



**MEETING OF THE  
TEMPLE CITY COUNCIL**

**MUNICIPAL BUILDING**

**2 NORTH MAIN STREET**

**3<sup>rd</sup> Floor – CONFERENCE ROOM**

**THURSDAY, SEPTEMBER 6, 2012**

**3:00 P.M.**

**WORKSHOP AGENDA**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, September 6, 2012.
2. Receive an update from Brazos River Authority.
3. Discuss the 2004-2005 Cottonwood Lane Extension Study.
4. Discuss upcoming appointments to various City boards and commissions.
5. Discuss authorizing the purchase of two tracts of land near the City of Temple's landfill.

*Executive Session – Pursuant to Chapter 551, Government Code § 551.072 – Real Property – The City Council may enter into executive session to discuss the purchase, exchange, lease or value of real property relating to City projects, the public discussion of which would have a detrimental effect on negotiations with a third party.*

5:00 P.M.

**MUNICIPAL BUILDING**

**2 NORTH MAIN STREET  
CITY COUNCIL CHAMBERS – 2<sup>ND</sup> FLOOR  
TEMPLE, TX**

**TEMPLE CITY COUNCIL**

**REGULAR MEETING AGENDA**

**I. CALL TO ORDER**

1. Invocation
2. Pledge of Allegiance

**II. PROCLAMATIONS & SPECIAL RECOGNITIONS**

3. (A) [Texting & Driving – It Can Wait Day](#) [September 19, 2012](#)
- (B) [International Literacy Awareness Day](#) [September 8, 2012](#)
- (C) [Constitution Week](#) [September 17 – 23, 2012](#)

**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) [August 10, 2012 Special Called Meeting](#)
- (B) [August 16, 2012 Special Called and Regular Meeting](#)
- (C) [August 30, 2012 Special Called Meeting](#)

## **Contracts, Leases, & Bids**

- (D) [2012-6698-R](#): Consider adopting a resolution authorizing a professional services agreement with Atkins North America, Inc. of Austin for engineering services for repairs to the existing covered pedestrian bridge located at Woodbridge Park in an amount not to exceed \$27,600.
- (E) [2012-6699-R](#): Consider adopting a resolution authorizing the purchase of 150 plastic 300 gallon refuse containers for the Solid Waste Division from Rotational Molding, Inc., Gardena, CA, in the amount of \$40,335.
- (F) Consider adopting resolutions authorizing FY 2013 contract renewals for the following:
  - 1. [2012-6700-R](#): Library Materials – Baker & Taylor, in the estimated annual amount of \$105,000
  - 2. [2012-6701-R](#): Oils and Lubricants - Brazos Valley Lubricants, in the estimated annual amount of \$60,000
  - 3. [2012-6702-R](#): Automotive Repair Parts – UniSelect USA, Inc dba Main AutoParts/Auto Plus, in the estimated annual amount of \$55,000
  - 4. [2012-6703-R](#): Hot Crack Sealant – Crafcot Texas, Inc., in the estimated annual amount of \$40,000
  - 5. [2012-6704-R](#): T-Shirt Design & Printing – Ad-Wear and Specialty of Texas, in the estimated annual amount of \$40,000
  - 6. [2012-6705-R](#): Building Materials – Lengefeld Lumber Company, in the estimated annual amount of \$38,000
  - 7. [2012-6706-R](#): Work Boots/Shoes – Cochran, Blair & Potts, in the estimated annual amount of \$25,000
  - 8. [2012-6707-R](#): Fire Department Uniforms – Miller Uniforms & Emblems, in the estimated annual amount of \$27,260
  - 9. [2012-6708-R](#): Aluminum Sulfate Chemicals – Chameleon Industries, Inc., in the estimated annual amount of \$400,000
  - 10. [2012-6709-R](#): Liquid Caustic Soda and Citric Acid – Altviva Corporation., in the estimated annual amount of \$258,000
  - 11. [2012-6710-R](#): Liquid Chlorine – DPC Industries, in the estimated annual amount of \$97,000
  - 12. [2012-6711-R](#): Liquid Fluoride – Pencco, Inc., in the estimated annual amount of \$27,000
  - 13. [2012-6712-R](#): Sodium Hypochlorite, Hydrochloric Acid, Cyanuric Acid, and Muriatic Acid – Commercial Chemical, Inc. dba Poolsure, in the estimated annual amount of \$40,000
  - 14. [2012-6713-R](#): Construction Material Testing – Langerman Foster Engineering Company LLC, in the estimated annual amount of \$75,000
  - 15. [2012-6714-R](#): Online Auction Services – GovDeals, Inc., for a fee of 2.5% of the winning bid values

16. [2012-6715-R](#): Security Guard Services – Ameritex Guard Services, in the estimated annual amount of \$25,000
17. [2012-6716-R](#): HVAC Repair Services – Temple Heat & Air, in the estimated annual amount of \$180,000
18. [2012-6717-R](#): Plumbing Services – C.A.P.’s Mechanical, in the estimated annual amount of \$30,000
19. [2012-6718-R](#): Overhead Door Repair Services – Palousek Overhead Door, in the estimated annual amount of \$25,000
20. [2012-6719-R](#): Electric Motor and Pump Repair Services – Austin Armature Works, in the estimated annual amount of \$100,000
21. [2012-6720-R](#): Hauling and Disposal of CIP Waste from WTP – Magna-Flow Environmental, in the estimated annual amount of \$35,000
22. [2012-6721-R](#): Hauling and Disposal of Sludge – S&M Vacuum & Waste, Ltd., in the estimated annual amount of \$149,000
23. [2012-6722-R](#): Large Water Meter Testing and Repair Services – Great Southwest Meters, Inc., in the estimated annual amount of \$40,000.
24. [2012-6723-R](#): Water Line Repair Services – K&S Backhoe Services, Inc., in the estimated annual amount of \$250,000
25. [2012-6724-R](#): Mail Services for Utility Bills and Accounts Receivable Statements – Anderton Group, Inc., dba MailMax Direct, in the estimated annual amount of \$180,000

### **Ordinances – Second & Final Reading**

- (G) [2012-4549](#): SECOND READING - Z-FY-12-55: Consider adopting an ordinance authorizing an amendment to Ordinance 2010-4413, Temple Unified Development Code, Article 7.5, “Signs”, to amend requirements for State and National Flags in nonresidential zoning districts.

### **Misc.**

- (H) [2012-6725-R](#): Consider adopting a resolution supporting the recommendations of the Central Texas Council of Governments regarding the election of four members to the Texas Municipal League Intergovernmental Risk Pool Board of Trustees.
- (I) [2012-6726-R](#): Consider adopting a resolution funding the rates for medical/prescription insurance and dental insurance for current employees and under age 65 retirees, as well as, Basic Life Insurance, Accidental Death and Dismemberment Insurance, and Long Term Disability Insurance for current employees.
- (J) [2012-6727-R](#): Consider adopting a resolution authorizing submission of an application for funding through the CleanFuel USA, Texas State Technical College and Public Solutions Group Clean Start program in the amount of \$97,548, with 0% cost-shared by the City, to convert eleven vehicles to bi-fuel propane.
- (K) [2012-6728-R](#): Consider adopting a resolution authorizing the use of the Design-Build project delivery method for the acquisition of services needed to remodel approximately 5,000 in the Municipal Building.

- (L) [2012-6729-R](#): Consider adopting a resolution amending 2005-4590-R, Part 1, Surrender, repealing paragraphs 2 and 3 of this Part, and adding a provision that clarifies that out-of-town animals are not accepted.
- (M) [2012-6730-R](#): Consider adopting a resolution authorizing budget amendments for fiscal Year 2011-2012.

## **V. REGULAR AGENDA**

### **ORDINANCES**

- 5. [2012-4552](#): FIRST READING – PUBLIC HEARING - Z-FY-12-57: Consider adopting an ordinance authorizing an amendment to Ordinance 2010-4413, Temple Unified Development Code, Article 7.5, “Signs”, to establish procedure to request a Conditional Use Permit for off-premise signs relocating due to proposed state right-of-way requirements.
- 6. [2012-4553](#): FIRST READING – PUBLIC HEARING - Z-FY-12-56: Consider adopting an ordinance authorizing a Conditional Use Permit to allow an off-premise sign relocation closer than 1,500 feet from another off-premise sign at 5275 S General Bruce Drive.
- 7. [2012-4554](#): FIRST READING - PUBLIC HEARING: Consider adopting an ordinance authorizing amendments to the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans for FY 2012-2022 to include recognizing additional tax increment and grant revenues; recognizing savings from bond refunding transactions; and reallocating, adjusting and appropriating to various projects.
- 8. [2012-4555](#): FIRST READING - PUBLIC HEARING: Consider adopting an ordinance amending Chapter 5, “Ambulance Services,” of the Code of Ordinances of the City of Temple, Texas.

### **RESOLUTIONS**

- 9. [2012-6731-R](#): Consider adopting a resolution authorizing the purchase of two tracts of land near the City of Temple’s landfill and declaring an official intent to reimburse associated expenditures made prior to the issuance of obligations for this project.

*Executive Session – Pursuant to Chapter 551, Government Code § 551.072 – Real Property – The City Council may enter into executive session to discuss the purchase, exchange, lease or value of real property relating to City projects, the public discussion of which would have a detrimental effect on negotiations with a third party.*

### **BOARD APPOINTMENTS**

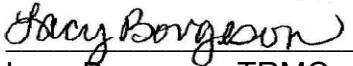
10. [2012-6732-R](#): Consider adopting a resolution appointing members to the following City boards and commissions:
- (A) Animal Services Advisory Board –appoint Chair for the period of September 1, 2012 through August 31, 2013
  - (B) Temple Economic Development Corporation – two members to fill expiring terms through September 1, 2015
  - (C) Tree Advisory Board – one ex-officio member for BISD

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

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I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 3:00 PM, on August 31, 2012.

  
Lacy Borgeson, TRMC  
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 \_\_\_\_\_ 2012. \_\_\_\_\_.



## **COUNCIL AGENDA ITEM MEMORANDUM**

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09/06/12  
Item #3(A-B)  
Regular Agenda  
Page 1 of 1

### **DEPT./DIVISION SUBMISSION & REVIEW:**

William A. Jones, III, Mayor

### **ITEM DESCRIPTION:** Presentation of Proclamation:

- |  |                         |
|--|-------------------------|
| (A) Texting & Driving – It Can Wait Day  | September 19, 2012      |
| (B) International Literacy Awareness Day | September 8, 2012       |
| (C) Constitution Week                    | September 17 – 23, 2012 |

### **STAFF RECOMMENDATION:** Present proclamation as presented in item descriptions.

**ITEM SUMMARY:** (A) This proclamation was requested by and will be presented to Debbie Keel, Area Manager External Affairs, on behalf of AT&T.

(B) This proclamation was requested by and will be presented to Don Stiles, on behalf of the Temple Literacy Council.

(C) 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**

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09/06/12  
Item #4(A-C)  
Consent Agenda  
Page 1 of 1

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Lacy Borgeson, City Secretary

### **ITEM DESCRIPTION:** Approve Minutes:

- (A) August 10, 2012 Special Called Meeting
- (B) August 16, 2012 Special Called and Regular Meeting
- (C) August 30, 2012 Special Called Meeting

**STAFF RECOMMENDATION:** Approve minutes as presented in item description.

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

**FISCAL IMPACT:** N/A

### **ATTACHMENTS:**

August 10, 2012 Special Called Meeting  
August 16, 2012 Special Called and Regular Meeting - To be provided  
August 30, 2012 Special Called Meeting



## **SPECIAL MEETING OF THE TEMPLE CITY COUNCIL**

**AUGUST 10, 2012**

The City Council of the City of Temple, Texas conducted a Special Meeting on Friday, August 10, 2012 at 8:30 am, at the Municipal Building, 2 North Main Street, 2nd Floor, City Council Chambers.

**Present:**

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

**I. CALL TO ORDER**

**1. Invocation**

Mayor Pro Tem Dunn voiced the invocation.

**2. Pledge of Allegiance**

Councilmember Morales 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 58.64 cents per \$100 valuation for fiscal year 2013 (2012 tax year), and announce meeting to adopt the proposed tax rate on August 30, 2012.**

David Blackburn, City Manager reviewed the budget calendar and noted the 2nd Public Hearing on the tax rate is set for Thursday, August 16, 2012 at 5:00 and the adoption is set for August 30, 2012.

Traci Barnard, Director of Finance reviewed the Combined Statement of Revenues and Expenditures. She also stated the proposed tax rate is 58.64 cents; which includes the General Maintenance and Operations of 33.00 cents and the Debt Interest and Sinking of 25.64 cents. This being a total proposed increase of 1.85 cents for FY2013. This increase is to fund public safety positions and Transportation Capital Improvements over the next five years.

Mayor Jones clarified the TCIP (Transportation Capital Improvement Plan) is for the road maintenance and upgrade plan we have

proposed for the next five years.

Mayor Jones declared the public hearing open with regards to agenda item 3 and asked if anyone wished to address this item. There being none, Mayor Jones declared the public hearing closed.

Mayor Jones stated the next public hearing on the proposed tax rate is set for Thursday, August 16, 2012 at 5:00 pm and a Special Called Meeting on Thursday, August 30, 2012 at 5:00 for the adoption of the FY 2013 budget and tax rate.

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William A. Jones, III, Mayor

ATTEST:

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Lacy Borgeson  
City Secretary

## TEMPLE CITY COUNCIL

**AUGUST 16, 2012**

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, August 16, 2012 at 3:00 PM, at the Municipal Building, 2 North Main Stree, in the 3rd Floor Conference Room.

**Present:**

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

**Absent:**

Councilmember Russell Schneider

**1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, August 16, 2012.**

Regular Agenda Item #4 - Mr. Blackburn stated this item related to the second public hearing for the adoption of the proposed tax rate.

Regular Agenda Item #7 - Councilmember Perry stated he would be abstaining from any discussion and vote related to this item which is to authorize and appeal of the UDC standards.

Regular Agenda Item #5 - Ms. Barnard presented the third quarter financial report to the Council. She highlighted the major revenue sources, including sales and ad valorem taxes. The General Fund Revenues are at 84% of budget with expenditures at 71%. Ms. Barnard also reviewed the Water & Wastewater Fund Revenues and noted they it was at 74% of budget with expenditures at 70% of budget. Hotel/ Motel Tax Revenues are at 85% of budget with expenditures at 70%. Next, Ms. Barnard noted the Capital Improvements either scheduled or underway totaling \$110,398,538.

**2. Receive an update on Bell County Health District issues and operations.**

Mr. Farrell gave a brief overview to Council. He stated the District is financially stable and will continue to work with the Community to provide services at the highest level possible. He also noted his retirement will be effective this year, and in September 1, 2012 Bonnie Scurizi, will assume the position of Interim District Director. Ms. Scurizi has been with the District for 20 years in the Nursing Division.

**3. Discuss upcoming appointments to various City boards and**

**commissions.**

Mayor Jones and Council discussed the applicants on file for the board appointments.

At this time Mayor Jones stated the City Council would enter into an Executive Session at approximately 3:55 pm.

4. **Discuss Cause No. 245,397-C, City of Temple v. Baird-Williams Construction, Ltd., et al.; In the 169th Judicial District Court of Bell County Texas.**

***Pursuant to Chapter 551 of the Texas Government Code, specifically § 551.071 – Consultation with Attorney – The City Council will meet in executive session with the City Attorney to discuss pending and contemplated litigation.***

Mayor Jones reconvened the workshop at approximately 5:00 pm, with no action being taken at this time.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, August 16, 2012 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

**Present:**

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

**I. CALL TO ORDER****1. Invocation**

Pat Patterson voiced the Invocation.

**2. Pledge of Allegiance**

The CenTex Hooks led the Pledge of Allegiance.

**II. PROCLAMATIONS & SPECIAL RECOGNITIONS****3. Recognize the CenTex Hooks as the Super Series Baseball of America 2012 World Series Champions.**

Mayor Jones recognized the CenTex Hooks as the Super Seeries

Baseball of America 2012 World Series Champions.

### **III. PUBLIC COMMENTS**

Mayor Jones stated no one signed up for Public Comments.

### **IV. BUDGET ITEMS**

- 4. PUBLIC HEARING - Conduct the second of two public hearings to receive comments on the proposed tax rate of 58.64 cents per \$100 valuation for fiscal year 2013 (2012 tax year), and announce meeting to adopt the proposed tax rate on August 30, 2012.**

David Blackburn, City Manager, reviewed the budget calendar dates and noted the adoption hearing is set for August 30, 2012.

Traci Barnard, Director of Finance, presented an overview to Council. She reviewed the Combined Statement of Revenues and Expenditures. She also noted the proposed tax rate is 58.64 cents; which includes the General Maintenance and Operations of 33.00 cents and the Debt Interest and Sinking of 25.64 cents. The proposed increase is 1.85 cents for FY 2013. This will be to fund public safety positions and Transportation Capital Improvements over the next five years.

Mayor Jones declared the Public Hearing open with regard to Agenda Item 4 and asked if anyone wished to address this item. There being none, Mayor Jones declared the Public Hearing closed.

Mayor Jones announced the meeting to adopt the proposed tax rate is set for a Special Meeting on Thursday, August 30, 2012, 5:00 PM, City Council Chamber.

### **V. CONSENT AGENDA**

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

**(A) July 26, 2012 Special Called Meeting**

**(B) August 2, 2012 Special Called and Regular Meeting**

**(C) Consider adopting resolutions authorizing the following:**

- 1. 2012-6683-R: An interlocal agreement with the Bell County to allow for the utilization of three (3) Bell County emergency management contracts with**

**O'Brien's Response Management, Inc., Ceres Environmental Services, Inc., and CrowderGulf, LLC; and**

- 2. 2012-6684-R: Execution of emergency management contracts with O'Brien's Response Management, Inc., Ceres Environmental Services, Inc., and CrowderGulf, LLC per contract terms negotiated and agreed to by Bell County.**

**(D) Consider adopting resolutions authorizing the following related to the City's Purchasing Card (P-Card) Program:**

- 1. 2012-6685-R: An extension of an interlocal agreement with the City of Fort Worth to allow for the utilization of Fort Worth's purchasing card services agreement with JP Morgan Chase; and**
- 2. 2012-6686-R: 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 purchasing card services agreement with JP Morgan Chase.**

**(E) Consider adopting resolutions authorizing:**

- 1. 2012-6687-R: A Discretionary Service Agreement with Oncor Electric Delivery Company LLC ("Oncor Delivery") for the relocation of a portion of their system along Loop 363 in association with the Northwest Loop 363 Pass Through project in an amount not to exceed \$484,108.37.**
- 2. 2012-6688-R: A Discretionary Service Agreement with Oncor Electric Delivery Company LLC ("Oncor") for the relocation of transmission lines along Loop 363 in association with the Northwest Loop 363 Pass Through project in an amount not to exceed \$2,486,941.44.**

**(F) 2012-6689-R: Consider adopting a resolution authorizing the City Manager to execute a Contract for Services with Bell County Iron & Recycling Co. Inc., d/b/a Temple Iron & Metal to provide recycling services related to the City's expanded pilot recycling program.**

**(G) 2012-6690-R: Consider adopting a resolution ratifying an annual contract with Magna-Flow Environmental of Austin for the**

hauling and disposal of Membrane Water Treatment Plant cleaning waste for FY 2012 in the estimated annual amount of \$34,000.

**(H) 2012-6691-R: Consider adopting a resolution authorizing a five year lease agreement with Scott & White EMS, Inc., for lease of the property located at 505 North 3rd Street, Temple, Texas.**

**(I) 2012-6692-R: Consider adopting a resolution approving third quarter financial results for Fiscal Year 2012.**

**(J) 2012-6693-R: Consider adopting a resolution authorizing budget amendments for fiscal Year 2011-2012.**

Motion by Mayor Pro Tem Danny Dunn adopt resolution approving Consent Agenda seconded by Councilmember Perry Cloud.

**(I) 2012-6692-R: Consider adopting a resolution approving third quarter financial results for Fiscal Year 2012.**

Ms. Barnard, Director of Finance, reviewed the third quarter financial report. She highlighted the major revenue sources, including sales and ad valorem taxes. The General Fund Revenues are at 84% of budget with expenditures at 71%. Ms. Barnard also reviewed the Water & Wastewater Fund Revenues and noted they it was at 74% of budget with expenditures at 70% of budget. Hotel/ Motel Tax Revenues are at 85% of budget with expenditures at 70%. Next, Ms. Barnard noted the Capital Improvements either scheduled or underway totaling \$110,398,538.

Motion by Councilmember Judy Morales adopt resolution, seconded by Councilmember Russell Schneider.

## **VI. REGULAR AGENDA**

### **ORDINANCES**

- 6. 2012-4549: FIRST READING - PUBLIC HEARING - Z-FY-12-55: Consider adopting an ordinance authorizing an amendment to Ordinance 2010-4413, Temple Unified Development Code, Article 7.5 "Signs" to amend requirements for State and National Flags in nonresidential zoning districts.**

Autumn Speer, Director of Community Services, presented this item to Council. This case is for Johnson Brothers Ford, 7455

South General Bruce Drive. They currently have a large pole with a national flag. They are asking to relocate the pole and flag to their new site, and it was found that the ordinance didn't wouldn't allow due to the height restrictions. The current ordinance as it pertains to non-residential properties allows for a specif square footage of flag along I-35 and the loop with the height of the poll to be a maximum of 50 feet. We are asking that there be no height limit on the pole, but it must not exceed the 50 feet if located within 100 feet of residential uses or zoning districts. Ms. Speer noted that Staff recommends approval of this request. The Planning and Zoning Commission heard this case on August 6, 2012 and vote 8/ 0 for approval of text amendment as presented.

Mayor Jones declared the Public Hearing open with regards to Agenda Item 6 and asked if anyone wished to address this item. There being none, Mayor Jones delcared the Public Hearing closed.

Motion by Mayor Pro Tem Danny Dunn adopt ordinance, with second and final reading set for September 6, 2012. seconded by Councilmember Perry Cloud.

## RESOLUTIONS

7. **2012-6694-R: Z-FY-12-51: Consider adopting a resolution authorizing an appeal of Section 6.7.5.G, "Signs", of the Unified Development Code related to standards in the I-35 Corridor Overlay Zoning District for a vehicle sales establishment currently under construction at 7455 South General Bruce Drive.**

Autumn Speer, Director of Community Services, presented this item to Council. This appeal is for the I-35 Overlay Standards from Johnson Brothers Ford, 7455 South General Bruce Drive. There are two freestanding signs proposed for the new location. One of which is a 47-foot Ford sign and the other a 27-foot Lincoln sign. The current standard permits pylon signs up to 25' tall; sign supports must be finished in primary building material; sign heigh to width ration 1:.15; must be illuminted and the maximum are per sign face 200 square feet. Ms. Speer noted that Ford sign did not meet the height requirement of 25' or the height to width ration of 1:.15 on the base. The Lincoln sign also did not meet the ration of the base.

Ms. Speer stated that Staff recommends disapproval of the appeal related to height restriction for the Ford sign; but recommend approval of the height to width ration for the sign



base so long as the height of the sign was reduced. As for the Lincoln sign, Staff recommends approval of height to width ratio standard.

This case was heard by the Planning and Zoning Commission on August 6, 2012 and it was voted 6/0 to approving the appeal of standards relating to height restrictions for the proposed Ford sign; an appeal of standards relating to height to width ration standards for the proposed Ford sign; and an appeal of standards relating to height to width ration standard for the Lincoln sign.

Mr. Henry Adams was present and addressed the Council. He requested approval of the request. The existing Ford sign was purchased for the current location and was redesigned by Ford. Ford has agreed to move the sign with no extra cost to the dealer, if the City allows. If not granted it will be an additional expense.

Councilmember Cloud Abstained, all other Councilmembers voted Aye.

Motion by Councilmember Russell Schneider adopt resolution with all appeals being granted as recommended by Planning and Zoning. seconded by Councilmember Judy Morales.

## **BOARD APPOINTMENTS**

### **8. 2012-6695-R: Consider adopting a resolution appointing members to the following City boards and commissions:**

#### **(A) Airport Advisory Board - two members to fill expiring terms through September 1, 2015**

reappoint both Bob Browder and Lamar Eidson for terms through September 1, 2015

#### **(B) Animal Services Advisory Board - three members to fill expiring term through September 1, 2015 and appoint Chair for the period of September 1, 2012 through August 31, 2013**

reappoint Amy Strunk; and appoint Fabian Gomez and Margarita Stefano-Rios for terms through September 1, 2015

#### **(C) Civil Service Commission - one member to fill expiring**

**term through September 1, 2015**

reappoint Ronald Heuss for terms through September 1, 2015

**(D) Community Services Advisory Board - three members to fill expiring terms through September 1, 2015**

reappoint Nancie Etzel; and appoint Denise Karimkhani and Kelly Yepma for terms through September 1, 2015

**(E) Library Board - three members to fill expiring terms through September 1, 2015**

reappoint Susan Corman and Sammy Ragsdale; and appoint Barbara Brown for terms through September 1, 2015

**(F) Planning & Zoning Commission - three members to fill expiring terms through September 1, 2015**

reappoint James Staats; and appoint Randy Harrell and Patrick Johnson for terms through September 1, 2015

**(G) Reinvestment Zone No. 1 Board of Directors - six members to fill expiring terms through September 1, 2014**

reappoint Hugh Shine, John Kiella (BISD) and Gary Schmidt (Troy ISD); and appoint John Howe, Kenny Paysee, and Steve Wolfe for terms through September 1, 2014.

**(H) Temple Economic Development Corporation - four members to fill expiring terms through September 1, 2015**

reappoint Marc Hallee (at-large) and Mike Thompson (at-large) for terms through September 1, 2015

**(I) Temple Public Safety Advisory Board - one member to fill expiring term through September 1, 2013; and four members to fill expiring terms through September 1, 2015**

reappoint Karl Kolbe, Sonny Jaramillo, and Temikia Brown for terms through September 1, 2015; and appoint James Conley Sr. for a term through September 1, 2015.

**(J) Transit Advisory Committee - four members to fill**

**expiring terms through September 1, 2014**

reappoint Vickie Gideon, Deanna DeGraaff, Nancie Etzel  
and Justice Bigbie for terms through September 1, 2014

**(K) Tree Advisory Board - one ex-officio member for BISD**

appoint Todd Schiller as Ex-Officio member for BISD

Motion by Mayor Pro Tem Danny Dunn adopt resolution with  
recommended appointments seconded by Councilmember  
Perry Cloud.

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William A. Jones, III, Mayor

ATTEST:

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Lacy Borgeson  
City Secretary

# **SPECIAL MEETING OF THE TEMPLE CITY COUNCIL**

**AUGUST 30, 2012**

The City Council of the City of Temple conducted a Special Meeting on Thursday, August 30, 2012 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

**Present:**

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

**Absent:**

Councilmember Russell Schneider

**I. CALL TO ORDER**

**1. Invocation**

Mayor Pro Tem Dunn voiced the Invocation.

**2. Pledge of Allegiance**

Councilmember Cloud led the Pledge of Allegiance.

**II. BUDGET ITEMS**

**3. 2012-6696-R: PUBLIC HEARING - Conduct a public hearing regarding the City's budget for fiscal year beginning October 1, 2012 and ending September 30, 2013 and consider adopting a resolution:**

David Blackburn, City Manager reviewed the budget process and previous public hearing dates. He also thanked staff for their work in preparing this budget. Mr. Blackburn stated this budget includes the Operating Budget, Capital Improvement Plan and Fiscal & Investment Policies.

Traci Barnard, Director of Finance, gave a brief presentation to Council which included the Combined Statement - Sources/ Uses of Funds. She noted the tax rolls for FY 2013 were certified by the Tax Appraisal District of Bell County in the amount of \$3,533,903,553. Property tax (Agenda Item 5) proposed for FY 2013 is 58.64 cents

which is an increase of 1.85 cents from the rate approved in FY 2012. With the proposed increase, 0.60 cents is to fund increases in Public Safety staffing and 1.25 cents is to fund a multi-year transportation capital improvement program (TCIP) in the amount of \$60,180,000. Next, Ms. Barnard reviewed the utility system fee (agend item #6). She provided the schedule of current and proposed minimum & volumetric rates. She noted there was no increase being proposed for residential water meters of 5/8" x 3/4", the minimum base rate will remain \$10; as well as no changes to the volumetric rates for all classes will remain at \$3.20 per 1,000 gallons. As for wastewater minimum and volumetric rates, an increase is being proposed. For the average monthly residential bill this will be an increase of \$4.00. Ms. Barnard noted the primary costs drivers were additional staffing for the Water Treatment Plant, and a five year Capital Improvement Plan of \$33,645,000. She also added the proposed rates will improve revenue stability.

Mayor Jones declared the public hearing open with regard to agenda item 3 and asked if anyone wished to address this item. There being none, Mayor Jones declared the public hearing closed.

**(A) Ratifying the property tax increase reflected in the budget - "This budget will raise more total property taxes than last year's budget by \$948,549 (5.10%) and of that amount, \$383,778 is tax revenue to be raised from new property added to the tax roll this year;" and**

Motion by Mayor Pro Tem Danny Dunn I move that the property tax increase reflected in the budget be approved. This budget will raise more total property taxes than last years budget by \$948,549 (5.10%) and of that amount, \$383,778 is tax revenue to be raised from new property added to the tax roll this year. seconded by Councilmember Judy Morales.

**(B) Adopting the City's budget for fiscal year beginning October 1, 2012 and ending September 30, 2013, including the Operating Budget for 2012-2013, Capital Improvement Plan, and Fiscal & Investment Policies.**

Motion by Councilmember Perry Cloud I move that the budget for fiscal year beginning October 1, 2012 and ending September 30, 2013, including the Operating Budget for 2012-2013, Capital Improvement Program, Fiscal and Budgetary Policy, and Investment Policy be adopted. seconded by Mayor Pro Tem Danny Dunn.

- 4. 2012-4550: 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 2012 (fiscal year 2013), to be considered on an emergency basis.**

Mayor Jones declared the public hearing open with regard to agenda item 4 and asked if anyone wished to address this item. There being none, Mayor Jones declared the public hearing closed.

Motion by Councilmember Perry Cloud adopt ordinance as presented on first and final reading. seconded by Mayor Pro Tem Danny Dunn.

- 5. 2012-4551: FIRST & FINAL READING - PUBLIC HEARING - Consider adopting an ordinance levying taxes and setting a tax rate for the City for the tax year 2012, making the appropriation for the regular operation of the City, to be considered on an emergency basis.**

Mayor Jones declared the public hearing open with regard to agenda item 5 and asked if anyone wished to address this item. There being none, Mayor Jones declared the public hearing closed.

Motion by Mayor Pro Tem Danny Dunn I move that the property tax rate be increased by the adoption of a tax rate of \$0.5864 per \$100 valuation, which is effectively a 4.86 percent increase in the tax rate. seconded by Councilmember Judy Morales.

Motion by Councilmember Perry Cloud I move that the ordinance setting the 2012-2013 tax rate in the amount of \$0.5864 per \$100 valuation comprised of \$0.3300 for maintenance and operations and \$0.2564 for debt service be adopted. seconded by Mayor Pro Tem Danny Dunn.

- 6. 2012-6697-R: Consider adopting a resolution amending the current utility system fees to be effective October 1, 2012 by:**

**(A) Increasing the current water rate monthly minimum service charge based on meter size;**

**(B) Increasing the current wastewater rate monthly minimum service charge and increasing the volumetric rate.**

Motion by Mayor Pro Tem Danny Dunn adopt resolution seconded by Councilmember Perry Cloud.

### **III. SPECIAL RECOGNITION**

- 7. Present Proclamation to Richard Skopik, P.E., District Engineer,**

**recognizing 34 years of service with Texas Department of Transportation.**

Mayor Jones presented the proclamation to Richard Skopik. He recognized Mr. Skopik for 34 years of dedicated service and leadership with The Texas Department of Transportation.

Mr. Blackburn thanked Mr. Skopik for his service and dedication to the expansion of I-35.

Members of the community were present along with Sam Listi, Belton City Manager who commented on what Mr. Skopik brought to the community.

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William A. Jones, III, Mayor

ATTEST:

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Lacy Borgeson  
City Secretary



## COUNCIL AGENDA ITEM MEMORANDUM

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Item #4(D)  
Consent Agenda  
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### **DEPT. /DIVISION SUBMISSION & REVIEW:**

Ken Cicora, Director of Parks and Leisure Services

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a professional services agreement with Atkins North America, Inc. of Austin for engineering services for repairs to the existing covered pedestrian bridge located at Woodbridge Park in an amount not to exceed \$27,600.

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

**ITEM SUMMARY:** This project will result in the design plans, specifications and bidding services to repair the existing pedestrian bridge located on the southern end of Woodbridge Park.

In June of this year the Parks and Leisure Services Department discovered that a portion of the bridge's eastern end had cracked and appears to be failing. The Department has closed the bridge to traffic blocking both ends of the bridge to prevent anyone crossing the structure until it is repaired.

It is thought that this bridge was constructed in the 1940's or 50's by the previous owner of the property as part of a dairy farm operation.

The property for the park was donated to the City of Temple in 1999, and that is when the wooden cover was constructed on the bridge structure by the developer of the property.

Atkins North America services will include structural design, geo-technical investigation, and bidding of the project. The proposed timeline for the design work is thirty-five days from the "Notice to Proceed".

**FISCAL IMPACT:** A budget adjustment is presented for Council's approval appropriating \$27,600 of General Fund Designated for Capital Projects-Unallocated fund balance to account #351-3500-552-6311, project #100922 to fund the professional services agreement.

### **ATTACHMENTS:**

[Budget Adjustment](#)  
[Resolution](#)



2012

## BUDGET ADJUSTMENT FORM

Use this form to make adjustments to your budget. All adjustments must balance within a Department.

**Adjustments should be rounded to the nearest \$1.**

		+		-	
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE
351-3500-552-63-11	100922	Bridges & Culverts-Woodbridge Park Bridge	\$ 27,600		
351-0000-490-25-82		Transfer In	27,600		
110-9100-591-81-51		Transfer Out-Capital Projects	27,600		
110-0000-352-13-45		Designated for Cap. Proj/Unallocated			\$ 27,600
		Do Not Post			
TOTAL.....			\$ 82,800		\$ 27,600

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

This budget adjustment appropriates funds from General Fund-Designated Capital Projects- Unallocated fund balance to fund engineering, geotechnical, and bidding services for repairs to the pedestrian bridge located at Woodbridge Park with Atkins North America, Inc.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

**x**

Yes

No

DATE OF COUNCIL MEETING

September 6, 2012

WITH AGENDA ITEM?

**x**

☒ Yes

No

Department Head/Division Director

Date \_\_\_\_\_

Approved

Disapproved

## Finance

Date \_\_\_\_\_

Approved

Disapproved

City Manager

Date \_\_\_\_\_

Approved

Disapproved

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TEMPLE, TEXAS AND ATKINS NORTH AMERICAN, INC., OF AUSTIN, TEXAS, FOR ENGINEERING SERVICES FOR REPAIRS TO THE EXISTING COVERED PEDESTRIAN BRIDGE LOCATED IN WOODBRIDGE PARK, IN AN AMOUNT NOT TO EXCEED \$27,600; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, in June of 2012, the Parks and Leisure Services Department discovered that a portion of the pedestrian bridge's eastern end had cracked and appears to be failing – the department has closed the bridge to traffic, blocking both ends of the bridge to prevent anyone from crossing the structure until it is repaired;

**Whereas**, the property for this park was donated to the City of Temple in 1999 and that is when the wooden cover was constructed on the bridge structure by the developer of the property;

**Whereas**, funds are available for this project in Account No. 351-3500-552-6311, Project No. 100922; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a professional services agreement, not to exceed \$27,600, between the City of Temple, Texas, and Atkins North America, Inc., of Austin, Texas, after approval as to form by the City Attorney, for professional services required to repair the existing covered pedestrian bridge in Woodbridge Park.

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

PASSED AND APPROVED this the 6<sup>th</sup> day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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Item #4(E)  
Consent Agenda  
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**DEPT./DIVISION SUBMISSION & REVIEW:**

Nicole Torralva, Director of Public Works

Lisa Sebek, Director of Solid Waste Services

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of 150 plastic 300 gallon refuse containers for the Solid Waste Division from Rotational Molding, Inc., Gardena, CA, in the amount of \$40,335.

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

**ITEM SUMMARY:** On July 17, 2012, bids were solicited for the acquisition of 300-gallon plastic refuse containers. Plastic 300-gallon refuse containers are used by small businesses and are shared by residents in some alley collections. This purchase replaces existing containers due to age and wear of the current field containers.

As shown on the attached bid tabulation, three (3) bids were received. Rotational Molding, Inc. was the low bidder and meets the City's bid specifications. Rotational Molding, Inc. has submitted all requested vendor information.

**FISCAL IMPACT:** Funding has been appropriated in the account listed below.

Description	Account #	Budget	Proposed Expenditure
300-Gal. Plastic Containers	110-2330-540-2211	\$40,335	\$40,335

**ATTACHMENTS:**

[Bid Tabulation](#)

[Resolution](#)

Tabulation of Bids Received  
on July 17, 2012 at 2:45 p.m.  
300 Gallon Plastic Refuse Containers

		<b>Bidders</b>					
		<b>Rotational Molding Inc. Gardena, CA</b>		<b>Snyder Industries Inc. Indianapolis, IN</b>		<b>Apex Pinnacle Port Crane, NY</b>	
<b>Description</b>	<b>Qty</b>	<b>Unit Price</b>	<b>Total Price</b>	<b>Unit Price</b>	<b>Total Price</b>	<b>Unit Price</b>	<b>Total Price</b>
<b>300 Gallon Refuse Containers</b>	<b>150</b>	<b>\$268.90</b>	<b>\$40,335.00</b>	\$270.67	\$40,600.50	\$390.00	\$58,500.00
<b>Replacement Lids</b>		\$101.50 + freight		\$75.50 + freight		No Bid	
<b>Delivery</b>		Yes		Yes		No	
<b>Exceptions</b>		None		Yes		Yes	
<b>Local Preference</b>		No		No		No	
<b>Credit Check</b>		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, Director of Purchasing*      *17-Jul-12*

Belinda Mattke, Director of Purchasing

Date

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF 150 300-GALLON PLASTIC REFUSE CONTAINERS FOR THE SOLID WASTE DIVISION FROM ROTATIONAL MOLDING, INC., OF GARDENA, CA, IN THE AMOUNT OF \$40,335; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, plastic 300-gallon refuse containers are used by small businesses and are shared by residents in some alley collections – this purchase replaces existing containers due to age and wear of the current field containers;

**Whereas**, on July 17, 2012, three bids were received and Staff recommends accepting the bid from Rotational Molding, Inc., of Gardena, CA in the amount of \$40,335;

**Whereas**, funds are available in Account No. 110-2330-540-2211 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 accepts the bid (\$40,335) for the purchase of 150 300-gallon plastic refuse containers from Rotational Molding, Inc., of Gardena, CA, for the Solid Waste Division.

**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 6<sup>th</sup> day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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**DEPT./DIVISION SUBMISSION & REVIEW:**

Judy Duer, Library Director  
Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a one-year renewal to an annual purchase agreement for library materials with Baker & Taylor of Charlotte, North Carolina, for FY 2013 in the estimated annual amount of \$105,000.

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

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

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

The current agreement will expire on September 30, 2012. The original bid allowed for four (4) additional one-year extensions. In order to renew the agreement, the vendors must agree to hold their prices firm for an additional year, which Baker & Taylor has agreed to do.

Staff is pleased with the services provide by Baker & Taylor and recommends Council authorize an extension to the agreement. This will be the fourth and final renewal available under this agreement.

**FISCAL IMPACT:** The Library's FY 2013 proposed budget includes funding for the materials procured under this agreement in the following accounts: 110-4000-555-22-25, 110-4000-555-22-26 & 110-4000-555-25-22. Estimated annual expenditure: \$105,000.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE ANNUAL PURCHASE AGREEMENT WITH BAKER & TAYLOR OF CHARLOTTE, NC, FOR THE PURCHASE OF LIBRARY MATERIALS, BOOKS, DVDs, BOOKS ON CD AND COMPACT DISCS FOR FISCAL YEAR 2013, IN THE ESTIMATED ANNUAL AMOUNT OF \$105,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

**Whereas**, the original bid allowed for 4 one-year extensions and in order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do;

**Whereas**, Staff is satisfied with the services provided by Baker & Taylor and recommends authorizing a renewal to the annual purchase agreement with Baker & Taylor of Charlotte, NC, for an estimated annual expenditure of \$105,000;

**Whereas**, and funds are available in Account Nos. 110-4000-555-2225, 110-4000-555-2226, and 110-4000-555-2522 for these expenses; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a one-year renewal to the annul purchase agreement with Baker & Taylor of Charlotte, NC, for an estimated annual expenditure of \$105,000, for the purchase of library materials, books, DVD's, books on CD and compact disks.

**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 6<sup>th</sup> day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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Consent Agenda  
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**DEPT./DIVISION SUBMISSION & REVIEW:**

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a one-year extension to the annual purchase agreement of oil and lubricants with Brazos Valley Lubricants of College Station for FY 2013 in the estimated annual amount of \$60,000.

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

**ITEM SUMMARY:** On September 18, 2008, the City Council authorized an annual purchase agreement with Brazos Valley Lubricants for the purchase of oil and lubricants. On September 3, 2009, September 2, 2010, and September 1, 2011, Council authorized one-year renewals to the agreement. The current agreement will expire on September 30, 2012. The original bid allowed for four (4) additional one-year extensions. In order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

Staff is satisfied with the products provided by Brazos Valley Lubricants, and based on price research conducted, staff believes that we have a good value with the current contracted prices. Accordingly, staff recommends Council authorize an extension to the agreement. This will be the fourth and final one-year renewal authorized under this agreement.

**FISCAL IMPACT:** Departments have budgeted for oils and lubricants in their departmental automotive repairs & maintenance accounts. Purchases under this agreement will be purchased into a Fleet Maintenance inventory account and charged out to the various department accounts upon use by Fleet Services. Estimated annual expenditure: \$60,000.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE PURCHASE AGREEMENT, FOR FISCAL YEAR 2013, FOR OILS AND LUBRICANTS WITH BRAZOS VALLEY LUBRICANTS OF COLLEGE STATION, TEXAS, FOR AN ESTIMATED ANNUAL AMOUNT OF \$60,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on September 18, 2008, the City Council authorized an annual purchase agreement with Brazos Valley Lubricants of College Station, Texas, for oils and lubricants for FY09;

**Whereas**, the original bid allowed for 4 one-year extensions and in order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do;

**Whereas**, Staff is satisfied with the products provided by Brazos Valley Lubricants, and based on price research conducted, Staff believes that we have a good value with the current contracted prices;

**Whereas**, Staff recommends extending the agreement for one additional year in the estimated annual amount of \$60,000 – this will be the fourth and final one-year renewal authorized under this agreement; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a one-year renewal to the purchase agreement with Brazos Valley Lubricants, after approval as to form by the City Attorney, for the purchase of oil and lubricants for FY 2012 in the estimated annual amount of \$60,000.

**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 6<sup>th</sup> day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/06/12  
Item #4(F-3)  
Consent Agenda  
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**DEPT./DIVISION SUBMISSION & REVIEW:**

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a one-year renewal to the annual purchase agreement for automotive repair parts with UniSelect USA Inc. dba Main Auto Parts/Auto Plus of Temple for FY 2013 in the estimated amount of \$55,000.

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

**ITEM SUMMARY:** On September 16, 2010, the City Council authorized an annual purchase agreement with UniSelect USA Inc. dba Main Auto Parts/Auto Plus for the purchase of automotive repair parts. On September 1, 2011, Council authorized a one-year renewal to the agreement. The current agreement will expire on September 30, 2012. The original bid allowed for four (4) additional one-year extensions. In order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

Staff is satisfied with the products provided by UniSelect USA Inc. dba Main Auto Parts/Auto Plus and recommends Council authorize an extension to the agreement. This will be the second one-year renewal authorized under this agreement, with two years remaining.

**FISCAL IMPACT:** The automotive repair parts will be purchased on an as needed basis and are charged to departmental expenditure accounts for vehicles and equipment that are services by Fleet Services. Departments have budgeted for automotive repairs in their departmental accounts. Estimated annual expenditure: \$55,000.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE ANNUAL PURCHASE AGREEMENT WITH UNISELECT USA, INC., D/B/A MAIN AUTO PARTS/AUTO PLUS OF TEMPLE, TEXAS, FOR AUTOMOTIVE REPAIR PARTS FOR FISCAL YEAR 2013, IN THE ESTIMATED AMOUNT OF \$55,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on September 16, 2010, the City Council authorized an annual purchase agreement for the purchase of automotive repair parts with UniSelect USA, Inc., dba Main Auto Parts/Auto Plus;

**Whereas**, the original bid allowed for 4 one-year extensions to the purchase agreement, and the Staff recommends extending the agreement with UniSelect USA, Inc., dba Main Auto Parts/Auto Plus, for Fiscal Year 2013 in the estimated amount of \$55,000;

**Whereas**, Staff is satisfied with the products provided by UniSelect USA, Inc., dba Main Auto Parts/Auto Plus – this will be the second one-year renewal authorized under this agreement;

**Whereas**, each department with vehicles has budgeted for repair parts, and these parts will be ordered on an "as needed" basis throughout the year; and

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

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

**Part 1:** The City Council authorizes a one-year renewal to the annual purchase agreement with UniSelect USA, Inc., d/b/a Main Auto Parts/Auto Plus of Temple, Texas, for automotive repair parts for Fiscal Year 2013, in the estimated amount of \$55,000.

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

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

PASSED AND APPROVED this the 6<sup>th</sup> day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lacy Borgeson  
City Secretary

\_\_\_\_\_  
Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/06/12  
Item #4(F-4)  
Consent Agenda  
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**DEPT./DIVISION SUBMISSION & REVIEW:**

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a one-year renewal to the annual purchase agreement for hot crack sealant with Crafcot Texas, Inc of San Antonio for FY 2013 at \$22.88 per 40-pounds in the estimated annual amount of \$40,000.

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

**ITEM SUMMARY:** On September 1, 2011, the City Council authorized an annual purchase agreement with Crafcot Texas, Inc. for hot crack sealant. The current agreement will expire on September 30, 2012. The original bid allowed for four (4) additional one-year extensions. In order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

Staff is satisfied with the products provided by Crafcot Texas, Inc., and staff believes that the pricing is still a good value. Accordingly, staff recommends Council authorize an extension to the agreement. This will be the first one-year renewal authorized under this agreement, with three years remaining.

**FISCAL IMPACT:** The Street Department is the primary department that utilizes this agreement. The Street Department has budgeted for the purchase of hot crack sealant in account 110-3400-531-2316. Estimated annual expenditure: \$40,000.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE PURCHASE AGREEMENT WITH CRAFCO TEXAS, INC., OF SAN ANTONIO, TEXAS, FOR HOT CRACK SEALANT AT \$22.88 PER 40-POUNDS, IN THE ESTIMATED ANNUAL AMOUNT OF \$40,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on September 1, 2011, City Council authorized an annual purchase agreement with Crafcro Texas, Inc, of San Antonio, Texas for hot crack sealant for FY 2011-12;

**Whereas**, the original bid allowed for 4 one-year extensions and in order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do;

**Whereas**, Staff is satisfied with the products provided by Crafcro Texas, Inc., and believes that the pricing is still a good value;

**Whereas**, Staff recommends an extension to the agreement – this will be the first one-year renewal authorized under this agreement, with three additional years remaining;

**Whereas**, the Street Department has budgeted for the purchase of hot crack sealant in Account No. 110-3400-531-2316 (estimated annual expenditure is \$40,000); 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 one-year renewal to the purchase agreement with Crafcro Texas, Inc., of San Antonio, Texas, for hot crack sealant at \$22.88 per 40-pound box for Fiscal Year 2012-13, in the estimated annual amount of \$40,000.

**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 6<sup>th</sup> day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a one-year renewal to the annual purchase agreement for the design and printing of t-shirts with Ad-Wear & Specialty of Texas of Houston, for FY 2013 in the estimated amount of \$40,000.

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

**ITEM SUMMARY:** On September 15, 2011, the City Council authorized an annual purchase agreement with Ad-Wear & Specialty of Texas for the design and printing of t-shirts. The current agreement will expire on September 30, 2012. The original bid allowed for four (4) additional one-year extensions. In order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

Staff is satisfied with the products and pricing provided by Ad-Wear & Specialty of Texas and recommends Council authorize an extension to the agreement. This will be the first one-year renewal authorized under this agreement, with three years remaining.

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

### **ATTACHMENTS:**

[Resolution](#)



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE ANNUAL PURCHASE AGREEMENT FOR THE DESIGN AND PRINTING OF T-SHIRTS WITH AD-WEAR & SPECIALTY OF TEXAS OF HOUSTON, TEXAS, FOR FY2012-13, IN THE ESTIMATED ANNUAL AMOUNT OF \$40,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on September 15, 2011, City Council authorized an annual purchase agreement with Ad-Wear & Specialty of Texas for the design and printing of t-shirts;

**Whereas**, the original bid allowed for 4 one-year extensions and in order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do;

**Whereas**, Staff is satisfied with the products and pricing provided by Ad-Wear & Specialty of Texas and recommends authorizing a renewal to the 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 the City Manager, or his designee, to execute a one-year renewal to the 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:** 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 6<sup>th</sup> day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a one-year renewal to the annual purchase agreement for building materials with Lengefeld Lumber Company of Temple for FY 2013 at a mark-up over supplier cost of 15% and in the estimated annual amount of \$38,000.

**STAFF RECOMMENDATION:** Adopt resolutions as presented in item description.

**ITEM SUMMARY:** On September 15, 2011, the City Council authorized an annual purchase agreement with Lengefeld Lumber for building materials. The current agreement will expire on September 30, 2012. The original bid allowed for four (4) additional one-year extensions. In order to renew the agreement, the vendor must agree to hold their pricing structure firm for an additional year, which they are willing to do.

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

**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 2013 budget. The estimated annual expenditure of \$38,000 is based on historical expenditures.

### **ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE ANNUAL PURCHASE AGREEMENT WITH LENGEFELD LUMBER COMPANY OF TEMPLE, TEXAS, FOR BUILDING MATERIALS FOR FISCAL YEAR 2013, IN THE ESTIMATED AMOUNT OF \$38,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on September 15, 2011, the City Council authorized an annual purchase agreement with Lengefeld Lumber Company of Temple, Texas, for building materials;

**Whereas**, the original bid allowed for 4 one-year extensions and in order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do;

**Whereas**, Staff is satisfied with the products provided by Lengefeld Lumber Company and recommends authorizing a renewal to the annual purchase agreement with Lengefeld Lumber Company of Temple, Texas, for an estimated annual expenditure of \$38,000;

**Whereas**, this will be the first one-year renewal authorized under this agreement, with three years remaining;

**Whereas**, these items will be ordered on an "as needed" basis throughout the year and departments will make sure sufficient funds are available for their purchases; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a one-year renewal to the purchase agreement with Lengefeld Lumber Company of Temple, Texas, for an estimated annual expenditure of \$38,000, for building materials.

**Part2:** 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 6<sup>th</sup> day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lacy Borgeson  
City Secretary

\_\_\_\_\_  
Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a one-year renewal to the annual purchase agreement for work boots/shoes with Cochran, Blair & Potts of Belton, for FY 2013 in the estimated annual amount of \$25,000.

**STAFF RECOMMENDATION:** Adopt resolutions as presented in item description.

**ITEM SUMMARY:** Departmental policies exist to provide work boots/shoes to employees when steel-toed shoes are required per a City job description.

On September 16, 2010, the City Council authorized an annual purchase agreement with Cochran, Blair & Potts for the purchase of work boots/shoes. On September 1, 2011, the City Council authorized a one-year extension to the agreement. The current agreement will expire on September 30, 2012. The original bid allowed for four (4) additional one-year extensions. In order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

Staff is satisfied with the products and service provided by Cochran, Blair & Potts and recommends Council authorize an extension to the agreement. This will be the second one-year renewal authorized under this agreement, with three years remaining.

**FISCAL IMPACT:** Departments have budgeted for work boots/shoes in their departmental clothing & uniforms accounts. Estimated annual expenditure: \$25,000.

### **ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL OF THE ANNUAL PURCHASE AGREEMENT WITH COCHRAN, BLAIR & POTTS OF BELTON, TEXAS, FOR THE PURCHASE OF WORK BOOTS AND SHOES FOR FY 2013, IN THE ESTIMATED ANNUAL AMOUNT OF \$25,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on September 16, 2010, the City Council authorized an annual purchase agreement with Cochran, Blair & Potts of Belton, Texas, for the purchase of work boots and shoes;

**Whereas**, the original bid allowed for 4 one-year extensions and in order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do to;

**Whereas**, Staff is satisfied with the products and service provided by Cochran, Blair & Potts and recommends authorizing a renewal to the annual purchase agreement with them in the estimated annual amount of \$25,000;

**Whereas**, there are sufficient funds in the various departmental accounts for the purchases (estimated annual expenditure is \$25,000); and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a one-year renewal to the purchase agreement with Cochran, Blair & Potts of Belton, Texas, for an estimated annual expenditure of \$25,000, for the purchase of work boots and shoes.

**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 **6<sup>th</sup>** day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lacy Borgeson  
City Secretary

\_\_\_\_\_  
Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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**DEPT./DIVISION SUBMISSION & REVIEW:**

Belinda Mattke, Director of Purchasing  
Lonzo Wallace, Fire Chief

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a one-year extension to the annual purchase agreement for the purchase of fire department uniforms from Miller Uniforms & Emblems of Austin, for FY 2013 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 - \$32 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.

On September 15, 2011, Council awarded an annual purchase agreement to Miller Uniforms & Emblems for the purchase of uniform pants. The original bid allowed for four (4) additional one-year extensions. In order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

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

**FISCAL IMPACT:** Funding in the amount of \$87,875 is included the adopted FY 2013 budget for clothing and uniforms in accounts 110-2210-522-2113, 110-2221-522-2113, 110-2222-522-2113, and 110-2223-522-2113.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL OF THE ANNUAL PURCHASING AGREEMENT FOR FIRE DEPARTMENT UNIFORMS FROM MILLER UNIFORMS & EMBLEMS OF AUSTIN, TEXAS, FOR FY 2013, IN AN ESTIMATED ANNUAL AMOUNT OF \$27,260; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on September 15, 2011, City Council authorized an annual purchase agreement with Miller Uniforms & Emblems of Austin, Texas, for the purchase of fire department uniforms;

**Whereas**, the original bid allowed for 4 one-year extensions and in order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do;

**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**, Staff is satisfied with the products and pricing provided by Miller Uniforms & Emblems and recommends authorizing a renewal to the annual purchase agreement with Miller Uniforms & Emblems of Austin, Texas, for an estimated annual expenditure of \$27,260;

**Whereas**, this will be the first one-year renewal authorized under this agreement, with three years remaining;

**Whereas**, the estimated annual expenditure is \$27,260, and funds are available in the 2013 budget in Account Nos. 110-2210-522-2113, 110-2221-522-2113, 110-2222-522-2113, and 110-2223-522-2113; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a one-year renewal to the purchase agreement with Miller Uniforms & Emblems of Austin, Texas, for an estimated annual expenditure of \$27,260, for the purchase of fire department uniforms.

**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 **6<sup>th</sup>** day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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**DEPT./DIVISION SUBMISSION & REVIEW:**

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a one-year extension to the annual purchase agreement for aluminum sulfate chemicals for water treatment with Chameleon Industries, Inc. of Mesquite for FY 2013 in the estimated annual amount of \$400,000.

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

**ITEM SUMMARY:** On September 15, 2011, Council awarded an annual purchase agreement to Chameleon Industries Inc. of Mesquite, Texas, for the purchase of a blend of aluminum sulfate, copper sulfate, and a water treatment grade polymer suitable for potable water at the following prices:

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

Staff is satisfied with the products provided by Chameleon Industries Inc., and staff believes that the prices are still a good value. Accordingly, staff recommends Council authorize an extension to the agreement. This will be the first one-year renewal authorized under this agreement, with three years remaining.

**FISCAL IMPACT:** Water Treatment Plant chemicals are purchased on an as needed basis throughout the year. Funding is budgeted in the adopted FY2013 budget in accounts 520-5121-535-2118 and 520-5122-535-2118.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE ANNUAL PURCHASE AGREEMENT WITH CHAMELEON INDUSTRIES, INC., OF MESQUITE, TEXAS, FOR ALUMINUM SULFATE CHEMICALS FOR WATER TREATMENT FOR FISCAL YEAR 2013, IN THE ESTIMATED ANNUAL AMOUNT OF \$400,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on September 15, 2011, the City Council authorized annual purchase agreement with Chameleon Industries, Inc., of Mesquite, Texas, for the purchase of a blend of aluminum sulfate, copper sulfate, and a water treatment grade polymer suitable for potable water at the following chemicals:

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

**Whereas**, the original bid allowed for 4 one-year extensions and in order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do;

**Whereas**, Staff is satisfied with the products and pricing provided by Chameleon Industries, Inc., of Mesquite, Texas and believes the prices are still a good value and therefore recommends authorizing a renewal to the annual purchase agreement with them, for an estimated annual expenditure of \$400,000;

**Whereas**, this will be the first one-year renewal authorized under this agreement, with three year remaining;

**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**, funds are budgeted in the adopted FY13 budget in Account Nos. 520-5121-535-2118 and 520-5122-535-2118; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a one-year renewal to the purchase agreement with Chameleon Industries, Inc., of Mesquite, Texas, for an estimated annual expenditure of \$400,000, for the purchase of aluminum sulfate chemicals for water treatment.

**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 **6<sup>th</sup>** day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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**DEPT./DIVISION SUBMISSION & REVIEW:**

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing one-year extensions to the following annual purchase agreement for water treatment chemicals with Altivia Corporation of Houston in the total estimated annual amount of \$258,000:

1. Liquid Caustic Soda at \$.3218/wet pound for an estimated annual amount of \$141,000; and
2. Citric Acid at \$7.4053/gallon for an estimated annual amount of \$117,000.

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

**ITEM SUMMARY:** Staff is recommending renewals of the following two (2) water treatment plant chemical purchase agreements.

1. 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, September 2, 2010 and September 15, 2011, Council authorized one-year renewals to the agreement. The current agreement will expire on September 30, 2012. The original bid allowed for four (4) additional one-year extensions. In order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do. This will be the fourth and final one-year renewal authorized under this agreement. The estimated annual expenditure for liquid caustic soda in FY 2013 is \$141,000.
2. 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 and September 15, 2011, Council authorized one-year renewals to the agreement. The current agreement will expire on September 30, 2012. The original bid allowed for four (4) additional one-year extensions. This will be the third one-year renewal authorized under this agreement with one remaining. The estimated annual expenditure for citric acid in FY 2013 is \$117,000.

**FISCAL IMPACT:** Water Treatment Plant chemicals are purchased on an as needed basis throughout the year. Funding is budgeted in the adopted FY2013 budget in accounts 520-5121-535-2118 and 520-5122-535-2118.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE ANNUAL PURCHASE AGREEMENT FOR WATER TREATMENT CHEMICALS FROM ALTIVIA CORPORATION OF HOUSTON, TEXAS, AT A PRICE OF \$7.4053 PER GALLON AND IN AN ESTIMATED ANNUAL AMOUNT OF \$258,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, 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;

**Whereas**, on October 1, 2009, September 2, 2010 and September 15, 2011, Council authorized one-year renewals to the agreement - the original bid allowed for 4 additional one-year extensions and in order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do;

**Whereas**, this will be the fourth and final one-year renewal authorized under this agreement. The estimated annual expenditure for liquid caustic soda is \$141,000;

**Whereas**, 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;

**Whereas**, on September 2, 2010 and September 15, 2011, Council authorized one-year renewals to the agreement - the original bid allowed for 4 additional one-year extensions and in order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do;

**Whereas**, this will be the third one-year renewal authorized under this agreement with one remaining. The estimated annual expenditure for citric acid is \$117,000;

**Whereas**, Staff is satisfied with the products and pricing provided by Altivia Corporation of Houston, Texas and recommends authorizing a renewal to the annual purchase agreements with them for a combined estimated annual expenditure of \$258,000;

**Whereas**, water treatment plant chemicals are purchased on an 'as needed' basis throughout the year and funds are available for chemical purchases in Account Nos. 520-5121-535-2118, and 520-5122-535-2118; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a one-year renewal to the purchase agreements with Altivia Corporation of Houston, Texas, for an estimated combined annual expenditure of \$258,000, for water treatment chemicals.

**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 **6<sup>th</sup>** day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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**DEPT./DIVISION SUBMISSION & REVIEW:**

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a one-year extension to the annual purchase agreement for the purchase of liquid chlorine with DPC Industries, Inc. of Cleburne for FY 2013 in the estimated annual amount of \$97,000.

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

**ITEM SUMMARY:** 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 and September 15, 2011, Council authorized one-year renewals to the agreement. The original bid allowed for four (4) additional one-year extensions. . In order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

Staff is satisfied with the products provided by DPC Industries, and staff believes that the price is still a good value. Accordingly, staff recommends Council authorize an extension to the agreement. This will be the third one-year renewal authorized under this agreement, with one year remaining.

**FISCAL IMPACT:** Water Treatment Plant chemicals are purchased on an as needed basis throughout the year. Funding is budgeted in the adopted FY 2013 budget in account 520-5122-535-2118.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL OF THE ANNUAL PURCHASE AGREEMENT WITH DPC INDUSTRIES OF CLEBURNE, TEXAS, FOR THE PURCHASE OF LIQUID CHLORINE FOR FY 2013 IN THE ESTIMATED ANNUAL AMOUNT OF \$97,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on October 1, 2009, City Council authorized an annual purchase agreement with DPC Industries of Cleburne, Texas, for the purchase of liquid chlorine at \$644/ton;

**Whereas**, on September 2, 2010 and September 15, 2011, Council authorized one-year renewals to the agreement – the original bid allowed for 4 one-year renewals and in order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do;

**Whereas**, Staff is satisfied with the products and pricing provided by DPC Industries of Cleburne, Texas and recommends authorizing a renewal to the annual purchase agreement with them in an estimated annual expenditure of \$97,000;

**Whereas**, water treatment plant chemicals are purchased on an ‘as needed’ basis throughout the year and funds are available in Account No. 520-5122-535-2118; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a one-year renewal to the purchase agreement with by DPC Industries of Cleburne, Texas, for an estimated annual expenditure of \$97,000, for the purchase of liquid chlorine.

**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 6<sup>th</sup> day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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**DEPT./DIVISION SUBMISSION & REVIEW:**

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a one-year extension to the annual purchase agreement for the purchase of liquid fluoride with Pencco, Inc. of San Felipe for FY 2013 in the estimated annual amount of \$27,000.

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

**ITEM SUMMARY:** 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. On September 2, 2010 and September 1, 2011, Council authorized a one-year renewal to the agreement. The original bid allowed for four (4) additional one-year extensions. In order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

Staff is satisfied with the products provided by Pencco, and staff believes that the price is still a good value. Accordingly, staff recommends Council authorize an extension to the agreement. This will be the third one-year renewal authorized under this agreement, with one year remaining.

**FISCAL IMPACT:** Water Treatment Plant chemicals are purchased on an as needed basis throughout the year. Funding is budgeted in the adopted FY 2013 budget in account 520-5122-535-2118.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE ANNUAL PURCHASE AGREEMENT WITH PENCCO, INC. OF SAN FELIPE, TEXAS FOR THE PURCHASE OF LIQUID FLORIDE FOR FY 2013 IN THE ESTIMATED ANNUAL AMOUNT OF \$27,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on October 1, 2009, City Council authorized an annual purchase agreement to Pencco, Inc., of San Felipe, Texas, for the purchase of liquid fluoride at \$.3840/wet pound;

**Whereas**, on September 2, 2010 and September 1, 2011, Council authorized a one-year renewal to the agreement – the original bid allowed for 4 one-year renewals and in order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do;

**Whereas**, Staff is satisfied with the products and pricing provided by Pencco, Inc., of San Felipe, Texas and recommends authorizing a renewal to the annual purchase agreement with them in an estimated annual expenditure of \$27,000;

**Whereas**, water treatment chemicals are purchased on an ‘as needed’ basis throughout the year and funds are available in Account No. 520-5122-535-2118; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a one-year renewal to the purchase agreement with Pencco, Inc., of San Felipe, Texas, for an estimated annual expenditure of \$27,000, for the purchase of liquid fluoride.

**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 6<sup>th</sup> day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/06/12  
Item #4(F-13)  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a one-year renewal to the annual purchase agreement for sodium hypochlorite, hydrochloric acid, cyanuric acid, and muriatic acid with Commercial Chemical, Inc. dba Poolsure of Houston for FY 2013 in the estimated amount of \$40,000.

**STAFF RECOMMENDATION:** Adopt resolutions as presented in item description.

**ITEM SUMMARY:** On September 15, 2011, the City Council authorized an annual purchase agreement for sodium hypochlorite, hydrochloric acid, cyanuric acid, and muriatic acid with Poolsure. The current agreement will expire on September 30, 2012. The original bid allowed for four (4) additional one-year extensions. In order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

Staff is pleased with the products provided by Poolsure, and staff believes that the prices are still a good value. Accordingly, staff recommends that Council authorize an extension to the agreement. This will be the first renewal available under this agreement, with three years remaining.

**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 2013 budget. Estimated annual expenditure based on usage estimated by both departments: \$40,000.

### **ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE ANNUAL PURCHASE AGREEMENT WITH COMMERCIAL CHEMICAL, INC. D/B/A POOLSURE OF HOUSTON, TEXAS FOR SODIUM HYPOCHLORITE, HYDROCHLORIC ACID, CYANURIC ACID, AND MURIATIC ACID FOR FY 2013, IN THE ESTIMATED AMOUNT OF \$40,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on September 15, 2011, the City Council authorized annual purchase agreement with Commercial Chemical, Inc., dba Poolsure of Houston, Texas, for the purchase of sodium hypochlorite, hydrochloric acid, cyanuric acid, and muriatic acid;

**Whereas**, the original bid allowed for 4 one-year extensions and in order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do;

**Whereas**, Staff is satisfied with the products and pricing provided by Commercial Chemical, Inc., dba Poolsure of Houston, Texas, and believes the prices are still a good value and therefore recommends authorizing a renewal to the annual purchase agreement with them, for an estimated annual expenditure of \$40,000;

**Whereas**, this will be the first one-year renewal authorized under this agreement, with three year remaining;

**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 the City Manager, or his designee, to execute a one-year renewal to the purchase agreement with Commercial Chemical, Inc., dba Poolsure of Houston, Texas, for an estimated annual expenditure of \$40,000, for the purchase of sodium hypochlorite, hydrochloric acid, cyanuric acid, and muriatic acid.

**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 **6<sup>th</sup>** day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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Item #4(F-14)  
Consent Agenda  
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**DEPT./DIVISION SUBMISSION & REVIEW:**

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a one-year renewal to the professional services agreement with Langerman Foster Engineering Company LLC of Waco to provide construction materials testing for all public infrastructural projects, both City-initiated and subdivision-related, for FY 2013 in the estimated annual amount of \$75,000.

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

**ITEM SUMMARY:** On September 15, 2011, the City Council authorized a professional services agreement with Langerman Foster Engineering to provide construction materials testing for all infrastructural 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 HMA, California Bearing Ratios (CBR), concrete strength and density and bedding of trench excavation for utility installations. This testing is essential to assure quality construction and compliance with City specifications and standards. The current contract will expire on September 30, 2012. The original proposal allowed for four (4) additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

Staff is satisfied with the professional services provide by Langerman Foster Engineering and recommends Council authorize an extension to the contract. This will be the first one-year renewal authorized under this contract, with three years remaining.

**FISCAL IMPACT:** Budgeted amount: \$40,000 in 110-3900-533-2513 for subdivision testing.

Estimated expenditure: \$75,000

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

**ATTACHMENTS:**

[Resolution](#)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO PROFESSIONAL SERVICES AGREEMENT WITH LANGERMAN FOSTER ENGINEERING COMPANY, LLC, OF WACO, TEXAS, TO PROVIDE CONSTRUCTION MATERIALS TESTING FOR ALL PUBLIC INFRASTRUCTURAL PROJECTS, BOTH CITY-INITIATED AND SUBDIVISION-RELATED, FOR FISCAL YEAR 2013, IN AN ESTIMATED ANNUAL AMOUNT OF \$75,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, On September 15, 2011, Council authorized a professional services agreement with Langerman Foster Engineering Company, LLC, to provide construction materials testing for all infrastructural projects, both City-initiated and subdivision-related;

**Whereas**, 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;

**Whereas**, the original bid allowed for 4 one-year extensions and in order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do;

**Whereas**, Staff is satisfied with the professional services provided by Langerman Foster Engineering Company, LLC, of Waco, Texas and recommends authorizing a renewal to the professional services agreement in an estimated annual expenditure of \$75,000;

**Whereas**, this will be the first one-year renewal authorized under this agreement, with three year remaining;

**Whereas**, funds are budgeted in Account No. 110-3900-533-2513 for subdivision testing, and specific project testing is budgeted within each project's budget – the estimated annual expenditure is \$75,000; 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 one-year renewal to the professional services agreement with Langerman Foster Engineering Company, LLC, 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 2013 (estimated expenditure of \$75,000).

**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 **6<sup>th</sup>** day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

APPROVED AS TO FORM:

ATTEST:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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Item #4(F-15)  
Consent Agenda  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a one-year extension to the agreement with GovDeals, Inc (“GovDeals”) of Montgomery, Alabama, to provide online auction services to the City for a fee of 2.5% of the winning bid values.

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

**ITEM SUMMARY:** On May 19, 2011, Council awarded an agreement to GovDeals, Inc. to provide online auction services to the City. The contract term ran from May 19, 2011, through September 30, 2012, with the option for four (4) additional one-year renewals.

GovDeals fee for using their online auction service is 12.5% for assets sold for less than \$100,000., with a decreasing rate should the City sell an item for greater than \$100,000. GovDeals’ fee covers the marketing of items using a nationwide web-based application, email notification of the availability of items to commodity-specific vendors, collection of proceeds from the winning bidders, and submission of the net proceeds to the City. Consistent with how other public entities have established contracts with GovDeals, the awarded bidder pays 10% of the 12.5% fee, and the City pays 2.5% of the fee.

A summary of the City’s auction activities for the four (4) past fiscal years is as follows:

	<u>FY 09</u>	<u>FY 10</u>	<u>FY 11</u>	<u>FY 12</u>
Total Proceeds	\$80,342	\$89,230	\$94,105	\$120,115
Number of Live Auction Items Sold	366	488	41	0
Number of Online Auction Items Sold	0	0	177	155

Staff has been very pleased with the services provided by GovDeals and recommends Council authorize an extension to the agreement. By using GovDeals, Purchasing is readily able to assist departments in disposing of excess property, versus waiting for a semi-annual live auction in which the successfulness of the auction was dependent upon weather and staff hauling excess goods to an auction site on a specified date. With respect to the value received for items, staff has seen notable greater prices received on heavy duty vehicles while also being able to sell some items that we previously had to pay for disposal (i.e. electronic equipment).

**FISCAL IMPACT:** Revenue generated from the sale of auction items will be booked to a revenue account for the respective fund responsible for the assets sold. The 2.5% fee absorbed by the City will be charged to the Purchasing Department budget in account #110-1300-515-2623, Other Contracted Services. Since it is not known exactly the volume of items to be sold each year, a budget amendment will be prepared for the 2.5% fee as items are sold to appropriate funds from the revenue account to account 110-1300-515-2623.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE AGREEMENT WITH GOVDEALS, INC., OF MONTGOMERY, ALABAMA, TO PROVIDE ONLINE AUCTION SERVICES TO THE CITY FOR A FEE OF 2.5% OF THE WINNING BID VALUES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on May 19, 2011, Council awarded an agreement to GovDeals, Inc. to provide online auction services to the City – the contract term ran from May 19, 2011, through September 20, 2012, with the option for 4 one-year renewals;

**Whereas**, GovDeals fee for using their online auction service is 12.5% for assets sold for less than \$100,000, with a decreasing rate should the City sell an item for greater than \$100,000 – GovDeals' fee covers the marketing of items using a nationwide web-based application, email notification of the availability of items to commodity-specific vendors, collection of proceeds from the winning bidders, and submission of the net proceeds to the City;

**Whereas**, consistent with how other public entities have established contracts with GovDeals, the awarded bidder pays 10% of the 12.5% fee, and the City pays 2.5% of the fee;

**Whereas**, Staff has been very pleased with the services provided by GovDeals and recommends authorizing a renewal to the annual agreement; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a one-year renewal to the agreement with GovDeals, Inc., of Montgomery, Alabama, after approval as to form by the City Attorney, to provide online auction services to the City for a fee of 2.5% of the winning bid values.

**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 6<sup>th</sup> day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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**DEPT./DIVISION SUBMISSION & REVIEW:**

Judy Duer, Library Director  
Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a one-year renewal to the annual contract for security guard services at the Temple Public Library with Ameritex Guard Services of Richardson for FY 2013 in the estimated annual amount of \$25,000.

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

**ITEM SUMMARY:** On September 15, 2011, the City Council authorized an annual contract with Ameritex Guard Services for providing security guard services at the Temple Public Library. The current contract will expire on September 30, 2012. The original bid allowed for four (4) additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

Staff is satisfied with the services provided by Ameritex Guard Services, and staff believes that the hourly rate of \$11.59 is still a good value. Accordingly, staff recommends Council authorize an extension to the contract. This will be the first one-year renewal authorized under this contract, with three years remaining.

**FISCAL IMPACT:** The Library has included \$28,720 in their adopted FY 2013 budget for security guard services.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL OF THE ANNUAL CONTRACT FOR SECURITY GUARD SERVICES AT THE TEMPLE PUBLIC LIBRARY WITH AMERITEX GUARD SERVICES OF RICHARDSON, TEXAS, FOR FY 2013, IN THE ESTIMATED ANNUAL AMOUNT OF \$25,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on September 15, 2011, City Council authorized an annual contract with Ameritex Guard Services for providing security guard services at the Temple Public Library;

**Whereas**, the current contract will expire on September 20, 2012 – the original bid allowed for 4 one-year extensions and in order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do;

**Whereas**, staff is satisfied with the services provided by Ameritex Guard Services, and believes the hourly rate of \$11.59 is still a good value;

**Whereas**, staff recommends Council authorize a one-year extension to the contract, in the estimated annual amount of \$25,000 – this will be the first one-year renewal authorized under this contract, with three years remaining;

**Whereas**, funds are budgeted in the Library's FY203 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 one-year renewal to the annual with Ameritex Guard Services of Richardson, Texas, after approval as to form by the City Attorney, for security guard services at the Temple Public Library, in the estimated annual amount of \$25,000.

**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 6<sup>th</sup> day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/06/12  
Item #4(F-17)  
Consent Agenda  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a one-year renewal to the annual construction contract for HVAC repair services with Temple Heat & Air of Temple for FY 2013 in the estimated annual amount of \$180,000.

**STAFF RECOMMENDATION:** Adopt a resolution as presented in item description.

**ITEM SUMMARY:** On September 3, 2009, the City Council authorized an annual contract for HVAC repair services to Temple Heat & Air. On September 2, 2010 and September 1, 2011, the Council authorized a one-year extension to the contract.

The current contract will expire on September 30, 2012. The original bid allowed for four (4) additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

Staff is pleased with the services provided by Temple Heat and Air and recommends that Council authorize an extension to the contract. This will be the third renewal available under this contract, with one year remaining.

**FISCAL IMPACT:** Each department has budgeted for HVAC repair service. This service will be ordered on an as-needed basis. Staff estimates that it will spend approximately \$180,000 in FY 2013 for HVAC repair services.

### **ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR EXTENSION TO THE CONTRACT FOR HVAC REPAIR SERVICES FOR FY 2013 WITH TEMPLE HEAT & AIR OF TEMPLE, TEXAS, IN THE ESTIMATED ANNUAL AMOUNT OF \$180,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on September 3, 2009, City Council awarded an annual contract for HVAC repair services to Temple Heat & Air of Temple, Texas;

**Whereas**, the original bid allowed for four additional one-year extensions – and in order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do;

**Whereas**, staff is pleased with the services provided by Temple Heat & Air and recommends renewing the contract for an additional year;

**Whereas**, this will be the first one-year renewal authorized under this agreement, with three year remaining;

**Whereas**, each department has budgeted for HVAC repair service which will be ordered on an ‘as needed’ basis (estimated annual expenditure is \$180,000); 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 one-year renewal to the annual contract with Temple Heat & Air of Temple, Texas, for an estimated annual expenditure of \$180,000, for HVAC repair services for FY13.

**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 6<sup>th</sup> day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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09/06/12  
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Consent Agenda  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a one-year renewal to the annual construction contract for plumbing services with C.A.P.'s Mechanical of Moody for FY 2013 in the estimated annual amount of \$30,000.

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

**ITEM SUMMARY:** On September 16, 2010, the City Council authorized a construction contract with C.A.P.'s Mechanical for providing plumbing services on an as needed basis. On September 1, 2011, Council authorized a one-year renewal to the contract. The current contract will expire on September 30, 2012. The original bid allowed for four (4) additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

Staff is satisfied with the services provided by C.A.P.'s Mechanical and recommends Council authorize an extension to the contract. This will be the second one-year renewal authorized under this contract, with two years remaining.

**FISCAL IMPACT:** Departments have budgeted for plumbing services in several departmental accounts. This contract will be used on an as-needed basis. Estimated annual expenditure: \$30,000.

### **ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE ANNUAL CONSTRUCTION CONTRACT WITH C.A.P.S. MECHANICAL OF MOODY, TEXAS, FOR PROVIDING PLUMBING SERVICES ON AN AS-NEEDED BASIS FOR FY 2013, IN THE ESTIMATED ANNUAL AMOUNT OF \$30,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on September 16, 2010, the City Council authorized a construction contract with C.A.P.S. Mechanical for providing plumbing services on an as-needed basis for Fiscal Year 2011;

**Whereas**, on September 1, 2011, Council authorized a one-year renewal to the contract and the contract will expire on September 30, 2012 - the original bid allowed for 4 one-year extensions to the contract;

**Whereas**, and in order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do;

**Whereas**, Staff is satisfied with the services provided by the vendor and recommends Council authorize an extension to the contract – this will be the second one-year renewal authorized under this contract, with two years remaining;

**Whereas**, funds are budgeted in several different departments' account and services will be ordered as needed (estimated expenditure is \$30,000); and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a one-year renewal to the construction contract with C.A.P.'s. Mechanical of Moody, Texas, after approval as to form by the City Attorney, for providing plumbing services on an as needed basis for FY 2013, in the estimated annual amount of \$30,000.

**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 **6<sup>th</sup>** day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/06/12  
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Consent Agenda  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a one-year renewal to the annual contract for overhead door repair services with Palousek Overhead Door of Temple for FY 2013 in the estimated annual amount of \$25,000.

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

**ITEM SUMMARY:** On September 1, 2011, the City Council authorized an annual contract with Palousek Overhead Door for providing overhead door repair services on an as needed basis. The current contract will expire on September 30, 2012. The original bid allowed for four (4) additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

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

**FISCAL IMPACT:** Departments have budgeted for overhead door services in several departmental repairs & maintenance accounts. This contract will be used on an as-needed basis. Estimated annual expenditure: \$25,000.

### **ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE ANNUAL CONTRACT WITH PALOUSEK OVERHEAD DOOR OF TEMPLE, TEXAS, FOR OVERHEAD DOOR REPAIR SERVICES FOR FISCAL YEAR 2013, IN THE ESTIMATED ANNUAL AMOUNT OF \$25,000; PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on September 1, 2011, Council authorized an annual contract with Palousek Overhead Door of Temple, Texas for providing overhead door repair services on as 'as needed' basis - the current contract will expire on September 30, 2012;

**Whereas**, the original bid allowed for 4 one-year extensions and in order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do;

**Whereas**, staff is pleased with the services provided by Palousek Overhead Door and recommends that council authorize an extension to the contract – this will be the first one-year renewal authorized under this contract, with three years remaining;

**Whereas**, funds are budgeted in several different departments' account and services will be ordered as needed (estimated expenditure is \$25,000); and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a one-year renewal to the contract with Palousek Overhead Door of Temple, Texas, after approval as to form by the City Attorney, for providing overhead door repair services on as 'as needed' basis for FY 2013, in the estimated annual amount of \$25,000.

**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 6<sup>th</sup> day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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Consent Agenda  
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**DEPT./DIVISION SUBMISSION & REVIEW:**

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a one-year renewal to the annual construction contract for electric motor and pump repair services needed at the Water Treatment Plant with Austin Armature Works, LP of Buda for FY 2013 in the estimated annual amount of \$100,000.

**STAFF RECOMMENDATION:** Adopt a resolution as presented in item description.

**ITEM SUMMARY:** On October 7, 2010, the City Council authorized an annual contract for electric motor and pump repair services with Austin Armature Works, LP. On September 1, 2011, Council authorized one-year renewals to the contract. The current contract will expire on September 30, 2012. The original bid allowed for four (4) additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

Staff is pleased with the services provided by Austin Armature Works, LP and recommends that Council authorize an extension to the contract. This will be the second renewal available under this contract, with two years remaining.

**FISCAL IMPACT:** The FY 2013 recommended budget for the Water Treatment Plant includes funding designated in capital and repairs & maintenance accounts for pump and motor repairs. This contract will be used on an as-needed basis. Estimated annual expenditure: \$100,000.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE ANNUAL CONTRACT FOR ELECTRIC MOTOR AND PUMP REPAIR SERVICES NEEDED AT THE WATER TREATMENT PLANT FOR FISCAL YEAR 2013 WITH AUSTIN ARMATURE WORKS, LP, OF BUDA, TEXAS, IN THE ESTIMATED ANNUAL AMOUNT OF \$100,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on October 7, 2010, the City Council authorized an annual contract for electric motor and pump repair services with Austin Armature Works, LP, of Buda, Texas;

**Whereas**, the original bid allowed for 4 one-year extensions to the agreement and in order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do;

**Whereas**, staff is pleased with the services provided by Austin Armature Works, LP and recommends that council authorize an extension to the contract – this will be the second renewal available under this contract, with two years remaining;

**Whereas**, funds are budgeted in the Water Treatment Plant Fiscal Year 2013 budget for these services (estimated annual expenditure of \$100,000); 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 one-year renewal to the annual with Austin Armature Works, LP, of Buda, Texas, after approval as to form by the City Attorney, for electric motor and pump repair services, in the estimated annual amount of \$100,000.

**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 6<sup>th</sup> day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/06/12  
Item #4(F-21)  
Consent Agenda  
Page 1 of 1

**DEPT./DIVISION SUBMISSION & REVIEW:**

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a one-year renewal to the annual contract for hauling and disposal of Membrane Water Treatment Plant cleaning waste with Magna-Flow Environmental of Austin for FY 2013 at a rate of \$.04 per gallon in the estimated annual amount of \$35,000.

**STAFF RECOMMENDATION:** Adopt a resolution as presented in item description.

**ITEM SUMMARY:** In the spring of 2011, it was determined that an annual contract was needed for the hauling and disposal of clean-in-place ("CIP") waste from the Membrane Water Treatment Plant. On Tuesday, May 17, 2011, three (3) sealed bids were received for this service. The low bid was from Magna-Flow Environmental of Austin at a price of 4¢ per gallon.

Staff is pleased with the services provided by Magna-Flow, and staff believes that the haul and disposal rate of 4¢ is still a good value. Accordingly, it is staff recommends that Council authorize an extension to the contract. The original bid allowed for four (4) additional one-year extensions. This will be the second annual renewal, with two (2) remaining.

**FISCAL IMPACT:** The FY 2013 adopted budget for the Water Treatment Plant includes adequate funding to support this contract in account 520-5121-535-2338.

**ATTACHMENTS:**

[Resolution](#)



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE ANNUAL CONTRACT WITH MAGNA-FLOW ENVIRONMENTAL OF AUSTIN, TEXAS, FOR THE HAULING AND DISPOSAL OF MEMBRANE WATER TREATMENT PLANT CLEANING WASTE FOR FY 2013, AT THE RATE OF \$.04 PER GALLON, IN THE ESTIMATED ANNUAL AMOUNT OF \$35,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, in the spring of 2011, it was determined that an annual contract was needed for the hauling and disposal of clean-in-place ("CIP") waste from the Membrane Water Treatment Plant;

**Whereas**, on May 17, 2011, three sealed bids were received for this service and a contract was signed with Magna-Flow Environmental – Staff has been pleased with the services provided by Magna-Flow and believes that the haul and disposal rate of 4¢ per gallon is still a good value;

**Whereas**, the original bid allowed for 4 one-year extensions to the agreement and in order to renew the contract and this will be the second annual renewal, with two remaining, and staff recommends that council authorize an extension to the contract;

**Whereas**, funds are available in Account No. 520-5121-535-2338 for to support this contract; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a one-year renewal to the annual with Magna-Flow Environmental of Austin, Texas, after approval as to form by the City Attorney, for electric motor and pump repair services, in the estimated annual amount of \$35,000.

**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 6<sup>th</sup> day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/06/12  
Item #4(F-22)  
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 one-year renewal to the annual contract for hauling and disposal of sludge with S&M Vacuum & Waste, Ltd of Killeen for FY 2013 at a rate of \$.029 per gallon in the estimated annual amount of \$149,000.

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

**ITEM SUMMARY:** On September 15, 2011, the City Council authorized an annual contract for hauling and disposal of sludge with S&M Vacuum & Waste Ltd. The current contract will expire on September 30, 2012. The original bid allowed for four (4) additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

Staff is pleased with the services provided by S&M Vacuum & Waste Ltd, and staff believes that the 2.9¢ per gallon haul & disposal rate is still a good value. Accordingly, staff recommends that Council authorize an extension to the contract. This will be the first renewal available under this contract, with three years remaining.

**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 \$149,000 is based on this quantity. Funding for this service is included in the Water Treatment Plant's FY 2013 in accounts 520-5121-535-2338 and 520-5122-535-2338

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE ANNUAL CONTRACT WITH S&M VACUUM AND WASTE, LTD, OF KILLEEN, TEXAS, FOR THE HAULING AND DISPOSAL OF SLUDGE FOR FISCAL YEAR 2013, AT A RATE OF \$.029 PER GALLON, IN AN ESTIMATED ANNUAL AMOUNT OF \$149,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on September 15, 2011, Council authorized an annual contract for the hauling and disposal of sludge with S&M Vacuum & Waste, Ltd., of Killeen, Texas;

**Whereas**, the original bid allowed for 4 one-year extensions and in order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do;

**Whereas**, staff is pleased with the services provided by S&M Vacuum & Waste, Ltd, and staff believes that the 2.9¢ per gallon haul and disposal rate is still a good value and recommends that Council authorize an extension to the annual contract - this will be the first renewal available under this contract, with three years remaining;

**Whereas**, funds are budgeted for this service in Account Nos. 520-5121-535-2338 and 520-5122-535-2338; 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 a one-year renewal to the annual 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 the estimated annual amount of \$149,000.

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

PASSED AND APPROVED this the 6<sup>th</sup> day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/06/12  
Item #4(F-23)  
Consent Agenda  
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**DEPT./DIVISION SUBMISSION & REVIEW:**

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a one-year renewal to the annual services agreement for large water meter testing and repair services with Great Southwest Meters, Inc. of Waxahachie for FY 2013 in the estimated annual amount of \$40,000.

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

**ITEM SUMMARY:** On January 5, 2012, the City Council authorized an annual contract with Great Southwest Meters, Inc for large meter testing and repair services. The current contract will expire on September 30, 2012. The original bid allowed for four (4) additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

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

**FISCAL IMPACT:** Funds are budgeted in 520-5300-535-26-23, Contracted Services, for these services.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE ANNUAL CONTRACT WITH GREAT SOUTHWEST METERS, INC., OF WAXAHACHIE, TEXAS, FOR LARGE WATER METER TESTING AND REPAIR SERVICES, IN THE ESTIMATED ANNUAL AMOUNT OF \$40,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** On January 5, 2012, Council authorized an annual contract with Great Southwest Meters, Inc. for large water meter testing and repair services;

**Whereas,** the original bid allowed for 4 one-year extensions to the agreement and in order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do;

**Whereas,** staff is pleased with the services provided by Great Southwest Meters, Inc. and recommends that council authorized an extension to the contract – this will be the first one-year renewal under this contract, with three years remaining;

**Whereas,** funds are budgeted for this contract in Account No. 520-5300-535-2623; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a one-year renewal to the annual contract with Great Southwest Meters, Inc., of Waxahachie, Texas, after approval as to form by the City Attorney, for large meter inventory testing and repair, in an estimated annual amount of \$40,000.

**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 6<sup>th</sup> day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lacy Borgeson  
City Secretary

\_\_\_\_\_  
Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/06/12  
Item #4(F-24)  
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 a one-year renewal to the annual construction contract for water line repairs necessary to maintain the water system in various locations throughout the City on an as-needed basis with K&S Backhoe Services, Inc. of Gatesville for FY 2013 in the estimated annual amount not to exceed \$250,000.

**STAFF RECOMMENDATION:** Adopt a resolution as presented in item description.

**ITEM SUMMARY:** On December 15, 2011, the City Council authorized an annual contract for water lines repairs necessary to maintain the water system in various locations throughout the City on an as-needed basis with K&S Backhoe Services. For the 7-1/2 months ending July 31, 2012, \$126,252 of repairs have been made utilizing this contract. Under the contract, the City provides the pipe & fittings, bedding (sand & rock), and select backfill while the contractor provides all labor, equipment, tools, asphalt, concrete, soil and sod necessary to make the repairs.

The current contract will expire on September 30, 2012. The original bid allowed for four (4) additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do. The pricing is as follows:

- Cost per waterline repair behind curb **less than** 5-feet below grade: \$595.90;
- Cost per waterline repair behind curb **more than** 5-feet below grade: \$784.70;
- Cost per waterline repair in a street **less than** 5-feet below grade: \$1,200;
- Cost per waterline repair in a street **more than** 5-feet below grade: \$1,300;
- Cost per waterline repair under a driveway **less than** 5-feet below grade: \$2,961;
- Cost per waterline repair under a driveway **more than** 5-feet below grade: \$3,050;
- Cost per waterline repair in alley **less than** 5-feet below grade: \$814.20; and
- Cost per waterline repair in alley **more than** 5-feet below grade: \$1,100

Staff is pleased with the services provided by K&S Backhoe Services, Inc., and staff believes that the pricing offered by K&S is still a good value. Accordingly, staff recommends that Council authorize an extension to the contract. This will be the first renewal available under this contract, with three years remaining.

**FISCAL IMPACT:** On December 15, 2011, Council authorized the appropriation of \$596,079 from Water & Sewer Unreserved Retained Earnings to account #520-5900-535-2327 to fund water line repairs. Repairs totaling \$126,252.10 have been invoiced against account #520-5900-535-2327 through July 31, 2012. It is anticipated that additional repairs of less than \$100,000 will be completed and invoiced in August and September 2012, leaving a balance in this account of over \$300,000. Staff is requesting that the balance remaining in this account at September 30, 2012, be carried forward to FY 2013 to fund this contract.

**ATTACHMENTS:**  
[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE ANNUAL CONTRACT WITH K&S BACKHOE SERVICES OF GATESVILLE, TEXAS, FOR WATER LINE REPAIRS TO MAINTAIN THE WATER SYSTEM IN VARIOUS LOCATIONS THROUGHOUT THE CITY ON AN 'AS NEEDED' BASIS, IN THE AMOUNT OF \$250,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on December 15, 2011, Council authorized an annual contract for water line repairs necessary to maintain the water system in various locations throughout the City on an 'as needed' basis with K&S Backhoe Services of Gatesville, Texas;

**Whereas**, for the 7.5 months ending July 31, 2012, several repairs have been made utilizing this contract – under this contract, the City provides the pipe & fittings, bedding (sand & Rock), and select backfill while the contractor provides all labor, equipment, tools, asphalt, concrete, soil and sod necessary to make the repairs;

**Whereas**, the original bid allowed for 5 one-year extensions to the contract and in order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do – pricing is as follows:

- Cost per waterline repair behind curb **less than** 5-feet below grade: \$595.90;
- Cost per waterline repair behind curb **more than** 5-feet below grade: \$784.70;
- Cost per waterline repair in a street **less than** 5-feet below grade: \$1,200.00;
- Cost per waterline repair in a street **more than** 5-feet below grade: \$1,300.00;
- Cost per waterline repair under a driveway **less than** 5-feet below grade: \$2,961.00;
- Cost per waterline repair under a driveway **more than** 5-feet below grade: \$3,050.00;
- Cost per waterline repair in alley **less than** 5-feet below grade: \$814.20; and
- Cost per waterline repair in alley **more than** 5-feet below grade: \$1,100

**Whereas**, staff is pleased with the services provided by K&S Backhoe Services, Inc., and believes that the pricing is still a good value;

**Whereas**, staff recommends that council authorize an extension to the contract – this will be the first renewal available under this contract, with three years remaining;

**Whereas**, it is anticipated that additional repairs of less than \$100,000 will be completed and invoiced in August and September, leaving a balance in Account No. 250-5900-535-2327 of over \$300,000 – staff is requesting that the balance remaining in this account be carried forward to FY13 to fund this contract; and

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



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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a one-year renewal to the annual with K&S Backhoe Services of Gatesville, Texas, after approval as to form by the City Attorney, water line repairs necessary to maintain the water system in various locations throughout the City on an 'as needed' basis, in the estimated annual amount of \$250,000.

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

PASSED AND APPROVED this the 6<sup>th</sup> day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lacy Borgeson  
City Secretary

\_\_\_\_\_  
Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/06/12  
Item #4(F-25)  
Consent Agenda  
Page 1 of 2

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a one-year renewal to the contract with Anderton Group, Inc., dba MailMax Direct of Waco for the printing, folding, stuffing and mailing of utility bills and folding, stuffing, and mailing of accounts receivable statements utilizing the Texas Multiple Award Schedule Contract TXMAS-10-36040 for an estimated annual amount of \$180,000.

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

**ITEM SUMMARY:** On September 2, 2010, the City Council authorized a term contract with Anderton Group, Inc., dba MailMax Direct ("MailMax") for the printing, folding, stuffing and mailing of utility bills and folding, stuffing, and mailing of accounts receivable statements utilizing the Texas Multiple Award Schedule Contract. The current contract will expire on September 30, 2012. The TXMAS Contract allows for automatic renewals for incremental one-year periods on the anniversary date of the agreement unless notified within 30 days of the anniversary date.

TXMAS contracts are offered through the State as cooperatives for Cities, Counties, and School Districts. All contracts awarded through TXMAS have completed the competitive sealed bid process. The pricing offered by MailMax is as follows:

Presorted Postage Rate:	\$.40403
Laser Printing:	\$.071 per image
Metering:	\$.015 each
Presort Processing	\$.0101 each
Total	\$.50013 per item

Staff is pleased with the services provided by MailMax Direct, and staff believes that the pricing offered by MailMax through the TXMAS contract is still a good value. As such, staff recommends Council authorize a one year renewal to the contract.

The effective date of this contract would be October 1, 2012 through September 30, 2013, automatically renewing for incremental one-year periods on the anniversary date of the agreement unless notified within 30 days of the anniversary date.

**FISCAL IMPACT:** The printing and mailing cost is 47.81¢ per item. It is estimated that we will have 22,500 utility statements, 5,600 reminder notices and 400 account receivable statements per month for an annual amount of 364,800 items. There is a charge per set up for each print file above 9 per month. We are estimating approximately 40 print files per month for a monthly charge of \$465.

The estimated annual amount to print, fold, stuff and mail the utility statements and reminder notices and to fold, stuff and mail the accounts receivable statements is approximately \$180,000. Funding in the amount of \$180,000 is currently included in the proposed FY 2013 budget in account 520-5800-535-2623 for the utility statements and reminders and \$3,700 is currently included in the proposed FY 2013 budget in account 110-1200-515-2128 for the accounts receivable statements.

The only change to pricing under this contract would be in the case of a postage increase.

**ATTACHMENTS:**  
[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE CONTRACT WITH ANDERTON GROUP, INC., DBA MAILMAX DIRECT OF WACO, TEXAS, FOR THE PRINTING, FOLDING, STUFFING AND MAILING OF UTILITY BILLS AND THE FOLDING, STUFFING AND MAILING OF ACCOUNTS RECEIVABLE STATEMENTS UTILIZING THE TEXAS MULTIPLE AWARD SCHEDULE CONTRACT TXMAS-10-36040 FOR FY 2013, IN THE ESTIMATED ANNUAL AMOUNT OF \$180,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on September 2, 2010, Council authorized a term contract with Anderton Group, Inc., d/b/a MailMax Direct of Waco, Texas, for printing, folding, stuffing and mailing of utility bills and folding, stuffing, and mailing of accounts receivable statements utilizing the Texas Multiple Award Schedule Contract which expires September 30, 2012;

**Whereas**, the Staff has been satisfied with the services provided by MailMax Direct and believes that the pricing offered by MailMax through the TXMAS contract, is still a good value;

**Whereas**, TXMAS contract allow for automatic renewals for incremental one-year periods on the anniversary date of the agreement, and therefore, staff recommends Council authorize a one-year renewal to this contract;

**Whereas**, the estimated annual amount for the services is \$180,000, and funds are available in Account No. 520-5800-535-2623 and 110-1200-515-2128; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a one-year renewal with Anderton Group, Inc., dba MailMax Direct of Waco, Texas, after approval as to form by the City Attorney, for the printing, folding, stuffing, and mailing of utility bills and the folding, stuffing and mailing of accounts receivable statements for FY 2013, in the estimated amount of \$180,000.

**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 6<sup>th</sup> day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/06/12  
Item #4(G)  
Consent Agenda  
Page 1 of 2

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Autumn Speer, Director of Community Services

**ITEM DESCRIPTION:** SECOND READING - Z-FY-12-55: Consider adopting an ordinance authorizing an amendment to Ordinance 2010-4413, Temple Unified Development Code, Article 7.5, "Signs", to amend requirements for State and National Flags in nonresidential zoning districts.

**P&Z COMMISSION RECOMMENDATION:** At its August 6, 2012 meeting, the Planning and Zoning Commission voted 8/0 in accordance with staff recommendation to recommend approval of the amendment to the Unified Development Code set forth in the item description above.

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

**ITEM SUMMARY:** Staff has received direction from City Manager's Office in response to an outside request to prepare a text amendment addressing the current height limitation applied to State and National flags on nonresidential property.

**PROPOSED SIGN AMENDMENT:** This proposed amendment modifies Article 7.5 of the UDC. The current ordinance limits State and National Flags to a height of 50' in nonresidential districts. The proposed ordinance removes the height limitation unless located within 100' of a residential district in which case the 50' height limit must be maintained.

Current:

Type	District Permitted	Maximum Area	Permit Required	Time Limit	Standards
Flag, State and National	All	375 SF along I-35 and HK Dodgen Loop. 150 SF in nonresidential district. 48 SF in residential district.	NO	None	Anytime the American flag is displayed, it will be in accordance with Public Law 94-344, dated July 7, 1976, and will not be torn, tattered or faded.  Height of pole must not exceed 50 feet in nonresidential districts or 20 feet in residential districts.

Proposed:

Type	District Permitted	Maximum Area	Permit Required	Time Limit	Standards
Flag, State and National	All	375 SF along I-35 and HK Dodgen Loop. 150 SF in nonresidential district. 48 SF in residential district.	NO	None	Anytime the American flag is displayed, it will be in accordance with Public Law 94-344, dated July 7, 1976, and will not be torn, tattered or faded.  Nonresidential Districts: No limit on height of pole except height of pole must not exceed 50 feet if located within 100 feet of residential uses or zoning districts  Residential Districts: Height of pole must not exceed 20 feet

**PUBLIC NOTICE:**

The newspaper printed notice of the Planning and Zoning Commission public hearing on July 26, 2012, in accordance with state law and local ordinance.




**FISCAL IMPACT:** NA

**ATTACHMENTS:**

Attachment 1: Article 7.5 – Sign Table Excerpt  
P&Z Excerpts  
Ordinance

# ATTACHMENT 1

## Article 7: General Development Standards Sec. 7.5 Signs

Fence Sign	All except res. and AG	25% of fence area, not to exceed 60 SF	Yes	None	One per street frontage Fence signs must be affixed directly to and flush with the fence. Extender poles are not allowed. Fence signs are prohibited in shopping centers.	
Flag, Corporate and Spirit	All except res. and AG	48 SF	No	None	One per 40 feet of street frontage, separated by a minimum of 5 feet, not to exceed 10 flags per property. Combinations of corporate flags, spirit flags and pole banners may be used, but may not exceed a combined total of 10. Height of pole must not exceed 35 feet. When tags become torn, tattered or faded, they must be removed or replaced.	
Flag, State and National	All	375 SF along I-35 and H. K. Dodgen LP. 150 SF in nonresidential district. 48 SF in residential district.	No	None	Anytime the American flag is displayed, it will be in accordance with Public Law 94-344, dated July 7, 1976, and will not be torn, tattered or faded.  <u>Nonresidential Districts: No limit on height of pole except height of pole must not exceed 50 feet if located within 100 feet of residential uses or zoning districts.</u>  <u>Residential Districts: Height of pole must in nonresidential districts or not exceed 20 feet in residential districts.</u>	



**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, AUGUST 6, 2012**

**ACTION ITEMS**

**Item 6: Z-FY-12-55** – Hold a public hearing to consider and recommend action on an amendment to Ordinance No. 2010-4413, Temple Unified Development Code, Article 7.5, Signs, to amend requirements for State and National Flags in nonresidential zoning districts.

Ms. Speer stated this item came as an outside request through the City Manager's Office and Staff has been directed to prepare a text amendment which would apply Citywide. There is a limitation of 50 feet for how high the pole can be. A maximum area of 375 square feet on I-35 and 150 square feet in other nonresidential districts. The proposed change would be no limit on the height of the pole, however, it could not go over 50 feet if located within 100 feet of a residential area.

Staff recommends approval of this item.

Commissioner Pilkington asked about the height of other flags in Temple and Ms. Speer stated the flag at Johnson Brothers Ford is 70 feet and the one on Adams (bank) is also 70 feet high. Currently, the height limit is 50 feet. The proposal would be to have no limit on the height unless it is located within 100 feet of a residential area it would require a maximum height of 50 feet. The area of the flag would not change.

Chair Martin opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Pilkington made a motion to approve Item 6, **Z-FY-12-55**, as proposed and Commissioner Talley made a second.

*Motion passed: (8:0)*

Commissioner Rhoads absent

ORDINANCE NO. 2012-4549

[Z-FY-12-55]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE NO. 2010-4413, THE “UNIFIED DEVELOPMENT CODE,” ARTICLE 7.5, ENTITLED “SIGNS”, TO AMEND REQUIREMENTS FOR STATE AND NATIONAL FLAGS IN NONRESIDENTIAL ZONING DISTRICTS; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**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 6 2012 meeting, the Planning and Zoning Commission voted to amend Article 7.5, entitled, “Signs,” to amend requirements for State and National Flags in nonresidential zoning districts;

**Whereas**, Staff has received direction from the City Manager’s office in response to an outside request to prepare this text amendment addressing the current height limitation applied to State and National flags on nonresidential property; 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 Article 7.5, entitled, “Signs,” to amend requirements for State and National Flags in nonresidential zoning districts, 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 **16<sup>th</sup>** day of **August**, 2012.

PASSED AND APPROVED on Second Reading on the **6<sup>th</sup>** day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, MAYOR

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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**DEPT./DIVISION SUBMISSION & REVIEW:**

William A. Jones, III, Mayor

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the Mayor to cast an official ballot for the election of four members to the Texas Municipal League Intergovernmental Risk Pool Board of Trustees.

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

**ITEM SUMMARY:** As a member of the Texas Municipal League Intergovernmental Risk Pool, the City of Temple is entitled to vote for Board of Trustee members. Four places are up for election at this time to serve six-year terms.

Please see the attached official ballot which lists each of the candidates for each place in this election.

Staff recommends the Council adopt a resolution indicating their desired candidates for the four places on the TML Intergovernmental Risk Pool Board of Directors and authorize the Mayor to submit the official ballot on behalf of the City of Temple.

**FISCAL IMPACT:** None

**ATTACHMENTS:**

[Official Ballot](#)  
[Resolution](#)

# OFFICIAL BALLOT

RECEIVED  
AUG 17 2012  
City Manager's Office

## Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election

This is the official ballot for the election of Places 11 – 14 of the Board of Trustees for the Texas Municipal League Intergovernmental Risk Pool. Each Member of the Pool is entitled to vote for Board of Trustee members. Please record your organization's choices by placing an "X" in the square beside the candidate's name. You can only vote for one candidate for each place.

The officials listed on this ballot have been nominated to serve a six-year term on the TML Intergovernmental Risk Pool (Workers' Compensation, Property and Liability) Board of Trustees.

Ballots must reach the office of David Reagan, Secretary of the Board, no later than September 30, 2012. Ballots received after September 30, 2012, cannot be counted. **The ballot must be properly signed and all pages of the ballot must be mailed to: Trustee Election, David Reagan, Secretary of the Board, P. O. Box 149194, Austin, Texas 78714-9194. If the ballot is not signed, it will not be counted.**

*Forward  
to Lagy  
per my email.  
8.21.12*



## PLACE 11

- ☐ **Bill Agan.** Mayor of Richland Hills (Region 8). Mr. Agan was elected Mayor in May, 2012, for a term of two years. He has served as a city councilmember from 1986 to 1987. He has served on the City's Planning and Zoning Commission, and has served on the City's Charter Review Commission in 1986 and from 2011 to the present. Mr. Agan has owned an auto repair business for 40 years, and has been involved in an insurance business for two years and a real estate business for six years.
- ☐ **Greg Ingham** (Incumbent). City Manager, City of Plainview (Region 3) since 2004. He has previously served as City Manager in Levelland and Littlefield, Texas. Mr. Ingham has served in local government since 1975 and is active in numerous statewide and regional organizations. He has an MPA and is a Certified Public Manager. Mr. Ingham has been a board member of the TML Intergovernmental Risk Pool since 1989. He has served as Chair and Vice-Chair of the Board, and has served as Chair of the Board's Finance Committee.
- ☐ **Kavon Novak.** Alderman, City of Caldwell (Region 10) since 2011. He is a 1991 graduate of Texas A&M University with a Bachelor's Degree in Marketing. He has been a business owner for 14 years in the financial industry and is currently an Investment Consultant with LPL Commerce since 2009. Mr. Novak has been a member of the Caldwell Men's Lions Club for 9 years and is currently the Treasurer. He and his wife of 16 years, Lori, have 4 children. They are members of First Baptist Church in Caldwell and are active in 4-H Shooting Sports and Soccer.
- ☐ **Troy Stegemoeller.** Mayor Pro Tem, City of Idalou (Region 3). Mr. Stegemoeller has served on the City Council since 2008. He has a B.S. in Agriculture Economics from Texas Tech University and is a graduate of Louisiana State University Graduate Banking School. He has been in banking for 32 years, and currently serves as the President of Vista Bank in Idalou. He has served on an advisory committee to Congressman Randy Neugebauer, and has served as finance chair of the Idalou Methodist Church and Treasurer of the local Salvation Army.

**WRITE IN CANDIDATE:**

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**PLACE 12**



**Larry Gilley** (Incumbent). City Manager, City of Abilene (Region 6) since June of 2002. He previously served as City Manager for San Marcos (1988 – 2002), Assistant City Manager for San Marcos (1987 – 1988), City Manager for Panhandle (1977 – 1987), and City Manager for Bovina (1976 – 1977). Mr. Gilley has been a Board member of the TML Intergovernmental Risk Pool since 2007, and currently serves as Chair of the Board's Underwriting and Claims Committee. He has an MPA from Southwest Texas University, and a BA from Texas Tech University.



**Pete Gonzalez.** Deputy City Manager and Chief Financial Officer of the City of Brownsville (Region 12) since June of 2008. He previously served as Director of Finance for Brownsville from 1978 to 2008. He serves as a Board member and Finance Officer for the United Brownsville Corporation. He has a BBA degree in Accounting from Texas A&I University in Kingsville and is a certified government financial manager. Under his leadership, the City of Brownsville has been awarded the Certificate of Achievement for Excellence in Financial Reporting for the past 34 consecutive years.

**WRITE IN CANDIDATE:**

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### PLACE 13



**Byron Black** (Incumbent). Board Chair, Central Appraisal District of Johnson County (Region 8) and member of the Area Metro Ambulance Authority Board. He served as Mayor of Burleson from 1998-2004, previously serving as mayor pro tem and as a Councilmember. He was a member of the Burleson Independent School District Board for 12 years, 9 as President, and served as president of TASB. Mr. Black has served as a Board member of the TML Intergovernmental Risk Pool since 2000, and presently serves as Vice-Chair.



**Gary L. Kent.** Councilmember for the City of Copperas Cove (Region 9). Mr. Kent has been a resident of Copperas Cove for over fourteen years. He and his wife have three children and two grandchildren. He served 24 years with the U.S. Army, including three combat tours, and retired as a 1<sup>st</sup> sergeant. He currently serves as police chief for the City of Nolanville and has more than 17 years of law enforcement experience. He is an active member of many community groups, including VFW Post #8577.



**Keith Olson.** Councilmember, City of Huntsville (Region 14) since 2010, and serves as Chair of the City's Finance Committee. Mr. Olson was born in Houston in 1973, and grew up in Huffman, Texas. He graduated from the University of Houston's Police Academy in 1994. Councilmember Olson sits on various local and regional boards pertaining to private finance. He is currently the owner and operator of Olson's Fine Jewelry, with interests in diamonds and specialty watches.

**WRITE IN CANDIDATE:**

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**PLACE 14**



**Cynthia Kirk.** Risk Manager for the City of Bryan (Region 10) since 1984. Ms. Kirk directs the City's workers' compensation, property and casualty coverage, claims administration, and safety/loss control functions. She is past president and currently serves on the Board of Directors of the Texas Chapter of the Public Risk Management Association and of the State and Local Government Benefits Association. She has served on the Board of Directors for the Surplus Lines Stamping Office of Texas and on various committees for the National Public Risk Management Association.



**Pat Norriss** (Incumbent). Nortex Regional Planning Commission (Region 5). Ms. Norriss served on the Burkburnett City Council for 22 years, including 16 years as mayor. She serves as a board member of the National Association of Regional Councils and has served as president of the Texas Association of Regional Councils of Government. She is also a Board member of Wichita Wilbarger 911 District and Nortex 911 Communication District. Ms. Norriss has served as a Board member of the TML Intergovernmental Risk Pool since 1995, and served as chair of the Board from 2004 - 2006.



**Michael S. Nyren.** Risk Manager for Capital Metropolitan Transportation Authority in Austin (Region 10) for 17 years. He has earned the designation of Associate in Risk Management and Associate in Risk Management for Public Entities and he serves on the Board of the Risk and Insurance Management Society, Central Texas Chapter. Mr. Nyren has a degree in Government and recently completed the Certified Public Manager Program at Texas State. He also has 30 years of experience in insurance, wellness, safety, security, and risk management.

**WRITE IN CANDIDATE:**

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## **Certificate**

I certify that the vote cast above has been cast in accordance with the will of the majority of the governing body of the public entity named below.

Witness by hand, this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Signature of Authorized Official

\_\_\_\_\_  
Title

\_\_\_\_\_  
Printed Name of Authorized Official

\_\_\_\_\_  
Printed name of Political Entity

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, SUPPORTING THE RECOMMENDATIONS OF THE CENTRAL TEXAS COUNCIL OF GOVERNMENTS REGARDING THE ELECTION OF FOUR MEMBERS TO THE TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL BOARD OF TRUSTEES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on August 24, 2006, the Executive Committee of the Central Texas Council of Governments (CTCOG) passed a resolution voting for members to be elected to the Texas Municipal League Intergovernmental Risk Pool (TML-IRP) Board of Directors;

**Whereas**, as a member of the Pool, the City of Temple is also entitled to vote for Board of Trustee members;

**Whereas**, CTCOG adopted a resolution which casts votes for the following candidates listed below to the TML-IRP, all of which are incumbents on the Board;

**Whereas**, it is recommended that the Mayor, on behalf of the City Council, cast votes for the four incumbents which are also supported by the CTCOG; and

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

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

**Part 1:** The City Council supports the recommendations of the Central Texas Council of Governments regarding the election of four members to the Texas Municipal League Intergovernmental Risk Pool Board of Trustees, and recommends that the Mayor, on behalf of the City Council, cast votes for the following four incumbents:

- Place 11: Mr. Greg Ingham, City Manager, City of Plainview;
- Place 12: Mr. Harold Dominguez, City Manager, City of San Angelo;
- Place 13: Mr. Byron Black, Chairman, Board of Directors, Central Appraisal District of Johnson County; and
- Place 14: Ms. Pat Norris, Commissioner, County of Wichita Falls, Current Chair of TML-IRP Board of Trustees and Board Member of the National Association of Regional Councils.

**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 by law 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 **6<sup>th</sup>** day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Sandra Esqueda, Asst. Director of Human Resources

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

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

**ITEM SUMMARY:** At their meeting on August 2, 2012, the trustees of the City of Temple Employee Benefits Trust agreed to purchase insurance contracts from Blue Cross/Blue Shield of Texas for Medical/Prescription stop loss insurance (self-funded insurance) for FY 2012-2013; from MetLife Insurance for Dental Insurance for FY 2012-2013; and from MetLife for Basic Life, Accidental Death & Dismemberment Insurance. At their meeting on September 15, 2011, the trustees of the City of Temple Employee Benefits Trust agreed to purchase insurance policies from MetLife for Long Term Disability Insurance for employees from FY 2011-2012 through FY 2013-2014. (Retirees are only eligible for Medical and Dental Insurance). 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 FY 2012-2013 amounts:	\$ 2,147,821 for medical/prescription insurance for employees
	\$ 119,270 for medical/prescription and dental insurance for retirees < age 65
	\$ 55,756 for dental insurance for employees
	\$ 43,550 for Basic Life
	\$ 9,189 for AD&D
	\$ <u>55,160</u> for Long Term Disability Insurance

**\$ 2, 430, 746**

### **ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2012-6726-R

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 BASIC LIFE INSURANCE, ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE AND LONG TERM DISABILITY INSURANCE FOR CURRENT EMPLOYEES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, at their meeting on August 2, 2012, 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) for FY12-13, from MetLife Insurance for dental insurance for FY12-13, and from MetLife for basic life, accidental death & dismemberment insurance;

**Whereas**, the City must now, with the adoption of the FY2012-13 budget, fund the cost of those benefits and awarded in addition to allowing 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 is shown below and reflects no changes in costs from the current year for all but Medical/Prescription insurance which increased slightly, and funds are budgeted in the FY2012-13 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 stop loss insurance and dental insurance for employees and retirees under age 65, basic life, accidental death & dismemberment, 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 6<sup>th</sup> day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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**DEPT./DIVISION SUBMISSION & REVIEW:**

Brynn Myers, Director of Administrative Services  
Ashley Williams, Sustainability and Grant Manager

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing submission of an application for funding through the CleanFuel USA, Texas State Technical College and Public Solutions Group Clean Start program in the amount of \$97,548, with 0% cost-shared by the City, to convert eleven vehicles to bi-fuel propane.

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

**ITEM SUMMARY:** The CleanFuel USA (CFUSA) and its program partners Texas State Technical College (TSTC) and Public Solutions Group (PSG) were awarded \$12.3 million to develop a nationwide liquefied propane gas (LPG) refueling network. The program is 100% reimbursable, with funds being offered to add clean, efficient propane vehicles to public fleets.

The application is due on a rolling basis and selection is announced shortly after submission.

The project scope we are applying for involves converting eleven fleet vehicles to LPG. LPG is the best alternative fuel for medium duty vehicles. Staff has identified eleven vehicles that are currently available to be converted from gasoline to bi-fuel LPG. The vehicles to be converted consist of ten F-150's and one Tahoe in the following departments:

Department	Year	Model	Engine
Water (13520)	2012	F-150	5.4 L
PALs (13293)	2011	F-150	5.4 L
PALs (13294)	2011	F-150	5.0 L
Engineering (13514)	2012	F-150	5.4 L
Engineering (13516)	2012	F-150	5.4 L
Metering (13513)	2012	F-150	5.4 L
Streets (13511)	2012	F-150	5.4 L
Streets (13519)	2012	F-150	5.4 L
Solid Waste (13517)	2012	F-150	5.4 L
Fleet (13292)	2011	F-150	5.4 L
Police (TBD)	2012	Tahoe	5.3 L



These vehicles were chosen based on model year, current accumulated miles, use, and current conversion options available on the market. Staff is proposing to utilize a system that converts the current gasoline fuel to a bi-fuel LPG system. This option allows the engine to start up using gasoline, but thereafter switch to LPG for operation. Gasoline will remain as a secondary back-up system, primarily operating on LPG. With grant assistance the City can anticipate an annual savings between \$2,500 and \$3,000 per vehicle.

The cost per vehicle conversion kit is \$8,868. The total cost for converting the eleven vehicles equals \$97,548.

Staff is recommending that we submit a proposal to SECO to receive grant funds to convert eleven vehicles to LPG.

**FISCAL IMPACT:** Funding program guidelines provide for 100% reimbursable funding, in the amount of \$97,548, no City match is required.

**ATTACHMENTS:**

[Resolution](#)



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR FUNDING THROUGH THE CLEANFUEL USA, TEXAS STATE TECHNICAL COLLEGE AND PUBLIC SOLUTIONS GROUP CLEAN START PROGRAM TO CONVERT ELEVEN VEHICLES TO BI-FUEL PROPANE; IN AN AMOUNT OF \$97,548, WITH 0% COST-SHARED BY THE CITY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the CleanFuel USA (CFUSA) and its program partners, Texas State Technical College (TSTC) and Public Solutions Group (PSG) were awarded \$12.3 million to develop a nationwide liquefied propane gas (LPG) refueling network;

**Whereas**, the program is 100% reimbursable, with funds being offered to add clean, efficient propane vehicles to public fleets – this application is due on a rolling basis and selection is announced shortly after submission;

**Whereas**, the project scope involves converting eleven fleet vehicles to LPG – LPG is the best alternative fuel for medium duty vehicles and staff has identified eleven vehicles currently available to be converted from gasoline to bi-fuel LPG;

**Whereas**, these vehicles were chosen based on model year, current accumulated miles, use, and current conversion options available on the market and staff is proposing to utilize a system that converts the current gasoline to ma bi-fuel LPG system;

**Whereas**, with grant assistance, the City can anticipate an annual savings between \$2,500 and \$3,000 per vehicle – the total cost for converting the eleven vehicles equals \$97,548; 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 submit a grant application, after approval as to form by the City Attorney, to the CleanFuel USA, Texas State Technical College and Public Solutions Group Clean Start Program in the amount of \$97,548, with 0% cost-shared by the City, to convert eleven vehicles to bi-fuel propane.

**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 6<sup>th</sup> day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## **COUNCIL AGENDA ITEM MEMORANDUM**

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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Belinda Mattke, Director of Purchasing  
Ken Cicora, Director of Parks & Leisure Services

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the use of the Design-Build project delivery method for the acquisition of services needed to remodel approximately 5,000 in the Municipal Building.

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

**ITEM SUMMARY:** The Utility Business Office vacated the Municipal Building in the fall of 2009. The space that they vacated has remained unoccupied. It is the City Manager's desire to create a Community Services suite on the 1<sup>st</sup> Floor of the Municipal Building encompassing the Assistant City Manager, Planning Department and the Permitting Department. Parks & Leisure Services Administration would then relocate their offices to the current Planning Department suite on the 2<sup>nd</sup> floor of the Municipal Building. The vacated Parks & Leisure Services Administration facility at Wilson Park will be re-occupied by various other Parks & Leisure offices and personnel.

Staff is recommending using the Design-Build project delivery method for this project to allow for hands on design and construction work due to the age and makeup of the building. It would be very difficult to do a hard bid on this project due to the multiple unknown factors with the mechanical and electrical systems. As such, staff believes that the best value for this project could be achieved by utilizing the Design-Build method whereby the City will contract with a single entity to provide both the design and construction services, and the construction will be bid out to allow for flexibility in construction.

The Local Government Code § 252.021 specifies that before a municipality may enter into a contract that requires an expenditure of more than \$50,000, the municipality must comply with competitive sealed bidding process. However, the governing body of a municipality may determine that an alternative procurement method (e.g. a competitive sealed proposal, construction manager-at-risk, design-build contract) may provide the best value for the municipality.

Per the Texas Government Code § 2267, the Design-Build project delivery method allows a governmental entity to contract with a single entity to provide both design and construction services for the construction, rehabilitation, alternation, or repair of a facility. The Code goes on to state that the Design-Build firm will be selected through a Request for Qualifications (RFQ)/Request for Proposals (RFP) process.

The anticipated timeline for the project is as follows:

- Sept/Oct 2012 - City to solicit qualifications from design-build firms.
- Oct/Nov 2012 - Evaluate qualifications; request additional proposal information from highest rated firms.
- Nov/Dec 2012 - Design-Build firm recommendation to Council.
- Apr 2013 - Project complete.

The estimated cost to complete the project is \$200,000-\$250,000. It is anticipated that Gross Maximum Price (GMP) to complete the project will be defined during the negotiation phase with the selected firm and will be included in the staff recommendation to Council.

**FISCAL IMPACT:** There is no defined fiscal impact associated with this Item. It is anticipated that it will cost \$200,000 to \$250,000 to complete this project, which will be funded with project savings from the 2008 Certificate of Obligation bond issue.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE USE OF THE DESIGN-BUILD PROJECT DELIVERY METHOD FOR THE ACQUISITION OF SERVICES NEEDED TO REMODEL APPROXIMATELY 5,000 SQUARE FEET IN THE MUNICIPAL BUILDING; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Local Government Code §252.021 specifies that before a municipality may enter into a contract that requires an expenditure of more than \$50,000, the municipality must comply with competitive sealed bidding processes – however the governing body of a municipality may determine that an alternative procurement method may provide the best value for the municipality;

**Whereas**, the Utility Business Office vacated the Municipal Building in the fall of 2009 and the space has remained unoccupied;

**Whereas**, it is staff's desire to create a Community Services suite in that space encompassing the Planning Department and the Permitting Department – Parks & Leisure Services Administration would then relocate their offices to the current Planning Department suite on the 2nd floor of the Municipal Building;

**Whereas**, staff recommends using the Design-Build project delivery method for this project to allow for hands-on design and construction work due to the age and makeup of the building – staff also believes that the best value for this project could be achieved by using the Design-Build method whereby the City will contract with a single entity to provide both the design and construction services and the construction will be bid out to allow for flexibility in construction;

**Whereas**, per the Texas Government Code §2267, the Design-Build project delivery method allows a governmental entity to contract with a single entity to provide both design and construction services for the construction, rehabilitation, alternation, or repair of a facility;

**Whereas**, the projected timeline for the project will begin in September 2012 and it is anticipated to be complete by April 2013; 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 authorize the use of the Design-Build Project Delivery method for the acquisition of services needed to remodel approximately 5000 square feet of space in the Municipal Building.

**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 **6<sup>th</sup>** day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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Consent Agenda  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Walter Hetzel, Director of Animal Services

**ITEM DESCRIPTION:** Consider adopting a resolution amending 2005-4590-R, Part 1, Surrender, repealing paragraphs 2 and 3 of this Part, and adding a provision that clarifies that out-of-town animals are not accepted.

**STAFF RECOMMENDATION:** Adopt resolution as presented in the item summary.

The Animal Services Advisory Board has considered this amendment and recommends approval.

**ITEM SUMMARY:** The original Council resolution establishing fees for the Animal Services Division was adopted when the City of Temple housed animals for Bell County and other surrounding communities that did not have facilities of their own. Since that time, Bell County has recently opened its own animal shelter.

Due to continuous overcrowding conditions at the Animal Shelter and the small staff available to care for animals, it is recommended that the City eliminate the policy of accepting out of town animals. Historically, many animals are euthanized each year just to make space for newer incoming animals. This recommendation will reduce the number of animals coming into the shelter by approximately 11% (350 animals per year) and will therefore reduce the need for some of our euthanasia.

The proposed amendments are as follows:

**Surrender:**

\$20.00 per adult animal;

\$20 per litter up to 8 weeks old, including mother

No charge for stray animals

**The City of Temple Animal Services and Shelter does not accept out-of-town animals.**

~~\$45.00 per adult and/or \$45 per little (includes mother) of 8 weeks old and under for non residents of Temple that live within postal zip codes 76501, 76502, 76504, 76513, 76533, 786554, or 76579.~~

~~\$80.00 per animal of all other non residents of Temple~~

**FISCAL IMPACT:** Approximately \$18,000 per year is taken in as fees for accepting out of town animals. This \$18,000 will no longer be collected, but will result in savings for not caring for and/or not euthanizing these animals. A total net savings of \$18,000 is anticipated.

**ATTACHMENTS:**

[Resolution 2005-4590-R](#)  
[Amended Resolution](#)



RESOLUTION NO. 2005-4590-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, SETTING FEES FOR SERVICES PROVIDED BY THE ANIMAL SERVICES DIVISION OF THE CITY OF TEMPLE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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Whereas, Chapter 6 of the Code of Ordinances, "Animals and Fowl," provides that fees for animal services shall be adopted by resolution of the City Council; and

Whereas, the City Council has reviewed the proposed fees and finds it in the public interest to authorize the fees more fully described herein.

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

PART 1: The City Council adopts the following fees for services provided by the Animal Services Division of the City of Temple:

Adoption

Unaltered Dogs .....	\$20.00
Unaltered Cats .....	\$10.00
Spayed or Neutered Cats and Dogs	\$50.00

Impoundment

First day or fraction thereof .....	\$15.00
Each additional day .....	\$5.00

Surrender

\$20.00 per adult and/or \$20 per litter (includes mother) of 8 weeks old and under for residents of Temple.

\$45.00 per adult and/or \$45 per litter (includes mother) of 8 weeks old and under for non-residents of Temple that live within postal zip codes 76501, 76502, 76504, 76513, 76533, 76554, or 76579.

\$80.00 per animal for all other non-residents of Temple.

No charge for strays for residents of Temple

Additional Dogs/Cats Permit

Permit Fee to keep more than 3 dogs and 3 cats.....\$20.00  
(permit granted by Animal Services Supervisor after evaluating request)

PART 2: The new Animal Service fees will take effect on January 1, 2006.


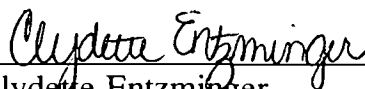
PART 3: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 1<sup>st</sup> day of December, 2005.

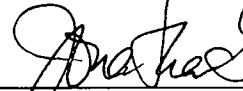
THE CITY OF TEMPLE, TEXAS

  
\_\_\_\_\_  
WILLIAM A. JONES, III, Mayor

ATTEST:

  
  
\_\_\_\_\_  
Clydette Entzminger  
City Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Jonathan Graham  
City Attorney

RESOLUTION NO. 2012-6729-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO RESOLUTION 2005-4590-R, PART 1, SURRENDER, REPEALING PARAGRAPHS 2 AND 3 OF THIS PART, AND ADDING A PROVISION THAT CLARIFIES THAT OUT-OF-TOWN ANIMALS ARE NOT ACCEPTED; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the original Council resolution establishing fees for the Animal Services Division was adopted when the City of Temple housed animals for Bell County and other surrounding communities that did not have facilities of their own - since that time, Bell County has opened its own animal shelter;

**Whereas**, due to continuous overcrowding conditions at the Animal Shelter and the small staff available to care for the animals, it is recommended that the City eliminate the policy of accepting out-of-town animals;

**Whereas**, this recommendation will reduce the number of animals coming into the shelter by approximately 11% (350 animals per year) and will therefore reduce the need for euthanasia due to space capacity; 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 amends Resolution 2005-4590-R adding a provision that clarifies that the Animal Shelter does not accept out-of-town animals.

**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 6<sup>th</sup> day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## **COUNCIL AGENDA ITEM MEMORANDUM**

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09/06/12  
Item #4(M)  
Consent Agenda  
Page 1 of 1

**DEPT./DIVISION SUBMISSION & REVIEW:**

Traci Barnard, Director of Finance

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing budget amendments for fiscal year 2011-2012.

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

**ITEM SUMMARY:** This item is to recommend various budget amendments, based on the adopted FY 2011-2012 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

**FISCAL IMPACT:** The total amount of budget amendments is \$232,598.

**ATTACHMENTS:**

[Budget Amendments](#)  
[Resolution](#)

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2012 BUDGET**  
**September 6, 2012**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-1500-515-1150		Separation Pay - General Fund	\$ 160,000	
110-0000-352-1345		<b>Designated Capital Projects - Unallocated</b>		<b>\$ 160,000</b>
<p>This budget adjustment appropriates funds to cover the additional separation pay for General Fund employees in FY 2012. Funds are available in Designated Capital Projects - Unallocated Fund Balance.</p>				
110-2210-522-2516		Judgments & Damages (Fire Dept.)	\$ 303	
110-1500-515-6531		<b>Contingency - Judgments &amp; Damages</b>		<b>\$ 303</b>
<p>Payment of Todd Bailey video deposition expenses associated with Britton v. Bunn-O-Matic Corp.</p>				
110-2320-540-2516		Judgments & Damages (Solid Waste - Brush/Bulk)	\$ 250	
110-1500-515-6531		<b>Contingency - Judgments &amp; Damages</b>		<b>\$ 250</b>
<p>Payment of claim filed for alleged damage to a brick mailbox when brush truck backed into it.</p>				
110-3270-551-2210		Furniture & Fixtures (Recreation - Sammons)	\$ 2,345	
110-0000-445-1587		Donations - Parks		\$ 2,345
<p>Additional funds are needed to purchase replacement office chairs at the Sammons Community Center. The purchase will be offset by a donation from Senior Citizens, Inc.</p>				
110-3280-551-2541		Corporate Games - Expenditure (Recreation - Events)	\$ 6,300	
110-0000-445-1571		Corporate Games - Revenue		\$ 6,300
<p>Additional funds are needed in order to produce the Corporate Challenge. Revenues will be generated through fees paid from companies to participate.</p>				
110-3400-531-2316		Streets & Alleys	\$ 10,000	
110-0000-443-0811		W&S Street Repair		\$ 10,000
<p>This budget adjustment appropriates revenue and the associated expenditure related to supplies needed to work on street cuts for the Water &amp; Sewer Fund. The Street Department needs additional funds to purchase asphalt for the remainder of FY 2012.</p>				
240-7000-551-2219		PC Replacements (Railroad Museum)	\$ 7,200	
240-7000-551-2221		Computer Equipment - Network Switch	\$ 2,600	
240-7000-551-2224		Communications - Phone System	\$ 4,200	
240-7000-551-2212		Office Machines - Receipt Printer & Cash Drawer	\$ 1,000	
240-7000-551-2212		Office Machines - Credit Card Machine	\$ 200	
240-4400-551-6532		<b>Hotel/Motel Fund Contingency</b>		<b>\$ 15,200</b>
<p>To appropriate funds to purchase items necessary for the City to take over operations of the Santa Fe Depot effective 10/01/12. Eight computers, network switch, phone system, receipt printer and cash drawer, and a credit card machine will all be required for the Museum to be operational under the City's management.</p>				

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2012 BUDGET**  
**September 6, 2012**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
520-5900-535-6110	100863	Land	\$ 18,600	
520-5900-535-6110	100921	Land	\$ 19,600	
520-0000-373-0411		<b>Water &amp; Sewer Unreserved Retained Earnings</b>		<b>\$ 38,200</b>

This budget adjustment appropriates Water and Sewer Unreserved Retained Earnings to purchase properties located at 4910 Parkside Drive and 4521 Parkside Drive (\$31,000). The properties are located within close proximity of the City's water treatment plant and are being acquired in anticipation of future expansion of the treatment plant. In addition, a total of \$7,200 will be appropriated to fund environmental costs, survey and closing costs related to the acquisition of the two properties.

<b>TOTAL AMENDMENTS</b>	<b>\$ 232,598</b>	<b>\$ 232,598</b>
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**GENERAL FUND**

Beginning <b>Contingency</b> Balance	\$ -
Added to Contingency Sweep Account	\$ -
Carry forward from Prior Year	\$ -
Taken From Contingency	\$ -
Net Balance of Contingency Account	\$ -

Beginning <b>Judgments &amp; Damages</b> Contingency	\$ 80,000
Added to Contingency Judgments & Damages from Council Contingency	\$ -
Taken From Judgments & Damages	\$ (42,310)
Net Balance of Judgments & Damages Contingency Account	\$ 37,690

Beginning <b>Compensation</b> Contingency	\$ 863,600
Added to Compensation Contingency	\$ -
Taken From Compensation Contingency	\$ (863,600)
Net Balance of Compensation Contingency Account	\$ -

<b>Net Balance Council Contingency</b>	<b>\$ 37,690</b>
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Beginning Balance <b>Budget Sweep</b> Contingency	\$ -
Added to Budget Sweep Contingency	\$ -
Taken From Budget Sweep	\$ -
Net Balance of Budget Sweep Contingency Account	\$ -

**WATER & SEWER FUND**

Beginning <b>Contingency</b> Balance	\$ 50,000
Added to Contingency Sweep Account	\$ -
Taken From Contingency	\$ (46,750)
Net Balance of Contingency Account	\$ 3,250

Beginning <b>Compensation</b> Contingency	\$ 97,000
Added to Compensation Contingency	\$ -
Taken From Compensation Contingency	\$ (92,916)
Net Balance of Compensation Contingency Account	\$ 4,084

<b>Net Balance Water &amp; Sewer Fund Contingency</b>	<b>\$ 7,334</b>
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**HOTEL/MOTEL TAX FUND**

Beginning <b>Contingency</b> Balance	\$ 79,303
Added to Contingency Sweep Account	\$ -
Carry forward from Prior Year	\$ -
Taken From Contingency	\$ (49,644)
Net Balance of Contingency Account	\$ 29,659

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2012 BUDGET**  
**September 6, 2012**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		Beginning <b>Compensation</b> Contingency		\$ 11,300
		Added to Compensation Contingency		\$ -
		Taken From Compensation Contingency		\$ (11,300)
		Net Balance of Compensation Contingency Account		\$ -
		<b>Net Balance Hotel/Motel Tax Fund Contingency</b>		<b>\$ 29,659</b>
		<b>DRAINAGE FUND</b>		
		Beginning <b>Compensation</b> Contingency		\$ 13,200
		Added to Compensation Contingency		\$ -
		Taken From Compensation Contingency		\$ (13,200)
		Net Balance of Compensation Contingency Account		\$ -
		<b>FED/STATE GRANT FUND</b>		
		Beginning <b>Contingency</b> Balance		\$ 24,387
		Carry forward from Prior Year		\$ 12,105
		Added to Contingency Sweep Account		\$ 22,327
		Taken From Contingency		\$ (29,131)
		Net Balance of Contingency Account		<b>\$ 29,688</b>

RESOLUTION NO. 2012-6693-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2011-2012 CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on the 1<sup>st</sup> day of September, 2011, the City Council approved a budget for the 2011-2012 fiscal year; and

**Whereas**, the City Council deems it in the public interest to make certain amendments to the 2011-2012 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 2011-2012 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 6<sup>th</sup> day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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09/06/12  
Item #5  
Regular Agenda  
Page 1 of 2

### **DEPT. / DIVISION SUBMISSION & REVIEW:**

Autumn Speer, Director of Community Services

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING - Z-FY-12-57: Consider adopting an ordinance authorizing an amendment to Ordinance 2010-4413, Temple Unified Development Code, Article 7.5 “Signs”, to establish procedure to request a Conditional Use Permit for off-premise signs relocating due to proposed state right-of-way requirements.

**P&Z COMMISSION RECOMMENDATION:** At its August 20, 2012 meeting, the Planning and Zoning Commission voted 8/0 in accordance with staff recommendation to recommend approval of the amendment to the Unified Development Code set forth in the item description above.

**STAFF RECOMMENDATION:** Conduct public hearing and adopt ordinance as presented in the item description, on first reading, and schedule second reading and final adoption for September 20, 2012.

**ITEM SUMMARY:** The TxDOT right of way acquisition project is displacing numerous existing off-premise signs (billboards). The majority of billboards in the city are owned and leased by Lamar Advertising. City Staff and Lamar Advertising have held several meetings over the last few months in an attempt to coordinate and determine the best approach for the replacement of these signs both for the applicant and the City’s best interest.

City staff has maintained the position that if an existing off-premise sign on I-35 must be relocated because of the I-35 expansion, City staff will approve the sign relocation on the same site. If the existing zoning is not correct we will consider processing a zoning change to allow compliance or a Planned Development if the straight zoning is not a positive option for the City. If the sign cannot be relocated on the same site, the City will consider an alternate location on I-35 if the correct zoning is in place (Commercial, Light Industrial and Heavy Industrial), the spacing requirements can be met (1,500 feet of another off-premise sign), and dimensional standards are met (total area per face of 672 square feet or less and no more than 42.5’ tall).

The current UDC ordinance language states:

*If a sign located within the proposed public street right-of-way of a state highway is to be relocated to accommodate a regulated highway project and the Texas Department of Transportation issues a permit for relocation of the sign, the Director of Construction Safety **may** also issue a Sign Permit if the sign meets all current City standards, except that the relocated sign:*

- 1. Does not require payment of a permit fee;*
- 2. May be erected a minimum of five feet from any highway right-of-way line;*
- 3. May be constructed with the same number of poles and same type of materials as the existing sign; and*
- 4. May be erected without enlarging the sign face.*

In some instances the ordinance requirements cannot be met in regards to spacing between signs. The current ordinance requires 1,500' between signs, however TxDOT will permit 500' spacing for relocation. Lamar has requested the City adopt TxDOT requirements; however City Staff cannot make favorable decisions without a full picture of what the final outcome will be as it relates to the visual impact to the I-35 Overlay area. There are currently 64 off-premise signs on I-35 from the northern city limits to the southern city limits. Twenty-nine signs are in the affected area of the TxDOT expansion and 19 signs have been identified to date that are affected by the expansion.

The timing of the TxDOT r-o-w acquisition prevents Lamar from bringing in a complete overview of what off-premise signs will remain after the r-o-w taking. This proposed text amendment to allow a Conditional Use permit request for decreased standards will allow Lamar Advertising to make their request for relocation and allow City Council the discretion to make a decision in the best interest of the City.

**PROPOSED SIGN AMENDMENT:** This proposed amendment modifies Article 7.5 of the UDC. The current ordinance permits the Director of Construction Safety authority to consider approving a Sign Permit if the sign meets all current City standards, with the aforementioned exceptions. The proposed ordinance amendment would add language to allow an applicant to request relocation that does not meet all city criteria with the approval of a Conditional Use Permit.

**PUBLIC NOTICE:** The newspaper printed notice of the Planning and Zoning Commission public hearing on August 6, 2012, in accordance with state law and local ordinance.

**FISCAL IMPACT:** NA

**ATTACHMENTS:**

[Attachment 1: Article 7.5 – Sign Excerpt](#)  
[P&Z Excerpts](#)  
[Ordinance](#)

### 7.5.11 Standards for Off-Premise Signs

An off-premise sign erected after March 7, 2002, must comply with the following standards unless an alternate standard applies because the sign is erected under incentive or relocation provisions.

#### A. Sign Permit Required

A person may not erect an off-premise sign without a Sign Permit issued in accordance with **Error! Reference source not found.** The Director of Construction Safety may issue a permit for an off-premise sign only when all requirements of this section are met. A permit for off-premise sign construction is valid for a period of six months from date of issuance. The Planning Director may extend the time limit for construction of a sign for up to one additional year. The permittee may present, and the Planning Director must consider, evidence relating to market conditions for new sign construction, availability of local financing for new sign construction, the permittee's history of compliance with the requirements of this section, and other relevant factors.

#### B. Dimensional Standards

##### 1. Location

An off-premise sign is permitted solely in the C, LI and HI zoning districts on property fronting Interstate Highway 35 or H. K. Dodgen Loop.

##### 2. Minimum Spacing

- a. An off-premise sign along Interstate 35 may not be erected within 1,500 feet of another off-premise sign.
- b. An off-premise sign along H. K. Dodgen Loop may not be erected within 2,000 feet of another off-premise sign, except that, in exchange for the removal of one double-faced sign that is larger than 386 square feet and existing along the Loop on March 7, 2002, three 386-square-foot double-faced signs may be erected within 1,500 square feet of another off-premise sign, if the permittee has sufficient sign replacement credits.
- c. Spacing is measured on the same side of the road, between points along the public street right-of-way of the regulated highway perpendicular to the center of the signs.

3. **Area**

The dimensions of an off-premise sign erected on property fronting Interstate 35 must be 14 feet by 48 feet, for a total area per face of 672 square feet. The dimensions of an off-premise sign erected on property fronting H. K. Dodgen Loop must be 10 feet, 6 inches by 36 feet, for a total area per face of 386 square feet.

4. **Height**

An off-premise sign must be 42 feet and six inches in height. Sign height is measured from the grade level of the centerline of the main-traveled way closest to the sign, at a point perpendicular to the sign location.

5. **Setback**

An off-premise sign must be set back a minimum of 20 feet from public street right-of-way line, measured from the closest part of the sign.

C. **Design Standards**

1. **Faces**

An off-premise sign may be single-faced or double-faced, but may not contain more than one face on each side of the display.

2. **Roof**

An off-premise sign may not be erected or maintained upon the roof of any building structure.

3. **Light**

An off-premise sign may not be constructed where it obscures or shades the windows or doorways of adjacent buildings.

4. **Traffic Hazard**

An off-premise sign is not permitted that, because of its size, shape or location, may endanger or obscure or obstruct the view of vehicular or pedestrian traffic. An off-premise sign must not be designed to be confused with any authorized traffic control device.

5. **Scenic Vista**

An off-premise sign may not be permitted that, because of its size, shape or location, may impair any scenic vista from the highway or a building adjacent to the highway or to the off-premise sign.

**6. Construction**

An off-premise sign must have a steel post and be constructed and erected in conformance with Chapter 7, City Code, Buildings.

**7. Encroachment**

- a. A part, foundation or support of any off-premise sign may not be placed on, in or over any of the following:
  - i. Public property or street rights-of-way;
  - ii. Telephone or utility poles; or
  - iii. Natural features such as trees and rocks.
- b. Encroachment into a public utility or drainage easement may be allowed with a street use license.

**D. New Off-Premise Signs**

**1. Off-Premise Sign Cap**

The number of off-premise signs in the City is limited to the number of such signs in existence on March 7, 2002.

**2. Inventory**

The owner or operator of one or more off-premise signs within the City must inventory the signs on forms the Planning Director provides and file the completed forms with the planning department within six months from March 7, 2002. Incentive credit or permit for alteration or relocation may not be issued for an off-premise sign that was not inventoried and reported to the City in a timely manner.

**3. Incentives**

- a. To encourage removal of off-premise signs that do not comply with current sign standards, the owner of a sign that was lawfully erected in compliance with all standards then in effect or lawfully in place at the time it was annexed into the City may be awarded credit for removing such sign.
- b. One credit will be awarded for each face that is removed from a lawfully existing off-premise sign. In order to receive a Sign Permit for the erection of an off-premise sign, 1.25 credits must be used per new face.

- c. The Director of Construction Safety may issue a Sign Permit to any person holding sufficient credits, for erection of an off-premise sign in an eligible location as set forth in paragraph B.1 above, in his or her sole discretion. The Sign Permit must state the number of faces to be erected.
- d. Credits are transferable.
- e. Credit is received when a permittee removes a sign voluntarily, even if the reason is loss of the lease. Credit may not be awarded for the removal of an off-premise sign that was in violation of federal, state or City laws when erected.
- f. To be awarded a credit under the incentive program, a sign owner or operator must notify the City within 60 days of the removal of an off-premise sign and receive a letter from the City awarding a credit. Failure to apply for a credit within 60 days from removal of a sign bars the awarding of credit for that sign. Any unused credits will be held in reserve indefinitely, in order to give incentive for immediate removal of current faces.
- g. The Planning Director must provide to the Planning and Zoning Commission, as part of the Commission's annual report, an accounting of unused credits. The Commission's annual accounting is final if not appealed in writing to the Commission within 30 days from the date that the accounting is presented to the Commission. In making a final determination, the Commission will consider evidence that the appellant, Planning Director or any other interested person presents.

**E. Residential Zoning Districts**

An off-premise sign is not permitted if residentially-zoned property is located between the sign location and the roadway toward which the sign would be oriented.

**F. Consent**

A part, foundation or support of any off-premise sign may not be placed on, in or over any private property without the written consent of the property owner.

#### **G. Protected Vegetation**

Notwithstanding any other provision or other applicable law or regulation, a person may not remove, cut or otherwise alter any vegetative screening on public property or private landscaping required in **Error! Reference source not found.** in order to improve the visibility of a nearby off-premise sign. Should such an alteration occur, any off-premise sign so benefited is deemed nonconforming and must become the next nonconforming off-premise sign relocated.

#### **H. Identification**

An off-premise sign must be permanently identified with the name of the sign owner or operator with letters of sufficient size to be easily read from the nearest roadway.

#### **I. Alteration**

An off-premise sign may not be altered with regard to size, shape, orientation, height or location without the prior issuance of an alteration or relocation permit. Ordinary and necessary repairs that do not change the size, shape, orientation, height or location of an inventoried off-premise sign do not require an alteration permit. An alteration permit expires if the approved modifications are not completed within 90 days of permit issuance.

#### **J. Demolition**

A demolition permit is required prior to removal of an existing off-premise sign. Demolition must be completed within 90 days from permit issuance. The permit must state the number of faces to be demolished.

#### **K. Maintenance**

If the Planning Director finds that any off-premise sign on the authorized list is not maintained in good repair and has not deteriorated more than 50 percent of its replacement value, the Planning Director will notify and order the owner to repair the sign within 30 calendar days. If the Director finds that an off-premise sign has deteriorated more than 50 percent of its replacement value, or is not repaired within 30 calendar days, the Planning Director must notify the owner of the off-premise sign and the owner of the real property on which the off-premise sign is located to remove the off-premise sign or poster panel from the property within a specified time. All off-premise signs ordered to be

removed must be stricken from the authorized list when the time limit is set and the removal notice ends.

#### **L. Relocation**

If a sign located within the proposed public street right-of-way of a state highway is to be relocated to accommodate a regulated highway project and the Texas Department of Transportation issues a permit for relocation of the sign, the Director of Construction Safety may also issue a Sign Permit if the sign meets all current City standards, except that the relocated sign:

1. Does not require payment of a permit fee;
2. May be erected a minimum of five feet from any highway right-of-way line;
3. May be constructed with the same number of poles and same type of materials as the existing sign; and
4. May be erected without enlarging the sign face.
5. **If the proposed off premise sign does not meet all city standards including minimum spacing, area, height and setback, an applicant must receive approval of a Conditional Use permit for the new location.**



**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, AUGUST 20, 2012**

**ACTION ITEMS**

**Item 3: Z-FY-12-57** – Hold a public hearing to discuss and recommend action on a Code Amendment to allow CUP request for off-premise sign relocating due to proposed state right-of-way requirements.

Ms. Autumn Speer, Director of Community Services, stated this was a Staff initiated request for a text amendment to Article 7 regarding off-premise sign relocation. Due to TxDOT acquisition of I35 right-of-way, many of the billboards are being affected. Staff met with Lamar Advertising numerous times and it was decided if Lamar is unable to meet all the City requirements, they can come before P&Z and City Council to have those items considered.

Several requirements need to be considered for billboards: spacing, zoning, height, and area. The minimum spacing required is 1,500 feet between signs on each side, setback 20 feet from property line, size is 14 feet by 48 feet, and height is 42.5 feet.

When relocating a sign due to TxDOT expansion, the existing relocation standards include no permit fee, the setback is reduced to five feet, use the same type of pole, and area of the existing billboard should be the same or smaller. TxDOT will only allow a minimum of 500 feet between signs.

The proposed amendment states:

If the proposed off premise sign does not meet all city standards including minimum spacing, area, height and setback, an applicant must receive approval of a Conditional Use permit for the new location.

Staff recommends approval of this proposal and City Council public hearing will be held on September 6, 2012.

Vice-Chair Staats opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Talley made a motion to approve Item 3, **Z-FY-12-57**, and Commissioner Rhoads made a second.

*Motion passed: 8:0*  
Chair Martin absent

ORDINANCE NO. 2012-4552

[Z-FY-12-57]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE NO. 2010-4413, THE “UNIFIED DEVELOPMENT CODE,” ARTICLE 7.5, ENTITLED “SIGNS,” TO ESTABLISH PROCEDURE TO REQUEST A CONDITIONAL USE PERMIT FOR OFF-PREMISE SIGNS RELOCATING DUE TO THE PROPOSED STATE RIGHT-OF-WAY REQUIREMENTS; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**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 20, 2012 meeting, the Planning and Zoning Commission voted to amend Article 7.5, entitled, “Signs,” to recommend approval of the amendment to the Unified Development Code to establish procedure to request a Conditional Use Permit for off-premise signs relocating due to the proposed state right-of-way requirements;

**Whereas**, the Texas Department of Transportation right-of-way project is displacing numerous existing off-premise signs (billboards) and the City staff has maintained the position that if an existing off-premise sign on I-35 must be relocated because of the I-35 expansion, City staff will approve the sign relocation on the same site;

**Whereas**, if the sign cannot be relocated on the same site, the City will consider an alternate location on I-35 if the correct zoning is in place, the spacing requirements can be met, and the dimensional standards are met; 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 Article 7.5, entitled, “Signs,” to recommend approval of the amendment to the Unified Development Code to establish procedure to request a Conditional Use Permit for off-premise signs relocating due to the proposed state right-of-way requirements, 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 **6<sup>th</sup>** day of **September**, 2012.

PASSED AND APPROVED on Second Reading on the **20<sup>th</sup>** day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, MAYOR

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/06/12

Item #6

Regular Agenda

Page 1 of 3

**DEPT. / DIVISION SUBMISSION & REVIEW:**

Autumn Speer, Director of Community Services

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING - Z-FY-12-56: Consider adopting an ordinance authorizing a Conditional Use Permit to allow an off-premise sign relocation closer than 1,500 feet from another off-premise sign at 5275 S General Bruce Drive.

**23% Opposition of buffer area - Supermajority vote is required**

**P&Z COMMISSION RECOMMENDATION:** At its August 20, 2012 meeting, the Planning and Zoning Commission voted 8/0 in accordance with staff recommendation to recommend approval of the Conditional Use Permit to allow for decreased spacing between off-premise signs.

**STAFF RECOMMENDATION:** Conduct public hearing and adopt ordinance as presented in the item description, on first reading, and schedule second reading and final adoption for September 20, 2012.

Staff recommends approval of the requested CUP. The area from the HK Dodgen Loop to the southern city boundaries currently includes 22 off-premise sign structures in use by Lamar and one dilapidated structure not in use. Based on current City spacing requirements of 1,500', this area (approximately 4.14 miles) should not exceed 14-15 signs on each side if an average spacing were calculated. The existing western side of I-35 currently has 11 off-premise signs and the east side of the interstate has 12 including the dilapidated structure. The proposed sign is 822' from the closest off-premise sign to the south sign and 1,314' from the closest off-premise sign to the north. The addition of one off-premise sign in this location will not significantly diminish the spirit of the ordinance. Any additional future requests in this immediate area will not receive favorable staff recommendations.

Council May add conditions to the Conditional Use Permit such as:

- Increased setbacks
- Specific locations on site
- Reduced height
- Specific pole type and materials

**ITEM SUMMARY:** The TxDOT right of way acquisition project is displacing numerous existing off-premise signs (billboards). The majority of billboards in the city are owned and leased by Lamar Advertising. City Staff and Lamar Advertising have held several meetings over the last few months in an attempt to coordinate and determine the best approach for the replacement of these signs both for

the applicant and the City's best interest. Lamar Advertising currently operates approximately 117 billboard signs in the city limits. Sixty-four of these signs are located on I-35 and 19 signs have been identified at this time by Lamar that will not be able to be located on the remainder of the property after the TxDOT row acquisition (some have already been removed).

There are currently 13 off-premise signs located north of HK Dodgen Loop, six will not be permitted to go back on the remainder of the property. Inside the loop there are 29 signs along the interstate, 13 of which will not be permitted to go back on the remainder and south of HK Dodgen Loop there are 22 Lamar signs, none of which are affected by the TxDOT expansion.

City staff has maintained the position that if an existing off-premise sign on I-35 must be relocated because of the I-35 expansion, City staff will approve the sign relocation on the same site. If the existing zoning is not correct we will consider processing a zoning change to allow compliance or a Planned Development if the straight zoning is not a positive option for the City. If the sign cannot be relocated on the same site, the City will consider an alternate location on I-35 if the correct zoning is in place (Commercial, Light Industrial and Heavy Industrial), the spacing requirements can be met (1,500 feet of another off-premise sign), and dimensional standards are met (total area per face of 672 square feet or less and no more than 42.5' tall). For signs request not meeting this criteria, the Conditional Use Permit method has been created.

The current UDC ordinance language states:

*If a sign located within the proposed public street right-of-way of a state highway is to be relocated to accommodate a regulated highway project and the Texas Department of Transportation issues a permit for relocation of the sign, the Director of Construction Safety may also issue a Sign Permit if the sign meets all current City standards, except that the relocated sign:*

- 1. Does not require payment of a permit fee;*
- 2. May be erected a minimum of five feet from any highway right-of-way line;*
- 3. May be constructed with the same number of poles and same type of materials as the existing sign; and*
- 4. May be erected without enlarging the sign face.*

Lamar Advertising is requesting a Conditional Use Permit be granted for the relocation of the off-premise sign from to 5275 S. General Bruce Drive. The sign proposal is for a 14' x 48' monopole sign setback 20' from the row. The zoning of the property is Commercial. The Conditional Use Permit is required because the 1,500' spacing requirement between off-premise signs is not met. The proposed sign is 822' from the closest off-premise sign to the south sign and 1,314' from the closest off-premise sign to the north. This portion of I-35 is not affected by the TxDOT row acquisition.

**Proposed Sign Location:**



**PUBLIC NOTICE:** Three notices of the Planning and Zoning Commission public hearing were sent to surrounding property owners. As of Thursday August 23, one notice had been returned in opposition from the owner of the Holiday Inn motel. The newspaper printed notice of the Planning and Zoning Commission public hearing on August 6th, 2012, in accordance with state law and local ordinance. Additionally 1 courtesy notices was sent to surrounding business operators within 300-feet of the subject property.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

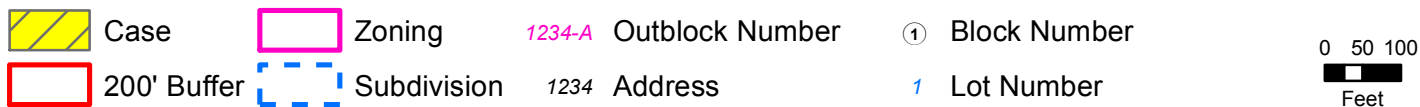
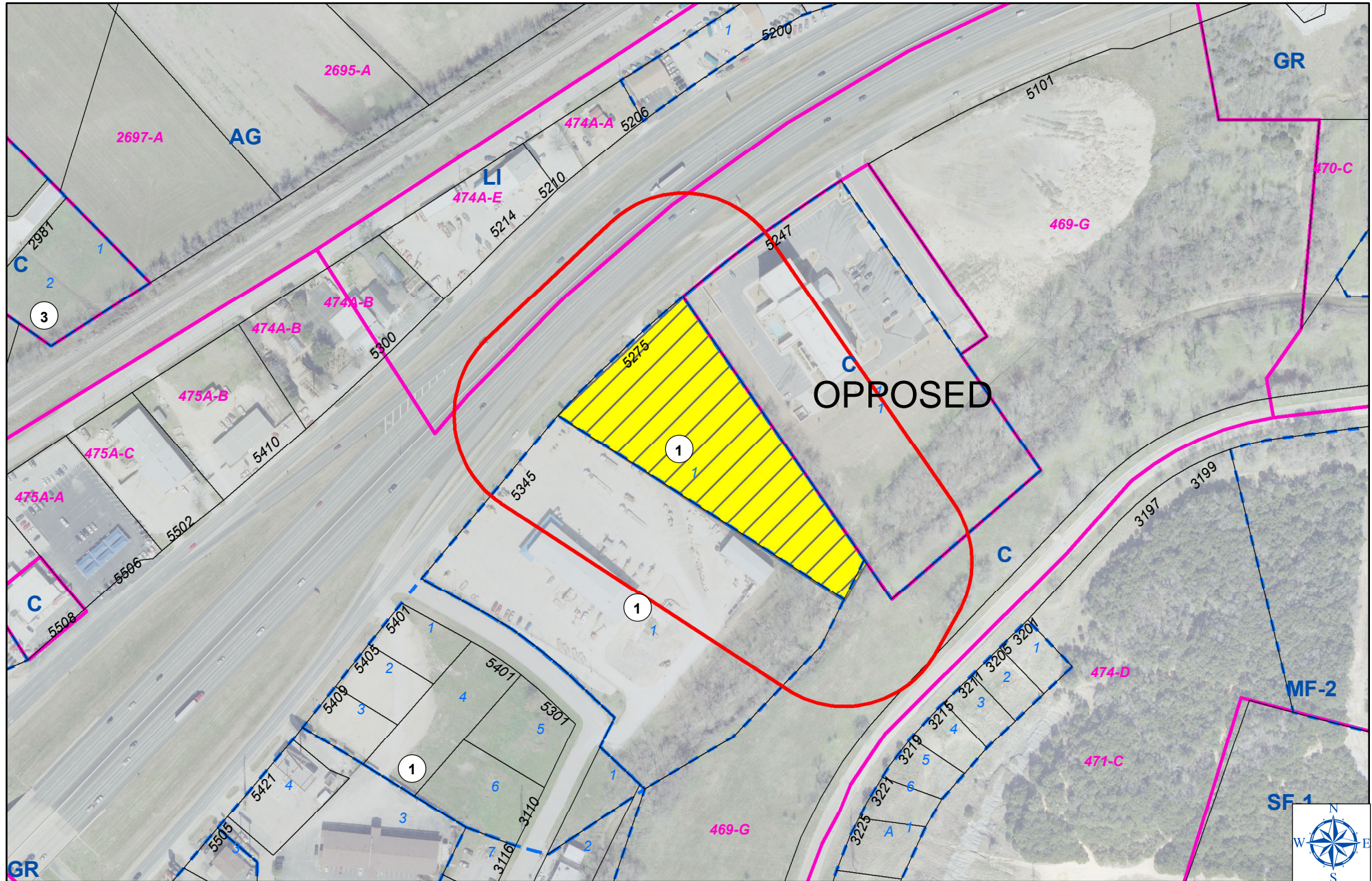
[Aerial and Notification Map](#)  
[Applicant Submittal](#)  
[P&Z Excerpts](#)  
[Ordinance](#)





**Z-FY-12-56**

# CUP Off-Premise Sign 5275 South General Bruce Drive

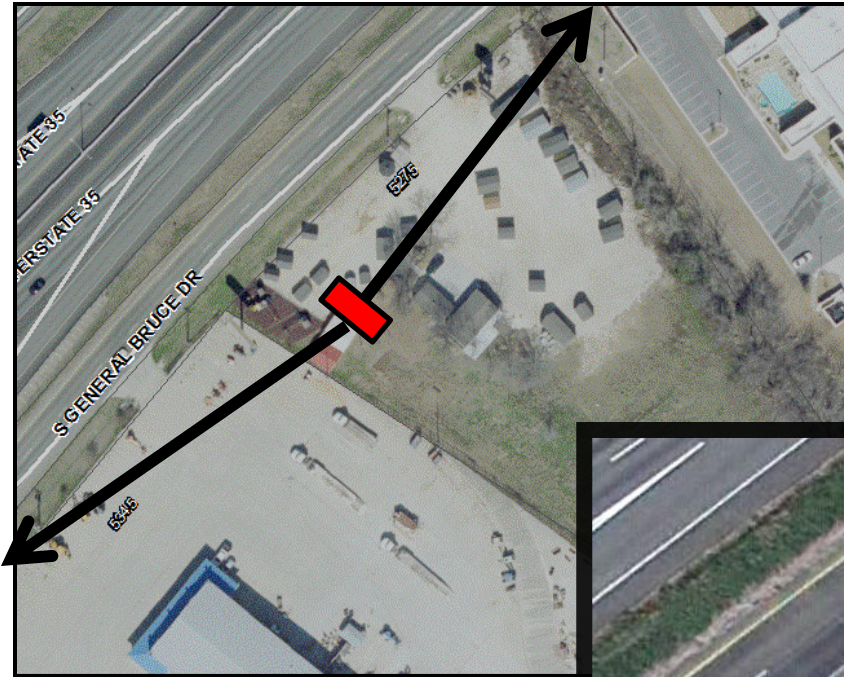


7/24/2012  
City of Temple GIS  
aspeer

GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



# Proposal for 14' x 48' Mono Pole Billboard Sign

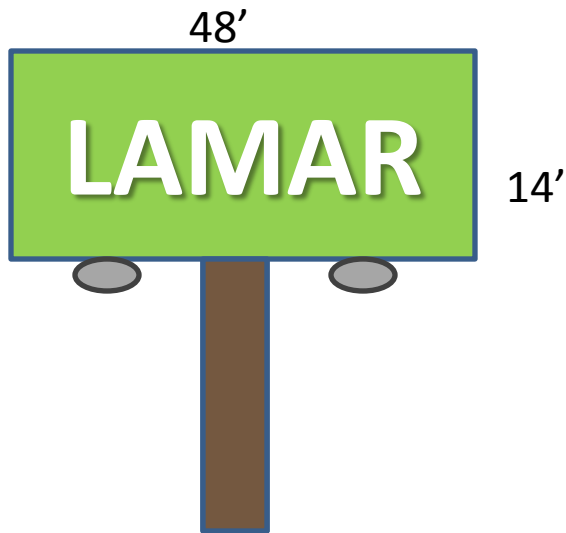


- Pole placement marked RED (below)
- No other OFF PREMISE Signs within 500' either direction
- Setback 20' from edge of ROW
- Commercial Zoning
- TX DOT Relocation





# “Sample” Photo of Relocation Sign



14' x 48' Back to Back  
Illuminated "V"



822' from south sign to proposed  
1314' from north sign to proposed



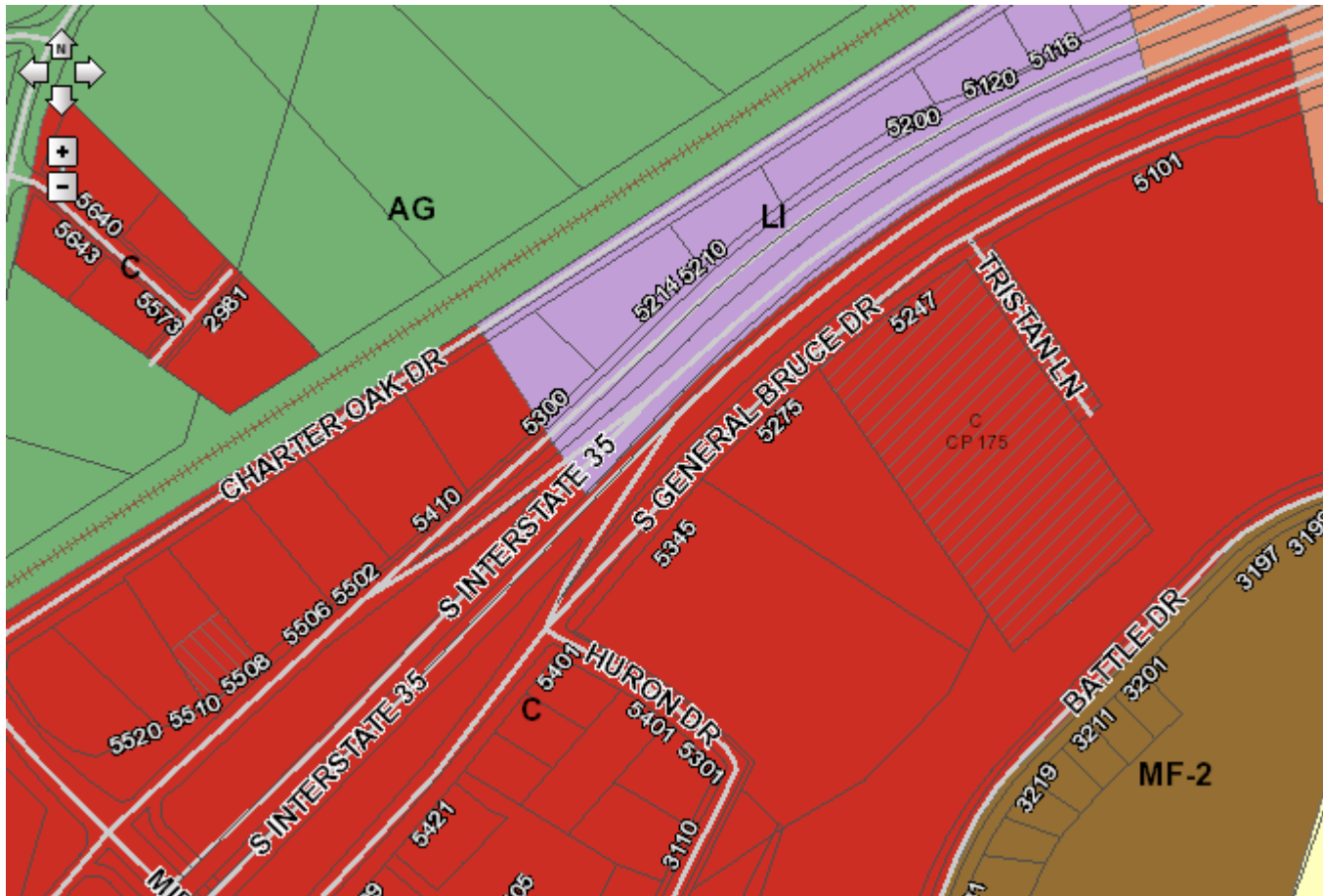


PROPOSED SIGN

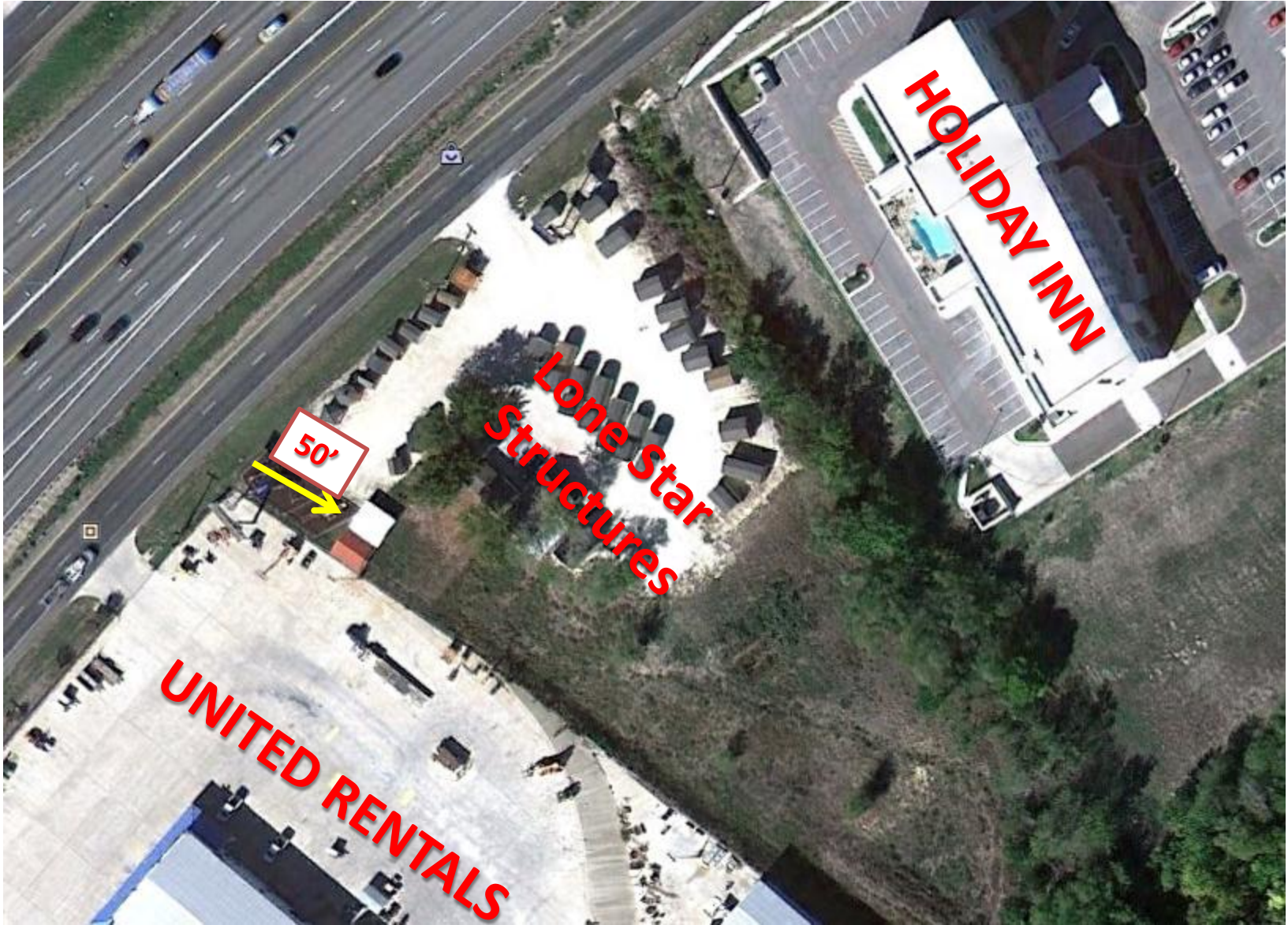
EXISTING SIGN

U.S. 190

# 5275 S General Bruce Drive Commercial Zoning







**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, AUGUST 20, 2012**

**ACTION ITEMS**

**Item 4: Z-FY-12-56** – Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow an off-premise sign on Lot 1, Block 1, Bird Creek Valley Commercial Phase VII, located at 5275 South General Bruce.

Ms. Speer stated this request was for relocating a sign by Lamar Advertising.

Lamar Advertising currently has 117 signs in the City with 64 signs located on I35. Nineteen signs are not able to relocate; however, some have already been taken down. Thirteen signs are north of the Loop and 6 of those are not permitted back. There are 29 from Loop to Loop and 13 of those are not permitted back. Twenty-two signs are south of the Loop and there is no effect on these.

The subject sign is a 14 foot x 48 foot monopole, the setback is 20 feet from the right-of-way, and the zoning is Commercial (C). The spacing is 822 feet to the south and 1,314 feet to the north so the CUP is only for the spacing.

Aerial locations are shown and explained.

All of the surrounding properties of the subject billboard are zoned C and appropriate for off-premise signs. Off-premise signs are allowed in the C, Heavy Industrial (HI) and Light Industrial (LI) zoning districts.

Three notifications were mailed out and one was received in opposition to the request. Due to the limited amount of properties owners on this site, it will require a supermajority vote from City Council.

Staff recommends approval of this request.

Commissioner Jones asked how visible the Holiday Inn sign would be once the Lamar sign is up. Ms. Speer stated an analysis was not done on this. The Holiday Inn sign is taller than the Lamar sign.

Ms. Speer stated TxDOT will not allow any off-premise signs to be spaced closer than 500 feet. There are specific rules regarding new off-premise signs. This is a specific circumstance for Lamar due to the forced relocation.

Vice-Chair Staats opened the public hearing.

Mr. Mat Naegele, Lamar Advertising, 5110 N. General Bruce Drive, Temple, stated Lamar was not trying to add any signs to the City, just maintain the current inventory. Due to the forced relocation by TxDOT, the signs need to go somewhere. This is one of the better signs for Lamar.

In the past five to ten years, Lamar has been aggressively dismantling signs giving them a current credit of 23. Their goal is to reduce the number of outdoor structures in all cities they operate in.

Mr. Naegele explained it was not that easy to find new locations for the signs due to the criteria they need to meet: zoning, setbacks, power lines/utilities/easement restrictions, spacing, and a willing landowner who would allow the structure on the property. Other issues include paying rent and selling the sign.

The subject structure generates revenue of approximately \$30,000 a year and is a two-sided sign.

Commissioner Pilkington asked if the Lamar sign was lower than the Holiday Inn sign and Mr. Naegele stated his sign was 42.5 feet to the top and has been told it was lower.

Commissioner Talley asked the applicant if he has spoken with Mr. Patel of the Holiday Inn. Mr. Naegele stated no, his contact in the past has been Mr. Botka (spelled phonetically) who owned the hotel and some property to the north. Mr. Naegele would be happy to meet with him and discuss the matter.

There being no further speakers, Vice-Chair Staats closed the public hearing.

Commissioner Sears made a motion to approve Item 4, **Z-FY-12-56**, and Commissioner Talley made a second.

*Motion passed: 8:0*  
Chair Martin absent

[Z-FY-12-56]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONDITIONAL USE PERMIT TO ALLOW AN OFF-PREMISE SIGN RELOCATION CLOSER THAN 1,500 FEET FROM ANOTHER OFF-PREMISE SIGN AT 5275 SOUTH GENERAL BRUCE DRIVE; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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WHEREAS, the Comprehensive Zoning Ordinance of the City of Temple, Texas, provides for the issuance of conditional use permits under certain conditions and authorizes the City Council to impose such developmental standards and safeguards as the conditions and locations indicate to be important to the welfare or protection of adjacent property and for the protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions, and for the establishment of conditions of operation, time limits, location, arrangement and construction for any use for which a permit is authorized;

WHEREAS, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, operation and location of 5275 South General Bruce Drive, recommends that the City Council approve the application for this Conditional Use Permit to allow an off-premise sign relocation closer than 1,500 feet from another off-premise sign; and

WHEREAS, the City Council of the City of Temple, Texas, after public notice as required by law, has at a public hearing, carefully considered all the evidence submitted by the applicant concerning the proposed plans for operation of said establishment and has heard the comments and evidence presented by all persons supporting or opposing this application at said public hearing, and after examining the conditions, operation and the location of said establishment, finds that the proposed use of the premises substantially complies with the comprehensive plan and the area plan adopted by the City Council.

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

**Part 1:** The City Council approves a Conditional Use Permit to allow an off-premise sign relocation closer than 1,500 feet from another off-premise sign at 5275 South General Bruce Drive, more fully shown on Exhibit A, attached hereto and made a part of for all purposes.

**Part 2:** The owner/applicant, his employees, lessees, agents or representatives, hereinafter called "permittee" shall comply with the following developmental standards and conditions of operation:



- (A) The permittee must design and operate the establishment in such a manner that the proposed use does not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.
- (B) The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
- (C) The permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter and odors in the establishment or in the surrounding area and operate the establishment in such a manner as to minimize disturbance to surrounding property owners.
- (D) The City Council may cancel, suspend, deny or revoke this CUP, in accordance with the revocation clause set forth in Section 7-608 of the Zoning Ordinance.
- (E) The CUP runs with the property. Changes in the owner or lessee of a permitted establishment do not affect the permit.
- (F) The CUP may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 7-608 of the Zoning Ordinance.

**Part 3:** The Director of Planning is hereby directed to make the necessary changes to the City Zoning Map accordingly.

**Part 4:** The declarations, determinations and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

**Part 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 **6<sup>th</sup>** day of **September**, 2012.

PASSED AND APPROVED on Second Reading on the **20<sup>th</sup>** day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## CITY COUNCIL AGENDA ITEM MEMORANDUM

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09/06/12  
Item #7  
Regular Agenda  
Page 1 of 3

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Traci L. Barnard, Director of Finance

**ITEM DESCRIPTION:** FIRST READING - PUBLIC HEARING: Consider adopting an ordinance authorizing amendments to the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans for FY 2012-2022 to include recognizing additional tax increment and grant revenues; recognizing savings from bond refunding transactions; and reallocating, adjusting and appropriating to various projects.

**STAFF RECOMMENDATION:** Conduct public hearing and adopt ordinance as presented in item description, on first reading and schedule second reading and final adoption for September 06, 2012.

**ITEM SUMMARY:** The Reinvestment Zone No. 1 Board met on August 22, 2012, to recommend to Council amendments to the Financing and Project Plans. The detail for the required amendments is shown below.

**(A) Appropriating additional tax increment revenue in FY 2013-2022 based on the FY 2013 certified roll, future growth, and expiring tax abatements and adjusting the allowance amount reported for a net adjustment of \$5,295,180:**

**Line 4/Line 6 – Tax Revenues and Allowance for Uncollected Taxes:** FY 2013 taxable values were revised to reflect the certified tax roll received from the Bell County Appraisal District. For FY 2014-2022 a 1% growth factor was applied to the FY 2013 base. Adjustments were made in future years for expiring tax abatements and new growth in applicable years. The net increase is \$5,295,180.

**Note:** Future tax increment revenues reflect the existing Economic Development Agreement with Gulf States Toyota (GST). No additional revenues have been added for tax increment associated with PANDA.

**(B) Appropriating funds related to the 2011A and 2012 bond refunding transactions in FY 2012 and reducing debt service payments in FY 2012-2022 due to the 2011A and 2012 bond refundings for a net savings of \$865,036:**

**Line 26/Line 27 – Debt Service 2003 and 2008 Bond Issues:** Reduced the amount of debt service payments in FY 2012-2022 due to the 2011A and 2012 bond refunding issues to partially refund the

2003 bonds and to fully refund the 2008 bonds. The savings recognized over the life of the bonds due to the refunding is \$865,036.

**Line 30/Line31 – Debt Service 2011A and 2012 Refunding Issues:** Added the debt service payments due to the 2011A and 2012 bond refunding issues in FY2012-2022.

**Line 32 - Issuance Costs:** Increased by \$186,113 to cover the issuance costs related to the refunding issues. Proceeds from refunding issues covered the issuance costs, Line 33.

**Line33/Line34 – Refunding Bond Proceeds/Payment to Refunding Bond Agent:** Increased to reflect transactions related to partial refunding of the 2003 bond issue and full refunding of the 2008 Bond issue. The Zone received \$11,925,708 in refunding bond proceeds and paid \$11,748,312 to partially refund the 2003 Bond issue and fully refund the 2008 Bond issue.

**(C) Appropriating additional funds to TISD in FY 2012-2022 to align with the current agreement in the amount of \$29,746:**

**Line 62 – TISD –Reimbursement for expenses incurred for participation in Zone:** Temple Independent School District has submitted their expenses incurred to be used in the calculation of their payment. Per the agreement, the reimbursement shall be based on a rolling three year average of expenses incurred by TISD. The Financing Plan has been adjusted beginning in FY 2012 to account for this change and increase beginning in FY 2015 and each subsequent three year period by 5%.

**(D) Appropriating funds to Downtown Improvements of 5% to reflect the revised tax increment revenue in FY 2013-2022 in the amount of \$2,597,330:**

**Line 401 – Downtown Improvements:** Adjusted to reflect the increase to the tax increment revenue. The previous Financing Plan had Downtown Improvements allocated through FY 2015. We have allocated funds through FY 2022 based on 5% of the revised tax increment revenue.

**(E) Appropriating \$2,000,000 in funds to the Avenue R – S&W Blvd, Avenue R-19<sup>th</sup> Street Intersections project in FY 2012 and FY 2013 by reallocating funds from the TMED-1<sup>st</sup> Street @ Loop 363 project in the amount of \$1,461,200 in FY 2012, \$500,000 in FY 2013 and by allocating additional property tax revenue of \$38,800 in FY 2012:**

**Line 456 – Avenue R – S&W Blvd, Avenue R – 19<sup>th</sup> Street Intersections:** Avenue R was a project that was identified in the 2010 Master Plan. The project was previously partially funded. Funds were reallocated from this project to the TMED-1<sup>st</sup> Street @ Loop 363 project. According to TxDot's current schedule for the TMED-1<sup>st</sup> Street @ Loop 363 project, the project will not be let for construction until 2014. The City has agreed to a cost sharing agreement with TxDot for this project. Accordingly, the Zone's cost sharing funds will not be needed until that time. The Project Committee is recommending funding the Avenue R project in FY 2012 and 2013 by reallocating the funds from the TMED-1<sup>st</sup> Street @ Loop 363 project and allocating additional property tax revenue in FY 2012. Total amount of funding for the Avenue R project is \$2,000,000.

**(F) Appropriating funds to the TMED-1<sup>st</sup> Street @ Loop 363 project in FY 2014 in the amount of \$1,950,000:**

**Line 454 - TMED-1<sup>st</sup> Street @ Loop 363:** The Project committee has learned that the funds for the TMED-1<sup>st</sup> Street @ Loop 363 project will not be needed until FY 2014. Keep Temple Beautiful Grant Funds of \$250,000 remain in FY 2012 for this project. In FY 2014, \$1,950,000 is available from additional tax increment revenues for this project. To date, \$288,800 has been contracted for design of the project.

**(G) Appropriating funds in the amount of \$100,000 for the Airport RAMP grant in FY 2013 and recognizing \$50,000 in grant revenue from TxDot:**

**Line 10/Line 505 – Grant Revenue and Airport Corporate Hangar Development/Improvements:** The Airport is eligible to receive a RAMP Grant from TxDot of \$50,000 with a match of \$50,000. The \$50,000 has been added to Line 10, Grant Revenue, and the expenditure of \$100,000 has been added to Line 505, Airport Corporate Hangar Development/Improvements in FY 2013. Funding for the \$50,000 match is from tax increment revenues.

**(H) Appropriating funds for Public Improvements in FY 2016-2022 in the amount of \$2,357,250:**

**Line 610 – Public Improvements:** The previously adopted Financing Plan had future Public Improvements in FY 2016-2021 in the amount of \$1,875,000 and in FY 2022 in the amount of \$2,745,995. Due to the adjustments made in the FY 2013 tax base, expiring tax abatements and new growth in applicable years, there are additional funds available to allocate to Public Improvements. The line has been adjusted as follows: \$2,000,000 in FY 2016-2018; \$2,300,000 in FY 2019-2021; and \$3,456,372 in FY 2022.

**FISCAL IMPACT:** The total amount allocated in FY 2012 through 2022 is \$83,702,159 as compared to the total amount allocated in the Financing Plan dated 06/27/12 of \$77,491,943 for the same time period. The increase of \$6,210,216 is due to savings realized from the bond refundings in FY 2012-2022, from the increase in tax increment revenues in FY 2013-2022, and allocation of grant revenue in FY 2013.

• Tax Increment revenue increase	\$5,295,180
• Bond refunding savings	865,036
• Grant revenue	<u>50,000</u>
Total Increase	<u>\$6,210,216</u>

**ATTACHMENTS:**

[Financing Plan](#)  
[Summary Financing Plan with Detailed Project Plan](#)  
[Ordinance](#)

FINANCING PLAN

DESCRIPTION					Revised FY 2012 Year 30	Y/E 9/30/13 Year 31	Y/E 9/30/14 Year 32	Y/E 9/30/15 Year 33	Y/E 9/30/16 Year 34	Y/E 9/30/17 Year 35	Y/E 9/30/18 Year 36	Y/E 9/30/19 Year 37	Y/E 9/30/20 Year 38	Y/E 9/30/21 Year 39	Y/E 9/30/22 Year 40
1	"Taxable Increment"				\$ 132,020,000	\$ 156,026,934	\$ 159,277,807	\$ 161,870,437	\$ 217,546,203	\$ 234,478,622	\$ 241,197,997	\$ 243,609,977	\$ 246,046,077	\$ 248,506,538	\$ 277,685,093
1	FUND BALANCE, Begin				\$ 7,979,748	\$ 831,621	\$ 1,287,834	\$ 1,115,658	\$ 1,144,402	\$ 816,972	\$ 925,643	\$ 1,143,800	\$ 1,092,429	\$ 986,706	\$ 910,053
2	Adjustments to Debt Service Reserve				462,707	1,761,865	1,765,643	-	-	-	-	-	-	-	-
3	Fund Balance Available for Appropriation				\$ 8,442,455	\$ 2,593,486	\$ 3,053,477	\$ 1,115,658	\$ 1,144,402	\$ 816,972	\$ 925,643	\$ 1,143,800	\$ 1,092,429	\$ 986,706	\$ 910,053
SOURCES OF FUNDS:															
4	Tax Revenues				4,569,378	4,859,099	4,926,519	4,986,268	6,580,402	7,052,323	7,162,797	7,221,518	7,280,825	7,340,724	7,723,762
6	Allowance for Uncollected Taxes				(115,655)	(72,886)	(73,898)	(74,794)	(98,706)	(105,785)	(107,442)	(108,323)	(109,212)	(110,111)	(115,856)
8	Interest Income-Other				50,000	50,000	50,000	50,000	50,000	50,000	50,000	40,000	40,000	30,000	10,000
10	Grant Funds				300,000	50,000	-	-	-	-	-	-	-	-	-
12	License Fee - Central Texas Railway				36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000
14	Other Revenues				205,250	400,000	-	-	-	-	-	-	-	-	-
16	P.I.L.O.T.				1,300,000	-	-	-	-	-	-	-	-	-	-
20	Total Sources of Funds				\$ 6,344,973	\$ 5,322,213	\$ 4,938,621	\$ 4,997,474	\$ 6,567,696	\$ 7,032,538	\$ 7,141,355	\$ 7,189,195	\$ 7,247,613	\$ 7,296,613	\$ 7,653,906
25	TOTAL AVAILABLE FOR APPROPRIATION				\$ 14,787,428	\$ 7,915,699	\$ 7,992,098	\$ 6,113,132	\$ 7,712,098	\$ 7,849,510	\$ 8,066,998	\$ 8,332,996	\$ 8,340,042	\$ 8,283,319	\$ 8,563,959
USE OF FUNDS:															
DEBT SERVICE															
26	2003 Bond Issue (\$11.740)				598,590	619,200	-	-	-	-	-	-	-	-	-
27	2008 Bond Issue (\$16.010 mil)				-	-	-	-	-	-	-	-	-	-	-
28	2009 Bond Refunding				1,473,669	1,474,569	1,479,969	1,499,769	1,508,775	1,510,150	1,488,750	1,485,000	-	-	-
29	2008 Bond Issue-Taxable (\$10.365 mil)				1,241,935	1,239,641	1,240,495	1,239,233	1,240,854	1,240,096	1,241,957	1,241,173	1,237,744	1,241,670	1,242,422
30	Debt Service - 2011A Issue (Refunding)				447,100	399,900	914,900	914,450	913,550	912,200	908,350	915,950	2,497,800	2,497,550	2,494,950
31	Debt Service - 2012 Issue (Refunding)				13,779	17,700	17,700	17,700	82,700	76,400	79,600	77,650	80,050	77,250	78,750
32	Issuance Costs				186,113	-	-	-	-	-	-	-	-	-	-
33	Refunding Bonds Proceeds				(11,925,708)	-	-	-	-	-	-	-	-	-	-
34	Payment to Refunding Bond Agent				11,748,312	-	-	-	-	-	-	-	-	-	-
35	Paying Agent Services				1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200
40	Subtotal-Debt Service				3,784,990	3,752,210	3,654,264	3,672,352	3,747,079	3,740,046	3,719,857	3,720,973	3,816,794	3,817,670	3,817,322
OPERATING EXPENDITURES															
50	Prof Svcs/Proj Mgmt				205,250	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000
52	Legal/Audit				1,200	1,200	1,200	1,200	1,200	1,300	1,300	1,300	1,300	1,300	1,400
54	Zone Park Maintenance [mowing, utilities, botanical supplies]				150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000
54	Zone Park Maintenance [maintenance]				25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000
56	Rail Maintenance				274,575	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
58	Road/Signage Maintenance				158,826	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
60	Contractual Payments [TEDC - Marketing]				165,000	181,500	199,650	219,615	241,577	253,655	266,338	279,655	293,638	308,320	323,736
62	TISD-Reimbursement for expenses incurred for participation in Zone				25,000	25,000	25,000	26,250	26,250	26,250	27,563	27,563	27,563	28,941	28,941
65	Subtotal-Operating Expenditures				1,004,851	757,700	775,850	797,065	819,027	831,205	845,201	858,517	872,500	888,560	904,076
70	TOTAL DEBT & OPERATING EXPENDITURES				\$ 4,789,841	\$ 4,509,910	\$ 4,430,114	\$ 4,469,417	\$ 4,566,106	\$ 4,571,251	\$ 4,565,058	\$ 4,579,490	\$ 4,689,294	\$ 4,706,230	\$ 4,721,398
80	Funds Available for Projects				\$ 9,997,587	\$ 3,405,789	\$ 3,561,984	\$ 1,643,715	\$ 3,145,992	\$ 3,278,259	\$ 3,501,940	\$ 3,753,505	\$ 3,650,748	\$ 3,577,089	\$ 3,842,560
PROJECTS															
150	North Zone/Rail Park				58,800	250,000	250,000	250,000	-	-	-	-	-	-	-
200	Airport Park				125,000	337,840	-	-	-	-	-	-	-	-	-
250	Bio-Science Park				842,840	687,160	-	-	-	-	-	-	-	-	-
300	Outer Loop [from Wendland Rd to IH-35 North]				36,105	-	-	-	-	-	-	-	-	-	-
350	Northwest Loop 363 Improvements (TxDOT commitment)				899,350	-	-	-	-	-	-	-	-	-	-
400	Synergy Park				88,900	-	-	-	-	-	-	-	-	-	-
450	Downtown				692,227	242,955	246,326	249,313	329,020	352,616	358,140	361,076	364,041	367,036	386,188
500	TMED				4,401,823	500,000	1,950,000	-	-	-	-	-	-	-	-
501	Major Gateway Entrances				50,000	-	-	-	-	-	-	-	-	-	-
505	Airport Corporate Hangar Development/Improvements				1,970,921	100,000	-	-	-	-	-	-	-	-	-
600	Bond Contingency				-	-	-	-	-	-	-	-	-	-	-
610	Public Improvements				-	-	-	-	2,000,000	2,000,000	2,000,000	2,300,000	2,300,000	2,300,000	3,456,372
Subtotal-Projects					9,165,966	2,117,955	2,446,326	499,313	2,329,020	2,352,616	2,358,140	2,661,076	2,664,041	2,667,036	3,842,560
TOTAL USE OF FUNDS					\$ 13,955,807	\$ 6,627,865	\$ 6,876,440	\$ 4,968,730	\$ 6,895,126	\$ 6,923,867	\$ 6,923,197	\$ 7,240,566	\$ 7,353,335	\$ 7,373,266	\$ 8,563,958
700	FUND BALANCE, End				\$ 831,621	\$ 1,287,834	\$ 1,115,658	\$ 1,144,402	\$ 816,972	\$ 925,643	\$ 1,143,800	\$ 1,092,429	\$ 986,706	\$ 910,053	\$ 0

Project Plan - 08/22/12 - to Zone Board

SUMMARY FINANCING PLAN				
	Revised FY 2012	FY 2013	FY 2014	FY 2015
1Beginning Available Fund Balance, Oct 1	\$ 7,979,748	\$ 831,621	\$ 1,287,834	\$ 1,115,658
20Total Sources of Funds	6,344,973	5,322,213	4,938,621	4,997,474
2Adjustments to Debt Service Reserve	462,707	1,761,865	1,765,643	-
25Net Available for Appropriation	14,787,428	7,915,699	7,992,098	6,113,132
50/52General Administrative Expenditures	206,450	176,200	176,200	176,200
54Zone Park Maintenance [mowing, utilities, botanical supplies]	150,000	150,000	150,000	150,000
54Zone Park Maintenance [maintenance]	25,000	25,000	25,000	25,000
56Rail Maintenance	274,575	100,000	100,000	100,000
58Road/Signage Maintenance	158,826	100,000	100,000	100,000
60Contractual Payments (TEDC - Marketing)	165,000	181,500	199,650	219,615
62TISD-Reimbursement for expenses incurred for participation in Zone	25,000	25,000	25,000	26,250
26Debt Service - 2003 Issue (\$11.740 mil)	598,590	619,200	-	-
27Debt Service - 2008 Issue (\$16.010 mil)	-	-	-	-
28Debt Service - 2009 Issue {Refunding}	1,473,669	1,474,569	1,479,969	1,499,769
29Debt Service - 2008 Taxable Issue (\$10.365 mil)	1,241,935	1,239,641	1,240,495	1,239,233
30Debt Service - 2011A Issue (Refunding)	447,100	399,900	914,900	914,450
31Debt Service - 2012 Issue (Refunding)	13,779	17,700	17,700	17,700
32Issuance Costs	186,113	-	-	-
33Refunding Bond Proceeds	(11,925,708)	-	-	-
34Payment to Refunding Bond Agent	11,748,312	-	-	-
35Paying Agent Services	1,200	1,200	1,200	1,200
70Total Debt & Operating Expenditures	4,789,841	4,509,910	4,430,114	4,469,417
80Funds Available for Projects	\$ 9,997,587	\$ 3,405,789	\$ 3,561,984	\$ 1,643,715

PROJECT PLAN				
	Revised FY 2012	FY 2013	FY 2014	FY 2015
<u>NORTH ZONE/RAIL PARK (including Enterprise Park):</u>				
100Railroad Spur Improvements	8,800	-	-	-
102Elm Creek Detention Pond	-	-	-	-
103ROW Acquisition - Public Improvements	-	-	-	-
104Extension of Rail Service	-	-	-	-
105BN Trans-Load NE Site Phase I - [\$850K total project cost]	-	-	-	-
106Wendland Road Improvements	-	-	-	-
107Wendland Property Roadway Phase I - [\$1.87M total project cost]	-	-	-	-
110Public Improvements in North Zone	50,000	250,000	250,000	250,000
150Total North Zone/Rail Park (including Enterprise Park)	58,800	250,000	250,000	250,000
<u>AIRPORT PARK:</u>				
151Airport Park Infrastructure Construction	-	-	-	-
155Pepper Creek Trail Extention Phase I - [\$750K total project cost]	125,000	337,840	-	-
200Total Airport Park	125,000	337,840	-	-
<u>BIO-SCIENCE PARK:</u>				
201Greenbelt Development along Pepper Creek	-	-	-	-
202Outer Loop Phase II (from Hwy 36 to FM 2305)	-	-	-	-
203Bio-Science Park Phase 1	-	-	-	-
204Pepper Creek Trail Connection to S&W	730,000	-	-	-
205Bioscience Park Service Road & Utility Extensions	112,840	687,160	-	-
250Total Bio-Science Park	842,840	687,160	-	-
300Outer Loop (from Wendland Rd to IH-35 North) - [\$15.5M total project cost]	36,105	-	-	-
350Northwest Loop 363 Improvements (TxDOT commitment)	899,350	-	-	-
<u>SYNERGY PARK:</u>				
351Lorraine Drive (Southeast Industrial Park) - [\$1.5M total project cost]	88,900	-	-	-
400Total Synergy Park	88,900	-	-	-
<u>DOWNTOWN:</u>				
401Downtown Improvements [1999 Ordinance]	604,077	242,955	246,326	249,313
402Rail Safety Zone Study	3,150	-	-	-
403Lot Identification & Signage	80,000	-	-	-
404Santa Fe Plaza Study	5,000	-	-	-
405Santa Fe Plaza Parking Lot - [\$1.3M total project cost]	-	-	-	-
450Total Downtown	692,227	242,955	246,326	249,313
<u>TMED:</u>				
451TMED - 1st Street @ Temple College - [\$2.9M total project cost]	466,633	-	-	-
452Master Plan Integration 2010	1,550	-	-	-
453Monumentation Identification Conceptual Design	1,617	-	-	-
454TMED - 1st Street @ Loop 363 Design/Construction - [\$2.5M city project cost]	624,920	-	1,950,000	-
455TMED - Friars Creek Trail 5th Street to S&W Blvd. - [\$1.9M total project cost - DOE Grant of \$400K]	1,495,453	-	-	-
456Avenue R - S&W Blvd, Ave R - 19th Intersections	1,535,500	500,000	-	-
457Ave U from S&W Blvd to 1st St & the 13th to 17th connector from Ave R to Loop 363	276,150			
500Total TMED	4,401,823	500,000	1,950,000	-
<u>OTHER PROJECTS:</u>				
501Gateway Entrance Projects	50,000	-	-	-
505Airport Corporate Hangar Development/Improvements	1,970,921	100,000	-	-
550Total Other Projects	2,020,921	100,000	-	-
600Undesignated Funding - Bonds	-	-	-	-
610Undesignated Funding - Public Improvements	-	-	-	-
Total Planned Project Expenditures	9,165,966	2,117,955	2,446,326	499,313
700Available Fund Balance at Year End	\$ 831,621	\$ 1,287,834	\$ 1,115,658	\$ 1,144,402

ORDINANCE NO. 2012-4554

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AMENDMENTS TO THE TAX INCREMENT FINANCING REINVESTMENT ZONE NO. 1 FINANCING AND PROJECT PLANS FOR FY 2012-2022 TO INCLUDE RECOGNIZING ADDITIONAL TAX INCREMENT AND GRANT REVENUES; RECONGIZING SAVINGS FROM BOND REFUNDING TRANSACTIONS; AND REALLOCATING, ADJUSTING AND APPROPRIATING TO VARIOUS PROJECTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; DECLARING FINDINGS OF FACT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City Council (the "Council") of the City of Temple, Texas, (the "City") created Reinvestment Zone Number One, City of Temple, Texas (the "Zone") by Ordinance No. 1457 adopted on September 16, 1982;

**Whereas**, the Council adopted a Project Plan and Reinvestment Zone Financing Plan for the Zone by Ordinance No. 1525 adopted on December 22, 1983, and thereafter amended such plans by Ordinance No. 1664 adopted on June 20, 1985, Ordinance No. 1719 adopted on November 21, 1985, Ordinance No. 1888 adopted on December 21, 1987, Ordinance No. 1945 adopted on October 20, 1988; Ordinance No. 1961 adopted on December 1, 1988; Ordinance No. 2039 adopted on April 19, 1990; Ordinance No. 91-2119 adopted on December 5, 1991; Ordinance No. 92-2138 adopted on April 7, 1992; Ordinance No. 94-2260 adopted on March 3, 1994; Ordinance No. 95-2351 adopted on June 15, 1995; Ordinance No. 98-2542 adopted on February 5, 1998; Ordinance No. 98-2582 adopted on November 19, 1998; Ordinance No. 99-2619 adopted on March 18, 1999; Ordinance No. 99-2629 adopted on May 6, 1999; Ordinance No. 99-2631 adopted on May 20, 1999; Ordinance No. 99-2647 adopted on August 19, 1999; Ordinance No. 99-2678 adopted on December 16, 1999; Ordinance No. 2000-2682 adopted on January 6, 2000; Ordinance No. 2000-2729 adopted on October 19, 2000; Ordinance No. 2001-2772 adopted on June 7, 2001; Ordinance No. 2001-2782 adopted on July 19, 2001; Ordinance No. 2001-2793 adopted on September 20, 2001; Ordinance No. 2001-2807 on November 15, 2001; Ordinance No. 2001-2813 on December 20, 2001; Ordinance No. 2002-2833 on March 21, 2002; Ordinance No. 2002-2838 on April 18, 2002; Ordinance No. 2002-3847 on June 20, 2002; Ordinance No. 2002-3848 on June 20, 2002; Ordinance No. 2002-3868 on October 17, 2002; Ordinance No. 2003- 3888 on February 20, 2003; Ordinance No. 2003-3894 on April 17, 2003; Ordinance No 2003-3926 on September 18, 2003; Ordinance No. 2004-3695 on July 1, 2004; Ordinance No. 2004-3975 on August 19, 2004; Ordinance No. 2004-3981 on September 16, 2004; Ordinance No. 2005-4001 on May 5, 2005; Ordinance No. 2005-4038 on September 15, 2005; Ordinance No. 2006-4051 on January 5, 2006; Ordinance No. 2006-4076 on the 18<sup>th</sup> day of May, 2006; Ordinance No. 2006-4118; Ordinance No. 2007-4141 on the 19<sup>th</sup> day of April, 2007; Ordinance No. 2007-4155 on July 19, 2007; Ordinance No. 2007-4172 on the 20<sup>th</sup> day of September, 2007; Ordinance No. 2007-4173 on October 25, 2007; Ordinance No. 2008-4201 on the 21<sup>st</sup> day of February, 2008; and Ordinance No. 2008-4217 the 15<sup>th</sup> day of May, 2008;



Ordinance No. 2008-4242 the 21<sup>st</sup> day of August, 2009; Ordinance No. 2009-4290 on the 16<sup>th</sup> day of April, 2009; Ordinance No. 2009-4294 on the 21<sup>st</sup> day of May, 2009; Ordinance No. 2009-4316 on the 17<sup>th</sup> day of September, 2009; Ordinance No. 2009-4320 on the 15<sup>th</sup> day of October, 2009; Ordinance No. 2010-4338 on the 18<sup>th</sup> day of February, 2010; Ordinance No. 2010-4371 on the 19<sup>th</sup> day of August, 2010; Ordinance No. 2010-4405 on November 4, 2010; Ordinance No. 2011-4429 on March 17, 2011; Ordinance No. 2011-4455 on July 21, 2011; Ordinance No. 2011-4477 on October 20, 2011; and Ordinance No. 2012-4540 on June 21, 2012; Ordinance No. 2012-4554 on September 20, 2012;

**Whereas**, the Board of Directors of the Zone has adopted an additional amendment to the Reinvestment Zone Financing and Project Plans for the Zone and forwarded such amendment to the Council for appropriate action;

**Whereas**, the Council finds it necessary to amend the Reinvestment Zone Financing and Project Plans for the Zone to include financial information as hereinafter set forth;

**Whereas**, the Council finds that it is necessary and convenient to the implementation of the Reinvestment Zone Financing and Project Plans, including the additional amendment, to establish and provide for an economic development program within the meaning of Article III, Section 52-a of the Texas Constitution ("Article III, Section 52-a"), Section 311.010(h) of the Texas Tax Code and Chapter 380 of the Texas Local Government Code to develop and diversify the economy of the Zone, eliminate unemployment and underemployment in the Zone and develop or expand transportation, business and commercial activity in the Zone including programs to make grants and loans of Zone assets or from the tax increment fund of the Zone in an aggregate amount not to exceed the amount of the tax increment produced by the City and paid into the tax increment fund for the Zone for activities that benefit the Zone and stimulate business and commercial activity in the Zone as further determined by the City;

**Whereas**, the Council further finds that the acquisition of the land and real property assembly costs as described in the additional amendment to the Reinvestment Zone Financing and Project Plans are necessary and convenient to the implementation of the Reinvestment Zone Financing and Project Plans and will help develop and diversify the economy of the Zone, eliminate unemployment and underemployment in the Zone and develop or expand transportation, business and commercial activity in the Zone by providing land for development of future business and commercial activity, attracting additional jobs within the City and attracting additional sales and other taxes within the City; and

**Whereas**, the Council finds that such amendment to the Reinvestment Zone Financing and Project Plans are feasible and conforms to the Comprehensive Plan of the City, and that this action will promote economic development within the City of Temple.

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

**Part 1: Findings.** The statements contained in the preamble of this ordinance are true and correct and are adopted as findings of fact hereby.

**Part 2: Reinvestment Zone Financing and Project Plans.** The amendments to the Tax Increment Financing Reinvestment Zone No. One Financing and Project Plans, heretofore adopted by the Board of Directors of the Zone and referred to in the preamble of this ordinance, are hereby approved and adopted, as set forth in the Amendments to Reinvestment Zone Number One, City of Temple, Texas, attached hereto as Exhibits A and B. This expenditure requires an amendment to the 2012-2013 budget, a copy of which is attached hereto, as Exhibit C.

**Part 3: Plans Effective.** The Financing Plan and Project Plans for the Zone heretofore in effect shall remain in full force and effect according to the terms and provisions thereof, except as specifically amended hereby.

**Part 4: Copies to Taxing Units.** The City Secretary shall provide a copy of the amendment to the Reinvestment Zone Financing and Project Plans to each taxing unit that taxes real property located in the Zone.

**Part 5: Economic Development Program.** The Council hereby establishes an economic development program for the Zone in accordance with Article III, Section 52-a of the Texas Constitution, Section 311.010(h) of the Texas Tax Code and Chapter 380 of the Texas Local Government Code to develop and diversify the economy of the Zone, eliminate unemployment and underemployment in the Zone and develop or expand transportation, business and commercial activity in the Zone including a program to make grants and loans of Zone assets or from the tax increment fund of the Zone in accordance with the provisions of Article III, Section 52-a, Chapter 311 of the Texas Tax Code and Chapter 380 of the Texas Local Government Code as directed and authorized by the Council. The Council hereby further directs and authorizes the Board of Directors of the Zone to utilize tax increment reinvestment zone bond proceeds to acquire the land and pay other real property assembly costs as set forth in the additional amendment attached hereto to help develop and diversify the economy of the Zone and develop or expand business and commercial activity in the Zone in accordance with Article III, Section 52-a, Chapter 311 of the Texas Tax Code and Chapter 380 of the Texas Local Government Code.

**Part 6: Severability.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

**Part 7: Effective Date.** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

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

PASSED AND APPROVED on First Reading and Public Hearing on the **6<sup>th</sup>** day of **September**, 2012.

PASSED AND APPROVED on Second Reading on the **20<sup>th</sup>** day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/06/12  
Item #8  
Regular Agenda  
Page 1 of 1

**DEPT./DIVISION SUBMISSION & REVIEW:**

Lonzo Wallace, Fire Chief  
Jonathan Graham, City Attorney

**ITEM DESCRIPTION:** FIRST READING - PUBLIC HEARING: Consider adopting an ordinance amending Chapter 5, "Ambulance Services," of the Code of Ordinances of the City of Temple, Texas.

**STAFF RECOMMENDATION:** Conduct public hearing and adopt ordinance as presented in the item description on first reading, and schedule second reading and final approval for September 20, 2012.

**ITEM SUMMARY:** Code revisions include general clean up of code to reflect the current provision of emergency medical services (EMS) within the City. Revisions include clarification that EMS is now provided by Scott & White EMS by contract with the City and refinement of the definitions of emergency and non-emergency ambulance transfer service. The cumulative effect of the changes should bring greater clarification of what constitutes a call for emergency medical service.

**FISCAL IMPACT:** None

**ATTACHMENTS:**

[Ordinance](#)

ORDINANCE NO. 2012-4555

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING CHAPTER 5, "AMBULANCE SERVICES," OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Staff recommends amending Chapter 5, "Ambulance Services," of the Code of Ordinances to reflect the current provision of emergency medical services (EMS) within the City;

**Whereas**, the revisions include clarification that EMS is now provided by Scott & White EMS by contract with the City, and refinement of the definitions of emergency and non-emergency ambulance transfer 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 ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:

**Part 1:** Chapter 5, "Ambulance Services," of the Code of Ordinances of the City of Temple, Texas, is amended to read as follows:

**Chapter 5**

**AMBULANCE SERVICES**

**ARTICLE I. IN GENERAL**

**Section 5-1. Definitions.**

For the purpose of this chapter, the words and phrases listed below shall have the following meanings:

**Advanced life support.** Emergency pre-hospital care provided by a certified, emergency medical technician-intermediate or an emergency medical technician-paramedic using invasive medical acts under the medical supervision and control of a licensed physician.

**Advanced life support (ALS) vehicle.** A vehicle that is designed for transporting the sick and injured and that meets the requirements of the State of Texas for a basic life support vehicle and has sufficient equipment and supplies for providing intravenous therapy and endotracheal or esophageal intubation or both.

**Basic life support.** Emergency pre-hospital care provided by a certified pre-hospital care provider using noninvasive medical acts. The provision of basic life support is care given under the medical supervision and control of a licensed physician.

***Basic life support (BLS) vehicle.*** A vehicle that is designed for transporting the sick or injured and that has sufficient equipment and supplies as required by the State of Texas for providing basic life support.

***Emergency/Urgent.*** An emergency is any circumstance that calls for an immediate action and which the element of time in transporting the sick, wounded or injured for unscheduled medical treatment at an emergency room or a facility providing emergency medical care is or may be essential to the health or life of any person.

***Emergency call.*** Any request for an ambulance that is made by telephone or other means of communication in circumstances which are or have been represented to be of an emergency/urgent nature, which requires an unscheduled transport to an emergency room at a hospital or a facility providing emergency medical care.

***Emergency medical service personnel.*** A person employed to provide basic or advanced life support and certified as a basic emergency medical technician, emergency medical technician intermedical, or a paramedic emergency medical technician.

***Emergency pre-hospital care.*** Care provided to the sick or injured either on the scene or during emergency transport to an emergency room at a hospital or a facility providing emergency medical care.

***Emergency medical service (EMS).*** The provision of basic or advanced life support and transportation of patients to an emergency room of a hospital for emergency pre-hospital care. In Temple, EMS and emergency ambulance transfer service is exclusively provided by a private contractor (the City's EMS provider) under contract. In addition, the City provides First Responder services (which may include some basic or advanced life support) to its contracted EMS Provider through members of the Temple Fire and Rescue Department.

***EMS Provider.*** The entity under contract with the City that provides EMS services to residents of the City.

***Emergency medical technician (EMT).*** An individual who is certified by the Texas Department of Health as minimally proficient to perform emergency prehospital care that is necessary for basic life support and that includes the control of hemorrhaging and cardiopulmonary resuscitation.

***Emergency medical technician-paramedic (EMT-P).*** An individual who is certified by the department as minimally proficient to provide emergency prehospital or interfacility care by providing advanced life support that includes initiation and maintenance under medical supervision of certain procedures, including intravenous therapy, endotracheal or esophageal intubation or both, electrical cardiac defibrillation or cardioversion, and drug therapy.

***First Responder.*** Members of the Temple Fire and Rescue Department who are assigned responsibility for responding to calls received from the Bell County 911 Dispatch Center for emergency medical service in cooperation with the City's EMS Provider.

***Medical facility.*** Any building or place of business established for the purpose of examination or treatment by a licensed physician of individuals that are sick or injured.

***Non-emergency ambulance transfer service.*** The operation of a service to transport patients for non-emergency, previously scheduled, medical treatment from a point originating and terminating within the City limits. The transport of a patient for unscheduled medical treatment or evaluation at an emergency room at a hospital or a facility providing emergency medical care is not a non-emergency ambulance transfer service, but rather is the provision of EMS.

***Originates.*** For purposes of this chapter, a call for EMS services “originates” within the City limits if the person in need of EMS service (emergency pre-hospital care or emergency ambulance transfer service) is physically located at an address with the city limits.

## **ARTICLE II. EMERGENCY MEDICAL SERVICE (EMS)**

### **Section 5-2. Use of emergency and urgent service.**

All calls for EMS that originate within the city limits of the City shall be directed to the Bell County Communication Center (9-1-1) and responded to solely by the City of Temple First Responders and the City’s contracted EMS provider, except as provided herein.

### **Section 5-3. EMS.**

It shall be unlawful for any person or service to furnish, operate, advertise or otherwise engage or profess to be engaged in the service or operation of EMS that originates at an address within the City unless said person or entity is:

- (1) The City of Temple’s contracted EMS provider;
- (2) a person or entity providing service to or from a hospital located in the city limits and going to or from a hospital located outside of the city limits;
- (3) a person or entity providing service to or from an address located outside of the city limits and going to a hospital located inside of the city limits; or

(4) any person meeting requirements of the State of Texas for personnel, vehicles and equipment who responds to a request of the Bell County Communications Center (9-1-1), the Temple Fire Department, or City’s Director of Emergency Management to lend assistance when a major disaster or other occurrence results in emergency calls exceeding the capacity of City contracted EMS provider.

### **Section 5-4. Provision of EMS Services; first responder service by fire and rescue department;**

The City provides EMS to residents of the City through a contract with an EMS provider. The City provides First Responder services for its residents through services provided by its Fire and Rescue Department under a contract with its EMS provider.

### **Section 5-5. Persons to whom available.**

EMS shall be available to all persons within the city limits. The service shall also be available to persons in other portions of Bell County, Texas, wherein the point of origination or destination is within the city limits.

## **Section 5-6. When Peace Officer Must Accompany Patient.**

Any person placed under an emergency order of detention or “EOD” must be accompanied by a peace officer in route to the hospital.

## **Section 5-7. Rates.**

Any person who uses the emergency medical services of the City shall be charged for such services. Charges for emergency medical services shall include, but not be limited to, standing time, standby time, oxygen, medication, and other related expenses incurred by the EMS. The City Council reserves the right to set the rates by resolution for EMS, including but not limited to, emergency calls, standing time, and emergency pre-hospital care, provided by the City’s contracted EMS provider.

# **ARTICLE III. (NON-EMERGENCY) AMBULANCE TRANSFER SERVICE**

## **Section 5-8. Franchise required.**

(a) It shall be unlawful for any person to furnish, operate, advertise or otherwise engage or profess to be engaged in the operation of non-emergency ambulance transfer service from a point originating and ending within the streets of the City without a franchise as provided by this article.

(b) A non-emergency ambulance transfer service franchise shall be subject to revocation if it is found that the holder of said franchise or any company, service or corporation that the holder is affiliated or in partnership with is providing, offering to provide, or representing itself as the City’s EMS provider, without a contract with the City to provide EMS. Furthermore, if a private ambulance franchise holder receives an emergency call from any source to respond in the city limits, franchisee shall immediately notify the Bell County EMS Communications Center and shall not respond unless requested to do so by the Bell County EMS dispatcher. Duplication of emergency service is responding without the request of the Bell County EMS dispatcher to the same call as a City’s franchised EMS provider and is prohibited by this chapter.

## **Section 5-9. Franchise application; requirements.**

Application for a non-emergency ambulance transfer service franchise shall be filed with the City Manager. An applicant shall furnish the following information, which shall be subscribed and sworn to before a notary public:

- (1) That the applicant has not been convicted of a felony or of a misdemeanor involving moral turpitude within the last ten (10) years.
- (2) A statement that the applicant has obtained or will obtain liability insurance in accordance with the requirements provided by this chapter before commencing service, in the event a franchise should be granted.
- (3) A description of the number, year of manufacture, make, model and body style of each type of BLS or ALS vehicle that the applicant proposes to operate as a franchise holder.



- (4) The names of all persons having a financial interest, direct or indirect, in such application and the ambulance service to be conducted thereunder.

#### **Section 5-10. Review and public hearing.**

(a) Copies of each application for a non-emergency ambulance transfer service franchise shall be forwarded to the City Manager and Fire Chief for review and recommendation to the City Council.

(b) The City Council shall comply with the requirements for issuing, transferring or renewing a franchise provided for in the City Charter.

(c) The City Council reserves the right to refuse to grant, transfer or renew a non-emergency ambulance transfer service franchise if it finds and determines that the public convenience will not be served by the issuance thereof. In all hearings, the burden of proof shall be upon the applicant to establish clear, cogent and convincing evidence that the public convenience will be served by the granting, transferring or renewal of a non-emergency ambulance transfer service franchise.

(d) In determining public convenience, the City Council shall consider the following:

- (1) The distance from the permanent address at which the applicant proposes to operate the ambulance service to hospitals and other medical facilities providing service to the public.
- (2) The number of ambulance vehicles which will be covered by the ambulance franchise and the hours during the day and days during the week that the applicant proposes to furnish such service.
- (3) In the event the applicant has previously participated, or is currently participating, in an ambulance service, evidence as to whether the applicant performed or is performing in a satisfactory manner shall be presented.

(e) Public convenience further shall mean that the permanent address from which the ambulance service is proposed to be operated will be within the city limits.

#### **Section 5-11. Prerequisite to issuance of franchise.**

The City Council shall not grant a nonemergency ambulance transfer service franchise unless:

- (1) the City Council determines that the application as required by section 5-10 is true and correct;
- (2) the City Council determines that the granting of the franchise is in the public interest; and
- (3) the City Council determines that the proposed operation of the non-emergency ambulance transfer service will be in compliance with all provisions of this chapter, and all applicable state and federal statutes and regulations and requirements laid out in the franchise agreement.

### **Section 5-12. Length of franchise.**

The length of the franchise will be for five (5) years ending on September 30th of the 5th year. However, the ambulance service franchise holder will be subject to review and analysis by the City staff on an annual basis with results being presented to the City Manager, Fire Chief and the City Council.

### **Section 5-13. Insurance.**

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

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

### **Section 5-14. Performance bond and revocation clause.**

(a) The non-emergency ambulance transfer service franchise holder shall establish a ten thousand dollar (\$10,000.00) performance bond. The purpose of this bond is to recover costs to the City for accepting and administering applications for an ambulance service in the event the franchise is revoked.

(b) If the non-emergency ambulance transfer service franchise holder violates any provision or standard of this chapter, the City Council may order the revocation of the franchise, and forfeiture of the performance bond.

### **Section 5-15. Franchise fee.**

(a) To compensate the City for the use of public streets and right-of-way, the non-emergency ambulance transfer service franchise holder shall, during the life of said franchise, pay to the City, at the office of the Director of Finance in lawful money of the United States, three and one-half (3½%) percent of the total amount billed for the ambulance service fees and other income derived from the operation of the ambulance service within the City, which said remittance shall be made monthly on or before the tenth day of each calendar month. The compensation provided for in this section shall be in lieu of any other fees or charges imposed by any other ordinance now or hereinafter in force during the life hereof, but shall not release the franchise holder from the payment of ad valorem taxes levied, or to be levied, on property it owns.

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

#### **Section 5-16. Transfer of franchise.**

No assignment, sale or subletting of any part of this franchise shall ever be made by the franchise holder herein without first receiving written approval of the City Council of the City.

#### **Section 5-17. Inspection of books and records.**

The books and records of the non-emergency ambulance transfer service franchise holder shall be open at any reasonable time for inspection by the City Manager or any official designated by the City Manager.

#### **Section 5-18. Franchise holder personnel.**

Attendants and drivers employed by the non-emergency ambulance transfer service franchise holder shall:

- (1) Be at least eighteen (18) years of age;
- (2) Be a citizen of the United States;
- (3) Not have been convicted of a felony or any offense involving moral turpitude within the past ten (10) years, and not have had any license for the operation of motor vehicles suspended or revoked within such a period;
- (4) Be the holder of a valid Texas drivers license, entitling driver to operate an ambulance; and
- (5) Be currently certified by the Texas Department of State Health Services, or its successor, as a Basic Emergency Medical Technician or higher.

#### **Section 5-19. Standards and requirements for vehicles and equipment.**

(a) *Vehicles.* Each vehicle must be authorized by the Texas Department of State Health Services, or its successor, as a basic life support vehicle or higher, and may be operated only when said vehicle meets all conditions required by Chapter 773 of the Texas Health and Safety Code.

(b) *Equipment.* A vehicle may not be operated as a basic life support vehicle unless it is furnished with all of the equipment (and qualified personnel) required by the Texas Department of State Health Services, or its successor, for a basic life support vehicle and is permitted as such. A vehicle may not be operated as an advanced life support vehicle or higher unless it is furnished with all of the equipment (and qualified personnel) required by the Texas Department of State Health

Services, or its successor, for an advanced life support vehicle and is permitted as such. Such equipment must be clean, in working order, and available in sufficient quantity to provide safe transport and care of sick and injured persons.

(c) *Response time.* A franchise holder must maintain sufficient vehicles, trained personnel, and equipment on hand to allow it to respond within one hour to any request for non-emergency service. If a franchise holder is unable to maintain a one hour response for a given period of time, the franchise holder shall notify the Bell County Communications Center that it is out of service, and shall also notify persons requesting the services of the franchise holder of the period for which it will be unable to perform ambulance services.

#### **Section 5-20. Refusal to give service.**

Neither the non-emergency ambulance transfer service franchise holder nor any employee thereof shall refuse to transport a patient requesting ambulance service, except for good cause. In determining "good cause" for purposes of this section, the franchise holder may consider whether the patient is insane, mentally ill, drunk, disorderly or unruly; whether the patient has previously willfully refused to pay for services; whether the franchise holder can safely transport the patient; or whether it is the best available ambulance service with the capabilities to perform such a transport; or similar matters.

#### **Section 5-21. Non-emergency ambulance transfer service dispatching service.**

(a) The non-emergency ambulance transfer service franchise holder must provide at its own expense and staff twenty-four (24) hours a day a telephone for ambulance service requests.

(b) The franchise holder may respond to requests for EMS for trips that originate and terminate within the City limits if requested by the Bell County Communications Center (9-1-1) or the Temple Fire and Rescue Department.

(c) The ambulance service franchise holder shall respond to any scheduled request for non-emergency ambulance service within an acceptable time determined by the parties involved.

(d) If, during a scheduled transport, the patient's condition worsens or he suffers an acute condition, attendants of the ambulance vehicle shall immediately contact the Bell County Communications Center (9-1-1) and advise the dispatcher of such and then proceed on an emergency basis to the emergency care facility at the hospital of patient's choice or nearest appropriate medical facility.

(e) Any transport call that results in an emergency/urgent transport, shall be self reported by the non-emergency ambulance transfer service franchise holder to the City and the City's medical director within 10 business days.

(f) All transports are subject to review by the city and the city's medical director.

#### **Section 5-22. Rates.**

(a) The City Council hereby expressly reserves the right, power, and authority to fully regulate and fix, by resolution, the rates and charges for the services of the non-emergency ambulance transfer service franchise holder to its customers, fully reserving to the City Council all the rights,

powers, privileges, and immunities, subject to the duties, limitations and responsibilities which the Constitution, the laws of the State, and the Charter confer upon the City.

(b) A **non-emergency ambulance transfer** service franchise holder may from time to time propose changes in the general rates by filing an application with the City Secretary for consideration of the City Council. Within a reasonable time consistent with law, the City Council shall afford a **non-emergency ambulance transfer** service franchise holder a fair hearing with reference to the application and shall either approve or disapprove the proposed changes or make such order as may be reasonable.

**Part 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 **6<sup>th</sup>** day of **September**, 2012.

PASSED AND APPROVED on Second Reading on the **20<sup>th</sup>** day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, MAYOR

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/06/12  
Item #9  
Regular Agenda  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Jonathan Graham, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of two tracts of land near the City of Temple's landfill and declaring an official intent to reimburse associated expenditures made prior to the issuance of obligations for this project.

*Executive Session – Pursuant to Chapter 551, Government Code § 551.072 – Real Property – The City Council may enter into executive session to discuss the purchase, exchange, lease or value of real property relating to City projects, the public discussion of which would have a detrimental effect on negotiations with a third party.*

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

**ITEM SUMMARY:** The two tracts of land at issue are located in close proximity to the City's landfill. Acquisition of the properties is necessary for future landfill expansion. The sellers have proposed purchase prices which the City Staff feels are reasonable. We will provide additional information in executive session.

**FISCAL IMPACT:** Taxable Certificate of Obligation Bonds will be issued in the fall of 2012 to fund the costs related to the expansion of the landfill. Initial funding for this expenditure will be allocated from General Fund Balance Designated for Capital Projects-Unallocated.

### **ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2012-6731-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF TWO TRACKS OF LAND NEAR THE CITY OF TEMPLE'S LANDFILL AND DECLARING AN OFFICIAL INTENT TO REIMBURSE ASSOCIATED EXPENDITURES MADE PRIOR TO THE ISSUANCE OF OBLIGATIONS FOR THIS PURCHASE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the two tracks of land at issue, outlined by the attached map marked as Exhibit A, are located in close proximity to the City's landfill, and the City is interested in acquiring the property in anticipation of future expansion of the landfill;

**Whereas**, the sellers have proposed purchase prices which staff feels are reasonable and Staff recommends purchasing these tracts of land;

**Whereas**, initial funding for this expenditure will be allocated from General Fund Balance designated for Capital Projects – Unallocated;

**Whereas**, upon issuance of Taxable Certificates of Obligation Bonds in the fall of 2012, the City desires to reimburse these prior expenditures with the proceeds of the Obligations;

**Whereas**, Section 1.150-2 of the Treasury Regulations provides that an expenditure on the Project may not be reimbursed from Obligation proceeds unless, along with other requirements, the City declares official intent to reimburse the expenditure prior to the date that the expenditure to be reimbursed was paid; and

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

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

**Part 1:** The City Council authorizes the purchase two tracks of land near the City of Temple's landfill.

**Part 2:** The City Council authorizes the City Manager, or his designee, to execute any documents, after approval by the City Attorney, that may be necessary for the purchase of these parcels, including all closing costs.

**Part 3:** This Resolution is a declaration of official intent under Section 1.150.2 of the Treasury Regulations by the City that it reasonably expects to reimburse the expenditures described in Part 4 with proceeds of debt to be incurred by the City, such debt to be issued on or before eighteen (18) months after the date of (i) the date the first expenditure is paid; or (ii) the date on which the property is placed in service, but in no event three years after the first expenditure is paid.

**Part 4:** The following is a general functional description of the purchase for which the expenditures to be reimbursed are paid and a statement of the maximum principal amount of debt expected to be issued for the purpose of paying the costs of the Project.

**Purchase Description**

**Debt To Be Issued**

Two tracks of land near the City  
of Temple's landfill

\$\_\_\_\_\_

**Part 5:** The expenditure described in Part 4 is a capital expenditure under general Federal income tax principles or a cost of issuance.

**Part 6:** Except for the proceeds of the Obligations, no funds are, or are reasonably expected to be reserved, allocated on a long-term basis, or otherwise set aside by the City or by any member of the same controlled group to pay for the expenditures described in Part 4.

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

PASSED AND APPROVED this the **6<sup>th</sup>** day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lacy Borgeson  
City Secretary

\_\_\_\_\_  
Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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09/06/12  
Item #10  
Regular Agenda  
Page 1 of 1

### **DEPT./DIVISION SUBMISSION & REVIEW:**

William A. Jones, III, Mayor

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

- (A) Animal Services Advisory Board –appoint Chair for the period of September 1, 2012 through August 31, 2013
- (B) Temple Economic Development Corporation – two members to fill expiring terms through September 1, 2015
- (C) Tree Advisory Board – one ex-officio member for BISD

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

**ITEM SUMMARY:** The City Council adopted a resolution in June, 2003, establishing policies governing the appointment and training of citizens to City boards. In accordance with that resolution, appointments to the above stated boards are to be made at the second regular meeting in August, with an effective date of September 1, 2012.

Please see the attached summary listing which has been updated to include all applications received for board appointments.

**FISCAL IMPACT:** N/A

### **ATTACHMENTS:**

[Board Application Summary – To be provided](#)