become vacant and assess the need to fill vacancies on a case-by-case basis. It is anticipated that our quarterly financial reviews will provide an opportunity to review and assess the need to continue this freeze and, if so, at what levels.

Many additional adjustments are proposed that effect service levels provided. These adjustments are described in detail in the Fund Summary section of this message.

Our Primary Asset: Our People- You have heard me say many times that our most important asset isn't our brick and mortar, it isn't our trucks, it isn't our tools...it is our people. The City of Temple is a service based organization and our people are our number one asset. What we are and the priority we place on our people doesn't change with the economy. However, personnel-related expenditures are also our largest category of expenses and, as such, one of the most significant impacts that can be made to align our expenditures with our available resources is in this area. As a result, the FY 2010 Preliminary Budget includes no compensation adjustments for general government employees. This one proposed cost containment measure will save approximately \$1,000,000. City funded contribution for employee insurance remains constant, but benefit levels and employee contribution amounts will be impacted as new levels in both these areas are recommended to account for increases in associated costs for providing the benefits.

One key benefit area that is not being impacted by our constrained revenue situation is the employee retirement fund. Thanks to the work and strategies that began in the FY 2008-09 Budget, and the work of TMRS in this Legislative Session, funding and benefits for the second year of an eight year plan are being recommended. Substantial work still remains ahead in coming budget years to insure both benefit and funding levels are sustainable, but state and local planning processes are in place and proceeding.

Fuel Expenses and Addressing Pricing Volatility- A key expense component of our budget is fuel and the continuing volatility of the prices of fuel has a significant effect on the City's budget. Over past eighteen months, the City has seen million dollar fluctuations in the cost of fuel. In FY 2008, fuel was budgeted at \$2.90 per gallon for unleaded and diesel for a total fuel budget of \$1,393,710. During FY 2008 the cost per gallon of diesel reached \$4.45 and total actual fuel expenditures for the fiscal year were \$1,618,636. In FY 2009, fuel was budgeted at \$3.80 per gallon for unleaded and \$4.25 per gallon for diesel for a total of \$2,035,875. As of the end of June 2009, the highest per gallon price paid for diesel was \$3.19 and actual fuel expenditures for the fiscal year are projected to be \$1,136,175.

For the FY 2010 Preliminary Budget, fuel has been budgeted at \$2.50 per gallon for unleaded and \$2.75 per gallon for diesel in accordance with Department of Energy forecasts for a total of \$1,301,420. Additionally, because of the extreme volatility of fuel prices, as demonstrated by the above figures, the FY 2010 recommends the creation an internal fuel reserve account, which sets aside \$125,000 additional dollars to provide for any unexpected spikes in the cost of fuel during the upcoming fiscal year. Creating, and maintaining, this internal fuel reserve account is critical for us to both continue to provide services and to do so in a manner that minimizes a 'crisis-oriented' response to fuel pricing fluctuations.

Service Provision Partners: Public Service Agencies- In addition to adjustments in funding for services provided directly by the City, several adjustments have also been proposed in the FY 2010 Preliminary Budget for funding provided to Public Service Agencies ('PSA's') . As you are aware, the PSA's provide much needed services to the community and our support to them 'leverages' their resources with ours. It is a 'win-win' situation.

However, just as City departments have been impacted by constrained resource levels, the recommended funding levels for our PSA's in this Preliminary Budget are also impacted. These adjustments are proposed in accordance with the budget 'fence post' to align programs and services with available revenue, as discussed above. In FY 2009, the City of Temple provided \$747,944 of funding to seventeen public service agencies. In FY 2010, nineteen public service agencies requested \$883,180 in funding. The FY 2010 Preliminary Budget includes \$564,116 in funding for twelve organizations. Many of these organizations are funded through the City's General Fund. Organizations whose services are eligible for funding by hotel/motel tax revenues are funded through the City's Hotel/Motel Tax Fund.

In addition, \$72,175 has been allocated for public service agencies through the Community Development Block Grant.

Growing Our Tax Base- One of the strategic focus areas identified in our Strategic Plan is to 'grow the tax base'. In order for us to continue to meet the demands for current service, and in order for us to meet the needs of projected growth and development, it is critical that this objective be met.

As Council will recall, the FY 2008 Budget set historic, unprecedented levels of funding for economic development. The funding levels were increased by almost 100%, from around \$1,000,000 annually to almost \$2,000,000 annually. This increase also included funding a 'matrix incentive pool' at \$800,000. This 'matrix incentive pool' was intended to be funding for economic development incentives relating to economic development agreements with new and/or expanding businesses. The commitment made in the FY 2008 Budget was to maintain this matrix incentive pool at a level of \$800,000. The FY 2010 Preliminary Budget continues that commitment and includes a \$51,781 'placeholder' investment to maintain the matrix funding level. It is anticipated that additional discussions with TEDC will clarify the actual level of funding needed and that such discussions will occur between the filing of this Preliminary Budget and adoption of the final FY 2010 Budget in September.

Perhaps no other focus area in our Strategic Plan is as significant or important as growing our tax base. As I have indicated in previous Budget's, our current course of lowering tax rates and increasing services and service levels is unsustainable. Growing the tax base is imperative if we are to maintain the quality and level of services currently being provided. It is for these reasons that no other area of the Budget received as high a priority as economic development. In fact, many other areas were significantly impacted so that economic development work may continue at the same levels.

Fund Overview

General Fund- Revenue and Expense Highlights

Total revenues for the FY 2010 General Fund Budget are presented at \$53,026,905, a decrease of 2.36% compared to the FY 2009 adopted budget.

Total expenditures for the FY 2010 General Fund Budget are presented at \$54,440,929, a decrease of 2.67% compared to the FY 2009 adopted budget.

Sales Tax Revenue- Sales Tax revenue is budgeted at \$15,300,000, a decrease of 3.15% compared to the FY 2009 adopted budget. Because sales tax revenue is somewhat volatile in nature and is dependent on the general economic conditions of the region and nation, the City of Temple historically has and will continue to budget sales tax revenue conservatively. During FY 2009 the rate of actual growth in our sales tax has been flat to slightly declining. We are projecting for sales tax to continue to be flat to slightly declining during FY 2010. We will

continue to monitor sales tax collections closely throughout the coming months and year. We will also need to be prepared to make additional adjustments in our budget as conditions may warrant.

Interest Income- Interest Income revenue for FY 2010 is budgeted at \$50,000 a decrease of \$450,000 or 90% compared to FY 2009 budget and a decrease of \$1,268,024 or 96.21% compared to FY 2008 budget. Interest rates have decreased dramatically resulting in significantly reduced revenues from this source. While interest rates are projected to stabilize we are not anticipating rate increases at this time that would generate additional interest income.

Solid Waste Services- The FY 2010 Preliminary Budget includes \$7,725,000 in budgeted revenues for charges associated with solid waste services. These revenues are based on rates that remain unchanged from current year.

While no change is proposed to solid waste rates, an adjustment is proposed to Solid Waste service levels. The FY 2010 Preliminary Budget recommends a service level adjustment in the Residential Collection activity by changing the collection frequency for residential customers from twice weekly to once weekly. The Brush/Bulk Collection activity is also recommended to be adjusted from a twice per month collection frequency to a once per month collection frequency. The savings resulting from these proposed service level adjustments total \$221,698.

Parks and Leisure Services- The FY 2010 Preliminary Budget includes several proposed service level adjustments in Parks and Leisure Services. The Parks Mowing activity and the Vacant Lots activity includes a proposed service level adjustment that reduces the frequency by which certain city-maintained facilities and vacant lots are mowed. The Custodial Services program includes a proposed service level adjustment reducing the frequency custodial services are provided at city-maintained facilities. The Association Support activity proposes elimination of the field chalking services provided to athletic associations who use city-owned fields. The FY 2010 Preliminary Budget proposes that the Clark Pool activity in the Aquatics program be eliminated resulting in the closure of this facility. The Community Events activity is also proposed to be eliminated resulting in community events such as Community Market, National Trails Day, National Recreation & Parks Month, Movies in the Park, and Kite Kraze will no longer be held. The savings resulting from these proposed service level adjustments total \$274,890.

In addition to the above service level adjustments, fee increases are proposed for certain recreation programs and the addition of several new after-school and summer camp programs are proposed in the FY 2010 Preliminary Budget. The addition of two new arts and science-focused summer camps as well as four new after-school programs is proposed to generate \$129,643 in net revenue. Fees for existing summer camp programs are proposed to increase from \$50 per week to \$55 per week. Fees for existing after school programs are proposed to increase from \$20 per week to \$35 per week. The fee for membership at the Sammons Community Center is proposed to increase from \$0 per year to \$5 per year. The participation fee for the Seniors Christmas Dinner held at Sammons Community Center is proposed to increase from \$0 to \$5 per person. The proposed fee increases are estimated to provide an additional \$70,900 in revenue.

Street Services- The FY 2010 Preliminary Budget includes service level adjustment proposals in the Street Reconstruction and Reclamation activity and the Overlay Program activity. The Street Reconstruction and Reclamation activity is proposed to be eliminated due to the infrequent performance of the activity and the high per mile cost. The total savings resulting from this proposed service level adjustment is \$67,434. Future street reconstruction and reclamation work will be assessed in concert with a street inventory assessment and plan and, most, likely be contracted out.

The Overlay Program is proposed to be suspended for the upcoming fiscal year. A current review of the existing program and approach indicated a more comprehensive approach is desirable before further investments in the overlay program occur. City staff is currently working on a street condition inventory program, which will provide a comprehensive database of our streets and their condition, and will allow for the funding available for street overlay and other street maintenance activities to be strategically allocated. I would anticipate returning sometime mid-year with recommendations. In the meantime, the Preliminary Budget recommends redirecting a portion of the funds historically budgeted for the Overlay Program to the Seal Coat activity. The total savings resulting from this proposed service level adjustment is \$262,541.

The FY 2010 Preliminary Budget also recommends providing enhanced funding in the amount of \$15,000 to the Traffic Calming activity by utilizing funds available from the Child Safety Fees, a restricted revenue source.

Fire and Rescue Services- In addition to anticipating the beginning of construction for the new Fire Station #1, the FY 2010 Preliminary Budget includes a service level adjustment in the Public Education/Information activity. A Public Education Specialist position is proposed to be funded with funds available from the Child Safety Fees. This position, proposed to be classified as non-civil service, would provide additional resources for educational programming to promote health and safety of citizens in the community. The primary focus of the additional programming will be youth-oriented.

Sammons Golf Links- The FY 2010 Preliminary Budget proposes to invest the \$350,000 approved by voters in the General Obligation Bond election in November 2007 for golf course improvements in two primary areas: 1) re-surfacing all 18 greens and 2) upgrading the irrigation system for the golf course. Re-surfacing our greens, as opposed re-constructing our greens, will allow us to address a long standing quality and conditioning issue with not just some of our greens but all of them. In addition, a needed upgraded to our irrigation system in order to maintain the new greens once re-surfaced is crucial to our long term success relative to our course maintenance.

Additionally, we are going to look at re-designing the course to add much needed length options as well as to improve the overall playing experience for our patrons. In concert with the greens re-surfacing and the irrigation system improvements, the new design and layout should present a remarkable transformation for Sammons Golf Links.

The timing and execution of these improvements is just as critical as the improvements themselves. In order to minimize impacts on play and budget, these improvements will begin late in the FY 2010 year and be in concert with a public works project that will also impact the golf course.

Legislative Consulting Services. A few years ago, the City entered into separate agreements for legislative consulting services in both Washington and Austin. These services have been beneficial for the City. Our Washington consultant has assisted in a variety of grant and non-grant ways, to include a downtown redevelopment grant and a wastewater utility grant for our industrial park. Our Austin consultant has been instrumental in working in a collaborative manner with other Temple interests, like Scott & White and the Bioscience District, to help advance our interests in the continued growth and development of the bioscience component of our community and our economy. The past two State Legislature's have seen the advancement of funding for a four year medical school, the top State legislative priority for the City for the past two Sessions. Our Austin consultant played no small role in those efforts.

However, due to the current financial constraints, this Budget recommends suspending those contracts. I fully anticipate re-engaging our Washington and Austin consultants at a later date

and the recommendation to suspend our outside legislative consulting help is driven solely by the need to prioritize current services and service levels. Approximately \$139,000 can be saved over the next fiscal year by suspending these contracts.

Capital Improvements Program Highlights

The City of Temple is currently managing the largest capital improvement program in the history of the community. As of March 31, 2009, a total of \$117,954,930 has been allocated for various capital projects including such improvements as water and sewer infrastructure, transportation infrastructure, parks improvements, library improvements, and public safety infrastructure. Funding sources for these projects can be identified in four major areas:

- ▶ Utility Revenue Bonds
- ▶ General Obligation Bonds
- ▶ Certificates of Obligation
- ▶ General Operating Budget Funding

During FY 2009, several major capital projects are underway or have been completed such as the Lions Junction Family Water Park, West Temple Spray Park, Miller Park improvements, Ferguson Park improvements, Summit expansion, and Sammons Indoor Pool. These improvements were funded by Parks GO Bonds approved by voters in November 2007. Other major projects completed include the Rail Park at Central Pointe, the detention pond, rail improvements, Wendland Road improvements, and Pepper Creek Trail hike and bike trail.

Also of note, during FY 2009, capital improvement projects at the Water Treatment Plant were completed and allowed us to bring production at the existing Membrane Water Treatment Plant from 5 MGD up to 11.6 MGD. Current total Plant capacity, including the Conventional Water Treatment Plant, is 41 MGD. City staff continues to evaluate the Water Treatment Plants and assessment is ongoing relating to the best course of action to continue to improve the efficiency of treatment and distribution of water to our customers.

The FY 2010 Preliminary Budget includes \$34,983,826 in additional funding for CIP work in the following areas:

1. Multi-year Non-Routine Capital Recommended for Utility Revenue Bond Funding (U.R. CIP) - \$16,650,000 is proposed for various water and sewer infrastructure projects including Birdcreek Wastewater Line replacement; Phase II of the Water Treatment Plant Generator project; replacement of an 18 inch water line from the Water Treatment Plant to Loop 363; and rehabilitation of Pea Ridge Lift Station.
2. Multi-year Non-Routine Capital Recommended for General Obligation Bond Funding (G.O.CIP) - \$13,995,000 is proposed for various public safety projects including the construction of Central Fire Station, Fire Station #8 and the purchase of three fire engines. These projects were approved by voters in May 2008 in anticipation of selling bonds in the fall of 2009.
3. Routine Capital Recommended for General Operating Budget Funding - \$4,338,826 is proposed for the capital budget which includes equipment and public infrastructure projects that are underway and/or planned for this fiscal year. Of this amount, \$1,362,243 of capital is proposed to be funded with Fund Balance Designated for Capital – Unallocated.

Within the Capital Improvement Projects section of this document, the specific projects recommended within each category of funding are listed. Also included are the projects identified for future funding.

Water and Wastewater Fund- Revenue and Expense Highlights

Total revenues for the FY 2010 Water and Wastewater Fund Budget are presented at \$26,369,924, an increase of 1.29% compared to the FY 2009 adopted budget. No rate changes are proposed for water and wastewater service.

Expenses, capital improvements, and debt service for the FY 2010 Water and Wastewater Fund Budget are presented at \$26,369,924, an increase of 1.29% compared with prior year. The capital improvements include the allocation of \$1,033,000 to continue the long-term replacement program of water and sewer infrastructures. This annual amount is in addition to the capital improvement program improvements described herein. An additional \$305,000 is included to fund equipment needs.

Hotel and Motel Fund- Revenue and Expense Highlights

Total revenues and expenditures for Hotel/Motel Fund Budget are presented at \$1,231,250, a decrease of 3.51% compared to the FY 2009 adopted budget. Funding for the Mayborn Center program as well as the Tourism/Marketing program are funded through the Hotel/Motel Tax Fund. Public Service Agencies whose services are eligible for funding by hotel/motel tax revenues are also funded through the Hotel/Motel Tax Fund. The Railroad and Heritage Museum is proposed to be funded with a total of \$192,453; the Cultural Activities Center is proposed to be funded at \$44,085; the Czech Heritage Museum is proposed to be funded with a total of \$8,817; the Temple Symphony Orchestra is proposed to be funded at \$3,674; and the Temple Civic Theatre is proposed to be funded at \$7,347.

Federal and State Grant Fund Highlights

Total revenues include the award of the Community Development Block Grant (CDBG) - \$515,539. The proposed allocation of CDBG funds are as follows - public services \$72,175, street/drainage improvements \$120,970, park improvements \$75,000, demolitions \$100,000, public facilities \$45,000 and general administration \$102,394.

Drainage Fund- Revenue and Expense Highlights

Total revenues are presented at \$999,373, an increase of 4.13% and expenditures at \$999,373, an increase of 4.13% compared to the FY 2009 adopted budget. The expenditures of the drainage fund represent personnel, operational, and capital cost related to maintenance of existing drainage systems.

FY 2010 is the second year of the Texas Pollutant Discharge Elimination System ('TPDES') program that is required by the Texas Commission on Environmental Quality ('TCEQ'). As I mentioned last year, I consider this program to be an unfunded mandate from the State. The multi-year plan required by the State, and adopted by Council in 2008, includes fee increases over several years to fund this program. In FY 2009, the first drainage fee increase was implemented. The FY 2010 Preliminary Budget proposes no increases to the drainage fee.

Conclusion

I have attempted to provide you with a brief synopsis of the Preliminary Budget for FY 2010. Developing the budget is a team effort that requires participation and input by citizens, City Council and City staff. My thanks to all of the Department and Division Heads who helped put this Preliminary Budget together. Their ability to respond, many times on short notice, to my inquiries and requests for additional information was appreciated and helpful.

I also want to extend a special word of appreciation to Director of Finance, Traci Barnard and her staff for the many hours of work and effort they put in toward the development of this Preliminary Budget. Of special note is the work done by Assistant Finance Director Melissa Przybylski, Budget Analyst Miranda Hennig, Senior Accountant Kiyoko McDonald, and Accountant Stacey Hawkins. I also need to recognize Assistant City Manager Kim Foutz, Assistant to the City Manager Brynn Reynolds, and for their work and input into the development of this Preliminary FY 2010 Budget. Quite simply, this document could not have been produced without them.

I look forward to the coming weeks of discussion, review, and direction by Council.

Respectfully Submitted,



David Blackburn
City Manager
City of Temple, Texas

FY 2010**GENERAL FUND PROPOSED BUDGET****SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET**

	Proposed Budget		Increase (Decrease)
	Filed Copy as of 6-26-09	Current as of 9-3-09	
Projected Revenues	\$ 53,026,905	\$ 53,303,747	\$ 276,842 ^A
Proposed Budget Expenditures	54,043,470	54,320,312	276,842 ^B
Excess Revenues Over (Under) Expenditures	(1,016,565)	(1,016,565)	-
Transfers In (Out):			
Less: Transfer Out To Debt Service Fund [Energy Program]	(98,440)	(98,440)	-
Less: Transfer Out To Debt Service Fund [Limited Tax Note]	(299,019)	(299,019)	-
Total Transfer In (Out)	(397,459)	(397,459)	-
Excess Revenues Over (Under) Expenditures for FY 2010	\$ (1,414,024)	\$ (1,414,024)	\$0.00
Recommended Use of Undesignated Fund Balance-Capital Projects			
-Capital Equipment Funding	\$ 1,362,243	\$ 1,362,243	\$ -
-TEDC Funding	51,781	51,781	-
	<u>\$ 1,414,024</u>	<u>\$ 1,414,024</u>	<u>\$ -</u>
Estimated Balance @ 9/30/2009	<u>\$ 2,586,909</u>	<u>\$ 2,586,909</u>	<u>\$ -</u>

Explanation of Changes from Filed Budget to Proposed Budget @ 9/3/2009:^A **Revenue Changes:**

Increased property tax - from preliminary to certified roll	\$ 703
Increased solid waste revenues (\$1.25 per month rate increase)	276,139
Total Revenue Changes	\$ 276,842

^B **Expenditure Changes:**

Increased personnel services, operations and capital to maintain 2x per week Residential garbage service and Brush/Bulk pickup at current service level	\$ 276,139
Corrected allocation for Keep Temple Beautiful - funded an additional \$7,400 for a total recommended funding level of \$23,900	7,400
Decrease in request for funding Bell County Communications Contract in FY 2010 based on their final budget as approved by their Executive Board	(14,530)
Increased Contingency for Judgments & Damages	7,833
Total Expenditures Changes	\$ 276,842
Net Revenue Over (Under) Expenditures	\$ -

FY 2010
WATER & WASTEWATER FUND PROPOSED BUDGET
SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET

	Proposed Budget		Increase (Decrease)
	Filed Copy as of 6-26-09	Current as of 9-3-09	
Projected Revenues	\$ 26,369,924	\$ 26,369,924	\$ - A
Proposed Budget Expenses	26,369,924	26,369,924	- B
Net Revenues for FY 2010	\$0.00	\$0.00	\$0.00

FY 2010

DEBT SERVICE FUND PROPOSED BUDGET

SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET

	Proposed Budget		Increase (Decrease)
	Filed Copy as of 6-26-09	Current as of 9-3-09	
Projected Revenues	\$ 7,826,189	\$ 7,826,189	\$ - ^A
Proposed Budget Expenditures	8,534,733	8,534,733	-
Excess Revenues Over (Under) Expenditures	<u>\$ (708,544)</u>	<u>\$ (708,544)</u>	<u>-</u>
Transfers In (Out):			
Plus: Transfer In From Hotel/Motel Fund [Energy Program]	20,371	20,371	-
Plus: Transfer In From General Fund [Energy Program]	98,440	98,440	-
Plus: Transfer In From General Fund [Solid Waste Equipment]	<u>299,019</u>	<u>299,019</u>	<u>-</u>
Excess Revenues Over (Under) Expenditures for FY 2010	<u><u>\$ (290,714)</u></u>	<u><u>\$ (290,714)</u></u>	<u><u>\$ -</u></u>

Explanation of Changes from Filed Budget to Proposed Budget @ 9/3/2009:

^A ***Revenue Changes:***

Increased property tax - from preliminary to certified roll	\$ 7,430
Increased line item for property tax discount	(7,430)
<i>Total Revenue Changes</i>	<u><u>\$ -</u></u>

^B ***Expenditure Changes:***

<i>Total Expenditures Changes</i>	<u><u>\$ -</u></u>
<i>Net Revenue Over (Under) Expenditures</i>	<u><u>\$ -</u></u>

FY 2010

HOTEL/MOTEL TAX FUND PROPOSED BUDGET

SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET

	Proposed Budget		Increase (Decrease)
	Filed Copy as of 6-26-09	Current as of 9-3-09	
Projected Revenues	\$ 1,231,250	\$ 1,231,250	\$0.00 ^A
Proposed Budget Expenditures	1,210,879	1,210,879	- ^B
Excess Revenues Over (Under) Expenditures	<u>\$ 20,371</u>	<u>\$ 20,371</u>	<u>-</u>
Transfers In (Out):			
Less: Transfer Out To Debt Service [Energy Loan]	<u>(20,371)</u>	<u>(20,371)</u>	<u>-</u>
Total Transfer In (Out)	<u>(20,371)</u>	<u>(20,371)</u>	<u>-</u>
Excess Revenues Over (Under) Expenditures for FY 2010	<u><u>\$0.00</u></u>	<u><u>\$0.00</u></u>	<u><u>\$0.00</u></u>

FY 2010
FEDERAL/STATE GRANT FUND PROPOSED BUDGET
SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET

	Proposed Budget		Increase (Decrease)
	Filed Copy as of 6-26-09	Current as of 9-3-09	
Projected Revenues	\$ 515,539	\$ 515,539	\$0.00 ^A
Proposed Budget Expenditures	515,539	515,539	- ^B
Excess Revenues Over (Under) Expenditures for FY 2010	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>

FY 2010

DRAINAGE FUND PROPOSED BUDGET

SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET

	Proposed Budget		Increase (Decrease)
	Filed Copy as of 6-26-09	Current as of 9-3-09	
Projected Revenues	\$ 999,373	\$ 999,373	\$0.00 ^A
Proposed Budget Expenditures	999,373	999,373	- ^B
Excess Revenues Over (Under) Expenditures for FY 2010	\$ -	\$ -	\$0.00

FY 2010

REINVESTMENT ZONE NO. 1 FUND PROPOSED BUDGET

SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET

	Proposed Budget ¹		Increase (Decrease)
	Filed Copy as of 6-26-09	Current as of 9-3-09	
Projected Revenues	\$ 4,529,957	\$ 4,529,957	\$0.00
Proposed Budget Expenditures	3,364,783	3,364,783	-
Excess Revenues Over (Under) Expenditures for FY 2010	\$ 1,165,174	\$ 1,165,174	\$ -

¹ - As amended in Financing Plan approved by Council on May 21, 2009

Fiscal and Budgetary Policy Statement

I. STATEMENT OF PURPOSE

The broad purpose of the following Fiscal and Budgetary Policy Statements is to enable the City to achieve and maintain a long-term stable and positive financial condition. The watchwords of the City's financial management include integrity, prudent stewardship, planning, accountability, full disclosure and communication.

The more specific purpose is to provide guidelines to the Director of Finance in planning and directing the City's day-to-day financial affairs and in developing recommendations to the City Manager and City Council.

The scope of these policies generally spans, among other issues, accounting, auditing, financial reporting, internal controls, operating and capital budgeting, revenue management, cash and investment management, expenditure control, asset management, debt management, and planning concepts, in order to:

- A. present fairly and with full disclosure the financial position and results of the financial operations of the City in conformity to generally accepted accounting principles (GAAP) and;
- B. determine and demonstrate compliance with finance-related legal and contractual issues in accordance with provisions of the Texas Local Government Code and other pertinent legal documents and mandates.

The City Council will annually review and approve the Fiscal and Budgetary Policy Statements as part of the budget process.

II. OPERATING BUDGET

- A. **Preparation** – Budgeting is an essential element of the financial planning, control, and evaluation process of municipal government. The “operating budget” is the City's annual financial operating plan. The annual budget includes all of the operating departments of the general fund, proprietary fund, the debt service fund, special revenue funds, and capital project funds of the City. The budget is prepared by the City Manager and Director of Finance with the cooperation of all City Departments, on a basis which is consistent with generally accepted accounting principles. The City Manager presents the budget to the City Council and in accordance with Article 12 of the Charter, files a copy with the City Secretary and the Director of Finance. The budget should be presented to the City Council no later than the 1st day of August and should be enacted by the City Council on or before the fifteenth day of the last month of the preceding fiscal year.
 - 1. **Proposed Budget** – A proposed budget shall be prepared by the City Manager with the participation of all the City's Department Heads within the provisions of the City Charter.
 - a. The budget shall include four basic segments for review and evaluation. These segments are: (1) revenues, (2) personnel costs, (3) operations and maintenance costs, and (4) capital and other (non-capital) project costs.

- b. The budget review process shall include City Council participation in the development of each of the four segments of the proposed budget and Public Hearings to allow for citizen participation in the budget preparation.
 - c. The budget process shall span sufficient time to address policy and fiscal issues by the City Council.
 - d. A copy of the proposed budget shall be filed by the City Manager with the City Secretary, Director of Finance when it is submitted to the City Council in accordance with the provisions of the City Charter.
- 2. Adoption – Upon the presentation by the Director of Finance of a proposed budget document to the City Council, the City Council shall call and publicize a public hearing. The City Council will subsequently adopt by Ordinance such budget, as it may have been amended, as the City's Annual Budget effective for the fiscal year beginning October 1st.
- B. Balanced Budget – The operating budget will be balanced with current revenues, which may include beginning fund balances less required reserves as established by City Council, greater than or equal to current expenditures/expenses.
- C. Planning – The budget process will be coordinated so as to identify major policy issues for City Council consideration several months prior to the budget approval date. This will allow adequate time for appropriate decisions and analysis of financial impacts.
- D. Reporting – Periodic financial reports will be prepared by the Director of Finance to enable the Department Managers to manage their budgets and to enable the Director of Finance to monitor and control the budget as authorized by the City Manager. Summary financial and budgetary reports will be presented by the Director of Finance to the City Council to understand the overall budget and financial status.
- E. Control and Accountability – The Department Heads of each department will be solely responsible to insure that their department budgets will not exceed budgeted amounts. In addition, each Department Head will be solely responsible to achieve budgeted revenues that are generated by activities of that department. Failure to achieve budgetary control of their individual expenditure and revenue budgets will be evaluated and investigated by the City Manager.
- F. Expenditure Requests – The Finance Department will evaluate expenditure requests from departments to ensure that the requests are in the amount and kind originally budgeted in those departments and that adequate funds are available to comply with individual expense request. The Director of Finance will make every effort to assist departments in obtaining purchases to accomplish the goals and objectives delineated in the budget information for each department set forth in the current yearly adopted budget.
- G. Contingent Appropriation – The City Manager should establish an adequate contingent appropriation in each of the operating funds. Expenditures from this appropriation shall be made only in cases of emergency or an unforeseen/unusual need. A detailed account shall be recorded and reported. The transfer of this budget appropriation shall be under the control of the City Council. Any transfer of contingency must be expressly approved in advance by the City Council.

All transfers from the contingent appropriation will be evaluated using the following criteria:

1. Is the request of such an emergency nature that it must be made immediately?
2. Why was the item not budgeted in the normal budget process?
3. Why the transfer cannot be made within the division or department?

III. REVENUE POLICIES

A. **Characteristics** – The City Finance Department will strive for the following optimum characteristics in its revenue system:

1. **Simplicity** – The City, where possible and without sacrificing accuracy, will strive to keep the revenue system simple in order to reduce compliance costs for the taxpayer or service recipient. A corresponding decrease in the City's cost of collection and a reduction in avoidance to pay should result.
2. **Certainty** – A knowledge and understanding of revenue sources increases the reliability of the revenue system. The City will understand its revenue sources and enact consistent collection policies to provide assurances that the revenue base will materialize according to budgets and plans.
3. **Equity** – The City shall make every effort to maintain equity in its revenue system structure; i.e., the City should seek to minimize or eliminate all forms of subsidization between entities, funds, services, utilities, and customer classes.
4. **Revenue Adequacy** – The City should require that there be a balance in the revenue system; i.e., the revenue base will have the characteristics of fairness and neutrality as it applies to cost of service, willingness to pay, and ability to pay.
5. **Administration** – The benefits of a revenue source should exceed the cost of levying and collecting that revenue. The cost of collection should be reviewed annually for cost effectiveness as a part of the indirect cost of service analysis. Where appropriate, the City will use the administrative processes of State, Federal or Local Governmental collection agencies in order to reduce administrative cost.
6. **Diversification and Stability** – A diversified revenue system with a stable source of income shall be maintained. This will help avoid instabilities in two particular revenue sources due to factors such as fluctuations in the economy and variations in the weather.

B. **Issues** – The following considerations and issues will guide the City Finance Department in its revenue policies concerning specific sources of funds:

1. **Cost/Benefit of Abatement** – The City will use caution in the analysis of tax or fee incentives that are used to encourage development. Ideally, a cost/benefit (fiscal impact) and analysis should be performed as part of such caution.

2. Non-Recurring Revenues – One-time or non-recurring revenues should not be used to finance current ongoing operations. Non-recurring revenues should be used only for non-recurring expenditures and not be used for budget balancing purposes.
3. Property Tax Revenues – All real and business personal property located within the City shall be valued at 100% of the fair market value for any given year based on the current appraisal supplied to the City by the Bell County Tax Appraisal District. Reappraisal and reassessment shall be done every third year.

Conservative budgeted revenue estimates result in a projected ninety-eight percent (98%) budgeted collection rate for current ad valorem taxes. Two percent (2%) of estimated current ad valorem taxes will be projected and used as the budget for delinquent ad valorem tax collections. The combined ad valorem tax collections budgeted each fiscal year will be no less than one hundred percent (100%) of the tax levy and should insure that ad valorem tax collection projections will not be over estimated.

The Finance Department will endeavor with the Tax Assessor Collector to collect ad valorem taxes in excess of ninety-seven percent (97%) of total ad valorem tax levy with a goal of one hundred percent (100%) collection of actual ad valorem taxes levied in each fiscal year.

All delinquent taxes shall be aggressively pursued each year by the Tax Assessor/Collector. Tax accounts delinquent greater than 90 days shall be submitted for collection each year to an attorney selected by the Bell County Tax Appraisal District. A penalty shall be assessed on all delinquent property taxes, which shall include all court costs, as well as an amount for compensation of the attorney as permitted by State law and in accordance with the attorney's contract with the County. Annual performance criteria will be developed for the attorney and reported to the City Council.

4. Interest Income – Interest earned from investment of available monies, whether pooled or not, will be distributed to the funds in accordance with the equity balance of the fund from which monies were provided to be invested.
5. User-Based Fees and Service Charges – For services associated with a user fee or charge, the direct and indirect costs of that service will be offset by a fee where possible. There will be an annual review by all Department Heads of fees and charges to ensure that fees provide adequate coverage of cost of services for their respective departments.

The City Council will determine how much of the cost of a service should be recovered by fees and charges.

6. Enterprise Fund Rates – The Director of Utilities will review rates annually, and the City Council will adopt rates that will generate revenues sufficient to cover operating expenses, meet the legal restrictions of all applicable bond covenants, and provide for an adequate level of working capital.

Additionally, enterprise activity rates and other legal funds of the City will include transfers to and receive credits from other funds as follows:

- a. General and Administrative Charges – Administrative costs should be charged to all funds for services of general overhead, such as administration, finance, customer billing, personnel, data processing, engineering, and legal counsel, and other costs as appropriate. The charges will be determined by the Director of Finance through an indirect cost allocation following accepted practices and procedures not to exceed 9%.
- b. Payment in-lieu-of-costs – This transfer will be made in accordance with the following methods, not to exceed 5% of the total estimated operating revenues of the respective fund.
 - (1) *In-Lieu-of-franchise-fee.* In-lieu-of-franchise fee will be included as a part of the rate computation of gross sales consistent with the franchise rates charged to investor owned utility franchises to operate within the City. Currently, the City levies a 5% franchise fee.
 - (2) *Payment-in-lieu-of-ad valorem tax.* Rates will be calculated so as to include a fee equal to the ad valorem taxes lost as a result of municipal ownership of the various utility and other enterprise activities owned by the City. Net book value will be used as a basis, barring absence of known market value and applied only to capital assets actually within the incorporated City limits.
- 7. Intergovernmental Revenues (Federal/State/Local) – All potential grants will be examined for matching requirements and the source of the matching requirements. These revenue sources will be expended only for intended purpose of grant aid. It must be clearly understood that operational requirements set up as a result of a grant or aid could be discontinued once the term and conditions of the project have terminated.
- 8. Revenue Monitoring – Revenues actually received will be compared to budgeted revenues by the Director of Finance and any variances considered to be material will be investigated. This process will be summarized in the appropriate budget report. The Director of Finance will report results of that investigation to the City Manager and City Council.

IV. EXPENDITURE POLICIES

- A. Appropriations – The point of budgetary control is at the department level budget for all funds. When budget adjustments among Departments and/or funds are necessary, they will be made in accordance with the City Charter. Budget appropriation amendments at lower levels of control shall be made in accordance with the applicable administrative procedures.
- B. Central Control – No recognized or significant salary or capital budgetary savings in any Department shall be spent by the Department Head without the prior authorization of the City Manager. This control will realize budget savings each year that will be recognized in the approved budget as “unexpended appropriations” or contingency “sweep” accounts. The City Manager is authorized, without further City Council action, to transfer appropriations within individual department budgets for each fund from line item to line item greater than \$5,000 provided that the total funds appropriated by the City Council for each individual department budget are neither increased nor decreased. The Director of Finance is authorized without

further City Council action, to transfer appropriations within individual department budgets for each fund from line item to line item less than \$5,000 provided that the total funds appropriated by the City Council for each individual department budget are neither increased nor decreased.

- C. **Purchasing** – All City purchases of goods or services will be made in accordance with the City's current Purchasing Manual.
- D. **Prompt Payment** – All invoices approved for payment by the proper City authorities shall be paid by the Finance Department within thirty (30) calendar days of receipt in accordance with the provisions of Article 601f, Section 2 of the State of Texas Civil Statutes.

The Director of Finance shall establish and maintain proper procedures which will enable the City to take advantage of all purchase discounts, when possible, except in the instance where payments can be reasonably and legally delayed in order to maximize the City's investable cash.

- E. **Reporting** – Quarterly reports will be presented by the Director of Finance in open Council meetings describing the financial and budgetary conditions of the City. Comparisons of actual to budget and actual to prior year, appropriate ratios and graphs to fully disclose and present meaningful information will be used whenever possible.

V. CAPITAL BUDGET AND PROGRAM

- A. **Preparation** – The City's Capital Budget will include all capital project funds and all capital resources. The budget will be prepared annually and on a project basis. The Capital Budget will be prepared by the City Manager with the involvement of responsible departments.
- B. **Control** – All capital project expenditures must be appropriated in the Capital Budget. The Finance Department must certify the availability of resources before any capital project contract is presented to the City Council for approval.
- C. **Program Planning** – The Capital Budget will be taken from capital improvements plan for future years. The planning time frame for the capital improvements project plan should normally be five years, but a minimum of at least three years. The replacement and maintenance for capital items should also be projected for the next ten (10) years. Future maintenance and operational costs will be considered so that these costs can be included in the operating budget.
- D. **Financing Programs** – Where applicable, assessments, impact fees, pro rata charges, or other fees should be used to fund capital projects which have a primary benefit to specific, identifiable property owners.

Recognizing that long-term debt is usually a more expensive financing method, alternative-financing sources will be explored before debt is issued. When debt is issued, it will be used to acquire major assets with expected lives that equal or exceed the average life of the debt issue. The exceptions to this requirement are the traditional costs of marketing and issuing the debt, capitalized labor for design and construction of capital projects, and small component parts which are attached to major equipment purchases.

- E. **Timing** – The Financial Analyst will work with Department Heads during the budget preparation to schedule the timing of capital equipment purchases to insure funds availability. The final schedule of capital purchases will be given to Directors or Department Heads to assist them in timing purchase requests to the Purchasing Department.
- F. **Infrastructure Maintenance** – The City recognizes the deferred maintenance increases future capital costs. Therefore, a portion of all individual funds with infrastructure should be budgeted each year to maintain the quality of the City's infrastructure. Replacement schedules should be developed in order to anticipate the deterioration and obsolescence of infrastructure.
- G. **Reporting** – Periodic financial reports will be prepared by the Director of Finance to enable the Department Heads to manage their capital budgets and to enable the Finance Department to monitor and control the capital budget as authorized by the City Manager.

VI. ACCOUNTING, AUDITING, AND FINANCIAL REPORTING

- A. **Accounting** – The City Finance Department is solely responsible for the reporting of the financial affairs, both internally and externally. The Director of Finance is the City's Chief Fiscal Officer and, through responsibility delegated to the Assistant Director of Finance, is responsible for establishing the Chart of Accounts and for properly recording financial transactions.
- B. **Auditing** –
 - 1. **Qualifications of the Auditor** – In conformance with the City's Charter and according to the provisions of Texas Local Government Code, Title 4, Chapter 103, the City will be audited annually by outside independent accountants ("auditor"). The auditor must be a CPA that can demonstrate that it has the breadth and depth of staff to conduct the City's audit in accordance with generally accepted auditing standards and contractual requirements. The auditor must hold a license under Article 41a-1, Section 9, of the Civil Statutes of Texas, capable of demonstrating that it has sufficient staff which will enable it to conduct the City's audit in accordance with generally accepted auditing standards as required by the City Charter and applicable state and federal laws. The auditor's report on the City's financial statement will be completed within 120 days of the City's fiscal year end, and the auditor will jointly review the management letter with the City Council within 30 days of its receipt by the staff.

In conjunction with their review, the Director of Finance shall respond within 100 days in writing to the City Manager and City Council regarding the auditor's Management Letter, addressing the issues contained therein. The City Council shall schedule its formal acceptance of the auditor's report upon the resolution of any issues resulting from the joint review.
 - 2. **Responsibility of Auditor to City Council** – The auditor is retained by and is accountable directly to the City Council and will have access to direct communication with the City Council if the City Staff is unresponsive to auditor recommendations or if the auditor considers such communication necessary to fulfill its legal and professional responsibilities.

C. **Financial Reporting** –

1. **External Reporting** – The City Finance Department shall prepare a written Comprehensive Annual Financial Report (CAFR) which shall be presented to the City's auditor within 60 days of the City's fiscal year end. Accuracy and timeliness of the CAFR is the responsibility of the City staff. The CAFR will be prepared in accordance with generally accepted accounting principles (GAAP). If City staffing limitations preclude such timely reporting, the Director of Finance will inform the City Council of the delay and the reasons therefore. Upon the completion and acceptance of the CAFR, the City's auditor shall present the audited CAFR to the City Council within 120 days of the City's fiscal year end.
2. **Internal Reporting** – The Finance Department will prepare internal financial reports, sufficient to plan, monitor, and control the City's financial affairs. Internal financial reporting objectives are addressed throughout these policies. As the Finance Department strives for excellence in financial reporting, the following Qualitative Characteristics of Accounting Information will be incorporated in all reports and policies that are prepared or implemented.

Definitions of Qualitative Characteristics of Accounting Information:

- **Bias** – Bias in measurement is the tendency of a measure to fall more often on one side than the other of what it represents instead of being equally likely to fall on either side. Bias in accounting measures means a tendency to be consistently too high or too low. Financial reporting will strive to eliminate bias in accounting data.
- **Comparability** – The quality of information that enables users to identify similarities in and differences between two sets of economic phenomena.
- **Completeness** – The inclusion in reported information of everything material that is necessary for faithful representation.
- **Conservatism** – A prudent reaction to uncertainty to try to insure that uncertainty and risks inherent in financial situations are adequately considered.
- **Consistency** – Conformity from period to period with unchanging policies and procedures.
- **Feedback Value** – The quality of information that enables users to confirm or correct prior expectations.
- **Materiality** – The magnitude of an omission or misstatement of accounting information that, in light of surrounding circumstances, makes it probable that the judgment of a reasonable person relying on the information would have been changed or influenced by the omission or misstatement.
- **Neutrality** – Absence in reported information of bias intended to attain a predetermined result or to induce a particular mode of behavior.

- **Predictive Value** – The quality of information that helps users to increase the likelihood of correctly forecasting the outcome of past or present events.
- **Relevance** – The capacity of information to make a difference in a decision by helping users to form predictions about the outcomes of past, present, and future events or to confirm or correct prior expectations.
- **Reliability** – The quality of information that assures that information is reasonably free from error and bias and faithfully represents what it purports to present.
- **Representational Faithfulness** – Correspondence or agreement between a measure or description and the phenomenon that it purports to represent (sometimes called validity).
- **Timeliness** – Having information available to a decision-maker before it loses its capacity to influence decisions.
- **Understandability** – The quality of information that enables users to perceive its significance.
- **Verifiability** – The ability through consensus among measurers to insure that information represents what it purports to represent or that the chosen method of measurement has been used without error or bias.

VII. ASSET MANAGEMENT

- A. **Investments** – The Director of Finance shall promptly deposit all City funds with the City's Depository Bank in accordance with the provisions of the current Bank Depository Agreement. The Director of Finance will then promptly invest all funds in any negotiable instrument that the Council has authorized under the provisions of the Public Funds Investment Act, and in accordance with the City Council approved Investment Policies.
- B. **Cash Management** – The City's cash flow will be managed to maximize the cash available to invest. Such cash management will entail the centralization of cash collections, where feasible, utility bills, building and related permits and licenses, and other collection offices as appropriate.

The Finance Department shall use the facsimile check-signing machine, bearing the signatures of the City Manager and Director of Finance.

The Director of Finance may transfer funds, via electronic transfer, through verbal or electronic instructions to the City's Depository only for payment of any obligation of the City under the conditions applicable to the use of the facsimile machine. Payment authorization shall be in accordance with the pay authorization criteria as defined in the current Bank Depository Agreement, approved by Council, stipulating the conditions and control procedures on such activity.

VIII. TREASURY

Cash/Treasury Management – Periodic review of each cash flow position will be performed to determine performance of cash management and investment policies. A detailed policy structure will be followed with respect to Cash/Treasury Management. The underlying theme will be that idle cash will be invested with the intent to 1) safeguard assets, 2) maintain liquidity, and 3) maximize return. Where legally permitted, pooling of investments will be done.

The City will adhere to the investments authorized through the Public Funds Investment Act and any amendments to such act and will additionally establish a comprehensive Investment Policies and Guidelines. Such policies will clarify acceptable investment securities, brokers, terms, and other pertinent investment information.

IX. DEBT MANAGEMENT

A. **Policy Statement** – The City of Temple recognizes the primary purpose of capital facilities is to support provision of services to its residents. Using debt financing to meet the capital needs of the community must be evaluated according to two tests – efficiency and equity. The test of efficiency equates to the highest rate of return for a given investment of resources. The test of equity requires a determination of who should pay for the cost of capital improvements. In meeting the demand for additional capital facilities, the City will strive to balance the load between debt financing and “pay as you go” methods. The City realizes failure to meet the demands of growth may inhibit its continued economic viability, but also realizes that too much debt may have detrimental effects. Through the rigorous testing of the need for additional debt financed facilities and the means by which the debt will be repaid, the City Director of Finance will strike an appropriate balance between service demands and the amount of debt.

B. **Types of Debt** –

1. **General Obligation Bonds (GO's)** – General obligation bonds will be used only to fund capital assets of the general government, are not to be used to fund operating needs of the City and are backed by the full faith and credit of the City as well as the ad valorem taxing authority of the City as prescribed by law. The term of a bond issue will not exceed the useful life of the asset(s) funded by the bond issue and will generally be limited to no more than twenty years. General obligation bonds must be authorized by a vote of the citizens of the City of Temple.
2. **Revenue Bonds (RB's)** – Revenue bonds will be issued to provide for the capital needs of any activities where the capital requirements are necessary for continuation or expansion of a service which produces a revenue and for which the asset may reasonably be expected to provide for a revenue stream to fund the debt service requirements. The term of the obligation may not exceed the useful life of the asset(s) to be funded by the bond issue and will generally be limited to no more than twenty years.
3. **Certificates of Obligation, Contract Obligations, etc. (CO's)** – Certificates of Obligations or Contract Obligations will be used in order to fund capital requirements which are not otherwise covered under either Revenue Bonds or General Obligation Bonds. Debt service for CO's may be either from general revenues or backed by a specific revenue stream or streams or by a combination of both. Generally CO's will be used to fund capital assets

where full bond issues are not warranted as a result of cost of the asset(s) to be funded through the instrument. The term of the obligations may not exceed the useful life of the asset(s) to be funded by the proceeds of the debt issue and will generally be limited to no more than twenty years.

4. **Method of Sale** – The Director of Finance will use a competitive bidding process in the sale of bonds unless the nature of the issue warrants a negotiated bid. In situations where a competitive bidding process is not elected, the Director of Finance will publicly present the reasons why, and the Director of Finance will participate with the financial advisor in the selection of the underwriter or direct purchaser.
- C. **Analysis of Financing Alternatives** – Finance Staff will explore alternatives to the issuance of debt for capital acquisitions and construction projects. These alternatives will include, but are limited to: 1) grants-in-aid, 2) use of reserves/designations, 3) use of current revenues, 4) contributions from developers and others, 5) leases, and 6) impact fees.
- D. **Conditions for using debt** – Debt financing of capital improvements and equipment will be done only when the following conditions exist:
 - When non-continuous projects (those not requiring continuous annual appropriations) are desired;
 - When it can be determined that future users will receive a benefit from the improvement;
 - When it is necessary to provide basic services to residents and taxpayers (for example, purchase of water rights);
 - When total debt, including that issued by overlapping governmental entities, does not constitute an unreasonable burden to the residents and taxpayers.
- E. **Federal Requirements** – The City Finance Department will maintain procedures to comply with arbitrage rebate and other Federal requirements.
- F. **Sound Financing of Debt** – When the City utilizes debt financing, it will ensure that the debt is soundly financed by:
 - Conservatively projecting the revenue sources that will be used to pay the debt;
 - Financing the improvement over a period not greater than the useful life of the improvement;
 - Determining that the benefits of the improvement exceed the costs, including interest costs;
 - Maintaining a debt service coverage ratio which ensures that combined debt service requirements will not exceed revenues pledged for the payment of debt; and
 - Evaluating proposed debt against the target debt indicators.
- G. **Financing Methods** – The City maintains the following policies in relation to methods of financing used to issue debt:

- An Ad Valorem tax rate of \$1.20 per \$100 of assessed value is the maximum municipal tax rate (by City Charter) that may be levied for all General Fund tax supported expenditures and debt service;
- Where possible, the City will use revenue or other self-supporting bonds in lieu of General Obligation Bonds;
- When appropriate, the City will issue non-obligation debt, for example, Industrial Development Revenue bonds, to promote community stability and economic growth; and
- Staff will maintain open communications with bond rating agencies about its financial condition and whenever possible, issue rated securities.

H. **Elections** – The Charter also regulates which securities may be issued only after a vote of the electors of the City and approved by a majority of those voting on the issue.

1. **Election Required** – Securities payable in whole or in part from Ad Valorem taxes of the City except issues such as tax increment securities, certificates of obligation, and contractual obligations.

2. **Election Not Required** –

- Short-term notes (12 months or less) issued in anticipation of the collection of taxes and other revenues.
- Securities issued for the acquisition of water rights or capital improvements for water treatment.
- Securities payable solely from revenue other than Ad Valorem taxes of the City.
- Refunding securities issued to refund and pay outstanding securities.
- Securities for any special or local improvement district, such as a Public Improvement District (PID).
- Tax increment securities payable from Ad Valorem tax revenue derived from increased valuation for assessment of taxable property within a plan of development or other similar area as defined by applicable State Statutes.
- Securities issued for the acquisition of equipment or facilities pursuant to a lease-purchase contract.

X. **FINANCIAL CONDITIONS, RESERVES, AND STABILITY RATIOS**

A. **Operational Coverage** – (*No Operating Deficits*) – The City's Proprietary Utility fund will comply with all bond covenants and maintain an operational coverage of at least 125%, such that current operating revenues will exceed current operating expenses.

Deferrals, short-term loans, or one-time sources will be avoided as budget balancing techniques. Reserves will be used for emergencies or non-recurring expenditures, except when balances can be reduced because their levels exceed guideline minimums as stated in Paragraph B, following.

B. Operating Reserves/Fund Balances –

1. The General Fund's **fund balance** should be at least 33% of the General Fund's annual operating expenditures. This percentage is the equivalent of four months operational expenditures.
2. The Enterprise Fund **working capital** should be maintained at 33% of total operating expenses or the equivalent of four months.

C. **Liabilities and Receivables** – Procedures will be followed to maximize discounts and reduce penalties offered by creditors. Current liabilities will be paid within 30 days of receiving the invoice. Accounts Receivable procedures will target collection for a maximum of 30 days from service. Receivables aging past 120 days will be sent to a collection agency. The Finance Director is authorized to write-off non-collectible accounts that are delinquent for more than 180 days, provided proper delinquency procedures have been followed. The Finance Director will make an annual report to the City Council of the status of delinquent write-offs of non-collectible accounts.

D. Capital and Debt Service Funds –

1. Monies in the Capital Projects Funds should be used within 24 months of receipt or within a reasonable time according to construction schedule. Balances will be used to generate interest income to offset construction cost. Any unused monies can be used to fund similar projects as outlined by bond covenants and remaining excess funds will be transferred to the Debt Service Fund, provided that this complies with the bond covenant.

Revenues in the Debt Service Fund are based on property tax revenues, interest earnings and transfers from other funds. Reserves in the Debt Service Fund are designed to provide funding between the date of issuance of new debt and the time that property tax levies are adjusted to reflect the additional debt. Reserve levels should not exceed one month of average annual debt service.

2. Revenue obligations will maintain debt coverage ratios as specified by the bond covenants.

E. Ratios/Trend Analysis –

Ratios and significant balances will be incorporated into monthly, quarterly and financial reports. This information will provide users with meaningful data to identify major trends of the City's finances through analytical procedures. We have selected the following ratios/balances as key indicators:

- Fund Balance/Equity:
FB/E Assets – liabilities
AL (Acceptable level) \geq 33.0% of operations
- Working Capital:
CA – CL Current assets less current liabilities
AL \geq 33.0% of operations

- Current Ratio:
CA/CL Current assets divided by current liabilities
AL > 1.00
- Quick Ratio:
Liquid CA/CL “Liquid” current assets divided by current liabilities
AL > 1.00
- Debt/Assessed
Ad Valorem Taxes:
D/AV Debt divided by assessed Ad Valorem value
AL < 5
- Debt Ratio (%):
CL+LTL/TA Current liabilities plus long term liabilities divided by total assets
AC < 1.00
- Enterprise Operational
Coverage:
OR/OE Operating revenue divided by operating expense
AL > 1.25

Our goal is to develop minimum/maximum levels for the ratios/balances above through analyzing City of Temple historical trends and anticipated future trends. We will also analyze/compare City of Temple to other municipalities to develop these acceptable levels.

XI. INTERNAL CONTROLS

- A. **Written Procedures** – Wherever possible, written procedures will be established and maintained by the Director of Finance for all functions involving cash handling and/or accounting throughout the City. These procedures will embrace the general concepts of fiscal responsibility set forth in this policy statement.
- B. **Department Heads Responsibilities** – Each Department Head is responsible to ensure that good internal controls are followed throughout their Department, that all Finance Department directives or internal controls are implemented, and that all independent auditor internal control recommendations are addressed.

XII. STAFFING AND TRAINING

- A. **Adequate Staffing** – Staffing levels will be adequate for the fiscal functions of the City to operate effectively. Overtime shall be used only to address temporary or seasonal demands that require excessive hours. Workload allocation alternatives will be explored before adding staff.
- B. **Training** – The City will support the continuing education efforts of all financial staff members including the investment in time and materials for maintaining a current perspective concerning financial issues. Staff will be held accountable for communicating, teaching, and sharing with other staff members all information and training materials acquired from seminars, conferences, and related education efforts.

- C. **Awards, Credentials, Recognition** – The Finance Department will support efforts and involvement which result in meeting standards and receiving exemplary recitations on behalf of any of the City's fiscal policies, practices, processes, products, or personnel. Staff certifications may include Certified Public Accountant, Management Accountant, Certified Internal Auditor, and Certified Cash Manager.

The Finance Department will strive to maintain a high level of excellence in its accounting policies and practices as it prepares the CAFR. The CAFR will be presented annually to the Governmental Finance Officers Association for evaluation and consideration for the Certificate of Achievement for Excellence in Financial Reporting. The Budget will also be submitted to the GFOA for evaluation and consideration of the Distinguished Budget Presentation Award.

Investment Policy

The Public Funds Investment Act, Chapter 2256, Texas Government Code, as amended, prescribes that each City is to adopt rules governing its investment practices and to define the authority of the investment officer. The following Investment Policy addresses the methods, procedures, and practices, which must be exercised to ensure effective and judicious fiscal management of the City's funds.

The Director of Finance is designated as the investment officer of the City of Temple, Texas, and is responsible for all investment decisions and activities.

I. Scope

This Policy applies to all investment activities of the City's funds under its control, except those subject to other investment covenants, or excluded by contract. The Investment Policy will govern the activities of the Director of Finance and designated deputies in their management of all public funds covered by this Investment Policy.

In order to make effective use of the City's resources, all funds shall be pooled for investment purposes, except for those funds required to be accounted for in other accounts as stipulated by applicable laws, bond covenants, contracts or City policy. The pooled funds will include, but are not limited to, the funds of the General Fund, Water & Wastewater, GO Interest & Sinking, Hotel/Motel, Capital Projects, Federal/State Grant, Drainage, and Tax Increment Funds. The Firemen's Pension Fund, Deferred Compensation Plans, and any investments donated to the City for a particular purpose, or under terms of use specified by the donor, are outside the scope of this Investment Policy.

This Policy also requires the formal adoption of an Investment Strategy that specifically addresses each of the City's fund groups. (See Attachment A)

II. Objectives

The primary objectives of the City investment activities, in order of priority, shall be:

- A. Safety – Investments shall be undertaken in a manner that seeks to ensure the preservation of principal.
- B. Liquidity – The City's investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements, which might be reasonably anticipated.
- C. Yield – The City's investment strategy is conservative. Given this strategy, the benchmark used by the Director of Finance to determine whether market yields are being achieved shall be the 90-day T-bill rate. Return on investment is of least importance compared to the safety and liquidity objectives.

Each investment transaction shall seek to first ensure that principal losses are avoided, whether they are from security defaults or erosion of market value.

III. Delegation Of Authority

The Director of Finance may designate deputies to assist with the management of the investment portfolio.

The Director of Finance or designated deputy shall be responsible for all transactions, compliance with internal controls, and insuring that all safekeeping, custodial, and collateral duties are in compliance with this investment policy and other applicable laws and regulations.

IV. **Standard Of Care**

Investments shall be made with judgment and care, under prevailing circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of the person's own affairs, not for speculation, but for investment, considering the probable safety of capital and the probable income to be derived. This investment principle shall be applied in the context of managing the overall investment portfolio.

The Director of Finance or designated deputy, acting in accordance with written procedures and exercising due diligence, shall not be held personally responsible for an individual security's credit risk or market price changes, provided that deviations from expectations are reported in a timely manner to the City Manager, and appropriate action is taken to control adverse developments.

V. **Ethics And Conflicts Of Interest**

The Director of Finance and designated deputies shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. An individual who has a personal business relationship with a business organization offering to engage in an investment transaction with the City shall file a statement with the Texas Ethics Commission and the City Council disclosing that personal business interest. A disclosure statement will also be filed if the Director of Finance or any designated deputy is related within the second degree by affinity of consanguinity, as determined under Chapter 573, to an individual seeking to sell an investment to the City.

For the purpose of this section, an individual has a personal business relationship with a business organization if:

- A. The individual owns 10 percent or more of the voting stock or shares of the business organization, or owns \$5,000 or more of the fair market value of the business organizations;
- B. Funds received by the individual from the business organization exceed 10 percent of the individual's gross income for the previous year; or
- C. The individual has acquired from the business organization during the previous year investments with a book value of \$2,500 or more for the personal account of the individual.

VI. **Accounting/Reporting**

The Director of Finance shall, not less than quarterly, prepare and submit to the City Council a written report of investment transactions for all funds covered by this investment policy for the preceding reporting period. The report should:

- A. Describe the investment position of the entity on the date of the report;
- B. Be prepared and signed by the Director of Finance and Treasury Manager;
- C. Contain a summary statement prepared in compliance with generally accepted accounting principles that states the beginning market values, additions and changes to the market value, ending market value and fully accrued interest for the reporting period;

- D. State the book value and market value of each separately invested asset at the beginning and end of the reporting period by type of asset and fund type invested;
- E. State the maturity date of each separately invested asset that has a maturity date;
- F. State the compliance of the investment portfolio as it relates to the City's Investment Policy, the City's Investment Strategy and the Public Funds Investment Act; and
- G. The reports should be formally reviewed at least annually by an independent auditor.

The method used to monitor the market price of acquired investments is to obtain market rates for the total portfolio from at least two independent brokers or from a recognized entity that provides a similar service.

VII. Internal Controls

The management of the City of Temple, Texas, is responsible for establishing and maintaining an internal control structure. In fulfilling this responsibility, estimates and judgments by management are required to assess the expected benefits and related costs of internal control structure policies and procedures. The objective of an internal control structure is to provide management with reasonable, but not absolute, assurance that assets are safeguarded against loss from unauthorized use or disposition, and that transactions are executed in accordance with management's authorization and recorded properly to permit the preparation of financial statements in accordance with generally accepted accounting principles. Because of inherent limitations in any internal control structure, errors or irregularities may nevertheless occur and not be detected. Also, projection of any evaluation of the structure to future periods is subject to the risk that procedures may become inadequate because of changes in conditions or that the effectiveness of the design and operation of policies and procedures may deteriorate.

For the purpose of this policy, we have identified procedural controls for the purchase of investments (See Attachment B). Significant internal control structure policies and procedures are beyond the scope of this policy. The Director of Finance shall comply with the City's Internal Control Policies and Procedures at all times.

VIII. Diversification

The City will diversify use of investment types and issuers to avoid incurring unreasonable risks inherent in over-investment in specific instruments, individual issuers or maturities.

The investment portfolio shall not exceed the following guidelines without prior approval of the City Manager:

- A. With the exception of U.S. Treasury securities and authorized pools, no more than 50% of the total investment portfolio will be invested in a single investment type.
- B. Investment in any one single U.S. Agency Issue shall not exceed 30% of the total investment portfolio.
- C. Commercial Paper shall not exceed more than 5% of the total investment portfolio.
- D. With the exception of U.S. Treasury securities, no more than 40% of the total investment portfolio shall be invested with a single issuer.
- E. Investment with maturities of three years shall be limited to a maximum of 20% of the total portfolio.

- F. The minimum maturity on any individual investment shall be one day (overnight). Maturities will be scheduled to meet liquidity and operating requirements.
- G. The maximum maturity for each investment and the total portfolio will be timed to maturity to meet cash flow needs established by the cash flow analysis. The maximum maturity of any individual investment shall not exceed three (3) years.
- H. The maximum dollar-weighted average maturity of the total investment portfolio is 270 days.

Maturity schedules shall be timed according to anticipated liquidity needs. Investments, from time to time, may be liquidated before maturity for cash-flow purposes. To meet these disbursement schedules, market gains or losses may be required. Any losses for early maturity liquidation should be minimized, and they should be reported as such to the City Manager in a timely manner. Actual risk of default shall be minimized by adequate collateralization. Market risk shall be minimized by diversification of investment type and maturity.

The Director of Finance shall routinely monitor the contents of the investment portfolio, the available markets and the relative values of competing instruments, and shall adjust the investment portfolio accordingly, keeping in mind the overall objectives of the investments.

IX. Cash Flow Analysis

The Director of Finance will develop and maintain a comprehensive cash flow analysis for all of the City's fund types. The purposes will be to determine liquidity needs and the available funds for investing. The summarized cash flow analysis reports will be provided to the City Council and the City Manager on a quarterly basis.

X. Authorized Investments

The following is a list of authorized investments:

- A. Obligations issued, guaranteed, insured by, or backed by the full faith and credit of the United States or its agencies and instrumentalities (i.e. U.S. Treasury and Agency Issues).
- B. Certificates of Deposit, which are guaranteed or insured by the Federal Deposit Insurance Corporation or its successor or the National Credit Union Share Insurance Fund or its successor and are secured by obligations of the United States or its agencies and instrumentalities, that have a market value of not less than the principal amount of the certificates.
- C. Fully collateralized repurchase agreements that have a defined termination date and are secured by obligations of the United States or its agencies and instrumentalities. The securities purchased by the City must be pledged to the City, held in the City's name and deposited at the time the investment is made with the City's custodial bank. Repurchase agreements can only be placed through primary government securities dealers or financial institutions doing business in Texas. The maximum term for repurchase agreements is ninety (90) days from the date the reverse security repurchase agreement is delivered and securities held as collateral must not mature later than the agreement's expiration date.
- D. Commercial paper with a stated maturity of 270 days or less from the date of issuance. Must be rated not less than A-1 or P-1, or an equivalent, by at least two nationally recognized credit rating agencies or rated by one credit rating agency plus fully secured by an irrevocable letter of credit issued by a domestic bank.

- E. Investment pools that are authorized by Council, invest only in investments approved by the Public Funds Investment Act, have an advisory board and are continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating agency. Investment pools must provide an offering circular, investment transaction confirmations, and monthly reports.
- F. S.E.C. registered no-load money market mutual funds that have a dollar-weighted average stated maturity of ninety (90) days or less and include in its investment objectives the maintenance of a stable net asset value of \$1 for each share.

An investment that requires a minimum rating under this policy does not qualify as an authorized investment during the period the investment does not have the minimum rating. The Director of Finance will take all prudent measures that are consistent with this policy to liquidate an investment that does not have the minimum rating; however, the Director of Finance will not be required to liquidate investments that were authorized investments at the time of purchase.

The Director of Finance is specifically prohibited from investing in:

- A. Structured notes, investments with inverse-floaters, collateralized mortgage obligations, or any other form of derivatives;
- B. Any investment not authorized by this Policy or the Public Funds Investment Act;
- C. Any instrument for which there would not be a ready market for immediate resale;
- D. Any investment pool in which the City would own more than 20% of the market value of the pool;
- E. Highly sophisticated investments not freely conducted in the marketplace e.g., derivatives; and
- F. Any one mutual fund in which the City would own more than 10% of the total assets of the mutual fund.

The Director of Finance is also specifically prohibited from borrowing funds for the purpose of reinvesting the funds to leverage return.

XI. Eligible Institutions

The following financial institutions are eligible for consideration for investment transactions by the Director of Finance:

- A. State or national banks domiciled in the State of Texas.
- B. Savings banks domiciled in the State of Texas.
- C. State or federal credit unions domiciled in the State of Texas.
- D. Brokers approved and designated as primary dealers by the Federal Reserve Bank of New York.
- E. Secondary or regional brokers who meet the following requirements:
 - 1. National Association of Security Dealers certified;

2. Carry Texas State Registration;
3. Have net capital of \$1 million or more for Delivery Versus Payment investment transactions or net capital of \$50 million or more for Repurchase Agreement transactions; and
4. Have at least five (5) years of operation.

F. Local government investment pools, i.e. Texpool, TexSTAR, etc.

G. S.E.C. registered money market mutual funds.

Due to possible conflicts of interest, we feel that it is in the best interest of the City for the City's depository to be ineligible for quote-qualified investment transactions. Other routine investment transactions, not covered in the scope of this policy such as sweep accounts, certificates of deposit, and float interest earnings, would be allowed with the City's depository.

A written copy of the City's investment policy shall be presented to any financial institution offering to engage in an investment transaction with the City. The qualified representative of the financial institution offering to engage in an investment transaction with the City shall execute an Investment Policy Certification substantially to the effect that the financial institution has:

- A. Received and reviewed the City's investment policy; and
- B. Acknowledged that the financial institution has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the City and the institution that are not authorized by the City's investment policy, except to the extent that this authorization is dependent on an analysis of the makeup of the City's entire portfolio or requires an interpretation of subjective investment standards.

A list of individual qualified institutions authorized to engage in investment transactions with the City shall, at least annually, be reviewed, revised, and adopted by the City Council. (See Attachment C)

All broker/dealers will have on file, with the City, Trading Authorization Agreements.

XII. Security Purchases/Trades

The City will purchase securities on an "as needed" basis only. The City will determine investment requirements based on cash flow analysis and current cash positions. The City will evaluate all bids given for determination of the securities best suited for the City's requirements.

Security selections and term will be determined in accordance with, (1) safety of principal, (2) cash flow needs, (3) investment type as a percentage of total investment portfolio and (4) yield.

Brokers/dealers are not encouraged to contact the City on currently available securities that the broker/dealers believe are items of interest to the City.

All securities placed will be solicited from no less than three qualified institutions. The Treasury Manager will obtain the quotes and get approval from the Director of Finance or a designated deputy prior to making any investment decision. All security purchases and trades conducted through the City will be settled with the City's third party custodial bank. The use of Delivery versus Payment (DVP) for investment transactions/purchases, except with investment pools and money market mutual funds, will be continually used by the Director of Finance at the City's third party custodian bank.

The Director of Finance, Assistant Director of Finance, Treasury Manager, Senior Accountant, City Manager, and City Secretary are the only individuals authorized to wire funds for the City. Dual authorization shall be used for all nonrepetitive wire transfers.

The City must approve any Substitution of securities on repurchase agreements. The City will only enter repurchase agreements under the terms of the Public Securities Agreement (PSA) – Master Repurchase Agreement format.

XIII. Collateralization Requirements

Consistent with the requirements of the Public Funds Collateral Act, Chapter 2257, Texas Government Code, as amended, the City will require full collateralization of all deposits with depository institutions. In order to anticipate market changes and provide a level of security, the collateralization level will be 102% of market value of principal and accrued interest on the deposits less the amount insured by the Federal Deposit Insurance Corporation. Securities pledged as collateral shall be held in the City's name by an independent third party with whom the City has a current custodial agreement. A clearly marked evidence of ownership must be supplied to the City for retention. The City must approve any release and/or substitution of collateral before such action is taken. Collateral shall be reviewed daily to assure that the market value of the securities pledged equals or exceeds the related deposit.

Securities authorized by the Public Funds Collateral Act are acceptable for collateralization purposes.

Private insurance coverage is not an acceptable collateralization form.

XIV. Investment Training

The Director of Finance and designated deputies shall attend:

- A. At least one training session relating to the Director of Finance or designated deputies' responsibilities within 12 months after taking office or assuming duties.
- B. Investment training sessions not less than once in a two year period and receive not less than ten (10) hours of instruction relating to investment responsibilities.

Training must include education in investment controls, security risks, strategy risks, market risks, diversification of the investment portfolio, and compliance with the Public Funds Investment Act.

All training shall be from an independent source on the list of approved training seminar sponsors. (See Attachment D)

XV. Conclusion

The Director of Finance and designated deputies will adhere to the investment policy in all investment decisions of the City. The Director of Finance will provide quarterly written reports to the City Manager and City Council on the investment activity of the City's investment portfolio.

All current investment activity, which does not comply with the above stated policy, will be allowed to mature, and all future investment activity will be negotiated under the terms of the stated policy.

In conjunction with the annual financial audit, a compliance audit will be performed on management controls and adherence to this policy.

An annual review of the Investment Policy and Strategy will be conducted by the Director of Finance. The Investment Policy and Strategy, with any changes, will then be presented for the City Council to review. Formal adoption of the Investment Policy and Strategy will be documented in the minutes of the City Council meeting and the adopting ordinance.

INVESTMENT STRATEGY –

Attachment A

The investment strategy of the City of Temple, Texas, is adopted to provide investment guidelines that will minimize the risk of loss. In order to make effective use of the City's resources, all monies shall be pooled into one fund, except for those monies required to be accounted for in other accounts as stipulated by applicable laws, bond covenants, contracts or City policy. Investment priorities (in order of importance) are as follows:

- A. Suitability – Any investment allowed by the Investment Policy is suitable. Maturity schedules shall be timed according to anticipated needs.
- B. Safety of Principal – All investments should be of high quality with no perceived default risk.
- C. Liquidity – Local government investment pools and mutual funds shall provide daily liquidity. Fixed maturity investments shall provide liquidity as required by anticipated needs.
- D. Marketability – Investments should have an active and efficient secondary market to enable the City to liquidate investments prior to the maturity for unanticipated cash requirements.
- E. Diversification – The City will diversify use of security types, issuers and maturities. With the exception of U.S. Treasury securities and authorized pools, no more than 50% of the total investment portfolio shall be invested in a single security type. With the exception of U.S. Treasury securities, no more than 40% of the total investment portfolio shall be invested with a single issuer. Maturity schedules shall be timed according to anticipated liquidity needs. The maximum dollar-weight average maturity is 270 days.
- F. Yield – The City's investment strategy is conservative. The benchmark used by the Director of Finance to determine whether market yields are being achieved shall be the 90-day T-bill rate.

INVESTMENT PURCHASING PROCEDURAL CONTROLS –

Attachment B

- A. Director of Finance, or designated deputy, and Treasury Manager shall analyze cash flow and determine specific cash flow needs of the City before any current securities mature or any new money is invested.
- B. Director of Finance and Treasury Manager agree to type of security (as allowed or as authorized by law, contract, or investment policy), denominations, and duration.
- C. Treasury Manager
 - Obtains three (3) net quotes for securities from authorized brokers listed on Attachment C;
 - Prepares quote listing with relevant information from the offerers;
 - Submits quote listing with recommendation for best responsible net offerer to Director of Finance or designated deputy;
 - Director of Finance or designated deputy approves best responsible net offerer; and
 - Contacts selected offerer with instructions to buy.

- D. Broker faxes or calls Treasury Manager with details of the purchase (disc, etc.).
- E. Treasury Manager contacts safekeeping with details, and faxes copy of CUSIP to safekeeping for security verification.
- F. Safekeeping compares CUSIP to delivered securities to initiate payment. The purchase of individual securities shall be executed "delivery versus payment" (DVP) through the Federal Reserve System. By so doing, City funds are not released until the City has received, through the Federal Reserve wire, the securities purchased.
- G. A letter is prepared with Director of Finance and Treasury Manager's signature stating all details of the purchase, and is sent to the broker.
- H. The broker must verify the letter for understanding and correctness of securities purchased, sign it, and return it to the City of Temple.
- I. The investment portfolio and cash flow documents are updated to reflect security transactions. The Treasury Manager reconciles the investment portfolio with the general ledger daily. The reconciliation is reviewed and approved by the Assistant Director of Finance.
- J. Safekeeping receipts are received by a Finance employee who is independent from the initiating or approval of the purchase, and are verified with the Daily Balance Report; if correct, the receipts are filed for documentation upon arrival.

LIST OF QUALIFIED INSTITUTIONS –

Attachment C

A list of institutions that are authorized to engage in investment transactions with the City shall, at least annually, be reviewed, revised, and adopted. The following institutions, listed by type, are authorized for use by the Investment Officer:

Brokers/Dealers:

Duncan Williams
First Southwest Company
Frost National Bank
Seattle Northwest Securities
Simmons First National Bank
Vining-Sparks IBG
Wachovia Securities Financial Network
Zions First National Bank

Local government investment pools:

Texpool
TexSTAR
CLASS by MBIA Municipals Investors Service
Cooperation Great Pacific Securities

This list shall be revised when necessary throughout the year to account for additions and deletions.

TRAINING SEMINAR SPONSORS –

Attachment D

All investment training shall be from an independent source approved by the City Council. The following sponsors are hereby approved:

- A. Government Finance Officer's Association (GFOA);
- B. Texas Society of Certified Public Accountants (TSCPA);
- C. Texas Municipal League (TML);
- D. Government Treasurer's Organization of Texas (GTOT);
- E. Sponsors approved by the TSCPA and GFOA, GFOAT, GTOT, to provide CPE credits; or
- F. Other sponsors approved on an individual basis by the Director of Finance.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING THE PROPERTY TAX INCREASE REFLECTED IN THE BUDGET, AND ADOPTING THE CITY BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND CLOSING SEPTEMBER 30, 2010, INCLUDING THE FOLLOWING COMPONENTS: OPERATING BUDGET FOR 2009-2010, CAPITAL IMPROVEMENT PROGRAM, FISCAL AND BUDGETARY POLICY STATEMENT, AND INVESTMENT POLICY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, after notice and a public hearing has been held as required by law and after considering the comments of the public at such public hearing, the City Council desires to adopt the budget for the fiscal year 2009-2010, the Capital Improvement Plan, and the Fiscal and Investment Policies; and

Whereas, the proposed budget will require raising more revenue from property taxes than in the previous year;

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

Part 1: The City Council ratifies the property tax increase reflected in the budget.

Part 2: The first public hearing was held on August 6, 2009, at 5:00 p.m., and after the conclusion of the public hearing held at 5:00 p.m. on the 3rd day of September, 2009, the budget for the City of Temple for the fiscal year beginning October 1, 2009, and closing September 30, 2010, together with the changes and amendments adopted by the City Council, on file in the Office of the City Secretary, is hereby adopted and approved.

Part 3: The City Council adopts the Capital Improvement Plan, Fiscal and Budgetary Policy Statement and the Investment Policy, all on file in the Office of the City Secretary.

Part 4: 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 on this the 3rd day of **September**, 2009.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

APPROVED AS TO FORM:

ATTEST:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/03/09
Item #5
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: FIRST & FINAL READING – PUBLIC HEARING - Consider adopting an ordinance approving the tax roll and authorizing calculation of the amount of tax that can be determined for all real and personal property in the City for the tax year 2009, to be considered on an emergency basis.

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

ITEM SUMMARY: The proposed ordinance will adopt the ad valorem property tax roll certified by the Tax Appraisal District of Bell County, in the amount of **\$3,350,301,444**. The total 2009 taxable value is as follows:

Taxable Value –

	<u>Certified Taxable Value</u>	<u>% of +/- from Prior Year</u>
City of Temple	\$2,898,379,547	3.80%
Freeze Taxable*	322,642,967	4.65%
Tax Increment District (Reinvestment Zone No. 1)	<u>129,278,930</u>	<u>-0.52%</u>
Total Taxable Value	<u>\$3,350,301,444</u>	<u>3.71%</u>

FISCAL IMPACT: The tax levy at the proposed tax rate of \$0.5646 in the 2009-2010 fiscal year is:

	TAX RATE	TAX LEVY ¹
General Fund (M&O)	\$0.3173	\$ 9,104,592
Debt Service (I&S)	0.2473	7,167,693
Frozen Taxes*	--	1,577,358
Total	<u>\$0.5646</u>	<u>\$17,849,643</u>
 Tax Increment District (Reinvestment Zone No. 1)	 <u>\$0.5595</u>	 <u>\$ 727,122</u>

* - Freeze taxable value = \$322,642,967

¹ – Assuming 99% collection of maintenance & operation revenue

ATTACHMENTS:

2009 Certified Tax Roll
Ordinance

2009 CERTIFIED TOTALS

Property Count: 33,427

TTE - CITY OF TEMPLE
Grand Totals

7/20/2009

6:33:44AM

Land		Value			
Homesite:		190,619,691			
Non Homesite:		269,861,695			
Ag Market:		38,828,856			
Timber Market:		0	Total Land	(+)	499,310,242
Improvement		Value			
Homesite:		1,611,351,215			
Non Homesite:		1,217,984,616	Total Improvements	(+)	2,829,335,831
Non Real		Count	Value		
Personal Property:	3,387		904,469,848		
Mineral Property:	0		0		
Autos:	1,046		8,773,862	Total Non Real	(+)
				Market Value	=
					913,243,710
					4,241,889,783
Ag		Non Exempt	Exempt		
Total Productivity Market:	38,828,856		0		
Ag Use:	2,412,390		0	Productivity Loss	(-)
Timber Use:	0		0	Appraised Value	=
Productivity Loss:	36,416,466		0		4,205,473,317
				Homestead Cap	(-)
				Assessed Value	=
					12,780,852
					4,192,692,465

Exemption	Count	Local	State	Total		
AB	19	19,975,993	0	19,975,993		
CH	6	661,914	0	661,914		
DP	350	3,406,956	0	3,406,956		
DV1	278	0	1,826,182	1,826,182		
DV1S	30	0	150,000	150,000		
DV2	121	0	985,500	985,500		
DV2S	9	0	60,800	60,800		
DV3	169	0	1,656,885	1,656,885		
DV3S	22	0	210,000	210,000		
DV4	455	0	4,728,616	4,728,616		
DV4S	91	0	1,079,107	1,079,107		
DVHS	71	0	8,726,254	8,726,254		
EX	2,390	0	445,924,391	445,924,391		
EX366	19	0	5,584	5,584		
HS	12,842	297,480,655	0	297,480,655		
OV65	4,270	41,991,597	0	41,991,597		
OV65S	176	1,756,112	0	1,756,112		
PC	31	11,764,475	0	11,764,475	Total Exemptions	(-)
						842,391,021
					Net Taxable	=
						3,350,301,444

Freeze	Assessed	Taxable	Actual Tax	Ceiling	Count		
DP	24,024,857	15,298,846	76,402.86	79,634.06	305		
OV65	446,994,615	307,344,121	1,516,888.08	1,562,020.12	4,137		
Total	471,019,472	322,642,967	1,593,290.94	1,641,654.18	4,442	Freeze Taxable	(-)
Tax Rate	0.559500						322,642,967

Transfer	Assessed	Taxable	Post % Taxable	Adjustment	Count		
OV65	2,364,630	1,585,225	1,425,587	159,638	15		
Total	2,364,630	1,585,225	1,425,587	159,638	15	Transfer Adjustment	(-)
							159,638

Bell County

2009 CERTIFIED TOTALS

As of Certification

Property Count: 33,427

TTE - CITY OF TEMPLE
Grand Totals

7/20/2009

6:33:44AM

Freeze Adjusted Taxable

=

3,027,498,839

APPROXIMATE LEVY = (FREEZE ADJUSTED TAXABLE * (TAX RATE / 100)) + ACTUAL TAX
 $18,532,146.94 = 3,027,498,839 * (0.559500 / 100) + 1,593,290.94$

Tif Zone Code	Tax Increment Loss
TETIF1	129,278,930
Tax Increment Finance Value:	129,278,930
Tax Increment Finance Levy:	723,315.61

2009 CERTIFIED TOTALS

Property Count: 33,427

TTE - CITY OF TEMPLE

Grand Totals

7/20/2009

6:34:02AM

State Category Breakdown

State Code	Description	Count	Acres	New Value Market	Market Value
A	SINGLE FAMILY RESIDENCE	17,918		\$53,740,378	\$1,894,961,586
B	MULTIFAMILY RESIDENCE	601		\$7,113,434	\$181,280,956
C	VACANT LOT	3,049		\$0	\$46,201,348
D1	QUALIFIED AG LAND	576	14,327.5337	\$0	\$38,828,856
D2	NON-QUALIFIED LAND	356	4,208.2330	\$0	\$17,668,612
E	FARM OR RANCH IMPROVEMENT	279		\$156,192	\$27,793,060
F1	COMMERCIAL REAL PROPERTY	1,758		\$18,723,316	\$500,199,944
F2	INDUSTRIAL REAL PROPERTY	128		\$6,326,706	\$153,498,431
J1	WATER SYSTEMS	2		\$0	\$40,575
J2	GAS DISTRIBUTION SYSTEM	9		\$0	\$3,882,482
J3	ELECTRIC COMPANY (INCLUDING CO-OP)	29		\$0	\$47,421,539
J4	TELEPHONE COMPANY (INCLUDING CO-O	11		\$0	\$15,073,817
J5	RAILROAD	38		\$0	\$18,840,209
J6	PIPELAND COMPANY	23		\$0	\$748,200
J7	CABLE TELEVISION COMPANY	3		\$0	\$6,365,580
L1	COMMERCIAL PERSONAL PROPERTY	3,823		\$0	\$285,164,505
L2	INDUSTRIAL PERSONAL PROPERTY	312		\$0	\$504,043,397
M1	TANGIBLE OTHER PERSONAL, MOBILE H	414		\$256,648	\$3,876,981
O	RESIDENTIAL INVENTORY	1,908		\$6,336,408	\$29,404,732
S	SPECIAL INVENTORY TAX	59		\$0	\$20,003,084
X	TOTALLY EXEMPT PROPERTY	2,415		\$322,536	\$446,591,889
	Totals		18,535.7667	\$92,975,618	\$4,241,889,783

2009 CERTIFIED TOTALS

Property Count: 33,427

TTE - CITY OF TEMPLE
Effective Rate Assumption

7/20/2009

2:08:32PM

New Value

TOTAL NEW VALUE MARKET:	\$92,975,618
TOTAL NEW VALUE TAXABLE:	\$81,358,565

New Exemptions

Exemption	Description	Count	2008 Market Value	Exemption Amount
EX	TOTAL EXEMPTION	107		\$1,525,242
ABSOLUTE EXEMPTIONS VALUE LOSS				\$1,525,242

\$1,320,242

Exemption	Description	Count	Exemption Amount
DP	DISABILITY	37	\$360,000
DV1	DISABLED VET	24	\$155,000
DV1S	DISABLED VET	3	\$15,000
DV2	DISABLED VET	28	\$237,000
DV2S	DISABLED VET	1	\$800
DV3	DISABLED VET	31	\$310,000
DV3S	DISABLED VET	5	\$40,000
DV4	DISABLED VET	48	\$432,000
DV4S	DISABLED VET	13	\$156,000
DVHS	Disabled Veteran Homestead	71	\$8,726,254
HS	HOMESTEAD	779	\$21,879,592
OV65	OVER 65	257	\$2,497,291
OV65S	OVER 65 Surviving Spouse	1	\$10,000
PARTIAL EXEMPTIONS VALUE LOSS		1,298	\$34,818,937
TOTAL EXEMPTIONS VALUE LOSS			\$36,344,179

New Ag / Timber Exemptions**New Annexations**

Count	Market Value	Taxable Value
360	\$37,986,313	\$29,536,108

New Deannexations**Average Homestead Value**

Category A and E

Count of HS Residences	Average Market	Average HS Exemption	Average Taxable
12,665	\$117,824	\$24,453	\$93,371

Category A Only

Count of HS Residences	Average Market	Average HS Exemption	Average Taxable
12,517	\$117,496	\$24,361	\$93,135

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE TAX ROLL AND AUTHORIZING THE AMOUNT OF TAX THAT CAN BE DETERMINED AS A PRELUDE TO ADOPTING A TAX RATE FOR ALL REAL AND PERSONAL PROPERTY IN THE CITY OF TEMPLE, TEXAS, FOR THE TAX YEAR 2009; AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS AS MAY BE REQUIRED BY THE TAX APPRAISAL DISTRICT OF BELL COUNTY; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; DECLARING FINDINGS OF FACT; PROVIDING AN OPEN MEETINGS CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, the Chief Appraiser has determined the total appraised value, the total assessed value, and the total taxable value of property taxable within the City of Temple, Texas, in order to submit the Tax Appraisal Roll to the City Council as required by Article 26.04 of the Property Tax Code;

WHEREAS, the Chief Appraiser has presented evidence that in order to verify all calculations of the Tax Appraisal District of Bell County and to fully comply with the legal requirements of the City Charter and State law, that September 3, 2009, is the date that is as soon as practicable after August 1, 2009, to present the Tax Appraisal Roll to the City Council, and the City Council after a public hearing has determined this to be true; and

WHEREAS, the City Council desires to approve the Tax Roll for tax year 2009 and to authorize calculation of the amount of tax that can be determined as a prerequisite to adopting the tax rate for the tax year 2009 as submitted by the Tax Appraisal District of Bell County.

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

Part 1: The City Council approves the Tax Appraisal Roll, as previously submitted by the Tax Appraisal District of Bell County, showing the total taxable assessed value of all real and personal property within the limits of the City of Temple, Texas, at **\$3,350,301,444** more particularly shown on the attached Exhibit A, which is made a part of this ordinance for all purposes as if written word for word herein, and authorizing assessment at 100% of market value.

Part 2: The City Council authorizes the Mayor of the City of Temple, Texas, to execute all documents as may be required to calculate the amount of tax that can be determined as a prelude to adopting the tax rate for the tax year 2009 for the City of Temple, Texas, as may be required by the Tax Appraisal District of Bell County.

Part 3: 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 4: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas.

Part 5: 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 6: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

Part 7: The fact that the tax roll must be approved prior to the start of the 2009-2010 fiscal year and in conjunction with the adoption of a tax rate creates an emergency and an urgent public necessity requiring the suspension of the charter rule which requires that all ordinances be passed on two separate readings and such rule is hereby suspended and this ordinance is finally passed on the date of its introduction as an emergency ordinance.

PASSED AND APPROVED On First and Final Reading on this the **3rd** day of **September**, 2009.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/03/09
Item #6
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: FIRST & FINAL READING - PUBLIC HEARING - Consider adopting an ordinance levying taxes and setting a tax rate for the City for the tax year 2009, making the appropriation for the regular operation of the City, to be considered on an emergency basis.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance on first and final reading.

ITEM SUMMARY: The Fiscal 2009-2010 budget will require adoption of a property tax rate of \$0.5646 per \$100 of taxable assessed property value. The proposed tax rate will generate \$17,849,643 of property tax levy when applied to an ad valorem tax base of \$3,221,022,514 less \$322,642,967 of freeze taxable value. In addition, there will be \$1,593,291 in frozen tax levy for a total property tax levy of \$17,849,643 (assuming 99% collection of maintenance & operation revenue). The proposed tax rate of \$0.5646 is a \$0.0051 increase over last year's tax rate of \$0.5595 and represents a 2.45% increase over the effective tax rate of \$0.5511.

The fiscal year 2009-2010 tax rate is comprised of the Maintenance and Operation rate and the Debt Service rate. These two components are as follows:

TAX RATE			TAX LEVY		
	FY 2010	FY 2009		FY 2010	FY 2009
Maintenance & Operations	\$ 0.3173	\$ 0.3322	Maintenance & Operations	\$ 9,196,558	\$ 9,275,660
Debt Service	0.2473	0.2273	Debt Service	7,167,693	6,346,651
	--	--	Frozen Taxes*	1,593,291	1,540,393
Total Tax Rate	<u>\$ 0.5646</u>	<u>\$ 0.5595</u>	Total Tax Levy	<u>\$ 17,957,542</u>	<u>\$ 17,162,704</u>
			Budget w/M&O at 99% Collection	<u>\$ 17,849,643</u>	
Tax Increment District (Reinvestment Zone No. 1)			Tax Increment District (Reinvestment Zone No. 1)		
Total Tax Rate	<u>\$ 0.5646</u>	<u>\$ 0.5595</u>	Total Tax Levy	<u>\$ 729,909</u>	<u>\$ 727,122</u>

* - Frozen value = \$322,642,967

The residential homestead exemption for property owners is \$5,000 or 20% of the assessed value whichever is greater. In addition to the homestead exemption, property owners 65 years of age or older will continue to receive an additional \$10,000 exemption and all disabled individual property owners will receive an exemption of \$10,000 in accordance with Texas Tax Code Section 11.13.

The ad valorem tax freeze on the residence homestead of a person who is disabled or sixty-five (65) years of age or older (as approved in an election held in the City of Temple on May 7, 2005) applies to Tax Year 2006 (FY 2007). The amount of the qualifying homeowners tax ceiling was determined on the Tax Year 2005 (FY 2006). Future city taxes on that homestead cannot exceed the 2005 tax amount (but may be less). The tax limitation, however, may be adjusted higher for an increase in improvements to the homestead, other than repairs and those improvements made to comply with governmental regulations.

The motion to adopt an ordinance setting a tax rate that exceeds the effective tax rate must be made in the following form: **“I move that the property tax rate be increased by the adoption of a tax rate of 56.46 cents, which is effectively a 2.45 percent increase in the tax rate.”**

The second motion is as follows: **“I move that the ordinance setting the 2009-2010 tax rate for the City of Temple be adopted.”**

Pursuant to Section 11.20 of the City Charter, all taxpayers shall be allowed discounts for the payment of taxes due to the City if such taxes are paid in the year for which such taxes are due as follows: 3% in October; 2% in November; and 1% in December.

FISCAL IMPACT:

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

With the proposed tax rate of 56.46 cents per \$100 valuation, the cost to a homeowner with a taxable value of \$100,000 would be an annual increase of \$5.10 if there was no change in taxable value from the prior year. If a homeowner with a taxable value of \$100,000 in 2009 experienced an increase in taxable value of .90% (average increase in appraised value), the annual property tax would increase by \$10.18.

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

The preceding tax year's average taxable value for of a residence homestead in Temple is \$91,038. In the current tax year, the average taxable value of a residence homestead in Temple is \$93,371. With the proposed tax rate of 56.46 cents per \$100 valuation, there would be an annual increase of \$17.81 in taxes.

ATTACHMENTS:

[Assessed Value of Taxable Property](#)
[Tax Rate FY 2001-2010](#)
[Ordinance](#)

CITY OF TEMPLE, TEXAS
Assessed Value of Taxable Property
Last Ten Fiscal Years

Fiscal Year Ending September 30,	Taxable Property Valuation ⁽³⁾	Percent (%) Increase (Decrease)
2001	\$1,927,421,579	2.40%
2002	1,971,358,175	2.28%
2003	2,081,235,886	5.57%
2004	2,152,111,633	3.41%
2005	2,307,589,214	7.22%
2006	2,441,277,465	5.79%
2007	2,622,803,439 ⁽³⁾	7.44%
2008	2,854,755,588 ⁽³⁾	8.84%
2009	3,100,594,231 ⁽²⁾	8.61%
2010	3,221,022,514 ⁽¹⁾	3.88%

Average Annual Increase	5.55%
--------------------------------	--------------

⁽¹⁾ **Source Document:** Tax Appraisal District of Bell County - Certified Tax Roll - July 20, 2009

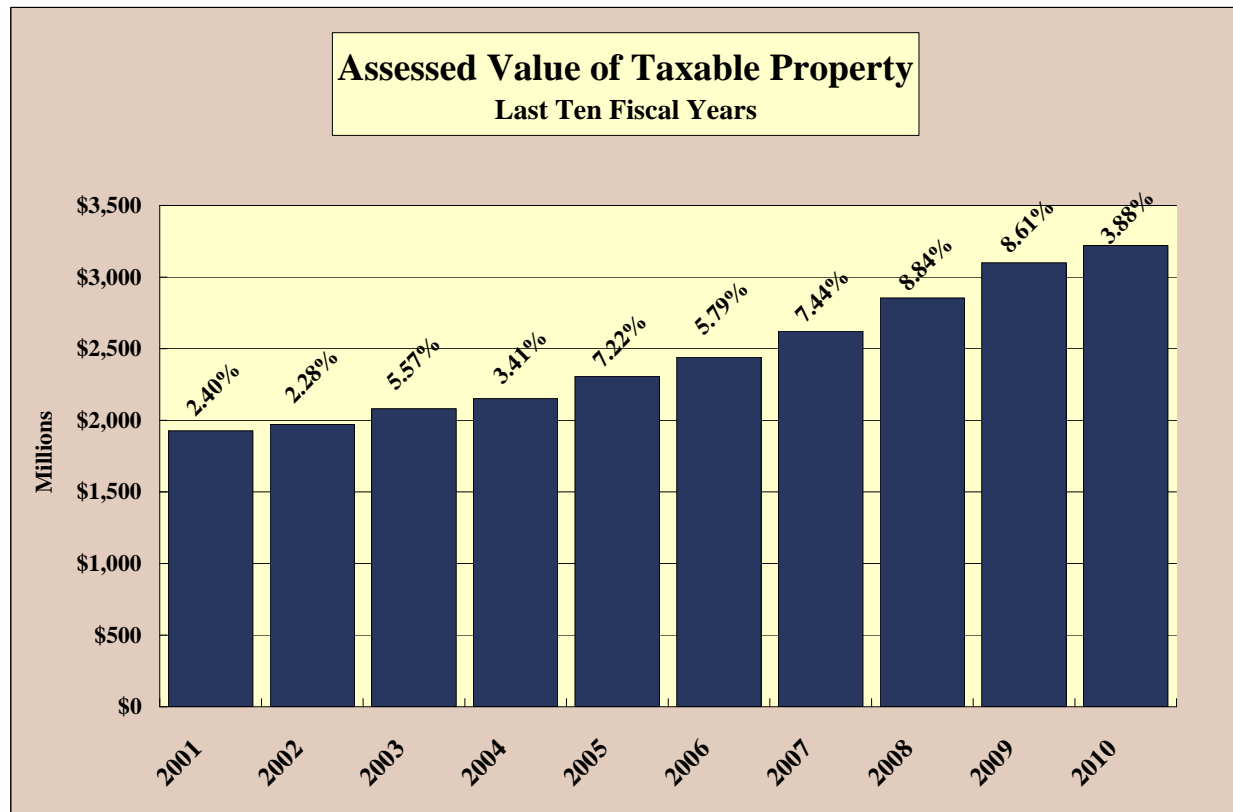
Net taxable value not adjusted for frozen values - frozen levy \$1,593,291

⁽²⁾ **Source Document:** Tax Appraisal District of Bell County - Certified Tax Roll - July 21, 2008

Net taxable value not adjusted for frozen values - frozen levy \$1,540,393

⁽³⁾ Net taxable value not adjusted for frozen values

⁽³⁾ Excludes amount applicable to the Tax Increment District (Reinvestment Zone No. 1)



CITY OF TEMPLE, TEXAS

ADOPTED TAX RATE VS. EFFECTIVE TAX RATE

Fiscal Year	Adopted Tax Rate			Effective Tax Rate	Increase in Adopted Rate over Effective Tax Rate	
	I & S	M & O	Total		\$	%
2001	0.2402	0.3520	0.5922	0.5518	0.0404	7.32%
2002	0.2445	0.3520	0.5965	0.5792	0.0173	2.99%
2003	0.2620	0.3273	0.5893	0.5722	0.0171	2.99%
2004	0.2537	0.3510	0.6047	0.5972	0.0075	1.26%
2005	0.2349	0.3674	0.6023	0.5731	0.0292	5.10%
2006	0.2199	0.3546	0.5745	0.5579	0.0166	2.98%
2007	0.2339	0.3395	0.5734	0.5568	0.0166	2.98%
2008	0.2289	0.3392	0.5681	0.5516	0.0165	2.99%
2009	0.2273	0.3322	0.5595	0.5433	0.0162	2.98%
2010*	0.2473	0.3173	0.5646	0.5511	0.0135	2.45%

* PROPOSED tax rate

CITY OF TEMPLE, TEXAS

ADOPTED TAX RATE VS. EFFECTIVE TAX RATE

Fiscal Year	Adopted Tax Rate			Effective Tax Rate	Increase in Adopted Rate over Effective Tax Rate	
	I & S	M & O	Total		\$	%
2001	0.2402	0.3520	0.5922	0.5518	0.0404	7.32%
2002	0.2445	0.3520	0.5965	0.5792	0.0173	2.99%
2003	0.2620	0.3273	0.5893	0.5722	0.0171	2.99%
2004	0.2537	0.3510	0.6047	0.5972	0.0075	1.26%
2005	0.2349	0.3674	0.6023	0.5731	0.0292	5.10%
2006	0.2199	0.3546	0.5745	0.5579	0.0166	2.98%
2007	0.2339	0.3395	0.5734	0.5568	0.0166	2.98%
2008	0.2289	0.3392	0.5681	0.5516	0.0165	2.99%
2009	0.2273	0.3322	0.5595	0.5433	0.0162	2.98%
2010*	0.2473	0.3173	0.5646	0.5511	0.0135	2.45%

* PROPOSED tax rate

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, LEVYING TAXES AND SETTING A TAX RATE FOR THE CITY OF TEMPLE FOR THE TAX YEAR 2009, MAKING APPROPRIATIONS FOR THE REGULAR OPERATION OF THE CITY AND FOR THE OPERATION OF ITS WATER AND SEWER SYSTEMS; DECLARING FINDINGS OF FACT; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN OPEN MEETINGS CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council held a public hearing on the proposed FY 2009-2010 budget on August 6, 2009, and at that meeting discussed the tax rate and took a record vote to set the meeting for adoption of the proposed tax rate of \$0.5646 per \$100 valuation for September 3, 2009;

WHEREAS, the City Council also took a record vote at the August 6, 2009, City Council meeting to set the public hearings on the proposed tax rate of \$0.5646 per \$100 valuation for August 14, 2009, special meeting and August 20, 2009, regular meeting;

WHEREAS, the City Council did hold the two public hearings on the proposed tax rate for tax year 2009 as scheduled;

WHEREAS, at each public hearing the City Council did announce the 3rd day of September, 2009, at 5:00 p.m. as the date and time for a vote on the proposed tax rate;

WHEREAS, the City Council did set and announce the 3rd day of September, 2009, at 5:00 p.m. as the date and time for a public hearing on the proposed budget for the fiscal year beginning October 1, 2009, and ending September 30, 2010, and in accordance with the City Charter requirements, notice was published in the TEMPLE DAILY TELEGRAM that the hearing on the proposed budget would be held on the 3rd day of September, 2009, at 5:00 p.m.;

WHEREAS, the City Council did consider and adopt the City Budget for the fiscal year beginning October 1, 2009, and ending September 30, 2010; and

WHEREAS, the City Council did approve the tax appraisal roll and authorize the collection of the total amount of tax that can be determined for the tax year 2009 and wishes to establish the tax rate on \$100 valuation of all property; real, personal, and mixed, subject to taxation for that tax year that would result in a tax rate of \$0.5646 per \$100 of assessed property valuation.

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

Part 1: The following tax rate on \$100 valuation for the City of Temple, Texas, be and is hereby levied and adopted for the tax year 2009 as follows:

For the purpose of maintenance and operation; \$ 0.3173

For the payment of principal and interest on
bonds, warrants and certificates of obligation \$ 0.2473
and other debt of this City;

TOTAL TAX RATE \$ 0.5646 per each \$100 of assessed
property valuation

Total Estimated Tax Levy (100%) \$17,957,542

Total Estimated Tax Levy –
(Tax Increment District for City of Temple) \$729,909

The above tax rate is hereby levied and adopted on the assessed valuation of all property, real, personal and mixed, subject to taxation by the City of Temple for the tax year 2009, for the City's departmental purposes for interest and sinking fund accounts in accordance with the budget adopted by the City Council on the 3rd day of September, 2009, to-wit: and all such ad valorem taxes shall become due on the 31st day of January, 2010, and shall, unless paid, become delinquent on the 1st day of February, 2010.

Part 2: The Director of Finance is hereby authorized to assess and collect the taxes of the City of Temple employing the above tax rate.

Part 3: The *Residential Homestead Exemption* for property owners shall remain at \$5,000 or 20% of the assessed value whichever is greater. The *Over 65 Residential Homestead Exemption* shall remain at \$10,000. The *Disabled Individual Property Owners Exemption* shall be \$10,000 (as authorized by an ordinance passed by the City Council on July 3, 2003, and in accordance with Texas Tax Code Section 11.13).

Part 4: The ad valorem tax freeze on the residence homestead of a person who is disabled or sixty-five (65) years of age or older shall also be effective (as authorized in an election held in the City of Temple on May 7, 2005). The amount of tax year 2005 City taxes will set the qualifying homeowners tax ceiling amount. Future City taxes on that homestead cannot exceed the tax year 2005 tax amount (but may be less). The tax limitation, however,

may be adjusted higher for an increase in improvements to the homestead, other than repairs and those improvements made to comply with governmental regulations.

Part 5: All monies on hand on the 1st day of October, 2009, belonging to the City of Temple, Texas, and other than monies belonging to the credit of its Water and Sewer Departments, and all monies received by the City during the fiscal year 2009, other than monies received from operation of its Water and Sewer Department, be and are hereby appropriated for the several purposes other than its water and sewer systems and in the respective amounts set forth in the budget adopted by the City Council on the 3rd day of September, 2009.

Part 6: Any funds needed for carrying out the budget shall be financed by deficiency warrants, and authority is hereby given to the City Manager and the Mayor to issue deficiency warrants, if necessary, to defray the current expenses for the City during the ensuing fiscal year in such amounts and at such times as shall be necessary in the judgment of the City Council.

Part 7: 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 8: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas.

Part 9: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not effect 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 10: 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.

Part 11: The fact that it is necessary to immediately prepare 2009 tax statements and billings, creates an emergency and imperative necessity which authorize and require that all Charter provisions, ordinances, and rules commanding the reading of ordinances on two separate regular meetings of the City Council, and prohibiting the passage of an ordinance on the date of its introduction be suspended and they are hereby suspended, and this ordinance is hereby passed as an emergency ordinance on the date of its introduction and shall be in effect from and after its adoption.

PASSED AND APPROVED on First and Final Reading on this the **3rd** day of **September**, 2009.

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

09/03/09
Item #7
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Amy M. House, Director of Human Resources

ITEM DESCRIPTION: Consider adopting a resolution funding the rates for medical/prescription insurance and dental insurance for employees and under age 65 retirees, as well as, Life Insurance, Accidental Death & Dismemberment Insurance and Long Term Disability Insurance.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: At their meeting on July 16, 2009, the trustees of the City of Temple Employee Benefits Trust agreed to purchase insurance contracts from Scott & White Health Plan for medical/prescription insurance, from Met Life for dental insurance, from Met Life for life and accidental death and dismemberment insurance, and from the Standard for Long Term Disability for employees and under age 65 retirees. (Retirees are eligible for medical and dental only). The City must now, with the adoption of the budget, fund the cost of those benefits awarded in addition to allowing for the biweekly transfer of contributions made by the City and by employees/retirees to the trust.

FISCAL IMPACT: Funding of the contracts awarded by the Trust reflects no change in costs from current year.

Budgeted FY09-10 amount:	\$1,620,716 for medical/prescription insurance for employees
	\$ 64,009 for dental insurance for employees
	\$ 127,457 for medical/prescription and dental insurance for retirees < age 65
	\$ 43,406 for life insurance for employees
	\$ 8,350 for ad&d insurance for employees
	\$ 65,920 for long term disability insurance for employees

ATTACHMENTS:

[Rate Schedules](#)
[Resolution](#)

Medical and Prescription Insurance

NOTE: Monthly Rates

Plan	Proposed FY09-10		
	Total	City	Employee *
Core (HSA)			
Emp Only	\$198.94	\$215.46	\$16.52
Emp + Spouse	\$483.22	\$230.46	\$252.76
Emp + Children	\$349.41	\$230.47	\$118.94
Emp + Family	\$595.98	\$230.46	\$365.52
Retiree Only	\$338.19	\$169.10	\$169.09
Retiree + Spouse	\$821.48	\$169.10	\$652.38
Retiree + Children	\$594.00	\$169.10	\$424.90
Retiree + Family	\$1,013.18	\$169.10	\$844.08
Retiree Spouse Only	\$338.19	\$ -	\$338.19
Buy Up A (CC30)			
Emp Only	\$ 266.09	\$ 215.47	\$ 50.62
Emp + Spouse	\$ 646.35	\$ 230.47	\$ 415.88
Emp + Children	\$ 467.37	\$ 230.47	\$ 236.90
Emp + Family	\$ 797.17	\$ 230.47	\$ 566.70
Retiree Only	\$ 453.71	\$ 169.10	\$ 284.61
Retiree + Spouse	\$ 1,102.05	\$ 169.10	\$ 932.95
Retiree + Children	\$ 796.86	\$ 169.10	\$ 627.76
Retiree + Family	\$ 1,359.17	\$ 169.10	\$ 1,190.07
Retiree Spouse Only	\$ 453.71	\$ -	\$ 453.71
Buy Up B (HMO25)			
Emp Only	\$ 460.88	\$ 230.46	\$ 230.42
Emp + Spouse	\$ 1,119.52	\$ 230.46	\$ 889.06
Emp + Children	\$ 809.54	\$ 230.46	\$ 579.08
Emp + Family	\$ 1,380.74	\$ 230.46	\$ 1,150.28
Retiree Only	\$ 697.21	\$ 169.10	\$ 528.11
Retiree + Spouse	\$ 1,693.57	\$ 169.10	\$ 1,524.47
Retiree + Children	\$ 1,224.62	\$ 169.10	\$ 1,055.52
Retiree + Family	\$ 2,088.73	\$ 169.10	\$ 1,919.63
Retiree Spouse Only	\$ 697.21	\$ -	\$ 697.21

Dental Insurance

NOTE: Monthly Rates

Plan	FY09-10		
	Total	City	Employee
Standard			
Emp Only	\$ 11.42	\$ 8.00	\$ 3.42
Emp + Spouse	\$ 22.59	\$ 8.01	\$ 14.58
Emp + Children	\$ 28.10	\$ 8.00	\$ 20.10
Emp + Family	\$ 40.67	\$ 8.01	\$ 32.66
Retiree Only	\$ 11.77	\$ 5.89	\$ 5.88
Retiree + Spouse	\$ 23.27	\$ 5.89	\$ 17.38
Retiree + Children	\$ 28.93	\$ 5.89	\$ 23.04
Retiree + Family	\$ 41.89	\$ 5.89	\$ 36.00
Buy Up			
Emp Only	\$ 26.13	\$ 8.01	\$ 18.12
Emp + Spouse	\$ 52.66	\$ 8.00	\$ 44.66
Emp + Children	\$ 71.08	\$ 8.00	\$ 63.08
Emp + Family	\$ 97.61	\$ 8.01	\$ 89.60
Retiree Only	\$ 26.91	\$ 5.89	\$ 21.02
Retiree + Spouse	\$ 54.24	\$ 5.89	\$ 48.35
Retiree + Children	\$ 73.20	\$ 5.89	\$ 67.31
Retiree + Family	\$ 100.53	\$ 5.89	\$ 94.64

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING FUNDING OF THE RATES FOR MEDICAL/PRESCRIPTION INSURANCE AND DENTAL INSURANCE FOR EMPLOYEES AND UNDER AGE 65 RETIREES, AS WELL AS LIFE INSURANCE, ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE AND LONG TERM DISABILITY INSURANCE, AND THE BIWEEKLY TRANSFER OF THE CITY'S EMPLOYEES' AND RETIREES' CONTRIBUTIONS TO THE TRUST FOR THE PAYMENT OF BENEFITS PURCHASED BY THE CITY OF TEMPLE EMPLOYEE BENEFIT TRUST; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, at their meeting on July 16, 2009, the trustees of the City of Temple Employee Benefits Trust agreed to purchase insurance contracts from Scott & White Health Plan for medical/prescription insurance, from Met Life for dental insurance, from Met Life for life and accidental death and dismemberment insurance, and from the Standard for Long Term Disability for employees and under age 65 retirees;

Whereas, the City must now, with the adoption of the FY2009-10 budget, fund the cost of those benefits and allow for the biweekly transfer of contributions made by the City and by employees/retirees to the trust;

Whereas, funding of the contracts awarded by the Trust reflects no change in costs from the current year and funds are budgeted in the FY2009-10 budget for this expense; and

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

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

Part 1: The City Council approves funding of the rates for medical/prescription insurance and dental insurance for employees and under age 65 retirees and the biweekly transfer of the City's employees' and retirees' contributions to the trust for the payment of benefits purchased by the City of Temple Employee Benefit Trust.

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 **3rd** day of **September**, 2009.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/03/09
Item #8
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Bruce Butscher, Director of Public Works
Nicole Torralva, Assistant Director of Public Works/Operations

ITEM DESCRIPTION: Consider adopting a resolution setting the collection charges for residential solid waste services.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This resolution will increase residential rates by \$1.25 per month. Rates will increase from the current \$14.55 to \$15.80 per month. Commercial rates will remain the same. Brush and bulk rates will also remain the same.

FISCAL IMPACT: The proposed increase in residential minimum base rate of \$1.25 will generate approximately \$270,000 in additional gross revenue.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, SETTING SOLID WASTE COLLECTION FEES; AND PROVIDING
AN OPEN MEETINGS CLAUSE.

Whereas, Section 15-12, "Collection Charges," of Chapter 15, "Garbage and Refuse," of the Code of Ordinances of the City of Temple, Texas, provides that amounts to be charged shall be established by resolution of the City Council; 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:

Part 1: The following solid waste fees are hereby adopted by the City of Temple, Texas:

(a) *Rates for residences:*

- (1) Single-family dwelling unit \$ ~~14.55~~ **15.80**
- (2) Each unit of a multifamily unit to a four-plex\$ ~~14.55~~ **15.80**
- (3) Multifamily dwellings having more than four (4) units may be at the commercial rate.
- (4) A single-family dwelling unit may at the customer's request be furnished additional ninety-gallon containers at an additional charge of \$5.50 per month per container, but in no case will this service be provided for a period of less than twelve (12) months.
- (5) The following items will be collected at the curb for a charge of \$65 per six (6) cubic yards:
 - a. brush and/or bulk items in excess of six (6) cubic yards;
 - b. mixed piles of brush and bulk items; and
 - c. out-of-cycle collection of brush and/or bulk items placed at the curb.

- (6) Rocks, dirt, remodeling, demolition and construction materials placed at the curb will be collected for a fee of \$300 per twenty (20) cubic yards.
- (7) Tires will be collected at the curb for the following fees:
 - up to 17-inch rim – \$10 per tire,
 - from 18-inch to 22.5-inch rim – \$15 per tire,
 - over 22.5-inch rim – \$35 per tire.
- (8) The following items will not be collected under any circumstances: dead animals and fowl, animal manure, paint, gasoline products and any waste classified as a hazardous waste.

(b) *Commercial and industrial monthly rate schedule:*

- (1) Regular service:

Costs Per Month (Pick-ups Per Week)

Container Size/CuYds	1	2	3	4	5	6	Reload Fee*	Extra Pickup
½		27.80**						
1 ½	39.80	67.60					8.50	29.70
2	52.20	95.80	139.80	183.80			11.00	32.20
3	64.50	122.10	165.60	215.20	264.80	303.70	15.90	37.10
4	86.10	148.90	200.80	250.40	307.80	354.40	20.40	41.60
6	107.60	191.60	258.70	311.40	373.60	422.20	28.00	49.20
8	133.10	236.90	312.50	399.10	479.00	531.70	33.90	55.10

* *Immediate refilling of container not requiring return of truck.*

** *Must qualify as a small quantity commercial solid waste generator as defined by Section 15-1.*

- (2) Shared container service (two [2] pick-ups per week) shall be pro-rated by the number of customers with a minimum charge of \$39.80 for each customer.
- (3) Business qualifying as a small quantity commercial solid waste generator would qualify for a \$27.80 rate for a prorata share (equal to 2 yard/week) of a shared container.
- (4) Industrial size containers.

Initial delivery charge---- \$53.00

Pick-up charge-- \$117.00 per load plus 1.05 x City of Temple landfill charge, plus following monthly rental charge:

Pick-up charge for waste requiring special handling – \$161.00 per load plus 1.05 x City of Temple landfill charge, plus following monthly rental charge:

<i>Container Size/Cu.Yds.</i>	<i>Monthly Charge</i>
20	\$ 87.00
30	\$93.00
40	\$108.00
Temporary rental charge--	\$4.00 per day.

- (5) Containerized commercial cardboard collection service shall be offered at a rate equal to one-half (1/2) of the solid waste collection rate for comparable service.
- (6) Brush and bulk items must be separated and will be collected for a fee of \$65 per six cubic yards.
- (7) *Minimum service levels for business.* The minimum fee to be charged to all other places of business shall be \$39.80 and shall entitle the owner or manager thereof to the removal of a one and one-half (1½) cubic yards of waste dumped each week.
- (8) *Sharing of containers.* Commercial and residential accounts may, in some areas, share the same container. In this event, each shall pay its respective fees.
- (9) *When business service requires more than current maximum level of service.* In the event the amount of garbage customarily being removed from any place of business exceeds the current maximum service level authorized for a class of service (including the small quantity commercial solid waste generator class), the owner or manager thereof shall be required to pay an additional fee for the removal of such garbage, based on the fees established herein.

The fee for each place of business shall be based on the frequency collection required and the amount of garbage being collected and picked up and from said

place of business. The Director of the Solid Waste Services shall, upon adjusting the fee for any place of business, immediately notify the owner or manager thereof of the amount of the fee fixed as a monthly charge for garbage pickup. Commercial customers who require more than one container shall be given a 15% discount on additional containers at the same location.

In the event the owner or the manager of any such place of business is dissatisfied with the fee adjustment established by the Director of Solid Waste Services, or any decision of the Director under authority of this chapter, he shall have the right of appeal to the Director of Public Works within thirty (30) days from the date such owner or manager receives notice from Solid Waste Services of the adjustment or decision. Each and every appeal shall be in writing and filed with the Director of Public Works. Subsequent to the appeal, the Director of Public Works shall determine the facts and may uphold the fee as reasonable, raise the fee, lower the fee, or make any adjustment which, based upon the facts, is reasonable. The Director of Public Works, shall notify the person so appealing of his decision, and, in the event such person is dissatisfied with the decision of the Director of Public Works, he shall have the right to appeal the decision to the City Manager. Each and every appeal to the City Manager shall be in writing and filed with the City Manager within thirty (30) days from the date of the decision of the Director of Public Works. The decision of the City Manager shall be final.

Part 2: The new solid waste collection fees will take effect on October 1, 2009.

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 3rd day of **September**, 2009.

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

09/03/09
Item #9
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution amending the current utility systems fees associated with the unauthorized use of water, new account fees, disconnect fees, residential deposits, meter accuracy test and returned item charges to be effective October 1, 2009.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Over the past year, the Water Department has seen a significant increase in the amount of 'unauthorized use of water'. In FY 2007 the Water business office identified and charged 29 customers for 'tampering with meters'. For the first nine months of FY 2009 the number has reached 319. The fee for tampering with a meter or 'unauthorized use of water' is currently \$40. Staff is recommending increasing the amount and type of fees associated with unauthorized use of water. We are also proposing to increase residential deposits from \$65 to \$75. The residential deposit amount has not been adjusted since 1993.

Staff obtained information on fees charged by peer cities and cities within our geographic region. We used this data in determining the proposed fee amendments.

In addition to amending the amount of the fees, staff is also recommending changing the description of the fee to more accurately reflect the charge. The following table lists the current and proposed fees and recommended description change:

Current Description/Fee		Proposed Description/Fee	
New Connect Fee	\$20	New Account Fee	\$25
Disconnect Fee	\$20	Non-Payment Fee	\$30
After Hours Fee	\$10	After Hours Fee	\$40
10-day Clean Up	\$25	10-day Clean Up	\$35
Re-read Fee	\$10	Re-read Fee	\$25
Returned Check	\$25	Returned Item	\$30
Accuracy Test (5/8")	\$25	Accuracy Test (5/8")	\$30
Accuracy Test (1")	\$30	Accuracy Test (1")	\$40
Accuracy Test (1.5")	\$35	Accuracy Test (1.5")	\$45
Accuracy Test (2")	\$35	Accuracy Test (2")	\$50
Accuracy Test (3"+)	Actual Cost	Accuracy Test (3"+)	Actual Cost
Tampering Fee	\$40	Unauthorized Use of Water	\$125
		Broken Meter Fee	\$75
Lock Charge	\$6 (avg)	Broken Lock Charge	\$45
		Pulled Meter Fee	\$75
		Remove Service Line	\$500

FISCAL IMPACT: In the FY 2010 Water and Sewer Fund proposed budget, reconnect fees are estimated to be \$190,000 and other charges are estimated to be \$20,000. The intent of the fee adjustments is to encourage timely payment and prevent unauthorized use of water.

The average monthly residential utility bill is \$70. The average account sent to collection is \$145. Increasing the deposit amount from \$65 to \$75 combined with reducing the time from consumption to final bill, will have a positive impact on bad debt expense.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, SETTING UTILITY SYSTEM FEES; AND PROVIDING AN
OPEN MEETINGS CLAUSE.

Whereas, Section 38-31, "Rates, deposits, penalties and service charges," provides that amounts to be charged shall be established by resolution of the City Council and adjusted from time to time to sustain efficient utility services and comply with laws and regulations; 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:

Part 1: The following utility system fees are hereby adopted by the City of Temple, Texas:

WATER AND SEWER TAP FEES

- (a) **Rates.** The following charges shall be made and collected by the Utility Business Office for each water and sewer tap connection furnished and made by it:

Tap Size	Current Rates		Plus Costs
	Full Short	Full Long	
Water			
3/4"	\$390.00	\$1,150.00	
1"	410.00	1,170.00	
1 1/2"	450.00	1,210.00	(a)
2"	490.00	1,240.00	(a)
3"	960.00	3,240.00	(b)
>3"	320.00 *	1,080.00 *	(b)
Sewer			
4"	420.00	1,180.00	(c)
6"	500.00	1,260.00	(c)

* Per Inch

- (a) plus the cost of meter
(b) plus the cost of meter and materials required to complete the tap
(c) plus the cost of materials required to complete the tap

- (b) **Changeover fee.** A \$50 changeover fee, but no tap fee, will be charged for replacing a smaller meter (3/4" x 5/8") with a full 3/4" meter.
- (c) **Fire taps:** All connections for fire protection systems sprinklers shall be charged at the rate of two hundred dollars (\$200.00) per inch of tap for short connections and three hundred dollars (\$300.00) per inch of tap for long connections.
- (d) **Stand-by charge.** A "stand-by" charge shall be assessed on each fire protection connection. This charge shall be two dollars (\$2.00) per inch per month.
- (e) **Taps made by utility contractors:** The charge for connecting a private water or service line to a short or long tap made by a utility contractor within a platted subdivision shall be one-half (1/2) the amount charged when the City makes a *short* tap of the same type and diameter.
- (f) **Subsurface taps:**
 - (1) *Boring Accomplished by City Crews.* When a tap requires the City, acting through its own crews or its employees, to bore or go under an existing improved public street, right-of-way, railroad right-of-way, public utility easements, other improved public property or private property in order to make a connection, charges for long connections requiring such boring will be the standard tap fee plus fifteen dollars (\$15.00) per each foot of bore in dirt and twenty dollars (\$20.00) per each foot of bore in rock.
 - (2) *Boring Accomplished by Contractors.* When the City hires a private party or private party contractor other than the city to bore or go under existing streets, right-of-ways, railroad right-of-ways, public utility easements or other improved public property or private property in order to make a connection, the charge for a private party bore will be the standard tap fee plus the actual cost to the city of the bore.

RATES FOR WATER SERVICE

- (a) **Rates.** The rates for services furnished by the City's waterworks system shall be as follows:

Current Water Rates		
Minimum service charge by meter size for 1 to 2,000 gallons	5/8" or 3/4"	\$10.00
	1"	13.95
	1 1/2"	17.90
	2"	28.85
	3"	109.40
	4"	139.30
	6"	208.90
	8"	288.50
	10"	288.50
Plus straight volumetric rate for consumption above 2,000 gallons	\$ 3.20 per thousand gallons	

- (b) **Customers outside City.** The City's regional water customers, Troy, Morgan's Point Resort, and Little River-Academy, shall pay the same rates as customers inside the

city limits. All other customers located outside the city limits of Temple shall pay 1.25 times the in-city water rate schedule.

RATES FOR SEWER SERVICE

(a) **Definitions**

(1) "*Winter Billing Period*" means the period of service for which customers are billed in January, February and March.

(2) "*Winter Water Average*" means the average of a customer's actual monthly water consumption reported on the bills sent to the customer in January, February and March.

(b) **Rates**

The rates for services furnished by the City's sewer system shall be as follows:

Current Sewer Rates	
Minimum service charge	
First 2000 gallons water	\$ 10.00
Straight volumetric rate for	
Gallons over 2,000	\$ 4.25 (per thousand gallons)

(c) **Customers outside City.** Customers outside the city limits will be billed at 1.25 times the in-city sewer rates.

(d) **Sewer charges based on actual water consumption**

(1) When a customer with Class A utility service has a separate water meter for an irrigation system, charges for sewer service will be based on the customer's actual monthly water consumption during the billing period, excluding separately metered water consumed solely for irrigation.

(2) Every customer with Class B utility service shall be billed for sewer service on the basis of actual monthly water consumption during the billing period, excluding any separately metered water consumed solely for irrigation.

(e) **Sewer charges based on Billing Winter Water Average**

(1) When a customer with Class A sewer service does not have a separate water meter for an irrigation system, charges for sewer service shall be based on the customer's Winter Water Average. At the conclusion of the Winter Billing Period, the city will calculate the customer's new Winter Water Average and use the new Winter Water Average to calculate sewer charges billed from May of the current year through April of the following year.

(2) Customers who transfer water service to a different location will transfer their Winter Water Average with their service.

(3) The Utility Department shall assume a Winter Water Average of 6,000 gallons for any Winter Water Average for which a billing history of water service from the City is not available.

(4) It is the intent of this Resolution that charges for sewer service bear a reasonable relation to the actual amount of sewer discharged by the customer. In exceptional circumstances, when the procedures established in this article for calculating monthly service charges do not produce a reasonable estimate of actual discharge, the city reserves the right to use an alternate method.

(5) The Utility Department may adjust a customer's Winter Water Average to deduct extraordinary consumption resulting from a leak or other unusual circumstances. Requests for adjustments must be supported by documentation such as an invoice for plumbing repair or an affidavit explaining the reason for the unusual consumption.

DEPOSITS

- (a) **Deposits.** The deposits for City utility accounts shall be as follows:

Class A Service		Class B Service	
All meters	\$65.00 \$75.00	5/8" meter	\$ 115.00
		1" meter	170.00
		1 1/2" meter	200.00
		2" meter	450.00
		3" meter	550.00
		4" meter	650.00
		6" meter	850.00
		8" meter	1,200.00
		10" meter	2,500.00
		Fire Hydrant Meter	600.00

- (b) **Waiver.** The deposit for a 6" or larger meter may be waived in connection with an economic development agreement within an enterprise zone.

SERVICE CHARGES

Rates. The rates *per occurrence* for various services furnished by the City's Utility Business Office sewer system shall be as follows:

Service	Charge
(1) <i>Rereading water meter</i>	\$10.00 25.00
(2) <i>Processing returned checks/bank draft item</i>	25.00 30.00
(3) <i>Ten (10) day cleanup service (flat fee for consumption and labor)</i>	25.00 35.00
(4) <i>Reconnect disconnect new connect fee New account fee or transfer fee *</i>	
During business hours	20.00 25.00
After business hours	30.00 65.00
<i>*(formerly: Reconnect disconnect new connect fee and</i>	

<i>transferring service to different address)</i>	
(5) Non-payment fee	30.00
After hours reconnect	40.00
(6) <i>Tampering with or damaging meters, padlocks or locking devices</i>	40.00
Unauthorized use of water**	125.00
Broken meter fee	75.00
Broken lock charge	45.00
** (formerly: <i>Tampering with or damaging meters, padlocks or locking devices</i>)	20.00
(6) <i>Transferring service to different address</i>	
(7) Pulled meter fee	75.00
(8) Remove service line	500.00
(9) Testing water meters for accuracy	
5/8" meter	25.00 30.00
1" meter	30.00 40.00
1 1/2" meter	35.00 45.00
2" meter	35.00 50.00
3" meter & larger	actual cost

PENALTIES

Penalties. The penalty for delinquent payment of utility invoices is a minimum fee of \$5.00 or 5% of the current bill, whichever is greater.

Part 2: The new utility system fees will take effect on October 1, 2009.

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 **3rd** day of **September**, 2009.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

Clydetta Entzminger
City Secretary

APPROVED AS TO FORM:

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/03/09
Item #10(A)-(B)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Approve Minutes:

- (A) August 14, 2009 Special Called Meeting
- (B) August 20, 2009 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:

August 14, 2009 Special Called Meeting
August 20, 2009 Special Called Meeting & Regular Meeting

SPECIAL MEETING OF THE TEMPLE CITY COUNCIL

AUGUST 14, 2009

The City Council of the City of Temple, Texas conducted a Special Meeting on Friday, August 14, 2009 at 5:00 pm in the City Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

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

Absent:

Councilmember Russell Schneider

I. CALL TO ORDER

1. Invocation

Mayor Pro Tem Patsy Luna voiced the Invocation.

2. Pledge of Allegiance

Councilmember Tony Jeter led the Pledge of Allegiance.

II. BUDGET ITEMS

3. PUBLIC HEARING - Conduct the first of two public hearings to receive comments on the proposed tax rate of \$0.5646 per \$100 valuation for fiscal year 2010 (2009 tax year), and announce meeting to adopt the proposed tax rate on September 3, 2009.

David Blackburn, City Manager, stated this is the first of two scheduled public hearings on the proposed tax rate of \$0.5646. The second public hearing will be conducted as part of the regular meeting on August 20th. The budget was filed on June 26, 2009 and is scheduled for adoption on September 3rd.

Mayor Jones declared the public hearing open with regard to item 3.

A citizen present addressed the Council. She stated she is paying too much in taxes now and older people are not getting much money. The taxes just keep getting higher each year and they don't get much for it.

Mayor Jones explained how the tax rate is frozen for those over 65 years of age.

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

Mayor Jones announced the meeting to adopt the proposed tax rate is set for the Regular City Council meeting on Thursday, September 3, 2009, at 5:00 p.m. in the City Council Chambers.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary

TEMPLE CITY COUNCIL

AUGUST 20, 2009

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, August 20, 2009, at 3:30 PM in the 3rd Floor Conference Room, 2 North Main Street.

Present:

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

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, August 20, 2009.

Items 5(E), contract for copier services, and 5(F), professional services agreement with The Wallace Group: David Blackburn, City Manager, asked that these two items be tabled at the regular meeting. Both need some additional staff work and will be re-evaluated before the items are considered by Council.

Item 5(I), rezoning of properties in the Historic District: Jonathan Graham, City Attorney, discussed nonconforming uses as they relate to the rezoning of property and, in particular, within the Historic District rezoning area being considered by the City Council. He discussed the references to this in the City's Zoning Ordinance and case law on nonconforming uses which are derived from the constitutional prohibition against taking property without due compensation and due process of law. Mr. Graham explained the circumstances under which a nonconforming use might be abandoned. In summary, he stated the term "nonconforming use" is tied to both the use and the structure(s). The use can be continued until abandoned or possibly amortized out of existence. The structure can be repaired but not expanded or structurally altered. Abandonment is a factual question, Mr. Graham stated, evidenced by the intent to abandon and some act or non-act showing an intent to permanently abandon the nonconforming use.

2. Discuss appointments to various boards and commissions.

The City Councilmembers discussed the appointments to various boards and commissions to be approved during the regular meeting. Recommendations were made and discussed to fill the vacant positions.

3. Discuss street lighting policy.

David Blackburn, City Manager, asked that this item be deferred to the September 3rd work session to allow sufficient time for discussion.

4. Discuss third quarter financial results for Fiscal Year 2009.

Traci Barnard, Director of Finance, provide the Councilmembers with reports concerning the Council's travel related expenditures during the previous quarter. Next, she reviewed

the financial statements for the nine-month period ending June 30, 2009. Mrs. Barnard discussed General Fund revenues, the major sources being from sales tax, ad valorem tax, solid waste fees, franchise fees and fines. General Fund expenditures were at 67% at 75% of the year. The General Fund forecast shows an addition to fund balance at year end in the estimated amount of \$2,587,000 and Mrs. Barnard reviewed the sources of these additional funds. The Water and Wastewater Fund revenues and expenses were also presented, as well as an overview of the City's investments and the Capital Improvement Program.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, August 20, 2009 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

Ryan Lawler, member of Youth Group at First Lutheran Church and Temple High School Senior, voiced the Invocation.

2. Pledge of Allegiance

Bert Pope, Chair of the Planning and Zoning Commission, led the Pledge of Allegiance.

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. Presentation of 2009 Long-Range Planning Award from the Central Texas Section of the American Planning Association for "Choices '08 - Temple Comprehensive Plan."

Mr. Kevin Kluge, Awards Committee Chair and Director-Elect of the Central Texas American Planning Association, presented the City with the 2009 Long-Range Planning Award. Also present to receive this award was Tim Dolan, Planning Director and Planning Department Staff; Jack Crews, Chair of the Comprehensive Plan Advisory Committee; and Planning & Zoning Commission members.

III. PUBLIC COMMENTS

Dr. Paul Rothaus, 3006 Hickory, thanked the City Council for actions taken to help keep his grandchildren safe. He also thanked those Councilmembers and staff that met with him, as well as those that moved the boulders to his front yard.

Nancie Etzel, 329 Big Timber Drive, addressed the Council. She stated she recently

resigned from her position on the Temple Public Safety Advisory Board. While on the board, she learned alot about the City's public safety officers and she expressed her appreciation for the great job they do. Ms. Etzel did express her concern with the lack of communication within the department and throughout the community, particularly with regard to the Neighborhood Watch Program. She felt there needs to be a better plan for those who want to become involved.

Mr. Milton Hensley, 301 Mitchell Drive, stated he has been selected to start a pro-life effort in Temple. He read a prepared statement and provided information about a National Life Chain event to be held on October 4th, on South 31st Street, south of Loop 363. He encouraged the Council to participate and promote this event.

IV. BUDGET ITEMS

4. PUBLIC HEARING - Conduct the second of two public hearings to receive comments on the proposed tax rate of 56.46 cents per \$100 valuation for fiscal year 2010 (2009 tax year), and announce meeting to adopt the proposed tax rate on September 3, 2009.

David Blackburn, City Manager, introduced this item to the City Council. At the August 6th meeting, the City Council set a tax rate of 56.46 cents per \$100 valuation and set public hearings for August 14 and August 20, with adoption scheduled for September 3, 2009. The preliminary budget was prepared with a total tax rate of 57.45 cents per \$100 valuation, based on a 1.5 cent increase over the FY 2009 rate for the Fire General Obligation Bond debt approved by the voters in May 2008. A slight increase in the certified tax base necessitated a slight decrease in the proposed total tax rate, from 57.45 to 56.46 cents, which is 2.45% above the effective tax rate.

Traci Barnard, Director of Finance, stated the tax rate is comprised of two components, the maintenance and operation rate of \$0.3173 and the rate for interest and sinking of \$0.2473, for a total tax rate of \$0.5646.

Mayor Jones declared the public hearing open with regard to agenda item 4 and asked if anyone wished to address this item.

There being no comments, Mayor Jones closed the public hearing.

Mayor Jones announced the meeting to adopt the proposed tax rate is set for the Regular City Council meeting on September 3, 2009, at 5:00 p.m. in the City Council Chambers.

V. CONSENT AGENDA

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

(A) August 6, 2009 Special Called Meeting and Regular Meeting

(B) 2009-5772-R: Consider adopting a resolution authorizing an Interlocal Cooperation Contract with the Texas Department of Public Safety for the purchase of alcohol and drug testing supplies by the Temple Police Department.

(C) 2009-5773-R: Consider adopting a resolution authorizing a contract amendment with Architectural Edge Inc. of Temple to provide construction administration services for the renovation and interior upgrade of the Frank W. Mayborn Civic and Convention Center in the amount of \$7,500.

(D) 2009-5774-R: Consider adopting a resolution authorizing a construction contract with J.H. Proofrock, Inc. of Dallas for remedial waterproofing at the Municipal Building in the amount of \$88,000.

(E) 2009-5775-R: Consider adopting a resolution authorizing a four-year agreement with renewal options with CTWP of Temple for copier services.

David Blackburn, City Manager, asked that this item be tabled.

Motion by Mayor Pro Tem Patsy E. Luna to table resolution, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

(F) 2009-5776-R: Consider adopting a resolution authorizing a professional services agreement with The Wallace Group, (TWG) for engineering services required to prepare and submit a Letter of Map Revision for Hog Pen Creek from FM 2305 to 1,000 feet south of Hogan Road in an amount not to exceed \$47,430.

David Blackburn, City Manager, asked that this item be tabled.

Motion by Councilmember Russell Schneider to table resolution, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

(G) 2009-5777-R: Consider adopting a resolution authorizing an agreement with the City of Belton and the Brazos River Authority to share the cost of land acquisition and engineering services for a proposed expansion of the Temple-Belton Regional Sewerage System.

(H) 2009-5778-R: Consider adopting a resolution authorizing an agreement with Cord Financial Services of Temple to provide and install an ATM at the Frank W. Mayborn Civic and Convention Center.

(I) 2009-4301: SECOND READING - Z-FY-09-16: Consider adopting an ordinance authorizing a zoning change from the Central Area District (CA) and Multiple Family Two District (MF2) to Single Family One District (SF1) and/or Neighborhood Services District (NS) for all of Blocks 1 and 26, Moore's First Addition; all of Blocks, 4, 7, 8, 9, & 10, and Block 3, Lots 2-4, L.R. Taylor Addition; and Outblocks, 263-2A, 2B, 2C, 2D, and 23, Temple Original.

Tim Dolan, Planning Director, presented this item to the City Council. He showed the location of this area being requested for rezoning. The Planning and Zoning Commission recommended a rezoning to Single Family 1 from the current Multi Family 2 and Central Area zoning.

Councilmember Jeter asked if the Medical Arts Building and parking lot, the Temple 4-C office, and 201 North 9th could be carved out for Neighborhood Service zoning. He also stated he would favor amortizing the Central Area zoning out of existence in the future.

Councilmember Schneider questioned the reason for carving this area out when it will be grandfathered, just like the apartments.

Councilmember Jeter stated the Neighborhood Service zoning will protect the existing businesses and allow them to rebuild if they are damaged or destroyed.

Councilmember Schneider asked why not do the same for the scrapbook business.

Councilmember Jeter stated that structure can still function as a home if the business is closed. It has as much value as a home.

Mayor Jones asked what it does, however, to the homes next to the Neighborhood Service area.

Jonathan Graham, City Attorney, explained how the zoning of property could be amortized. It would require a block by block review to determine what kind of investments have been made. This could likely be done in 90 days.

Motion by Councilmember Tony Jeter to adopt ordinance with the recommended Single Family 1 rezoning, with the exception of 518, 512, and 504 North 5th and 201 North 9th which will be rezoned Neighborhood Services, seconded by Mayor Pro Tem Patsy E. Luna.

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

(J) 2009-4302: SECOND READING — Consider adopting an ordinance amending Chapter 12, "Fire Prevention and Protection," of the Code of Ordinances of the City of Temple, Texas, by adopting the 2006 International Fire Code.

(K) 2009-4303: SECOND READING - Consider adopting an ordinance amending Chapter 37, "Traffic," Article IV, "Stopping, Standing and Parking," of the Code of Ordinances of the City of Temple, Texas, by amending Section 37-93, entitled, "Two-Hour Parking Zone," to provide that the City Manager may suspend by decree the fine for parking longer than two hours in the downtown area during public events or when the municipal parking lot adjacent to City Hall is closed.

(L) 2009-4304: SECOND READING - Consider adopting an ordinance extending the life of preliminary plats for single family residential subdivisions that were: (1) approved in the past 2 years; (2) extended by the approval of a final plat for a phase of the subdivision in the past 2 years; or (3) that would have expired in the past 2 years, by giving them an additional life of 2 years from the effective date of this ordinance.

(M) SECOND READING - Consider adopting ordinances establishing the prima facie speed

of motor vehicles on a certain section of SH 36/LP363, within the City limits, as follows:

(1) 2009-4305: The speed limit on Loop 363 access roads will be increased from 40 mph to 45 mph from Airport Road to a point 2,375 feet south of FM 2305 and from 30 mph to 50 mph from a point 2,375 feet south of FM 2305 to South 5th Street; and

(2) 2009-4306: The speed limit on Loop 363 will be increased from 55 mph to 60 mph from Airport Road to South 5th Street.

(N) 2009-4307: SECOND READING - Consider adopting an ordinance establishing school crosswalks and setting speed limits within school zones to conform to school schedules.

(O) 2009-5779-R: Consider adopting an amendment to Resolution No. 2008-5591-R, to clarify that resolution, which authorized and approved acquisition of 11 parcels of land and one utility easement adjacent to Old Waco Road, for the Outer Loop Phase III project, from approximately 950 feet south of Jupiter Drive to FM 2305; described the tracts to be acquired; determined that such acquisitions were necessary for public road, drainage and utility purposes, and authorized exercise of eminent domain if such became necessary.

(P) 2009-5780-R: Consider adopting a resolution approving third quarter financial results for Fiscal Year 2009.

Traci Barnard, Director of Finance, provided an overview of the 3rd quarter financial results for the quarter ending June 30, 2009. She discussed the major revenue sources for the City, including sales tax, ad valorem tax, solid waste revenues, franchise fees, and fines. General Fund expenditures are at 67% of budget and Mrs. Barnard explained the savings being realized in the fuel costs budgeted this year. The General Fund forecast indicates a fund balance at the end of the year of approximately \$2.6 million. She also provided a detailed analysis of the changes to fund balance unallocated. In the Water and Wastewater Fund, revenues are at 72% of budget and expenditures are at 71% of budget.

Motion by Mayor Pro Tem Patsy E. Luna to adopt resolution, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

(Q) 2009-5781-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2008-2009.

Motion by Councilmember Marty Janczak to adopt resolution approving Consent Agenda, with the exception of items (E), (F), (I), and (P), seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

V. REGULAR AGENDA

ORDINANCES

6. **2009-4308: FIRST READING - PUBLIC HEARING - Z-FY-09-25: Consider adopting an ordinance authorizing a zoning change from Agricultural (A) to Commercial (C) District on 1± acres, situated in the Maximo Moreno Survey, Abstract No. 14, on the west side of South 5th Street, 500+ feet north of Waters Dairy Road, located at 4804 South 5th Street.**

Tim Dolan, Planning Director, presented this item to the City Council. The applicant in this request desires to open an insurance business. The request is for Neighborhood Service (NS) zoning which is more restrictive than the original request for Commercial zoning. NS is the least intensive retail district. Both staff and the Planning and Zoning Commission recommended approval of the NS zoning and the applicant concurred with that recommendation.

Mayor Jones declared the public hearing open with regard to agenda item 6 and asked if anyone wished to address this item.

Mr. Jack Collier, applicant in this request, asked for the Council's support of this requested rezoning.

Councilmember Janczak asked that staff add the 3" waterline in this area to the Capital Improvement Plan in the future.

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

Motion by Councilmember Marty Janczak to adopt ordinance approving the Neighborhood Service zoning as recommended, and scheduling the second reading and final adoption for September 3, 2009, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

7. **2009-4309: FIRST & FINAL READING - PUBLIC HEARING - Consider adopting an ordinance approving rate tariffs and Proof of Revenues that reflect the negotiated rate change between the City and Atmos Mid-Tex pursuant to the Rate Review Mechanism process, and approving a revision to the Atmos Mid-Tex current Gas Cost Recovery ("GCR") tariff to allow the Company to recover certain hedging costs associated with natural gas futures through the GCR tariff; to be considered on an emergency basis.**

Jonathan Graham, City Attorney, presented this item to the Council. On March 6, 2009, Atmos Energy filed an application to increase natural gas rates in the amount of \$20.02 million. The City of Temple, along with 150 other cities served by Atmos Energy Mid-Tex Division, is a member of the Atmos Cities Steering Committee (ACSC). The ACSC has analyzed the schedules and has negotiated with Atmos to decrease the rate increase to \$2.6 million effective for bills rendered on or after August 1, 2009. This represents a \$0.15 increase per month to the average residential customer. Mr. Graham stated this ordinance is being considered on a single reading because a number of cities are involved and timely action is required in the event of an appeal.

Mayor Jones declared the public hearing open with regard to item 7 and asked if

anyone wished to address this item. There being no comments, Mayor Jones closed the public hearing.

Motion by Mayor Pro Tem Patsy E. Luna to adopt ordinance on first and final reading, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

BOARD APPOINTMENTS

8. **2009-5782-R: Consider adopting a resolution appointing members to the following City boards and commissions:**

(A) Airport Advisory Board - two members to fill expiring terms through September 1, 2012

It was recommended that Lamar Eidson be reappointed and the RZ No. 1 appointment be tabled until a recommendation from the RZ No. 1 Board of Directors is made.

(B) Animal Services Advisory Board - three members to fill expiring terms through September 1, 2012 and appoint Chair for the period of September 1, 2009 through August 31, 2010

It was recommended that Krissy Whittington and Gene Moeller be reappointed, Amy Strunk be appointed, and that Barbara Brown be appointed Chair of the Board for the upcoming year.

(C) Civil Service Commission - one member to fill expiring term through September 1, 2012

It was recommended that Ronald Heuss be reappointed.

(D) Community Services Advisory Board - three members to fill expiring terms through September 1, 2012

It was recommended that Roscoe Harrison, Lamar Collins and Nancie Etzel be reappointed.

(E) Library Board - three members to fill expiring terms through September 1, 2012; and one member to fill an unexpired term through September 1, 2010

It was recommended that Susan Corman and Denise Karimkhani be reappointed, Sammy Ragsdale be appointed and Margarita Stefano-Rios be appointed to fill an unexpired term through September 1, 2010.

(F) Planning & Zoning Commission - three members to fill expiring terms through September 1, 2012

It was recommended that Mike Pilkington and Bert Pope be reappointed and

James Staats be appointed.

(G) Reinvestment Zone No. 1 Board of Directors - five members to fill expiring terms through September 1, 2011; and appoint Chair for the period of September 1, 2009 through December 31, 2009

It was recommended that John Bailey, Jay Bojorquez, Mark Whitaker and Bob Browder be reappointed, Michael Norman be appointed and Bob Browder be appointed as Chair of the Board through December 31, 2009.

(H) Temple Economic Development Corporation - four members to fill expiring terms through September 1, 2012; and one member to fill an unexpired term through September 1, 2011

It was recommended that Pat Currie be reappointed, Greg Rhodes (Chamber representative) be appointed, Barbarba Bozon (Chamber representative) be appointed to fill an unexpired term through September 1, 2011, and Charles Belson and Perry Cloud be appointed as at-large members.

(I) Temple Public Safety Advisory Board - four members to fill expiring terms through September 1, 2012; and two members to fill unexpired terms through September 1, 2010

It was recommended that Bill Moore and Gaylene Nunn be reappointed, John Bush and Cynthia Martinez be appointed to fill unexpired terms through September 1, 2010, and Don Nelson and James Spurlock be appointed.

(J) Transit Advisory Committee - three members to fill expiring terms through September 1, 2011

It was recommended that Todd Adams and Esther Rogue be reappointed and Sylvia Chesser be appointed.

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

Motion passed unanimously.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

09/03/09
Item #10(C-1)
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 a one-year renewal to the annual contract with Franklin Industrial Minerals of Belton for aggregate base for FY 2010 in the estimated amount of \$77,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On October 5, 2006, the City Council authorized an annual purchase agreement with Franklin Minerals for aggregate base for the Street and Water Departments at the following prices:

- \$4.85 per ton for 25-ton loads delivered;
- \$6.85 per ton for 13-ton loads delivered; and
- \$2.60 per ton if City picks up at Franklin Minerals site

On September 6, 2007, and September 4, 2008, the Council authorized one-year extensions to the contract. The current contract will expire on September 30, 2009. The original bid allowed for four (4) additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do again this year.

Staff is pleased with the products provided by Franklin Minerals, and recommends Council authorize an extension to their contract. This will be the third one-year renewal authorized under this contract, with one remaining.

FISCAL IMPACT: Budgeted amount: \$25,950 in 110-3400-531-2316, Repairs & Maintenance Streets, & Alleys, Streets Department
\$29,648 in 520-5200-535-2316, Repairs & Maintenance Streets & Alleys, Water Department
\$21,720 in 520-5400-535-2316, Repairs & Maintenance Streets & Alleys, Sewer Department

Estimated annual expenditure: \$77,000.00

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,
AUTHORIZING A ONE-YEAR RENEWAL TO THE ANNUAL PURCHASE
AGREEMENT FOR THE PURCHASE OF AGGREGATE BASE FOR FISCAL YEAR
2010 WITH FRANKLIN MINERALS OF BELTON, TEXAS, IN THE ESTIMATED
AMOUNT OF \$77,000; PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on October 6, 2006, the City Council approved an annual purchase agreement with Franklin Minerals of Belton, Texas, for aggregate base for the Street and Water Departments – on September 6, 2007, the City Council authorized a one year extension as allowed by the original bid which provided for 4 one-year renewals and the Staff recommends renewing the agreement for an additional one-year period;

Whereas, the materials will be purchased on an "as needed" basis throughout the year by the Street and Water Departments, and other departments if necessary, and funds are budgeted for this expenditure in the Street and Water Departments' budgets (annual estimated expenditure of \$77,000); 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 a one-year renewal to the annual purchase agreement with Franklin Minerals of Belton, Texas, for the purchase of aggregate base as follows: \$4.85 per ton for 25-ton loads delivered; \$6.85 per ton for 13-ton loads delivered; and \$2.60 per ton if picked up at site.

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 **3rd** day of **September**, 2009.

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

09/03/09
Item #10(C-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 a one-year renewal to the purchase agreement with The Parts Depot of Temple, for the purchase of automotive repair parts for FY 2010 in the estimated amount of \$39,836.07.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On October 16, 2008, the City Council authorized an annual purchase agreement with The Parts Depot for the purchase of automotive repair parts. The current contract will expire on September 30, 2009. The original bid allowed for four (4) additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

Staff is satisfied with the products provided by The Parts Depot and recommends Council authorize an extension to the contract. This will be the first one-year renewal authorized under this contract, with three years remaining.

FISCAL IMPACT: Proposed FY 2010 Budget: \$0 (inventory purchase)
Estimated Expenditure: \$39,836.07

These items will be purchased as needed and charged to departmental expenditure accounts for vehicles and equipment that are serviced by Fleet Services. The estimated annual expenditure of \$39,836.07 was compiled based on The Parts Depot's line item bid prices along with Fleet Maintenance's projection of the estimated annual quantity that will be used.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE PURCHASE AGREEMENT WITH THE PARTS DEPOT OF TEMPLE, TEXAS, FOR AUTOMOTIVE REPAIR PARTS FOR FY2010, IN THE ESTIMATED AMOUNT OF \$39,836.07; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on October 16, 2008, the City Council authorized an annual purchase agreement with The Parts Depot for the purchase of automotive repair parts;

Whereas, the original bid provided for 4 one-year renewals and since the Staff is satisfied with the products provided by The Parts Depot, a one-year extension is recommended;

Whereas, these items will be purchased as needed and charged to departmental expenditure accounts for vehicles and equipment that are serviced by Fleet Services; 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 a one-year renewal to the purchase agreement with The Parts Depot of Temple, Texas, for automotive repair parts for FY2010, in the estimated amount of \$39,836.07.

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 **3rd** day of **September**, 2009.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/03/09
Item #10(C-3)
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 a one-year renewal to the annual contract for Coliform sample testing with Waco Regional Water Quality Lab of Waco at \$13/sample in the estimated amount of \$30,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On September 15, 2005, the City Council authorized an annual contract for bacteriological sample testing to Waco Regional Water Quality Lab and EMSL Analytical, Inc. On September 21, 2006, September 6, 2007, and September 4, 2008 the Council authorized one-year extensions to the contract. The current contract will expire on September 30, 2009. The original bid allowed for four (4) additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do again this year.

Staff is pleased with the services provided by Waco Regional Water Quality Lab and recommends Council authorize one-year extensions to the contract. This will be the forth one-year renewal authorized under this contracts, with none remaining.

FISCAL IMPACT: Budgeted amount: \$30,000 in account 520-5100-535-2616
Estimated expenditure: \$30,000

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE ANNUAL CONTRACT FOR COLIFORM SAMPLE TESTING FOR FISCAL YEAR 2010 WITH WACO REGIONAL WATER QUALITY LAB OF WACO, TEXAS, FOR AN ESTIMATED ANNUAL EXPENDITURE OF \$30,000; PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 15, 2005, the City Council authorized annual contracts for bacteriological sample testing with Waco Regional Quality Lab of Waco, Texas, and EMSL Analytical of Houston, Texas – on September 21, 2006, September 7, 2007, and September 4, 2008, the City Council authorized a one-year extensions to both contracts;

Whereas, the Staff is pleased with the services provided by Waco Regional Quality Lab but no longer needs the services of EMSL Analytical, and therefore recommends a one-year renewal to the contract with Waco Regional Quality Lab;

Whereas, funds for this expenditure are budgeted in Account No. 520-5100-535-2616 – estimated annual expenditure is \$30,000; 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 contract for Coliform sample testing at \$13.00 a sample for FY2010, in the estimated amount of \$30,000, with Waco Regional Water Quality Lab of Waco, Texas,

Part 2: The City Council authorizes the City Manager, or his designee, to execute any documents which may be necessary for these services, 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 3rd day of **September**, 2009.

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

09/03/09
Item #10(C-4)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Judy Duer, Library Director
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to the annual purchase agreement with Baker & Taylor for the purchase of library books, DVD's, books on CD and compact disks for FY 2010 in the estimated amount of \$105,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On September 18, 2008, the City Council authorized an annual purchase agreement with Baker & Taylor for the purchase of the following library materials:

1. General Trade Books, 45% discount from publisher's price list
2. Paperbacks (Mass Market and Trade), 40.8% discount from publisher's price list
3. Library Bindings, 24.1% discount from publisher's price list
4. Books on CD, 45.6% discount from publisher's price list
5. Playaways, 21.8% discount from publisher's price list
6. DVD's, 31.6% discount from publisher's price list
7. Compact Disks, 27.1% discount from publisher's price list

The current contract will expire on September 30, 2009. The original bid allowed for four (4) additional one-year extensions. In order to renew the contract, the vendors must agree to hold their prices firm for an additional year, which Baker & Taylor have agreed to do.

Ingram Library Services was the City's contract holder for pre-bound paperbacks, but Ingram was unwilling to renew their contract. Due to the low volume of pre-bound paperbacks typically purchased, the Library will get quotes on an as-needed basis for these items.

Staff is pleased with the services provided by Baker & Taylor and recommends Council authorize an extension to the contract. This will be the first renewal available under this contract, with three years remaining.

FISCAL IMPACT: Included in the proposed FY 2010 budget is \$154,742 for Library materials in the following accounts: 110-4000-555-22-25, 110-4000-555-22-26 & 110-4000-555-25-22
Estimated expenditure: \$105,000

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE PURCHASE AGREEMENT WITH BAKER & TAYLOR OF CHARLOTTE, NC, FOR THE PURCHASE OF LIBRARY BOOKS, DVDs, BOOKS ON CD AND COMPACT DISCS FOR FISCAL YEAR 2010, IN THE ESTIMATED ANNUAL AMOUNT OF \$105,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 18, 2008, the City Council authorized an annual purchase agreement with Baker & Taylor of Charlotte, NC, and Ingram Library Services of Laverne, TN, for the purchase of library books, DVD's, books on CD and compact disks;

Whereas, the original bid allowed for 4 one-year extensions to the purchase agreement and the Staff recommends extending the agreement with Baker & Taylor only since Ingram Library Services does not wish to renew the contract;

Whereas, the estimated annual expenditure for these materials is \$105,000, and funds are available in Account Nos. 110-4000-555-2225, 110-4000-555-2226, and 110-4000-555-2522; and

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

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

Part 1: The City Council approves a one-year extension to the purchase agreement with Baker and Taylor of Charlotte, NC, for the purchase of library books, DVDs, books on CD and compact discs (estimated expenditure \$105,000).

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 these purchases.

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 3rd day of **September**, 2009.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary

APPROVED AS TO FORM:

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/03/09
Item #10(C-5)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing one-year renewals to the annual contracts for the following services:

1. W. Howard Wright Real Estate for broker's opinions - \$65 per unit;
2. CentraLand Title Company for title work services – title letters \$100 each; runsheets \$125 each; and
3. Kokel-Oberrender-Wood for appraisals – prices varies.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On February 16, 2006, the City Council authorized annual contracts with W. Howard Wright Real Estate for broker's opinions, CentraLand Title Company for title services, and Central Texas Appraisals and Kokel-Oberrender-Wood on a rotating basis for appraisals. On September 21, 2006, September 6, 2007, and September 4, 2008, the Council authorized one-year extensions to the contracts. The current contracts will expire on September 30, 2009. The original bid allowed for four (4) additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year. All vendors agreed to hold their prices firm for an additional year except for Central Texas Appraisals.

Staff is pleased with the services provided by all vendors and recommends Council authorize one-year extensions to their contracts. This will be the last one-year renewal authorized under these contracts.

FISCAL IMPACT: Funds will be allocated in each project budget or expended from departmental budgets as the need arises for these services.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ONE-YEAR RENEWALS TO THE CONTRACTS WITH W. HOWARD WRIGHT REAL ESTATE FOR BROKER'S OPINIONS; CENTRALAND TITLE COMPANY FOR TITLE WORK SERVICES; AND KOKEL-OBERRENDER-WOOD FOR APPRAISALS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on February 16, 2006, the City Council awarded contracts to W. Howard Wright Real Estate for broker's opinions (\$65 per unit), Centraland Title Company for title services (title letters \$100 each; runsheets \$125 each), and Central Texas Appraisal Company and Kokel-Oberrender-Wood on a rotating basis for appraisals (prices vary);

Whereas, the original proposal allowed for 4 one-year extensions to the contract – Staff has been pleased with the services provided by all vendors and recommends approval of a one-year extension with all companies except Central Texas Appraisal Company who did not wish to renew the contract;

Whereas, funds will be allocated in each project budget or expended from departmental budgets as the need arises for these services; 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 one-year renewals to the contracts, after approval as to form by the City Attorney, for the following services: (a) W. Howard Wright Real Estate for broker's opinions (\$65 per unit); (b) Centraland Title Company for title work services (title letters \$100 each; runsheets \$125 each); and (c) Kokel-Oberrender-Wood – prices vary), for FY2010.

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 **3rd** day of **September**, 2009.

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

09/03/09
Item #10(C-6)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing
Lonzo Wallace, Chief of Fire

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to the purchase agreement with Metro Fire Apparatus Inc. of Houston, for the purchase of bunker gear at \$1,509 per set.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On July 17, 2008, the City Council authorized an annual purchase agreement with Metro Fire Apparatus Inc. for the purchase of bunker gear for structural firefighting. The current contract will expire on September 30, 2009. The original bid allowed for four (4) additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

Staff is satisfied with the products provided by Metro Fire Apparatus Inc. and recommends Council authorize an extension to the contract. This will be the first one-year renewal authorized under this contract, with three years remaining.

FISCAL IMPACT: Included in the proposed FY 2010 budget in account #110-2200-522-2113, clothing & uniforms, is funding for 17 sets of bunker gear for a total \$25,653.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE PURCHASE AGREEMENT FOR THE PURCHASE OF BUNKER GEAR FOR STRUCTURAL FIREFIGHTING WITH METRO FIRE APPARATUS, INC., OF HOUSTON, TEXAS, AT A COST OF \$1,509 PER SET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 17, 2008, the City Council authorized an annual purchase agreement with Metro Fire Apparatus, Inc., for the purchase of bunker gear for structural firefighting;

Whereas, the original bid allowed for 4 one-year extensions, and since Staff is pleased with the products provided by Metro Fire Apparatus, Inc., it is recommended that the purchase agreement be extended for a one-year period;

Whereas, funds are available in Account No. 110-2200-522-2113 for this expenditure – estimated annual expenditure is \$1,509 per set; 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 a one-year extension to the purchase agreement for the purchase of bunker gear for structural firefighting with Metro Fire Apparatus, Inc., of Houston, Texas, at a cost of \$1,509 per set of bunker gear.

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 **3rd** day of **September**, 2009.

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

09/03/09
Item #10(C-7)
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 contract with Alpha Constructors, Inc. of Temple for concrete repair and construction services for FY 2010 in the estimated amount of \$38,780.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On September 18, 2008, the City Council authorized an annual contract for concrete repair and construction with Alpha Constructors. The current contract will expire on September 30, 2009. The original bid allowed for four (4) additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

Staff is pleased with the products and services provided by Alpha Constructors, and recommends Council authorize an extension to their contract. This will be the first one-year renewal authorized under this contract, with three remaining.

FISCAL IMPACT: Budgeted amount: \$10,400 in account 110-3400-531-2316
\$20,080 in account 520-5200-535-2315
\$8,300 in account 520-5400-535-2315
Estimated expenditure: \$38,780.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR EXTENSION TO THE ANNUAL CONTRACT FOR CONCRETE REPAIR AND CONSTRUCTION SERVICES FOR FISCAL YEAR 2010 WITH ALPHA CONSTRUCTORS, INC., OF TEMPLE, TEXAS, IN THE ESTIMATED ANNUAL AMOUNT OF \$38,780; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 18, 2008, the City Council authorized an annual contract for concrete repair and construction with Alpha Constructors of Temple, Texas;

Whereas, the original bid allowed for 4 one-year extensions to the contract, and since Staff is pleased with the products and services provided by Alpha Constructors it is recommended that the contract be extended for a one-year period;

Whereas, funds are budgeted in Account Nos. 110-3400-531-2316, 20-5200-535-2315 and 520-5400-535-2315 for these services; 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 one-year extension to the annual contract, after approval as to form by the City Attorney, for concrete repair and construction services for Fiscal Year 2010 with Alpha Constructors, Inc., of Temple Texas, for an estimated annual expenditure of \$38,780.

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 3rd day of **September**, 2009.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/03/09
Item #10(C-8)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Michael Newman, PE, CFM, Assistant Director of Public Works/City Engineer
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: 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 2010 in the estimated amount of \$80,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On September 6, 2007, the City Council authorized a professional services agreement with Kleinfelder Central, Inc. to provide construction materials testing for all infrastructural projects, both City-initiated and subdivision-related. On September 18, 2008, the City Council authorized a one-year renewal to this agreement. This testing includes, but is not limited to, density of subgrade, base and hot mixed asphaltic concrete (MHAC) for roadway construction, gradation of subgrade and base material as well as HMA, California Bearing Ratios (CBR), concrete strength and density and bedding of trench excavation for utility installations. This testing is essential to assure quality construction and compliance with City specifications and standards. The current contract will expire on September 30, 2009. The original proposal allowed for four (4) additional one-year extensions.

Staff is satisfied with the professional services provided by Kleinfelder Central, Inc. and recommends Council authorize an extension to the contract. This will be the second one-year renewal authorized under this contract, with two years remaining.

FISCAL IMPACT: Budgeted amount: \$25,000 in 110-3900-533-2513 for subdivision testing.
Estimated expenditure: \$80,000.00 (based on estimated actual expenditures in FY 08-09)

*Project specific testing is budgeted within each project's budget

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE PROFESSIONAL SERVICES AGREEMENT WITH KLEINFELDER CENTRAL, INC., OF WACO, TEXAS, TO PROVIDE CONSTRUCTION MATERIALS TESTING FOR ALL INFRASTRUCTURAL PROJECTS, BOTH CITY-INITIATED AND SUBDIVISION-RELATED FOR FISCAL YEAR 2010, IN THE ESTIMATED AMOUNT OF \$80,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 7, 2007, the City authorized a professional services agreement with Kleinfelder Central, Inc., of Waco, Texas, for construction materials testing for all infrastructural projects, both City-initiated and subdivision-related, for FY2007-2008;

Whereas, the Staff recommends a one-year renewal with Kleinfelder Central, Inc., for FY2010 for these services, for an estimated annual expenditure of \$80,000;

Whereas, funds are budgeted in Account No. 110-3900-553-2513 for subdivision testing, and specific project testing is budgeted within each project's budget; 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 one-year renewal to the professional services agreement with Kleinfelder Central, Inc., of Waco, Texas, after approval as to form by the City Attorney, for construction materials testing for all infrastructural projects, both City-initiated and subdivision-related, for Fiscal Year 2010 (estimated expenditure of \$80,000).

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 3rd day of **September**, 2009.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/03/09
Item #10(C-9)
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 a one-year renewal to the annual contract with Smith Pump Company Inc. of Waco for electric motor and pump repair services needed at the Water Treatment Plant for FY 2010 in the estimated amount of \$164,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On September 18, 2008, the City Council authorized an annual contract with Smith Pump Company for electric motor and pump repair services. The current contract will expire on September 30, 2009. The original bid allowed for four (4) additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

Staff is satisfied with the services provided by Smith Pump Company Inc. and recommends Council authorize an extension to the contract. This will be the first one-year renewal authorized under this contract, with three years remaining.

FISCAL IMPACT: Budgeted Amount: \$24,000 in account 520-5100-535-2331
\$140,000 in account 520-5100-535-6310
Estimated Expenditure: \$164,000

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE ANNUAL CONTRACT FOR ELECTRIC MOTOR AND PUMP REPAIR SERVICES NEEDED AT THE WATER TREATMENT PLANT FOR FISCAL YEAR 2010 WITH SMITH PUMP COMPANY, INC., OF WACO, TEXAS, IN THE ESTIMATED ANNUAL AMOUNT OF \$164,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 18, 2008, the City Council authorized an annual contract with Smith Pump Company for electric motor and pump repair services;

Whereas, the original bid allowed for 4 one-year extensions and since Staff is satisfied with the services provided by the vendor it is recommended that the contract be extended for a one-year period;

Whereas, funds are budgeted in Account Nos. 520-5100-535-2331 and 520-5100-535-6310, for these services; 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 one-year extension, after approval as to form by the City Attorney, to the annual contract for electric motor and pump repair services on an as-needed basis for the Water Treatment Plant for Fiscal Year 2010 with Smith Pump Company of Waco, Texas, for an estimated annual expenditure of \$164,000.

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 3rd day of **September**, 2009.

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

09/03/09
Item #10(C-10)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to the annual contract with T. Morales Company of Florence for electrical services for all City facilities on an as-needed basis for FY 2010 in the estimated amount of \$69,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On September 6, 2007, the City Council authorized an annual contract for electrical services to T. Morales Company. On September 4, 2008, the City Council authorized a one-year extension to the contract.

The current contract will expire on September 30, 2009. The original bid allowed for four (4) additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do again this year.

Staff is pleased with the services provided by T. Morales Company and recommends Council authorize an extension to the contract. This will be the second renewal available under this contract, with two years remaining.

FISCAL IMPACT: Budgeted amount: **General Electrical Repair** - \$15,000 Money budgeted in several departments' accounts and services will be ordered as needed.
High Voltage/Telemetry Services - \$48,000 in 520-5100-535-2338 & \$6,000 in 520-5100-535-2319
Estimated expenditure: \$69,000.00

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE ANNUAL CONTRACT WITH T. MORALES COMPANY OF FLORENCE, TEXAS, FOR ELECTRICAL SERVICES FOR ALL CITY FACILITIES ON AN AS-NEEDED BASIS FOR FY2010, IN THE ESTIMATED AMOUNT OF \$69,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 7, 2007, the City Council authorized an annual contract with T. Morales Company of Florence, Texas, for electrical services for all City facilities on an as-needed basis for FY2007-08 – the original bid allowed for 4 additional one-year extensions;

Whereas, the Staff recommends a one-year renewal with T. Morales Company for FY2010 for these services, for an estimated annual expenditure of \$69,000;

Whereas, funds are budgeted in several different departments' account and services will be ordered as needed; 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 a one-year renewal to the annual contract for electrical services for all City facilities on an as-needed basis for FY2010 with T. Morales Company of Florence, Texas, for an estimated annual expenditure of \$69,000.

Part 2: The City Council authorizes the City Manager, or his designee, to execute any documents which may be necessary for these services, 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 3rd day of **September**, 2009.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/03/09
Item #10(C-11)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing
Lonzo Wallace, Chief of Fire

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to the purchase agreement with Miller Uniforms & Emblems of Austin for the purchase of fire department uniforms during FY 2010 in an estimated amount of \$30,632.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On September 18, 2008, the City Council authorized an annual purchase agreement with Miller Uniforms & Emblems for the purchase of fire department uniforms. The current contract will expire on September 30, 2009. The original bid allowed for four (4) additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

Staff is satisfied with the products provided by Miller Uniforms & Emblems and recommends Council authorize an extension to the contract. This will be the first one-year renewal authorized under this contract, with three years remaining.

FISCAL IMPACT: Funding in the amount of \$30,632 is currently included in the proposed FY 2010 budget for fire uniforms and coats in account 110-2200-522-2113.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE YEAR RENEWAL TO THE PURCHASE AGREEMENT WITH MILLER UNIFORMS & EMBLEMS OF AUSTIN, TEXAS, FOR THE PURCHASE OF FIRE DEPARTMENT UNIFORMS DURING FISCAL YEAR 2010, IN AN ESTIMATED ANNUAL AMOUNT OF \$30,632; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 18, 2008, the City Council authorized an annual purchase agreement with Miller Uniforms & Emblems for the purchase of fire department uniforms;

Whereas, the Staff is satisfied with the products provided by Miller Uniforms & Emblems and recommends an extension to the agreement as authorized under the original bid;

Whereas, the estimated annual expenditure for the uniforms is \$30,632, and funds are budgeted in Account No. 110-2200-522-2113; 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 extension to the purchase agreement with Miller Uniforms and Emblems of Austin, Texas, after approval as to form by the City Attorney, for the purchase of Fire Department uniforms for Fiscal Year 2010, in the estimated annual amount of \$30,632.

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 **3rd** day of **September**, 2009.

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

09/03/09
Item #10(C-12)
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 a one-year renewal to the annual contract with Ironhorse Asphalt, Ltd (dba Heart of Texas Hotmix) of Belton for hot mix asphalt at \$63 per ton for FY 2010 in the estimated amount of \$70,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On September 18, 2008, the City Council authorized an annual purchase agreement with Ironhorse Asphalt, Ltd (dba Heart of Texas Hotmix) for hot mix asphalt.

The original bid allowed for four (4) additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

Staff is pleased with the products and services provided by Ironhorse Asphalt Ltd, (dba Heart of Texas Hotmix) and recommends Council authorize an extension to their contract. This will be the first one-year renewal authorized under this contract, with three remaining.

FISCAL IMPACT: Budgeted amount: Sufficient amounts in various accounts*
Estimated expenditure: \$70,000.

*These items will be ordered on an as-needed basis and departments will ensure sufficient funds are available for their purchases.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE ANNUAL CONTRACT WITH IRONHORSE ASPHALT, LTD, (dba HEART OF TEXAS HOTMIX) OF BELTON, TEXAS, FOR THE PURCHASE OF HOT MIX ASPHALT AT A PRICE OF \$63 PER TON, WITH AN ESTIMATED ANNUAL PURCHASE FOR FISCAL YEAR 2010 OF \$70,000; PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 18, 2008, the City Council authorized an annual purchase agreement with Ironhorse Asphalt, Ltd (dba Heart of Texas Hotmix) for hot mix asphalt;

Whereas, the original bid allowed for 4 additional one-year extensions – Staff is pleased with the products and services provided by this vendor and recommends an extension to the contract;

Whereas, sufficient funds are available within departmental budgets for this expense – the estimated annual expenditure is \$70,000; 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 extension to the annual purchase agreement with Ironhorse Asphalt, Ltd, of Belton, Texas, after approval as to form by the City Attorney, for the purchase of hot mix asphalt at a price of \$63 per ton for Fiscal Year 2010 in the estimated annual amount of \$70,000.

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 3rd day of **September**, 2009.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/03/09
Item #10(C-13)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing an extension to the contract with Perry Office Plus of Temple for the purchase of office supplies for FY 2010 in the estimated amount of \$200,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On August 21, 2008, the City Council authorized an annual purchase agreement with Perry Office Plus for the purchase of office supplies.

The bid included a price adjustment clause which allows the successful bidder to raise their price on core items no more often than quarterly, with the exception of copy paper, as long as the price increase does not exceed the original margin of the item. In order for the successful bidder to submit price adjustments, a list certified by the successful bidder's supplier must be received by the City to be used as a base-line to validate any price increase requests. Likewise, under the price adjustment clause, the City shall have the right to request price decreases to maintain the original bid margin of an item.

The contract will expire on September 30, 2009. The bid allowed for four (4) additional one year renewals, if agreeable to both parties. Staff is pleased with the products and service provided by Perry Office Plus and recommends Council authorize an extension to their contract. This will be the first one-year renewal authorized under this contract, with three remaining.

FISCAL IMPACT: Budgeted amount: each department has budgeted for office supplies
Estimated annual expenditure: \$200,000

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN EXTENSION TO THE CONTRACT WITH PERRY OFFICE PLUS FOR THE PURCHASE OF OFFICE SUPPLIES, WITH ESTIMATED ANNUAL EXPENDITURES OF \$200,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on August 21, 2008, the City Council authorized an annual purchase agreement with Perry Office Plus for the purchase of office supplies;

Whereas, the bid allowed for 4 one-year renewals if agreeable to both parties, and the Staff recommends extending the contract for an additional year;

Whereas, there are sufficient funds in the various departmental accounts for the purchases – estimated annual expenditure is \$200,000; 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 extension to the contract with Perry Office Plus, after approval as to form by the City Attorney, for the purchase of office supplies for FY 2010, with an estimated annual expenditure of \$200,000.

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 3rd day of **September**, 2009.

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

09/03/09
Item #10(C-14)
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 a one-year renewal to the purchase agreement with Brazos Valley Lubricants of College Station for the purchase of oil and lubricants for FY 2010 in the estimated amount of \$59,473.12.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On September 18, 2008, the City Council authorized an annual purchase agreement with Brazos Valley Lubricants for the purchase of oil and lubricants. The current contract will expire on September 30, 2009. The original bid allowed for four (4) additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

Staff is satisfied with the products provided by Brazos Valley Lubricants and recommends Council authorize an extension to the contract. This will be the first one-year renewal authorized under this contract, with three years remaining.

FISCAL IMPACT: Proposed FY 09-10 Budgeted Amount: \$0 (inventory purchase)
Estimated Expenditure: \$59,473.12

These items will be purchased as needed and charged to departmental expenditure accounts for vehicles and equipment that are serviced by Fleet Services. The estimated annual expenditure of \$59,473.12 was compiled based on Brazos Valley Lubricant's line item bid prices along with Fleet Maintenance's projection of the estimated annual quantity that will be used.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE PURCHASE AGREEMENT FOR FISCAL YEAR 2010 FOR OILS AND LUBRICANTS WITH BRAZOS VALLEY LUBRICANTS OF BRYAN, TEXAS, FOR AN ESTIMATED EXPENDITURE OF \$59,473.12; PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 18, 2008, the City Council authorized an annual purchase agreement with Brazos Valley Lubricants of Bryan, Texas, for oils and lubricants for FY2009;

Whereas, the original bid allowed for 4 one-year extensions, and the Staff recommends extending the agreement for one additional year;

Whereas, these items will be purchased as needed and charged to departmental expenditure accounts for vehicles and equipment that are serviced by the Fleet Services – estimated annual expenditure is \$59,473.12; 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 one-year renewal to the purchase agreement with Brazos Valley Lubricants, after approval as to form by the City Attorney, for the purchase of oil and lubricants for FY 2010 in the estimated annual amount of \$59,473.12.

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 **3rd** day of **September**, 2009.

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

09/03/09
Item #10(C-15)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Judy Duer, Library Director
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to the annual contract with Texas Star USA, Inc. of Belton for the provision of security guard services at the Temple Public Library for FY 2010 in the estimated amount of \$28,717.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On February 15, 2007, the City Council authorized an annual contract with Texas Star USA, Inc. (dba Texas Star Security) of Belton for the provision of security guard services at the Temple Public Library. The contract provides security guards in the library during peak hours to promote the safety and security of patrons, building tenants and staff both in the library and in the parking garage.

The current contract will expire on September 30, 2009. The original bid allowed for four (4) additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do again this year.

Staff is pleased with the services provided by Texas Star USA, and recommends Council authorize an extension to their contract. This will be the third one-year renewal authorized under this contract, with one remaining.

FISCAL IMPACT: Budgeted amount: \$28,717 in 110-4000-555-2623
Estimated expenditure: \$28,717

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE ANNUAL CONTRACT WITH TEXAS STAR USA OF BELTON, TEXAS, FOR THE PROVISION OF SECURITY GUARD SERVICES AT THE TEMPLE PUBLIC LIBRARY FOR FISCAL YEAR 2009-2010, IN AN ESTIMATED AMOUNT OF \$28,717; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on February 15, 2007, the City Council authorized an annual contract with Texas Star USA, Inc. (dba Texas Star Security) of Belton, Texas, for the provision of security guard services at the Temple Public Library – the original bid allowed for 4 one-year renewals and the contract was renewed on September 4, 2008, for an additional year;

Whereas, the Staff recommends extending the contract with Texas Star USA for an additional one-year period, in an estimated amount of \$28,717;

Whereas, funds are available for this service in Account No. 110-4000-555-2623; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a one-year extension to the annual contract between the City of Temple, Texas, and Texas Star USA of Belton, Texas, after approval as to form by the City Attorney, for the provision of security guard services at the Temple Public Library for FY2009-10, in the estimated amount of \$28,717.

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 3rd day of **September**, 2009.

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

09/03/09
Item #10(C-16)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing one-year renewals to the annual purchase agreements with various vendors for sign and traffic control supplies for FY 2010 in the estimated amount of \$48,375.26.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On September 18, 2008, the City Council authorized annual purchase agreements with various vendors for the purchase of sign and traffic control supplies as shown below:

1. Vulcan Signs, Foley, AL – Sign Face Materials (\$7,608.31); Sign Caps, Crosses, Brackets & Clamps (\$1,706.05); Road Marking Accessories (\$830.50); and Sign Blanks (\$9,498.52);
2. Allied Tube & Conduit Corp, Harvey, IL – Sign Pipes & Accessories (\$10,862.00); and Telespar Support System (\$4,438.50);
3. Custom Products Corp, Jackson, MS – Emergency Flasher for Barricade with Solar Switch (\$245.20); Replacement Bulbs for 6-volt Emergency Flashers (\$15.84); Dead End Barricade Tape (Red-White) (\$720.00); and Traffic Cones (Fluorescent Orange 18”) (\$1,170.00);
4. Pathmark Traffic Products, San Marcos, TX - Spring-type Battery for Emergency Flasher (\$90.72); Traffic Cones (Fluorescent Orange 28”) (\$869.00); Traffic Cones (Fluorescent Orange with White Reflective Stripes) (\$1,419.00); and Traffic Buttons & Accessories (\$837.50);
5. 3M Company , St Paul , MN – Barricade Tape Left (orange/white) (\$193.50); Barricade Tape Right (orange/white) (\$193.50); and Sign Material Roll Goods (\$2,745.98); and
6. American Traffic Safety Materials, Inc., Orange Park, FL – Electro-Cut Materials (\$4,931.14)

The current contract will expire on September 30, 2009. The original bid allowed for four (4) additional one-year extensions. In order to renew the contract, the vendors must agree to hold their prices firm for an additional year, which they have agreed to do.

Staff is pleased with the products provided by the vendors listed above and recommends Council authorize extensions to their contracts. This will be the first renewal available under this contract, with three years remaining.

FISCAL IMPACT: Budgeted amount: \$0 (inventory purchases-to be purchased as needed throughout the year)*
Estimated expenditure in FY 0910: \$48,375.26

*The City of Belton and other City of Temple departments who have budgeted for graphics and signs within their departmental budgets may purchase off this contract, at the prices submitted, and their budgets will be charged when the actual purchases are made.

The estimated expenditure reflects the cost if all the items bid are actually purchased. No materials are purchased for the City of Belton or other City of Temple departments until the request for signs or graphics are submitted to the Street Department. Temple has an interlocal agreement with Belton to provide signs at our cost for material and labor. Belton purchased one of the plotters the City of Temple uses in making the signs.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ONE-YEAR RENEWALS TO THE PURCHASE AGREEMENTS WITH VARIOUS VENDORS FOR SIGN AND TRAFFIC CONTROL SUPPLIES FOR FISCAL YEAR 2009-2010 IN THE ESTIMATED ANNUAL AMOUNT OF \$48,375.26; PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 18, 2009, the City Council approved annual purchase agreements with various vendors for the purchase of sign and traffic control supplies;

Whereas, the original bid allowed for 4 one-year extensions and since the Staff is satisfied with the products provided by the vendors it is recommended that the purchase agreements be extended for an additional year;

Whereas, funds are budgeted in each department's FY2009-2010 budget, and the items will be purchased as they are needed throughout the year (estimated annual expenditure is \$48,375.26); 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 one-year renewals to the annual purchase agreements with various vendors for sign and traffic control supplies for Fiscal Year 2009-2010, in the estimated amount of \$48,375.26, as follows:

- (A) Vulcan Signs, Foley, AL – Sign Face Materials (\$7,608.31); Sign Caps, Crosses, Brackets & Clamps (\$1,706.05); Road Marking Accessories (\$830.50); and Sign Blanks (\$9,498.52);
- (B) Allied Tube & Conduit Corp, Harvey, IL – Sign Pipes & Accessories (\$10,862.00); and Telespar Support System (\$4,438.50);
- (C) Custom Products Corp, Jackson, MS – Emergency Flasher for Barricade with Solar Switch (\$245.20); Replacement Bulbs for 6-volt Emergency Flashers (\$15.84); Dead End Barricade Tape (Red-White) (\$720.00); and Traffic Cones (Fluorescent Orange 18”) (\$1,170.00);
- (D) Pathmark Traffic Products, San Marcos, TX - Spring-type Battery for Emergency Flasher (\$90.72); Traffic Cones (Fluorescent Orange 28”) (\$869.00); Traffic Cones (Fluorescent Orange with White Reflective Stripes) (\$1,419.00); and

Traffic Buttons & Accessories (\$837.50);

- (E) 3M Company , St Paul , MN – Barricade Tape Left (orange/white) (\$193.50); Barricade Tape Right (orange/white) (\$193.50); and Sign Material Roll Goods (\$2,745.98); and
- (F) American Traffic Safety Materials, Inc., Orange Park, FL – Electro-Cut Materials (\$4,931.14).

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 3rd day of **September**, 2009.

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

09/03/09
Item #10(C-17)
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 a one-year renewal to the annual contract with S&M Vacuum & Waste, LTD of Killeen for the hauling and disposal of sludge for FY 2010 in the estimated amount of \$115,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On September 7, 2006, the City Council authorized annual contracts with S&M Vacuum & Waste, LTD for the hauling and disposal of sludge at the following prices:

- \$.0275 per gallon for hauling and disposing of sludge from the sewer manhole located at South Pea Ridge Road and Poison Oak;
- \$.0500 per gallon for hauling and disposing of sludge from the sewer manhole located at 50th Street and Lavendusky; and
- \$.0299 per gallon for hauling and disposing of sludge from other locations

On September 6, 2007, and September 4, 2008, the Council authorized a one-year extension to the contract. The current contract will expire on September 30, 2009. The original bid allowed for four (4) additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do again this year.

Staff is pleased with the services provided by S&M Vacuum & Waste, LTD and recommends Council authorize a one-year extension to the contract. This will be the third one-year renewal authorized under this contract, with one year remaining.

FISCAL IMPACT: Budgeted amount: \$115,000 in account 520-5100-535-2338
Estimated expenditure: \$115,000

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE ANNUAL CONTRACT WITH S&M VACUUM AND WASTE, LTD, OF KILLEEN, TEXAS, FOR THE HAULING AND DISPOSAL OF SLUDGE FOR THE WATER TREATMENT PLANT FOR FISCAL YEAR 2009-2010, IN AN ESTIMATED ANNUAL AMOUNT OF \$115,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 7, 2006, the City Council approved an annual contract with S&M Vacuum and Waste, Ltd., of Killeen, Texas, for the hauling and disposal of sludge for the Water Treatment Plant – the bid allowed for 4 one-year renewals and the Staff recommends renewing the contract for an additional one year period;

Whereas, funds are budgeted for this service in Account No. 520-5100-535-2616 and the estimated annual expenditure is \$115,000; 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 a one-year renewal to the annual contract with S&M Vacuum & Waste, Ltd., of Killeen, Texas, for the hauling and disposal of sludge, in the estimated amount of \$115,000.

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 **3RD** day of **September**, 2009.

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

09/03/09
Item #10(C-18)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to the annual purchasing agreement with Safari Sun LLC of Altamonte Springs, Florida for the design and printing of t-shirts for FY 2010 in the estimated amount of \$35,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On October 2, 2008, the City Council authorized an annual purchase agreement with Safari Sun LLC for the design and printing of t-shirts.

The original bid allowed for four (4) additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

Staff is pleased with the products provided by Safari Sun LLC and recommends Council authorize an extension to their contract. This will be the first one-year renewal authorized under this contract, with three remaining.

FISCAL IMPACT: Budgeted amount: Sufficient amounts in various accounts*
Estimated expenditure: \$35,000.

*These shirts will be ordered on an as-needed basis and departments will ensure 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:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE ANNUAL PURCHASE AGREEMENT FOR THE DESIGN AND PRINTING OF T-SHIRTS WITH SAFARI SUN LLC, OF ALTAMONTE SPRINGS, FLORIDA, FOR FISCAL YEAR 2009-2010, IN THE ESTIMATED ANNUAL AMOUNT OF \$35,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on October 2, 2008, the City Council authorized an annual purchase agreement with Safari sun LLC, of Altamonte Springs, Florida, for the design and printing of t-shirts;

Whereas, the original bid allowed for 4 one-year extensions and since Staff is pleased with the products provided by Safari Sun LLC, it is recommended that the purchase agreement be extended for an additional year;

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 a one-year renewal to the annual purchase agreement with Safari Sun, LLC, of Altamonte Springs, Florida, for an estimated annual expenditure of \$35,000, for Fiscal Year 2009-2010, 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 **3rd** day of **September**, 2009.

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

09/03/09
Item #10(C-19)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Heather Mikulas, Utility Business Office Manager
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to the annual contract with MailMax Direct of Waco for the printing, folding, stuffing and mailing of water bills and folding, stuffing, and mailing of accounts receivable statements for FY 2010 the estimated amount of \$154,050.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On February 16, 2006, the City Council authorized an annual contract with MailMax Direct of Waco for printing, folding, stuffing and mailing of water bills and folding, stuffing, and mailing of accounts receivable statements. On September 21, 2006, September 6, 2007, and September 4, 2008 the Council authorized one-year extensions to the contract.

The current contract will expire on September 30, 2009. The original proposal allowed for four (4) additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year (with the exception of the postage rate), which they are willing to do again this year.

Staff is pleased with the services provide by MailMax Direct and recommends Council authorize a one-year extension to the contract. This will be the last one-year renewal authorized under this contract.

FISCAL IMPACT: The printing and mailing cost is 47.4¢ per item. It is estimated that we will have 22,000 utility statements, 4,600 reminder notices and 500 accounts receivable statements per month for an annual amount of 325,200 items. The estimated annual amount to print, fold, stuff and mail the utility statements and reminder notices and to fold, stuff and mail the accounts receivable statements is \$154,050. Funding in the amount of \$170,000 is currently included in the proposed FY 2010 budget in account 520-5800-535-2623.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE CONTRACT WITH MAILMAX DIRECT FOR THE PRINTING, FOLDING, STUFFING AND MAILING OF WATER BILLS AND THE FOLDING, STUFFING AND MAILING OF ACCOUNTS RECEIVABLE STATEMENTS FOR FY 2010 IN THE ESTIMATED ANNUAL AMOUNT OF \$154,050; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on February 16, 2006, the City Council approved a contract with MailMax Direct of Waco, Texas, for the printing, folding, stuffing, and mailing of water bills and the folding, stuffing and mailing of accounts receivable statements – on September 21, 2006, September 7, 2007, and September 4, 2008, the City Council awarded one-year extensions to the contract;

Whereas, the Staff has been pleased with the services provided by MailMax Direct and recommends a one-year extension to the contract, as allowed by the original proposal;

Whereas, the estimated annual amount for the services is \$154,050, and funds are available in Account No. 520-5800-535-2623; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a one-year renewal to the contract with Mailmax Direct, after approval as to form by the City Attorney, for the printing, folding, stuffing, and mailing of water bills and the folding, stuffing and mailing of accounts receivable statements for FY 2010, in the estimated amount of \$154,050.

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 3rd day of **September**, 2009.

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

09/03/09
Item #10(C-20)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Heather Mikulas, Utility Business Office Manager
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing one-year renewals to the annual purchase agreements for the purchase of water meters for FY 2010 with Badger Meter of Milwaukee, WI, Hersey Meters of Cleveland, NC, and Elster AMCO Water, Inc. of Ocala, FL, in the estimated amount of \$111,350 and a new purchase agreement with Elster AMCO Water, Inc. of Ocala, FL, in the estimated annual amount of \$4,568.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On September 18, 2008, the Council awarded annual purchase agreements to ACT Pipe & Supply, Municipal Water Works Supply, Badger Meter, Hersey Meters and Elster AMCO Water for the purchase of water meters in the estimated annual amount of \$115,417.

The purchase agreements allowed for four (4) one-year extensions to the contract. All vendors were willing to renew their contracts except ACT Pipe & Supply and Municipal Water Works Supply. However, ACT Pipe & Supply and Municipal Water Works Supply were only awarded one (1) type of meter each totaling an estimated annual usage of \$4,067 of the \$115,417 awarded to all vendors.

Accordingly, staff is recommending renewal of the annual purchasing agreements for the three vendors who were willing to renew their purchasing agreements in the estimated annual amount of \$111,350 as follows:

- a. Badger Meter of Milwaukee, WI for 3" & 4" Turbine Type Meters and 4", 6", and 8" FM or UL Approved Fire Service Meters (\$16,748.00);
- b. Hersey Meters of Cleveland, NC for 1-1/2" & 2" Turbine Type Meters (\$2,700.00); and
- c. Elster AMCO Water, Inc. of Ocala, FL for Positive Displacement Meters (all sizes), 8" Turbine Type Meters, 2", 3" & 4" Dual Body Compound Meter, and 3" Fire Hydrant Turbo Meters (\$91,902.00)

Related to water meters, staff is also recommending award of bids for the two (2) meters in which the vendors would not renew their agreement to Elster AMCO Water, Inc. in the estimated amount of \$4,568. The bid tabulation related to the two (2) newly bid meters is attached.

Staff has been pleased with the products and prices provided by Badger Meter, Hersey Meters and Elster AMCO Water, Inc. and recommends Council authorize one year extensions to their contracts.

With respect to the proposed contract renewals, this will be the first one-year renewal authorized under these contracts, with three remaining.

FISCAL IMPACT: Budgeted amount: \$0 (inventory purchases-to be purchased as needed throughout the year)*
Estimated expenditure in FY 09-10: \$115,918

*Sufficient funds exist in the utility accounts to pay for these purchases. The estimated expenditure reflects the cost if all the items bid are actually purchased.

ATTACHMENTS:

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

Tabulation of Bids Received
on July 21, 2009 at 3:30 p.m.
6" Turbine and Dual Body Compound Water Meters

Description	Bidders						Memo 2008-2009
	Master Meter Inc. Mansfield, TX	Aqua Metric Sales Co. Schertz, TX	Elster AMCO Water, Inc. Ocala, FL	Badger Meter, Inc. Milwaukee, WI	Hersey Meters Cleveland, NC	ACT Pipe & Supply Temple	Contracted Prices
Turbine Type Meters 6"	\$2,170.00	\$3,226.30	\$1,798.00	\$2,510.00	\$2,211.00	\$2,427.00	\$1,967.00
Dual Body Compound Metes 6"	\$3,575.00	\$3,990.00	\$2,770.00	\$3,476.08	N/B	\$4,380.00	\$2,100.00
30 Day Delivery	Yes	Yes	Yes	Yes	Yes	Yes	
Exceptions	Yes	Yes	Yes	Yes	Yes	Yes	
Local Preference	No	No	No	No	No	Yes	
Credit Check Authorization	Yes	Yes	No	Yes	Yes	Yes	
Exception was to liquidated damages							

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

Belinda Mattke

21-Jul-09

Belinda Mattke, Director of Purchasing

Date

Vendors who picked up the Invitation to Bid:

ACT Pipe and Supply - Temple
Aqua Metric Sales - Schertz, TX
Badger Meter Inc. - Milwaukee, WI
Elster AMCO Water - Ocala, FL
HD Supply - Belton
Hersey Meters - Cleveland, NC
Master Meter - Mansfield, TX
Neptune Technology Group - Tallassee, AL
Prime Vendor (Planroom)
USA Blue Book - Waukegan, IL
Water Products of Oklahoma - Owasso, OK
Whitley & Siddons - Austin, TX

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ONE YEAR RENEWALS TO THE ANNUAL PURCHASE AGREEMENTS WITH VARIOUS VENDORS FOR WATER METERS FOR FISCAL YEAR 2010, IN THE ESTIMATED AMOUNT OF \$111,350; AUTHORIZING A NEW PURCHASE AGREEMENT WITH ELSTER AMCO WATER, INC., OF OCALA, FL, IN THE ESTIMATED ANNUAL AMOUNT OF \$4,568 AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 18, 2008, the City Council awarded annual purchase agreements to various vendors for the purchase of water meters for Fiscal Year 2008-2009;

Whereas, the purchase agreements allowed for 4 one-year extensions to the contract – all vendors are willing to renew their contracts except ACT Pipe & Supply and Municipal Water Works Supply;

Whereas, the City received 2 bids on July 21, 2009, for the 6 inch Turbine and Dual Body Compound water meters previously supplied by the vendors who were not willing to renew their bid, and the Staff recommends accepting the bid from Elster AMCO Water, Inc., of Ocala, FL, for an estimated annual expenditure of \$4,568;

Whereas, the Water Department has budgeted funds for the purchase of these meters from inventory – the items will be stocked at minimum levels and will be issued to the department as needed – estimated annual expenditure is \$113,350; 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 renewal of the following annual purchase agreements for FY2010 for the purchase of water meters, in the estimated annual expenditure of \$111,350:

- (A) Badger Meter, Milwaukee, WI – 3" & 4" Turbine Type Meters and 4", 6" & 8" FM or UL Approved Fire Service Meters (\$16,748.00);
- (B) Hersey Meters, Cleveland, NC – 1-1/2" & 2" Turbine Type Meter (\$2,700.00);
and

(C) Elster AMCO Water, Ocala, FL – Positive Displacement Meters (all sizes), 8" Turbine Type Meters, 2", 3" & 4" Dual Body Compound Meter and 3" Fire Hydrant Turbo Meters (\$91,902.00).

Part 2: The City Council authorizes an annual purchase agreement for FY 2010 with Elster AMCO Water, Inc., Ocala, FL, for the purchase of 6" Turbine and Dual Body Compound Water Meters, for the estimated annual expenditure of \$4,568.

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 3rd day of **September**, 2009.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/03/09
Item #10(D-1)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing an annual purchase agreement for building materials with Lengefeld Lumber Company of Temple for FY 2010 in the estimated amount of \$25,000.

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

ITEM SUMMARY: On July 21, 2009, the City received 1 bid for building materials. The bid is shown on the attached bid tabulation sheet.

The bidder was Lengefeld Lumber of Temple. The City has done business with Lengefeld Lumber in the past and finds them to be a responsible bidder.

The recommended contract is for a period of one (1) year commencing on October 1, 2009, with the option for four (4) one-year renewals, if so agreed to by the City and Lengefeld Lumber.

FISCAL IMPACT: Budgeted amount: Sufficient amounts in various accounts*
Estimated expenditure: \$25,000.

*These items will be ordered on an as-needed basis and departments will ensure sufficient funds are available for their purchases. The \$25,000 estimated expenditure is based on actual expenditures incurred in FY 2009.

ATTACHMENTS:

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

**Tabulation of Bids Received
on July 21, 2009 at 2:45 p.m.
Building Materials**

		Bidders	
		Lengefeld Lumber Temple	
Description	Qty	Unit Price	Total Price
Sheetrock 4x8x1/2	25	\$4.45	\$111.25
Sheetrock 4x8x5/8	50	\$5.67	\$283.50
Joint Compound	20	\$6.79	\$135.80
Float Tape (250')	2	\$1.68	\$3.36
8" Common Nails (50#)	2	\$29.55	\$59.10
6" Common Nails (50#)	2	\$25.02	\$50.04
Drywall Screws 1-1/4" (29#)	4	\$34.56	\$138.24
2x4x8 #2 YP	85	\$1.93	\$164.05
2x4x8 Treated	30	\$2.50	\$75.00
2x4x10 #2 YP	140	\$2.03	\$284.20
2x4x12 #2 YP	10	\$2.52	\$25.20
2x4x16 #2 YP	15	\$4.17	\$62.55
2x4x16 Treated	15	\$4.64	\$69.60
1x8x8 C Grade YP	20	\$6.18	\$123.60
1x6x8 C Grade YP	20	\$4.29	\$85.80
Liquid Nails	60	\$2.26	\$135.60
All Weather Silicone Caulking	12	\$1.72	\$20.64
80# Concrete Mix	500	\$2.92	\$1,460.00
Portland Cement (94# bags)	100	\$7.94	\$794.00
80# Biodegradable Bags of Concrete Mix for Riprap/Retaining Walls	5,000	\$3.29	\$16,450.00
Roof Sealer/Sealant (1 gal)	12	\$5.90	\$70.80
Door Stops (Flex)	10	\$0.23	\$2.30
Door Stops (Kick down)	20	\$3.03	\$60.60
Commercial Duty Door Closers	12	\$48.84	\$586.08
TOTAL BID FOR LINE ITEMS		\$21,251.31	
Cost + Percentage		15%	
Delivery		Yes	
Local Preference		Yes	
Exceptions		No	
Credit Check Authorization		Yes	

<i>Memo 2008-2009 Contracted Prices</i>	
<i>Unit Price</i>	<i>Total Price</i>
\$ 4.74	\$ 118.50
\$ 5.66	\$ 283.00
\$ 6.25	\$ 125.00
\$ 1.62	\$ 3.24
\$ 37.55	\$ 75.10
\$ 21.15	\$ 42.30
\$ 31.93	\$ 127.72
\$ 2.57	\$ 218.45
\$ 2.77	\$ 83.10
\$ 2.57	\$ 359.80
\$ 3.40	\$ 34.00
\$ 4.78	\$ 71.70
\$ 5.86	\$ 87.90
\$ 5.98	\$ 119.60
\$ 4.92	\$ 98.40
\$ 1.49	\$ 89.40
\$ 3.00	\$ 36.00
\$ 2.91	\$ 1,455.00
\$ 7.86	\$ 786.00
\$ 3.36	\$ 16,800.00
\$ 4.81	\$ 57.72
\$ 0.35	\$ 3.50
\$ 2.61	\$ 52.20
\$ 44.54	\$ 534.48
\$	21,662.11

Vendors who picked up the Invitation to Bid:

Accredited Lock Supply - Secaucus, NJ
 Beard Integrated Systems - Richardson, TX
 Continental Flooring Company - Scottsdale, AZ
 Lengefeld Lumber Company - Temple, TX
 Paintsquare - Pittsburgh, PA

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

Belinda Mattke

Belinda Mattke, Director of Purchasing

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL PURCHASE AGREEMENT WITH LENGEFELD LUMBER COMPANY, OF TEMPLE, TEXAS, FOR BUILDING MATERIALS FOR FY2009-2010, IN THE ESTIMATED AMOUNT OF \$25,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 21, 2009, the City received 1 bid for building materials for FY2009-2010;

Whereas, the Staff recommends accepting the bid from Lengefeld Lumber Company, of Temple, Texas;

Whereas, the materials will be purchased on an "as needed" basis, and funds are available for these purchases in various Department accounts (estimated annual expenditure is \$25,000); 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 Lengefeld Lumber Company, LLC, of Temple, Texas, for the purchase of building materials for FY2009-2010, in accordance with the Staff recommendations on the bid tabulation sheet, attached as Exhibit A, for an estimated annual expenditure of \$25,000.

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 3rd day of **September**, 2009.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/03/09
Item #10(D-2)
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 the following herbicide and insecticide vendors for FY 2010 in the estimated amount of \$39,309.59:

Red River Specialties of Shreveport, LA;
BWI Schulenburg of Schulenburg;
Crop Production Services of Georgetown; and
Alligare LLC of Opelika, AL.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On August 4, 2009, the City received 5 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:

Red River Specialties of Shreveport, LA	\$4,690.00
BWI Schulenburg of Schulenburg	\$28,928.99
Crop Production Services of Georgetown	\$3,585.60
Alligare LLC. of Opelika, AL	\$2,105.00

The City has done business in the past with Red River Specialties and BWI Schulenburg and has found each to be a responsible vendor. The City has not done business with Crop Production Services or Alligare LLC. Therefore, references were checked. After receiving favorable references the City deems both to be responsible vendors. The proposed purchase agreements will commence on October 1, 2009 and will expire on September 30, 2010. 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: \$39,309.59 *

*These items will be ordered on an as-needed basis and departments will ensure 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 August 4, 2009 at 3:00 p.m.
Herbicides and Insecticides

Description	Bidders					Extended	Memo 2008-2009 Contracted Prices
	Red River Specialties Shreveport, LA	Univar USA Grand Prairie	BWI Schulenburg Schulenburg	Crop Production Serv Georgetown	Alligare LLC. Opelika, AL	Recommended Bids	
Unit Price	Unit Price	Unit Price	Unit Price	Unit Price	Unit Price		
Trimec 992 (2.5 gal)	\$62.50	No Bid	\$49.03	No Bid	No bid	\$2,941.80	\$47.58/2.5 gal
Prosecutor (2.5 gal)	\$40.00	No Bid	\$34.03	\$54.50	\$50.00	\$3,062.70	\$87.00/2.5 gal
MSMA-Bueno 6 (Target 6 + MSMA) (2.5 gal)	\$55.00	No Bid	\$48.00	\$45.37	No bid	\$2,722.20	\$45.00/2.5 gal
Surflan (Oryzalin 4 Pro) (2.5 gal)	\$132.50	No Bid	\$128.82	\$119.75	\$105.25	\$2,105.00	\$123.50/2.5 gal
Image (11.43 oz bottles)	No Bid	No Bid	\$72.63	No bid	No bid	\$1,089.45	\$63.39/bottle
Barricade 65 WG (Proclipse 65WDG) (10# bag)	\$190.00	No Bid	\$283.73	No Bid	\$190.00	\$950.00	\$93.75/10#
Pendulum 3.3 EC (2.5 gal)	No Bid	No Bid	\$91.76	\$129.75	No bid	\$367.04	\$77.50/2.5 gal
Award Fire Ant Bait (25# bag)	No Bid	\$248.75	\$202.85	No Bid	No bid	\$3,245.60	\$170.52/case
Spray pattern indicator dye, water soluble packs 40 pkg/case (Big Foot WSB)	\$210.00	No Bid	\$173.78	\$143.90	No bid	\$863.40	\$170.00/case
Blue spray pattern indicator dye, liquid (quart)	\$13.00	No Bid	\$11.43	\$13.90	No bid	\$914.40	\$13.00/quart
Sim-Trol 4L (Printed L) (2.5 gal)	\$60.00	No Bid	\$46.88	No Bid	No bid	\$1,172.00	\$58.75/2.5 gal
Dimension Ultra WSP (8-5oz packages; 8pkg/case)	\$1,360.00	No Bid	\$946.24	No Bid	No bid	\$9,462.40	\$486.72/case
Heritage (Gallon)	No Bid	No Bid	\$652.80	No Bid	No bid	\$5,222.40	\$640.00/gal
Cleary 3336F (TM 4.5) (2.5 gal)	\$275.00	No Bid	\$277.99	No Bid	No bid	\$2,200.00	\$225.00/2.5 gal
26 GT Fungicide (Iprodione) (2.5 gal)	\$192.50	No Bid	\$302.49	No Bid	No bid	\$1,540.00	\$195.00/2.5 gal
Manicure 6 Flowable Fungicide (Mainsail) (2.5 gal)	No Bid	No Bid	\$101.98	No Bid	No bid	\$815.84	\$98.00/2.5 gal
Illoxan 9 (gallon)	No Bid	No Bid	\$158.84	No Bid	No bid	\$635.36	\$154.75/gal
Triazicide Insecticide (No Substitutions)	No Bid	No Bid	No Bid	No Bid	No bid	\$0.00	No Bid
Delivery	Yes	Yes	No	Yes	Yes	\$39,309.59	Vendors who picked up the Invitation to Bid:
Local Preference	No	No	No	No	No		Adapco Inc.- Stanford, FL
Exceptions	Yes	No	Yes	Yes	Yes		Alligare LLC - Opelika, AL
Credit Check Authorization	Yes	Yes	Yes	Yes	Yes		BWI Schulenburg - Schulenburg, TX
							Crop Production Service - Georgetown, TX
							DeAngelo Brothers Inc - Hazelton, PA
							Estes, Incorporated - Waco
							Prime Vendor - Plan Room
							Red River Specialties - Shreveport, LA
							Univar USA - Grand Prairie

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

Belinda Matthe

4-Aug-09

Belinda Matthe, Director of Purchasing

Date

Recommended for Council Award

Staff reviewed specifications submitted by vendor and determined that Red River Specialties product was a better value for the City

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TEMPLE, TEXAS, AUTHORIZING ANNUAL PURCHASE
AGREEMENTS WITH VARIOUS VENDORS FOR FISCAL YEAR
2009-2010 FOR HERBICIDES AND INSECTICIDES, FOR AN
ESTIMATED EXPENDITURE OF \$39,309.59; PROVIDING AN
OPEN MEETINGS CLAUSE.

Whereas, on August 4, 2009 the City received 5 bids for the purchase of herbicides and insecticides for FY2009-2010;

Whereas, the staff recommends accepting the bids from Red River Specialties of Pasadena, TX; BWI Schulenburg of Schulenburg, TX, Crop Production Services of Georgetown, TX, and Alligare LLC of Opelika, AL;

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 \$39,309.59; 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 the following vendors, for the purchase of herbicides and insecticides for Fiscal Year 2009-2010, in the estimated amount of \$39,309.59:

Red River Specialties of Pasadena, TX	\$ 4,690.00
BWI Schulenburg of Schulenburg, TX	\$28,928.99
Crop Production Services of Georgetown, TX	\$ 3,585.60
Alligare LLC of Opelika, AL	\$ 2,105.00

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 **3rd** day of **September**, 2009.

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

09/03/09
Item #10(D-3)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing an annual contract for HVAC repair services for FY 2010 with Temple Heat & Air of Temple in the estimated amount of \$150,000.

STAFF RECOMMENDATION: Adopt a resolution as described in item description.

ITEM SUMMARY: On July 28, 2009, the City received 2 bids for HVAC repair 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 including experience and reputation of bidder providing like-kind service to other entities, proposed brand of replacement HVAC units and parts, and skilled staffing available to deliver services in a timely basis.

An evaluation committee was formed consisting of employees from Facility Maintenance, Airport and Police Department. After evaluating the bids, the committee unanimously selected Temple Heat & Air as the best value for the City of Temple. The City has done business with Temple Heat & Air in the past and finds them to be a responsible vendor.

The recommended contract is for a one (1) year period commencing on October 1, 2009 renewable for four (4) additional one-year periods, if agreed to by the City and Temple Heat & Air.

FISCAL IMPACT: Each department has budgeted for HVAC repair service. This service will be ordered on an as-needed basis. Staff estimates we will spend approximately \$150,000 in FY 2010 for HVAC repair services.

ATTACHMENTS:

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

Tabulation of Bids Received
on July 28, 2009 at 2:15 p.m.
HVAC Repair Service

	BIDDERS	
	Temple Heat & Air Temple	Beard Services Austin
Description		
Material (Cost plus %) \$0-\$100	50%	35%
Material (Cost plus %) \$101-\$500	35%	35%
Material (Cost plus %) \$501-\$1,000	25%	30%
Material (Cost plus %) \$1,001-\$5,000	20%	25%
Material (Cost plus %) \$5,001-and up	18%	20%
Rental Equipment (Cost plus %)	15%	15%
Labor (straight time)	\$50.00	\$65.00
Labor (nights and weekends)	\$75.00	\$85.00
Labor (holidays)	\$85.00	\$105.00
Price for Preventative Maintenance at the Municipal Building	\$1,457.00	\$1,040.00
Price for Preventative Maintenance at the Santa Fe Depot	\$936.00	\$520.00
Price for Preventative Maintenance at the Public Service Building	\$884.00	\$780.00
Price for Preventative Maintenance at the Mayborn Convention Center	\$1,376.00	\$780.00
Bid Bond	Yes	\$5,000.00
Bond Affidavit	Yes	Yes
Insurance Affidavit	Yes	Insurance Certificate
Credit Check Authorization	Yes	Yes
Exceptions	None	None

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

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

Belinda Mattke

28-Jul-09

Belinda Mattke, Director of Purchasing

Date

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL CONTRACT FOR HVAC REPAIR SERVICES FOR FY 2009-2010 WITH TEMPLE HEAT & AIR OF TEMPLE, TEXAS, IN THE ESTIMATED ANNUAL AMOUNT OF \$150,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 28, 2009, the City received 2 bids for HVAC repair services for Fiscal Year 2009-2010;

Whereas, the Staff recommends accepting the bid from Temple Heat & Air of Temple, Texas;

Whereas, each department has budgeted for HVAC repair service which will be ordered on an as-needed basis (estimated annual expenditure is \$150,000); 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 contract for HVAC repair services for Fiscal Year 2009-2010 with Temple Heat & Air of Temple, Texas, for an estimated annual expenditure of \$150,000.

Part 2: The City Council authorizes the City Manager, or his designee, to execute any documents which may be necessary for this service, 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 3rd day of **September**, 2009.

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

09/03/09
Item #10(D-4)
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 for tires and tubes for FY 2010 with Southern Tire Mart of Dallas in the estimated annual amount of \$110,505.20.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On July 28, 2009, the City received 5 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 including bidder’s delivery schedule, frequency of deliveries, 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 Southern Tire Mart as the best value for the City of Temple. The City has done business with Southern Tire Mart in the past and finds them to be a responsible vendor.

The recommended contract is for a one (1) year period commencing on October 1, 2009 renewable for four (4) additional one-year periods, if agreed to by the City and Southern Tire Mart.

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 we will spend approximately \$110,505.20 in FY 2010 for tires and tubes.

ATTACHMENTS:

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

Tabulation of Bids Received
on July 28, 2009 at 2:30 p.m.
Tires and Tubes

	Bidders				
	EZ Tire & Lube Temple	Tire Center LLC Austin	American Tire Distributors San Marcos	Southern Tire Mart Dallas	A to Z Tire & Battery, Inc Amarillo
Total for Section 1	\$1,699.24	\$2,552.64	\$1,837.16	\$1,832.00	\$1,322.08
Total for Section 2	\$18,152.80	\$19,982.00	\$20,562.06	\$17,929.00	\$18,951.90
Total for Section 3	\$30,575.84	\$26,235.68	\$23,197.48	\$23,373.80	\$21,992.66
Total for Section 4	\$54,968.94	\$45,282.24	\$36,593.62	\$36,870.00	\$33,986.00
Total for Section 5	\$16,732.95	\$20,379.50	\$27,935.96	\$20,024.00	\$21,706.32
Total for Section 6	\$2,611.94	\$2,602.20	\$2,413.76	\$2,402.00	\$1,844.00
Total for Section 7	\$7,624.74	\$8,621.02	\$6,760.76	\$7,023.00	\$6,789.72
Total for Section 8	\$922.00	\$1,231.12	\$716.26	\$1,051.40	\$656.00
Total for all Tires/Tubes	\$133,288.45	\$126,886.40	\$120,017.06	\$110,505.20	\$107,248.68
Delivery (stocked items)	2 days	Twice a week delivery	1-2 days after order is placed	1-3 business days, delivery 1-2 times per week	Daily
Delivery (non stocked items)	1day	Twice a week delivery	Varies by Manufacture	1-10 business days, 1/week or every two weeks	Within 7 days
Disposal of Tires	Car & Light Tire - \$2 Med & Commerical Radial - \$5 - Some as much as \$30	HD Truck - \$6.50 Passenger & Light Truck - \$4 Small OTR - \$7.50 Large OTR - \$20	Do not Dispose of Tires	Passenger - \$1.50 Light Truck \$2 Medium Truck - \$5 AG \$1.50-\$20 OTR \$20-\$25	Passenger & Light Truck - \$2 Medium Truck - \$6 Farm and OTR Tires \$15-\$70
Exceptions	None	None	None	Yes, deemed all acceptable	Yes
Credit Check Authorization	Yes	Yes	Yes	Yes	Yes

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

Belinda Mattke

7/28/2009

Belinda Mattke, Director of Purchasing

Date

**Did not bid on all items as required by bid
Recommended for Council Award**

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL PURCHASE AGREEMENT FOR FISCAL YEAR 2009-2010 FOR TIRES AND TUBES WITH SOUTHERN TIRE MART OF DALLAS, TEXAS, FOR AN ESTIMATED ANNUAL EXPENDITURE OF \$110,505.20; PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 28, 2009, the City received 5 bids for the purchase of tubes and tires for Fiscal Year 2009-2010;

Whereas, the staff recommends accepting the bid from Southern Tire Mart of Dallas, 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 \$110,505.20; 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 2009-2010 from Southern Tire Mart of Dallas, Texas, for an estimated expenditure of \$110,505.20.

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 **3rd** day of **September**, 2009.

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

09/03/09
Item #10(D-5)
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 various vendors for utility supplies for FY 2010 in the estimated amount of \$409,276.17.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On July 14, 2009, the City received 5 bids for the annual purchase of utility supplies. Staff recommends award of the bids to the following vendors with estimated annual purchases as highlighted in yellow on the attached 77 line-item (category) bid tabulation: ACT Pipe & Supply of Temple (\$93,712.21); Ferguson Waterworks of Killeen (\$155,714.61); Municipal Water Works Supply, LP of Royse City (\$67,459.81); and HD Supply Waterworks of Belton (\$92,389.54).

The City has done business in the past with all of the vendors being recommended for award, and has found each to be a responsible vendor. The proposed contracts will not have options for annual renewals.

FISCAL IMPACT: Budgeted amount: \$0 (inventory purchase that will be ordered as needed throughout the year)

Estimated expenditure: \$409,276.17 *

*The estimated expenditure reflects the cost if all the items bid are actually purchased. Items will be purchased as needed.

ATTACHMENTS:

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

Bid Opening
July 14, 2009 - 2:30 p.m.
Annual Utility Supplies

Description	BIDDERS				
	HD Supply Waterworks Belton, TX	ACT Pipe & Supply Temple, TX	Ferguson Waterworks Killeen, TX	Municipal Water Works Supply Royse City, TX	Alamo Iron Works San Antonio, TX
Water Pipe	\$10,003.40	\$6,307.40	\$7,606.60	\$7,610.60	No Bid
Brass Ball Valves	\$27,622.11	\$27,557.72	\$26,778.50	\$28,268.91	No Bid
Brass Corporation Stops	\$5,437.00	\$5,419.76	\$5,274.93	\$5,780.37	No Bid
Brass Meter Couplings	\$22,080.00	\$16,085.20	\$21,576.00	\$16,332.00	No Bid
Brass Straight Couplings	\$3,301.02	\$3,394.72	\$3,205.20	\$3,529.92	No Bid
Brass Bell Reducer Couplings FIPT x FIPT	\$881.94	\$1,095.22	\$783.74	\$1,135.94	Did not bid entire section
Elbow Brass 90 deg PJ x PJ	\$1,969.25	\$2,040.00	\$1,910.68	\$2,023.37	No Bid
Elbow Brass 90 deg FIPT x FIPT	\$397.08	\$512.60	\$366.92	\$533.80	Did not bid entire section
Brass Threaded Nipples	\$2,697.82	\$3,091.05	\$2,623.10	\$2,824.69	Did not bid entire section
Copper Tubing Type K Soft	No Bid	\$2,016.20	\$1,594.88	\$2,020.20	No Bid
Polyethylene Tubing	No Bid	\$3,790.00	\$3,221.04	\$4,246.00	No Bid
Stainless Steel Stiffeners	\$1,308.95	\$1,070.75	\$1,386.10	\$928.30	No Bid
Full Circle Clamps (Single Band) (with Removable Lugs)	\$24,318.66	\$21,557.31	\$23,294.82	\$19,408.86	No Bid
Full Circle Clamps (Double Band) (with Removable Lugs)	\$8,181.20	\$5,896.00	\$6,331.90	\$4,181.16	No Bid
Collar Leak Clamps	\$1,062.90	\$994.16	\$1,345.06	\$1,043.66	No Bid
Tapping Saddles DI or CI with CC Threads	\$3,208.76	\$3,303.36	\$5,743.39	\$6,987.35	No Bid
Multi-Range Repair Couplings	\$62,373.40	\$65,115.15	\$62,373.85	\$48,260.15	No Bid
Adjustable Valve Box Bottom	\$1,011.00	\$1,366.10	\$1,218.30	\$990.00	No Bid
Adjustable Valve Box Top	\$893.20	\$1,139.25	\$1,017.45	\$749.00	No Bid
Valve Box Lid	\$680.00	\$938.40	\$852.00	\$576.80	No Bid
MJ x MJ Gate Valve DI	\$35,291.10	\$35,837.68	\$34,739.11	No Bid	No Bid
MJ X Flange Gate Valve DI	\$4,126.84	\$4,329.85	\$4,084.47	No Bid	No Bid
Threaded Gate Valve DI	\$1,674.00	\$1,762.00	\$1,657.60	No Bid	No Bid
MJ Bends 22-1/2 deg DI	\$1,103.18	\$1,055.42	\$1,010.66	\$993.82	No Bid
MJ Bends 45 deg DI	\$1,381.44	\$1,328.22	\$1,243.54	\$1,233.24	No Bid
MJ Bends 90 deg DI	\$1,787.70	\$1,715.16	\$1,705.84	\$1,583.56	No Bid
Flange x Flange Bends 22-1/2 deg DI	\$1,200.17	\$1,231.10	\$1,099.73	\$1,103.25	No Bid
Flange x Flange Bends 45 deg DI	\$1,239.15	\$1,281.59	\$1,141.71	\$1,161.05	No Bid
Flange x Flange Bends 90 deg DI	\$1,469.00	\$1,511.43	\$1,351.12	\$1,366.17	No Bid
Reducer MJ x MJ DI	\$1,532.53	\$1,475.41	\$1,322.15	\$1,367.50	No Bid
Redi-Clamps	\$5,019.72	\$4,763.12	\$4,640.26	\$4,469.04	No Bid
MJ x Flange Tees DI	\$167.00	\$146.63	\$153.68	\$155.50	No Bid
Flange x Flange x Flange Tees DI	\$216.00	\$222.64	\$198.88	\$201.00	No Bid
Cap MJ	\$594.66	\$572.32	\$567.06	\$536.28	No Bid
Plug MJ Solid	\$708.08	\$683.04	\$652.70	\$638.20	No Bid
Tapped Plugs	\$453.50	\$436.43	\$416.74	\$408.45	No Bid
MJ Solid Sleeves (Long)	\$3,609.50	\$3,777.81	\$3,397.26	\$3,216.63	No Bid
MJ Solid Sleeves (Short)	\$1,395.36	\$1,288.52	\$1,377.54	\$1,202.90	No Bid
CI Valve Box Riser	\$936.20	\$1,173.10	\$1,899.90	\$978.80	No Bid
Swivel x Solid Anchor Couplings	No Bid	\$4,076.75	\$3,617.27	\$3,767.00	No Bid
PVC Compression Coupling	\$610.00	\$796.25	\$551.05	\$586.75	No Bid
All Thread Rods and Couplings	No Bid	\$1,210.50	\$1,889.10	\$437.85	No Bid
Gland Packs (complete with gaskets and bolts)	\$5,508.26	\$3,301.88	\$3,701.90	\$5,083.93	No Bid
PVC Mega Lugs - Packs (with MJ Gaskets and bolts)	\$3,004.00	\$2,889.68	\$3,295.66	\$2,776.33	No Bid
DI Mega Lugs - Packs (with MJ Gaskets)	\$669.70	\$581.40	\$725.36	\$609.28	No Bid
Brass Pack Joint or Compression Tee	\$3,230.77	\$1,952.90	\$2,026.89	\$1,951.70	No Bid

Description	BIDDERS				
	HD Supply Waterworks Belton, TX	ACT Pipe & Supply Temple, TX	Ferguson Waterworks Killeen, TX	Municipal Water Works Supply Royce City, TX	Alamo Iron Works San Antonio, TX
Brass Tees (FIPT)	\$472.84	\$576.84	\$459.50	\$596.60	Did not bid entire section
Flanged Coupling Adapters	\$1,565.18	\$1,844.09	\$1,636.27	\$2,585.36	No Bid
Brass Threaded Bushing	\$2,617.10	\$2,143.40	\$3,460.00	\$2,047.15	Did not bid entire section
Redi-Clamps	\$466.73	\$465.77	\$754.29	\$425.45	No Bid
Bell Joint Leak Clamps	\$995.41	\$879.20	\$1,113.30	\$525.69	No Bid
Brass Sleeve Coupling FIPT	\$716.30	\$720.00	\$701.20	\$992.25	No Bid
Fire Hydrants	\$22,756.00	\$23,046.00	\$22,999.92	\$27,268.00	No Bid
Meter Risers	\$40,569.00	\$37,028.35	\$39,489.93	\$38,574.51	No Bid
Brass Meter Flange Complete Kits	No Bid	\$337.20	\$386.12	\$392.40	No Bid
Concrete Meter Box (Box Only)	\$2,920.00	\$3,045.50	\$2,740.40	\$3,321.00	No Bid
CI Reader Lid Only (for Concrete Meter Box)	No Bid	\$5,849.90	\$5,774.00	\$7,217.50	No Bid
PE Meter Box with Overlapping Lid and CI Reader	No Bid	\$21,960.00	\$15,896.20	\$21,494.00	No Bid
CI Reader Lid Only (for PE Meter Box)	No Bid	\$409.75	\$364.89	\$443.37	No Bid
Meter Washers	No Bid	\$1,013.00	\$613.00	\$959.00	No Bid
Sewer Supplies - SDR 35 Deep Bell	No Bid	\$368.02	\$298.63	\$329.70	No Bid
Non-Shear Flex Boot Coupling	No Bid	\$22,002.64	\$11,993.52	\$20,975.40	No Bid
Sewer Caps Threaded PVC with Sleeve - SDR35	No Bid	\$980.00	\$730.00	\$810.00	No Bid
Sewer Pipe	\$47,310.92	\$27,507.79	\$38,068.83	\$35,410.55	No Bid
Sewer Clean Outs	No Bid	\$1,340.64	\$1,805.44	\$1,345.88	No Bid
Sewer Wyes GxGxG (with Deep Bell)	No Bid	\$4,863.03	\$4,643.82	\$5,092.55	No Bid
Sewer Tee Wyes GxGxG (with Deep Bell)	No Bid	\$2,393.72	\$2,284.36	\$2,699.50	No Bid
Type M2 Adjustable Steel Manhole Risers	No Bid	No Bid	\$10,409.00	\$10,432.60	No Bid
Cast Iron Manhole Rings & Covers	\$10,215.00	\$10,611.90	\$14,572.80	\$10,075.20	No Bid
Concrete Manhole Ring Risers	No Bid	\$81.56	\$89.46	\$84.70	No Bid
Concrete Manhole Cones - 24-inch	No Bid	\$3,444.00	\$4,050.00	\$2,868.60	No Bid
Concrete Manhole Risers - 48-inch	No Bid	\$7,134.00	\$6,090.00	\$4,943.10	No Bid
Sewer SDR35 Gasketed PVC Bends	No Bid	\$2,337.20	\$2,158.26	\$2,286.07	No Bid
PVC Sewer Tapping Saddles (Gasketed with Bands)	No Bid	\$648.35	\$515.75	\$545.95	No Bid
Flexible Saddle Wyes for Use on Clay Pip	No Bid	\$1,169.10	\$610.00	\$1,250.00	No Bid
Mushroom Valve Box Cover	\$1,550.00	\$1,778.00	\$3,200.00	\$3,600.00	No Bid
Eye Bolts with Washers and Nuts	No Bid	\$310.00	\$390.00	\$292.50	No Bid
Flat Fee for Emergency/After Hour Delivery	\$0.00	\$50.00	\$0.00	\$0.00	\$0.00
Delivery within 14 days?	Yes	Yes	Yes	Yes	Yes
Invoicing	Yes	Yes	Yes	Yes	Yes
Exceptions	Yes	No	No	Yes	Yes
Credit Check Authorization	Yes	Yes	Yes	Yes	Yes
Acknowledge Addendum	No	Yes	Yes	Yes	Yes
Total Recommended for Council Award	\$92,389.54	\$93,712.21	\$155,714.61	\$67,459.81	\$0.00
					\$409,276.17

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

Belinda Matthe 7-14-09
Belinda Matthe, Director of Purchasing

Date

Recommended for Council Award

Vendors who picked up the Invitation to Bid:

ACT Pipe - Temple, TX
Alamo Iron Works - San Antonio, TX
Dixie Utility Supply - Texarkansas
Ferguson Waterworks - McKinney, TX
HD Waterworks - Belton, TX

Municipal Water Works - Royce City
Pelican Sales - Melbourne, FL
Prime Vendor (Plan Room)
USA Blue Book - Waukegan, IL
Water Products of Oklahoma, Inc - Owasso, OK

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ANNUAL PURCHASE AGREEMENTS WITH VARIOUS VENDORS FOR UTILITY SUPPLIES FOR FISCAL YEAR 2009-2010, IN THE ESTIMATED ANNUAL EXPENDITURE OF \$409,276.17; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 14, 2009, the City received 5 bids for the purchase of utility supplies for Fiscal Year 2009-2010;

Whereas, the bid stated it would be awarded to the lowest vendor per section, and the Staff recommends authorizing the purchase of utility supplies in accordance with the attached bid tabulation sheet;

Whereas, sufficient funds for these purchases are available in the utility accounts – estimated annual expenditure is \$409,276.17; 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 bids for the purchase of utility supplies for the Water Utilities Department for Fiscal Year 2009-2010 in accordance with the bid tabulation sheet attached as Exhibit A.

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 3rd day of **September**, 2009.

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

09/03/09
Item #10(E)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing a four-year agreement with renewal options with CTWP of Temple for copier services in an estimated annual amount of \$86,150.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City's current four-year agreement for copier services expires on September 30, 2009. On July 21, 2009, the City received five (5) proposals for providing copier services for a four year term beginning October 1, 2009. Proposals were received from CTWP of Temple; Genco of Naples, Florida; Xerox c/o DocuMaxx of Belton; IKON Office Solutions, Inc. of Waco; and Johnnies Office Systems of Temple. A cost analysis is attached of the pricing received from the five vendors.

A committee comprised of staff representing the Police Department, Information Technology Services, Legal Department, City Secretary's Office, and City Manager's Office reviewed the proposals. Although all proposals were discussed, the committee quickly focused their attention on CTWP's proposal based on the pricing being offered by CTWP being 25% lower than the pricing offered by any of the other vendors and 70% lower than the pricing under the City's current contract.

The City has not done business with CTWP in recent years nor does the City have experience with the operation of Kyocera copiers. Accordingly, references were checked on both accounts in which the committee concluded that CTWP represents itself as a responsible vendor and that the Kyocera copier has high ratings from its users. Hence, based on pricing, proven experience with other vendors, and deemed quality, the committee unanimously recommended that CTWP be awarded the copier services contract.

Under the City's current copier services contract, City departments have the use of 38 black & white copiers and 2 color copiers. This year's RFP was structured to include 40 black & white copiers (adding a copier for 2 areas that currently don't have a machine available) and 2 color copiers which would replace the 2 color copiers currently in place. With the pricing being offered by CTWP, staff performed an analysis that determined that it would be beneficial and cost effective to upgrade 6 black & white copiers to color copiers to reduce the dependence on color laser and inkjet printers, to reduce the need to take certain items to printers for replication, and to increase staff efficiency when color copies/prints are needed.

Accordingly, the negotiated proposed agreement with CTWP will make available for the City's use 34 Kyocera black & white copiers with a flat rate quarterly payment of \$14,908.52 (unlimited black & white copies and prints) and eight (8) Kyocera color copiers with a flat rate quarterly payment of \$4,679.36 (unlimited black & white copies and prints) plus 6.5¢ per color copy/print. CTWP will also provide 2 coin-op copiers at the Library for library patron use at no cost to the City with CTWP receiving all revenues generated.

All of the copiers will have network interface printing and scanning capabilities. All consumable supplies and parts, except paper (but paper will be provided for the two (2) Library coin-op copiers), are included in the negotiated price along with all required maintenance. CTWP has agreed to negotiate changes to the contract should additions or deletions to the copier fleet be deemed necessary during the life of the contract.

Based on the pricing received and discussion with other Kyocera copier users, staff has also negotiated the option to extend the contract to a 5th year at a discount of \$3,000 per quarter or \$12,000 per year under the flat rate quarterly payment schedule, and the option to extend the contract to a 6th year at a discount of \$4,000 per quarter or \$16,000 per year under the flat rate quarterly payment schedule. Staff would come back to Council in 2013 if it was determined that extending the contract would be serviceable and cost beneficial.

FISCAL IMPACT: To fund the anticipated annual copier expenditure of \$86,150 per year, \$139,275 has been designated for copier services in the proposed FY 2010 budget. The \$86,150 estimate was calculated assuming the flat rate fee of \$19,587.88 per quarter (\$78,351.52 per year) for unlimited black & white copies/prints plus an estimated projection of 30,000 color copies/prints per quarter at a cost of 6.5¢ per copy/print for an additional \$1,950 per quarter (\$7,800 per year). The proposed FY 2010 budget for copier services was compiled based on the City's current copier contract. Consequently, it is anticipated that the copier service expenditure will be \$53,125 less than the proposed FY 2010 budget of \$139,275.

ATTACHMENTS:

[Cost Analysis](#)
[Resolution](#)

Copier Services Proposal Cost Analysis

RFP No. 13-06-10

	Estimated Qtrly Usage			CTWP Temple, TX		Genco Naples, FL		DocuMaxx Belton, TX		IKON Waco, TX		Johnnies Temple, TX	
		Current Contract		Kyocera		Sharp		Xerox		Ricoh		Toshiba	
		Unit Price	Total	Unit	Total	Unit	Total	Unit	Total	Unit	Total	Unit	Total
B&W Guaranteed	720,000	\$ 0.0387	\$ 27,864	\$ 0.0240	\$ 17,273	\$ 0.0326	\$ 23,472	\$ 0.0335	\$ 24,120	\$ 0.0340	\$ 24,512	\$ 0.0305	\$ 21,960
B&W Overages	65,964	\$ 0.0066	\$ 435	\$ 0.0045	\$ 297	\$ 0.0090	\$ 594	\$ 0.0059	\$ 389	\$ 0.0050	\$ 330	\$ 0.0069	\$ 455
Color Guaranteed	11,500	\$ 0.2700	\$ 3,105	\$ 0.0700	\$ 805	\$ 0.1400	\$ 1,610	\$ 0.0546	\$ 628	\$ 0.1534	\$ 1,765	\$ 0.0650	\$ 748
Color Overages	4,055	\$ 0.0720	\$ 292	\$ 0.0600	\$ 243	\$ 0.0750	\$ 304	\$ 0.0546	\$ 221	\$ 0.0600	\$ 243	\$ 0.0650	\$ 264
Color: B&W Copies	12,655	\$ 0.0175	\$ 221	\$ 0.0120	\$ 152	\$ 0.0120	\$ 152	\$ 0.0546	\$ 691	\$ 0.0050	\$ 63	\$ 0.0069	\$ 87
Total		\$ 31,918		\$ 18,770		\$ 26,132		\$ 26,049		\$ 26,913		\$ 23,514	

Alternate Proposal...B&W Copiers Only...Quarterly Guaranteed Price with No Guaranteed Copies and No Overage Charges:

\$	17,014.54	No pricing given	\$	24,513.30	\$	24,512.00	No pricing given
----	-----------	------------------	----	-----------	----	-----------	------------------

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A FOUR-YEAR AGREEMENT WITH RENEWAL OPTIONS WITH CTWP OF TEMPLE, TEXAS, FOR COPIER SERVICES, IN AN ESTIMATED ANNUAL AMOUNT OF \$86,150; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 21, 2009, the City received 5 proposals for providing copier services for a 4 year term beginning October 1, 2009;

Whereas, a staff committee reviewed the proposals and unanimously recommended that CTWP be awarded the copier services contract based on pricing, proven experience with other vendors, and deemed quality;

Whereas, to fund the anticipated annual copier expenditure of \$86,150 per year, funds have been designated for copier services in the proposed FY 2009-2010 budget; 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 4-year agreement (with renewal options) with CTWP of Temple, Texas, after approval as to form by the City Attorney, for copier services, in an estimated annual amount of \$86,150.

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 **3rd** day of **September**, 2009.

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

09/03/09
Item #10(F)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a five-year renewal of the lease agreement with Bell County Human Services/Temple HELP Center regarding the west bay of the former Fire Station #2, located at Avenue A and South 22nd Street, for use as a Day Center for the Family Promise, Inc., organization.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On February 15, 2005, the City entered into a lease agreement with Bell County Human Services/Temple HELP Center, for lease of Fire Station #2 located on Avenue A and South 22nd Street for use as a Day Center for the Family Promise, Inc., organization. The lease will expire on February 14, 2010, and the tenant has requested the City to renew the lease for an additional five year period at this time.

The Staff recommends approval of the renewal of this lease agreement.

FISCAL IMPACT: Rental is \$1 a year. The tenant pays all utility charges, including water, sewer, electricity, heat, gas, and telephone service directly to the utility companies.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A FIVE-YEAR RENEWAL OF THE LEASE AGREEMENT WITH THE BELL COUNTY HUMAN SERVICES/TEMPLE H.E.L.P. CENTER REGARDING FIRE STATION #2, LOCATED ON AVENUE A AND SOUTH 22ND STREET, FOR USE AS A DAY CENTER FOR FAMILY PROMISE, INC., ORGANIZATION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple received a request to renew the lease for Fire Station #2 located on Avenue A and South 22nd Street with the Bell County Human Services/Temple H.E.L.P. Center for use as a Day Center for the Family Promise, Inc., organization;

Whereas, Family Promise, Inc., is a national organization that was founded in 1998 to provide shelter, meals and comprehensive assistance to homeless families;

Whereas, the Staff recommends renewing the lease with Bell County Human Services/Temple H.E.L.P. Center (who subleases the building to Family Promise, Inc.) for \$1.00 a year for a five year term – Family Promise, Inc., will be responsible for operation of the program, maintenance, utilities and liability insurance for the building; 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 five-year renewal of the lease with Bell County Human Services/Temple H.E.L.P. Center, after approval as to form by the City Attorney, for lease of Fire Station #2 located on Avenue A and South 22nd Street, for use as a Day Center for the Family Promise, Inc., organization.

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 **3rd** day of **September**, 2009.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/03/09
Item #10(G)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Lonzo Wallace, Fire Chief
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract amendment to a professional services agreement with Abercrombie Creative, LLC of Fort Worth to provide fire training field master planning services in an amount not to exceed \$75,400 and declaring an official intent to reimburse this expenditure made prior to the issuance of tax-exempt obligations for this project.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In May 2008, the citizens of Temple authorized the issuance of General Obligation Bonds in the amount of \$13,995,000 for public safety facilities and projects. The bond election proposition included \$4,775,160 for a new Fire Station No. 8/Training Center with Emergency Operations Center (EOC) capabilities. On March 5, 2009, Council authorized a contract with Architectural Edge for the architectural and engineering services related to the construction of this new facility. As disclosed to Council in the agenda item on March 5, 2009, Architectural Edge would be working with a consulting architect with expertise in the area of designing fire training centers. Staff engaged this consulting architect, Abercrombie Creative, LLC ("Abercrombie"), under a contract in the amount of \$10,880.

Staff initially identified a location in front of the airport as being a workable location for the new Fire Station No. 8/Training Center with EOC capabilities. However, based on further analysis, it has been determined that this site would not provide the best solution from the standpoint of providing ARFF services in the future to the Airport and was not the best solution due to the fire training drill grounds not being located adjacent to the facility. As a result, additional research was done with the assistance of Leslie Sagar, airport master plan consultant, who suggested a site on the southeast corner of the airport along SH 36. Staff initially thought this site would not be a workable solution due to the drainage issues in this area. However, both Architectural Edge and Abercrombie Creative did not see the topography as an issue. Advantages of the proposed site are as follows: direct emergency response access to SH 36, direct access to an airport runway when it becomes desirable for the Fire Department to cover ARFF duties, and adequate space to accommodate a fire training drill ground (approximately 30 acres available in this area; anticipate that approximately 10 acres will be needed for the Fire Station/Training Center/EOC with drill grounds).

With the change in sites, the City now has the opportunity to accommodate the fire training drill grounds on the same site as the Fire Station/Training Center/EOC. However, to properly layout the site, some master planning steps are needed to ensure the site maximizes the training elements (i.e. types of hazards) that best fit our City, that the training elements are properly laid out on the site, and that the site includes the proper infrastructure needs (i.e. waterline sizes, drainage, streets, etc). Abercrombie, an architectural firm that specializes in fire training centers and drill fields, has submitted a proposal that would fulfill these master planning needs (see attached), and it is staff's recommendation that a contract amendment in the amount of \$75,400 be negotiated to Abercrombie's contract executed in May 2009 in the amount of \$10,880 to fulfill these needs.

Initially, Architectural Edge's proposed timeline indicated we would be ready to bid the Fire Station/Training Center/ EOC in December 2009 with construction being completed by January 2011. However, with the change in sites, the timeline has been revised with bidding anticipated in February 2010 and construction being completed in March 2011. However, before bidding the project, FAA approval of the site plan is required; accordingly, this timeline is contingent upon receiving a timely response from FAA.

FISCAL IMPACT: This item declares an official intent to reimburse the master planning services related to this project from the 2009 General Obligation bonds anticipated to be issued in November 2009. The General Obligation bond issue was approved by voters May 10, 2008. Total project costs for the construction of Fire Station No. 8/Training Center with EOC capabilities is \$4,775,160, which will be funded in account 363-2200-522-6851, project #100411. Of the \$4,775,160 designated for this project, \$33,600 has been allocated to fund construction administration services and \$210,610 has been allocated to fund architectural services. A balance of \$4,530,950 is available for construction and other planning needs, of which \$500,000 was set aside to begin construction of a fire training drill grounds.

ATTACHMENTS:

[Abercrombie Creative Proposal](#)
[Resolution](#)

August 24, 2009

Lonzo Wallace, Jr.

Fire Chief

Emergency Management Coordinator

Office: 254-298-5682

Fax: 254-298-5596

E-mail: llwallace@ci.temple.tx.us

Re: Additional Professional Services
Station 8/EOC/Training Center

Dear Chief Wallace:

I am pleased to present this Proposal to you for additional professional services for the above referenced project and existing contract.

The following represents our understanding of the additional scope of work and associated fees requested to accomplish the Basic Services work.

Scope of Work

Master Planning a future training field on a the site of the new Station 8/EOC/Training Center

Abercrombie Planning + Design will consult with Temple Fire Rescue personnel and the architect of record hired by the City of Temple in the following task:

- *Master Plan Study*
- *Site Development Assessment*
- *Preliminary Engineering*

We understand that the City of Temple and agents acting on their behalf will provide all pertinent background and legal information necessary to complete the scope of work including, if appropriate, previous planning documents, land surveys, legal descriptions, restrictions of the site etc.

Proposed Basic Services Fees

We understand the fee structure for this project will be a lump sum fee of \$75,400.00. This fee includes the above listed work and up to 6 meeting/presentations in Temple by a principal of abercrombie Planning+Design,

and 3 meetings by a principal of Hart Gaugler Civil Engineering. The fee also includes preparation and printing of exhibits as required to complete the above scope of work. Additional Services requested beyond the scope outlined in this proposal will be billed on a per hour basis. Hourly rates for Abercrombie Planning + Design are included in the attached standard rate schedule. Hourly rates for sub consultants employed by Abercrombie Planning + Design are included in the standard hourly rate structure outlined and consultant hourly rates that exceed those outlined shall be approved by the client prior to commencement of work.

If the above proposal is acceptable, please sign and date both copies and return one original to us.

We look forward to working with you on this project. As always, please do not hesitate to contact me if you require any further clarification.

Sincerely,

Abercrombie Planning + Design

Tommy L. Abercrombie
Principal/Owner
817-229-2646

Attachments:
Detailed Scope of Work
Abercrombie Planning + Design Standard Rate Schedule

AGREED AND ACCEPTED:

For the City of Temple

Date

Temple Fire Training Center
Master Plan/Conceptual Phase

1. Task 1: Master Plan Study, which shall include the following:
 - a. Consulting with owner to define and clarify Owner's requirements for the Project and available data;
 - b. Advising Owner as to the necessity of Owner's providing data or services of the types not currently available;
 - c. Identifying, consulting with, and analyzing requirements of governmental authorities having jurisdiction to approve the portions of the Project designed or specified by Consultant;
 - d. Identifying and evaluating potential solutions available to Owner;
 - e. Preparing the following:
 1. Detailed Needs Analysis;
 2. Preliminary Facility Program based upon the findings of the Needs Analysis.
 3. Site Requirement Analysis
 4. Conceptual Site Plan;
 5. Preliminary Estimate of Probable Cost
 6. Preliminary Phasing Plan
 - f. Attend Project Meetings
 - g. Prepare exhibits as required
2. Task 2: Site Development Assessment
 - a. Perform research on the following development issues:
 1. Submittal/Development Requirements-Site Plan/Platting Requirements,
 2. Existing Site Conditions/Topographic (Earthwork Concerns) Conditions,
 3. Storm Drainage/Detention Requirements,
 4. Franchise Utility Availability-Gas, Electric, telephone, Cable
 5. On-Site Water/Sanitary Sewer Plan Approved Requirements,
 6. Erosion control Requirements (SWPPP),
 7. Traffic/Transportation/Access Issues
 8. Impact Fees/Pro-Rata Fees,
 9. Paving/Street Requirements
 10. Zoning/Building Setback, Parking, Signage, etc. Requirements,
 11. Permitting Agencies,
 12. Flood Plain Issues,
 13. Tree Preservation, Open Space and Landscaping Requirements
 - b. Attend Project Meetings
 - c. Prepare Exhibits as required

3. Task 3: Preliminary Engineering

- a. Develop Preliminary Engineering Plans which will include the following:
 1. Preliminary Site Plan,
 2. Preliminary Grading Plan,
 3. Preliminary Water and Sanitary Sewer Plan, and
 4. Opinion of Probable Construction Costs.
- b. Attend Project Meetings
- c. Prepare Exhibits as required

Hourly Personnel Charges for Abercrombie Planning+Design and Sub consultants

Principals	\$150.00 - \$175.00
Architectural Staff	\$75.00 - \$145.00
Principle Engineers	\$175.00
Project Engineers	\$150.00
Graduate Engineer	\$105.00
Landscape Staff	\$85.00 - \$135.00
CAD Technicians	\$75.00
Cost Estimator	\$140.00
Quality Control/Value Eng.	\$100.00 - \$150.00
IT Technician	\$90.00
Professional Support Staff	\$55.00 - \$105.00

At its sole discretion, Abercrombie Planning + Design reserves the right to make inflationary adjustments to the above rates as deemed appropriate. Staff will be assigned to projects based on our judgment related to an individual's qualifications or other workload commitments in the office.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT WITH ABERCROMBIE CREATIVE, LLC, OF FORT WORTH TO PROVIDE FIRE TRAINING FIELD MASTER PLANNING SERVICES IN AN AMOUNT OF \$75,400; DECLARING AN OFFICIAL INTENT TO REIMBURSE THIS EXPENDITURE MADE PRIOR TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS FOR THIS PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Staff recommends amending a professional services agreement dated April 23, 2009, with Abercrombie Creative, LLC, for architectural services for the new Fire Station #8/EOC/Training Center, to provide fire training field master planning services in the amount of \$75,400;

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

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

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

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

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

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute an amendment to a Professional Services Agreement dated April 23, 2009, between the City of Temple, Texas, and Abercrombie Creative, LLC, of Fort Worth, Texas, after approval as to form by the City Attorney, to provide for fire training field master planning services, in the amount of \$75,400, and authorizes an amendment to the FY2008-09 budget, substantially in the form of the copy attached as Exhibit A, for this project.

Part 2: The findings, determinations and certifications contained in the preamble hereof are incorporated herein for all purposes.

Part 3: This Resolution is a declaration of official intent under Section 1.150.2 of the Treasury Regulations by the City that it reasonably expects to reimburse the expenditures described in Part 4 with proceeds of debt to be incurred by the City, such debt to be issued on or before eighteen (18) months after the date of (i) the date the first expenditure is paid; or (ii) the date on which the property is placed in service, but in no event three years after the first expenditure is paid.

Part 4: The following is a general functional description of the Project for which the expenditures to be reimbursed are paid and a statement of the maximum principal amount of debt expected to be issued for the purpose of paying the costs of the Project.

Project Description

Debt To Be Issued

\$75,400

Fire training field master planning services

Part 5: The expenditures described in Part 4 is a capital expenditure under general Federal income tax principles or a cost of issuance.

Part 6: Except for the proceeds of the Obligations, no funds are, or are reasonably expected to be reserved, allocated on a long-term basis, or otherwise set aside by the City or by any member of the same controlled group to pay for the expenditures described in Part 4.

Part 7: 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 on this the **3rd** day of **September**, 2009.

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

09/03/09
Item #10(H)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kim Foutz, Assistant City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Traylor and Associates of Tyler, Texas for management of the HOME Investment Partnership Grant Program, in an amount not to exceed \$127,879.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City of Temple has received a contract award of \$382,500 (\$375,000 project grant funds and \$7,500 administrative grant funds) from the Texas Department of Housing and Community Affairs (TDHCA) for a Owner Occupied Housing Assistance grant through the HOME Investment Partnership Program. Due to the complexity of administering this grant, the City needs to contract with a qualified professional management consultant to implement and administer the HOME contract activities.

This Owner-Occupied Rehabilitation/Reconstruction program has two options: 1) deteriorated homes are demolished and replaced with newly construction homes, or 2) deteriorated homes receive select demolition and are rehabilitated. Program guidelines require a minimum of six homes must be reconstructed or rehabilitated. At the Council meeting where staff received approval to pursue the grant, staff received direction from Council to pursue rehabilitation.

The City received one proposal for this service from Traylor & Associates. Traylor currently has a contract with the City to administer our CDBG Program. A committee of City Staff reviewed the proposal and interviewed Mr. Taylor at length about his firm's qualifications and how they propose the program would work on a daily basis. The contract has been approved by our legal department and, due to the detailed nature and requirements of this grant, includes an extensive description of the scope of services.

Under this contract, Traylor & Associates would perform administrative, management, and construction services as proposed in RFP No. 11-01-09 (attached). Examples of services include:

- Financial management
- Recordkeeping requirements
- Environmental clearance procedures
- Client identification, intake and qualification
- Prepare/review house rehabilitation plans, specifications
- Conduct feasibility analysis with cost estimates, and bidding
- Coordination and oversight of housing rehabilitation activities
- Case file management
- Affirmative Marketing and Fair Housing regulations
- Equal employment opportunities/Section 504 requirements
- Labor standards monitoring
- Contract close-out assistance

The City proposes to rehabilitate approximately thirteen (13) single family homes. The consultant fees are \$9,837 per home or \$127,879 total.

	HOME Project Cost	HOME Admin Cost	City Project Cost	City Admin Cost	Total Entire Program	Total Per House
Contracted Rehabilitation	\$341,000	0	0	0	\$341,000	\$26,231
Lead based paint assessments	0	0	\$13,000	0	\$13,000	\$1,000
Title Reports/Closing costs	\$21,450	0	0	0	\$21,450	\$1,650
General Grant Admin Consultant Fee	0	\$7500	0	\$7,500	\$15,000	\$1,154
Project Mgmt Consultant Fees	\$12,550	\$0	\$100,329	\$0	\$112,879	\$8,683
Total	\$375,000	\$7500	\$113,329	\$7,500	\$503,329	\$38,718

Note: All rehabilitated homes must be brought into 100% compliance of state, local, and federal codes.

FISCAL IMPACT: HOME grant funds awarded are \$375,000 for project funds and \$7,500 for administrative funds. This consulting contract will be paid for with \$20,050 in HOME grant funds and \$107,829 in City funds. Total City funding for the HOME projects is \$120,829. Funding in the amount of \$58,125 is available in account 260-6400-572-26-16, Professional. A budget amendment is presented for your approval appropriating \$62,704 to the Professional account from Designated Capital Projects-Unallocated.

ATTACHMENTS:

[Proposal from Traylor & Associates](#)
[Budget Adjustment](#)
[Request for Proposals including Scope of Services](#)
[Resolution](#)



**Governmental
Consultants &
Planners**

June 27, 2009

Funding Research

City of Temple, Texas
C/o Belinda Mattke, CPA

Application Preparation

Director of Purchasing
City of Temple
3210 E. Avenue H, Building C
Temple, Texas 76501

Grant Procurements

Re: RFP No. 64-01-09 HOME Program Management Services

Government Liaison

Gentlemen:

Grant Administration

TRAYLOR & ASSOCIATES appreciates the opportunity to submit this proposal to provide Management Services in connection with the City's HOME Program, provided for under Contract #1001021 between the City of Temple and the Texas Department of Housing and Community Affairs.

Financial Management

It is our understanding that the City desires to enter into a professional services agreement with a management consulting firm to assist in the overall management of its HOME Program contract. Using grant funds in combination with match funds, the City will be implementing an Owner Occupied Housing Assistance Program in accordance with 24 C.F.R. Part 92. In order to develop this proposal for assisting with the overall management of the City's HOME Program contract, we have examined the City's HOME Program Application, and TDHCA Grant Contract #1001021.

Community Development

Economic Development

Housing Programs

Under Contract # 1001021, the City of Temple, Texas will receive up to THREE HUNDRED SEVENTY FIVE THOUSAND AND NO/100 DOLLARS (\$375,000) in HOME Program funds, and will provide match funds in the amount of FIFTY EIGHT THOUSAND ONE HUNDRED TWENTY FIVE AND NO/100 DOLLARS (\$58,125.00).

**Serving Political
Subdivisions
Throughout Texas**

The performance objective of the Contract is the reconstruction or rehabilitation of a minimum of six (6) houses, each of which must be the principal residence of the homeowner assisted. The city has expressed a desire to focus on rehabilitation with a targeted goal of rehabilitating 15 single family homes. The Contract Period began on April 1, 2009, and TDHCA expects all projects to be completed by January 31, 2011, unless the Contract Period is extended.

TYLER
201 Cambridge Road
P.O. Box 7035
Tyler, Texas 75711-7035
903 • 581 • 0500
Fax: 903 • 581 • 4245
www.grtraylor.com

LAMESA
Broken Bell Building
1409 Lubbock Hwy. • Suite 7
Lamesa, Texas 79331
806 • 872 • 0870
Fax: 806 • 872 • 3841

TRAYLOR & ASSOCIATES has administered over \$60 million in housing rehabilitation programs and provided project management service on projects involving more than 3,900 individual housing units.



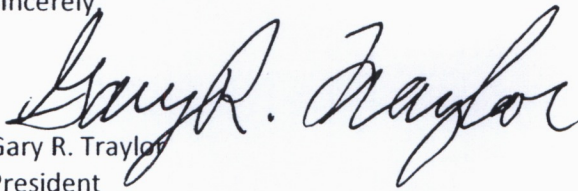
The names of the persons who are authorized to make representations for the firm in connection with this Proposal are:

Gary R. Traylor, President
TRAYLOR & ASSOCIATES
P.O. Box 7035
Tyler, TX 75711
903-581-0500 (Voice)
903-581-4245 (Fax)
gary@grtraylor.com

Mark A. Taylor, Senior Vice-President
TRAYLOR & ASSOCIATES
P.O. Box 7035
Tyler, TX 75711
903-581-0500 (Voice)
903-581-4245 (Fax)
mark@grtraylor.com

If you have any questions, please let Mr. Taylor or me know. We look forward to hearing from you.

Sincerely,



Gary R. Traylor
President

**RFP No. 64-01-09
Services**

HOME Program Management

EXHIBIT A

Company Name	Gary R. Traylor and Associates, Inc.,
Address	201 Cambridge Road
City, State, Zip	Tyler, Texas 75703
Phone Number	903-581-0500
Fax Number	903-581-4245
E-mail Address	gary@grtraylor.com
Tax Identification Number	75-1380234
Signature of Authorized Agent	
Printed Name of Authorized Agent	Gary R. Traylor
Title	President
Date	July 27, 2009

TABLE OF CONTENTS

<u>PROFILE OF FIRM</u>	<u>5</u>
1. IS FIRM LOCAL, REGIONAL, NATIONAL, OR INTERNATIONAL?	5
2. DESCRIBE FIRM'S EXPERIENCE IN PROVIDING SERVICES BEING REQUESTED	5
3. LOCATION OF PROPOSED SERVICING OFFICE / LIST PROPOSED PROJECT TEAM MEMBERS	5
4. LIST OF CURRENT CLIENTS; DESCRIPTION OF ONGOING PROJECTS AND STATUS	6
5. LIST OF REFERENCES FAMILIAR WITH FIRM'S CAPABILITY TO DELIVER SERVICES OFFERED	7
6. INSURANCE REQUIREMENT AFFIDAVIT	<u>7A</u>
7. PROPOSAL AFFIDAVIT	<u>7B</u>
8. CREDIT CHECK AUTHORIZATION	<u>7C</u>
<u>PROPOSAL</u>	<u>8</u>
1. EXPLAIN IN DETAIL HOW THE SERVICES WILL BE PERFORMED	8
2. DESCRIBE REPORTS THAT WILL BE PROVIDED TO THE CITY	9
3. DESCRIBE YOUR FIRM'S PROPOSED AFFIRMATIVE MARKETING PLAN FOR THIS PROJECT	10
4. TIME FRAME FOR COMPLETING THE SERVICES AND SETTING APPROPRIATE DEADLINES	10
5. PLAN FOR INSPECTION OF WORK /QUALITY CONTROL	10
6. ABILITY AND WILLINGNESS TO COMPLY WITH ALL APPLICABLE LAWS AND REGULATIONS	10
7. PROPOSED FEE SCHEDULE/ ANTICIPATED PAYMENT	11
8. ADDITIONAL INFORMATION	12

Profile of Firm

1. Is firm local, regional, national, or international?

GARY R. TRAYLOR & ASSOCIATES, INC., a Texas corporation, is a firm of governmental consultants and planners serving counties and municipalities within Texas in 1) the specialized preparation of applications to agencies of the State and Federal government for project financing, and 2) the management or administration of projects involving such financing through the provision of professional compliance documentation services. The company has operated continuously in these fields since 1974, and is considered the oldest firm of its type in the State of Texas, and one of the largest.

The firm's main office is located in Tyler, Texas. A second office established in 1979 to better serve clients in West Texas is located in Lamesa, Texas.

2. Describe firm's experience in providing services being requested.

TRAYLOR & ASSOCIATES has managed over \$60 million in housing reconstruction and rehabilitation programs and provided project management service on projects involving more than 3,900 individual housing units.

The firm was founded in 1974 as a sole proprietorship by Mr. Thomas E. Barber, P.E. and operated under the name THOMAS E. BARBER & ASSOCIATES until 1978. Mr. Barber, an engineer by training and education, served as the Assistant Regional Administrator of HUD for Region 6, and later as Area Manager of HUD's Little Rock, Arkansas Area Office in the early 1970's. The firm was established for the purpose of assisting mid-sized cities and other smaller local governments whose lack of knowledge or understanding of government assistance programs prevented them from accessing these sources of financing, especially grants available through agencies of the state and federal government, for needed community projects. In 1978, Mr. Barber formed a partnership with Mr. Gary R. Traylor. During this period the firm experienced growth and opened a Field Office in West Texas, which is still in operation. On December 31, 1984, Mr. Barber sold his interest to Mr. Traylor, and retired. At that time the firm's name was changed to GARY R. TRAYLOR & ASSOCIATES, INC. Since 1974 the firm has served more than 170 local government entities throughout the State of Texas. Current projects number approximately 100.

3. Location of Proposed Servicing Office / List Proposed Project Team Members

The services offered to the City will be provided from the main offices of the firm, which are located in Tyler, Smith County, Texas. The specific individuals that will do the work, along with their qualifications and experience are as follows:

Mr. Gary R. Traylor, President

Gary R. Traylor is President and CEO of Gary R. Traylor & Associates Inc. Mr. Traylor is a city planner and municipal consultant with specialized experience in the field of funding research, grant procurement, and financial/grant management. His career has included serving as a financial/grant consultant for over 170 Texas cities and counties with respect to housing, community development, and economic development projects. Mr. Traylor is widely respected for his proven record in the procurement of grants involving competitive selection. He is also the author of several technical manuals concerning neighborhood redevelopment and rehabilitation financing, and is one of a very small number of present grant administration professionals whose career includes service under the HUD Small Cities CDBG Program, pre-dating the establishment of the Texas Community Development Program.

Mr. Mark A. Taylor, Senior Vice-President

Mark has extensive experience in building construction, including all phases of residential construction and remodeling work, management, and social service casework. Prior to joining the firm in 2002, Mr. Taylor was self-employed in the construction business in Tyler for twelve years, and employed as a Licensed Social Worker Associate for the State of Texas, assisting elderly and special-needs individuals. During his tenure with the Texas Department of Human Services, Mark also served as a member of the State Policy and Procedure Committee for four years, representing the East Texas Region, comprised of 23 counties. He has also managed customer service and inside sales for an East Texas manufacturing facility.

Ms. Lois Whitley, Community Development Coordinator

In 2004 Gary R. Traylor and Associates contracted with the City of Temple to prepare their HUD Consolidated Plan; and in 2005 contracted to administer the CDBG and HOME entitlement funds. Ms Whitley was employed in 2006 as the local coordinator for those activities. With regard to the 2003-04 HOME program activities for Temple, Lois coordinated with representatives at TDHCA, Temple city personnel, and homeowners for Owner Occupied funded projects. Responsibilities under this program include homeowner income verification and documentation, environmental clearance and financial reporting. Ms. Whitley conducted homeowner applicant meetings, prepared construction bid packets and conducted bid openings, while coordinating construction projects.

Under CDBG entitlement activities, Lois schedules and conducts Annual Action Plan and Flood Plain public hearings. The City of Temple allocates a portion of CDBG funds to Public Services Agencies, and she reviews financial records and eligibility documentation during quarterly monitoring visits. Lois also coordinates construction projects and handles Davis-Bacon requirements including payroll review and employee interviews for verification of appropriate wage rates.

4. List of current clients; description of ongoing projects and status

TRAYLOR & ASSOCIATES has 129 active projects underway for local government jurisdictions. The projects include grants under the following programs:

- HUD Community Development Block Grant Program (Entitlement Communities)
 - 5-Year Consolidated Plan (1)
- Texas Community Development (TCDP) Program
 - Community Development Fund (47)
 - Disaster Relief Fund (40)
 - STEP Fund (1)
 - Housing Infrastructure Fund (1)
 - Texas Capital Fund (8)
- Texas Department of Housing and Community Affairs (TDHCA) HOME Program
 - Owner-Occupied Assistance (OCC) Program (27)

The local government jurisdictions where the firm's active projects are located are identified, as follows:

Municipalities

Bridge City	Carthage	Coldspring	Crandall
Big Lake	Center	Colmesneil	Crockett
Bridgeport	Chandler	Corrigan	Cuney
Bullard	Chester	Corsicana	East Mountain

Easton	Kirbyville	Redwater	Winnsboro
Frankston	Lakeport	Roanoke	Winona
Gatesville	Lindale	Rose City	Wortham
Gilmer	Linden	Rusk	
Gladewater	Lufkin	Seagraves	<u>Counties</u>
Godley	Morgan	Seven Points	Cherokee County
Greenville	Mount Enterprise	Slaton	Dawson County
Gun Barrel City	New Summerfield	Smyer	Dickens County
Hawkins	Newton	Sonora	Harrison County
Henderson	Ore City	Sour Lake	Gregg County
Higgins	Palestine	Stephenville	Hill County
Jacksonville	Pilot Point	Taylor Landing	Irion County
Jefferson	Pine Forest	Teague	Newton County
Junction	Pinehurst	Temple	Polk County
Kaufman	Pittsburg	Timpson	San Jacinto County
Kilgore	Plainview	Troup	Tyler County

5. List of references familiar with firm's capability to deliver services offered.

References:

Brenda Samford, City Manager, City of Carthage, TX, 903-693-3868
Wayne Wimberly, Housing Inspector, City of Center, TX, 936-598-2941
Truman Dougharty, County Judge, Newton County, TX, 409-379-5691
Jay Stokes, City Manager, City of Gladewater, TX, 903-845-2196
Jaques Blanchette, County Judge, Tyler County, Tx, 409-283-2141
Fritz Faulkner, County Judge, San Jacinto County, TX, 936-653-4331
Michael Ohrt, City of Palestine, TX, 903-731-8421
Donald Doering, City Manager, City of Teague, TX, 254-739-2547
Jame Karl, Acting City Manager, City of Bellmead, 254-799-9922

6. Insurance Requirement Affidavit.

See Page "7A"

7. Proposal Affidavit.

See Page "7B"

8. Credit Check Authorization.

See Page "7C"



INSURANCE REQUIREMENT AFFIDAVIT

To Be Completed By Appropriate Insurance Agent

I, the undersigned Agent/Broker, certify that the insurance requirements contained in this proposal document have been reviewed by me with the below identified Offeror. If the below identified Contractor is awarded this contract by the City of Temple, I will be able to, within fifteen (15) days after being notified of such award, furnish a valid insurance certificate to the City meeting all of the requirements defined in this proposal.

George Rowe
Agent (Signature)

George Rowe
Agent (Print)

Name of Agency/Broker: George Rowe

Address of Agent/Broker: 6616 S. BROADWAY AVE

City/State/Zip: TYLER, TX 75703

Agent/Broker Telephone Number: 903-581-2820

OFFEROR'S NAME: Gary R. Traylor & Associates, Inc.
(Print or Type)

NOTE TO AGENT/BROKER

If this requirement is not met, the City has the right to reject this proposal and award the contract to another meeting the specifications. If you have any questions concerning these insurance requirements, please contact Debbie Thompson, Risk Manager for the City of Temple at (254) 298-5674. If you have any questions concerning the bid/proposal, please contact Belinda Mattke, Director of Purchasing for the City of Temple at (254) 298-5655.

PROPOSAL AFFIDAVIT

All pages in offeror's proposal containing statements, letters, etc., shall be signed by a duly authorized officer of the company, whose signature is binding on the proposal. The undersigned offers and agrees to furnish all of the services upon which information is submitted in the accompanying proposal. The period of acceptance of this proposal will be 90 calendar days from the date of the proposal opening. (Period of acceptance will be ninety (90) calendar days unless otherwise indicated by offeror.)

STATE OF Texas COUNTY OF Smith

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared, who after being by me duly sworn, did depose and say:

"I, Gary R. Traylor, am a duly authorized officer of/agent for
(name)

Gary R. Traylor & Assoc, Inc and have been duly authorized to execute the
(name of firm)

foregoing proposal on behalf of the said Gary R. Traylor & Associates, Inc.
(name of firm)

I hereby certify that the foregoing proposal has not been prepared in collusion with any other offerer or other persons engaged in the same line of business prior to the official receipt of this proposal. Further, I certify that the offerer is not now, nor has been in the past six (6) months, directly or indirectly concerned in any pool or agreement or combination, to control the price of services offered, or to influence any person or persons to offer or not to offer thereon."

Name, address and phone number of offeror: Gary R. Traylor & Associates, Inc.

P.O. Box 7035, Tyler, Texas 75711 - phone (903) 581-0500

by: Gary R. Traylor President
printed name title

Signature: Gary R. Traylor

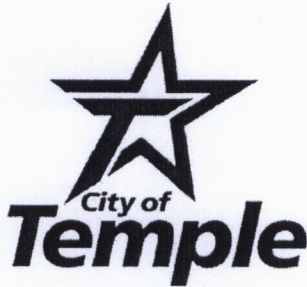
SUBSCRIBED AND SWORN to before me by the above named Gary R. Traylor on this 27 day of July, 2009.

Notary Public in and for the State of Texas

Notary signature: Kathy June Hardy



Return this affidavit as part of the proposal.



CREDIT CHECK AUTHORIZATION

The City is required to determine whether a bidder who may be awarded a contract is financially responsible. The City will run a credit check on the potential contractor before award of the contract. Please complete the following information and submit with your bid.

Company Name: Gary R. Traylor & Associates, Inc.

Street Address: 201 Cambridge Road, Tyler, Texas 75703

Mailing Address: P.O. Box 7035, Tyler, Texas 75711

Tax Identification Number: 75-1380234

I hereby authorize the City of Temple or credit bureau or other investigative agency employed by the City of Temple to investigate my credit history and financial responsibility.

Authorized signature: *Gary R. Traylor*

Title: President

Date: July 27, 2009

Proposal

1. Explain in detail how the services will be performed.

General

The management services will be performed in accordance with the terms and requirements found in HOME Program Contract # 1001021, and the TDHCA's 2009 HOME Program Implementation Manual. A detailed explanation of the services, by major service category, is provided as follows:

Project Management

Traylor and Associates will develop a recordkeeping system consistent with program guidelines, including the establishment and maintenance of a filing system. We will also provide general advice and technical assistance to City's personnel on implementation of project and regulatory matters. If requested, we will assist in the procurement of construction services, if applicable, and as required by the HOME Program regulations. We will also furnish the City with all necessary forms and procedures as required to implement projects under the HOME contract. We will assist the City in meeting all special condition requirements that may be stipulated in the contract between the City and TDHCA, and will prepare and submit to TDHCA all documentation necessary for amending the HOME contract, should that become necessary. Environmental clearance procedures will be conducted as required. With the City's prior approval, Traylor and Associates will prepare and submit Project Set-Up, Project Completion, HUB and other required reports. Procedures to document expenditures associated with local administration of the project will also be established. Traylor and Associates will serve as liaison for the City during any review or monitoring visit by staff representative from either TDHCA or HUD.

Financial Management

As part of our financial management, Traylor and Associates will assist the City in proving its ability to manage the grant funds to the State's audit division, and will also assist in establishing and maintaining a Direct Deposit bank account and/or separate local bank account, journals and ledgers. We will prepare, and assist in submitting the required Direct Deposit Authorization form, the Texas Application for Payee Identification Number, the Identification of Contract Administrator form and any other forms required by TDHCA. We will prepare all fund drawdowns on behalf of the City in order to ensure orderly, timely payments to all contracting parties within the allotted time period, and review invoices received for payment and file the back-up documentation. Throughout the project, we will provide general advice and technical assistance to City personnel regarding implementation of all project and regulatory matters. Should the Program generate program income, we will assist in establishing procedures to handle the use of any HOME program income.

Environmental Review

Due to the 6 month benchmark in the cities contract with TDHCA being an environmental benchmark the completion of a tiered environmental review will be a priority. Traylor and Associates will implement the environmental assessment procedures and prepare the environmental documentation as necessary to demonstrate compliance with HOME requirements. This will include coordinating environmental clearance procedures with other federal or state agencies and interested parties responsible for implementing applicable laws. If any public comments are received, we will document their consideration by the City, and we will prepare any required re-assessment of environmental assessment and/or documentation as necessary.

Construction Management (if required for Davis-Bacon compliance)

Because more than 12 HOME assisted units are envisioned under the City's HOME Program, Davis-Bacon Act compliance will be necessary. Traylor and Associates will assist the City in documenting compliance with all federal and state requirements related to equal employment opportunity, and in documenting compliance with all federal and state requirements related to minimum wage and overtime pay requirements. Other services in the area would include acting as the local labor standards officer, and requesting the wage rates from TDHCA. Review weekly payrolls, including compliance follow-ups, and conduct employee interviews. If any reports to TDHCA or additional

classification and rates are needed, we will prepare or request them, and upon completion of the project, prepare a Final Wage Compliance Report and submit it to TDHCA.

Prior to opening bids or implementing any other manner of procuring the services of a construction contractor, we will also make a ten-day call to TDHCA. Prior to the execution of a construction contract by an HOME assisted individual, we will review the contract, and verify contractor eligibility. Before issuing a Start of Construction Notice to TDHCA, we will conduct a pre-construction conference and prepare reports or minutes as necessary. All change orders will be processed and submitted to TDHCA prior to execution.

Throughout all project construction phases, we will provide general advice and technical assistance to the City's personnel on implementation of project and regulatory matters.

Owner Occupied Rehabilitation/Reconstruction Assistance - OCC

Traylor and Associates will review and prepare, or amend as necessary, the local HOME Program, rehabilitation guidelines, policies and procedures, and affirmative marketing activities to the satisfaction of TDHCA and the City. Once this compliance has been documented, then we will conduct outreach and provide the City and applicants with all necessary application processing/verification forms. Upon the receipt of applications, we will screen applicants for program qualification, and screen their homes for feasibility. During the screening processing we will also initiate the completion of the Lead Safe Housing Screening Worksheet to determine if lead based paint requirements as defined in 24CFR Part 35 are applicable. Once screening has been completed our next step will be to inform all applicants as to eligibility and submit appropriate documentation to a local title company to start preparation of title reports. In addition work write-ups and cost estimates will be prepared and submit to TDHCA for approval. Upon approval, loan closings will be conducted on each project. An important part of our service will be to assist homeowners in the procurement of contracted construction services. We will conduct homeowner pre-bid and construction conferences and prepare documentation. Following contractor selection, we will issue a Notice to Proceed to the construction contractor(s), process final contract documents, and maintain a record of beneficiaries. We will maintain the client files following TDHCA requirements and assist the City in managing the resolution of any construction related disputes.

Fair Housing/Equal Opportunity

Traylor and Associates will assist the City in developing, implementing and documenting new activities to affirmatively further fair housing activities during the contract period. To ensure adequate documentation that equal opportunity has been provided, we will also maintain documentation of all project beneficiaries by ethnicity and gender. To promote equal opportunity we will prepare a Section 3 and Affirmative Marketing Plan and perform all Section 504 requirements and prepare documentation as necessary. We will further ensure that all applicable equal opportunity provisions and certifications have been included in all bid packets.

Audit/Close-Out Procedures

Traylor and Associates will prepare the final Project Completion Report, including Historically Underutilized Businesses (HUB) Report and Certificate of Contract Completion. If any occur, we will also assist the City in resolving any TDHCA or HUD review, monitoring and/or audit findings. If any third party claims arise, we will assist the City to resolve them. Finally, we will provide your auditor with HOME audit guidelines, and be available to discuss any aspect of the program with your auditor, upon request.

2. Describe reports that will be provided to the City.

The following reports and other written work products will be provided to the City:

Complete Individual Case File per the TDHCA HOME Program Implementation Manual
Project Set-up (this is an online electronic document with secure login)
Environmental Assessment for each funded project
Final Wage Compliance Report (if applicable)
Section 3 and Affirmative Marketing Plan

7. Proposed fee schedule and Anticipated payment receipt.

How does our firm intend to rehabilitate fifteen (15) homes and receive compensation for these services?

The 2008 City of Temple HOME Program Owner-Occupied Assistance grant includes project funds and administrative funds, as follows:

HOME Funds	Amount
Project Funds	\$375,000
Administration	\$7,500
Total	\$382,500

The City's minimum match contribution based on the full grant award is: \$58,125.00

The performance objective of the Contract is the reconstruction or rehabilitation of a minimum of Six (6) houses, each of which must be the principal residence of the homeowner assisted. The city has expressed a desire to focus on rehabilitation with a targeted goal of rehabilitating 15 single family homes with the funds provided through TDHCA contract #1001021.

TDHCA provides for the reimbursement of grant management services provided by a consultant under two broad categories. These being **administration** funds based on a percentage of the overall project funds utilized and **soft cost** funds based on the individual project cost. Due to the funding provided by TDHCA being allocated under two main categories this proposal will follow suite. General grant administration funds are usually associated with activities involving the administration of the grant irregardless of the number of projects completed. Soft cost are cost incurred on each individual project and have a proportionate correlation to the number of projects completed. The rules, regulations, eligibility requirements, and processing of a project are the same irrespective of the construction cost involved in a rehabilitation/ reconstruction project. For clarification purposed we have include funding tables for projected funding based on six reconstruction projects as well as fifteen rehabilitation projects. Taking into consideration the performance objective of the Grant Contract, the Budget, TDHCA rules, and our proposed fees, we are able to calculate thresholds that must be met for successful implementation of the City's HOME program. The following tabular scenarios are the result of those calculations:

Funding Based on 6 Reconstruction Projects as set out in Current Contract						
2008 HOME (OCC) Program	HOME Funds		City Contribution		Total	
	Project Cost	Admin. Cost	Project Cost	Admin. Cost	Entire Program	Per House
Contracted Construction	\$359,100		\$12,027		\$371,127	\$61,855
Title Reports*	\$2,700				\$2,700	\$450
Closing Cost*	\$7,200				\$7,200	\$1,200
Lead Based Paint Assessments*	\$0		\$0	\$0	\$0	\$0
General Grant Admin. by Consultant		\$7,500	\$0	\$7,500	\$15,000	\$2,500
Proposed Project Mgmt Consultant Fees**	\$6,000		\$46,098		\$52,098	\$8,683
Total	\$375,000	\$7,500	\$58,125	\$7,500	\$448,125	\$74,688

*The tabular scenarios are based on projections only. Actual cost for title reports, closings and lead based paint assessments may vary.

**does not include the cost of interim and final construction inspection

Funding Based on 15 Rehabilitation Projects as proposed by City						
2008 HOME (OCC) Program	HOME Funds		City Contribution		Total	
	Project Cost	Admin. Cost	Project Cost	Admin. Cost	Entire Program	Per House
Contracted Construction	\$335,000				\$335,000	\$22,333
Title Reports*	\$6,750				\$6,750	\$450
Closing Cost*	\$18,000				\$18,000	\$1,200
Lead Based Paint Assessments*	\$0		\$15,000		\$15,000	\$1,000
General Grant Admin. by Consultant		\$7,500	\$0	\$7,500	\$15,000	\$1,000
Proposed Project Mgmt Consultant Fees**	\$15,250		\$115,000		\$130,250	\$8,683
Total	\$375,000	\$7,500	\$130,000	\$7,500	\$520,000	\$34,667

*The tabular scenarios above are based on projections only. Actual cost for title reports, closings and lead based paint assessments may vary.
 **does not include the cost of interim and final construction inspection

Payment Schedule for Professional Management Services Associated with Each Project

Milestone	Percent of Contract Fee
Completion of Environmental and/or Special Conditions Clearance	15%
Completion of the Bid/Contract Award Process/Closing	35%
Labor Standards Compliance	0%
Comply with EEO / Fair Housing requirements	15%
Completion of Construction	25%
Filing all required close-out documentation and/or information	10%
<hr/>	
TOTAL	100%

Compensation to the Firm for Consulting/Grant Administration services rendered resulting in the satisfactory completion of TDHCA Contract #1001021 shall be FIFTEEN THOUSAND AND NO/100 DOLLARS (\$15,000.00) for General Grant Administration and EIGHT THOUSAND SIX HUNDRED EIGHTY THREE AND NO/100 (\$8,683.00) per each project.

8. Additional Information Essential to Proposal.

Traylor & Associates has administered over \$60 million in housing rehabilitation programs and provided project management service on projects involving more than 3,900 individual housing units.

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	
260-6400-572-26-16		Professional	\$ 62,704			
260-0000-490-25-82		Transfer In - General Fund	62,704			
110-9100-591-81-60		Transfer Out - Grant Fund	62,704			
110-0000-352-13-45		Desg Cap Projects-Unallocated			62,704	
		Do not post				
TOTAL.....			\$ 188,112		\$ 62,704	

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

To appropriate additional City matching funds for the 2008 HOME Owner Occupied grant received from the Texas Department of Housing and Community Affairs. The additional funds are needed for the project management consultant fees.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

9/3/2009

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director_____
Date☐
☐

Approved

Disapproved

Finance_____
Date☐
☐

Approved

Disapproved

City Manager_____
Date☐
☐

Approved

Disapproved

Request for Proposals

By Order of the City Council of the City of Temple, Texas,
sealed proposals will be received for:

HOME Program Management Services

RFP No. 64-01-09

Sealed proposals will be received until
3:00 p.m. on Tuesday, July 28, 2009

Return Proposal to: Purchasing Department
City of Temple
3210 E. Avenue H
Building C
Temple, Texas 76501

INSTRUCTIONS TO OFFERORS

1. The sealed envelope or package containing the completed proposal(s) should be marked legibly on the outside with the proposal number and the description of the item(s) being proposed as shown on the cover sheet of this Request for Proposals.
2. The offeror shall sign and date the proposal where provided within the RFP. The person signing the proposal must have the authority to bind the firm in a contract. Proposals which are not signed and dated in this manner may be rejected.
3. The Offeror shall submit **one (1) unbound original and five (5) bound copies of proposal documents**. All documents shall be received at the Purchasing Department located at 3210 East Avenue H, Building C, Temple, Texas 76501, by the deadline shown on the cover sheet of this Request for Proposals. Proposals received after the deadline may be rejected at the City's option. The City of Temple is not responsible for lateness or non-delivery of mail, carrier, etc. The proposal will be date/time stamped in the Purchasing Department when received and this will be considered to be the official time of receipt.
4. Facsimile transmittals and electronic transmittals *will not* be acceptable.
5. The City of Temple, Texas, reserves the right to reject any or all proposals as it shall deem to be in the best interests of the City of Temple. Receipt of any proposal shall under no circumstances obligate the City of Temple to accept the lowest dollar proposal. The award of this contract shall be made to the responsible Offeror whose proposal is determined to be the highest evaluated offer resulting from negotiation, taking into consideration the relative importance of price and the other evaluation factors set forth in the Request for Proposals.
6. Proposals cannot be altered or amended after submission deadline. Any interlineation, alteration or erasure made before opening by the City must be initialed by the signer of the proposal, guaranteeing authenticity.
7. A proposal may not be withdrawn or canceled by the Offeror without the permission of the City for a period of ninety (90) days following the date designated for the receipt of proposals, and Offeror so agrees upon submittal of his proposal.
8. The City of Temple is exempt by law from payment of Texas Sales Tax and Federal Excise Tax.
9. All proposals meeting the intent of this Request for Proposals will be considered for award. Offerors taking exception to the specifications, or offering substitutions, shall state these exceptions by attachment as part of the proposal. The absence of such a list shall indicate that the Offeror has not taken exceptions, and shall hold the Offeror responsible to perform in strict accordance with the specifications in this Request for Proposals. The City of Temple reserves

the right to accept any, all or none of the exception(s)/substitution(s) deemed to be in the best interest of the City.

10. Any interpretations, corrections or changes to this Request for Proposals and specifications will be made by addenda. Sole issuing authority of addenda shall be vested in the City of Temple Director of Purchasing. Addenda will be loaded on www.demandstar.com. Vendors who pick up the RFQ from the Purchasing Department will be responsible for checking with the Purchasing Department to see if any addenda have been issued. Offerors shall acknowledge receipt of all addenda on the sealed envelope or package containing their proposal.
11. Proposals must comply with all applicable federal, state, county and local laws concerning these types of services.
12. The apparent silence of these specifications as to any detail or to the apparent omission of a detailed description concerning any point shall be regarded as meaning that only the best commercial practices are to prevail. All interpretations of these specifications shall be made on the basis of this statement.
13. A prospective Offeror must affirmatively demonstrate Offeror's responsibility. A prospective Offeror must meet the following requirements:
 - a. have adequate financial resources, or the ability to obtain such resources as required;
 - b. be able to comply with the required or proposed delivery schedule;
 - c. have a satisfactory record of performance;
 - d. have a satisfactory record of integrity and ethics; and
 - e. be otherwise qualified and eligible to receive an award.

The City of Temple may request representation and other information sufficient to determine Offeror's ability to meet these minimum standards.

14. Section 176.006 of the Texas Local Government Code requires a bidder/vendor to file a conflict of interest questionnaire if the vendor has a business relationship with the City and has:
 - (a) an employment or other business relationship with an officer or an officer's family member that results in that person receiving taxable income that is more than \$2,500 in the preceding twelve months; or
 - (b) has given an officer or an officer's family member one or more gifts totaling more than \$250 in the preceding twelve months.

A vendor/bidder is required to file a questionnaire not later than the seventh business day after the later of the following:

- (a) the date the vendor begins discussions or negotiations to enter into a contract with the City or submits an application or response to a bid proposal; or
- (b) the date the vendor becomes aware of a relationship or gives a gift to an officer or officer's family member.

State law requires that a vendor file an updated questionnaire with the City Secretary's office annually, before September 1st, and or not later than the 7th business day after the date the originally filed questionnaire becomes incomplete or inaccurate. The Conflict of Interest Questionnaire can be downloaded from the City's website www.ci.temple.tx.us under the City Secretary's tab for Public Information. Compliance with this law is the responsibility of each bidder/vendor.

The City of Temple is aware of the time and effort you expend in preparing and submitting proposals to the City. Please let us know of any proposal requirements causing you difficulty in responding to our Request for Proposals. We want to facilitate your participation so that all responsible vendors can compete for the City's business.

Awards should be made approximately 4 to 6 weeks after the proposal opening date. If you have any questions concerning this Request for Proposals and specifications, please contact the City of Temple Purchasing Department at (254) 298-5655.

**I. INTRODUCTION**

The City of Temple is seeking to enter into a professional services agreement with a competent management consulting firm to assist the City as Contract Administrator in the overall management of its 2008 HOME Program contract received from the Texas Department of Housing and Community Affairs. The grant is for Owner Occupied Housing Assistance. Under this grant, the City will rehabilitate approximately fifteen (15) existing single family homes.

The City of Temple encourages Historically Underutilized Businesses (HUBs) to submit proposals for these services and has established a 10% Historically Underutilized Business participation goal. Please state within your proposal how you will attempt to attain this goal.

A copy of the HOME program grantee administration manual is available at www.tdhca.state.tx.us. The City has requested to opt in to the 2009 HOME rules.

II. BACKGROUND AND OBJECTIVES

The City of Temple is located along Interstate 35 in Central Texas. Its population is approximately 54,000. Organizationally the City is a Council/Manager entity, employs approximately 700 persons, and provides a wide variety of municipal services.

The City of Temple proposes to expend at least \$433,125 to rehabilitate approximately fifteen (15) single family homes and pay the consultant for the services described herein. An additional \$7,500 will be used for administrative purposes. The primary purpose of the project is to upgrade substandard housing in the community.

All rehabilitated units must meet State and local building code requirements or the United States Department of Housing and Urban Development (HUD) Section 8 Housing Qualification Standards as required by 24 CFR Part 882.109, whichever is higher. This project is subject to all HOME Federal and State regulations. Consultant will be required to follow all TDHCA and HUD requirements for this grant.

III. SCOPE OF SERVICES REQUESTED

The management consultant firm to be hired shall provide contract-related



administrative and management services to the City of Temple, including but not limited to, the following areas:

- Financial management
- Recordkeeping requirements
- Environmental clearance procedures
- Client identification, intake and qualification
- Case file management
- Affirmative Marketing and Fair Housing regulations
- Equal employment opportunities/Section 504 requirements
- Labor standards monitoring
- Coordination and oversight of housing rehabilitation activities
- Contract close-out assistance

Identified tasks include, but are not limited to the following:

- Make recommendations on additional Participant Eligibility Factors
- Perform participant eligibility review per 24 CFR 92 and 10 TAC 53.31(d), (e), and (f), demonstrate and document compliance
 - Verify income eligibility - complete household income worksheet
 - Verify income eligibility - complete household income certification
 - Complete income/asset verification
 - Obtain verification of principal residence
 - Obtain verification of homeownership
 - Verify no delinquent property taxes
 - Verify no disqualifying delinquencies on student loans or child support
 - Verify no prohibited liens
 - Document special needs, if applicable
 - Document and verify any additional Participant Eligibility Factors approved by City
- Ensure property eligibility
- Prepare/review house rehabilitation plans
- Review specifications manual
- Ensure compliance with property standards
- Conduct Feasibility Analysis with Cost Estimate. Prepare individual budgets (administrative, hard costs, soft costs, match requirements) for each house to be rehabilitated and ensure compliance; ensure compliance with investment per unit
- Conduct Affirmative Marketing
- Prepare environmental review and obtain written notification of environmental clearance
- Provide fair housing information



- Schedule and conduct pre-construction conference
- Complete progress inspections
- Obtain copy of deed and complete proof of ownership documentation
- Obtain and review receipts; affirm eligible costs
- Provide homeowner certification and agreement to participate
- Submission of project set-up documentation
- Construction process orientation
- Notification of security alteration to lien holder
- Prepare contractor selection review materials
- Act as Owner's representative during construction
- Provide dispute resolution
- Submit administrative and project draw requests
- Perform final draw request, match reporting, and project completion
- Request release of retainage
- Ensure compliance with Contractual Benchmarks
- Provide coordination of change order approval
- Owner's acceptance inspection
- Provide construction oversight
- Coordinate and document City inspections, lead-based paint inspections
- Provide independent review of work write-up, specifications and cost estimate
- Plan and conduct pre-bid conference
- Coordinate construction bid and award activities
- Obtain certification regarding lobbying activities
- Obtain asbestos certification
- Obtain non-collusion affidavit
- Obtain contractor non-kickback certification
- Set up and maintain recordkeeping system including Program Files, Activity Files, and Environmental Review Record as per 24 CFR 92 and 10 TAC 53
- Establish and execute procurement procedures in compliance with: 24 CFR part 85, 24 CFR Part 92, Title VI of Civil Rights Act of 1964, Section 3 of Housing and Urban Development Act of 1968, and Texas Local Government Code
- Establish and execute application intake procedures and documents
- Conduct procurement of building contractors
- Ensure compliance with State and Federal Fair Housing Laws
- Ensure compliance with accessibility, lead-based paint, and labor standards laws
- Establish protections against fraud and abuse and establish conflict of interest policy



- Perform any loan closing activities as required

Additional tasks are outlined within the sample contract attached. Firms must describe their capacity to perform the proposed tasks.

IV. INFORMATION REQUESTED FROM OFFERORS

Each proposal shall contain all the items listed below. Incomplete proposals may be rejected in technical review by the Evaluation Committee. Consultants are encouraged to be creative and resourceful in proposing the most cost-effective and efficient solutions for the needs outlined within this RFP.

A. Letter of Transmittal

1. Briefly state your understanding of the services being requested.
2. Give the names of the persons authorized to make representations for your firm, their titles, addresses, telephone numbers, and fax numbers.

B. Title Page - Show the subject, name of your firm, address, telephone number, fax number, name of contact person and date.(Exhibit A)

C. Table of Contents - Include a clear identification of the material by section and page number.

D. Profile of Proposing Firm

1. State whether the firm is local, regional, national, or international. Give the location of the office(s) that will provide services to the City.
2. Briefly describe the firm's experience in providing the services being requested. Provide names and qualifications of staff members and subcontractors, if applicable, who will be committed to this project.
3. Provide a list of current clients and a description of ongoing projects and their status, to show current workload.
4. Provide a list of relevant former and current clients and a description of the projects including dates. Note: Only include those projects that have been worked on by the individuals to be assigned to this project.
5. Provide a list of at least five (5) references familiar with the firm's



capability to deliver the services requested. Include contact names, telephone numbers, dates in which services were provided, and a description of the services provided.

6. Provide a completed Proposal Affidavit (attached).
7. Provide a completed Credit Check Authorization (attached).
8. Provide a completed Insurance Requirement Affidavit (attached).

E. Proposal

1. Explain in detail how the services will be performed, including your proposed plan on how the rehabilitation of fifteen (15) homes will be accomplished. Include tasks expected of City personnel during the project.
2. Describe reports that will be provided to the City.
3. Describe your firm's proposed affirmative marketing plan for this project.
4. Outline a time frame for completing the services and setting appropriate deadlines.
5. Explain your firm's plan for inspection of the work and assurance of quality workmanship by the construction contractor.
6. Describe the firm's ability and willingness to comply with all applicable laws and regulations.
7. Provide a proposed fee schedule and discuss how you anticipate receiving payment, whether it is calculated on a percentage of work completed, payment of a set percent, etc.
8. Furnish the City with any additional information considered essential to your proposal.

V. EVALUATION CRITERIA AND SELECTION

The award of this contract shall be made to the responsible Offeror, whose proposal is determined to be the highest evaluated offer resulting from negotiation, taking into consideration the importance of the evaluation factors set forth below:



RFP No. 64-01-09

HOME Program Management Services

- 30% - Professional qualifications and HOME Program experience of the individual(s) who will be performing the work (All persons identified in the proposal as providing the work must be retained throughout the contract period unless substitutions are approved in writing by the City of Temple).
- 30% - Proposed fees.
- 20% - Experience of the firm in management of federally funded local housing programs and experience with the federal HOME Investment Partnership Program, through the HUD Entitlement/State of Texas HOME Program
- 10% - References from entities where like services have been performed.
- 5% - Affirmative marketing plan.
- 5% - Current workload.

Proposals will be reviewed and ranked by the Evaluation Committee. Oral interviews may be conducted with the top three (3) firms selected by the committee. Any costs incurred by the offeror related to the selection process are not reimbursable by the City and are at the sole discretion of the offeror.

The City of Temple reserves the right to reject any and all proposals submitted and to waive any informalities in proposals received. The City also reserves the right to request additional information from Offerors. The award will be made to the firm which, in the opinion of the City, is the best qualified to assist the City in accomplishing its objectives. The City reserves the right to negotiate a contract with the selected Offeror.

Proposals will be received and publicly acknowledged in the Purchasing Department at the date and time stated on the cover of this RFP. Offerors, their representatives and interested persons may be present. The proposals shall be received and acknowledged only so as to avoid disclosure of the contents to competing Offerors and shall be kept secret during negotiations. However, all proposals shall be open for public inspection after the contract is awarded, except for trade secrets and confidential information contained in the proposal and identified by Offeror as such.



RFP No. 64-01-09

HOME Program Management Services

VI. SUBMISSION INFORMATION

One (1) unbound original and five (5) bound copies of the proposal should be submitted in a sealed envelope clearly marked as "HOME Program Management Services" no later than 3:00 p.m. CST on July 28, 2009, to:

Belinda Mattke, CPA
Director of Purchasing
City of Temple
3210 E. Avenue H, Building C
Temple, Texas 76501

The City's project administrator is Kim Foutz, Assistance City Manager, and she can be reached at (254) 298-5600. For information regarding the RFP process, contact Belinda Mattke, Director of Purchasing, at (254) 298-5655, via fax at (254) 298-5615, or via email at purchasing@ci.temple.tx.us. The City of Temple is an Affirmative Action and Equal Opportunity Employer.

VII. ADDITIONAL INFORMATION

The attached Contract for Professional Management Services written by the City's Legal Department shall be the basis for contract negotiation. Successful Offeror will be required to execute the attached contract and provide evidence of insurance as defined therein.

Proposals cannot be altered after submission deadline. Any interlineation, alteration or erasure made before opening must be initialed by the signer of the proposal, guaranteeing authenticity. A proposal may not be withdrawn or canceled by the Offeror without the written permission of the City for a period of ninety (90) days following the date designated for the receipt of proposals, and Offeror so agrees upon submittal of his proposal.

Any interpretations, corrections or changes to this Request for Proposals will be made by addenda. Sole issuing authority of addenda shall be vested in the City of Temple's Director of Purchasing. Addenda will be mailed or faxed to all who are known to have received a copy of the Request for Proposals.

Requests for additional information shall be in writing and shall be faxed to the Purchasing Director at (254) 298-5615 or e-mailed to purchasing@ci.temple.tx.us.



RFP No. 64-01-09

HOME Program Management Services

EXHIBIT A

Company Name	
Address	
City, State, Zip	
Phone Number	
Fax Number	
E-mail Address	
Tax Identification Number	
Signature of Authorized Agent	
Printed Name of Authorized Agent	
Title	
Date	

PROPOSAL AFFIDAVIT

All pages in offeror's proposal containing statements, letters, etc., shall be signed by a duly authorized officer of the company, whose signature is binding on the proposal. The undersigned offers and agrees to furnish all of the services upon which information is submitted in the accompanying proposal. The period of acceptance of this proposal will be _____ calendar days from the date of the proposal opening. (Period of acceptance will be ninety (90) calendar days unless otherwise indicated by offeror.)

STATE OF _____ COUNTY OF _____

BEFORE ME, the undersigned authority, a Notary Public in and for the State of _____, on this day personally appeared, who after being by me duly sworn, did depose and say:

"I, _____,
(name)
_____, and have been duly authorized to execute the
(name of firm)
foregoing proposal on behalf of the said _____.
(name of firm)

I hereby certify that the foregoing proposal has not been prepared in collusion with any other offerer or other persons engaged in the same line of business prior to the official receipt of this proposal. Further, I certify that the offerer is not now, nor has been in the past six (6) months, directly or indirectly concerned in any pool or agreement or combination, to control the price of services offered, or to influence any person or persons to offer or not to offer thereon."

Name, address and phone number of offeror: _____

by: _____
printed name title

Signature: _____

SUBSCRIBED AND SWORN to before me by the above named
_____ on this _____ day of _____, 2009.

Notary Public in and for the State of _____.

Notary signature: _____

Return this affidavit as part of the proposal.



CREDIT CHECK AUTHORIZATION

The City is required to determine whether a bidder who may be awarded a contract is financially responsible. The City will run a credit check on the potential contractor before award of the contract. Please complete the following information and submit with your bid.

Company Name: _____

Street Address: _____

Mailing Address: _____

Tax Identification Number: _____

I hereby authorize the City of Temple or credit bureau or other investigative agency employed by the City of Temple to investigate my credit history and financial responsibility.

Authorized signature: _____

Title: _____

Date: _____



INSURANCE REQUIREMENT AFFIDAVIT

To Be Completed By Appropriate Insurance Agent

I, the undersigned Agent/Broker, certify that the insurance requirements contained in this proposal document have been reviewed by me with the below identified Offeror. If the below identified Contractor is awarded this contract by the City of Temple, I will be able to, within fifteen (15) days after being notified of such award, furnish a valid insurance certificate to the City meeting all of the requirements defined in this proposal.

Agent (Signature)

Agent (Print)

Name of Agency/Broker: _____

Address of Agent/Broker: _____

City/State/Zip: _____

Agent/Broker Telephone Number: _____

OFFEROR'S NAME: _____

(Print or Type)

NOTE TO AGENT/BROKER

If this requirement is not met, the City has the right to reject this proposal and award the contract to another meeting the specifications. If you have any questions concerning these insurance requirements, please contact Debbie Thompson, Risk Manager for the City of Temple at (254) 298-5674. If you have any questions concerning the bid/proposal, please contact Belinda Mattke, Director of Purchasing for the City of Temple at (254) 298-5655.

Contract
for
Professional Management Services

Part I - Agreement

THIS AGREEMENT, entered into this _____ day of _____, by and between the _____, hereinafter called the "Administrator," acting herein by _____ hereunto duly authorized, and _____ hereinafter called the "Firm," acting herein by _____.

WITNESSETH THAT:

WHEREAS the Administrator desires to implement a _____ contract under the general direction of the Texas Department of Housing and Community Affairs HOME Program and;

WHEREAS the Administrator desires to engage the Firm to render certain services in connection with its contract.

NOW THEREFORE, the parties do mutually agree as follows:

1. Scope of Services - as outlined in the Request for Proposals
2. Time of Performance - The services of the Firm shall commence on _____. In any event, all of the services required and performed hereunder shall be completed no later than _____.
3. Access to Information - It is agreed that all information, data, reports, records and maps as are existing, available and necessary for the carrying out of the work outlined above shall be furnished to the Firm by the Administrator and its agencies. No charge will be made to the Firm for such information and the Administrator and its agencies will cooperate with the Firm in every way possible to facilitate the performance of the work described in the contract.
4. Compensation and Method of Payment - The maximum amount of compensation and reimbursement to be paid hereunder shall not exceed \$_____. Payment to the Firm shall be based on satisfactory completion of identified milestones identified within the proposal.
5. Indemnification - The Firm shall comply with the requirements of all applicable laws, rules and regulations, and shall exonerate, indemnify, and hold harmless the Administrator and its agency members from and against them, and shall assume full responsibility for payments of federal, state and local taxes on contributions imposed or required under the Social Security, worker's compensation and income tax laws.
6. Miscellaneous Provisions

- a. This Agreement shall be construed under and in accord with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Bell County, Texas.
- b. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representatives, successors and assigns where permitted by this Agreement.
- c. In any case where one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.
- d. If any action at law or in equity is necessary to enforce or interpret the terms of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees, costs and necessary disbursements in addition to any other relief to which such party may be entitled.
- e. This Agreement may be amended by mutual agreement of the parties hereto and a writing to be attached to and incorporated into this Agreement.

7. Terms and Conditions - This Agreement is subject to the provisions of the Request for Proposals entitled terms and conditions and attached hereto and incorporated by reference herein.

IN WITNESSETH HEREOF, the parties have hereunto set their hands and seals.

Name of Contract Administrator: _____

Signature of Authorized Person

Date

Name of Professional Service Provider (Firm): _____

Signature of Authorized Person

Date

Part II - Professional Management Scope of Services

The Management Firm shall provide the following Scope of Services, as well as those outlined in the Request for Proposals:

A. Project Management

1. Develop a recordkeeping and filing system consistent with program guidelines, including Program Files, Activity Files and Environmental Review Records as per 24 CFR 92 and 10 TAC 53.
2. Maintenance of filing system.
3. Provide general advice and technical assistance to Administrator's personnel on implementation of project and regulatory matters.
4. If requested, assist in the procurement of construction services through a sealed bid process, as required by the HOME Program regulations.
5. Prepare and furnish the Administrator with necessary forms and procedures as required to implement projects under the HOME contract.
6. Assist the Administrator in meeting all special condition requirements that may be stipulated in the contract between the Administrator and TDHCA.
7. Prepare and submit to TDHCA all documentation necessary for amending the HOME contract, as applicable.
8. Conduct environmental clearance procedures as required.
9. Prepare and submit Project Set-Up, Project Completion, HUB and other required reports.
10. Serve as liaison for the Administrator during any review or monitoring visit by staff representative from either TDHCA or HUD.
11. Make recommendations on additional Participant Eligibility Factors.
12. Establish protections against fraud and abuse and establish conflict of interest policy.
13. Ensure compliance with State and Federal Fair Housing Laws.

B. Financial Management

1. Assist the Administrator in proving its ability to manage the grant funds to the State's audit division.
2. Establish procedures to document expenditures associated with local administration of the project.
3. Assist the Administrator in establishing and maintaining a Direct Deposit bank

account and/or separate local bank account, journals and ledgers.

4. Assist the Administrator in submitting the required Direct Deposit Authorization form, the Texas Application for Payee Identification Number, the Identification of Contract Administrator form and any other forms required by TDHCA.
5. Prepare all fund drawdowns on behalf of the Administrator in order to ensure orderly, timely payments to all contracting parties within the allotted time period.
6. Review invoices received for payment and file back-up documentation.
7. Provide general advice and technical assistance to Administrator's personnel regarding implementation of project and regulatory matters.
8. Make recommendations to the Administrator and establish procedures to handle the use of any HOME program income.
9. Submit administrative and project draw requests.
10. Perform final draw request, match reporting, and project completion.
11. Request release of retainage.
12. Perform any loan closing activities as required.
13. Establish and execute procurement procedures in compliance with: 24 CFR part 85, 24 CFR Part 92, Title VI of Civil Rights Act of 1964, Section 3 of Housing and Urban Development Act of 1968, and Texas Local Government Code.

C. Environmental Review

1. Perform environmental assessment procedures and prepare documentation as necessary.
2. Coordinate environmental clearance procedures with other federal or state agencies and interested parties responsible for implementing applicable laws.
3. Document consideration of any public comments.
4. Prepare any required re-assessment of environmental assessment and/or documentation as necessary.
5. Prepare environmental review and obtain written notification of environmental clearance.
6. Conduct lead-based paint assessment and remediation, and ensure compliance with all related program requirements.

D. Construction Management

1. Prepare and submit local rehabilitation guidelines, policies and procedures, and work write-ups for all projects to TDHCA for approval.
2. Documenting compliance with all federal and state requirements related to equal employment opportunity.
3. Perform the following activities if required by Davis-Bacon compliance or other program wage or employment requirements:
 - (a) Document compliance with all federal and state requirements related to minimum wage and overtime pay.
 - (b) Act as local labor standards officer. Notify TDHCA in writing of name, address and phone number of appointed labor standards compliance
 - (c) Review weekly payrolls, including compliance follow-ups, and conduct employee interviews.
 - (d) Request wage rates from TDHCA.
 - (e) Obtain Final Wage Compliance Report and submit to TDHCA (if required for Davis-Bacon compliance).
4. Conduct procurement of building contractors as per guidelines.
5. Verify construction contractor eligibility with TDHCA.
6. Prepare/review house rehabilitation specifications.
7. Conduct Feasibility Analysis with Cost Estimate. Prepare individual budgets (administrative, hard costs, soft costs, match requirements) for each house to be rehabilitated and ensure compliance; ensure compliance with investment per unit.
8. Advertise construction bids. Conduct pre-bid conference.
9. Review construction bids utilizing committee review. Provide recommendation of award to Administrator.
10. Make ten-day call to TDHCA.
11. Review and make recommendations on construction contract(s).
12. Conduct pre-construction conference and prepare reports as necessary.
13. Submit any reports of additional classification and rates to TDHCA.
14. Issue Start of Construction Notice to TDHCA.
15. Process and submit change orders to TDHCA prior to execution.

16. Provide general advice and technical assistance to Administrator's personnel on implementation of project and regulatory matters.
17. Coordinate and document City inspections and lead-based paint inspections.
18. Issue Notice to Proceed to construction contractor(s).
19. Ensure that all construction activities meet or exceed Texas Minimum Construction Standards.
20. Conduct interim/final inspections, process final contract documents, and maintain a record of beneficiaries.
21. Maintain client files following TDHCA requirements.
22. Manage dispute resolution process as required.
23. Ensure compliance with accessibility, lead-based paint, and labor standards laws.
24. Ensure that all construction activities meet or exceed Texas Minimum Construction Standards.
25. Manage dispute resolution process as required.
26. Ensure compliance with property standards.
27. Obtain and review real estate receipts; affirm eligible costs.
28. Coordination and oversight of housing rehabilitation activities.

E. Client Screening, Feasibility, and Management

1. Establish and execute application intake procedures and documents.
2. Develop affirmative marketing plan, outreach and necessary application processing/verification forms.
3. Establish and execute application intake procedures and documents.
4. Screen applicants for program qualification. Perform participant eligibility review per 24 CFR 92 and 10 TAC 53.31(d), (e), and (f), demonstrate and document compliance.
5. Verify income eligibility– complete household income worksheet.
6. Verify income eligibility – complete household income certification.
7. Complete income/asset verification.
8. Verify no delinquent property taxes.

9. Verify no disqualifying delinquencies on student loans or child support.
10. Document special needs, if applicable.
11. Document and verify any additional Participant Eligibility Factors approved by City.
12. Screen homes for feasibility.
13. Inform all applicants as to eligibility and prepare HOME contract for qualified applicants.
14. If requested, assist homeowners in the procurement of contracted construction services.
15. Conduct homeowner pre-construction conference and prepare documentation.
16. Obtain verification of principal residence.
17. Obtain verification of homeownership.
18. Verify no prohibited liens.
19. Ensure property eligibility.
20. Conduct Affirmative marketing.

F. Fair Housing/Equal Opportunity

1. Assist the Administrator in developing, implementing and documenting new activities to affirmatively further fair housing activities during the contract period.
2. Maintain documentation of all project beneficiaries by ethnicity and gender.
3. Prepare Section 3 and Affirmative Marketing Plan.
4. Perform all Section 504 requirements and prepare documentation as necessary.
5. Provide all applicable equal opportunity provisions and certifications for inclusion in bid packet.

G. Audit/Close-Out Procedures

1. Prepare the final Project Completion Report, including Historically Underutilized Businesses (HUB) Report and Certificate of Contract Completion.
2. Assist Administrator in resolving any review, monitoring and/or audit findings.
3. Assist Administrator in resolving any third party claims.

4. Provide auditor with HOME audit guidelines.

Part III - Payment Schedule

Administrator shall reimburse the Firm for management services provided for completion of the following project milestones per the following percentages of the maximum contract amount:

Milestone	Percent of Contract Fee
Establishment of recordkeeping system	
Completion of Environmental and/or Special Conditions Clearance	
Completion of Program Design	
Completion of the Bid/Contract Award Process	
Labor standards compliance	
Compliance with EEO/Fair Housing requirements	
Completion of construction	
Filing of all required close-out documentation and/or information	
TOTAL	100%

Part IV - Terms and Conditions

1. Termination of Contract for Cause. If, through any cause, the Firm shall fail to fulfill in a timely and proper manner his/her obligations under this Contract, or if the Firm shall violate any of the covenants, agreements, or stipulations of this Contract, the Administrator shall thereupon have the right to terminate this Contract by giving written notice to the Firm of such termination and specifying the effective date thereof, at least five (5) days before the effective date of such termination. In such event, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs and reports prepared by the Firm under this Contract shall, at the option of the Administrator, become its property and the Firm shall be entitled to receive just and equitable compensation for any work satisfactorily completed hereunder.
2. Termination for Convenience of the Administrator. The Administrator may terminate this Contract at any time by giving at least ten (10) days notice in writing to the Firm. If the Contract is terminated by the Administrator as provided herein, the Firm will be paid for the time provided and expenses incurred up to the termination date. If this Contract is terminated due to the fault of the Firm, Paragraph 1 hereof relative to termination shall apply.
3. Changes. The Administrator may, from time to time, request changes in the scope of services of the Firm to be performed hereunder. Such changes, including any increase

or decrease in the amount of the Firm's compensation, which are mutually agreed upon by and between the Administrator and the Firm, must be incorporated in written amendments to this Contract.

4. Personnel.

- a. The Firm represents that he/she has, or will, secure at his/her own expense, all personnel required in performing the services under this Contract. Such personnel shall not be employees of or have any contractual relationship with the Administrator.
- b. All of the services required hereunder will be performed by the Firm or under his/her supervision and all personnel engaged in the work shall be fully qualified and shall be authorized or permitted under state and local law to perform such services.
- c. None of the work or services covered by the Contract shall be subcontracted without prior written approval of the Administrator. Work/services subcontracted hereunder shall be specified by written contract/agreement and shall be subject to each provision of this Contract.

5. Assignability. The Firm shall not assign any interest on this Contract, and shall not transfer any interest in the same (whether by assignment or novation), without the prior written consent of the Administrator thereto: Provided, however, that claims for money by the Firm from the Administrator under this Contract may be assigned to a bank, trust company, or other financial institution without such approval. Written notice of any such assignment or transfer shall be furnished promptly to the Administrator.

6. Reports and Information. The Firm, at such times and in such forms as the Administrator may require, shall furnish the Administrator such periodic reports as it may request pertaining to the work or services undertaken pursuant to this Contract, the costs and obligations incurred or to be incurred in connection therewith, and any other matters covered by this Contract.

7. Records and Audits. The Firm shall ensure that the Administrator maintains fiscal records and supporting documentation for all expenditures of funds made under this contract in a manner which conforms to OMB Circular A-87, Section 570-490 of the Regulations, and this Contract. Such records must include data on the racial, ethnic, and gender characteristics of persons who are applicants for, participants in, or beneficiaries of the funds provided under this Contract. Administrator shall retain such records, and any supporting documentation, for the greater of three (3) years from closeout of the Contract or the period required by other applicable laws and regulations, if greater.

8. Findings Confidential. All of the reports, information, data, etc. prepared or assembled by the Firm under this contract are confidential and the Firm agrees that they shall not be made available to any individual or organization without the prior written approval of the Administrator.

9. Copyright. No report, maps or other documents produced in whole or in part under this

Contract shall be the subject of an application for copyright by or on behalf of the Firm.

10. Compliance with Local Laws. The Firm shall comply with all applicable laws, ordinances and codes of the state and local governments, and the Firm shall make the Administrator harmless with respect to any damages arising from any tort done in performing any of the work embraced by this Contract.
11. Equal Employment Opportunity. During the performance of this Contract, the Firm agrees as follows:
 - a. The Firm will not discriminate against any employee or applicant for employment because of race, color, religion, national origin, sex, disability or familial status. The Firm will take affirmative marketing to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, national origin, sex disability or familial status. Such action shall include, but not be limited to, the following: Employment; upgrading; demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection fro training, including apprenticeship. The Firm agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Administrator setting forth the provisions of this non-discrimination clause.
 - b. The Firm will, in all solicitations or advertisements for employees, placed by or on behalf of the Firm, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, sex, disability or familial status.
 - c. The Firm will cause the foregoing provisions to be inserted in all subcontracts for any work covered by this Contract so that such provisions will be binding upon each subcontractor provided that the foregoing provisions shall not apply to contracts or subcontracts for standard commercial supplies or raw materials.
 - d. The Firm will include the provisions a. through c. in every subcontract or purchase order unless exempted.
12. Civil Rights Act of 1964. Under Title VI of the Civil Rights Act of 1964, no person shall, on the grounds or race, color, religion, national origin or sex, be excluded from participation in, be denied the benefits of, or be subjected to, discrimination under any program or activity receiving federal financial assistance.
13. Section 109 of the Housing and Community Development Act of 1974. No person in the United States shall on the ground of race, color, religion, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to, discrimination under any program or activity funded in whole or in part with funds made available under this title.
14. "Section 3" Compliance in the Provision of Training, Employment and Business Opportunities.
 - a. The work to be performed under this contract is on a project assisted under a

program providing direct federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given lower include residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by, persons residing in the area of the project.

- b. The parties to this contract will comply with the provisions of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR 235, and all applicable rules and orders of TDHCA issued thereunder prior to the execution of this Contract. The parties to this Contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.
- c. The Firm will send to each labor organization or representative of workers with which he/she has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his/her commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.
- d. The Firm will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR Part 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR Part 135 and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.
- e. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of TDHCA issued hereunder prior to the execution of the contract, shall be a condition of the federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors and assigns to those sanctions specified by the grant or loan agreement or contract through which federal assistance is provided, and to such sanctions as are specified by 24 CFR Part 135.

15. Section 503 Handicapped (if \$2,500 or over) Affirmative Marketing for Handicapped Workers.

- a. The Firm will not discriminate against any employee or applicant for employment because of physical or mental handicap in regard to any position for which the employee or applicant for employment is qualified. The contractor agrees to take

affirmative marketing to employ, advance in employment and otherwise treat qualified handicapped individuals without discrimination based upon their physical or mental handicap in all employment practices such as the following: employment, upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

- b. The Firm agrees to comply with the rules, regulations and relevant orders of the Secretary of Labor issued pursuant to the Act.
- c. In the event of the Firm's non-compliance with the requirements of this clause, actions for non-compliance may be taken in accordance with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.
- d. The Firm agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the Director, provided by or through the contracting officer. Such notices shall state the Firm's obligation under the law to take affirmative marketing to employ and advance in employment qualified handicapped employees and applicants for employment, and the rights of applicants and employees.
- e. The Firm will notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the contractor is bound by the terms of Section 503 of Rehabilitation Act of 1973, and is committed to take affirmative marketing to employ and advance in employment physically and mentally handicapped individuals.
- f. The contractor will include the provisions of this clause in every subcontract or purchase order of \$2,500 or more unless exempted by rules, regulations, or orders of the Secretary issued pursuant to Section 503 of the Act, so that such provisions will be binding upon each subcontractor with respect to any subcontract or purchase order as the Director of the Office of Federal Contract Compliance Programs may direct to enforce such provisions, including action for non-compliance.

- 16. Interest of Members of an Administrator. No member of the governing body of the Administrator and no other officer, employee, or agent of the Administrator who exercises any functions or responsibilities in connection with the planning and carrying out of the program, shall have any personal financial interest, direct or indirect, in this Contract, and the Firm shall take appropriate steps to assure compliance.
- 17. Interest of Other Local Public Officials. No member of the governing body of the Administrator and no other public official of such Administrator, who exercised any functions or responsibilities in connection with the planning and carrying out of the program, shall have any personal financial interest, direct or indirect, in this Contract; and the Firm shall take appropriate steps to assure compliance.
- 18. Interest of Firm and Employees. The Firm covenants that he/she presently has no interest and shall not acquire interest, direct or indirect, in the study area or any parcels therein or any other interest which would conflict in any manner or degree with

the performance of his/her services hereunder. The Firm further covenants that in the performance of this Contract, no person having any such interest shall be employed.

Part V - Insurance

Consultant shall maintain general commercial liability coverage with minimum limits for damages resulting from bodily injury or death of \$250,000 per person and \$500,000 per occurrence, and \$100,000 per occurrence for property damage, or a combined single limit of \$500,000.

Consultant further agrees that with respect to the above required liability insurance, the City will:

- 1. Be named as an additional insured for general liability insurance;**
- 2. Be provided with a waiver of subrogation in favor of the City;**
- 3. Be provided with 30 days advance written notice of cancellation, nonrenewal, or reduction in coverage (all "endeavor to" and similar language of reservation stricken from cancellation section of certificate); and**
- 4. Prior to execution of this Agreement, be provided with either the original Certificate of Insurance or insurance policy evidencing the above limits and requirements, subject to approval by the City Attorney's Office.**

The insurance requirements set out in this section are independent from all other obligations of Consultant under this Agreement and apply whether or not required by any other provision of this Agreement.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TEMPLE AND TRAYLOR AND ASSOCIATES OF TYLER, TEXAS, FOR MANAGEMENT OF THE HOME INVESTMENT PARTNERSHIP GRANT PROGRAM, IN AN AMOUNT NOT TO EXCEED \$127,879; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple has received a contract award of \$382,500 (\$375,000 project grant funds and \$7,500 administrative grant funds) from the Texas Department of Housing and Community Affairs (TDHCA) for an Owner Occupied Housing Assistance grant through the HOME Investment Partnership Program;

Whereas, due to the complexity of administering this grant, the City needs to contract with a qualified professional management consultant to implement and administer the HOME contract activities;

Whereas, the City received one proposal for this service from Traylor and Associates of Tyler, Texas, which firm also administers the City's CDBG Program – a Staff committee reviewed the proposal and interviewed Mr. Traylor about the firm's qualifications and plans for administering the program and recommend that the City enter into a professional services agreement with Traylor and Associates for this service;

Whereas, the City proposes to rehabilitate approximately 13 single family homes – the consultant fees are \$9,837 per home or \$127,879 total;

Whereas, funds are available for this service but an amendment to the FY2008-09 budget needs to be approved to transfer the funds to the appropriate accounts; 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 professional services agreement between the City of Temple, Texas, and Traylor and Associates, of Tyler, Texas, after approval as to form by the City Attorney, for management of the HOME Investment Partnership Grant Program, for an amount not to exceed \$127,879.

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

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 3rd day of **September**, 2009.

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

09/03/09
Item #10(I)
Consent Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: SECOND READING – Z-FY-09-25: Consider adopting an ordinance authorizing a zoning change from Agricultural (A) to Commercial (C) District on 1± acres, situated in the Maximo Moreno Survey, Abstract No. 14, on the west side of South 5th Street, 500± feet north of Waters Dairy Road, located at 4804 South 5th Street.

(Note: Approval of this item on consent agenda will rezone the subject property to Neighborhood Services (NS), as approved on first reading by City Council and with concurrence of applicant.)

P&Z COMMISSION RECOMMENDATION: At its August 3, 2009 meeting, the Planning and Zoning Commission voted 7/0 in accordance with the Staff recommendation to recommend approval of a zoning change from A to NS because the request:

1. Conforms to the Future Land Use and Character Plan for Auto Urban Commercial and NS Uses which occur mid-block, away from major intersections,
2. Conforms to the Thoroughfare Plan for access to existing Arterials for S. 5th Street, and
3. Conforms to the Adequacy of Public Facilities Plan since water and sewer are available to the subject area, with a 24" sewer to the west and a 3" water line to the east.

Commissioners Pilkington and Secrest were absent. The applicant agreed to the NS zoning since it allows professional offices in a more restrictive zoning district than Commercial.

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

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-09-25, from the Planning and Zoning meeting, August 3, 2009.

The applicant proposes to renovate an existing house for an insurance office.

A total of seven notices of the P&Z public hearing were sent out. Two notices have been returned; one favors the request and one opposes the request. The newspaper printed notice of the P&Z public hearing on Friday, July 23, 2009 in accordance with state law and local ordinance.

The action of the Planning and Zoning Commission is shown in the draft minutes. The Commission did not raise any issues requiring additional staff attention.

FISCAL IMPACT: NA

ATTACHMENTS:

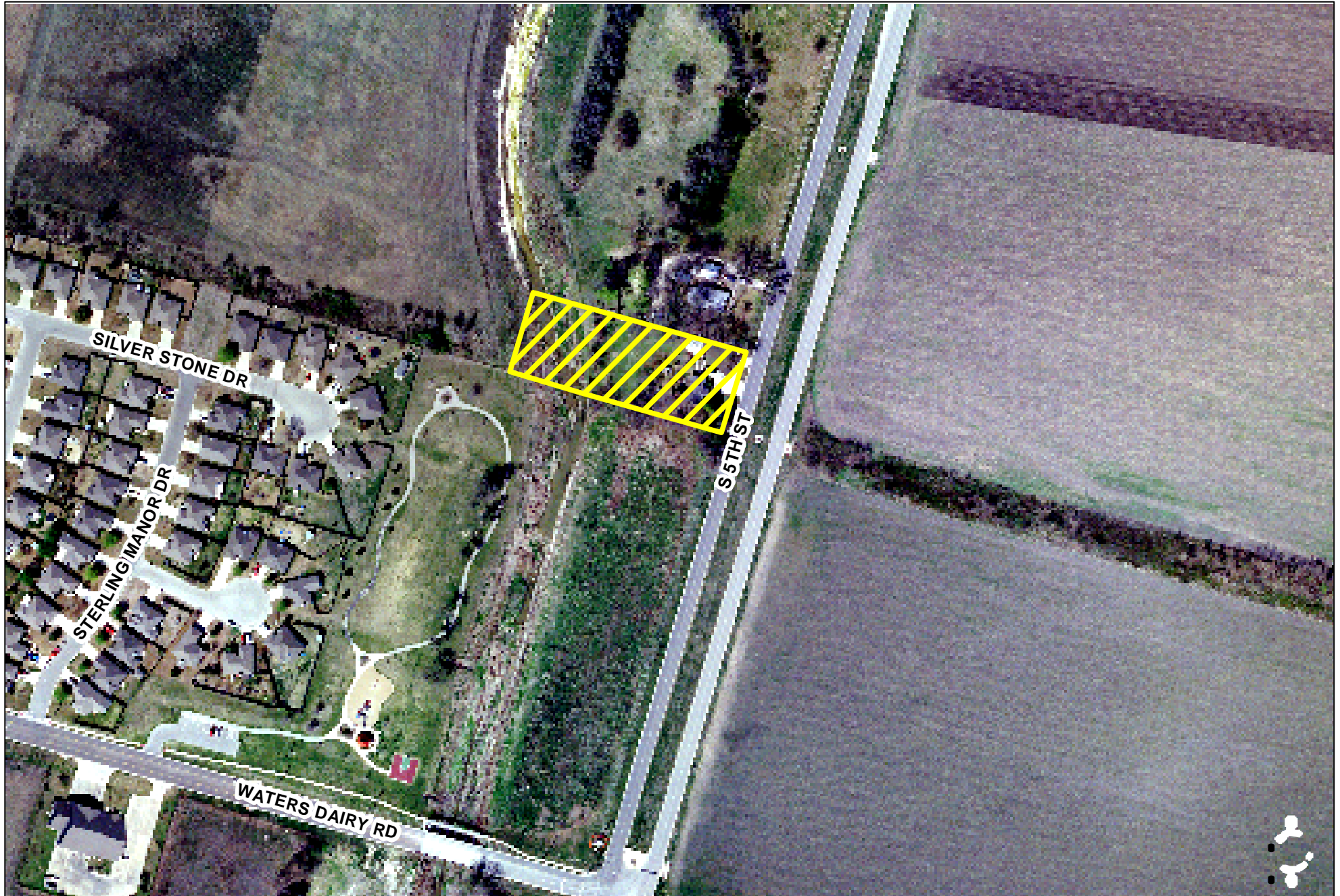
Aerial
Zoning Map
Land Use and Character Map
Utility Map
Notice Map
P&Z Staff Report (Z-FY-09-25)
P&Z Minutes (August 3, 2009)
Ordinance



Z-FY-09-25

Outblock 728-A&B

4804 S 5th Street

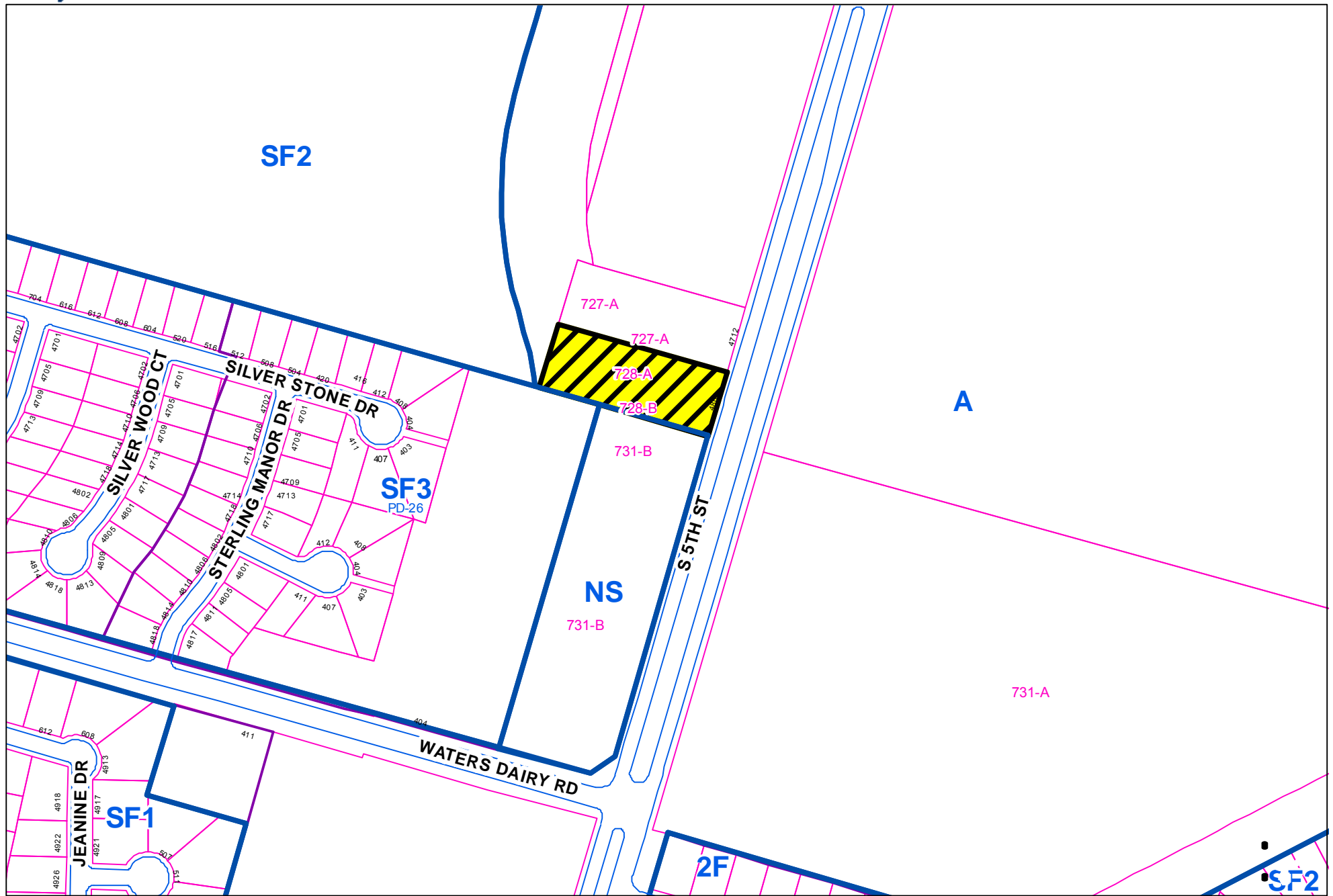


Z-FY-09-25

A to GR

1 inch = 200 feet

J Stone 6.26.09



Z-FY-09-25

A to GR

1 inch = 250 feet

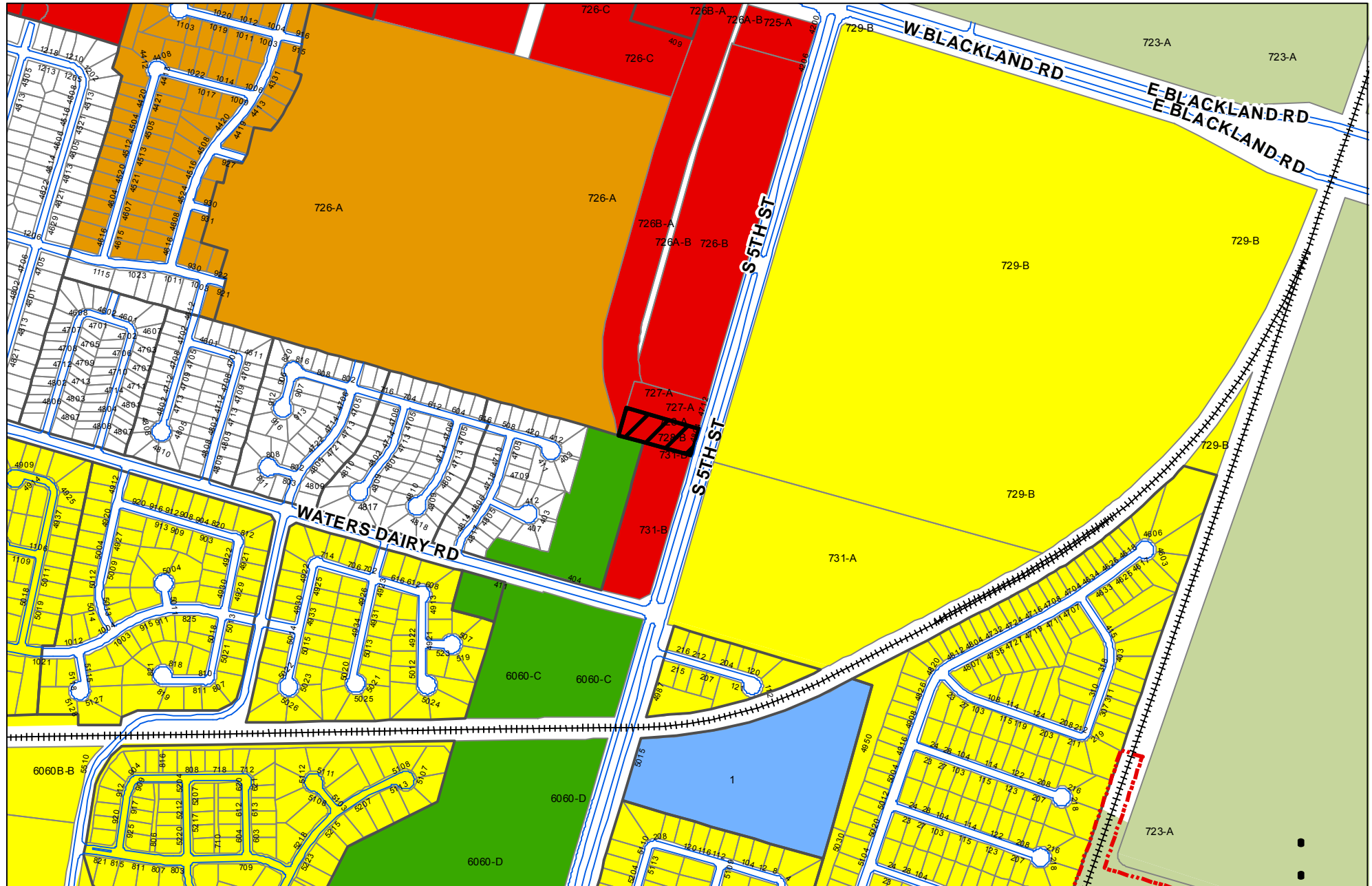
J Stone 6.26.09



Z-FY-09-25

Outblock 728-A&B

4804 S 5th Street



- | | | | | | |
|---------------------------|------------------------|-------------------------|-----------------------------------|----------------------|----------------------|
| Temple Boundary | Estate Residential | Auto-Urban Multi-Family | Suburban Commercial | Industrial | Parks and Open Space |
| Area of Proposed Zoning | Suburban Residential | Auto-Urban Mixed Use | Urban Center | Business park | Agricultural/Rural |
| Neighborhood Conservation | Auto-urban Residential | Auto-Urban Commercial | Temple Medical Education District | Public/Institutional | |

1 inch = 600 feet
J Stone 6.26.09



Z-FY-09-25

Outblock 728-A&B

4804 S 5th Street



Z-FY-09-25



Sanitary Sewer

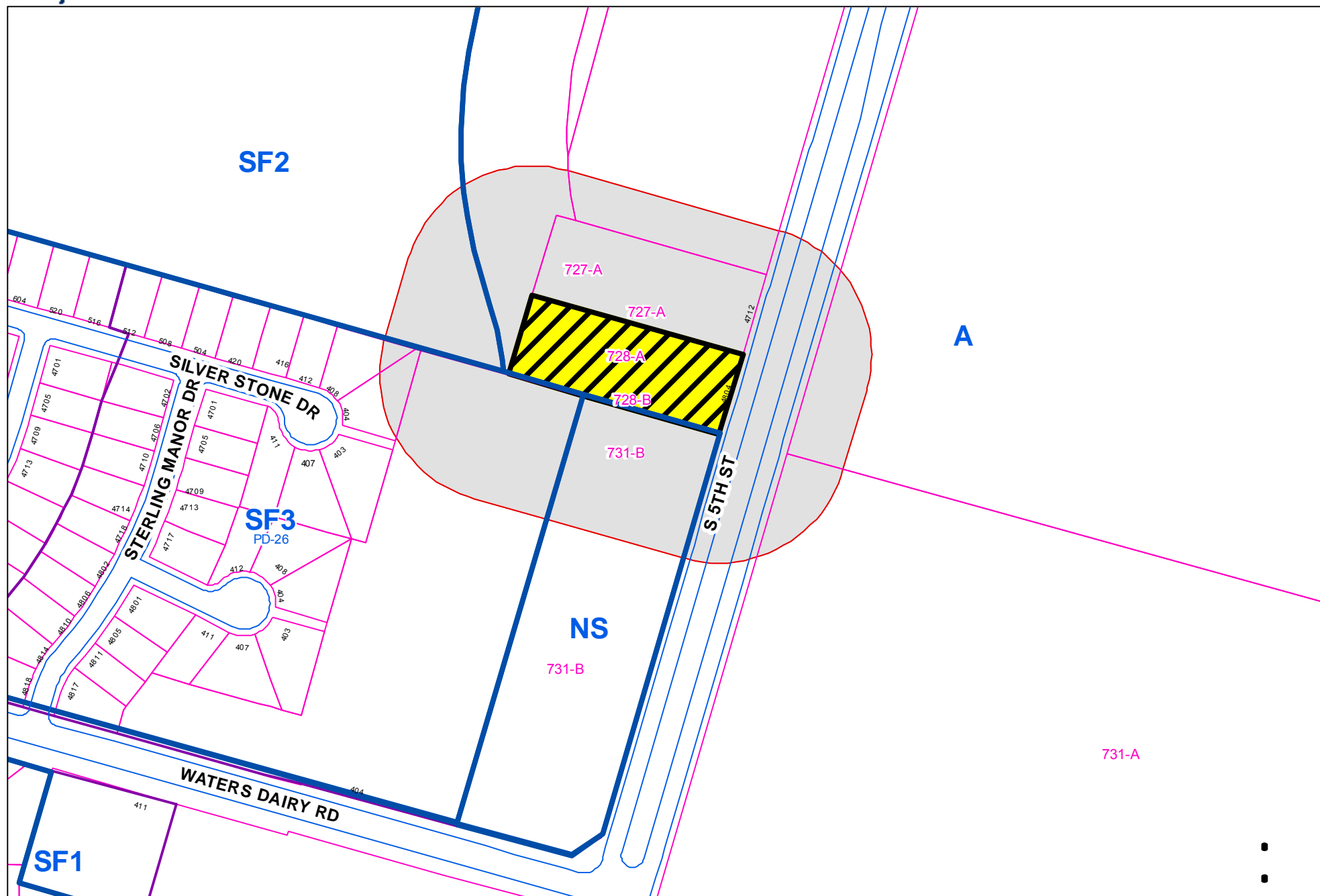


Water Lines

A to GR

1 inch = 200 feet

J Stone 6.26.09



Z-FY-09-25



200' Buffer

A to GR

1 inch = 200 feet

J Stone 6.26.09



PLANNING AND ZONING COMMISSION AGENDA ITEM

08/03/09

Item #2

Regular Agenda

Page 1 of 2

APPLICANT / DEVELOPMENT: Applicant: Jack & Dorothy Collier for Matthew Reinhart

CASE MANAGER: Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: Z-FY-09-25: Hold a public hearing to discuss and take action on permanent zoning from Agricultural District (A) to Commercial District (C) on 1± acres, situated in the Maximo Moreno Survey, Abstract No. 14, west side of South 5th Street, 500± feet north of Waters Dairy Road, located at 4804 South 5th Street.

BACKGROUND: The applicant requests the permanent zoning to use the current structure, a former house, for a professional insurance office. Permanent zoning is contingent upon development. The site plan will be reviewed as part of the building permit process, and the project will have to comply with landscaping and sign regulations. The existing driveway is sufficient for traffic circulation, and will require four parking spaces, of which one must be sized and striped accessible.

Surrounding Property and Uses

North	Undeveloped, Agricultural (A) holding zone
South	Undeveloped, zoned Neighborhood Service
East	Undeveloped, Agricultural (A) holding zone
West	Undeveloped, zoned SF2

A zoning request should be reviewed for compliance with the Comprehensive Plan.

Future Land Use and Character

The Future Land Use and Character Map shows the subject area planned for auto urban commercial uses, which conform to the Future Land Use and Character Map.

Thoroughfare Plan

South 5th Street is designated as a major arterial roadway and the request conforms to the Thoroughfare Plan

Adequacy of Public Facilities

Water (3") on South 5th Street and sewer (24" west of the subject tract) serve the subject area, and it conforms to the adequacy of public facilities.

Development Regulations

The Commercial (C) district allows all retail and most commercial land uses including professional offices total on-site traffic maneuvering such that traffic entering and exiting the facility should have room to turn, queue for parking areas, and park within the confines of said facility. This district should also be located on intersections of major thoroughfares or highways.

The Neighborhood Services district (NS) allows the same office use, while it is more restrictive than C regulations which allow the most intensive commercial uses, including auto repair uses.

Public Notice

A total of seven notices were sent out, with one return favoring the request, as of July 30th at 5 PM., The newspaper printed notice of the public hearing on July 23rd in accordance with state law and local ordinance.

STAFF RECOMMENDATION: Staff requests the Commission recommend approval of Z-FY-09-25 for Neighborhood Services (NS) zoning subject to the Commission finding:

1. The request conforms with the Future Land Use & Character Map for auto urban uses
2. The request conforms to the Thoroughfare Plan showing S. 5th Street as a major Arterial and
3. The request conforms to the Adequacy of Public Facilities for water and sewer.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Aerial
Zoning Map
Land Use and Character Map
Notice Map

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING**

MONDAY, AUGUST 3, 2009

ACTION ITEMS

Item 2: Z-FY-09-25: Hold a public hearing to discuss and take action on permanent zoning from Agricultural District (A) to Commercial District (C) on 1± acres, situated in the Maximo Moreno Survey, Abstract No. 14, west side of South 5th Street, 500+ feet north of Waters Dairy Road, located at 4804 South 5th Street. (Applicant: Jack & Dorothy Collier for Matthew Reinhart)

Mr. Tim Dolan, Planning Director presented the Commission with a brief presentation and described the subject area. Mr. Dolan stated staff had discussed the idea of Neighborhood Services (NS) zoning with the property owner, instead of Commercial (C) zoning, and the owner is in agreement with the NS zoning.

Mr. Dolan stated this zoning will comply with the insurance business the owner would like to place in the area. The use conformed to the proposed land uses for General Retail (GR) or NS and the utilities are adequate to service the area.

Mr. Dolan stated seven notices were mailed out: one response was in favor and one response was opposed to the Commercial request. Mr. Dolan explained the Zoning Ordinance described it as offices, common general business and professional and are allowed in NS, GR, and Commercial (C).

Mr. Dolan stated Commercial is the most intensive retail district Temple had and there is no building height. Usually Commercial uses are located along major arterials or highways or its intersections. The NS is essentially the opposite since it is the least intensive retail district which should serve neighborhood areas and has a maximum building height of two and one-half stories and are located mid-block on collector or arterial roadways.

Commissioner Talley requested clarification on the meaning of “professional offices.” Mr. Dolan stated the Zoning Ordinance indicated businesses such as attorney, architect, accountant, etc.

Chair Pope opened the public hearing for comments.

Mr. Jack Collier approached the Commission on behalf of himself and his wife. The Colliers purchased the property in order for Mrs. Collier to open an insurance office (not real estate). Mr. Collier stated he had no problem with

the NS zoning requested as long as an insurance company is allowed. Mr. Collier asked the Commission to vote in favor of this request.

There being no further speakers Chair Pope closed the public hearing.

Commissioner Talley made a motion to recommend approval of Z-FY-09-25 for Neighborhood Services (NS) zoning subject to the Commission finding:

1. The request conforms with the Future Land Use & Character Map for auto urban uses
2. The request conforms to the Thoroughfare Plan showing S. 5th Street as a major Arterial and
3. The request conforms to the Adequacy of Public Facilities for water and sewer.

Commissioner Hurd made the second.

Motion passed: (7/0)

Vice-Chair Pilkington and Commissioner Secrest were absent

ORDINANCE NO. _____

[PLANNING NO. Z-FY-09-25]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO NEIGHBORHOOD SERVICES DISTRICT (NS) ON APPROXIMATELY 1 ACRE SITUATED IN THE MAXIMO MORENO SURVEY, ABSTRACT NO. 14, WEST SIDE OF SOUTH 5TH STREET, APPROXIMATELY 500 FEET NORTH OF WATERS DAIRY ROAD, LOCATED AT 4804 SOUTH 5TH STREET; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Agricultural District (A) to Neighborhood Services District (NS) on approximately 1 acre, situated in the Maximo Moreno Survey, Abstract No. 14, west side of south 5th Street, approximately 500 feet north of Waters Dairy Road, located at 4804 South 5th Street, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **20th** day of **August**, 2009.

PASSED AND APPROVED on Second Reading on the **3rd** day of **September**, 2009.

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

09/03/09
Item #10(J)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: FIRST READING - Consider adopting an ordinance granting a franchise to AM Construction to provide for construction job site cleaning, rental and setting of fifteen (15) yard or less roll-off containers, and the hauling of construction site waste within the City of Temple.

STAFF RECOMMENDATION: Adopt ordinance as presented in item description on first reading, schedule second reading for September 17, 2009, and schedule a third and final reading and public hearing for October 1, 2009.

ITEM SUMMARY: AM Construction proposes to offer construction job site cleaning as well as the rental of 15 yard roll-off containers and the subsequent hauling and disposing of construction site waste within the City limits. The setting and hauling of roll-off containers involves the use of City streets and would not be allowed without a City franchise. The City is currently the only commercial solid waste provider in the City and has been since the City Council chose not to renew two other commercial solid waste franchises a few years ago. Revenue from commercial solid waste hauling subsidizes residential solid waste rates and helps the City keep its tax rate lower.

The services provided by AM Construction in other communities, and previously in the City of Temple, are a mix of demolition, site clean-up, and solid waste hauling services. AM Construction uses a ¾ ton pickup and a gooseneck trailer with a pneumatic lift to set 15 yard containers in the rear of construction lots and in other areas that the City cannot readily access with its larger (20 yards and above) roll-off containers and larger trucks.

In visiting with local builders who have used or would use services provided by AM Construction, they cite two factors that differentiate the hauling done by AM Construction from the services offered by the City. First, AM Construction crews actually do demolition and site clean up, which the City doesn't offer—or have any interest in offering. Second, because of the smaller truck and container, the 15 yard roll-off container can be set in the back of the lot where it aids clean up efforts and isn't so visible to the street or neighboring properties. The smaller truck and container is also less likely to damage newly constructed driveways and yard lines.

In evaluating the request from AM Construction for a franchise, the Staff has considered several factors: (1) maintaining the financing integrity and viability of the City's commercial solid waste department; (2) recognizing the service provided by a company like AM Construction—which has elements of site cleaning AND solid waste hauling.

With respect to the impact on the City's services, revenues from the City's roll-off container business is down this year, but much of that is probably attributed to the recent decline in new construction starts and the overall economy. The City doesn't have roll-off containers this size or the appropriate hauling vehicles, and has no present plans to do so.

We are proposing a one year term for AM Construction (there may be other similar businesses that will also seek franchises). The short term will allow us to evaluate the benefits of the service being evaluated, the impact of the City's own commercial solid waste business, and allow the City to keep its future options open.

We will discuss this item in our September 1st workshop. Franchise ordinances take three readings, a public hearing (on 3rd reading) and publication of an ordinance summary in the newspaper. This item is on the consent agenda for first reading.

FISCAL IMPACT: The City would receive 5% of the company's gross revenues. The estimated annual franchise revenue is unknown at this time.

ATTACHMENTS:

[Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, GRANTING A FRANCHISE TO AM CONSTRUCTION AND DUMPSTER SERVICE TO PROVIDE CONSTRUCTION JOB SITE CLEANING, RENTAL AND SETTING OF FIFTEEN (15) YARD ROLL-OFF CONTAINER, AND HAULING AND DISPOSING OF CONSTRUCTION SITE WASTE WITHIN THE CITY OF TEMPLE UNTIL DECEMBER 31, 2010; PROVIDING FOR THE SCOPE AND NATURE OF THE OPERATION; PROVIDING FOR THE DISPOSAL OF ALL SUCH REFUSE; PROVIDING A PROCEDURE FOR THE HANDLING OF COMPLAINTS; PROVIDING FOR A MONTHLY COMPENSATION TO THE CITY; PROVIDING FOR ADJUSTMENT OF CHARGES; REQUIRING INDEMNITY INSURANCE; PROVIDING FOR AMENDMENTS; PROVIDING FOR PAYMENT OF ALL TAXES BY THE FRANCHISEE; PROHIBITING ASSIGNMENT OF THE FRANCHISE WITHOUT WRITTEN PERMISSION OF THE CITY COUNCIL; PROVIDING FOR MANNER OF ACCEPTANCE BY GRANTEE; PROVIDING A PENALTY OF NOT MORE THAN \$500 PER VIOLATION AND MAKING EACH DAY A VIOLATION CONTINUES A SEPARATE VIOLATION; PROVIDING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, AM Construction and Dumpster Service has requested the opportunity to provide construction job site cleaning, rental and setting of fifteen (15) yard roll-off containers, and hauling and disposing of construction site waste, within the City of Temple;

Whereas, the City Council has investigated the financial condition, experience and service record of AM Construction and Dumpster Service and finds it to be a well qualified company in the area of construction job site cleaning, rental and setting of fifteen (15) yard roll-off containers and hauling and disposing of construction site waste; and

Whereas, after notice and publication of this ordinance as required by the City Charter and applicable local and State laws and after a public hearing where evidence was received concerning the granting of a franchise to AM Construction and Dumpster Service, it is the opinion of the City Council that it would promote the public health, welfare and safety to enact this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE

CITY OF TEMPLE, TEXAS, THAT:

PART 1: Franchise. A non-exclusive franchise is hereby granted to AM Construction and Dumpster Service, hereinafter referred to as "Grantee," to use the public streets, alleys and thoroughfares within the corporate limits of the City of Temple, Texas for the purpose of engaging in the business of construction job site cleaning, the rental and setting of fifteen (15) yard roll-off containers, and the hauling and disposing of construction site, said business to be conducted in full compliance with all rules and regulations for the disposal of solid waste material imposed by the Texas Department of Health, the City of Temple, Texas, the State of Texas, the federal government.

PART 2: Term. The term of this agreement shall end on December 31, 2010. This franchise can be extended upon mutual agreement of the parties.

PART 3: Scope and Nature of Operation. It is expressly understood and agreed that the Grantee may perform construction job site cleaning and as well as rent, set and haul fifteen (15) yard roll-off containers associated with such cleaning. Grantee agrees to not rent or set roll-off containers on a construction site at which they are not performing job site cleaning. For the purpose of this franchise agreement, construction site cleaning includes clean up around sites for new commercial and residential construction as well as the demolition and clean-up of existing commercial and residential structures. Grantee further agrees to rent and set only fifteen (15) yard or smaller roll-off containers. Grantee will, at its own expense, furnish personnel and equipment to collect waste as described herein and will establish and maintain in an efficient and business-like manner such services as may be contracted for.

PART 4: Vehicles to be Covered and Identified; Loading; Transport and Disposal. All vehicles used by the Grantee for the collection and transportation of refuse shall be covered at all times while loaded and in transit to prevent the blowing or scattering of refuse onto the public streets or properties adjacent thereto, and such vehicles shall be clearly marked with the Grantee's name in letters not less than two (2) inches in height.

PART 5: Regulation of Leased Containers. It is specifically understood and agreed that the Grantor shall permit the Grantee to rent or lease containers to the owner or occupant of any construction site within the corporate limits of the city, for construction job site cleaning subject to the following requirements:

- (a) All such containers shall be constructed according to good industry practice in the trade;
- (b) All such containers shall be equipped with suitable covers with secure lids to prevent blowing or scattering of the waste while being transported for disposal of their contents;

- (c) All such containers shall be cleaned and maintained by Grantee so as to be in good repair, of a good appearance and free of such refuse residues as may cause odor and provide a breeding place for flies and harborage for rodents; and
- (d) All such containers shall be clearly marked with the Grantee's name and telephone number in letters not less than two (2) inches in height. It is further understood and agreed that the Grantee will lease or rent such containers at terms which are fair and reasonable and that such terms will be submitted to and approved by the City Council.
- (e) The City has the authority to remove from the premises any unmarked containers.

PART 6: Disposal of Refuse. It is specifically understood and agreed that Grantee will deliver all waste and refuse collected by him from premises in the corporate limits of City to such the City of Temple Landfill. No other location may be used for the disposal of such refuse without the written approval and consent of Grantor. Rules and regulations governing hours of operation and disposal practices at the disposal site, as may be published by the Grantor, will be observed and followed by the Grantee while engaged in the disposal of refuse collected under this agreement. The Grantee is responsible for paying any and all tipping or gate fees as set from time to time by Waste Management.

PART 7: Complaint Handling by Grantee: It is expressly understood and agreed that Grantee, at its expense, will provide a telephone answering service from 8 a.m. until 5 p.m. daily, Monday through Friday, excluding such holidays as may be approved by Grantor, for the purpose of handling complaints and other calls regarding refuse collection service provided by the Grantee. The Grantee will secure an annual listing in the Temple Telephone Directory under the name by which it conducts business in the community.

PART 8: Availability, Character of Service. Grantee shall at all times furnish service which is first class in every respect, modern and sufficient to meet reasonable demands without undue interruption or fluctuations, under fair and reasonable rules and regulations as provided for herein, to any person, firm, or corporation that shall demand service within the City, upon the terms herein specified or that hereafter may be specified and required by ordinance or rules duly passed by the City. Grantee shall make service connections on reasonable demand, without undue delay. Grantee covenants that it will furnish such service, instrumentalities, and facilities as are safe, adequate, efficient, and reasonable.

PART 9: Contract Administrator.

- (a) The Director of Public Works is the principal City officer responsible for the

administration of this franchise and shall oversee and review the operations of Grantee under this franchise.

- (b) It shall be the right and duty of the City Manager and the governing body of the City at all times to keep fully informed as to all matters in connection with or affecting the construction, reconstruction, maintenance, operation, and repair of the properties of the Grantee and its accounting methods and procedures in connection therewith, and the conduct of the Grantee's business in the City and of service being rendered by Grantee.

PART 10: Records, Reports and Inspections.

- (a) The Grantee shall use the system of accounts and the forms of books, accounts, records, and memoranda prescribed by the American Institute of Certified Public Accountants, or as mutually agreed to by the City and Grantee, except that the City may require the keeping of certain additional records and accounts non inconsistent therewith.
- (b) The Grantee shall furnish the City with copies of its monthly financial and operating reports and upon request, the Grantee shall make such special studies and furnish such other reports as the governing body of the City or the Director of Public Works may reasonably require in the administration of the franchise.
- (c) The City Manager and the Director of Finance shall have the right, at reasonable times, to inspect the plant, equipment, and other property of the Grantee, and its affiliates and to examine, audit, and obtain copies of the papers, books, accounts, documents, and other business records of the Grantee and its affiliates.
- (d) The City shall retain all of the investigative powers and other rights provided to the City by the Charter and State law.

PART 11: Rules and Inspections.

- (a) In order to insure uniform and reasonable application of conditions for service and to insure availability of service to all without discrimination, the City Manager shall exercise supervision of Grantee's rules and regulations concerning service furnished under this franchise.
- (b) The governing body of this City and the City Manager may establish, after reasonable notice and hearing, not to be less than that required by the City Charter and applicable laws, such rules and regulations as may be in the public interest regarding rates, the furnishing of service, administration of

customer accounts, and construction of Grantee facilities on City property.

PART 12: Service Rates. The Grantee shall publish service rates and furnish a copy of said rates to the City at such time as they are adopted.

PART 13: Consideration.

- (a) For and in consideration of the covenants and agreements herein contained, Grantee herein agrees to pay unto the City five (5%) percent of the gross receipts received by Grantee in the operation of the services performed for customers pursuant to the provision of this contract. For the purposes of this Franchise, gross receipts does not include any amounts passed through by Grantee to his customers for tipping fees at the landfill. All charges shall be paid unto the Grantor monthly as they accrue and receivable not later than the 10th day of the month thereafter. The Grantor shall have the right to reasonable access to the records of Grantee involving business conducted pursuant to this contract.
- (b) Grantee shall file with the Director of Finance simultaneously with each payment, a financial statement clearly showing the gross receipts received by the Grantee during the preceding month. In addition, the Grantee shall file with Director of Finance annually after the expiration of each of the Grantee's fiscal years a financial statement clearly showing the gross receipts and all components thereof received by the Grantee on an annual basis during the preceding fiscal period. Such report shall be due within sixty (60) days of the close of the Grantee's fiscal year. This financial statement shall be prepared by a certified public accountant, clearing showing the annual gross receipts attributable to the Temple Service Area. Extension of such period up to thirty (30) additional days may be granted by the City Manager upon request by the Grantee. Such payment shall be exclusive of and in addition to all other general municipal taxes of whatever nature, including but not limited to ad valorem taxes and special taxes and assessments for public improvements. During the years for which payments of percentages of gross receipts are made to the City as compensation or part compensation for this franchise to use the public property of the City for the purpose of engaging in the business of Grantee as described herein, the payments shall be (insofar as the City has legal power so to provide and agree) in lieu of and shall be accepted as payment for all of Grantee's obligations to pay municipal charges, fees, franchise taxes, or other charges and taxes of every kind, except ad valorem taxes and special taxes and assessments for public improvements.
- (c) In the event that any franchise payment, due to a recomputed amount, is not made on or before the applicable date heretofore specified, interest shall be charged from such due date at the annual rate of ten (10%) percent per

annum.

- (d) Within thirty (30) days after a request by the City Manager to reimburse the City for said expenses, the Grantee will pay to the City any expense required to be paid by the City Charter, this ordinance or other applicable laws or regulations including, but not limited to, the expense of publication of this ordinance or the expense of holding a referendum or election in regards to granting, amending, or extending or renewing this franchise.

PART 14: Indemnity Insurance. Grantee assumes all risks of loss or injury to property or persons arising from any of its operations under this agreement, and agrees to indemnify and hold harmless the Grantor from all claims, demands, suits, judgments, costs or expenses arising from any such loss or injury. It is expressly understood that the foregoing provisions shall not in any way limit the liability of the Grantee. Grantee agrees to carry the types of insurance in minimum limits as follows:

- (1) Workmen's Compensation Statutory;
- (2) Public Liability Bodily Injury \$250,000 single/\$500,000 total;
- (3) Public Liability Property Damage \$100,000 each occurrence; and
- (4) Automotive Public Liability and Bodily Injury \$250,000 single/\$500,000 total and Property Damage \$100,000.

PART 15: Termination and Forfeiture. The City, at its option, may terminate this franchise agreement by giving 60 days advance written notice of such termination to Grantee.

PART 16: Retention of Rights by City. The City of Temple, in granting this franchise, fully retains and reserves all the rights, privileges, and immunities that it now has under the law to fully patrol and police the streets, alleys, and public ways within the city and the granting of this franchise in no way interferes with the improvements or maintenance, or any other street, alleys, and public ways, and the rights of the Grantee herein to use said streets shall at all times be subservient to the right of the governing body of the City of Temple to fully exercise its rights or control over said streets, alleys and public ways.

PART 17: Amendments. The City of Temple expressly reserves the right, after due notice to Grantee, to modify, amend, alter, change or eliminate any of the provisions of this franchise and to impose such additional conditions upon the Grantee as may be just and reasonable as determined by the City Council, such conditions to be those deemed necessary for the purpose of insuring adequate service to the public. Provided, however, that all such amendments shall be made in accordance with the Charter of the City of Temple, Texas.

PART 18: Effective Date. This ordinance shall take effect on the date of the final

passage hereof by the City Council, but not before the Grantee has filed with the City Secretary of the City of Temple a written acceptance of this ordinance as hereinbefore required.

PART 19: Non-Exclusive. This franchise is not exclusive and nothing herein contained shall be construed so as to prevent the City from granting other like or similar rights and privileges to any other person, firm, or corporation.

PART 20: Failure of City to Enforce this Franchise; No Waiver of Terms Thereof.

- (a) The Grantee shall not be excused from complying with any of the terms and conditions of this franchise of any failure of the City upon any one or more occasions to insist upon or to seek compliance with any such terms or conditions. The Grantee's violation or failure to comply with any of the provisions of this ordinance shall result in a fine upon conviction of not less than One Dollar (\$1.00) nor more than Five Hundred (\$500.00) Dollars and each day any violation or non-compliance continues shall constitute a separate and distinct offense.
- (b) The penalty provided herein shall be cumulative of other remedies provided herein and by State and Federal law including, but not limited to, the power to forfeit or terminate this franchise, the power of injunction or any other equitable remedies as provided by State law and the right to sue for damages which remedies may be exercised in enforcing this ordinance whether or not there has been a criminal complaint filed.

PART 21: Taxes. The Grantee shall promptly pay all lawful ad valorem taxes, and such other levies and assessments, if any, that may lawfully be imposed upon it. Failure to pay any of such charges on either of them shall be deemed a breach of the privilege granted herein.

PART 22: Assignment of Franchise. This Franchise and agreement and any and all rights and obligations hereunder may not be assigned by the Grantee without the prior written consent of the City Council.

PART 23: Acceptance by Grantee.

- (a) Within thirty (30) days after the third and final reading of this ordinance and its passage by the City Council, the Grantee herein shall file with the City Council in writing its acceptance of the terms and provisions of this grant and the ordinance in substantially the following form:

To the Honorable Mayor and City Council of the City of Temple:

The franchisee, AM Construction and Dumpster Service, acting by and through its duly authorized and empowered officer, hereby accepts the terms and conditions of Ordinance No. _____ granting a franchise to provide construction job site cleaning, rental and setting of fifteen (15) yard roll-off containers and hauling and disposing of construction site waste within the City of Temple, Texas.

SIGNED this _____ day of _____, 2009.

AM CONSTRUCTION AND DUMPSTER SERVICE Billy Martone, Owner

- (b) The acceptance shall be duly acknowledged by the person executing the same. In the event the acceptance is not filed within the thirty (30) day period this ordinance and the rights and privileges hereby granted shall terminate and become null and void.

PART 24: Findings of Fact. The City Council hereby finds and declares that the public convenience and necessity require the service which is to be furnished by the Grantee named herein.

PART 25: Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the Board without the incorporation of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

PART 26: Open Meetings. It is hereby found that the meeting at which this ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meeting Act

PASSED AND APPROVED on First Reading on the 3rd day of **September**, 2009.

PASSED AND APPROVED on Second Reading on the 17th day of **September**, 2009.

PASSED AND APPROVED on Third and Final Reading on the 1st day of **October**, 2009.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary

APPROVED AS TO FORM:

Jonathan Graham
City Attorney

Agreement of Franchisee

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

The franchisee, AM Construction and Dumpster Service, acting by and through its duly authorized and empowered officer, hereby accepts the terms and conditions of Ordinance No. _____ granting a franchise to provide construction job site cleaning, rental and setting of fifteen (15) yard roll-off containers and hauling and disposing of construction site waste City of Temple, Texas.

SIGNED this _____ day of _____, 2009.

AM CONSTRUCTION AND DUMPSTER SERVICE

Billy Martone, Owner



COUNCIL AGENDA ITEM MEMORANDUM

08/20/09
Item # 10(K)
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney
David Blackburn, City Manager
Traci Barnard, Finance Director

ITEM DESCRIPTION: Consider adopting resolutions directing the Staff to submit resolution cover sheets seeking the support of the Texas Municipal League for:

1. Legislation that would allow Texas cities with tax increment financing reinvestment zones to extend the lives of their zones; and
2. Legislation that would change the Public Utility Commissions rate setting formulas and policies related to municipal street lights.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Constitution for the Texas Municipal League (TML) has established procedures for cities seeking the support of the TML on future legislation. The defined procedure requires that cities complete and submit a “resolution cover sheet” explaining the proposed legislation, the relevance to cities and the statewide impact of the proposed resolution. TML requires that resolution cover sheets submitted by cities have the prior approval of the governing body of the submitting city.

The Staff recommends approval of both resolutions. The first resolution seeks TML support or endorsement of a bill that would allow cities to extend the life of their existing tax increment financing reinvestment zones. Current law provides that once created with a certain life that cities can only reduce the life of their zones NOT increase them.

The second resolution seeks TML support or endorsement of a bill that would change the rate mechanism and policies set by the Public Utility Commission for municipal street lights. Under current pricing, electric utilities charge cities continue to charge cities for street lights once installed even if bulbs are burned out or not replaces, or even when a city wishes for certain street lights to be removed from the system.

Additional background information will be provided by the Staff at our workshop or regular meeting.

FISCAL IMPACT: None

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, DIRECTING THE STAFF TO SUBMIT RESOLUTION COVER SHEETS SEEKING THE SUPPORT OF THE TEXAS MUNICIPAL LEAGUE FOR (A) LEGISLATION THAT WOULD ALLOW TEXAS CITIES WITH TAX INCREMENT FINANCING REINVESTMENT ZONES TO EXTEND THE LIVES OF THEIR ZONES; AND (B) LEGISLATION THAT WOULD CHANGE THE PUBLIC UTILITY COMMISSION'S RATE SETTING FORMULAS AND POLICIES RELATED TO MUNICIPAL STREET LIGHTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Constitution for the Texas Municipal League (TML) has established procedures for cities seeking the support of the TML on future legislation – the designed procedure requires that cities complete and submit a “resolution cover sheet” explaining the proposed legislation, the relevance to cities and the statewide impact of the proposed resolution;

Whereas, TML requires that resolution cover sheets submitted by cities have the prior approval of the governing body of the submitting city;

Whereas, the Staff recommends approval of two resolutions seeking TML support or endorsement; (1) a bill that would allow cities to extend the life of their existing tax increment financing reinvestment zones, and (2) a bill that would change the rate mechanism and policies set by the Public Utility Commission for municipal street lights; 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 directs the Staff to submit resolution cover sheets seeking the support of the Texas Municipal League for: (A) legislation that would allow Texas cities with tax increment financing reinvestment zones to extend the lives of their zones; and (B) legislation that would change the Public Utility Commission's rate setting formulas and policies related to municipal street lights.

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 3rd day of **September**, 2009.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/03/09
Item #10(L)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing budget amendments for fiscal year 2008-2009.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to recommend various budget amendments, based on the adopted FY 2008-2009 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

FISCAL IMPACT: The total amount of budget amendments is \$95,786.

ATTACHMENTS:

Budget amendments
Resolution

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2009 BUDGET
September 3, 2009

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
110-1500-515-6531		Contingency - Judgments & Damages (Special Services)	\$ 20,000	
110-1500-515-6536		Contingency Compensation		\$ 20,000
<p>Contingency Judgments & Damages has been depleted mostly due to a large payout for judgment in case of Steven Taylor v. City of Temple and attorney fees related to Martha's Kitchen Shelter of Texas, Inc. v. City of Temple. This budget adjustment transfers contingency funds available in Contingency Compensation to cover Contingency Judgments & Damages for the remainder of the fiscal year.</p>				
110-2000-521-6229	100514	OCU Seized Funds/State (Police Dept.)	\$ 7,200	
110-0000-313-0330		State Seized Funds		\$ 7,200
<p>Use State Seized Funds to purchase a Patrol Dog for tracking, building search and protection, which will include a crate, leash, chain, collar and bowls.</p>				
110-2100-529-2114		Animal Food & Supplies (Animal Services)	\$ 6,763	
110-0000-461-0841		Donations/Gifts		\$ 6,763
<p>Appropriate donations received at the Animal Shelter for 10/1/2008 thru 7/31/2009</p>				
110-2350-540-2516		Judgments & Damages (Solid Waste - Frontload)	\$ 163	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 163
<p>Settlement of claim filed against the City by Larry Watchel seeking reimbursement for the driver's side window of his vehicle that was damaged by gravel propelled when the right rear set of tires blew out on a Solid Waste truck on July 16, 2009, in the parking lot of the Summit Ridge Apartments where claimant lives.</p>				
110-2400-519-2311		Buildings & Grounds	\$ 1,400	
110-2400-519-2319		Electrical	\$ 600	
110-2400-519-2320		Air Condition/Heat	\$ 7,000	
110-0000-441-1150		Museum Maint. & Janitorial		\$ 9,000
<p>Recognize additional reimbursements from the Railroad & Heritage Museum for maintenance in fiscal year 2009 and increase offsetting expenditure accounts for additional expenditures incurred.</p>				
110-3130-551-2721		Food Products/Preparation (Golf Course)	\$ 15,000	
110-0000-445-2530		Food Sales		\$ 15,000
<p>To recognize additional revenue received in Food Sales and appropriate the offsetting expenditure account to cover additional expenses related to the increase in sales.</p>				
110-3200-551-2118		Chemicals/Compressed Gas (Recreation)	\$ 1,000	
110-3500-552-2118		Chemicals/Compressed Gas (Parks)		\$ 1,000
<p>Transfer the chemicals budget for the Ferguson Park Splash Pad from the Parks Dept. to the Recreation Dept. All of the other splash pads, pools and aquatic center chemicals are budgeted in the Recreation Dept.</p>				

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2009 BUDGET
September 3, 2009

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-3700-524-2516		Judgments & Damages (Construction Safety)	\$ 12,060	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 12,060
Attorney fees -- Martha's Kitchen Shelter of Texas, Inc. v. City of Temple				
240-4400-551-2117		Janitorial Supplies (Mayborn Center)	\$ 4,500	
240-4400-551-2311		Buildings & Grounds	\$ 8,000	
240-4400-551-2318		Plumbing	\$ 100	
240-4400-551-2319		Electrical	\$ 1,000	
240-4400-551-2320		Air Condition/Heat	\$ 5,000	
240-4400-551-6532		Contingency		\$ 18,600
Appropriate funds for janitorial supplies and facility maintenance for FY 2009				
362-3200-551-6841	100359	Summit Expansion	\$ 6,000	
362-3500-552-6845	100363	Ferguson Park Improvements		\$ 6,000
To reallocate funding from a completed project to fund electrical services by T. Morales and installation of cabling in the new exercise rooms.				
TOTAL AMENDMENTS			\$ 95,786	\$ 95,786

GENERAL FUND

Beginning Contingency Balance	\$ -
Added to Contingency Sweep Account	\$ -
Carry forward from Prior Year	\$ -
Taken From Contingency	\$ -
Net Balance of Contingency Account	\$ -
Beginning Judgments & Damages Contingency	\$ 70,000
Added to Contingency Judgments & Damages from Council Contingency	\$ 40,000
Taken From Judgments & Damages	\$ (97,971)
Net Balance of Judgments & Damages Contingency Account	\$ 12,029
Beginning SAFER Grant Match Contingency	\$ 46,821
Added to SAFER Grant Match Contingency	\$ -
Taken From SAFER Grant Match Contingency	\$ (41,968)
Net Balance of SAFER Grant Match Contingency Account	\$ 4,853
Beginning Compensation Contingency	\$ 184,700
Added to Compensation Contingency	\$ -
Taken From Compensation Contingency	\$ (138,395)
Net Balance of Compensation Contingency Account	\$ 46,305
Net Balance Council Contingency	\$ 63,187
Beginning Balance Budget Sweep Contingency	\$ -
Added to Budget Sweep Contingency	\$ -
Taken From Budget Sweep	\$ -
Net Balance of Budget Sweep Contingency Account	\$ -

WATER & SEWER FUND

Beginning Contingency Balance	\$ 174,121
Added to Contingency Sweep Account	\$ -
Taken From Contingency	\$ (166,411)
Net Balance of Contingency Account	\$ 7,710

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2009 BUDGET
September 3, 2009

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		Beginning Compensation Contingency	\$	34,334
		Added to Compensation Contingency	\$	-
		Taken From Compensation Contingency	\$	(34,334)
		Net Balance of Compensation Contingency Account	\$	-
		Beginning Approach Mains Contingency	\$	500,000
		Added to Approach Mains Contingency	\$	-
		Taken From Approach Mains Contingency	\$	(11,730)
		Net Balance of Approach Mains Contingency Account	\$	488,270
		Beginning T-BRSS Future Plant Expansion Contingency	\$	450,000
		Added to T-BRSS Future Plant Expansion Contingency	\$	-
		Taken From T-BRSS Future Plant Expansion Contingency	\$	(445,424)
		Net Balance of T-BRSS Future Plant Expansion Contingency	\$	4,576
		Net Balance Water & Sewer Fund Contingency	\$	500,556
		HOTEL/MOTEL TAX FUND		
		Beginning Contingency Balance	\$	75,221
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(18,600)
		Net Balance of Contingency Account	\$	56,621
		Beginning Compensation Contingency	\$	5,401
		Added to Compensation Contingency	\$	-
		Taken From Compensation Contingency	\$	(3,222)
		Net Balance of Compensation Contingency Account	\$	2,179
		Net Balance Hotel/Motel Tax Fund Contingency	\$	58,800
		DRAINAGE FUND		
		Beginning Contingency Balance	\$	-
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	-
		Beginning Compensation Contingency	\$	4,631
		Added to Compensation Contingency	\$	-
		Taken From Compensation Contingency	\$	(1,901)
		Net Balance of Compensation Contingency Account	\$	2,730
		Net Balance Drainage Fund Contingency	\$	2,730
		FED/STATE GRANT FUND		
		Beginning Contingency Balance	\$	7,962
		Carry forward from Prior Year	\$	99,254
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(70,458)
		Net Balance of Contingency Account	\$	36,758

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2008-2009
CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on the 28th day of August, 2008, the City Council approved a budget for the 2008-2009 fiscal year; and

Whereas, the City Council deems it in the public interest to make certain amendments to the 2008-2009 City Budget.

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

Part 1: The City Council approves amending the 2008-2009 City Budget by adopting the budget amendments which are more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 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 3rd day of **September**, 2009.

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

09/03/09
Item #11
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-09-27: Consider adopting an ordinance authorizing a zoning change from Multiple Family One (MF1) District to General Retail (GR) District on Lots 3 and 4, Block 56, Freeman Heights Addition, located at 1411 West Avenue H.

(Note: Staff and Planning & Zoning Commission recommend rezoning to Neighborhood Services (NS) and the applicant concurs.)

P&Z COMMISSION RECOMMENDATION: At its August 17, 2009 meeting, the Planning and Zoning Commission voted 8/0 in accordance with staff recommendation to recommend approval of a zone change from MF1 to NS for the following reasons:

1. The request complies with the Future Land Use and Character Map;
2. The request complies with the Thoroughfare Plan; and
3. Adequate public facilities serve the property.

Commissioner Pilkington was absent.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for September 17, 2009.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-09-27, from the Planning and Zoning Commission meeting, August 17, 2009. The applicant proposes a flower shop on the neighboring property. The applicant's lender is requiring a rezoning on the subject property in case the flower shop needs to expand in the future onto the subject property.

The applicant originally requested GR, General Retail zoning, but later amended his application to request the NS zoning district. Both districts allow flower shops but the NS district is more restrictive than GR in terms of uses that it prohibits. The City will initiate a rezoning of the GR property to NS so that it is consistent with the proposed zoning for the subject property. The applicant has no objections to this City-initiated rezoning.

The Commission did not raise any issues requiring additional staff attention.

Seven notices for the Planning and Zoning Commission meeting were sent out. As of August 18, 2009, two notices was returned in favor of the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on August 7, 2009 in accordance with state law and local ordinance.

FISCAL IMPACT:

NA

ATTACHMENTS:

Aerial
Zoning Map
Land Use and Character Map
Public Facilities Map
Notice Map
P&Z Staff Report (08/17/09)
P&Z Minutes (Z-FY-09-27)
Ordinance



Z-FY-09-27

Lots 3 & 4, Block 56, Freeman Heights Addition

1411 W Ave H



 ZFY0927

MF1 to GR

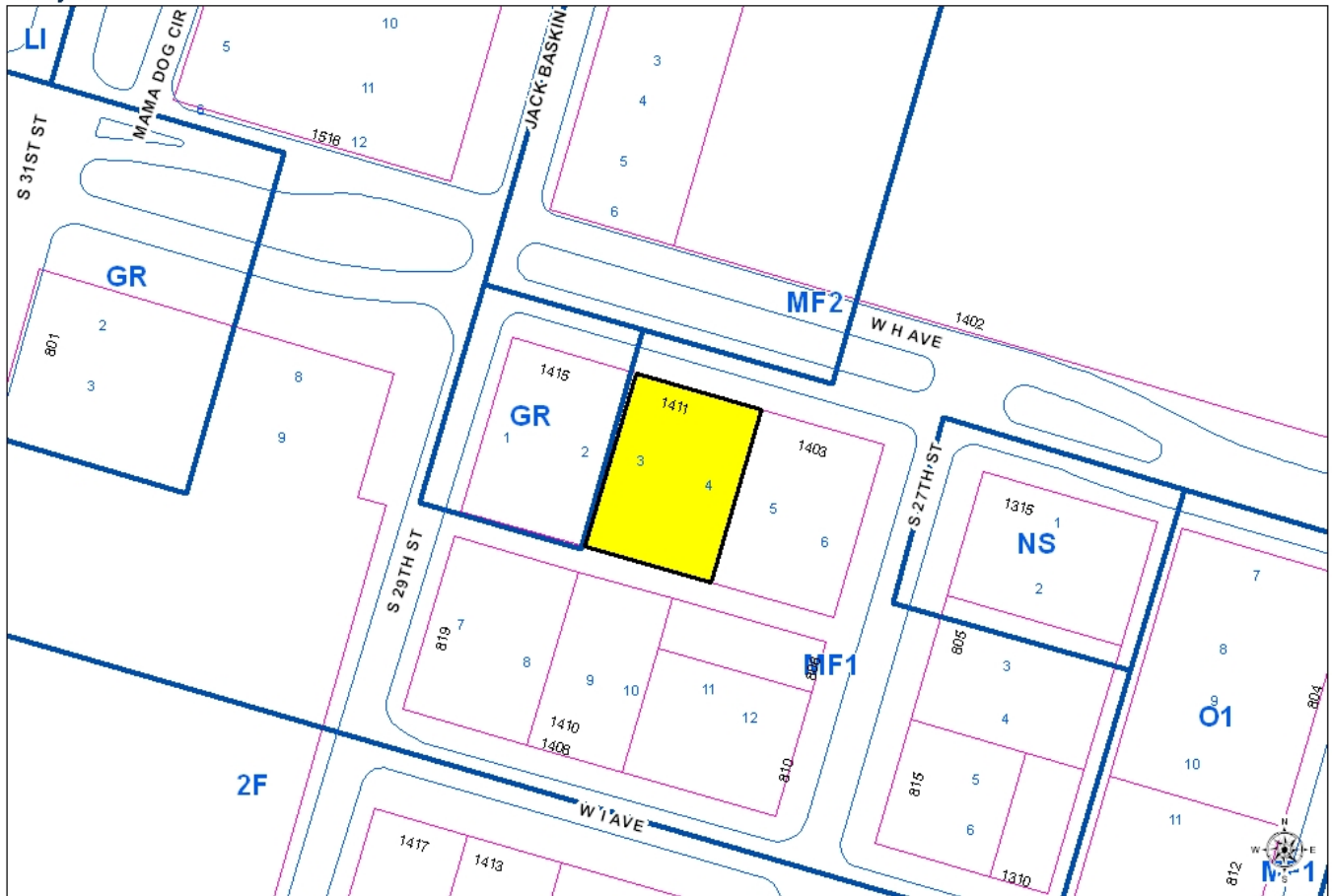
1 inch = 100 feet
J Stone 7.22.9



Z-FY-09-27

Lots 3 & 4, Block 56, Freeman Heights Addition

1411 W Ave H



 ZFY0927

MF1 to GR

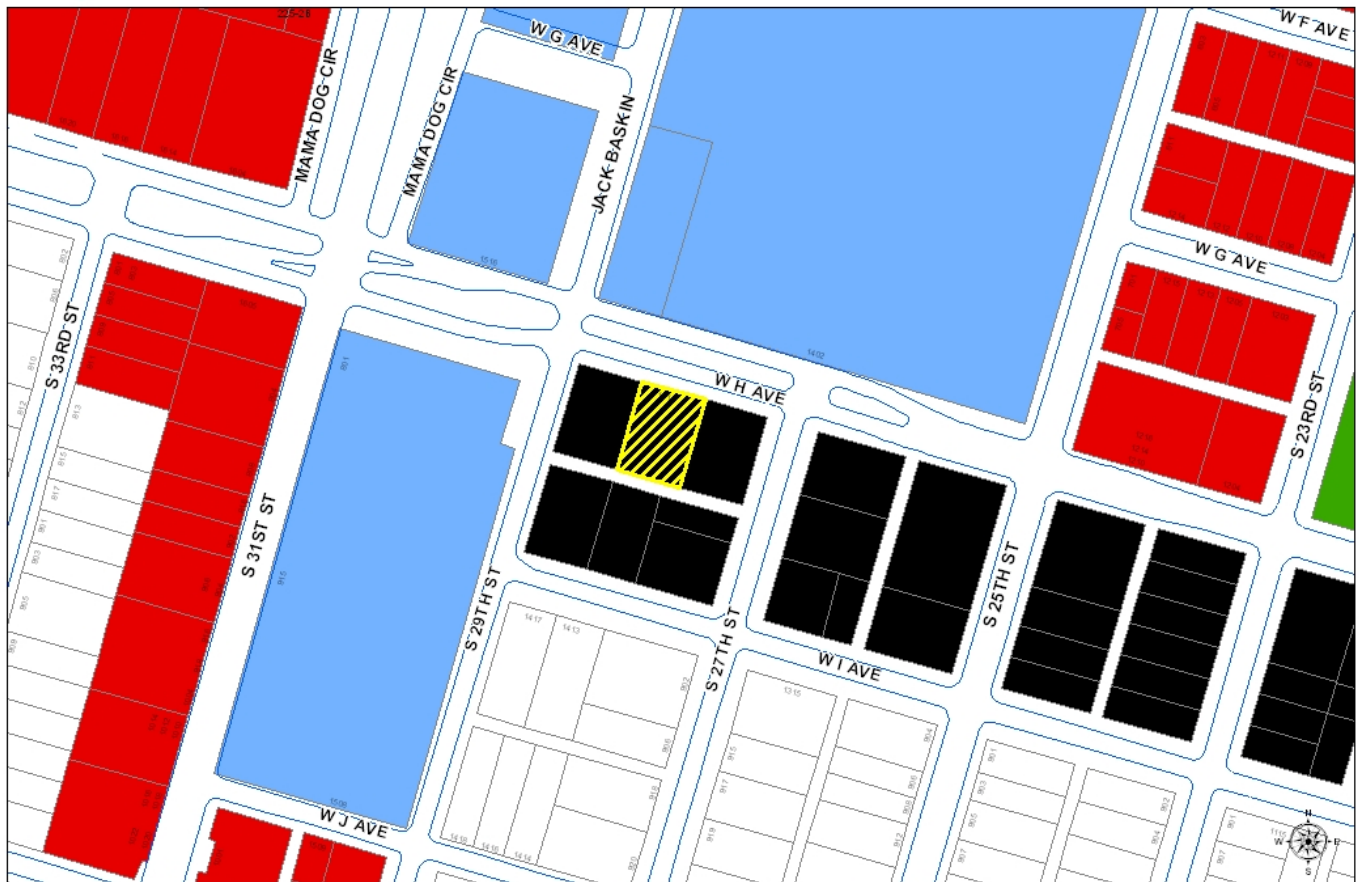
1 inch = 100 feet
J Stone 7.22.9



Z-FY-09-27

Lots 3 & 4, Block 56, Freeman Heights Addition

1411 W Ave H



Temple Boundary	Estate Residential	Auto-Urban Multi-Family	Suburban Commercial	Industrial	Parks and Open Space
ZFY0927	Suburban Residential	Auto-Urban Mixed Use	Urban Center	Business park	Agricultural/Rural
Neighborhood Conservation	Auto-urban Residential	Auto-Urban Commercial	Temple Medical Education District	Public/Institutional	MF1 to GR

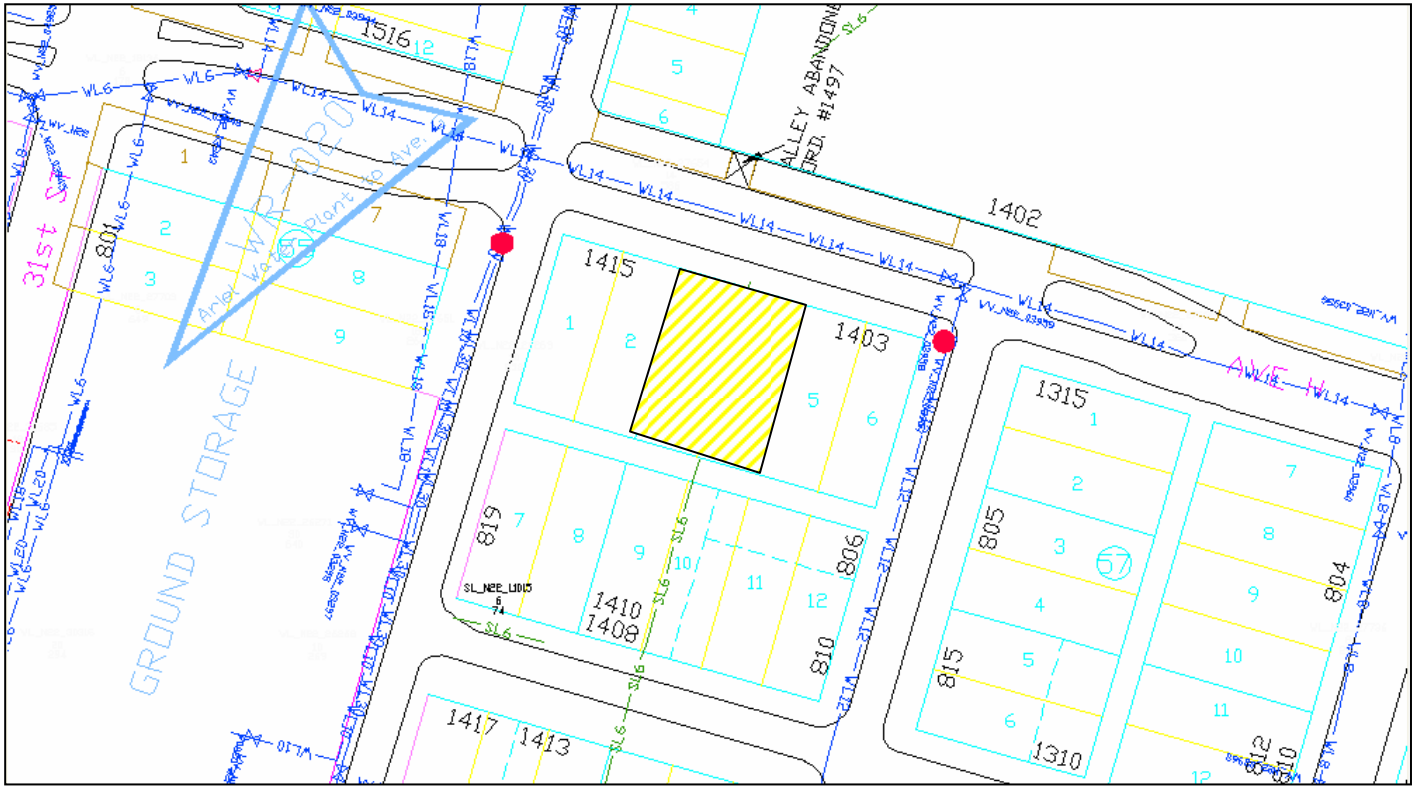
1 inch = 200 feet
J Stone 7.22.09



Z-FY-09-27

Lots 3 & 4, Block 56, Freeman Heights Addition

1411 W Ave H





PLANNING AND ZONING COMMISSION AGENDA ITEM

08/17/09
Item #2
Regular Agenda
Page 1 of 3

APPLICANT / DEVELOPMENT: Frank Hajda

CASE MANAGER: Brian Mabry, AICP, Senior Planner

ITEM DESCRIPTION: Z-FY-09-27 Discuss and recommend action on a zone change request from Multiple Family One (MF1) District to Neighborhood Service (NS) District on Lots 3 and 4, Block 56, Freeman Heights Addition, on the south side of Avenue H, 120+ feet east of S. 29th Street, located at 1411 West Avenue H.

BACKGROUND:


The applicant proposes a flower shop on vacant property to the west. The applicant originally applied for General Retail (GR) zoning, but with staff recommendation, amended his request to Neighborhood Service (NS). The NS district allows many of the same uses as GR (including flower shops), but does not allow some of the more intense uses found in GR such as a car wash or drive-in restaurant.

The structure on the subject property is currently used as an office and will continue as such use for the foreseeable future. The applicant's bank is requiring the rezoning of the subject property as part of the agreement to finance the flower shop because the shop may need to expand in the future onto the subject property.





The vacant property to the west is currently zoned GR. The City will initiate a rezoning of the GR property to NS so that it is consistent with the proposed zoning for the subject property. The vacant property cannot be recommended for rezoning at the August 17th P&Z meeting because the property was not advertised in the newspaper as a proposed rezoning. The applicant has no objections to this City-initiated rezoning.

Surrounding Property and Uses

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

Direction	Zoning	Current Land Use	Photo
Subject Property	MF1 (NS requested)	Office	

Double Sided

Direction	Zoning	Current Land Use	Photo
North	MF1 & MF2	Hospital	
East	MF1	Office	
South	MF1	Alley / Vacant	
West	GR (NS to be requested)	Vacant	

A zoning request should be reviewed for compliance with the Comprehensive Plan.

Future Land Use and Character Map

The Future Land Use and Character map designates the subject property as Auto Urban Mixed Use. The request complies with the Future Land Use and Character Map.

Thoroughfare Plan

The Thoroughfare Plan designates Avenue H as a major arterial. The request complies with the Thoroughfare Plan.

Adequacy of Public Facilities

A six-inch sewer line and a 14-inch water line serve the subject property. Adequate public facilities serve the property.

Development Regulations

The purpose of the NS zoning district is to provide day-to-day retail and service needs for residential neighborhood service areas. This district should be located convenient to residential areas in locations such as the corner of a local road and a collector that serves the neighborhood.

Typical permitted uses include limited retail services such as a convenience store without fuel sales, bank, barber or beauty shop, cleaners or flower shop. Typical prohibited uses include a drive-in restaurant or car wash.

The minimum lot area and setback requirements for NS zoning district are as follows.

NS, Neighborhood Service	
Min. Lot Area (sq. ft.)	NA
Min. Lot Width (ft.)	NA
Min. Lot Depth (ft.)	NA
Max. Height (stories)	2 ½ stories
Min. Yard (ft)	
Front	15
Side	10
Rear	0

Public Notice

Seven notices were sent out. As of August 12 at 5 PM, one notice was returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the public hearing on August 7, 2009 in accordance with state law and local ordinance.

STAFF RECOMMENDATION: Staff recommends approval of Z-FY-09-27, the zone change from the MF1 to the NS zoning district for the following reasons:

1. The request complies with the Future Land Use and Character Map;
2. The request complies with the Thoroughfare Plan; and
3. Adequate public facilities serve the property.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Zoning Map
Land Use and Character Map
Aerial
Public Facilities Map
Notice Map
Response Letters

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING**

MONDAY, AUGUST 17, 2009

ACTION ITEMS

Item 2: Z-FY-09-27: Hold a public hearing to discuss and recommend action on a zone change request from Multiple Family One (MF1) District to Neighborhood Services (NS) District on Lots 3 and 4, Block 56, Freeman Heights Addition, on the south side of Avenue H, 120+ feet east of S. 29th Street, located at 1411 West Avenue H. (Applicant: Frank Hajda)

Mr. Brian Mabry, Senior Planner, stated the applicant for this request was Frank Hajda and was unable to attend this evening due to a schedule conflict. The Commission was given a powerpoint presentation explaining the area and request.

Mr. Mabry stated the proposed flower shop would be built to the west of the subject property which is already zoned General Retail (GR). Mr. Mabry stated the bank is requiring the applicant to obtain a rezoning for the property next to it, which the applicant also owned, in case the flower shop and/or parking area expanded in the future.

Mr. Mabry stated the applicant originally requested GR zoning but after discussions with Staff, Mr. Hajda agreed to go with Neighborhood Services (NS) which is less intense but still allows the flower shop. Mr. Mabry stated that at a later date the applicant would request rezoning of the adjoining property to the west, from GR to NS, so both lots match.

Mr. Mabry stated the subject property is between 27th and 29th on West Avenue H and the Future Land Use and Character Map designated the area as auto/urban mixed use which this request for NS complied with. Mr. Mabry also stated Avenue H is a major arterial on the Thoroughfare Plan so the request complied with that as well. Additionally, there is a 6" sewer line and 14" water line to serve the property.

Mr. Mabry stated seven notices were mailed out: two were in favor and zero were opposed.

Staff recommended approval of this request from Multi-Family One (MF1) to Neighborhood Services (NS) because it complied with the Future Land Use and Character Map, the Thoroughfare Plan, and adequate public facilities are in place.

Chair Pope opened the public hearing for comment. There being no speakers Chair Pope closed the public hearing.

Commissioner Luck made a motion to approve the zone change from MF1 to NS and Commissioner Hurd made the second.

Motion passed: (8/0)

Vice-Chair Pilkington absent

ORDINANCE NO. _____

[PLANNING NO. Z-FY-09-27]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM MULTIPLE FAMILY ONE (MF1) DISTRICT TO NEIGHBORHOOD SERVICES DISTRICT (NS) ON LOTS 3 AND 4, BLOCK 56, FREEMAN HEIGHTS ADDITION, LOCATED AT 1411 WEST AVENUE H; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Multiple Family One District (MF1) to Neighborhood Services District (NS) on Lots 3 and 4, Block 56, Freeman Heights Addition, located at 1411 West Avenue H, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **3rd** day of **September**, 2009.

PASSED AND APPROVED on Second Reading on the **17th** day of **September**, 2009.

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

09/03/09
Item #12
Regular Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-09-28: Consider adopting an ordinance amending City of Temple Subdivision Ordinance Section 33.93 (Streets) to reference the Residential Subdivision Entrance/Access Design Standards in the Design and Development Standards Manual.

PLANNING & ZONING COMMISSION RECOMMENDATION: The Commission and Staff recommend the adoption of an ordinance amending the City of Temple Subdivision Ordinance Sec. 33.93 (Streets) to reference the Residential Subdivision Entrance/Access Design Standards in the Design and Development Standards Manual.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for September 17, 2009.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-09-28, from the Planning and Zoning meeting, August 17, 2009, which the Commission recommended approval 8/0. Commissioner Pilkington was absent.

The City Council approved two items in November focusing on residential cul-de-sacs and blocks, using the average daily trip method versus length. Researching that ordinance shows the Commission should recommend to the City Council to create subdivision access standards and to relocate these requirements to the City of Temple Design & Development Standards Manual. The Commission already recommended this feature last November, yet it was not included in the approved ordinance. Approving this item will create the needed standards.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING CHAPTER 33, "SUBDIVISIONS," OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE, TEXAS, SECTION 33-93, "STREETS," ADDING A NEW SUBSECTION (c), "RESIDENTIAL SUBDIVISION ENTRANCES," TO REFERENCE THE RESIDENTIAL SUBDIVISION ENTRANCE/ACCESS DESIGN STANDARDS IN THE DESIGN AND DEVELOPMENT STANDARDS MANUAL; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council amends Chapter 33, "Subdivisions," of the Code of Ordinances of the City of Temple, Texas, by amending Section 33-93, "Streets," adding a new subsection (c), "Residential Subdivision Entrances," and renumbering succeeding sections accordingly, to read as follows:

Sec. 33-93. Streets.

(a) *Street layout.* Adequate streets shall be provided by the subdivider and the arrangement, character, extent, width, grade, and location of each shall conform to the comprehensive plan of the city and shall be considered in their relation to existing and planned streets, to topographical conditions, public safety and convenience, and in their appropriate relationship to the proposed uses of land to be served. In particular, subdivision layout should provide for a minimum practical number of intersections with major arterials, and those intersections should be with collector streets at intervals of not less than eight hundred (800) feet.

(b) *Relation to adjoining street system.* Where necessary to the neighborhood's circulation pattern, existing streets in adjoining areas shall be continued and shall be at least as wide as such existing streets and in alignment therewith. Practical down-sizing of streets will be permitted where obvious transition is from high to low traffic frequency and there are no comprehensive plan thoroughfare requirements.

(c) *Residential subdivision entrances.* Residential subdivision plats must comply with the Residential Subdivision Entrance/Access Design Standards in the *Design and Development Standards Manual*.

(e d) *Projection of streets.* Where adjoining areas are not subdivided, the arrangement of streets in the subdivision shall make provisions for the future projection of streets into

such unsubdivided areas, unless otherwise provided by the comprehensive plan. Subdivision plat design shall provide for the location of a reasonable number of street openings to adjoining properties. Such an opening shall occur at least every one thousand (1,000) feet or in alignment with existing or proposed subdivision streets along each boundary of the subdivision. An exception may be granted to this requirement if a natural or manmade barrier, such as a thoroughfare, railroad, etc., prevents its implementation.

The developer shall convey or dedicate land to the appropriate public entity for the future projection of collector and larger streets into adjoining, unsubdivided areas. For the future projection of local streets, the developer shall either dedicate land or convey to the city, by general warranty deed, a fee simple on condition subsequent estate in one (1) or more lots. If the city, by resolution of the city council, ever determines that the property will not be needed for street extension, the grantor (or successor) shall have the right to reenter and assume ownership of the property.

(d e) *Street intersections.* Off-center street intersections will not be approved, however street jogs with centerline offsets of more than one hundred eighty (180) feet can be submitted for consideration.

(e f) *Curvilinear streets:*

(1) Curvilinear streets shall be allowed and shall meet the following standards:

<i>Street Classification</i>	<i>Minimum Curve Radius to Center Line of Street (feet)</i>
Local street	200
Collector street	375
Arterial street	725
Major thoroughfare	1000

(2) The city council may approve local residential streets with smaller radii than required above in special circumstances (consistent with the use of the street). In the case of such an approval, the developer shall pay the additional cost of installing water and sewer lines caused by smaller radii.

(f g) *Half-streets or adjacent streets.* Where right-of-way is available, no new half-streets shall be platted except in the case where such a street is to be a major thoroughfare as called for and consistent with the city's comprehensive plan.

(g h) *Street intersections:*

(1) More than two (2) streets intersecting at one point shall not be permitted.

(2) No street shall intersect any other street at an angle of less than sixty (60) degrees and curb radii at the corner shall be adjusted accordingly.

- (3) Major thoroughfare intersections shall have property line corner chords with a minimum tangent distance of thirty (30) feet.
- (4) Curb radii at intersections, including alley openings, shall be a minimum of fifteen (15) feet, measured from face of curb, except in commercial or industrial developments where the radii shall be a minimum of twenty (20) feet.

(h i) *Cul-de-sacs*: Streets ending in a cul-de-sac shall be designed with the standards in the City of Temple's *Design and Development Standards Manual*.

(i j) *Street proposed by comprehensive plan*. Where subdivision embraces a street as shown on the comprehensive plan of the city, such street shall be platted consistent with the location, purpose and width indicated by the comprehensive plan.

(j k) *Local streets*. Minor streets shall be laid out to discourage their use by through traffic.

(k l) *Pavement widths and rights-of-way*:

- (1) The minimum standards for street pavement width and right-of-way are as follows:

<i>Standard Category</i>	<i>Pavement width (feet)</i>	<i>Right-of-Way Width (feet)</i>
Local street	31	50
Rural local street	22	50
Collector street	36	55
Rural collector street	26	55
Arterial street	49	70
Major thoroughfare	60	80

- (2) Pavement width of a standard street with curbs and gutters is measured from back of curb to back of curb. Pavement width of a rural street with concrete ribbon edging is measured from outer edge of asphalt to outer edge of asphalt.
- (3) At the option of the city, where it has been specifically determined by the city that no substantial problems are created, a maximum of ten (10) feet on either side of a roadway may be required to be dedicated as utility easement in lieu of a comparable number of feet in required right-of-way; however, the minimum acceptable right-of-way shall be fifty (50) feet.
- (4) Depending on traffic patterns, densities, needs and other related factors, the city can require:
 - a. Additional pavement width and/or right-of-way width for major thoroughfares, including "expressway" sections.

- b. Additional right-of-way in vicinity of intersections of collector, arterial and major thoroughfare roadways to adequately accommodate turning movements and/or property access needs.
- c. Additional easements needed to provide for utilities.

(~~l~~ **m**) *Typical street section(s)*. Typical street sections shall be based upon projected traffic volume, existing soil conditions, and drainage condition and requirements. The street section(s) shall be based on a twenty-year life and the following loading shall be used as a minimum design standard:

Alley	20,000	18 kip axle repetitions
Local street	20,000	18 kip axle repetitions
Collector street	100,000	18 kip axle repetitions
Arterial street	400,000	18 kip axle repetitions
Major thoroughfare	500,000	18 kip axle repetitions

(~~m~~ **n**) *Street grades*:

- (1) Streets other than local streets shall have a maximum grade of five (5) percent, unless the natural topography requires steeper grades, in which case a seven and one-half (7.5) percent grade may be used, if the site distance is adequate and there are no intersections at the top or bottom of the grade within the calculated stopping distance based upon the speed limit.
- (2) Local streets may have a maximum grade of seven and one-half (7.5) percent.
- (3) All streets must have a minimum grade of at least five-tenths (0.5) of one percent.
- (4) Centerline grade changes with an algebraic difference of more than two (2) percent shall be connected with vertical curves of sufficient length to provide a minimum of six hundred (600) feet sight distance on major streets; four hundred (400) feet sight distance on minor streets and local residential streets.
- (5) Whenever a cross slope is necessary or desirable from one curb to the opposite curb, such cross slopes shall not exceed twelve (12) inches in thirty (30) feet.

(~~n~~ **o**) *Street construction*. All street construction shall be performed by a bonded contractor.

(~~o~~ **p**) *Street post and markers*. The developer shall pay the cost of purchasing and installing street posts and markers at each street intersection, which posts and markers shall be of the same type used throughout the city.

(~~p~~ **q**) *Perimeter streets*. The developer's obligations concerning perimeter streets are as

follows:

- (1) Local and collector streets.
 - a. Dedicate land for one-half (1/2) of the required right-of-way of an adjacent local and collector street and
 - b. Pay the improvements costs or build one-half (1/2) of the required width of adjacent local and collector streets, including curbs, gutters and storm drainage.
- (2) Arterial and larger streets
 - a. Dedicate a proportional share of the right-of-way for arterial and larger streets and
 - b. Pay the improvements costs for or build a proportional share of the required street width for arterial and larger streets, including curbs, gutters and storm drainage, not to exceed the amount that would be required for one-half (1/2) of a collector street.
- (3) Designated county, state or federal roadways - no financial contribution other than dedication of right-of-way.

Developer's obligations to build or fund streets may be secured by a letter of credit, escrow account or other means approved by the administrator.

(q r) *Monuments.*

The registered professional land surveyor responsible for the plat shall place permanent monuments in accordance with survey and monumentation standards. A copy of this standard is available in the Office of the Director of Public Works for the City of Temple.

(r s) *Installation costs.*

The developer shall pay all costs for the installation of streets in a subdivision, including those streets and related drainage structures that are deemed by the municipal authority responsible for approving plats to be required because:

- (1) A substantial amount of traffic will be generated from, to or through the subdivision because of existing and/or future conditions;
- (2) The city's comprehensive plan indicates a need for certain major thoroughfares through or adjacent to the subdivision; or
- (3) The city's traffic management ordinance requires the installation of frontage roads or similar special access arrangements.

Part 2: The Code of Ordinances of the City of Temple, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

Part 3: This ordinance shall take effect immediately after the date of its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 4: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **3rd** day of **September**, 2009.

PASSED AND APPROVED on Second Reading on the **17th** day of **September**, 2009.

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

09/03/09
Item #13
Regular Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-09-32: Consider adopting an ordinance amending Chapter 22, “Miscellaneous Provisions and Offenses,” of the Code of Ordinances of the City of Temple, Texas, by deleting Section 22.2, “Barbed Wire and Electric Fences,” which have been replaced with amendments to the City of Temple Zoning Ordinance, Section 13-103.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule the second reading and final adoption for September 17, 2009.

In November 2008, the Council approved amendments to the Zoning Ordinance, which placed barbed wire and electric fence types in the fence section of Section 13-103 of the Zoning Ordinance. Approving the deletion of the information from Chapter 22 eliminates redundant language.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING CHAPTER 22, "MISCELLANEOUS PROVISIONS," OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE BY DELETING SECTION 22-2, ENTITLED "BARBED WIRE AND ELECTRIC FENCES," WHICH SUBJECTS HAVE BEEN PLACED IN SECTION 13 OF THE CITY'S ZONING ORDINANCE; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in November, 2008, the City of Temple Zoning Ordinance was amended to place the barbed wire and electric fence types in Section 13-103, "Allowed Materials for Fences, Walls, Screens and Enclosures, " subsections 3 and 4, respectively;

Whereas, Chapter 22, "Miscellaneous Provisions," of the Code of Ordinances needs to be amended to delete Section 22-2, "Barbed wire and electric fences," to eliminate redundant language; and

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

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

Part 1: Chapter 22, "Miscellaneous Provisions," of the Code of Ordinances of the City of Temple, Texas, is amended to delete Section 22-2, "Barbed wire and electric fences," and to reserve Section 22-2 for future use.

Section 22-2. Barbed wire and electric fences. Reserved.

~~—(a) *Barbed wire fences.* It shall be unlawful for any person to place, put or maintain, or permit or allow to be placed, put or maintained, upon or around any residentially zoned property or premises in the city owned or controlled by him, and abutting any street, sidewalk, alley or other public property, any barbed wire fence or other structure composed or partially composed of barbed wire. The provisions of this section shall not prohibit the putting of barbed wire on and above the top of fences when such fence is at least six (6) feet above the ground.~~

~~—(b) *Electric fences.* In any area of the city zoned other than agricultural, it shall be unlawful for any person to erect, install, or maintain any electrically charged fence, except~~

~~that the electrical inspector, upon proof that the fence will not be hazardous to life and will be nonaccessible to the general public, may issue a permit for an electrically charged fence designed to retain animals.~~

Part 2: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **3rd** day of September, 2009.

PASSED AND APPROVED on Second Reading on the **17th** day of **September**, 2009.

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

09/03/09
Item #14
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Consider adopting an ordinance amending the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan for FY 2009 to recognize reimbursements from Gulf States Toyota and to reallocate project funding within the Project Plan, and for FY 2010-2022 to increase Zone maintenance funding.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for September 17, 2009.

ITEM SUMMARY: At the Reinvestment Zone No. 1 Board meeting on August 26, 2009, the Board approved an amendment to the Financing Plan to recognize the reimbursements from Gulf States Toyota for work performed on the detention pond and the rail park. The Board also approved amendments to the Financing Plan for the reallocation of project funding to fund the additional amount needed for the Letter of Map Revision for Pepper Creek, additional funding needed for street lights for Wendland Road and Airport Park, and other costs associated with Wendland Road, Outer Loop Phase II and the Bioscience Park. The Board also approved amending the Financing Plan from FY 2010 to FY 2022 to increase the funding for Zone maintenance from \$75,000 to \$175,000.

The proposed amendment adjusts the following line items on the Project/Financing Plan for FY 2009:

Line 33 – Miscellaneous Reimbursements: Increased miscellaneous reimbursements by \$45,955 to reflect the actual amount to be received from Gulf States Toyota (GST) for work performed related to the detention pond in the amount of \$41,113, Line 105, and work performed related to the rail park in the amount of \$4,842, Line 100.

Line 50 – Professional: Increased by \$2,350 to cover the additional funding needed for the Letter of Map Revision for Pepper Creek. The agreement with Kasberg, Patrick & Associates is in an amount not to exceed \$98,800, with the Zone's share not to exceed \$67,650. There is currently \$65,300 available to fund a majority of the agreement. The additional funds will come from Unreserved Fund Balance.

Line 125 – Wendland Road: Transferred \$70,000 from project savings in the Elm Creek Detention Pond project, Line 105 and transferred \$70,000 from the Wastewater Lift Station project, Line 100. The two amounts combine for a total transferred to Wendland Road of \$140,000. \$136,000 is to fund the street lights and \$4,000 is to cover other costs associated with the project.

Line 221 – Airport Park: Transferred \$10,000 from project savings in the Elm Creek Detention Pond project, Line 105, transferred \$25,000 from project savings in the Wastewater Lift Station project, Line 100, and transferred \$56,000 from Bond Contingency, Line 500. These amounts combine for a total transferred to Airport Park of \$91,000. \$101,000 is needed to fund street lights in the park. \$10,000 is currently available in Line 221.

Line 305 – Outer Loop Phase II: Added \$51,000 from Bond Contingency, Line 500, to this project to cover costs associated with testing fees and various change orders to the construction contract.

Line 306 – Bioscience Park: Added \$12,000 from Bond Contingency, Line 500, to this project to cover the cost for installing electrical service to the park.

The proposed amendment adjusts the following line item on the Project/Financing Plan for FY 2010-2022:

Line 55 – Zone Maintenance: Added an additional \$100,000 so the total amount available for Zone Maintenance is \$175,000. Due to the addition of Airport Park, Bioscience Park, Rail Park, Wendland Road, and the Outer Loop Phase II, additional funding is needed for maintenance.

FISCAL IMPACT: The proposed amendment was funded by reallocating funds between projects and line items. There is an increase of revenue in the amount of \$45,955 for funds that have been received from GST. Fund balance in the amount of \$2,350 was used to fund the additional amount needed for the professional services agreement for the LOMR for Pepper Creek. When reallocating funds among/between projects, our intent was to apply bond proceeds to eligible projects first since there are more restrictions on the use of bond funds.

ATTACHMENTS:

[Recommended Financing Plan Amendments](#)
[Financing Plan](#)
[Summary Financing Plan with Detailed Project Plan](#)
[Ordinance](#)

Summary of Recommended Financing Plan Amendments

FY	Project	Agreement Required	Financing Plan Amendment	Line Project Plan/Financing Plan	Source	Amount
2009	GST Reimbursement	No	Yes	100 & 105/199	Added Revenue, Line 40/33	\$45,955
2009	Letter of Map Revisions (LOMR) for Pepper Creek	Yes, KPA-Zone's share not to exceed \$67,650	Yes, additional funding required	50/50	Unreserved Fund Balance, Line 700/810	\$2,350
2009	Wendland Road Street Lights & other costs	Yes, Oncor-street lights in the amount of \$136,000	Yes	125/199	Project Savings, Lines 100 & 105/199	\$140,000
2009	Airport Park Street Lights	Yes, Oncor-street lights in the amount of \$101,000	Yes	221/299	Projects Savings, Lines 100 & 105/199 & Bond Contingency, Line 500/500	\$91,000
2009	Outer Loop Phase II	No, funding needed for change orders & testing	Yes	305/399	Bond Contingency, Line 500/500	\$51,000
2009	Bioscience Park	No, funding needed for electric service-Oncor installed	Yes	306/399	Bond Contingency, Line 500/500	\$12,000
2010-2022	Zone Maintenance	No	Yes	55/55	General Public Improvements, Line 500/500	Increase from \$75,000 to \$175,000

DESCRIPTION		Y/E 9/30/09 Year 27	Y/E 9/30/10 Year 28	Y/E 9/30/11 Year 29	Y/E 9/30/12 Year 30	Y/E 9/30/13 Year 31	Y/E 9/30/14 Year 32	Y/E 9/30/15 Year 33	Y/E 9/30/16 Year 34	Y/E 9/30/17 Year 35	Y/E 9/30/18 Year 36	Y/E 9/30/19 Year 37	Y/E 9/30/20 Year 38	Y/E 9/30/21 Year 39	Y/E 9/30/22 Year 40
1	Appraised Value	\$ 131,160,668	\$ 140,238,368	\$ 144,626,499	\$ 212,822,764	\$ 233,450,991	\$ 235,785,501	\$ 238,143,356	\$ 240,524,790	\$ 242,930,038	\$ 245,359,338	\$ 314,562,931	\$ 336,208,561	\$ 339,570,646	\$ 342,966,353
5	FUND BALANCE, Begin	\$ 23,998,646	\$ 1,207,219	\$ 2,372,393	\$ 2,331,964	\$ 1,473,522	\$ 1,401,286	\$ 1,793,455	\$ 1,751,307	\$ 1,771,083	\$ 1,354,609	\$ 1,203,823	\$ 1,451,326	\$ 1,692,672	\$ 2,007,493
SOURCES OF CASH:															
10	Tax Revenues	4,051,439	4,592,298	4,679,594	6,271,181	6,789,596	6,857,023	6,925,124	6,993,906	7,063,376	7,133,540	8,749,666	9,249,246	9,341,269	9,434,212
15	Allowance for Uncoll. Taxes	(108,507)	(112,341)	(114,517)	(115,655)	(116,801)	(117,961)	(119,132)	(120,314)	(121,509)	(122,715)	(123,934)	(125,165)	(126,408)	(127,663)
20	Interest Income-Bonds	-	-	-	-	-	-	-	-	-	-	-	-	-	-
25	Interest Income-Other	40,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	40,000	40,000	30,000	10,000
30	Other-Bond Proceeds	-	-	-	-	-	-	-	-	-	-	-	-	-	-
33	Miscellaneous Reimbursements {GST}	45,955	-	-	-	-	-	-	-	-	-	-	-	-	-
34	Sale of Land	-	-	-	-	-	-	-	-	-	-	-	-	-	-
35	Grant Funds	-	-	-	-	-	-	-	-	-	-	-	-	-	-
35	Miscellaneous Income	-	-	-	-	-	-	-	-	-	-	-	-	-	-
40	TOTAL SOURCES	4,028,887	4,529,957	4,615,077	6,205,526	6,722,795	6,789,062	6,855,992	6,923,592	6,991,867	7,060,825	8,665,732	9,164,081	9,244,861	9,316,549
USES OF CASH:															
Operating Expenses															
50	Prof Svcs/Proj Mgmt	127,552	92,007	93,847	95,724	97,638	99,591	101,583	103,615	105,687	107,801	109,957	112,156	114,399	116,687
51	Legal/Audit	1,100	1,100	1,100	1,200	1,200	1,200	1,200	1,200	1,300	1,300	1,300	1,300	1,300	1,400
55	Zone Mtc	75,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000
60	TEDC	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
62	Other Contracted Services	30,000	-	-	-	-	-	-	-	-	-	-	-	-	-
65	TISD-Joint Use facilities	129,709	22,423	22,647	22,873	23,102	23,333	23,567	23,802	24,040	24,281	24,523	24,769	25,016	25,267
90	Subtotal-Operating Expenses	463,361	390,530	392,594	394,797	396,940	399,124	401,350	403,617	406,027	408,382	410,780	413,225	415,715	418,354
Projects (2)															
199	North Zone (3)	13,604,434	40,000	-	-	800,000	-	-	-	-	2,700,000	-	-	-	-
299	Western Aviation Zone (3)	133,342	300,000	1,225,150	2,175,850	1,100,000	-	-	-	-	-	-	-	-	-
399	Western Bio-Science & Medical Zone (3)	7,369,186	-	-	-	-	-	-	-	-	-	-	-	-	-
400	Southeast Industrial Park Zone (3)	1,273,500	-	-	-	-	-	-	-	-	-	-	-	-	-
405	General Roadway Improvements	250,111	-	-	-	-	-	-	-	-	-	-	-	-	-
410	Major Gateway Entrances	400,000	-	400,000	-	-	-	-	-	-	-	-	-	-	-
415	Downtown Improvements	204,260	192,113	195,747	197,691	199,655	201,639	203,643	205,667	207,710	209,775	211,860	213,966	216,093	218,241
420	Loop 363 Improvements	905,410	-	-	-	-	-	-	-	-	-	-	-	-	-
430	Reserve for Acer facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-
500	Zone Projects - Public Improvements	176,730	400,000	400,000	400,000	400,000	1,900,000	2,400,000	2,400,000	2,900,000	-	3,900,000	4,400,000	4,400,000	6,788,783
600	Subtotal-Projects	24,316,973	932,113	2,220,897	2,773,541	2,499,655	2,101,639	2,603,643	2,605,667	3,107,710	2,909,775	4,111,860	4,613,966	4,616,093	7,007,024
Debt Service															
625	2003 Bond Issue	866,385	868,545	868,420	867,035	869,055	869,855	868,930	866,530	867,440	866,753	869,240	869,640	868,070	870,070
626	2008 Bond Issue-Nontaxable {\$16.010 mil}	635,460	635,460	635,460	1,785,460	1,788,540	1,784,580	1,783,784	1,785,948	1,785,868	1,783,544	1,783,976	1,786,960	1,787,292	1,784,972
627	2008 Bond Issue-Taxable {\$10.365 mil}	536,935	536,935	536,935	1,241,935	1,239,641	1,240,495	1,239,233	1,240,854	1,240,096	1,241,957	1,241,173	1,237,744	1,241,670	1,242,422
628	Issuance Costs	-	-	-	-	-	-	-	-	-	-	-	-	-	-
630	Paying Agent Services	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200
635	Subtotal-Debt Service	2,039,980	2,042,140	2,042,015	3,895,630	3,898,436	3,896,130	3,893,147	3,894,532	3,894,604	3,893,454	3,895,589	3,895,544	3,898,232	3,898,664
650	TOTAL USES	26,820,314	3,364,783	4,655,506	7,063,968	6,795,031	6,396,893	6,898,140	6,903,816	7,408,341	7,211,611	8,418,229	8,922,735	8,930,040	11,324,042
660	FUND BALANCE, End	1,207,219	2,372,393	2,331,964	1,473,522	1,401,286	1,793,455	1,751,307	1,771,083	1,354,609	1,203,823	1,451,326	1,692,672	2,007,493	(0)
670	Required Debt Reserve	(873,237)	(873,237)	(873,237)	(873,237)	(873,237)	(873,237)	(873,237)	(873,237)	(873,237)	(873,237)	(873,237)	(873,237)	(873,237)	-
700	AVAILABLE FUND BALANCE	\$ 333,982	\$ 1,499,156	\$ 1,458,727	\$ 600,285	\$ 528,049	\$ 920,218	\$ 878,070	\$ 897,846	\$ 481,372	\$ 330,586	\$ 578,089	\$ 819,435	\$ 1,134,256	\$ (0)
800	FUND BALANCE, Begin	23,998,646	1,207,219	2,372,393	2,331,964	1,473,522	1,401,286	1,793,455	1,751,307	1,771,083	1,354,609	1,203,823	1,451,326	1,692,672	2,007,493
	Prior period Adjustment-net	-	-	-	-	-	-	-	-	-	-	-	-	-	-
805	Revenue over(under)expense	(22,791,427)	1,165,174	(40,429)	(858,442)	(72,236)	392,169	(42,148)	19,776	(416,474)	(150,786)	247,503	241,346	314,821	(2,007,493)
810	FUND BALANCE, End	\$ 1,207,219	\$ 2,372,393	\$ 2,331,964	\$ 1,473,522	\$ 1,401,286	\$ 1,793,455	\$ 1,751,307	\$ 1,771,083	\$ 1,354,609	\$ 1,203,823	\$ 1,451,326	\$ 1,692,672	\$ 2,007,493	\$ (0)

TIF Reinvestment Zone #1
Summary Financing Plan with Detailed Project Plan
Project Plan - 08/26/09 - to Zone Board

SUMMARY FINANCING PLAN							
	Adjusted FY 09 (with Carry Forwards)	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
5Beginning Available Fund Balance, Oct 1	\$ 23,998,646	1,207,219	2,372,393	2,331,964	1,473,522	1,401,286	1,793,455
40Total Sources (Revenue & Bonds)	4,028,887	4,529,957	4,615,077	6,205,526	6,722,795	6,789,062	6,855,992
45Less Required Debt Reserve	-	-	-	-	-	-	-
49Net Available for Appropriation	28,027,533	5,737,176	6,987,470	8,537,490	8,196,317	8,190,348	8,649,447
50General Administrative Expenditures	128,652	93,107	94,947	96,924	98,838	100,791	102,783
55Zone Maintenance	75,000	175,000	175,000	175,000	175,000	175,000	175,000
60Contractual Payments (TEDC)	100,000	100,000	100,000	100,000	100,000	100,000	100,000
62Other Contracted Services	30,000	-	-	-	-	-	-
65TISD - Joint Use Facilities	129,709	22,423	22,647	22,873	23,102	23,333	23,567
70Debt Service - 2003 Issue	867,585	869,745	869,620	868,235	870,255	871,055	870,130
71Debt Service - 2008 Issue (\$16.010 mil)	635,460	635,460	635,460	1,785,460	1,788,540	1,784,580	1,783,784
72Debt Service - 2008 Taxable Issue (\$10.365 mil)	536,935	536,935	536,935	1,241,935	1,239,641	1,240,495	1,239,233
73Issuance Costs	-	-	-	-	-	-	-
75Total Operating & Committed Expenditures	2,503,341	2,432,670	2,434,609	4,290,427	4,295,376	4,295,254	4,294,497
99Net Available for Projects	\$ 25,524,192	\$ 3,304,506	\$ 4,552,861	\$ 4,247,063	\$ 3,900,941	\$ 3,895,094	\$ 4,354,950

PROJECT PLAN							
	Adj'd FY 2009 (with Carry Forwards)	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
NORTH ZONE (including Enterprise Park):							
100Railroad Spur Improvements	9,234,785	-	-	-	-	-	-
105Elm Creek Detention Pond	1,005,157	-	-	-	-	-	-
110Railroad Improvements Engineering Analysis	-	-	-	-	-	-	-
115Railroad Repairs/Maintenance based on Analysis	243,469	40,000	-	-	-	-	-
120Enterprise Park Water Tank	-	-	-	-	800,000	-	-
121ROW Acquisition - Public Improvements	3,661	-	-	-	-	-	-
122Land Acq-Wendland property {approx 355 acres}	-	-	-	-	-	-	-
125Wendland Road Improvements	3,117,362	-	-	-	-	-	-
199Total North Zone (including Enterprise Park)	13,604,434	40,000	-	-	800,000	-	-
WESTERN AVIATION ZONE:							
200Detention Pond #2 including W 1-A	-	-	-	-	-	-	-
205Old Howard Road from Ind Blvd to SH36	-	-	-	-	-	-	-
210Old Howard Road Gateway Entrance Project	8,872	-	-	-	-	-	-
215WWI--Waste Water Ext SH36 to Ind Blvd	-	-	-	-	-	-	-
220R I-B, W I-B--Industrial Blvd Extension	2,100	-	-	-	-	-	-
221Airport Park Infrastructure Construction	122,370	-	-	-	-	-	-
225Airport Study	-	-	-	-	-	-	-
230Airport Trail Roadway-Ind Blvd to Pepper Crk (R III)	-	-	115,500	654,500	-	-	-
235Airport Trail Utilities (W-V, W II, W III)	-	-	109,650	621,350	-	-	-
240Old Howard North (R II)	-	300,000	1,000,000	700,000	-	-	-
245Airport Trail Roadway-Pepper Crk to Mouser (R V)	-	-	-	200,000	1,100,000	-	-
299Total Western Aviation Zone	133,342	300,000	1,225,150	2,175,850	1,100,000	-	-
WESTERN BIO-SCIENCE & MEDICAL ZONE:							
300Greenbelt Development along Pepper Creek	2,376,428	-	-	-	-	-	-
305Outer Loop Phase 2	4,482,463	-	-	-	-	-	-
306Bio-Science Park Phase 1	510,295	-	-	-	-	-	-
310Bio-Science Institute	-	-	-	-	-	-	-
399Total Western Bio-Science & Medical Zone	7,369,186	-	-	-	-	-	-
OTHER PROJECTS:							
400Southeast Ind Park (Lorraine Drive)	1,273,500	-	-	-	-	-	-
405Roadway Maintenance/Improvements	250,111	-	-	-	-	-	-
410Gateway Entrance Projects (after Old Howard)	400,000	-	400,000	-	-	-	-
415Downtown Improvements	204,260	192,113	195,747	197,691	199,655	201,639	203,643
420Loop 363 Improvements (TxDOT commitment)	905,410	-	-	-	-	-	-
430Reserve for Acer facility	-	-	-	-	-	-	-
499Total Other Projects	3,033,281	192,113	595,747	197,691	199,655	201,639	203,643
500Undesignated Funding-Public Impr-nontaxable bonds	176,730	400,000	400,000	400,000	400,000	1,900,000	2,400,000
501Undesignated Funding-Public Impr-taxable bonds	-	-	-	-	-	-	-
600Total Planned Project Expenditures	24,316,973	932,113	2,220,897	2,773,541	2,499,655	2,101,639	2,603,643
660Fund Balance at Year End	\$ 1,207,219	\$ 2,372,393	\$ 2,331,964	\$ 1,473,522	\$ 1,401,286	\$ 1,793,455	\$ 1,751,307
670Required Debt Reserve	(873,237)	(873,237)	(873,237)	(873,237)	(873,237)	(873,237)	(873,237)
700AVAILABLE FUND BALANCE	\$ 333,982	\$ 1,499,156	\$ 1,458,727	\$ 600,285	\$ 528,049	\$ 920,218	\$ 878,070

ORDINANCE NO. _____

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING THE TAX INCREMENT FINANCING REINVESTMENT ZONE #1 FINANCING PLAN FOR FY 2009 TO RECOGNIZE REIMBURSEMENTS FROM GULF STATES TOYOTA AND TO REALLOCATE PROJECT FUNDING WITHIN THE PROJECT PLAN, AND FOR FY 2010-2022 TO INCREASE ZONE MAINTENANCE FUNDING; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; DECLARING FINDINGS OF FACT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City Council (the "Council") of the City of Temple, Texas, (the "City") created Reinvestment Zone Number One, City of Temple, Texas (the "Zone") by Ordinance No. 1457 adopted on September 16, 1982;

Whereas, the Council adopted a Project Plan and Reinvestment Zone Financing Plan for the Zone by Ordinance No. 1525 adopted on December 22, 1983, and thereafter amended such plans by Ordinance No. 1664 adopted on June 20, 1985, Ordinance No. 1719 adopted on November 21, 1985, Ordinance No. 1888 adopted on December 21, 1987, Ordinance No. 1945 adopted on October 20, 1988; Ordinance No. 1961 adopted on December 1, 1988; Ordinance No. 2039 adopted on April 19, 1990; Ordinance No. 91-2119 adopted on December 5, 1991; Ordinance No. 92-2138 adopted on April 7, 1992; Ordinance No. 94-2260 adopted on March 3, 1994; Ordinance No. 95-2351 adopted on June 15, 1995; Ordinance No. 98-2542 adopted on February 5, 1998; Ordinance No. 98-2582 adopted on November 19, 1998; Ordinance No. 99-2619 adopted on March 18, 1999; Ordinance No. 99-2629 adopted on May 6, 1999; Ordinance No. 99-2631 adopted on May 20, 1999; Ordinance No. 99-2647 adopted on August 19, 1999; Ordinance No. 99-2678 adopted on December 16, 1999; Ordinance No. 2000-2682 adopted on January 6, 2000; Ordinance No. 2000-2729 adopted on October 19, 2000; Ordinance No. 2001-2772 adopted on June 7, 2001; Ordinance No. 2001-2782 adopted on July 19, 2001; Ordinance No. 2001-2793 adopted on September 20, 2001; Ordinance No. 2001-2807 on November 15, 2001; Ordinance No. 2001-2813 on December 20, 2001; Ordinance No. 2002-2833 on March 21, 2002; Ordinance No. 2002-2838 on April 18, 2002; Ordinance No. 2002-3847 on June 20, 2002; Ordinance No. 2002-3848 on June 20, 2002; Ordinance No. 2002-3868 on October 17, 2002; Ordinance No. 2003- 3888 on February 20, 2003; Ordinance No. 2003-3894 on April 17, 2003; Ordinance No. 2003-3926 on September 18, 2003; Ordinance No. 2004-3695 on July 1, 2004; Ordinance No. 2004-3975 on August 19, 2004; Ordinance No. 2004-3981 on September 16, 2004; Ordinance No. 2005-4001 on May 5, 2005; Ordinance No. 2005-4038 on September 15, 2005; Ordinance No. 2006-4051 on January 5, 2006; Ordinance No. 2006-4076 on the 18th day of May, 2006; Ordinance No. 2006-4118; Ordinance No. 2007-4141 on the 19th day of April, 2007; Ordinance No. 2007-4155 on July 19, 2007; Ordinance No. 2007-4172 on the 20th day of

September, 2007; Ordinance No. 2007-4173 on October 25, 2007; Ordinance No. 2008-4201 on the 21st day of February, 2008; and Ordinance No. 2008-4217 the 15th day of May, 2008; Ordinance No. 2008-4242 the 21st day of August, 2009; Ordinance No. 2009-4290 on the 16th day of April, 2009; and Ordinance No. 2009-4294 on the 21st day of May, 2009;

Whereas, the Board of Directors of the Zone has adopted an additional amendment to the Reinvestment Zone Financing Plan for the Zone and forwarded such amendment to the Council for appropriate action;

Whereas, the Council finds it necessary to amend the Reinvestment Zone Financing Plan for the Zone to include financial information as hereinafter set forth;

Whereas, the Council finds that it is necessary and convenient to the implementation of the Reinvestment Zone Financing Plan, including the additional amendment, to establish and provide for an economic development program within the meaning of Article III, Section 52-a of the Texas Constitution ("Article III, Section 52-a"), Section 311.010(h) of the Texas Tax Code and Chapter 380 of the Texas Local Government Code to develop and diversify the economy of the Zone, eliminate unemployment and underemployment in the Zone and develop or expand transportation, business and commercial activity in the Zone including programs to make grants and loans of Zone assets or from the tax increment fund of the Zone in an aggregate amount not to exceed the amount of the tax increment produced by the City and paid into the tax increment fund for the Zone for activities that benefit the Zone and stimulate business and commercial activity in the Zone as further determined by the City;

Whereas, the Council further finds that the acquisition of the land and real property assembly costs as described in the additional amendment to the Reinvestment Zone Financing Plan is necessary and convenient to the implementation of the Reinvestment Zone Financing Plan and will help develop and diversify the economy of the Zone, eliminate unemployment and underemployment in the Zone and develop or expand transportation, business and commercial activity in the Zone by providing land for development of future business and commercial activity, attracting additional jobs within the City and attracting additional sales and other taxes within the City; and

Whereas, the Council finds that such amendment to the Reinvestment Zone Financing Plan is feasible and conforms to the Comprehensive Plan of the City, and that this action will promote economic development within the City of Temple.

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

Part 1: Findings. The statements contained in the preamble of this ordinance are true and correct and are adopted as findings of fact hereby.

Part 2: Reinvestment Zone Financing Plan. The amendment to the Tax Increment Financing Reinvestment Zone No. One Financing Plan, heretofore adopted by the Board of Directors of the Zone and referred to in the preamble of this ordinance, is hereby approved and

adopted, as set forth in the Amendment to Reinvestment Zone Number One, City of Temple, Texas, attached hereto as Exhibit A. This expenditure requires an amendment to the 2008-2009 budget, a copy of which is attached as Exhibit B.

Part 3: Plans Effective. The Financing Plan for the Zone heretofore in effect shall remain in full force and effect according to the terms and provisions thereof, except as specifically amended hereby.

Part 4: Copies to Taxing Units. The City Secretary shall provide a copy of the amendment to the Reinvestment Zone Financing Plan to each taxing unit that taxes real property located in the Zone.

Part 5: Economic Development Program. The Council hereby establishes an economic development program for the Zone in accordance with Article III, Section 52-a of the Texas Constitution, Section 311.010(h) of the Texas Tax Code and Chapter 380 of the Texas Local Government Code to develop and diversify the economy of the Zone, eliminate unemployment and underemployment in the Zone and develop or expand transportation, business and commercial activity in the Zone including a program to make grants and loans of Zone assets or from the tax increment fund of the Zone in accordance with the provisions of Article III, Section 52-a, Chapter 311 of the Texas Tax Code and Chapter 380 of the Texas Local Government Code as directed and authorized by the Council. The Council hereby further directs and authorizes the Board of Directors of the Zone to utilize tax increment reinvestment zone bond proceeds to acquire the land and pay other real property assembly costs as set forth in the additional amendment attached hereto to help develop and diversify the economy of the Zone and develop or expand business and commercial activity in the Zone in accordance with Article III, Section 52-a, Chapter 311 of the Texas Tax Code and Chapter 380 of the Texas Local Government Code.

Part 6: Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

Part 7: Effective Date. This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 8: Open Meetings. 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 Meeting Act.

PASSED AND APPROVED on First Reading on the 3rd day of **September**, 2009.

PASSED AND APPROVED on Second and Final Reading on the **17th** day of **September**, 2009.

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

09/03/09
Item #15
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Consider adopting a resolution appointing one member to the Airport Advisory Board to fill the expired RZ No.1 position through September 1, 2012 and one member to fill an unexpired Temple resident position through September 1, 2010.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: At the August 26th meeting of the RZ No. 1 Board of Directors, the board unanimously recommended the City Council appoint Mr. Bob Browder to the Airport Advisory Board to fill the RZ No. 1 position. Mr. Browder is the incoming chair of the RZ No. 1 Board of Directors.

Mr. Timm White has forfeited his position on the Airport Advisory Board due to non-attendance. This unexpired term, through September 1, 2010, must be filled by a Temple resident.

The board summary form for the Airport Advisory Board is attached, as well as all applications on file from qualified applicants (Temple residents) requesting service on this board.

FISCAL IMPACT: None

ATTACHMENTS:

[Airport Advisory Board Member List](#)
[Board Applications](#)

AIRPORT ADVISORY BOARD

TERM EXPIRATION: SEPTEMBER - 3 YEAR TERMS

APPOINTED BY: MAYOR/COUNCIL

MEMBER	POSITION FILLED	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
*William Maedgen, III summit@vvm.com OMA	At large	09/08	2011	11886 Brewer Road Salado, TX 76571	773-9902 W 947-5815 F 760-6385 Cell
Brad Phillips, Vice Chair Bradp@homespecl.com	Temple Resident	09/08	2011	4000 Hickory Rd. #9 PO Box 1369 Temple, TX 76503	770-8057 W/C 770-0429 H
*Perry Cloud (RZ-1), Sec. ptcloud@cloudconstruction.com	At large & RZ No. 1	12/05	2009	P O Box 667 Temple, Texas 76503	778-1363 W 778-6492 H 778-5877 Fax
Lamar Eidson lamareidson@sbcglobal.net	Temple Resident	10/08	2012	11010 Whiterock Dr. Temple, TX 76502	780-2505 W 291-8659 C
*Don Gidden giddenyg@vvm.com OMA	Temple Resident	01/04	2010	5000 Hickory Temple, TX 76502	773-9933 W 778-3753 H
Vernon Starnes vstarnes@hotmail.com	Temple Resident	07/09	2010	121 Calvin Drive Temple, TX 76502	773-4700 H
Timm White twhite3486@aol.com forfeit-non attendance 8-26-09	Temple Resident	07/06	2010	2906 Erie P O Box 2420 Temple, TX 76503	771-2228 W 771-0729 F 760-3414 Cell
Hugh Shine, Chair Hugh.shine@wachoviasec.com	Temple Resident	09/04	2010	P O Box 793 Temple, TX 76503	42-1885 W 774-9685 H 742-7714 Fax 760-6007 Cell
Gary Schmidt (TEDC) gschmidt@cnbtemple.com	At large & TEDC	06/08	2010	Central National Bank P O Box 4107 Temple, TX 76505	770-1613 W 938-2429 H 770-3186 Fax

Created August 21, 1980 by Ordinance #1287; amended by Ordinances 1755 (5-15-86) and 2132 (4-16-92) to increase membership from 6 to 9 (addition of 3 at large positions); re-established by Resolution No. 2008-5437-R (remove Belton Rep and add 1 rep from TEDC and 1 rep from RZ No. 1 Board).

Purpose: Serves in an advisory capacity to City Council in matters pertaining to the Airport, make recommendations as to fees, charges, facility improvements, and airport services.

Membership: 6 residents of the City of Temple
3 residents at-large
1 member from TEDC Board of Directors & 1 member from RZ No. 1 Board of Directors (either at-large or Temple resident)
Ex-officio - Airport Manager, City Manager and Mayor

Term: 3 years **Meeting Time/Place:** 2nd Monday of each month, 4:00 pm, Airport Operations Bldg.

City Staff : Sharon Rostovich, Airport Manager REVISED 08/20/09



CITY OF TEMPLE
CITY BOARD APPLICATION FORM

The purpose of this form is to furnish information to the Mayor and City Council regarding those persons who may desire to volunteer their time and services to the City of Temple by serving on one or more of the following boards and/or committees:

- | | |
|-------------------------------------|---|
| 1 AIRPORT ADVISORY BOARD | ANIMAL SERVICES ADVISORY BOARD |
| BUILDING & STANDARDS COMMISSION | BUILDING BOARD OF APPEALS |
| CIVIL SERVICE COMMISSION | COMMUNITY SERVICES ADVISORY BOARD |
| ELECTRICAL BOARD | 2 TEMPLE PUBLIC SAFETY ADVISORY BOARD |
| ZONING BOARD OF ADJUSTMENT | DEVELOPMENT STANDARDS ADVISORY BOARD |
| LIBRARY BOARD | PARKS & LEISURE SERVICES ADVISORY BOARD |
| PLANNING & ZONING COMMISSION | 4 TRANSIT ADVISORY COMMITTEE |
| REINVESTMENT ZONE NUMBER ONE | CENTRAL TEXAS HOUSING CONSORTIUM |
| 3 TEMPLE ECONOMIC DEVELOPMENT CORP. | |

• If you wish to make yourself available for consideration, please complete this form and send to the City Secretary's Office, City of Temple, P.O. Box 207, Temple, TX 76503 or by fax 254-298-5637.

• If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or centz@ci.temple.tx.us.

Name Pat Bell Residence Address 3201 Pecan Valley Dr. 76502
Mailing Address PO Box 2062 Temple 76503 Phone Number(Business) 231-1075 (Home) 721-6925
Fax Number _____ Cell Phone Number 721-6925 E-Mail Address atwoodbell@yahoo.com
Current Employer/Nature of Business: Gidden Distributing/ Beverage distributor
What City Boards have you served on before & When? _____

Name, in priority order, the Board or Boards on which you would prefer to serve: Airport Advisory Board,
Temple Public Safety Advisory Board, TEDC, Transit Advisory

What experience and/or educational background do you have that could be applied to community service?
Licensed Private Pilot, Bachelor of Science degree in Marketing

Comments (Attach additional page if desired):

I'm also on the advisory board of the Temple Salvation Army

Signed: Pat Bell

Date: 7/15/08

PLEASE NOTE: All information supplied on this form is public information.



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

The purpose of this form is to furnish information to the Mayor and City Council regarding those persons who may desire to volunteer their time and services to the City of Temple by serving on one or more of the following boards and/or committees:

AIRPORT ADVISORY BOARD
BUILDING & STANDARDS COMMISSION
CIVIL SERVICE COMMISSION
ELECTRICAL BOARD
ZONING BOARD OF ADJUSTMENT
LIBRARY BOARD
PLANNING & ZONING COMMISSION
REINVESTMENT ZONE NUMBER ONE
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD
BUILDING BOARD OF APPEALS
COMMUNITY SERVICES ADVISORY BOARD
TEMPLE PUBLIC SAFETY ADVISORY BOARD
DEVELOPMENT STANDARDS ADVISORY BOARD
PARKS & LEISURE SERVICES ADVISORY BOARD
TRANSIT ADVISORY COMMITTEE
CENTRAL TEXAS HOUSING CONSORTIUM

- If you wish to make yourself available for consideration, please complete this form and send to the City Secretary's Office, City of Temple, P.O. Box 207, Temple, TX 76503 or by fax 254-298-5637.
- If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or centz@ci.temple.tx.us.

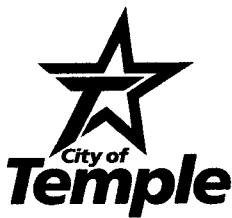
Name ROYFORD K BROWN Residence Address 3702 SAILOR TRAIL
Mailing Address Same Phone Number (Business) 254 718 4910 (Home) 254 718 4910
Fax Number _____ Cell Phone Number 254 718 4910 E-Mail Address Herkbrown@clearwire.net
Temple Resident: ☒ Yes ☐ No
Current Employer/Nature of Business: Self Certified Flight Instructor
What City Boards have you served on before & When? NONE

Name, in priority order, the Board or Boards on which you would prefer to serve: Building and Standards Comm., Development Standards Advy, (Airport when open)

What experience and/or educational background do you have that could be applied to community service?
USAF A '68 Grad, Commandant Academy of Military Science, Air National Guard Liaison Officer to Counter Drug Task Force, Lt Col USAF (Ret)
Comments (Attach additional page if desired):
8 Yr Temple Resident, Temple Chamber Military Affairs Committee

Signed: _____ Date: _____

PLEASE NOTE: All information supplied on this form is public information.



✓

CITY OF TEMPLE
CITY BOARD APPLICATION FORM

The purpose of this form is to furnish information to the Mayor and City Council regarding those persons who may desire to volunteer their time and services to the City of Temple by serving on one or more of the following boards and/or committees:

AIRPORT ADVISORY BOARD
BUILDING & STANDARDS COMMISSION
CIVIL SERVICE COMMISSION
CONVENTION CENTER & TOURISM BOARD
ZONING BOARD OF ADJUSTMENT
LIBRARY BOARD
PLANNING & ZONING COMMISSION
REINVESTMENT ZONE NUMBER ONE
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD
BUILDING BOARD OF APPEALS
COMMUNITY SERVICES ADVISORY BOARD
ELECTRICAL BOARD
DEVELOPMENT STANDARDS ADVISORY BOARD
PARKS & RECREATION BOARD
TRANSIT ADVISORY COMMITTEE
TEMPLE HOUSING AUTHORITY
TEMPLE PUBLIC SAFETY ADVISORY BOARD

- If you wish to make yourself available for consideration, please complete this form and send to the City Secretary's Office, City of Temple, P.O. Box 207, Temple, TX 76503 or by fax 254-298-5637.
- If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or centz@ci.temple.tx.us.

Name DAN J CONN Residence Address 101 BEAVER LOOP

Mailing Address 101 BEAVER LOOP, TEMPLE Phone Number (Business) _____ (Home) 774-7368

Fax Number _____ Cell Phone Number _____ E-Mail Address DAN329@5BXGLOBAL

Net

Current Employer/Nature of Business: RETIRED

What City Boards have you served on before & When? NONE

Name, in priority order, the Board or Boards on which you would prefer to serve: _____

AIRPORT ADVISORY BOARD

What experience and/or educational background do you have that could be applied to community service?
WORKED IN AVIATION 40+ YRS. COMMERCIAL PILOT 5000+ HRS. HIGH SCHOOL-
SOME COLLEGE, WAS GENERAL MGR OF FBO AT MIDLAND REG A/P 25 YRS.
DID CHARTER & EXC. FLYING, ALSO HAVE A# P LICENSE

Comments (Attach additional page if desired):

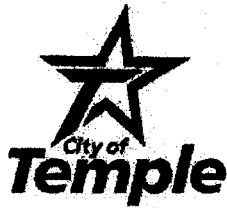
I WORK WITH AIRPORT & CITY MGMT. WAS INVOLVED WITH NUMEROUS

BLDG PROJECTS.

Signed: Dan J Conn Date: 7-21-08

PLEASE NOTE: All information supplied on this form is public information.

✓



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

The purpose of this form is to furnish information to the Mayor and City Council regarding those persons who may desire to volunteer their time and services to the City of Temple by serving on one or more of the following boards and/or committees:

AIRPORT ADVISORY BOARD
BUILDING & STANDARDS COMMISSION
CIVIL SERVICE COMMISSION
ELECTRICAL BOARD
ZONING BOARD OF ADJUSTMENT
LIBRARY BOARD
PLANNING & ZONING COMMISSION
REINVESTMENT ZONE NUMBER ONE
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD
BUILDING BOARD OF APPEALS
COMMUNITY SERVICES ADVISORY BOARD
TEMPLE PUBLIC SAFETY ADVISORY BOARD
DEVELOPMENT STANDARDS ADVISORY BOARD
PARKS & LEISURE SERVICES ADVISORY BOARD
TRANSIT ADVISORY COMMITTEE
CENTRAL TEXAS HOUSING CONSORTIUM

• If you wish to make yourself available for consideration, please complete this form and send to the City Secretary's Office, City of Temple, P.O. Box 207, Temple, TX 76503 or by fax 254-298-5637.

• If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or centz@ci.temple.tx.us.

Name JIMMY F. WESTER Residence Address 301 EAST WALKER AVE
Mailing Address 301 EAST WALKER Phone Number (Business) 254-774-8511 (Home) 254-771-2193
TEMPLE, TX 76501
Fax Number — Cell Phone Number 254-731-5835 E-Mail Address —

Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: DAYBREAK COMMUNITY SERVICES
GROUP HOMES FOR MARRIED PEOPLE

What City Boards have you served on before & When? CENTERVILLE COMMUNITY
DEVELOPMENT BOARD VIA CENTERVILLE CHAMBER OF COM. 1988

Name, in priority order, the Board or Boards on which you would prefer to serve: AIRPORT ADVISORY
BOARD — CENTRAL TEXAS HOUSING CONSORTIUM

What experience and/or educational background do you have that could be applied to community service?

PAST AIRCRAFT OWNER WITH COMMERCIAL PILOTS

LICENSE WITH SINGLE, MULTI-ENGINE AND INSTRUMENT

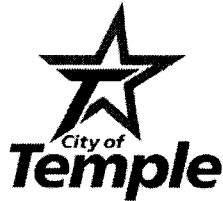
Comments (Attach additional page if desired):

RATINGS AND INTEREST IN GENERAL AVIATION —

MAINTENANCE EXPERIENCE WITH TEMPLE HOUSING AUTH.

Signed: Jimmy F. Wester Date: 7/29/09

PLEASE NOTE: All information supplied on this form is public information.



CITY OF TEMPLE
CITY BOARD APPLICATION FORM

The purpose of this form is to furnish information to the Mayor and City Council regarding those persons who may desire to volunteer their time and services to the City of Temple by serving on one or more of the following boards and/or committees:

AIRPORT ADVISORY BOARD
BUILDING & STANDARDS COMMISSION
CIVIL SERVICE COMMISSION
ELECTRICAL BOARD
ZONING BOARD OF ADJUSTMENT
LIBRARY BOARD
PLANNING & ZONING COMMISSION
REINVESTMENT ZONE NUMBER ONE
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD
BUILDING BOARD OF APPEALS
COMMUNITY SERVICES ADVISORY BOARD
TEMPLE PUBLIC SAFETY ADVISORY BOARD
DEVELOPMENT STANDARDS ADVISORY BOARD
PARKS & LEISURE SERVICES ADVISORY BOARD
TRANSIT ADVISORY COMMITTEE
CENTRAL TEXAS HOUSING CONSORTIUM

- If you wish to make yourself available for consideration, please complete this form and send to the City Secretary's Office, City of Temple, P.O. Box 207, Temple, TX 76503 or by fax 254-298-5637.
- If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or centz@ci.temple.tx.us.

Name PATRICK L. MARCON Residence Address 1305 So. 43 St. Temple, TX. 76504
(254)
Mailing Address SAME Phone Number (Business) _____ (Home) 771-2214
Fax Number - Cell Phone Number - E-Mail Address E. BASSEN-YAHOO.COM
Temple Resident: ☒ Yes No
Current Employer/Nature of Business: BELL CO. H.E.L.P. CTR.
What City Boards have you served on before & When? NONE

Name, in priority order, the Board or Boards on which you would prefer to serve: AIRPORT ADVISORY Bd.
ANIMAL SERVICES ADVISORY CENTRAL TX. HOUSING CONSORTIUM. LIBRARY BOARD

What experience and/or educational background do you have that could be applied to community service?
40 YEARS CONSTRUCTION EXP. PRIVATE PILOT. VOLUNTIERED VARIOUS PROJECTS.
VOLUNTEER FIREMAN. WORKED AT U. T. AUSTIN 15 YRS - TEXAS PARKS WILDLIFE SEASONAL
Comments (Attach additional page if desired):

Signed: Patrick Marcon Date: 8-17-09

PLEASE NOTE: All information supplied on this form is public information.



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

The purpose of this form is to furnish information to the Mayor and City Council regarding those persons who may desire to volunteer their time and services to the City of Temple by serving on one or more of the following boards and/or committees:

AIRPORT ADVISORY BOARD
BUILDING & STANDARDS COMMISSION
CIVIL SERVICE COMMISSION
ELECTRICAL BOARD
ZONING BOARD OF ADJUSTMENT
LIBRARY BOARD
PLANNING & ZONING COMMISSION
REINVESTMENT ZONE NUMBER ONE
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD
BUILDING BOARD OF APPEALS
COMMUNITY SERVICES ADVISORY BOARD
TEMPLE PUBLIC SAFETY ADVISORY BOARD
DEVELOPMENT STANDARDS ADVISORY BOARD
PARKS & LEISURE SERVICES ADVISORY BOARD
TRANSIT ADVISORY COMMITTEE
CENTRAL TEXAS HOUSING CONSORTIUM

• If you wish to make yourself available for consideration, please complete this form and send to the City Secretary's Office, City of Temple, P.O. Box 207, Temple, TX 76503 or by fax 254-298-5637.

• If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or centz@ci.temple.tx.us.

Name BARBARA MOYLES Residence Address 2415 HOLLY LN TEMPLE 76502

Mailing Address SAME Phone Number(Business) _____ (Home) 254 771-2235

Fax Number _____ Cell Phone Number 254 913-7788 E-Mail Address bmoyles@hotmail.com

Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: RETIRED FROM MANAGEMENT, VOLUNTEER

What City Boards have you served on before & When? NONE

Name, in priority order, the Board or Boards on which you would prefer to serve: LIBRARY, *

ANIMAL SERVICES, AIRPORT

What experience and/or educational background do you have that could be applied to community service?

GOOD COMMUNICATION, ORGANIZATION SKILLS, CLIENT

LIASON, TRAINING EXPERIENCE, FOR LIBRARY-AVID READER, MULTIPLE

Comments (Attach additional page if desired): RESUME FROM WORKING CAREER ATTACHED. BOOK CLUBS

RETIRED IN 2001

Signed: Barbara Moyles Date: 8/5/09

PLEASE NOTE: All information supplied on this form is public information.

Former Resume – Retired in 2001

Barbara C. Moyles

Phone (254) 771-2235

Cell (254) 913-7788

E-mail bmoyles@hotmail.com

SUMMARY

Sixteen years experience with AT&T, including thirteen years management experience as a retail store manager, training manager, operations manager, and transition manager.

EMPLOYMENT HISTORY/PROFESSIONAL EXPERIENCE

AT&T

SENIOR MANAGER OF SERVICE EXCELLENCE

1997

Managed the operational aspects of AT&T outbound, inbound and data entry programs:

- Established team goals and measurements.
- Communicated and reviewed program goals and expectations with managers.
- Analyzed program results daily to ensure achievement of client metrics.
- Developed managers through coaching, feedback, and providing opportunities.
- Teamed with account management on program ramp up, downsizing and transition.
- Partnered with agency and training departments on back-filling attrition and new hire orientation.
- Coordinated client monitoring sessions and account management-client visits.
- Ensured accuracy and integrity of monthly bill to the client.

PHONE CENTER TRANSITION MANAGER

1996

Managed the operational functions for the closure of the 350 AT&T owned and operated Phone Center stores within a 3 month time frame:

- Process was completed well under projected budget.
- Created operational “store closure” procedural package for field managers.
- Planned and implemented “store closure” conference calls for area manager teams.
- Established and managed Phone Center hotline to support 350 retail stores.
- Coordinated work activities of Phone Center transition team, i.e. payroll, vouchers, bill payments, human resources and headcount management, etc.
- Handled end-user customer issues resulting from Phone Center closure.

BUSINESS PROCESS ARCHITECT - REENGINEERING

1995

Key member of Phone Center reengineering team created to plan and implement changes in Phone Center processes and system functionality:

- Created functional specifications for the new Phone Center Point of Sale system.
- Successfully deployed new servers and workstations to 350 stores.
- Supported a joint Consumer Communications Service (CCS) and Consumer Products (CP) venture including processes for long-distance bill payments, account analysis, as well as the sale of bundled product and service offerings.

PHONE CENTER OPERATIONS MANAGER**1992-1994**

Provided operational support for all Phone Center field and staff people.

- Created and implemented Phone Center methods and procedures.
- Published Phone Center Policies and Procedures manual and revisions, Keys to Success binder, and Product Repair binder.
- Managed support hotline for field personnel.
- Partnered externally with credit card and check verification companies and banks.
- Represented the Phone Center organization on cross functional teams with other AT&T entities, i.e. Treasury, Credit Center, Accounts Receivable, etc.
- Key manager in the rollout of Phone Center Outlet stores.
- Implemented store banking changes saving Phone Centers \$300K.
- Reduced initially defective product return denial rate from 23% to 9%.

PHONE CENTER EDUCATION MANAGER**1989-1992**

Managed the overall channel education delivery program:

- Scheduled Phone Center training classes for all new and incumbent associates.
- Supervised a team of field instructors, including observing and coaching for improvement.
- Instructed the Phone Center management classes such as "Coaching in a P&L Environment" for incumbent managers and "The Management Development Program Graduate Class" for new managers and manager designates.
- Certified as Phone Center Interview instructor training approximately 300 incumbent managers on structured interview techniques.

PROJECT EXPERIENCE COACH**1988-1989**

One of 13 managers in the country selected to implement major profit and loss strategy changes within the organization:

- Established sales, marketing, and financial objectives for store and zone managers.
- Introduced and trained store managers in the new associate commission plan.
- Coached zone managers as they performed their required assignments during the transition to profit and loss responsibility.

HONORS AND AWARDS

1995	Consumer Products Summit Award - for work in Phone Center reengineering.
1994	Nightliner Award - for Phone Center bank change implementation.
1993	Annual Honor and Recognition - for exceptional support to the field.
1986-1987	Council of Leaders - for sales results

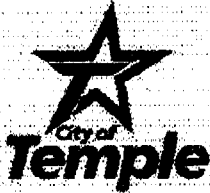
COMPUTER SKILLS: Microsoft Word, Excel and Power Point

RECENT COURSES: Project Management, Benchmarking, Leadership for the Future

CERTIFICATIONS: Instructor Training, Instructor Observation, Case Study /Role Play
Phone Center Interview

KEY WORDS:

Transition Manager, Reengineering Team, Operations Manager, Methods and Procedures, Field Support, Process Implementation, Support Hotline, Training Manager, Instructor, Performance Coach, Customer Contact, Problem Solving, Customer Satisfaction, Oral Communication, Written Communication, Human Resources, Scheduling.



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

The purpose of this form is to furnish information to the Mayor and City Council regarding those persons who may desire to volunteer their time and services to the City of Temple by serving on one or more of the following boards and/or committees:

AIRPORT ADVISORY BOARD
BUILDING & STANDARDS COMMISSION
CIVIL SERVICE COMMISSION
ELECTRICAL BOARD
ZONING BOARD OF ADJUSTMENT
LIBRARY BOARD
PLANNING & ZONING COMMISSION
REINVESTMENT ZONE NUMBER ONE
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD
BUILDING BOARD OF APPEALS
COMMUNITY SERVICES ADVISORY BOARD
TEMPLE PUBLIC SAFETY ADVISORY BOARD
DEVELOPMENT STANDARDS ADVISORY BOARD
PARKS & LEISURE SERVICES ADVISORY BOARD
TRANSIT ADVISORY COMMITTEE
CENTRAL TEXAS HOUSING CONSORTIUM

• If you wish to make yourself available for consideration, please complete this form and send to the City Secretary's Office, City of Temple, P.O. Box 207, Temple, TX 76503 or by fax 254-298-5637.

• If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or centz@ci.temple.tx.us.

Name GAYLENE NUNN Residence Address 3502 Gila Trail, Temple
Mailing Address 3502 Gila Trail, 76504 Phone Number (Business) ²⁵⁴⁻519-5458 (Home) ²⁵⁴⁻771-3556
Fax Number ²⁵⁴⁻519-5480 Cell Phone Number ⁹⁷²⁻989-4040 E-Mail Address GAYLENE.NUNN@NCTSCAPE.NET

Current Employer/Nature of Business: TARLETON STATE UNIVERSITY - CENTRAL TEXAS EDUCATION

What City Boards have you served on before & When? NONE

Name, in priority order, the Board or Boards on which you would prefer to serve: Airport Advisory Board, Temple Public Safety Advisory Board, Transit Advisory Board

What experience and/or educational background do you have that could be applied to community service?
MASTERS IN BUSINESS ADMINISTRATION; 20+ YEARS IN FINANCE & ACCOUNTING;
CURRENT - DIRECTOR OF FINANCE & ADMINISTRATION; PREVIOUS - SVCS ASST. DIRECTOR OF
Comments (Attach additional page if desired): FINANCE FOR CITY OF LANCASTER, TX

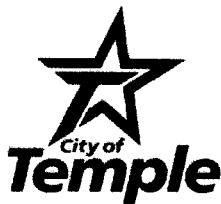
Signed

Date:

7/24/08

PLEASE NOTE: All information supplied on this form is public information.

App'd PSAB 9/04/08



CITY OF TEMPLE
CITY BOARD APPLICATION FORM

The purpose of this form is to furnish information to the Mayor and City Council regarding those persons who may desire to volunteer their time and services to the City of Temple by serving on one or more of the following boards and/or committees:

AIRPORT ADVISORY BOARD
BUILDING & STANDARDS COMMISSION
CIVIL SERVICE COMMISSION
ELECTRICAL BOARD
ZONING BOARD OF ADJUSTMENT
LIBRARY BOARD
PLANNING & ZONING COMMISSION
REINVESTMENT ZONE NUMBER ONE
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD
BUILDING BOARD OF APPEALS
COMMUNITY SERVICES ADVISORY BOARD
TEMPLE PUBLIC SAFETY ADVISORY BOARD
DEVELOPMENT STANDARDS ADVISORY BOARD
PARKS & LEISURE SERVICES ADVISORY BOARD
TRANSIT ADVISORY COMMITTEE
CENTRAL TEXAS HOUSING CONSORTIUM

• If you wish to make yourself available for consideration, please complete this form and send to the City Secretary's Office, City of Temple, P.O. Box 207, Temple, TX 76503 or by fax 254-298-5637.

• If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or centz@ci.temple.tx.us.

Name VALENTINE VILLA Residence Address 7717 HAWTHORN

Mailing Address 7717 HAWTHORN Phone Number(Business) 254-774-1418 (Home) 254-774-1418

Fax Number _____ Cell Phone Number _____ E-Mail Address VILLAVG VILLA@AOL.com

Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: RETIRED - COMPUTER CONSULTANT

What City Boards have you served on before & When? NONE

Name, in priority order, the Board or Boards on which you would prefer to serve: (1) PARKS & LEISURE,

(2) TEMPLE ECONOMIC DEV, (3) PLANNING & ZONING, AIRPORT ADVISORY

What experience and/or educational background do you have that could be applied to community service?
MY INVOLVEMENT IN OTHER CIVIC ORGANIZATIONS

Comments (Attach additional page if desired):

Signed: [Signature] Date: 02/10/2009

PLEASE NOTE: All information supplied on this form is public information.