MEETING OF THE

TEMPLE CITY COUNCIL

MUNICIPAL BUILDING

2 NORTH MAIN STREET

3rd Floor – CONFERENCE ROOM

THURSDAY, SEPTEMBER 20, 2012

3:30 P.M.

WORKSHOP AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, September 20, 2012.

2. Receive an update on the Center of Hope and other initiatives by the Salvation Army.

3. Receive presentation from the Mayor's Fitness Council and discuss amending the City's Smoking Ordinance.

5:00 P.M.

MUNICIPAL BUILDING

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

TEMPLE CITY COUNCIL

REGULAR MEETING AGENDA

I. CALL TO ORDER

1. Invocation

2. Pledge of Allegiance

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. Recognize HEB and Scott & White Healthcare for their sponsorship support to the City's Parks and Leisure Services Department.

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) September 6, 2012 Special Called and Regular Meeting

Contracts, Leases, & Bids

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

1. 2012-6733-R: Medium Duty Truck Brakes – Russell & Smith Ford, Inc.; estimated amount of $30,000
2. 2012-6734-R: Sign and Traffic Control Supplies – American Traffic Safety Materials, Inc., Pathmark Traffic Products, 3M Company, Vulcan Sign, and Custom Products Corp; estimated annual amount of $49,668.37
3. 2012-6735-R: Traffic Signal Equipment – Traffic Parts, Inc., Naztec, Inc., and Paradigm Traffic System, Inc.; estimated annual amount of $120,764.40
4. 2012-6736-R: Water Meters – Municipal Waterworks Supply, HD Supply Waterworks, Border States Electric, Mueller Systems, and Master Meter, Inc.; estimated annual amount of $147,919.72
5. 2012-6737-R: Various Forms of Rock – Superior Crushed Stone of Jarrell; estimated annual amount of $33,155
6. 2012-6738-R: Aggregate Base – Lhoist N.A. of Texas, Ltd; estimated annual amount of $60,000
7. 2012-6739-R: Hot Mix Asphalt – APAC Texas, Inc-Wheeler; estimated annual amount of $71,000
8. 2012-6740-R: Herbicides and Insecticides – John Deere Landscapes, VETcorp, Inc., Red River Specialties, Inc., BWI-Schulenburg, and Alligare, LLC; estimated annual amount of $56,375.03
9. 2012-6741-R: Liquid Ammonium Sulfate – Altivia Corporaton; estimated annual amount of $45,750
10. 2012-6742-R: Chemical Root Control Services – Duke's Root Control, Inc.; estimated annual amount of $65,000
11. 2012-6743-R: Plumbing Supplies – Ham & McCreight Supply; estimated annual amount of $30,000
12. 2012-6744-R: Janitorial Supplies – Gulf Coast Paper Company; estimated annual amount of $110,000
13. 2012-6745-R: Office Supplies – Perry Office Plus,Inc.; estimated annual amount of $130,000
14. 2012-6746-R: Tires & Tubes – Southern Tire Mart and GCR Tire Centers (secondary award); estimated annual amount of $240,788.64
15. 2012-6747-R: Concrete Repair and Construction Services – Dixon Paving; estimated annual amount of $54,410
16. 2012-6748-R: Electrical Services – Durbin Electric and T. Morales Company Electric and Controls, Ltd.; estimated annual amount of $80,000
17. 2012-6749-R: Temporary Employment Services – Manpower Group; estimated annual amount of $34,000
18. 2012-6750-R: Design & Printing of Play-by-Play Brochures – Color Visual Concepts, Inc.; estimated annual amount of $29,820
19. 2012-6751-R: Cellular & Data Services and Related Equipment – Verizon Wireless; estimated annual amount of $205,000
20. 2012-6752-R: Local Phone Service – AT& T; estimated annual amount of $180,000
21. 2012-6753-R: Sale of Scrap Metal and Recyclables – Temple Iron and Metal, a division of Bell County Iron and Recycling Co., Inc

(C) 2012-6754-R: Consider adopting a resolution authorizing a construction contract with LA Colo LLC dba Colo Railroad Builders for construction activities required to replace the Lucius McCelvey Rail Crossing within the Reinvestment Zone in north Temple in an amount not to exceed $94,622.64.

(D) 2012-6755-R: Consider adopting a resolution authorizing the City to enter into a "First Responder/EMS Provider Contract" with Scott & White Memorial Hospital and Scott, Sherwood, and Brindley Foundation (collectively referred to as "Scott & White").

(E) 2012-6756-R: Consider adopting a resolution authorizing the purchase of 51 metal refuse containers for the Solid Waste Division from Rolloffs USA., Durant, OK, through the H-GAC Contract in the amount of $47,514.92.

(F) 2012-6757-R: Consider adopting a resolution authorizing the purchase of a yearly 2012-2013 maintenance contract with Intergraph Public Safety in the amount of $39,504.

(G) 2012-6758-R: Consider adopting a resolution authorizing a credit sales agreement to purchase necessary credits for off-site stream mitigation related to the NW Loop 363 project in an amount of $493,200.

(H) 2012-6759-R: Consider adopting a resolution authorizing the renewal of a funding and operating agreement with the Temple Economic Development Corporation.

Ordinances – Second & Final Reading

(I) 2012-4552: SECOND READING - 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.

(J) 2012-4553: SECOND READING - 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 South General Bruce Drive.

(K) 2012-4554: SECOND READING: 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.

(L) 2012-4555: SECOND READING: Consider adopting an ordinance amending Chapter 5, "Ambulance Services," of the Code of Ordinances of the City of Temple, Texas.

Misc.

(M) 2012-6760-R: Consider adopting a resolution authorizing a Chapter 380 development agreement between the City and Jagdish Mehta, authorizing the swap of 2102 Scott Boulevard, Temple, Texas for the northern 100 feet of Mr. Mehta's property located at 352 SW Dodgen Loop, Temple, Texas.

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.

(N) 2012-6761-R: Consider adopting a resolution amending the retail and discount pricing policies for the Draughon-Miller Central Texas Regional Airport.

(O) 2012-6762-R: Consider adopting a resolution authorizing participation in the Texas Municipal League, Intergovernmental Risk Pool to provide property, liability and worker's comp coverage for the City.

(P) 2012-6763-R: Consider adopting a resolution directing publication of notice of the City's intention to issue one or more series of Tax and Revenue Certificates of Obligation (C.O.) in the amount not to exceed $14,500,000.

(Q) 2012-6764-R: Consider adopting a resolution authorizing budget amendments for fiscal Year 2011-2012.

V. REGULAR AGENDA

ORDINANCES

5. 2012-4556: FIRST READING - PUBLIC HEARING - Z-FY-12-58: Consider adopting an ordinance authorizing a rezoning from Heavy Industrial District (HI) to Multiple Family Two District (MF-2) on 12.163 acres, being a part of land situated in the Redding Roberts Survey, Abstract No. 692, Bell County, Texas, located at 3000 South General Bruce Drive.

6. 2012-4557: FIRST READING- PUBLIC HEARING- Z-FY-12-59: Consider adopting an ordinance authorizing a rezoning from Agricultural District (AG) to General Retail District (GR) on 1.053 ±acres out of the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 3408 and 3410 South Kegley Road.

7. 2012-4558: FIRST READING – PUBLIC HEARING: Consider adopting an ordinance setting the number of positions in each classification for the Temple Fire Department and the Temple Police Department.

RESOLUTIONS

8. 2012-6765-R: Consider adopting a resolution authorizing annual purchase agreements for utility supplies for FY 2013 with the following vendors in the estimated annual amount of $493,881.98:

   (A) Municipal Water Work Supply of Royse City $57,080.85;
   (B) HD Supply Waterworks of Belton $130,654.05;
   (C) Ferguson Waterworks of Killeen $188,442.05; and
   (D) ACT Pipe and Supply of Temple $117,705.03;

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 3:20 PM, on September 14, 2012.

Lacy Borgeson

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

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) September 6, 2012 Special Called and Regular Meeting

STAFF RECOMMENDATION: Approve minutes as presented in item description.

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

FISCAL IMPACT: N/A

ATTACHMENTS:

September 6, 2012 Special Called and Regular Meeting

TEMPLE CITY COUNCIL

SEPTEMBER 6, 2012

The City Council of the City of Temple, Texas conducted a Special meeting on Thursday, September 6, 2012 at 3:00 PM, at the Municipal Building, 2 North Main Street, in the 3rd Floor Conference Room.

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

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, September 6, 2012.

Regular Agenda Item #4(H) - election of TML Risk Pool Board of Trustees; Mayor Jones indicated he made his selection on the ballot and would submit if there were no objections from the Council. The ballot would be in the City Secretary's Office for review if needed.

2. Receive an update from Brazos River Authority.

David Blackburn, City Manager introduced Brad Burnett representative from Brazos River Authority. Mr. Burnett provide the Council with background for the Authority. The mission is to develop, manage, and protect water resources of the Brazos River basin. He also reviewed the top 10 water customers for 2012. Mr. Burnett noted the City of Temple's Water rights agreement is one of the oldest; 1915. He reviewed the Water Rights and the Contract held by the City. The City's water is release from Lake Belton; there is a two-tier contract with BRA for 9,453 acft/ year; BRA storage contract for 18,500 acft/year; BRA System Contract for 2,500 acft/year for a total of 42,953 acft/ year. Mr. Burnett also mentioned historical water use data for the City. He also commented on the new water supply projects as well as the U.S. Seasonal Drought Outlook . Mr. Burnett added most areas of the basin recovered from the drought in 2011 with the exception of Possum Kingdom Lake. Lake Belton is about 85% full as of August 29, 2012.

Councilmember Schneider asked Mr. Burnett of the 705,000 acft under contract, how much of that is used?

Mr. Burnett stated in prior to 2011 the highest used was a little over 300,000 acft/ year; and in 2011 there was 487,000 acft/ year used, this was primarily due the drought of 2011.

Councilmember Schneider asked if there was a danger of the City of Temple loosing any of its acft/ year.

Mr. Burnett stated there are agreements in place that would make that difficult.

3. Discuss the 2004-2005 Cottonwood Lane Extension Study.

Mr. Blackburn stated this was placed on the agenda for discussion due to requests from citizens to remove the barriers currently in place.

Ms. Torralva, Director of Public Works presented this to the Council. She provided background of what was adopted in 2004. She stated that prior to 202, Loop 363 frontage road was a two way street. Once TxDOT began work in this area, the traffic patterns changed. This increase traffic along Cottonwood. In the fall of 2004 the City became engaged with trying to assess the traffic in the area of Cottonwood. The Council adopted the study from Walton & Associates in May 2005. In addition to the adoption of the Study, the Council recommended Cottonwood Lane to be closed on the west side of Oakdale, in lieu of constructing the diverter as recommended in the study. Ms. Torralva also provided data on traffic counts for the area once the work had been completed.

Mr. Blackburn stated staff is looking for direction from Council as to how to proceed.

Councilmember Cloud stated the traffic counts are a good representation of what was accomplished by placing the barriers at Cottonwood Lane.

Mayor Jones stated we need to have public meetings in the neighborhoods so that the residents have the opportunity to voice there concerns. Safety is the overriding factor for the decision we make.

Mr. Blackburn state Staff with wait to proceed until further direction from Council.

4. Discuss upcoming appointments to various City boards and commissions.

Mayor Jones and Council discussed the applications on file.

Mayor Jones stated that at this time, approximately 3:48 pm, the Temple City Council would enter into executive session.

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.

Mayor Jones reconvened the workshop at approximately 4:30 pm; with no final action being taken.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, September 6, 2012 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, September 6, 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

Jonathan McCormick, Boy Scout Toop 101, voived the Invocation.

2. Pledge of Allegiance

Charlie Borgeson led the Pledge of Allegiance

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. (A) Texting & Driving - It Can Wait Day September 19, 2012

Mayor Jones read the proclamation at the request of Debbie Keel, AT&T Area Manager External Affairs.

(B) International Literacy Awareness Day September 8, 2012

Mayor Jones presented the proclamation to Don Stiles, Executive Director, Temple Literacy Council.

(C) Constitution Week September 17 - 23, 2012

Mayor Jones presented the proclamation to Nacy Daniel with the DAR Betty Martin Chapter.

III. PUBLIC COMMENTS

Mr. Milton Hensley 301 Mitchell Drive Temple Texas - addressed the Council regarding the National Life Chain on Sunday, October 7th from 2:00 p.m. - 3:00 p.m. South 31st street, South of Loop 363.

Kal Patel, 5247 South General Bruce Drive - addressed the Council regarding item #6 on the Regular Agenda. Mr. Patel state he owned Holiday Inn and would like the council to table this item until further discussion were had. This proposed sign will potentially block the Holiday Inn sign on his building.

IV. CONSENT AGENDA

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

(A) August 10, 2012 Special Called Meeting

(B) August 16, 2012 Special Called and Regular Meeting

(C) August 30, 2012 Special Called Meeting

(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 - Crafco 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 - Altivia 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**

(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.

(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.

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

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.

Autumn Speer, Director of Community Services, presented this case to Council. Ms. Speer gave some background on this matter and stated it is Staff initiated. She reviewed the proposed text amendments language as well as existing standard language and the existing relocation standards. Currently there are 64 billboard signs along I-35. TxDOT's right of way acquisition will affect 29 of which 16 will be removed. The City Staff will approve the sign relocation if it's on the same site, and can meet the current requirements. If the existing zoning is not

correct staff will consider processing a zoning change to allow compliance or a planned development if te straight zoning is not a positive option for the City; and all other will require a Conditional Use Permit. Ms. Speer stated the existing standards are for a minimum spacing of 1,500 feet between signs on same side; set back of 20 feet from property line; size of 14'x48'; and height of 42.5 feet. With the existing relocation standards there is no permit fee required; setback is reduced to 5 feet; may be constructed with the same number of poles and same type of materials as the existing sign; and the area can be same as original or smaller. The Planning and Zoning Commission heard this case on August 20th and recommended approval of the text amendments as presented 8/0.

Councilmember Schneider stated this only includes signs taken by right of way acquistion.

Ms. Speer replied yes, this is an addition to the existing section and is very specific in its applicability. As the expansion of I-35 continues, we will see more of these request

Mayor Jones declared the public hearing open with regards 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 Councilmember Perry Cloud adopt ordinance, with second and final reading set for September 20, 2012. seconded by Councilmember Russell Schneider.

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.

Autumn Speer, Director of Community Services, presented this case to Council. The applicant of this case is Lamar Advertising and they are requesting the sign be located at 5275 South General Bruce Drive. Lamar Advertising has over 117 signs in the City; of 64 are located on I-35. Staff has worked closely with Lamar in developing the criteria. Ms. Speer stated the sign they have requested is a 14'x48' sign; with a 20' setback; and commercial zoning. What they are requesting is an exception to the spacing requirements. They are 822' to the south sign and 1,314' to the north sign. The sign is being relocated from W/S IH 35 at 51st Street. Ms. Speer provided photos for the proposed location. Ms. Speer stated there were three notices

mailed out to the surrounding area; one was received in opposition. This case requires a super-majority vote due to opposition being greater than 20% (23%). Staff recommends approval of the requested CUP; any additional future requests in this immediate area will not receive favorable staff recommendation. Staff did not recommend any conditions; but given the recent comments from Mr. Patel, setback may be a reasonable condition. Planning and Zoning Commission heard this case on August 20th and recommends approval as presented 8/0.

Councilmember Morales asked what the distance was between Mr. Patel's sign and the proposed Lamar sign.

Ms. Speer stated it is approximately 700 feet.

Councilmember Cloud asked when the notices were mailed out.

Ms. Speer replied on August 6, 2012.

Mayor Jones asked Mr. Patel if there was an on-going study at this time.

Mr. Patel stated not at this time.

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

Mr. Patel voiced his concerns for the visibility of his sign on the building from the Midway exit. The highway has a curve and we want time to review all angles, especially from exit 297.

Mr. Mat Naegele, Lamar Advertising 5110 North General Bruce Drive, addressed the Council. He stated there have been many hours of dialogue with City Staff, and he appreciates the efforts. This request is before Council today due to forced relocation due to expansion of I-35. Mr. Naegele noted he is not adding additional signs, only trying to keep the current inventory. It has been taken into consideration the placement of the proposed sign in relation to Holiday Inn. Lamar Advertising also has a perpetual easement from Holiday for the sign to the north of their property. Mr. Naegele stated the proposed setback his almost 50 feet in. All of this has been taken into consideration as we do not wish to obstruct the Holiday Inn's sign. He added they made several attempts to make contact with Mr. Patel and Holiday Inn; therefore ample time has been allowed to discuss this matter. The criteria for which will be used for future requests of this nature needs to be determined. Mr. Naegele

asked Council for consideration.

Mayor Pro Tem Dunn asked if setback requirements would be something to consider in the criteria.

Mr. Naegele stated he has exceeded the guidelines.

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

Motion by Councilmember Russell Schneider adopt ordinance, with second and final reading set for September 20, 2012. seconded by Councilmember Judy Morales.

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.

Traci Barnard, Director of Finances, presented this item to Council. Ms. Barnard provided a summary of amendments to the Council. There are eight different line items within the Plan for amendments to include line items 4, 10, 26-40, 62, 450, 500, and 610; this amendment will go through 2022. The Plan has not been adjusted through the increments associated with Panda Power Plant. The Bond Refundings reflects the reduced amount of debt service payments in FY 2012-2022 with savings of $865,036.

Mayor Jones declared the public hearing open with regards to agenda item 7 and asked if anyone wished to address this item. There being none, Mayor Jones delcared the public hearing closed.

Motion by Councilmember Judy Morales adopt ordinance, with second and final reading set for September 20, 2012. seconded by Mayor Pro Tem Danny Dunn.

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.

Jonathan Graham, City Attorney, presented this item to Council.

Mr. Graham stated this is a clean up on language in the ordinance. He reviewed the history of EMS services within the City. Currently the city contracts with Scott and White for Emergency Transfers as well as 'first responder' service to Scott and White through Temple Fire and Rescue. The non-emergency transfers are through franchises with both Scott and White EMS and Acadian. City Staff has worked with our Medical Director, Dr. Margaret McGraw and the current Franchises to clarify what constitutes an emergency transfer. Mr. Graham provided the definitions as Emergency ambulance services to be the unscheduled transfer of a person to a hospital emergency room; and the Non-emergency ambulance service to be the transfer of a person to a scheduled medical appointment. Defining this is important for safety reasons as emergency ambulance services are authorized to ignore traffic lights and posted speed limits when they have activated their lights and sirens; and must be equipped with personnel and designed to provide advanced medical care/ life support; all requests for emergency transport is done through Bell County 9-1-1 dispatch.

Mayor Jones declared the public hearing open with regards to agenda item 8 and asked if anyone wished to address this item. There being none, Mayor Jones declared the public hearing closed.

Motion by Councilmember Judy Morales adopt ordinance, with second and final reading set for September 20, 2012. seconded by Councilmember Russell Schneider.

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.

Jonathan Graham, City Attorney, presented this item to Council. Mr. Graham stated this is to acquire property in the are of the City's landfill for future expansions. There are two tracts of land with the one being a 30 acre tract of land and improvements located at 1120 Bob White Road for the purchase price of $241,000 and closing costs not to exceed $10,500; and second being an 18.86 acre tract of land and improvements located at 1440 Bob White Road for the purchase price of $182,000 and closing costs not to exceed $9,000.

Motion by Councilmember Perry Cloud adopt resolution authorizing the purchase of the 30 acre tract of land and improvements located at 1120 Bob White Road for the purchase price of $241,000 and closing costs not to exceed $10,500; and the purchase of the 18.86 acre tract of land and improvements located at 1440 Bob White Road for the purchase price of $182,000 and closing costs not to exceed $9,000. seconded by Mayor Pro Tem Danny Dunn.

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

Recommended appointing Amy Strunk as Chair of the Animal Services Advisory Board for a term of September 1, 2012 through August 31, 2013

(B) Temple Economic Development Corporation - two members to fill expiring terms through September 1, 2015

Recommend appointing John Bailey and David Nix to fill expiring terms through September 1, 2015

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

Recommend appointing Mr. Robert Atmar, BISD Ex-Officio

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

_____

William A. Jones, III, Mayor

ATTEST:

_____

Lacy Borgeson
City Secretary

COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:
Nicole Torralva, PE, Director of Public Works
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing an annual purchase agreement with Russell & Smith Ford, Inc. of Houston for medium duty truck brakes for FY 2013 in the estimated annual amount of $30,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On July 31, 2012, the City received two (2) bids for the purchase of medium duty truck brakes. The bids are shown on the attached bid tabulation sheet.

The low bidder is Russell & Smith Ford of Houston, Texas. The City has done business with Russell & Smith Ford in the past and finds them to be a responsible vendor.

The proposed purchase agreement is for a one (1) year period commencing on October 1, 2012, with the option to extend the agreement for four (4) additional one-year periods, if so agreed to by both parties.

FISCAL IMPACT: These brakes will be purchased on an as needed basis and are charged to departmental expenditure accounts for vehicles that are serviced by Fleet Services. Departments have budgeted for automotive repairs in their departmental accounts. Estimated annual expenditure: $30,000.

ATTACHMENTS:
Bid Tabulation
Resolution

Tabulation of Bids Received
on July 31, 2012 at 2:00 p.m.
Medium Duty Truck Brakes (Re-bid)*
Bid # 38-02-13

		Bidders			
		Russell & Smith Ford Houston, Texas		Longhorn International Temple,Texas	
Description	**Qty**	**Unit Price**	**Total Price**	**Unit Price**	**Total Price**
Automatic Slack Adjuster Haldex HDX40010184	2	$78.54	$157.08	$99.48	$198.96
Slack Adjuster, Right, 055-010-02487; Meritor R802487	2	$87.10	$174.20	$91.81	$183.62
Slack Adjuster, Left, 055-010-02486, Meritor R802486	2	$87.10	$174.20	$91.81	$183.62
Reman Rear Brake Shoe & Lining w/Spring Kit; 16.5" x 7", 060-021-00062, 4515Q	6	$41.92	$251.52	$35.31	$211.86
Reman Rear Brake Shoe & Lining w/Spring Kit, 16.5 x 7" Q Plus **Brakes, 060-021-04707,**4707QP	30	$52.56	$1,576.80	$38.05	$1,141.50
Reman Rear Brake Shoe & Linings P Type Cast Iron, 16.5" x 7", 060-021-04516	40	$51.86	$2,074.40	$147.05	$5,882.00
New Per Shoe Rear Brake Shoe & Lining; P Type Cast Iron, 16.5" x 7", 4515C	8	$205.92	$1,647.36	$531.38	$4,251.04
Rear Brake Spring Kits, P Tyoe Cast Iron, 16.5" x 7", 060-021-09840, Dayton Parts 08-109840	10	$30.74	$307.40	$64.40	$644.00
Front Brake Shoes & Spring Kit, Freightliner #HS4715QPK	2	$75.79	$151.58	$66.38	$132.76
Brake Pads, Front & Rear Spartan, 060-021-00033, Mertior S2R7017173	4	$209.62	$838.48	$225.83	$903.32
Brake Pads, Front & Rear, 060-021-02252, Mertior KIT 2252H2DA	4	$290.18	$1,160.72	$312.63	$1,250.52
Brake Rotor, Front & Rear, 060-021-42002, Meritor 22 123642 002	4	$287.95	$1,151.80	$364.25	$1,457.00
Brake Drum, Rear, 060-021-00079, Gunite 3600A	60	$105.37	$6,322.20	$77.55	$4,653.00
Brake Drum Front Freightliner M2; 060-021-66661, Webb 66661B	14	$163.21	$2,284.94	$201.87	$2,826.18
Brake Drum Front Freightline/International, 060-021-00077, Gunite	10	$199.11	$1,991.10	$114.40	$1,144.00
Brake Drum, Rear Spartan 060-021-00078, Gunite 3699	2	$168.00	$336.00	$105.87	$211.74
Brake Drum Webb 66893F	2	$174.52	$349.04	$191.71	$383.42
Brake Rotor, Front Spartan, 060-021-00076, Meritor 3218K167	2	$176.31	$352.62	$182.13	$364.26
Brake Rotor, Rear Spartan, 060-021-000075, Mertior 3218F266	2	$161.57	$323.14	$216.42	$432.84
Brake Rotor, Front Spartan, Meritor 3218A1145	2	$386.79	$773.58	$429.77	$859.54
Air Governor, 060-021-00100, RKA18530 Midland N18530	8	$21.13	$169.04	$16.21	$129.68
Brake Air Chamber 30/36, Haldex GC3036L	2	$143.45	$286.90	$145.45	$290.90
Brake Air Chamber, 30/30, Long Stroke, MGM	4	$82.31	$329.24	$56.00	$224.00
Brake Air Chamber, 30/30, Short Stroke, 060-021-00105, MGM	4	$56.48	$225.92	$47.08	$188.32
Brake Air Chamber, 6060-021-02951, International 4C4Z2225DA, ZAJ323951	12	$128.07	$1,536.84	$134.95	$1,619.40
Rear Axle Seal, 060-095-00101, National 370181A	2	$41.45	$82.90	$41.45	$82.90
Rear Axle Seal, 060-095-0061, National 370048A	2	$40.09	$80.18	$40.09	$80.18
Rear Axle Seal, 060-095-00094, National 370003A	20	$36.32	$726.40	$36.32	$726.40
Rear Axle Seal, 060-095-00119, National 370119A	10	$33.61	$336.10	$33.61	$336.10
Rear Axle Seal, 060-095-00089, National 370120A	20	$71.41	$1,428.20	$71.41	$1,428.20
Front Axle Hub Caps, 060-006-00006, Stemco 3434249	8	$42.82	$342.56	$42.82	$342.56
Front Axle Hub Caps, 060-006-00007, Stemco 3595990	2	$3.05	$6.10	$3.05	$6.10
Rear Axle Gasket 8 Hole, 060-054-00007, International #3566160C1	30	$3.14	$94.20	$7.39	$221.70
Parking Brake Valve; 060-021-00319, Bendix 276567	1	$32.35	$32.35	$33.46	$33.46
Parking Brake Valve; 060-021-065643, Bendix 065643	1	$126.46	$126.46	$138.31	$138.31
TOTAL		$28,201.55		$33,163.39	
Percentage Discount from List		Varies		No Bid	

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

Belinda Mattke *31-Jul-12*

Belinda Mattke, Director of Purchasing — Date

* Solicitation had to be re-bid due to initial bid coming in over the $25,000 competitive sealed bid threshold.

Planholders

Badger Vet Contracting
Longhorn International
O'Reilly Auto Parts
Park Cities Ford Lincoln
Russell & Smith Ford
Temple Freightliner

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL PURCHASE AGREEMENT WITH RUSSELL & SMITH FORD, INC., OF HOUSTON, TEXAS, FOR MEDIUM DUTY TRUCK BRAKES FOR FISCAL YEAR 2013, IN THE ESTIMATED ANNUAL AMOUNT OF $30,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 31, 2012, the City received 2 bids for the purchase of medium duty truck brakes;

Whereas, the City has done business with Russell & Smith Ford, Inc. in the past and finds them to be a responsible vendor

Whereas, Staff recommends authorizing an annual purchase agreement with Russell & Smith Ford, Inc. of Houston, Texas, for an estimated annual expenditure of $30,000;

Whereas, there are sufficient funds in the various departmental accounts for the purchases – the brakes will be purchased on an "as-needed" basis by each department; and

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

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

Part 1: The City Council authorizes an annual purchase agreement with Russell & Smith Ford, Inc. of Houston, Texas, for an estimated annual expenditure of $30,000, for the purchase of medium duty truck brakes.

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 **20th** day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

_____
WILLIAM A. JONES, III, Mayor

ATTEST:

_____
Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____
Jonathan Graham
City Attorney

COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:
Nicole Torralva, PE, Director of Public Works
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing annual purchase agreements with the following sign and traffic control supply vendors for FY 2013 in the estimated annual amount of $49,668.37:

American Traffic Safety Materials, Inc. of Orange Park, Florida, $5,952.21;
Pathmark Traffic Products of San Marcos, $26,600.95;
3M Company of St Paul, Minnesota, $1,647.52;
Vulcan Sign of Foley, Alabama, $14,959.45; and
Custom Products Corp of Jackson, Mississippi, $508.24.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On July 31, 2012, the City received nine (9) bids for the purchase of sign and traffic control supplies. The bids are shown on the attached bid tabulation. The solicitation asked for pricing on several possible items that may be needed throughout the year, and will be ordered on an 'as needed' basis. The estimated expenditure reflects the cost if all the items bid are actually purchased. The bid was stated to be awarded by sections except for section five which was stated to be awarded by line item.

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

The proposed purchase agreements are for a one (1) year period commencing on October 1, 2012, with the option to extend the agreements for four (4) additional one-year periods, if so agreed to by both parties.

FISCAL IMPACT: Sign and traffic control supplies are purchased on an as needed basis and are accounted for in the Sign Shop's inventory account. As supplies are used, they are charged to the appropriate departmental expenditure account. Based on historical usage, it is estimated that $49,668.37 in sign and traffic control supplies will be used throughout the year.

ATTACHMENTS:
Bid Tabulation
Resolution

Tabulation of Bids Received
on July 31, 2012 at 2:30 p.m.
Sign and Traffic Control Supplies
Bid# 34-01-13

	BIDDERS									
	American Trafffic Safety Materials Inc. P# 877-872-2876 Orange Park, FL	Hall Signs, Inc. P# 812-332-9355 Bloomington, TX	Roadrunner Traffic Supply Inc. P# 817-244-0305 Fort Worth, TX	Pathmark Traffic Products P# 800-547-0874 San Marcos, TX	Allmac Signs P# 413-241-6916 Harwich, MA	3M Company P# 800-553-1380 St Paul, MN	Vulcan, Inc. P# 800-633-6845 Foley, AL	Custom Products Corporation P# 800-367-1492 Jackson, MS	Traffic Parts Inc P# 800-345-6329 Spring, TX	*Memo FY2012 Contracted Prices*
Description										
1. Sign Face Material	No Bid	$7,401.05	$7,853.85	$13,242.50	No Bid	No Bid	$6,905.05	$7,902.20	No Bid	$6,950.85
2. Sign Caps, Crosses, Brackets and Clamps	No Bid	$1,632.05	$2,053.45	$1,581.25	No Bid	No Bid	$1,648.85	$1,626.70	No Bid	$2,116.90
3. Sign Pipes and Accessories	No Bid	No Bid	No Bid	$12,457.00	No Bid	No Bid	No Bid	No Bid	No Bid	$8,465.50
4. Road Marking Accessories	No Bid	No Bid	No Bid	$875.00	No Bid	No Bid	No Bid	$992.50	No Bid	$727.50
5a. Emergency Flashers for Barricade w/solar switch	No Bid	No Bid	No Bid	$19/each - $380 total	No Bid	No Bid	No Bid	No Bid	No Bid	$18.95
5b. Spring-type Battery for Emergency Flasher	No Bid	No Bid	No Bid	$2.90/each $139.20 total	No Bid	No Bid	No Bid	No Bid	No Bid	$2.39
5c. Replacement Bulb for 6-volt Emergency Flashers	No Bid	No Bid	No Bid	$14/each - $336 total	No Bid	No Bid	No Bid	No Bid	No Bid	$9.95
5d. Dead End Barricade Tape (red-white)	No Bid	No Bid	No Bid	$21/each - $1,260 total	No Bid	No Bid	No Bid	$23.04	No Bid	$127.06
5e. Barricade Tape Left (orange/white)	No Bid	No Bid	No Bid	$165.00	No Bid	$129.75	No Bid	$127.06 each - $254.12 total	No Bid	$123.63
5f. Barricade Tape Right (orange/white)	No Bid	No Bid	No Bid	$165.00	No Bid	$129.75	No Bid	$127.06 each - $254.12 total	No Bid	$123.63
5g. Traffic Cones (Fluorescent Orange) 28"	No Bid	No Bid	$13.50	$10.91/each $1,091 total	No Bid	No Bid	$11.88	$18.88	No Bid	$10.95
5h. Traffic Cones (Fl Orange w.White Refl Stripes)	No Bid	No Bid	$17.78	$14.77/each $1,477 total	No Bid	No Bid	$15.97	$20.65	No Bid	$15.95
6. Sign Blanks	No Bid	$11,902.82	$9,138.12	$10,837.00	$9,513.30	No Bid	$8,054.40	$9,664.74	No Bid	$7,585.08
7. Traffic Buttons and Accessories	No Bid	No Bid	No Bid	$1,597.50	No Bid	No Bid	No Bid	$2,003.90	No Bid	$800.50
8. Sign Material-Roll Goods	No Bid	No Bid	No Bid	No Bid	No Bid	$1,647.52	No Bid	No Bid	No Bid	$1,646.16
9. Electro-Cut Materials	$5,952.21	No Bid	No Bid	No Bid	No Bid	$11,395.27	No Bid	$12,824.83	No Bid	$5,648.11
10. Telespar Support System	No Bid	No Bid	No Bid	$5,407.00	No Bid	No Bid	No Bid	No Bid	No Bid	$4,134.00
Total Awarded Per Vendor	$5,952.21			$26,600.95		$1,647.52	$14,959.45	$508.24		
Delivery within 45 days?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No Bid	
Local Preference	No	No	No	No	No	No	No	No	No Bid	
Exceptions?	Yes	Yes	Yes	No	No	No	No	Yes	No Bid	
Credit Check Authorization	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No Bid	

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

Belinda Mattke 7/31/2012

Belinda Mattke, Director of Purchasing — Date

Planholders			
3M Traffic Safety Systems	Fresh Ink Signs and Graphics	RoadRunner Traffic Supply, Inc.	Vulcan, Inc. -
American Traffic Safety Materials, Inc.	Hall Signs, Inc.	Rocal Inc	W.S. Sign Design Corp
Border States Electric	Korman Signs, Inc.	Safety Zone Specialists, Inc.	
Consolidated Traffic Controls, Inc.	Pathmark Traffic Products of Texas, Inc.	Traffic Parts	
Custom Products Corporation	Prime Vendor Inc.	Ultimate Highway Products	

Recommended for City Council Award

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ANNUAL PURCHASE AGREEMENTS WITH VARIOUS VENDORS FOR SIGN AND TRAFFIC CONTROL SUPPLIES FOR FISCAL YEAR 2013, IN THE ESTIMATED ANNUAL AMOUNT OF $49,668.37; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 31, 2012, the City received 9 bids for the purchase of sign and traffic control supplies - the solicitation asked for pricing on several possible items that may be needed throughout the year;

Whereas, Staff recommends awarding the bids to the following vendors for the purchase of sign and traffic control supplies for FY2013 with American Traffic Safety Materials, Inc., of Orange Park, FL; Pathmark Traffic Products of San Marcos, TX; 3M Company of St. Paul, MN; Vulcan Sign of Foley, AL; and Custom Products Corp of Jackson, MS;

Whereas, the proposed purchase agreements are for a one-year period, commencing on October 1, 2012, with the option to extend the agreements for 4 one-year periods, if so agreed to by both parties;

Whereas, based on historical usage, it is estimated that $49,668.37 in sign and traffic control supplies will be used throughout the year – as supplies are used, they will be charged to the appropriate departmental expenditure account; and

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

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

Part 1: The City Council authorizes annual purchase agreements for sign and traffic control supplies for Fiscal Year 2013, as follows:

American Traffic Safety Materials, Inc., of Orange Park, FL ($5,952.21);
Pathmark Traffic Products of San Marcos, TX ($26,600.95);
3M Company of St. Paul, MN ($1,647.52);
Vulcan Sign of Foley, Al ($14,959.45); and
Custom Products Corp of Jackson, MS ($508.24)

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

<u>Part 3:</u> 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 **20th** day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

_____
WILLIAM A. JONES, III, Mayor

ATTEST:

_____
Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____
Jonathan Graham
City Attorney

COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:
Nicole Torralva, PE, Director of Public Works
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing annual purchase agreements with the following traffic signal equipment vendors for FY 2013 in the estimated amount of $120,764.40:

- Traffic Parts, Inc. of Spring $16,072.40.
- Naztec, Inc. of Sugar Land $94,475; and
- Paradigm Traffic System, Inc. of Arlington $10,217

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On July 31, 2012, the City received three (3) bids for purchase of traffic signal equipment. The bids are shown on the attached bid tabulation. The bid was stated to be awarded by sections except for section seven which was stated to be awarded by line item.

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

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

The proposed purchase agreements are for a one (1) year period commencing on October 1, 2012, with the option to extend the agreements for four (4) additional one-year periods, if so agreed to by both parties.

FISCAL IMPACT: Funding in the amount of $22,550 is budgeted in the adopted FY 2013 budget in accounts 110-2820-532-2334, 110-2830-532-2334, and 110-2840-532-233. Additional funding for traffic signal equipment and supplies will most likely be designated as part of capital improvement projects.

ATTACHMENTS:
Bid Tabulation
Resolution

Tabulation of Bids Received
on July 31, 2012 at 3:00 p.m.
Traffic Signal Equipment and Supplies
Bid # 28-01-13

	Bidders			
	Traffic Parts Inc. P# 800-345-6329 Spring, Texas	Naztec Inc. P# 281-240-7233 Sugar Land, Texas	Paradigm Traffic Systems P# 817-831-9406 Arlington, Texas	Memo FY2012 Contracted Prices
Description				
Section 1 - Signal Cabinets with Controllers	No Bid	$38,475.00	No Bid	$36,780.00
Section 2 - Signal Cabinets without Controllers	No Bid	$26,800.00	$29,600.00	$26,800.00
Section 3 - Miscellaneous Components	$2,090.52	$2,106.00	$1,720.00	$1,828.64
Section 4 - Conflict Monitor without Red Light Inhibitor	$2,706.12	$2,970.00	$3,540.00	$2,970.00
Section 5 - Conflict Monitor with Red Light Inhibitor	No Bid	$17,400.00	No Bid	$14,600.00
Section 6 - Video Detection Equipment	No Bid	No Bid	No Bid	No Bid
Signal Head w/LED's - 3 section horizontal	$2,134.00	$5,600.00	$3,152.00	$2,720.00
Signal Head w/LED's - 4 section horizontal	$1,487.40	$3,600.00	$1,996.00	$1,805.32
Signal Headw/LED's - 5 section horizontal	$1,774.40	$4,800.00	$2,424.00	$2,185.96
16" Pedestrian Signal - 2 in 1; black LED hand/man	$1,726.40	$4,800.00	$1,440.00	$1,928.00
12-inch Pedestrian Signal Lens - Plastic; WALK	$147.12	$800.00	$376.00	$112.00
12-inch Pedestrian Signal Lens - Plastic; DON'T WALK	$240.00	$800.00	$376.00	$112.00
16" 2 in 1 Pedestrian Signal Lens - Plastic; hand/man	$256.00	$800.00	$696.00	$100.00
Pedestrian Push Button; Black; ADA	$224.96	$800.00	$320.00	$244.40
Pelco Pedestal Base or approved equal	$2,639.10	$3,500.00	$1,950.00	$1,730.00
Pole Cap -Pelco PB-5401or approved equal	$12.00	$50.00	$9.00	$8.30
4-1/2" O.D. x 16' Aluminum Pole for Ped Base	$398.00	$400.00	$258.00	$227.00
U-Bolt Sign Clamp - 4" Pole (4-1/2" O.D.)	$232.00	$750.00	$170.00	$130.00
Astro Bracket - AS-3009; 62-inch cable	$746.76	$1,200.00	$804.00	$657.00
Astro Bracket - AS-3009; 84-inch cable	$761.04	$1,500.00	$804.00	$703.20
Astro Bracket - AS-3009; 96-inch cable	$770.52	$1,800.00	$828.00	$712.80
Astro Arm Kit - AB-4001	$336.24	$360.00	$360.00	$270.12
12-inch LED - Red	$453.72	$1,200.00	$528.00	$547.08
12-inch LED - Yellow	$491.76	$1,500.00	$624.00	$620.52
12-inch LED - Green	$525.00	$1,800.00	$624.00	$699.00
12-inch LED - Yellow Arrow	$465.00	$1,200.00	$480.00	$620.52
12-inch LED - Green Arrow	$528.72	$1,500.00	$612.00	$688.20
8-inch LED - Red	$480.00	$1,200.00	$492.00	$405.84
8-inch LED - Yellow	$525.00	$1,200.00	$516.00	$415.08
8-inch LED - Green	$525.00	$1,500.00	$528.00	$687.00
8-inch LED - Yellow Arrow	$531.00	$1,200.00	$444.00	$450.00
8-inch LED - Green Arrow	$726.00	$1,500.00	$624.00	$660.00
12-inch Visor - Universal Black Plastic Tunnel	$445.50	$1,000.00	$650.00	$500.00
12-inch Visor - Universal Yellow Metal Tunnel	$722.50	$2,500.00	$650.00	$550.00
8-inch Visor - Universal Yellow Metal Tunnel	$499.50	$2,500.00	$800.00	$425.00
12-inch Pedestrian Visor - Black Plastic	$93.96	$2,400.00	$120.00	$108.00
Service Box - Precast Polymer Concrete	$2,258.00	$8,000.00	$2,744.00	$1,920.00
Section 8 - Batteries	$1,822.38	$1,800.00	No Bid	$1,494.00
Section 9 - Solar School Flashing Beacon	No Bid	$10,000.00	No Bid	$7,990.00
TOTAL AWARDED PER VENDOR	**$16,072.40**	**$94,475.00**	**$10,217.00**	
Deliery within 45 days?	Yes	No	Yes	
Exceptions?	Yes	No	No	
Local Preference	No	No	No	
Credit Check Authorization	Yes	Yes	Yes	

Planholders
Consolidated Traffic Controls, Inc.
Onvia, Inc.
Paradigm Traffic Systems, Inc.
Prime Vendor Inc.
Traffic Parts
Trafficware
Trastar

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

Recommended for Award
No Bids Received
Does not Meet Specification

Belinda Mattke — *31-Jul-12*

Belinda Mattke, Director of Purchasing — Date

RESOLUTION NO._____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ANNUAL PURCHASE AGREEMENTS WITH VARIOUS VENDORS FOR TRAFFIC SIGNAL EQUIPMENT FOR FISCAL YEAR 2013, IN THE ESTIMATED ANNUAL AMOUNT OF $120,764.40; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 31, 2012, the City received 3 bids for purchase of traffic signal equipment – the solicitation asked for pricing on several possible items that may be needed throughout the year, and will be ordered on an 'as-needed' basis;

Whereas, Staff recommends awarding the bids to the following vendors for the purchase of traffic signal equipment for FY2013 with Traffic Parts, Inc. of Spring, TX; Naztec, Inc. of Sugarland, TX; and Paradigm Traffic System, Inc., of Arlington, TX;

Whereas, the proposed purchase agreements are for a one-year period commencing on October 1, 2012, with the option to extend the agreements for 4 one-year periods, if so agreed to by both parties;

Whereas, funds are available in Account Nos. 110-2820-532-2334, 110-2830-532-2334, and 110-2840-532-2334; and

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

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

Part 1: The City Council authorizes annual purchase agreements for traffic signal equipment for Fiscal Year 2013, as follows:

Traffic Parts, Inc., of Spring, TX ($16,072.40);
Naztec, Inc. of Sugar Land, TX ($94,475); and
Paradigm Traffic System, Inc., of Arlington, TX ($10,217)

Part 2: The City Council authorizes the City Manager, or his designee, to execute any documents which may be necessary for these purchases, after 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 **20th** day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

_____

WILLIAM A. JONES, III, Mayor

ATTEST:

_____

Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____

Jonathan Graham
City Attorney

COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:
Heather Mikulas, Utility Business Office Manager
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing the following FY 2013 annual purchase agreements for water meters in the estimated annual amount of $147,919.72:

1. Municipal Waterworks Supply of Royse City $109,359.65;
2. HD Supply Waterworks of Belton $4,306.40;
3. Border States Electric of Austin $9,135.86;
4. Mueller Systems of Cleveland, OH, $5,655.15; and
5. Master Meter, Inc. of Mansfield $19,462.66.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On July 10, 2012, the City received eight (8) bids for the purchase of water meters. The bids are shown on the attached bid tabulation sheet. Staff recommends award of the bids to the vendors as highlighted in yellow on the attached 19 line-item bid tabulation.

The City has done business in the past with Municipal Waterworks Supply, HD Supply Waterworks, and Master Meter. The City has not done business with Border States Electric, and Mueller Systems, in the past. Therefore, references were checked. After receiving favorable responses, the City deems them all to be responsible vendors.

The proposed purchase agreements are for a one (1) year period commencing on October 1, 2012, with the option to extend the agreement for four (4) additional one-year periods, if so agreed to by the City and each vendor.

FISCAL IMPACT: Meters are purchased on an as needed basis and are accounted for in the Utility Warehouse's inventory account. The meters are charged to departmental expenditure accounts as they are issued to departments, primarily in this case, the Water Metering Department. It is estimated that $147,919.72 in water meters will be purchased during FY 2013.

ATTACHMENTS:
Bid Tabulations
Resolution

Tabulation of Bids Received
on July 10, 2012 at 3:30 p.m.
Water Meters
Bid # 53-01-13

		Bidders																
		Municipal Waterworks Supply P# 972-635-2722 Royse City, TX		Municipal Waterworks Supply (Alternate Bid) P# 972-635-2722 Royse City, TX		HD Supply Waterworks P# 254-939-8998 Belton, TX		Border States Electric P# 512-421-1205 Austin, TX		Mueller Systems P# 704-278-2221 Cleveland, NC		Master Meter Inc. P# 817-842-8000 Mansfield, TX		Aqua Metric Sales Co. P# 210-697-6300 Schertz, TX		Badger Meter P# 800-876-3837 Milwaukee, WI		*Memo 2011-2012 Contracted Prices*
Description	**Qty**	**Unit Price**	**Total Price**	**Unit Price**	**Total Price**	**Unit Price**	**Total Price**	**Unit Price**	**Total Price**	**Unit Price**	**Total Price**	**Unit Price**	**Total Price**	**Unit Price**	**Total Price**	**Unit Price**	**Total Price**	
Positive Displacement Meters 5/8"x3/4"	2000	$37.47	$74,940.00	$32.50	$65,000.00	$40.52	$81,040.00	$74.15	$148,300.00	$48.96	$97,920.00	$48.03	$96,060.00	$53.35	$106,700.00	$35.70	$71,400.00	*$33.24*
Positive Displacement Meters Full 3/4"	15	$61.11	$916.65	$60.00	$900.00	$80.00	$1,200.00	$109.33	$1,639.95	$87.04	$1,305.60	$74.96	$1,124.40	$79.99	$1,199.85	$58.50	$877.50	*$41.99*
Positive Displacement Meters 1"	150	$102.00	$15,300.00	$104.50	$15,675.00	$124.73	$18,709.50	$216.53	$32,479.50	$127.40	$19,110.00	$136.59	$20,488.50	$114.36	$17,154.00	$89.00	$13,350.00	*$74.50*
Positive Displacement Meters 1-1/2"	10	$337.11	$3,371.10	$336.10	$3,361.00	$267.90	$2,679.00	$600.92	$6,009.20	$306.60	$3,066.00	$402.11	$4,021.10	$411.42	$4,114.20	$319.00	$3,190.00	*$222.11*
Positive Displacement Meters 2"	15	$414.26	$6,213.90	$410.00	$6,150.00	$392.63	$5,889.45	$746.63	$11,199.45	$377.01	$5,655.15	$514.12	$7,711.80	$577.22	$8,658.30	$374.93	$5,623.95	*$260.50*
Turbine Type Meters 1-1/2"	4	$684.09	$2,736.36	$690.00	$2,760.00	$406.85	$1,627.40	No Bid		$364.45	$1,457.80	No Bid		$634.28	$2,537.12	$539.93	$2,159.72	*$562.11*
Turbine Type Meters 2"	4	$716.21	$2,864.84	$685.00	$2,740.00	$748.33	$2,993.32	$431.62	$1,726.48	$469.96	$1,879.84	$654.09	$2,616.36	$752.34	$3,009.36	$608.43	$2,433.72	*$458.00*
Turbine Type Meters 3"	2	$1,002.12	$2,004.24	$945.00	$1,890.00	$1,292.93	$2,585.86	$700.20	$1,400.40	$848.69	$1,697.38	$1,033.52	$2,067.04	$937.54	$1,875.08	$774.07	$1,548.14	*$665.00*
Turbine Type Meters 4"	2	$1,349.50	$2,699.00	$1,350.00	$2,700.00	$1,699.82	$3,399.64	$975.80	$1,951.60	$1,306.69	$2,613.38	$1,532.61	$3,065.22	$1,825.19	$3,650.38	$1,136.97	$2,273.94	*$770.00*
Turbine Type Meters 6"	1	$2,152.11	$2,152.11	$2,150.00	$2,150.00	$3,155.30	$3,155.30	$1,775.48	$1,775.48	$2,500.69	$2,500.69	$2,517.90	$2,517.90	$3,285.94	$3,285.94	$2,699.03	$2,699.03	*$1,688.00*
Turbine Typle Meters 8"	1	$3,812.40	$3,812.40	$3,942.00	$3,942.00	$5,081.34	$5,081.34	$2,281.90	$2,281.90	No Bid		$3,671.72	$3,671.72	$5,576.47	$5,576.47	$3,329.92	$3,329.92	*$2,466.00*
Dual Body Compound Meters 2"	4	No Bid		No Bid		$1,450.00	$5,800.00	$1,726.03	$6,904.12	No Bid		$1,256.80	$5,027.20	$1,069.41	$4,277.64	$1,248.63	$4,994.52	*$1,008.83*
Dual Body Compound Meters 3"	2	No Bid		No Bid		$2,120.15	$4,240.30	$2,221.16	$4,442.32	No Bid		$1,825.33	$3,650.66	$1,354.59	$2,709.18	$1,569.90	$3,139.80	*$1,477.81*
Dual Body Compound Meters 4"	1	No Bid		No Bid		$2,829.29	$2,829.29	$2,844.95	$2,844.95	No Bid		$2,363.60	$2,363.60	$2,352.71	$2,352.71	$2,451.50	$2,451.50	*$1,954.79*
Dual Body Compound Metes 6"	2	No Bid		No Bid		$4,876.36	$9,752.72	$5,121.90	$10,243.80	No Bid		$4,210.60	$8,421.20	$4,063.76	$8,127.52	$3,551.56	$7,103.12	*$2,604.25*
Fire Hydrant Turbo Meters 3"	5	$605.00	$3,025.00	$605.00	$3,025.00	$726.31	$3,631.55	$861.12	$4,305.60	No Bid		$793.86	$3,969.30	$920.88	$4,604.40	$660.00	$3,300.00	*$610.00*
FM or UL Approved Fire Service Meters 4"	1	$3,610.00	$3,610.00	$1,937.25	$1,937.25	$5,092.91	$5,092.91	$7,542.38	$7,542.38	$4,571.45	$4,571.45	$4,450.00	$4,450.00	$5,597.31	$5,597.31	$4,306.80	$4,306.80	*$4,107.69*
FM or UL Approved Fire Service Meters 6"	1	$5,098.00	$5,098.00	$3,381.30	$3,381.30	$6,688.50	$6,688.50	$10,169.50	$10,169.50	$6,553.95	$6,553.95	$6,000.00	$6,000.00	$7,449.52	$7,449.52	$5,977.00	$5,977.00	*$5,490.00*
FM or UL Approved Fire Service Meters 8"	1	$6,470.00	$6,470.00	$5,670.00	$5,670.00	$8,649.78	$8,649.78	$13,841.82	$13,841.82	$8,893.30	$8,893.30	$8,166.67	$8,166.67	$11,152.94	$11,152.94	$7,811.00	$7,811.00	*$7,490.00*
Total Recommended Award		$109,359.65				$4,306.40		$9,135.86		$5,655.15		$19,462.66						
30 Day Delivery		Yes		Yes		Yes		Yes		Yes		Yes		Yes		Yes		
Exceptions		No		Yes		Yes		No		Yes		Yes		Yes		Yes		
Local Preference		No		No		No		No		No		No Bid		No		No		
Credit Check Authorization		Yes		Yes		Yes		Yes		Yes		Yes		Yes		Yes		

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

Belinda Mattke — *10-Jul-12*

Belinda Mattke, Director of Purchasing — Date

Doesn't meet specifications
Recommended Award

Planholders

ADK Environmental
Aqua Metric Sales
Badger Meter
Border States Electric
Elster AMCO Water
Ferguson Waterworks
HD Supply
Mueller Systems
Nicor Inc
Tru-Check Metering Solutions
Water Products of Oklahoma

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ANNUAL PURCHASE AGREEMENTS WITH VARIOUS VENDORS FOR WATER METERS FOR FISCAL YEAR 2013, IN THE ESTIMATED ANNUAL AMOUNT OF $147,919.72; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 10, 2012, the City received 8 bids for the purchase of water meters for FY2013;

Whereas, Staff recommends awarding the bids to the following vendors for the purchase of water meters for FY2013 with Municipal Waterworks Supply of Royse City, TX; HD Supply Waterworks of Belton, TX; Border States Electric of Austin, TX; Mueller Systems of Cleveland, OH; and Master Meter, Inc., of Mansfield, TX;

Whereas, the City has done business in the past with Municipal Waterworks Supply, HD Supply Waterworks, and Master Meter – the City has not done business with Border States Electric, and Mueller Systems, but references were checked and Staff deems them all to be responsible vendors;

Whereas, the proposed purchase agreements are for a one-year period, commencing on October 1, 2012, with the option to extend the agreements for 4 one-year periods, if so agreed to by both parties;

Whereas, meters are purchased on an 'as-needed' basis and are charged to departmental expenditure accounts as they are issued; and

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

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

Part 1: The City Council authorizes annual purchase agreements for water meters for Fiscal Year 2013, as follows:

Municipal Waterworks Supply of Royse City, TX ($109,359.65);
HD Supply Waterworks of Belton, TX ($4,306.40);
Border States Electrical of Austin, TX ($9,135.86);
Mueller Systems of Cleveland, OH ($5,655.15); and
Master Meter, Inc. of Mansfield, TX ($19,462.66)

Part 2: The City Council authorizes the City Manager, or his designee, to execute any documents which may be necessary for these purchases, after 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 **20th** day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

_____
WILLIAM A. JONES, III, Mayor

ATTEST:

_____
Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____
Jonathan Graham
City Attorney

COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing an annual purchase agreement for various forms of rock with Superior Crushed Stone of Jarrell for FY 2013 in the estimated annual amount of $33,155.

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

ITEM SUMMARY: On July 24, 2012, the City received one (1) bid from Superior Crushed Stone for the purchase of rock, sand, crusher fines, crushed rock, and top soil. The detailed bid tabulation is attached.

The City has done business with Superior Crushed Stone in the past and finds them to be a responsible vendor.

Superior did not offer a bid for pulverized top soil. Accordingly, staff will pursue informal quotes when pulverized top soil is needed.

The recommended agreement is for a period of one (1) year commencing on October 1, 2012, with the option for four (4) one-year renewals, if so agreed to by the City and Superior Crushed Stone.

FISCAL IMPACT: These products will be ordered on an as needed basis. Departments have budgeted for these materials in several accounts in the adopted FY 2013 budget. Estimated annual expenditure: $33,155.

ATTACHMENTS:
Bid Tabulation
Resolution

Tabulation of Bids Received
on July 24, 2012 at 3:00 p.m.
Rock, Sand, Crusher Fines, Crushed Rock and Topsoil
Bid# 13-14-13

			BIDDERS		
			Superior Crushed Stone P# 512-637-9721 Jarrell, TX		*Memo 2011-2012 Contracted Prices*
Description	Qty	UOM	Unit Price	Total Price	
Concrete Sand (picked Up)	25	Ton	$8.00	$200.00	*$8.00*
Concrete Sand (delivered)	400	Ton	$10.00	$4,000.00	*$9.00*
Additional delivery charge for concrete sand (loads 12 tons or less)		Ton	$14.00		*N/C*
Pea Gravel (picked up)	25	Ton	$8.00	$200.00	*$8.00*
Pea Gravel (delivered)	1450	Ton	$10.00	$14,500.00	*$9.00*
Additional delivery charge for pea gravel (loads 12 tons or less)		Ton	$14.00		*N/C*
Rock 1-1/4" to 1-1/2" (picked-up)	100	Ton	$8.50	$850.00	*$8.00*
Rock 1-1/4" to 1-1/2" (delivered)	10	Ton	$15.50	$155.00	*$10.50*
Additional delivery charge for rock 1-1/4" to 1-1/2"		Ton	No Bid		*$2.00*
Washed Rock 1" to 1-1/4" (picked up)	10	Ton	$8.50	$85.00	*$8.00*
Washed Rock 1" to 1-1/4" (delivered)	10	Ton	$15.50	$155.00	*$10.50*
Additional delivery charge for washed rock 1" to 1-1/4"		Ton	No Bid		*$2.00*
Crusher Fines (picked up)	50	Ton	$2.50	$125.00	*$2.50*
Crusher Fines (delivered)	10	Ton	$9.50	$95.00	*$7.00*
Additional delivery charge for crusher fines		Ton	No Bid		*$2.00*
5/16" to 3/8" Type F Crushed Rock (picked up)	200	Ton	$8.50	$1,700.00	*$7.50*
5/16" to 3/8" Type F Crushed Rock (delivered)	10	Ton	$15.50	$155.00	*$14.75*
Additional delivery charge for 5/16" to 3/8" Type F crushed rock		Ton	No Bid		*$2.00*
3" x 5" Construction Rock (picked up)	100	Ton	$7.50	$750.00	*$7.00*
3" x 5" Construction Rock (delivered)	10	Ton	$14.50	$145.00	*$10.25*
Additional delivery charge for 3" x 5" construction rock		Ton	No Bid		*$2.00*
24" Rip Rap Rock (picked up)	400	Ton	$22.00	$8,800.00	*$11.00*
24" Rip Rap Rock (delivered)	10	Ton	$29.00	$290.00	*$13.50*
Additional delivery charge for 24" rip rap rock		Ton	No Bid		*$2.00*
Quality Top Soil (picked up)	100	CY	$6.00	$600.00	*$5.00*
Quality Top Soil (delivered)	25	CY	$14.00	$350.00	*$9.50*
Additional delivery charge for quality top soil		CY	No Bid		*No Bid*
Pulverized Top Soil (picked up)	700	CY	No Bid		*No Bid*
Pulverized Top Soil (delivered)	150	CY	No Bid		*No Bid*
Additional delivery charge for pulverized top soil		CY	No Bid		*No Bid*
Total Amount Awarded to Vendor			$33,155.00		
Delivery within 4 hours?			Yes		
Local Preference			No		
Exceptions?			None		
Credit Check Authorization			Yes		

Planholders
APAC Texas
Miller Springs Material
Prime Vendor
Superior Crushed Stone

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

Belinda Mattke *24-Jul-12*

Belinda Mattke, Director of Purchasing Date

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL PURCHASE AGREEMENT FOR VARIOUS FORMS OF ROCK WITH SUPERIOR CRUSHED STONE OF JARRELL, TEXAS, FOR FISCAL YEAR 2013, IN THE ESTIMATED ANNUAL AMOUNT OF $33,155; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 24, 2012, the City received 1 bid for the purchase of rock, sand, crusher fines, crushed rock, and top soil;

Whereas, the City has done business with Superior Crushed Stone in the past and finds them to be a responsible vendor – the recommended agreement is for a period of 1 year, commencing on October 1, 2012 with the option for 4 one-year renewals, if so agreed to by the City and Superior Crushed Stone of Jarrell, Texas in the estimated annual amount of $33,155 for FY2013;

Whereas, these products will be purchase on an "as-needed" basis – departments have budgeted for these materials in several accounts in the FY2013 budget; and

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

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

Part 1: The City Council authorizes an annual purchase agreement with Superior Crushed Stone of Jarrell, Texas, for the purchase of rock, sand, crusher fines, crushed rock, and top soil, for FY2013 in an estimated annual expenditure of $33,155.

Part 2: The City Council authorizes the City Manager, or his designee, to execute any documents which may be necessary for these purchases, after 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 **20th** day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

_____
WILLIAM A. JONES, III, Mayor

ATTEST:

_____
Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____
Jonathan Graham
City Attorney

COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:
Nicole Torralva, PE, Director of Public Works
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing an annual purchase agreement with Lhoist N.A. of Texas, Ltd., of Belton for aggregate base for FY 2013 in the estimated annual amount of $60,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On July 24, 2012, the City received two (2) bids for the purchase of aggregate base. The bids are shown on the attached bid tabulation sheet.

The prices are as follows:
$7.95 per ton for 25-ton loads delivered; and
$3.95 per ton if City picks up at Lhoist North Americas site

The City has done business with Lhoist N.A. of Texas, Ltd. in the past and finds them to be a responsible vendor.

The proposed purchase agreement is for a one (1) year period commencing on October 1, 2012, with the option to extend the agreement for four (4) additional one-year periods, if so agreed to by both parties.

FISCAL IMPACT: Aggregate base is ordered on an as-needed basis. Departments have budgeted for this material in the adopted FY 2013 budget. The estimated annual expenditure for approximately 7,500 tons is $60,000.

ATTACHMENTS:
Bid Tabulation
Resolution

Tabulation of Bids Received
on July 24, 2012 at 2:15 p.m.
Aggregate Base
Bid # 34-02-13

	Bidders		
	Lhoist N.A. of Texas LTD **P# 254-698-2511** **Belton, TX**	**Superior Crushed Stone** **P# 512-746-5800** **Jarrell, TX**	*Memo 2011-2012* *Contracted Prices*
Description			
Aggregate Base/25 Ton Loads - Per Ton	$7.95	$9.25	*$5.25*
Aggregate Base/13 Ton Loads - Per Ton	No Bid	$13.25	*$6.75*
Aggregate Base Picked Up - Per Ton	$3.95	$4.50	*$2.75*
Delivery	Yes	Yes	
Local Preference	No	No	
Credit Check Authorization	Yes	Yes	
Exceptions	None	None	

Planholders

Lhoist North America

The Sherwin Williams Co

Prime Vendor

Superior Crushed Stone

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

Belinda Mattke *7/24/2012*

Belinda Mattek, Director of Purchasing Date

Not recommending award of this line item
Do not commonly use 13-ton loads

Recommended for Award

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL PURCHASE AGREEMENT FOR AGGREGATE BASE FROM LHOIST N.A., OF TEXAS, LTD., OF BELTON, TEXAS, FOR FISCAL YEAR 2013, IN THE ESTIMATED ANNUAL AMOUNT OF $60,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 24, 2012, the City received 2 bids for the purchase of aggregate base for FY2013 in the following amounts: 1) $7.95 per ton for 25-ton loads delivered; and 2) $3.95 per ton if City picks up at Lhoist North America's site;

Whereas, the City has done business with Lhoist N.A., of Texas, Ltd. in the past and finds them to be a responsible vendor – the proposed agreement is for a period of 1 year, commencing on October 1, 2012 with the option for 4 one-year renewals, if so agreed to by both parties;

Whereas, aggregate base is ordered on an "as-needed" basis – departments have budgeted for this material in the FY2013 budget; and

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

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

Part 1: The City Council authorizes an annual purchase agreement with Lhoist N.A. of Texas, Ltd., of Belton, Texas, for the purchase of aggregate base for FY2013, in the following amounts: 1) $7.95 per ton for 25-ton loads delivered; and 2) $3.95 per ton if City picks up at Lhoist North America's site; in an estimated annual expenditure of $60,000.

Part 2: The City Council authorizes the City Manager, or his designee, to execute any documents which may be necessary for this purchase, after 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 **20th** day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

_____
WILLIAM A. JONES, III, Mayor

ATTEST:

_____
Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____
Jonathan Graham
City Attorney

COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:
Nicole Torralva, PE, Director of Public Works
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing an annual purchase agreement with APAC Texas, Inc – Wheeler of Round Rock for hot mix asphalt for FY 2013 in the estimated annual amount of $71,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On July 10, 2012, the City received one (1) bid for the purchase of hot mix asphalt. The bid is shown on the attached tabulation sheet.

The pricing received is for two types of hot mix asphalt from APAC's Belton and Kempner plants are as follows:

- Hot Mix Asphalt using virgin materials at $71.00/ton; and
- Hot Mix Asphalt using recycled materials at $66.50/ton

Both types of hot mix asphalt are acceptable to the City and will be purchased on an as needed basis. The type purchased will be dependent upon what type is being produced by APAC Texas, Inc.

The City has done business with APAC Texas, Inc in the past and finds them to be a responsible bidder.

The proposed purchase agreement is for a one (1) year period commencing on October 1, 2012, with the option to extend the agreement for four (4) additional one-year periods, if so agreed to by both parties.

FISCAL IMPACT: Hot mix asphalt is ordered on an as-needed basis. Departments have budgeted for this material in the adopted FY 2013 budget. The estimated annual expenditure for an estimated 1,000 tons is $71,000.

ATTACHMENTS:
Bid Tabulation
Resolution

Tabulation of Bids Received
on July 10, 2012 at 3:00 p.m.
Hot Mix Asphalt
Bid# 34-04-13

		Bidders	
		APAC Texas Inc. **P# 512-861-7100** **Round Rock, TX**	
Description	**Qty**	**Unit Price**	**Total Price**
Hot Mix Asphalt (virgin materials) tons	1,000	$71.00	$71,000.00
Hot Mix Asphalt (recycled materials)		$66.50	
Available for Pickup within 48 Hours		Yes	
Local Preference		No	
Credit Check Authorization		Yes	
Exceptions		Yes **	

Memo 2011-2012 Contracted Prices
$46.00

Planholders
APAC Texas
Prime Vendor
Virtual Builders Exchange

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

Belinda Mattke *10-Jul-12*

Belinda Mattek, Director of Purchasing Date

** APAC noted that they will be providing virgin and recylced materials to the City at the prices noted above. The Public Works Department has deemed this to be acceptable.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL PURCHASE AGREEMENT FOR THE PURCHASE OF HOT MIX ASPHALT FOR FISCAL YEAR 2013 WITH APAC TEXAS, INC. - WHEELER, OF ROUND ROCK, TEXAS, IN THE ESTIMATED AMOUNT OF $71,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 10, 2012, the City received 1 bid for the purchase of hot mix asphalt for FY2013;

Whereas, the pricing received is for two types of hot mix asphalt from APAC's Belton and Kempner plants at $71/ton for hot mix asphalt using virgin materials and $66.50/ton for hot mix asphalt using recycled materials;

Whereas, both types of hot mix asphalt are acceptable to the City and will be purchased on an 'as needed' – the type purchased will be dependent upon what type is being produced by APAC Texas, Inc.

Whereas, the City has done business with APAC Texas, Inc. in the past and finds them to be a responsible bidder;

Whereas, the proposed purchase agreement is for one year commencing on October 1, 2012, with the option to extend the agreement for 4 one-year periods, if so agreed to by both parties; and

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

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

Part 1: The City Council authorizes an annual purchase agreement with APAC Texas, Inc. – Wheeler, of Round Rock, Texas, for the purchase of hot mix asphalt for Fiscal Year 2013, at $71/ton for hot mix asphalt using virgin materials and $66.50/ton for hot mix asphalt using recycled materials, in the estimated annual amount of $71,000.

Part 2: The City Council authorizes the City Manager, or his designee, to execute any documents which may be necessary for these purchases, after 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 **20th** day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

_____

WILLIAM A. JONES, III, Mayor

ATTEST:

_____

Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____

Jonathan Graham
City Attorney

COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing annual purchase agreements with the following herbicide and insecticide vendors for FY 2013 in the estimated amount of $56,375.03:

John Deere Landscapes of Cleveland, Ohio, $373.04;
VETcorp, Inc. of Fredrick, MD, $44,523.49;
Red River Specialties, Inc. of Pasadena $900;
BWI-Schulenburg, Texas, $9,491; and
Alligare LLC of Opelika, Alabama, $1,087.50

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

ITEM SUMMARY: On July 17, 2012, the City received seven (7) bids for the annual purchase of herbicides and insecticides. Staff recommends award of the bids to the vendors as noted in the item description above and as highlighted in yellow on the attached 21 line-item bid tabulation.

The City has done business in the past with all vendors except for VETcorp, Inc. Therefore references were checked. After receiving favorable responses to the references staff finds them all to be responsible vendors.

The proposed purchase agreements will commence on October 1, 2012 and will expire on September 30, 2013. The agreements will provide for four (4) one-year extensions, if so agreed to by the City and each vendor.

FISCAL IMPACT: Herbicides and insecticides are ordered on an as-needed basis. Departments have budgeted for these chemicals in the adopted FY 2013 budget. The estimated annual expenditure on herbicides and insecticides based on estimated quantities that will be needed is $56,375.03.

ATTACHMENTS:
Bid Tabulation
Resolution

Tabulation of Bids Received
on July 17, 2012 at 3:00 p.m.
Herbicides and Insecticides
Bid # 13-17-13

		Bidders														
		John Deere Landscapes P# 800-321-5325 Cleveland OH		VETcorp., Inc. P# 410-751-6533 Fredrick, MD		Red River Specialties, Inc. P# 254-265-4657 Waco, TX		Univar P# 972-601-9961 Grand Prairie, TX		BWI-Schulenburg P# 800-460-9713 Schulenburg, TX		Target Specialty Products P# 512-835-6527 Austin, TX		Alligare, LLC P# 334-364-0315 Opelika, AL		*Memo FY 2012 Contracted Prices*
Description	**Qty**	**Unit Price**	**Total Price**	**Unit Price**	**Total Price**	**Unit Price**	**Total Price**	**Unit Price**	**Total Price**	**Unit Price**	**Total Price**	**Unit Price**	**Total Price**	**Unit Price**	**Total Price**	
1. Trimec 992 (2.5 gal)	60	$72.43	$4,345.80	$55.13	$3,307.80	$64.12	$3,847.20	No Bid		$62.00	$3,720.00	$63.96	$3,837.60	No Bid		*$52.50*
						Triplet SF by Nufarm				Vessel						
2. MSMA-Bueno 6 (2.5 gal)	60	$65.35	$3,921.00	$57.75	$3,465.00	No Bid		No Bid		$56.00	$3,360.00	No Bid		No Bid		*$55.00*
		Drexel MSMA 6.6														
3. Image (11.43 oz bottles) No Substitutions	15	$117.09	$1,756.35	$85.05	$1,275.75	$87.95	$1,319.25	No Bid		$91.00	$1,365.00	$87.89	$1,318.35	No Bid		*$88.00*
4. Barricade 65 WG (10# bag)	5	$123.63	$618.15	$131.30	$656.50	$72.50	$725.00	No Bid		$55.00	$550.00	$123.68	$618.40	No Bid		*$11.73/lb*
		Stonewall 65WDG				Prodiamine 65 WDG - 5#				Resolute 65 WG - 5#		Pro Clipse 65 WDG				
5. Pendulum 3.3 EC (2.5 gal)	4	$85.92	$343.68	$78.75	$315.00	$149.87	$599.48	No Bid		$76.25	$305.00	$130.56	$522.24	No Bid		*$32.934/1.25 gal*
		Pre-M 3.3 EC				Pendulum Aquacap						Pendulum Aquacap				
6. Award Fire Ant Bait (25# bag) (No Subs)	16	$282.59	$4,521.44	$216.50	$3,464.00	$249.00	$3,984.00	No Bid		$219.00	$3,504.00	$246.01	$3,936.16	No Bid		*$220.75*
7. Blue spray pattern indicator dye, liquid (quart)	80	$46.63	$373.04	$13.65	$1,092.00	$10.25	$820.00	No Bid		$12.60	$1,008.00	$12.65	$1,012.00	$9.85	$788.00	*$9.75*
		Tracker Dye - 2.5 gal				Elite Splendor						Bigfoot SS		Alligare Super Marking Dye		
8. Sim-Trol 4L (2.5 gal)	5	No Bid		$40.70	$203.50	$45.60	$228.00	No Bid		$42.75	$213.75	$78.00	$390.00	No Bid		*$55.179*
						Simazine 4L				Princep						
9. Dimension Ultra WSP (8oz pouches; 5 pounces/bag; 20 bags/case)	10	$1073.36 per 320 oz	$26,800.00	$1969 per 800 oz	$19,680.00	$432 per 160 oz	$21,600.00	No Bid		$952 per 320 oz	$23,760.00	$124.26 per 40 oz	$24,800.00	$472 per 160 oz	$23,600.00	*$110/40oz*
		8x8x5 oz - $3.35/oz		$2.46/oz		Dithiopyr 40 WSB -8x4x5 oz - $2.70/oz				Dimension - 8x8x5 oz - $2.97/oz		8-5oz bags/case -- $3.10/oz		Alligare Dithiopyr -- 8x4x5 oz - $2.95/oz		
10. Heritage (2.5 gal) No Substitutions	8	$502.00	$10,040.00	$502.00	$10,040.00	No Bid		No Bid		$502.00	$10,040.00	$4,970.00	$9,940.00	No Bid		*$495.00*
		1 gallon		1 gallon						1 gallon		10 gal drums				
				$4,970.00	$9,940.00											
				10 gal drums												
11. 26 GT Fungicide (2.5 gal) No Substitutions	8	$424.16	$3,393.28	$286.13	$2,289.04	No Bid		No Bid		$325.17	$2,601.36	$344.85	$2,758.80	No bid		$125.30
12. Manicure 6 Flowable Fungicide (2.5 gal)	8	$86.32	$690.56	$82.70	$661.60	$87.35	$698.80	No Bid		$82.00	$656.00	$83.81	$670.48	No Bid		$94.07
				Syngenta Docket WS		Chlorothalonil 720				Mainsail 6F		Mainsail 6F				
13. Illoxan (gallon)	4	$296.72	$1,186.88	$232.05	$928.20	$225.00	$900.00	No Bid		$240.00	$960.00	$262.50	$1,050.00	No Bid		$240.00
14. Cleary 3336F (2.5 gal) No Substitutions	8	$346.17	$2,769.36	$280.88	$2,247.04	No Bid		No Bid		$225.00	$1,800.00	$306.25	$2,450.00	No Bid		$155.00
15. Bifen Insecticide (3/4 gal)	120	$26.85	$3,222.00	$25.99	$3,118.80	$25.00	$3,000.00	$34.00	$4,080.00	$23.50	$2,820.00	$25.83	$3,099.60	No Bid		$25.00
						Bifen I/T		Masterline				Up Star Gold 3/4				
16. Allegare 5.4 (2.5 gal)	30	$49.92	$1,497.60	$36.78	$1,103.40	$41.25	$1,237.50	No Bid		$37.00	$1,110.00	No Bid		$36.25	$1,087.50	$30.50
		Aquaneat				Rodeo				Aquaneat						
17. Allegare 4 Plus (2.5 gal)	30	$34.93	$1,047.90	$29.18	$875.40	$29.87	$896.10	No Bid		$30.00	$900.00	$31.10	$933.00	$29.87	$896.10	$27.00
		Prosecutor Pro				Ranger Pro				Ranger Pro		Prokoz Glyphosate Pro				
18. Allegare Prodiamine 65WDG (5 lbs)	40	$123.63	$2,472.60	$72.20	$2,888.00	$72.50	$2,900.00	No Bid		$55.00	$2,200.00	$76.00	$3,040.00	$70.25	$2,810.00	$11.73/lb
		Stonewall 65 WDG - 10#				Prodiamine 65WDG				Resolute 65WG		Barricade 65 WG				
19. Allegare 90 (1 gal)	20	No Bid		$7.40	$148.00	$10.25	$205.00	No Bid		$12.00	$240.00	No Bid		$8.05	$161.00	Did not bid last time
						RRSI NIS				Surf-AC 910						
20. Vessel (2.5 gal)	50	$113.59	$5,679.50	$55.13	$2,756.50	$56.85	$2,842.50	No Bid		$62.00	$3,100.00	$63.60	$3,180.00	No Bid		$52.50

		Bidders													
		John Deere Landscapes P# 800-321-5325 Cleveland OH		VETcorp., Inc. P# 410-751-6533 Fredrick, MD		Red River Specialties, Inc. P# 254-265-4657 Waco, TX		Univar P# 972-601-9961 Grand Prairie, TX		BWI-Schulenburg P# 800-460-9713 Schulenburg, TX		Target Specialty Products P# 512-835-6527 Austin, TX		Alligare, LLC P# 334-364-0315 Opelika, AL	
Description	**Qty**	**Unit Price**	**Total Price**	**Unit Price**	**Total Price**	**Unit Price**	**Total Price**	**Unit Price**	**Total Price**	**Unit Price**	**Total Price**	**Unit Price**	**Total Price**	**Unit Price**	**Total Price**
		Trimec Classic		PBI Trimec 992		3 D by Quail Pro									
21. Revolver (64 oz bottles) No Substitutions	8	$282.59	$4,521.44	$225.00	$3,600.00	No Bid		No Bid		$222.22	$3,555.52	$540.00	$3,240.00	No Bid	
		Quart		Quart						Quart		87 oz bottles			
				$540.00	$3,240.00					$540.00	$3,240.00				
				87 oz Bottles						87 oz bottles					
Total Recommended Award		**$373.04**		**$44,523.49**		**$900.00**				**$9,491.00**				**$1,087.50**	
Delivery		No		No		No		No		No		No		Yes	
Exceptions		No		No		No		No		No		No		No	
Local Preference		No		No		No		No		No		No		No	
Credit Check Authorization		Yes		Yes		Yes		Yes		Yes		Yes		Yes	

Memo FY 2012
Contracted Prices

Did not bid last time

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

Belinda Mattke *17-Jul-12*

Belinda Mattke, Director of Purchasing — Date

Not Awarding - Same products already listed
Tied Bid -- Awarded by Drawing Lots
Recommended for Award

Planholders

Adapco Inc.
Alligare LLC
BWI -Schulenburg
Clark Mosquito Control
Comade
Crop Production Services
DeAngelo Brothers
Edko
John Deere Landscapes
Justin Seed
Landscape Supply
Lawson Products
Red River Specialties
Target Specialty Products
Univar
VETcorp

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ANNUAL PURCHASE AGREEMENTS WITH VARIOUS VENDORS FOR PURCHASING HERBICIDES AND INSECTICIDES FOR FISCAL YEAR 2013, IN THE ESTIMATED ANNUAL AMOUNT OF $56,375.03; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 17, 2012, the City received 7 bids for the annual purchase of herbicides and insecticides for FY2013;

Whereas, the Staff recommends awarding the bids to the following vendors for the purchase of herbicides and insecticides for FY2013 with John Deer Landscapes of Cleveland, OH; VETcorp, Inc. of Fredrick, MD; Red River Specialties, Inc., of Pasadena, TX; BWI-Schulenburg, of Schulenburg, TX; and Alligare LLC of Opelika, AL;

Whereas, the City has done business in the past with all of the vendors except for VETcorp, Inc. but references were checked and favorable responses received and therefore finds them all to be responsible vendors – the proposed contracts are for one-year periods, commencing on October 1, 2012, with the option to extend the contracts for 4 one-year periods, if so agreed to all both parties;

Whereas, herbicides and insecticides are purchased on an 'as-needed' basis and are charged to departmental expenditure accounts as they are needed; and

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

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

Part 1: The City Council authorizes renewing annual purchase agreements for herbicides and insecticides for Fiscal Year 2011-12, as follows:

John Deere Landscapes of Cleveland, OH ($373.04);
VETcorp, Inc., of Fredrick, MD ($44,523.49);
Red River Specialties, Inc of Pasadena, TX ($900);
BWI-Schulenburg of Schulenburg, TX (9,491); and
Alligare, LLC of Opelika, AL ($1,087.50)

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

<u>Part 3:</u> 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 **20th** day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

_____
WILLIAM A. JONES, III, Mayor

ATTEST:

_____
Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____
Jonathan Graham
City Attorney

COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:
Nicole Torralva, PE, Director of Public Works
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing an annual purchase agreement for Liquid Ammonium Sulfate to Altivia Corporation of Houston for FY 2013 in the estimated annual amount of $45,750.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Ammonium sulfate is used on a consistent basis to treat water at the Conventional Water Treatment Plant. On July 24, 2012, the City received two (2) bids for the purchase of liquid ammonium sulfate. The bids are shown on the attached bid tabulation.

The low bidder was Altivia Corporation of Houston, Texas. The City has done business with Altivia Corporation in the past and finds them to be a responsible vendor. Staff is recommending award to Altivia Corporation of Houston, Texas**,** for the purchase of Liquid Ammonium Sulfate at $.0915/pound.

The proposed purchase agreement will commence on October 1, 2012 and will expire on September 30, 2013. The agreement will provide for four (4) one-year extensions, if so agreed to by the City and the vendor.

FISCAL IMPACT: Water Treatment Plant chemicals are purchased on an as needed basis throughout the year. Funding for liquid ammonium sulfate in the amount of $73,083 is budgeted in the adopted FY 2013 budget in account 520-5122-535-2118.

ATTACHMENTS:
Bid Tabulation
Resolution

Tabulation of Bids Received
on July 24, 2012 at 2:30 p.m.
Liquid Ammonium Sulfate
Bid # 51-01-13

	Bidders	
	Altivia Corporation **P# 713-658-9000** **Houston, TX**	**General Chemical Performance Products LLC** **P# 800-631-8050** **Parsippany, NJ**
Description		
Total Bid Price for Liquid Ammonium Sulfate per Pound	$0.0915	$0.0945
Total Estimated Annual Amount	**$45,750.00**	**$47,250.00**
Delivery	Yes	Yes
Exceptions	None	None
Local Preference	No	No
Credit Check Authorization	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 *24-Jul-12*

Belinda Mattke, Director of Purchasing Date

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL PURCHASE AGREEMENT FOR LIQUID AMMONIUM SULFATE AT $.0915/POUND FROM ALTIVIA CORPORATION OF HOUSTON, TEXAS, FOR FISCAL YEAR 2013, IN THE ESTIMATED ANNUAL AMOUNT OF $45,750; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 24, 2012, the City received 2 bids for the purchase of liquid ammonium sulfate for FY2013 at $.0915/pound;

Whereas, the City has done business with Altivia Corporation in the past and finds them to be a responsible vendor – the proposed agreement is for a period of 1 year, commencing on October 1, 2012 with the option for 4 one-year renewals, if so agreed to by both parties;

Whereas, funds are available for this annual purchase in Account No. 520-5122-535-2118 and is 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 an annual purchase agreement with Altivia Corporation of Houston, Texas, for the purchase of liquid ammonium sulfate for FY2013, at $.0915/pound, in an estimated annual expenditure of $45,750.

Part 2: The City Council authorizes the City Manager, or his designee, to execute any documents which may be necessary for this purchase, after 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 **20th** day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

_____
WILLIAM A. JONES, III, Mayor

ATTEST:

_____
Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____
Jonathan Graham
City Attorney

COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:
Nicole Torralva P.E., Director of Public Works
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of sewer line chemical root control services for FY 2013 from Duke's Root Control, Inc of Syracuse, New York, utilizing BuyBoard Contract #354-10 in the estimated annual amount of $65,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

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

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

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

It is known that the chemicals utilized by Duke's Root Control do not impact either wastewater treatment plants. Staff has been pleased with the services provided by Duke's Root Control and recommends purchases through the BuyBoard for FY 2013

FISCAL IMPACT: The Wastewater Department's adopted FY 2013 budget includes $65,000 for these services in account 520-5400-535-2616.

ATTACHMENTS:
Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF SEWER LINE CHEMICAL ROOT CONTROL SERVICES FOR FISCAL YEAR 2013 FROM DUKE'S ROOT CONTROL, INC., OF SYRACUSE, NEW YORK, UTILIZING BUYBOARD CONTRACT #354-10, IN THE ESTIMATED ANNUAL AMOUNT OF $65,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Whereas, these roots grow, eventually making any existing cracks in the system bigger, which in turn results in further deterioration of the lines and blockages in the system;

Whereas, Staff recommends purchasing the following root control services utilizing the Buyboard Contract, in the estimated annual amount of $65,000;

Whereas, Staff has been pleased with the services provided by Duke's Root Control and recommends these purchases through the BuyBoard for FY13;

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

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

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

Part 1: The City Council authorizes the purchase of sewer line chemical root control services for FY2013 from Duke's Root Control, Inc., of Syracuse, New York, utilizing a BuyBoard contract at the following prices and in the estimated annual amount of $65,000:

- Jet Power II Grease Liquefier, for 5 – 115 gallons at $32.00/gallon
- Jet Power II Grease Liquefier, for 120 plus gallons at $25/gallon
- Razorooter II, 6" Diameter Pipe, Sewer Line Chemical Root Control Services, Manhole to Manhole at $1.34/LF
- Razorooter II, 8" Diameter Pipe, Sewer Line Chemical Root Control Services, Manhole to Manhole at $1.34/LF
- Razorooter II, 10" Diameter Pipe, Sewer Line Chemical Root Control Services, Manhole to Manhole at $1.34/LF
- Razorooter 12, 8" Diameter Pipe, Sewer Line Chemical Root Control Services, Manhole to Manhole at $1.34/LF

Part 2: The City Council authorizes the City Manager, or his designee, to execute any documents which may be necessary for these purchases, after 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 **20th** day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

_____
WILLIAM A. JONES, III, Mayor

ATTEST:

_____
Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____
Jonathan Graham
City Attorney

COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing an annual purchase agreement for plumbing supplies for FY 2013 with Ham & McCreight Supply, of Temple in the estimated annual amount of $30,000.

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

ITEM SUMMARY: On July 31, 2012, the City received three (3) bids for plumbing supplies. The bids are shown on the attached bid tabulation sheet.

As allowed by Chapter 252 of the Local Government Code, the bid was advertised to be awarded to the bidder that provided the best value to the City taking into consideration purchase price, availability of products, and cost plus percentage for items not specifically listed on the bid.

A bid evaluation committee was formed to evaluate the three bids. Ham & McCreight Supply offered the lowest pricing and has been a responsible vendor for the City in the past. Accordingly, it is the committee's unanimous recommendation to award the plumbing supplies to Ham & McCreight Supply of Temple.

The proposed agreement is for a one (1) year period commencing on October 1, 2012, and is renewable for four (4) additional one-year periods, if agreed to by the City and Ham & McCreight Supply.

FISCAL IMPACT: Departments have budgeted for plumbing supplies in their departmental repairs & maintenance accounts. This contract will be used on an as-needed basis. Estimated annual expenditure: $30,000.

ATTACHMENTS:
Bid Tabulation
Resolution

Tabulation of Bids Received
on July 31, 2012 at 3:30 p.m.
Plumbing Supplies
Bid# 13-16-13

	Bidders		
	Ham & McCreight P# 254-778-4747 Temple, TX	Temple Winnelson Co. P# 254-773-0883 Temple, TX	Ferguson P# 254-791-2002 Temple, TX
Description			
Total Bid Price	$5,271.03	$5,732.93	$5,882.66
Cost + Percentage	10%	25%	11%
Exceptions	No	No	Yes
Local Preference	Yes	Yes	Yes
Credit Check Authorization	Yes	Yes	Yes

Planholders
Best Plumbing Specialties
Ferguson Ent
Ham & McCreight Supply
HD Supply Facilities Maintenance
Interline Drands dba Sexauer
Prime Vendor
Temple Winnelson

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

Belinda Mattke 7/31/2012

Belinda Mattke, Director of Purchasing Date

Note: Highlighted bid is recommended for Council approval.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL PURCHASE AGREEMENT FOR PLUMBING SUPPLIES FROM HAM & MCCREIGHT SUPPLY OF TEMPLE, TEXAS, FOR FISCAL YEAR 2013, IN THE ESTIMATED ANNUAL AMOUNT OF $30,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 31, 2012, the City received 3 bids for the purchase of plumbing supplies for FY2013;

Whereas, as allowed by Chapter 252 of the Local Government Code, the bid was advertised to the bidder that provided the best value to the City, taking into consideration purchase price, availability of products, and cost plus percentage for items not specifically listed on the bid – Staff recommends the City award the annual purchase agreement to Ham & McCreight Supply;

Whereas, the proposed agreement is for a period of 1 year, commencing on October 1, 2012 with the option for 4 one-year renewals, if so agreed to by both parties;

Whereas, there are sufficient funds in the various departmental accounts for the purchases – the plumbing supplies will be purchased on an "as-needed" basis by each department; and

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

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

Part 1: The City Council authorizes an annual purchase agreement with Ham & McCreight Supply of Temple, Texas, for the purchase of plumbing supplies for FY2013 in an estimated annual expenditure of $30,000.

Part 2: The City Council authorizes the City Manager, or his designee, to execute any documents which may be necessary for this purchase, after 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 **20th** day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

_____
WILLIAM A. JONES, III, Mayor

ATTEST:

_____
Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____
Jonathan Graham
City Attorney

COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of janitorial supplies for FY 2013 utilizing BuyBoard Contract #397-12 with Gulf Coast Paper Company of Temple in the estimated annual amount of $110,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On February 3, 2011 and September 1, 2012, the City Council authorized annual purchase agreements with Gulf Coast Paper for the purchase of janitorial supplies.

The Purchasing Department currently stocks a number of janitorial products in its warehouse. As departments need these items, stock requisition are submitted to the Purchasing Department. For those items not stocked, the Purchasing Department orders them as non-stocked items for other departments.

Gulf Coast Paper has an ordering system through the BuyBoard for the City to place orders on. It allows for multiple orders and delivery to multiple locations. The contract offers discounts off catalog pricing ranging from 15% to 50%. Utilizing this contract through the BuyBoard satisfies the requirement for competitive bids and allows us to buy local.

FISCAL IMPACT: Janitorial supplies are purchased on an as needed basis and are charged to departmental janitorial supplies budgets when issued to the respective departments. Estimated annual expenditure: $110,000.

ATTACHMENTS:
Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF JANITORIAL SUPPLIES FROM GULF COAST PAPER OF TEMPLE, TEXAS, THROUGH THE BUYBOARD LOCAL GOVERNMENT ONLINE PURCHASING COOPERATIVE CONTRACT #397-12, FOR FISCAL YEAR 2013, IN THE ESTIMATED AMOUNT OF $110,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Gulf Coast Paper of Temple, Texas, has an ordering system through the BuyBoard Local Government Online Purchasing Cooperative for the City to place orders for janitorial supplies on – it allows for multiple orders and delivery to multiple locations and offers discounts of catalog pricing ranging from 15% to 50%;

Whereas, the Staff recommends utilizing this contract through the BuyBoard which satisfies the requirement for competitive bids and allows the City to buy its janitorial supplies local;

Whereas, janitorial supplies are purchased on an 'as-needed' basis and are charged to departmental expenditure accounts as they are issued; and

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

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

Part 1: The City Council authorizes the purchase of janitorial supplies from Gulf Coast Paper of Temple, Texas, through the BuyBoard Local Government Online Purchasing Cooperative Contract #397-12, in the estimated amount of $110,000.

Part 2: The City Council authorizes the City Manager, or his designee, to execute any documents, after approval as to form by the City Attorney, that may be necessary for this 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 **20th** day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

_____
WILLIAM A. JONES, III, Mayor

ATTEST:

_____
Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____
Jonathan Graham
City Attorney

COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing a FY 2013 annual purchase agreement for office supplies, utilizing a BuyBoard contract, with Perry Office Plus, Inc. of Temple with an estimated annual expenditure in the amount of $130,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Prior to FY 2012, the City solicited bids for office supplies whereby bidders would place a hard bid for a core list of commonly used office supplies and they would provide a discount off published catalog prices for non-core list items. In addition, due to the instability of the market, we incorporated escalation and de-escalation clauses into the bid. This contract ultimately became cumbersome to manage from staff's perspective and the vendor's perspective.

Perry Office Plus, Inc. (Perry's) has an office supply contract through BuyBoard, a cooperative that performs competitive bids on behalf of public entities. This contract, which expires on October 31, 2012, is utilized by many schools, counties, and municipalities throughout the State. This specific contract provides for pricing in three different categories: (1) a "Stocked Item" Pricing List, (2) a general discount off for items not on the Stocked Pricing List, and (3) an entity-specific custom price list. As departments have become accustom to, the contract also provides for next day desktop delivery.

The BuyBoard accepted new office supply bids for a contract period commencing on October 1, 2012, on July 31, 2012. Perry's submitted a bid to the BuyBoard in response to their solicitation. Per feedback received from the BuyBoard, it is anticipated that the administration board will award the office supply contracts on October 17, 2012, and they anticipate being able to communicate to the City their recommendation for award on October 10, 2012. As such, it is staff 's recommendation to award a contract for the purchase of office supplies through October 31, 2012, to Perry Office Plus, and assuming the BuyBoard awards Perry's a new contract effective November 1, 2012, authorize staff to utilize the new contract.

FISCAL IMPACT: Office supplies are purchased on an as needed basis by each department and are budgeted as such in the adopted FY 2013 budget. Estimated annual expenditure based on historical purchases: $130,000.

ATTACHMENTS:
Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL PURCHASE AGREEMENT FOR FISCAL YEAR 2013 FOR OFFICE SUPPLIES, UTILIZING A BUYBOARD CONTRACT, WITH PERRY OFFICE PLUS, INC., OF TEMPLE, TEXAS, WITH AN ESTIMATED ANNUAL EXPENDITURE IN THE AMOUNT OF $130,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Whereas, this contract provides for pricing in three different categories and also, as departments have become accustom to, provides for next day desktop delivery;

Whereas, Staff recommends awarding an annual purchase agreement to Perry Office Plus for office supplies in the estimated annual expenditure is $130,000; and

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

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

Part 1: The City Council authorizes an annual purchase agreement for FY2013 for office supplies, utilizing a BuyBoard contract, with Perry Office Plus, Inc., of Temple, Texas, with an estimated annual expenditure of $130,000.

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 **20th** day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

_____
WILLIAM A. JONES, III, Mayor

ATTEST:

_____
Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____
Jonathan Graham
City Attorney

COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:
Nicole Torralva, PE, Director of Public Works
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing annual purchase agreements for tires, tubes, and retreads with the following vendors:

(A) Southern Tire Mart of Columbia, Mississippi, for tires, tubes, and retreads in the estimated annual amount of $240,788.64.
(B) A secondary award for retreads to GCR Tire Centers of Pflugerville.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On September 6, 2012, the City received three (3) bids for the purchase of tires, tubes and retreads. As allowed by Chapter 252 of the Local Government Code, the bid was advertised to be awarded to the bidder that provided the best value to the City, taking into consideration purchase price, the delivery schedule, and prior performance and service history.

A bid evaluation committee was formed consisting of staff from Fleet Services and Purchasing. After evaluating the bids, the committee unanimously selected Southern Tire Mart as the best value for the City of Temple for the purchase of tires, tubes, and retreads. A to Z Tire & Battery did not offer a major name brand tire as specified in the Invitation to Bid. The City has done business with Southern Tire Mart in the past and finds them to be a responsible vendor.

In addition, the bid solicitation indicated that a secondary award may be made for the retreading of tires should the primary vendor (Southern Tire Mart) not be able to timely fulfill the City's need. As such, it is staff's recommendation that a secondary award be made to GCR Tire Centers for retreading.

The recommended contracts are for a one (1) year period commencing on October 1, 2012, renewable for four (4) additional one-year periods, if agreed to by both parties.

FISCAL IMPACT: Each department with vehicles has budgeted for tires and/or tubes. These items will be ordered on an as-needed basis. Staff estimates that $240,788.64 will be spent for tires, tubes, and retreads during FY 2013.

ATTACHMENTS:
Bid Tabulation
Resolution

Tabulation of Bids Received
on September 6, 2012 at 10:30 a.m.
Tires
Bid# 38-03-13

	Bidders		
	A to Z Tire & Battery **P# 806-373-2592** **Amarillo, TX**	**Southern Tire Mart LLC** **P# 877-786-4681** **Columbia, MS**	**GCR Tire Centers** **P# 512-762-3700** **Pflugerville, TX**
Total for Section 1-Passenger tires	$2,902.48	$3,052.00	$4,100.48
Total for Section 2-Pursuit tires	$33,659.12	$32,103.36	$33,571.16
Total for Section 3-Light Truck tires	$38,851.26	$35,223.56	$36,524.96
Total for Section 4-Medium & Heavy Duty Truck tires	$48,021.36	$68,372.68	$68,372.52
Total for Section 5-Equipment tires	$25,549.08	$28,937.14	$39,748.52
Total for Section 6-Trailer tires	$5,348.48	$6,627.52	$7,460.80
Total for Section 7-Lawn & Garden tires	$12,819.76	$17,052.38	$16,056.00
TOTAL FOR ALL TIRES	**$167,151.54**	**$191,368.64**	**$205,834.44**
Total for Section 8-Retreading	$56,130.52	$49,420.00	$61,731.30
Unit Price for Casing Credit	$55.00	Virgin Casing (1-4 yrs) - $60 Casing over 4 years - $50	No Bid
Delivery (stocked items)	Daily	1-3 days	1-2 days
Delivery (non stocked items)	7 days	2-5 days	1-5 days
Disposal of Tires	Passenger & Light Truck - $3.00 Medium Truck - $5.00 Farm & OTR Tires $15 -$70	Passenger - $1.50 Light Truck - $2.00 Medium Truck - $5.00 Agricultural - $1.50 -$20 Off-the-Road - $20-$25	No Charge
Exceptions	Yes	Yes	None
Local Preference	No	No	No
Credit Check Authorization	Yes	Yes	Yes

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

Belinda Mattke **9/6/2012**

Belinda Mattke, Director of Purchasing Date

Recommended for Award

Recommended Secondary Award

Planholders
A to Z Tire
American Tire Distributors
GCR Tire Center
Onvia, Inc.
Prime Vendor Inc.
Southern Tire Mart
Wingfoot CT LLC

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL PURCHASE AGREEMENT WITH VARIOUS VENDORS FOR TIRES, TUBES, AND RETREADS, FOR FISCAL YEAR 2013, IN THE ESTIMATED ANNUAL AMOUNT OF $240,788.64; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 6, 2012, the City received 4 bids for the purchase of tires, tubes and retreads for FY2013;

Whereas, the Staff recommends awarding the bids to the following vendors for the purchase of tires, tubes and retreads: Southern Tire Mart of Columbia, Mississippi; and GCR Tire Centers of Pflugerville, Texas;

Whereas, the proposed purchase agreements are for a one-year period, commencing on October 1, 2012, with the option to extend the agreements for 4 one-year periods, if so agreed to by both parties;

Whereas, each department with vehicles has budgeted for tires and/or tubes which will be ordered on an "as-needed" basis; and

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

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

Part 1: The City Council authorizes annual purchase agreements with Southern Tire Mart of Dallas, Texas, for tires and tubes and GCR Tire Center of Pflugerville, Texas, for retreads, in the estimated annual amount of $240,788.64.

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 **20th** day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

_____
WILLIAM A. JONES, III, Mayor

ATTEST:

_____
Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____
Jonathan Graham
City Attorney

COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing an annual contract for concrete repair and construction services with Dixon Paving of Belton for FY 2013 in the estimated annual amount of $54,410.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On July 10, 2012, the City received four (4) bids for concrete repair and construction services. The bids are shown on the attached bid tabulation sheet.

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

The bid included estimated quantities based on historical usage. The recommended contract is for a period of one (1) year commencing on October 1, 2012, with the option for four (4) one-year renewals, if so agreed to by the City and Dixon Paving.

FISCAL IMPACT: Concrete repair and construction services will be purchased on an as needed basis by various departments; however, the Water & Wastewater divisions of Public Works will be the primary departments utilizing this contract. Funding for repairs are budgeted in repairs & maintenance accounts. Estimated annual expenditure: $54,410.

ATTACHMENTS:
Bid Tabulation
Resolution

Tabulation of Bids Received
on July 10, 2012 at 2:30 p.m.
Concrete Repair and Construction
Bid# 13-11-13

		Bidders								
		BH Vaquero Construction Company **P# 254-947-0001** **Belton, TX**		**Myers Concrete** **P# 512-847-8000** **Wimberly, TX**		**Dixon Paving** **P# 254-939-3597** **Belton, TX**		**Alpha Constructors** **P# 254-771-3948** **Temple, TX**		*Memo 2011-2012 Contracted Prices*
Description	**Est. Qty**	**Unit Cost**	**Total Cost**	**Unit Cost**	**Total Cost**	**Unit Cost**	**Total Cost**	**Unit Cost**	**Total Cost**	
Repair/Replacement of Concrete Sidewalks (per SF)(minimum 100 SF per location)	1200	$17.00	$20,400.00	$18.40	$22,080.00	$9.00	$10,800.00	$10.00	$12,000.00	*$8.00*
Repair/Replacement of Concrete Driveways and Driveway Approaches (per SF) (minimum 150 sf per location)	600	$17.00	$10,200.00	$21.70	$13,020.00	$10.00	$6,000.00	$12.00	$7,200.00	*$8.00*
Repair/Replacement of Concrete Curb and Gutter (per LF) (minimum 25 LF per location)	125	$25.00	$3,125.00	$67.65	$8,456.25	$22.00	$2,750.00	$32.00	$4,000.00	*$20.00*
Construction of New Concrete Sidewalk (per SF) (minimum 100 SF per location)	1200	$5.00	$6,000.00	$14.85	$17,820.00	$4.50	$5,400.00	$8.50	$10,200.00	*$4.00*
Construction of New Driveway or Approach (per SF) (minimum 150 SF per location)	600	$6.00	$3,600.00	$17.70	$10,620.00	$6.50	$3,900.00	$9.00	$5,400.00	*$5.00*
Construction of New Curb and Gutter (per LF) (minimum 25 LF per location)	900	$20.00	$18,000.00	$48.25	$43,425.00	$14.00	$12,600.00	$24.00	$21,600.00	*$10.00*
Construction of Handicap Access Curb Ramps at Intersections (EA)	6	$750.00	$4,500.00	$1,865.00	$11,190.00	$1,200.00	$7,200.00	$1,100.00	$6,600.00	*$1,200.00*
Construction of a minimum 48 sf pad , reinforced with 1/4" rebar and mesh (per SF)	480	$5.00	$2,400.00	$23.10	$11,088.00	$12.00	$5,760.00	$8.50	$4,080.00	*Was not bid last time*
TOTAL BID PRICE		$68,225.00		$137,699.25		$54,410.00		$71,080.00		
Exceptions		No		No		No		No		
Local Preference		No		No		No		Yes		
Credit Check		Yes		Yes		Yes		Yes		

Planholders
Alpha Construction
Amtek
BH Vaquero Construction
Dixon Paving
Myers Concrete
Silver Creek Construction
Vanguard Contractors

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

Note: Highlighted bid is recommended for Council approval

Belinda Mattke — *7/10/2012*

Belinda Mattke, Director of Purchasing — Date

RESOLUTION NO._____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL CONTRACT FOR CONCRETE REPAIR AND CONSTRUCTION SERVICES FOR FISCAL YEAR 2013 WITH DIXON PAVING OF BELTON, TEXAS, IN THE ESTIMATED ANNUAL AMOUNT OF $54,410; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 10, 2012, the City received 4 bids for concrete repair and construction for FY 2013;

Whereas, the City has done business with Dixon Paving in the past and finds them to be a responsible vendor - Staff recommends accepting the bid from Dixon Paving of Belton, Texas, for concrete repair and construction services, for an estimated annual expenditure of $54,410;

Whereas, the bid includes estimated quantities based on historical usage and the recommended agreement is for a period of 1 year, commencing on October 1, 2012 with the option for 4 one-year renewals, if so agreed to by the parties;

Whereas, concrete repair and construction services will be purchase on an "as-needed" basis – various departments have budgeted for these materials in several accounts in the FY2013 budget; and

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

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

Part 1: The City Council authorizes an annual contract with Dixon Paving of Belton, Texas, for concrete repair and construction services, in the following amounts, for Fiscal Year 2013, in an estimated annual expenditure of $54,410:

- Repair/Replacement of Concrete Sidewalks (per SF)(minimum 100 SF per location) at $9.00 per unit
- Repair/Replacement of Concrete Driveways and Driveway Approaches (per SF) (minimum 150 sf per location) at 10.00 per unit
- Repair/Replacement of Concrete Curb and Gutter (per LF) (minimum 25 LF per location) at $22.00 per unit
- Construction of New Concrete Sidewalk (per SF) (minimum 100 SF per location) at $4.50 per unit
- Construction of New Driveway or Approach (per SF) (minimum 150 SF per location) at $6.50 per unit
- Construction of Handicap Access Curb Ramps at Intersections (EA) at $14.00 per unit
- Construction of a minimum 48 sf pad , reinforced with 1/4" rebar and mesh (per SF) at $12.00 per unit

Part 2: The City Council authorizes the City Manager, or his designee, to execute any documents which may be necessary for these services, after 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 **20th** day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

_____
WILLIAM A. JONES, III, Mayor

ATTEST:

_____
Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____
Jonathan Graham
City Attorney

COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing annual contracts for electrical services for FY 2013, in the estimated annual amount of $80,000 as follows:

(A) General Electrical Services with Durbin Electric of Temple in the estimated annual amount of $30,000; and
(B) High Voltage and Telemetry Services with T. Morales Company Electric and Controls, Ltd of Florence in the estimated annual amount of $50,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On July 17, 2012, the City received two (2) bids for electrical services. The bids are shown on the attached bid tabulation sheet.

As allowed by Chapter 252 of the Local Government Code, the bid was advertised to be awarded to the bidder that provided the best value to the City taking into consideration the price, experience and reputation of bidder providing like-kind service to other businesses or public entities, and skilled staffing available to deliver services in a timely basis as defined in the bid.

The bid was advertised to be awarded by sections:

- General Electrical Services,
- High Voltage Electrical Service, and
- Telemetry Services

A bid evaluation committee was formed to evaluate the two bids. It is the committee's unanimous recommendation to award the General Electrical Services section to Durbin Electric, and based on Durbin's limited ability to fulfill the City's high voltage and telemetry services, award the High Voltage and Telemetry Services to T. Morales Company Electric and Controls, Ltd.

The proposed contracts are for a one (1) year period commencing on October 1, 2012, and are renewable for four (4) additional one-year periods, if agreed to by both parties.

FISCAL IMPACT: Departments have budgeted for electrical services in several departmental accounts. These contracts will be used on an as-needed basis. Estimated annual expenditure: $80,000.

ATTACHMENTS:
Bid Tabulation
Resolution

Tabulation of Bids Received
on July 17, 2012 at 2:30 p.m.
Electrical Services
Bid # 13-01-13

Description	Bidders: T. Morales Company Electric & Controls, Ltd. P# 254-793-4344 Florence, TX	Bidders: Durbin Electric P# 254-771-0801 Temple, TX	*Memo 2011-2012 Contracted Prices*
Section 1- General Electrical Services			
Material (Cost plus %)	15%	15%	*15%*
Rental Equipment (Cost plus %)	15%	15%	*15%*
Labor - Sub-Contractors (Only Used if Pre-Approved by City)	15%	No Bid	*Not bid last time*
Labor Licensed Master Electrician (Straight time)	$58.00	$57.00	*$52.00*
Labor Licensed Master Electrician (Overtime)	$87.00	$85.50	*$78.00*
Labor Licensed Journeyman (Straight time)	$58.00	$55.00	*$50.00*
Labor Licensed Journeyman (Overtime)	$87.00	$82.00	*$75.00*
Labor Apprentice (Straight time)	$34.00	$32.00	*$29.00*
Labor Apprentice (Overtime)	$51.00	$48.00	*$43.00*
Section 2- High-Voltage Electrical Services			
Material (Cost plus %)	15%	15%	*15%*
Rental Equipment (Cost plus %)	15%	15%	*15%*
Labor - Sub-Contractors (Only Used if Pre-Approved by City)	15%	No Bid	*Not bid last time*
Labor Licensed Master Electrician (Straight time)	$58.00	$52.00	*$52.00*
Labor Licensed Master Electrician (Overtime)	$87.00	$78.00	*$78.00*
Labor Licensed Journeyman (Straight time)	$58.00	$50.00	*$50.00*
Labor Licensed Journeyman (Overtime)	$87.00	$75.00	*$75.00*
Labor Apprentice (Straight time)	$34.00	$29.00	*$29.00*
Labor Apprentice (Overtime)	$51.00	$43.00	*$43.00*
Section 3- Telemetry Services			
Material (Cost plus %)	15%	15%	*15%*
Rental Equipment (Cost plus %)	15%	15%	*15%*
Labor - Sub-Contractors (Only Used if Pre-Approved by City)	15%	No Bid	*Not bid last time*
Labor Licensed Master Electrician (Straight time)	$85.00	$71.00	*$65.00*
Labor Licensed Master Electrician (Overtime)	$110.00	$104.50	*$95.00*
Labor Licensed Journeyman (Straight time)	$75.00	$60.50	*$55.00*
Labor Licensed Journeyman (Overtime)	$100.00	$90.20	*$82.00*
Labor Apprentice (Straight time)	$45.00	$38.50	*$35.00*
Labor Apprentice (Overtime)	$67.50	$57.20	*$52.00*
Bid Bond	5%	Cashiers Check	
Bond Affidavit	Yes	Yes	
Credit Check Authorization Form	Yes	Yes	
Exceptions	None	None	

Planholders
Amos Electric
Border States Electric
Crawford Electric
Dealers Electric
Durbin Electric
EMC Engineers
MasTec North Amer
Mustang Eletric
Onvia, Inc.
Prime Vendor Inc.
Sabre Electric
Stence Electric, Inc.
T. Morales Company
Exchange

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

Belinda Mattke — *17-Jul-12*

Belinda Mattke, Director of Purchasing — Date

Note: Highlighted bid is recommended for Council approval

RESOLUTION NO._____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL CONTRACT WITH VARIOUS VENDORS FOR ELECTRICAL SERVICES FOR FISCAL YEAR 2013, ON AN AS-NEEDED BASIS, IN THE ESTIMATED AMOUNT OF $80,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 17, 2012, the City received 2 bids for electrical services for electrical services for FY2013;

Whereas, the bid was advertised to be awarded by sections: general electrical, high voltage, and telemetry services – as allowed by Chapter 252 of the Local Government Code, the bid was to be awarded to the bidder that provided the best value to the City, taking into consideration the price, experience and reputation of bitter providing like-kind service;

Whereas, the Staff recommends awarding the bids to the following vendors for electrical services for FY2013 with Durbin Electric of Temple, TX, for general electrical services and T. Morales Company Electric and Controls, Ltd, of Florence TX, for high voltage and telemetry services;

Whereas, the proposed contracts are for a one-year period, commencing on October 1, 2012, with the option to extend the agreements for 4 one-year periods, if so agreed to by both parties;

Whereas, each department with vehicles has budgeted for tires and/or tubes which will be ordered on an "as-needed" basis; and

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

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

Part 1: The City Council authorizes an annual contract with Durbin Electric of Temple, TX, for general electrical services and T. Morales Company Electric and Controls, Ltd, of Florence TX, for high voltage and telemetry services, as outlined in Exhibit A attached, for Fiscal Year 2013, in the estimated annual amount of $80,000.

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

<u>Part 3:</u> 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 **20th** day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

_____
WILLIAM A. JONES, III, Mayor

ATTEST:

_____
Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____
Jonathan Graham
City Attorney

COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing an annual contract for temporary employment services for FY 2013 with Manpower Group, of Temple in the estimated annual amount of $34,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On July 24, 2012, the City received three (3) bids for temporary employment services. The bids are shown on the attached bid tabulation sheet.

As allowed by Chapter 252 of the Local Government Code, the bid was advertised to be awarded to the bidder that provided the best value to the City taking into consideration price, evaluation of bidder's responses on vendor questionnaire, and bidder's reputation.

The bid was advertised to be awarded by sections:

- Non-clerical; and
- Clerical.

A bid evaluation committee was formed to evaluate the three bids. Manpower Group offered the lowest pricing, provided adequate assessments/screening of personnel, provided good benefits package for employees, and took no exceptions to the bid. Thus, it is the committee's unanimous recommendation to award both the non-clerical and clerical sections to Manpower Group of Temple.

The City has not done business with Manpower in the past. Therefore, references were checked, and after receiving favorable responses, the City believes they will be a responsible vendor.

The proposed contract is for a one (1) year period commencing on October 1, 2012, and is renewable for four (4) additional one-year periods, if agreed to by the City and Manpower Group.

FISCAL IMPACT: Departments have budgeted for temporary services in their departmental accounts. This contract will be used on an as-needed basis. Estimated annual expenditure: $34,000.

ATTACHMENTS:
Bid Tabulation
Resolution

Tabulation of Bids Received
on July 24, 2012 at 2:45 p.m.
Temporary Employment Services
Bid # 13-15-13

	BIDDERS			
	L.C. Personnel, dba Labor Finders P# 254-771-2188 Temple, TX	Manpower P# 254-774-9722 Temple, TX	Spherion Staffing LLC P# 254-778-0533 Temple, TX	*Memo 2011-2012 Contracted Prices*
Description				
Section A - Light Industrial	$12.91	$12.42	No Bid	*$11.80*
Section A - Heavy Industrial	$14.50	$12.74	No Bid	*$12.56*
Section A - Food Service	$13.70	$12.42	No Bid	*$11.80*
Section A - Payroll Services	31.68%	36.75%	No Bid	*57.24%*
Section B - Clerical	$14.91	$12.29	48%	*40%*
Section B - Advanced Clerical	$16.14	$12.29	53%	*did not bid last time*
Section B - Payroll Services	61.40%	33.50%	34%	*34%*
Exceptions	None	None	Yes	
Local Preference	Yes	No	No	
Vendor Questionnaire	Yes	Yes	Yes	
Credit Check Authorization	Yes	Yes	Yes	
References	Yes	Yes	No	

Plan Holders
Homebound
Labor Finders
Manpower
Nan Vaden's Temple Temps
Onvia, Inc.
Pacesetter Personnel Service
Premier Staffing Source, Inc.
Prime Vendor Inc.
Radgov
Results Staffing, Inc.
Spherion
Superior Group
Supplemental Health Care
TIBH Industries
TS Staffing

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

Belinda Mattke ***24-Jul-12***

Belinda Mattke, Director of Purchasing — Date

Highlighted bid is recommended for award

RESOLUTION NO._____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL CONTRACT FOR TEMPORARY EMPLOYMENT SERVICES FOR FISCAL YEAR 2013 WITH MANPOWER GROUP OF TEMPLE, TEXAS, IN THE ESTIMATED ANNUAL AMOUNT OF $34,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 24, 2012, the City received 3 bids for temporary employment services for FY2013;

Whereas, the bid was advertised to be awarded by sections: non-clerical and clerical – and Staff recommends accepting the bid from Manpower Group of Temple Texas, in the estimated annual amount of $34,000;

Whereas, the City has done business in the past with this vendor and has found them to be a responsible vendor – this contract is for a one-year period, commencing on October 1, 2012, with the option to extend the agreements for 4 one-year periods, if so agreed to by both parties;

Whereas, departments have budgeted for temporary services in their departmental accounts and this contract will be used on an "as-needed" basis; and

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

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

Part 1: The City Council authorizes an annual contract for temporary employment services for Fiscal Year 2013 with Manpower Group of Temple, Texas, for an estimated annual amount of $34,000.

Part 2: The City Council authorizes the City Manager, or his designee, to execute any documents which may be necessary for these services, after 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 **20th** day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

_____
WILLIAM A. JONES, III, Mayor

ATTEST:

_____
Lacy Borgeson

APPROVED AS TO FORM:

_____
Jonathan Graham

City Secretary

City Attorney

COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:
Ken Cicora, Director of Parks and Leisure Services
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing an annual contract for the design and printing of the play-by-play brochures for FY 2013 with Color Visual Concepts, Inc. of Killeen in the estimated annual amount of $29,820.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On September 6, 2012, the City received three (3) bids for the design and printing of the play-by-play brochures. The bids are shown on the attached bid tabulation sheet.

The Play-by-Play brochure is created quarterly to promote activities happening throughout the City. Staff estimates that 12,000 copies of the brochure will be distributed via mail to residents quarterly and 3,000 copies will be distributed to facilities around town.

The bid was comprised of options for different paper types. The bid also included a price per edition for graphic design services, a price for additional 1,000 copies, and a price for additional pages if additional quantities and pages are required. In the past, additional copies have not been needed.

The printer is asked to send 12,000 copies to the post office and the City utilizes its bulk permit for mailing. This cost is an estimated 26 cents per brochure depending on the weight of the brochure and the number of brochures mailed. This postage cost is paid directly to the USPS. The additional 3,000 copies are mailed/delivered to the parks office for distribution around town. Estimated annual cost for postage is $12,480.

As allowed by Chapter 252 of the Local Government Code, the bid was advertised to be awarded to the bidder that provided the best value to the City taking into consideration price, design capabilities, reputation and quality of the bidder's products and services, and quality of printing. In addition, the bid was advertised to be awarded by sections:

- Graphic Design
- Printing (Option 1 & Option 2)

A bid evaluation committee was formed to evaluate the three bids. Overall the design, printing and price were best from Color Visual Concepts Inc of Killeen. Thus, it is the committee's unanimous recommendation to award the graphic design and printing sections to Color Visual Concepts of Killeen.

The City has done business with Color Visual Concepts of Killeen in the past and finds them to be a responsible vendor.

The proposed contract is for a one (1) year period commencing on October 1, 2012, and is renewable for four (4) additional one-year periods, if agreed to by the City and Color Visual Concepts.

FISCAL IMPACT: $35,460 is budgeted in 110-4100-551-2511 for the design and printing of the play-by-play brochures and $12,400 is budgeted in 110-4100-551-2128 for the postage. Estimated annual expenditure under this proposed contract is $29,820.

ATTACHMENTS:
Bid Tabulation
Resolution

Tabulation of Bids Received
on September 6, 2012 at 10:00 a.m.
Design & Printing of Play-by-Play Brochures
Bid # 32-01-13

	Bidders						
	Pages Communication Service P# 972-306-1038 Dallas, TX		Sterling Direct Marketing P# 916-993-4140 Sacramento, CA		Color Visual Concepts Inc. P# 254-698-6124 Killeen, TX		*Memo 2011-12 Contracted Prices*
Graphics Design	**Quarterly Price**	**Yearly Price**	**Quarterly Price**	**Yearly Price**	**Quarterly Price**	**Yearly Price**	
Price Per Edition for Graphics Design of Brochures	$2,400.00	$9,600.00	$995.00	$3,980.00	$600.00	$2,400.00	$10,000.00
Printing-Option 1 (4pg cover-80# gloss & inside pages-hibrite newsprint)	**Quarterly Price**	**Yearly Price**	**Quarterly Price**	**Yearly Price**	**Quarterly Price**	**Yearly Price**	
Price for Printing Brochure 4-Times Per Year	No Bid		$7,500.00	$30,000.00	$6,855.00	$27,420.00	$24,000.00
Price Per Thousand Over the 15,000 copies	No Bid		$458.00	$1,832.00			
Price Per Additional 4-Page	No Bid		$570.00	$2,280.00	$300.00	$1,200.00	
Printing-Option2 (4pg cover-80# gloss & inside pages-60# Offset White)	**Quarterly Price**	**Yearly Price**	**Quarterly Price**	**Yearly Price**	**Quarterly Price**	**Yearly Price**	
Price for Printing Brochure 4-Times Per Year	No Bid		$7,830.00	$31,320.00	$9,147.00	$36,588.00	
Price Per Thousand Over the 15,000 copies	No Bid		$480.00	$1,920.00			
Price Per Additional 4-Page	No Bid		$600.00	$2,400.00	$300.00	$1,200.00	
Total Award for Option 1 Design and Printing			$33,980.00		$29,820.00		
Delivery	No Bid		Yes		Yes		
Exceptions?	None		None		Yes		
Local Preference	No		No		No		
Credit Check Authorization	Yes		Yes		Yes		

Recommended for Council Award

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

Belinda Mattke — *6-Sep-12*

Belinda Mattke, Director of Purchasing — Date

Plan Holders

American Printing	Pages Comm Svc
Central Texas Prtg	Prime Vendor Inc.
Color Vis Concepts	Rydin Decal
Dove Direct	Sterling Direct Mtg
Factronics USA	Tech Media Group
Kwik Kopy Bus Ctr	The Data Center
Liberty Press	Whitley Printing Co
Onvia, Inc.	

RESOLUTION NO._____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL CONTRACT FOR THE DESIGN AND PRINTING OF THE PLAY-BY-PLAY BROCHURES FOR FISCAL YEAR 2013, WITH COLOR VISUAL CONCEPTS, INC. OF KILLEEN, TEXAS, IN THE ESTIMATED ANNUAL AMOUNT OF $29,820; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 6, 2012, the City received 3 bids for the design and printing of the play-by-play brochures for FY 2013;

Whereas, the play-by-play brochure is created quarterly to promote activities happening throughout the City and it is estimated that approximately 12,000 copies are distributed to residents quarterly;

Whereas, as allowed by Chapter 252 of the Local Government Code, the bid was advertised to the bidder that provided the best value to the City, taking into consideration purchase price, design capabilities, reputation, and quality of the bidders products, services and quality of printing – Staff recommends the City award the annual contract to Color Visual Concepts, Inc. of Killeen, Texas;

Whereas, the City has done business with Color Visual Concepts, Inc. in the past and finds them to be a responsible vendor - the proposed agreement is for a period of 1 year, commencing on October 1, 2012 with the option for 4 one-year renewals, if so agreed to by both parties;

Whereas, funds are budgeted in Account Nos. 110-4100-551-2511 for design and printing, and 110-4100-551-2125 for postage; and

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

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

Part 1: The City Council authorizes an annual contract with Color Visual Concepts, Inc. of Killeen, Texas, for the design and printing of the play-by-play brochures Fiscal Year 2013, in an estimated annual expenditure of $29,820.

Part 2: The City Council authorizes the City Manager, or his designee, to execute any documents which may be necessary for these services, after 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 **20th** day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

_____

WILLIAM A. JONES, III, Mayor

ATTEST:

_____

Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____

Jonathan Graham
City Attorney

COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:
Alan DeLoera, Director of Information Technology
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing continued cellular services, data services, and related equipment acquisitions through Verizon Wireless utilizing an existing State contract in the estimated FY 2013 annual amount of $205,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City currently has 280 cellular phones, 54 smart phones, and 172 data devices serviced through Verizon Wireless. The Purchasing and Information Technology departments have reviewed the current Verizon contract and have done some comparisons with other plans and vendors and are confident that the current contract offers the lowest rates available with the best service coverage.

An administrative directive is in place that states the policies and guidelines associated with the City's wireless device program.

Staff has been pleased with the services provided by Verizon Wireless and recommends Council award extensions to the contracts.

FISCAL IMPACT: Each department with cellular phones and wireless data cards has budgeted for these services and equipment totaling approximately $205,000.

ATTACHMENTS:
Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CONTINUED CELLULAR SERVICES, DATA SERVICES, AND RELATED EQUIPMENT ACQUISITIONS THROUGH VERIZON WIRELESS UTILIZING AN EXISTING STATE CONTRACT, FOR FISCAL YEAR 2013, IN THE ESTIMATED ANNUAL AMOUNT OF $205,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City currently has 280 cellular phones, 54 smart phones and 172 data devices serviced through Verizon Wireless;

Whereas, Staff has done some comparisons with other plans and vendors and is confident that the current contract with Verizon Wireless offers the lowest rates available with the best service coverage;

Whereas, Staff has been pleased with the services provided by Verizon Wireless and recommends awarding an annual contract, in the estimated annual amount of $205,000 for FY2013; 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 continued cellular services, data services, and related equipment acquisitions through Verizon Wireless utilizing an existing State contract in the estimated annual amount of $205,000.

Part 2: The City Council authorizes the City Manager, or his designee, to execute any documents which may be necessary for this purchase, after 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 **20th** day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

_____
WILLIAM A. JONES, III, Mayor

ATTEST:

_____
Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____
Jonathan Graham
City Attorney

COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:
Alan DeLoera, Director of Information Technology
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing continued local phone service through AT&T in the estimated FY 2013 annual amount of $180,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City currently has nine (9) primary phone lines being serviced by AT&T. These lines have over 5,000 circuit lines to maintain the services and needs of the City. Several of the lines are priced per a State of Texas DIR contract.

Due to the programming involved with all of these lines, it would be very difficult to solicit bids for the local phone service. As such, staff is recommending that these services be single-sourced through AT&T.

FISCAL IMPACT: Each department budgets for local phone service in their departmental budgets. The estimated expenditure to AT&T for local phone service in FY 2013 is $180,000.

ATTACHMENTS:
Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CONTINUED LOCAL PHONE SERVICE THROUGH AT&T FOR FISCAL YEAR 2013, IN THE ESTMATED ANNUAL AMOUNT OF $180,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City currently has 9 primary phone lines being serviced by AT&T – these lines have over 5,000 circuit lines to maintain the services and needs of the City;

Whereas, due to the programming involved with all of these lines, it would be very difficult to solicit bids for the local phone service, therefore, Staff recommends that these services be single-sourced through AT&T;

Whereas, there are sufficient funds in the various departmental accounts for local phone service, in the estimated annual amount of $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 continued local phone service through AT&T for FY2013 in an estimated annual amount of $180,000.

Part 2: The City Council authorizes the City Manager, or his designee, to execute any documents which may be necessary for this purchase, after 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 **20th** day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

_____
WILLIAM A. JONES, III, Mayor

ATTEST:

_____
Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____
Jonathan Graham
City Attorney

COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:
Nicole Torralva, PE, Director of Public Works
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing an annual contract with Temple Iron and Metal, a division of Bell County Iron and Recycling Co., Inc, of Temple for the sale of scrap metal and recyclables for FY 2013.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On July 11, 2012, the City received one (1) bid for the sale of scrap metal and recyclables. This bid does not include the curbside recyclables. The bid is shown on the attached tabulation sheet.

The pricing received for the scrap metal is based on a percentage of the American Metals Market (AMM) index. The pricing received for the recyclables is based on a percentage of the Official Board Markets (OBM) index. During FY 2011, the City received approximately $68,700 in revenues for scrap metal and recyclables.

The City has done business with Temple Iron and Metal in the past and finds them to be a responsible bidder.

The proposed contract is for a one (1) year period commencing on October 1, 2012, with the option to extend the contract for four (4) additional one-year periods, if so agreed to by both parties.

FISCAL IMPACT: It is estimated that revenues generated from the sale of scrap metal and other recyclables for FY 2013 will total approximately $70,000.

ATTACHMENTS:
Bid Tabulation
Resolution

Tabulation of Bids Received
on July 11, 2012 at 9:30 p.m.
Sale of Scrap Metal and Recyclables
Bid # 13-02-13

	Bidders	
	Temple Iron and Metal **a Division of Bell County Iron and Recycling Co., Inc.** **P# 254-773-2700** **Temple, Texas**	
Description	**Picked Up by TI&M**	**City Delivered**
Copper (per pound)	80% of AMM Index, CU No. 1, Midwest	89% of AMM Index, CU No. 1, Midwest
Brass & Meters (per pound)	71% of AMM Index, Brass Ingot, Midwest	75% of AMM Index, Brass Ingot, Midwest
Mixed Iron (per gross ton)	60% of AMM, No 1 heavy metal, Houston	65% of AMM, No 1 heavy metal, Houston
Aluminum (per pound)	64% of AMM, Secondary Smelt, Max Quote	68% of AMM, Secondary Smelt, Max Quote
Tin (per gross ton)	45% of AMM, No 1 heavy, Max Quote	48% of AMM, No 1 heavy, Max Quote
White Goods (per gross ton)	45% of AMM, No 1 heavy, Max Quote	48% of AMM, No 1 heavy, Max Quote
Automobile & Other Batteries (per pound)	70% of AMM Recycling, Nonferrous	74% of AMM Recycling, Nonferrous
Aluminum Cans (per pound)	75% of AMM, dom alum, Max quote	78% of AMM, dom alum, Max quote
Newspaper (per ton)	60% of Southwest, Max quote	63% of Southwest, Max quote
Plastics, type 1 and 2 clear (per pound)	50% of PET, Houston, Max quote	52% of PET, Houston, Max quote
White Office/Computer Paper (per ton)	70% of Southwest, Max Quote	75% of Southwest, Max Quote
Cardboard (per ton)	70% of Southwest, Max Quote	75% of Southwest, Max Quote
Mixed /Co-Mingled Paper (per ton)	55% of Southwest, Max Quote	58% of Southwest, Max Quote
Exceptions	Plastic price is based on average mill price for each month	
Credit Check Authorization	Yes	

Memo 2011-2012 Contracted Prices	
Picked Up	***Delivered***
80%	*89%*
71%	*75%*
60%	*65%*
64%	*68%*
45%	*48%*
45%	*48%*
80%	*80%*
75%	*78%*
60%	*63%*
55%	*63%*
63%	*66%*
70%	*75%*
Not on bid last time	

Planholders
Temple Iron and Metal

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

Belinda Mattke *11-Jul-12*

Belinda Mattke, Director of Purchasing Date

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL CONTRACT WITH TEMPLE IRON AND METAL, A DIVISION OF BELL COUNTY IRON AND RECYCLING CO., INC., OF TEMPLE, TEXAS , FOR THE SALE OF SCRAP METAL AND RECYCLABLES FOR FISCAL YEAR 2013; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 11, 2012, the City received 1 bid for the sale of scrap metal and recyclables – this bid does not include the curbside recyclables;

Whereas, the pricing received for the scrap metal is based on a percentage of the American Metals Market (AMM) index and the pricing received for the recyclables is based on a percentage of the Official Board Markets (OBM) index;

Whereas, the City has done business with Temple Iron and Metal in the past and finds them to be a responsible bidder – the proposed contract is for a one-year period, commencing on October 1, 2012, with the option to extend the contract for 4 one-year periods, if so agreed to by both parties;

Whereas, it is estimated that revenues generated from the sale of scrap metal and other recyclables for FY13, will total approximately $70,000; and

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

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

Part 1: The City Council authorizes an annual contract with Temple Iron and Metal, a division of Bell County Iron and Recycling Co., Inc., of Temple, Texas, for the sale of scrap metal and recyclables for Fiscal Year 2013.

Part 2: The City Council authorizes the City Manager, or his designee, to execute any documents which may be necessary for this purchase, after 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 **20th** day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

_____
WILLIAM A. JONES, III, Mayor

APPROVED AS TO FORM:

_____
Lacy Borgeson
City Secretary

_____
Jonathan Graham
City Attorney

COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:
Nicole Torralva, P.E., Director of Public Works
Michael Newman, P.E., Assistant Director of Public Works/City Engineer

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with LA Colo LLC dba Colo Railroad Builders for construction activities required to replace the Lucius McCelvey Rail Crossing within the Reinvestment Zone in north Temple in an amount not to exceed $94,622.64.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Temple & Central TX Railway identified the double at-grade crossing of Lucius McCelvey as needing repair within the next year. The crossing consists of one rail park crossing and one spur serving Gidden Distribution (see attached Map). One of the panels recently deteriorated, requiring temporary repair with asphalt patching. Several other panels are loosening.

On June 7 of this year, Council authorized a professional services contract with Kasberg, Patrick & Associates, LP (KPA), to design, bid, and administer construction in an amount not to exceed $14,000. The project scope will consist of removal and replacement of the at-grade rail crossings and replacement of the wooden crossing panels with concrete panels. On August 22, the RZ Board approved construction funds up to $125,000.

Bids ranged from $94,622.64 to $225,300 (see attached Bid Tab). KPA recommends awarding the contract to the low bidder, Colo Railroad Builders (see attached KPA Recommendation). Construction time allotted for this project is 90 days.

FISCAL IMPACT: Funds are available in the Reinvestment Zone No. 1 Financing and Project Plans, Line 56, account 795-9500-531-6514, project 100692 to fund the cost of this construction contract of $94,622.64.

ATTACHMENTS:
Engineer's Letter of Recommendation
Bid Tabulation
Project Map
Resolution

KASBERG, PATRICK & ASSOCIATES, LP
CONSULTING ENGINEERS
Texas Firm F-510

RICK N. KASBERG, P.E. **R. DAVID PATRICK, P.E., C.F.M.** **THOMAS D. VALLE, P.E.**

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

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

September 6, 2012

Mr. Don Bond, P.E., CFM
3210 E. Avenue H Bldg A
Temple, Texas 76501

Re: City of Temple, Texas
Railroad Crossing Improvements at Lucuis McCelvey

Dear Mr. Bond:

Bids were received by the City of Temple until 9:30 A.M. on Thursday, September 6, 2012 for the above referenced project. There were four (4) sealed bids received and a detailed bid tabulation of these bids is attached for your use.

The Railroad Crossing Improvements at Lucuis McCelvey Project will replace failing railroad crossings at Lucius McCelvey that service the Rail Park. The Project will include demolition and removal of existing rail crossings, installation of two new rail crossings with transition rail connecting to the existing rail infrastructure and asphalt paving.

The low, successful bidder is Colo Railroad Builders in the total amount of $94,622.64. We have consulted with Mr. Dave Lutz, Manager of Temple and Central Texas Railway concerning Colo Railroad Builders and he has recommended we award this project to Colo Railroad Builders. Other references have also been contacted.

Based on our investigations, we would recommend award of the project to Colo Railroad Builders in the total bid amount of $$94,622.64.

Please call if you should have any further questions.

Sincerely,

R. David Patrick, P.E, CFM.

xc: Mrs. Nicole Torralva, P.E., Director of Public Works, City of Temple
Mr. Don Bond, P.E, CFM, CIP Project Manager, City of Temple
Michael Newman, P.E., CFM, Asst. Director of Public Works/City Engineer, City of Temple
Ms. Belinda Mattke, City of Temple
Mr. Cene Cooley, Colo Railroad Builders

BID TABULATION
CITY TEMPLE, TEXAS
RAILROAD CROSSING IMPROVEMENTS AT LUCIUS McCELVEY

September 5, 2011; 9:30 AM

				BIDDER INFORMATION							
				Colo Railroad Builders 13834 13834 Reeveston Road Houston TX 77039		M & M Sales and Services, LLC 300 N 1st Street Timpson TX 75975		Railworks Track Systems, Inc. 6060 Armour Drive Houston TX 77020		Patin Construction LLC 3800 West 2nd Street Taylor TX 76574	
Item No.	*Estimated Quantity*	*Unit*	*Bid Data Description*	*Unit Price*	*Extended Amount*	*Unit Price*	*Extended Amount*	*Unit Price*	*Extended Amount*	*Unit Price*	*Extended Amount*
1	100%	LS	Mobilization, Bonds and Insurance, not-to-exceed 5% of the Total Amount Bid	$ 8,784.94	* 8,784.94	$ 7,926.88	$ 7,926.88	$ 17,000.00	$ 17,000.00	$ 11,000.00	$ 11,000.00
2	100%	LS	Preparation of Right-of-Way	1,500.00	1,500.00	5,000.00	5,000.00	14,000.00	14,000.00	10,000.00	10,000.00
3	60	LF	Furnish & Install AREMA Class I Continuous Welded Relay Rail, 112-Pound or Greater, Including Two Rails, Cross Ties, Ballast, Leveling and All Appurtenances	431.60	* 25,896.00	926.30	* 55,578.00	1,000.00	60,000.00	500.00	30,000.00
4	60	LF	Remove and Dispose of Existing Rail, Ties etc.	41.67	2,500.20	101.24	* 6,074.40	175.00	10,500.00	200.00	12,000.00
5	100%	LS	Remove and Dispose of Existing Railroad Crossings	500.00	500.00	8,600.00	8,600.00	5,000.00	5,000.00	10,000.00	10,000.00
6	2	EA	Furnish & Install Concrete Rail Crossing	15,991.25	31,982.50	336.00	* 672.00	18,000.00	36,000.00	60,000.00	120,000.00
7	100%	LS	Saw Cutting & Removing Existing Pavement Material and unclassified Material to Section Depth	5,000.00	5,000.00	3,000.00	3,000.00	13,000.00	13,000.00	2,500.00	2,500.00
8	100	TN	Furnish & Install Type B HMAC	60.00	6,000.00	150.00	15,000.00	184.00	18,400.00	150.00	15,000.00
9	25	TN	Furnish & Install Type C HMAC	240.00	6,000.00	150.00	3,750.00	260.00	6,500.00	* 200.00	5,000.00
10	100	LF	Furnish, Install & Remove Rock Berm	2.00	200.00	18.00	1,800.00	23.00	2,300.00	50.00	5,000.00
11	2	EA	Furnish, Install & Remove Curb Inlet Protection	250.00	500.00	1,200.00	2,400.00	50.00	100.00	200.00	400.00
12	300	SY	Furnish & Install Hydromulching, including watering to sustain growth	3.33	999.00	10.67	3,201.00	17.00	5,100.00	3.00	900.00
13	1	LS	Implement Traffic Control	4,760.00	4,760.00	7,500.00	7,500.00	6,000.00	6,000.00	3,500.00	3,500.00
TOTAL BASE BID AMOUNT (Items 1 - 13)				**	$ 94,622.64	**	$ 120,502.28		$ 193,900.00		$ 225,300.00

Did Bidder Acknowledge Addenda No. 1?	YES	YES	YES	YES
Did Bidder provide Bid Security?	YES	YES	YES	YES

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

STATE OF TEXAS
R. DAVID PATRICK
82738
REGISTERED PROFESSIONAL ENGINEER

R. David Patrick, PE, CFM
Kasberg, Patrick & Associates, LP

9/6/12
Date

* Extended amount has been corrected. ** Total amount has been corrected.

H.K. DODGENLOOP 363
MARS petcare
LUCIUS MCCELVEY DR
RANGE ROAD
BNSF RAILROAD
PACTIV
INTERSTATE 35
City of Temple
HORIZONTAL SCALE IN FEET
McLANE
EBERHARDT RD
ARTCO-BELL
INDUSTRIAL BLVD.
RAIL CROSSINGS TO BE REPLACED
ENTERPRISE PARK
INTERSTATE 35
ENTERPRISE BLVD.
Central Pointe
Temple Industrial Park
RAIL CROSSING REPLACEMENT LOCATIONS
KPA
kpaengineers.com

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH LA COLO LLC, DBA COLO RAILROAD BUILDERS (COLO), FOR CONSTRUCTION ACTIVITIES REQUIRED TO REPLACE THE LUCIUS MCCELVEY RAIL CROSSING WITHIN THE REINVESTMENT ZONE (RZ) IN NORTH TEMPLE; IN AN AMOUNT NOT TO EXCEED $94,622.64; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Temple and Central Texas Railway identified the double at-grade crossing of Lucius McCelvey as needing repair within the next year – the crossing consists of one rail park crossing and one spur serving Gidden Distribution;

Whereas, on June 7, 2012, Council authorized a professional service agreement with Kasberg, Patrick & Associates, LP (KPA) to design, bid, and administer construction in an amount not to exceed $14,000 – and on August 22, 2012, the RZ Board approved construction funds up to $125,000;

Whereas, bids received ranged from $94,622.64 to $255,300 and KPA recommends awarding the contract to Colo Railroad Builders, in an amount not to exceed $94,622.64;

Whereas, funds are available for this project in the Reinvestment Zone No. 1 Financing and Project Plans, Line 56, Account No. 795-9500-531-6514, Project No. 100692; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a construction contract, not to exceed $94,622.64, with LA Colo LLC, d/b/a Colo Railroad Builders, after approval as to form by the City Attorney, for construction activities required to replace the Lucius McCelvey Rail Crossing.

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 **20th** day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

_____
WILLIAM A. JONES, III, Mayor

ATTEST:

_____
Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____
Jonathan Graham
City Attorney

COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the City to enter into a "First Responder/EMS Provider Contract" with Scott & White Memorial Hospital and Scott, Sherwood, and Brindley Foundation (collectively referred to as "Scott & White").

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City currently has a "First Responder/EMS Provider Contract" with Scott & White. The current contract will expire in October, 2012. Staff wishes to renew the contract with Scott & White for an additional four (4) years. Pursuant to the contract, the City, acting through its Fire & Rescue Department and Scott & White agree that each will respond twenty-four hours a day, seven days a week EMS-related calls received through Bell County Communications.

FISCAL IMPACT: None

ATTACHMENTS:
Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A "FIRST RESPONDER/EMS PROVIDER CONTRACT" WITH SCOTT & WHITE MEMORIAL HOSPITAL, AND THE SCOTT, SHERWOOD, AND BRINDLEY FOUNDATION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City currently has a "First Responder/EMS Provider Contract" with Scott & White, however the contract will due to expire in October, 2012;

Whereas, Staff has been pleased with the services provided under this contract and wishes to renew the contract with Scott & White for an additional four years;

Whereas, pursuant to the contract, the City, acting through its Fire & Rescue Department and Scott & White, agree that each will respond twenty-four hours a day, seven days a week to EMS-related calls received through Bell County Communications; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a "First Responder/EMS Provider Contract," after approval as to form by the City Attorney, with Scott & White Memorial Hospital and the Scott, Sherwood, and Brindley Foundation (collectively referred to as "Scott & White") for an additional four years.

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 **20th** day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

_____
WILLIAM A. JONES, III, Mayor

ATTEST:

_____
Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____
Jonathan Graham
City Attorney

COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:
Nicole Torralva, Public Works Director
Lisa Sebek, Solid Waste Services Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of 51 metal refuse containers for the Solid Waste Division from Rolloffs USA., Durant, OK, through the H-GAC Contract in the amount of $47,514.92.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Additional and replacement containers are needed in the sideload and frontload metal collections systems. Due to building construction and remodeling activity this summer, additional 20cyd metal containers are also needed to fill contractor requests for this size container. This purchase provides for 4- 20 yard roll off containers, 27- 8 yard front load containers, 5- 3 yard sideload containers, and 15- 3 yard sideload containers.

Current pricing on the H-GAC bid contract has been confirmed by Purchasing, and is shown on the attached worksheet. The city has done business with Rolloffs USA, and finds them to be a responsible vendor. Utilizing this contract through the H-GAC satisfies the requirement for competitive bids.

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

Description	Account #	Budget	Proposed Expenditure
Sideload Metal Containers	110-2360-540-22-11	8,425	$8,425
Frontload Metal Containers	110-2350-540-22-11	$22,950	$22,949.92
20cyd Rolloffs	110-2370-540-22-11	$16,140	$16,140

ATTACHMENTS:
Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF 51 METAL REFUSE CONTAINERS FOR THE SOLID WASTE DIVISION FROM ROLLOFFS USA, OF DURANT, OK, UTILITIZING THE HOUSTON-GALVESTON AREA COUNCIL INTERLOCAL COOPERATIVE CONTRACT (HGAC), IN THE AMOUNT OF $47,514.92; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, additional and replacement containers are needed in the sideload and frontload metal collections systems;

Whereas, due to building construction and remodeling activities this summer, an additional 20cyd metal containers are also needed to fill contractor - the city has done business with Rolloffs USA, and finds them to be a responsible vendor;

Whereas, Staff recommends purchasing 51 metal refuse containers for the solid waste division utilizing the Houston-Galveston Area Council Interlocal Cooperative Contract pricing in the amount of $47,514.92;

Whereas, funds are available in Account Nos. 110-2360-540-2211, 110-2350-540-2211, and 110-2370-540-2211 for these 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 purchase of 51 metal refuse containers for the solid waste division utilizing the Houston-Galveston Area Council Interlocal Cooperative Contract (HGAC), in the amount of $47,514.92.

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 **20th** day of **September,** 2012.

THE CITY OF TEMPLE, TEXAS

_____
WILLIAM A. JONES, III, Mayor

ATTEST:

_____
Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____
Jonathan Graham
City Attorney

COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:

Alan DeLoera, Information Technology Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of a yearly 2012-2013 maintenance contract with Intergraph Public Safety in the amount of $39,504.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

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

SunPro Fire RMS

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

CAD Interface Software

Oracle Software

Intergraph Public Safety is the sole provider of maintenance for Intergraph Public Safety application software. This is currently the 13th year of support for the current software.

FISCAL IMPACT: The Information Technology Department currently has funds budgeted in account 110-1900-519-23-38 in the amount of $39,504 for continued annual support of these applications.

ATTACHMENTS:
Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF AN ANNUAL MAINTENANCE CONTRACT WITH INTERGRAPH PUBLIC SAFETY, IN THE AMOUNT OF $39,504; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the police and fire departments currently use Records Management Software from Intergraph Public Safety for certain public safety applications in helping the City conduct management of Public Safety Records and analysis;

Whereas, Intergraph Public Safety is the sole provider of maintenance for Intergraph Public Safety application software - Staff recommends purchasing an annual maintenance contract for a cost not to exceed $39,504;

Whereas, this will be the City's 13th year of support for the current software – funds are budgeted in Account No. 110-1900-519-2338 for this purchase; and

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

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

Part 1: The City Council authorizes the purchase of an annual maintenance contract with Intergraph Public Safety for Public Safety Software Applications, for an amount not to exceed $39,504.

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 **20th** 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

DEPT./DIVISION SUBMISSION & REVIEW:
Nicole Torralva, P.E., Public Works Director
Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a credit sales agreement to purchase necessary credits for off-site stream mitigation related to the NW Loop 363 project in an amount of $493,200.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Design efforts related to the expansion of Northwest Loop 363, upgrading approximately 4 miles of existing roadway by creating a four lane divided, continuous roadway from the northern Loop 363 interchange with I-35 to the southern Loop 363 interchange with I-35 through the western side of the City are completed, with roadway construction scheduled to begin in October. Along the length of the project, existing jurisdictional stream impacts will be sustained, thereby resulting in the necessary acquisition of an environmental (Section 404) permit through the US Army Corps of Engineers. This permit requires mitigation of the impacts to jurisdictional streams.

City staff is seeking authorization to purchase 5,480 credits related to off-site stream mitigation.

FISCAL IMPACT: Funds are available in accounts 261-3400-531-2588 and 361-3400-531-2588, project #100681 to fund the credit sales agreement to purchase the necessary off-site stream mitigation credits for the project.

ATTACHMENTS:
Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CREDIT SALES AGREEMENT TO PURCHASE NECESSARY CREDITS FOR OFF-SITE STREAM MITIGATION RELATED TO THE NORTHWEST LOOP 363 PROJECT; IN AN AMOUNT OF $493,200; DECLARING AN OFFICIAL INTENT TO REIMBURSE ASSOCIATED EXPENDITURES MADE PRIOR TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, design efforts related to the expansion of Northwest Loop 363, upgrading approximately 4 miles of existing roadway by creating a four lane divided, continuous roadway from the northern Loop 363 interchange with I-35 to the southern Loop 363 interchange with I-35 through the western side of the City are completed, with roadway construction scheduled to begin in October;

Whereas, along the length of the project, existing jurisdiction stream impacts will be sustained, thereby resulting in the necessary acquisition of an environmental (Section 404) permit through the US Army Corps of Engineers – this permit requires mitigation of the impacts to jurisdictional streams;

Whereas, Staff seeks authorization to purchase 5480 credits related to off-site stream mitigation and enter into an agreement with an eligible mitigation bank for the purchase of necessary credits related to off-site stream mitigation;

Whereas, Pass-Through Financing Bonds will be issued to fund the City's share of costs related to the Northwest Loop 363 Pass-Through project and initial funding for this expenditure will be allocated from General Fund Balance Designated for Capital Project-Unallocated; 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 credit sales agreement to purchase 5480 credits related to off-site stream mitigation and enter into an agreement with an eligible mitigation bank for the purchase of necessary credits related to off-site stream mitigation related to the Northwest Loop 363 Project.

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 action.

Part 3: Pass-Through Financing Bonds will be issued to fund the City's share of costs related to the Northwest Loop 363 Pass-Through project and initial funding for this expenditure will be allocated from General Fund Balance Designated for Capital Project-Unallocated.

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 **20th** day of **September,** 2012.

THE CITY OF TEMPLE, TEXAS

_____

WILLIAM A. JONES, III, Mayor

ATTEST:

_____

Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____

Jonathan Graham
City Attorney

COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the renewal of a funding and operating agreement with the Temple Economic Development Corporation.

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

ITEM SUMMARY: The proposed agreement is a renewal of our existing funding and operating agreement with TEDC.

The proposed new funding and operating agreement with TEDC continues the basic funding formula established by the City Council in 2007 that is funding both "base operating expenses" and "incentive matrix incentives" for TEDC:

- base operating funding is intended to cover reoccurring expenses (salaries, office space, supplies, travel, etc.).

- incentive matrix funding ('IMF') is intended to cover actual economic development incentive expenditures based upon TEDC's pre-determined incentive matrix.

    - The City's commitment is to 'refill' the IMF each year, as may be warranted based upon expenditures.

The proposed agreement differs from the 2007 agreement principally in removing language providing the possibility of a small amount of additional performance-based funding. In reviewing the existing agreement with TEDC's staff and board, the parties both felt that the performance incentive was cumbersome to employ, and not needed given the relatively small amount of additional funding that was potentially involved. The agreement does continue to identify four performance measurements:

- annual percentage growth in sales tax revenue
- annual percentage growth in jobs
- annual percentage growth in median income
- annual percentage increase in taxable property

and requires TEDC to annually track and report on the status of these performance measurements.

In other respects is substantial identical to the previous agreement, including a five year term that automatically renews unless the parties mutually agree to modify or either party elects to terminate the agreement.

FISCAL IMPACT: Funding for this agreement in the FY 2013 Budget is $1,078,872 for the "base operating expenses" and a place holder of $400,000 to replenish the "IMF" to the calculated level of $862,579. At the time the budget was filed and adopted, the base operating level was estimated. The actual amount based on sales tax growth is $1,095,557. A budget adjustment will be presented at a future date to adjust the amount to the contractual required amount.

ATTACHMENTS:
Draft Agreement
Resolution

2012 FUNDING AND OPERATING AGREEMENT
CITY OF TEMPLE AND TEDC

STATE OF TEXAS §

COUNTY OF BELL §

This **Agreement** is entered into on the _____ day of _____, 2012, by and between the **City of Temple**, Texas, a home rule city in Bell County, Texas ("City"), and the **Temple Economic Development Corporation**, a Texas non-profit corporation ("TEDC").

W I T N E S S E T H:

WHEREAS, TEDC's Board of Directors and the City Council of the City of Temple passed or will pass resolutions authorizing TEDC and the City, respectively, to enter into an agreement whereby TEDC receives funding from the City to promote economic development within the City;

NOW THEREFORE, for and in consideration of the mutual covenants set forth herein, the parties hereto hereby agree as follows:

Section 1: **City's Obligations**

Section 1: **City's Obligations**

(a) Funding of TEDC. City will annually budget and contribute to TEDC a portion of its annual revenue from sales taxes, beginning with the City's fiscal year commencing on October 1, 2012, to promote economic development within the City.

(b) Amount of Contribution. The City's Contribution has two components: (1) an "Operating Expense Component;" and (2) an "Incentive Matrix Component." The City's Base Contribution in fiscal year 2011-12 was ($1,604,217.00), with $1,029,949 of that designated as the Operating Expense Component" and $574,268 designated to replenish the "Incentive Matrix Component" to the level of $810,923 as provided in Section The contribution of $574,268 replenishes The Incentive Matrix account balance to$810,923 as provided in Section 1(c)(2) below.

(c) Adjustment of Base Contribution in future years. In successive fiscal years under this Agreement, both of the City's components of the City's Base Contribution to TEDC shall be increased or decreased by the percentage change in the amount of sales tax received by the City during the most recent fiscal year. In calculating the percentage change in the amount of sales tax received by the City, the City will exclude from the calculation an amount equal to payments made to third parties by the City under economic development agreements which index an

incentive payment to the amount of sales tax revenue received by the City from a portion or all of the City. The "most recent fiscal year" is measured from July 1st of the preceding fiscal year to the June 30th preceding the beginning of the City's fiscal year on October 1st of each year of this Agreement.

(1) Calculation of the Operating Expense Component. Each year, the City shall contribute the full amount of the Operating Component of the Base Contribution to TEDC increased or decreased by the percentage change in the amount of sales tax received by the City during the most recent fiscal year.

(2) Calculation of the Incentive Matrix Component. The City's obligation to TEDC with respect to the Incentive Matrix Component is to ensure that TEDC starts each fiscal year with available funds on hand equal to the Incentive Matrix Component amount as that amount may be adjusted each year by the percentage change in the amount of sales tax received by the City during the most recent fiscal year (the "Incentive Matrix Fund Level"). TEDC agrees to use Incentive Matrix Component funding only as incentives for economic development purposes each year, and to account for such funds separately. Within 10 days of the end of each fiscal year, TEDC shall report to the City their fiscal year end fund balance of Incentive Matrix Component dollars. For purposes of this Agreement, Incentive Matrix Component dollars are expended for economic development purposes if they are: used to provide a cash incentive to an economic development prospect; used to purchase land or equipment given to an economic development prospect; used to pay for services directly related to providing an incentive to a prospect; or legally accrued to satisfy an obligation owed by TEDC to an economic development prospect under a written development agreement. In each succeeding year of this Agreement, the City shall contribute, in addition to its Operating Expense Component contribution, an amount sufficient to bring TEDC's available incentive matrix dollars to an amount equal to the calculated Incentive Matrix Fund Level for that fiscal year. If at the end of any fiscal year, TEDC's "fund balance" for Incentive Matrix Component dollars is equal to or exceeds the amount, adjusted for the percentage increase in sales tax dollars from the prior fiscal year, than the City would otherwise maintain in TEDC's Incentive Matrix Component account, the City will not be obligated to make an Incentive Matrix Component contribution to TEDC for that year. TEDC may, from time to time, accumulate Incentive Matrix Component dollars in excess of the Incentive Matrix Fund Level for a particular fiscal year, when, for example, funds that were encumbered by TEDC under a development agreement from a prior year become available to TEDC again when the proposed development that the funds were targeted for does not occur.

(d) Payment of Base Contribution Adjusted by Any Adjustment Due to Incentive Matrix Contribution. The Director of Finance shall establish a special segregated account for the purpose of funding the City's contributions to TEDC under this contract. This account will be used to make monthly disbursements (1/12 of the Base Contribution adjusted, if needed or earned, by any adjustment to the Incentive Matrix Contribution as provided in Section 1(c)(2) above) to TEDC for its promotion of economic development within the City.

Section 2: **Performance-based Standards**

(a) Target factors. The City and TEDC agree that the effectiveness of TEDC's efforts to promote economic development shall be judged in part in measuring the following factors:

1. The annual percentage growth in sales tax revenue within the City limits;
2. The annual percentage growth in the net number of jobs created within the City limits;
3. The annual percentage growth in per capita personal income within the Killeen-Temple-Fort Hood MSA; and
4. The annual percentage increase in taxable real and personal property within the City limits.

The parties agree that the annual performance standard for each of the factors listed above shall be to meet or exceed the average annual percentage growth for that factor for the preceding decade. TEDC shall annually calculate the change in each of the four factors listed above, and provide a report of its calculations to the Finance Department for its review.

(b) Base line values for Target factors. The Director of Finance has determined the following values for target factors listed in Section 2(a) as of _June 30,_2011 (or as noted below):

Sales Tax Revenue within the City for 12 month period ending June 30, 2011: $_**15,059,825**. The average annual percentage growth in sales tax revenue within the City for the preceding decade ending June 30, 2011: **2.88%.**

Net Number of Jobs in City as of June 30, 2011: **29,536**. The average annual percentage growth in the net number of jobs within the City for the preceding decade ending June 30, 2011 was: **1.29%**.

Per Capita Personal Income within the Killeen-Temple-Fort Hood MSA as ofDecember 31, 2010: **$37,142.** The average annual percentage growth in per capita personal income within the Killeen-Temple-Fort Hood MSA for the preceding decade ending June 30, 2011 was: **5.22%.**

Total appraised value of taxable real and personal property within the City for the fiscal year ending September 30, 2012: $3,447,325,162**.** The average annual

percentage growth in taxable real and personal property within the City for the preceding decade ending September 30, 2012, was: **5.38%.**

Section 3: **TEDC's Obligations**

(a) Promote economic development within the City. TEDC shall use its best efforts to promote economic development within the City. In doing so, TEDC agrees to work diligently to achieve goals established for TEDC, from time to time, by the City in its Strategic Plan. Allowable uses of funds provided to TEDC under this Agreement shall include, but not be limited to, expenditures for:

1. **Business attraction and retention:** advertising, promotion, marketing, trade show participation, direct mail, brochures, signs and billboards, and preparation of long term planning documents;
2. **Incentives to Businesses:** loans, guarantees, business incubator programs, grants for capital improvements, relocation and moving expense reimbursement, and grants for land purchases;
3. **Land and Building Purchase, Sale, Lease and Upgrade:** land purchase for industrial parks and sites, construction of buildings, environmental equipment and projects, site preparation, purchase of land for assembly or resale, drainage projects;
4. **Infrastructure Improvements and Creation:** rail spurs, water and wastewater lines, drainage projects, odor control projects, landscaping, identification signs, and engineering and construction of streets, bridges, and related facilities;
5. **Training and education:** job training programs, cooperation with educational institutions, and related programs; and
6. **Salaries and General Office Expense:** salaries for TEDC's staff and general office expenses.

(b) Annual Report to the City Council. TEDC shall provide an annual report to the City Council on its activities and expenditures to promote economic development within the City. TEDC's report shall, among other things: (1) address TEDC's effort to achieve goals established by the City from time to time; (2) summarize incentives provided by TEDC in the prior year; and (3) document (in a form acceptable to the City) TEDC's success in meeting the performance guidelines established for TEDC under this Agreement. TEDC shall keep adequate records of all its activities and expenditures incurred hereunder sufficient to satisfy the auditing firm that conducts the annual audit under Section 3(d) below that the funds provided under this Agreement by the City were expended to promote economic development within the City.

(c) Other Use of City Funds Prohibited. TEDC shall never expend funds for any purpose or activity not directly or indirectly related to the promotion of economic development within the City.

(d) Annual Audit. TEDC shall, at its own expense, provide the City with a comprehensive annual audit of the use of all funds received by TEDC under this

Agreement. The audit shall be performed by the auditing firm which does the annual City audit or by some other qualified public accounting firm approved by the City.

(e) Recapture of funds by City for Misuse. Should either the independent audit or a decision of any court of competent jurisdiction in the State of Texas determine that funds provided to TEDC by City under this Agreement have been spent improperly, TEDC shall immediately return all said funds plus a reasonable rate of interest from the time of original disbursement to the time of return to the City. Any such misuse of funds shall be considered a material breach of this contract and the City, at its sole option, may immediately declare this Agreement null and void.

(f) Separate accounting of City funds. For accounting purposes, TEDC shall separately account for funds received from the City under this Agreement. All funds received from the City under this Agreement shall be separately accounted for from any funds or revenue TEDC receives from other sources. TEDC agrees to use an investment policy reviewed by the City and to deposit funds in accordance with that policy.

(g) Management of TEDC. This Agreement is expressly conditioned upon TEDC amending its articles of incorporation and bylaws, as necessary, to provide the following:

(1) Board of Directors; composition. The Board of Directors shall consist of fifteen voting members appointed by the City, acting through its City Council. Two council members (one of whom may be the Mayor) periodically designated by resolution of the City Council, The City Manager and the Chair of the Board of Directors for the city of Temple Tax Increment Financing Reinvestment Zone Number One shall be voting members of the TEDC Board. Of the remaining eleven positions on the TEDC Board (the "Public Directors"), the City Council shall appoint two voting members from the membership of Board Directors of the Temple Chamber of Commerce, one representative from the Temple Health and Bioscience Economic Development District, one representative (in addition to the chairperson) from the City of Temple Tax Increment Financing Reinvestment Zone Number One. The remaining seven Directors shall be chosen by the City Council from the public at large. The immediate Past Chair of the TEDC Board, if his/her term shall otherwise have expired, shall be an *ex officio* (non-voting) member of the TEDC Board of Directors with the right to have notice of, to attend, and to speak at all meetings of the Board of Directors. (See Table below.) From time to time, the Board of Directors may invite other members of the community, such as the Bell County Judge, the President of Temple College, representatives of the school districts located within the City, the executive director of the Temple Health & Bioscience Economic Development District, or such other individuals as the Board of

Directors determines would be advantageous to have present at a particular board meeting.

Composition of Board of Directors of TEDC		
	Sponsoring Entity:	**Position (all appointed by City Council)**
1.	**For City of Temple:**	**Mayor or Councilmember (designated by CC)**
2.		**Councilmember (designated by CC)**
3.		**City Manager**
4.	**For TIFRZ #1:**	**Chair of TIFRZ Board**
5.		**Additional TIFRZ Board Member**
6.	**For Temple Chamber of Commerce:**	**Representative from Chamber Board**
7.		**Representative from Chamber Board**
8.	**For Temple Health & Bioscience Economic Development District:**	**One Board Member**
9.	**At large representatives:**	**Unrestricted Appointment**
10.		**Unrestricted Appointment**
11.		**Unrestricted Appointment**
12.		**Unrestricted Appointment**
13.		**Unrestricted Appointment**
14.		**Unrestricted Appointment**
15.		**Unrestricted Appointment**
	Ex-Officio	**Immediate Past Chair of TEDC Board**

(2) Appointment process. The two City of Temple councilmembers (one of whom may be the Mayor), the City Manager and the chair of the Board of Directors for the City of Temple Tax Increment Financing Reinvestment Zone Number One shall serve until changed by the City Council. For those TEDC Directors serving from the Temple Chamber of Commerce, no more than two such directors' terms shall expire in any one year. In July of each year, the Boards of Directors of the Temple Chamber of Commerce and the Temple Health & Bioscience Economic Development District may make recommendations to the City Council as to whom the City Council should appoint to fill the vacancy or vacancies created by the expiration of the term of TEDC Directors originally appointed from the membership of such Boards. The City Council may appoint whomever it chooses so long as such person is then serving on the applicable Board of Directors of the Temple Chamber of Commerce or the Temple Health & Bioscience Economic Development District or its advisory board. Once appointed, a TEDC

Director shall serve his or her entire term on TEDC's board even though such person's term on the Board of Directors of the Temple Chamber of Commerce or the Temple Health & Bioscience Economic Development District (or its advisory board) shall expire or be terminated.

(3) Executive Committee. TEDC shall have an Executive Committee with the power to act for and on behalf of TEDC in the same manner as may the TEDC Board. The Executive Committee shall be composed of five voting members, the Chair of TEDC's Board, the Vice Chair of TEDC's Board, the Treasurer of TEDC, the Mayor or City Manager of the City, and the Chair of the City of Temple Tax Increment Financing Reinvestment Zone Number One, and one *ex officio* member, the immediate past Chair of the TEDC's Board.

(4) Confidentiality Oath. All members of the Board of Directors and the Executive Committee must, as a condition of service on the Board or Committee, execute an oath of confidentiality in a form approved by the Board of Directors from time to time. A violation of the oath of confidentiality as determined by the Board of Directors shall be sufficient cause for removal from the Board of Directors and/or the Executive Committee. The City Council representatives or the City Manager may discuss matters discussed in confidence by the Board of Directors or the Executive Committee with City Councilmembers not sitting on the TEDC Board from time to time provided that those councilmembers also execute the oath of confidentiality required of all Board and Executive Committee members.

(5) Dissolution. All funding received from the City under this Agreement shall be maintained in a separate account as provided for in Section 3(f) above. In the event of the dissolution of TEDC, all funds in this account shall be the property of, and returned to, the City.

(6) Attendance Requirements for TEDC Board of Directors. Board members appointed to the TEDC Board of Directors pursuant to subsection 3(g)(2) above, are subject to the City Council's attendance requirements for board members set out in Resolution Number 2004-4025-R. Board members, exclusive of councilmembers appointed to the TEDC Board, shall automatically forfeit their position on the Board for failing to attend at least 50% of all scheduled meetings during a twelve-month period or for missing three or more consecutive meetings. The City Secretary shall serve such notice. In the event that a city councilmember appointed to the TEDC Board fails to attend at least 50% of the scheduled meetings in a twelve-month period or misses three or more consecutive meetings, the City Secretary shall so advise the City Council, and the City Council shall take such action as the Council deems appropriate.

Section 4: **Mutual Cooperation**

City and TEDC agree to cooperate fully with one another and to coordinate their efforts in order to ensure that the conditions of this contract are fulfilled and to ensure optimal economic development within the City. In order to expedite the conditions of the contract and to effect economies of scale, the parties agree to keep each other fully informed of their plans, operations and activities and wherever possible to coordinate fully their efforts to promote and otherwise undertake economic development within the City.

Section 5: **No Obligation for Additional Funds**

Nothing in this Agreement shall in any way place any obligation on any other funds or sources of revenue of the City and nothing herein shall create any lien or other obligation on any other sources of income, revenues or funds of the City. The obligations of the City provided by this Agreement are payable from sales tax revenue received by the City. The City, at its sole option, may further subordinate the obligations of the City hereunder to other present and future obligations of the City.

Section 6: **Ability to Contract With Others**

Nothing in this Agreement shall in any way limit either party to this Agreement from contracting with other persons or organizations for economic development within the City.

Section 7: **Term**

The term of this contract shall be five years commencing on October 1, 2012, but shall be renewed automatically thereafter for five year terms, unless either party indicates its intent not to renew the Agreement at least thirty days prior to the expiration of the current (or future) five year terms.

Section 8: **Termination**

(a) Termination by Right. Either party to the contract may terminate same as a matter of right by giving ninety (90) days written notice to the other parties of its intent to so terminate. All reasonable expenses of the TEDC under the contract shall be paid and reimbursed up to the effective date of termination.

(b) Non-appropriation. The City reserves the right to terminate immediately this Agreement in the event that the City Council determines, in its sole judgment, that circumstances require that funds presently, or proposed to be, budgeted for the purposes of this Agreement, should be re-appropriated for another purpose. All reasonable expenses of the TEDC under the contract shall be paid and reimbursed up to the effective date of termination.

(c) Termination From Material Breach. Any party hereunder may terminate the contract for material breach hereof by notifying the defaulting party in writing of such material breach. If the defaulting party fails to correct the breach within thirty (30) days of the date of receipt of said notice, the contract will be immediately and automatically terminated and declared void at the option of the non-defaulting party. Nothing herein shall waive any rights of any party hereto to pursue any legal remedies they may have to seek damages for a material breach or to seek specific enforcement of this Agreement.

Section 9: **Assignment**

This Agreement is not assignable by either party without the prior written consent of the governing body of the other party.

Section 10: **Notices**

All written notices must be made by certified mail, return receipt requested, and shall be addressed to the parties, or their successors in office, at the following addresses:

Lee Peterson
President
Temple Economic Development Corporation
One South First Street
P.O. Box 1343
Temple, Texas 76503-1343

David A. Blackburn
City Manager
City of Temple
Municipal Building
2 N. Main St.
Temple, TX 76501

Section 11: **Applicable Law**

This Agreement is executed in Bell County, Texas, is performable in Bell County, Texas, and shall be construed under the laws of the State of Texas.

Section 12: **Severability**

If any provision of this Agreement or the application thereof to any person or circumstances shall, for any reason and to any extent, be invalid or unenforceable, neither the application of such provision to any other person or circumstance nor the remainder of the instrument in which such provision is contained shall be affected thereby, but rather shall be enforced to the greatest extent permitted by law.

Section 13: **Conflict of Interest**

No member of the City Council, the Board of Directors of the TEDC, nor any member of any other City board or any appointed officer or employee of the City

shall ever be pecuniarily interested, directly or indirectly, in this Agreement or in any transaction involving TEDC; however, such persons may be compensated in reasonable amounts for services or products provided to TEDC other than their services as TEDC directors. Any such person with a pecuniary interest in a transaction involving TEDC or proposing to provide services or products to TEDC shall disclose such person's interest to the TEDC Board of Directors and such person shall not vote on the decision, or involve themselves in the discussion, as to whether TEDC should enter into such transaction. TEDC's Board of Directors shall be the sole and final judge of whether a conflict of interest exists with respect to a Director. A Director with a conflict of interest shall be counted for the purpose of determining whether a quorum exists at any meeting. The transaction shall be approved by the affirmative vote of the majority of the disinterested Directors.

DULY AUTHORIZED by resolution dated the _____ day of _____, 2012, of the Board of Directors of the Temple Economic Development Corporation, acting by and through its Chair of its Board of Directors, and by Resolution Number 2012-_____-R dated the _____ day of _____, 2012, of the City Council of the City of Temple.

CITY OF TEMPLE

By: _____
William A. Jones, III
Mayor

ATTEST:

_____
Lacy Borgeson
City Secretary

Approved as to form:

_____
Jonathan Graham
City Attorney

TEMPLE ECONOMIC DEVELOPMENT CORPORATION

By: _____
Chair of the Board

ATTEST:

_____ (Corporate Seal)

RESOLUTION NO. 2012-6759-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE RENEWAL OF A FUNDING AND OPERATING AGREEMENT WITH THE TEMPLE ECONOMIC DEVELOPMENT CORPORATION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the proposed new funding and operating agreement with the Temple Economic Development Corporation (TEDC) continues the basic funding formula established by the City Council in 2007 – that is funding both 'base operating expenses' and 'incentive matric incentives' such as:

• base operating funding is intended to cover reoccurring expenses (salaries, office space, supplies, travel, etc.). Funding for this component is $1,078,872 in the recently adopted FY 2012-13 budget.

• incentive matrix funding ('IMF') is intended to cover actual economic development incentive expenditures based upon TEDC's pre-determined incentive matrix. Funding for this component is $400,000* in the recently adopted FY 2012-13 budget.

Whereas, the proposed agreement differs from the 2007 agreement, principally in removing language providing the possibility of a small amount of additional performance-based funding, and includes a five year term that automatically renews unless the parties mutually agree to modify or either party elects to terminate the agreement;

Whereas, the agreement continues to identify four performance measurements and requires TEDC to annually track and report on the status of these performance measurements: annual percentage growth in sales tax revenue; annual percentage growth in jobs; annual percentage growth in median income; and annual percentage increase in taxable property;

Whereas, a budget adjustment will be presented for approval at a future date to adjust the amount to the contractually required amount; 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 funding and operating agreement attached hereto as Exhibit A, with the Temple Economic Development Corporation, after approval as to form by the City Attorney, renewing of a funding and operating agreement with the Temple Economic Development Corporation outlining the basic funding formulas for 'base operating expenses' and 'incentive matrix incentives'.

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 **20th** day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

_____
WILLIAM A. JONES, III, Mayor

ATTEST:

_____
Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____
Jonathan Graham
City Attorney

COUNCIL AGENDA ITEM MEMORANDUM

DEPT. / DIVISION SUBMISSION & REVIEW:

Autumn Speer, Director of Community Services

ITEM DESCRIPTION: SECOND READING - 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: Adopt ordinance as presented in item description, on second and final reading.

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 of 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. _____

[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.

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 if all City requirements cannot be met;

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 **6th** day of **September**, 2012.

PASSED AND APPROVED on Second Reading on the **20th** day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

_____

WILLIAM A. JONES, III, MAYOR

ATTEST:

_____

Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____

Jonathan Graham
City Attorney

COUNCIL AGENDA ITEM MEMORANDUM

DEPT. / DIVISION SUBMISSION & REVIEW:

Autumn Speer, Director of Community Services

ITEM DESCRIPTION: SECOND READING - 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 South 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: Adopt ordinance as presented in item description, on second and final reading.

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 South 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:

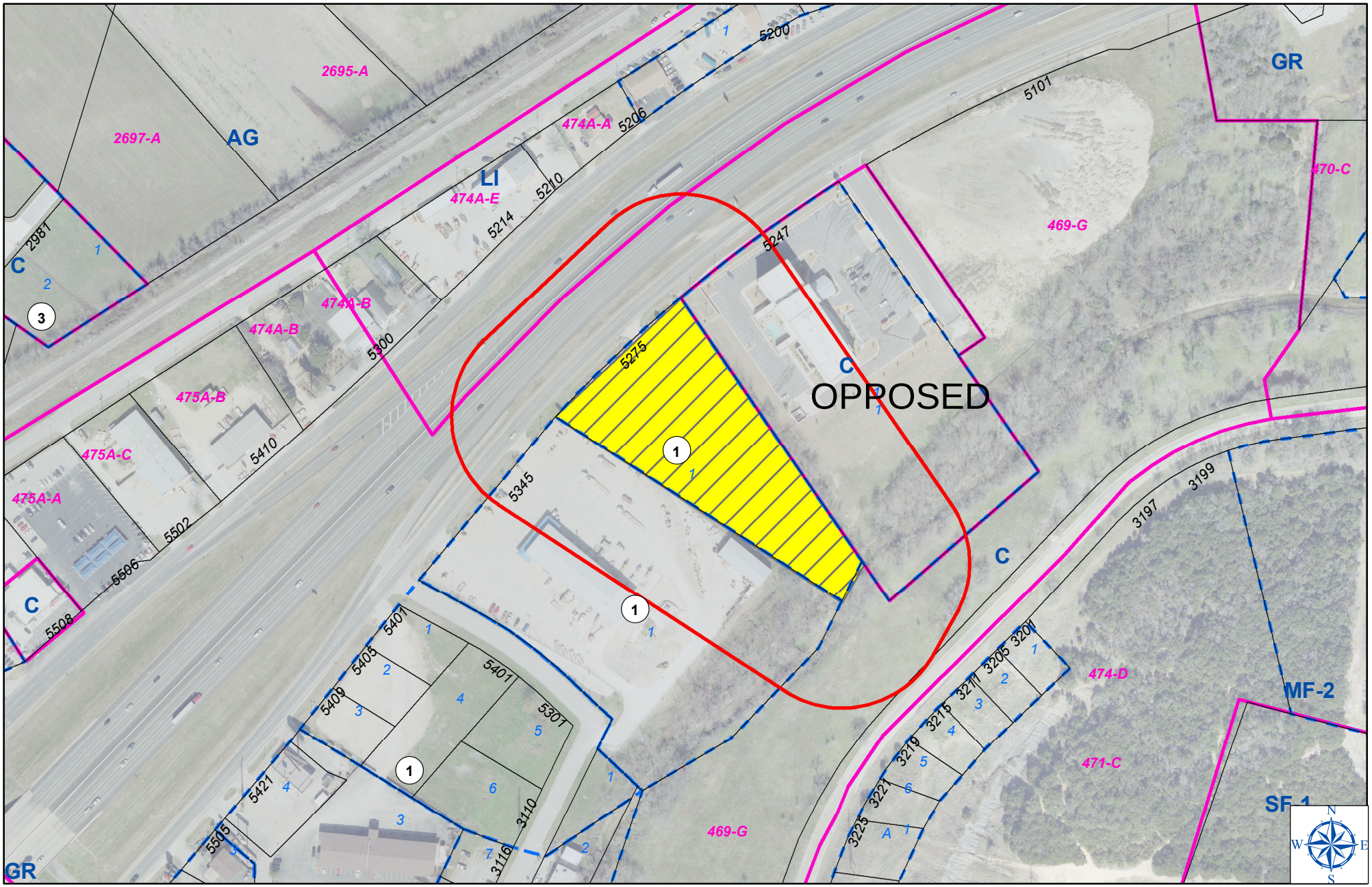
PUBLIC NOTICE: Three notices of the Planning and Zoning Commission public hearing were sent to surrounding property owners. As of Thursday August 23, one notice had been returned in opposition from the owner of the Holiday Inn motel. The newspaper printed notice of the Planning and Zoning Commission 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



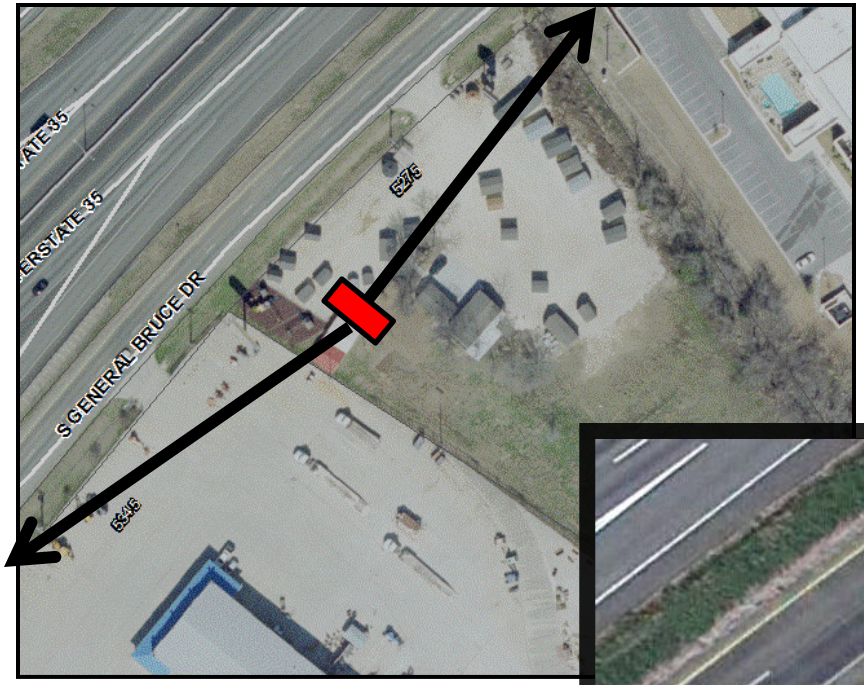
Case
200' Buffer
Zoning
Subdivision
1234-A Outblock Number
1234 Address
1 Block Number
1 Lot Number

0 50 100
Feet

7/24/2012
City of Temple GIS
aspeer

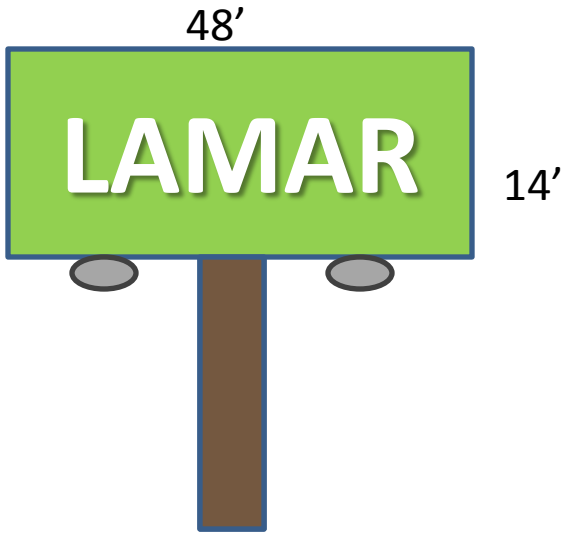
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.

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

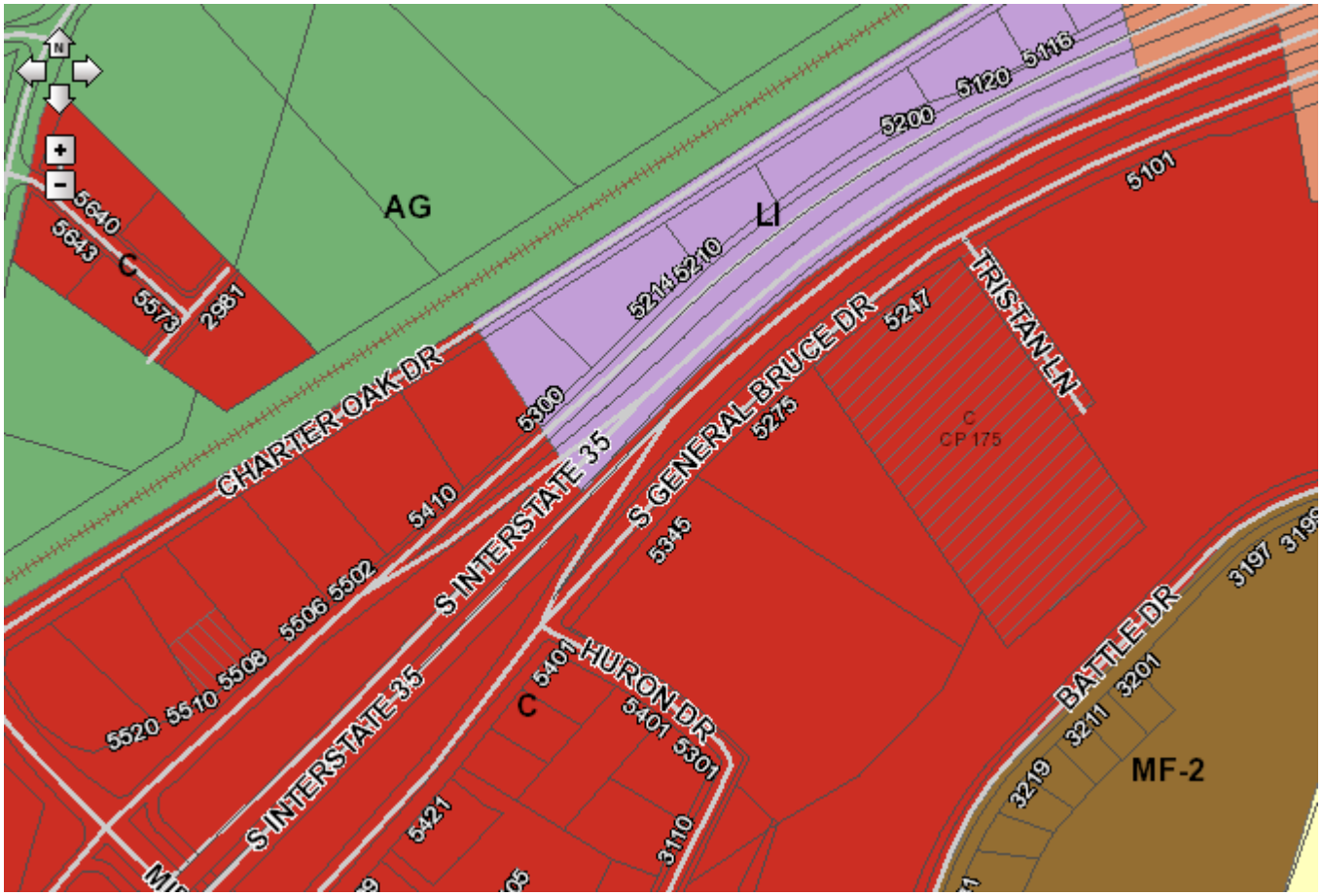


14’ x 48’ Back to Back
Illuminated “V”

822’ from south sign to proposed
1314’ from north sign to proposed

PROPOSED SIGN
EXISTING SIGN
U.S. 190
© 2012 Google

5275 S General Bruce Drive Commercial Zoning



HOLIDAY INN
Lone Star Structures
50'
UNITED RENTALS

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 met 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

ORDINANCE NO. _____

[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.

WHEREAS, the Unified Development Code 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 **6th** day of **September**, 2012.

PASSED AND APPROVED on Second Reading on the **20th** day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

_____
WILLIAM A. JONES, III Mayor

ATTEST:

_____
Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____
Jonathan Graham
City Attorney

CITY COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: SECOND READING: 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: Adopt ordinance as presented in item description, on second and final reading.

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-19th Street Intersections project in FY 2012 and FY 2013 by reallocating funds from the TMED-1st 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 – 19th 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-1st Street @ Loop 363 project. According to TxDot's current schedule for the TMED-1st 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-1st 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-1st Street @ Loop 363 project in FY 2014 in the amount of $1,950,000:

Line 454 - TMED-1st Street @ Loop 363: The Project committee has learned that the funds for the TMED-1st 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	50,000
Total Increase	$6,210,216

ATTACHMENTS:
Financing Plan
Summary Financing Plan with Detailed Project Plan
Budget Adjustments
Ordinance

City of Temple, Texas
TIF Reinvestment Zone #1 Financing Plan
Financing Plan - 08/22/12 to Zone Board

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**

TIF Reinvestment Zone #1

Summary Financing Plan with Detailed Project Plan

PROJECT PLAN

Project Plan - 08/22/12 - to Zone Board

SUMMARY FINANCING PLAN

		Revised FY 2012	FY 2013	FY 2014	FY 2015
1	**Beginning Available Fund Balance, Oct 1**	**$ 7,979,748**	**$ 831,621**	**$ 1,287,834**	**$ 1,115,658**
20	Total Sources of Funds	6,344,973	5,322,213	4,938,621	4,997,474
2	Adjustments to Debt Service Reserve	**462,707**	**1,761,865**	**1,765,643**	**-**
25	**Net Available for Appropriation**	**14,787,428**	**7,915,699**	**7,992,098**	**6,113,132**
50/52	General Administrative Expenditures	206,450	176,200	176,200	176,200
54	Zone Park Maintenance [mowing, utilities, botanical supplies]	150,000	150,000	150,000	150,000
54	Zone Park Maintenance [maintenance]	25,000	25,000	25,000	25,000
56	Rail Maintenance	274,575	100,000	100,000	100,000
58	Road/Signage Maintenance	158,826	100,000	100,000	100,000
60	Contractual Payments (TEDC - Marketing)	165,000	181,500	199,650	219,615
62	TISD-Reimbursement for expenses incurred for participation in Zone	25,000	25,000	25,000	26,250
26	Debt Service - 2003 Issue {$11.740 mil}	598,590	619,200	-	-
27	Debt Service - 2008 Issue {$16.010 mil}	-	-	-	-
28	Debt Service - 2009 Issue {Refunding}	1,473,669	1,474,569	1,479,969	1,499,769
29	Debt Service - 2008 Taxable Issue {$10.365 mil}	1,241,935	1,239,641	1,240,495	1,239,233
30	Debt Service - 2011A Issue {Refunding}	447,100	399,900	914,900	914,450
31	Debt Service - 2012 Issue {Refunding}	13,779	17,700	17,700	17,700
32	Issuance Costs	186,113	-	-	-
33	Refunding Bond Proceeds	(11,925,708)	-	-	-
34	Payment to Refunding Bond Agent	11,748,312	-	-	-
35	Paying Agent Services	1,200	1,200	1,200	1,200
70	**Total Debt & Operating Expenditures**	**4,789,841**	**4,509,910**	**4,430,114**	**4,469,417**
80	**Funds Available for Projects**	**$ 9,997,587**	**$ 3,405,789**	**$ 3,561,984**	**$ 1,643,715**

PROJECT PLAN

		Revised FY 2012	FY 2013	FY 2014	FY 2015
	NORTH ZONE/RAIL PARK (including Enterprise Park):				
100	Railroad Spur Improvements	8,800	-	-	-
102	Elm Creek Detention Pond	-	-	-	-
103	ROW Acquisition - Public Improvements	-	-	-	-
104	Extension of Rail Service	-	-	-	-
105	BN Trans-Load NE Site Phase I - **[$850K total project cost]**	-	-	-	-
106	Wendland Road Improvements	-	-	-	-
107	Wendland Property Roadway Phase I - **[$1.87M total project cost]**	-	-	-	-
110	Public Improvements in North Zone	50,000	250,000	250,000	250,000
150	**Total North Zone/Rail Park (including Enterprise Park)**	***58,800***	***250,000***	***250,000***	***250,000***
	AIRPORT PARK:				
151	Airport Park Infrastructure Construction	-	-	-	-
155	Pepper Creek Trail Extention Phase I - **[$750K total project cost]**	125,000	337,840	-	-
200	**Total Airport Park**	***125,000***	***337,840***	**-**	**-**
	BIO-SCIENCE PARK:				
201	Greenbelt Development along Pepper Creek	-	-	-	-
202	Outer Loop Phase II (from Hwy 36 to FM 2305)	-	-	-	-
203	Bio-Science Park Phase 1	-	-	-	-
204	Pepper Creek Trail Connection to S&W	730,000	-	-	-
205	Bioscience Park Service Road & Utility Extensions	112,840	687,160	-	-
250	**Total Bio-Science Park**	***842,840***	***687,160***	**-**	**-**
300	**Outer Loop (from Wendland Rd to IH-35 North) - [$15.5M total project cost]**	***36,105***	**-**	**-**	**-**
350	**Northwest Loop 363 Improvements (TxDOT commitment)**	***899,350***	**-**	**-**	**-**
	SYNERGY PARK:				
351	Lorraine Drive (Southeast Industrial Park) - **[$1.5M total project cost]**	88,900	-	-	-
400	**Total Synergy Park**	***88,900***	**-**	**-**	**-**
	DOWNTOWN:				
401	Downtown Improvements [1999 Ordinance]	604,077	242,955	246,326	249,313
402	Rail Safety Zone Study	3,150	-	-	-
403	Lot Identification & Signage	80,000	-	-	-
404	Santa Fe Plaza Study	5,000	-	-	-
405	Santa Fe Plaza Parking Lot - **[$1.3M total project cost]**	-	-	-	-
450	**Total Downtown**	***692,227***	***242,955***	***246,326***	***249,313***
	TMED:				
451	TMED - 1st Street @ Temple College - **[$2.9M total project cost]**	466,633	-	-	-
452	Master Plan Integration 2010	1,550	-	-	-
453	Monumentation Identification Conceptual Design	1,617	-	-	-
454	TMED - 1st Street @ Loop 363 Design/Construction - **[$2.5M city project cost]**	624,920	-	1,950,000	-
455	TMED - Friars Creek Trail 5th Street to S&W Blvd. - **[$1.9M total project cost - DOE Grant of $400K]**	1,495,453	-	-	-
456	Avenue R - S&W Blvd, Ave R - 19th Intersections	1,535,500	500,000	-	-
457	Ave U from S&W Blvd to 1st St & the 13th to 17th connector from Ave R to Loop 363	276,150			
500	**Total TMED**	***4,401,823***	***500,000***	***1,950,000***	**-**
	OTHER PROJECTS:				
501	Gateway Entrance Projects	50,000	-	-	-
505	Airport Corporate Hangar Development/Improvements	1,970,921	100,000	-	-
550	**Total Other Projects**	**2,020,921**	**100,000**	**-**	**-**
600	Undesignated Funding - Bonds	**-**	**-**	**-**	**-**
610	Undesignated Funding - Public Improvements	**-**	**-**	**-**	**-**
	Total Planned Project Expenditures	**9,165,966**	**2,117,955**	**2,446,326**	**499,313**
700	**Available Fund Balance at Year End**	**$ 831,621**	**$ 1,287,834**	**$ 1,115,658**	**$ 1,144,402**

FY 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	
795-9500-531-75-50		Payment to refunding escrow agent	$ 11,203,014			
795-9500-531-73-12		Bond issuance costs	76,664			
795-9500-531-73-14		Original issue discount	77,067			
795-9500-531-73-12		Bond issuance costs	7,377			
795-9500-531-72-11		Bond interest	15,979			
795-0000-461-01-12		Accrued interest	17,902			
795-0000-490-15-75		Refunding bond proceeds	10,405,000			
795-0000-490-15-18		Bond premium	953,356			
795-0000-358-11-10		Unreserved fund balance			3,843	
		DO NOT POST				
795-9500-531-71-10		Bond principal	145,000			
795-9500-531-72-11		Bond interest			145,000	
TOTAL.....			$ 22,901,359		$ 148,843	

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

To appropriate the 2011A General Obligation Refunding Bonds - Reinvestment Zone No. 1's portion - bond proceeds sold on November 3, 2011. Proceeds were received on November 17, 2011. This budget adjustment accounts for the revenue received from the bond issue and the amount paid to the refunding escrow agent. The BA also reallocates funds between principal and interest.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL? [x] Yes [ ] No

DATE OF COUNCIL MEETING 9/20/2012

WITH AGENDA ITEM? [x] Yes [ ] No

Department Head/Division Director — Date — [ ] Approved [ ] Disapproved

Finance — Date — [ ] Approved [ ] Disapproved

City Manager — Date — [ ] Approved [ ] Disapproved

Revised form - 10/27/06

FY 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	
795-9500-531-75-50		Payment to refunding escrow agent	$ 545,298			
795-9500-531-73-12		Bond issuance costs	2,435			
795-9500-531-73-14		Original issue discount	2,960			
795-9500-531-73-12		Bond issuance costs	199			
795-9500-531-72-11		Bond interest	3,432			
795-0000-461-01-12		Accrued interest	1,094			
795-0000-490-15-75		Refunding bond proceeds	480,000			
795-0000-490-15-18		Bond premium	68,356			
795-0000-358-11-10		Unreserved fund balance			4,874	
		DO NOT POST				
795-9500-531-71-10		Bond principal	10,000			
795-9500-531-72-11		Bond interest			10,000	
TOTAL.....			$ 1,113,774		$ 14,874	

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

To appropriate the 2012 General Obligation Refunding Bonds - Reinvestment Zone No. 1's portion - bond proceeds were received on 06/07/12. This budget adjustment accounts for the revenue received from the bond issue and the amount paid to the refunding escrow agent. The BA also reallocates funds between principal and interest.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL? [X] Yes [ ] No

DATE OF COUNCIL MEETING 9/20/2012

WITH AGENDA ITEM? [X] Yes [ ] No

Department Head/Division Director	Date	[ ] Approved [ ] Disapproved
Finance	Date	[ ] Approved [ ] Disapproved
City Manager	Date	[ ] Approved [ ] Disapproved

Revised form - 10/27/06

FY 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	
795-9500-531-26-27		TISD -Reimbursement of expenses	$ 2,127			
795-0000-411-01-11		Ad Valorem Taxes	2,127			
795-9500-531-65-53	100696	Ave R Project	1,500,000			
795-9500-531-65-51	100700	1st Street/Loop 363 Project			$ 1,461,200	
795-0000-411-01-11		Ad Valorem Taxes	38,800			
TOTAL			$ 1,543,054		$ 1,461,200	

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

To reprioritize projects per the amendment to the Financing/Project plans. This amendment was approved by the Zone Board on 08/22/12. First reading of ordinance was approved by Council on 09/06/12. Second & final reading presented to Council on 09/20/12.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL? [x] Yes [ ] No

DATE OF COUNCIL MEETING 9/20/2012

WITH AGENDA ITEM? [x] Yes [ ] No

Department Head/Division Director	Date	[ ] Approved [ ] Disapproved
Finance	Date	[ ] Approved [ ] Disapproved
City Manager	Date	[ ] Approved [ ] Disapproved

Revised form - 10/27/06

FY 2013

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	
795-9500-531-26-27		TISD -Reimbursement of expenses	$ 1,898			
795-9500-531-65-53	100696	Ave R Project	$ 500,000			
795-9500-531-65-51	100700	1st Street/Loop 363 Project			$ 500,000	
795-9500-531-65-58		Airport Corporate Hangar Dev/Improvements	$ 100,000			
795-0000-431-02-61		TxDOT RAMP Grant	$ 50,000			
795-9500-531-65-28	100328	Annual Downtown Improvements	$ 26,074			
795-9500-531-72-11		Bond Interest			$ 34,215	
795-0000-411-01-11		Ad Valorem Taxes	$ 565,389			
795-0000-358-11-10		Unreserved Fund Balance			$ 521,632	
		DO NOT POST				
TOTAL.....			$ 1,243,361		$ 1,055,847	

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

To reprioritize projects per the amendment to the Financing/Project plans. This amendment was approved by the Zone Board on 08/22/12. First reading of ordinance was approved by Council on 09/06/12. Second & final reading presented to Council on 09/20/12.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL? [x] Yes [ ] No

DATE OF COUNCIL MEETING 9/20/2012

WITH AGENDA ITEM? [x] Yes [ ] No

Department Head/Division Director	Date	[ ] Approved [ ] Disapproved
Finance	Date	[ ] Approved [ ] Disapproved
City Manager	Date	[ ] Approved [ ] Disapproved

Revised form - 10/27/06

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.

Whereas, the City Council (the "Council") of the City of Temple, Texas, (the "City") created Reinvestment Zone Number One, City of Temple, Texas (the "Zone") by Ordinance No. 1457 adopted on September 16, 1982;

Whereas, the Council adopted a Project Plan and Reinvestment Zone Financing Plan for the Zone by Ordinance No. 1525 adopted on December 22, 1983, and thereafter amended such plans by Ordinance No. 1664 adopted on June 20, 1985, Ordinance No. 1719 adopted on November 21, 1985, Ordinance No. 1888 adopted on December 21, 1987, Ordinance No. 1945 adopted on October 20, 1988; Ordinance No. 1961 adopted on December 1, 1988; Ordinance No. 2039 adopted on April 19, 1990; Ordinance No. 91-2119 adopted on December 5, 1991; Ordinance No. 92-2138 adopted on April 7, 1992; Ordinance No. 94-2260 adopted on March 3, 1994; Ordinance No. 95-2351 adopted on June 15, 1995; Ordinance No. 98-2542 adopted on February 5, 1998; Ordinance No. 98-2582 adopted on November 19, 1998; Ordinance No. 99-2619 adopted on March 18, 1999; Ordinance No. 99-2629 adopted on May 6, 1999; Ordinance No. 99-2631 adopted on May 20, 1999; Ordinance No. 99-2647 adopted on August 19, 1999; Ordinance No. 99-2678 adopted on December 16, 1999; Ordinance No. 2000-2682 adopted on January 6, 2000; Ordinance No. 2000-2729 adopted on October 19, 2000; Ordinance No. 2001-2772 adopted on June 7, 2001; Ordinance No. 2001-2782 adopted on July 19, 2001; Ordinance No. 2001-2793 adopted on September 20, 2001; Ordinance No. 2001-2807 on November 15, 2001; Ordinance No. 2001-2813 on December 20, 2001; Ordinance No. 2002-2833 on March 21, 2002; Ordinance No. 2002-2838 on April 18, 2002; Ordinance No. 2002-3847 on June 20, 2002; Ordinance No. 2002-3848 on June 20, 2002; Ordinance No. 2002-3868 on October 17, 2002; Ordinance No. 2003- 3888 on February 20, 2003;Ordinance No. 2003-3894 on April 17, 2003; Ordinance No 2003-3926 on September 18, 2003; Ordinance No. 2004-3695 on July 1, 2004; Ordinance No. 2004-3975 on August 19, 2004; Ordinance No. 2004-3981 on September 16, 2004; Ordinance No. 2005-4001 on May 5, 2005; Ordinance No. 2005-4038 on September 15, 2005; Ordinance No. 2006-4051 on January 5, 2006; Ordinance No. 2006-4076 on the 18th day of May, 2006; Ordinance No. 2006-4118; Ordinance No. 2007-4141 on the 19th day of April, 2007; Ordinance No. 2007-4155 on July 19, 2007; Ordinance No. 2007-4172 on the 20th day of September, 2007; Ordinance No. 2007-4173 on October 25, 2007; Ordinance No. 2008-4201 on the 21st day of February, 2008; and Ordinance No. 2008-4217 the 15th day of May, 2008;

Ordinance No. 2008-4242 the 21st day of August, 2009; Ordinance No. 2009-4290 on the 16th day of April, 2009; Ordinance No. 2009-4294 on the 21st day of May, 2009; Ordinance No. 2009-4316 on the 17th day of September, 2009; Ordinance No. 2009-4320 on the 15th day of October, 2009; Ordinance No. 2010-4338 on the 18th day of February, 2010; Ordinance No. 2010-4371 on the 19th 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 **6th** day of **September**, 2012.

PASSED AND APPROVED on Second Reading on the **20th** day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

_____
WILLIAM A. JONES, III, Mayor

ATTEST:

_____
Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____
Jonathan Graham
City Attorney

COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:
Lonzo Wallace, Fire Chief
Jonathan Graham, City Attorney

ITEM DESCRIPTION: SECOND READING: Consider adopting an ordinance amending Chapter 5, "Ambulance Services," of the Code of Ordinances of the City of Temple, Texas.

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

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.

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 **6th** day of **September**, 2012.

PASSED AND APPROVED on Second Reading on the **20th** day of **September,** 2012.

THE CITY OF TEMPLE, TEXAS

_____
WILLIAM A. JONES, III, MAYOR

ATTEST:

_____
Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____
Jonathan Graham
City Attorney

COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Chapter 380 development agreement between the City and Jagdish Mehta, authorizing the swap of 2102 Scott Boulevard, Temple, Texas for the northern 100 feet of Mr. Mehta's property located at 352 SW Dodgen Loop, Temple, Texas.

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 a resolution as presented in item description.

ITEM SUMMARY: The City currently owns the lot located at 2102 Scott Boulevard. Mr. Mehta owns the lot at 352 SW Dodgen Loop which is located across the street from The Summit.

The City and Mr. Mehta have discussed entering into a Chapter 380 agreement which would transfer the northern 100 feet of Mr. Mehta's property to the City. In exchange, the City would transfer the lot located at 2102 Scott Boulevard to Mr. Mehta. Mr. Mehta would agree to develop the property or convey the property to another party for development within two years of the agreement. The City plans to construct a parking lot on the property it receives to be used for additional parking at The Summit.

FISCAL IMPACT: The estimated costs associated with the swap of the properties are $8,650. The City will be responsible for approximately $7,495 of the costs and Mr. Mehta will be responsible for approximately $1,155 of the costs.

ATTACHMENTS:
Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHAPTER 380 DEVELOPMENT AGREEMENT BETWEEN THE CITY OF TEMPLE AND JAGDISH MEHTA, AUTHORIZING THE SWAP OF 2102 SCOTT BOULEVARD, TEMPLE TEXAS, FOR THE NORTHERN 100 FEET OF MR. MEHTA'S PROPERTY LOCATED AT 352 SOUTHWEST H.K. DODGEN LOOP, TEMPLE, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City currently owns the lot located at 2102 Scott Boulevard and Mr. Mehta currently owns the lot at 352 SW HK Dodgen Loop, which is located across the street from The Summit;

Whereas, the City and Mr. Mehta have discussed entering into a Chapter 380 agreement which would transfer the northern 100 feet of Mr. Mehta's property to the City and in exchange the City would transfer the lot located at 2102 Scott Boulevard to Mr. Mehta;

Whereas, Mr. Mehta would agree to develop the property or convey the property to another party for development within two years of the agreement and the City plans to construct a parking lot on the property it receives from Mr. Mehta, to be used for additional parking at The Summit;

Whereas, estimated costs associated with the property swap are approximately $8,650 - the City will be responsible for approximately $7,495 in costs and Mr. Mehta will be responsible for the remaining $1,155 of costs; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a Chapter 380 Development Agreement with Jagdish Mehta, after approval as to form by the City Attorney, authorizing the swap of 2102 Scott Boulevard, Temple, Texas for the northern 100 feet of 352 SW HK Dodgen Loop, Temple, Texas.

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 **20th** day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

_____

WILLIAM A. JONES, III, Mayor

ATTEST:

_____

Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____

Jonathan Graham
City Attorney

COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:

Sharon Rostovich, Airport Director

ITEM DESCRIPTION: Consider adopting a resolution amending the retail and discount pricing policies for the Draughon-Miller Central Texas Regional Airport.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: At the recommendation of the Airport Advisory Board in 2003, the City Council approved implementation of an aviation fuel pricing program for the Airport to cover the actual cost of fueling plus provide an operating margin for future airport development and improvements. In addition, a tier discount program based on the customer's previous year's fuel consumption was included in the adopted policy. The following components were used to establish the retail fuel price: 1) into-tank fuel costs; 2) direct fueling operations cost: and 3) CIP component for future airport development and improvements.

After much review and discussion with the Finance Department, a revised retail fuel pricing policy was developed and presented to the Airport Advisory Board on August 14, 2012. After receiving input and feedback from the Board, the following fuel pricing policy is proposed which includes five components: (1) into-tank fuel costs; (2) direct cost; (3) indirect cost (4) airport improvement fee and (5) applicable discount.

The goal of the proposed fuel pricing policy is to cover both direct and indirect cost of fueling operations and collect revenue for airport development and improvements. The policy will be reviewed and adjusted as needed by the City Manager. Cost components will also be adjusted annually based on the adopted operating budget.

Staff recommends updating the Airport's aviation fuel pricing and discount program.

FISCAL IMPACT: The FY 2012/2013 Budget includes direct cost of $441,926 and indirect cost of $118,231 for fueling operations. The Fuel Pricing Policy will be adjusted on October 1, to cover these cost based on an average of total gallons of fuel sold in the past three years.

ATTACHMENTS:
Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO AMEND THE RETAIL AND DISCOUNT PRICING POLICY FOR THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, at the recommendation of the Airport Advisory Board in 2003, the City Council approved implementation of an aviation fuel pricing program for the Airport to cover the actual cost of fueling, plus provide an operating margin for future airport development and improvements;

Whereas, a tier discount program, based on the customer's previous year's fuel consumption, was included in the adopted policy and included three components: 1) into-tank fuel costs; 2) direct fueling operations costs; and 3) CIP component for future airport development and improvements;

Whereas, after much review and discussion with the Finance department, a revised fuel pricing policy was developed and presented to the Airport Advisory Board on August 14, 2012, and the following fuel pricing was proposed which includes five components: 1) into-tank fuel costs; 2) direct costs; 3) indirect costs; 4) airport improvement fee; and 5) applicable discount;

Whereas, the goal of the proposed fuel pricing policy is to cover both the direct and indirect cost of fueling operations and collect revenue for airport development and improvements – the policy will be reviewed and adjusted as needed by the City Manager and cost components will also be adjusted annually based on the adopted operating budget;

Whereas, it is staff's recommendation that the Airport's aviation fuel pricing and discount program be updated – funds are available in the FY 2013 budget which includes both direct and indirect costs for fueling operations; 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 update the City of Temple's Airport Aviation Fuel Pricing and Discount Pricing Program, after approval as to form by the City Attorney's office, implementing the fuel pricing which includes five components: 1) into-tank fuel costs; 2) direct costs; 3) indirect costs; 4) airport improvement fee; and 5) applicable discount.

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 **20th** day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

_____

WILLIAM A. JONES, III, Mayor

ATTEST:

_____

Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____

Jonathan Graham
City Attorney

COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:
Jonathan Graham, City Attorney
Gloria Elder, Risk Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing participation in the Texas Municipal League, Intergovernmental Risk Pool to provide property, liability and worker's comp coverage for the City.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City of Temple has participated in the Texas Municipal League Intergovernmental Risk Pool (TML-IRP) (a risk pool formed by Texas cities to provide insurance-like coverage of potential claims) since approximately 1981. Our experience with TML-IRP has been very positive.

We have received a proposal from TML-IRP to continue our participation in the risk pool in the following areas:

- General Liability
- Real & Personal Property
- Automobile Liability
- Law Enforcement Liability
- Errors & Omissions Liability
- Worker's Compensation (to include volunteers and elected officials)

FISCAL IMPACT: The FY 2013 budget appropriated $933,096 for insurance coverage. Staff has reviewed TML-IRP's proposal and the prices they offer are attractive. The proposed resolution authorizes our participation in TML-IRP for FY 2012-13 at a cost of $883,591.

ATTACHMENTS:
Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING PARTICIPATION IN THE TEXAS MUNICIPAL LEAGUE, INTERGOVERNMENTAL RISK POOL (TML-IRP) TO PROVIDE PROPERTY, LIABILITY, AND WORKER'S COMPENSATION COVERAGE FOR THE CITY OF TEMPLE FOR FISCAL YEAR 2013, IN THE ESTIMATED ANNUAL AMOUNT OF $883,591; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple has participated in the Texas Municipal League Intergovernmental Risk Pool (TML-IRP), a risk pool formed by Texas cities to provide insurance-like coverage of potential claims, since approximately 1985 – our experience with TML-IRP has been very positive;

Whereas, the proposal we have received from TLM-IRP to continue our participation in the risk pool in the areas of general liability, real & personal property, automobile liability, law enforcement liability, errors & omissions liability, and worker's compensation (to include volunteers and elected officials);

Whereas, Staff has reviewed TML-IRP's proposal and prices and believes them to be attractive and acceptable for Fiscal Year 2013;

Whereas, funds have been appropriated in various departmental accounts for this insurance; 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 participated in the Texas Municipal League Intergovernmental Risk Pool (TML-IRP) for FY2013 in an estimated annual amount of $883,591.

Part 2: The City Council authorizes the City Manager, or his designee, to execute any documents which may be necessary for the participation in TML-IRP, after 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 **20th** day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

_____

WILLIAM A. JONES, III, Mayor

ATTEST:

_____

Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____

Jonathan Graham
City Attorney

COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution directing publication of notice of the City's intention to issue one or more series of Tax and Revenue Certificates of Obligation (C.O.) in the amount not to exceed $14,500,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The FY 2013 budget included a significant multi-year Transportation Capital Improvement Plan (TCIP). A total of $60,180,000 in projects was proposed over the next 6 years.

The proceeds from the issue will be used to fund the following projects:

- Constructing, reconstructing, improving, extending, expanding, upgrading and/or developing streets, bridges, sidewalks, trails, intersections, traffic signalization and other traffic improvements projects and related utility and rail relocation costs, drainage improvements and purchasing necessary rights-of-way
- Permitting, construction and other costs related to expansion of the City's landfill including land acquisition costs
- Paying the professional services including fiscal, engineering, architectural and legal fees including the costs associated with the issuance of one or more series of Certificates

***The issue size is preliminary and will be sized at the time of pricing.**

The City will request a bond rating from Standard & Poor's. The ratings will be published prior to the pricing and sale of the bonds. The Bonds are scheduled for Council consideration and recommend award on Thursday, November 1, 2012.
The City's financial advisor, Specialized Public Finance Inc., and bond counsel, McCall, Parkhurst & Horton, L.L.P, will be present at the meeting to review the parameters and details of the Certificates of Obligation with Council.

Funds will be delivered to our depository for use on November 15, 2012.

FISCAL IMPACT: The proposed CO's are the first of a series of issues over the next six years to fund the TCIP that was approved with the adoption of the FY 2012/2013 Budget. The multi-year TCIP totals $60,180,000. An interest and sinking (I&S) tax rate increase of 1.25¢ was approved on August 30, 2012 to fund the debt service associated with this issue and future scheduled issuance for the TCIP. The assumptions used to estimate the tax rate impact and capacity included an annual tax base growth of 3%. In addition to ad valorem taxes, revenues from the operation of the landfill will be used as a source of repayment for the bonds.

ATTACHMENTS:
Resolution

RESOLUTION NO. _____

RESOLUTION DIRECTING THE PUBLICATION OF NOTICE OF INTENTION TO ISSUE ONE OR MORE SERIES OF CITY OF TEMPLE, TEXAS TAX AND REVENUE CERTIFICATES OF OBLIGATION, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $14,500,000; AND OTHER MATTERS RELATED THERETO

THE STATE OF TEXAS '
COUNTY OF BELL '
CITY OF TEMPLE '

WHEREAS, the City Council (the "Council") of the City of Temple, Texas (the "City") finds that the payment in whole or in part of contractual obligations incurred or to be incurred for projects as shown on Exhibit "A"; and

WHEREAS, the Council has deemed it advisable to give notice of intention to issue one or more series of taxable or tax-exempt Certificates in a maximum aggregate principal amount not to exceed $14,500,000 pursuant to the provisions of the Certificate of Obligation Act of 1971, Section 271.041 et seq., Local Government Code (the "Act") for the purpose of financing the Contractual Obligations; and

WHEREAS, prior to the issuance of the Certificates, the City is required under the Act to publish notice of its intention to issue the Certificates in a newspaper of general circulation in the City, the notice stating: (i) the time and place tentatively set for the passage of the ordinance authorizing the issuance of the Certificates, (ii) the maximum amount and purpose of the Certificates to be authorized, and (iii) the manner in which the Certificates will be paid; and

WHEREAS, the meeting at which this Resolution is adopted was open to the public and public notice of the time, place and purpose of the meeting was given, all as required by Chapter 551, Texas Government Code, as amended.

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

1. Attached hereto as Exhibit "A" is a form of the Notice of Intention to issue the Certificates the form and substance of which is hereby adopted and approved.

2. The City Secretary or other authorized representatives of the City, shall cause the notice to be published in substantially the form attached hereto with such changes as approved by the City Manager, in a newspaper of general circulation in the City, for two consecutive weeks, the date of the first publication to be before the 30th day before the time set for the final passage of the ordinance authorizing issuance of the Certificates as shown in the notice.

3. The City's Financial Advisor and Bond Counsel are hereby authorized to take all actions necessary in connection with the issuance of the Certificates.

4. This Resolution shall become effective immediately upon adoption. The Mayor and City Secretary are hereby authorized and directed to execute the certificate to which this Resolution is attached on behalf of the City and the Mayor, City Secretary and City Manager are further authorized to do any and all things proper and necessary to carry out the intent of this Resolution.

_____

RESOLVED this 14th day of September, 2012.

ATTEST:

CITY OF TEMPLE, TEXAS

_____
Lacy Borgeson, City Secretary

_____
William A. Jones, III, Mayor

APPROVED AS TO FORM:

_____
Jonathan Graham
City Attorney

EXHIBIT A

NOTICE OF INTENTION REGARDING THE ISSUANCE OF ONE OR MORE SERIES OF CITY OF TEMPLE, TEXAS TAX AND REVENUE CERTIFICATES OF OBLIGATION AND ADOPTION OF ORDINANCE

NOTICE IS HEREBY GIVEN that it is the intention of the City Council of the City of Temple, Texas, to issue one or more series of interest bearing certificates of obligation as tax-exempt and/or taxable obligations (the "Certificates") for the purpose of paying contractual obligations incurred or to be incurred by the City for: (1) constructing, reconstructing, improving, extending, expanding, upgrading and/or developing streets, bridges, sidewalks, trails, intersections, traffic signalization and other traffic improvement projects and related utility and rail relocation costs, drainage improvements and purchasing any necessary rights-of-way; (2) permitting, construction and other costs related to expansion of the City's landfill including land acquisition costs; and (3) paying the professional services including fiscal, engineering, architectural and legal fees including the costs associated with the issuance of one or more series of the Certificates. The City Council tentatively proposes to consider for first and final reading at a meeting to commence at 5 o'clock, p.m., on November 1, 2012 at Council Chambers, 2 North Main Street, Temple, Texas, 76501, the passage of one or more ordinances authorizing each series of Certificates which ordinances respectively shall be entitled substantially as "ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF TEMPLE, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION; AUTHORIZING THE LEVY OF AN AD VALOREM TAX AND THE PLEDGE OF CERTAIN REVENUES IN SUPPORT OF THE CERTIFICATES; APPROVING AN OFFICIAL STATEMENT, A PAYING AGENT/REGISTRAR AGREEMENT AND OTHER AGREEMENTS RELATED TO THE SALE AND ISSUANCE OF THE CERTIFICATES; AND AUTHORIZING OTHER MATTERS RELATED TO THE ISSUANCE OF THE CERTIFICATES." The maximum aggregate principal amount of Certificates that may be authorized for such purpose is $14,500,000. The City Council presently proposes to provide for the payment of such Certificates from the levy and collection of ad valorem taxes in the City as provided by law and from the surplus revenues of the City's waterworks and sewer system in an amount not to exceed $10,000 remaining after payment of all operation and maintenance expenses thereof, and all debt service, reserve and other requirements in connection with all of the City's revenue bonds or other obligations (now or hereafter outstanding) which are payable from all or any part of the net revenues of the City's waterworks and sewer system.

CITY OF TEMPLE, TEXAS

COUNCIL AGENDA ITEM MEMORANDUM

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 $892,737.

ATTACHMENTS:
Budget Amendments
Resolution

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2012 BUDGET
September 20, 2012

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS Debit	APPROPRIATIONS Credit
110-2234-522-1119		Overtime (Fire)	$ 200,000	
110-2234-522-1128		Differential Pay	$ 56,000	
110-2234-522-1125		Incentive	$ 20,000	
110-2234-522-1220		Pension	$ 40,544	
110-2234-522-1221		Social Security	$ 4,002	
110-0000-352-1345		**Designated Capital Projects - Unallocated**		**$ 320,546**
		This budget adjustment appropriates funds needed to cover additional overtime, incentive, shift differential pay and associated benefits for the Fire Department. Overtime and shift differential pay exceeded budget due to the additional staff needed to cover Fire Station 8. Incentive pay exceeded budget due to more certifications eligible for pay than was previously budgeted. In addition, some additional overtime is attributed to the change in FLSA cycle from 27 days to 14 days in May 2012.		
110-3700-524-2614		Waived Permit Fees (Construction Safety)	$ 3,500	
110-0000-422-0920		Other Permit Fees		$ 3,500
		This budget adjustment recognizes additional revenue received in Other Permit Fees and appropriates an expenditure to offset waived permit fees.		
110-4000-555-2311		Buildings & Grounds (Library)	$ 1,114	
110-0000-461-0554		Insurance Claims		$ 1,114
		This budget adjustment recognizes insurance proceeds for water damage to the Library basement. These funds are being appropriated to paint the basement floor where carpet has been removed due to flooding.		
110-4000-555-2225		Books & Periodicals (Library)	$ 1,115	
110-0000-461-0841		Donations/Gifts		$ 1,115
		This budget adjustment recognizes donations received to be expended as specified.		
110-4000-555-2225		Books & Periodicals (Library)	$ 793	
110-0000-461-0841		Donations/Gifts		$ 793
		This budget adjustment recognizes donations received to be expended for genealogy materials as specified by the donors (Memorials to Wanda Donaldson).		
260-2000-521-2113		Clothing & Uniform (Police)	$ 12,000	
260-0000-490-2589		Transfer In - General Fund		$ 6,000
260-0000-431-0163		Federal Grants		$ 6,000
110-9100-591-8160		Transfer Out - Grant Fund	$ 6,000	
110-2031-521-2113		Clothing & Uniforms		$ 12,000
110-0000-431-0163		Federal Grants	$ 6,000	
		To move appropriation for the FY 2012 Bulletproof Vest Partnership Program to the Grant Fund.		

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2012 BUDGET
September 20, 2012

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS Debit	APPROPRIATIONS Credit
430-9100-591-8110		Transfer Out - General Fund	$ 516	
430-0000-461-0111		Interest Income		$ 516
110-0000-352-1345		**Designated Capital Projects - Unallocated**	**$ 516**	
110-0000-490-2582		Transfer In		$ 516
		Appropriate interest earnings on the Reserve Fund for the 2005 Airport Revenue bonds that will be transferred to the General Fund since the initial reserve balance was funded by the General Fund. The Reserve Fund will still maintain the required balance of $475,000.		
561-5400-535-6925	**100842**	Bird Creek - Phase 2A (Sewer)	$ 17,051	
561-0000-373-0411		**Water & Sewer Unreserved Retained Earnings**		**$ 17,051**
		This budget adjustment appropriates $17,051 to fund change order #3 with Lewis Contractors, Inc. to furnish and install additional items to complete Phase 2A.		
561-5400-535-6925	**100842**	Bird Creek	$ 23,586	
561-5200-535-6940	**100681**	NW Loop 363		$ 9,269
561-5100-535-6931	**100336**	SCADA		$ 14,317
		This budget adjustment appropriates projects savings to fund an under budget project.		
650-2700-515-2565		Employee Claims Filed (Health Insurance Fund)	$ 144,072	
650-2700-515-2566		Retiree Claims Filed (Health Insurance Fund)	$ 20,187	
650-0000-490-2520		Transfer In from Water & Sewer Fund		$ 33,938
650-0000-490-2540		Transfer In from Hotel/Motel Tax Fund		$ 7,040
650-0000-490-2543		Transfer In from General Fund		$ 119,431
650-0000-490-2592		Transfer In from Drainage Fund		$ 3,850
110-9100-591-8165		Transfer Out - Health Insurance Fund	$ 119,431	
110-xxxx-5xx-12xx		Health Insurance & In Lieu of Insurance - General Fund		$ 119,431
240-9100-591-8165		Transfer Out - Health Insurance Fund	$ 7,040	
240-xxxx-551-12xx		Health Insurance & In Lieu of Insurance - Hotel/Motel Tax Fund		$ 7,040
292-9100-591-8165		Transfer Out - Health Insurance Fund	$ 3,850	
292-xxxx-534-12xx		Health Insurance & In Lieu of Insurance - Drainage Fund		$ 3,850
520-9100-591-8165		Transfer Out - Health Insurance Fund	$ 33,938	
520-xxxx-535-12xx		Health Insurance & In Lieu of Insurance - Water & Sewer Fund		$ 33,938
650-2700-515-2565		Employee Claims Filed (Health Insurance Fund)	$ 75,204	
650-2700-515-2566		Retiree Claims Filed (Health Insurance Fund)	$ 10,537	
650-0000-490-2543		Transfer In from General Fund		$ 85,741
110-9100-591-8165		Transfer Out - Health Insurance Fund	$ 85,741	
110-0000-351-0950		**Health Insurance Reserve**		**$ 85,741**
		This budget adjustment transfers funds remaining from Health Insurance and In Lieu of Insurance expenditure accounts to the Employee Health Insurance Fund ($164,259). Estimated additional funds needed to pay claims for FY 2012 is $250,000. The remaining $85,741 needed to fund claims is being appropriated from Health Insurance Reserve.		
		TOTAL AMENDMENTS	**$ 892,737**	**$ 892,737**

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2012 BUDGET
September 20, 2012

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS Debit	APPROPRIATIONS Credit
		GENERAL FUND		
		Beginning **Contingency** Balance	$ -	
		Added to Contingency Sweep Account	$ -	
		Carry forward from Prior Year	$ -	
		Taken From Contingency	$ -	
		Net Balance of Contingency Account	$ -	
		Beginning **Judgments & Damages** Contingency	$ 80,000	
		Added to Contingency Judgments & Damages from Council Contingency	$ -	
		Taken From Judgments & Damages	$ (42,310)	
		Net Balance of Judgments & Damages Contingency Account	$ 37,690	
		Beginning **Compensation** Contingency	$ 863,600	
		Added to Compensation Contingency	$ -	
		Taken From Compensation Contingency	$ (863,600)	
		Net Balance of Compensation Contingency Account	$ -	
		Net Balance Council Contingency	**$ 37,690**	
		Beginning Balance **Budget Sweep** Contingency	$ -	
		Added to Budget Sweep Contingency	$ -	
		Taken From Budget Sweep	$ -	
		Net Balance of Budget Sweep Contingency Account	$ -	
		WATER & SEWER FUND		
		Beginning **Contingency** Balance	$ 50,000	
		Added to Contingency Sweep Account	$ -	
		Taken From Contingency	$ (46,750)	
		Net Balance of Contingency Account	$ 3,250	
		Beginning **Compensation** Contingency	$ 97,000	
		Added to Compensation Contingency	$ -	
		Taken From Compensation Contingency	$ (92,916)	
		Net Balance of Compensation Contingency Account	$ 4,084	
		Net Balance Water & Sewer Fund Contingency	**$ 7,334**	
		HOTEL/MOTEL TAX FUND		
		Beginning **Contingency** 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	
		Beginning **Compensation** Contingency	$ 11,300	
		Added to Compensation Contingency	$ -	
		Taken From Compensation Contingency	$ (11,300)	
		Net Balance of Compensation Contingency Account	$ -	
		Net Balance Hotel/Motel Tax Fund Contingency	**$ 29,659**	
		DRAINAGE FUND		
		Beginning **Compensation** Contingency	$ 13,200	
		Added to Compensation Contingency	$ -	
		Taken From Compensation Contingency	$ (13,200)	
		Net Balance of Compensation Contingency Account	$ -	

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2012 BUDGET
September 20, 2012

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS Debit	APPROPRIATIONS Credit
		FED/STATE GRANT FUND		
		Beginning **Contingency** 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		$ 29,688

RESOLUTION NO. _____

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.

Whereas, on the 1st 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 **20th** day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

_____
WILLIAM A. JONES, III, Mayor

ATTEST:

_____
Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____
Jonathan Graham
City Attorney

COUNCIL AGENDA ITEM MEMORANDUM

DEPT. / DIVISION SUBMISSION & REVIEW:

Autumn Speer, Director of Community Services

ITEM DESCRIPTION: FIRST READING - PUBLIC HEARING - Z-FY-12-58: Consider adopting an ordinance authorizing a rezoning from Heavy Industrial District (HI) to Multiple Family Two District (MF-2) on 12.163 acres, being a part of land situated in the Redding Roberts Survey, Abstract No. 692, Bell County, Texas, located at 3000 South General Bruce Drive.

P&Z COMMISSION RECOMMENDATION: At its September 4, 2012 meeting, the Planning and Zoning Commission voted 8/1 to recommend approval of a zone change from Heavy Industrial District (HI) to Multiple Family Two District (MF-2). Commissioner Rhoads voted in opposition to the applicant's requested zone change.

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 October 4, 2012.

Staff recommends denial of the ordinance for Z-FY-12-58 for a zone change from HI to MF-2 for the following reasons:

1. The request does not comply with the Future Land Use and Character Map;
2. The request does not comply with the Thoroughfare Plan Map;

Please note that staff is recommending this tract for PD zoning, with both multi-family and retail uses.

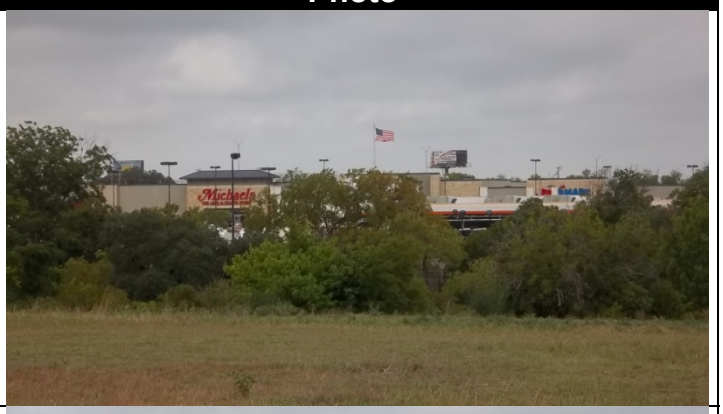
ITEM SUMMARY: The applicant requests this zone change to allow future development of an apartment complex. The property's current HI District does not allow apartments or any type of residential uses due to incompatibility between heavy industrial uses and residential uses. A zone change from HI to MF-2 would allow the following uses, but is not limited to those listed:

Residential uses	Nonresidential uses
Single Family Attached	Hotel or Motel
Single Family Detached	Fire Station
Duplex	Park or Playground
Apartment	Child Care/Day Care Center with a C.U.P.
Home for the Aged	Halfway House with a C.U.P.

Some uses prohibited in the MF-2 District include: restaurant, patio home, recreational vehicle park, HUD-Code manufactured home subdivision or land lease community, golf course, mini-storage warehouse, and food or beverage sales store, among others.

SURROUNDING PROPERTY AND USES: The following table shows the subject property, existing zoning and current land uses:

Direction	Zoning	Current Land Use	Photo
Subject Property	HI	Undeveloped	
North	C	Sammons Park Golf Course	

Direction	Zoning	Current Land Use	Photo
South	HI and C	Undeveloped and Retail Uses	
East	LI	Residential, Commercial, and Industrial Uses	

Direction	Zoning	Current Land Use	Photo
West	C	Undeveloped	

COMPREHENSIVE PLAN COMPLIANCE: The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan:

Document	Policy, Goal, Objective or Map	Site Conditions	Compliance?
CP	Map 3.1 - Future Land Use and Character	The future land use and character map designates the entire property as Auto-Urban Commercial. This designation is appropriate for the majority of areas identified for commercial use, generally concentrated at intersections versus strip development along the major road. The minimum site area is commonly 10,000 square feet but may be larger for multi-tenant buildings and centers, such as the Bird Creek Crossing Shopping Center to the south.	No
CP	Map 5.2 - Thoroughfare Plan	The property's only access is from West Avenue K, a narrow paved road without curb and gutter. The Thoroughfare Plan designates West Avenue K as a local street. There is however, an opportunity to provide I-35 access by re-evaluating Avenue K with future planning, which would yield 100,000 traffic volume to support mixed use (commercial and multi-family combined) development. This approach would best facilitate redevelopment of this section of I-35. See staff analysis..	No
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities.	There is an 8-inch sewer line along the West Avenue K right-of-way. A 24-inch sewer line runs through the west side of the property. A 6-inch sewer line borders the northwest corner of the property. A 27-inch water line runs along the West Avenue K right-of-way and along the applicant's north property line. A 2-inch water line runs along a portion of the West Avenue right-of-way.	Yes

Document	Policy, Goal, Objective or Map	Site Conditions	Compliance?
CP	Land Use Policy 11 – Multi-family housing should be developed at a density and scale that is appropriate with the surrounding neighborhood and available utilities and roadway capacity. Larger multi-family developments should be located on sites with adequate space for off-street parking, accessory structures, and recreational activity and toward the edge of single-family residential areas where higher traffic generation and taller buildings heights can be better accommodated. Land Use Policy – 13 - Commercial developments should be concentrated in nodes at major intersections and other appropriate locations along highway frontages and primary roadways to maintain safe and efficient traffic flow on major roads.	Land use policies 11 and 13 would permit an ideal mix at this location of both multi-family and commercial. This location is suitable for multi-family development, however due to the limited amount of vacant retails/commercial property available on this central portion of the I-35 Corridor, this type of development should be partnered with retail/commercial mix closer to the I-35 frontage.	Partially
CP	Economic Development Goal 7.2 – Tax base enhancement and the revitalization of Downtown….The City should promote the redevelopment of strategic sites that are appropriate for retail operations.	Utilizing this strategically placed property entirely for multi-family residential uses, forgoes a large opportunity to provide an adequate supply of retail sites, especially in light of the I-35 expansion and redevelopment..	NO
STP	Trails Master Plan Map	The Sidewalk and Trails Plan calls for local connectors in this area.	N/A

* = See Comments Below CP = Comprehensive Plan STP = Sidewalk and Trails Plan

DEVELOPMENT REGULATIONS: The Multiple Family Two District (MF-2) permits more modest sized dwelling units and an increased number of units within the multiple-family complex, allowing approximately 20 units per acre in buildings three to four stories in height. If fully developed, a maximum of 240 units could be developed. The MF-2 District should be designed for a higher density use of the land with amenities and facilities such as major thoroughfares, parks, transit and utilities close by and adequate for the volume of use.

STAFF ANALYSIS: The Choices '08 Plan states Temple leaks approximately $490 million annually in retail spending. Key planning considerations for the enhancement of retail, dining and entertainment amenities as addressed by Goal 7.2 includes "expanding retail sales in Temple".

It is important to provide an adequate mix of uses in the city, including retail. This is especially important in the I-35 corridor which boasts a 100,000 daily vehicle count. The I-35 Corridor is one of, if not the most important corridor for retail growth potential in the City. There are approximately 1,400 acres of land within 500' of I-35. Of this total 33% or 460 acres are undeveloped. Approximately 82 tracts comprise this developable land with only 15 being over 10 acres in size, such as the site in question. For reference Bird Creek is approximately 46 acres.

The row acquisition will primarily affect the west side of I-35 and directly affects this sites proximity to I-35 frontage roads. Only a small portion of remainder property will remain between this property and the I-35 frontage roads. Avenue K will also remain in some capacity.

The requested zone change from HI to MF-2 is not an unreasonable request. This location is suitable for multi-family development, however due to the limited amount of vacant retail/commercial property available on this central portion of the I-35 Corridor, any type of multi-family development should be partnered with retail/commercial mix closer to the I-35 frontage. Good planning principles tell us that zoning should be used to provide a gradual transition from less intense uses, to more intense uses. This is often called "buffering" one land use from another. In this case, providing a mixed use development would accomplish this goal by transitioning from a retail use to a less intense use of multi-family in the rear. Land use policies 11 and 13 would promote an ideal mix at this location of both multi-family and commercial.

Based on the limited supply of retail opportunities, the site's key location, proximity to other regional retail, traffic volume, opportunity for buffering, potential for additional land directly adjacent to I-35 and potential abandonment of a substandard roadway; the best approach for this location would be mixed use zoning. Multi-family development could be included in the rear portion of the property to better take advantage of the golf club views and accessibility, and retail development could be incorporated in front of or in combination with the multi-family.. Staff would support a Planned Development for this mixed use type of development.

PUBLIC NOTICE: Thirteen notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200 feet of the property in question, as required by State law and City Ordinance. As of Monday, September 10, 2012, at 10:30 AM, one notice was returned in favor of the request and none were returned in opposition to the request.

The newspaper printed notice of the Planning and Zoning Commission public hearing on August 24, 2012, in accordance with state law and local ordinance.

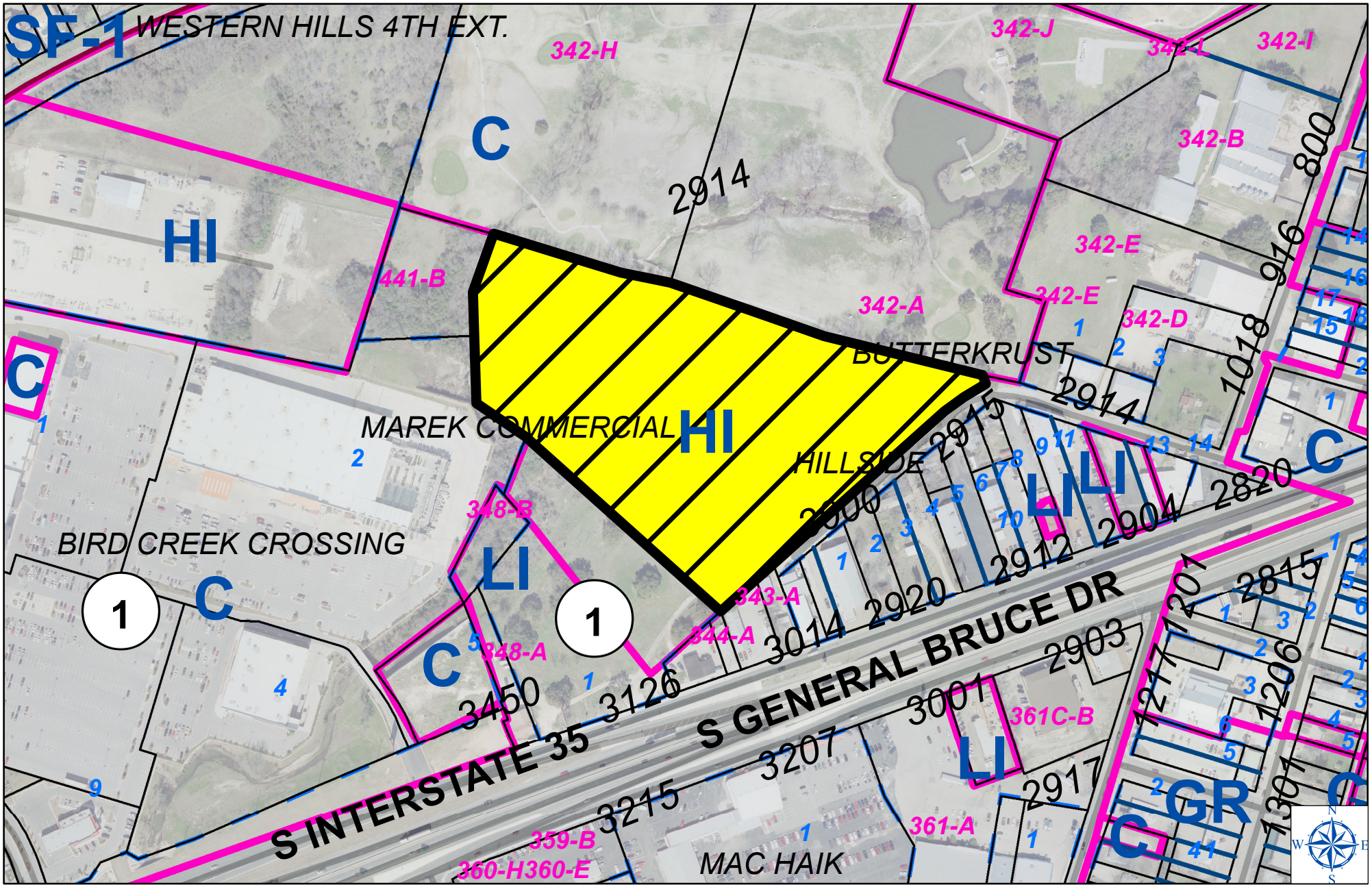
FISCAL IMPACT: Not Applicable

ATTACHMENTS:
Aerial & Zoning Map
Land Use and Character Map
Utility &Thoroughfare Plan Map
Notice Map
P&Z Excerpts
Ordinance

Z-FY-12-58

HI to MF-2

3000 South General Bruce Drive



Case Z-FY-12-58 | Zoning | Outblock Number | Block Number

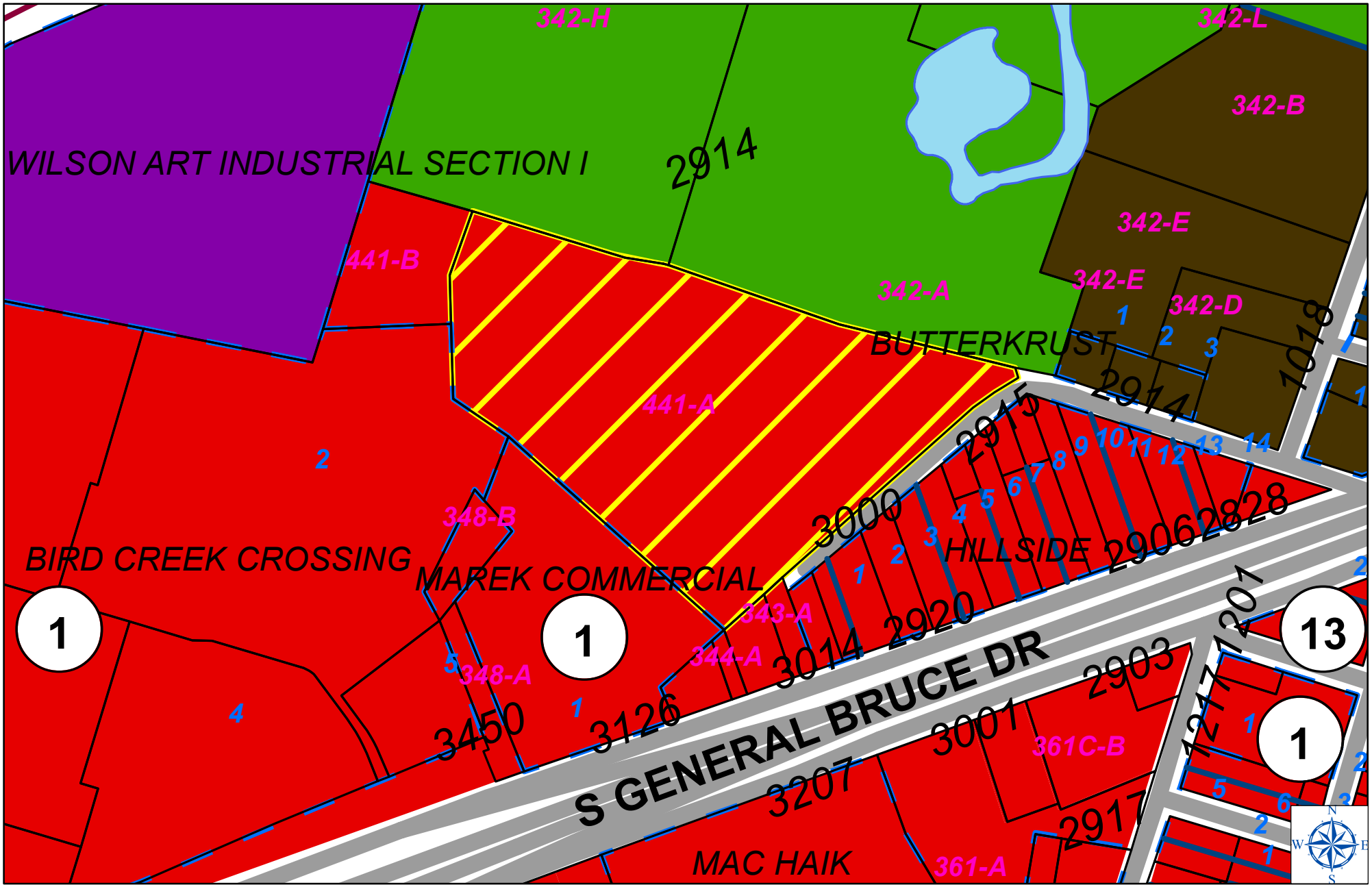
Subdivision | Address | Lot Number

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.

Z-FY-12-58

HI to MF-2

3000 South General Bruce Drive



Future Land Use

- Neighborhood Conservation
- Estate Residential
- Suburban Residential
- Auto-Urban Residential
- Auto-Urban Multi-Family
- Auto-Urban Mixed Use
- Auto-Urban Commercial
- Suburban Commercial
- Urban Center
- Temple Medical Education District
- Industrial
- Business Park
- Public Institutional
- Parks & Open Space
- Agricultural/Rural

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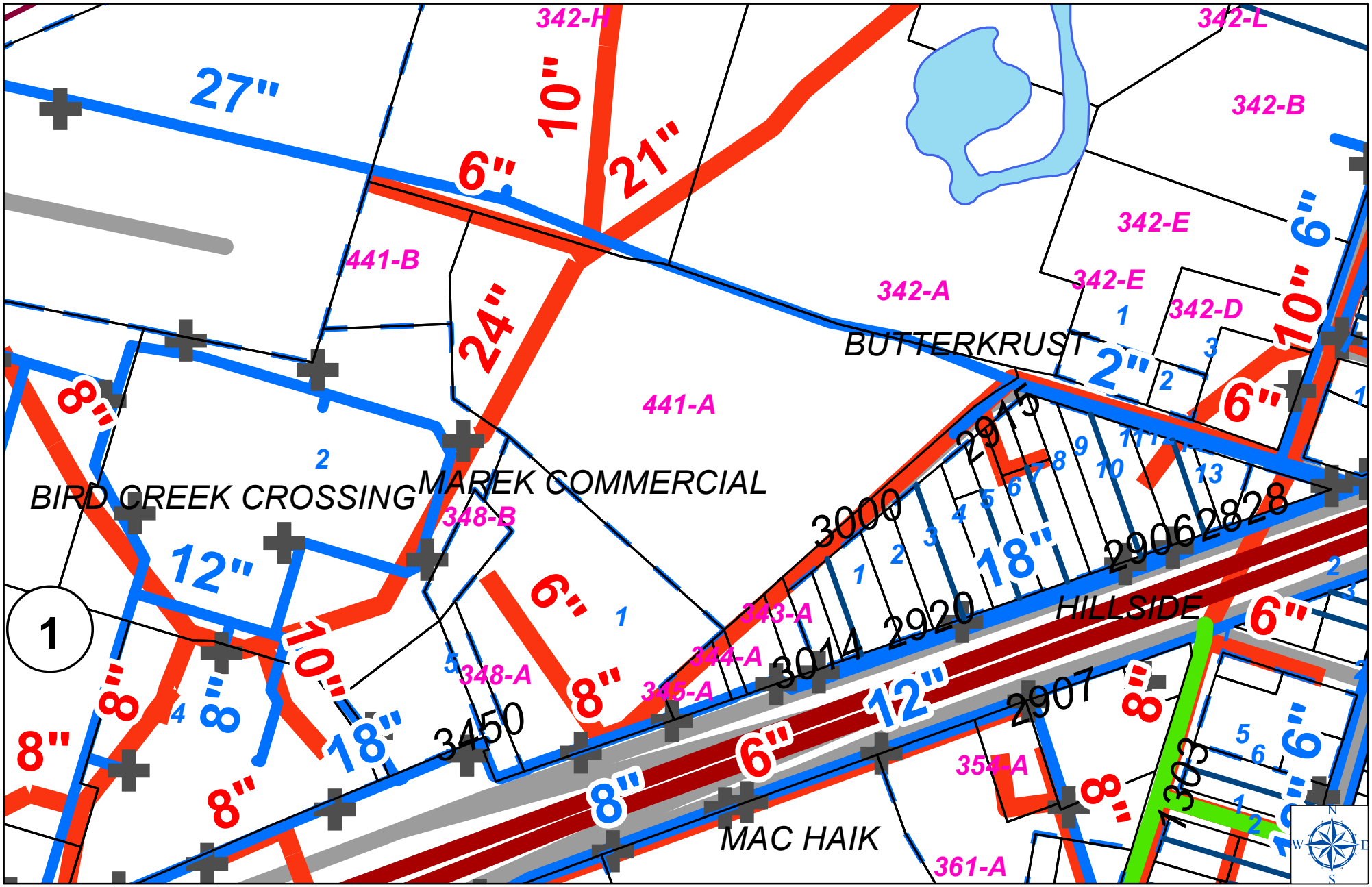
Z-FY-12-58

HI to MF-2

3000 South General Bruce Drive



Case Z-FY-12-58
Fire Hydrant
Sewer Line
Water Line
Expressway
Major Arterial
Proposed Major Arterial
Proposed K-TUTS
Minor Arterial
Proposed Minor Arterial
Collector
Conceptual Collector

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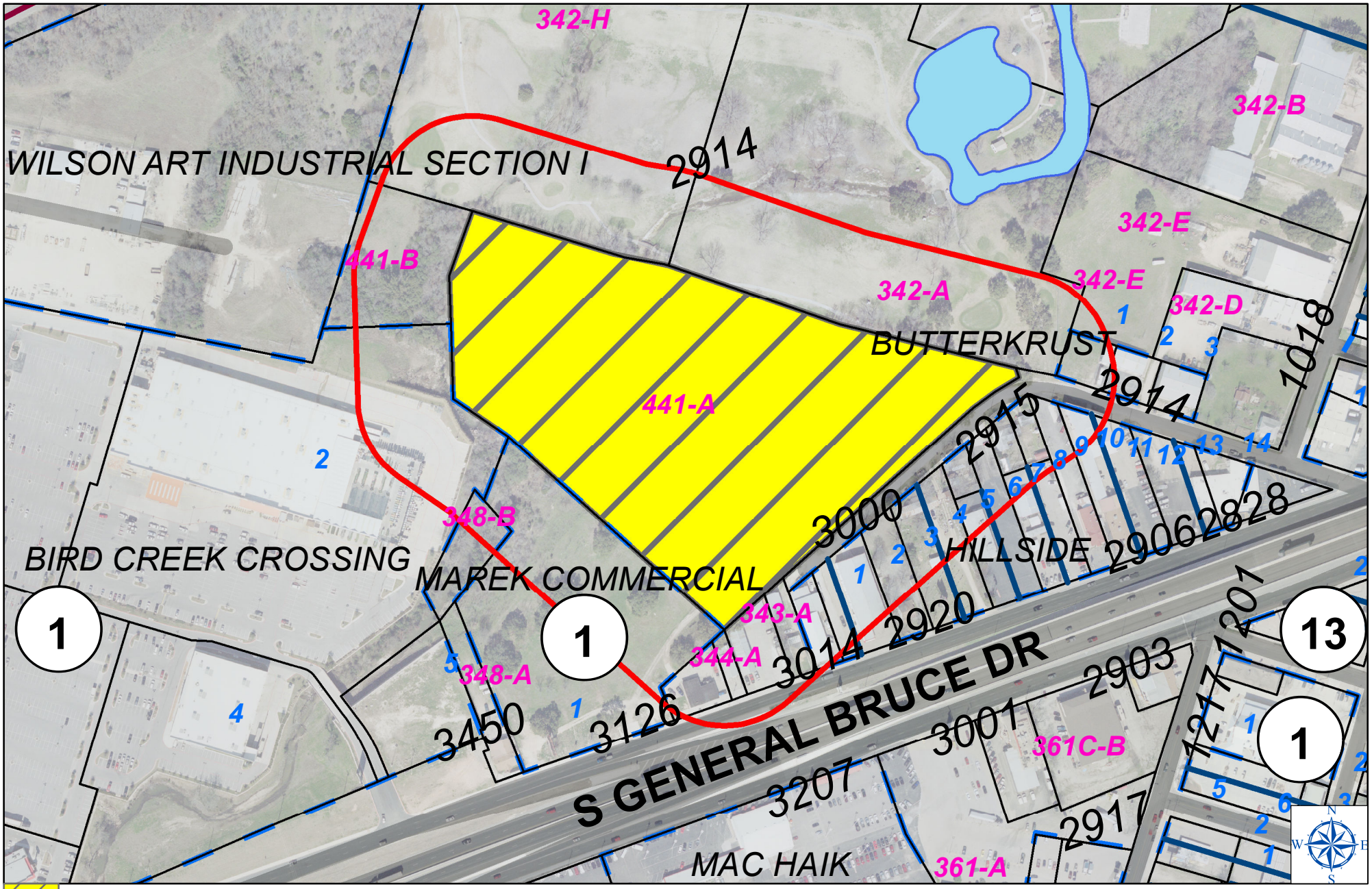
Z-FY-12-58

HI to MF-2

3000 South General Bruce Drive



Case

200' Buffer

Subdivision

Outblock Number

Address 1234-A

1234

Block Number

Lot Number (1)

1

0 50 100

Feet

8/15/2012
City of Temple GIS
tlyerly

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EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

TUESDAY, SEPTEMBER 4, 2012

ACTION ITEMS

Item 5: Z-FY-12-58: Hold a public hearing to discuss and recommend action on a zone change from Heavy Industrial District (HI) to Multiple Family Two District (MF-2) on 12.163 ± acres, being a part of land situated in the Redding Roberts Survey, Abstract No. 692, Bell County, Texas, located at 3000 South General Bruce Drive.

Ms. Tammy Lyerly, Planner, stated the applicant requests the zone change for future apartment uses since Heavy industrial district does not allow any type of residential uses. The subject property is located closed to the north edge of Bird Creek Crossing and General Bruce Drive. The only access to the subject property is from Avenue K.

Surrounding properties include undeveloped land to the south, multiple uses to the east which include residential, commercial, and industrial uses; Sammons Park Golf Course to the north, and undeveloped land to the west. The MF-2 zone change would allow the following uses, but not limited to, single family attached, single family detached, duplexes, home for the aged and apartments. Nonresidential uses would allow some things such as a motel/hotel, fire station, park with playground, and child care/day care center (requires a CUP). Prohibited uses in MF-2 include, but not limited to, a restaurant, patio home, recreational vehicle park, HUD Code manufactured home subdivision or land use community, golf course, mini-storage warehouse, and food or beverage sales.

Multifamily-Two District allows modest sized dwelling units and increased number of units within a multi-family complex, allowing approximately 20 units per acre, three to four stories in height. This property would allow a maximum of 340 units.

The Future Land Use and Character Map designate this property for Auto Urban-Commercial which residential uses would not be in compliance with the Comprehensive Plan.

There are utilities in the area to serve the property.

The Thoroughfare Plan shows Avenue K as a local street.

Thirteen notices were mailed out and one was received in favor of the request, zero was received in opposition.

Staff recommends denial of this request because the request does not agree with the Future Land Use and Character Map, does not agree with the Thoroughfare Plan since Avenue K is a local street and not developed with curb and gutter; and the incompatibility between surrounding light and heavy industrial uses and potential residential uses brought in.

Commissioner Talley asked if the applicant talked to Staff about the willingness to widen Avenue K due to the inability to handle a lot of traffic. Ms. Lyerly stated no, this was not discussed, but the applicant was given Staff's recommendation of denial based on the

Comprehensive Plan. Widening of a street is normally discussed in detail during the platting process and development issues.

Vice-Chair Staats asked what the right-of-way width was for Avenue K and Ms. Lyerly stated the right-of-way width for a local street is approximately 50 feet wide.

Commissioner Rhoads asked how many businesses in front of Avenue K would be removed and Ms. Lyerly stated it would be 150 feet deep.

Vice-Chair Staats asked how long the land had been vacant and Ms. Lyerly stated there were no signs of previous development. Vice-Chair Staats stated his concern was protecting the creek from runoff.

Chair Martin opened the public hearing.

Mr. Reuben Marek, 509 Kasberg Drive, Temple, Texas, stated he represented the buyer and seller's property. They would like to build a 180-200 unit apartment complex on this property in the amount of approximately $20 million and a contract is currently pending. Would like to see the property rezoned to go forward with the project.

Avenue K will be a dead end street after the I35 expansion. It will provide ample entrance to the property. The adjoining property will have frontage off of I35 and, to his knowledge, there are no plans for any retail growth there. The subject property overlooks the golf course and would bring $20 million to the City of Temple. If this project does not go through, the property will remain undeveloped as it has always been.

The widening of Avenue K has not been discussed, but Mr. Marek felt the parties involved would do what it takes to help the project.

Mr. Marek passed out copies of prospective plans for the Commissioners. No site plan is currently available for the site since the applicant is waiting for the zoning to be approved.

Mr. Marek stated the traffic would be rather light on Avenue K since it would accommodate so few businesses.

Commissioner Sears stated he likd the idea of utilizing the golf course view and vice versa.

Commissioner Magaña asked what type of apartments would be built on the property and Mr. Marek stated high end, luxury apartments, similar to Chappell Hills/Chappell Oaks, overlooking the golf course.

There being no further speakers, Chair Martin closed the public hearing.

Commissioner Rhoads stated there were several unanswered questions in his mind and Staff seemed to want to keep things in alignment but also understood Mr. Marek's position. Commissioner Rhoads stated he would like to see nice apartments with retail in front of them, but understood why Staff recommended denial due to the Comprehensive Plan.

Commissioner Magaña stated he would like to see the area developed and believed it would add to the type of smaller businesses that would eventually come to the area.

Commissioner Talley agreed, however, he did not want to set a new precedent against the codes and rules already established.

Commissioner Rhoads stated he would like to see a site plan to know how this would go.

Ms. Lyerly stated a site plan would usually be included only if the zoning were for a Planned Development. Ms. Lyerly also stated any type of zone change request would need to comply with the Comprehensive Plan. If it does not, Staff will always endorse the Comprehensive Plan.

Vice-Chair Staats stated someone was willing to invest into the community and would probably be a better environmental situation for the creek if the integrity were maintained. He felt it would add value to the properties and the golf course.

Chair Martin stated he felt this project would go great with the surrounding development, bring in tax dollars and enhance Temple overall.

Commissioner Jones stated they were aware of the developer and their product, and they are willing to work on Avenue K. Commissioner Jones was in agreement with the other Commissioners.

Commissioner Magaña made a motion to approve Item 5, **Z-FY-12-58**, and Commissioner Sears made a second.

Motion passed: (8:1)
Commissioner Rhoads voted nay

ORDINANCE NO._____

[PLANNING NO. Z-FY-12-58]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A REZONING FROM HEAVY INDUSTRIAL DISTRICT (HI) TO MULTIPLE FAMILY TWO DISTRICT (MF-2), ON APPROXIMATELY 12.163 ACRES OUT OF THE REDDING ROBERTS SURVEY, ABSTRACT NO. 692, BELL COUNTY, TEXAS, LOCATED AT 3000 SOUTH GENERAL BRUCE DRIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Heavy Industrial District (HI) to Multiple Family Two District (MF-2) on a tract of land consisting of approximately 12.163 acres located at 3000 South General Bruce Drive, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

Part 3: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **20th** day of **September**, 2012.

PASSED AND APPROVED on Second Reading on the **2nd** day of **October,** 2012.

THE CITY OF TEMPLE, TEXAS

_____

WILLIAM A. JONES, III, Mayor

ATTEST:

_____

Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____

Jonathan Graham
City Attorney

COUNCIL AGENDA ITEM MEMORANDUM

DEPT. /DIVISION SUBMISSION & REVIEW:

Autumn Speer, Director of Community Services

ITEM DESCRIPTION: FIRST READING- PUBLIC HEARING- Z-FY-12-59: Consider adopting an ordinance authorizing a rezoning from Agricultural District (AG) to General Retail District (GR) on 1.053 ± acres out of the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 3408 and 3410 South Kegley Road.

P&Z COMMISSION RECOMMENDATION At its meeting on September 4, 2012, the Planning and Zoning Commission voted 9/0 in accordance with the Staff recommendation to recommend approval of a zone change from Agricultural District (AG) to General Retail District (GR).

STAFF RECOMMENDATION: Conduct public hearing adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for October 4, 2012.

Staff recommends approval of a rezoning from AG to GR for the following reasons:

1. The request complies with the Future Land Use and Character Map;
2. The request complies with the Thoroughfare Plan; and
3. Public and private facilities are available to serve the property.

ITEM SUMMARY: The applicant requests this rezoning to General Retail District to utilize the existing residential structure as a retail boutique.

SURROUNDING PROPERTY AND USES: The following table shows the subject property, existing zoning and current land uses:

Direction	Zoning	Current Land Use	Photo
Subject Property	AG	Residential	
North	AG	Package Shipping	
South Across Charter Oak	C	Automobile Service and Sales/ Storage Facility	

Direction	Zoning	Current Land Use	Photo
East (East across Kegley Rd.)	AG	Light Industrial	
East (East across Charter Oaks and Kegley Rd.)	C	Gas Station	
West (Outside City Limits)	-	Undeveloped Residential	

COMPREHENSIVE PLAN COMPLIANCE: The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan:

Document	Policy, Goal, Objective or Map	Site Conditions	Compliance
CP	Map 3.1 - Future Land Use and Character (FLUP)	The subject property has been identified as Auto- Urban Commercial which calls for commercial uses that serve large areas.	Y
CP	Map 5.2 - Thoroughfare Plan	The subject property is situated on the corner of South Kegley Road and Charter Oak – both built as Collector Streets. Proposed access will be from South Kegley Road.	Y
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	The subject property is served by an 8" water line. A 6" wastewater line is accessible across South Kegley Road.	Y
STP	Temple Trails Master Plan Map & sidewalks	The plan has identified a proposed community–wide connector along the east side of Kegley Road not affecting this project.	Y

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

DEVELOPMENT REGULATIONS: According to the City of Temple Comprehensive Plan, an Auto–Urban Commercial future land use designation is appropriate for commercial use generally concentrated at intersections (vs. strip centers along major roads). The General Retail District is the standard retail zoning district and allows most commercial uses intended to serve larger service areas and not just neighborhoods. Allowed uses include but are not limited to:

- Retail sales,
- Restaurants,
- Grocery Stores,
- Departments Stores,
- Offices, and
- Residential uses but not multi-family.

Light to heavy industrial are generally prohibited in this district. Prohibited uses include but are not limited to:

- Building Material Sales,
- Cleaning, dyeing, or laundry plat,
- Laboratory manufacturing,
- Heavy machinery, sales, storage, repair, and
- Storage warehouses.

The subject property is located at the intersection of South Kegley Road and Charter Oak Drive both built as Collector Streets. Charter Oak has been identified as a proposed future Minor Arterial on the Thoroughfare Plan. Sufficient capacity exists for the proposed use.

Dimensional standards are as follows:

Article 4: Zoning Districts

Sec. 4.6. Nonresidential Dimensional Standards

Sec. 4.6. Nonresidential Dimensional Standards

Unless otherwise specified in Sec. 4.4 or Sec. 5.3, nonresidential uses must be developed in accordance with the tables below.

Type of Use	AG	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	CA	C	LI	HI
Min. Lot Area (sq. ft.)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Min. Lot Width (ft.)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Min. Lot Depth (ft.)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Min. Front Yard Setback(ft.)	50	50	25	25	15	25	15	15	15	25	25	25	25	25	25*	15	15	See 4.4.4F.1.d*			
Min. Side Yard Setback(ft.)	20	20	20	20	20	20	20	20	20	20	20	20	20	5	5*	10	10	0*	0*	0*	0*
Min. Side (Corner)Yard Setback(ft.)	15	15	15	15	15	15	15	15	15	15	15	15	15	15	10*	10	10	0*	10	10	10
Min. Rear Yard Setback(ft.)	10	10	10	10	10	10	10	10	10	10	10	10	10	0*	0*	0*	0*	0*	0*	0*	0*
Max. Building Coverage (%)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Max. Height (stories)	3	3	2	2 ½	2 ½	2 ½	2 ½	2 ½	2 ½	2 ½	3	4	10	45	ALH	2 ½	3	ALH	ALH	ALH	ALH

ALH = Any Legal Height not prohibited by other laws -- = Use not permitted NA = Use permitted but standard does not apply * = See Sec. 4.4, Measurements and Special Case

The existing structure meets all the dimensional requirements for the proposed General Retail District zoning. Due to the proposed change in use from residential to commercial, the property will need to be brought into compliance with specific codes, including but not limited to parking, landscaping, access/circulation, and signage.

PUBLIC NOTICE: Five notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. Three courtesy notices were sent to property owners outside the city limits within 200-feet of the subject property. As of Monday September 10, 2012, two notices and one courtesy notice (outside the City limits) were returned in support of the proposed change of zoning. The City has received no notices in opposition to the proposed change of zoning.

The newspaper printed notice of the Planning and Zoning Commission public hearing on August 24, 2012, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

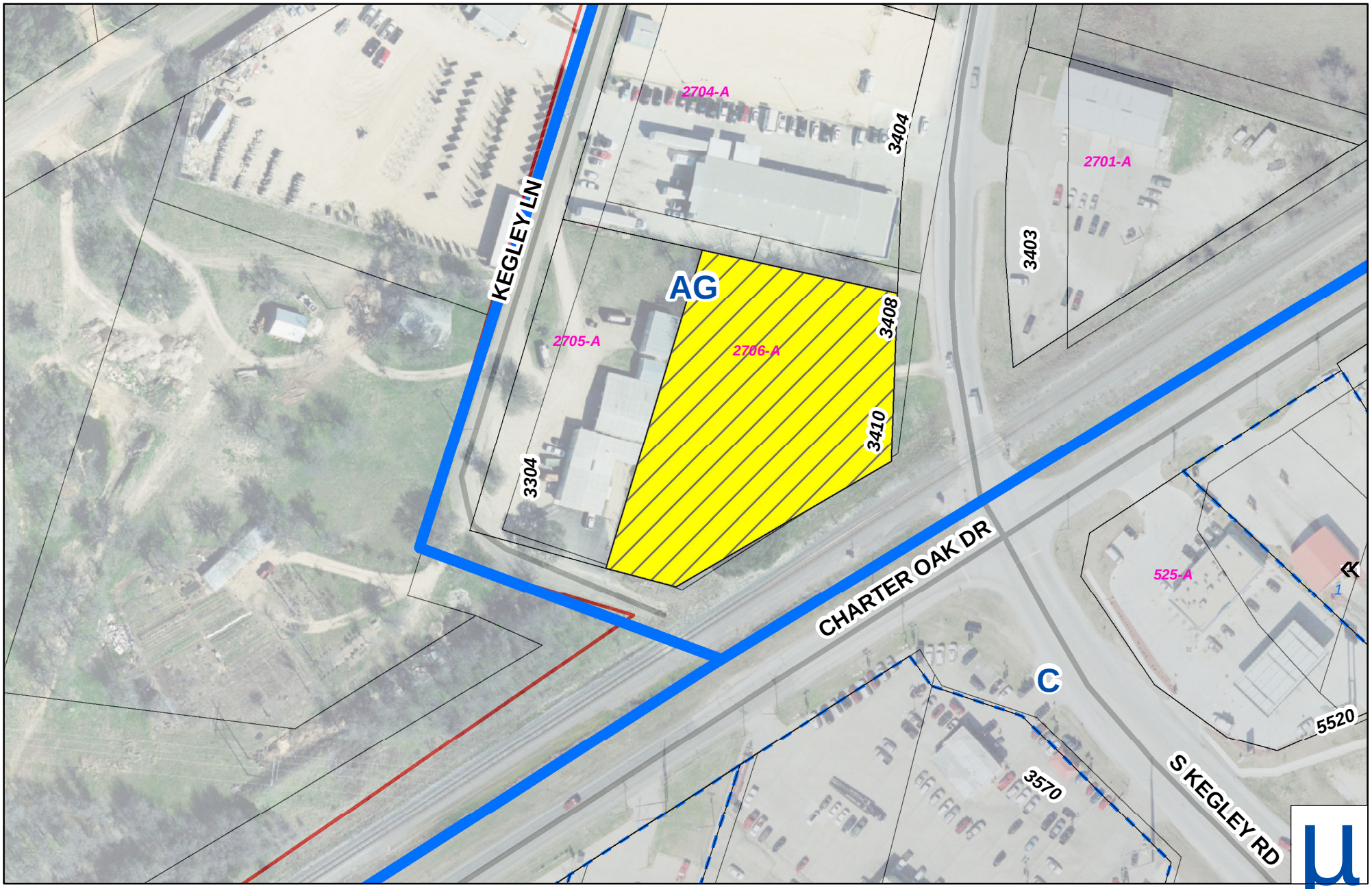
ATTACHMENTS:

Aerial, Zoning, and Location Map
Future Land Use and Character Map
200' Notification Buffer Map
Thoroughfare, Trails Plan /Utility Map
Notices Returned
P&Z Excerpts
Ordinance

Z-FY-12-59

Z-FY-12-59
AG to GR

3408 & 3410
S. Kegley Road



Case Zoning Temple_Boundary

0 100 200
Feet

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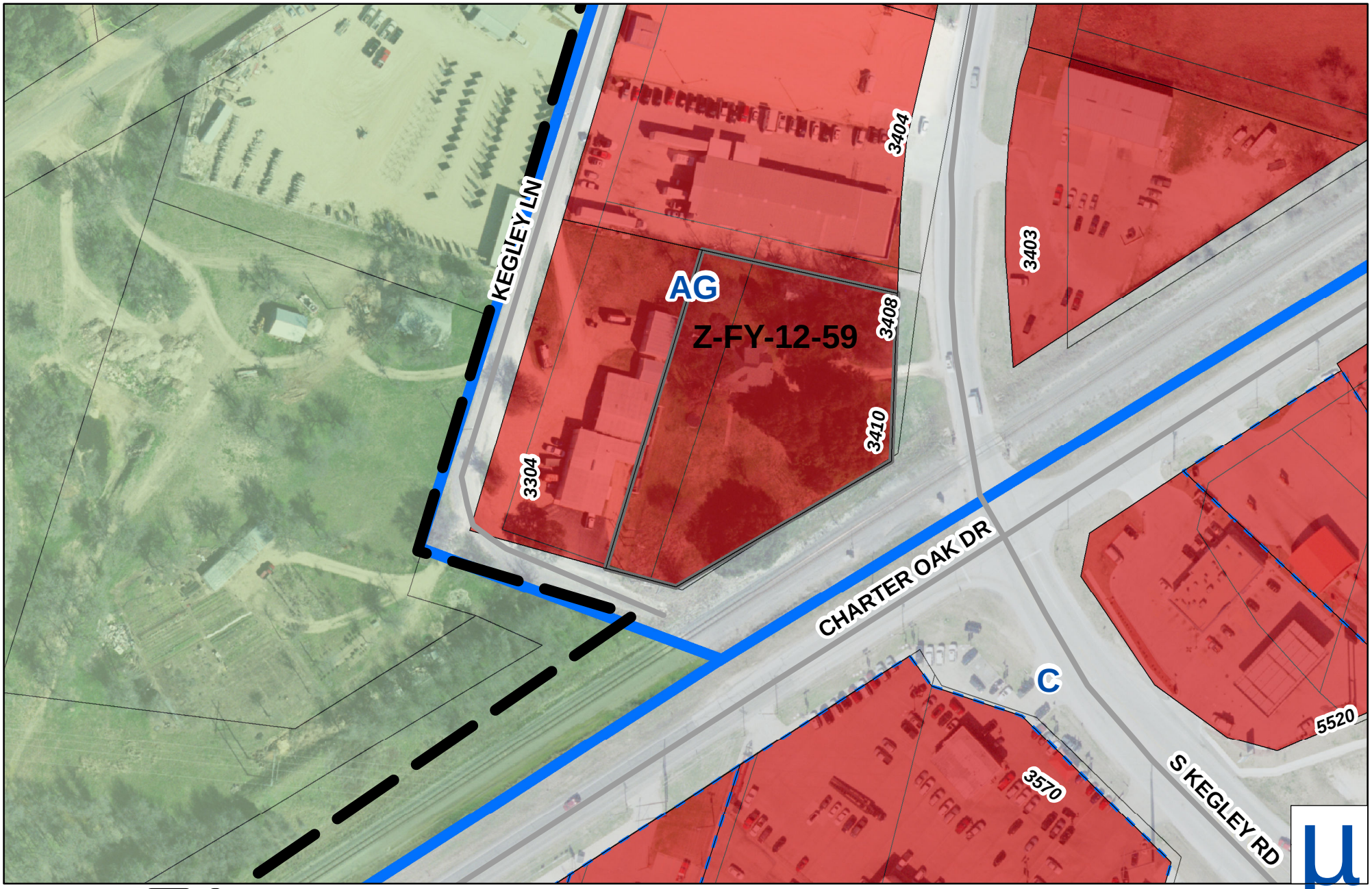
Z-FY-12-59

Future Land Use and Character

3408 & 3410
S. Kegley Road



Case
Temple_Boundary
Zoning
Agricultural/Rural
Auto-Urban Commercial

0 100 200
Feet

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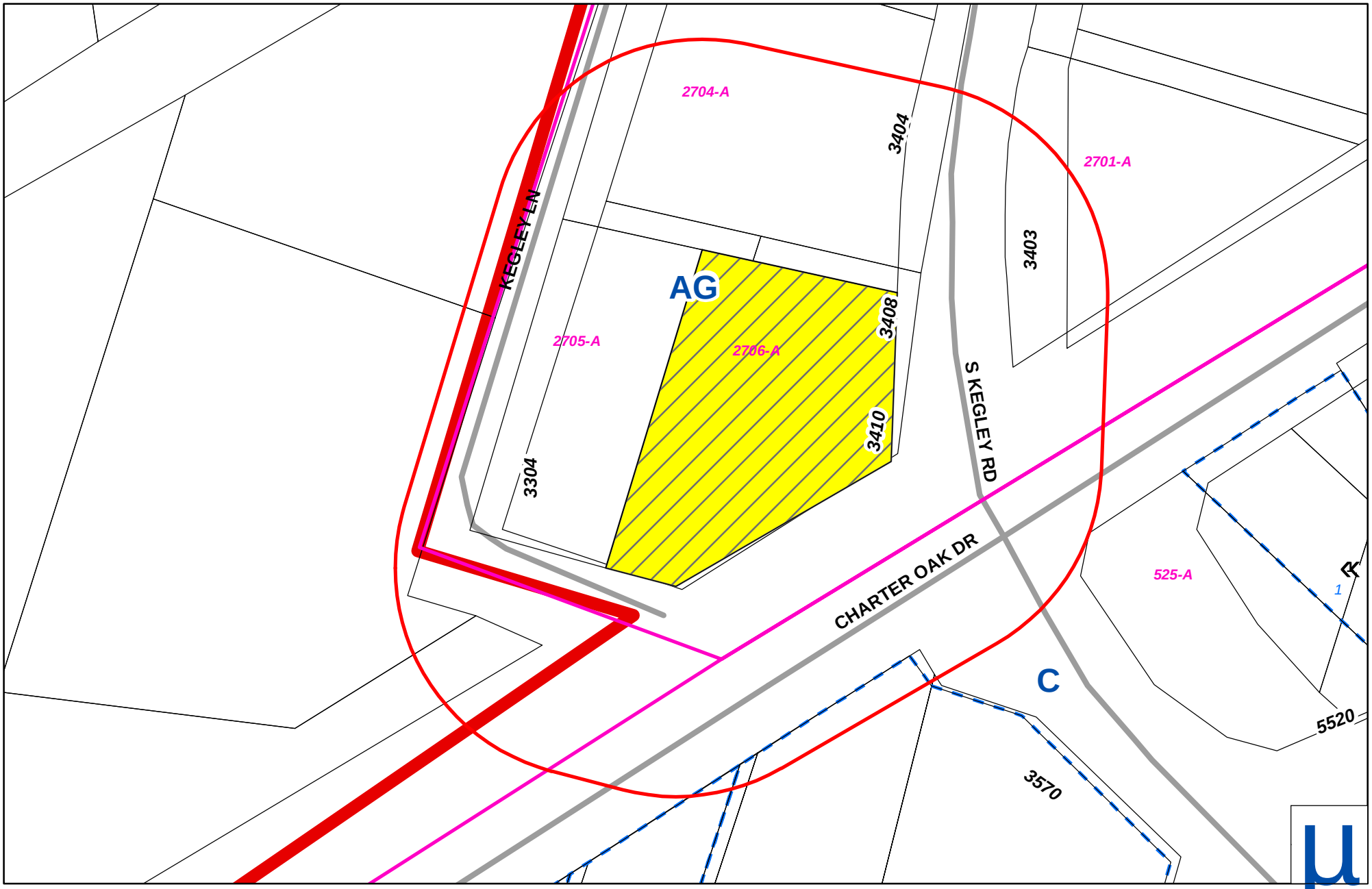
Z-FY-12-59

200' Buffer Map

3408 & 3410 S. Kegley Road



Case
Address
200' Buffer
Zoning
Temple_Boundary

0 100 200
Feet

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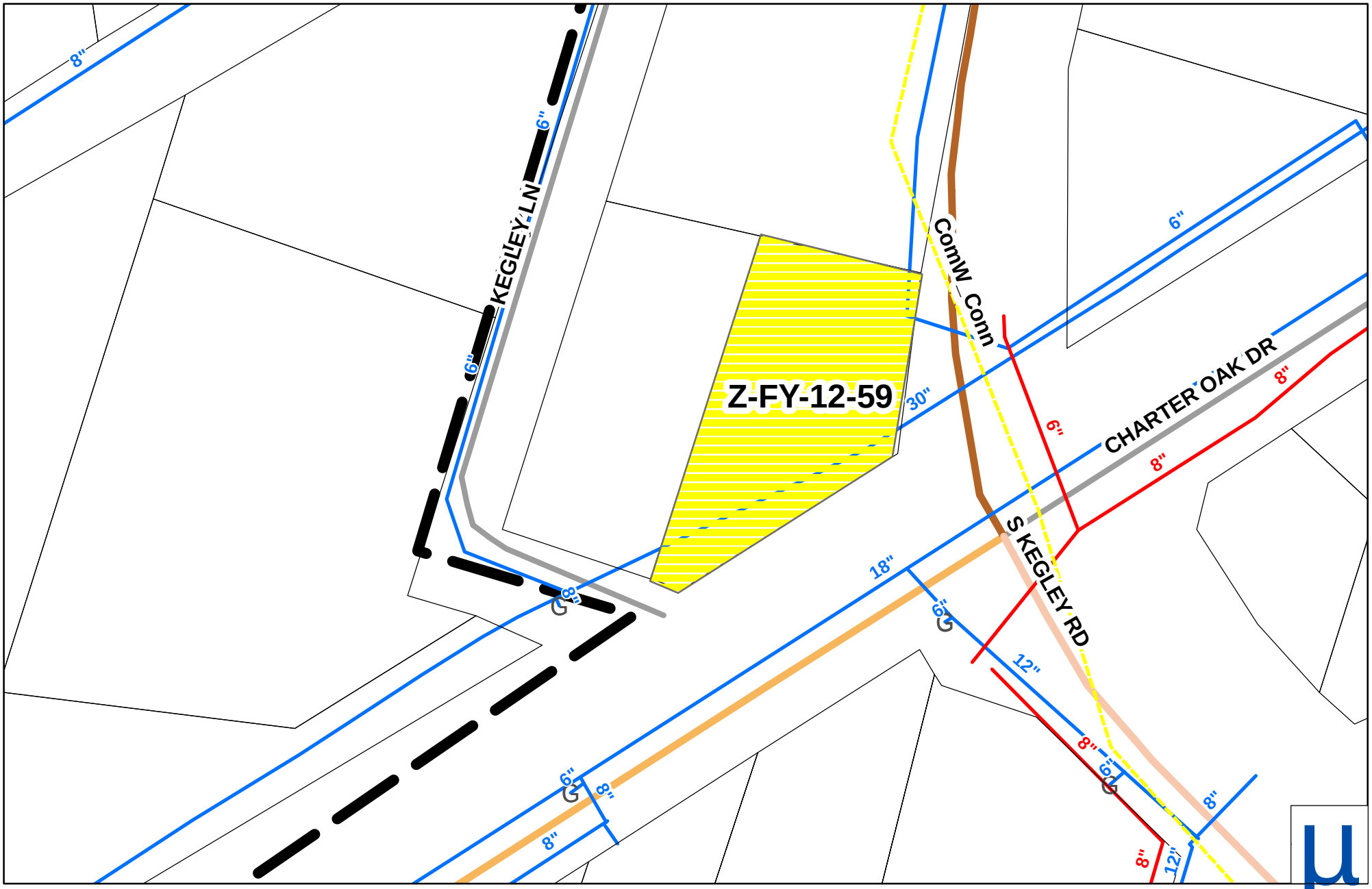
Z-FY-12-59

Z-FY-12-59
Thoroughfare, Trails, and Utility Map

3408 & 3410
S. Kegley Road



Sewer Line
Water Line
Minor Arterial
Proposed Collector
Proposed Minor Arterial
Fire Hydrant
Temple_Boundary

0 100 200
Feet

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.

RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

CJC Properties Ltd
P.O. Box 3766
Temple, Texas 76505-3766

Zoning Application Number: **Z-FY-12-59** **Project Manager:** **Beverly Zendt**

Location: 3408 and 3410 South Kegley Road

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend (X) approval ( ) denial of this request.

Comments:

C.D. Amos
Signature

C.D. Amos
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than September 4, 2012

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED
SEP 07 2012
City of Temple
Planning & Development

Number of Notices Mailed: 5 Date Mailed: August 23, 2012

COURTESY NOTICE
RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Martin Etux Janice Janczak
3149 Kegley Lane
Temple, Texas 76502

Zoning Application Number: **Z-FY-12-59** **Project Manager:** **Beverly Zendt**

Location: 3408 and 3410 South Kegley Road

We have identified your property as being adjacent to a proposed zone change which is the area shown in hatched marking on the attached map. Although your property is outside the Temple City Limits, this letter is sent as a courtesy

Comments:
WE MOST STRONGLY SUPPORT THIS PROPOSED ZONING CHANGE.

Martin S. Janczak
Signature

MARTY JANCZAK
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than September 4, 2012

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

Number of Notices Mailed: 3

Date Mailed: August 23, 2012

RECEIVED
AUG 28 2012
City of Temple
Planning & Development

RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

James E. Tranum Etal
P.O. Box 1028
Temple, Texas 76503-1028

Zoning Application Number: **Z-FY-12-59** **Project Manager:** **Beverly Zendt**

Location: 3408 and 3410 South Kegley Road

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend (X) approval ( ) denial of this request.

Comments:

Signature **Print Name** Jim TRANUM

Please mail or hand-deliver this comment form to the address shown below, no later than September 4, 2012

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED
SEP 07 2012
City of Temple
Planning & Development

Number of Notices Mailed: 5 Date Mailed: August 23, 2012

EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

TUESDAY, SEPTEMBER 4, 2012

ACTION ITEMS

Item 6: Z-FY-12-59: Hold a public hearing to discuss and recommend action on a zone change from Agricultural District (AG) to General Retail District (GR) on 1.053 ± acres out of the Nancy Chance Survey, Abstract No 5, Bell County, Texas, located at 3408 and 3410 South Kegley Road.

Ms. Zendt stated the subject property was located at the intersection of Kegley Road and Charter Oak Drive, adjacent to the railroad, and just inside the city limits. The property is zoned AG and the current use is residential. The requested zoning is GR and the proposed use would be a retail boutique. Surrounding properties are zoned Commercial (C) and AG.

The Future Land Use and Character Map designate the area as Auto Urban-Commercial and the request would comply. AG does not allow retail sales or services.

A change of Use will require conformance with the following standards:

Access and Circulation Sec. 7.2
Off-Street Parking and Loading 7.4
Screening and Buffering Sec. 7.6

South Kegley Road and Charter Oak Drive are both designated as Collector Streets and are adequate for the proposed use. Access will be along South Kegley Road.

Public and private facilities are extended to the site and appear adequate for the proposed use. There is a six-inch water line and six-inch sewer line available to serve the property.

Five notices were mailed out with one courtesy notice returned in favor of the request. Zero were returned in opposition.

Staff recommends approval of the change of zoning from AG to GR for the following reasons:

The request complies with the Future Land Use and Character Map;

The request complies with the Thoroughfare Plan; and

A combination of public and private facilities will be available to subject property.

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

Commissioner Talley made a motion to approve Item 6, Z-FY-12-59, and Commissioner Sears made a second.

Motion passed: (9:0)

ORDINANCE NO. _____

[PLANNING NO. Z-FY-12-59]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A REZONING FROM AGRICULTURE DISTRICT (AG) TO GENERAL RETAIL DISTRICT (GR) ON APPROXIMATELY 1.053 ACRES OUT OF THE NANCY CHANCE SURVEY, ABSTRACT NO. 5, BELL COUNTY, TEXAS, LOCATED AT 3408 AND 3410 SOUTH KEGLEY ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a rezoning from Agriculture District (AG) to General Retail District (GR) on approximately 1.052 acres out of the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 3408 and 3410 South Kegley Road, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

Part 3: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **20th** day of **September**, 2012.

PASSED AND APPROVED on Second Reading on the **4th** day of **October**, 2012.

THE CITY OF TEMPLE, TEXAS

_____
WILLIAM A. JONES, III, Mayor

ATTEST:

_____
Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____
Jonathan Graham
City Attorney

COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:

Randy A. Stoneroad, Director of Human Resources/Civil Service

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING: Consider adopting an ordinance setting the number of positions in each classification for the Temple Fire Department and the Temple Police Department.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for October 4, 2012.

ITEM SUMMARY: Chapter 143 of the Local Government Code requires that the Council establish, by ordinance, the number of positions in each classification for the Fire Department and the Police Department.

FY 2013 budget includes staffing an additional three (3) Firefighters for for overtime relief within the Fire Department. To accommodate this change, Council must authorize three additional Firefighter positions to be added to the ordinance.

FY 2013 budget includes staffing an additional two (2) police officers to enhance the Criminal Investigation Division. To accommodate this change, Council must authorize two additional Police officer positions to be added to the ordinance.

All of these changes will be effective as of October 1, 2012.

FISCAL IMPACT: Funding in the amount of $172,932 is included in the FY 2013 Budget for the three new Firefighter positions. Of this amount, $147,639 is for salary and benefits and $25,293 is for other items related to hiring such as equipment and uniforms. Funding in the amount of $175,035 is included in the FY 2013 Budget for the two new Police Officer positions. Of this amount, $108,793 is to fund salary and benefits and $66,242 is for other items related to hiring such as vehicles, equipment and uniforms.

ATTACHMENTS:
Ordinance

ORDINANCE NO. 2012-4558

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

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

Whereas, the FY2013 budget includes staffing an additional three (3) firefighters for overtime relief within the Fire Department, and to accommodate this change, Council must authorize three (3) additional firefighter positions to be added to the Ordinance;

Whereas, the FY2013 budget includes staffing an additional two (2) police officers to enhance the Criminal Investigation Division of the Temple Police Department, and to accommodate this change, Council must authorize three (3) additional police officer positions to be added to the Ordinance;

Whereas, funding has been appropriated in the FY 2013 budget for three new firefighter positions and two new police officer positions; and

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

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

Part 1: The City Council authorizes the staffing of three (3) additional firefighters for overtime relief within the Fire Department, and the staffing of two (2) additional police officers to enhance the Criminal Investigation Division of the Temple Police Department.

Part 2: To accommodate these changes, Council authorizes three (3) additional firefighter positions and (3) additional police officer positions be added to the Ordinance, as outlined in the FY2013 budget.

Part 3: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or

applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Part 4: This ordinance shall take effect October 1, 2012.

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

PASSED AND APPROVED on First Reading and Public Hearing on the **20th** day of **September, 2012**.

PASSED AND APPROVED on Second Reading on the **4th day of October, 2012**.

THE CITY OF TEMPLE, TEXAS

_____

WILLIAM A. JONES, III, MAYOR

ATTEST:

_____

Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____

Jonathan Graham
City Attorney

COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing annual purchase agreements for utility supplies for FY 2013 with the following vendors in the estimated annual amount of $493,881.98:

(A) Municipal Water Work Supply of Royse City $57,080.85;
(B) HD Supply Waterworks of Belton $130,654.05;
(C) Ferguson Waterworks of Killeen $188,442.05; and
(D) ACT Pipe and Supply of Temple $117,705.03;

STAFF RECOMMENDATION: Adopt resolution as presented in item description or consider local preference options as noted below.

ITEM SUMMARY: The Utility Warehouse, a division of the Purchasing Department, stocks utility supplies that are routinely needed by the Public Works departments. On June 26, 2012, the City received four (4) bids for the annual purchase of utility supplies. The invitation to bid stated that the bid would be awarded to the low bidder of each utility supply item category, of which there were 77 sections. Staff recommends award of the bids to the low bidders of each section, as noted in the item description above and as highlighted in yellow on the attached 77-line bid tabulation.

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

ACT Pipe and Supply is requesting that they be deemed a “local business” under the City’s Local Preference Policy. ACT’s declaration states that they qualify for the local preference due to (1) they pay taxes in Temple, (2) employees are local residents, and (3) ACT stocks all materials of this bid in Temple.

In accordance with the City’s adopted Local Preference Policy, Council does have the option to award 13 sections of the bid to ACT Pipe and Supply (i.e. ACT Pipe’s bid in these 13 sections is within 5% of the low bidder), which are highlighted in purple on the attached bid tabulation. The summarized change in the contract award if Council elects to enact local preference is as follows:

- Municipal Water Works Supply, award would go from $57,080,.85 to $27,476.32
- HD Supply Waterworks, award would go from $130,654.05 to $50,492.02

- Ferguson Waterworks, award would go from $188,442.05 to $68,952.39
- ACT Pipe and Supply, award would go from $117,705.03 to $353,351.25

Per the City's Local Preference Policy, for non-construction expenditures less than $500,000, if the City receives a competitive sealed bid from a bidder whose *principal place of business* is within the City limits and whose bid is within five percent of the lowest bid price, the **Council has the option to consider awarding the purchase to the local bidder if the Council determines that the local bidder offers the City the best combination of contract price and additional economic development opportunities for the City created by the contract award**.

In other words, determining whether a company is entitled to a local preference is a two pronged question: (1) determining whether their "principal place of business" is within the City, and (2) determining whether awarding the contract to the local vendor offers the best overall "economic development opportunity" to the City. That's another way of asking whether the other *indirect* financial benefits of buying from that local business offset the difference in contract price.

Like Ferguson Waterworks (which lists a Killeen address, but which also has a Temple location), ACT Pipe does have a branch office/storefront in Temple. However, it is not their corporate management site. In addition, many things that are procured through ACT Pipe are not stocked in Temple. Ferguson Waterworks did not assert that they should be considered a local business.

FISCAL IMPACT: Utility supplies are purchased on an as needed basis and are accounted for in the Utility Warehouse's inventory account. The supplies are charged to departmental expenditure accounts as they are issued to departments. Based on historical usage, it is estimated that $493,881.98 in utility supplies will be purchased during FY 2013.

The impact of awarding a local preference to ACT Pipe would increase the estimated annual total purchases of utility supplies authorized by this resolution from $493,881.98 to $500,271.98, an increase of $6,390 (1.3%).

ATTACHMENTS:
Bid Tabulation
Resolution

Tabulation of Bids Received
on June 26, 2012
Utility Supplies
Bid# 13-06-13

Sect	Description	BIDDERS: Municipal Water Works Supply Royse City, TX	HD Supply Waterworks Belton, TX	Ferguson Waterworks Killeen, TX	ACT Pipe and Supply Temple, TX	*Memo FY 2012 Contracted Prices*
1	Water Pipe	$11,524.20	$10,788.40	$10,609.80	$10,857.40	*$10,688.80*
2	Brass Ball Valves (LF)	$50,749.45	$44,822.68	$43,936.46	$43,772.47	*$31,747.64*
3	Brass Corporation Stops (LF)	$7,661.22	$6,820.20	$6,600.40	$6,686.72	*$4,748.40*
4	Brass Meter Couplings (LF)	$13,389.80	$10,540.00	$14,255.60	$10,387.30	*$8,605.60*
5	Brass Straight Couplings (LF)	$6,393.98	$5,682.62	$5,337.67	$5,578.85	*$4,022.78*
6	Brass Bell Reducer Couplings FIPT x FIPT (LF)	$1,508.01	$1,118.74	$1,383.64	No Bid	*$860.63*
7	Elbow Brass 90 deg PJ x PJ (LF)	$3,073.94	$2,736.30	$1,876.64	$2,703.94	*$1,870.68*
8	Elbow Brass 90 deg FIPT x FIPT (LF)	$1,043.12	$792.60	$649.12	No Bid	*$627.44*
9	Brass Threaded Nipples (LF)	$3,709.37	$2,902.34	$3,311.62	No Bid	*$3,029.96*
10	Copper Tubing Type K Soft (LF)	$4,149.60	No Bid	$4,177.07	No Bid	*$4,556.00*
11	Polyethylene Tubing	$1,933.45	$1,813.00	$2,123.00	$2,050.00	*$1,803.50*
12	Stainless Steel Stiffener	$836.65	$734.80	$1,090.10	$746.15	*$698.75*
13	Full Circle Clamps (Single Band) (With Removable Lugs) (Foreign OK)	$17,073.45	$18,375.06	$19,443.44	$17,714.47	*$16,029.65*
14	Full Circle Clamps (Double Band) (With Removable Lugs) (Foreign OK)	$3,447.18	$5,351.18	$5,352.06	$3,573.40	*$3,247.34*
15	Collar Leak Clamps (Foreign OK)	$990.36	$1,009.92	$1,090.71	$1,293.30	*$799.47*
16	Tapping Saddles DI or CI with CC Threads	$2,574.94	$2,406.62	$5,290.42	$6,569.62	*$2,486.22*
17	Multi-Range Repair Couplings (Hymax Only)	$78,712.48	$77,361.06	$77,753.50	$79,920.40	*$72,995.31*
18	Adjustable Valve Box Bottom (Foreign OK)	$580.35	$618.70	$928.30	$731.25	*$546.50*
19	Adjustable Valve Box Top (Foreign OK)	$742.10	$746.00	$686.50	$892.00	*$586.10*
20	Valve Box Lid	$540.00	$579.00	$420.00	$696.00	*$451.80*
21	MJ x MJ Gate Valve (Mueller Co or Clow Valve Co Only)	No Bid	$34,085.60	$36,774.76	$31,910.80	*$31,909.80*
22	MJ X Flange Gate Valve (Mueller Co or Clow Valve Co Only)	No Bid	$4,101.21	$4,220.81	$3,627.76	*$3,627.76*
23	Threaded Gate Valve (Mueller Co or Clow Valve Co Only)	No Bid	$2,021.00	$2,062.80	$1,903.70	*$1,903.90*
24	MJ Bends 22-1/2 deg	$1,205.42	$1,199.88	$1,225.24	$1,445.36	*$1,105.10*
25	MJ Bends 45 deg	$1,524.58	$1,517.96	$1,686.30	$1,809.96	*$1,425.98*
26	MJ Bends 90 deg	$1,970.15	$1,961.02	$2,028.51	$2,342.80	*$1,842.21*
27	Flange x Flange Bends 22-1/2 deg	$1,717.84	$1,709.68	$1,719.70	No Bid	*$1,000.29*
28	Flange x Flange Bends 45 deg	No Bid	$1,940.99	$1,755.23	No Bid	*$1,132.97*
29	Flange x Flange Bends 90 deg	$1,931.33	$1,941.14	$1,948.82	No Bid	*$1,216.72*
30	Reducer MJ x MJ	$1,710.70	$1,721.03	$1,642.05	$2,075.12	*$1,499.58*
31	MJ Tees	$3,550.32	$3,569.88	$3,676.08	$4,277.15	*$3,298.35*
32	MJ x Flange Tees	$598.10	$137.03	$177.62	$197.00	*$160.00*
33	Flange x Flange x Flange Tees	$223.83	$225.07	$229.82	No Bid	*$209.15*
34	Cap MJ	$571.02	$574.39	$594.04	$664.03	*$530.92*
35	Plug MJ Solid	$737.14	$741.24	$756.88	$841.34	*$688.94*
36	Tapped Plugs	$696.82	$700.77	$715.56	$795.33	*$647.85*
37	MJ Solid Sleeves (Long)	$3,077.61	$3,094.89	$3,129.76	$3,479.50	*$2,864.71*
38	MJ Solid Sleeves (Short)	$724.28	$728.46	$719.16	$937.86	*$676.78*
39	CI Valve Box Riser (Foreign OK)	$746.25	$798.35	$2,056.30	$1,158.25	*$630.30*
40	Swivel x Solid MJ Anchor Couplings	$2,785.94	$4,127.23	$2,861.60	$3,374.60	*$2,577.85*
41	PVC Compression Coupling (Foreign OK)	$383.27	$597.25	$354.72	No Bid	*$354.72*
42	All Thread Rods and Couplings (Foreign OK)	$1,298.90	No Bid	$1,256.40	No Bid	*$1,023.60*
43	Gland Packs (complete with gaskets and bolts)	$4,958.50	$4,176.15	$4,509.56	$4,975.18	*$3,849.94*
44	PVC Mega Lugs - Packs (with MJ Gaskets and bolts)	$2,515.85	$2,496.19	$2,727.14	$3,025.96	*$2,532.83*
45	DI Mega Lugs - Packs (with MJ Gaskets)	$1,214.39	$1,228.54	$1,342.72	$1,311.20	*$1,214.29*
46	Brass Pack Joint or Compression Tee (LF)	$3,149.61	$2,802.85	$2,975.75	$3,023.50	*$2,035.57*
47	Brass Tees (FIPTx FIPTxFIPT) (LF)	$1,098.25	$834.52	$707.45	No Bid	*$661.27*
48	Flanged Coupling Adapters	$1,184.28	$1,171.42	$1,971.76	$1,329.53	*$1,151.38*
49	Brass Threaded Bushing (LF)	$2,275.78	$2,066.17	$3,369.86	$2,080.60	*$1,505.19*
50	Redi-Clamps (Foreign OK)	$639.10	$633.55	$1,121.10	$798.05	*$631.65*
51	Bell Joint Leak Clamps (Foreign OK)	$737.25	$1,401.89	$1,391.55	$750.68	*$979.92*
52	Brass Sleeve Coupling FIPT (LF)	$969.74	$736.98	$624.76	No Bid	*$583.49*
53	Fire Hydrants (clow Medallion F2546 or Mueller A423 Centurion)	No Bid	$28,617.23	$28,912.09	$26,103.00	*$26,083.00*
54	Meter Risers (Foreign OK)(LF)	$47,622.80	$42,735.68	$41,053.67	$42,541.31	*$30,756.70*
55	Brass Meter Flange Complete Kits (LF)	$511.00	No Bid	$420.44	No Bid	*$420.44*
56	Concrete Meter Box (Box Only) (Foreign OK)	$4,914.00	$6,120.00	$5,155.20	No Bid	*$4,002.60*
57	CI Reader Lid Only (for Concrete Meter Box) (Foreign OK)	$10,660.33	$15,190.52	$8,778.33	No Bid	*$7,854.06*
58	Meter Box with Overlapping Lid and CI Reader (Foreign OK)	$29,040.90	$36,467.00	$28,734.60	$34,597.34	*$24,919.56*
59	CI Reader Lid Only (for PE Meter Box) (Foreign OK)	$407.84	$630.75	$403.47	$1,065.95	*$563.50*

Tabulation of Bids Received
on June 26, 2012
Utility Supplies
Bid# 13-06-13

Sect	Description	BIDDERS: Municipal Water Works Supply Royse City, TX	HD Supply Waterworks Belton, TX	Ferguson Waterworks Killeen, TX	ACT Pipe and Supply Temple, TX	*Memo FY 2012 Contracted Prices*
60	Meter Washers (Foreign OK)	$1,377.00	No Bid	$1,267.00	$1,425.00	*$931.00*
61	Sewer Supplies - SDR 26 Deep Bell	$695.00	$898.39	$372.34	No Bid	*$351.97*
62	Non-Shear Flex Boot Coupling	$7,465.35	$7,604.44	$8,865.71	$7,708.57	*$6,862.41*
63	Sewer Caps Threaded PVC with Sleeve - SDR26	$612.36	No Bid	$617.22	No Bid	*$516.78*
64	Sewer Pipe	$56,239.67	$55,883.76	$55,515.78	$56,567.67	*$86,755.87*
65	Sewer Clean Outs	$1,210.00	$1,148.68	$1,176.44	No Bid	*$827.64*
66	SDR 26 Sewer Wyes GxGxG (with Deep Bell)	$14,426.40	$11,801.14	$7,781.98	No Bid	*$6,959.34*
67	SDR 26 Sewer Tee Wyes GxGxG (with Deep Bell)	$1,177.41	$952.05	$702.25	No Bid	*$647.39*
68	Type M2 Adjustable Steel Manhole Risers (Foreign OK)	$6,608.56	$7,844.70	$6,477.63	No Bid	*$6,202.78*
69	Cast Iron Manhole Rings & Covers (Foreign OK)	$11,065.84	$9,038.30	$13,194.59	No Bid	*$8,413.10*
70	Concrete Manhole Ring Risers (Foreign OK)	$1,004.20	$807.70	$1,013.24	No Bid	*$882.42*
71	Concrete Manhole Cones - (Foreign OK)	$4,969.44	$4,824.00	$7,828.00	No Bid	*$5,030.36*
72	Concrete Manhole Risers - 48-inch (Foreign OK)	$6,830.98	$6,623.95	$7,326.00	$7,484.00	*$6,843.49*
73	Sewer SDR26 Gasketed PVC Bends	$5,336.20	$5,170.28	$3,655.06	No Bid	*$3,270.42*
74	PVC Sewer Tapping Saddles (Gasketed with Bands)	$435.10	$427.96	$483.72	No Bid	*$428.06*
75	Flexible Saddle Wyes for Use on Clay Pipe	$881.30	$900.00	$1,204.30	$920.00	*$930.20*
76	Mushroom Valve Box Cover (Foreign OK)	$1,750.00	$1,575.00	$2,686.25	No Bid	*$2,264.50*
77	Eye Bolts with Washers and Nuts (Foreign OK)	No Bid	No Bid	$39.60	No Bid	*$42.00*
	TOTAL RECOMMENDED FOR AWARD	**$57,080.85**	**$130,654.05**	**$188,442.05**	**$117,705.03**	
	Total if local preference is awarded	**$27,476.32**	**$50,492.02**	**$68,952.39**	**$353,351.25**	
	Flat Fee for Emergency/After Hour Delivery	N/C	$50.00	N/C	$50.00	
	Delivery within 14 days?	Yes	Yes	Yes	Yes	
	Invoicing	Yes	Yes	Yes	?	
	Acknowledged Addendum	No	Yes	Yes	Yes	
	Exceptions	None	None	None	None	
	Local Preference	No	No	No	Yes	
	Credit Check Authorization	Yes	Yes	Yes	Yes	

Planholders
ACT Pipe & Supply
Alamo Iron Works
Border States Electric
Ferguson Waterworks
HD Supply
Kemira Wate Solutions
Lawson Products
Municipal Water Works
Pollack Paper Distributors
Water Products of Oklahoma
Water Technology Resources

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

Belinda Mattke *6-26-12*

Belinda Mattke, Director of Purchasing — Date

Recommended award - Total $493,881.98

Eligible for local preference

Not made in USA as required

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ANNUAL PURCHASE AGREEMENTS WITH VARIOUS VENDORS FOR UTILITY SUPPLIES FOR FISCAL YEAR 2013, IN THE ESTIMATED ANNUAL AMOUNT OF $493,881.98; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on June 26, 2012, the City received 4 bids for the purchase of utility supplies for FY2013;

Whereas, the Utility Warehouse, a division of the Purchasing Department, stocks utility supplies that are routinely needed by the Public Works departments -

Whereas, Staff recommends awarding the bids to the following vendors for the purchase of utility supplies for FY2013: Municipal Water Work Supply of Royse City, TX; HD Supply Waterworks of Belton, TX; Ferguson Waterworks of Killeen, TX; and ACT Pipe and Supply of Temple, TX;

Whereas, the City has done business in the past with all of the vendors and has found each to be a responsible vendor – these contracts will not have options for annual renewals;

Whereas, ACT Pipe and Supply declared the right to be considered a local business under the City's Local Preference Policy and it is Staff's conclusion that ACT Pipe and Supply does not meet the definition of the City's Local Preference Policy;

Whereas, utility supplies are purchased on an 'as-needed' basis and are charged to departmental expenditure accounts as they are issued; 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 authorized purchase agreements for utility supplies for Fiscal Year 2013, as follows:

Municipal Waterworks Supply of Royse City, TX ($57,080.85);
HD Supply Waterworks of Belton, TX ($130,654.05);
Ferguson Waterworks of Killeen, TX ($188,442.05); and
ACT Pipe and Supply of Temple, TX ($117,705.03)

Part 2: The City Council authorizes the City Manager, or his designee, to execute any documents which may be necessary for these purchases, after 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 **20th** day of **September**, 2012.

THE CITY OF TEMPLE, TEXAS

_____
WILLIAM A. JONES, III, Mayor

ATTEST:

_____
Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

_____
Jonathan Graham
City Attorney