



**MEETING OF THE
TEMPLE CITY COUNCIL**

MUNICIPAL BUILDING

2 NORTH MAIN STREET

3rd FLOOR – CONFERENCE ROOM

THURSDAY, SEPTEMBER 15, 2011

3:30 P.M.

WORKSHOP AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, September 15, 2011.
2. Receive update on Downtown Redevelopment efforts.
3. Receive update on Northwest Loop 363 project.

5:00 P.M.

MUNICIPAL BUILDING

**2 NORTH MAIN STREET
CITY COUNCIL CHAMBERS – 2ND FLOOR
TEMPLE, TX**

**JOINT MEETING
TEMPLE CITY COUNCIL
&
CITY OF TEMPLE EMPLOYEE BENEFITS TURST**

REGULAR MEETING AGENDA

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. (A) [Constitution Week](#) September 17-23, 2011

III. PUBLIC COMMENTS

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

IV. CONSENT AGENDA

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

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

Minutes

- (A) [July 28, 2011 Special Called Meeting](#)
- (B) [August 12, 2011 Special Called Meeting](#)
- (C) [September 1, 2011 Special Called and Regular Meeting](#)

Contracts, Leases & Bid

- (D) [2011-6411-R](#): Consider adopting a resolution authorizing an interlocal agreement with the Temple Health and Bioscience Economic Development District to provide financial administration services.
- (E) [2011-6412-R](#): Consider adopting a resolution authorizing the purchase of a yearly 2011-2012 maintenance contract with Intergraph Public Safety in the amount of \$38,400.
- (F) [2011-6413-R](#): Consider adopting a resolution designating the *Temple Daily Telegram* as the official newspaper for the City for fiscal year 2011-2012, in accordance with Section 4.20 of the Charter of the City of Temple.
- (G) [2011-6414-R](#): Consider adopting a resolution authorizing a lease agreement with ES&S (Election Systems & Software) of Omaha, NE for election equipment.
- (H) [2011-6415-R](#): Consider adopting a resolution authorizing a joint election agreement with Bell County for the November 8, 2011 special charter amendment election.
- (I) [2011-6416-R](#): Consider adopting resolution a authorizing the exchange of the land located at 2211 South 5th Street, formerly the Courtyard Apartments, to Temple College in exchange for eight easements necessary for the Friar's Creek Trail.
- (J) Consider adopting resolutions authorizing annual contracts for the following:
 - 1. [2011-6417-R](#): Sign & Traffic Control Supplies – renewals to three vendors in the estimated annual amount of \$17,097.31; new purchase agreements with four vendors in the estimated annual amount of \$22,241.30
 - 2. [2011-6418-R](#): Traffic Signal Equipment – renewals to two vendors in the estimated annual amount of \$93,209.40; new purchase agreements with three vendors in the estimated annual amount of \$22,381.08
 - 3. [2011-6419-R](#): Water Treatment Plant Chemicals – renewals to four vendors in the estimated annual amount of \$380,916; new purchase agreements with three vendors in the estimated annual amount of \$233,192.50
 - 4. [2011-6420-R](#): Sodium Hypochlorite, Hydrochloric Acid, Cyanuric Acid, and Muriatic Acid – Commercial Chemical dba Poolsure of Houston in the estimated annual amount of \$34,311.50

5. [2011-6421-R](#): Hauling & Disposal of Sludge – S&M Vacuum & Waste, Ltd of Killeen in the estimated annual amount of \$130,500
6. [2011-6422-R](#): Rock and Topsoil – Superior Crushed Stone of Jarrell and Miller Springs Materials of Belton in the estimated annual amount of \$26,058
7. [2011-6423-R](#): Water Meters - renewals to two vendors in the estimated annual amount of \$96,470.14; new purchase agreements with three vendors in the estimated annual amount of \$45,798.20
8. [2011-6424-R](#): Concrete Repair and Construction Services – Dixon Paving of Belton in the estimated annual amount of \$40,900
9. [2011-6425-R](#): Sewer Line Chemical Root Control – Duke's Root Control of Syracuse, New York, utilizing a BuyBoard contract, in the estimated annual amount of \$65,000
10. [2011-6426-R](#): Tires & Tubes – Southern Tire Mart of Dallas, Texas, in the estimated annual range of \$125,749.20 to \$143,362.40; Tire Retreads – GCR Tire Center of Pflugerville in the estimated annual amount of \$51,991.62
11. [2011-6427-R](#): Herbicides & Insecticides - renewals to three vendors in the estimated annual amount of \$43,590.48; new purchase agreements with four vendors in the estimated annual amount of \$32,267.87
12. [2011-6428-R](#): Utility Supplies – new purchase agreements with four vendors in the estimated annual amount of \$478,817.28
13. [2011-6429-R](#): Building Materials - Lengefeld Lumber Company of Temple in the estimated annual amount of \$33,000
14. [2011-6430-R](#): Design & Printing of T-Shirts – Ad-Wear & Specialty of Texas of Houston in the estimated annual amount of \$40,000
15. [2011-6431-R](#): Fire Department Uniforms – Miller Uniforms & Emblems of Austin in the estimated annual amount of \$27,260
16. [2011-6432-R](#): Office Supplies – Perry Office Plus, Inc of Temple, utilizing a BuyBoard contract, in the estimated annual amount of \$200,000
17. [2011-6433-R](#): Library Security Guard Services – Ameritex Guard Services of Richardson in the estimated annual amount of \$25,000
18. [2011-6434-R](#): Construction Material Testing Services – Langerman Foster Engineering Company of Waco in the estimated annual amount of \$65,000

Ordinances – Second & Final Reading

(K) [2011-4473](#): SECOND READING – Z-FY-10-21: Consider adopting an ordinance:

1. Repealing Ordinance No. 99-2603, dated February 18, 1999, to reflect a change from the existing Planned Development General Retail District (PD-GR) to an updated Planned Development General Retail District (PD-GR) on 2.1 +/- acres; and
2. Authorizing a rezoning from Urban Estate District (UE) and Two Family District (2F) to Planned Development General Retail District (PD-GR) on 11.6 +/- acres; and on a total of 13.7± acres out of the G.W. Lindsey Survey, Abstract. No. 912, located 810± feet south of Northcliffe Drive, along the west side of FM 2271.

(L) [2011-4474](#): SECOND READING – Consider adopting an ordinance:

1. Changing the classification title of Fire Control and Rescue Officer to that of Firefighter; and
2. Establishing the civil service classifications and the number of positions in each classification for the Temple Fire Department and the Temple Police Department.

Misc.

- (M) [2011-6435-R](#): Consider adopting a resolution authorizing acceptance of a Texas Department of Transportation, Aviation Division, Routine Airport Maintenance Grant of up to \$50,000, with an additional 50% City match to assist with the engineering and construction of the corporate hangar development site at the Draughon-Miller Central Texas Regional Airport.
- (N) [2011-6436-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2010-2011.

V. REGULAR AGENDA

ORDINANCES

5. [2011-4465](#): 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 dumpsters, and hauling and disposing of construction site waste within the City of Temple.
6. [2011-4475](#): SECOND READING – PUBLIC HEARING: Consider adopting an ordinance amending Section 1-5, "Voting District," Chapter 1, "General Provisions," of the City Code by establishing new boundaries for the City's four single member districts.
[2011-4475](#): SEGUNDA LECTURA - AUDIENCIA PÚBLICA: Considere el adoptar de una ordenanza que enmienda la sección 1-5, de "distrito votación," el capítulo 1, las "disposiciones generales," del código de la ciudad estableciendo los nuevos límites para los solos distritos del miembro de la ciudad cuatro.
7. [2011-4476](#): FIRST READING – PUBLIC HEARING - Z-FY-11-42: Consider adopting an ordinance authorizing amendments to Section 7.6.5 of the Unified Development Code related to electric fences within the City limits.

RESOLUTIONS

8. **2011-6437-R:** Consider adopting a resolution appointing one member to the Temple Public Safety Advisory Board to fill an expired term through September 1, 2014.

ADJOURN THE REGULAR MEETING OF THE TEMPLE CITY COUNCIL AND CONVENE THE CITY OF TEMPLE EMPLOYEE BENEFITS TRUST MEETING.

VI. AGENDA – CITY OF TEMPLE EMPLOYEE BENEFITS TRUST

1. Conduct a meeting of the **City of Temple Employee Benefits Trust** to purchase insurance policies from MetLife for long term disability insurance for FY2011-2012 through FY2013-2014.

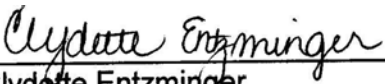
ADJOURN THE MEETING OF THE CITY OF TEMPLE EMPLOYEE BENEFITS TRUST AND RECONVENE THE REGULAR MEETING OF THE TEMPLE CITY COUNCIL.

V. REGULAR AGENDA - CONTINUED

9. **2011-6438-R:** Consider adopting a resolution funding the rates for medical/prescription insurance and dental insurance for employees and under age 65 retirees, as well as, Life Insurance, Accidental Death & Dismemberment Insurance and Long Term Disability Insurance.

***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 12:45 PM, on September 9, 2011.


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 _____ 2011. _____



COUNCIL AGENDA ITEM MEMORANDUM

09/15/11
Item #3
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Presentation of Proclamation:

Constitution Week September 17 – 23, 2011

STAFF RECOMMENDATION: Present proclamation as presented in item description.

ITEM SUMMARY: This proclamation was requested by, and will be received by representatives from the Betty Martin Chapter of the Daughters of American Revolution (DAR).

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

09/15/11
Item #4(A-C)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Approve Minutes:

- (A) July 28, 2011 Special Called Meeting
- (B) August 12, 2011 Special Called Meeting
- (C) September 1, 2011 Special Called and 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:

July 28, 2011 Special Called Meeting
August 12, 2011 Special Called Meeting
September 1, 2011 Special Called and Regular Meeting

SPECIAL MEETING OF THE TEMPLE CITY COUNCIL

JULY 28, 2011

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, July 28, 2011, at 8:00 AM at Municipal Building, 2 North Main Street, 3rd Floor Conference Room, Temple, TX 76501.

Present:

Councilmember Perry Cloud
Councilmember Danny Dunn
Mayor Pro Tem Russell Schneider
Councilmember Judy Morales
Mayor William A. Jones, III

1. Discuss the proposed FY 2011-2012 budget and related issues.

David Blackburn, City Manager, presented this item to the City Council. He began with a review of the budget calendar. He also discussed the assessed value of taxable property in the City and provided historical data. The total taxable value for 2011 is \$3,447,325,162, with a new taxable value of \$91,220,333. The property tax rate for FY 2012 is proposed to remain the same as the current rate, \$0.5679, comprised of a maintenance and operations rate of \$0.3240 and an interest and sinking rate of \$0.2439. Mr. Blackburn also explained how the effective tax rate is calculated. The proposed tax rate will be set by the City Council at its August 4th City Council meeting.

2. Executive Session: Chapter 551, Government Code, §551.074 - Personnel Matter - The City Council will meet in executive session to discuss the employment, evaluation, duties and work plans for the City Manager, City Attorney, Director of Finance, City Secretary and Municipal Court Judge. No final action will be taken.

The City Council entered into executive session at 8:20 a.m. No action was taken regarding this item.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary

SPECIAL MEETING OF THE TEMPLE CITY COUNCIL

AUGUST 12, 2011

The City Council of the City of Temple, Texas conducted a Special Meeting on Friday, August 12, 2011, at 4:00 PM at Municipal Building, 2 North Main Street, City Council Chambers, Temple, TX 76501

Present:

Councilmember Perry Cloud
Councilmember Danny Dunn
Mayor Pro Tem Russell Schneider
Councilmember Judy Morales
Mayor William A. Jones, III

I. CALL TO ORDER

1. Invocation

Mayor Jones voiced the Invocation.

2. Pledge of Allegiance

Mayor Jones led the Pledge of Allegiance.

II. BUDGET ITEMS

3. PUBLIC HEARING - Conduct the first of two public hearings to receive comments on the proposed tax rate of \$0.5679 per \$100 valuation for fiscal year 2012 (2011 tax year), and announce meeting to adopt the proposed tax rate on September 1, 2011.

Traci Barnard, Director of Finance, stated the proposed tax rate for FY 2012 is \$0.5679 per \$100 valuation, the same as the current year. The rate is comprised of two components, a maintenance and operations rate and an interest and sinking rate.

Mayor Jones declared the public hearing open with regard to agenda item 3 and asked if anyone wished to address this item.

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

Mayor Jones announced the second public hearing on the proposed tax rate will be conducted on August 18, 2011, at 5:00 p.m. during the regular meeting. The meeting to adopt the proposed tax rate is scheduled for September 1, 2012, at the 5:00 p.m. regular meeting.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary

TEMPLE CITY COUNCIL

SEPTEMBER 1, 2011

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, September 1, 2011, at 3:00 P.M., at the Municipal Building, 2 North Main Street, in the 3rd Floor Conference Room.

Present:

Councilmember Perry Cloud
Councilmember Danny Dunn
Mayor Pro Tem Russell Schneider
Councilmember Judy Morales
Mayor William A. Jones, III

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, September 1, 2011.

Regular Agenda Items 9 and 10 - Zoning changes on the corners of Kegley Road and West Adams Avenue: These were approved on first reading as PD-Commercial with duplexes prohibited. After discussions with the applicant, the recommendation is to approve straight commercial zoning.

Regular Agenda Item 14 - Chapter 380 Agreement with HEB: Benjamin Scott, representing HEB, and Charley Ayres, TEDC, were present regarding this item.

Regular Agenda Item 4 - Budget Adoption: Traci Barnard, Director of Finance, reviewed the proposed changes in the City's Fiscal and Budgetary Policy which are required by the implementation of GASB 54 and relate to debt management. She explained the post GASB fund balance terms.

2. Discussed proposed Unified Development Code ordinance pertaining to outside storage in semi-trailers, shipping containers and portable storage containers.

Autumn Speer, Director of Community Services, presented this item to the City Council. She provided some background information concerning the topic and noted there are no current regulations for use, placement, condition, duration, size or maintenance for these types of storage containers. The proposed regulations for donation boxes were presented at the August 18th City Council work session. This discussion relates to semi-trailers, portable storage containers and shipping containers, with the exception of construction or remodel permits. Mrs. Speer discussed the proposed requirements for these type of containers. Based on Council guidance this item will be presented for public hearing and Council consideration at an upcoming meeting.

3. Discuss proposed amendments to the Strategic Investment Zone (SIZ) grant program.

Jonathan Graham, City Attorney, presented this item to the City Council, beginning with background and input received in previous Council discussions. He discussed

the need for better correlation between the size of the grant and size of the private investment; need to measure effectiveness - performance metrics; ways of making the program more competitive; and need to ensure that SIZ projects are initiated and completed within a reasonable time. Mr. Graham displayed maps of the three existing SIZ corridors and discussed recommendations to achieve the four issue points noted above.

4. Discuss implementation of SB 100 by the City, including the timing and frequency of the election of Councilmembers.

Jonathan Graham, City Attorney, presented background information regarding the adoption of SB 100 and its effect on municipal elections. The bill moved the runoff date for primary elections to be within a few days of the uniform election date in May so it allows counties to discontinue their support of municipal elections in even numbered years. Mr. Graham discussed the various options the City has regarding the conduct of future elections - keep three year terms and May election and lease or purchase election equipment in even numbered years and utilizing County election equipment in odd years; keep three year terms and May election and lease or purchase election equipment and conduct all elections on our own; move all municipal elections to November; or conduct elections in May of odd numbered years with 4-year staggered terms. SB 100 gives cities until December 31, 2012 to make a final decision but school districts must make a decision by December 31, 2011. Since the City has historically conducted the elections for TISD, Temple College and the Bioscience District and they are looking to the City for a decision now.

The cost of leasing election equipment was discussed. It is estimated the additional cost would be about \$4700 per City-wide election for the City to lease the equipment without County support. The staff recommended the current Councilmember terms and staggering be retained and that May elections be continued with the City leasing additional election equipment as necessary.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, September 1, 2011 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

Councilmember Russell Schneider
Mayor William A. Jones, III
Councilmember Danny Dunn
Councilmember Judy Morales
Councilmember Perry Cloud

I. CALL TO ORDER

1. Invocation

Reverend Shelton Rhodes, Greater Zion Church of God in Christ, voiced the Invocation.

2. Pledge of Allegiance

Belinda Mattke, Purchasing Director, lead the Pledge of Allegiance.

II. PUBLIC COMMENTS

Mr. Milton Hensley, 301 Mitchell Drive, addressed the City Council to inform them of the Life Chain event to be held October 2nd beginning at 1:30 p.m. He stated he has visited with both the Police Chief and Fire Chief to seek assistance with special arrangements for the event. He invited all to attend.

III. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. (A) National Preparedness Month September 2011

Mayor Jones presented this proclamation to Fire Chief Lonzo Wallace.

IV. BUDGET ITEMS

4. 2011-6384-R: PUBLIC HEARING - Conduct a public hearing and consider a resolution adopting the City's budget for fiscal year beginning October 1, 2011 and ending September 30, 2012, including the Operating Budget for 2011-2012, Capital Improvement Program, Fiscal and Budgetary Policy, and Investment Policy.

David Blackburn, City Manager, presented this item to the City Council. Items 4 through 7 relate to the adoption of budget items. Mr. Blackburn displayed charts depicting the breakdown of revenues and expenses for all funds for FY 2011 and FY 2012. He also provided an overview of the budget which totals \$107,499,324. The property tax rate, water, sewer and solid waste rates remain unchanged but a 25-cent increase is recommended for drainage fees. Mr. Blackburn also reviewed the City's Capital Improvement Program and highlighted several of the major projects.

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

Mr. Pat Patterson, 2116 West Avenue H, addressed the City Council and complimented the City staff and Council for doing such a great job in managing the finances of our City and for keeping the tax rate the same as the current year. Mr. Patterson asked that in future budgets the drainage fee be increased more to maintain the numerous drainage channels and detention ponds throughout the community. An increase of \$0.50 or \$1.00 at a time would make a difference in this area.

Mr. Blackburn stated that staff shares those concerns and this year's drainage fee increase is dedicated to drainage maintenance work. Significant improvements will be made this year.

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

Motion by Councilmember Danny Dunn that the property tax increase reflected in the budget be approved. This budget will raise more total property taxes than last year's budget by \$628,424 (3.50%) and of that amount, \$518,040 is tax revenue to be raised from new property added to the tax roll this year, seconded by Councilmember Judy Morales.

Motion passed unanimously.

Motion by Councilmember Perry Cloud that budget for fiscal year beginning October 1, 2011 and ending September 30, 2012, including the Operating Budget for 2011-2012, Capital Improvement Program, Fiscal and Budgetary Policy, and Investment Policy be adopted, seconded by Mayor Pro Tem Russell Schneider.

Motion passed unanimously.

5. **2011-4471: FIRST & FINAL READING - PUBLIC HEARING - Consider adopting an ordinance approving the tax roll and authorizing calculation of the amount of tax that can be determined for all real and personal property in the City for the tax year 2011 (fiscal year 2012), to be considered on an emergency basis.**

David Blackburn, City Manager, stated the proposed ordinance adopts the certified tax roll in the amount of \$3,447,325,162. He displayed the various components of that value and showed the assessed values with historical data.

Mayor Jones declared the public hearing open with regard to agenda item 5 and asked if anyone wished to address this item.

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

Motion by Councilmember Judy Morales to adopt ordinance on first and final reading, seconded by Councilmember Danny Dunn.

Motion passed unanimously.

6. **2011-4472: FIRST & FINAL READING - PUBLIC HEARING -Consider adopting an ordinance levying taxes and setting a tax rate for the City for the tax year 2011, making the appropriation for the regular operation of the City, to be considered on an emergency basis.**

David Blackburn, City Manager, stated the proposed tax rate for FY 2012 is \$0.5679 per \$100 valuation, the same rate as the current year. He showed the impact on a home with the average taxable value.

Motion by Mayor Pro Tem Russell Schneider that property tax rate be increased by the adoption of a tax rate of 56.79 cents per \$100 valuation which is effectively a 1.94 percent increase in the tax rate, seconded by Councilmember Perry Cloud.

Motion passed unanimously.

Motion by Councilmember Judy Morales that the ordinance setting the 2011-2012 tax rate in the amount of \$0.5679 per \$100 valuation comprised of \$0.3240 for maintenance and operations and \$0.2439 for debt service be adopted, seconded by Councilmember Danny Dunn.

Motion passed unanimously.

7. 2011-6385-R: Consider adopting a resolution setting drainage fees.

Traci Barnard, Director of Finance, presented this item to the City Council. The proposed increase is \$0.25 for all classes, effective with billing cycles beginning October 1, 2011.

Motion by Councilmember Judy Morales to adopt resolution, seconded by Mayor Pro Tem Russell Schneider.

Motion passed unanimously.

V. CONSENT AGENDA

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

(A) August 18, 2011 Special Called and Regular Meeting

(B) 2011-6386-R: Consider adopting a resolution authorizing the following related to the City's commercial card (procurement card) program:

- 1. An extension of an interlocal agreement with the City of Fort Worth to allow for the utilization of Fort Worth's commercial card (procurement card) agreement with JP Morgan Chase; and**
- 2. Execution of a Participation Agreement with JP Morgan Chase that will allow for the City to be a participant in the City of Fort Worth's commercial card agreement with JP Morgan Chase.**

(C) Consider adopting resolutions authorizing FY 2012 contract renewals for the following:

- 1. 2011-6387-R: Library Materials - Baker & Taylor, in the estimated annual amount of \$105,000**
- 2. 2011-6388-R: Oils and Lubricants - Brazos Valley Lubricants, in the estimated annual amount of \$55,000**
- 3. 2011-6389-R: Automotive Repair Parts - UniSelect USA, Inc dba Main Auto Parts/Auto Plus, in the estimated annual amount of \$55,000**
- 4. 2011-6390-R: Hot Mix Asphalt - APAC Texas, Inc, in the estimated annual amount of \$50,000**
- 5. 2011-6391-R: Aggregate Base - Lhoist North America, in the estimated annual amount of \$40,000**
- 6. 2011-6392-R: Electric Motor and Pump Repair Services - Austin**

Armature Works, LP, in the estimated annual amount of \$120,000

- 7. 2011-6393-R: Electrical Services - T. Morales Company, in the estimated annual amount of \$70,000**
- 8. 2011-6394-R: HVAC Repair Services - Temple Heat & Air, in the estimated annual amount of \$300,000**
- 9. 2011-6395-R: Plumbing Services - C.A.P.'s Mechanical, in the estimated annual amount of \$40,000**
- 10. 2011-6396-R: Plumbing Supplies - Temple Winnelson, in the estimated annual amount of \$30,000**
- 11. 2011-6397-R: Janitorial Supplies - Gulf Coast Paper, in the estimated annual amount of \$85,000**
- 12. 2011-6398-R: Work Boots/Shoes - Cochran, Blair & Potts, in the estimated annual amount of \$25,000**
- 13. 2011-6399-R: Printing of Play-by-Play brochures - Liberty Press, in the estimated annual amount of \$25,000**
- 14. 2011-6400-R: Cellular Services, Data Services, and Related Equipment Acquisitions - Verizon Wireless, in the estimated annual amount of \$167,000**

(D) 2011-6401-R: Consider adopting a resolution authorizing an annual contract with Palousek Overhead Door of Temple for overhead door repair services in the estimated annual amount of \$25,000.

(E) 2011-6402-R: Consider adopting a resolution authorizing an annual purchase agreement with Crafcro Texas, Inc. of San Antonio for hot crack sealant at \$22.88 per 40-pound box in the estimated annual amount of \$40,000.

(F) 2011-6403-R: Consider adopting a resolution authorizing a five-year extension to the contract for third party payment processing services with Western Union Financial Services of Englewood, Colorado.

(G) 2011-6404-R: Consider adopting a resolution authorizing the City Manager to enter into an agreement with Temple Independent School District regarding the continuing participation in the extended life of Tax Increment Financing Reinvestment Zone No. 1.

(H) 2011-4462: SECOND READING - A-FY-11-06: Consider adopting an ordinance abandoning 245.70 feet of West Irvin Avenue with an 80-foot right-of-way, between North 33rd Street and North 31st Street, located between the north portions of Lots 1 and 2, Block 1 and the south portions of Lots 1 and 2, Block 3 of Keaton Addition; and reserving a public drainage and utility easement in the entire abandoned right-of-way.

(I) 2011-4466: SECOND READING - Z-FY-11-36: Consider adopting an ordinance authorizing a zoning change from General Retail District (GR) to Multiple Family Three (MF-3) on 12.15 ± acres of land, located on the west side of Hilliard Road, 1,095 ± feet from the intersection of West Adams Avenue and Hilliard Road. (Note: Approval of this item on consent agenda will rezone the subject property to MF-2 as approved on first reading by the City Council and with concurrence of applicant.)

(J) 2011-4467: SECOND READING - Z-FY-11-38: Consider adopting an ordinance authorizing a Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption with more than 50% and less than 75% revenue from alcohol sales in a proposed pool hall located at 102 South General Bruce Drive.

(K) 2011-4468: SECOND READING - Z-FY-11-39: Consider adopting an ordinance authorizing an amendment to Ordinance No. 2010-4398, originally approved October 21, 2010, Planned Development Single Family One (PD-SF1), to allow a change in the lot layout on a 10-acre tract of land in the Maximo Moreno Survey, Abstract No. 14, City of Temple, Bell County Texas, located on the north side of West FM 93, adjacent to and west of Ridgewood Estates.

(L) 2011-4465: 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 dumpsters, and hauling and disposing of construction site waste within the City of Temple.

(M) 2011-6405-R: A-FY-11-13: Consider adopting a resolution abandoning a 4,341 square foot utility easement on property originally dedicated as Avenue O right-of-way, being a portion of the property addressed as 1404 South 1st Street, located south of Lots 9 and 10, Block 3 of Eugenia Terrace Addition.

(N) 2011-6406-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2010-2011.

Motion by Councilmember Perry Cloud to adopt resolution approving Consent Agenda, with exception of item 8(G), seconded by Councilmember Danny Dunn.

Motion passed unanimously.

(G) 2011-6404-R: Consider adopting a resolution authorizing the City Manager to enter into an agreement with Temple Independent School District regarding the continuing participation in the extended life of Tax Increment Financing Reinvestment Zone No. 1.

Councilmember Cloud stated this agreement with TISD is very important for the continued success of the Reinvestment Zone. Much work has been done to bring this agreement forward and he recognized the City staff and our partners

that made this possible.

Motion by Councilmember Perry Cloud to adopt resolution, seconded by Mayor Pro Tem Russell Schneider.

Motion passed unanimously.

VI. REGULAR AGENDA

ORDINANCES

- 9. 2011-4469: SECOND READING - Z-FY-11-40: Consider adopting an ordinance authorizing a zoning change from General Retail District (GR) to Commercial District (C) on Lots 1 & 2, Block 1, Garden Estates of Temple Texas Addition, being 7.22-acres located on the northwest corner of 205 Loop and 5400 block of West Adams Avenue, east of North Kegley Road.**
- 10. 2011-4470: SECOND READING - Z-FY-11-41: Consider adopting an ordinance authorizing a zoning change from Agricultural District (AG) to Commercial District (C) on 29.548 acres in Nancy Chase Survey, Abstract No. 5, located at the southwest corner of Kegley Road and the 5600 block of West Adams Avenue.**

Brian Mabry, Director of Planning, presented these cases to the City Council. At the previous meeting, the Council approved a Planned Development District - Commercial zoning for both of these properties, with all allowed uses permitted except duplexes. Since that time discussion has continued with the applicant and it has been requested the original request for straight commercial zoning be considered again.

Motion by Mayor Pro Tem Russell Schneider to adopt ordinances in items 9 and 10, approving a zoning change to Commercial District, on second and final reading, seconded by Councilmember Judy Morales.

Motion passed unanimously.

- 11. 2011-4473: FIRST READING - PUBLIC HEARING - Z-FY-10-21: Consider adopting an ordinance:**
 - (A) Repealing Ordinance No. 99-2603, dated February 18, 1999, to reflect a change from the existing Planned Development General Retail District (PD-GR) to an updated Planned Development General Retail District (PD-GR) on 2.1 +/- acres; and**
 - (B) Authorizing a rezoning from Urban Estate District (UE) and Two Family District (2F) to Planned Development General Retail District (PD-GR) on 11.6 +/- acres; and on a total of 13.7+ acres out of the G.W. Lindsey Survey, Abstract. No. 912, located 810+ feet south of Northcliffe Drive, along the west side of FM 2271.**

Brian Mabry, Planning Director, presented this case to the City Council. The applicant is Mr. A.C. Boston. The base zoning and site plan were approved by the Planning and Zoning Commission over a year ago. At that time there were some questions regarding the City limits in this area but those issues have now been resolved. Mr. Mabry showed photos of surrounding properties and an aerial view of the subject property. The request complies with the Future Land Use and Character Map, Thoroughfare Plan and public utilities serve the tract. Mr. Mabry also showed the site plan submitted which will accompany the ordinance if approved. The Planning and Zoning Commission voted 8-0 to recommend approval of the proposed zoning change and staff concurred.

Mayor Jones declared the public hearing open with regard to agenda item 11 and asked if anyone wished to address this item.

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

Motion by Mayor Pro Tem Russell Schneider to adopt ordinance, with second reading and final adoption set for September 15, 2011, seconded by Councilmember Judy Morales.

Motion passed unanimously.

12. 2011-4474: FIRST READING - PUBLIC HEARING - Consider adopting an ordinance:

(A) Changing the classification title of Fire Control and Rescue Officer to that of Firefighter; and

(B) Establishing the civil service classifications and the number of positions in each classification for the Temple Fire Department and the Temple Police Department.

Kim Foutz, Assistant City Manager/ Acting Civil Service Director, presented this item to the City Council. She provided some background information regarding the item. Chapter 143 requires all civil service classifications and the number of positions in each classification to be set by ordinance. Mrs. Foutz reviewed the proposed title change from fire control and rescue officer to firefighter. A change in the number of police officer positions is also proposed to add two additional police officers. Three additional captain positions are proposed in the Fire Department, as well as the reclassification of three firefighter positions to driver positions to accommodate the new Fire Station No 8. These proposed changes were approved by the Civil Service Commission on June 27, 2011.

Mayor Jones declared the public hearing open with regard to agenda item 12 and asked if anyone wished to address this item.

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

Motion by Councilmember Danny Dunn to adopt ordinance, with second reading and final adoption set for September 15, 2011, seconded by Councilmember Perry Cloud.

Motion passed unanimously.

13. 2011-4475: FIRST READING - PUBLIC HEARING -Consider adopting an ordinance amending Section 1-5, "Voting District," Chapter 1, "General Provisions," of the City Code by establishing new boundaries for the City's four single member districts.

Jonathan Graham, City Attorney, presented this item to the City Council. He explained why and when redistricting is required to be in compliance with the Equal Protection Clause of the 1st amendment to the Constitution and the Voting Rights Act. Mr. Graham explained some of the different principles considered during redistricting and he showed the timeline developed for the redistricting process, with the goal to have the plan precleared by the US Department of Justice by the end of the year. Mr. Graham also reviewed the procedural and substantive elements for redistricting.

Gail Peek, Chair of the Citizen Advisory Committee on Redistricting, addressed the City Council. She acknowledged the members that participated on the committee. They drove the districts to see how the proposed changes would affect neighborhoods and learned that Temple is a very diverse community.

Mr. Graham presented the demographics of the 2010 census numbers, total population of 66,102, with the ideal population for each district being 16,526. He showed maps of the current and proposed districts, noting the areas that were moved between the districts. The deviation under the proposed plan is 3.88% and the minority voting strength in District 2 was slightly increased (total of 70%) over the 2001 districts. The Citizen Advisory Committee on Redistricting feels the proposed plan meets all of the criteria set forth by the City Council.

Mayor Jones declared the public hearing open with regard to agenda item 13 and asked if anyone wished to address this item.

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

Motion by Councilmember Danny Dunn to adopt ordinance, with second reading and final adoption set for September 15, 2011, seconded by Councilmember Judy Morales.

Motion passed unanimously.

RESOLUTIONS

14. 2011-6407-R: Consider adopting a resolution authorizing the City

Manager to enter into a Chapter 380 development agreement between the City and HEB Grocery Company.

Jonathan Graham, City Attorney, presented this item to the City Council. He stated this is a unique agreement. In 2009 the City approved a tax abatement agreement with HEB to build a facility on Wendland Road. This was a 10 year agreement for 100% abatement for a \$28 million dry storage warehouse.

HEB is now proposing to construct a new \$20 million, 300,000 square foot cold storage facility. This proposed agreement will give the same 10 year, 100% tax abatement to the new real property improvements, as well as any other buildings on their 166 acre tract that may be built in the next 10 years. Tax increment funds will be used to fund the agreement, in lieu of individual tax abatement agreements. Mr. Graham explained why the City is proposing a Chapter 380 agreement instead of various tax abatement agreements. Taxes paid to TISD will continue to go to the RZ No. 1 and that is made up to them by the State. Taxes on inventory and personal property are abated in this agreement and will continue to be collected and sent to the individual taxing entities.

Benjamin Scott, HEB, stated they are happy to be in Temple and this agreement is important to their company. This storage facility is ahead of their schedule and the proposed agreement will help future projects because it is a known variable for them. Mr. Scott expressed appreciation for the City support and employment base present in Temple.

Motion by Councilmember Judy Morales to adopt resolution, seconded by Councilmember Perry Cloud.

Motion passed unanimously.

BOARD APPOINTMENTS

- 15. 2011-6408-R: Consider adopting a resolution appointing one member to the Temple Public Safety Advisory Board to fill an expiring term through September 1, 2014.**
- 16. 2011-6409-R: Consider adopting a resolution appointing one member to the Development District of Central Texas.**
- 17. 2011-6410-R: Consider adopting a resolution appointing one alternate member to the Central Texas Council of Governments Executive Committee.**

Motion by Councilmember Perry Cloud to adopt resolution tabling item 15 and appointing Councilmember Judy Morales to positions outlined in items 16 and 17, seconded by Councilmember Danny Dunn.

Motion passed unanimously.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary



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DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing an interlocal agreement with the Temple Health and Bioscience Economic Development District to provide financial administration services.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The interlocal agreement with the Temple Health and Bioscience Economic Development District will expire on September 30, 2011. The Finance department has been in discussions with the District's Chairman and it is proposed that the agreement for the City providing financial services for the District be renewed for an additional one year period.

The City would be responsible for: maintaining the general ledger, budget monitoring, procurement, vendor payments, bank reconciliations, cash management, preparing various reports, and grant administration. The financial services would not include services related to payroll or other Internal Revenue Service reporting. The agreement would be for a period of one year beginning October 1, 2011 and ending September 30, 2012.

FISCAL IMPACT: The fee for providing the services will be \$12,000 per year payable in quarterly installments.

ATTACHMENTS:

[Agreement](#)
[Resolution](#)

INTERLOCAL COOPERATION AGREEMENT

THE STATE
OF TEXAS
COUNTY OF
BELL



This AGREEMENT is entered into this ____ day of September, 2011, between the City of Temple, Texas, a home rule city in Bell County, Texas (hereinafter “CITY”), and the Temple Health and Bioscience Economic Development District, a political subdivision of the State of Texas (hereinafter “Bioscience District”).

ARTICLE I PURPOSE OF AGREEMENT

The City and the Bioscience District both have within their respective authorities and responsibilities the promotion of economic development within the limits of the City of Temple. The Bioscience District has requested that the City provide certain financial and accounting assistance to the District. The City, acting through its Finance Department, agrees to provide those services on an interim basis. This Agreement defines the terms and scope of the services to be provided by the City to the Bioscience District.

ARTICLE II TERM OF AGREEMENT

The term of this Agreement applies retroactively from October 1, 2011 through September 30, 2012, the fiscal year of both the City and the Bioscience District. This Agreement was authorized by Resolution _____-R of the City Council on September 15, 2011.

ARTICLE III OBLIGATIONS OF CITY

1. The City will provide the following accounting and financial services through its Finance Department for the operations of the Bioscience District during the term of this Agreement:
 - a. Maintenance of a general ledger, including
 - i. Accounts payable
 - ii. Accounts receivable
 - b. Preparation and maintenance of financial statements
 - c. Preparation, maintenance and monitoring of a budget
 - d. Assistance with property tax notices and compliance
 - e. Grant administration
 - f. Treasury management, including:
 - i. Bank statement reconciliation
 - ii. Cash management
 - iii. Investment account management
 - g. Procurement
 - h. Establishment and maintenance of a system for financial record management
2. The following financial or accounting services will *not* be provided by the City but shall remain the responsibility of the Bioscience District:

- a. Payroll services
 - b. IRS reporting
 - c. Non-financial related administrative services
3. The City will make financial investments and recording financial investments in accordance with the Bioscience District's investment policies as they currently exist or may be revised in the future, and in accordance with the Public Finance Investment Act (PFIA) and the Public Funds Collateral Act. The City will continue to use the Bioscience District's current bank depository, Extraco Banks, unless directed to do otherwise by the Bioscience District.

ARTICLE IV OBLIGATIONS OF BIOSCIENCE DISTRICT

1. The Bioscience District agrees to make its financial and accounting records available to the City during normal business hours.
2. For the services provided to the Bioscience District by the City under this Agreement, the District agrees to compensate the City the total sum of \$12,000, payable quarterly in arrears with the first payment of \$3,000 due on or before December 31, 2011, and successive payments made on or before March 31, 2012, June 30, 2012 and September 30, 2012.

ARTICLE V ADMINISTRATION OF AGREEMENT

This Agreement will be administered on the City's behalf by the City's Director of Finance. All work performed under this Agreement will be performed under the general direction of the Director of Finance, and the employees performing the services committed to by the City under Article III of this Agreement shall remain employees of the City. The City and Bioscience District agree that decision as to which City employees will perform work required under this Agreement will be made by Director of Finance, subject to the signatory authority granted by the City Council under City Resolution **2009-5662-R**, or any subsequent authority granted by the City Council.

This Agreement will be administered on the Bioscience's behalf by the District's Chairman of the Board of Directors.

The point of contact for notice or questions that may arise under this Agreement are the Director of Finance and the Chairman of the Board of Directors for the City and Bioscience District, respectively.

The financial and accounting records created or maintained by the City for the Bioscience District during the term of this Agreement shall remain the property of the Bioscience District, and shall be returned to the Bioscience District at the end of this Agreement.

ARTICLE VI MUTUAL WAIVERS

Each party to this Agreement expressly waives all claims against each other for compensation for any loss, damage, personal injury, or death occurring as a consequence of the performance of this Agreement, not due to the negligence, fraud, or illegal conduct of the other party.

**ARTICLE VII
NO WAIVER OF IMMUNITY**

It is expressly understood and agreed that under this Agreement neither party waives, nor shall be deemed to waive, any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions.

**ARTICLE VIII
VENUE**

Each party to this Agreement agrees that in any legal action brought hereunder, venue shall lie in Bell County, Texas.

**ARTICLE IX
CHOICE OF LAW**

The validity of this Agreement and of its terms and provisions, as well as the rights and duties of the parties, shall be governed by the laws of the State of Texas.

**ARTICLE X
SEVERABILITY**

In case any one or more of the provisions contained in this Agreement shall for any reason be held invalid, illegal, or unenforceable in any respect, such fact shall not affect any other provision thereof and this Agreement shall be construed as if the stricken provision had never been contained herein.

**ARTICLE XI
MODIFICATION**

This Agreement may be amended or modified by the mutual agreement of both parties hereto in writing, such writing to be attached hereto and incorporated unto this Agreement.

**ARTICLE XII
ENTIRE AGREEMENT**

This Agreement contains all commitments and obligations of the parties and represents the entire agreement of said parties. No verbal or written conditions not contained herein shall have any force or effect to alter any term of this Agreement.

**ARTICLE XIII
TERMINATION/FORCE MAJEURE**

This Agreement may be terminated by either party for any reason with 30 days advance written notice to the other party. Neither party shall be responsible for damages nor expected to fulfill its obligations under this Agreement should an act of God or other unforeseen catastrophe occur and cause such damage or prevent the performance of such obligation.

**ARTICLE XV
EXECUTION**

This Agreement shall be executed by the duly authorized official(s) of each party as expressed in the approving resolution or order of the governing body of such party.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date first above written.

THE CITY OF TEMPLE, TEXAS

**TEMPLE HEALTH & BIOSCIENCE
ECONOMIC DEVELOPMENT DISTRICT**

By: _____
David A. Blackburn
City Manager

By: _____
Wendell C. Williams
Chairman

Attest:

Approved as to form:

Clydetta Entzminger
City Secretary

City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE TEMPLE HEALTH AND BIOSCIENCE ECONOMIC DEVELOPMENT DISTRICT TO PROVIDE FINANCIAL ADMINISTRATION SERVICES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Staff recommends a one-year renewal to the interlocal agreement with the Temple Health and Bioscience Economic Development District to provide financial administration services;

Whereas, the City is responsible for: maintaining the general ledger, budget monitoring, procurement, vendor payments, bank reconciliations, cash management, preparing various reports, and grant administration;

Whereas, the financial services would not include services related to payroll or other Internal Revenue Service reporting – the City's fee for providing the services will be \$12,000 per year payable in quarterly installments; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute an interlocal agreement between the City of Temple and the Temple Health and Bioscience Economic Development District, after approval as to form by the City Attorney, to provide financial administration services.

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

PASSED AND APPROVED this the **15th** day of **September**, 2011.

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:

Alan DeLoera, Information Technology Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of a yearly 2011-2012 maintenance contract with Intergraph Public Safety in the amount of \$38,400.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

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

SunPro Fire RMS
I-LEADS RMS (Arrests, warrants, citations, evidence, calls for service, etc...)
CAD Interface Software
Oracle Software

Intergraph Public Safety is the sole provider of maintenance for HTE application software. This is currently the 12th year of support for the current software

FISCAL IMPACT: The Information Technology Department currently has funds budgeted in account 110-1900-519-23-38 in the amount of \$38,400 for continued annual support of these applications.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF AN ANNUAL MAINTENANCE CONTRACT WITH INTERGRAPH PUBLIC SAFETY SOFTWARE APPLICATIONS IN THE AMOUNT OF \$38,400; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Whereas, the Staff recommends purchasing an annual maintenance contract for a cost not to exceed \$38,400;

Whereas, this will be the City's 12th year of support for the current software – funds are budgeted in Account No. 110-1900-519-2338 for this purchase; and

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

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

Part 1: The City Council authorizes the purchase of an annual maintenance contract with Intergraph Public Safety for Public Safety Software Applications, for an amount not to exceed \$38,400.

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

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

PASSED AND APPROVED this the 15th day of **September**, 2011.

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:

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 2011-2012, 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 2011-2012, 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 2011-2012.

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 15th day of **September**, 2011.

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

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DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney
Clydetta Entzminger, City Secretary

ITEM DESCRIPTION: Consider adopting a resolution authorizing a lease agreement with ES&S (Election Systems & Software) of Omaha, NE for election equipment.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In 2009 the President signed a bill enacting the Military and Overseas Voter Empowerment Act (MOVE). This bill has placed a burden on the States to designate responsibilities and create a plan for conducting elections, thus SB 100. Prior to SB 100 the County was able to provide election equipment needed for us to conduct municipal elections. This will no longer be the case as the County will no longer provide election support in even numbered years.

We have been using ES&S through Bell County and feel comfortable with the support we will receive from them during election years. This lease is for a 5 year period and costs will be divided between other entities we support during the election period, including Temple ISD, Temple College and the Bioscience District. As part of this lease, ES&S will program, deliver, pick-up and store all equipment.

By leasing the equipment, should we decide to receive support from the County in odd numbered years, we will be able to do so through the cancellation clause contained in the lease agreement.

FISCAL IMPACT: The estimated cost of equipment/programming is based on an election in all 4 polling locations is \$6,138. An election that will be held in May 2012 will be reimbursed by entities having the election since the City is not expecting to conduct an election next fiscal year.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A LEASE AGREEMENT WITH ES&S (ELECTION SYSTEMS & SOFTWARE) OF OMAHA, NE, FOR ELECTION EQUIPMENT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the passage of SB 100 provides that the County is only required to provide election support in even numbered years – Bell County has previously provided election equipment, but now the City will be responsible for obtaining the necessary equipment;

Whereas, the City has been using ES&S (Election Systems & Software) of Omaha, NE, and feels comfortable with the support received from them during election years – the Staff recommends entering into a lease agreement with ES&S for election equipment;

Whereas, the estimated cost based on an election in all 4 polling places is \$6,138; 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 lease agreement with ES&S (Election Systems & Software), of Omaha, NE, after approval as to form by the City Attorney, for election equipment.

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 **15th** day of **September**, 2011.

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:

Jonathan Graham, City Attorney
Clydetta Entzminger, City Secretary

ITEM DESCRIPTION: Consider adopting a resolution authorizing a joint election agreement with Bell County for the November 8, 2011 special charter amendment election.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This proposed resolution authorizes a joint election agreement between the City of Temple and Bell County for the November 8, 2011 Special Charter Amendment election. Section 42.061(a) of the Texas Election Code requires a political subdivision to use regular county election precincts for any election held on the November uniform election date. Since Bell County is conducting an election on this date to submit Constitutional Amendments to the voters, we feel it is the best interest of Temple registered voters for the City to conduct this election jointly with the County.

Under the proposed joint election agreement, the County will procure and distribute all necessary election supplies and equipment, appoint and train all election judges and clerks, conduct early voting at their early voting locations and at precinct polling places on election day. The City will be responsible for the Department of Justice preclearance submission, preparing, posting and publishing the Election Order and Election Notice, receiving applications for ballots by mail and canvassing the returns of the election.

Staff feels this joint election agreement with Bell County will provide a more expeditious, convenient and enhanced service to the registered voters of Temple by providing centralized voting locations and services.

FISCAL IMPACT: The cost of the special charter amendment election is estimated to be \$3,500. The City will only pay for costs of legal publications, programming and actual costs for the City's ballots. A budget adjustment for FY 2012 will be presented at a future date to fund the costs of this election

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,
AUTHORIZING A JOINT ELECTION AGREEMENT WITH BELL COUNTY
FOR THE NOVEMBER 8, 2011, CHARTER AMENDMENT ELECTION; AND
PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple and Bell County are both conducting elections on November 8, 2011;

Whereas, Section 42.061(a) of the Texas Election Code requires a political subdivision to use regular county election precincts for any election held on the November uniform election date;

Whereas, since Bell County is conducting an election on this date to submit Constitutional Amendments to the voters, Staff feels it is in the best interest of the Temple registered voters for the City to conduct this election jointly with the County;

Whereas, joint election agreements are authorized in Chapter 271 of the Texas Election Code; 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 Manager is authorized to execute a *Joint Election Agreement*, after approval as to form by the City Attorney, authorizing a joint election between the City of Temple and Bell County for the November 8, 2011, charter amendment election, pursuant to Chapter 271 of the Texas Election Code.

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 15th day of **September**, 2011.

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:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting resolution a authorizing the exchange of the land located at 2211 South 5th Street, formerly the Courtyard Apartments, to Temple College in exchange for eight easements necessary for the Friar's Creek Trail.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item would grant the City the authority to exchange the property located at 2211 South 5th Street, formally the Courtyard apartments for 8 easements necessary to complete the portion of Friar's Creek trail through TMED. In 2002 the City purchased the Courtyard apartments, since 2004, the City has leased this land to Temple College for future academic-related purposes. In the past year the College has begun construction to build a parking lot to relieve congestion on campus due to other expansion projects.

The property at 2211 South 5th Street, is approximately 2 acres, the City in return will receive a total of 2.3 acres of easements.

FISCAL IMPACT: NA

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE EXCHANGE OF LAND LOCATED AT 2211 SOUTH 5TH STREET, FORMERLY THE COURTYARD APARTMENTS, TO TEMPLE COLLEGE IN EXCHANGE FOR 8 EASEMENTS NECESSARY FOR THE FRIAR'S CREEK TRAIL; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in 2002 the City purchased the property located at 2211 South 5th Street (Courtyard Apartments), and since 2004 the City has leased the land to Temple College for future academic-related purposes;

Whereas, in the past year the college has begun construction to build a parking lot to relieve congestion on campus due to other expansion projects;

Whereas, the Staff recommends exchanging the approximately 2 acre tract of land located at 2211 South 5th Street to Temple College for approximately 2.3 acres of easements which are necessary to complete the Friar's Creek Trail project through TMED; 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 Mayor to execute a warranty deed from the City of Temple to Temple College, after approval as to form by the City Attorney, for the exchange of land located at 2211 south 5th Street (formerly the Courtyard Apartments), to Temple College in exchange for 8 easements necessary for the Friar's Creek Trail.

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 15th day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/15/11
Item #4(J-1)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, PE, Director of Public Works
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing the following FY 2012 annual purchase agreements for sign and traffic control supplies:

- A. Renewal of agreements totaling an annual estimated purchase amount of \$17,097.31:
 - 1. 3M Company of St Paul, Minnesota, \$1,646.16;
 - 2. Pathmark Traffic Products of San Marcos, Texas, \$915.22; and
 - 3. Vulcan Sign of Foley, Alabama, \$14,535.93.
- B. New agreements totaling an annual estimated purchase amount of \$22,241.30:
 - 1. Roadrunner Traffic Supply Inc. of Ft. Worth, TX, \$2,844.40;
 - 2. Allied Tube & Conduit Corporation of Harvey, Illinois, \$8,465.50
 - 3. Custom Products Corp of Jackson, Mississippi, \$7,623.60; and
 - 4. Pathmark Traffic Products of San Marcos, Texas, \$3,307.80.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On September 16, 2010, the City Council authorized annual purchase agreements with 3M Company, Pathmark Traffic Products, and Vulcan Signs for the purchase of sign and traffic control parts. The current contracts will expire on September 30, 2011; however, these three suppliers have agreed to renew their contracts at the prices bid for FY 2011, and staff believes that the pricing is a good value. Three additional vendors were unable to renew their contracts, and accordingly, the items awarded to these three vendors had to be re-bid. As shown on the attached bid tabulation, on August 9, 2011, the City received four (4) bids for these items. The bid was stated to be awarded by sections, except for section four (4), which was stated to be awarded by line item.

Staff recommends award of the bids to the vendors as highlighted in yellow on the attached bid tabulation. The City has done business with all low bidders and find them all them to be responsible vendors.

The proposed purchase agreements are for a one (1) year period commencing on October 1, 2011, with the option to extend the agreement for four (4) additional one-year periods, if so agreed to by the City and each party.

FISCAL IMPACT: Sign and traffic control supplies are purchased on an as needed basis and are accounted for in the Sign Shop's inventory account. As supplies are used, they are charged to the appropriate departmental expenditure account. Based on historical usage, it is estimated that \$39,338.61 in sign and traffic control supplies will be used throughout the year.

ATTACHMENTS:

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

Tabulation of Bids Received
on July 27, 2010 at 3:30 p.m.
Sign and Traffic Control Supplies

***** Recommended for Renewal for FY 2012*****

City of Temple - Bid Tabulation for Sign/Traffic Control Supplies FY 10-11				3M Company		Pathmark Traffic Products		Vulcan Inc.	
ITEM DESCRIPTION				St Paul, MN		San Marcos, TX		Roley, AL	
Section 1 - Sign Face Material				Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Stop Face MR1-1	24x24	25	each					\$6.68	\$167.00
Stop Face R1-1	30x30	200	each					\$10.44	\$2,088.00
Stop Face ER1-1	36x36	25	each					\$15.03	\$375.75
Advanced Stop Face MW3-1a	30x30	25	each					\$11.44	\$286.00
Yield Face MR1-2	30x30x30	5	each					\$5.50	\$27.50
Yield Face R1-2	36x36x36	5	each					\$6.67	\$33.35
Advanced Yield Face MW3-2a	30x30	5	each					\$5.50	\$27.50
Speed Limit Face MR2-1-B	18x24	75	each					\$5.01	\$375.75
Speed Limit Face R2-1-B	24x30	10	each					\$8.35	\$83.50
Do Not Enter Face R5-1	30x30	10	each					\$10.44	\$104.40
Wrong Way Face R5-1a	36x24	10	each					\$10.02	\$100.20
One Way Right Face R6-1R	36x12	10	each					\$5.01	\$50.10
One Way Right Face R6-2R	18x24	5	each					\$5.01	\$25.05
One Way Left Face R6-1L	36x12	10	each					\$5.01	\$50.10
One Way Left Face R6-2L	18x24	5	each					\$5.01	\$25.05
No Truck Symbol Face SR5-2	30x30	10	each					\$10.95	\$109.50
No Left Turn Symbol Face R3-2	30x30	5	each					\$10.95	\$54.75
No Right Turn Symbol Face R3-1	30x30	5	each					\$10.95	\$54.75
No U Turn Symbol Face R3-4	30x30	5	each					\$10.95	\$54.75
No Parking Anytime Face R7-1	18x24	50	each					\$5.01	\$250.50
No Parking Plain Face R7-2-B	18x24	10	each					\$5.01	\$50.10
Two Hr. Parking Face R7-5-9	12x18	10	each					\$2.64	\$26.40
Reserved Parking/Handicap Face R7-8	12x18	10	each					\$3.14	\$31.40
Reserved Parking/Handicap Face R7-8	18x24	10	each					\$5.50	\$55.00
Pedestrian Crossing Symbol Face W11A-2	30x30	5	each					\$10.44	\$52.20
Fluorescent School Crossing Symbol Face S2-1	36x36	5	each					\$43.86	\$219.30
Fluorescent Advanced School Crossing Symbol Face S1	36x36	5	each					\$43.86	\$219.30
Two Way Traffic Symbol Face W6-3	30x30	4	each					\$10.44	\$41.76
T Intersection Symbol Face W2-4	30x30	5	each					\$10.44	\$52.20
Sharp Right Turn Symbol Face MW1-1R	30x30	5	each					\$10.44	\$52.20
Sharp Left Turn Symbol Face MW1-1L	30x30	5	each					\$10.44	\$52.20
Curve to Right Symbol Face MW1-2R	30x30	5	each					\$10.44	\$52.20
Curve to Left Symbol Face MW1-2L	30x30	5	each					\$10.44	\$52.20
Reverse Turn Right Symbol Face MW1-3R	30x30	5	each					\$10.44	\$52.20
Reverse Turn Left Symbol Face MW1-3L	30x30	5	each					\$10.44	\$52.20
Winding Road Right Symbol Face MW1-5R	30x30	2	each					\$10.44	\$20.88
Winding Road Left Symbol Face MW1-5L	30x30	5	each					\$10.44	\$52.20
Chevron Symbol Face MW1-8	12x18	25	each					\$2.64	\$66.00
Chevron Symbol Face W1-8	18x24	25	each					\$5.01	\$125.25
Double Arrow Symbol Face W1-7	48x24	5	each					\$13.36	\$66.80
Bridge Marker Right Face OM-3R	12x36	5	each					\$5.01	\$25.05
Bridge Marker Left Face OM-3L	12x36	5	each					\$5.01	\$25.05
Railroad Crossing Symbol Face W10-1	36x36	5	each					\$15.03	\$75.15
Flagmen Symbol Face W20-7a	30x30	4	each					\$10.44	\$41.76
White with Black Border Face	18x24	25	each					\$5.01	\$125.25
White with Black Border Face	24x24	10	each					\$6.68	\$66.80
White with Black Border Face	30x30	15	each					\$10.44	\$156.60
White with Black Border Face	30x36	10	each					\$12.53	\$125.30
White with Red Border Face	18x24	10	each					\$5.01	\$50.10
White with Red Border Face	24x24	10	each					\$6.68	\$66.80
White with Blue Border Face	18x24	5	each					\$5.01	\$25.05
Green with White Border Face	24x24	5	each					\$6.68	\$33.40
Yellow with Black Border Face	30x30	10	each					\$10.44	\$104.40
Orange with Black Border Face	24x24	25	each					\$6.68	\$167.00
Orange with Black Border Face	30x30	10	each					\$10.44	\$104.40
Red with White Border Face	6x12	25	each					\$0.93	\$23.25
Total of Section									\$6,950.85
Spring-type battery for emergency flasher	6-volt	48	each			\$2.39	\$114.72		
Section 6 - Sign Blanks				Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Stop Blank	24x24	25	each					\$7.49	\$187.25
Stop Blank	30x30	100	each					\$11.46	\$1,146.00
Stop Blank	36x36	5	each					\$16.71	\$83.55
Yield Blank	30x30x30	5	each					\$6.48	\$32.40
Yield Blank	36x36x36	4	each					\$9.00	\$36.00
Aluminum Blank	6x24	5	each					\$2.34	\$11.70
Aluminum Blank	6x30	5	each					\$2.82	\$14.10
Aluminum Blank	6x36	5	each					\$3.36	\$16.80
Aluminum Blank	6x12	25	each					\$1.49	\$37.25
Aluminum Blank	6x42	5	each					\$4.05	\$20.25
Aluminum Blank	8x24	5	each					\$2.98	\$14.90
Aluminum Blank	9x12	5	each					\$1.98	\$9.90
Aluminum Blank	9x21	5	each					\$3.13	\$15.65
Aluminum Blank	10x24	5	each					\$3.64	\$18.20
Aluminum Blank	12x12	25	each					\$2.27	\$56.75
Aluminum Blank	12x18	75	each					\$3.06	\$229.50
Aluminum Blank	12x36	20	each					\$6.26	\$125.20
Yield Blank	30x30x30	5	each					\$6.48	\$32.40

City of Temple - Bid Tabulation for Sign/Traffic Control Supplies FY 10-11				3M Company		Pathmark Traffic Products		Vulcan Inc.	
ITEM DESCRIPTION				St Paul, MN		San Marcos, TX		Roley, AL	
Section 1 - Sign Face Material	Size	Qty	Unit	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Aluminum Blank	15x32	2	each					\$6.86	\$13.72
Aluminum Blank	15x36	2	each					\$7.71	\$15.42
Aluminum Blank	15x42	2	each					\$8.97	\$17.94
Aluminum Blank	15x48	2	each					\$10.27	\$20.54
Aluminum Blank	15x54	2	each					\$11.78	\$23.56
Aluminum Blank	15x60	2	each					\$12.74	\$25.48
Aluminum Blank	15x72	2	each					\$15.76	\$31.52
Aluminum Blank	15x84	2	each					\$18.23	\$36.46
Aluminum Blank	18x18	15	each					\$4.70	\$70.50
Aluminum Blank	18x24	25	each					\$6.01	\$150.25
Aluminum Blank	24x24	50	each					\$7.94	\$397.00
Aluminum Blank	24x30	15	each					\$9.89	\$148.35
Aluminum Blank	24x36	10	each					\$12.14	\$121.40
Aluminum Blank	24x48	10	each					\$16.13	\$161.30
Aluminum Blank	30x30	50	each					\$12.32	\$616.00
Aluminum Blank	30x36	15	each					\$14.99	\$224.85
Aluminum Blank	36x36	20	each					\$18.02	\$360.40
Aluminum Blank (round for railroad crossings)	36"	5	each					\$16.50	\$82.50
Extruded Blank	6x24	50	each					\$3.57	\$178.50
Extruded Blank	6x30	50	each					\$4.45	\$222.50
Extruded Blank	6x36	50	each					\$5.28	\$264.00
Extruded Blank	6x42	50	each					\$6.26	\$313.00
Extruded Blank	6x48	25	each					\$6.98	\$174.50
Extruded Blank	9x24	25	each					\$4.83	\$120.75
Extruded Blank	9x30	50	each					\$6.00	\$300.00
Extruded Blank	9x36	50	each					\$7.16	\$358.00
Extruded Blank	9x42	50	each					\$8.47	\$423.50
Extruded Blank	9x48	25	each					\$9.48	\$237.00
Extruded Blank	9x54	25	each					\$10.73	\$268.25
Extruded Blank	9x60	5	each					\$11.89	\$59.45
Extruded Blank	9x72	2	each					\$14.11	\$28.22
Extruded Blank	9x84	2	each					\$16.21	\$32.42
Total of Section									\$7,585.08
Section 7 - Traffic Buttons and Accessories	Size	Qty	Unit	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
White non-reflective	4"	100	each			\$0.65	\$65.00		
White reflective; clear/red	4"	50	each			\$1.05	\$52.50		
White one way reflective; clear	4"	100	each			\$1.09	\$109.00		
Yellow non-reflective	4"	100	each			\$0.65	\$65.00		
Yellow two way reflective; amber	4"	100	each			\$1.09	\$109.00		
Epoxy Part A; catalyst	5 gal pail	1	each			\$200.00	\$200.00		
Epoxy Part B; resin	5 gal pail	1	each			\$200.00	\$200.00		
Total of Section							\$800.50		
Section 8 - Sign Material Roll Goods	Size	Qty	Unit	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Brown	24" x 150'	1	roll	\$495.00	\$495.00				
White	24" x 150'	1	roll	\$495.00	\$495.00				
Black Border	5/8" x 150'	1	roll	\$6.86	\$6.86				
Black Border	3/4" x 150'	1	roll	\$8.24	\$8.24				
White Border	5/8" x 150'	2	roll	\$12.89	\$25.78				
White Border	3/4" x 150'	1	roll	\$15.47	\$15.47				
White Border	1/2" x 150'	1	roll	\$10.31	\$10.31				
Overlay Film (clear)	24" x 150'	1	roll	\$387.00	\$387.00				
Liner Paper	30" x 100'	1	roll	\$202.50	\$202.50				
Total of Section					\$1,646.16				
Total items being recommended for contract renewals				\$1,646.16		\$915.22		\$14,535.93	

Tabulation of Bids Received
on August 9, 2011 at 2:15 p.m.
Sign and Traffic Control Supplies
Bid# 34-01-12

Description	BIDDERS			
	Roadrunner Traffic Supply Inc. Ft. Worth, TX	Allied Tube & Conduit Harvey, IL	Custom Products Corporation Jackson, MS	Pathmark Traffic Products San Marcos
Sign Caps, Crosses, Brackets and Clamps	\$2,116.90	No Bid	\$1,562.20	No Bid
Sign Pipes and Accessories	No Bid	\$8,465.50	No Bid	\$9,938.50
Road Marking Accessories	\$727.50	No Bid	\$2,078.50	\$783.50
Emergency Flashers for Barricade w/solar switch	No Bid	No Bid	\$380.40	\$379.00
Replacement Bulb for 6-volt Emergency Flashers	No Bid	No Bid	\$344.64	\$238.80
Dead End Barricade Tape (red-white)	\$10,800.00	No Bid	\$7,623.60	\$8,340.00
Traffic Cones (Fluorescent Orange) 28"	\$1,237.00	No Bid	\$1,161.00	\$1,095.00
Traffic Cones (Fl Orange w.White Refl Stripes)	\$1,628.00	No Bid	\$1,634.00	\$1,595.00
Total Recommended for Award	\$2,844.40	\$8,465.50	\$7,623.60	\$3,307.80
Delivery within 45 days?	Yes	Yes	Yes	Yes
Exceptions?	Yes (as highlighted)	No	Yes (as highlighted)	No
Credit Check Authorization	Yes	Yes	Yes	Yes

Memo FY2011 Contracted Prices
\$1,458.20
\$9,643.00
\$435.50
\$12.85
\$0.64
\$12.00
\$6.84
\$12.21

Planholders
3M
Allied Tube & Conduit
American Traffic Safety Materials
Consolidated Traffic Controls
Custom Products Corp
Hall Signs
Interstate Highway Signs
Korman Signs
MDI Traffic
Pathmark Traffic Products
Prime Vendor
Roadrunner Traffic Supply
Rocal
Safety Zone
Vulcan Inc

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

	Doesn't meet specification
	Minimum order of 50
	Minimum order of 100
	Recommended for award

Belinda Mattke

8/9/2011

Belinda Mattke, Director of Purchasing

Date

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, AUTHORIZING ANNUAL PURCHASE AGREEMENTS WITH
VARIOUS VENDORS FOR SIGN AND TRAFFIC CONTROL SUPPLIES
FOR FY 2011-12 IN THE ESTIMATED ANNUAL AMOUNT OF
\$39,338.61; PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 16, 2010, the City Council authorized annual purchase agreements with 3M Company, Pathmark Traffic Products, and Vulcan Signs for the purchase of sign and traffic control parts – the original bid provided for 4 one-year renewals and the Staff recommends renewing the agreements;

Whereas, three other vendors with whom the City purchased sign and traffic control supplies during FY2010-11 were not able to renew their agreement at the same prices; therefore, the City received bids on August 9, 2011;

Whereas, the Staff recommends approving new agreements for the purchase of sign and traffic control supplies for FY2011-12 with Roadrunner Traffic Supply, Inc., of Fort Worth, Texas; Allied tube & Conduit Corporation of Harvey, Illinois; Custom Products Corp of Jackson, Mississippi; and Pathmark Traffic Products of San Marcos, Texas;

Whereas, funds are budgeted in each department's FY2011-12 budget, and the items will be purchased as they are needed throughout the year (estimated annual expenditure is \$39,338.61); 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 renewing annual purchase agreements for sign and traffic control supplies for Fiscal Year 2011-12, as follows:

- (A) 3M Company, St. Paul, Minnesota (\$1,646.16);
- (B) Pathmark Traffic Products, San Marcos, Texas (\$915.22); and
- (C) Vulcan Sign, Foley, Alabama (\$14,535.93).

Part 2: The City Council authorizes new annual purchase agreements for sign and traffic control supplies for Fiscal Year 2011-12, as follows:

- (A) Roadrunner Traffic Supply, Inc., Fort Worth, Texas (\$2,844.40);

- (B) Allied Tube & Conduit Corporation, Harvey, Illinois (\$8,465.50);
- (C) Custom Products Corp, Jackson, Mississippi (\$7,623.60); and
- (D) Pathmark Traffic Products, San Marcos, Texas (\$3,307.80).

Part 3: 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 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 **15th** day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/15/11
Item #4(J-2)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, PE, Director of Public Works
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing the following FY 2012 annual purchase agreements for traffic signal equipment:

- A. Renewal of agreements totaling an annual estimated purchase amount of \$93,209.40:
 - 1. Naztec Inc. of Sugar Land, Texas, \$89,140; and
 - 2. Traffic Parts of Spring, Texas, \$4,069.40.
- B. New agreements totaling an annual estimated purchase amount of \$22,381.08:
 - 1. Traffic Parts of Spring, Texas, \$11,610.54;
 - 2. Naztec Inc. of Sugar Land, Texas, \$1,494.00; and
 - 3. Consolidated Traffic Controls, Inc. of Arlington, Texas, \$9,276.54.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On September 16, 2010, the City Council authorized annual purchase agreements with Naztec Inc. and Traffic Parts for the purchase of traffic signal equipment. The current contracts will expire on September 30, 2011; however, these two suppliers have agreed to renew their contracts at the prices bid for FY2011, and staff believes that the pricing is a good value. Two additional vendors were unable to renew their contracts, and accordingly, the items awarded to these two vendors had to be re-bid. As shown on the attached bid tabulation, on August 9, 2011, the City received five (5) bids for these items. The bid was stated to award section 1 by section and section 2 was stated to be awarded by line item.

The City has done business with all low bidders and find them all to be responsible vendors.

The proposed purchase agreements are for a one (1) year period commencing on October 1, 2011, with the option to extend the agreement for four (4) additional one-year periods, if so agreed to by the City and each party.

FISCAL IMPACT: Funding in the amount of \$22,550 is budgeted in the adopted FY 2012 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](#)
[Resolution](#)

Tabulation of Bids Received
on July 27, 2010 at 2:30 p.m.
Traffic Signal Equipment and Supplies

*****Recommended for Renewal for FY 2012*****

	Qty	Unit Price	Naztec Inc Sugar Land	Traffic Parts Spring
Description				
Signal Cabinets with Controllers	1	\$ 36,780.00	\$36,780.00	
Signal Cabinets without Controllers	1	\$ 26,800.00	\$26,800.00	
Conflict Monitor without Red Light Inhibitor	1	\$ 2,970.00	\$2,970.00	
Conflict Monitor with Red Light Inhibitor	1	\$ 14,600.00	\$14,600.00	
Pedestrian Push Button; Black; ADA	8	\$ 30.55		\$244.40
8-inch LED - Green	12	\$ 57.25		\$687.00
8-inch LED - Yellow Arrow	12	\$ 37.50		\$450.00
8-inch LED - Green Arrow	12	\$ 55.00		\$660.00
12-inch Pedestrian Visor - Black Plastic	12	\$ 9.00		\$108.00
Service Box - Precast Polymer Concrete	8	\$ 240.00		\$1,920.00
Solar School Flashing Beacon	2	\$ 3,995.00	\$7,990.00	
Total line items being recommended for renewal			\$89,140.00	\$4,069.40

Tabulation of Bids Received
on August 9, 2011 at 2:45 p.m.
Traffic Signal Equipment and Supplies
Bid# 28-01-12

	Bidders					Memo FY2011 Contracted Prices
	Traffic Parts Inc. Spring TX	Paradigm Traffic Systems, Inc. Arlington, TX	Roadrunner Traffic Supply, Inc. Ft. Worth	Naztec Inc. Sugar Land, TX	Consolidated Traffic Controls, Inc Arlington, TX	
Description						
Section 1 - Miscellaneous Components	\$1,828.64	\$2,208.00	No Bid	\$2,124.00	No Bid	\$1,708.00
Signal Head w/LED's - 3 section horizontal	\$2,720.00	\$3,664.00	\$3,264.80	\$4,160.00	\$2,968.00	\$3,416.00
Signal Head w/LED's - 4 section horizontal	\$1,805.32	\$2,444.00	\$2,141.48	\$2,568.00	\$1,944.80	\$2,200.00
Signal Headw/LED's - 5 section horizontal	\$2,185.96	\$3,056.00	\$2,604.56	\$3,328.00	\$2,367.76	\$2,480.00
16" Pedestrian Signal - 2 in 1; black LED hand/man	\$2,124.00	\$2,056.00	\$2,120.80	\$2,808.00	\$1,928.00	\$1,840.00
12-inch Pedestrian Signal Lens - Plastic; WALK	\$147.12	No Bid	\$123.20	\$800.00	\$112.00	\$120.00
12-inch Pedestrian Signal Lens - Plastic; DON'T WALK	\$239.60	No Bid	\$123.20	\$800.00	\$112.00	\$120.00
16" 2 in 1 Pedestrian Signal Lens - Plastic; hand/man	No Bid	No Bid	\$110.00	\$800.00	\$100.00	\$336.00
Pelco Pedestal Base or approved equal	\$1,930.00	\$2,050.00	\$1,903.00	\$2,200.00	\$1,730.00	\$1,750.00
Pole Cap -Pelco PB-5401or approved equal	\$13.50	\$10.00	\$9.13	\$12.00	\$8.30	\$9.00
4-1/2" O.D. x 16' Aluminum Pole for Ped Base	\$394.00	\$325.00	\$249.70	\$282.00	\$227.00	\$250.00
U-Bolt Sign Clamp - 4" Pole (4-1/2" O.D.)	\$178.40	\$150.00	\$143.00	\$230.00	\$130.00	\$170.00
Astro-Brac Sign Clamp AB-0502	\$77.50	\$110.00	\$103.40	\$390.00	\$94.00	No on bid last time
Astro Bracket - AS-3009; 62-inch cable	\$682.80	\$804.00	\$722.76	\$828.00	\$657.00	\$696.00
Astro Bracket - AS-3009; 84-inch cable	\$703.20	\$864.00	\$778.80	\$888.00	\$708.00	\$744.00
Astro Bracket - AS-3009; 96-inch cable	\$712.80	\$900.00	\$831.60	\$924.00	\$756.00	\$780.00
Astro Arm Kit - AB-4001	\$270.12	\$384.00	\$346.44	\$420.00	\$314.88	\$312.00
12-inch LED - Red	\$579.00	\$648.00	\$601.80	\$792.00	\$547.08	\$504.00
12-inch LED - Yellow	\$759.00	\$864.00	\$682.68	\$1,080.00	\$620.52	\$660.00
12-inch LED - Green	\$699.00	\$1,680.00	\$931.08	\$1,236.00	\$846.36	\$636.00
12-inch LED - Yellow Arrow	\$669.00	\$624.00	\$682.68	\$840.00	\$620.52	\$528.00
12-inch LED - Green Arrow	\$699.00	\$804.00	\$757.08	\$924.00	\$688.20	\$588.00
8-inch LED - Red	\$594.00	\$624.00	\$446.52	\$648.00	\$405.84	\$480.00
8-inch LED - Yellow	\$729.00	\$900.00	\$456.60	\$1,236.00	\$415.08	\$552.00
12-inch Visor - Universal Black Plastic Tunnel	\$500.00	No Bid	\$550.00	\$750.00	\$500.00	\$442.50
12-inch Visor - Universal Yellow Metal Tunnel	\$775.00	No Bid	\$605.00	\$1,250.00	\$550.00	\$577.50
8-inch Visor - Universal Yellow Metal Tunnel	\$550.00	No Bid	\$467.50	\$1,250.00	\$425.00	\$425.00
12-inch Pedestrian Visor - Black Plastic	\$108.00	No Bid	\$232.32	\$1,200.00	\$211.20	\$106.20
Section 3 - Batteries	\$1,710.00	\$1,950.00	\$2,098.80	\$1,494.00	\$1,908.00	\$1,500.00
Total Recommended for Award	\$11,610.54	\$0.00	\$0.00	\$1,494.00	\$9,276.54	
Delivry within 45 days?	Yes	Yes	Yes	No (acceptable)	Yes	
Exceptions?	Yes (acceptable)	No	No	No	No	
Credit Check Authorization	Yes	Yes	Yes	Yes	Yes	

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

Belinda Mattke

9-Aug-11

Belinda Mattke, Director of Purchasing

Date

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

Planholders
American Traffic Solutions
Consolidated Traffic Controls
Excellance Opto
Multicom Inc
Naztec, Inc
Paradigm Traffic Systems
Roadrunner Traffic Supply
Siemens ITS
TLC Specialties
Traffic Signal Equipment
Trastar

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, AUTHORIZING ANNUAL PURCHASE AGREEMENTS WITH
VARIOUS VENDORS FOR TRAFFIC SIGNAL EQUIPMENT FOR FY
2011-12 IN THE ESTIMATED ANNUAL AMOUNT OF \$115,590.48;
PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 16, 2010, the City Council authorized annual purchase agreements with Naztec, Inc., of Sugar Land, Texas, and Traffic Parts of Spring, Texas, for the purchase of traffic signal equipment – the original bid provided for 4 one-year renewals and the Staff recommends renewing the agreements;

Whereas, two other vendors with whom the City purchased traffic signal equipment during FY2010-11 were not able to renew their agreement at the same prices; therefore, the City received bids on August 9, 2011;

Whereas, the Staff recommends approving new agreements for the purchase of traffic signal equipment for FY2011-12 with Traffic Parts of Spring, Texas, Naztec, Inc., of Sugar Land, Texas; and Consolidated Traffic Controls, Inc., of Arlington, Texas;

Whereas, funds are budgeted in each department's FY2011-12 budget, and the items will be purchased as they are needed throughout the year (estimated annual expenditure is \$115,590.48); 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 renewing annual purchase agreements for traffic signal equipment for Fiscal Year 2011-12, as follows:

- (A) Naztec, Inc., Sugar Land, Texas (\$89,140); and
- (B) Traffic Parts, Spring, Texas (\$4,069.40).

Part 2: The City Council authorizes new annual purchase agreements for traffic signal equipment for Fiscal Year 2011-12, as follows:

- (A) Traffic Parts, Spring, Texas (\$11,610.54);
- (B) Naztec, Inc., Sugar Land, Texas (\$1,494.00); and

(C) Consolidated Traffic Controls, Inc., Arlington, Texas (\$9,276.54).

Part 3: 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 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 **15th** day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/15/11
Item #4(J-3)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, PE, Director of Public Works
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing the following FY 2012 annual purchase agreements for water treatment plant chemicals:

- A. Renewal of agreements totaling an annual estimated purchase amount of \$380,916:
 - 1. Pennco, Inc. of San Felipe, TX, for Liquid Fluoride, \$27,083;
 - 2. Alivia Corporation of Houston, TX, for Liquid Caustic Soda, \$140,545;
 - 3. Alivia Corporation of Houston, TX, for Citric Acid, \$116,813; and
 - 4. DPC Industries of Cleburne, TX, for Liquid Chlorine, \$96,475.
- B. New agreements totaling an annual estimated purchase amount of \$233,192.50:
 - 1. Polydyne Inc. of Riceboro, GA, for PolyDimethyldiallylammonium Chloride and Clarifloc A-3310, \$2,260;
 - 2. General Chemical Performance Products of Parsippany, NJ, for Liquid Ammonium Sulfate, \$47,450; and
 - 3. Chameleon Industries Inc. of Mequite, TX, for A Blend of Liquid Aluminum Sulfate, Copper Sulfate, and a Water Treatment Grade Polymer Suitable for Potable Water, \$183,510.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Staff is recommending renewals of the following four (4) water treatment plant chemical purchase agreements. The usage of these chemicals is dependant on the chemical make-up of the raw water, which varies throughout the year. Each of these purchase agreements are being recommended for renewal based on staff's satisfaction with the products currently being received and staff's research indicating that the pricing offered is still a good value.

- 1. On October 1, 2009, Council awarded an annual purchase agreement to ***Pencco, Inc of San Felipe, Texas***, for the purchase of ***Liquid Fluoride*** at ***\$.3840/ wet pound***. The original bid allowed for four (4) additional one-year extensions. This will be the second one-year renewal authorized under this contract with two remaining. The estimated annual expenditure for liquid fluoride in FY 2012 is \$27,083.

2. On September 18, 2008, Council awarded an annual purchase agreement to **Altivia Corporation of Houston, Texas**, for the purchase of **Liquid Caustic Soda** at **\$.3218/wet pound**. On October 1, 2009, and September 2, 2010, Council authorized one-year renewals to the contract. The current contract will expire on September 30, 2011. The original bid allowed for four (4) additional one-year extensions. This will be the third one-year renewal authorized under this contract with one remaining. The estimated annual expenditure for liquid caustic soda in FY 2012 is \$140,545.
3. On June 18, 2009, Council awarded an annual purchase agreement to **Altivia Corporation of Houston, Texas**, for the purchase of **Citric Acid** at **\$7.4053/gallon**. On September 2, 2010, Council authorized a one-year renewal to the contract. The current contract will expire on September 30, 2011. The original bid allowed for four (4) additional one-year extensions. This will be the second one-year renewal authorized under this contract with two remaining. The estimated annual expenditure for citric acid in FY 2012 is \$116,813.
4. On October 1, 2009, Council awarded an annual purchase agreement to **DPC Industries, Inc of Cleburne, Texas**, for the purchase of **Liquid Chlorine** at **\$644/ton**. On September 2, 2010, Council authorized a one-year renewal to the contract. The original bid allowed for four (4) additional one-year extensions. This will be the second one-year renewal authorized under this contract with two remaining. The estimated annual expenditure for liquid chlorine in FY 2012 is \$96,475.

Staff is recommending award of new annual purchase agreements to the following three (3) water treatment plant chemical vendors. The usage of these chemicals is dependent on the chemical make-up of the raw water, which varies throughout the year.

1. On August 17, 2011, the City received one (1) bid for the purchase of PolyDimethylidallylammonium Chloride and Clarifloc A-3310 from Polydyne, Inc of Riceboro, Georgia. The City has done business with Polydyne in the past and finds them to be responsible vendors. Staff is recommending award to **Polydyne, Inc of Riceboro, Georgia**, for the purchase of **PolyDimethylidallylammonium Chloride** at **\$292.50/55-gal drum** and **Clarifloc A-3310** at **\$96.25/50# bag**. The bid allows for four (4) additional one-year extensions, if so agreed to by both parties. The estimated annual expenditure for these chemicals in FY 2012 is \$2,260.
2. On August 16, 2011, the City received four (4) bids for the purchase of liquid ammonium sulfate. The bids are shown on the attached bid tabulation. The low bidder was General Chemical Performance Products of Parsippany, New Jersey. The City has done business with General Chemical Performance Products in the past and finds them to be a responsible vendor. Staff is recommending award to **General Chemical Performance Products of Parsippany, NJ**, for the purchase of **Liquid Ammonium Sulfate** at **\$.0949/pound**. The bid allows for four (4) additional one-year extensions, if so agreed to by both parties. The estimated annual expenditure for liquid ammonium sulfate in FY 2012 is \$47, 450.

3. On August 16, 2011, 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. The low bidder was Chameleon Industries of Mesquite, TX. The City has done business with Chameleon Industries in the past and finds them to be a responsible vendor. Staff is recommending award to **Chameleon Industries, Inc. of Mesquite, TX**, for the purchase of the following:

Aluminum & Copper without Polymer -- \$.0895/wet pound;
Aluminum & Polymer with 2% Copper -- \$.0747/wet pound;
Aluminum & Polymer without Copper -- \$.0703/wet pound; and
Aluminum Sulfate -- \$.0575/wet pound

The bid allows for four (4) additional one-year extensions, if so agreed to by both parties. The estimated annual expenditure for the aluminum chemical products in FY 2012 is \$183,510.

FISCAL IMPACT: Water Treatment Plant chemicals are purchased on an as needed basis throughout the year. Funding in the amount of \$856,105 is budgeted in the adopted FY 2012 budget in account 520-5100-535-2118.

ATTACHMENTS:

2 Bid Tabulations - (1) Liquid Ammonium Sulfate and (2) Aluminum Chemical Products
Resolution

Tabulation of Bids Received
on August 16, 2011 at 2:15 p.m.
A Blend of Liquid Aluminum Sulfate, Copper Sulfate, and
a Water Treatment Grade Polymer Suitable for Potable Water
Bid # 51-02-12

		Bidders						Memo 2010-2011 Contracted Prices
		Altivia Corp.		General Chemical Performance Products		Chameleon Industries Inc.		
		Houston, TX		Parsippany, NJ		Mesquite, TX		
Description	Est Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	
Unit Price for Liquid Aluminum Sulfate and Copper Sulfate	320,000	\$0.0817	\$26,144.00	\$0.0875	\$28,000.00	\$0.0895	\$28,640.00	\$0.0765
Unit Price for Liquid Aluminum Sulfate, Polymer, and 2% Copper	1,400,000	\$0.0864	\$120,960.00	\$0.0925	\$129,500.00	\$0.0747	\$104,580.00	\$0.0695
Unit Price for Liquid Aluminum Sulfate & Polymer	425,000	\$0.0733	\$31,152.50	\$0.0800	\$34,000.00	\$0.0703	\$29,877.50	\$0.0585
Unit Price for Aluminum Sulfate	355,000	\$0.0555	\$19,702.50	\$0.0600	\$21,300.00	\$0.0575	\$20,412.50	\$0.0490
Total Bid Amount		\$197,959.0000		\$212,800.0000		\$183,510.00		
Delivery		Yes		Yes		Yes		Planholders ALTIVIA BASF Corporation
Exceptions		None		No		No		
Credit Check Authorization		Yes		Yes		Yes		

Planholders
ALTIVIA
BASF Corporation
Brenntag Southwest
General Chemical
Kemira Water
POLYDYNE INC.
Prime Vendor
U.S. Aluminate Co.

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

Belinda Mattke

Belinda Mattke, Director of Purchasing

16-Aug-11

Date

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

Tabulation of Bids Received
on August 16, 2011 at 2:45 p.m.
Liquid Ammonium Sulfate

	Bidders			
	General Chemical Performance Products Parsippany, NJ	Altivia Corp Houston, TX	Hydro-Plus Limited Abilene, TX	Brenntag Southwest Inc. Elmendorf, TX
Description				
Total Bid Price for Liquid Ammonium Sulfate per Pound	\$0.0949	\$0.0976	\$0.105	\$0.1000
Total Estimated Annual Amount	\$47,450.0000	\$48,800.0000	\$52,500.0000	\$50,000.0000
Delivery	Yes	Yes	Yes	?
Exceptions	No	No	No	No
Local Preference	No	No	No	No
Credit Check Authorization	Yes	Yes	Yes	Yes

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

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

Belinda Mattke

Belinda Mattke, Director of Purchasing

16-Aug-11

Date

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, AUTHORIZING ANNUAL PURCHASE AGREEMENTS WITH
VARIOUS VENDORS FOR WATER TREATMENT PLANT CHEMICALS
FOR FY 2011-12 IN THE ESTIMATED ANNUAL AMOUNT OF
\$614,108.50; PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 18, 2008, June 18, 2009, and October 1, 2009, the City Council authorized annual purchase agreements with Pennco, Inc., of San Felipe, Texas, Altivia Corporation of Houston, Texas, and DPC Industries of Cleburne, Texas, for the purchase of water treatment plant chemicals – the original bid provided for 4 one-year renewals and the Staff recommends renewing the agreements;

Whereas, on August 16, 2011, the City received bids for additional chemicals that will need to be purchase in FY2011-12, and the Staff recommends authorizing new purchase agreements Polydyne, Inc., of Riceboro, Georgia, General Chemical Performance Products of Parsippany, New Jersey, and Chameleon Industries, Inc., of Mesquite, Texas;

Whereas, funds are budgeted in Account Number 520-5100-535-2118, and the items will be purchased as they are needed throughout the year (estimated annual expenditure is \$614,108.50); 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 renewing annual purchase agreements for traffic signal equipment for Fiscal Year 2011-12, as follows:

- (A) Pennco, Inc., San Felipe, Texas, Liquid Fluoride (\$27,083);
- (B) Altivia Corporation, Houston, Texas, Liquid Caustic Soda (\$140,545);
- (C) Altivia Corporation, Houston, Texas, Citric Acid (\$116,813); and
- (D) DPC Industries, Cleburne, Texas, Liquid Chlorine (\$96,475).

Part 2: The City Council authorizes new annual purchase agreements for traffic signal equipment for Fiscal Year 2011-12, as follows:

- (A) Polydyne, Inc., Riceboro, Georgia, PolyDimethylidallylammonium Chloride and Clarifloc A-3310 (\$2,260);

- (B) General Chemical Performance Products, Parsippany, New Jersey, Liquid Ammonium Sulfate (\$47,450); and
- (C) Chameleon Industries, Inc., Mesquite, Texas, A Blend of Liquid Aluminum Sulfate, Copper Sulfate, and a Water Treatment Grade Polymer Suitable for Potable Water (\$183,510).

Part 3: 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 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 **15th** day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/15/11
Item #4(J-4)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing an annual purchase agreement for sodium hypochlorite, hydrochloric acid, cyanuric acid, and muriatic acid with Commercial Chemical dba Poolsure of Houston for FY 2012 in the estimated amount of \$34,311.50.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City uses sodium hypochlorite, hydrochloric acid, cyanuric acid powder, and muriatic acid to treat water in the city pools, splash pads, and water treatment plant. On August 2, 2011, the City received two (2) bids for these chemicals. The bids are shown on the attached bid tabulation sheet.

The low bidder for all the products was Commercial Chemical, Inc. dba Poolsure. The City has done business with Poolsure in the past and finds them to be a responsible vendor.

The recommended contract is for a period of one (1) year commencing on October 1, 2011, with the option for four (4) one-year renewals, if so agreed to by the City and Poolsure.

FISCAL IMPACT: These items will be ordered on an as-needed basis by Parks & Leisure Services and the Water Treatment Plant. Each department has budgeted for these chemicals in their adopted FY 2012 budget. Estimated annual expenditure based on usage estimated by both departments: \$34,311.50

ATTACHMENTS:

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

Tabulation of Bids Received
on August 2, 2011 at 2:45 p.m.
Sodium Hypochlorite, Hydrochloric Acid, Cyanuric Acid and Muriatic Acid
Bid #32-01-12

		Bidders				Memo 2010-2011 Contracted Prices
		Altivia Corp. Houston, TX		Commercial Chemical Inc. DBA Poolsure Houston, TX		
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	
Sodium Hypochlorite/per gallon	22,000	\$1.60	\$35,200.00	\$1.24	\$27,280.00	
Hydrochloric Acid/per 30 gal carboy	93	\$82.50	\$7,672.50	\$67.50	\$6,277.50	
Cyanuric Acid Powder/100# drum	700	\$66.55*	\$847.18	\$100.00	\$700.00	
Muriatic Acid/gallon	24	\$4.25	\$102.00	\$2.25	\$54.00	
48 Hour Delivery		YES		YES		
Exceptions		YES		NO		
Local Preference		NO		NO		
Credit Check Authorization		YES		YES		

\$1.14
\$59.70
\$100.00
\$3.00

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

* sold in 55# bags

recommended for award

Belinda Mattke

2-Aug-11

Belinda Mattke, Director of Purchasing

Date

Planholders:

Altivia
Brenntag Southwest
General Chemical Performance Products
Poolsure
Prime Vendor
Smith Supply Company

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL PURCHASE AGREEMENT FOR SODIUM HYDROCHLORIC ACID, CYANURIC ACID, AND MURIATIC ACID WITH COMMERCIAL CHEMICAL DBA POOLSURE OF HOUSTON, TEXAS, FOR FY 2011-12, IN THE ESTIMATED AMOUNT OF \$34,311.50; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on August 2, 2011, the City received 2 bids for purchasing sodium hypochlorite, hydrochloric acid, cyanuric acid, and muriatic acid to treat water in the city pools, splash pads, and water treatment plant;

Whereas, the Staff recommends accepting the bid from Commercial Chemical dba Poolsure of Houston, Texas, in the estimated amount of \$34,311.50;

Whereas, the items will be purchased on an as-needed basis by Parks and Leisure Services and the Water Treatment Plant – each department has budgeted for these chemicals in their FY2011-12 budget; and

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

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

Part 1: The City Council authorizes an annual purchase agreement with Commercial Chemical dba Poolsure of Houston, Texas, for the purchase of sodium hypochlorite, hydrochloric acid, cyanuric acid, and muriatic acid to treat water in the city pools, splash pads, and water treatment plant, in the estimated annual amount of \$34,311.50.

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 15th day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/15/11
Item #4(J-5)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, PE, Director of Public Works
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing an annual contract for the hauling and disposal of sludge with S&M Vacuum & Waste, Ltd of Killeen for FY 2012 at a rate of \$.029 per gallon in the estimated annual amount of \$130,500.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On August 2, 2011, the City received two (2) bids for the hauling and disposal of sludge from the Water Treatment Plant. The bids are shown on the attached bid tabulation sheet.

The low bidder was S&M Vacuum & Waste. The City has done business with S&M Vacuum and Waste in the past and finds them to be a responsible vendor.

The recommended contract is for a period of one (1) year commencing on October 1, 2011, with the option for four (4) one-year renewals, if so agreed to by the City and S&M Vacuum & Waste.

FISCAL IMPACT: The Water Treatment Plant estimates that they will need to haul approximately 4,500,000 gallons of sludge per year. Accordingly, the estimated annual expenditure of \$130,500 is based on this quantity. Funding for this service is included in the Water Treatment Plant's FY 2012 in account 520-5100-535-2338

ATTACHMENTS:

[Bid Tabulation
Resolution](#)

Tabulation of Bids Received
on August 2, 2011 at 2:30 p.m.
Hauling and Disposal of Sludge
Bid# 51-01-12

	Bidders		
	Synagro South LLC Tomball, TX	Waste Water Transport Svcs Austin, TX	S&M Vacuum Waste Killeen, TX
Description			
Total price per gallon to dispose of sludge at Contractor provided location.	No Bid	\$0.085	\$0.029
Exceptions	No Bid	No	Yes *
Local Preference	No Bid	No	No
Insurance Requirement Affidavit	No Bid	Yes	Yes
Credit Check Authorization	No Bid	Yes	Yes

<i>Memo 2010-2011 Contracted Prices</i>
\$0.0299

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

Note: Highlighted bid is recommended

Belinda Mattke

2-Aug-11

Belinda Mattke, Director of Purchasing

Date

* Add \$.025 if using S&M's Pump

Planholders
Ace Pipe Cleaning
Entram Corp
Magna-Flo
Oros and Busch Application Tech
Prime Vendor
Renda Environmental
S& M Vacuum and Waste
South Waste
Synagro Technologies
Wastewater Transport Services

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL CONTRACT FOR THE HAULING AND DISPOSAL OF SLUDGE WITH S&M VACUUM & WASTE, LTD., OF KILLEEN, TEXAS, IN THE ESTIMATED ANNUAL AMOUNT OF \$130,500; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on August 2, 2011, the City received 2 bids for the hauling and disposal of sludge from the Water Treatment Plant;

Whereas, the Staff recommends accepting the bid received from S&M Vacuum & Waste, Ltd., of Killeen, Texas, with an estimated annual expenditure of \$130,500;

Whereas, funds are available for this service in Account No. 520-5100-535-2338; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute an annual contract with S&M Vacuum & Waste, Ltd., of Killeen, Texas, after approval as to form by the City Attorney, for the hauling and disposal of sludge, in an estimated amount of \$130,500.

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 **15th** day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/15/11
Item #4(J-6)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing annual purchase agreements for various forms of rock and topsoil with Superior Crushed Stone of Jarrell and Miller Springs Materials of Belton for FY 2012 in the estimated annual amount of \$26,058.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On August 2, 2011, the City received two (2) bids for the purchase of rock, sand, crusher fines, crushed rock, construction rock, rip rap rock, and top soil. The bids are shown on the attached bid tabulation sheet. The invitation to bid specified that the bid would be awarded to the lowest bidder meeting specifications per line item. As highlighted on the bid tabulation, staff is recommending award of seven (7) line items to Superior Crushed Stone in the estimated annual amount of \$19,712.50 and eleven (11) line items to Miller Springs Material in the estimated annual amount of \$6,345.00.

The City has done business with both Superior Crushed Stone and Miller Springs Material in the past and finds them both to be responsible vendors.

The recommended contracts are for a period of one (1) year commencing on October 1, 2011, with the option for four (4) one-year renewals, if so agreed to by the City and Superior Crushed Stone and Miller Springs Material.

FISCAL IMPACT: These products will be ordered on an as needed basis. Departments have budgeted for these materials in several accounts in the adopted FY 2012 budget. Estimated annual expenditure: \$26,058 based quantities estimated by staff.

ATTACHMENTS:

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

Tabulation of Bids Received
on August 2, 2011 at 2:00 p.m.
Rock, Sand, Crusher Fines, Crushed Rock and Topsoil
Bid# 13-06-12

			BIDDERS				Memo 2010-2011 Contracted Prices
			Superior Crushed Stone Jarrell, TX		Miller Springs Material Belton, TX		
Description	Qty	UOM	Unit Price	Total Price	Unit Price	Total Price	
Concrete Sand (picked Up)	25	Ton	\$9.00	\$225.00	\$8.00	\$200.00	\$8.00
Concrete Sand (delivered)	400	Ton	\$9.00	\$3,600.00	\$10.25	\$4,100.00	\$9.00
Additional delivery charge for concrete sand		Ton	N/C		\$2.00		N/C
Pea Gravel (picked up)	25	Ton	\$9.00	\$225.00	\$8.00	\$200.00	\$8.00
Pea Gravel (delivered)	1450	Ton	\$9.00	\$13,050.00	\$10.25	\$14,862.50	\$9.00
Additional delivery charge for pea gravel		Ton	N/C		\$2.00		N/C
Rock 1-1/4" to 1-1/2" (picked-up)	100	Ton	\$8.50	\$850.00	\$8.00	\$800.00	\$7.50
Rock 1-1/4" to 1-1/2" (delivered)	10	Ton	\$10.50	\$105.00	\$10.50	\$105.00	\$10.95
Additional delivery charge for rock 1-1/4" to 1-1/2" (loads under 20 tons)		Ton	N/C		\$2.00		\$2.00
Washed Rock 1" to 1-1/4" (picked up)	10	Ton	No Bid		\$8.00	\$80.00	\$7.50
Washed Rock 1" to 1-1/4" (delivered)	10	Ton	No Bid		\$10.50	\$105.00	\$10.95
Additional delivery charge for washed rock 1" to 1-1/4" (loads under 20 tons)		Ton	No Bid		\$2.00		\$2.00
Crusher Fines (picked up)	50	Ton	\$2.50	\$125.00	\$3.50	\$175.00	\$2.25
Crusher Fines (delivered)	10	Ton	No Bid		\$7.00	\$70.00	\$7.50
Additional delivery charge for crusher fines (loads under 20 tons)		Ton	No Bid		\$2.00		\$2.00
5/16" to 3/8" Type F Crushed Rock (picked up)	200	Ton	\$7.50	\$1,500.00	\$12.50	\$2,500.00	\$7.50
5/16" to 3/8" Type F Crushed Rock (delivered)	10	Ton	No Bid		\$14.75	\$147.50	\$11.95
Additional delivery charge for 5/16" to 3/8" Type F crushed rock (loads under 20 tons)		Ton	No Bid		\$2.00		\$2.00
3" x 5" Construction Rock (picked up)	100	Ton	\$7.00	\$700.00	\$7.95	\$795.00	\$7.50
3" x 5" Construction Rock (delivered)	10	Ton	No Bid		\$10.25	\$102.50	\$11.95
Additional delivery charge for 3" x 5" construction rock (loads under 20 tons)		Ton	No Bid		\$2.00		\$2.00
24" Rip Rap Rock (picked up)	400	Ton	\$12.00	\$4,800.00	\$11.00	\$4,400.00	\$12.50
24" Rip Rap Rock (delivered)	10	Ton	No Bid		\$13.50	\$135.00	\$15.50
Additional delivery charge for 24" rip rap rock (loads under 20 tons)		Ton	No Bid		\$2.00		\$2.00
Quality Top Soil (picked up)	100	CY	\$5.00	\$500.00	No Bid		No Bid
Quality Top Soil (delivered)	25	CY	\$9.50	\$237.50	No Bid		No Bid
Additional delivery charge for quality top soil			N/C		No Bid		No Bid
Pulverized Top Soil (picked up)	700		No Bid		No Bid		No Bid
Pulverized Top Soil (delivered)	150		No Bid		No Bid		No Bid
Additional delivery charge for pulverized top soil			No Bid		No Bid		No Bid
Total Amount Recommended for Awarded to Each Vendor			\$19,712.50		\$6,345.00		
Delivery within 4 hours?			Yes		Yes		
Local Preference			No		No		
Exceptions?			No		No		
Credit Check Authorization			Yes		Yes		

Planholders	
Bell Co Dirt	
Miller Springs Material	

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

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

Belinda Mattke

Belinda Mattke, Director of Purchasing

2-Aug-11

Date

Planholders

Bell Co Dirt
 Miller Springs Material
 Prime Vendor
 Superior Crushed Stone
 V&B Stone Brokers

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, AUTHORIZING ANNUAL PURCHASE AGREEMENTS FOR
VARIOUS FORMS OF ROCK AND TOPSOIL WITH SUPERIOR
CRUSHED STONE OF JARRELL, TEXAS, AND MILLER SPRINGS
MATERIALS OF BELTON, TEXAS, FOR FY2011-12, IN THE
ESTIMATED ANNUAL AMOUNT OF \$26,058; AND PROVIDING AN
OPEN MEETINGS CLAUSE.

Whereas, on August 2, 2011, the City received 2 bids for the purchase of rock, sand, crusher fines, crushed rock, construction rock, rip rap rock, and top soil;

Whereas, the Staff recommends accepting the bids received from Superior Crushed Stone of Jarrell, Texas, and Miller Springs Materials of Belton, Texas, in the estimated annual amount of \$26,058;

Whereas, these products will be purchase on an “as-needed” basis – departments have each budgeted for these materials in several accounts in the FY2011-12 budget; and

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

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

Part 1: The City Council authorizes annual purchase agreements with Superior Crushed Stone of Jarrell, Texas, and Miller Springs Materials of Belton, Texas, for the purchase of rock, sand, crusher fines, crushed rock, construction rock, rip rap rock, and top soil, for FY2011-12 in an estimated annual expenditure of \$26,058, in accordance with the prices on the bid tab, attached hereto as Exhibit A.

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 **15th** day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger

Jonathan Graham

City Secretary

City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/15/11
Item #4(J-7)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing the following FY 2012 annual purchase agreements for water meters:

- A. Renewal of agreements totaling an annual estimated purchase amount of \$96,470.14:
 - 1. Elster AMCO Water, Inc. of Ocala, FL, \$7,388.10; and
 - 2. Municipal Water Works Supply of Royce City, \$89,082.04
- B. New agreements totaling an annual estimated purchase amount of \$45,798.20
 - 1. Badger Meter, Inc. of Milwaukee, Wisconsin, \$21,970;
 - 2. Elster AMCO Water, Inc of Ocala, Florida, \$19,720.51; and
 - 3. Master Meter of Mansfield, \$4,107.69.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On September 16, 2010, the City Council authorized annual purchase agreements with Elster AMCO Water, Inc. and Municipal Water Works Supply for the purchase of water meters. The current contracts will expire on September 30, 2011; however, these two suppliers have agreed to renew their contracts at the prices bid for FY2011, and staff believes that the pricing is still a good value.

Two additional vendors were unable to renew their contracts, and accordingly, the items awarded to these two vendors had to be re-bid. As shown on the attached bid tabulation, on August 9, 2011, the City received seven (7) bids for these items. Staff recommends award of the bids to the vendors as highlighted in yellow on the attached 9 line-item bid tabulation. The City has done business in the past with all of the vendors being recommended for award, and has found each to be a responsible vendor. The new proposed purchase agreements are for a one (1) year period commencing on October 1, 2011, with the option to extend the agreement for four (4) additional one-year periods, if so agreed to by the City and each vendor.

FISCAL IMPACT: Meters are purchased on an as needed basis and are accounted for in the Utility Warehouse's inventory account. The meters are charged to departmental expenditure accounts as they are issued to departments, primarily in this case, the Water Metering Department. Based on historical usage, it is estimated that \$142,268.34 in water meters will be purchased during FY 2012.

ATTACHMENTS:

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

Tabulation of Bids Received
on August 3, 2010 at 2:30 p.m.

Water Meters

*****Recommended for Renewal for FY 2012*****

		Elster AMCO Water Inc. Ocala, FL		Municipal Water Works Supply Royce City, TX	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price
Positive Displacement Meters 5/8"x3/4"	2000			\$33.24	\$66,480.00
Positive Displacement Meters Full 3/4"	15	\$41.99	\$629.85		
Positive Displacement Meters 1"	150			\$74.50	\$11,175.00
Positive Displacement Meters 1-1/2"	10			\$222.11	\$2,221.10
Positive Displacement Meters 2"	15			\$260.50	\$3,907.50
Turbine Type Meters 1-1/2"	4			\$562.11	\$2,248.44
Turbine Type Meters 6"	1	\$1,688.00	\$1,688.00		
Turbine Type Meters 8"	1	\$2,466.00	\$2,466.00		
Dual Body Compound Meters 6"	1	\$2,604.25	\$2,604.25		
Fire Hydrant Turbo Meters 3"	5			\$610.00	\$3,050.00
Total Line items being recommended for renewal		\$7,388.10		\$89,082.04	

Tabulation of Bids Received
on August 9, 2011 at 2:30 p.m.
Water Meters
Bid# 53-01-12

Bidders															
		Mueller Systems, LLC		Badger Meter Inc		Elster AMCO Water LLC		Mater Meter		HD Supply Waterworks		Minicipal Water Works Supply		Aqua Metric Sales Co	
		Cleveland, NC		Milwaukee, WI		Ocala, FL		Mansfield, TX		Belton, TX		Royse City, TX		Schertz, TX	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Unit Price	Total Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Turbine Type Meters 2"	10	\$304.00	\$3,040.00	\$458.00	\$4,580.00	\$545.00	\$5,450.00	\$581.77	\$5,817.70	\$730.00	\$7,300.00	\$698.90	\$6,989.00	\$652.54	\$6,525.40
Turbine Type Meters 3"	2	\$722.20	\$1,444.40	\$665.00	\$1,330.00	\$764.00	\$1,528.00	\$892.19	\$1,784.38	\$1,219.25	\$2,438.50	\$1,120.59	\$2,241.18	\$813.17	\$1,626.34
Turbine Type Meters 4"	4	\$1,187.94	\$4,751.76	\$770.00	\$3,080.00	\$1,322.00	\$5,288.00	\$1,253.21	\$5,012.84	\$1,569.64	\$6,278.56	\$1,526.47	\$6,105.88	\$1,583.07	\$6,332.28
Dual Body Compound Meters 2"	4	No Bid		\$1,040.00	\$4,160.00	\$1,008.83	\$4,035.32	\$1,183.86	\$4,735.44	\$1,395.00	\$5,580.00	No Bid		\$927.55	\$3,710.20
Dual Body Compound Meters 3"	4	No Bid		\$1,280.00	\$5,120.00	\$1,477.81	\$5,911.24	\$1,699.75	\$6,799.00	\$2,006.25	\$8,025.00	No Bid		\$1,174.90	\$4,699.60
Dual Body Compound Meters 4"	5	No Bid		\$1,980.00	\$9,900.00	\$1,954.79	\$9,773.95	\$2,250.77	\$11,253.85	\$2,670.00	\$13,350.00	No Bid		\$2,040.61	\$10,203.05
FM or UL Approved Fire Service Meters 4"	1	\$2,900.00	\$2,900.00	\$4,155.00	\$4,155.00	\$3,705.00	\$3,705.00	\$4,107.69	\$4,107.69	\$4,800.00	\$4,800.00	No Bid		\$4,854.81	\$4,854.81
FM or UL Approved Fire Service Meters 6"	1	\$4,234.86	\$4,234.86	\$5,490.00	\$5,490.00	\$4,999.00	\$4,999.00	\$5,806.45	\$5,806.45	\$6,300.00	\$6,300.00	No Bid		\$6,461.32	\$6,461.32
FM or UL Approved Fire Service Meters 8"	1	\$5,883.26	\$5,883.26	\$7,490.00	\$7,490.00	\$6,533.33	\$6,533.33	\$7,903.23	\$7,903.23	\$8,135.00	\$8,135.00	No Bid		\$9,673.47	\$9,673.47
Recommended for Council Award		\$ -		\$21,970.00		\$19,720.51		\$4,107.69		\$ -		\$ -		\$ -	
30 Day Delivery		No		Yes		Yes		Yes		Yes		No		Yes	
Exceptions		Yes		Yes - not accepting item		Yes - not accepting items		No		Yes		Yes		Yes	
Local Preference		No		No		No		No		No		No		No	
Credit Check Authorization		Yes		Yes		Yes		Yes		Yes		Yes		Yes	

Memo FY 2011 Contracted Prices
\$434.91
\$710.00
\$1,064.78
\$1,008.83
\$1,477.81
\$1,954.79
\$3,560.00
\$4,800.00
\$6,533.33

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

Belinda Matthe
Belinda Matthe, Director of Purchasing

9-Aug-11
Date

Does not meet specifications
Recommended for Council Award

Planholders
Aqua Metric Sales Co
Badger Meter, Inc.
Elster AMCO Water, LLC
HD Supply
Hersey Meters
Master Meter Inc
Prime Vendor
Water Products of OK, Inc.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, AUTHORIZING ANNUAL PURCHASE AGREEMENTS WITH
VARIOUS VENDORS FOR WATER METERS FOR FY 2011-12, IN THE
ESTIMATED ANNUAL AMOUNT OF \$142,268.34; PROVIDING AN
OPEN MEETINGS CLAUSE.

Whereas, on September 16, 2010, the City Council authorized annual purchase agreements with Elster AMCO Water, Inc., and Municipal Water Works Supply for the purchase of water meters – the original bid provided for 4 one-year renewals and the Staff recommends renewing the agreements;

Whereas, two other vendors with whom the City purchased water meters during FY2010-11 were not able to renew their agreement at the same prices; therefore, the City received bids for the purchase of water meters on August 9, 2011;

Whereas, the Staff recommends approving new agreements for the purchase of water meters for FY2011-12 with Badger Meter, Inc., of Milwaukee, Wisconsin; Elster AMCO Water, Inc., of Ocala, Florida, and Master Meter of Mansfield, Texas;

Whereas, meters are purchased on an “as-needed” basis throughout the year; the meters are charged to departmental expenditure accounts as they are issued to departments, primarily in this case, the Water Metering Department (estimated annual expenditure is \$142,268.34); 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 renewing annual purchase agreements for water meters for Fiscal Year 2011-12, as follows:

- (A) Elster AMCO Water, Inc., Ocala, Florida (\$7,388.10); and
- (B) Municipal Water Works Supply, Royce City, Texas (\$89,082.04).

Part 2: The City Council authorizes new annual purchase agreements for water meters for Fiscal Year 2011-12, as follows:

- (A) Badger Meter, Inc., Milwaukee, Wisconsin (\$21,970);

(B) Elster AMCO Water, Inc., Ocala, Florida (\$19,720.51); and

(C) Master Meter, Mansfield, Texas (\$4,107.69).

Part 3: 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 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 **15th** day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/15/11
Item #4(J-8)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing an annual contract for concrete repair and construction services with Dixon Paving of Belton for FY 2012 in the estimated annual amount of \$40,900.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On July 26, 2011, the City received four (4) bids for concrete repair and construction. The bids are shown on the attached bid tabulation sheet.

The low bidder was Dixon Paving of Belton. The City has done business with Dixon Paving in the past and finds them to be a responsible bidder.

The bid included estimated quantities based on historical usage. The recommended contract is for a period of one (1) year commencing on October 1, 2011, with the option for four (4) one-year renewals, if so agreed to by the City and Dixon Paving.

FISCAL IMPACT: Concrete repair and construction services will be purchased on an as needed basis by various departments; however, the Water & Wastewater divisions of Public Works will be the primary departments utilizing this contract. Funding for these repairs is budgeted in repairs & maintenance accounts. Estimated annual expenditure: \$40,900.

ATTACHMENTS:

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

Tabulation of Bids Received
on July 26, 2011 at 2:30 p.m.
Concrete Repair & Construction
Bid# 13-03-12

		Bidders								Memo 2010-2011 Contracted Prices
		Austin Constructors Austin, TX		Alpha Constructors Temple, TX		Dixon Paving Belton, TX		Myers Concrete Const Wimberley, TX		
Description	Est. Qty	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	
Repair/Replacement of Concrete Sidewalks (per SF)	1200	\$6.50	\$7,800.00	\$12.00	\$14,400.00	\$8.00	\$9,600.00	\$19.00	\$22,800.00	
Repair/Replacement of Concrete Driveways and Driveway Approaches (per SF)	600	\$9.50	\$5,700.00	\$14.00	\$8,400.00	\$8.00	\$4,800.00	\$21.00	\$12,600.00	
Repair/Replacement of Concrete Curb and Gutter (per LF)	125	\$38.00	\$4,750.00	\$40.00	\$5,000.00	\$20.00	\$2,500.00	\$63.00	\$7,875.00	
Construction of New Concrete Sidewalk (per SF)	1200	\$5.00	\$6,000.00	\$9.00	\$10,800.00	\$4.00	\$4,800.00	\$15.00	\$18,000.00	
Construction of New Driveway or Approach (per SF)	600	\$7.00	\$4,200.00	\$12.00	\$7,200.00	\$5.00	\$3,000.00	\$16.25	\$9,750.00	
Construction of New Curb and Gutter (per LF)	900	\$32.00	\$28,800.00	\$32.00	\$28,800.00	\$10.00	\$9,000.00	\$30.25	\$27,225.00	
Construction of Handicap Access Curb Ramps at Intersections (EA)	6	\$1,200.00	\$7,200.00	\$1,100.00	\$6,600.00	\$1,200.00	\$7,200.00	\$1,547.00	\$9,282.00	
TOTAL BID PRICE		\$64,450.00		\$81,200.00		\$40,900.00		\$107,532.00		
Acknowledged Addendum		yes		Yes		Yes		Yes		
Exceptions		No		No		No		No		
Local Preference		No		Yes		No		No		
Insurance Affidavit		Yes		Yes		Yes		Yes		
Credit Check		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

7/26/2011

Date

Alpha Constructors	Planholders
AMTEK	Myers Concrete Construction
Austin Constructors	Patin Construction
Austin Filter Systems	Prime Vendor
BH Vaquero	Reed Construction Data
Chick Landscaping	RT Schneider
Dixon Paving	TCB Construction
JHL Construction	TTG Utilities
Mobley Construction	Vanguard Contractors
Monitor Construction	Westar Construction

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL CONTRACT FOR CONCRETE REPAIR AND CONSTRUCTION SERVICES WITH DIXON PAVING OF BELTON, TEXAS, FOR FY2011-12, IN THE ESIMATED ANNUAL AMOUNT OF \$40,900; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 26, 2011, the City received 4 bids for concrete repair and construction services for FY2011-12;

Whereas, the Staff recommends accepting the bid received from Dixon Paving of Belton, Texas, in an estimated annual amount of \$40,900;

Whereas, concrete repair and construction services will be purchased on an “as-needed” basis by various departments and is budgeted for in the departments’ FY2011-12 budget; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute an annual contract with Dixon Paving of Belton, Texas, after approval as to form by the City Attorney, for concrete repair and construction services for FY2011-12, in an estimated amount of \$40,900.

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 **15th** day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/15/11
Item #4(J-9)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva P.E., Director of Public Works
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of sewer line chemical root control services for FY 2012 from Duke's Root Control, Inc of Syracuse, New York, utilizing a BuyBoard contract in the estimated annual amount of \$65,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: For many years, the City of Temple has utilized chemical root control to manage and minimize the growth of roots in the sanitary sewer system. In older sanitary sewer systems, roots from trees and vegetation enter the system through cracks in the pipes in an attempt to find a source of water. These roots grow, eventually making any existing cracks in the system bigger, which in turn results in further deterioration of the lines and blockages in the system. Chemical root control, when applied in targeted areas, can substantially reduce roots from blocking the system and help keep lines open.

Public Works is requesting to purchase these root control services utilizing a BuyBoard contract at the following established prices:

- Jet Power II Grease Liquefier, for 5-115 gallons -- \$32.00/gallon;
- Jet Power II Grease Liquefier, for 120 plus gallons -- \$25.00/gallon;
- Razeroooter II, 6" Diameter Pipe, Sewer Line Chemical Root Control Services, Manhole to Manhole -- \$1.34/LF;
- Razeroooter II, 8" Diameter Pipe, Sewer Line Chemical Root Control Services, Manhole to Manhole -- \$1.34/LF;
- Razeroooter II, 10" Diameter Pipe, Sewer Line Chemical Root Control Services, Manhole to Manhole -- \$1.34/LF; and
- Razeroooter 12, 8" Diameter Pipe, Sewer Line Chemical Root Control Services, Manhole to Manhole -- \$1.34/LF;

It is known that the chemicals utilized by Duke's Root Control do not impact either wastewater treatment plants. Staff has been pleased with the services provided by Duke's Root Control and recommends purchases through the BuyBoard for FY 2012

FISCAL IMPACT: The Wastewater Department's adopted FY 2012 budget includes \$65,000 for these services in account 520-5400-535-2616.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF SEWER LINE CHEMICAL ROOT CONTROL SERVICES FOR FY 2011-12 FROM DUKE'S ROOT CONTROL, INC., OF SYRACUSE, NEW YORK, UTILIZING A BUYBOARD CONTRACT IN THE ESTIMATED ANNUAL AMOUNT OF \$65,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, for many years, the City of Temple has utilized chemical root control to manage and minimize the growth of roots in the sanitary sewer system;

Whereas, the Staff recommends purchasing these services utilizing a BuyBoard contract with Dukes's Root Control, Inc.;

Whereas, funds are budgeted in Account No. 520-5400-535-2616 for this service; and

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

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

Part 1: The City Council authorizes the purchase of sewer line chemical root control services for FY2011-12 from Duke's Root Control, Inc., of Syracuse, New York, utilizing a BuyBoard contract in the estimated annual amount of \$65,000.

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

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 **15th** day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/15/11
Item #4(J-10)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Sam Weed, Superintendent of Fleet Services
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing annual purchase agreements with the following vendors for FY 2012:

- A. Southern Tire Mart of Dallas, for tires and tubes in the estimated annual range of \$125,749.20 to \$143,362.40.
- B. GCR Tire Center of Pflugerville, for retreads in the estimated annual amount of \$51,991.62.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On August 30, 2011, the City received four (4) bids for the purchase of tires, tubes and retreads. As allowed by Chapter 252 of the Local Government Code, the bid was advertised to be awarded to the bidder that provided the best value to the City, taking into consideration purchase price, the schedule, and prior performance and service history.

A bid evaluation committee was formed consisting of staff from Fleet Services and Purchasing. After evaluating the bids, the committee unanimously selected Southern Tire Mart as the best value for the City of Temple for the purchase of tires and tubes and GCR Tire Center for the retreading of tires. The City has done business with both vendors in the past and finds them to be responsible vendors.

The bids are shown on the attached bid tabulation sheet. The pricing received from Southern Tire Mart included some items that will incur price increases at the end of November and December. Accordingly, the annual expenditure is estimated to be between \$125,749.20 and \$143,362.40. Based on the significance of the price increase that will go in effect, Staff will manage these increases by stocking a few more tires, but will be limited in their ability to do this based on space limitations. The recommended contract is for a one (1) year period commencing on October 1, 2011 renewable for four (4) additional one-year periods, if agreed to by both parties.

FISCAL IMPACT: Each department with vehicles has budgeted for tires and/or tubes. These items will be ordered on an as-needed basis. Staff estimates that it will spend approximately between \$177,740.82 and 195,354.02 in FY 2012 for tires and tubes.

ATTACHMENTS:

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

Tabulation of Bids Received
on August 30, 2011 at 2:30 p.m.
Tires and Tubes
Bid# 38-02-12

Bidders				
	Jim's Tire & Brake McAlester, OK	GCR Tire Center Pflugerville, TX	Southern Tire Mart (High Bid Price) Dallas, TX	A to Z Tire & Battery, Inc. Amarillo, TX
Total for Section 1	\$2,344.00	\$2,749.24	\$1,993.00 - \$2,173.00 *	\$2,409.08
Total for Section 2	\$14,970.00	\$13,571.30	\$12,936.00 - \$13,246.00 *	\$15,179.00
Total for Section 3	incomplete response	\$30,940.10	\$27,747.80 - \$29,401.40 **	\$36,867.52
Total for Section 4	incomplete response	\$55,541.68	\$40,506.80 - \$55,588.40 **	\$56,435.44
Total for Section 5	incomplete response	\$40,809.90	\$25,170.00	\$21,530.20
Total for Section 6	incomplete response	\$6,544.24	\$4,920.00 - \$5,308.00 *	\$4,638.60
Total for Section 7	incomplete response	\$11,717.80	\$11,976.00	\$8,724.32 (incomplete)
Total for Section 8	incomplete response	\$430.32	\$499.60	\$382.08 (incomplete)
Total for all Tires/Tubes	incomplete response	\$162,304.58	\$125,749.20-\$143,362.40	\$146,166.24 (incomplete)
Total for Section 9	No Bid	\$51,991.62	\$53,272.00	\$44,972.06
Unit Price for Casing Credit	No Bid	\$45.00	11R22.5 - \$50 12R22.5 - \$25	\$25.00
Delivery (stocked items)	No response	1-2 days	Same Day or 1 day	Daily
Delivery (non stocked items)	No response	1-5 days	2-5 days	Based on Availability
Disposal of Tires	No response	N/C	Passenger - \$1.50 Light Truck \$2 Medium Truck \$5 AG \$1.50 - \$20 OTR \$20-\$25	Passenger & Light P/U - \$3 Medium P/U - \$5.00 OTR - Varies
Exceptions	No response	None	Yes	Yes
Credit Check Authorization	No	Yes	Yes	Yes

Memo FY 2011 Contracted Prices
\$1,646.80
\$19,430.00
\$27,465.80
\$37,785.80
\$23,608.00
\$3,424.40
\$6,384.40
\$506.60
\$120,251.80
\$39,590.00

Planholders
A to Z Tire
American Tire Distributors
Colliver Tire
GCR Tire Center
Jim's Tire & Brake
Jordan & Companies
Prime Vendor
Southern Tire Mart
TCI Tire Center

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

Belinda Mattke

8/30/2011

Belinda Mattke, Director of Purchasing

Date

Didn't bid on every item as required

Recommended for Award

* Price increase on certain line items effective 12/1/11

** Price increase on certain line items effective 1/1/12

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, AUTHORIZING ANNUAL PURCHASE AGREEMENTS WITH
SOUTHERN TIRE MART OF DALLAS, TEXAS, FOR TIRES AND
TUBES, AND GCR TIRE CENTER OF PFLUGERVILLE, TEXAS, FOR
RETREADS FOR FY2011-12; AND PROVIDING AN OPEN MEETINGS
CLAUSE.

Whereas, on August 30, 2011, the City received 4 bids for the purchase of tires, tubes and retreads for FY2011-12;

Whereas, the Staff recommends accepting the bids received from Southern Tire Mart of Dallas, Texas, for tires and tubes (estimated annual expenditure of \$125,749.20 – and \$143,362.40), and GCR Tire Center of Pflugerville, Texas, for retreads (estimated annual expenditure of \$51,991.62);

Whereas, each department with vehicles has budgeted for tires and/or tubes which 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 annual purchase agreements with Southern Tire Mart of Dallas, Texas, for tires and tubes (estimated annual expenditure of \$125,749.20 – and \$143,362.40), and GCR Tire Center of Pflugerville, Texas, for retreads (estimated annual expenditure of \$51,991.62) in accordance with the prices on the bid tab, attached hereto as Exhibit A.

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 **15th** day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/15/11
Item #4(J-11)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing the following FY 2012 annual purchase agreements for herbicides and insecticides:

- A. Renewal of agreements totaling an annual estimated purchase amount of \$43,590.48:
 - 1. Red River Specialties of Pasadena, \$25,780;
 - 2. Alligare LLC of Opelika, Alabama, \$5,202.60; and
 - 3. John Deere Landscapes of Cleveland, Ohio, \$12,607.88.
- B. New agreements totaling an annual estimated purchase amount of \$32,267.87:
 - 1. Alligare LLC of Opelika, Alabama, \$586.50;
 - 2. Ewing of Temple, \$539.37;
 - 3. Univar of Grand Prairie, \$3,532; and
 - 4. Red River Specialties of Pasadena, \$27,610;

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On September 16, 2010, the City Council authorized annual purchase agreements with Red River Specialties, Alligare LLC and John Deere Landscapes for the purchase of certain herbicides and insecticides. The current contracts with these companies will expire on September 30, 2011; however, each of these suppliers have agreed to renew their contracts at the prices bid for FY 2011, and staff believes that the pricing is a good value. One vendor, BWI Schulenburg, was unable to renew their contract, and accordingly, bids for 10 items were put out for bid. As shown on the attached bid tabulation, on August 17, 2011, the City received five (5) bids for these items.

Staff recommends award of the bids to the vendors as noted in the item description above and as highlighted in yellow on the attached bid tabulation. The City has done business with all low bidders and find them all them to be responsible vendors.

The proposed purchase agreement is for a one (1) year period commencing on October 1, 2011, with the option to extend the agreement for four (4) additional one-year periods, if so agreed to by both parties.

FISCAL IMPACT: Herbicides and insecticides are purchased on an as needed basis primarily by the Parks & Leisure Services departments and the Airport. Each department has budgeted for these chemicals in their adopted FY 2012 budget. Estimated annual expenditure based on usage estimated by staff: \$75,858.35.

ATTACHMENTS:

[Bid Tabulation
Resolution](#)

Tabulation of Bids Received
on August 17, 2011 at 9:30 a.m.
Herbicides and Insecticides

		Bidders									
		Alligare, LLC Opelika, AL		Ewing Temple		Univar USA Grand Prairie, TX		John Deere Landscapes Cleveland, OH		Red River Specialties Houston, TX	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Trimec 992 (2.5 gal)	60	No Bid		\$60.264	\$3,615.84	No Bid		\$60.58	\$3,634.80	\$52.50	\$3,150.00
										3-D	
MSMA-Bueno 6 (2.5 gal)	60	No Bid		No Bid		No Bid		\$56.85	\$3,411.00	\$55.00	\$3,300.00
								Drexel MSAM 6.6		MSMA 6 Plus	
Image (11.43 oz bottles)	15	No Bid		\$137.693	\$2,065.395	No Bid		\$102.10	\$1,531.50	\$88.00	\$1,320.00
Barricade 65 WG (10# bag)	5	\$11.73/lb	\$586.50	\$71.68/5#	\$716.80	No Bid		\$126.24	\$631.20	.00/lb sold in 5# b	\$700.00
		Prodiamine 6.5 WG		QP Prodiamine 65 WDG				Stonewall 65 WDG		Prodiamine 65 WDG	
Pendulum 3.3 EC (2.5 gal)	4	No Bid		\$32.934/1.25gal	\$263.472	No Bid		\$73.85	\$295.40	\$70.00	\$280.00
				DRX Pin-Dee 3.3				PREM 3.3 EC		Pindee 3.3	
Award Fire Ant Bait (25# bag) (No Subs)	16	No Bid		\$295.00	\$4,720.00	\$220.75	\$3,532.00	\$258.25	\$4,132.00	\$247.50	\$3,960.00
Sim-Trol 4L (2.5 gal)	5	No Bid		\$55.179	\$275.895	No Bid		\$56.85	\$284.25	\$59.38	\$296.88
								Simazine Sim-Trol		Simazine 4L	
Cleary 3336F (2.5 gal)	8	No Bid		\$186.660	\$1,493.280	No Bid		\$259.87	\$2,078.96	\$155.00	\$1,240.00
				QP TM 4.5						TM 4.5	
Illoxan (gallon)	4	No Bid		\$280.00	\$1,120.00	No Bid		\$259.87	\$1,039.48	\$240.00	\$960.00
Solitare (pound)	180	No Bid		\$130.562	\$23,501.16	No Bid		\$106.05	\$19,089.00	\$98.00	\$17,640.00
Total Recommended Award		\$586.50		\$539.37		\$3,532.00		None		\$27,610.00	
Delivery		Yes		No		Yes		Yes		Yes	
Exceptions		Yes		No		No		No		No	
Credit Check Authorization		Yes		Yes		Yes		Yes		Yes	

<i>Memo FY 2011 Contracted Prices</i>
\$51.71
\$48.75
\$80.66
\$155.00
\$73.86
\$219.10
\$48.90
\$160.45
\$210.25
<i>Not on the last bid</i>

Planholders
Adapco Inc.
Alligare LLC
Ewing
John Deere Landscapes
Justin Seed
Prime Vendor
Red River Specialties
Univar

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

Belinda Matthe

17-Aug-11

Belinda Matthe, Director of Purchasing

Date

Recommended for Council Award

Renewal Recommendations:

Red River Specialties (\$25,780.00):

Blue spray pattern indicator dye, liquid, per qt - 80 qt @ \$9.75/qt = \$780
Dithiopyr40WSB, 200 40-oz containers @ \$110/container = \$22,000
Bifen Insecticide, 120 96-oz containers @ \$25/container = \$3,000

Alligare, LLC (\$5,202.60):

Alligare Glyphosate 4-plus, 90 2.5-gal containers @ \$27/container = \$2,430
Alligare Oryzalin4Pro, 20 2.5-gal containers @ \$108.13/container = \$2,162.60
Alligare Glyphosate 5.4, 20 2.5-gal containers @ \$30.50/container = \$610

John Deere Landscapes (\$12,607.88)

Spray pattern indicator dye, water soluble, 6 cases @ \$158.82/case = \$952.92
Heritage, 8 2.5-gal containers @ \$495/container = \$9,900
Lesco 18-Plus, 8 2.5-gal containers @ \$125.30/container = \$1,002.40
Manicure 6 Flowable Fungicide, 8 2.5-gal containers @ \$94.07/container = \$752.56

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, AUTHORIZING ANNUAL PURCHASE AGREEMENTS WITH
VARIOUS VENDORS FOR PURCHASING HERBICIDES AND
INSECTICIDES FOR FY 2011-12, IN THE ESTIMATED ANNUAL
AMOUNT OF \$75,858.35; PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 16, 2010, the City Council authorized annual purchase agreements with Red River Specialties, Alligare LLC, and John Deere Landscapes for the purchase of herbicides and insecticides – the original bid provided for 4 one-year renewals and the Staff recommends renewing the agreements;

Whereas, one vendor with whom the City purchased herbicides and insecticides during FY2010-11 was not able to renew their agreement at the same prices; therefore, the City received bids for 10 items on August 17, 2011;

Whereas, the Staff recommends approving new agreements for the purchase of herbicides and insecticides for FY2011-12 with Alligare LLC, Ewing of Temple, Univar, and Red River Specialties;

Whereas, herbicides and insecticides are purchased on an “as-needed” basis throughout the year, primarily by the Parks and Leisure Services Department and the Airport – both departments have funds budgeted for this purpose (estimated expenditure is \$75,858.35); 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 renewing annual purchase agreements for herbicides and insecticides for Fiscal Year 2011-12, as follows:

- (A) Red River Specialties, Pasadena, California (\$25,780);
- (B) Alligare, LLC, Opelika, Alabama (\$5,202.60); and
- (C) John Deere Landscapes, Cleveland, Ohio (\$12,608.88).

Part 2: The City Council authorizes new annual purchase agreements for herbicides and insecticides for Fiscal Year 2011-12, as follows:

- (A) Alligare LLC, Opelika, Alabama (\$586.50);
- (B) Ewing, Temple, Texas (\$539.37);
- (C) Univar, Grand Prairie, Texas (\$3,532); and
- (D) Red River Specialties, Pasadena, California (\$27,610).

Part 3: 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 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 **15th** day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/15/11
Item #4(J-12)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing annual purchase agreements for utility supplies for FY 2012 with the following vendors in the estimated annual amount of \$478,817.28:

Municipal Water Work Supply of Royse City, \$176,648.41;

ACT Pipe and Supply of Temple, \$181,768.55;

HD Supply Waterworks of Belton, \$51,884.43; and

Ferguson Waterworks of Killeen, \$68,515.89.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Utility Warehouse, a division of the Purchasing Department, stocks utility supplies that are routinely needed by the Public Works departments. On August 3, 2011, the City received four (4) bids for the annual purchase of utility supplies. The invitation to bid stated that the bid would be awarded to the low bidder of each utility supply item category, of which there were 77 categories. Staff recommends award of the bids to the vendors as noted in the item description above and as highlighted in yellow on the attached 77-line bid tabulation.

The City has done business in the past with all of the vendors being recommended for award, and has found each to be a responsible vendor. The proposed contracts will not have options for annual renewals.

FISCAL IMPACT: Utility supplies are purchased on an as needed basis and are accounted for in the Utility Warehouse's inventory account. The supplies are charged to departmental expenditure accounts as they are issued to departments. Based on historical usage, it is estimated that \$478,817.28 in utility supplies will be purchased during FY 2012.

ATTACHMENTS:

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

Bid Opening
August 3, 2011 - 2:00 p.m.
Annual Utility Supplies
Bid# 13-12-12

		BIDDERS				Memo FY2011 Contracted Prices
		Municipal Waterworks Supply Royce City TX	ACT Pipe and Supply Temple TX	HD Supply Waterworks Belton TX	Ferguson Waterworks Killeen TX	
Cat #	Categorical Description					
1	Water Pipe	\$11,371.40	\$11,441.20	\$10,688.80	\$12,517.40	\$15,463.00
2	Brass Ball Valves	\$35,070.66	\$31,747.64	\$32,394.44	\$31,996.13	\$24,080.23
3	Brass Corporation Stops	\$5,317.56	\$4,792.08	\$4,911.78	\$4,748.40	\$3,787.38
4	Brass Meter Couplings	\$9,454.20	\$8,605.60	\$8,745.30	\$8,653.90	\$6,658.05
5	Brass Straight Couplings	\$4,428.99	\$4,022.78	\$4,095.46	\$4,050.45	\$2,969.22
6	Brass Bell Reducer Couplings FIPT x FIPT	\$860.63	\$1,119.79	No Bid	\$921.62	\$846.82
7	Elbow Brass 90 deg PJ x PJ	\$2,051.62	\$1,870.68	No Bid	\$1,876.64	\$1,121.66
8	Elbow Brass 90 deg FIPT x FIPT	627.44	\$816.40	No Bid	\$676.46	\$445.28
9	Brass Threaded Nipples	\$3,155.21	\$3,935.54	No Bid	\$3,029.96	\$1,591.21
10	Copper Tubing Type K Soft	\$4,556.00	No Bid	No Bid	\$5,262.61	\$3,295.60
11	Polyethylene Tubing	\$2,082.00	\$2,633.00	\$1,803.50	\$1,943.93	\$3,296.71
12	Stainless Steel Stiffener	\$756.25	\$698.75	\$698.75	\$845.65	\$668.45
13	Full Circle Clamps (Single Band) (with Removable Lugs) (Foreign OK)	\$16,029.65	\$16,435.76	\$16,278.74	\$19,869.15	\$15,273.50
14	Full Circle Clamps (Double Band) (with Removable Lugs) (Foreign OK)	\$3,247.34	\$3,407.56	\$3,335.96	\$4,785.66	\$3,127.50
15	Collar Leak Clamps (Foreign OK)	\$953.24	\$799.47	\$975.63	\$1,671.45	\$965.41
16	Tapping Saddles DI or CI with CC Threads	\$2,486.22	\$3,866.18	\$2,578.06	\$5,550.16	\$2,498.42
17	Multi-Range Repair Couplings (Hymax Only)	\$74,102.70	\$73,101.82	\$72,995.31	\$74,125.36	\$70,438.40
18	Adjustable Valve Box Bottom (Foreign OK)	\$546.50	\$730.00	\$579.95	\$576.50	\$658.80
19	Adjustable Valve Box Top (Foreign OK)	\$586.10	\$1,140.00	\$634.30	\$647.10	\$587.00
20	Non-Shear Flex Boot Coupling	\$527.40	\$687.00	\$451.80	\$635.40	\$510.00
21	MJ x MJ Gate Valve	No Bid	\$31,909.80	\$31,984.11	\$32,408.18	\$34,402.58
22	MJ X Flange Gate Valve	No Bid	\$3,627.76	\$3,916.62	\$3,957.05	\$4,108.00
23	Threaded Gate Valve	No Bid	\$1,950.00	\$1,903.90	\$1,933.90	\$1,543.50
24	MJ Bends 22-1/2 deg	\$1,105.10	\$1,199.22	\$1,127.20	\$1,132.30	\$1,046.60
25	MJ Bends 45 deg	\$1,445.84	\$1,769.10	\$1,425.98	\$1,559.14	\$1,313.62
26	MJ Bends 90 deg	\$2,011.17	\$1,984.22	\$1,842.21	\$1,982.93	\$1,693.95
27	Flange x Flange Bends 22-1/2 deg	\$1,567.52	\$1,159.42	\$1,606.12	\$1,000.29	\$1,137.69
28	Flange x Flange Bends 45 deg	No Bid	\$1,871.00	\$1,730.81	\$1,132.97	\$1,330.06
29	Flange x Flange Bends 90 deg	\$1,775.71	\$2,188.80	\$1,823.54	\$1,216.72	\$1,415.62
30	Reducer MJ x MJ	\$1,589.07	\$1,743.70	\$1,616.78	\$1,499.58	\$1,333.11
31	MJ Tees	\$3,298.35	\$3,590.60	\$3,353.63	\$3,379.48	\$3,303.81
32	MJ x Flange Tees	\$160.00	\$162.00	\$163.41	\$164.15	\$157.98
33	Flange x Flange x Flange Tees	\$209.15	\$254.00	\$211.44	\$212.39	\$204.45
34	Cap MJ	\$530.92	\$573.78	\$539.58	\$589.87	\$485.60
35	Plug MJ Solid	\$688.94	\$712.00	\$696.32	\$699.48	\$678.00
36	Tapped Plugs	\$647.85	\$679.00	\$658.29	\$661.29	\$634.76
37	MJ Solid Sleeves (Long)	\$2,864.71	\$2,924.66	\$2,907.29	\$2,990.63	\$2,965.19
38	MJ Solid Sleeves (Short)	\$676.78	\$998.00	\$684.26	\$754.34	\$657.16
39	CI Valve Box Riser (Foreign OK)	\$630.30	\$1,815.00	\$779.55	\$717.75	\$734.75
40	Swivel x Solid MJ Anchor Couplings	\$2,577.85	\$2,758.50	\$2,632.67	\$2,644.49	\$2,554.35
41	PVC Compression Coupling (Foreign OK)	\$388.65	\$708.50	\$537.00	\$354.72	\$318.76
42	All Thread Rods and Couplings (Foreign OK)	\$1,266.80	No Bid	No Bid	\$1,023.60	\$1,404.50
43	Gland Packs (complete with gaskets and bolts)	\$3,849.94	\$4,301.70	No Bid	\$4,112.18	\$2,354.34
44	PVC Mega Lugs - Packs (with MJ Gaskets and bolts)	\$2,586.45	\$2,702.30	\$2,532.83	\$2,570.64	\$2,328.64
45	DI Mega Lugs - Packs (with MJ Gaskets)	\$1,214.29	\$1,321.70	\$1,237.25	\$1,278.96	\$1,133.27
46	Brass Pack Joint or Compression Tee	\$2,223.46	\$2,208.30	\$2,056.62	\$2,035.57	\$1,322.74
47	Brass Tees (FIPTx FIPTx FIPT)	\$661.27	\$834.49	No Bid	\$707.45	\$475.78
48	Flanged Coupling Adapters	\$1,162.92	\$1,391.00	\$1,151.38	\$1,971.76	\$1,296.69
49	Brass Threaded Bushing	\$1,587.66	\$1,612.62	\$1,505.19	\$2,407.10	\$1,100.80
50	Redi-Clamps (Foreign OK)	\$631.65	\$755.65	\$664.50	\$1,121.10	\$357.24

Bid Opening
August 3, 2011 - 2:00 p.m.
Annual Utility Supplies
Bid# 13-12-12

		BIDDERS				Memo FY 2011 Contracted Prices
		Municipal Waterworks Supply Royce City TX	ACT Pipe and Supply Temple TX	HD Supply Waterworks Belton TX	Ferguson Waterworks Killeen TX	
Cat #	Categorical Description					
51	Bell Joint Leak Clamps (Foreign OK)	\$979.92	\$1,118.00	\$1,352.21	\$1,509.33	\$922.05
52	Brass Sleeve Coupling FIPT	\$583.49	\$751.70	No Bid	\$624.76	\$609.00
53	Fire Hydrants	\$27,642.00	\$26,083.00	\$26,210.86	\$26,819.35	\$26,185.88
54	Meter Risers (Foreign OK)	\$33,129.76	\$30,858.45	\$31,256.09	\$30,756.70	\$33,358.27
55	Brass Meter Flange Complete Kits	\$453.65	No Bid	No Bid	\$420.44	\$402.57
56	Concrete Meter Box (Box Only) (Foreign OK)	\$4,114.40	\$4,307.50	No Bid	\$4,002.60	\$3,397.63
57	CI Reader Lid Only (for Concrete Meter Box) (Foreign OK)	\$7,979.07	\$8,249.50	No Bid	\$7,854.06	\$7,207.09
58	Meter Box with Overlapping Lid and CI Reader (Foreign OK)	\$24,919.56	\$39,088.00	No Bid	\$25,462.90	\$25,711.39
59	CI Reader Lid Only (for PE Meter Box) (Foreign OK)	\$563.50	\$855.00	No Bid	\$601.11	\$401.86
60	Meter Washers (Foreign OK)	\$1,281.00	\$1,206.00	No Bid	\$931.00	\$819.00
61	Sewer Supplies - SDR 35 Deep Bell	\$389.88	\$455.66	\$351.97	\$398.31	\$323.95
62	Non-Shear Flex Boot Coupling	\$7,593.24	\$10,207.74	\$6,862.41	\$9,064.37	\$8,783.58
63	Sewer Caps Threaded PVC with Sleeve - SDR35	\$769.50	\$685.26	\$516.78	\$660.96	\$518.40
64	Sewer Pipe	\$86,755.87	\$94,752.90	\$92,186.85	\$115,509.90	\$70,336.29
65	Sewer Clean Outs	\$827.64	\$1,294.60	\$1,170.76	\$1,339.14	\$1,388.96
66	Sewer Wyes GxGxG (with Deep Bell)	\$7,583.08	\$8,819.18	\$6,959.34	\$8,319.22	\$7,723.37
67	Sewer Tee Wyes GxGxG (with Deep Bell)	\$694.14	\$825.55	\$647.39	\$750.51	\$913.27
68	Type M2 Adjustable Steel Manhole Risers (Foreign OK)	\$6,225.53	No Bid	No Bid	\$6,202.78	\$8,572.00
69	Cast Iron Manhole Rings & Covers (Foreign OK)	\$11,555.30	\$11,859.00	\$8,413.10	\$14,496.90	\$10,649.20
70	Concrete Manhole Ring Risers (Foreign OK)	\$931.76	No Bid	\$882.42	\$1,402.54	\$569.70
71	Concrete Manhole Cones - (Foreign OK)	\$5,030.36	\$5,750.00	\$5,195.52	\$10,227.16	\$2,860.00
72	Concrete Manhole Risers - 48-inch (Foreign OK)	\$6,843.49	\$7,699.00	\$7,143.84	\$9,762.09	\$6,160.00
73	Sewer SDR35 Gasketed PVC Bends	\$3,567.34	\$4,307.72	\$3,270.42	\$3,906.46	\$3,006.93
74	PVC Sewer Tapping Saddles (Gasketed with Bands)	\$453.12	No Bid	\$428.06	\$490.22	\$384.94
75	Flexible Saddle Wyes for Use on Clay Pip	\$930.20	No Bid	\$900.10	\$1,144.80	\$1,081.20
76	Mushroom Valve Box Cover (Foreign OK)	\$2,264.50	\$2,800.00	No Bid	\$2,264.50	\$1,921.50
77	Eye Bolts with Washers and Nuts (Foreign OK)	No Bid	No Bid	No Bid	\$42.00	\$208.80
TOTAL RECOMMENDED FOR AWARD		\$176,648.41	\$181,768.55	\$51,884.43	\$68,515.89	
Flat Fee for Emergency/After Hour Delivery		\$0.00	\$50.00	\$50.00	\$0.00	
Delivery within 14 days?		Yes	Yes	Yes	Yes	
Invoicing		Yes	Yes	Yes	Yes	
Exceptions		Yes-Not on any items recommended for award	Yes-liquidated damages; staff willing to accept	Yes-clarification of delivery terms; staff deemed acceptable	No	
Credit Check Authorization		Yes	Yes	Yes	Yes	

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

Belinda Matthe 8-3-11
Belinda Matthe, Director of Purchasing Date

Does not meet specifications
Recommended for Council award
Tie in pricing; lots drawn by Purchasing staff

Planholders
A.Y McDonald Mfg Co
ACT
Alamo Distribution
Ferguson
HD Supply
HD Supply Facilities Maintenance
Prime Vendor
Rexel Summers Electric
Water Products of Oklahoma

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, AUTHORIZING ANNUAL PURCHASE AGREEMENTS WITH
VARIOUS VENDORS FOR UTILITY SUPPLIES FOR FISCAL YEAR
2011-12, IN THE ESTIMATED ANNUAL AMOUNT OF \$478,817.28;
PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on August 3, 2011, the City received 4 bids for the purchase of utility supplies for FY2011-12;

Whereas, the Staff recommends accepting the bids from the vendors and in the amounts as more fully described below;

Whereas, funds are budgeted in the FY2011-12 budget, and the items will be purchased as they are needed throughout the year (estimated annual expenditure is \$478,817.28); and

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

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

Part 1: The City Council accepts the bids for the purchase of Utility Supplies for Fiscal Year 2011-12, and in accordance with the prices on the bid tabulation attached as Exhibit A, as follows:

- (A) Municipal Water Works Supply, Royce City, Texas (\$176,648.41);
- (B) HCT Pipe and Supply, Temple, Texas (\$181,768.55);
- (C) HD Supply Waterworks, Belton, Texas (\$51,884.43); and
- (D) Ferguson Waterworks, Killeen, Texas (\$68,515.89).

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 **15th** day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/15/11
Item #4(J-13)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing an annual purchase agreement for building materials with Lengefeld Lumber Company of Temple for FY 2012 at a mark-up over supplier cost of 15% and in the estimated annual amount of \$33,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: City departments routinely need building materials to perform work throughout the City (e.g. cement, timber & wood products, sheetrock, metal pieces, acoustical materials, sealants, installation tools, and miscellaneous hardware).

On July 26, 2011, the City received two (2) bids for building materials: Lengefeld Lumber of Temple and 84 Lumber Company of Eight Four, Pennsylvania. The invitation to bid specified that the bid would be awarded to the vendor with the lowest offered percentage mark-up over cost with the bids being evaluated based on current line item pricing. Only Lengefeld complied with the bid specifications.

Accordingly, it is staff's recommendation to award the bid to Lengefeld Lumber of Temple. The City has done business with Lengefeld Lumber for many years and finds them to be a responsible vendor.

The recommended contract is for a period of one (1) year commencing on October 1, 2011, with the option for four (4) one-year renewals, if so agreed to by the City and Lengefeld Lumber.

FISCAL IMPACT: Building materials will be purchased on an as needed basis. Departments have budgeted for these materials in several accounts in the adopted FY 2012 budget. The estimated annual expenditure of \$33,000 is based on historical expenditures.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, AUTHORIZING AN ANNUAL PURCHASE AGREEMENT FOR
BUILDING MATERIALS WITH LENGEFELD LUMBER COMPANY OF
TEMPLE, TEXAS, FOR FY 2011-12 AT A MARK-UP OVER SUPPLIER
COST OF 15%, IN THE ESTIMATED AMOUNT OF \$33,000; AND
PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 26, 2011, the City received 2 bids for building materials for FY 2011-12;

Whereas, the Staff recommends accepting the bid received from Lengefeld Lumber Company of Temple, Texas, at a mark-up over supplier cost of 15%, in the estimated annual amount of \$33,000;

Whereas, building materials will be purchased on an “as-needed” basis, and departments have budgeted for these materials in several accounts in the FY 2011-12 budget; and

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

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

Part 1: The City Council authorizes an annual purchasing agreement for building materials with Lengefeld Lumber Company of Temple, Texas, for FY2011-12 at a mark-up over supplier cost of 15%, in the estimated annual amount of \$33,000.

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

PASSED AND APPROVED this the **15th** day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/15/11
Item #4(J-14)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing an annual purchase agreement for the design and printing of t-shirts with Ad-Wear & Specialty of Texas of Houston, for FY 2012 in the estimated annual amount of \$40,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On August 9, 2011, the City received three (3) bids for the design and printing of t-shirts. The bids are shown on the attached bid tabulation.

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

A committee of six (6) City staff representing the high volume users of the contract evaluated the three bids. Based on a cost evaluation, Ad-Wear & Specialty of Texas had a better value. The bid specified that a sample shirt was to be submitted with each bid to enable the committee to evaluate the design capabilities of the bidder. It is the committee’s majority recommendation to award the t-shirt bid to Ad-Wear & Specialty of Texas. Ad-Wear & Specialty of Texas took no exceptions to the bid specifications, is offering the lowest costs, and exhibited capable design capabilities.

The City has not done business with Ad-Wear & Specialty of Texas in the past. Therefore, references were checked. After receiving favorable responses, the City deems them to be a responsible vendor.

The recommended contracts is for a period of one year, with the option of four (4) additional one-year renewals, if so agreed to by both parties.

FISCAL IMPACT: This contract will be used on as needed basis by various departments; however, the Parks & Leisure Services Department make the majority of the purchases under this contract. Funding is designated in various departmental accounts. Estimated annual expenditure: \$40,000.

ATTACHMENTS:

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

Tabulation of Bids Received
on August 9, 2011 at 3:00 p.m.
T-Shirt Design and Printing
Bid# 13-04-12

	Bidders			Memo FY2011 Contracted Prices
	Ad-Wear & Specialty of Texas Houston, TX	Safari Sun Altamonte Springs, FL	S.P. Design Inc Cape Coral, FL	
Description				
SS T-Shirt - 1 color - White YS-XL	\$2.52	\$5.18	\$4.48	\$3.45
SS T-Shirt - 1 color - White XXL	\$4.32	\$6.68	\$6.48	\$4.45
SS T-Shirt - 1 color - White XXXL	\$4.32	\$6.68	\$6.48	\$5.45
SS T-Shirt - 2 color - White YS-XL	\$2.77	\$5.40	\$5.10	\$3.60
SS T-Shirt - 2 color - White XXL	\$4.57	\$6.90	\$7.10	\$4.60
SS T-Shirt - 2 color - White XXXL	\$4.57	\$6.90	\$7.10	\$5.60
SS T-Shirt - 3 color - White YS-XL	\$3.02	\$5.63	\$5.42	\$3.75
SS T-Shirt - 3 color - White XXL	\$4.82	\$7.13	\$7.42	\$4.75
SS T-Shirt - 3 color - White XXXL	\$4.82	\$7.13	\$7.42	\$5.75
SS T-Shirt - 4 color - White YS-XL	\$3.27	\$5.85	\$6.00	\$3.90
SS T-Shirt - 4 color - White XXL	\$5.07	\$7.35	\$8.00	\$4.90
SS T-Shirt - 4 color - White XXXL	\$5.07	\$7.35	\$8.00	\$5.90
SS T-Shirt - 1 color - Light YS-XL	\$3.08	\$5.78	\$4.48	\$3.85
SS T-Shirt - 1 color - Light XXL	\$4.88	\$7.28	\$6.48	\$4.85
SS T-Shirt - 1 color - Light XXXL	\$4.88	\$7.28	\$7.11	\$5.85
SS T-Shirt - 2 color - Light YS-XL	\$3.33	\$6.00	\$5.10	\$4.00
SS T-Shirt - 2 color - Light XXL	\$5.18	\$7.50	\$7.10	\$5.00
SS T-Shirt - 2 color - Light XXXL	\$5.18	\$7.50	\$7.10	\$6.00
SS T-Shirt - 3 color - Light YS-XL	\$3.58	\$6.23	\$5.42	\$4.15
SS T-Shirt - 3 color - Light XXL	\$5.43	\$7.73	\$7.42	\$5.15
SS T-Shirt - 3 color - Light XXXL	\$5.43	\$7.73	\$7.42	\$6.15
SS T-Shirt - 4 color - Light YS-XL	\$3.83	\$6.45	\$6.00	\$4.30
SS T-Shirt - 4 color - Light XXL	\$5.68	\$7.95	\$8.00	\$5.30
SS T-Shirt - 4 color - Light XXXL	\$5.68	\$7.95	\$8.00	\$6.30
SS T-Shirt - 1 color - Dark YS-XL	\$3.18	\$6.23	\$4.75	\$4.15
SS T-Shirt - 1 color - Dark XXL	\$5.49	\$7.73	\$6.75	\$5.15
SS T-Shirt - 1 color - Dark XXXL	\$5.49	\$7.73	\$6.75	\$6.15
SS T-Shirt - 2 color - Dark YS-XL	\$3.43	\$6.45	\$5.37	\$4.30
SS T-Shirt - 2 color - Dark XXL	\$5.74	\$7.95	\$7.37	\$5.30
SS T-Shirt - 2 color - Dark XXXL	\$5.74	\$7.95	\$7.37	\$6.30
SS T-Shirt - 3 color - Dark YS-XL	\$3.68	\$6.68	\$5.99	\$4.45
SS T-Shirt - 3 color - Dark XXL	\$5.99	\$8.18	\$7.99	\$5.45
SS T-Shirt - 3 color - Dark XXXL	\$5.99	\$8.18	\$7.99	\$6.45
SS T-Shirt - 4 color - Dark YS-XL	\$3.93	\$6.90	\$6.61	\$4.60
SS T-Shirt - 4 color - Dark XXL	\$6.24	\$8.40	\$8.61	\$5.60
SS T-Shirt - 4 color - Dark XXXL	\$6.24	\$8.40	\$8.61	\$6.60
LS T-Shirt - 1 color - White YS-XL	\$4.71	\$7.28	\$6.50	\$4.85
LS T-Shirt - 1 color - White XXL	\$5.98	\$8.78	\$8.50	\$5.85
LS T-Shirt - 1 color - White XXXL	\$5.98	\$8.78	\$8.50	\$6.85
LS T-Shirt - 2 color - White YS-XL	\$4.96	\$7.50	\$7.00	\$5.00
LS T-Shirt - 2 color - White XXL	\$6.23	\$8.78	\$9.00	\$6.00
LS T-Shirt - 2 color - White XXXL	\$6.23	\$8.78	\$9.00	\$7.00
LS T-Shirt - 3 color - White YS-XL	\$5.21	\$7.73	\$7.60	\$5.15
LS T-Shirt - 3 color - White XXL	\$6.48	\$9.23	\$9.60	\$6.15
LS T-Shirt - 3 color - White XXXL	\$6.48	\$9.23	\$9.60	\$7.15
LS T-Shirt - 4 color - White YS-XL	\$5.46	\$7.95	\$8.00	\$5.30

Tabulation of Bids Received
on August 9, 2011 at 3:00 p.m.
T-Shirt Design and Printing
Bid# 13-04-12

	Bidders			Memo FY2011 Contracted Prices
	Ad-Wear & Specialty of Texas Houston, TX	Safari Sun Altamonte Springs, FL	S.P. Design Inc Cape Coral, FL	
Description				
LS T-Shirt - 4 color - White XXL	\$6.73	\$9.45	\$10.00	\$6.30
LS T-Shirt - 4 color - White XXXL	\$6.73	\$9.45	\$10.00	\$7.30
LS T-Shirt - 1 color - Light YS-XL	\$5.30	\$7.73	\$6.50	\$5.15
LS T-Shirt - 1 color - Light XXL	\$6.76	\$9.23	\$8.50	\$6.15
LS T-Shirt - 1 color - Light XXXL	\$6.76	\$9.23	\$8.50	\$7.15
LS T-Shirt - 2 color - Light YS-XL	\$5.55	\$7.95	\$7.00	\$5.30
LS T-Shirt - 2 color - Light XXL	\$7.01	\$9.45	\$9.00	\$6.30
LS T-Shirt - 2 color - Light XXXL	\$7.01	\$9.45	\$9.00	\$7.30
LS T-Shirt - 3 color - Light YS-XL	\$5.80	\$8.18	\$7.60	\$5.45
LS T-Shirt - 3 color - Light XXL	\$7.26	\$9.68	\$9.60	\$6.45
LS T-Shirt - 3 color - Light XXXL	\$7.26	\$9.68	\$9.60	\$7.45
LS T-Shirt - 4 color - Light YS-XL	\$6.05	\$8.40	\$8.00	\$5.60
LS T-Shirt - 4 color - Light XXL	\$7.51	\$9.90	\$10.00	\$6.60
LS T-Shirt - 4 color - Light XXXL	\$7.51	\$9.90	\$10.00	\$7.60
LS T-Shirt - 1 color - Dark YS-XL	\$5.73	\$8.18	\$7.50	\$5.45
LS T-Shirt - 1 color - Dark XXL	\$7.32	\$9.68	\$9.50	\$6.45
LS T-Shirt - 1 color - Dark XXXL	\$7.32	\$9.68	\$9.50	\$7.45
LS T-Shirt - 2 color - Dark YS-XL	\$5.98	\$8.40	\$8.00	\$5.60
LS T-Shirt - 2 color - Dark XXL	\$7.57	\$9.90	\$10.00	\$6.60
LS T-Shirt - 2 color - Dark XXXL	\$7.57	\$9.90	\$10.00	\$7.60
LS T-Shirt - 3 color - Dark YS-XL	\$6.23	\$8.63	\$8.50	\$5.75
LS T-Shirt - 3 color - Dark XXL	\$7.82	\$10.13	\$10.50	\$6.75
LS T-Shirt - 3 color - Dark XXXL	\$7.82	\$10.13	\$10.50	\$7.75
LS T-Shirt - 4 color - Dark YS-XL	\$6.48	\$8.85	\$9.00	\$5.90
LS T-Shirt - 4 color - Dark XXL	\$8.07	\$10.35	\$10.00	\$6.90
LS T-Shirt - 4 color - Dark XXXL	\$8.07	\$10.35	\$10.00	\$7.90
SS Pocket T-Shirt - 1 color - White YS-XL	\$3.54	\$6.68	\$5.40	\$4.45
SS Pocket T-Shirt - 1 color - White XXL	\$5.34	\$8.18	\$7.40	\$5.45
SS Pocket T-Shirt - 1 color - White XXXL	\$5.34	\$8.18	\$7.40	\$6.45
SS Pocket T-Shirt - 2 color - White YS-XL	\$3.79	\$6.90	\$6.00	\$4.60
SS Pocket T-Shirt - 2 color - White XXL	\$5.59	\$8.40	\$8.00	\$5.60
SS Pocket T-Shirt - 2 color - White XXXL	\$5.59	\$8.40	\$8.00	\$7.60
SS Pocket T-Shirt - 3 color - White YS-XL	\$4.04	\$7.13	\$6.60	\$4.75
SS Pocket T-Shirt - 3 color - White XXL	\$5.84	\$8.63	\$8.60	\$5.75
SS Pocket T-Shirt - 3 color - White XXXL	\$5.84	\$8.63	\$8.60	\$6.75
SS Pocket T-Shirt - 4 color - White YS-XL	\$4.29	\$7.35	\$7.20	\$4.90
SS Pocket T-Shirt - 4 color - White XXL	\$6.09	\$8.85	\$9.20	\$5.90
SS Pocket T-Shirt - 4 color - White XXXL	\$6.09	\$8.85	\$9.20	\$6.90
SS Pocket T-Shirt - 1 color - Light YS-XL	\$4.10	\$7.58	\$6.25	\$5.05
SS Pocket T-Shirt - 1 color - Light XXL	\$5.95	\$9.08	\$8.25	\$6.05
SS Pocket T-Shirt - 1 color - Light XXXL	\$5.95	\$9.08	\$8.25	\$7.05
SS Pocket T-Shirt - 2 color - Light YS-XL	\$4.35	\$7.80	\$7.00	\$5.20
SS Pocket T-Shirt - 2 color - Light XXL	\$6.20	\$9.30	\$9.00	\$6.20
SS Pocket T-Shirt - 2 color - Light XXXL	\$6.20	\$9.30	\$9.00	\$7.20
SS Pocket T-Shirt - 3 color - Light YS-XL	\$4.60	\$8.03	\$7.50	\$5.35
SS Pocket T-Shirt - 3 color - Light XXL	\$6.45	\$9.53	\$9.50	\$6.35

Tabulation of Bids Received
on August 9, 2011 at 3:00 p.m.
T-Shirt Design and Printing
Bid# 13-04-12

	Bidders			Memo FY2011 Contracted Prices
	Ad-Wear & Specialty of Texas Houston, TX	Safari Sun Altamonte Springs, FL	S.P. Design Inc Cape Coral, FL	
Description				
SS Pocket T-Shirt - 3 color - Light XXXL	\$6.45	\$9.53	\$9.50	\$7.35
SS Pocket T-Shirt - 4 color - Light YS-XL	\$4.85	\$8.25	\$8.00	\$5.50
SS Pocket T-Shirt - 4 color - Light XXL	\$6.70	\$9.75	\$10.00	\$6.50
SS Pocket T-Shirt - 4 color - Light XXXL	\$6.70	\$9.75	\$10.00	\$7.50
SS Pocket T-Shirt - 1 color - Dark YS-XL	\$4.20	\$7.88	\$7.00	\$5.25
SS Pocket T-Shirt - 1 color - Dark XXL	\$6.51	\$9.38	\$9.00	\$6.25
SS Pocket T-Shirt - 1 color - Dark XXXL	\$6.51	\$9.38	\$9.00	\$7.25
SS Pocket T-Shirt - 2 color - Dark YS-XL	\$4.45	\$8.10	\$7.50	\$5.40
SS Pocket T-Shirt - 2 color - Dark XXL	\$6.76	\$9.60	\$9.50	\$6.40
SS Pocket T-Shirt - 2 color - Dark XXXL	\$6.76	\$9.60	\$9.50	\$7.40
SS Pocket T-Shirt - 3 color - Dark YS-XL	\$4.70	\$8.33	\$8.00	\$5.55
SS Pocket T-Shirt - 3 color - Dark XXL	\$7.01	\$9.83	\$10.00	\$6.55
SS Pocket T-Shirt - 3 color - Dark XXXL	\$7.01	\$9.83	\$10.00	\$7.55
SS Pocket T-Shirt - 4 color - Dark YS-XL	\$4.95	\$8.55	\$8.75	\$5.70
SS Pocket T-Shirt - 4 color - Dark XXL	\$7.26	\$10.05	\$10.75	\$6.70
SS Pocket T-Shirt - 4 color - Dark XXXL	\$7.26	\$10.05	\$10.75	\$7.70
100% Cotton SS - 1 color - Light YS-XL	\$3.89	\$8.18	\$3.90	\$5.45
100% Cotton SS - 1 color - Light XXL	\$6.20	\$9.68	\$5.90	\$6.45
100% Cotton SS - 1 color - Light XXXL	\$6.20	\$9.68	\$5.90	\$7.45
100% Cotton SS - 2 color - Light YS-XL	\$4.14	\$8.40	\$4.50	\$5.60
100% Cotton SS - 2 color - Light XXL	\$6.45	\$9.90	\$6.50	\$6.60
100% Cotton SS - 2 color - Light XXXL	\$6.45	\$9.90	\$6.50	\$7.60
100% Cotton SS - 3 color - Light YS-XL	\$4.39	\$8.63	\$5.76	\$5.75
100% Cotton SS - 3 color - Light XXL	\$6.70	\$10.13	\$7.76	\$6.75
100% Cotton SS - 3 color - Light XXXL	\$6.70	\$10.13	\$7.76	\$7.75
100% Cotton SS - 4 color - Light YS-XL	\$4.64	\$8.85	\$5.76	\$6.90
100% Cotton SS - 4 color - Light XXL	\$6.95	\$10.35	\$7.76	\$7.90
100% Cotton SS - 4 color - Light XXXL	\$6.95	\$10.35	\$7.76	\$8.90
100% Cotton SS - 1 color - Dark YS-XL	\$4.29	\$8.63	\$4.81	\$5.75
100% Cotton SS - 1 color - Dark XXL	\$6.56	\$10.13	\$6.81	\$6.75
100% Cotton SS - 1 color - Dark XXXL	\$6.56	\$10.13	\$6.81	\$7.75
100% Cotton SS - 2 color - Dark YS-XL	\$4.54	\$8.85	\$5.43	\$5.90
100% Cotton SS - 2 color - Dark XXL	\$6.81	\$10.35	\$7.43	\$6.90
100% Cotton SS - 2 color - Dark XXXL	\$6.81	\$10.35	\$7.43	\$7.90
100% Cotton SS - 3 color - Dark YS-XL	\$4.79	\$9.08	\$6.05	\$6.05
100% Cotton SS - 3 color - Dark XXL	\$7.06	\$10.58	\$8.05	\$7.05
100% Cotton SS - 3 color - Dark XXXL	\$7.06	\$10.58	\$8.05	\$8.05
100% Cotton SS - 4 color - Dark YS-XL	\$5.04	\$9.30	\$6.60	\$6.20
100% Cotton SS - 4 color - Dark XXL	\$7.31	\$10.80	\$8.60	\$7.20
100% Cotton SS - 4 color - Dark XXXL	\$7.31	\$10.80	\$8.60	\$8.20
100% Cotton SS w/pocket- 1 color - Light YS-XL	\$4.98	\$9.98	\$6.40	\$6.65
100% Cotton SS w/pocket- 1 color - Light XXL	\$7.28	\$11.48	\$8.40	\$7.65
100% Cotton SS w/pocket- 1 color - Light XXXL	\$7.28	\$11.48	\$8.40	\$8.65
100% Cotton SS w/pocket- 2 color - Light YS-XL	\$5.23	\$10.20	\$7.00	\$6.80
100% Cotton SS w/pocket- 2 color - Light XXL	\$7.53	\$11.70	\$9.00	\$7.80
100% Cotton SS w/pocket- 2 color - Light XXXL	\$7.53	\$11.70	\$9.00	\$8.80
100% Cotton SS w/pocket- 3 color - Light YS-XL	\$5.48	\$10.43	\$7.50	\$6.95

Tabulation of Bids Received
on August 9, 2011 at 3:00 p.m.
T-Shirt Design and Printing
Bid# 13-04-12

	Bidders			Memo FY2011 Contracted Prices
	Ad-Wear & Specialty of Texas Houston, TX	Safari Sun Altamonte Springs, FL	S.P. Design Inc Cape Coral, FL	
Description				
100% Cotton SS w/pocket - 3 color - Light XXL	\$7.78	\$11.93	\$9.50	\$7.95
100% Cotton SS w/pocket - 3 color - Light XXXL	\$7.78	\$11.93	\$9.50	\$8.95
100% Cotton SS w/pocket - 4 color - Light YS-XL	\$5.73	\$10.65	\$7.70	\$7.10
100% Cotton SS w/pocket - 4 color - Light XXL	\$8.03	\$12.15	\$9.70	\$8.10
100% Cotton SS w/pocket - 4 color - Light XXXL	\$8.03	\$12.15	\$9.70	\$9.10
100% Cotton SS w/pocket - 1 color - Dark YS-XL	\$5.38	\$10.43	\$7.00	\$6.95
100% Cotton SS w/pocket - 1 color - Dark XXL	\$7.65	\$11.93	\$9.00	\$7.95
100% Cotton SS w/pocket - 1 color - Dark XXXL	\$7.65	\$11.93	\$9.00	\$8.95
100% Cotton SS w/pocket - 2 color - Dark YS-XL	\$5.63	\$10.65	\$7.50	\$7.10
100% Cotton SS w/pocket - 2 color - Dark XXL	\$7.90	\$12.15	\$9.50	\$8.10
100% Cotton SS w/pocket - 2 color - Dark XXXL	\$7.90	\$12.15	\$9.50	\$9.10
100% Cotton SS w/pocket - 3 color - Dark YS-XL	\$5.88	\$10.88	\$8.00	\$7.25
100% Cotton SS w/pocket - 3 color - Dark XXL	\$8.15	\$12.38	\$10.10	\$8.25
100% Cotton SS w/pocket - 3 color - Dark XXXL	\$8.15	\$12.38	\$10.10	\$9.25
100% Cotton SS w/pocket - 4 color - Dark YS-XL	\$6.13	\$11.10	\$8.85	\$7.40
100% Cotton SS w/pocket - 4 color - Dark XXL	\$8.40	\$12.60	\$10.85	\$8.40
100% Cotton SS w/pocket - 4 color - Dark XXXL	\$8.40	\$12.60	\$10.85	\$9.40
SS T-Shirt - 5 color front & 1 color back - Dark YS-XL	\$5.33	\$7.80	\$7.85	\$5.20
SS T-Shirt - 5 color front & 1 color back - Dark XXL	\$7.64	\$9.30	\$9.85	\$6.20
SS T-Shirt - 5 color front & 1 color back - Dark XXXL	\$7.64	\$9.30	\$9.85	\$7.20
SS T-Shirt - 5 color front & 1 color back - Light YS-XL	\$5.23	\$7.35	\$7.50	\$4.90
SS T-Shirt - 5 color front & 1 color back - Light XXL	\$7.08	\$8.85	\$9.50	\$5.90
SS T-Shirt - 5 color front & 1 color back - Light XXXL	\$7.08	\$8.55	\$9.50	\$6.90
LS T-Shirt - 5 color front & 1 color back - Dark YS-XL	\$7.88	\$9.75	\$7.85	\$6.50
LS T-Shirt - 5 color front & 1 color back - Dark XXL	\$9.47	\$11.25	\$9.85	\$7.50
LS T-Shirt - 5 color front & 1 color back - Dark XXXL	\$9.47	\$11.25	\$9.85	\$8.50
8" Numbers (per each)	\$1.50	\$2.25	\$2.50	\$1.50
2" Letters (per letter)	\$0.40	\$3.00 (name)	\$2.00 (name)	\$2.00/name
Sleeve/Chest Print 1-Color	\$0.25	\$0.75	\$1.00	\$0.50
Sleeve/Chest Print 2-Color	\$0.35	\$0.90	\$1.50	\$0.60
Sleeve/Chest Print 3-Color	\$0.45	\$1.05	\$1.90	\$0.70
Sleeve/Chest Print 4-Color	\$0.55	\$1.20	\$2.00	\$0.80
Designs Approved and Not Used	N/C	\$50.00	\$35.00	\$50.00
Delivery	Yes	Yes	Yes	
Local Preference	No	No	No	
Credit Check Authorization	Yes	Yes	Yes	
Exceptions?	No	No	No	

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

Belinda Mattke

Belinda Mattke, Director of Purchasing

9-Aug-11

Date

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

Planholders:

Ad-Wear & Specialty of
Texas, Inc.
Authentic Promotions
Axiom
BSN Sports
Dragonfly Graphics
Horizon Concepts
Kwik Kopy
Marfield Corp Stationery

Tabulation of Bids Received
on August 9, 2011 at 3:00 p.m.
T-Shirt Design and Printing
Bid# 13-04-12

Bidders			Memo FY2011 Contracted Prices
Ad-Wear & Specialty of Texas Houston, TX	Safari Sun Altamonte Springs, FL	S.P. Design Inc Cape Coral, FL	
Description			
		Prime Vendor	
		Safari Sun	
		Screenprint Plus, Inc	
		The Incentive Mall	

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL PURCHASE AGREEMENT FOR THE DESIGN AND PRINTING OF T-SHIRTS WITH AD-WEAR & SPECIALTY OF TEXAS OF HOUSTON, TEXAS, FOR FY2011-12, IN THE ESTIMATED ANNUAL AMOUNT OF \$40,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on August 9, 2011, the City received 3 bids for the design and printing of t-shirts;

Whereas, the Staff recommends authorizing an annual purchase agreement with Ad-Wear & Specialty of Texas of Houston, Texas, for an estimated annual expenditure of \$40,000;

Whereas, there are sufficient funds in the various departmental accounts for the purchases – the t-shirts are ordered on an “as-needed” basis by each department; and

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

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

Part 1: The City Council authorizes an annual purchase agreement with Ad-Wear & Specialty of Texas of Houston, Texas, for an estimated annual expenditure of \$40,000, for the design and printing of t-shirts for recreational and municipal activities.

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

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

PASSED AND APPROVED this the **15th** day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/15/11
Item #4(J-15)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing
Lonzo Wallace, Fire Chief

ITEM DESCRIPTION: Consider adopting a resolution authorizing a purchase agreement for fire department uniforms from Miller Uniforms & Emblems of Austin, for FY 2012 in an estimated annual amount of \$27,260.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City currently uses Miller Uniforms & Emblems for the purchase of fire department uniforms. The Blauer shirts that are currently being purchased are available through a BuyBoard contract. The shirts range from \$29.00 - \$32.00 each, depending on size. The estimated annual expenditure for the uniform shirts is \$7,000. Utilizing this contract through the BuyBoard satisfies the requirement for competitive bids.

The uniform pants are not available through a BuyBoard contract. Therefore, the City received bids for the uniform pants. Accordingly, on August 16, 2011, the City received one (1) bid for the purchase of fire uniform pants. The bids are shown on the attached bid tabulation sheet. The estimated annual expenditure for the uniform pants is \$20,260.

The City has done business with Miller Uniforms & Emblems for several years and finds them to be a responsible vendor.

The recommended contract is for a period of one (1) year commencing on October 1, 2011, with the option for four (4) one-year renewals, if so agreed to by the City and Miller Uniform & Emblems.

FISCAL IMPACT: Funding in the amount of \$86,325 is included the adopted FY 2012 budget for clothing and uniforms in account 110-2200-522-2113.

ATTACHMENTS:

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

Tabulation of Bids Received
on August 16, 2011 at 2:00 p.m.
Purchase of Fire Uniform Pants
Bid #22-01-12

		Bidders	
		Miller Uniforms & Emblems Inc, Austin, TX	
Description	Qty	Unit Price	Total Price
FD-Firefighter Station Wear Pants (Navy) A-Cut	80	\$88.80	\$7,104.00
FD-Firefighter Station Wear Pants (Navy) B-Cut	120	\$91.80	\$11,016.00
FD-Firefighter Station Wear Pants (Black) A-Cut *	16	\$110.80	\$1,772.80
FD-Firefighter Station Wear Pants (Black) B-Cut	4	\$91.80	\$367.20
FD-Firefighter Station Wear Pants Oversized (Size 44-50)		25%	
Total Bid Amount		\$20,260.00	
Delivery 7 Days		No-*30-45 days all others 7-14 days	
Exceptions?		delivery only	
Local Preference		No	
Credit Check Authorization		Yes	

<i>Memo 2010-2011 Contracted Prices</i>
\$82.00
\$82.00
\$82.00
\$82.00
\$102.50 - Sizes 44-50

Planholders
Ad-Wear & Specialty of Texas, Inc.
Alamo Iron Works
Bob Barker Co.
Fechheimer Bro.
H & R Workwear, Inc
Lion Apparel
Miller Uniforms
Prime Vendor
Southeastern Emergency Equip
Witmer Public Safety Group, Inc.

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

Belinda Mattke

Belinda Mattke, Director of Purchasing

16-Aug-11

Date

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, AUTHORIZING A PURCHASING AGREEMENT FOR FIRE
DEPARTMENT UNIFORMS FROM MILLER UNIFORMS & EMBLEMS OF
AUSTIN, TEXAS, FOR FY 2011-12, IN AN ESTIMATED ANNUAL AMOUNT
OF \$27,260; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City currently uses Miller Uniforms & Emblems for the purchase of fire department uniforms – the Blauer shirts that are currently being purchased are available through a BuyBoard contract, but the uniform pants are not available through the BuyBoard contract;

Whereas, on August 16, 2011, the City received one bid for the purchase of the fire uniform pants from Miller Uniforms & Emblems of Austin, Texas, and the Staff recommends entering into an agreement for purchase of the uniform pants;

Whereas, the estimated annual expenditure is \$27,260 (\$7,000 for shirts and \$20,260 for pants), and funds are available in the 2011-12 budget in Account No. 110-2200-522-2113; and

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

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

Part 1: The City Council authorizes a purchase agreement for fire department uniforms from Miller Uniforms & Emblems of Austin, Texas, for FY2011-12, in an estimated amount of \$27,260.

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

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

PASSED AND APPROVED this the **15th** day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/15/11
Item #4(J-16)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing a FY 2012 annual purchase agreement for office supplies, utilizing a BuyBoard contract, with Perry Office Plus, Inc. of Temple with an estimated annual expenditure in the amount of \$200,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Historically, the City has solicited bids for office supplies whereby the bidders would place a hard bid for a core list of commonly used office supplies and would provide a discount off of published catalog prices for non-core list items. In addition, due to the instability of the market, we incorporated escalation and de-escalation clauses into the bid. This contract has ultimately become a cumbersome contract to manage from staff's perspective and the vendor's perspective.

Perry Office Plus, Inc. (Perry's) has been awarded an office supply contract through BuyBoard, a cooperative that performs competitive bids on behalf of public entities. This contract is utilized by many schools, counties, and municipalities throughout the State. This specific contract provides for pricing in three different categories: (1) a "Stocked Item" Pricing List, (2) a general discount off for items not on the Stocked Pricing List, and (3) an entity-specific custom price list. As departments have become accustomed to, the contract also provides for next day desktop delivery.

Staff has reviewed the pricing lists and discounts offered through the BuyBoard contract and believe that they will provide a good value for the City. In addition, staff is working closely with Perry's to define an entity-specific custom price list for the items most commonly used by City departments. As allowed by the BuyBoard contract, this list will be a 'living' document that can be adjusted as the demands of the City change.

FISCAL IMPACT: Office supplies are purchased on an as needed basis by each department and are budgeted as such in the adopted FY 2012 budget. Estimated annual expenditure based on historical purchases: \$200,000.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL PURCHASE AGREEMENT FOR FY2011-12 FOR OFFICE SUPPLIES, UTILIZING A BUYBOARD CONTRACT, WITH PERRY OFFICE PLUS, INC., OF TEMPLE, TEXAS, WITH AN ESTIMATED ANNUAL EXPENDITURE IN THE AMOUNT OF \$200,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Perrys Office Plus, Inc., has been awarded an office supply contract through the BuyBoard, a cooperative that performs competitive bids on behalf of public entities;

Whereas, Staff has reviewed the pricing lists and discounts offered through the contract and believe that they will provide a good value for the City and recommends utilizing the BuyBoard contract through Perry Office Plus, Inc.;

Whereas, there are sufficient funds in the various departmental accounts for the purchases – estimated annual expenditure is \$200,000; and

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

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

Part 1: The City Council authorizes an annual purchase agreement for FY2011-12 for office supplies, utilizing a BuyBoard contract, with Perry Office Plus, Inc., of Temple, Texas, with an estimated annual expenditure of \$200,000.

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

PASSED AND APPROVED this the **15th** day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/15/11
Item #4(J-17)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Judy Duer, Library Director
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing an annual contract for the provision of security guard services at the Temple Public Library with Ameritex Guard Services of Richardson, for FY 2012 in the estimated annual amount of \$25,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: To promote safety and security of patrons, building tenants and staff, the Library has a security guard on site during peak hours. On August 2, 2011, the City received six (6) bids for these security guard services. The bids are shown on the attached bid tabulation sheet.

The low bidder was Ameritex Guard Services of Richardson, Texas. The City has not done business with Ameritex Guard Service in the past. Therefore, references were checked. After receiving favorable responses to the references, staff is recommending award to Ameritex Guard Services.

The recommended contract is for a period of one (1) year commencing on October 1, 2011, with the option for four (4) one-year renewals, if so agreed to by the City and Ameritex Guard Services

FISCAL IMPACT: The Library has included \$28,717 in their adopted FY 2012 budget for security guard services.

ATTACHMENTS:

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

Tabulation of Bids Received
on August 2, 2011 at 2:15 p.m.
Security Guard Services for the Temple Public Library
Bid# 40-01-12

Description	Bidders					
	Ameritex Guard Serv. Richardson, TX	Job 1 USA Toledo, OH	PAP Security Grand Prairie, TX	Texas Star 1 USA Belton, TX	Eagle Systems Inc Waco, TX	Dennis Security & Professional Svcs. Austin, TX
Hourly Rate	\$11.59	\$12.67	\$13.87	\$11.95	\$14.50	\$13.50
Exceptions	NO	NO	NO	NO	YES	NO
Local Preference	NO	NO	NO	NO	YES (needs verification)	NO
Insurance Requirement Affidavit	YES	YES	NO	YES	YES	YES
Credit Check Authorization	YES	YES	YES	YES	YES	YES
Addendum	YES	NO	YES	NO	YES	NO

<i>Memo 2010-2011 Contracted Prices</i>
\$13.00

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

Belinda Matthe *2-Aug-11*
Belinda Matthe, Director of Purchasing Date

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

Planholders	
AK Security Services	Eagle Systems
Akita Patrol	G4S Secure Solutions
Allegiance Security Group	Houston Security Patrol
American Citadel Guard	Job1USA
Ameritex Guard Services	Marevi Intl Security Grp
Andy Frain Services	Prime Vendor
BP Worldwide Security	Priority Asset Protection Corp
U.S Security Associates	Briggs Sec & Investigations
Texas Star Security	Dennis Security & Prof Svcs
Diamond Detective Agency	Universal Protection Service
	Vets Securing America, Inc

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL CONTRACT FOR THE PROVISION OF SECURITY GUARD SERVICES AT THE TEMPLE PUBLIC LIBRARY WITH AMERITEX GUARD SERVICES OF RICHARDSON, TEXAS, FOR FY 2011-12, IN THE ESTIMATED AMOUNT OF \$25,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on August 2, 2011, the City received 6 bids for security guard services at the Temple Public Library;

Whereas, the Staff recommends accepting the bid from Ameritex Guard Services of Richardson, Texas, in an estimated amount of \$25,000;

Whereas, funds are budgeted in the Library's FY2011-12 budget for security guard services; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a contract, for an amount not to exceed \$25,000, between the City of Temple, Texas, and Ameritex Guard Services of Richardson, Texas, after approval as to form by the City Attorney, for the provision of security guard services at the Temple Public Library for FY2011-12.

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

PASSED AND APPROVED this the **15th** day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/15/11
Item #4(J-18)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, PE, Director of Public Works
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement for construction materials testing services for all public infrastructure projects, both City-initiated and subdivision-related, with Langerman Foster Engineering Company of Waco, for FY 2012 in the estimated amount of \$65,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On August 23, 2011, the City received six (6) proposals for construction materials testing services for all infrastructure projects, both City-initiated and subdivision-related. This testing includes, but is not limited to, density of subgrade, base and hot mixed asphaltic concrete (MHAC) for roadway construction, gradation of subgrade and base material as well as HMAC, California Bearing Ratios (CBD), concrete strength and density and bedding of trench excavation for utility installations. This testing is essential to assure quality construction and compliance with City specifications and standards.

Proposals were received from Langerman Foster Engineering Company, Raba Kistner Consultants Inc., Terracon Consultants Inc., Kleinfelder Central Inc., Professional Service Industries Inc., and Fugro Consultants Inc. Langerman Foster Engineering Co. (LFE) was selected by a review committee comprised of staff from the Public Works Division as being the most qualified firm to provide these services.

Attached is the fee schedule for the services to be provided by LFE. The recommended contract is for a period of one (1) year commencing on October 1, 2011, with the option for four (4) one-year renewals, if so agreed to by the City and LFE.

FISCAL IMPACT: Funding for the construction material testing services is included in the adopted FY 2012 budget in account 110-3900-533-2513 in the amount of \$15,000 for subdivision testing. Costs related to testing for City-funded capital infrastructure projects will be funded out of the respective capital accounts.

ATTACHMENTS:

[LFE Fee Schedule](#)
[Resolution](#)



FEE SCHEDULE FOR THE CITY OF TEMPLE

PROFESSIONAL STAFF RATES

Engineer (P.E.)	\$120 / hour
Supervisory Technician	65 / hour
Field Technician	45 / hour
Administrative/Word Processor	45 / hour

Note: For most, if not all projects, only Field Technician time will be charged. Engineering, Supervisory Technician, or Administrative time will only be charged when approved by the City for special situations.

CONSTRUCTION MATERIALS TESTING SERVICES

Sieve Analysis.....	75 / each
#200 Sieve Only	25 / each
Air Content (when no cylinders are made)	25 / each
Concrete Slump (when no cylinders are made)	10 / each
Concrete cylinders.....	16 / each
Concrete Unit Weight.....	20 / each
Atterberg Limits.....	75 / each
Moisture-Density Relations	
- ASTM D698	250 / each
- ASTM D1557	250 / each
- TEX-113-E	300 / each
- TEX-114-E, PI>20	300 / each
Field Density Tests	
- Nuclear Method, per test (Minimum 3) plus technician time	20 / each
Texas Wet Ball Mill	240 / each
Los Angeles Abrasion.....	290 / each
Asphalt Cores (Minimum 3).....	90 / each
Extraction / Gradation	240 / each
Vehicle Fee (per round trip to jobsite local in Temple).....	25 / each
Report Fee (per each report issued)	15 / each

We believe that the tests quoted above will cover 90% or better of the City's needs. Quotes for other tests, including geotechnical work, will be provided upon request.



BASIS OF CHARGES

1. Prices listed are for services most frequently performed. Prices for other services provided by the firm or other services not listed will be given upon request.
2. Invoices will be issued on a periodic basis. The net cash amount of this invoice is payable on presentation of the invoice.
3. Jobsite time only will be charged (travel time to and from jobsites will not be charged). Field technician time will be charged in one-hour increments.
4. A fee of \$15 applies for each test report issued. Reports will be issued via e-mail. If hard copy reports are requested via US mail, then additional charges will apply.
5. Time worked before 7 am or after 5 pm, in excess of 8 hours per day, or weekend\holiday work will be charged at 1.5 times the hourly rate.
6. Outside services will include a 20% markup unless otherwise noted.
7. All samples will be disposed at the completion of the test unless prior arrangements are made. LFE does not accept environmental or contaminated samples.
8. A vehicle fee of \$25 per trip will be applicable within the city limits of Temple. An addition charge of \$0.60 per mile will apply outside of the city limits.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH LANGERMAN FOSTER ENGINEERING COMPANY OF WACO, TEXAS, TO PROVIDE CONSTRUCTION MATERIALS TESTING FOR ALL INFRASTRUCTURAL PROJECTS, BOTH CITY-INITIATED AND SUBDIVISION-RELATED FOR FISCAL YEAR 2011-12; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in August 23, 2011, the City received 6 proposals from companies for construction materials testing for all infrastructural projects, both City-initiated and subdivision-related;

Whereas, the Staff recommends accepting the proposal received by Langerman Foster Engineering Company of Waco, Texas, for this service;

Whereas, funds are budgeted in Account No. 110-3900-553-2513 for subdivision testing, and specific project testing is budgeted within each project's budget – the estimated annual expenditure is \$65,000; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a professional services agreement with Langerman Foster Engineering Company of Waco, Texas, after approval as to form by the City Attorney, for construction materials testing for all infrastructural projects, both City-initiated and subdivision-related, for Fiscal Year 2011-12 (estimated expenditure of \$65,000).

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

PASSED AND APPROVED this the **15th** day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/15/11
Item #4(K)
Consent Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Brian Mabry, AICP, Planning Director

ITEM DESCRIPTION: SECOND READING – Z-FY-10-21: Consider adopting an ordinance:

1. Repealing Ordinance No. 99-2603, dated February 18, 1999, to reflect a change from the existing Planned Development General Retail District (PD-GR) to an updated Planned Development General Retail District (PD-GR) on 2.1 +/- acres; and
2. Authorizing a rezoning from Urban Estate District (UE) and Two Family District (2F) to Planned Development General Retail District (PD-GR) on 11.6 +/- acres; and on a total of 13.7± acres out of the G.W. Lindsey Survey, Abstract. No. 912, located 810± feet south of Northcliffe Drive, along the west side of FM 2271.

P&Z COMMISSION RECOMMENDATION: The Planning and Zoning Commission voted 8/0 in accordance with the Staff recommendation to recommend approval of the requested rezoning at its meeting on March 1, 2010. Commissioner Barton was absent.

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

Staff recommends approval 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 are available to the site.

ITEM SUMMARY: The Planning and Zoning Commission recommended approval of this rezoning request in March 2010. Since that date, there were some questions and concerns as to whether a portion of this property is located in the City limits or not. These concerns have been resolved and land subject to the request is completely within the City limits.

Please refer to the Staff Report and draft minutes of case Z-FY-10-21, from the Planning and Zoning Commission meeting on March 1, 2010. The purpose of the PD request is to establish a mixed use development including restaurants, offices and other retail establishments. The applicant is not requesting flexibility in City standards, as often associated with a PD, but is using the PD as a way to guarantee that improvements on the property will be predictable and, in the ways described below, exceed City standards. The subject property has approximately 1,520 feet of frontage along FM 2271. At the time of the P&Z hearing, a new sewer line and lift station were under construction for the area. The lift station and sewer line have been completed and the line is eight inches and four inches in diameter at various locations.

In accordance with Planned Development submittal requirements, the applicant has submitted a site plan showing building locations and heights, general parking areas and access points. Subsequent building permits and sign permits must comply with the Council-approved PD site plan. Notable features of the development plan include:

- Preserved trees (elm, oak and pecan) along the perimeter of the property to screen the proposed nonresidential uses from adjacent residential properties
- Maximum height of 25 feet for nonresidential buildings
- Front, side and rear setbacks of 50 feet or more for proposed buildings
- Maximum of three signs along the 1,520 feet of street frontage, two of which will not exceed 8 feet in height.

At its meeting, the Commission did not raise any issues requiring additional staff attention.

A total of 16 notices of the P&Z public hearing were sent out. As of Tuesday, March 9, 2010, three notices were returned in favor of and none were returned in opposition to the request. The newspaper printed notice of the P&Z public hearing on February 11, 2010 in accordance with state law and local ordinance.

FISCAL IMPACT: NA

ATTACHMENTS:

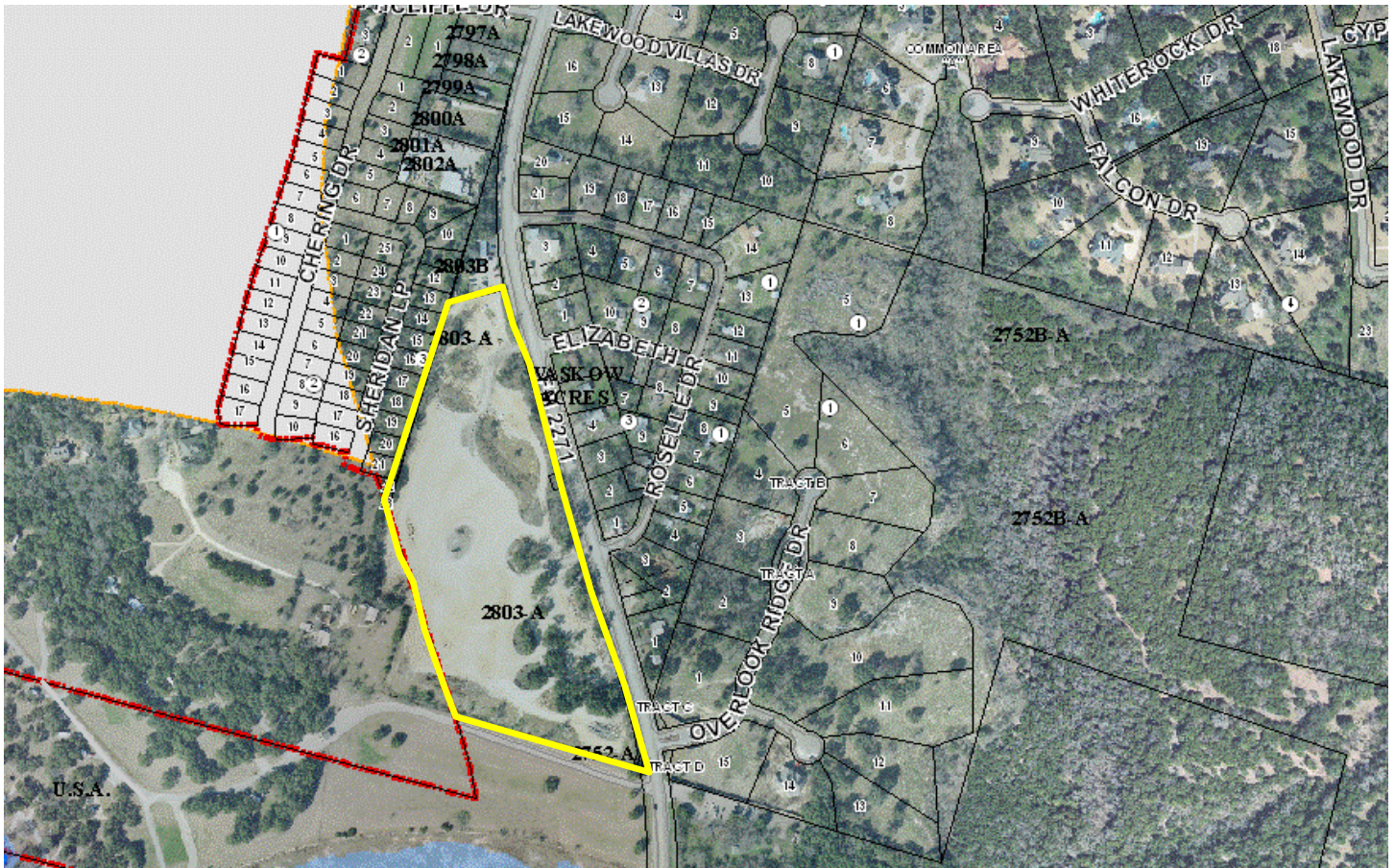
[Aerial](#)
[Future Land Use & Character Map](#)
[Zoning Map](#)
[Water Line Map](#)
[Sewer Line Map](#)
[PD Site Plan](#)
[Notification Map](#)
[P&Z Staff Report \(Z-FY-10-21\)](#)
[P&Z Minutes \(03/01/10\)](#)
[Ordinance](#)



Z-FY-10-21

Rezoning

13.7± acres GW Lindsey Survey



 Z-FY-10-21

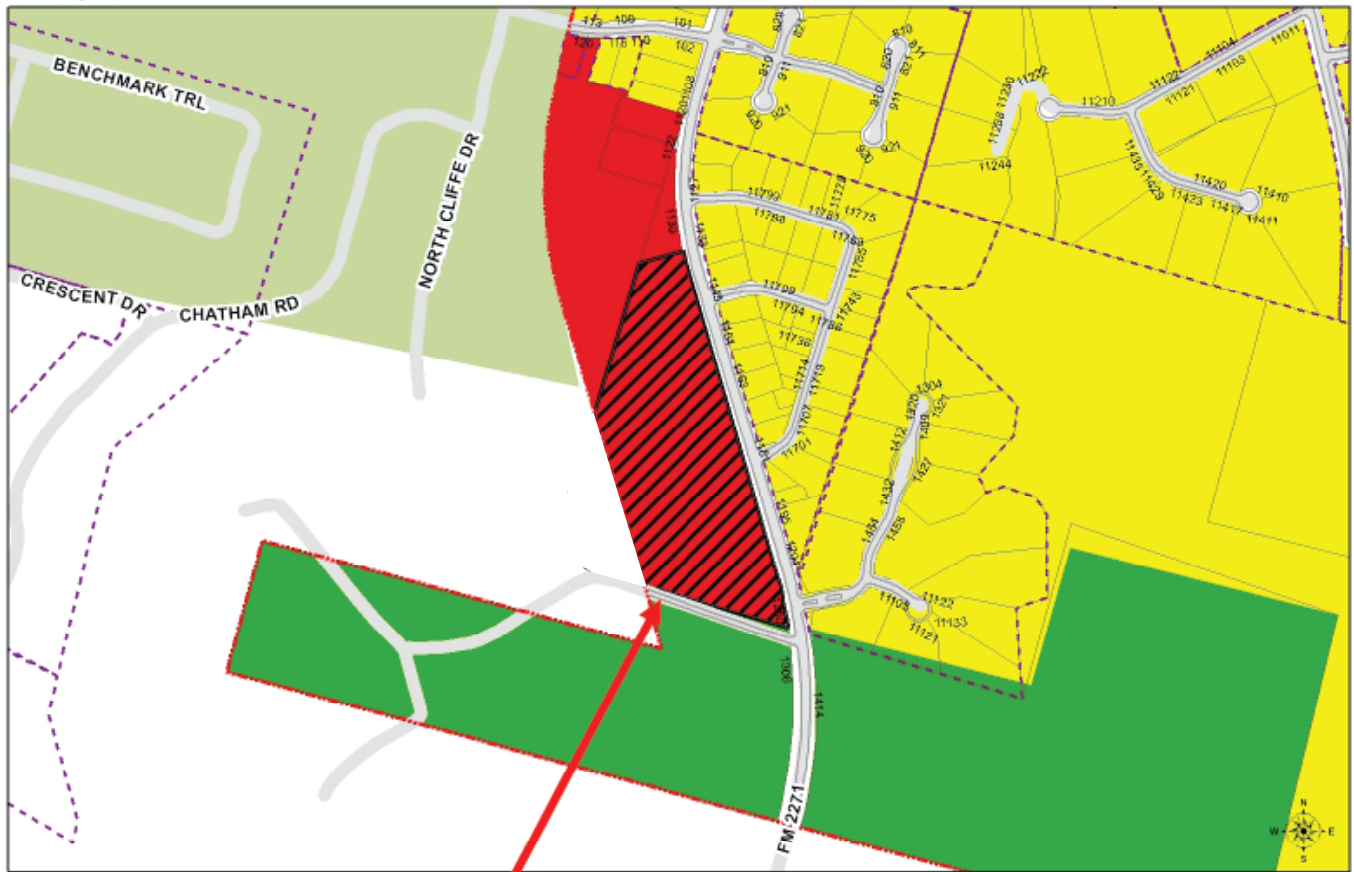
Feet 0 100 200 300 400
J Stone 1.25.10



Z-FY-10-21

Rezoning

13.7± acres GW Lindsey Survey



- | | | | | | |
|---------------------------|-------------------------|-------------------------|-----------------------------------|----------------------|--------------------|
| Z-FY-10-21 | Suburban Residential | Auto-Urban Mixed Use | Urban Center | Business park | Agricultural/Rural |
| Neighborhood Conservation | Auto-urban Residential | Auto-Urban Commercial | Temple Medical Education District | Public/Institutional | |
| Estate Residential | Auto-Urban Multi-Family | Neighborhood Commercial | Industrial | Parks and Open Space | |

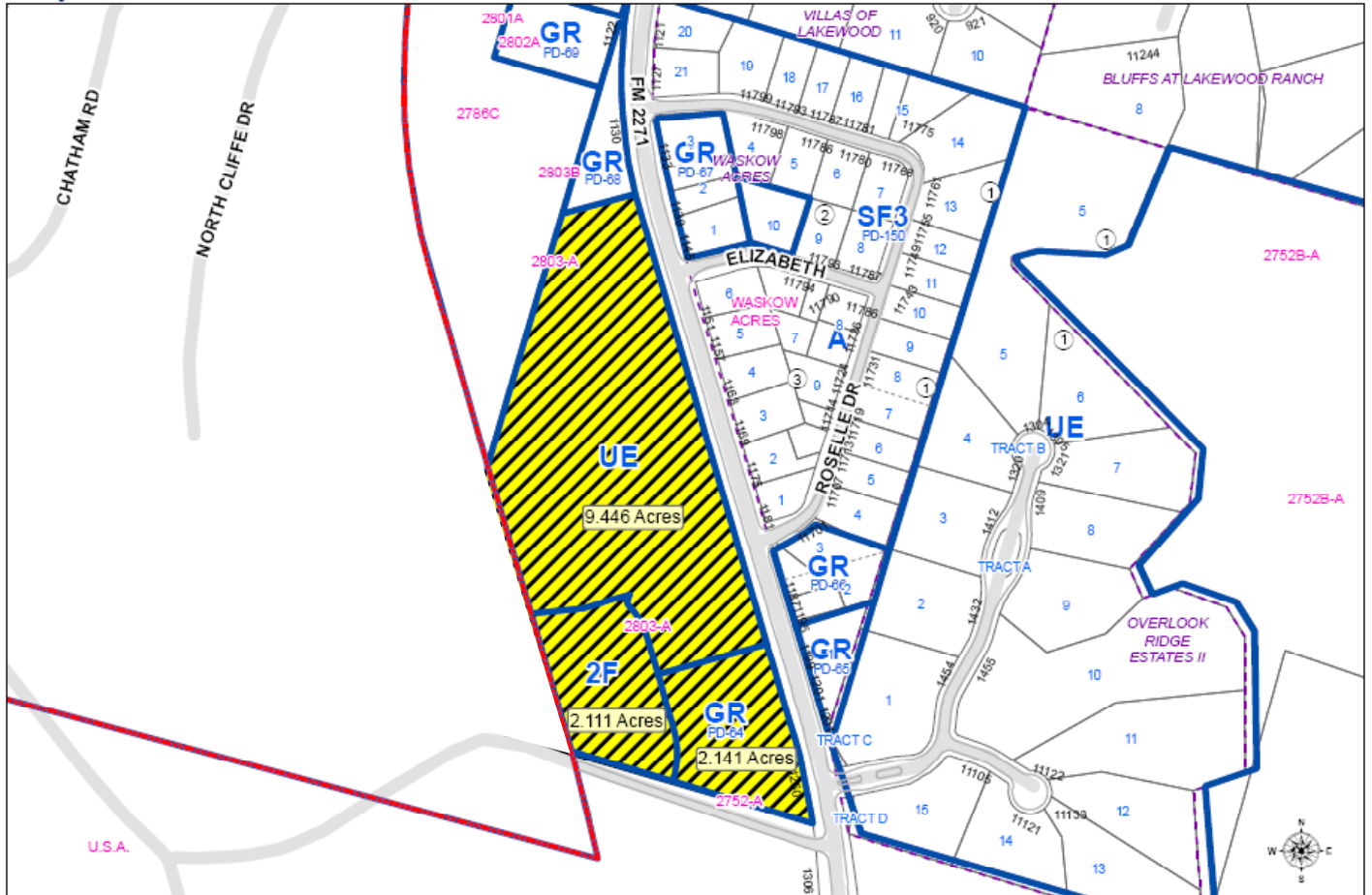
1 inch = 500 feet
J Stone 2.3.10



Z-FY-10-21

Rezoning

13.7± acres GW Lindsey Survey



Z-FY-10-21

Feet 0 100 200 300 400

J Stone 1.25.10



Z-FY-10-21

Rezoning

13.7± acres GW Lindsey Survey



 Z-FY-10-21

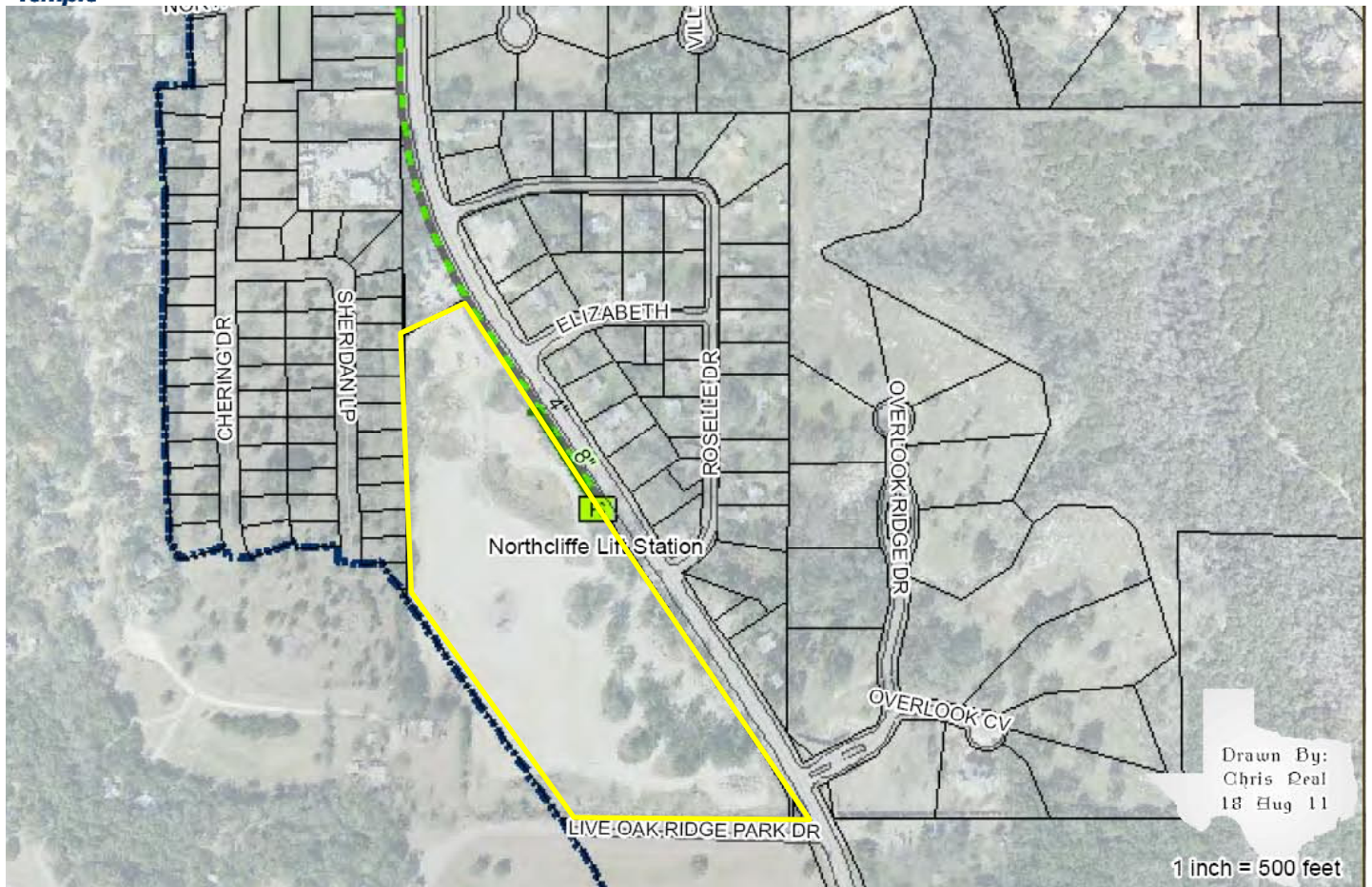
Feet 0 100 200 300 400
J Stone 1.25.10

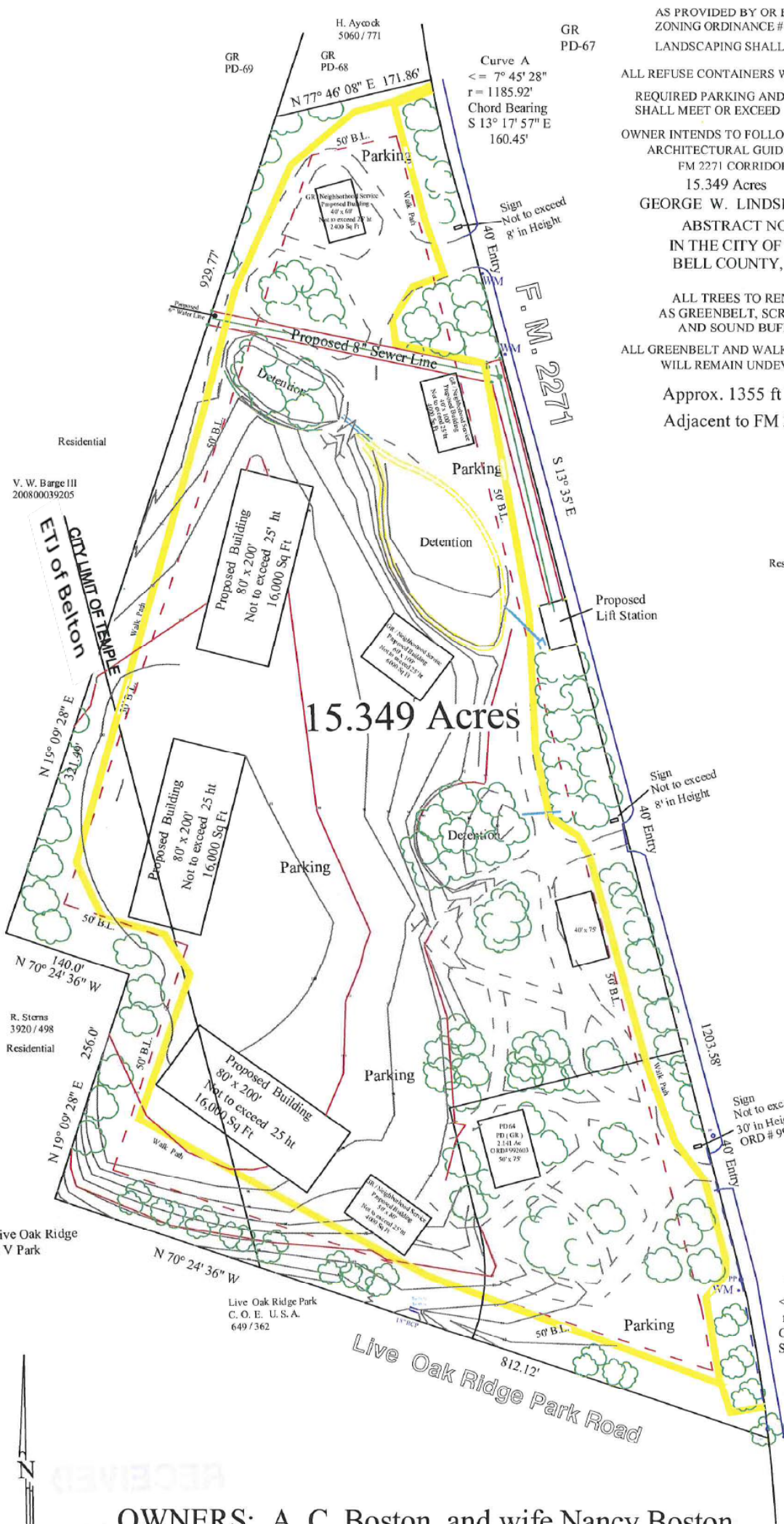


Z-FY-10-21

Rezoning

13.7± acres GW Lindsey Survey





AS PROVIDED BY OR EXCEEDING
ZONING ORDINANCE # 98-2589
LANDSCAPING SHALL MEET OR EXCEED

ALL REFUSE CONTAINERS WILL BE SCREENED
REQUIRED PARKING AND LOADING SPACES
SHALL MEET OR EXCEED

OWNER INTENDS TO FOLLOW RECOMMENDED
ARCHITECTURAL GUIDELINES IN THE
FM 2271 CORRIDOR PLAN
15.349 Acres
GEORGE W. LINDSEY SURVEY
ABSTRACT NO. 912
IN THE CITY OF TEMPLE
BELL COUNTY, TEXAS

ALL TREES TO REMAIN
AS GREENBELT, SCREENING
AND SOUND BUFFER

ALL GREENBELT AND WALK PATH AREAS
WILL REMAIN UNDEVELOPED

Approx. 1355 ft Walk Path
Adjacent to FM 2271

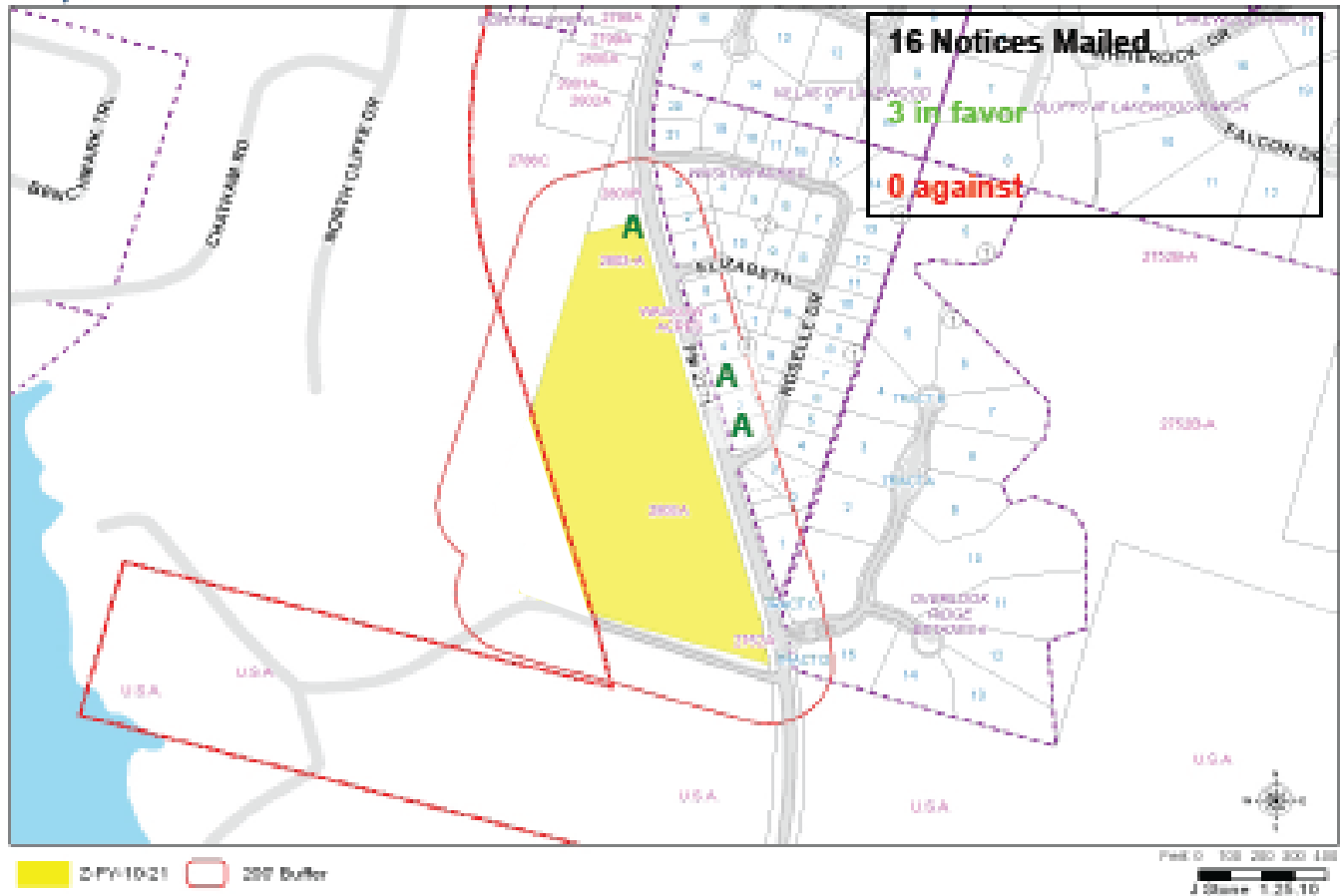
OWNERS: A. C. Boston, and wife Nancy Boston



Z-FY-10-21

Rezoning

13.7± acres GW Lindsey Survey





PLANNING AND ZONING COMMISSION AGENDA ITEM

03/01/10
Item #3
Page 1 of 4

APPLICANT / DEVELOPMENT: McDonald Surveying for AC Boston

CASE MANAGER: Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: **Public Hearing, Discussion and Action Z-FY-10-21:** Discuss and recommend action on a zoning change to a Planned Development General Retail District (PD-GR) on a total of 15.4± acres out of the G.W. Lindsey Survey, Abstract. No. 912, located 810± feet south of Northcliffe Drive, along the west side of FM 2271 from:

A. Repealing Ordinance No. 99-2603, dated February 18, 1999 to reflect a change from the existing Planned Development (General Retail) District (PD-GR) to an updated Planned Development (General Retail) District (PDD GR) on 2.1± acres;

B. Urban Estate District (UE) and Two Family District (2F) to a Planned Development (General Retail) District (PDD-GR) on 11.6± acres; and

C. Planned Development (General Retail) District (PDD-GR) on 1.7± acres not presently in the Temple City Limits.

BACKGROUND: The purpose of the zoning request is to establish a mixed use development including a restaurant, offices and retail establishments with a binding development plan, while rezoning the UE, 2F and PD-GR tracts and combining them into one PD-GR.

In accordance with Planned Development submittal requirements, the applicant has submitted a binding development plan showing building locations and heights, general parking areas and access points. Notable features of the development plan include:

- Preserved trees (elm, oak and pecan) along the north, south, east and west lot lines of the property to screen the non-residential uses from area property owners
- No nonresidential building exceeding 25 feet in height
- Sign not to exceed 15 feet in height, to be developed as a monument style sign, maximum 75 square feet of copy area per side
- Greater front, side and rear setbacks than normally required and
- A pre-determined set of uses for the property, including: Restaurant, office, and General Retail or Neighborhood Service district uses

The land use recommendations for suburban commercial areas (like FM 2271) in the Choices '08 Comprehensive Plan are summarized as follows:

- Maximum building height of 25 feet
- Residential appearance, including pitched roofs, windows and foundation plantings
- Brick or masonry construction
- Parking areas screened from street view by continuous hedge along street


Other guidelines mentioned in the plan regarding tree planting are already addressed in the landscaping standards of the Zoning Ordinance. Some relatively new commercial buildings in this area show the plan's desired outcomes.





If the Planned Development zone change is approved, the site plans that will accompany any future building permit applications on the site will be checked for consistency with the binding development plan. Any significant deviation from the approved development plan (such as the addition of new buildings or the removal of the preserved trees) will require review from the Planning and Zoning Commission and City Council.

Surrounding Property and Uses

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

Direction	Zoning	Current Land Use	Photo
Subject Property	Voluntary annexation (PD-GR proposed)	Undeveloped	

Direction	Zoning	Current Land Use	Photo
North	Urban Estate (UE) (PD-GR proposed)	Undeveloped	
South	County	Lake Ridge Drive (entrance to park)	

Direction	Zoning	Current Land Use	Photo
East	Urban Estate, (UE) Two Family (2F), (PD-GR proposed)	Undeveloped	
West	County	Rural Residential	

Future Land Use Plan

The zone change complies with the requested amendment to the Future Land Use and Character Plan for suburban commercial uses.

Thoroughfare Plan

FM 2271 is designated as a Minor Arterial Roadway on the Thoroughfare Plan which is an appropriate classification for a retail center to front. The zoning change complies with the Thoroughfare Plan.

Availability of Public Facilities

The contract to build a 6" sewer line along west of the area is underway with the properties to the north and to the west and extended here. The Public Works department estimates that the project will be completed later this year. An eight-inch public water line along the east side of FM 2271 serves the property. Available public facilities will serve the property in one year and the applicant anticipates development once the sewer line is complete.

Planned Development Regulations

The purpose of the GR, General Retail district is to serve larger service areas than neighborhoods. This district should provide total on-site traffic maneuvering such that traffic entering and exiting the facility should have room to turn, queue for parking areas, and park within the confines of the retail facility. This is the standard retail district and allows most retail uses including retail sales, fuel sales, restaurants, grocery stores, or offices and residential uses except apartments. The applicant has requested a PD-GR and these stipulations appeared in the existing PD-GR for the property to the east. The minimum lot area and setback requirements for the Planned Development-General Retail PD-GR district are as follows.

PD-GR, Planned Development General Retail	
Min. Lot Area (sq. ft.)	None
Min. Lot Width (ft.)	None
Min. Lot Depth (ft.)	None
Max. Height (stories)	25'
Min. Yard (ft)	
Front	50 from property line
Side	60 between non-residential buildings
Rear	40 for non-residential buildings
Building Appearance	Residential appearance, pitched roofs, windows and foundation plantings
Building Materials	70% masonry façades
Parking	Screened from all streets by continuous landscaped edge
Driveway Spacing	150' separation, as shown on development plan
On-premise Signs	Maximum 15' height, maximum 75 square foot area per side

Public Notice

A total of 16 notices of the P&Z meeting were sent out. As of Thursday, February 25, 2010 at 5 PM, two notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the public hearing on February 11, 2010 in accordance with state law and local ordinance.

STAFF RECOMMENDATION: Staff recommends approval of the case Z-FY-10-21:

- A. Zone change from PD-GR, UE, 2F, to a combined-GR, Planned Development General Retail District subject to:
 - (1) 230' setback from the centerline of Loop 363 for the front setback of the energy plant,
 - (2) Preserved trees (elm, oak and pecan) along the south and east lot lines of the property to screen neighboring subdivisions
 - (3) No nonresidential building exceeding 25 feet in height

- (4) Sign not to exceed 15 feet in height, to be developed as a monument style sign, maximum 75 square feet of copy area per side
- (5) Greater front, side and rear setbacks than normally required and
- (6) A pre-determined set of uses for the property, including: Restaurant, office, and General Retail or Neighborhood Service district uses
- (7) Maximum building height of 25 feet
- (8) Residential appearance, including pitched roofs, windows and foundation plantings
- (9) Brick or masonry construction
- (10) Parking areas screened from street view by continuous hedge along street and
- (11) Adoption of the binding development plan subject to
- B. The request complies with the Future Land Use and Character Plan for suburban commercial uses;
- C. The request complies with the Thoroughfare Plan for FM 2271 as an Arterial Roadway; and
- D. Available facilities will serve the site.

ATTACHMENTS:

Aerial
Future Land Use & Character Plan
Zoning Map
Utility Map
Development Plan
Notification Radius Map

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

MONDAY, MARCH 1, 2010

ACTION ITEMS

Item 3: Public Hearing, Discussion and Action Z-FY-10-21: Discuss and recommend action on a zoning change to a Planned Development General Retail District (PD-GR) on a total of 15.4+ acres out of the G.W. Lindsey Survey, Abstract. No. 912, located 810+ feet south of Northcliffe Drive, along the west side of FM 2271 from:

- A. Repealing Ordinance No. 99-2603, dated February 18, 1999 to reflect a change from the existing Planned Development (General Retail) District (PD-GR) to an updated Planned Development (General Retail) District (PDD GR) on 2.1± acres;
- B. Urban Estate District (UE) and Two Family District (2F) to a Planned Development (General Retail) District (PDD-GR) on 11.6± acres; and
- C. Planned Development (General Retail) District (PDD-GR) on 1.7± acres not presently in the Temple City Limits. (Applicant: McDonald Surveying for AC Boston)

Mr. Tim Dolan, Planning Director, stated some of the property was already zoned as PD-GR and this would be reflected as part of an updated PD-GR; also rezoning the parcels zoned UE and 2F to the PD-GR on 11.6 acres; and the land from the last meeting that was going through the annexation process. This would be grouped together for a PD-GR zoning district.

The Future Land Use and Character Plan showed this area was planned for suburban/commercial uses which the PD-GR complied with. The utilities show an 8" line coming through the area and a Utility Extension Agreement had been approved by City Council earlier in the fall of 2009 to bring sewer to the property.

Mr. Dolan stated 16 notices were mailed out to property owners and 3 notices were received back in favor and zero notices were received opposing the request.

A binding development plan would be attached as an exhibit. There were major trees and vegetation being preserved along the borders containing different species of oaks, elms and pecans; the owner agreed to the maximum building height of 25 feet, and a monument styled sign would be along F.M. 2271 for multi-tenants.

Staff recommended approval of this PD-GR request since it conformed to the Future Land Use and Character Plan, suburban/commercial uses, F.M. 2271 was an arterial plan and available public facilities would serve the site.

Commissioner Hurd asked if the portion for annexation had gone before City Council yet and Mr. Dolan stated it would go before City Council on March 4th and March 18th.

Commissioner Staats asked if the development met all environmental requirements for run off that may be in effect and Mr. Dolan stated that would be part of the platting process.

Chair Pilkington opened the public hearing. There being no speakers, Chair Pilkington closed the public hearing.

Commissioner Pope made a motion to approve the zoning change to PD-GR, as well as parts A., B., and C. presented by Staff and Commissioner Hurd made a second.

Motion passed: (8:0)

Commissioner Barton absent

[PLANNING NO. Z-FY-10-21]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, REPEALING ORDINANCE NO. 99-2603, DATED FEBRUARY 18, 1999, TO REFLECT A CHANGE FROM THE EXISTING PLANNED DEVELOPMENT GENERAL RETAIL DISTRICT (PD-GR) TO AN UPDATED PLANNED DEVELOPMENT GENERAL RETAIL DISTRICT (PD-GR) ON APPROXIMATELY 2.1 ACRES; APPROVING A REZONING FROM URBAN ESTATE DISTRICT (UE) AND TWO FAMILY DISTRICT (2F) TO PLANNED DEVELOPMENT GENERAL RETAIL DISTRICT (PD-GR) ON APPROXIMATELY 11.6 ACRES; ON A TOTAL OF APPROXIMATELY 13.7 ACRES OUT OF THE G.W. LINDSEY SURVEY, ABSTRACT NO. 912, LOCATED APPROXIMATELY 810 FEET SOUTH OF NORTHCLIFFE DRIVE, ALONG THE WEST SIDE OF FM 2271; 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 repeals Ordinance No. 99-2603, dated February 18, 1999, to reflect a change from the existing Planned Development General Retail District (PG-GR) to an updated Planned Development General Retail District (PD-GR) on approximately 2.1 acres.

Part 2: The City Council approves a zoning change from Urban Estate District (UE) and Two Family District (2F) to Planned Development General Retail District (PD-GR) on approximately 11.6 acres; and on a total of approximately 13.7 acres out of the G.W. Lindsey Survey, Abstract No. 912, located approximately 810 feet south of Northcliffe Drive, along the west side of FM 2271, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 3: In accordance with Section 3.4 of the Unified Development Code (UDC) of the City of Temple, the City Zoning Map is amended by changing the zoning classification of the property described in Part 2 above, to Planned Development General Retail District. The planned development shall comply with all applicable sections of the Code of Ordinances of the City of Temple, Texas, and all local, State and Federal laws and regulations as they may now read or hereafter be amended, including but not limited to the following conditions:

- a. Except as varied by the approved Planned Development site plan, attached hereto as Exhibit B, the use and development standards of the property shall conform to the requirements of the General Retail zoning district;
- b. In the event of a conflict between the Planned Development site plan and the text of this Planned Development ordinance, the stricter standard applies;
- c. All standards of the Unified Development Code apply unless the development plan or the text of the Planned Development ordinance specifically modifies such standards;

- d. Trees (elm, oak, and pecan) along the perimeter of the property must be preserved to screen neighboring subdivisions;
- e. No nonresidential building may exceed 25 feet in height;
- f. Signs so designated on the PD site plan may not exceed 15 feet in height, must be developed as a monument style sign, and may have a maximum 75 square feet of copy area per side;
- g. Maximum building height of 25 feet;
- h. Residential appearance, including pitched roofs, windows and foundations plantings; and
- i. Parking areas screened from street view by continuous hedge along street.

These conditions shall be express conditions of any building permit issued for construction on the property, which may be enforced by the City of Temple by an action either at law or in equity, including the right to specifically enforce the requirements of the ordinance, and these requirements shall run with the land.

Part 4: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

Part 5: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

Part 6: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 7: It is hereby officially found and determined that the meeting at which this Ordinance 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 **September**, 2011.

PASSED AND APPROVED on Second Reading on the **15th** day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary

APPROVED AS TO FORM:

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/15/11
Item #4(L)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kim Foutz, Assistant City Manager & Acting Civil Service Director

ITEM DESCRIPTION: SECOND READING: Consider adopting an ordinance:

1. Changing the classification title of Fire Control and Rescue Officer to that of Firefighter; and
2. Establishing the civil service classifications and the number of positions in each classification for the Temple Fire Department and the Temple Police Department.

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

ITEM SUMMARY: (A) Chapter 143 of the Local Government Code requires that the Council establish, by ordinance, the classifications for the Fire Department.

The Civil Service Commission approved a title change for the Fire Department during its June 27th, 2011 meeting. A Fire Control and Rescue Officer will now be titled as a Firefighter.

(B) Chapter 143 of the Local Government Code requires that the Council establish, by ordinance, the classifications and the number of positions in each classification for the Fire Department and the Police Department. The Proposed FY 2012 budget includes staffing an additional two police officers to enhance the Traffic Enforcement Unit. To accommodate this change, Council must authorize two additional Police Officer positions to be added to the ordinance.

The Proposed FY 2012 budget also includes the addition of three (3) Captain positions and reclassification of three (3) Firefighter positions to Driver positions within the Fire Department to accommodate the staffing of Fire Station #8. To accommodate this change, Council must authorize three additional Captain positions and reclassify three Firefighter positions to three Driver positions and make these additions and changes to the ordinance.

All of these changes will be effective as of October 1, 2011.

FISCAL IMPACT: Funding in the amount of \$104,170 is included in the Proposed FY 2012 Budget for the two new Police Officer positions. Funding in the amount of \$178,967 is included in the Proposed FY 2012 Budget for the three new Captain positions and to reclassify three firefighter positions to three Drive positions.

ATTACHMENTS:

[Ordinance](#)

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; AND PROVIDING AN OPEN MEETING CLAUSE.

Whereas, Chapter 143 of the Local Government Code requires that the City Council establish, by ordinance, the classifications and the number of positions in each classification for the Temple Fire Department and the Temple Police Department; and

Whereas, the Civil Service Commission approved a title change for the Fire Department during its June 27th, 2011 meeting. A Fire Control and Rescue Officer will now be titled as a Firefighter; and

Whereas, Council approved funding in the FY 2012 budget for the addition of three (3) Captain positions and reclassification of three (3) Firefighter positions to Driver positions within the Fire Department, and the addition of two (2) police officer positions within the Police Department; and

Whereas, To accommodate the staffing of Fire Station #8, Fire Department management desires to add three Captain positions and reclassify three Firefighter positions to Driver positions; and

Whereas, Police Department management desires to add two police officer positions to its current staffing level; and

Whereas, the City Council has considered these matters and deems it in the public interest to authorize these actions.

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 Fire and Police 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* – 26 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* - 30 Positions

No person shall be eligible for appointment as a Driver who has not served continuously in the Department, as a Firefighter, 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. *FIREFIGHTER* - 50 Positions

No person shall be eligible for appointment as a Firefighter 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 Firefighter 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* - 93 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 October 1, 2011.

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 **1st** day of **September, 2011**.

PASSED AND APPROVED on Second Reading on the **15th** day of **September, 2011**.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, MAYOR

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/15/11
Item #4(M)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Sharon Rostovich, Airport Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing acceptance of a Texas Department of Transportation, Aviation Division, Routine Airport Maintenance Grant of up to \$50,000, with an additional 50% City match to assist with the engineering and construction of the corporate hangar development site at the Draughon-Miller Central Texas Regional Airport.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: TxDOT Aviation has provided matching funds up to \$50,000 for eligible projects for public use such as utilities, fencing and paving through the Routine Airport Maintenance Grant Program (RAMP).

The City Council approved the Reinvestment Zone's project request to fund the corporate hangar development site on the Draughon-Miller Central Texas Regional Airport July 21, 2011.

The RAMP grant is a pro-active, flexible grant program and allows the City to determine projects for consideration. TxDOT has determined the project request meets the eligibility requirement.

The Resolution and Grant Agreement must be forwarded to TxDOT upon acceptance no later than September 30, 2011.

FISCAL IMPACT: The \$50,000 matching funds will be designated from account 795-9500-531-6885 for the hangar development project #100810. TxDOT will reimburse the City upon receipt of paid invoices up to a \$50,000 match.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ACCEPTANCE OF A TEXAS DEPARTMENT OF TRANSPORTATION, AVIATION DIVISION, ROUTINE AIRPORT MAINTENANCE GRANT, TO ASSIST WITH THE ENGINEERING AND CONSTRUCTION OF THE CORPORATE HANGAR DEVELOPMENT SITE AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT, WITH A 50% CITY MATCH UP TO \$50,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City requested consideration for funding from TxDOT's Aviation Division, under the Routine Airport Maintenance Program (RAMP), to assist with the engineering and construction of the corporate hangar development site at the Draughon-Miller Central Texas Regional Airport;

Whereas, TxDOT has approved Temple's project for inclusion in the FY2012 RAMP Program in an amount up to \$50,000;

Whereas, the City's 50% match (up to \$50,000) is available in Account No. 795-9500-531-6885, project 100810; and

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

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

Part 1: The City Council accepts the grant funds (up to \$50,000) from the Texas Department of Transportation, Aviation Division, for a Routine Airport Maintenance Program (RAMP) Grant in fiscal year 2012 to assist with the engineering and construction of the corporate hangar development site at the Draughon-Miller Central Texas Regional Airport, and approves the City's 10% share (up to \$50,000) of the funds.

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

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 **15th** day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/15/11
Item #4(N)
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 2010-2011.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to recommend various budget amendments, based on the adopted FY 2010-2011 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

FISCAL IMPACT: The total amount of budget amendments is \$1,070,004.

ATTACHMENTS:

Budget amendments
Resolution

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2011 BUDGET
September 15, 2011

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-1300-515-2623		Contracted Services - Purchasing	\$ 2,500	
110-0000-461-0424		Sale of Assets		\$ 2,500
<p>This budget adjustment appropriates revenue and expenditures related to online auction sale of assets. This budget adjustment appropriates revenue to cover the expenditures for FY 2011 but does not appropriate the full amount of revenue received from the auction sales.</p>				
110-1400-511-1220		Retirement/Pension - City Secretary	\$ 7,000	
110-1400-511-1221		Social Security	\$ 600	
110-0000-352-1345		Designated Capital Projects - Unallocated		\$ 7,600
<p>This budget adjustment appropriates funds to cover the cost of benefits associated with the separation pay of the City Secretary position. Funds are available from Designated Fund Balance - Unallocated.</p>				
110-1500-515-1150		Separation Pay	\$ 75,000	
110-0000-352-1345		Designated Capital Projects - Unallocated		\$ 75,000
<p>This budget adjustment appropriates funds to cover the additional separation pay for General Fund employees in FY 2011. Funds are available in Designated Capital Projects - Unallocated Fund Balance.</p>				
110-2011-521-2516		Judgments & Damages - Police	\$ 4,357	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 4,357
<p>Deductible reimbursement to the Texas Municipal League for settlement of a claim seeking reimbursement for damage to a vehicle struck by a police vehicle at the intersection of South 1st Street and West Avenue H on May 16, 2011.</p>				
110-2330-540-2516		Judgments & Damages - Solid Waste Residential	\$ 5,000	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 5,000
<p>Deductible reimbursement to the Texas Municipal League for settlement of a claim filed against the City seeking reimbursement for damage to a vehicle that was struck by a Solid Waste vehicle on March 28, 2011, at South 31st & Paseo Del Oro.</p>				
110-2330-540-2516		Judgments & Damages - Solid Waste Residential	\$ 850	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 850
<p>Deductible reimbursement to the Texas Municipal League for settlement of a claim filed against the City seeking reimbursement for damage to a trailer after it was struck by a Solid Waste vehicle on July 8, 2011, at the West Adams/FM-2271 intersection.</p>				
110-2330-540-2516		Judgments & Damages - Solid Waste Residential	\$ 190	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 190
<p>Settlement of a claim filed against the City seeking reimbursement for damage to a brick mailbox that was struck by the gripper arm on a Solid Waste truck on July 27, 2011, at 405 Northcliffe Drive.</p>				

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2011 BUDGET
September 15, 2011

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-2350-540-2516		Judgments & Damages - Solid Waste Frontload	\$ 750	
110-2330-540-2516		Judgments & Damages - Solid Waste Residential	\$ 722	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 1,472
(1) Settlement of claim filed against the City seeking reimbursement for damage to a fence that occurred after City Solid Waste drivers repeatedly bumped a dumpster against the fence while emptying the dumpster located in the alley between North 13th & 11th Streets. (2) Settlement of claim filed against the City seeking reimbursement for damage to a parked vehicle after it was struck by an unreleased garbage container in front of claimant's residence at 203A Andy Lane on August 25, 2011.				
110-2400-519-2345		Go Green - Facility Services	\$ 890	
110-0000-461-0865		Miscellaneous Reimbursements		\$ 890
This budget adjustment appropriates funds received from Oncor as part of their "2010 Take a Load Off, Texas Government Facilities Program". These funds will be used for future "Go Green" projects.				
110-3400-531-2338		Maintenance Contract - Street	\$ 110,000	
110-0000-352-1345		Designated Capital Projects - Unallocated		\$ 110,000
This budget adjustment appropriates funds to cover the additional cost of the TxDOT Illumination maintenance agreement for FY 2011. Funds are available in Designated Capital Projects - Unallocated Fund Balance. \$25,000 was included in the budget to cover the costs associated with the agreement. To date, \$99,229 has been billed by TxDOT for September 2010 thru June 2011. We are anticipating the bill for July thru September 2011 to be approximately \$36,000. An additional \$110,000 is needed to fully fund this agreement.				
110-3500-552-6332	100825	Park Developer Fees Expenditure >\$5,000 - Guthrie Baseball Fields	\$ 14,696	
110-0000-461-0830		Developer Fees		\$ 14,696
Appropriate accumulated interest from park dedication fees to fund the replacement fencing and backstop at Guthrie baseball fields.				
110-3600-560-2710		Cost of Goods Sold/Jet Fuel - Airport	\$ 347,000	
110-0000-446-1016		Jet Fuel		\$ 347,000
110-3600-560-2711		Cost of Goods Sold/AvGas	\$ 69,000	
110-0000-446-1011		AvGas		\$ 69,000
This budget adjustment appropriates additional revenue and cost of goods sold expenditures related to fuel sales at the Airport. These accounts have exceeded budget due to both the increased cost of fuel and the increase in gallons of fuel sold.				
240-4400-551-1118		Extra-Help/Seasonal - Mayborn Center	\$ 25,000	
240-0000-445-1021		Facility Rental		\$ 10,000
240-0000-445-1023		Catering Fees		\$ 15,000
This budget adjustment appropriates additional funds for part-time, temporary help for events and appropriates the additional revenue associated with these events.				

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2011 BUDGET
September 15, 2011

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
240-4600-551-2510		Contributions & Prizes - Tourism	\$ 811	
240-4400-551-2330		Repair/Maintenance/Furniture & Fixtures - Mayborn Center		\$ 811
<p>Additional funds are needed in Contributions & Prizes to cover hosting fees for events that were not secured when the budget was approved. Additional funds are available in Furniture & Fixtures in the Mayborn Center budget because most of the furniture in the convention center is new and did not require as many repairs this year.</p>				
430-9100-591-8110		Transfer Out - General Fund	\$ 664	
430-0000-461-0111		Interest Revenue		\$ 664
110-0000-352-1345		Designated Capital Projects - Unallocated	\$ 664	
110-0000-490-2582		Transfer In		\$ 664
<p>Appropriate interest earnings on the Reserve Fund for the 2005 Airport Revenue bonds that will be transferred to the General Fund since the initial reserve balance was funded by the General Fund. The Reserve fund will still maintain the required balance of \$475,000.</p>				
110-2011-521-2115		Fuel - Police/Administrative Services	\$ 759	
110-2012-521-2115		Fuel - Police/Building Maintenance	\$ 164	
110-2013-521-2115		Fuel - Police/Public Information Officer	\$ 74	
110-2020-521-2115		Fuel - Police/School Resource	\$ 433	
110-2031-521-2115		Fuel - Police/Patrol	\$ 14,554	
110-2032-521-2115		Fuel - Police/Traffic	\$ 800	
110-2033-521-2115		Fuel - Police/POPS	\$ 3,094	
110-2034-521-2115		Fuel - Police/SWAT/Negotiators	\$ 81	
110-2041-521-2115		Fuel - Police/General Investigation Unit	\$ 1,759	
110-2042-521-2115		Fuel - Police/Special Investigation Unit	\$ 1,214	
110-2052-521-2115		Fuel - Police/Evidence	\$ 278	
110-2054-521-2115		Fuel - Police/Records	\$ 38	
110-2056-521-2115		Fuel - Police/Court Officer	\$ 405	
110-2057-521-2115		Fuel - Police/Training	\$ 152	
110-2210-522-2115		Fuel - Fire/Admin	\$ 1,475	
110-2221-522-2115		Fuel - Fire/Public Information Officer	\$ 992	
110-2222-522-2115		Fuel - Fire/Inspections/Investigations/Plan Review	\$ 1,922	
110-2223-522-2115		Fuel - Fire/Training	\$ 2,033	
110-2231-522-2115		Fuel - Fire/Suppression	\$ 4,133	
110-2232-522-2115		Fuel - Fire/HazMat	\$ 622	
110-2233-522-2115		Fuel - Fire/Hydrants	\$ 1,473	
110-2234-522-2115		Fuel - Fire/Emergency Medical Services	\$ 12,922	
110-2240-522-2115		Fuel - Fire/Emergency Management	\$ 129	
110-2310-540-2115		Fuel - Solid Waste/Admin	\$ 141	
110-2320-540-2115		Fuel - Solid Waste/Brush/Bulk	\$ 6,999	
110-2330-540-2115		Fuel - Solid Waste/Residential	\$ 12,012	
110-2350-540-2115		Fuel - Solid Waste/Frontload	\$ 6,788	
110-2360-540-2115		Fuel - Solid Waste/Sideload	\$ 1,419	
110-2370-540-2115		Fuel - Solid Waste/Rolloff	\$ 9,806	
110-2380-540-2115		Fuel - Solid Waste/Recycling	\$ 1,939	
110-2400-519-2115		Fuel - Facility Services	\$ 5,700	
110-2800-532-2115		Fuel - Traffic Signal	\$ 2,800	
110-3110-551-2115		Fuel - Golf Course/Golf Shop	\$ 1,100	
110-3400-531-2115		Fuel - Street	\$ 12,000	
110-3500-552-2115		Fuel - Parks	\$ 15,000	
110-3600-560-2115		Fuel - Airport	\$ 8,400	
110-3700-524-2115		Fuel - Construction Safety	\$ 1,600	
110-3900-533-2115		Fuel - Engineering	\$ 1,800	
110-4000-555-2115		Fuel - Library	\$ 200	
110-1500-515-6532		Contingency - Fuel		\$ 55,841
110-0000-352-1345		Designated Capital Projects - Unallocated		\$ 81,369

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2011 BUDGET
September 15, 2011

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
520-5100-535-2115		Fuel - Water Treatment Plant	\$ 1,800	
520-5200-535-2115		Fuel - Water Distribution	\$ 9,900	
520-5300-535-2115		Fuel - Metering	\$ 4,700	
520-5400-535-2115		Fuel - Sewer Collection	\$ 1,200	
520-0000-443-0111		Water Revenue - Residential		\$ 8,800
520-0000-443-0212		Sewer Revenue - Residential		\$ 8,800

This budget adjustment appropriates funds to cover additional fuel expenditures due to increase in fuel costs in FY 2011. Funds are available for General Fund from Fuel Contingency (\$55,841) and Designated Capital Projects - Unallocated Fund Balance (\$81,369). Funds for Water/Sewer Fund are available from additional revenues due to extreme drought conditions.

110-2100-529-2635		Water/Sewer Utilities - Animal Services	\$ 1,000	
110-2210-522-2635		Water/Sewer Utilities - Fire Admin	\$ 1,000	
110-2400-519-2635		Water/Sewer Utilities - Facility Services	\$ 6,200	
110-3110-551-2635		Water/Sewer Utilities - Golf Course/Golf Shop	\$ 3,600	
110-3120-551-2635		Water/Sewer Utilities - Golf Course/Course & Equip. Maintenance	\$ 146,400	
110-3500-552-2635		Water/Sewer Utilities - Parks	\$ 75,000	
110-4000-555-2635		Water/Sewer Utilities - Library	\$ 15,000	
110-0000-352-1345		Designated Capital Projects - Unallocated		\$ 248,200
520-1300-515-2635		Water/Sewer - Purchasing Warehouse	\$ 1,300	
520-5000-535-6532		Contingency		\$ 1,300

This budget adjustment appropriates funds to cover the additional cost of water/sewer utilities due to extreme drought conditions. Funds for the General Fund are available from Designated Capital Projects - Unallocated Fund Balance. Funds for Water & Sewer Fund are available from Contingency.

TOTAL AMENDMENTS	\$ 1,070,004	\$ 1,070,004
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GENERAL FUND

Beginning Contingency Balance	\$ -
Added to Contingency Sweep Account	\$ -
Carry forward from Prior Year	\$ -
Taken From Contingency	\$ -
Net Balance of Contingency Account	\$ -
Beginning Judgments & Damages Contingency	\$ 80,000
Added to Contingency Judgments & Damages	\$ 25,000
Taken From Judgments & Damages	\$ (91,373)
Net Balance of Judgments & Damages Contingency Account	\$ 13,627
Beginning Fuel Contingency	\$ 55,841
Added to Fuel Contingency	\$ -
Taken From Fuel Contingency	\$ (55,841)
Net Balance of Fuel Contingency Account	\$ -
Beginning Self Insurance Start Up Cost Contingency	\$ 628,756
Added to Self Insurance Start Up Cost Contingency	\$ -
Taken From Self Insurance Start Up Cost Contingency	\$ (628,756)
Net Balance of Self Insurance Start Up Cost Contingency Account	\$ -
Net Balance Council Contingency	\$ 13,627

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2011 BUDGET
September 15, 2011

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		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	\$	50,000
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(26,345)
		Net Balance of Contingency Account	\$	23,655
		Beginning Self Insurance Start Up Cost Contingency	\$	100,365
		Added to Self Insurance Start Up Cost Contingency	\$	-
		Taken From Self Insurance Start Up Cost Contingency	\$	(100,365)
		Net Balance of Self Insurance Start Up Cost Contingency Account	\$	-
		Net Balance Water & Sewer Fund Contingency	\$	23,655
		HOTEL/MOTEL TAX FUND		
		Beginning Self Insurance Start Up Cost Contingency	\$	10,968
		Added to Self Insurance Start Up Cost Contingency	\$	-
		Taken From Self Insurance Start Up Cost Contingency	\$	(10,968)
		Net Balance of Self Insurance Start Up Cost Contingency Account	\$	-
		DRAINAGE FUND		
		Beginning Self Insurance Start Up Cost Contingency	\$	9,911
		Added to Self Insurance Start Up Cost Contingency	\$	-
		Taken From Self Insurance Start Up Cost Contingency	\$	(9,911)
		Net Balance of Self Insurance Start Up Cost Contingency Account	\$	-
		FED/STATE GRANT FUND		
		Beginning Contingency Balance	\$	2,284
		Carry forward from Prior Year	\$	25,229
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(27,513)
		Net Balance of Contingency Account	\$	-

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2010-2011 CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on the 2nd day of September, 2010, the City Council approved a budget for the 2010-2011 fiscal year; and

Whereas, the City Council deems it in the public interest to make certain amendments to the 2010-2011 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 2010-2011 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 15th day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/15/11
Item #5
Regular Agenda
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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 dumpsters, and hauling and disposing of construction site waste within the City of Temple.

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

ITEM SUMMARY: AM Construction offers a unique service in providing construction job site cleaning as well as the rental of 15 yard dumpsters and the subsequent hauling and disposing of construction site waste. This service allows for clean job, professional looking job sites. AM Construction provides services which the City at this point in time cannot offer. In addition to job site clean-up, he rents only fifteen (15) yard dumpsters, which allows the dumpster to be placed at the rear of the lot creating a less cluttered job site.

The suggested term for this franchise agreement is five years.

FISCAL IMPACT: The City receives 5% of the company's gross revenues. The City received \$1,112.23 in franchise revenue in FY 2010 and has received \$661.55 in franchise revenue as of 06/30/11 from AM Construction.

ATTACHMENTS:

[Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, GRANTING A FRANCHISE TO AM CONSTRUCTION AND DUMPSTER SERVICE TO PROVIDE CONSTRUCTION JOB SITE CLEANING, RENTAL AND SETTING OF FIFTEEN (15) YARD ROLL-OFF CONTAINER, AND HAULING AND DISPOSING OF CONSTRUCTION SITE WASTE WITHIN THE CITY OF TEMPLE UNTIL SEPTEMBER 16, 2016; 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 **September 16, 2016**. 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 _____, 2011.

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 **18th** day of **August**, 2011.

PASSED AND APPROVED on Second Reading on the **1st** day of **September**, 2011.

PASSED AND APPROVED on Third and Final Reading on the **15th** day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney

Agreement of Franchisee

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

The franchisee, 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 _____, 2011.

AM CONSTRUCTION AND DUMPSTER SERVICE

Billy Martone, Owner



COUNCIL AGENDA ITEM MEMORANDUM

09/15/11
Item #6
Regular Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: SECOND READING – PUBLIC HEARING: Consider adopting an ordinance amending Section 1-5, “Voting District,” Chapter 1, “General Provisions,” of the City Code by establishing new boundaries for the City’s four single member districts.

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

ITEM SUMMARY: *Synopsis.* The proposed ordinance adopts new boundaries for the City’s four single member districts. It the proposed boundaries contain the recommendation of the fifteen member citizens advisory committee on redistricting.

Background information. As provided by Section 4.2 of the City Charter, the City Council establishes from “time to time” the boundaries of the City’s four single member districts for the election of City councilmembers. Because four of the City’s councilmembers are elected from single member districts, the drawing of those district boundaries are subject to scrutiny under both the Equal Protection Clause of the First Amendment of the U.S. Constitution, and Section 2 and Section 5 of the Voting Rights Act. Under existing case law and under plans previously approved by the Justice Department for municipalities, a “maximum deviation” in total population between the small (in total population) and the largest district of up to 10% has been held to meet the requirements of the Equal Protection Clause. District 2 in the City of Temple has a history of electing minority candidates. Given that, preserving minority voting strength in District 2 has to be a key element in adopting any changes in district boundaries.

Back in May, the City staff conducted an initial assessment of the City’s current district boundaries relative to the 2010 Census data received by the City. That initial assessment showed a deviation in excess of 37% between our smallest (District 2) and largest district (District 4)-well in excess of the allowed 10% variation. This is mostly the result of the rapid growth in population of District 4 since 2001. The City Attorney advised the City Council at that time that redistricting was necessary. In June, the City Council appointed a fifteen member citizens advisory committee to study the existing boundaries of our four recommended single member districts. The City Council also adopted criteria governing the procedural and substantive aspects of the redistricting process.

In accordance with the criteria adopted by the City Council, the redistricting committee met several times in July and August to review the 2010 census data, the initial assessment, and existing maps. The redistricting committee conducted a public hearing to receive public comments. Ultimately, the redistricting committee developed the proposed redistricting plan that is before the City Council on first reading for its consideration. The City Council has the discretion to adopt the redistricting plan as recommended or to make changes to it.

The City Attorney, Director of IT and the City Secretary have participated in the work of the redistricting committee and reviewed their proposed plan for compliance with the First Amendment, the Voting Rights Act, and the criteria adopted by the City Council for the redistricting process.

The proposed redistricting plan satisfies all of the constitutional and statutory requirements and the procedural and substantive criteria adopted by the City Council in its charge to the redistricting committee. As proposed the four single member districts are more compact than the existing districts, and they follow natural boundaries and borders, preserve communities of interest, equalize population, while preserving minority voting strength. There is less than a 5% deviation between the small district (in total population) and the largest district. District 2 under the proposed plan preserves minority voting strength with more than 65% minority total population. The committee also looked at whether the census data supported the creation of two “safe” minority districts and determined that any attempt to create two “safe” minority districts was not possible at this time with the 2010 Census data.

Following approval of new district boundaries by the City Council with the adoption of the proposed ordinance, the City Attorney’s Office will submit the redistricting plan to the Justice Department for their approval. The Voting Rights Act does not allow the City to implement changes in voting practice (such as using new district boundaries) without approval of the Justice Department. The City is not scheduled to have another general election of councilmembers (using any new district boundaries) until 2013, which allows plenty of time for Justice Department approval. The Justice Department typically completes their review within 60 days, but can allow themselves an additional 60 days to review a plan if they have questions about the original submission by a City.

Please note that the proposed ordinance redrawing district boundaries do NOT address polling places within the four single member districts. Our four current polling places are not impacted by the proposed new plan—in other words, the changes in boundaries did not result in any of our four single member district polling places being carved out of their current district boundaries. While the Staff doesn’t currently see the need to change polling places, we will continue to review polling place locations, and any future changes in polling places will be addressed in a separate ordinance (which will also require Justice Department approval).

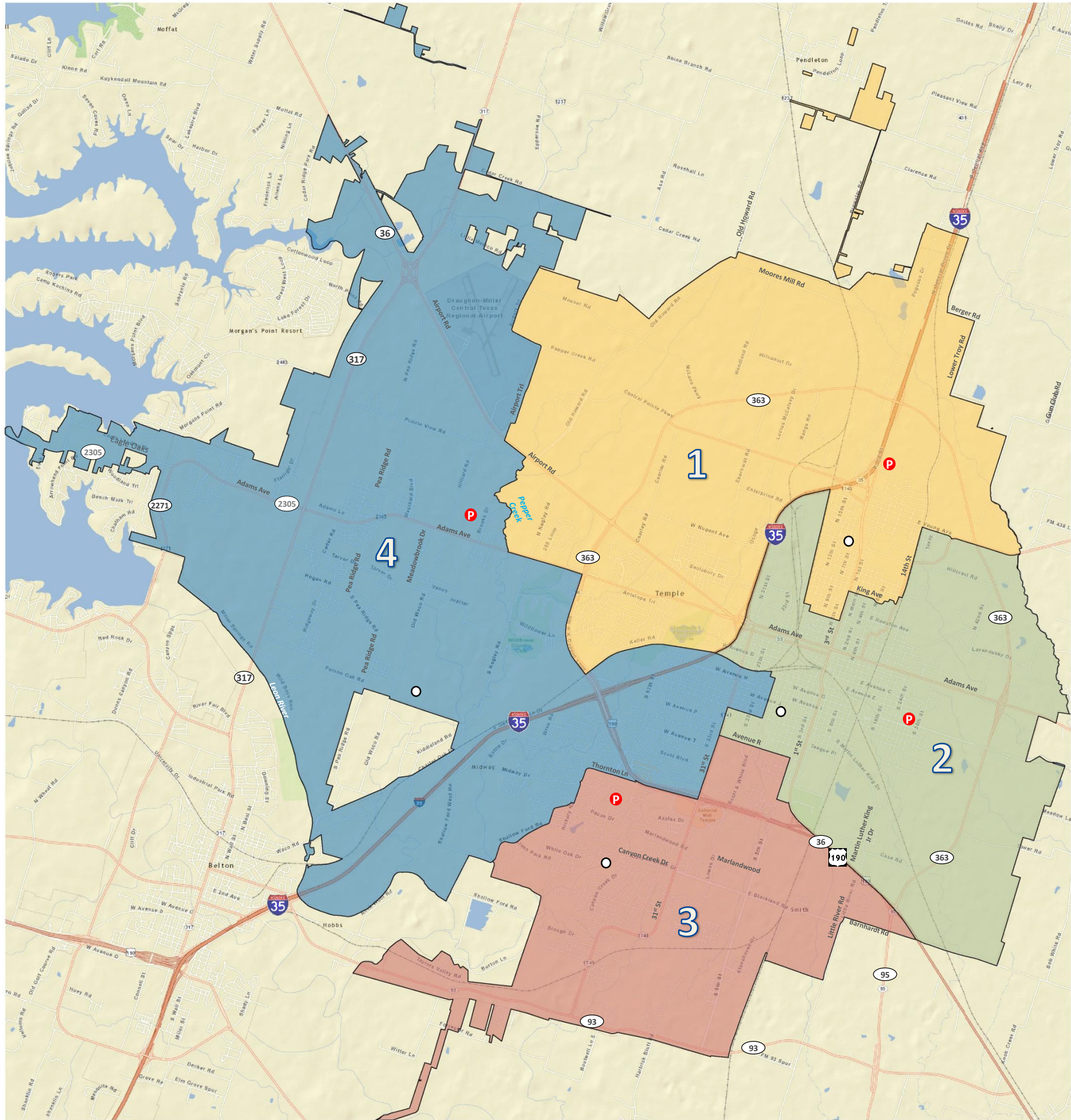
FISCAL IMPACT: None

ATTACHMENTS:

2010 Current District Map
2010 Current District Map – Population Summary
2010 Proposed RDC Plan 1 Map
2010 Proposed RDC Plan 1 Map – Population Summary
2000-2010 Census Council District Comparison
Ordinance

2010 Census – Current District Map

July 12, 2011
adeoera



- District 1
- District 2
- District 3
- District 4
- Polling Place



2010 Census – Current District Map


July 12, 2011
adeloera

District 1

District 2

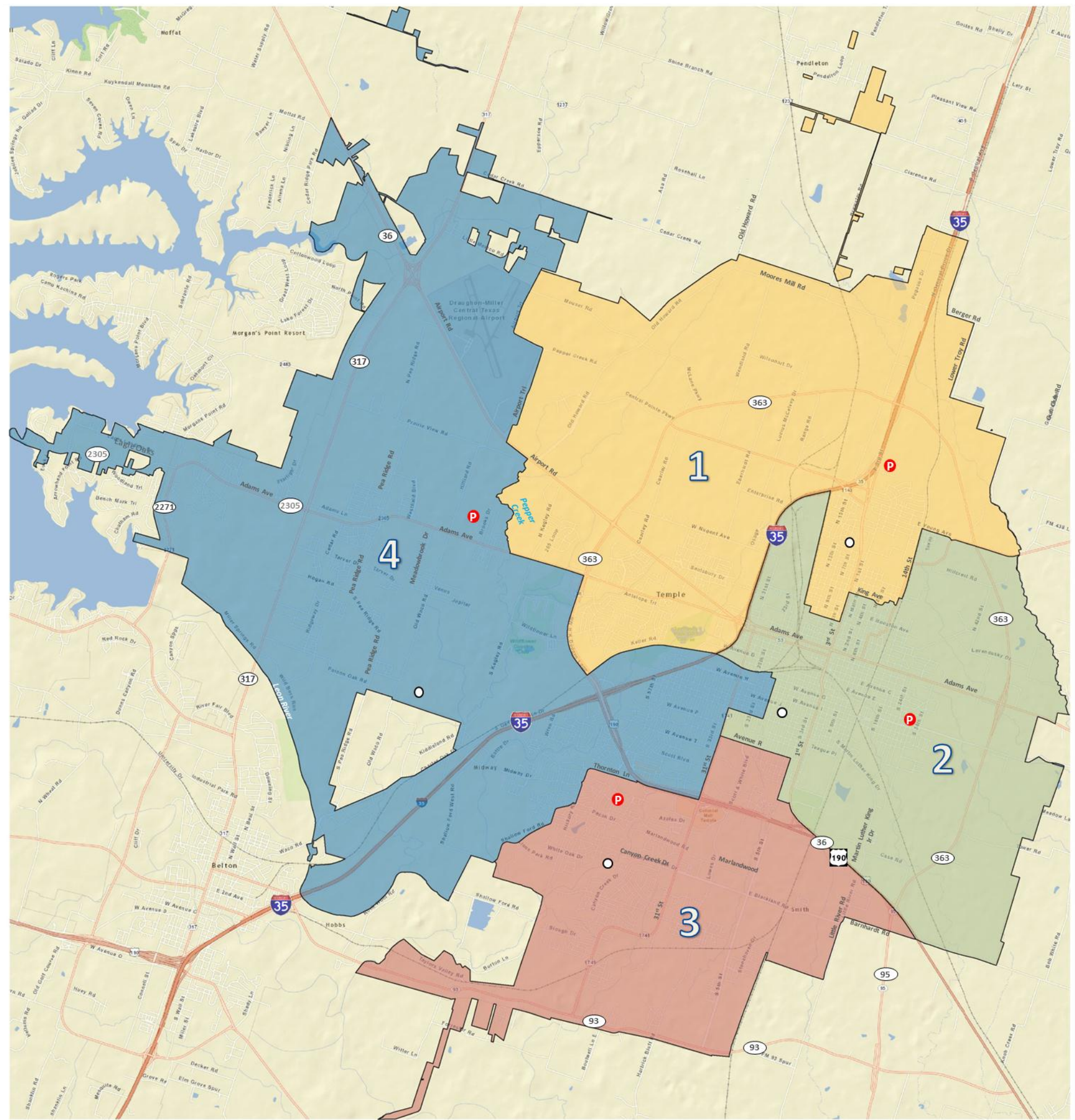
District 3

District 4

 Polling Place

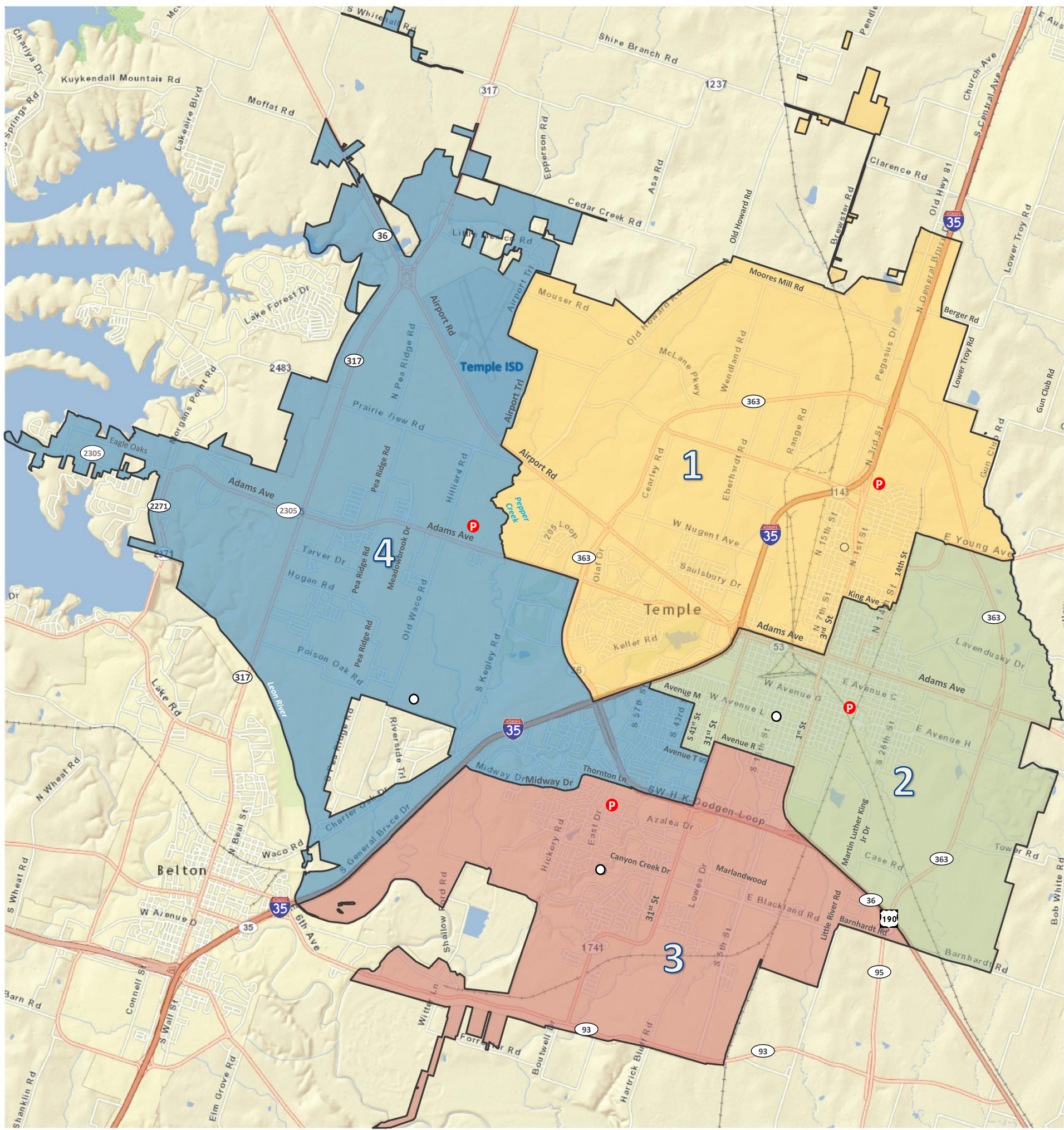
2010 Current District Population Summary

- District 1 - 15,196**
 - White - 57.89%
 - Black - 16.41%
 - Hispanic - 22.58%
 - Asian - 1.77%
 - All Other - 1.35%
- District 2 - 14,552**
 - White - 28.40%
 - Black - 31.73%
 - Hispanic - 37.89%
 - Asian - 0.36%
 - All Other - 1.62%
- District 3 - 15,763**
 - White - 65.22%
 - Black - 14.84%
 - Hispanic - 15.12%
 - Asian - 3.84%
 - All Other - 0.98%
- District 4 - 20,591**
 - White - 65.39%
 - Black - 9.25%
 - Hispanic - 21.20%
 - Asian - 3.00%
 - All Other - 1.16%

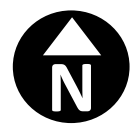


2010 Census - RDC Plan 1 Map (Proposed)

July 12, 2011
adeola



- District 1
- District 2
- District 3
- District 4
- Polling Place



- District 1
- District 2
- District 3
- District 4
- P Polling Place

2010 Proposed District Population Summary

District 1 - 16,239

- White - 57.13%
- Black - 16.79%
- Hispanic - 23.02%
- Asian - 1.69%
- All Other - 1.37%

District 2 - 16,429

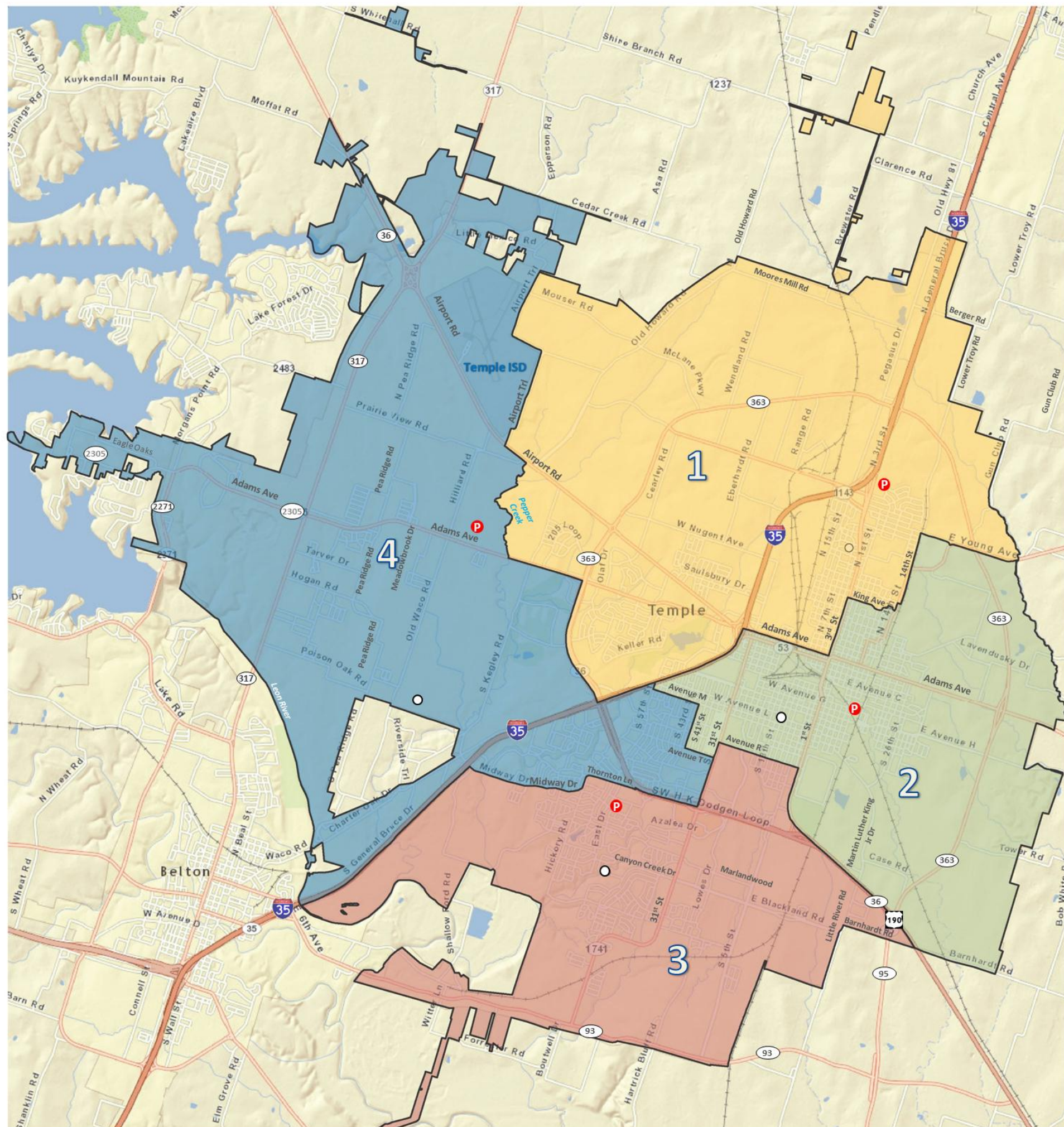
- White - 30.55%
- Black - 28.61%
- Hispanic - 38.86%
- Asian - 0.36%
- All Other - 1.62%

District 3 - 16,880

- White - 65.59%
- Black - 14.36%
- Hispanic - 15.28%
- Asian - 3.76%
- All Other - 1.01%

District 4 - 16,554

- White - 68.30%
- Black - 9.09%
- Hispanic - 18.06%
- Asian - 3.49%
- All Other - 1.06%



2010 Census - RDC Plan 1 Map (Proposed)

July 12, 2011
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2000 Redistricting Adopted Plan	District	Population	Deviation	Deviation %	White	%	Black	%	Hispanic	%	Asian	%	Hawaiian	%	American Indian	%	Other	%	2 Or More Races	%
	1	14031	403	2.96	9733	69.4%	1768	12.6%	2016	14.4%	248	1.8%	9	0.1%	43	0.3%	19	0.1%	195	1.4%
	2	13544	-84	-0.62	4473	33.0%	4524	33.4%	4233	31.3%	57	0.0%	6	0.0%	52	0.4%	13	0.1%	186	1.4%
	3	13491	-137	-1.01	9839	72.9%	1621	12.0%	1472	10.9%	303	2.2%	11	0.1%	61	0.5%	6	0.0%	178	1.3%
	4	13448	180	-1.32	10131	75.3%	901	6.7%	1999	14.9%	197	1.5%	7	0.1%	44	0.3%	18	0.1%	151	1.1%
	54514		4.28		34176	62.7%	8814	16.2%	9720	17.8%	805	1.5%	33	0.1%	200	0.4%	56	0.1%	710	1.3%

2010 Redistricting Current Districts	District	Population	Deviation	Deviation%	White	%	Black	%	Hispanic	%	Asian	%	Hawaiian	%	American Indian	%	Other	%	2 Or More Races	%
	1	15196	-1329	-8.04	8797	57.9%	2494	16.4%	3431	22.6%	269	1.8%	35	0.2%	90	0.6%	26	0.2%	54	0.4%
	2	14552	-1973	-11.94	4133	28.4%	4618	31.7%	5514	37.9%	52	0.4%	6	0.0%	125	0.9%	42	0.3%	62	0.4%
	3	15763	-762	-4.61	10281	65.2%	2339	14.8%	2384	15.1%	606	3.8%	20	0.1%	79	0.5%	9	0.1%	45	0.3%
	4	20591	4066	24.60	13464	65.4%	1904	9.3%	4365	21.2%	618	3.0%	30	0.2%	131	0.6%	25	0.1%	54	0.3%
	66102		36.54		36675	55.5%	11355	17.2%	15694	23.7%	1545	2.3%	91	0.1%	425	0.6%	102	0.1%	215	0.3%

2010 Redistricting RDC Plan 1	District	Population	Deviation	Deviation%	White	%	Black	%	Hispanic	%	Asian	%	Hawaiian	%	American Indian	%	Other	%	2 Or More Races	%
	1	16239	-286	-1.73	9278	57.1%	2726	16.8%	3739	23.0%	274	1.7%	35	0.2%	101	0.6%	32	0.2%	54	0.3%
	2	16429	-96	-0.58	5019	30.6%	4700	28.6%	6385	38.9%	59	0.4%	14	0.1%	137	0.8%	43	0.3%	72	0.4%
	3	16880	355	2.15	11072	65.6%	2424	14.4%	2580	15.3%	634	3.8%	21	0.1%	89	0.5%	11	0.1%	49	0.3%
	4	16554	29	0.18	11306	68.3%	1505	9.1%	2990	18.1%	578	3.5%	21	0.1%	98	0.6%	16	0.1%	40	0.2%
	66102		3.88		36675	55.5%	11355	17.2%	15694	23.7%	1545	2.3%	91	0.1%	425	0.6%	102	0.1%	215	0.3%

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING CHAPTER 1, "GENERAL PROVISIONS," SECTION 1-5, "VOTING DISTRICTS SET OUT," OF THE TEMPLE CODE OF ORDINANCES, BY ESTABLISHING NEW BOUNDARIES FOR THE CITY'S FOUR SINGLE MEMBER DISTRICTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, since May, 2011, the Staff has been working with a 15-member citizen's advisory committee to study the existing boundaries of the City's four single member districts;

Whereas, a proposed redistricting plan has been developed which satisfies all of the constitutional and statutory requirements and the procedural and substantive criteria adopted by the City Council in its charge to the redistricting committee; and

Whereas, the City Council has considered the proposed new boundaries of the City's four single member districts and recommends approval of the plan.

Now, Therefore, Be it Ordained by the City Council of the City of Temple, Texas, That:

Part 1: Chapter 1, "General Provisions," Section 1.5, "Voting Districts Set Out," of the Code of Ordinances of the City of Temple is amended to hereinafter read as follows:

Sec. 1-5. Voting districts set out.

The city shall be divided into four (4) districts, such districts to be known as Councilmember District 1, Councilmember District 2, Councilmember District 3 and Councilmember District 4. One councilmember shall be elected from each of the four (4) districts and one councilmember shall be elected from the city at large. Such districts shall comprise the council districts in conformity with the Charter of the City of Temple.

The boundaries of each councilmember district shall be described in a text description and on a map, attached as Exhibit "A," and maintained in the City Secretary's Office.

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 upon 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 on the **1st** day of **September**, 2011.

PASSED AND APPROVED on Second Reading and Public Hearing on the **15th** day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/15/11
Item #7
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-11-42: Consider adopting an ordinance authorizing amendments to Section 7.6.5 of the Unified Development Code related to electric fences within the City limits.

P&Z COMMISSION RECOMMENDATION: At its August 15, 2011 meeting, the Planning and Zoning Commission voted 9/0 to recommend approval of the requested amendment to the Unified Development Code with the addition that the fence must only be energized during hours when the public does not have legal access to the protected property.

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 6, 2011.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-11-42, from the Planning and Zoning meeting, August 15, 2011. The applicant, Michael Pate of Sentry Security Systems, LLC, requests this amendment to the Unified Development Code (UDC) in order to bring into compliance an existing electric fence installed at a local heavy equipment sales establishment.

The UDC currently allows electric fences only in the AG, Agricultural, zoning district. In addition to being located in the AG zoning district, the current standards require that the fence:

- Be designed to retain animals,
- Be inaccessible to the general public, and
- Not pose a hazard to life.

This standard prohibits any use of electric fences for security purposes in nonresidential areas. The applicant has submitted the attached letter, along with a sample from Tyler, Texas, to the City Manager requesting that the City Council amend the UDC to allow electric fences as a security device in nonresidential settings outside of the AG zoning district.

After researching how electric fences are regulated in cities comparable to Temple, Staff produced the attached draft amendment to Section 7.6.5 of the UDC and presented it to the Planning and Zoning Commission. The attached draft provides the following standards for electric fences outside of the AG zoning district.

- Allowed in association with a permitted nonresidential outdoor storage area in the C, LI and HI zoning districts
- Must be installed in conformance with the City's electrical code, International Electrotechnical Commission Standard No. 60335-2-76, and Underwriters Laboratories Standard UL69, Electric-Fence Controller
- Controller and emergency entry key-safe must be located in a single accessible location
- Must be surrounded by a non-electrical fence or wall six to eight feet in height
- Must be installed minimum of one foot from surrounding non-electric fence or wall, except along gate.
- Along gate, fence must be installed a minimum of six inches from non-electric fence or wall
- Must be clearly identified with warning signs at intervals of not less than 60 feet
- Must only be energized during hours when the public does not have legal access to the protected property.

PUBLIC NOTICE:

The newspaper printed notice of the Planning and Zoning Commission public hearing on August 4, 2011 in accordance with state law and local ordinance

FISCAL IMPACT: NA

ATTACHMENTS:

Applicant's Letter Requesting Amendment to the UDC
Applicant's Sample Standards from Tyler, Texas
Electric Fence Provisions in Other Cities
Proposed Amendment to UDC Sec. 3.7.6.C, Materials for Fences, Walls, Screens and Enclosures
P&Z Staff Report (Z-FY-11-42)
P&Z Minutes (August 15, 2011)
Ordinance

Brian Mabry

From: Autumn Speer
Sent: Wednesday, July 13, 2011 11:39 AM
To: Richard Therriault; Brian Mabry
Subject: FW: Amendment
Attachments: TYLER TEXAS AMENDMENT.docx

From: Michael Pate [<mailto:mpate@ELECTRICGUARDDOG.com>]
Sent: Wednesday, July 13, 2011 11:37 AM
To: David Blackburn
Cc: Donald McLellan; Autumn Speer; Robin Williamson
Subject: Amendment

Mr. Blackburn,

I met with Autumn Speer, Director of Community Services, several weeks ago in an effort to get a permit to operate enhanced security measures in the form of an electric security fence at the United Rentals site, 5345 General Bruce Drive. After conferring with other staff our device was declared a fence and I was instructed to write to you requesting an amendment to the code to allow the use of electric security fences.

Please accept this correspondence as a request to amend the code allowing the use of electric security fences in the City of Temple TX.

These are inherently safe and effective devices that have been approved to operate all through TX. Houston, Dallas, Ft. Worth, Austin, San Antonio, Tyler, Euless, Balch Springs, and many other municipalities in TX allow the use of electric security fences. The use of these devices actually prevents crime, allows the husbanding of police resources, and makes the businesses that install them safer, as well as the neighborhoods that surround them.

I have attached an amendment from a similar size city in TX for your review.

I would hope that we could be placed on the earliest possible committee schedules as this is usually a protracted exercise.

With warmest regards,

Michael Pate

Director of Business Development
Sentry Security Systems, LLC
Electric Guard Dog
mpate@electricguarddog.com
Phone: 803-404-6204
Cell: 803-422-3600
Fax: 803-786-6458

TYLER TEXAS AMENDMENT

Sec. 10-333. Electric fences.

a. The construction and use of electric fences shall be allowed in the City only as provided in this section, subject to the following standards:

1. **IEC Standard 60335-2-76.** Unless otherwise specified herein, electric fences shall be constructed or installed in conformance with the specifications set forth in International Electrotechnical Commission (IEC) Standard No. 60335-2-76, or successor.

2. **Electrification**

(a) The energizer for electric fences must be driven by a commercial storage battery not to exceed 12 volts DC. The storage battery shall be charged primarily by a solar panel. However, the solar panel may be augmented by a commercial trickle charger.

(b) The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of IEC Standard No. 60335-2-76, or successors.

3. **Perimeter fence or wall.** No electric fence shall be installed or used unless it is completely surrounded by a non-electrical fence or wall that is not less than six feet in height.

4. **Location.** Electric fences shall be permitted in any non-residential outdoor storage areas only.

5. **Warning signs.** Electric fences shall be clearly identified with warning signs that read: "Warning-Electric Fence" at intervals of not less than sixty feet.

b. It shall be unlawful for any person to install, maintain or operate an electric fence in violation of this section. (Ord. No. 0-2010-__; 3/10/10)

Electric Fence Provisions in other Cities

City	Summary of Land Use Related Standards (not including Electrical Code)
Temple	<ul style="list-style-type: none"> • Allowed only in the AG zoning district. • Must submit proof that fence will be designed to retain animals, be inaccessible to the general public and not pose a hazard to life.
Tyler (applicant's preference – adopted 3/10/10)	<ul style="list-style-type: none"> • Electric fence must be surrounded by a non-electrical fence or wall a minimum of six feet in height. • Permitted only in nonresidential outdoor storage areas. • Must be clearly identified with warning signs at intervals of not less than 60 feet.
Bryan*	No results
Waco	Not allowed in “community gardens”
Belton	Prohibited in Residential Estate district
Killeen	Not allowed in Residential or Office zoning districts
Georgetown	<ul style="list-style-type: none"> • Allowed without a Fence Permit. • Not permitted within 10 feet of any public rights-of-way or sidewalk. • Must be placed a minimum of 2 feet from all private property lines. • Must be clearly identified with warning signs at intervals of not less than 50 feet and located not more than 1 foot away from the fence.
Baytown*	No results
N. Richland Hills*	Electric fences that are capable of causing harm or death are prohibited in the city. This does not prevent the use of approved and listed equipment to charge single strands of wires for the purpose of animal or livestock control.

City	Summary of Land Use Related Standards (not including Electrical Code)
San Antonio	<ul style="list-style-type: none"> • Permitted only in outdoor storage areas in LI and HI. • Electric fence must be surrounded by a non-electrical fence or wall six to eight feet in height and 6 inches from electric fence. • Electric fence has a maximum height of 10 feet. • Must be clearly identified with warning signs at intervals of not less than 40 feet and located not more than 1 foot away from the fence. • Electric fences may be energized only during the hours when the general public does not have legal access to the protected property. • Not permitted within five feet of a sidewalk or public right-of-way nor within 300 feet of a property line for a residence, school, day care facility, church or parkland. • Permitted and renewed on an annual basis with a notarized statement attached to the renewal permit from an authorized representative of the fence or barrier equipment manufacturer that the installation is currently operating in conformity with its safety requirements. • \$1,000,000 insurance required as a condition of permit approval and renewal.
Wylie	Allowed only in the AG zoning district.

* Comparable City in Comprehensive Plan

Proposed Amendment to UDC Sec. 3.7.6.C, Materials for Fences, Walls, Screens and Enclosures

Note: Red font indicates deleted or added text.

7.6.5 Materials for Fences, Walls, Screens and Enclosures

A. Allowed Materials

...

B. Prohibited Materials

...

C. Electric Fences

- I. An ~~electrically charged~~ electric fence is allowed ~~only~~ in the Agricultural zoning district, with proof submitted to the electrical inspector that the fence will be designed to retain animals, be inaccessible to the general public and not pose a hazard to life.
2. An electric fence is allowed in association with a permitted nonresidential outdoor storage area in the Commercial, Light Industrial and Heavy Industrial zoning districts subject to the following standards.
 - a. Unless otherwise specified in this Section, electric fences must be installed in conformance with the specifications set forth in the City's electrical code and the International Electrotechnical Commission Standard No. 60335-2-76. In addition, the electric fence controller must meet the requirements of Underwriters Laboratories Standard UL69, Electric-Fence Controller, and labeled as such.
 - b. The electric fence controller and emergency entry key safe for the electric fence must be located in a single accessible location for the entire fence.
 - c. The electric fence must be surrounded by a non-electrical fence or wall six to eight feet in height.
 - d. The electric fence must be installed a minimum of one foot from the surrounding non-electric fence or wall, except along the gate. Along the gate, the electric fence must be installed a minimum of six inches from the surrounding non-electric fence or wall.
 - e. The electric fence must be clearly identified with warning signs at intervals of not less than 60 feet.
 - f. The electric fence must only be energized during hours when the public does not have legal access to the protected property.

D. Razor Wire Fences

...

E. Construction

...



PLANNING AND ZONING COMMISSION AGENDA ITEM

08/15/11
Item #5
Regular Agenda
Page 1 of 2

APPLICANT / DEVELOPMENT: Michael Pate, Sentry Security Systems, LLC

CASE MANAGER: Brian Mabry, AICP, Planning Director

ITEM DESCRIPTION: Z-FY-11-42 Hold a public hearing to discuss and recommend action on an amendment to Section 7.6.5 of the Unified Development Code related to electric fences within the City limits.

BACKGROUND: The Unified Development Code (UDC) currently allows electric fences only in the AG, Agricultural, zoning district. In addition to being located in the AG zoning district, the current standards require that the fence:

- Be designed to retain animals,
- Be inaccessible to the general public, and
- Not pose a hazard to life.

This standard prohibits any use of electric fences for security purposes in nonresidential areas. The applicant has submitted the attached letter, along with a sample from Tyler, Texas, to the City Manager requesting that the City Council amend the UDC to allow electric fences as a security device in nonresidential settings outside of the AG zoning district. Such amendment first requires a recommendation from the Planning and Zoning Commission.

City Staff has researched electric fence standards in other Texas cities. The results are attached to this report. Electric fence regulation in other cities ranges from minimal, such as in Waco or Belton, to more detailed, as in San Antonio.

The attached draft amendment to Section 7.6.5 of the UDC provides the following standards for electric fences outside of the AG zoning district.

- Allowed in association with a permitted nonresidential outdoor storage area in the C, LI and HI zoning districts
- Must be installed in conformance with the City's electrical code, International Electrotechnical Commission Standard No. 60335-2-76, and Underwriters Laboratories Standard UL69, Electric-Fence Controller
- Controller and emergency entry key-safe must be located in a single accessible location
- Must be surrounded by a non-electrical fence or wall six to eight feet in height
- Must be installed minimum of two feet from surrounding non-electric fence or wall, except along gate.
- Along gate, fence must be installed a minimum of six inches from non-electric fence or wall
- Prohibited within 10 feet of a public right-of-way, including any sidewalk
- Must be clearly identified with warning signs at intervals of not less than 60 feet

PUBLIC NOTICE:

The newspaper printed notice of the Planning and Zoning Commission public hearing on August 4, 2011 in accordance with state law and local ordinance

STAFF RECOMMENDATION: Staff recommends approval of an amendment to Section 7.6.5 of the Unified Development Code related to electric fences within the City limits as presented in this Staff report.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Applicant's Letter Requesting Amendment to the UDC](#)

[Applicant's Sample Standards from Tyler, Texas](#)

[Electric Fence Provisions in Other Cities](#)

[Proposed Amendment to UDC Sec. 3.7.6.C, Materials for Fences, Walls, Screens and Enclosures](#)

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

MONDAY, AUGUST 15, 2011

ACTION ITEMS

Item 5: Z-FY-11-42 – Hold a public hearing to discuss and recommend action on an amendment to Section 7.6.5 of the Unified Development Code related to electric fences within the City limits. (Michael Pate for Sentry Security Systems, LLC)

Mr. Mabry stated the applicant was Mr. Michael Pate from Sentry Security Systems, LLC and, if approved, the request would go to City Council for first reading on September 16th and second reading on October 6th. Electric fences are currently only allowed the AG district and have to be designed to retain animals, be inaccessible to the general public and not pose a hazard to life. This proposed amendment to the Unified Development Code (UDC) only applies within City limits and any changes that might be made do not apply outside the City limits.

The applicant is requesting an amendment to the UDC to allow electric fences in nonresidential areas as a security measure for outdoor storage. City Staff did a survey of other municipalities close by or similar size to Temple. The applicant also provided a sample of requirements from Tyler, Texas, which was adopted in 2010.

Tyler requires the electric fence be surrounded by a non-electrical fence, a minimum of six feet in height, permitted in non-residential outdoor storage area only, clearly identified with warning signs every 60 feet, and it comply with the International Electric Technical Code Standard regarding being non-lethal voltage through the wire;

Bryan did not have any results;

Waco will not allow them in community gardens;

Belton prohibits them in residential estate district (large block residential) and are permitted in AG;

Killeen does not allow them in residential or office districts;

Georgetown does not require a fence permit, cannot be within 10 feet of any public right-of-way or sidewalk, has to be placed a minimum of two feet from any private property line, and has to have a warning sign every 50 feet;

Baytown did not have any results;

Richland Hills states electric fences cannot be capable of causing harm or death to a human and have to be in conjunction with animal and livestock control;

San Antonio has several standards including allowing them in the two industrial districts they have, a maximum height of 10 feet, a required \$1 million bond/insurance as a condition of an electric fence, have to be renewed yearly through building permits, and are not allowed within five feet of sidewalks, residences, schools, daycares, or any type of public or child oriented use; and

Wylie only allows them in the AG district.

Mr. Mabry stated the proposed amendment would include allowing electric fences in nonresidential outdoor storage areas (contractor or equipment storage) in the Commercial (C), Light Industrial (LI), and Heavy Industrial (HI) zoning districts, that they conform with the City's Electrical Code and other more technical electrical standards to insure the fence is not lethal.

Other proposed standards include the controller for the on and off switch and the emergency entry key (Knox box) be located in a single accessible location (per Fire Department request); the electric fence wires be surrounded by nonelectrical fence or wall, 6 to 8 feet in height, the wire being a minimum of two feet from surrounding nonelectrical fence or wall and 6 inches along the gate, prohibit the fence within ten feet of the right-of-way, including sidewalks, for pedestrian safety, and warning signs be located every 60 feet on the non-electrified part of the structure.

Staff recommends approval of the proposed amendment to the UDC, Section 7.6.5 to allow electric fences outside of the AG district subject to the standards recommended.

Chair Talley opened the public hearing.

Ms. Brenda Cunningham, Account Executive for Sentry Security Systems, 450 County Rd 43850, Paris, Texas 75462, spoke on behalf of the applicant, Mr. Michael Pate. Ms. Cunningham presented pictures to the Commission for clarification of their product. The fence is for commercial areas only and must go on the inside of an existing solid fence (wood, chain link, etc.) that is a minimum of six feet in height. There are 20 strands of wire and not all wires are hot. There is a 7,000 volt charge which pulses every 1.3 seconds and will not kill anyone. Commissioner Staats asked what the amperage was and Ms. Cunningham did not know but the information should be included in the distributed documentation. The fence is energized by a 12 volt marine battery, has a solar panel, controller, small key panel and integrates with other security products.

Commissioner Pope asked about the fence being prohibited within ten feet of the right-of-way since it takes property away that could be used. Ms. Cunningham stated each city is different in regulations.

Ms. Cunningham distributed letters of testimony for review, stated that warning signs are distributed every 50 feet in English and Spanish and other requested languages.

Brief discussion regarding amperage.

Concerns were raised about the hours the fence would be activated and Ms. Cunningham stated it was the owners' discretion, depending on the business.

There being no further speakers, Chair Talley closed the public hearing.

Commissioner Pope made a motion to approve **Z-FY-11-42** to amend Section 7.6.5 of the Unified Development Code regarding electric fences with the change of:

1. Deleting Item E, prohibiting within 10 feet of a public right-of-way, and
2. Adding that the electric fence only be energized during hours when the public does not have legal access to the protected property.

Commissioner Staats made a second.

Motion passed: (9:0)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE NO. 2010-4413, THE “UNIFIED DEVELOPMENT CODE,” SECTION 7.6.5 RELATED TO ELECTRIC FENCES WITHIN THE CITY LIMITS; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on December 16, 2010, the City of Temple adopted Ordinance No. 2010-4413, the “Unified Development Code,” which is a consolidated set of land development regulations related to zoning, platting and site design;

Whereas, at its August 15, 2011, meeting the Planning and Zoning Commission voted to amend Section 7.6.5, entitled, “Materials for Fences, Walls, Screens and Enclosures,” related to electric fences within the City limits, and the Staff recommends this action; and

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

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

Part 1: The City Council approves an amendment to Ordinance No. 2010-4413, the “Unified Development Code,” by amending Section 7.6.5, entitled, “Materials for Fences, Walls, Screens and Enclosures,” related to electric fences within the City limits, said amendment being more fully described in Exhibit A, attached hereto for all purposes.

Part 2: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

Part 3: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been

enacted by the City Council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **15th** day of **September**, 2011.

PASSED AND APPROVED on Second Reading on the **6th** day of **October**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, MAYOR

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/15/11
Item #8
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Consider adopting a resolution appointing one member to the Temple Public Safety Advisory Board to fill an expired term through September 1, 2014.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: One expired position remains to be filled on the Temple Public Safety Advisory Board. It is requested that one Temple resident be appointed to fill this term through September 1, 2014. Please see the attached board summary form and the City Board Application submitted by Mr. Steve Hubbard.

FISCAL IMPACT: N/A

ATTACHMENTS:

Board Summary Form
Board Application

TEMPLE PUBLIC SAFETY ADVISORY BOARD

TERM EXPIRATION: SEPTEMBER - 3 YEAR TERMS

APPOINTED BY: MAYOR/COUNCIL

MEMBER	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
Bill E. Moore	06/05	2012	2005 East Avenue K, 76501	773-3589 H
Sonny Jaramillo	06/11	2012	512 W. Oakland Dr., 76501 sivj@swbell.net	933-4206 W 760-7502 C
Rebecca Rucker	07/11	2013	212 Tanglewood Rd. 76502 rebeccar@fsbcentex.com	899-6602 W 231-2766 C
John Bush	09/09	2013	1302 North 13 th , 76501 Jbush83498@sbcglobal.net	774-8899 W 773-1416 H 760-9313 C
Donald W. Nelson	09/09	2012	3105 Hemlock Blvd., 76502 Dnelson8@hotmail.com	778-1803 H/F
Sylvia Chesser	09/10	2013	802 Westpoint Dr., 76504 Kd5usi@aol.com	771-1171 H
Dee Blackwell	09/10	2013	8520 Oak Crossing, 76502 dahblackwell@hotmail.com	228-5609 H 541-8873 C
Richard Morgan	03/11	2013	214 West Houston, 76501 richardmorgan@hotmail.com	634-4244 W 760-0331 C
Temikia Brown	09/09	2012	P O Box 1702, 76503 temikiabrown@aol.com	780-2822 H 778-8036 W 217-5476 C
Margaret Goodwin	06/10	2013	3206 Keller Road, 76504 mag47goo@msn.com	541-0894 C
Jeff Blackwell	11/10	2014	8520 Oak Crossing, 76502 jblackwell@swmail.sw.org	228-5609 H 541-8874 C
Vacant		2014		
Bennie Trevino	11/10	2014	1003 South 13 th Street, 76504 Bnn_trevino@yahoo.com	771-3859 H
Billy Rowton	07/11	2014	3008 W. Ave T 76504 b.rowton@sbcglobal.net	771-2400 H 541-1775 C
John Barina	09/08	2014	2109 Stagecoach Trl 76502 johnbarina@hotmail.com	760-6525 W/C 773-9580 H

Created by Resolution 94-641-R February 3, 1994; previously under authority of resolution adopted September 1, 1983 as Temple Law Enforcement Advisory Board.

Purpose: Advise the Council on matters of law enforcement, fire, emergency medical service, communications and emergency management.

Membership: 15 members - all residents of the City;
Ex-Officio members - Chief of Police, Fire Chief

Term: 3 years

City Staff: Police Chief Gary Smith/Fire Chief Lonzo Wallace

Meeting Time/Place: 2nd Tuesday of each month at 6:00 p.m., Temple Police Department. Revised 08/18/11



CITY OF TEMPLE
CITY BOARD APPLICATION FORM

RECEIVED
SEP 7 - 2011
CITY OF TEMPLE, TX
CITY SECRETARY

The purpose of this form is to furnish information to the Mayor and City Council regarding those persons who may desire to volunteer their time and services to the City of Temple by serving on one or more of the following boards and/or committees:

AIRPORT ADVISORY BOARD	ANIMAL SERVICES ADVISORY BOARD
BUILDING & STANDARDS COMMISSION	BUILDING BOARD OF APPEALS
CIVIL SERVICE COMMISSION	COMMUNITY SERVICES ADVISORY BOARD
CONVENTION CENTER & TOURISM BOARD	ELECTRICAL BOARD
ZONING BOARD OF ADJUSTMENT	DEVELOPMENT STANDARDS ADVISORY BOARD
LIBRARY BOARD	PARKS & RECREATION BOARD
PLANNING & ZONING COMMISSION	TRANSIT ADVISORY COMMITTEE
REINVESTMENT ZONE NUMBER ONE	TEMPLE HOUSING AUTHORITY
TEMPLE ECONOMIC DEVELOPMENT CORP. ✓	TEMPLE PUBLIC SAFETY ADVISORY BOARD ✓

• If you wish to make yourself available for consideration, please complete this form and send to the City Secretary's Office, City of Temple, P.O. Box 207, Temple, TX 76503 or by fax 254-298-5637.

• If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or centz@ci.temple.tx.us.

Name Steve Hubbard Residence Address 8716 Laurel Ridge

SW EMS 2401 S. 31 Street Building 12
Mailing Address same as above Phone Number (Business) 724-5631 (Home) 654-3828

Fax Number 724-0014 Cell Phone Number 654-3828 E-Mail Address STHUBBARD@swmail.sw.org

Current Employer/Nature of Business: Director Scott & White EMS

What City Boards have you served on before & When? none

Name, in priority order, the Board or Boards on which you would prefer to serve: Public Safety

Advisory Board

What experience and/or educational background do you have that could be applied to community service?

14 Vic Chair Gov. Committee for EMS & Trauma Steering Committee

35+ years in EMS
Comments (Attach additional page if desired):

Signed: [Signature] Date: 9/7/2011

PLEASE NOTE: All information supplied on this form is public information.



EMPLOYEE BENEFITS TRUST AGENDA ITEM MEMORANDUM

09/15/11
Item #1
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Randy A. Stonerod, Director of Human Resources

ITEM DESCRIPTION: Conduct a meeting of the City of Temple Employee Benefits Trust to purchase insurance policies from MetLife for long term disability insurance for FY2011-2012 through FY2013-2014.

STAFF RECOMMENDATION: Authorize purchase as presented in item description.

ITEM SUMMARY: The City of Temple Employee Benefits Trust currently provides long term disability benefits through The Standard. The current contract expires on September 30, 2011. The City, on behalf of the Trust, issued an RFP for long term disability (LTD) benefits to be effective October 1, 2011. The Trust received three proposals, and all but one required an increase to maintain current benefits. The proposal from MetLife maintains current rates and benefits with a three year rate guarantee. Staff recommends that the Trustees award the LTD contract effective October 1, 2011, through September 30, 2014 to MetLife. This award will maintain current costs for the City and maintain current benefits for employees for the next three years.

ACTION REQUIRED: The Mayor shall recess the Council meeting and convene a meeting of the trustees of the City of Temple Employee Benefits Trust. The Trustees (all Councilmembers) will conduct the business of the Trust as shown on the Trust Agenda including awarding the contract to the vendor. Once business has been concluded, the Mayor will adjourn the Trust meeting and reconvene the Council meeting.

FISCAL IMPACT: The following item on this City Council agenda will fund the contracts awarded by the Trust (NOTE: The trust was established in order to eliminate the premium tax that is passed on from the insurance companies.)

Budgeted FY11-12 amount: \$54,614 for long term disability insurance for employees

ATTACHMENTS:

[Tabulations of Insurance Proposals](#)

City of Temple Employee Benefits Trust



[RFP # 27-04-12] Long Term Disability - Benefit and Cost Analysis

	Standard Current	Standard Renewal	Guardian Response	MetLife Response
Rate/\$100	\$0.24	\$0.30	\$0.29	\$0.235
Payroll/Volume				
Monthly Cost	\$4,226	\$5,282	\$5,106	\$4,138
Annual Cost	\$50,711	\$63,388	\$61,275	\$49,654
\$ Increase/\$ (Decrease)	N/A	\$12,678	\$10,565	(\$1,056)
Percentage Variance		25.00%	20.83%	-2.08%
Rate Guarantee		1 Year	2 Years	3 Years
<u>Benefit</u>				
Benefit Percentage	60%	60%	60%	60%
Maximum Monthly Benefit	\$5,000	\$5,000	\$5,000	\$5,000
Minimum Monthly Benefit	\$100	\$100	\$100	\$100
Coverage For Partial Disability	Yes	Yes	Yes	Yes
Survivor Benefit	3 Months	3 Months	3 Months	3 Months
Own Occupation Benefit	2 Years	2 Years	2 Years	2 Years
Any Occupation Benefit	65 with ADEA	65 with ADEA	65 with ADEA	RBD with ADEA
Elimination Period	180 Days	180 Days	180 Days	180 Days
Pre-existing Conditions	3/12	3/12	12/12	3/12
Benefit Offsets or Reductions	Social Security, Workers Compensation & State Disability	Social Security, Workers Compensation & State Disability	Social Security, Workers Compensation & State Disability	Social Security, Workers Compensation & State Disability



COUNCIL AGENDA ITEM MEMORANDUM

09/15/11
Item #9
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Randy A. Stonerod, Director of Human Resources

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

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: At their meeting on July 7, 2011, the trustees of the City of Temple Employee Benefits Trust agreed to purchase insurance contracts from BlueCross BlueShield of Texas for medical/prescription stop loss insurance (self funded insurance), from MetLife for dental insurance, from MetLife for life and accidental death and dismemberment insurance. At their meeting on September 15, 2011, the trustees of the City of temple Employee Benefits Trust will agree to purchase insurance from MetLife for Long Term Disability for employees. (Retirees are eligible for medical and dental only). The City must now, with the adoption of the budget, fund the cost of those benefits awarded in addition to allowing for the biweekly transfer of contributions made by the City and by employees/retirees to the trust.

FISCAL IMPACT: Funding of the contracts awarded by the Trust is shown below.

Budgeted FY11-12 amounts:	\$1,634,092 for medical/prescription insurance for employees
	\$ 55,197 for dental insurance for employees
	\$ 125,450 for medical/prescription and dental insurance for retirees < age 65
	\$ 41,849 for life insurance for employees
	\$ 8,828 for AD&D insurance for employees
	\$ 54,614 for long term disability insurance for employees

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

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

Whereas, at their meetings on July 7 and September 15, 2011, the trustees of the City of Temple Employee Benefits Trust agreed to purchase insurance contracts from BlueCross BlueShield of Texas for medical/prescription insurance, from MetLife for dental insurance, from MetLife for life and accidental death and dismemberment insurance, and from the MetLife for Long Term Disability for employees and under age 65 retirees;

Whereas, the City must now, with the adoption of the FY2011-12 budget, fund the cost of those benefits and allow for the biweekly transfer of contributions made by the City and by employees/retirees to the trust;

Whereas, funding of the contracts awarded by the Trust reflects no change in costs from the current year and funds are budgeted in the FY2011-12 budget for this expense; and

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

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

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

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

PASSED AND APPROVED this the 15th day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary

APPROVED AS TO FORM:

Jonathan Graham
City Attorney