



**MEETING OF THE
TEMPLE CITY COUNCIL**

JAMIE HAGER CLEMENTS COMPLEX

401 NORTH 3RD STREET

THURSDAY, OCTOBER 1, 2009

3:00 P.M.

2nd FLOOR MULTI PURPOSE ROOM

WORKSHOP AGENDA

1. Conduct a tour of the Jamie Hager Clements Complex, the new home of the City of Temple Municipal Court and Utility Business Office.
2. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, October 1, 2009.
3. Discuss HOME Program eligibility and selection criteria.

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 Dr. Vivian Baker, Superintendent, Belton Independent School District, regarding the [November 3, 2009, BISD Bond election](#).

III. PROCLAMATIONS & SPECIAL RECOGNITIONS

4. (A) [White Cane Safety Day and Meet the Blind Month](#) [October, 2009](#)
(B) [Love Cures Month](#) [October, 2009](#)

IV. PUBLIC COMMENTS

Citizens who desire to address the Council on any matter may sign up to do so prior to this meeting. Public comments will be received during this portion of the meeting. Please limit comments to 3 minutes. No discussion or final action will be taken by the City Council.

V. CONSENT AGENDA

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

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

Minutes:

- (A) [September 17, 2009 Special Called Meeting and Regular Meeting](#)

Contracts, Leases & Bids:

- (B) [2009-5835-R](#): Consider adopting a resolution authorizing the following related to annual purchase agreements for traffic signal supplies:
1. A one-year renewal to an annual purchase agreement for the purchase of certain traffic signal supplies for FY 2010 with Naztec, Inc. of Sugarland in the estimated amount of \$103,585;
 2. Rejection of all bids received on August 11, 2009 for signal heads, brackets, lenses and accessories; and
 3. New purchase agreements with various vendors in the estimated annual amount of \$33,346.20.
- (C) [2009-5836-R](#): Consider adopting a resolution authorizing a one-year renewal to an annual purchase agreement for liquid caustic soda with Altvia Corporation of Houston at \$.3218/wet pound for an estimated annual amount of \$99,200 and new annual purchase agreements with five (5) various vendors in the estimated annual amount of \$855,390.
- (D) [2009-5837-R](#): Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP for engineering services required to prepare Phase 2 of the Master Plan for Tax Increment Financing Reinvestment Zone No. 1 for ultimate build out to year 2022, for an amount not to exceed \$91,200.

Ordinance – Second & Final Reading:

- (E) SECOND READING – Consider adopting ordinances:
1. [2009-4317](#): setting out the civil service classifications and setting the number of positions in each classification in the Temple Fire Department; and
 2. [2009-4318](#): establishing assignment pay in the amount of \$200 per month for the assignment of Fire Marshal duties.

Misc.:

- (F) [2009-5838-R](#): Consider adopting a resolution authorizing the transfer of funds from the Child Safety Fees-Bell County to the Temple Police Department's Overtime Account in the amount of \$2,700 for FY 2009-2010.
- (G) [2009-5839-R](#): Consider adopting a resolution extending a rebate program for a portion of franchise fees paid by high volume gas purchasers within the City limits.

- (H) [2009-5840-R](#): Consider adopting a resolution designating the *Temple Daily Telegram* as the official newspaper for the City for fiscal year 2009-2010, in accordance with Section 4.20 of the Charter of the City of Temple.
- (I) [2009-5841-R](#): Consider adopting a resolution authorizing Specialized Public Finance Inc. to prepare Official Statements to proceed with the issuance of General Obligation Bonds, Series 2009 for the construction of a Central Fire Station, Fire Station # 8 to include a Training Center and Emergency Operations Center, and the purchase of three fire engines and the issuance of General Obligation Refunding Bonds, Series 2009.
- (J) [2009-5842-R](#): Consider adopting a resolution adopting the City of Temple Safe Routes to School Master Plan and authorizing submission of grant applications to support the Plan implementation.
- (K) [2009-5843-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2008-2009.

VI. REGULAR AGENDA

ORDINANCES

- 6. [2009-4312](#): THIRD READING – PUBLIC HEARING: 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.
- 7. [2009-4319](#): FIRST READING – PUBLIC HEARING –Z-FY-09-30 – Consider adopting an ordinance authoring a zoning change from:
 - (A) General Retail (GR) to Neighborhood Service (NS) on Lots 1 and 2, Block 56 of Freeman Heights Addition located at 1415 West Avenue H and
 - (B) Multiple-Family One (MF-1) to Neighborhood Service (NS) on Lots 5 and 6, Block 56 of Freeman Heights Addition located at 1403 West Avenue H.
- 8. [2009-4320](#): FIRST READING – PUBLIC HEARING - Consider adopting an ordinance authorizing an amendment to the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan for FY 2010 to appropriate funding for the feasibility study of extension of rail service with Kasberg, Patrick & Associates in the amount of \$121,550.

RESOLUTIONS

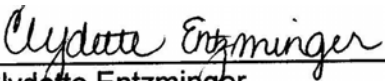
9. Consider adopting resolutions authorizing utility cost sharing agreements for:
- (A) [2009-5844-R](#): The Hills of Westwood Phase Subdivision V;
 - (B) [2009-5845-R](#): Northcliffe Subdivision Phase IX; and
 - (C) [2009-5846-R](#): Echo Vista Subdivision Phase II.
10. [2009-5847-R](#): Consider adopting a resolution proposing an amendment to the City of Temple Charter be submitted to the voters on May 8, 2010 which would prohibit any member of the City Council or employee of the City from having a direct financial interest in any contract for goods or services, including public works contracts, let by the City, nor in any matter wherein its rights or liabilities or involved.

BOARD APPOINTMENTS

11. [2009-5848-R](#): Consider adopting a resolution appointing one member to serve as the City's representative on the Board of Directors of the Tax Appraisal District of Bell County for a two year term beginning January 1, 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 9:35 AM, on September 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

10/01/09
Item #3
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

David Blackburn, City Manager

ITEM DESCRIPTION: Receive comments from Dr. Vivian Baker, Superintendent, Belton Independent School District, regarding the November 3, 2009, BISD Bond election.

STAFF RECOMMENDATION: Receive comments as presented in item description.

ITEM SUMMARY: Dr. Vivian Baker, Superintendent, Belton Independent School District, is requesting support from the City of Temple for their November 3, 2009, Bond Election for BISD.

FISCAL IMPACT: None

ATTACHMENTS:

[Request for placement on agenda](#)



CITY OF TEMPLE, TEXAS
CITY COUNCIL MEETINGS

RECEIVED

SEP 22 2009

CITY OF TEMPLE, TX
CITY SECRETARY

REQUEST FOR PLACEMENT ON AGENDA

____ Priority

NAME OF PRESENTER: Dr. Vivian Baker, Superintendent,
Belton ISD
ADDRESS: 400 N. Wall
TELEPHONE NO. 215-2002

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

Belton ISD Bond Presentation - Bond election for a
new middle school is Tues. Nov. 3.
Council may choose to advocate support of
the bond election

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.

Vivian Baker
SIGNATURE OF PRESENTER

9-22-09
DATE

For Office Use:



COUNCIL AGENDA ITEM MEMORANDUM

10/01/09
Item #4
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Presentation of Proclamations:

- | | |
|--|---------------|
| (A) White Cane Safety Day and Meet the Blind Month | October, 2009 |
| (B) Love Cures Month | October, 2009 |

STAFF RECOMMENDATION: Present proclamation as presented in item description.

ITEM SUMMARY: (A) This proclamation was requested by Cynthia Washington on behalf of the Temple, Texas Chapter of the National Federation of the Blind. Ms. Washington will also receive the proclamation.

(B) This proclamation was requested by Chuck Lucko, President of the Robert S. Love Foundation. Mr. Lucko and other members other Foundation will be present to receive this proclamation.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

10/01/09
Item #5(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) September 17, 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:

September 17, 2009 Special Called Meeting & Regular Meeting

TEMPLE CITY COUNCIL

SEPTEMBER 17, 2009

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, September 17, 2009, at 3:30 PM in the 3rd Floor Conference Room, 2 North Main Street.

Present:

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

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, September 17, 2009.

Several items were discussed for clarification purposes, including consent agenda items 5 (D), (F) and (Q), and regular agenda item 7.

2. Review and discuss Chapter 17, "Historic Preservation," of the City's Code of Ordinances.

Jonathan Graham, City Attorney, presented this item to the City Council for discussion. He discussed Chapter 17, Historic Preservation, of the Code of Ordinances, which was adopted in 1979. Mr. Graham reviewed the elements of the current ordinance which include a statement of purpose, definitions, the process for designating structures and areas, Certificates of Appropriateness, and the creation of a Main Street Area with potential for a 5-year tax freeze on City taxes. He spent some time addressing the requirements for a Certificate of Appropriateness (COA), how that is triggered, the review process for the application and the criteria and standards to be considered when a COA is applied for. The criteria for establishing a historic district was also reviewed, as well as enforcement provisions.

Next, Mr. Graham explained his observations regarding this ordinance. He provided the Council with a draft ordinance containing some recommendations, noting this ordinance has not been reviewed by the City Manager and his staff yet. Mr. Graham recommended the Council review the draft ordinance also and allow staff to seek feedback from stakeholders such as current residents of the North Central Temple Historic District.

Some other issues discussed include the need to identify other historic designations throughout the community and determine how those interact with our historic district; the need for a trigger for repairs that do not require a building permit, such as painting; and the possibility of designating a position on the Building and Standards Commission as the historic district representative.

3. Review and discuss the City's program and process for the demolition of structures.

Kim Foutz, Assistant City Manager, presented this item to the City Council for discussion. She discussed the purpose and goals of the City's demolition programs, which have

oversight by the Code Enforcement Department/Housing Inspectors. Mrs. Foutz also reviewed the process by which structures are identified for destruction and the City's lien release program. In the last two years, the City has demolished 68 houses and 1 commercial building. Twelve were accomplished voluntarily and 56 were taken to the Building and Standards Commission. The average cost of demolition and disposal is \$3,500. Before and after photos were displayed of several structures that have been demolished.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, September 17, 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

Mary Lambert, Chaplain, Betty Martin Chapter, Daughters of the American Revolution voiced the Invocation.

2. Pledge of Allegiance

Sylvia Marrs, Regent, Betty Martin Chapter, Daughters of the American Revolution lead the Pledge of Allegiance.

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. Presentation of Proclamations:

(A) Constitution Week September 17—23, 2009

Mayor Jones presented this proclamation to the members of the Betty Martin Chapter, Daughters of the American Revolution.

(B) Lawsuit Abuse Awareness Week October 5—9, 2009

Mayor Jones presented this proclamation to Stephanie Gibson, Executive Director for Citizens against Lawsuit Abuse of Central Texas.

III. PRESENTATIONS

4. (A) 2009-5818-R: Receive a presentation from representatives of the U.S. Census Bureau and consider adopting a resolution in support of the 2010 Census.

Ivonne Espada-Simeon, U.S. Census Bureau representative, made a brief presentation to

the Council. She provided an overview of the purpose of the Census and discussed how these numbers are used to apportion federal funds. Ms. Simeon explained the process, emphasizing that it is easy, important and very safe. Certain segments of the population will be targeted for outreach in 2010, including elderly, children, minorities, homeless, migrant workers, etc. Ms. Simeon also discussed the importance of forming a Complete Count Committee at the local level to get the word out in the community to achieve an accurate count.

Councilmember Jeter asked if statistical sampling will be used in the 2010 Census.

Ms. Simeon replied no, the 2010 Census will be a full head count. Temple's count will be made available to the Bell County Judge by April 20th, with a full report being made to the United States President in December.

Motion by Mayor Pro Tem Patsy E. Luna to adopt resolution in support of the 2010 Census, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

(B) Receive a presentation regarding seasonal and pandemic influenza and Bell County Public Health District's response to novel H1N1 influenza.

DonnaLee Pollack, Epidemiology/Tuberculosis Nurse with the Bell County Public Health District, gave a presentation to the Council regarding seasonal and pandemic influenza. She discussed type A influenza viruses and gave an analogy of the differences between seasonal and pandemic flu. Ms. Pollack emphasized that you should not count on being vaccinated against Novel H1N1, should not count on getting to see your doctor, should not count on getting tested or receiving antivirals but you should count on getting sick and being able to take care of yourself. The Bell County Public Health District has provided information packets to schools, daycares, preschools, nursing homes and other interested parties. Public health messages being emphasized to everyone include: wash your hands, cover your cough, stay home if you are sick, be prepared to be sick, find a doctor now, vaccinate, do not give aspirin to children and stay informed.

IV. PUBLIC COMMENTS

There were no public comments made at this meeting.

V. CONSENT AGENDA

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

(A) September 3, 2009 Special Called Meeting and Regular Meeting

(B) 2009-5819-R: Consider adopting a resolution authorizing the purchase of an annual maintenance contract for FY 2010 with Intergraph Corporation in the amount of \$41,472.

(C) 2009-5820-R: Consider adopting a resolution authorizing the purchase of an

annual maintenance contract for FY 2010 with Sungard Public Sector, Inc. in the amount of \$133,500.

(D) 2009-5821-R: Consider adopting a resolution authorizing the purchase of a three-quarter ton extended cab pickup for the Fire Department from Plant Ford of Spring in the amount of \$23,796 with additional accessories to be added in the estimated amount of \$5,404 making the total purchase \$29,200.

(E) 2009-5822-R: Consider adopting a resolution authorizing an annual contract for the printing and mailing of Play-by-Play brochures with Liberty Press of Springville, Utah for FY 2010 in the estimated amount of \$29,176 and rejecting all bids received for graphic design services related to the brochures.

(F) 2009-5823-R: Consider adopting a resolution authorizing a construction contract with J.S. Haren Company of Athens, TN, to provide and install replacement screw pumps for Doshier Farm Wastewater Treatment Facility in an amount not to exceed \$694,000.

(G) 2009-5824-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, for engineering services required to prepare and submit a Letter of Map Revision for Elm Creek and the Rail Park Detention Pond from the Rail Park to the confluence east of BNSF Mainline Rail for an amount not to exceed \$31,100.

(H) 2009-5825-R: Consider adopting a resolution authorizing two Chapter 380 "matching grant" agreements with Sue Hamby dba J&S Central Texas Investments, for redevelopment improvements in the Avenue H Corridor Strategic Investment Zone.

(I) 2009-5826-R: Consider adopting a resolution authorizing a Chapter 380 "matching grant" agreement with Rudy and Karen Gonzales for redevelopment improvements in downtown Temple in the 1st Street Strategic Investment Zone corridor. Ordinance - Second & Final Reading:

(J) 2009-4313: SECOND READING - 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.

(K) 2009-4314: SECOND READING - 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.

(L) 2009-4315: SECOND READING - 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.

(M) 2009-4316: SECOND READING - 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.

- 1. 2009-5827-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, for engineering services required to prepare and submit a Letter of Map Revision for Pepper Creek from Airport Park to Wildflower Lane and Kegley Road for an amount not to exceed \$98,800.**
- 2. 2009-5828-R: Consider adopting a resolution authorizing an agreement with Oncor Electric Delivery Company, LLC, to provide and install street lights for the recently improved Wendland Road in northwest Temple within the Tax Increment Financing Reinvestment Zone No. 1 in an amount not to exceed \$139,489.50.**
- 3. 2009-5829-R: Consider adopting a resolution authorizing an agreement with Oncor Electric Delivery Company, LLC, to provide and install street lights for the recently constructed Airport Business Park in northwest Temple within the Tax Increment Financing Reinvestment Zone No. 1 in an amount not to exceed \$93,232.28.**

(N) 2009-4312: SECOND 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.

(O) 1. 2009-5830-R: Consider adopting a resolution granting a petition to institute voluntary annexation proceedings, known as the Kent Voluntary Annexation, for a 1.148 acre tract of land located in the vicinity of FM 2305 and Buck Lane.

2. 2009-5831-R: Consider adopting a resolution directing Staff to develop a municipal services plan and calling public hearings to consider the petition.

(P) 2009-5832-R: Consider adopting a resolution authorizing a letter of agreement with BSP Engineers, Inc. (Beach-Sulak Partnership) to assist the City in preparing an application and master plan for a "Safe Routes to School" grant with the Texas Department of Transportation.

(Q) 2009-5833-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 item 5(D), seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

(D) 2009-5821-R: Consider adopting a resolution authorizing the purchase of a three-quarter ton extended cab pickup for the Fire Department from Plant Ford of Spring in the amount of \$23,796 with additional accessories to be added in the estimated amount of \$5,404 making the total purchase \$29,200.

Councilmember Jeter noted there were no local bidders on this truck.

Motion by Councilmember Tony Jeter to adopt resolution approving item 5 (D), seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

VI. REGULAR AGENDA

ORDINANCES

6. FIRST READING - PUBLIC HEARING - Consider adopting ordinances:

(A) 2009-4317: setting out the civil service classifications and setting the number of positions in each classification in the Temple Fire Department; and

(B) 2009-4318: establishing assignment pay in the amount of \$200 per month for the assignment of Fire Marshal duties.

Fire Chief Lonzo Wallace gave a brief presentation of items 6(A)&(B) to the City Council. Chapter 143 of the Local Government Code requires the classifications in both Police and Fire Departments to be established by the Council by ordinance. Previously the Fire Marshal was a civilian position but management desires to make this a civil service position at the rank of Captain which requires the Council to authorize an additional Captain position.

The previous Fire Marshal was receiving \$200 per month in certification pay related to Fire Marshal duties, Chief Wallace explained. The second proposed ordinance would add this assignment pay of \$200 per month for the assignment of Fire Marshal in the Fire Department.

Mayor Jones declared the public hearing open with regard to agenda items 6(A) and (B) and asked if anyone wished to address these items. There being no comments, Mayor Jones closed the public hearing.

Motion by Mayor Pro Tem Patsy E. Luna to adopt ordinances in item 6(A) and (B), and set second reading and final adoption for October 1, 2009, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

BOARD APPOINTMENTS

7. 2009-5834-R: Consider adopting a resolution appointing one member to the Temple Public Safety Advisory Board to fill a term through September 1, 2012.

Mayor Jones recommended Temikia Brown be appointed to this position.

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

Motion passed unanimously.

ATTEST:

William A. Jones, III, Mayor

Clydette Entzminger
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

10/01/09
Item #5(B)
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 the following related to annual purchase agreement for traffic signal supplies:

1. A one-year renewal to an annual purchase agreement for the purchase of certain traffic signal supplies for FY 2010 with Naztec, Inc. of Sugarland in the estimated amount of \$103,585;
2. Rejection of all bids received on August 11, 2009 for signal heads, brackets, lenses and accessories; and
3. New purchase agreements with various vendors in the estimated annual amount of \$33,346.20.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On December 4, 2008, the Council awarded an annual purchase agreement with Naztec, Inc of Sugarland. The original bid allowed for four (4) one-year extensions to the agreement. Naztec has agreed to renew the following sections of the bid:

- Signal Cabinets with Controllers;
- Signal Cabinets without Controllers;
- Miscellaneous Components;
- Conflict Monitor without Red Light Inhibitor;
- Conflict Monitor with Red Light Inhibitor; and
- Traficon Video Detection Equipment

However, Naztec, Inc was unable to renew the following sections, and accordingly the following sections were re-bid:

- Batteries;
- Solar School Flashing Beacon; and
- Signal Heads, Brackets, Lenses & Accessories

On August 11, 2009, the City received three (3) bids for the three sections as listed above. The bids are shown on the attached bid tabulation. The bid was stated to be awarded by sections. The low bidder for signal heads, brackets, lenses and accessories was Naztec, Inc. However, the prices were higher than expected. Therefore, staff is recommending rejection of all bids received on August 11, 2009, for signal heads, brackets, lenses, and accessories.

Staff re-bid the signal heads, brackets, lenses, and accessories on September 8, 2009, as a line-item award bid. Six (6) bids were received as shown on the attached September 8, 2009, bid tabulation.

Based on the bids received on August 11, 2009, and September 8, 2009, the new annual contract recommendations are as follows:

- a. Texas Highway Products of Round Rock, TX for **batteries** in the estimated annual amount of \$1,194.00;
- b. Naztec, Inc. of Sugarland, TX for **solar school flashing beacon** in the estimated annual amount of \$8,400; and
- c. Various Vendors as listed below for **signal heads, brackets, lenses & accessories** in the estimated annual amount of \$23,752.20.
 - Consolidated Traffic Controls, Inc. of Arlington, TX for the items highlighted on the bid tabulation in the estimated annual amount of \$2,419.50;
 - Paradigm Traffic Systems, Inc. of Arlington, TX for the items highlighted on the bid tabulation in the estimated annual amount of \$4,765.50;
 - McCain, Inc. of League City, TX for the items highlighted on the bid tabulation in the estimated annual amount of \$13,633.00;
 - Traffic Parts, Inc of Spring, TX for the items highlighted on the bid tabulation in the estimated annual amount of \$2,018.00; and
 - Texas Highway Products of Round Rock, TX for the items highlighted on the bid tabulation in the estimated amount of \$916.20

The City has done business with all low bidders except Paradigm Traffic Systems, Inc, of Arlington and McCain, Inc. of League City. Therefore, references were checked with responses indicating that Paradigm and McCain will be responsible vendors.

The bid asked for pricing on several possible items that may be needed throughout the year, and will be ordered on an 'as needed' basis. The estimated expenditure reflects the cost if all the items bid are actually purchased.

The proposed purchase agreement is for a one (1) year period commencing on October 1, 2009, with the option to extend the agreement for four (4) additional one-year periods, if so agreed to by both parties.

FISCAL IMPACT: Funding in the amount of \$22,550 is budgeted in the adopted FY 09-10 budget in account 110-2800-532-2334. Additional funding for traffic signal equipment and supplies will most likely be designated as part of capital improvement projects.

ATTACHMENTS:

[Bid Tabulations \(2\)](#)
[Resolution](#)

Tabulation of Bids Received
on September 8, 2009 at 2:30 p.m.
Traffic Signal Equipment and Supplies (Re-bid)

		Bidders												Memo 2008-2009 Contracted Prices
		Consolidated Traffic Controls, Inc Arlington, TX		Naztec, Inc. Sugar Land, TX		Paradigm Traffic Systems, Inc Arlington, TX		McCain Inc. League City, TX		Traffic Parts, Inc. Spring, TX		Texas Highway Products Round Rock		
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Prices
Signal Head-3 section; black polycarbonate; 12" LED w/visors	8	\$464.94	\$3,719.52	\$750.00	\$6,000.00	\$406.00	\$3,248.00	\$324.00	\$2,592.00	\$363.00	\$2,904.00	\$420.00	\$3,360.00	\$513.05
Signal Head-4 section; black polycarbonate; 12" LED w/visors	4	\$600.68	\$2,402.72	\$1,000.00	\$4,000.00	\$510.00	\$2,040.00	\$380.00	\$1,520.00	\$466.00	\$1,864.00	\$512.00	\$2,048.00	\$635.06
Signal Head-5 section; black polycarbonate; 12" LED w/visors	4	\$723.83	\$2,895.32	\$1,250.00	\$5,000.00	\$622.00	\$2,488.00	\$534.00	\$2,136.00	\$547.00	\$2,188.00	\$656.00	\$2,624.00	\$824.69
Pedestrian Signal-2 in 1; black LED hand/man	8	\$256.17	\$2,049.36	\$351.00	\$2,808.00	\$202.00	\$1,616.00	\$146.00	\$1,168.00	\$242.00	\$1,936.00	\$260.00	\$2,080.00	\$351.00
12" Pedestrian Signal Lens-plastic; WALK	8	\$14.81	\$118.48	No Bid		No Bid		\$10.00	\$80.00	\$19.00	\$152.00	\$16.75	\$134.00	\$53.71
12" Pedestrian Signal Lens-plastic; Don't Walk	8	\$14.81	\$118.48	No Bid		No Bid		\$11.00	\$88.00	\$19.00	\$152.00	\$17.95	\$143.60	\$53.71
2 in 1 Pedestrian Signal Lens; Plastic; hand/man	8	\$41.98	\$335.84	No Bid		\$44.00	\$352.00	\$30.00	\$240.00	\$40.00	\$320.00	\$38.00	\$304.00	\$53.71
Pedestrian Push Button; Black; ADA	8	\$37.28	\$298.24	\$41.00	\$328.00	\$35.00	\$280.00	\$28.00	\$224.00	\$27.25	\$218.00	\$38.25	\$306.00	\$37.06
Pelco Pedestal Base; PB-5335 with plastic door and anchor bolts	10	\$170.00	\$1,700.00	\$149.71	\$1,497.10	\$161.00	\$1,610.00	\$129.00	\$1,290.00	\$181.50	\$1,815.00	\$185.00	\$1,850.00	\$178.40
Pole Cap - Pelco PB-5401	1	\$7.73	\$7.73	\$9.31	\$9.31	\$7.50	\$7.50	\$8.00	\$8.00	\$12.00	\$12.00	\$8.40	\$8.40	\$8.17
4-1/2" O.D. X 16' Aluminum Pole for Ped Base	1	\$238.52	\$238.52	\$270.48	\$270.48	\$272.00	\$272.00	\$213.00	\$213.00	\$324.00	\$324.00	\$255.00	\$255.00	\$237.17
U-Bolt Sign Clamp - 4" pole (4-1/2" O.D.) - Pelco SH-0206	10	\$16.79	\$167.90	\$19.04	\$190.40	\$15.00	\$150.00	\$16.00	\$160.00	\$17.25	\$172.50	\$17.10	\$171.00	\$16.67
Astro Bracket-AS-3009; 62-inch cable	12	\$54.13	\$649.56	\$65.17	\$782.04	\$51.00	\$612.00	\$51.00	\$612.00	\$56.00	\$672.00	\$58.95	\$707.40	\$57.11
Astro Bracket-AS-3009; 84-inch cable	12	\$58.31	\$699.72	\$70.21	\$842.52	\$55.00	\$660.00	\$55.00	\$660.00	\$57.00	\$684.00	\$63.20	\$758.40	\$61.56
Astro Bracekt-AS-3009; 96-inch cable	12	\$60.58	\$726.96	\$72.94	\$875.28	\$57.00	\$684.00	\$60.00	\$720.00	\$57.50	\$690.00	\$65.65	\$787.80	\$63.92
Astro Arm Kit-AB-4001	12	\$26.16	\$313.92	\$31.22	\$374.64	\$25.00	\$300.00	\$25.00	\$300.00	\$21.00	\$252.00	\$28.10	\$337.20	\$27.34
12-inch Plastic Lens-Red	12	\$8.64	\$103.68	\$25.00	\$300.00	No Bid		\$7.00	\$84.00	\$7.00	\$84.00	\$8.20	\$98.40	\$11.00
12-inch Plastic Lens-Yellow	12	\$8.64	\$103.68	\$25.00	\$300.00	No Bid		\$7.00	\$84.00	\$7.00	\$84.00	\$8.20	\$98.40	\$11.00
12-inch Plastic Lens-Green	12	\$8.64	\$103.68	\$25.00	\$300.00	No Bid		\$7.00	\$84.00	\$7.00	\$84.00	\$8.20	\$98.40	\$11.00
12-inch Plastic Lens-Yellow Arrow	12	\$13.58	\$162.96	\$25.00	\$300.00	No Bid		\$12.00	\$144.00	\$14.00	\$168.00	\$17.00	\$204.00	\$20.00
12-inch Plastic Lens-Green Arrow	12	\$13.58	\$162.96	\$25.00	\$300.00	No Bid		\$12.00	\$144.00	\$14.00	\$168.00	\$17.00	\$204.00	\$20.00
8-inch Plastic Lens-Yellow	12	\$6.17	\$74.04	No Bid		No Bid		\$7.00	\$84.00	\$4.00	\$48.00	\$6.00	\$72.00	\$9.00
8-inch Plastic Lens-Green	12	\$6.17	\$74.04	No Bid		No Bid		\$7.00	\$84.00	\$4.00	\$48.00	\$6.00	\$72.00	\$9.00
8-inch Plastic Lens-Yellow Arrow	12	\$14.81	\$177.72	No Bid		No Bid		\$10.00	\$120.00	\$11.00	\$132.00	\$10.00	\$120.00	\$17.00
8-inch Plastic Lens-Green Arrow	12	\$14.81	\$177.72	No Bid		No Bid		\$10.00	\$120.00	\$11.00	\$132.00	\$10.00	\$120.00	\$17.00
12-inch LED - Red	12	\$57.41	\$688.92	\$64.00	\$768.00	\$49.00	\$588.00	\$45.00	\$540.00	\$47.50	\$570.00	\$48.50	\$582.00	\$70.74
12-inch LED - Yellow	12	\$86.30	\$1,035.60	\$84.50	\$1,014.00	\$77.00	\$924.00	\$71.00	\$852.00	\$58.75	\$705.00	\$88.00	\$1,056.00	\$83.84
12-inch LED - Green	12	\$90.74	\$1,088.88	\$94.50	\$1,134.00	\$72.00	\$864.00	\$60.00	\$720.00	\$90.00	\$1,080.00	\$72.00	\$864.00	\$102.85
12-inch LED - Yellow Arrow	12	\$59.88	\$718.56	\$67.50	\$810.00	\$56.00	\$672.00	\$72.00	\$864.00	\$41.25	\$495.00	\$69.00	\$828.00	\$67.50
12-inch LED - Green Arrow	12	\$72.78	\$873.36	\$72.50	\$870.00	\$61.00	\$732.00	\$62.00	\$744.00	\$58.75	\$705.00	\$56.35	\$676.20	\$81.00

		Bidders													Memo 2008-2009 Contracted Prices
		Consolidated Traffic Controls, Inc Arlington, TX		Naztec, Inc. Sugar Land, TX		Paradigm Traffic Systems, Inc Arlington, TX		McCain Inc. League City, TX		Traffic Parts, Inc. Spring, TX		Texas Highway Products Round Rock			
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Prices	
8-inch LED - Red	12	\$40.12	\$481.44	\$61.25	\$735.00	\$36.00	\$432.00	\$42.00	\$504.00	\$38.75	\$465.00	\$50.50	\$606.00	\$49.78	
8-inch LED - Yellow	12	\$44.20	\$530.40	\$76.70	\$920.40	\$40.00	\$480.00	\$56.00	\$672.00	\$43.75	\$525.00	\$86.50	\$1,038.00	\$60.26	
8-inch LED - Green	12	\$73.83	\$885.96	\$92.50	\$1,110.00	\$56.00	\$672.00	\$56.00	\$672.00	\$62.00	\$744.00	\$75.60	\$907.20	\$72.05	
8-inch LED - Yellow Arrow	12	\$59.88	\$718.56	\$89.50	\$1,074.00	\$37.00	\$444.00	\$56.00	\$672.00	No Bid		\$87.00	\$1,044.00	\$81.22	
8-inch LED - Green Arrow	12	\$70.12	\$841.44	\$106.28	\$1,275.36	\$52.00	\$624.00	\$57.00	\$684.00	No Bid		\$121.00	\$1,452.00	\$97.28	
12-inch Visor - Universal Black Plastic Tunnel	50	\$9.26	\$463.00	\$14.52	\$726.00	No Bid		\$5.00	\$250.00	\$9.00	\$450.00	\$10.50	\$525.00	\$14.52	
12-inch Visor - Universal Yellow Metal Tunnel	50	\$11.11	\$555.50	\$26.50	\$1,325.00	\$20.00	\$1,000.00	\$12.00	\$600.00	\$14.00	\$700.00	\$15.60	\$780.00	\$19.25	
8-inch Visor - Universal Yellow Metal Tunnel	50	\$8.64	\$432.00	\$24.50	\$1,225.00	No Bid		\$10.00	\$500.00	\$10.00	\$500.00	\$13.25	\$662.50	\$16.50	
12-inch Pedestrian Visor - Black Plastic	12	\$18.52	\$222.24	\$22.75	\$273.00	No Bid		\$6.00	\$72.00	\$9.00	\$108.00	\$10.50	\$126.00	\$20.93	
Service Box-Precast Polymer Concrete; PG Style; 17"x34"x12"	8	\$179.00	\$1,432.00	No Bid		No Bid		No Bid		\$235.00	\$1,880.00	\$225.00	\$1,800.00	\$362.00	
Local Preference		No		No		No		No		No		No			
Delivery		Yes		No		Yes		No		Yes		Yes			
Exceptions		None		None		None		No		Yes		Yes			
Credit Check		Yes		Yes		Yes		Yes		Yes		Yes			

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

Belinda Mattke

Belinda Mattke, Director of Purchasing

8-Sep-09

Date

Vendors who picked up the Invitation to Bid:

Consolidated Traffic Controls, Inc - Arlington, TX
Control Technologies of Central Florida - Sanford, FL
Ennis Paint, Inc - Ennis, TX
GDI Communications - Verdi, NV
McCain, Inc - Vista, CA
Multicom, Inc - Longwood, FL
Pelco Structural LLC - Claremore, OK
Prime Vendor - Planroom
Siemens Energy & Automation Inc - Plano, TX
Texas Highway Products - Round Rock, TX
Traffic Parts -- Spring, TX
Trastar - Richardson, TX

Tabulation of Bids Received
on August 11, 2009 at 3:15 p.m.
Traffic Signal Equipment and Supplies

	Bidders		
	Texas Highway Products Round Rock	Naztec Sugarland, TX	Paradigm Traffic Systems Arlington, TX
Description			
Section 1 - Signal Heads, Brackets, lenses & Accessories	No Bid	\$45,124.33	No Bid
Section 2 - Batteries	\$1,194.00	\$1,725.30	No Bid
Section 3 - Solar School Flashing Beacon	No Bid	\$8,400.00	No Bid
Local Preference	No	No	No
Delivry within 45 days?	Yes	No	Yes
Exceptions?	Yes	None	None
Credit Check Authorization	Yes	Yes	Yes

Memo 2007-2008 Contracted Prices
\$35,411.02
\$1,582.00
\$6,989.30

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

Belinda Mattke

Belinda Mattke, Director of Purchasing

11-Aug-09

Date

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

Didn't bid on entire section as required by bid

Staff recommends rejection of this bid

Vendors who picked up the Invitation to Bid:

Allied Tube & Conduit - Harvey, IL

Consolidated Traffic Controls, Inc. - Arlington, TX

GT Distributors - Austin, TX

McCain, Inc. - Vista, CA

Multicom Inc. - Longwood, FL

Naztec, Inc - Sugarland, TX

Paradigm Traffic Systems, Inc. - Fort Worth, TX

Pelco Structural, LLC - Claremore, OK

Prime Vendor (Plan Room)

Siemens Energy & Automation - Plano, TX

Texas Highway Products - Round Rock, TX

Trastar - Richardson, TX

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 TRAFFIC SIGNAL EQUIPMENT AND SUPPLIES FOR FISCAL YEAR 2009-2010 WITH NAZTEC, INC., OF SUGAR LAND, TEXAS, IN THE ESTIMATED AMOUNT OF \$103,585; REJECTING ALL BIDS RECEIVED ON AUGUST 11, 2009, FOR SIGNAL HEADS, BRACKETS, LENSES AND ACCESSORIES; AUTHORIZING NEW PURCHASE AGREEMENTS WITH VARIOUS VENDORS IN THE ESTIMATED AMOUNT OF \$33,346.20 AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on December 4, 2008, the City Council awarded an annual purchase agreement with Naztec, Inc., of Sugarland, Texas, for traffic signal equipment and supplies – the original bid allowed for 4 one-year extensions;

Whereas, Naztec was unable to renew certain sections which were rebid on August 11, 2009; however, Staff is requesting the bids all be rejected since the prices were higher than expected;

Whereas, Staff rebid the sections on September 8, 2009, and recommend new purchase agreement with various vendors as more fully shown below;

Whereas, funds for this expenditure are budgeted in Account No. 110-2800-532-2334 – items will be ordered on an “as needed” basis; 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 for certain traffic signal equipment and supplies for FY2009-2010 with Naztec, Inc., of Sugar Land, Texas, for an estimated annual expenditure of \$103,585.

Part 2: The City Council rejects all bids received on August 11, 2009, for signal heads, brackets, lenses, and accessories.

Part 3: The City Council authorizes new purchase agreements with the following various vendors for batteries, solar school flashing beacon, signal heads, brackets, lenses, and accessories for FY2009-2010:

- a. Texas Highway Products of Round Rock, TX for batteries in the estimated annual amount of \$1,194.00;
- b. Naztec, Inc. of Sugarland, TX for solar school flashing beacon in the estimated annual amount of \$8,400; and
- c. Various Vendors as listed below for signal heads, brackets, lenses & accessories in the estimated annual amount of \$23,752.20.
 - Consolidated Traffic Controls, Inc. of Arlington, TX for the items highlighted on the bid tabulation (Attachment A) in the estimated annual amount of \$2,419.50;
 - Paradigm Traffic Systems, Inc. of Arlington, TX for the items highlighted on the bid tabulation (Attachment A) in the estimated annual amount of \$4,765.50;
 - McCain, Inc. of League City, TX for the items highlighted on the bid tabulation (Attachment A) in the estimated annual amount of \$13,633.00;
 - Traffic Parts, Inc of Spring, TX for the items highlighted on the bid tabulation (Attachment A) in the estimated annual amount of \$2,018.00; and
 - Texas Highway Products of Round Rock, TX for the items highlighted on the bid tabulation (Attachment A) in the estimated amount of \$916.20.

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 **1st** day of **October**, 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

10/01/09
Item #5(C)
Consent Agenda
Page 1 of 3

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 an annual purchase agreement for liquid caustic soda with Altivia Corporation of Houston at \$.3218/wet pound for an estimated annual amount of \$99,200 and new annual purchase agreements with five (5) various vendors in the estimated annual amount of \$855,390.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On September 18, 2008, the Council awarded annual purchase agreements for the following:

- a. Altivia Corporation for the purchase of a Blend of Liquid Aluminum Sulfate, Copper Sulfate and a Water Treatment Grade Polymer Suitable for Potable Water;
- b. Altivia Corporation for the purchase of Liquid Caustic Soda;
- c. Ashland Water Technologies for the purchase of PolyDimethylidallylammonium Chloride & Clarifloc A-3310;
- d. General Chemical Performance Products, LLC for the purchase of Liquid Ammonium Sulfate;
- e. Penccco for the purchase of Liquid Fluoride; and
- f. DPC Industries for the purchase of Liquid Chlorine.

The original bid allowed for four (4) one-year extensions to the contract. Only Altivia Corporation was willing to renew their contract for the purchase of liquid caustic soda. Staff completed a market check on the liquid caustic soda provided by Altivia Corporation. Staff has been pleased with the product and prices provided by Altivia Corporation and recommends Council authorize a one year extension to their contract for liquid caustic soda. Accordingly, staff solicited new bids for the remaining items.

On August 11, 2009, the City received bids for the following:

- **PolyDimethylidallylammonium Chloride & Clarifloc A-3310:** The City received three (3) bids for the purchase of Polydimethylidallylammonium Chloride & Clarifloc A-3310. The bids are shown on the attached bid tabulation sheet.

The low bidder was Polydyne Inc. of Riceboro, Georgia, with the following pricing:

PolyDimethylidallylammonium chloride	-	\$.40/pound
Clarifloc A-3310	-	\$1.30/pound

Staff estimates that \$2,839 will be expended on these items during FY 2010. The City has done business with Polydyne Inc. in the past and finds them to be a responsible bidder.

- **Liquid Ammonium Sulfate:** The City received two (2) bids for the purchase of Liquid Ammonium Sulfate. The bids are shown on the attached bid tabulation sheet.

The low bidder was Altivia Corporation of Houston, Texas, at a price of \$.0745/pound with an estimated annual purchase of \$101,844. The City has done business with Altivia Corporation in the past and finds them to be a responsible bidder.

- **Liquid Fluoride:** The City received two (2) bids for the purchase of Liquid Fluoride. The bids are shown on the attached bid tabulation sheet.

The low bidder was Pencco Inc. of San Felipe, Texas, at a price of \$.3840/wet pound with an estimated annual purchase of \$34,975. The City has done business with Pencco Inc. in the past and finds them to be a responsible bidder.

- **Liquid Chlorine:** The City received two (2) bids for the purchase of Liquid Chlorine. The bids are shown on the attached bid tabulation sheet.

The low bidder was DPC Industries of Cleburne, Texas, at a price of \$644/ton with an estimated annual purchase of \$130,169. The City has done business with DPC Industries in the past and finds them to be a responsible bidder.

One September 15, 2009 the City received bids on the following:

- **A Blend of Liquid Aluminum Sulfate, Copper Sulfate, and a Water Treatment Grade Polymer Suitable for Potable Water:** The City received three (3) bids for the purchase of a blend of liquid aluminum sulfate, copper sulfate, and a water treatment grade polymer suitable for potable water. The bids are shown on the attached bid tabulation sheet.

The low bidder was Altivia Corporation of Houston, Texas, with the following pricing:

Alum & Copper without polymer	-	\$0.0765/wet pound
Alum & Polymer with 2% copper	-	\$0.0695/wet pound
Alum & polymer without copper	-	\$0.0585/wet pound
Aluminum sulfate	-	\$0.0490/wet pound

Staff estimates that \$585,563 will be expended on these items during FY 2010. The low bidder was Altivia Corporation of Houston, TX. The City has done business with Altivia Corporation in the past and finds them to be a responsible bidder.

All recommended new purchase agreement are for a period of one (1) year commencing on October 1, 2009, with the option for four (4) additional one-year renewals, if so agreed to by the City and each vendor.

FISCAL IMPACT: Budgeted amount: \$1,427,348 in account 520-5100-535-2118
Estimated expenditure on chemicals identified above: \$954,590

ATTACHMENTS:

[Bid Tabulations \(5\)](#)
[Resolution](#)

Tabulation of Bids Received
on August 11, 2009 at 2:15 p.m.
PolyDimethylidallylammonium Chloride & Clarifloc A-3310 Polymer

	BIDDERS		
	Ashland Inc. Dublin, OH	Kemira Water Lawrence, KS	Polydyne Riceboro, GA
Description	Unit Price	Unit Price	Unit Price
PolyDimethylidallylammonium Chloride (55 gallon)	\$0.68	No Bid	\$0.40
Clarifloc A-3310 Polymer	\$1.94	No Bid	\$1.30
Delivery within 72 hours?	Yes	No Bid	Yes
Exceptions?	None	No Bid	None
Credit Check Authorization	Yes	No Bid	Yes

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

Belinda Mattke

Belinda Mattke, Director of Purchasing

11-Aug-09

Date

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

Memo 2008-2009 Contracted Prices
\$0.600
\$1.86

Vendors who picked up the Invitation to Bid:

Ashland Inc - Dublin, OH
Ciba Corporation - Suffolk, VA
General Chemical - Parsippany, NJ
Harcros Chemical - Houston, TX
Kemira Water Solutions - Lawrence, KS
Polydyne - Riceboro, GA

Prime Vendor - (Plan Room)
US Polymers Inc. - Charlotte, NC

Tabulation of Bids Received
on September 15, 2009 at 2:30 p.m.
A Blend of Liquid Aluminum Sulfate, Copper Sulfate, and
a Water Treatment Grade Polymer Suitable for Potable Water

Bidders							
		Altivia Corporation Houston, TX		Chameleon Industries Inc. Mesquite, TX		General Chemical Performance Products LLC Parsippany, NJ	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Unit Price for Liquid Aluminum Sulfate and Copper Sulfate	186833	\$0.0765	\$14,292.72	\$0.0706	\$13,190.41	\$0.0720	\$13,451.98
Unit Price for Liquid Aluminum Sulfate, Polymer, and 2% Copper	700990	\$0.0695	\$48,718.81	\$0.0756	\$52,994.84	\$0.0910	\$63,790.09
Unit Price for Liquid Aluminum Sulfate & Polymer	562720	\$0.0585	\$32,919.12	\$0.0600	\$33,763.20	\$0.0740	\$41,641.28
Unit Price for Aluminum Sulfate	358210	\$0.0490	\$17,552.29	\$0.0485	\$17,373.19	\$0.0480	\$17,194.08
Total Bid Amount		\$113,482.94		\$117,321.64		\$136,077.43	
Delivery		Yes		Yes		Yes	
Exceptions		None		None		None	
Credit Check Authorization		Yes		Yes		Yes	

Memo 2008-2009 Contracted Prices
Unit Price
\$0.1125
\$0.1275
\$0.1078
\$0.0895
\$203,115.95

Vendors who picked up the Invitation to Bid:

Altivia - Houston, TX
American International Chemical - Framingham, MA
Chameleon Industries - Mesquite, TX
Chemrite, Inc. - Buford, GA
Ciba Corporation - Suffolk, VA
Garrison Minerals -
General Chemical Performance Products - Parsippany, NJ
Kamira Water Solutions - Lawrence, KS
Polydne Inc - Riceboro, GA
Prime Vendor - Planroom
Southern Ionics Incorporated - West Point, MS
Thatcher Company - Salt Lake, UT

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

Belinda Mattke

Belinda Mattke, Director of Purchasing

15-Sep-09

Date

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

The following bidders responded with No Bids:

US Polymers
American International Chemical
Kemira Water

Tabulation of Bids Received
on August 11, 2009 at 2:45 p.m.
for Liquid Fluoride

Description	BIDDERS	
	Pencco Inc. San Felipe, TX	Harcros Chemicals Dallas
Per Wet Pound Price	\$0.3840	\$0.4000
Delivery within 48 hours?	No	No
Exceptions?	No	Yes
Credit Check Authorization	Yes	Yes

Memo 2008-2009 Contracted Prices
\$0.03168

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

Vendors who picked up the Invitation to Bid:

DPC Industries - Cleburne, Tx
Harcros Chemical - Houston
Lucier Chemical - Jacksonville Beach, FL
Midwest Supply & Distribution - Kansas City, MO
Pencco - San Felipe, TX
Prime Vendor - (Plan Room)
Thatcher Company - Salt Lake City, UT

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

Belinda Mattke

Belinda Mattke, Purchasing Agent

8/11/2009

Date

Tabulation of Bids Received
on August 11, 2009 at 2:30 p.m.
Liquid Chlorine

Description	Bidders	
	DPC Industries Cleburne, TX	Altivia Corporation Houston
Liquid Chlorine per ton	\$644.00	\$670.00
Delivery	Yes	Yes
Local Preference	No	No
Exceptions	Yes	No
Credit Check Authorization	Yes	Yes

Memo 2008-2009 Contracted Prices
\$539.00

Vendors who picked up the Invitation to Bid:

Altivia - Houston, Texas
DPC Industries - Houston, Texas
Harcros Chemical - Dallas, Texas
Prime Vendor - (Planroom)

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

Belinda Mattke

Belinda Mattke, Director of Purchasing

11-Aug-09

Date

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

Tabulation of Bids Received
on August 11, 2009 at 3:00 p.m.
Liquid Ammonium Sulfate

	Bidders	
	General Chemical Parsippany, NJ	Altivia Corp Houston
Description		
Total Bid Price for Liquid Ammonium Sulfate per Pound	\$0.079	\$0.0745
Delivery	Yes	Yes
Exceptions	None	None
Local Preference	No	No
Credit Check Authorization	Yes	Yes

Memo 2008-2009 Contracted Prices
\$0.123

Vendors who picked up the Invitation to Bid:

Altivia - Houston, TX
 BWI Schulenburg - Schulenburg, TX
 General Chemical - Parsippany, NJ
 Harcros Chemical - Houston, TX
 Kemira Water Solutions - Lawrence, KS
 Midwest Supply & Distribution - Kansas City, MO
 Prime Vendor - (Plan Room)

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

Belinda Mattke

11-Aug-09

Belinda Mattke, Director of Purchasing

Date

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO AN ANNUAL PURCHASE AGREEMENT FOR THE PURCHASE OF LIQUID CAUSTIC SODA WITH ALTIVIA CORPORATION OF HOUSTON, TEXAS, AT \$.3218/WET POUND, FOR AN ESTIMATED ANNUAL AMOUNT OF \$99,200; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 18, 2008, the City Council awarded an annual contract to Altivia Corporation of Houston, Texas, for the purchase of liquid caustic soda for the Water Treatment Plant – the bid provided for 4 additional one-year renewals and the Staff recommends extending the agreement for an additional one year term;

Whereas, on August 11, 2009, and September 15, 2009, the City received bids for additional chemicals for use at the Water Treatment Plant and the Staff recommends award of bids to 5 various vendors, as more fully described below;

Whereas, funds are available for these purchases in Account No. 520-5100-535-2118 and will be ordered on as “as needed” basis; 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 for the purchase of liquid caustic soda with Altivia Corporation of Houston, Texas, at \$.3218/wet pound, for an estimated annual expenditure of \$99,200.

Part 2: The City Council authorizes annual purchase agreements for FY2009-2010 for the purchase of chemicals for the Water Treatment Plant with the following companies:

- a. Polydyne, Inc., of Riceboro, Georgia, PolyDimethylidallylammonium Chloride, \$.40 per pound, and Clarifloc A-3310, \$1.30 per pound, estimated annual purchase of \$2,839;
- b. Altivia Corporation of Houston, Texas, Liquid Ammonium Sulfate, \$.0745 per pound, estimated annual purchase of \$101,844;
- c. Pencco, Inc., of San Felipe, Texas, Liquid Fluoride, \$.3840 per wet pound, estimated annual purchase of \$34,975;
- d. DPC Industries of Cleburne, Texas, Liquid Chlorine, \$644 per ton, estimated annual purchase of \$130,169; and
- e. Altivia Corporation of Houston, Texas, Alum & Copper without polymer, \$0.0765 per wet pound; Alum & Polymer with 2% copper, \$0.0695 per wet pound; Alum

& Polymer without copper, \$0.0585 per wet pound; and Aluminum Sufate, \$0.0490 per wet pound, estimated annual expenditure of \$585,563.

Part 3: 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 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 this the **1st** day of **October**, 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

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DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP for engineering services required to prepare Phase 2 of the Master Plan for Tax Increment Financing Reinvestment Zone No. 1 for ultimate build out to year 2022, for an amount not to exceed \$91,200.

STAFF RECOMMENDATION: Adopt resolution as presented in the item description.

ITEM SUMMARY: This project will consist of producing data, information and maps for potential growth and expansion within and adjacent to the Reinvestment Zone. Coordination efforts will occur between the City of Temple Legal Department and the Finance Department to determine the possibilities of growth and expansion. KPA will integrate information provided by the Legal Department and the Finance Department into the final document. The proposed timeline for the completion of the project is ninety (90) days from the notice to proceed. This schedule is dependent upon receivables from the City of Temple departments. If time frames are not met, the schedule may be delayed.

Exhibit C (attached with Engineer's Proposal) outlines rates charged for special or additional services authorized beyond the scope as described in the proposal.

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

- Explore new zone possibilities.
- Determine growth areas to include expanding the Reinvestment Zone, future large park sites (100 acres+), development of new areas for growth, defining property owners within growth areas and developing property cost tables for new growth areas.
- Determine rail growth possibilities to include intermodal sites (in conjunction with current contracts), rail park expansions, connections between UP and BNSF (in conjunction with current contracts). Patriot Rail will be consulted during this phase.

- Produce projected infrastructure requirements for the new growth areas to include thoroughfares, water improvements, wastewater improvements, drainage requirements, dry utilities and phasing and costs for the improvements.
- Airport development to include major distribution, corporate hubs, military use and general aviation.
- Completion of character zones for all existing parks and growth areas.
- Trail system development for all parks to include necessity, identification of features, phasing and costs, partner identification (McLane Group, McLane Company, Scott & White, Wal-Mart, HEB Distribution, GST).
- Research gateways and entrance features to include identification of possible locations, typical features, and phasing and costs.
- Explore possible future zone connections.
- Investigate future major transportation modes including TTC-35, high speed rail, commuter rail, IH-35 expansion.
- Coordinate and facilitate with the Legal and Financial Departments.
- Meet with the Legal and Financial Departments to collect information.
- Incorporate information gathered from Legal and Financial Departments.

Basic Services

Growth Areas	\$ 8,900
Rail Investigations	\$ 16,200
Infrastructure in Parks	\$ 12,400
Airport Investigations	\$ 2,800
Define Character Zones	\$ 8,200
Trail Systems	\$ 13,300
Gateways and Entrance Features	\$ 6,800
Future Zone Connections	\$ 3,800
Future Transportation Modes	\$ 6,300
Meet with City Staff	\$ 2,900
Incorporate City Staff Information	\$ 3,400
Production of Final Reports	\$ 6,200
Total Basic Services	<u>\$ 91,200</u>

The deliverables for the project shall be as follows:

- 1) 70% review sets. Three sets of the 70% review sets shall be delivered to the Project Manager designated for the City of Temple for distribution to staff. The City of Temple shall notify KPA when comments are ready and they shall be incorporated into the design.
- 2) 90% review sets. Three sets of the 90% sets shall be delivered to the Project Manager designated for the City of Temple for distribution to staff. The City of Temple shall notify KPA when comments are ready and they shall be incorporated into the design.

- 3) Final sets. Three sets of the final sets shall be delivered to the Project Manager designated for the City of Temple for distribution to staff. The City of Temple shall notify KPA when comments are ready and they shall be incorporated into the design. Once these comments have been incorporated into the sets, they shall be considered final and the project phase II shall be complete.
- 4) Final deliverables. After the project has been completed, KPA will deliver ten (10) sets of final documents to the City of Temple for distribution.

FISCAL IMPACT: Funding for this agreement is available within the Financing Plan of the Reinvestment Zone No. 1 in account 795-9500-531-2616.

ATTACHMENTS:

[Engineers' Proposal w/Exhibit C
Resolution](#)



KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS

Texas Firm F-510

RICK N. KASBERG, P.E.

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

THOMAS D. VALLE, P.E.

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

Georgetown
3613 Williams Drive, Suite 406
Georgetown, Texas 78628
(512) 819-9478

August 21, 2009

Mr. Bruce Butscher, P.E.
Director of Public Works
3210 E. Avenue H
Building A
Temple, Texas 76501

Re: City of Temple Reinvestment Zone #1
2022 Master Plan Phase II

Dear Mr. Butscher:

At the request of the City of Temple Reinvestment Zone, we were directed to prepare a proposal for the above referenced project. The project will prepare the second phase of a master plan for the Temple Reinvestment Zone for ultimate build out to year 2022.

This project will consist of producing data, information and maps for potential growth and expansion within and adjacent to the Reinvestment Zone. Coordination efforts will occur between the City of Temple Legal Department and the Finance Department to determine the possibilities of growth and expansion. KPA will integrate information provided by the Legal Department and the Finance Department into the final document. The proposed timeline for the completion of the project is ninety (90) days from the notice to proceed. This schedule is dependant upon receivables from the City of Temple departments. If time frames are not met the schedule may be delayed.

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

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

- Explore new zone possibilities
- Determine growth areas to include expanding the Reinvestment Zone, future large park sites (100 acres+), development of new areas for growth, defining property owners within growth areas and developing property cost tables for new growth areas.
- Determine rail growth possibilities to include intermodal sites (in conjunction with current contracts), rail park expansions, connections between UP and BNSF (in conjunction with current contracts) Patriot Rail will be consulted during this phase.

- Produce projected infrastructure requirements for the new growth areas to include thoroughfares, water improvements, wastewater improvements, drainage requirements, dry utilities and phasing and costs for the improvements.
- Airport development to include major distribution, corporate hubs, military use and general aviation.
- Completion of character zones for all existing parks and growth areas.
- Trail system development for all parks to include necessity, identification of features, phasing and costs, partner identification (McLane Group, McLane Company, Scott & White, Wal-Mart, HEB Distribution, GST).
- Research gateways and entrance features to include identification of possible locations, typical features and phasing and costs.
- Explore possible future zone connections
- Investigate future major transportation modes including TTC-35, high speed rail, commuter rail, IH-35 expansion
- Coordinate and facilitate with the Legal and Financial Departments.
- Meet with the Legal and Financial Departments to collect information.
- Incorporate information gathered from the Legal and Financial Departments.

Basic Services

Growth Areas	\$	8,900
Rail Investigations	\$	16,200
Infrastructure in Parks	\$	12,400
Airport Investigations	\$	2,800
Define Character Zones	\$	8,200
Trail Systems	\$	13,300
Gateways and Entrance Features	\$	6,800
Future Zone Connections	\$	3,800
Future Transportation Modes	\$	6,300
Meet with City Staff	\$	2,900
Incorporate City Staff Information	\$	3,400
Production of Final Reports	\$	6,200
Total Basic Services	\$	91,200

The deliverables for the project shall be as follows:

1. 70% review sets. Three sets of the 70% review sets shall be delivered to the Project Manager designated for the City of Temple for distribution to staff. The City of Temple shall notify KPA when comments are ready and they shall be incorporated into the design.
2. 90% review sets. Three sets of the 90% sets shall be delivered to the Project Manager designated for the City of Temple for distribution to staff. The City of Temple shall notify KPA when comments are ready and they shall be incorporated into the design.
3. Final sets. Three sets of the final sets shall be delivered to the Project Manager designated for the City of Temple for distribution to staff. The City of Temple shall notify KPA when comments are ready and they shall be incorporated into the design. Once these comments have been incorporated into the sets they shall be considered final and the project phase II shall be complete.
4. Final deliverables. After the project has been completed KPA will deliver 10 sets of final documents to the City of Temple for distribution.

Any requirements beyond the scope of deliverables as listed above shall be considered additional services and will be billed according to the rate table shown in Exhibit C.

We can complete all the tasks represented for the lump sum cost of \$91,200. We are available to discuss the scope of the project at your convenience. As always, we look forward to working with you on the project and to the enhancement that it will bring to the City of Temple.

Sincerely,



R. David Patrick, P.E., CFM

RDP/crc

EXHIBIT C

Charges for Additional Services

City of Temple Reinvestment Zone #1 2022 Master Plan

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TEMPLE, TEXAS, AND KASBERG, PATRICK & ASSOCIATES, L.P., FOR ENGINEERING SERVICES REQUIRED TO PREPARE THE SECOND PHASE OF A MASTER PLAN FOR THE CITY OF TEMPLE REINVESTMENT ZONE NO. 1 FOR ULTIMATE BUILD OUT TO YEAR 2022, WHICH ENTAILS PRODUCING DATA, INFORMATION AND MAPS FOR POTENTIAL GROWTH AND EXPANSION WITHIN AND ADJACENT TO THE REINVESTMENT ZONE, FOR A LUMP SUM AMOUNT OF \$91,200; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, at a meeting on September 23, 2009, the Reinvestment Zone No. One Board of Directors made the recommendation that the City Council authorize a professional services agreement with Kasberg, Patrick & Associates, LP, for engineering services required to prepare the second phase of a master plan for the City of Temple Reinvestment Zone No. One for ultimate build out to year 2022;

Whereas, the project will entail producing data, information and maps for potential growth and expansion with and adjacent to the Reinvestment Zone;

Whereas, Kasberg, Patrick & Associates, L.P., submitted a proposal for engineering services required for this project in the amount of \$91,200, and the Staff recommends accepting it;

Whereas, funds are available for this project in Account No. 795-9500-531-2616 within the Reinvestment Zone Financing Plan; 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, not to exceed \$91,200, between the City of Temple, Texas, and Kasberg, Patrick & Associates, L.P., after approval as to form by the City Attorney, for engineering services required to prepare the second phase of a master plan for the City of Temple Reinvestment Zone No. 1 for ultimate build out to the year 2022,

which entails producing data, information and maps for potential growth and expansion within and adjacent to the Reinvestment Zone.

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

PASSED AND APPROVED this the **1st** day of **October**, 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

10/01/09
Item #5(E)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: SECOND READING – Consider adopting ordinances:

1. setting out the civil service classifications and setting the number of positions in each classification in the Temple Fire Department; and
2. establishing assignment pay in the amount of \$200 per month for the assignment of Fire Marshal duties.

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

ITEM SUMMARY: (A) Chapter 143 of the Local Government Code requires that the Council establish, by ordinance, the classifications in the Police Department and the Fire Department. Previously, the Fire Marshal for the City has been a civilian position. Management desires to make the position a civil service position at the rank of Captain which will require Council to authorize an additional Captain position.

(B) Chapter 143 of the Local Government Code requires that the Council establish assignment pay by ordinance. The previous Fire Marshal was receiving approximately \$200 per month in certification pay related to Fire Marshal duties. Management desires to add an assignment pay of \$200 per month for the assignment of Fire Marshal in the Fire Department.

FISCAL IMPACT: Sufficient funding is available in the FY 2010 operating budget to cover these costs.

ATTACHMENTS:

[Ordinance for Classification](#)
[Ordinance for Assignment Pay](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, SETTING OUT THE CIVIL SERVICE CLASSIFICATIONS, SETTING OUT REQUIREMENTS FOR APPOINTMENT TO THE POSITIONS, AND SETTING OUT THE NUMBER OF POSITIONS IN EACH CLASSIFICATION IN THE TEMPLE FIRE DEPARTMENT AND TEMPLE POLICE DEPARTMENT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING AN OPEN MEETING CLAUSE; AND DECLARING AN EMERGENCY.

Whereas, Chapter 143 of the Local Government Code requires that the City Council establish, by ordinance, the classifications in the Police Department and the Fire Department;

Whereas, previously, the Fire Marshal for the City has been a civilian position, but the Staff recommends changing the position to a civil service position at the rank of Captain;

Whereas, the number of Captain positions needs to be increased from 22 to 23 for the Fire 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 ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:

Part 1: The City Council establishes the following *Classifications and the Number of Positions of Certified Firefighters and Classifications and the Number of Positions of Certified Police Officers* for civil service positions in the Police and Fire Departments.

CLASSIFICATIONS AND POSITIONS
OF CERTIFIED FIREFIGHTERS

I. UNCLASSIFIED POSITIONS

A. *FIRE CHIEF* - 1 Position

The Fire Chief is appointed by the City Manager. No person shall be eligible for appointment as Chief of the Fire Department who is not eligible for certification by the Commission on Fire Protection Personnel Standards and Education at the intermediate level, or its equivalent as determined by that Commission, and who has not served at least 5 years as a fully paid firefighter.

II. CLASSIFIED POSITIONS

A. *DEPUTY CHIEF* - 5 Positions

No person shall be eligible for appointment as a Deputy Chief who has not served continuously in the Department, as a Captain for at least 2 years. In addition to base pay every Deputy Chief having 5, 7, 9 or 15 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

B. *CAPTAIN* – 23 Positions

No person shall be eligible for appointment as a Captain who has not served continuously in the Department, as a Driver, for at least 2 years. In addition to base pay, every Captain having 3, 5, 7, 9 or 15 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

C. *DRIVER* - 27 Positions

No person shall be eligible for appointment as a Driver who has not served continuously in the Department, as a Fire Control and Rescue Officer, for at least 2 years. In addition to base pay every Driver having more than 3, 5, 7, 9 or 15 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

D. *FIRE CONTROL AND RESCUE OFFICER* - 53 Positions

No person shall be eligible for appointment as a Fire Control and Rescue Officer who does not meet all requirements necessary to become eligible for future classification by the Commission on Fire Protection Personnel Standards and Education. In addition to base pay every Fire Control and Rescue Officer having 1, 3, 5, 7, 9 and 15 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

CLASSIFICATIONS AND POSITIONS OF CERTIFIED POLICE OFFICERS

I. UNCLASSIFIED POSITIONS

A. *POLICE CHIEF* - 1 Position

The Police Chief is appointed by the City Manager. No person shall be eligible for appointment as Chief of the Police Department who is not eligible for certification by the Commission on Law Enforcement Standards and Education

at the intermediate level or its equivalent as determined by that Commission or who has not served as a bona fide law enforcement officer for at least 5 years.

B. *Deputy Chief* - 2 Positions

No person shall be eligible for appointment as a Deputy Chief who has not served as a Lieutenant or continuously served for a minimum of 2 years as a Sergeant in the Department.

II. CLASSIFIED POSITIONS

A. *LIEUTENANT* - 5 Positions

No person shall be eligible for appointment as a Lieutenant who has not served continuously as a Sergeant in the Department for at least 2 years. In addition to base pay every Lieutenant having more than 5, 8, 12, 16 or 20 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

B. *SERGEANT* – 16 Positions

No person shall be eligible for appointment as a Sergeant who has not served continuously as a Senior Police Officer in the Department for at least 2 years. In addition to base pay every Sergeant having more than 3, 6, 10, 15 or 20 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

C. *Corporal* - 16 Positions

No person shall be eligible for appointment as a Corporal who has not served continuously as a Police Officer in the Department for at least two years. In addition to base pay every officer who has 3, 6, 10, 15 or 20 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

D. *POLICE OFFICER* - 91 Positions

No person shall be eligible for appointment as a Probationary Police Officer who has not met the basic requirements for entrance into the Department. No person shall be eligible for a permanent appointment as a police officer who has not completed 1 year of satisfactory performance in the Department. In addition to base pay every police officer who has 1, 3, 6, 10, 15 or 20 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

Part 2: 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 3: 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 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 **17th** day of **September, 2009**.

PASSED AND APPROVED on Second Reading on the **1st** day of **October, 2009**.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, MAYOR

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, SETTING THE CONDITIONS FOR RECEIVING, AND SETTING THE AMOUNT OF CERTIFICATION PAY, EDUCATIONAL INCENTIVE PAY AND ASSIGNMENT PAY FOR CERTAIN FIREFIGHTERS; SUPERSEDING ALL PREVIOUS ORDINANCES AND POLICIES RELATING TO CERTIFICATION, ASSIGNMENT AND INCENTIVE PAY IN THE FIRE DEPARTMENT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, Section 143 of the Local Government Code provides that a city may make provisions for paying certification pay, educational incentive pay, and assignment pay to Firefighters under certain conditions;

WHEREAS, the Fire Chief recommends certification pay for Firefighters who have received certification from Texas Department of Health and Texas Commission on Fire Protection, educational incentive pay, and assignment pay for Fire Marshal duties;

WHEREAS, the 2009-2010 fiscal budget for the fire department appropriated funds for this purpose; and

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

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

Part 1: This ordinance authorizes the payment of certain types of certification pay, educational incentive pay, and assignment pay to certified firefighters in the Fire Department subject to the availability of funds appropriated by the City Council for that purpose. This ordinance supersedes previous ordinances and policies relating to certification, assignment and incentive pay in the Fire Department whether or not formally adopted by the City Council.

Part 2: Certification Pay. The City of Temple adopts the policy of providing certification pay to Firefighters under certain conditions contained herein, subject to the availability of funds appropriated by the City Council for that purpose. The Fire Chief shall submit a personnel action form and a copy of the certification to the Human Resources Department when a firefighter qualifies for certification pay. Certification pay will begin on the first pay period following receipt of this documentation in the Human Resources Department. Certification pay is in addition to the regular pay received by a

member of the fire department. Probationary employees are eligible to receive certification pay.

A. Texas Commission on Fire Protection Certification. Firefighters who meet the requirements for certification established by the Texas Commission on Fire Protection are eligible to receive \$25 per month for an Intermediate Firefighter Certification, \$50 per month for an Advanced Firefighter Certification, or \$75 per month for a Master Firefighter Certification.

B. Texas Department of State Health Services Certification. Firefighters who meet the requirements for certification established by the Texas Department of State Health Services are eligible to receive \$50 per month for EMT Grade I certification, \$60 per month for EMT Grade II certification, and 12% of base pay of Fire Control and Rescue Officer Step 2.

Part 3: Educational Incentive Pay.

A. The City of Temple adopts the policy of providing educational incentive pay to firefighters under certain conditions contained herein, and to the extent that funds have been appropriated by the City Council for that purpose. To be eligible for educational incentive pay, a firefighter must have completed a minimum of thirty semester hours with a grade of "C-" or better at an accredited college or university. An "accredited college or university" is an institution of higher education that is accredited by its state education department and by either the Southern Association of Colleges and Schools or a similar regional Association.

B. Firefighters without a college degree are eligible to receive \$2.00 a month for every 3 semester hours with a grade of "C-" or above (minimum of thirty semester hours). Firefighters who have 40 college hours are eligible to receive \$40 per month. Firefighters who have 60 college hours are eligible to receive \$60 per month. Firefighters who have 120 college hours are eligible to receive \$100 per month. This is the maximum amount to be paid for educational incentive pay.

C. The Fire Chief shall submit a personnel action form and the employee's official certified transcript to the Human Resources Department when a firefighter qualifies for educational incentive pay. Educational incentive pay will begin on the first pay period following receipt of this documentation in the Human Resources Department. Probationary employees are not eligible to receive educational incentive pay.

Part 4: Fire Marshal Assignment Pay. The City of Temple adopts the policy of providing assignment pay to the Captain who is assigned Fire Marshal duties under conditions contained herein, subject to the availability of funds appropriated by the City Council for that purpose. The Fire Chief must appoint a Captain who holds a TCLEOSE certified basic peace officer license. Additionally, the Captain assigned Fire Marshal duties shall be required to possess an Advanced (minimum) Arson Investigator certification, as well as a Basic (minimum) Fire Inspector certification from the Texas Commission on Fire Protection.

The Fire Chief shall promptly notify the Human Resources Department, by personnel action form, of the Fire Captain appointed to, or removed from, the Fire Marshal assignment. The Fire Captain who is assigned the Fire Marshal duties shall be eligible to receive as an assignment pay the sum of \$200 per month, or a prorated percentage thereof for less than a full month. Assignment pay for Fire Marshal duties is in addition to the regular pay received by a member of the fire department.

Part 5: Severability. That 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 revision or application, and to this end the provisions of this ordinance are declared to be severable.

Part 6: Effective Date. That this ordinance shall take effect on October 2, 2009, in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 7: Open Meetings Clause. That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading on the **17th** day of **September**, 2009.

PASSED AND APPROVED on Second and Final Reading on the **1st** day of **October**, 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

10/01/09
Item #5(F)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Gary Smith, Chief of Police

ITEM DESCRIPTION: Consider adopting a resolution authorizing the transfer of funds from the Child Safety Fees-Bell County to the Temple Police Department's Overtime Account in the amount of \$2,700 for FY 2009-2010.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Police Department requests that money be transferred from the Child Safety account to the Police Department's personnel overtime account to fund a child safety program of traffic control and direction on FM 2305 at Lakewood Elementary School. Our services will be needed only until they place a traffic light in that area. Texas Department of Transportation's estimated time of this traffic light is November 20, 2009, at the earliest. The amount requested will fund the traffic control until the end of December 2009.

FISCAL IMPACT: A budget adjustment is presented for Council's approval appropriating \$2,700 for FY 2009-2010 from the Child Safety Fees collected by the County on behalf of the City, account 110-0000-452-0164, to the Police Department's personnel overtime account 110-2000-521-11-19. The City currently has \$153,762 available in child safety fees. If funding is approved for the child safety program described above, there will be a remaining balance of \$151,062.

ATTACHMENTS:

Budget Adjustment
Resolution

FY **2010**

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	
110-0000-452-01-64		Child Safety Fee Revenue	\$ 2,700		
110-2000-521-11-19		Police Overtime	2,700		
TOTAL.....			\$ 5,400	\$ -	

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

To appropriate Child Safety fee funds for Police Overtime associated with providing traffic control and direction on State Highway 2305 at Lakewood Elementary School. Per TxDot, a traffic signal will be installed in November 2009. Once the signal is operational, traffic control and direction assistance will no longer need to be provided by the Police department.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

10/1/2009

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐
☐

Approved

Disapproved

Finance

Date

☐
☐

Approved

Disapproved

City Manager

Date

☐
☐

Approved

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, PROVIDING FUNDING FROM THE CHILD SAFETY FEES-BELL COUNTY TO BE TRANSFERRED TO THE TEMPLE POLICE DEPARTMENT'S OVERTIME ACCOUNT IN THE AMOUNT OF \$2,700 FOR FY2009-2010 FOR TRAFFIC CONTROL AND DIRECTION ON STATE HIGHWAY 2305 AT LAKEWOOD ELEMENTARY SCHOOL; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple receives an annual allocation of child safety fees from Bell County that are collected on every vehicle registered in Bell County;

Whereas, these funds must be used for programs such as school crossing guards, child safety, health or nutrition, child abuse prevention and intervention and drug and alcohol abuse prevention;

Whereas, from those funds, the Police Department requests that money be transferred to the Police overtime account to fund a child safety program of traffic control and direction on State Highway 2305 at Lakewood Elementary School;

Whereas, an amendment to the FY2009-2010 budget needs to be approved to transfer the funds to the appropriate expenditure account; and

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

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

Part 1: The City Council approves providing funding from the Child Safety Fees-Bell County to be transferred to the Temple Police Department's overtime account in the amount of \$2,700 for FY2009-2010 for traffic control and direction on State Highway 2305 at Lakewood Elementary School.

Part 2: The City Council approves an amendment to the FY2009-2010 budget, substantially in the form of the copy attached as Exhibit A, for this purpose.

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

PASSED AND APPROVED this the **1st** day of **October**, 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

10/01/09
Item #5(G)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney
Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution extending a rebate program for a portion of franchise fees paid by high volume gas purchasers within the City limits.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In 2003, the City Council adopted a resolution creating a rebate program that rebates a portion of the franchise fee that high volume users of natural gas within the City pay the City through their gas purchases. That policy was adopted due to the impact on large volume gas purchasers of changes made by the City to its existing franchise agreement with TXU Gas Company (that franchise has now been acquired by ATMOS Energy). The two changes removed a cap on gas purchases that previously limited the gas franchise fee to the first 1,000 mcf of gas purchased by a customer, and the second change included both the purchase price of gas and the transportation cost of gas in the franchise fee calculation.

The rebate program adopted in 2003 provided a rebate to large volume users of natural gas by rebating a portion of the franchise fee on gas purchases in excess of 6,000 mcf per meter per month. The percentage rebated under the 2003 rebate began at 87.5% of the franchise fee for gas purchased in calendar years 2002 & 2003 and reduced the percentage rebated over the next five years so that the percentage abated for gas purchased in calendar year 2008 was 12.5% of the franchise fee paid on purchases in excess of 6,000 mcf per month.

The Staff has been approached by representatives of Wilsonart International about extending the rebate program. Wilsonart is the largest purchaser of natural gas in the City by a significant margin. In recent years, only Wilsonart has chosen to pursue a rebate of franchise fees for their gas purchases. The policy adopted in 2003 specifically mentioned that the City Council would have the option to extend the rebate program.

After reviewing the request and analyzing natural gas prices the past few years, the Staff recommends extending the rebate program for natural gas purchased in calendar years 2009 and 2010 to provide for a rebate of 12.5% of the franchise fee paid on gas purchasers in excess of 6,000 mcf per meter month. In other respects, the program retains the process and elements of the rebate policy adopted in 2003 (e.g., the rebate has to be applied for between March 1 and March 31 of the

year following the year for which the rebate applies). If adopted by the City Council, an applicant for a rebate on franchise fees paid in 2009 would have to apply between March 1 and March 31, 2010 for the franchise fees they paid in 2009.

FISCAL IMPACT: In FY 2009, the City rebated \$26,590.35 to Wilsonart International for calendar year 2008 usage.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, EXTENDING A REBATE PROGRAM FOR A PORTION OF FRANCHISE FEES PAID BY HIGH VOLUME GAS PURCHASERS WITHIN THE CITY LIMITS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on February 20, 2003, the City Council passed Resolution No. 2003-3632-R which established a rebate program for a portion of franchise fees paid by high volume gas purchasers in the City of Temple;

Whereas, the rebate program provided a rebate to large volume users of natural gas by rebating a portion of the franchise fee on gas purchases in excess of 6,000 mcf per meter per month – the percentage rebated under the 2003 rebate began at 87.5% of the franchise fee for gas purchased in calendar years 2002 & 2003 and reduced the percentage rebated over the next five years so that the percentage abated for gas purchased in calendar year 2008 was 12.5% of the franchise fee paid on purchases in excess of 6,000 mcf per month;

Whereas, the policy adopted in 2003 specifically mentioned that the City Council would have the option to extend the rebate program – the City received a request from the largest purchaser of natural gas in the City by a significant margin to extend the rebate program; and

Whereas, after reviewing the request and analyzing natural gas prices the past few years, the Staff recommends extending the rebate program for natural gas purchased in calendar years 2009 and 2010 to provide for a rebate of 12.5% of the franchise fee paid on gas purchasers in excess of 6,000 mcf per meter month. In other respects, the program retains the process and elements of the rebate policy adopted in 2003 (e.g., the rebate has to be applied for between March 1 and March 31 of the year following the year for which the rebate applies);

Whereas, an applicant for a rebate on franchise fees paid in 2009 would have to apply between March 1 and March 31, 2010 for the franchise fees they paid in 2009; 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 extending the rebate program for natural gas purchased in calendar years 2009 and 2010 to provide for a rebate of 12.5% of the franchise fee paid on gas purchasers in excess of 6,000 mcf per meter month. The rebate has to be applied for between March 1 and March 31 of the year following the year for which the rebate applies.

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

PASSED AND APPROVED this the 1st day of **October**, 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

10/01/09
Item #5(H)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Consider adopting a resolution designating the *Temple Daily Telegram* as the official newspaper for the City for fiscal year 2009-2010, in accordance with Section 4.20 of the Charter of the City of Temple.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Section 4.20 of the City Charter requires the City to designate an official newspaper for the publication of City ordinances, legal descriptions, and notices for each fiscal year, and enter into a contract with the designated paper. The proposed resolution will accomplish this Charter requirement.

Reference: City Charter

Section 4.20 OFFICIAL CONTRACT FOR PUBLISHING: The City Council shall, as soon as practicable after the commencement of each fiscal year, enter into a contract with a public newspaper in the City as the official paper thereof, and to continue as such until another is selected, and shall cause to be published therein all ordinances, notices and other matters required by this Charter or by the ordinances of the City to be published

FISCAL IMPACT: N/A

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, DESIGNATING THE *TEMPLE DAILY TELEGRAM* AS THE OFFICIAL NEWSPAPER FOR THE CITY OF TEMPLE FOR FISCAL YEAR 2009-2010, AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH THE *TEMPLE DAILY TELEGRAM*; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Section 4.20 of the Charter requires the City to designate an official newspaper for the publication of City ordinances, legal descriptions, and notices for each fiscal year and to enter into a contract with the designated paper; and

Whereas, the City Council has considered the matter and deems the *Temple Daily Telegram* as the newspaper of most general circulation in Temple.

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

Part 1: The City Council designates the *Temple Daily Telegram* as the official newspaper for the City of Temple for fiscal year 2009-2010.

Part 2: The City Manager, or his designee, is authorized to execute a contract with the *Temple Daily Telegram*, after approval as to form by the City Attorney, affirming the designation of the *Temple Daily Telegram* as the City's official newspaper.

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

PASSED AND APPROVED this the 1st day of **October**, 2009.

TEMPLE DAILY TELEGRAM

THE CITY OF TEMPLE, TEXAS

ANYSE SUE MAYBORN

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/01/09
Item #5(I)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing Specialized Public Finance Inc. to prepare Official Statements to proceed with the issuance of General Obligation Bonds, Series 2009 for the construction of a Central Fire Station, Fire Station # 8 to include a Training Center and Emergency Operations Center, and the purchase of three fire engines and the issuance of General Obligation Refunding Bonds, Series 2009.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to authorize Specialized Public Finance Inc. (SPFI) prepare the Official Statements (OS) prior to the sale of General Obligation Bonds. The OS will be used by the bond rating agencies, Moody's Investor Services and Standard & Poor's, to assign a credit rating to the bond issues. Potential bond investors will also utilize the OS to become familiar with the City of Temple's economic and financial position and credit quality.

General Obligation Bonds, Series 2009: In May 2008, the citizens of Temple approved the issuance of GO Bonds in the amount of \$13,995,000 for the construction of Central Fire Station, Fire Station #8 and fire engine, Training Center/Emergency Operation Center (EOC) and replacement of Fire Engine #1 and #4. On November 19, 2009, a contract for construction of the Central Fire Station is scheduled to be presented to Council for approval. The bond sale and award will be scheduled to align with the award of the contract for construction.

General Obligation Refunding Bonds, Series 2009: Combining current bond market conditions and the structure of two outstanding debt issues, refunding opportunities exist. The issues to be refunded are \$3,800,000 par value of Certificates of Obligation, Series 2000 and \$10,625,000 par value of Combination Tax and Revenue Certificates of Obligation (Tax Increment Financing Bonds), Series 2008.

FISCAL IMPACT:

General Obligation Bonds, Series 2009: The FY 2010 tax rate adopted on September 3, 2009, included an additional 1.5¢ to cover the additional cost for debt service associated with the bonds.

General Obligation Refunding Bonds, Series 2009: The net present value savings for the 2000 CO Issue is approximately \$342,266 or \$48,000 per year. The net present value savings for the 2008 CO Issue is approximately \$701,280 or \$70,000 per year.

ATTACHMENTS:

[Timeline of Events – Competitive Sale
Resolution](#)



City of Temple, Texas
\$13,990,000 General Obligation Bonds, Series 2009 (“GOs”)
General Obligation Refunding Bonds, Series 2009 (“GOs”)*

Timeline of Events – Competitive Sale

Thursday, October 1, 2009**	The City Council considers authorizing SPFI to begin preparation of offering documents for sale.
Friday, October 16, 2009	SPFI makes application to the Rating Service(s) in order to obtain a rating(s) on the GOs. Application is made for municipal bond insurance to determine possible use of bond insurance.
Wednesday, November 4, 2009	Rating Agency Conference Call or Site Visit.
Thursday, November 12, 2009	The Official Statement is distributed to potential Bidders. Insurance premium(s) are received and reviewed. Rating(s) is received and published by SPFI.
Thursday, November 19, 2009**	<u>Sale</u> . The City Council will consider an Ordinance authorizing the issuance of the GOs and awarding them to the Purchaser(s).
Thursday, December 17, 2009	<u>Delivery Date</u> . The City receives funds from the Purchaser(s) of the GOs.

* Based on market and staff authorization to move forward.

** Official City Council Meeting.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING SPECIALIZED PUBLIC FINANCE, INC., TO PREPARE OFFICIAL STATEMENTS TO PROCEED WITH THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2009, FOR THE CONSTRUCTION OF A CENTRAL FIRE STATION, FIRE STATION #8, AND THE PURCHASE OF THREE FIRE ENGINES AND THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2009; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Staff recommends authorizing Specialized Public Finance, Inc., to prepare the Official Statements to proceed with the issuance of General Obligation Bonds, Series 2009, for the construction of a Central Fire Station, Fire Station #8, and the purchase of three fire engines and the issuance of General Obligation Refunding Bonds, Series 2009;

Whereas, the Official Statements will be used by the bond rating agencies of Moody's Investor Services and Standards & Poor's to assign a credit rating to the bond issues;

Whereas, potential bond investors will use the Official Statements to become familiar with the City of Temple's economic and financial position, as well as credit quality to acquire the bonds; 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 Specialized Public Finance, Inc., to prepare the Official Statement to proceed with the issuance of General Obligation Bonds, Series 2009, for construction of the Central Fire Station, Fire Station #8, and the purchase of three fire engines in the amount of approximately \$13,995,000.

Part 2: The City Council authorizes Specialized Public Finance, Inc., to prepare the Official Statement to proceed with the issuance of General Obligation Refunding Bonds, Series 2009, in the amount of approximately \$14,715,000.

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

PASSED AND APPROVED this the **1st** day of **October**, 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

10/01/09
Item #5(J)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kim Foutz, Assistant City Manager

ITEM DESCRIPTION: Consider adopting a resolution adopting the City of Temple Safe Routes to School Master Plan and authorizing submission of grant applications to support the Plan implementation.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Safe Routes to School (SRTS) program and funding was established by Congress in 2005. The SRTS program focuses on teaching children bicycle and pedestrian safety and encouraging bicycling and walking to school to promote a healthy lifestyle. In order to accomplish this, Congress distributed funds to each state based on school enrollment. Projects are funded through a statewide competitive process. These funds are used by communities and school districts to implement infrastructure and non-infrastructure projects. Eligible projects include, but are not limited to, sidewalks, crosswalks, pedestrian crossings, trails, bike routes and markings, paths, flashing lights, ramps, and removal of barriers. To be eligible, projects must be located within two miles of an elementary or middle school and within the corporate limits of the City of Temple. Each grant application may include up to \$500,000 in infrastructure investment and up to \$200,000 in engineering, surveying, and other associated costs.

In order to apply for this year's grant funding, the City must have prepared a Master Plan by September 28 and submitted it to the Waco Area TXDOT office for approval. Master Plan development is an extensive process that includes: surveying and documenting existing conditions at each school; committee work, stakeholder identification and coordination; surveys of principals, students, teachers; engineering; documentation of current usage by category; and preparation of an education, enforcement, encouragement, and evaluation plan. The City has submitted this plan and is awaiting approval.

Staff is currently preparing two grant applications, one for Lakewood Elementary (BISD) and one for Bonham Middle School (TISD). Both of the schools were selected based on 1) the data collected through on-site and off-site analyses; 2) data provided by the school districts; and 3) engineer recommendations associated with safety. The deadline for submittal of grant applications is November 30. BSP Beach-Sulak Engineers is providing the preliminary engineering necessary for the application.

FISCAL IMPACT: Safe Routes to School is a 100% federally funded cost-reimbursement program, with no matching funds required.

ATTACHMENTS:

A copy of the Master Plan is available for review in the City Manager's office

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ADOPTING A SAFE ROUTES TO SCHOOL MASTER PLAN AND APPROVING APPLICATION FOR GRANTS; ACCEPTING ANY FUNDS THAT MAY BE RECEIVED THROUGH THIS GRANT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, there is a need to provide options that allow children to walk and bicycle to school safely, and Safe Routes to School (SRTS) programs can address these challenges through a coordinated master plan;

Whereas, childhood obesity is a problem for many children in Temple and a lack of physical activity plays a leading role in this and other health issues among children;

Whereas, an effective, efficient, and safe transportation system that includes pedestrian facilities expands transportation options for the citizenry;

Whereas, Safe Routes to School programs use a variety of education, engineering, evaluation, and enforcement strategies that help make routes safer for children to walk and bicycle to school and encourage strategies to entice more children to walk and bicycle;

Whereas, the Safe Routes to School program provides the opportunity for a grant of up to \$100,000 to provide education, encouragement, enforcement, and evaluation, and a grant of up to \$500,000 (plus engineering costs) to support engineering (infrastructure) projects that will increase the number of children who bike and walk to school based upon the City's SRTS Plan;

Whereas, the Safe Routes to School program is fully supported by federal funds and requires no local match;

Whereas, a coordinated effort has taken place in which the City of Temple, Temple Independent School District, Belton Independent School District, Tembell Wellness Coalition, Scott and White Cycling Club, SRTS subcommittee and other stakeholders participated in the development of the Plan;

Whereas, the City of Temple, Temple Independent School District, and Belton Independent School District anticipate a continuing Safe Routes to School Program in the community, supported by additional grant applications and funds in future years;

Whereas, the proposed City of Temple Safe Routes to School Plan conforms to standards and principles of the national and state Safe Routes to School Program and criteria;

Whereas, a non-infrastructure grant application is under development for Lakewood Elementary School and Bonham Middle School; 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 supports and adopts the City of Temple Safe Routes to School Master Plan.

Part 2: The City Council supports the grant application for Safe Routes to School grants for non-infrastructure and infrastructure improvements to support the Plan implementation, and accepts any funds that may be received for this grant.

Part 3: 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 grant

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 this the 1st day of **October**, 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

10/01/09
Item #5(K)
Consent Agenda
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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 \$28,968.

ATTACHMENTS:

[Budget amendments
Resolution](#)

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2009 BUDGET
October 1, 2009

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
110-2000-521-2333		Auto & Equipment (Fleet Services)	\$ 712	
110-0000-461-0554		Insurance Claims		\$ 712
Reimbursement for vehicles repairs from accident on 07/29/2009.				
110-2000-521-2533		DARE CJD Exp (Police)	\$ 9,510	
110-0000-442-0723		DARE Donations - Unrestricted		\$ 9,510
Donations throughout FY 2009 that were allocated to DARE/GREAT only.				
110-3400-531-2516		Judgments & Damages (Street)	\$ 239	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 239
Final settlement of claim filed against the City by Spartan Adjusting Company seeking subrogation for payment of a claim to Frederick Johnson to repair damage to his vehicle after a plastic barricade flew out of the back of a City truck and hit his vehicle at Case Road and Loop 363 in October 2008.				
260-3200-551-2110		Office Supplies (Parks)	\$ 11,000	
260-0000-431-0163		Federal Grants		\$ 11,000
To appropriate funds received from TISD for additional supplies for summer camps. The additional funds will increase our grant amount to \$45,723.				
260-4000-555-2522		Micro Film/Audio Visual	\$ 511	
260-4000-555-2210		Furniture & Fixtures		\$ 231
260-4000-555-2225		Books & Periodicals		\$ 117
260-0000-490-2582		Transfer In - General Fund		\$ 163
110-9100-591-8160		Transfer Out - Grant Fund	\$ 163	
110-4000-555-2522		Micro Film/Audio Visual		\$ 163
Costs for microfilming Temple Telegram were higher than forecasted since we had to estimate the number of pages to be filmed. For that reason money was saved in the equivalent General Fund line item to cover the difference.				
260-6000-515-2616		Professional (Finance)	\$ 6,833	
260-6000-515-6532		Contingency		\$ 6,833
To move funds to the professional account to cover the remaining administrative fees for the CDBG Recovery Act (Stimulus) funds may be used to cover any additional administrative fees over the 10%. Additional administrative funds are set aside in the contingency account.				
TOTAL AMENDMENTS			\$ 28,968	\$ 28,968
GENERAL FUND				
Beginning Contingency Balance			\$	-
Added to Contingency Sweep Account			\$	-
Carry forward from Prior Year			\$	-
Taken From Contingency			\$	-
Net Balance of Contingency Account			\$	-

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2009 BUDGET
October 1, 2009

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		Beginning Judgments & Damages Contingency	\$	70,000
		Added to Contingency Judgments & Damages from Council Contingency	\$	40,000
		Taken From Judgments & Damages	\$	(109,657)
		Net Balance of Judgments & Damages Contingency Account	\$	343
		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	\$	(184,700)
		Net Balance of Compensation Contingency Account	\$	-
		Net Balance Council Contingency	\$	5,196
		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
		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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2009 BUDGET
October 1, 2009

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		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 1st day of **October**, 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

10/01/09
Item #6
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DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: THIRD READING – PUBLIC HEARING: 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 third and final reading.

ITEM SUMMARY:

Revision from first two readings: I have amended the ordinance to clarify the section about setting rates (Section 12) and the compensation section of the franchise agreement (Section 13). In Section 12, I have reserved the right of the City to review and approve rates for his services on any job that involve setting or hauling solid waste containers. Section 13 on Compensation was revised in part as follows:

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 **includes the entire amount billed to a customer and received by Grantee from a customer for a services that include in whole or part the setting of solid waste containers within the City limits, or the hauling of such solid waste containers on City Streets, but** does not include any amounts passed through by Grantee to his customers for tipping fees at the landfill **or charges for services that do not involve the setting of solid waste containers or the hauling of solid waste in those containers within the City limits. Nor does gross receipts includes payments received by Grantee from customers for services performed entirely outside the City limits.** 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.

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 have published of an ordinance summary in the newspaper. This item is on the regular agenda for 3rd and final 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](#)

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;

- (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; and
- (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 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. The monthly financial reports may be in the form of a Balance Sheet generated by financial software such as QuickBooks. Once annual tax statements are prepared, and certified by a public account, a copy of such shall be made available to the City.
- (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. Grantor reserves the right to approve rates set by Grantee

for services which includes in whole or part the setting of solid waste containers within the City limits, or the hauling of such solid waste containers on City streets. 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 includes the entire amount billed to a customer and received by Grantee from a customer for a services that include in whole or part the setting of solid waste containers within the City limits, or the hauling of such solid waste containers on City Streets, but does not include any amounts passed through by Grantee to his customers for tipping fees at the landfill or charges for services that do not involve the setting of solid waste containers or the hauling of solid waste in those containers within the City limits. Nor does gross receipts includes payments received by Grantee from customers for services performed entirely outside the City limits. 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, unless such loss or injury is solely due to the negligence of the City. 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) Public Liability Bodily Injury \$250,000 single/\$500,000 total;
- (2) Public Liability Property Damage \$100,000 each occurrence; and
- (3) Automotive Public Liability and Bodily Injury \$250,000 single/\$500,000 total and Property Damage \$100,000.

Grantee shall furnish Grantor with evidence of such insurance in a form satisfactory to Grantor, and have Grantor named as an additional insured on its liability insurance and such insurance certificates shall provide a waiver of subrogation in favor of Grantor.

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 3th 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

10/01/09
Item #7(A)&(B)
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-09-30 – Consider adopting an ordinance authoring a zoning change from:

- (A) General Retail (GR) to Neighborhood Service (NS) on Lots 1 and 2, Block 56 of Freeman Heights Addition located at 1415 West Avenue H and
- (B) Multiple-Family One (MF-1) to Neighborhood Service (NS) on Lots 5 and 6, Block 56 of Freeman Heights Addition located at 1403 West Avenue H.

P&Z COMMISSION RECOMMENDATION: At its September 22, 2009 meeting, the Planning and Zoning Commission voted 8/0 in accordance with staff recommendation to recommend approval of a zone change from GR and MF-1 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. Public facilities serve the property.

Commissioner Pope 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 October 15, 2009.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-09-30, from the Planning and Zoning meeting, September 21, 2009. The purpose of this rezoning is two-fold: (1) To make the zoning of Mr. Hajda's property consistent with a previously approved NS rezoning for an adjacent lot that Mr. Hajda also owns and plans for a flower shop and (2) To rezone Mr. Motz's property to NS to bring the use of his property as a law office into compliance with the permitted uses in the Zoning Ordinance.

The Commission did not raise any issues requiring additional staff attention.

Six notices were sent out. As of Wednesday, Sept. 16 at 5 PM, two notices were returned in favor and none were returned in opposition to the request. The newspaper printed notice of the public hearing on Sept. 11, 2009 in accordance with state law and local ordinance

FISCAL IMPACT: None

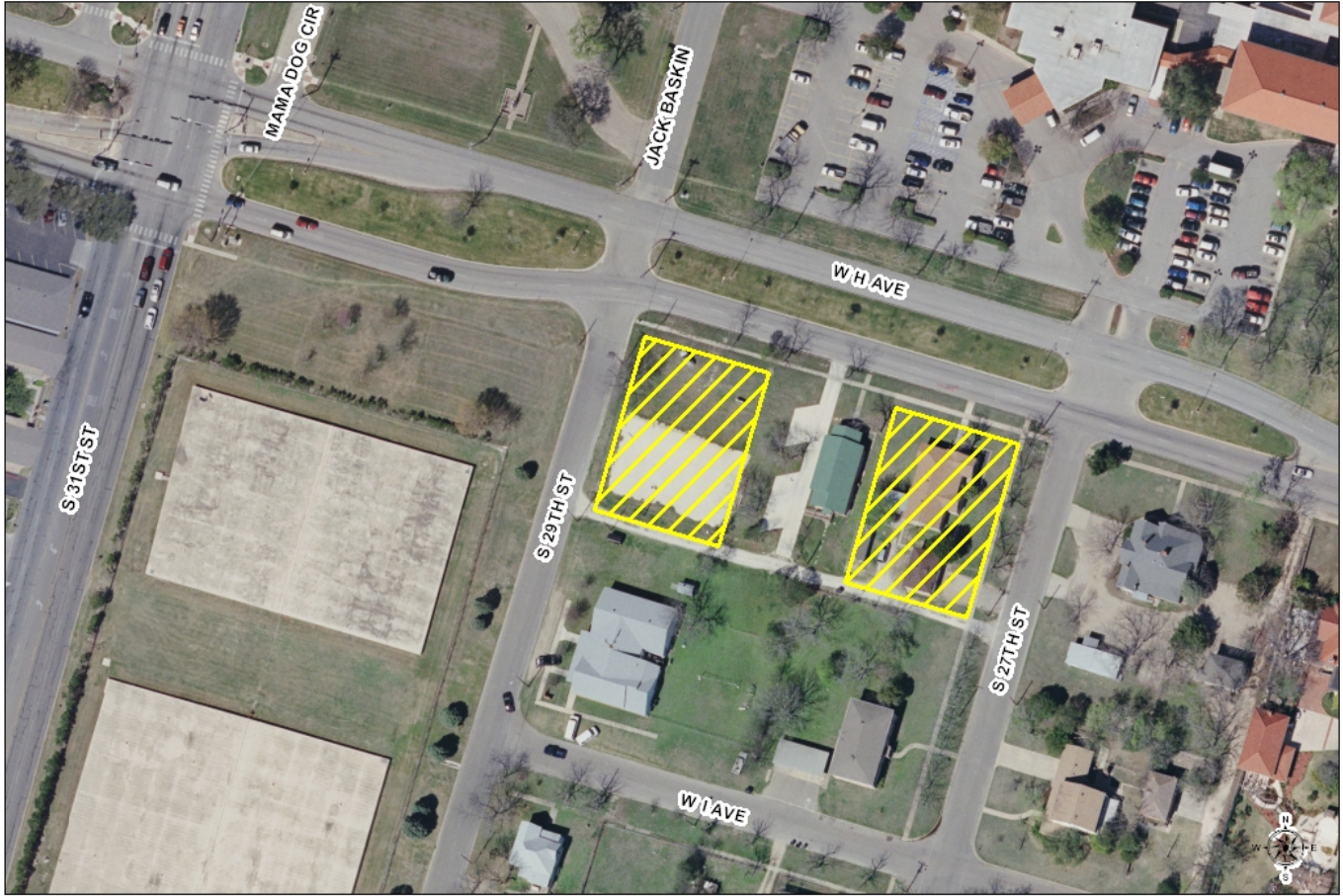
ATTACHMENTS:

Aerial
Land Use and Character Map
Zoning Map
Notice Map
P&Z Staff Report (Z-FY-09-30)
P&Z Minutes (September 21, 2009)
Ordinance



Z-FY-09-30 Lots 1, 2, 5 & 6, Block 56, Freeman Heights Addition

1403 & 1415 W Ave H



 ZFY0930

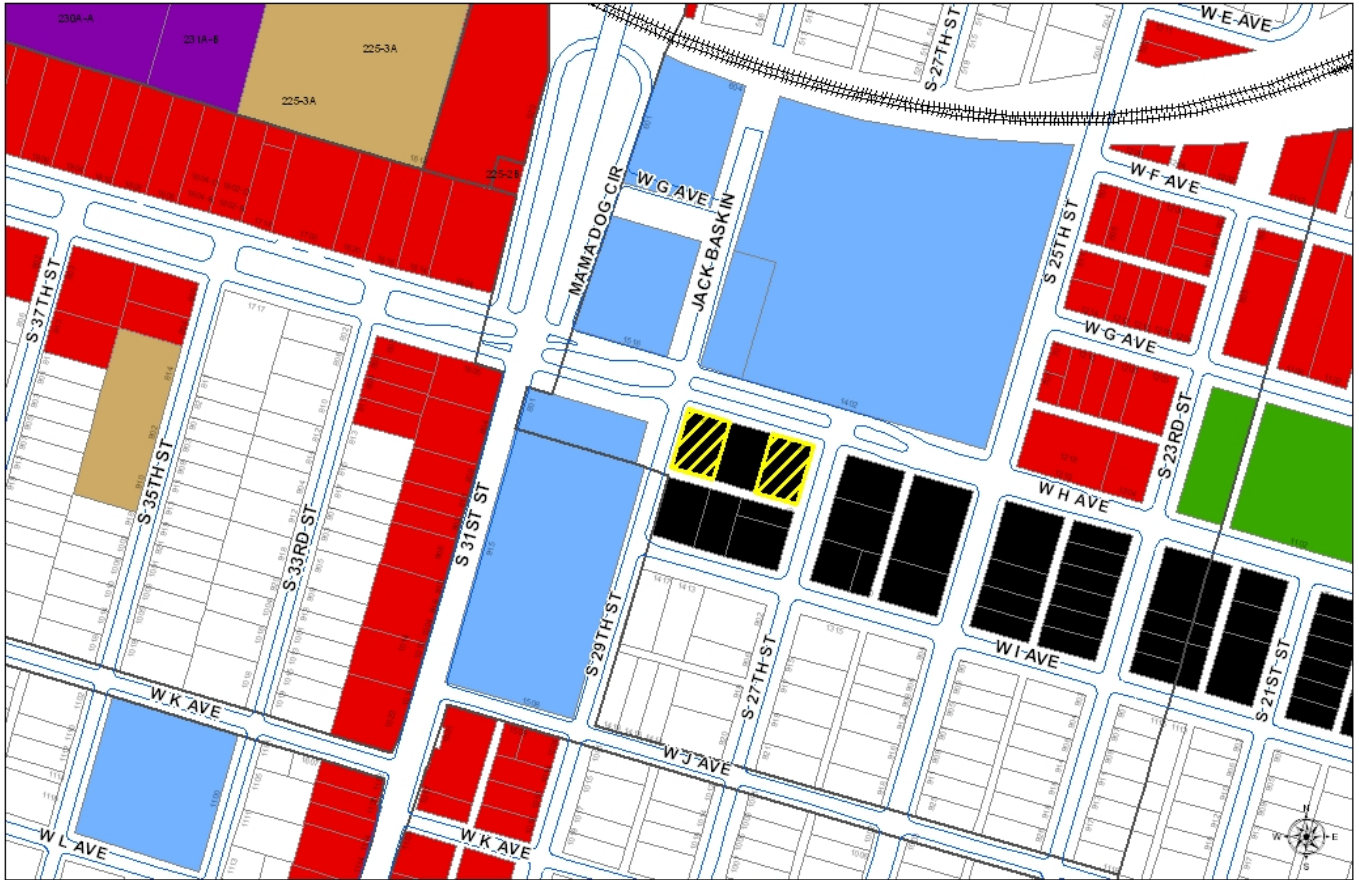
Feet
0 50 100
J Stone 9.1.9



Z-FY-09-30

Lots 1 & 2, Block 56, Freeman Heights Addition

1415 W Ave H



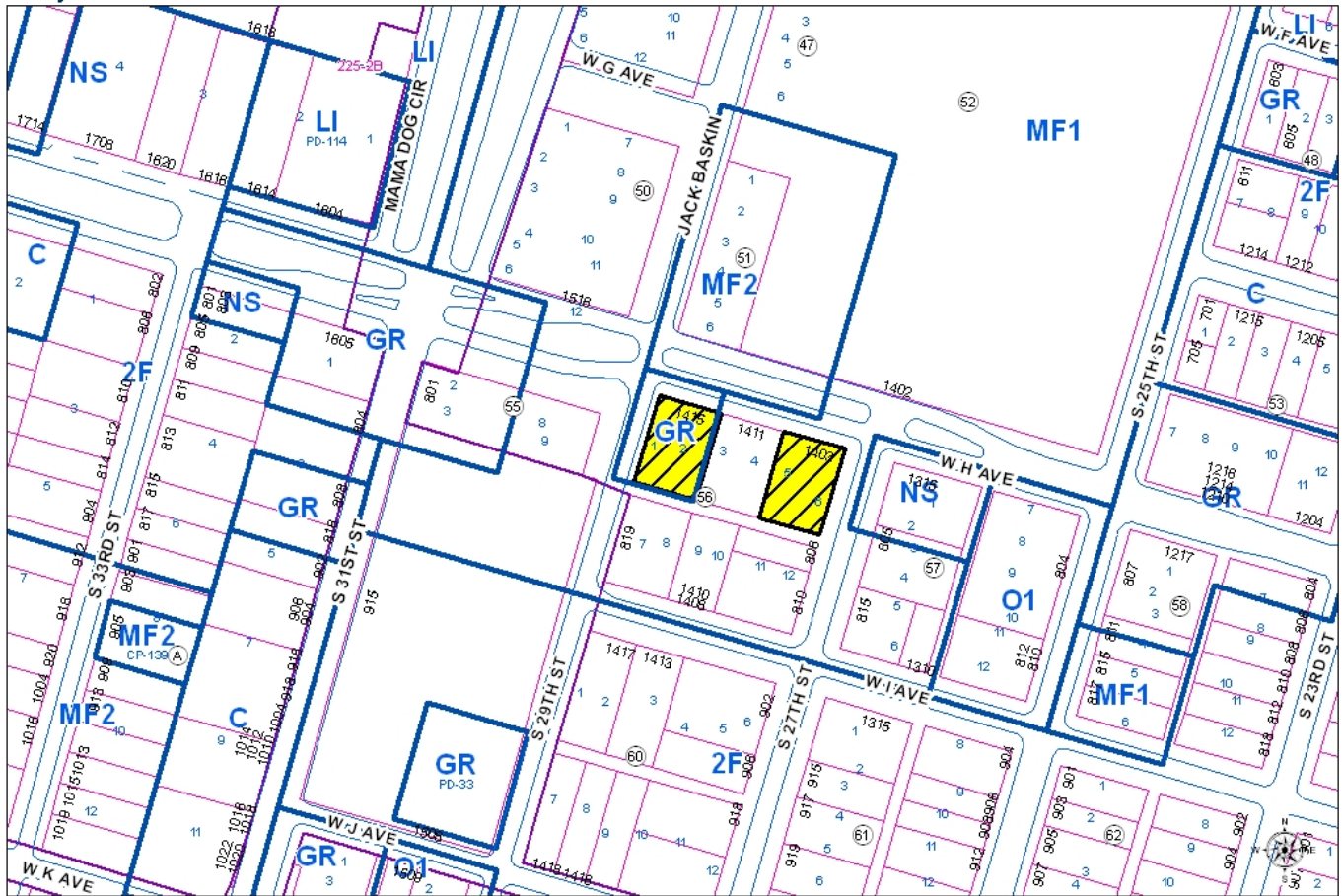
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|-----------------|---------------------------|-------------------------|-----------------------|-----------------------------------|----------------------|
| Temple Boundary | Neighborhood Conservation | Auto-urban Residential | Auto-Urban Commercial | Temple Medical Education District | Public/Institutional |
| ZFY0930 | Estate Residential | Auto-Urban Multi-Family | Suburban Commercial | Industrial | Parks and Open Space |
| | Suburban Residential | Auto-Urban Mixed Use | Urban Center | Business park | Agricultural/Rural |

1 inch = 300 feet
J Stone 9.15.9



Z-FY-09-30 Lots 1, 2, 5 & 6, Block 56, Freeman Heights Addition

1403 & 1415 W Ave H



 ZFY0930

Feet
0 50 100 150 200
J Stone 9.1.9



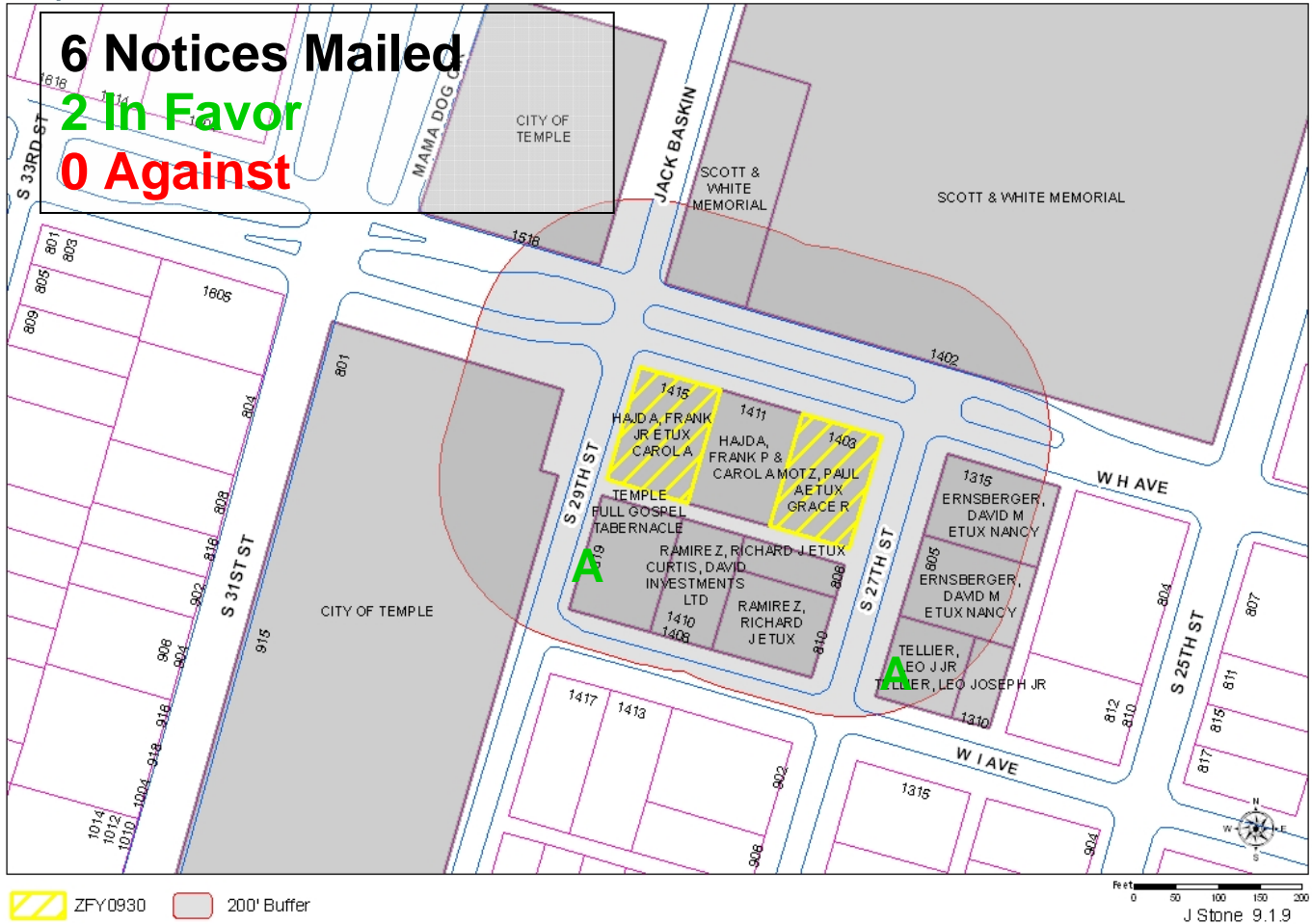
Z-FY-09-30 Lots 1, 2, 5 & 6, Block 56, Freeman Heights Addition

1403 & 1415 W Ave H

6 Notices Mailed

2 In Favor

0 Against





PLANNING AND ZONING COMMISSION AGENDA ITEM

09/21/09
Item #3
Regular Agenda
Page 1 of 4

APPLICANT / DEVELOPMENT: City of Temple for Frank Hajda and Paul Motz

CASE MANAGER: Brian Mabry, AICP, Senior Planner

ITEM DESCRIPTION: Z-FY-09-30 – Hold a public hearing to discuss and recommend action on a zoning district change from:

- a. General Retail (GR) to Neighborhood Service (NS) on Lots 1 and 2, Block 56 of Freeman Heights Addition located at 1415 W. Ave. H and
- b. Multiple-Family One (MF-1) to Neighborhood Service (NS) on Lots 5 and 6, Block 56 of Freeman Heights Addition located at 1403 W. Ave. H.


BACKGROUND: The purpose of this rezoning is two-fold: (1) To make the zoning of Mr. Hajda's property consistent with a previously approved NS rezoning for an adjacent lot that Mr. Hajda also owns and (2) To rezone Mr. Motz's property to NS to bring the use of his property as a law office into compliance with the permitted uses in the Zoning Ordinance.

At its August 17, 2009 meeting, the Planning and Zoning Commission recommended approval of a request to rezone Mr. Hajda's lot to the east of the subject property from MF-1 to NS for the purpose of establishing a flower shop. The City Council approved the request on first reading at its September 3, 2009 meeting. The City initiates this zone change from GR to NS so that the two lots that the flower shop is proposed to be built on will have identical zoning. The NS zoning district is the least intense zoning district that allows flower shops.






In conducting research for the August zone change case, City staff discovered that Mr. Motz's law office is on an MF-1 lot. Offices are not permitted in MF-1, but are permitted in NS.



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 A	GR (NS requested)	Vacant	

Double Sided

Direction	Zoning	Current Land Use	Photo
Subject Property B	MF1 (NS requested)	Office	
North of Subject Property A&B	MF1 & MF2	Hospital	
East of Subject Property A & West of Subject Property B	NS	Office	
East of Subject Property B	NS	Vacant Building	
South of Subject Property A	MF-1	Church	

Direction	Zoning	Current Land Use	Photo
South of Subject Property B	MF-1	Apartment Building	
West of Subject Property A	MF-1	Underground Water Storage	

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 properties 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.

Availability of Public Facilities

A six-inch sewer line and several water lines serve the subject properties.

Development Regulations

The purpose of the NS zoning district is to provide day-to-day retail and service needs for residential 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

Six notices were sent out. As of Wednesday, Sept. 16 at 5 PM, two notices were returned in favor and none were returned in opposition to the request. The newspaper printed notice of the public hearing on Sept. 11, 2009 in accordance with state law and local ordinance

STAFF RECOMMENDATION: Staff recommends approval of Z-FY-09-30, the zone change from the GR and 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. Public facilities serve the property.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Zoning Map
Land Use and Character Map
Aerial
Notice Map
Response Letters (if any)

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING**

MONDAY, SEPTEMBER 21, 2009

ACTION ITEMS

Item 3: Z-FY-09-30: Hold a public hearing to discuss and recommend action on a zoning district change from General Retail (GR) to Neighborhood Service (NS) on Lots 1 and 2, Block 56 of Freeman Heights Addition located at 1415 W. Ave. H and from Multiple-Family One (MF-1) to Neighborhood Service (NS) on Lots 5 and 6, Block 56 of Freeman Heights Addition located at 1403 W. Ave. H. Zoned GR and MF-1. (Applicant: City of Temple for Frank Hajda and Paul Motz)

Mr. Brian Mabry, Senior Planner, stated this case will go to City Council on October 1st and 15th for first and second reading, respectively. This involved two separate but related lots for clarification during Mr. Mabry's presentation of the subject property. Mr. Mabry stated the purpose of this rezoning initiated by the City is to make the zoning of this property consistent with the previously approved NS zoning on the adjacent lot. NS was approved at a previous meeting by P&Z and City Council and will need one more reading to become official.

Mr. Mabry stated the second purpose is to rezone the Motz property from MF1 to NS since the current use for "offices" is not permitted in MF1, which was discovered during the research of this case. The entire block would be NS if recommended for approval for rezoning by the P&Z Commission.

Mr. Mabry stated both properties are designated auto/urban commercial so the request for NS complied with the Future Land Use and Character Map; Avenue H is a major arterial and complied with the Thoroughfare Plan; and a 6" sewer and various water lines serve the properties which made public facilities available to serve the properties.

Mr. Mabry stated six notices were mailed for this request and two notices were returned in favor and zero were returned in opposition.

Mr. Mabry stated Staff recommended approval of this rezoning request from GR and MF1 to NS since it complied with the Future Land Use and Character Map, the Thoroughfare Plan and adequate facilities will serve the property.

Commissioner Barton asked about a church south of the property and asked if churches are normally MF1. Mr. Mabry stated in Temple churches are allowed in any zoning district just as schools. Mr. Mabry stated he knew of no instance where a church needed to apply for a rezoning.

Commissioner Barton asked when churches were designated MF1 and Mr. Mabry said he would have to research that information.

Mr. Mabry stated this was a public hearing and Chair Pilkington opened the public hearing for comment. There being no speakers Chair Pilkington closed the public hearing.

Vice-Chair Talley made a motion to approve this request and Commissioner Barton made a second.

Motion passed: (8/0)

Commissioner Pope absent

ORDINANCE NO. _____

[PLANNING NO. Z-FY-09-30]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM GENERAL RETAIL DISTRICT (GR) TO NEIGHBORHOOD SERVICE DISTRICT (NS) ON LOTS 1 AND 2, BLOCK 56 OF FREEMAN HEIGHTS ADDITION LOCATED AT 1415 WEST AVENUE H; AND FROM MULTIPLE-FAMILY ONE DISTRICT (MF-1) TO NEIGHBORHOOD SERVICE DISTRICT (NS) ON LOTS 5 AND 6, BLOCK 56 OF FREEMAN HEIGHTS ADDITION LOCATED AT 1403 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 General Retail District (GR) to Neighborhood Service District (NS) on Lots 1 and 2, Block 56 of Freeman Heights addition located at 1415 West Avenue H; and from Multiple-Family One District (MF-1) to Neighborhood Service District (NS) on Lots 5 and 6, Block 56 of Freeman Heights addition located at 1403 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 **1st** day of **October**, 2009.

PASSED AND APPROVED on Second Reading on the **15th** day of **October**, 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

10/01/09
Item #8
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Consider adopting an ordinance authorizing an amendment to the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan for FY 2010 to appropriate funding for the feasibility study of extension of rail service with Kasberg, Patrick & Associates in the amount of \$121,550.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for October 15, 2009.

ITEM SUMMARY: An amendment to the Financing Plan to appropriate funding for a feasibility study for the extension of rail service with Kasberg, Patrick & Associates in the amount of \$121,550 is presented for approval. This amendment to the Financing Plan is proposed to be funded from the proceeds from the sale of 158.81 acres of land to HEB Grocery Company, LP. The Reinvestment Zone No. 1 received \$1,117,741.47 in June 2009 from this sale.

The Reinvestment Zone No. 1 Board approved the recommendation at its September 23, 2009, board meeting.

FISCAL IMPACT: The proposed amendment to appropriate funds in the amount of \$121,550 for the feasibility study for the extension of rail service is proposed to be funded from Unreserved Fund Balance within the Reinvestment Zone No. 1 Financing Plan. In June 2009, 158.81 acres was sold to HEB Grocery Company, LP. The Reinvestment Zone No. 1 received \$1,117,741.47 in proceeds from the sale in FY 2009. Since the proceeds were received in FY 2009, those funds “roll” to unreserved fund balance in FY 2010. The Project Plan and Financing Plan beginning fund balance has been adjusted just to reflect the amount needed to fund this agreement.

ATTACHMENTS:

[Summary of 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
2010	Extension of rail service	Yes, KPA agreement not to exceed \$121,550	Yes	5, 130/ 5, 199	Proceeds from sale of land to HEB in FY 2009; funds roll to unreserved fund balance in FY 2010	\$121,550

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	\$ 1,328,769	\$ 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	161,550	-	-	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	1,053,663	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	3,486,333	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	1,328,769	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
805	Revenue over(under)expense	(22,791,427)	1,043,624	(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)

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	1,328,769	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	5,858,726	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	\$ 3,426,056	\$ 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	-	-	-	-	-	-
130Extension of Rail Service	-	121,550					
199Total North Zone (including Enterprise Park)	13,604,434	161,550	-	-	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	-	-	-	-	-	-
215WW1--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 (RIII)	-	-	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	1,053,663	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 NO. 1 FINANCING PLAN FOR FY 2010 TO APPROPRIATE FUNDING FOR THE FEASIBILITY STUDY OF EXTENSION OF RAIL SERVICE WITH KASBERG, PATRICK & ASSOCIATES, IN THE AMOUNT OF \$121,550; 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; Ordinance No. 2009-4294 on the 21st day of May, 2009; Ordinance No. 2009-4316 on the 17th day of September, 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 2009-2010 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 and Public Hearing on the 1st day of October, 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

10/01/09
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DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney
Bruce Butscher, Director of Public Works

ITEM DESCRIPTION: Consider adopting resolutions authorizing utility cost sharing agreements for:

- (A) The Hills of Westwood Phase Subdivision V;
- (B) Northcliffe Subdivision Phase IX; and
- (C) Echo Vista Subdivision Phase II.

STAFF RECOMMENDATION: Adopt resolutions as presented in item description.

ITEM SUMMARY: (a) **Hills of Westwood Subdivision Phase V.** Phase V of the Hills of Westwood Subdivision is located on Old Waco Road, south of where Tarver Road (when extended) will intersect with Old Waco Road, and north of Poison Oak Road. The proposal is to enter into a cost sharing agreement with Kiella Development, Inc. (John Kiella, Principal), to extend an eight inch wastewater line approximately **2,620** feet from a location northward along Old Waco Road from its intersection with Poison Oak Drive. An applicant requesting a cost sharing agreement must be proposing and commit to develop at least one residential unit per 100 feet of utility extension. Phase V of the Hills of Westwood proposes 323 single family units which meets that criteria.

The project will involve design, construction and right of way acquisition. Because the proposed wastewater line is adjacent to the Old Waco Road in what will be Phase 4 of the proposed Outer Loop, the proposed wastewater line will have to be placed outside the identified western edge of the Outer Loop right-of-way. This will likely require that both right-of-way for the wastewater line itself and right-of-way for the Outer Loop itself be acquired for the approximately eight property owners who will be affected by this project if it is approved by the City Council. Under our cost sharing ordinance, a developer entering into a cost sharing agreement with the City must make a reasonable effort to acquire right-of-way needed for the project before requesting assistance from the City. If the developer is unable to do so, the developer may request that the City acquire the necessary right-of-way using its eminent domain authority. Because the easement needed for the wastewater line for this project will abut the future western edge (which has already been designed) of the proposed Outer Loop that runs down Old Waco Road, the City may have to acquire both the wastewater easement and the Outer Loop easement at the same time. The developer participation agreement, if approved by the City Council, will include a "not to exceed" amount for the City's share of the right-of-way cost.

The proposed cost sharing agreement for Hills of Westwood Subdivision Phase IV is a developer participation agreement—the City commits to participating in the cost of design, construction and right of way for the project in a “not to exceed” amount based on a percentage of the project established by the cost sharing ordinance (the City pays 100% of the first 2,500 feet of the project and 50% of the next 2,500 feet of the project, with the developer paying 100% of the cost thereafter).

The percentage of eligible project costs paid by the City under our cost sharing formula for this project is **97.7%**, because of the relatively short length of the proposed extension. If the project comes in an amount less than the “not to exceed” amount, the City pays their percentage of the actual project cost (design, construction & right-of-way). If the project comes in over the “not to exceed” amount, the developer pays 100% of that additional cost. In asking you to authorize a utility cost sharing agreement today, **we are asking you to authorize an agreement with a “not to exceed” amount of not more than \$188,265.95,** which is 97.7% of the estimated eligible project costs of \$192,698.

In our developer participation/cost sharing agreement, we will break the \$188,265.95 down into two components, the first for design and construction costs and the second for an allowance for the cost of right of way acquisition. The total amount reimbursable won't exceed, \$188,265.95, and we will have a provision that creates an incentive for the developer to acquire the right of way needed for the project (both the right of way needed for the wastewater line and the right of way needed for the widening of Old Waco Road (Phase IV of the Outer Loop). We will allow a percentage of the difference between the amount budgeted for right-of-way and the actual cost of the right-of-way (if any) to be applied towards the design and construction costs. Under our cost sharing ordinance and as will be provided in the developer participation agreement, the developer must use every effort to acquire the easements needed for a cost sharing project.

(b) **Northcliffe Subdivision Phase IX.** Phase IX of Northcliffe Subdivision is located south of FM 2305 (West Adams) and west of FM 2271. The proposal is to enter into a cost sharing agreement with Barge Properties (Bill Barge, Principal) to extend an eight inch wastewater line approximately 1,500 feet, to construct a lift station, and then construct approximately 1,940 feet of force main connect to an existing City lift station at the southeast corner of the intersection. The extension is designed to also serve some commercial property along FM2271. The extension is partially gravity fed, but also contains another small lift station and a force main for the last part of the connection with the City's existing (and much larger) lift station at FM 2305. The developer has received permission to place the wastewater line within TxDOT's right of way for FM 2271. While our preferred practice is to place water and wastewater lines outside of State right-of-way, placement within TxDOT right of way here may not be objectional because FM 2271 has already been widened by TxDOT to four lanes which matches the width of the road across the Lake Belton dam just to the south. In the unlikely event that FM 2271 needed to be widened, sufficient right of way exists to widen the road to six lanes and still have the wastewater line outside the curb line of a six lane street. An applicant requesting a cost sharing agreement must be proposing and commit to develop at least one residential unit per 100 feet of utility extension. Phase IX of the Northcliffe Subdivision proposes 75 single family units which meets that criteria.

The proposed cost sharing agreement for Phase IX of Northcliffe Subdivision is as a developer participation agreement—the City commits to participating in the cost of design, construction and right of way for the project in a “not to exceed” amount based on a percentage of the project established by the cost sharing ordinance (the City pays 100% of the first 2,500 feet of the project and 50% of the next 2,500 feet of the project, with the developer paying 100% of the cost thereafter).

The percentage of eligible projects costs paid by the City under our cost sharing formula for this project is **86.34%**, because of the relatively short length of the proposed extension. If the project comes in an amount less than the “not to exceed” amount, the City pays their percentage of the actual project cost (design, construction & right-of-way). If the project comes in over the “not to exceed” amount, the developer pays 100% of that cost. **We are asking you to authorize an agreement with a “not to exceed” amount of not more than \$275,813.13,** which is 86.34% of the estimated allowable project costs of \$319,450.

(c) **Echo Vista Subdivision Phase II.** Phase II of Echo Vista Subdivision is located on the east side of South 5th Street, south of Waters Dairy Road and north of FM 93. The proposal is to enter into a cost sharing agreement with W&B Development (Bruce Whitis, Principal) to extend a twelve inch wastewater line to the northwest approximately 1,830 feet to an existing City wastewater line just south of Waters Dairy Road. The City is requesting that the applicant oversize another 1105 linear feet of onsite wastewater line from 8 inches to 12 inches and will pay 100% of that oversizing cost. The extension is designed to serve Phase II of the Echo Vista Subdivision with the construction of not less than 68 single family units constructed in a single phase. No additional right-of-way is needed for the project, and the extension involves a bore under South 5th Street. An applicant requesting a cost sharing agreement must be proposing and commit to develop at least one residential unit per 100 feet of utility extension. Phase II of the Echo Vista Subdivision proposes 68 single family units which meets that criteria.

The proposed cost sharing agreement for Phase II of Echo Vista Subdivision is as a developer participation agreement—the City commits to participating in the cost of design, construction and right of way for the project in a “not to exceed” amount based on a percentage of the project established by the cost sharing ordinance (the City pays 100% of the first 2,500 feet of the project and 50% of the next 2,500 feet of the project, with the developer paying 100% of the cost thereafter).

The percentage of eligible project costs paid by the City under our cost sharing formula for this project is **100%, and the City is also paying 100% of the cost of oversizing the wastewater line from 8” to 12” project (which includes the cost of oversizing an internal line (the developer bears the cost of what an 8” line would have cost and the City bears the additional cost to upsize the internal line to 12”)**. This oversized line will benefit other users of the system. The City is paying 100% of the offsize part because of the short length of the extension, and by law pays 100% of the cost of oversizing wastewater lines. If the project comes in an amount less than the “not to exceed” amount, the City pays their percentage of the actual project cost (design, construction & right-of-way). If the project comes in over the “not to exceed” amount, the developer pays 100% of that cost. **We are asking you to authorize an agreement with a “not to exceed” amount of not more than \$208,957.29,** which is 100% of the eligible project costs.

FISCAL IMPACT: The applications for these three cost sharing applications were submitted early in the current fiscal year (FY 2008-09), which will end prior to the October 1, 2009 City Council meeting where these items are being considered. Consideration and review of these three agreements have been delayed for various reasons. The total of these three cost sharing agreements is \$673,036. We are proposing using the remainder of the cost sharing dollars left un-appropriated for FY 2008-09 (approximately \$488,270) to fund a large portion of the cost of these three cost sharing agreements. The balance of the City's commitment under these three agreements (approximately \$184,766), if approved by the City Council, will come out of the \$500,000 that the City Council appropriated in FY 2009-10 for cost sharing agreements.

A budget adjustment is presented for Council's approval appropriating the remaining FY 2009 funds in the amount of \$488,270 from account 520-5000-535-6545, Contingency-Approach Mains, to account 520-5900-535-6368, Sewer Line Extensions. The budget adjustment presented also appropriates the FY 2010 funds needed to fully fund the agreements in the amount of \$184,766 from account 520-5000-535-6369, Approach Mains, to account 520-5900-535-6368, Sewer Line Extensions.

After approval of the budget adjustment, \$315,234 will remain in FY 2010 to fund future cost sharing agreements.

ATTACHMENTS:

[Budget Adjustment
Resolution](#)

FY **2010****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.

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ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE
520-5900-535-63-68	100575	Hills of Westwood Ph V Cost Sharing	\$ 188,266	
520-5000-535-65-45		Contingency for Approach Mains		\$ 188,266
520-5900-535-63-68	100576	Northcliffe Ph IX Cost Sharing	\$ 275,813	
520-5000-535-65-45		Contingency for Approach Mains		\$ 275,813
520-5900-535-63-68	100577	Echo Village Ph II Cost Sharing	\$ 208,957	
520-5000-535-65-45		Contingency for Approach Mains		\$ 24,191
520-5000-535-63-69		Approach Mains		\$ 184,766
TOTAL.....			\$ 673,036	\$ 673,036

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

1.) To appropriate funds for the cost sharing agreement with Kiella Development, Inc. to extend an 8" wastewater line approximately 2,620 feet to the Hills of Westwood Subdivision Phase V residential subdivision, located on Old Waco Road, south of where Tarver Road, when extended, will intersect with Old Waco Road, north of Poison Oak Road. This agreement is in an amount not to exceed amount of \$188,266. 2.) To appropriate funds for the cost sharing agreement with Barge Properties to extend an 8" wastewater line approximately 1,500 feet, to construct a lift station, and then construct 1,940 feet of force main to connect to an existing City lift station to service Northcliffe Subdivision Phase IX, located south of FM 2305 and west of FM 2271. This agreement is in an amount not to exceed \$275,813. 3.) To appropriate funds to fund the cost sharing agreement with W&B Development to extend a 12" wastewater line to the northwest approximately 1,830 feet to an existing City wastewater line just south of Waters Dairy Road. The City is requesting the applicant to oversize an another 1,105 liner feet of onsite waterwater line from 8" to 12" and will pay 100% of that oversizing cost. This extension is designed to serve Phase II of the Echo Vista Subdivision. This agreement is in an amount not to exceed \$208,957. \$24,191 is funded from the remaining FY 2009 funds and \$184,766 will be funded from FY 2010. This budget adjustment will use all remaining funds from FY 2009. After approval of this budget adjustment, \$315,234 will remain in FY 2010 to fund future cost sharing agreements.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐ No

DATE OF COUNCIL MEETING

10/1/2009

WITH AGENDA ITEM?

☒

Yes

☐ No

Department Head/Division Director

Date

☐ Approved☐ Disapproved

Finance

Date

☐ Approved☐ Disapproved

City Manager

Date

☐ Approved☐ Disapproved

RESOLUTION NO. 2009-5844-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A COST-SHARING (“DEVELOPER PARTICIPATION”) AGREEMENT WITH KIELLA DEVELOPMENT, INC., FOR THE EXTENSION OF AN EIGHT INCH WASTEWATER LINE TO THE PROPOSED HILLS OF WESTWOOD SUBDIVISION, PHASE V, IN AN AMOUNT NOT TO EXCEED \$188,265.95; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Kiella Development, Inc., submitted an application for a cost sharing (“developer participation”) agreement for wastewater extension to the proposed Hills of Westwood Subdivision, Phase V – a 2,620 foot 8-inch wastewater line is needed to serve this development;

Whereas, an applicant requesting cost sharing must be proposing and commit to develop at least one residential unit per 100 feet of utility extension – Phase V of the Hills of Westwood proposes 323 single family units which meets the criteria;

Whereas, the agreement will commit the City to participating in the cost of design, construction and right-of-way for the project in a “not to exceed” amount based on a percentage of the project established by the cost sharing ordinance;

Whereas, the City’s funding commitment will not exceed \$188,265.95 – an amendment to the FY2009-2010 budget needs to be approved to transfer the funds to the appropriate expenditure account; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a cost-sharing (“developer participation”) agreement in an amount not to exceed \$188,265.95, between the City of Temple, Texas, and Kiella Development, Inc., after approval as to form by the City Attorney, for extension of a wastewater line to the proposed Hills of Westwood Subdivision, Phase V.

Part 2: The City Council authorizes an amendment to the FY2009-2010 budget, substantially in the form of the copy attached as Exhibit A, for this cost-sharing (“developer participation”) agreement.

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

PASSED AND APPROVED this the **1st** day of **October**, 2009.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney

RESOLUTION NO. 2009-5845-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A COST-SHARING (“DEVELOPER PARTICIPATION”) AGREEMENT WITH BARGE PROPERTIES, FOR THE EXTENSION OF AN EIGHT INCH WASTEWATER LINE TO THE PROPOSED NORTHCLIFFE SUBDIVISION, PHASE IX, IN AN AMOUNT NOT TO EXCEED \$275,813.13; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Barge Properties submitted an application for a cost sharing (“developer participation”) agreement for wastewater extension to the proposed Northcliffe Subdivision, Phase IX – a 1,500 foot 8-inch wastewater line is needed to serve this development;

Whereas, an applicant requesting cost sharing must be proposing and commit to develop at least one residential unit per 100 feet of utility extension – Phase IX of the Northcliffe Subdivision proposes 75 single family units which meets the criteria;

Whereas, the agreement will commit the City to participating in the cost of design, construction and right-of-way for the project in a “not to exceed” amount based on a percentage of the project established by the cost sharing ordinance;

Whereas, the City’s funding commitment will not exceed \$275,813.13 – an amendment to the FY2009-2010 budget needs to be approved to transfer the funds to the appropriate expenditure account; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a cost-sharing (“developer participation”) agreement in an amount not to exceed \$275,813.13, between the City of Temple, Texas, and Barge Properties, after approval as to form by the City Attorney, for extension of a wastewater line to the proposed Northcliffe Subdivision, Phase IX

Part 2: The City Council authorizes an amendment to the FY2009-2010 budget, substantially in the form of the copy attached as Exhibit A, for this cost-sharing (“developer participation”) agreement.

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

PASSED AND APPROVED this the **1st** day of **October**, 2009.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney

RESOLUTION NO. 2009-5846-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A COST-SHARING (“DEVELOPER PARTICIPATION”) AGREEMENT WITH W&B DEVELOPMENT, FOR THE EXTENSION OF A TWELVE INCH WASTEWATER LINE TO THE PROPOSED ECHO VISTA SUBDIVISION PHASE II, IN AN AMOUNT NOT TO EXCEED \$208,957.29; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, W&B Development submitted an application for a cost sharing (“developer participation”) agreement for wastewater extension to the proposed Echo Vista Subdivision, Phase II – a 3,081 foot 12-inch wastewater line is needed to serve this development;

Whereas, an applicant requesting cost sharing must be proposing and commit to develop at least one residential unit per 100 feet of utility extension – Phase II of the Echo Vista Subdivision proposes 68 single family units which meets the criteria;

Whereas, the agreement will commit the City to participating in the cost of design, construction and right-of-way for the project in a “not to exceed” amount based on a percentage of the project established by the cost sharing ordinance;

Whereas, the City’s funding commitment will not exceed \$208,957.29 – an amendment to the FY2009-2010 budget needs to be approved to transfer the funds to the appropriate expenditure account; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a cost-sharing (“developer participation”) agreement in an amount not to exceed \$208,957.29, between the City of Temple, Texas, and W&B Development, after approval as to form by the City Attorney, for extension of a wastewater line to the proposed Echo Vista Subdivision, Phase II

Part 2: The City Council authorizes an amendment to the FY2009-2010 budget, substantially in the form of the copy attached as Exhibit A, for this cost-sharing (“developer participation”) agreement.

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

PASSED AND APPROVED this the **1st** day of **October**, 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

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DEPT./DIVISION SUBMISSION & REVIEW:

David Blackburn, City Manager

ITEM DESCRIPTION: Consider adopting a resolution proposing an amendment to the City of Temple Charter be submitted to the voters on May 8, 2010 which would prohibit any member of the City Council or employee of the City from having a direct financial interest in any contract for goods or services, including public works contracts, let by the City, nor in any matter wherein its rights or liabilities are involved.

STAFF RECOMMENDATION: Discuss item and take action as desired.

ITEM SUMMARY: This item is placed on the regular agenda at the request of Mayor Pro Tem Patsy Luna and Councilmember Tony Jeter. The following language is being proposed to be submitted to the voters in the May 8, 2010 election as an amendment to the City Charter:

No member of the City Council shall, during his term of office, hold any public office or employment, compensation for which is paid out of public funds. Nor shall any member of the City Council or employee of the City have a direct financial interest in any contract for goods or services, including public works contracts, let by the City, nor in any matter wherein its rights or liabilities are involved.

Any member of the City Council or employee of the City who shall violate this provision shall forthwith forfeit his office or position, and any such contract which any member of said board, or appointive officer or employee of the City is or may become directly financially interested in may be declared null and void by the City Council.

For purposes of this section, a direct financial interest exists when a person contracts with the City as an individual, or when they own an interest in a business that contracts with the City, or is a subcontractor to an individual or a business contracting with the City, or when someone related to them in the first degree contracts with the City or has an ownership entity in a business that contracts with the City. This provision is cumulative of State law provisions relating to conflicts of interest.

FISCAL IMPACT: None at this time.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, PROPOSING AN AMENDMENT TO THE CITY OF TEMPLE CHARTER TO BE SUBMITTED TO THE VOTERS AT A CALLED MUNICIPAL ELECTION ON MAY 8, 2010, WHICH WOULD PROHIBIT ANY MEMBER OF THE CITY COUNCIL OR EMPLOYEE OF THE CITY FROM HAVING A DIRECT FINANCIAL INTEREST IN ANY CONTRACT FOR GOODS OR SERVICES, INCLUDING PUBLIC WORKS CONTRACTS, LET BY THE CITY, OR IN ANY MATTER WHEREIN ITS RIGHTS OR LIABILITIES ARE INVOLVED AND RENDERING A CONTRACT ENTERED INTO IN CONFLICT WITH THOSE PROVISIONS VOIDABLE BY THE CITY COUNCIL; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple will hold a called municipal election on May 8, 2010, for the purpose of electing councilmembers;

Whereas, it has been requested that an amendment to the City's Charter be considered by the voters as an item on the election ballot for that date; 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 that an amendment to the City of Temple Charter be submitted to the voters at a called municipal election on May 8, 2010, which would prohibit any member of the City Council or employee of the City from having a direct financial interest in any contract for goods or services, including public works contracts, let by the City, or in any matter wherein its rights or liabilities are involved. The following language will be submitted to the voters in the May 8, 2010, election as an amendment to the City Charter:

No member of the City Council shall, during his term of office, hold any public office or employment, compensation for which is paid out of public funds. Nor shall any member of the City Council or employee of the City have a direct financial interest in any contract for goods or services, including public works contracts, let by the City, nor in any matter wherein its rights or liabilities are involved.

Any member of the City Council or employee of the City who shall violate this provision shall forthwith forfeit his office or position, and any such contract which any member of

said board, or appointive officer or employee of the City is or may become directly financially interested in may be declared null and void by the City Council.

For purposes of this section, a direct financial interest exists when a person contracts with the City as an individual, or when they own an interest in a business that contracts with the City, or is a subcontractor to an individual or a business contracting with the City, or when someone related to them in the first degree contracts with the City or has an ownership entity in a business that contracts with the City. This provision is cumulative of State law provisions relating to conflicts of interest.

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

PASSED AND APPROVED this the 1st day of **October**, 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

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DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Consider adopting a resolution appointing one member to serve as the City's representative on the Board of Directors of the Tax Appraisal District of Bell County for a two year term beginning January 1, 2010.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In October 2005, Mr. Dell Martin was appointed to serve on the Board of Directors of the Tax Appraisal District of Bell County for a term beginning January 1, 2006. Mr. Martin was reappointed in November 2007 for a second term beginning January 1, 2008. His two year term will expire December 31st and the Appraisal District has requested the City make an appointment to this board no later than November 1, 2009.

Mr. Martin has asked to be reappointed for one additional two-year term as the City's representative on this board.

FISCAL IMPACT: None

ATTACHMENTS: None