

MEETING OF THE TEMPLE CITY COUNCIL MUNICIPAL BUILDING 2 NORTH MAIN STREET 3rd FLOOR – CONFERENCE ROOM THURSDAY, SEPTEMBER 6, 2018 4:30 P.M. AGENDA

- 1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, September 6, 2018.
- 2. Discuss the City's purchasing procedures relating to annual contract bidding and renewals.

5:00 P.M.

MUNICIPAL BUILDING

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

TEMPLE CITY COUNCIL REGULAR MEETING AGENDA

I. CALL TO ORDER

- 1. Invocation
- 2. Pledge of Allegiance

II. 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 three minutes. No <u>discussion</u> or final action will be taken by the City Council.

III. 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.

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

<u>Minutes</u>

- (A) August 10, 2018 Special Called Meeting
- (B) August 16, 2018 Special and Regular Meeting
- (C) August 24, 2018 Special Called Meeting

Contracts, Leases, & Bids

(D) 2018-9256-R: Consider adopting a resolution authorizing a deductive contract amendment with Kasberg, Patrick, & Associates, LP, of Temple for engineering services required for permitting, final design, and bidding for Task 4 – Leon River Dredging at the City of Temple Water Treatment Plant (WTP) Intake Structures in the amount of \$22,182.79.

- (E) 2018-9257-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick and Associates, LP, to coordinate with Oncor and produce schematic design for electric and communication utilities for Downtown Temple in an amount not to exceed \$62,740.
- (F) 2018-9258-R: Consider adopting a resolution authorizing a contract amendment to a professional services agreement with Stateside Right of Way Services, LLC, in the amount of \$49,600 for additional land acquisition services needed for Phase 4 of the Outer Loop Project.
- (G) 2018-9259-R: Consider adopting a resolution authorizing a deductive Change Order #5 to the construction contract with McLean Construction of Killeen, for curb and flatwork that was not used in the amount of \$150,154.
- (H) 2018-9260-R: Consider adopting a resolution authorizing Change Order #1 for the Santa Fe Phase 2 Roadway and Landscaping Improvements with Emerson Construction, Inc. of Temple, in the estimated amount of \$250,736.51.
- (I) Consider adopting resolutions authorizing FY 2019 contract renewals for the following:
 - 1. 2018-9261-R: Liquid Polyaluminum Chloride GEO Specialty Chemicals, Inc., in the estimated annual amount of \$350,000
 - 2018-9262-R: Mowing and Maintenance various vendors, in the estimated annual amount of \$259,825
 - 3. 2018-9263-R: Hauling and Disposal of Sludge S&M Vacuum and Waste, Ltd., in the estimated annual amount of \$240,000
 - 4. 2018-9264-R: Concrete Repair and Construction Wilson Construction Services, LLC, in the estimated annual amount of \$200,000
 - 5. 2018-9265-R: Statement Printing and Mailing for Utility Bills and Accounts Receivable Statements DataProse, LLC, in the estimated annual amount of \$183,000
 - 6. 2018-9266-R: Tires Bridgestone Americas Tire Operations, LLC, dba GCR Tires and Service, in the estimated annual amount of \$150,000
 - 7. 2018-9267-R: Construction Material Testing Langerman Foster Engineering Company, LLC, in the estimated annual amount of \$150,000
 - 8. 2018-9268-R: Water Meters Fortiline Waterworks, in the estimated annual amount of \$140,000
 - 9. 2018-9269-R: Traffic Signal Equipment and Supplies various vendors, in the estimated annual amount of \$100,000
 - 10.2018-9270-R: Aggregate Base Heartland Quarries, LLC, in the estimated annual amount of \$100,000
 - 11.2018-9271-R: HVAC Repair Services Temple Heat & Air, LLC, in the estimated annual amount of \$100,000
 - 12.2018-9272-R: Hot Mix Asphalt Oldcastle Materials Texas, Inc., in the estimated annual amount of \$80,000
 - 13.2018-9273-R: Low-Voltage Electrical Service Bluebonnet Electrical Services, Inc., in the estimated annual amount of \$70,000
 - 14.2018-9274-R: Summit Janitorial Services Jani-King of Austin, in the estimated annual amount of \$47,548
 - 15.2018-9275-R: Protective Footwear Cochran, Blair & Potts, in the estimated annual amount of \$45,000

- 16.2018-9276-R: T-Shirts Design and Printing Holloway's Sports Center, in the estimated annual amount of \$40,000
- 17.2018-9277-R: Dri Fit T-Shirts Design and Printing Sports World, in the estimated annual amount of \$40,000
- 18.2018-9278-R: Printing and Mailing of Brochures for the Recreation Department Liberty Press, in the estimated annual amount of \$35,460
- 19.2018-9279-R: Elevator Repair and Maintenance Schindler Elevator Corporation, in the estimated annual amount of \$35,000
- 20.2018-9280-R: HVAC Supplies Solar Supply, Inc., in the estimated annual amount of \$35,000
- 21.2018-9281-R: Irrigation Supplies Ewing Irrigation Products, in the estimated annual amount of \$30,000
- 22.2018-9282-R: Fire Uniforms GT Distributors, Inc., in the estimated annual amount of \$30,000
- 23.2018-9283-R: Plumbing Supplies Ham & McCreight Supply, in the estimated annual amount of \$30,000
- 24.2018-9284-R: Medium Duty Truck Brakes Russell & Smith Ford, Inc., in the estimated annual amount of \$30,000
- 25.2018-9285-R: Automotive Batteries Continental Battery Co., in the estimated annual amount of \$25,000
- 26.2018-9286-R: Hot Crack Sealant Crafco, Inc., in the estimated annual amount of \$25,000
- 27.2018-9287-R: Automotive and Equipment Filters Napa Auto Parts, in the estimated annual amount of \$25,000
- (J) Consider adopting resolutions authorizing FY 2019 contracts for the following:
 - 1. 2018-9288-R: Liquid Chlorine Brenntag Southwest, Inc., in the estimated annual amount of \$241,150
 - 2. 2018-9289-R: Liquid Copper Sulfate –Brenntag Southwest, Inc, in the estimated annual amount of \$192,000
 - 3. 2018-9290-R: Books, CDs, DVDs, MP3s various vendors, in the estimated annual amount of \$115,000
 - 4. 2018-9291-R: Liquid Caustic Soda Brenntag Southwest, Inc, in the estimated annual amount of \$98,000
 - 5. 2018-9292-R: Various Forms of Rock and Top Soil Heartland Aggregates, in the estimated annual amount of \$80,520
 - 6. 2018-9293-R: Liquid Ammonium Sulfate Chameleon Industries, Inc, in the estimated annual amount of \$47,092.50
 - 7. 2018-9294-R: Plumbing Repair Services C.A.P's Mechanical, in the estimated annual amount of \$45,000
 - 8. 2018-9295-R: Security Guard Services Smith Protective Services, Inc, in the estimated annual amount of \$45,000
 - 9. 2018-9296-R: Citric Acid Chemtrade Chemicals US, LLC, in the estimated annual amount of \$25,000
 - 10.2018-9297-R: Electrical Supplies Rexel, in the estimated annual amount of \$25,000
 - 11.2018-9298-R: Lighting Supplies Rexel, in the estimated annual amount of \$25,000
 - 12.2018-9299-R: Industrial and High Voltage Electrical Services T. Morales Company Electric & Controls, Ltd, in the estimated annual amount of \$25,000

- (K) 2018-9300-R: Consider adopting a resolution authorizing a one-year extension to a services agreement with Evoqua Water Technologies, LLC (previously known as Siemens Industry, Inc.) of Sarasota, Florida, for the service/supplier of chlorine dioxide/sodium chlorite at a cost of 64.7¢ per liquid pound in the estimated annual amount of \$212,735.
- (L) 2018-9301-R: Consider adopting a resolution authorizing an increase in the estimated expenses in FY2018 from \$70,000 to \$120,000 for construction material testing services provided by Langerman Foster Engineering Company, LLC of Waco.
- (M) 2018-9302-R: Consider adopting a resolution authorizing a services agreement with the Amateur Softball Association (ASA) District 17 in the estimated annual amount of \$40,000 for officiating and scorekeeping services needed for various sporting events during FY2019.
- (N) 2018-9303-R: Consider adopting a resolution ratifying a meet and confer agreement with the Temple Police Association.
- (O) 2018-9304-R: Consider adopting a resolution ratifying an Interlocal Agreement with the Texas Department of Public Safety ("DPS") for use of the state Multimodal Biometric Identification System ("MBIS") for latent fingerprint or palm print searches.
- (P) 2018-9305-R: Consider adopting a resolution ratifying an Interlocal Agreement with the Temple Independent School District to provide standby medical services at varsity home football games for the 2018 football season.
- (Q) 2018-9306-R: Consider adopting a resolution authorizing a Memorandum of Understanding between the Bell County Public Health District and the City of Temple concerning operation of a closed Point of Dispensing in the event of a potential community health emergency.
- (R) 2018-9307-R: Consider adopting a resolution authorizing a Memorandum of Understanding between Texas A&M Engineering Extension Service, the Sponsoring Agency of Texas Task Force 1(TX-TF1) and the City of Temple regarding the participation of Temple Fire and Rescue personnel on Texas Task Force 1 Urban Search and Rescue Team (USAR).
- (S) 2018-9308-R: Consider adopting a resolution authorizing an agreement with the City of Belton, pursuant to Texas Local Government Code Section 212.007, to delegate plat approval authority to the City of Belton for the Final Plat of Restin' Easy Cox Ranch Subdivision.
- (T) 2018-9309-R: Consider adopting a resolution authorizing the purchase of a permanent easement and temporary construction easement necessary for the construction of the Bird Creek Interceptor Phase 4 project in an estimated amount of \$16,500.
- (U) 2018-9310-R: Consider adopting a resolution authorizing a settlement agreement, in the amount of \$64,000, to acquire property necessary for the expansion of Prairie View Road and dismiss eminent domain proceedings.

(V) 2018-9311-R: Consider adopting a resolution authorizing an increase in the estimated expense in FY 2018 from \$123,310 to \$171,038 for the purchase of Liquid Chlorine from Brenntag Southwest, Inc of Longview.

<u>Misc.</u>

- (W) 2018-9312-R: Consider adopting a resolution authorizing the rejection of the bids received for sodium hypochlorite, hydrochloric acid, and cyanuric acid on August 16, 2018.
- (X) 2018-9313-R Consider adopting a resolution authorizing the rejection of the bids received for oil and lubricants on August 23, 2018.
- (Y) 2018-9314-R: Consider adopting a resolution authorizing payment of an annual invoice from Brazos River Authority in the amount of \$54,188.18 for operation and maintenance costs associated with the City's portion of raw water storage in Lake Belton.
- (Z) 2018-9315-R: Consider adopting a resolution authorizing payment of an annual invoice from Brazos River Authority in the amount of \$191,250 to secure the availability of 2,500 acre-feet of water per year to the City for FY 2019.
- (AA) 2018-9316-R: Consider adopting a resolution approving a negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division regarding the Company's 2018 Rate Review Mechanism Filings.
- (BB) 2018-9317-R: Consider adopting a resolution authorizing the cancellation of the January 3, 2019 City Council meeting.
- (CC) 2018-9318-R: Consider adopting a resolution funding the rates for medical and prescription insurance for employees and pre-65 retirees, as well as Dental, Basic Life Insurance, Accidental Death & Dismemberment and Long Term Disability Insurance.
- (DD) 2018-9319-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2017-2018.

IV. REGULAR AGENDA

ORDINANCES- SECOND & FINAL READING

4. 2018-4928: SECOND READING – FY-18-9-ZC: Consider adopting an ordinance authorizing a rezoning of 2.562 +/- acres from Agricultural zoning district to Planned Development Neighborhood Services zoning district, a non-residential subdivision, a part of the Maximo Moreno Survey, Abstract #14, being out of a part of Lot 8, Block 3, Ridgewood Estates Addition, Bell County, for a proposed retail development, addressed as 7254 South Hartrick Bluff Road.

ORDINANCES- FIRST READING/PUBLIC HEARING

5. 2018-4929: FIRST READING – PUBLIC HEARING - FY-18-10-ZC: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning district to Single Family Two on 169.72+/- acres, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, addressed as 914 North Pea Ridge Road.

- 6. 2018-4930: FIRST READING PUBLIC HEARING: Consider adopting an ordinance authorizing a five-year franchise with Scott & White EMS, Inc., to provide non-emergency ambulance transfer services within the City.
- 7. 2018-4931: FIRST READING PUBLIC HEARING: Consider adopting an ordinance authorizing an amendment and adopting the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans to recognize additional tax increment revenue received from Agreements of Appraised Value on property omitted from the tax roll, allocating expenditures for public improvements for years FY 2018, and to fund a required debt service reserve fund associated with the issuance of 2018 Reinvestment Zone No. 1 Tax Increment Revenue Bonds Series 2018A and Taxable Series 2018B in FY 2018.

RESOLUTIONS

8. 2018-9320-R: Consider adopting a resolution authorizing a one-year renewal to a purchase agreement for building materials for FY2019 with Lengefeld Lumber Company of Temple in the estimated annual amount of \$35,000.

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 11:15 am, on Friday, August 31, 2018.

an Borgeous

City Secretary, TRMC

SPECIAL ACCOMMODATIONS: Persons with disabilities who have special communication or accommodation needs and desire to attend this meeting should notify the City Secretary's Office by mail or telephone 48 hours prior to the meeting date.

I certify that this Notice of Meeting Agenda was removed by me from the outside bulletin board in front of the City Municipal Building on ______ day of ______2018.

_____Title_____



09/06/18 Item #3(A-C) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

- (A) August 10, 2018 Special
- (B) August 16, 2018 Special and Regular Meeting
- (C) August 24, 2018 Special

STAFF RECOMMENDATION: Approve minutes as presented in item description.

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

FISCAL IMPACT: N/A

ATTACHMENTS:

August 10, 2018 Special Meeting Minutes / Video August 16, 2018 Special and Regular Meeting Minutes / Video August 24, 2018 Special Meeting Video Minutes / Video

SPECIAL MEETING OF THE TEMPLE CITY COUNCIL

AUGUST 10, 2018

The City Council of the City of Temple, Texas conducted a Special Called City Council Meeting on Friday, August 10, 2018 at 8:30 AM, at the Municipal Building, 2 North Main Street, in the Council Chambers.

Present:

Councilmember Susan Long Councilmember Jessica Walker Councilmember Mike Pilkington Mayor Pro Tem Judy Morales Mayor Timothy A. Davis

I. CALL TO ORDER

1. Invocation

Councilmember Mike Pilkington voiced the Invocation.

2. Pledge of Allegiance

Lacy Borgeson, City Secretary led the Pledge of Allegiance.

II. BUDGET ITEMS

3. PUBLIC HEARING: Conduct the first of two public hearings to receive comments on the proposed tax rate of 66.12 cents per \$100 valuation for fiscal year 2019 (2018 tax year), and announce meeting to adopt the proposed tax rate on August 24, 2018.

Traci Barnard, Finance Director provided a brief presentation to the Council. She noted this process and order is governed by the Truthin-Taxation, and by the City Charter. Ms. Barnard noted that last year's tax rate for FY18 was 67.72 cents; and this year for FY19 the tax rate is proposed at 66.12 cents, which is 1.60 cent decrease. The estimated monthly tax rate reduction of 1.60¢ per \$100,000 in taxable valuation on the average homeowner will be a decrease of \$1.33 per month/\$16.00 annually. There would be no impact for senior citizen (65+) homestead exemption holders.

Ms. Barnard then discussed item #4 - the tax roll for FY2019. The proposed ordinance will adopt the ad valorem property tax roll certified by the Tax Appraisal District of Bell County, in the amount of \$4,838,107,737. Of that \$470,696,863 was frozen taxable value, and

\$440,490,768 from the Reinvestment Zone. The taxable value was 6% increase over last year's.

The tax rate (item #5) was then presented by Ms. Barnard. She noted on August 24th the tax rate is adopted. The M&O component of the rate is 29.82 cents, and the Debt Service component is 36.30 cents.

Mayor Davis asked if anyone wished to address items 3, 4, and 5. There being none, Mayor Davis closed the public hearing.

He noted that the second public hearing on the proposed tax rate is scheduled for the regular City Council Meeting, Thursday, August 16th, 5:00 p.m. and the meeting to adopt the proposed tax rate is set for the Special Called City Council Meeting on Friday, August 24th, 2018 at 8:30 a.m. in Council Chambers

4. 2018-4926: FIRST READING - PUBLIC HEARING - Consider adopting an ordinance approving the tax roll and authorizing calculation of the amount of tax that can be determined for all real and personal property in the City for the tax year 2018 (fiscal year 2019).

Motion by Councilmember Susan Long adopt as presented on first reading; with second and final reading set for August 16th, seconded by Councilmember Jessica Walker.

5. 2018-4927: FIRST READING - PUBLIC HEARING - Consider adopting an ordinance setting a tax rate \$0.6612 per \$100 valuation, comprised of \$0.2982 for maintenance and operations and \$0.3630 for debt service, for Fiscal Year 2019 (Tax Year 2018), making the appropriation for the regular operation of the City.

Motion by Councilmember Mike Pilkington that the property tax rate be decreased by the adoption of a tax rate of \$0.6612, which is effectively a 2.77 percent increase in the tax rate, seconded by Mayor Pro Tem Judy Morales.

Mayor Davis announced that the meeting for the 2nd reading and public hearing to adopt the proposed tax rate is set for a Special Celled Meeting on Friday, August 24, 2018, at 8:30 am, in the City Council Chambers.

Timothy A. Davis, Mayor

ATTEST:

SPECIAL MEETING OF THE TEMPLE CITY COUNCIL

AUGUST 10, 2018

The City Council of the City of Temple, Texas conducted a Special Called City Council Meeting on Friday, August 10, 2018 at 8:30 AM, at the Municipal Building, 2 North Main Street, in the Council Chambers.

Present:

Councilmember Susan Long Councilmember Jessica Walker Councilmember Mike Pilkington Mayor Pro Tem Judy Morales Mayor Timothy A. Davis

I. CALL TO ORDER

1. Invocation

Councilmember Mike Pilkington voiced the Invocation.

2. Pledge of Allegiance

Lacy Borgeson, City Secretary led the Pledge of Allegiance.

II. BUDGET ITEMS

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Traci Barnard, Finance Director provided a brief presentation to the Council. She noted this process and order is governed by the Truthin-Taxation, and by the City Charter. Ms. Barnard noted that last year's tax rate for FY18 was 67.72 cents; and this year for FY19 the tax rate is proposed at 66.12 cents, which is 1.60 cent decrease. The estimated monthly tax rate reduction of 1.60¢ per \$100,000 in taxable valuation on the average homeowner will be a decrease of \$1.33 per month/\$16.00 annually. There would be no impact for senior citizen (65+) homestead exemption holders.

Ms. Barnard then discussed item #4 - the tax roll for FY2019. The proposed ordinance will adopt the ad valorem property tax roll certified by the Tax Appraisal District of Bell County, in the amount of \$4,838,107,737. Of that \$470,696,863 was frozen taxable value, and

\$440,490,768 from the Reinvestment Zone. The taxable value was 6% increase over last year's.

The tax rate (item #5) was then presented by Ms. Barnard. She noted on August 24th the tax rate is adopted. The M&O component of the rate is 29.82 cents, and the Debt Service component is 36.30 cents.

Mayor Davis asked if anyone wished to address items 3, 4, and 5. There being none, Mayor Davis closed the public hearing.

He noted that the second public hearing on the proposed tax rate is scheduled for the regular City Council Meeting, Thursday, August 16th, 5:00 p.m. and the meeting to adopt the proposed tax rate is set for the Special Called City Council Meeting on Friday, August 24th, 2018 at 8:30 a.m. in Council Chambers

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Motion by Councilmember Susan Long adopt as presented on first reading; with second and final reading set for August 16th, seconded by Councilmember Jessica Walker.

5. 2018-4927: FIRST READING - PUBLIC HEARING - Consider adopting an ordinance setting a tax rate \$0.6612 per \$100 valuation, comprised of \$0.2982 for maintenance and operations and \$0.3630 for debt service, for Fiscal Year 2019 (Tax Year 2018), making the appropriation for the regular operation of the City.

Motion by Councilmember Mike Pilkington that the property tax rate be decreased by the adoption of a tax rate of \$0.6612, which is effectively a 2.77 percent increase in the tax rate, seconded by Mayor Pro Tem Judy Morales.

Mayor Davis announced that the meeting for the 2nd reading and public hearing to adopt the proposed tax rate is set for a Special Celled Meeting on Friday, August 24, 2018, at 8:30 am, in the City Council Chambers.

Timothy A. Davis, Mayor

ATTEST:

TEMPLE CITY COUNCIL

AUGUST 16, 2018

The City Council of the City of Temple, Texas conducted a workshop City Council Meeting on Thursday, August 16, 2018 at 2:00 PM, at the Municipal Building, 2 North Main Street, in the 3rd Floor Conference Room.

PRESENT:

Councilmember Susan Long Councilmember Jessica Walker Councilmember Michael Pilkington Mayor Pro Tem Judy Morales Mayor Timothy A. Davis

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, August 16, 2018.

The following items were briefly mentioned:

- 1. Item 4(O) Brynn / discuss the list of projects
- 2. Item 5 Zoning Case FY-18-9-ZC will require a Super Majority vote
- 3. Items 6 & 7 Kayla has provided special motion language
- 4. Item 7 Mayor Pro Tem Morales will abstain
- 5. Items #8, #9, and #10 Councilmember Pilkington

2. Discuss various Board Appointments.

Ms. Borgeson provided a brief presentation regarding the potential board appointments.

3. Receive an update from City Manager regarding Meet & Confer.

Mrs. Myers provided a brief overview. She noted the process is governed by Chapter 142 of the Local Government Code. Chapter 142 allows a "police officers association" to file a petition with the City requesting that the City recognize the association as the sole and exclusive bargaining agent for all officers and adopt the meet & confer process; as well as allows the City to meet & confer with a police officers association over wages, salaries, rates of pay, hours of work, or other terms and conditions of employment. The meet and confer deliberations must occur in a meetings open to the public. The City and a police officers association are not required to reach agreement on any particular topic. An agreement on any issue must be in writing and ratified by the Council and a majority of the police officers. A written meet & confer agreement preempts all contrary state statutes, local ordinances, executive orders, civil service provisions, or rules. This process allows a variation of civil service rules regarding hiring requirements, pay, benefits, promotion standards, and the disciplinary process.

Mrs. Myers reminded Council that the Meet and Confer was adopted in October 2015; and the first agreement was reached in October 2016. In September 2017, the parties reached their second agreement with one substantive change and four non-substantive changes. Currently there is a tentative agreement covering two changes. Staff and TPA has agreed to extend our FY2018 meet and confer agreement to March of 2019. The FY2018 agreement covers 11 issues; and the draft agreement proposes that we amend the language to the compensation article to provide more details on the compensation study that will be performed.

A meet and confer agreement is enforceable and binding if: (1) the governing body of the municipality ratifies the agreement by a majority vote; and (2) the recognized police officers association ratifies the agreement by conducting a secret ballot election at which the majority of the police officers who would be covered by the agreement favored ratifying the agreement. The Temple Police Association is currently conducting a secret ballot election, and if the agreement is approved by the majority of police officers, an resolution to ratify the meet and confer agreement will be on your September 6, 2018 agenda.

4. Receive third quarter financial results for Fiscal Year 2018.

Ms. Barnard provided an overview of the 3rd Quarter Financial results. She noted our year is 75% complete. The City's sale tax is very diverse; and makes up 30% of the revenue source for general fund. We are 2.3% greater than we were 10 months ago. She also offered highlights for General Revenue expenditures, Water & Wastewater Fund revenues and expenditures, as well as investments.

5. Receive an overview briefing of the FY2019 Preliminary Budget, including a review of the FY2019 budget process, calendar, and other strategic and budget related policy issues.

Ms. Myers reminded the Council we were near the end of the process. The final reading, and adoption is set for Friday, August 24th at 8:30 am.

At this time, approximately 3:10 pm, Mayor Davis announced the Council would enter into executive session with no final action.

6. Pursuant to Section 551.071 of the Texas Government Code, the City Council will enter into executive session to seek the advice of the City Attorney on contemplated litigation related to the City's Certificate of Convenience and Necessity (CCN) boundaries.

At this time, approximately 3:55 pm, Mayor Davis announced that the Council and attorney would enter into executive session for private consultation.

7. Pursuant to Section 551.071 of the Texas Government Code, the City Council will conduct a private consultation with the City Attorney on a matter in which the duty of the attorney to the Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551.

Council adjourned the executive session at approximately 5:00 pm.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, August 16, 2018 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

Councilmember Susan Long Councilmember Jessica Walker Councilmember Mike Pilkington Mayor Pro Tem Judy Morales Mayor Timothy A. Davis

I. CALL TO ORDER

1. Invocation

Rev. Roscoe Harrison with Eighth Street Baptist Church voiced the invocation.

2. Pledge of Allegiance

Jason Deckman, City Planner led the Pledge of Allegiance.

II. PUBLIC COMMENTS

Ms. Bobbie Thompson, 904 South Henderson spoke to the Council regarding her concerns for juveniles in the neighborhood. She stated she has called the police but nothing has been done.

Mr. Milton Hensley, 301 Mitchell Drive spoke with regards to the Annual Life Chain event that was to take place on October 7th from 2:00 pm - 3:00 pm. He invited the Council to attend.

III. BUDGET / PUBLIC HEARING

3. PUBLIC HEARING/PUBLIC HEARING: Conduct the second of two public hearings to receive comments on the proposed tax rate of 66.12 cents per \$100 valuation for fiscal year 2019 (2018 tax year), and announce meeting to adopt the proposed tax rate on August 24, 2018. Ms. Barnard presented this item to the Council. She noted the process began in January 2018. The proposed tax rate for FY19 is 66.12 cents, which is a 1.60 cent decrease from FY18. The rate is composed of two components, the General M&O which is 29.82 cents, and the Debit I&S which is 36.30 cents. Ms. Barnard noted this process and the timelines for required meeting dates and publications is governed by both State Law (Truth-in-Taxation) and our City Charter.

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

Mayor Davis announced the meeting to adopt the proposed tax rate is set for a Special Called Meeting on Friday, August 24, 2018, at 8:30 am in the City Council Chambers.

- 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 and ordinances for each of the following:

(A) August 2, 2018 Special and Regular Meeting

(B) 2018-9229-R: Consider adopting a resolution authorizing the purchase of a playground system for Meadow Bend Park in the amount of \$28,910.59 from Gametime/Total Recreation Products, Inc. of Cypress.

(C) 2018-9230-R: Consider adopting a resolution authorizing the purchase of video detection equipment at for four existing signalized intersections in the amount of \$87,265 from Texas Highway Products, Ltd. of Round Rock.

(D) 2018-9231-R: Consider adopting a resolution authorizing the purchase of a 2015 Case single drum vibratory roller in the amount of \$71,000.08 from Associated Supply Company, Inc. of Lubbock

(E) 2018-9232-R: Consider adopting a resolution authorizing an amendment to a professional services agreement with Jacobs Engineering Group, Inc. (Jacobs) for construction phase

services associated with the Bird Creek Interceptor Project in an amount not to exceed \$158,740.70.

(F) 2018-9233-R: Consider adopting a resolution authorizing contract amendment #6 to the professional services agreement with Kasberg, Patrick & Associates, LP, for additional services needed to phase the design of Research Parkway from IH35 to Central Pointe Parkway within the Reinvestment Zone No.1 in northwest Temple in an amount not to exceed \$45,030, as well as, declare an official intent to reimburse the expenditures with the issuance of the 2018 Tax Increment Financing Reinvestment Zone (TIRZ) Bonds.

(G) 2018-9234-R: Consider adopting a resolution authorizing a contract amendment to a professional services agreement with Daniel B. Stephens & Associates, Inc. of Austin for additional environmental services needed for Reuben D. Talasek Bend of the River in the amount of \$3,311.

(H) 2018-9235-R: Consider adopting a resolution authorizing a professional services agreement with Clark & Fuller, PLLC, of Temple, for professional services for the Gateway Center Water Main Replacement Project in an amount not to exceed \$37,220.85.

(I) 2018-9236-R: Consider adopting a resolution authorizing a Memorandum of Understanding with the City of Killeen and Bell County to establish the rights, duties, administration and division of funds received under the 2018 Edward Byrne Memorial Justice Assistance Grant (JAG) program Award.

(J) 2018-9237-R: Consider adopting a resolution authorizing renewal of a Memorandum of Understanding with the U.S. Department of Justice Drug Enforcement Agency (DEA) for participation in the Waco Task Force.

(K) 2018-9238-R: Consider adopting a resolution authorizing renewal of the Memorandum of Understanding with the Children's Advocacy Center of Central Texas for investigative, therapeutic, and rehabilitative services.

(L) 2018-9239-R: Consider adopting a resolution authorizing renewal of an Interlocal Cooperation Agreement with the Texas Department of Public Safety ("DPS") for participation in the DPS Breath Testing and Laboratory Alcohol and Drug Testing Program. (M) 2018-9240-R: Consider adopting a resolution authorizing renewal of an Interlocal Agreement with the Texas Department of Public Safety (DPS) for participation in the DPS Sex Offender Registration program.

(N) 2018-9241-R: FY-18-3-AB: Consider adopting a resolution authorizing a 0.143-acre abandonment embracing all of a 15-foot wide public utility easement out of Lots 1, 2, and 4, Block 1, Birdcreek Plaza Subdivision, Temple, Bell County, Texas.

(O) 2018-9242-R: Consider a resolution authorizing the submission of applications to the Killeen Temple Metropolitan Planning Organization (KTMPO) Call for Projects, to secure grant funding and to include up to a 20% match in future funding for selected transportation projects.

(P) 2018-9243-R: Consider adopting a resolution authorizing the rejection of the two bids received for water treatment plant membrane modules and accessories on July 10, 2018.

(Q) 2018-9244-R: Consider adopting a resolution approving third quarter financial results for Fiscal Year 2018.

(R) 2018-9245-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2017-2018.

Motion by Mayor Pro Tem Judy Morales approve Consent Agenda as presented seconded by Councilmember Mike Pilkington.

Motion passed unanimously.

V. REGULAR AGENDA

ORDINANCES

5. 2018-4928: FIRST READING/PUBLIC HEARING -- FY-18-9-ZC: Consider adopting an ordinance authorizing a rezoning of 2.562 +/- acres from Agricultural zoning district to Planned Development Neighborhood Services zoning district, a non-residential subdivision, a part of the Maximo Moreno Survey, Abstract #14, being out of a part of Lot 8, Block 3, Ridgewood Estates Addition, Bell County, for a proposed retail development, addressed as 7254 South Hartrick Bluff Road.

Lynn Barrett, Assistant Planning Director provided a presentation to the Council. The applicant, Scott Motsinger on

behalf of 3040 Ventures, is proposing to rezone the subject tract to allow for future retail or office development. He has agreed to additional screening, landscaping and architectural standards in exchange for the possibility of drive-thru lanes on the strip center end caps. Site plan review by the Planning and Zoning Commission and also approval by City Council would be required prior to development of the property. The tract is also required to be platted prior to development. On the Ridgewood Estates subdivision plat (1969), the property, noted as Tract A, was set aside for Commercial uses.

A supermajority requirement for City Council approval has been triggered by the percentage of responses returned in disagreement (owners representing 21.6% of property within the 200-foot noticing boundary).

The property is on the northwest corner of FM 93 and Hartrick Bluff Road, and is bordered by Ridgewood Estates Subdivision. The property was indicated as a "Commercial" outparcel on a 1969 Ridgewood Estates plat. The applicant is proposing, as an investment, to either have office space or a retail trip center on the property. He will bring back a site plan showing additional landscaping to buffer and screen the adjacent residences. higher architectural requirements prior to development and is requesting the option for a possible future drive-thru lane on an endcap of the strip center. Mr. Barrett noted the drive-thru is not allowed in straight Neighborhood Services zoning. This is the reason for the Planned Development zoning request.

Ms. Barrett provided several site and aerial photos of the subject property, noting it has not changed over many years. The subject property takes access along one side from W FM 93, which is designated as a Major Arterial in the Thoroughfare Plan, and along Hartrick Bluff Road, which is designated as a Collector. No trails are shown in the vicinity of this property. Water is available to service the subject property; sewer would be required to be extended.

Ms. Barrett reviewed the conditions for a Planned Development: (1) Submittal for future consideration and approval of a Development/ Site Plan by the Planning & Zoning Commission and City Council prior to development; (2) A 15-foot perimeter buffer and screening strip consisting of a combination of existing trees, solid fencing ranging between 6-8-foot high and new plantings along the adjacent residential property reviewed at the time of public Development/ Site Plan review; (3) Maximum building height of single story; (4) Neighborhood services uses allowed by right; drive-thru lanes allowed on strip center endcaps only with complete future site plan elevations to be approved by P&Z and City Council; and (5) Lighting shall be shielded using full-cutoff fixtures to prevent light trespass to neighboring properties.

She then noted it was Staff's recommendation to approve the request from Agricultural District to Planned Development-Neighborhood Services for the following reasons: (1) The request is in compliance with UDC Section 3.4.5A-J Planned Development Criteria; (2) The request is compatible with the 1969 subdivision plat for Ridgewood Estates which showed the tract as being set aside as "Commercial"; (3) The request is consistent with Future Land Use Map designation of Suburban Commercial; (4) Public facilities are present or nearby to serve the property; and (5) The request, conditioned as a Planned Development would help ensure compatibility with surrounding uses and the anticipated and potential growth of the FM 93 corridor.

Planning and Zoning Commission also recommends approval as per Staff's recommendation at their July 16, 2018 meeting.

Seventeen notices were mailed to property owners within the 200 feet buffer area of the subject property. The notices included information on the public hearing as required by State Law and City Ordinance. As of noon on Monday, August 6^h, 2018,6 notices were received in disagreement; totaling 21.61%, and 0 notices in agreement received, with 0 notices returned undeliverable.

Mayor Pro Tem Morales asked what was going to be built on the property.

Ms. Barrett noted it is an investment property at this time. The applicant will be required to present a site plan prior to any development.

Councilmember Long wanted to know if meetings has been had with the neighbors.

Mr. Motsinger, addressed Councilmember Long's question. He noted he spoke with several at the last Planning and Zoning Meeting. This will be similar to what you see down West Adams. The plan is to use existing trees as a buffer, but will ensure there will be a quality project. Mayor Davis declared the public hearing open and asked if anyone wished to address item 5. There being none, Mayor Davis declared the public hearing closed.

Motion by Councilmember Jessica Walker adopt ordinance on first reading as presented, with the second and final reading set for September 6, 2018. seconded by Councilmember Mike Pilkington.

RESOLUTIONS

6. 2018-9228-R: Consider adopting a resolution pursuant to Government Code § 2206.053 finding that a 0.062-acre permanent easement and 0.017 and 0.011-acre temporary construction easements situated in the Redding Roberts Survey, Abstract 692 located in Temple, Texas, are necessary for the construction of the Bird Creek Interceptor Project, Phase 4 and authorizing the use of eminent domain to condemn the property

Christina Desmir, Deputy City Attorney presented this item. In 2007. Council authorized a professional services agreement with Carter Burgess, Inc., now Jacobs Engineering Group, Inc., for engineering services related to the Bird Creek Interceptor. This project, targeted toward reducing sanitary sewer overflows, will rehabilitate existing deteriorated infrastructure through the heart of the City. Bird Creek Interceptor Phases 1 through 3 are complete and construction is in its initial stages on Phase 5. The design requires acquisition of permanent and temporary construction easements from fourteen properties. The City has acquired ten easements and has reached an agreement for one easement with closing being coordinated. Permanent and temporary construction easements need to be acquired from three property owners. Lone Star Right of Way Services, Inc. (Lone Star) has negotiated with the three remaining property owners but agreements are not likely. Council authorized condemnation for two of three remaining easements at its August 2, 2018 meeting. The project still requires a 0.062acre permanent easement and 0.017-acre and 0.011-acre temporary construction easements, situated in the Redding Roberts Survey, Abstract 692, Bell County, Texas, embracing a portion of Lot 4, Block 1, Bird Creek Office Park Subdivision, an addition in the City of Temple, Bell County, Texas, according to the plat of record in Cabinet A, Slide 369-A, Plat Records of Bell County, Texas addressed as 2003 Birdcreek Terrace, Temple, Bell CAD ID 43252.

- 1. An appraisal was performed on the property and the City made an offer to purchase, based on the appraisal, to the owner of record.
- 2. This property was reappraised in May 2018 and appraised at a lower value. A second offer at the original appraised value was made on June 11, 2018.
- 3. After multiple counteroffers and responses, the City and property owner have been unable to reach an agreement.
- 4. A final offer letter was sent on July 16, 2018, and if rejected after 14 days, Staff is asking Council to authorize the use of the power of eminent domain to acquire the property.

Staff is asking pursuant to Government Code § 2206.053, for the City Council to authorize the use of eminent domain to acquire the easements described above.

Motion by Councilmember Mike Pilkington I move that the City of Temple approve Resolution No. 2018-9228-R and authorize the use of the power of eminent domain to acquire a permanent easement on a property located at 2003 Birdcreek Terrace in Temple, Texas, and more particularly described as being 0.062acre situated in the REDDING ROBERTS SURVEY, ABSTRACT 692, Bell County, Texas, embracing a portion of Lot 4, Block 1, Bird Creek Office Park Subdivision, an addition in the City of Temple, Bell County, Texas, according to the plat of record in Cabinet A, Slide 369-D, Plat Records of Bell County, Texas, together with 0.017-acre and 0.011-acre temporary construction easements abutting and parallel to the permanent easement for the construction of the Bird Creek Interceptor Phase 4 Project. seconded by Councilmember Jessica Walker.

Motion passed unanimously.

7. 2018-9246-R: Consider adopting a resolution pursuant to Government Code § 2206.053 finding that a property situated in Moore's Addition located on South 9th Street in Temple, Texas, is necessary for the construction of the Santa Fe Plaza project and authorizing the use of eminent domain to condemn the property.

Christina Desmir, Deputy City Attorney presented this item. The City is currently in the construction phase of the Santa Fe Plaza project. The project requires the acquisition of the property located at 18 South 9th Street, Temple, Texas, 76501, for the construction of a public parking lot under Chapter 251, Local

Government Code § 251.001. An appraisal was performed on the property in February 2018. Due to deceased owners whose estates were not probated, this property has multiple owners. The City made an offer to purchase the property on May 11, 2018 via Stateside Right-of-Way Services to all owners. To avoid condemnation, all owners needed to agree; unfortunately, the parties have not been able to reach an agreement. A final offer was sent to all owners on July 24, 2018.

The property needed is described as being the East Sixty feet (60') of the South Sixty feet (60') of Lot Four (4), Block Eleven (11), of Moore's Addition, an addition to the City of Temple, Bell County, Texas, according to the map or plat of record in Volume 115, Page 416, Deed Records, Bell County, Texas with an address of 18 South 9th Street, Temple, Texas 76501 (Bell CAD ID #93717). Staff is asking pursuant to Government Code § 2206.053, for the City Council to authorize the use of the power of eminent domain to acquire the property.

Motion by Councilmember Susan Long I move that the City of Temple approve Resolution No. 2018-9246-R and authorize the use of the power of eminent domain to acquire a property located 18 South 9th Street in Temple, Texas, and more particularly described as being the east sixty feet of the south sixty feet of Lot 4, Block 11, of Moore's Addition, an addition to the City of Temple, Bell County, Texas, according to the map or plat of record in Volume 115, Page 416, Deed Records, Bell County, Texas for the construction of the Santa Fe Plaza Project. seconded by Councilmember Jessica Walker.

Mayor Pro Tem Judy Morales abstained. The other Councilmembers voted aye. The motion passed.

8. 2018-9247-R: Consider adopting a resolution authorizing contract amendment #3 to a professional services agreement with Kasberg, Patrick & Associates, LP, for construction phase services required to construct the Shallowford 30" Force Main Improvements in an amount not to exceed \$183,203.

Mayor Davis noted this was on regular agenda for voting purposed, a presentation is not needed.

Motion by Councilmember Susan Long adopt as presented seconded by Mayor Pro Tem Judy Morales.

Motion passed unanimously.

2018-9248-R: Consider adopting a resolution authorizing a construction contract with Bruce Flanigan Construction, Inc. (BFC), of Belton, for construction of the Shallowford 30" Force Main Improvements in the amount of \$2,771,771.30.

Mayor Davis noted his was on regular agenda for voting purposes.

Motion by Councilmember Jessica Walker adopt as presented seconded by Councilmember Susan Long.

Councilmember Mike Pilkington abstained. The other Councilmembers voted aye. The motion passed.

10. 2018-9249-R: Consider adopting a resolution authorizing a construction contract with Bell Contractors, Inc., of Belton, in the amount of \$1,853,473.75 for construction of Phase 1 of the Williamson Creek Trunk Sewer Improvements.

Mayor Davis noted this item was on regular agenda for voting purposes, and did not need a presentation.

Motion by Councilmember Susan Long adopt resolution as presented seconded by Councilmember Jessica Walker.

Councilmember Mike Pilkington abstained. The other Councilmembers voted aye. The motion passed.

11. 2018-9250-R: Consider adopting a resolution appointing members to the following City boards and commissions:

(A) Airport Advisory Board- two members to fill expiring terms through September 1, 2021;

and one member to fill an unexpired term through September 1, 2019;

reappoint Tyler Johnson (RZ Rep), and Brad Phillips (Temple Resident) to fill expiring terms through September 1, 2021; and table the TEDC Representative at this time;

(B) Animal Services Advisory Board - three members to fill expiring terms through September 1, 2021;

Reappoint Petara Monroe-Woodberry and Ami Hooper to fill expiring terms through September 1, 2021;

(C) Building Board of Appeals - one member to fill an unexpired term through March 1, 2022;

appoint Zoe Grant to fill an unexpired term through March 1, 2022;

(D) Civil Service Commission - one member to fill an expiring term through September 1, 2021;

Reappoint Robert Curtis to fill an expiring term through September 1, 2021;

(E) Library Board - three members to fill expiring terms through September 1, 2021; and one member to fill an unexpired term through September 1, 2019;

Reappoint Alesia Dawson, Paula Ortiz Hendy, and Donald Nelson to fill expiring terms through September 1, 2021; and appoint Robyn Dadig to fill an unexpired term through September 1, 2019;

(F) Planning & Zoning Commission - three members to fill expiring terms through September 1, 2021

Reappoint Lester Fettig, Derek Marshall, and Lydia Alaniz to fill expiring terms through September 1, 2021

(G) Reinvestment Zone No. 1 Board of Directors - six members to fill expiring terms through September 1, 2020;

Appoint Michelle DiGaetano, John Mayo, and Blake Pitts and Reappoint Raymond Smith, John Kiella (BISD) and Gary Schmidt (Troy ISD) to fill expiring terms through September 1, 2020;

(H) Temple Public Safety Advisory Board - three members to fill expiring terms through September 1, 2021

Reappoint Benny Walsh, and Angela McGeHee, and appoint Perry Cloud to fill expiring terms through September 1, 2021

Motion by Mayor Pro Tem Judy Morales adopt resolution with the appointments as mentioned seconded by Councilmember Mike Pilkington. Motion passed unanimously.

12. 2018-9251-R: Consider adopting a resolution appointing one member to the Temple Economic Development Corporation Board of Directors.

Reappoint Dr. Adresja Avots-Avotins to fill an expiring term through September 1, 2021.

Motion by Councilmember Susan Long adopt resolution as presented seconded by Councilmember Mike Pilkington.

Motion passed unanimously.

Timothy A. Davis, Mayor

ATTEST:

Lacy Borgeson City Secretary

TEMPLE CITY COUNCIL

AUGUST 24, 2018

The City Council of the City of Temple, Texas conducted a Special Called City Council Meeting on Friday, August 24, 2018 at 8:30 AM, at the Municipal Building, 2 North Main Street, in the Council Chambers, 2nd Floor.

Present:

Councilmember Jessica Walker Councilmember Mike Pilkington Mayor Pro Tem Judy Morales Mayor Timothy A. Davis

Absent:

Councilmember Susan Long

I. CALL TO ORDER

1. Invocation

Superintendent Shelton Rhodes with Greater Zion voiced the Invocation.

2. Pledge of Allegiance

Gloria Elder led the Pledge of Allegiance.

II. BUDGET ITEMS

Mayor Davis read items 3, 4, & 5 into the record for one presentation.

3. 2018-9252-R: PUBLIC HEARING - Conduct a public hearing regarding the City's budget for fiscal year beginning October 1, 2018 and ending September 30, 2019 and consider adopting a resolution:

(A) Adopting the City's budget for fiscal year beginning October 1, 2018 and ending September 30, 2019, including the Operating Budget for 2018-2019, Capital Improvement Plan, General

Government Pay Plan, Fiscal & Budgetary Policy, and Investment Policy.

Brynn Myers, Interim City Manager presented the FY18-19 Budget to the Council. This item is to conduct a public hearing and adopt the 2018-2019 proposed budget. The ad valorem tax rate is proposed at \$0.6612. This proposed tax rate is comprised of an decreases in the maintenance and operation rate. The proposed Maintenance and Operation rate (M&O) is 29.82 cents and the Interest and Sinking fund rate (I&S) is 36.30 cents for a total rate of 66.12 cents.

Ms. Myers provided an overview and highlights of the FY19 Budget. Ms. Myers began by identifying her FY2019 Budget parameters to be (1) Maintain fiscal soundness; (2) Focus on core mission and activities; (3) Maintain or improve services & service levels; (4) Continue to improve infrastructure; (5) Continue to support and develop our workforce; and (6) Align strategic, financial, and staff work plans. These parameters are used in concert with the Strategic Plan to determine priorities. She explained the focus areas as to (1) manage strategically; (2) protect our public safety; (3) enhance our quality of life; (4) deliver high quality services; (5) invest in our infrastructure; and (6) build strong neighborhoods.

Mayor Davis declared the public hearing open and asked if anyone wished to address items 3, 4, and or 5.

Robi Toni Deshotel, offered a few comments related to the homeless issue. Mayor Davis asked that she speak with someone after the meeting.

Tonya Coleman, addressed the Council with concerns for HOP Transit funding. She asked that the Council please consider a way to help fund this program.

Mayor Davis, noted that the City has allocated money as requested, to help with this program.

Motion by Councilmember Mike Pilkington adopt the budget for fiscal year beginning October 1, 2018 and ending September 30, 2019, including the Operating Budget for 2018-2019, Capital Improvement Plan, Fiscal & Budgetary Policy, and Investment Policy be adopted seconded by Mayor Pro Tem Judy Morales.

Motion passed unanimously.

(B) Ratifying the property tax increase reflected in the budget -"This budget will raise more total property taxes than last year's budget by \$1,034,826 (3.78%) and of that amount, \$727,677 is tax revenue to be raised from new property added to the tax roll this year."

Motion by Mayor Pro Tem Judy Morales move that the property tax increase reflected in the budget be approved – This budget will raise more total property taxes than last year's budget by \$1,034,826, a 3.78% increase, and of that amount, \$727,677 is tax revenue to be raised from new property added to the tax roll this year, seconded by Councilmember Jessica Walker.

Motion passed unanimously.

4. 2018-4926: SECOND & FINAL READING - Consider adopting an ordinance approving the tax roll and authorizing calculation of the amount of tax that can be determined for all real and personal property in the City for the tax year 2018 (fiscal year 2019).

The proposed ordinance will adopt the ad valorem property tax roll certified by the Tax Appraisal District of Bell County, in the amount of \$4,838,107,737.

Motion by Councilmember Jessica Walker adopt as presented seconded by Councilmember Mike Pilkington.

Motion passed unanimously.

5. 2018-4927: SECOND & FINAL READING - Consider adopting an ordinance setting a tax rate of \$0.6612 per \$100 valuation, comprised of \$0.2982 for maintenance and operations and \$0.3630 for debt service, for Fiscal Year 2019 (Tax Year 2018), making the appropriation for the regular operation of the City.

The Fiscal 2018-2019 Budget will require adoption of a property tax rate of \$0.6612 per \$100 of taxable assessed property value. The proposed tax rate will generate \$25,964,796 of property tax levy when applied to an ad valorem tax base of \$4,397,616,969 less \$470,696,863 of freeze taxable value. In addition, there will be \$2,424,899 in frozen tax levy for a total property tax levy of \$28,389,695. The proposed tax rate of \$0.6612 represents a 2.77% increase over the effective tax rate of \$0.6434. The fiscal year 2018-2019 tax rate is comprised of the Maintenance and Operation rate and the Debt Service rate.

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

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

Motion by Councilmember Jessica Walker I move that the property tax rate be decreased by the adoption of a tax rate of \$0.6612, which is effectively a 2.77 percent increase in the tax rate, seconded by Mayor Pro Tem Judy Morales.

Motion passed unanimously.

III. REGULAR AGENDA

6. 2018-9253-R: Consider adopting a resolution setting the collection charges for solid waste services.

Ms. Myers provided an overview of this item to the Council. She noted this resolution will increase both residential rates and commercial rates. The rate increase is needed for continued support of maintenance and replacement of capital equipment. Residential rates will increase by \$1.00 per month plus \$6.50 per extra container, while commercial rates will increase approximately 5%. Brush and bulk rates will remain the same.

Motion by Councilmember Mike Pilkington adopt resolution as presented, seconded by Councilmember Jessica Walker.

Motion passed unanimously.

7. 2018-9254-R: Consider adopting a resolution amending the drainage fees for residential customers to ratify the waiver of the drainage fee for residential customers that use less than 2,000 gallons of water in a billing cycle.

Ms. Myers explained that this resolution will amend the drainage system fees to continue to waive the fee for residential customers that use less than 2,000 gallons of water in a billing cycle. At the November 17, 2016, Council workshop, it was presented to Council that the fee would be waived for residential customers that used less than 2,000 gallons of water in a billing cycle.

Resolution 2016-8495-R was adopted by Council on December 15, 2016 with an effective date of January 1, 2017. The resolution did not contain the waiver of the drainage fee for residential customers that use less than 2,000 gallons of water in a billing cycle. Since the inception of the drainage fee, we have exempted that class of residential customers. The only change to the fee structure is to ratify the waiver of the drainage fee for residential customers that use less than 2,000 gallons of water in billing а cvcle.

Residential (> 2,000 gallons) Commercial (0 - 2,500 sf)Commercial (2,500 - 10,000 sf)Commercial (10,001 - 50,000 sf)Commercial (50,001 - 100,000 sf)Commercial (100,001+)

Current Fee

\$6.00 per month \$12.00 per month \$24.00 per month \$75.00 per month \$175.00 per month \$350.00 per month

Motion by Mayor Pro Tem Judy Morales adopt resolution as presented, seconded by Councilmember Mike Pilkington.

Motion passed unanimously.

8. 2018-9255-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick and Associates, of Temple, in an amount not to exceed \$93,800 for professional services for the Ferguson Park Neighborhood Planning District utility schematic and concept design project.

Ms. Myers, provided an brief explanation to the Council. She noted that as part of our Neighborhood Revitalization Program, this project will develop schematic design for the water and wastewater utilities for the Ferguson Park Neighborhood Planning District to improve the infrastructure for water delivery to the District and review wastewater infrastructure. The Concept Design will explore options for improvements to the Ferguson Park District to enhance the District. Elements for pedestrian, bike and vehicular mobility will be explored beautification as well as elements such as intersection enhancements, landscaping, signage, monuments, etc. The final product will be a conceptual design for the full extents of project and include Concept and Schematic Design for amenities such as pedestrian and bike access, landscaping, signage, connectivity etc.

The cost for the Ferguson Park Neighborhood Planning District utility schematic design and concept plan project is \$93,800. Funding for the professional services agreement with Kasberg, Patrick and Associates in an amount not to exceed \$93,800 for the Ferguson Park Neighborhood Planning District utility schematic and concept design is available in account 561-5200-535-6974, project 101575.

Motion by Mayor Pro Tem Judy Morales adopt resolution as presented, seconded by Councilmember Mike Pilkington.

Motion passed unanimously.

At approximately, 9:18 am, Mayor Davis announced the Council would enter into executive session with no final action to be made.

IV. EXECUTIVE SESSION

- 9. Discuss the employment, duties, and work plan of the City Secretary. Texas Government Code § 551.074 – The City Council will meet in executive session to discuss the hiring process, appointment, employment, and duties of the City Secretary. No final action will be taken.
- 10. Discuss the employment, duties, and work plan of the City Attorney. Texas Government Code § 551.074 – The City Council will meet in executive session to discuss the hiring process, appointment, employment, and duties of the City Attorney. No final action will be taken.

At approximately 12:30 pm, Mayor Davis adjourned the executive session.

Timothy A. Davis, Mayor

ATTEST:

Lacy Borgeson City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

09/06/18 Item #3(D) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, P.E., Public Works Director Don Bond, P.E., CFM, City Engineer

ITEM DESCRIPTION: Consider adopting a resolution authorizing a deductive contract amendment with Kasberg, Patrick, & Associates, LP, (KPA) of Temple for engineering services required for permitting, final design, and bidding for Task 4 – Leon River Dredging at the City of Temple Water Treatment Plant (WTP) Intake Structures in the amount of \$22,182.79.

STAFF RECOMMENDATION: Adopt resolution as presented in item discussion.

ITEM SUMMARY: The City owns and operates a water treatment plant located on the north side of the Leon River just off Charter Oak Drive. The plant consists of a conventional water treatment train (CWTT) and a membrane water treatment train (MWTT), which ultimately combine through shared storage and pumping facilities and operate as one plant which delivers water to customers along the distribution system. The 29.4-MGD CWTT is an aging facility that has been renovated and expanded several times since its construction in 1957. In 2004, the 11.6-MGD MWTT was constructed in response to increasing water demands.

On September 1, 2016, Council authorized KPA to begin preliminary design services, Task 4A to assess the raw water intake system and Task 5A to assess the high service pump station. Both preliminary tasks culminated in technical memorandums and are now complete. Technical Memorandum No. 4-1 (TM 4-1), Dredging and Removal of Sedimentation at WTP Intake Structures dated September 5, 2017, aided by City of Temple GIS Department's river survey data, identified a considerable amount of silt and sediment in front of the intake structures that is causing restricted flows, higher turbidity, and possible operational issues. TM 4-1 also recommends the best method of sedimentation removal (dredging) and which permits are required for this work. This contract amendment is the next step and includes the following recommended tasks and costs and removes some unused scope from the preliminary tasks:

Task 4A – Preliminary Assessment, Raw Water Intake	(\$25,563.49)
Task 5A – Preliminary Assessment, High Service Pumping	(<u>\$32,979.30)</u>
Total Deduct	<u>(\$58,542.79)</u>

09/06/18 Item #3(D) Consent Agenda Page 2 of 2

Task 4B – Permit Preparation		\$ 14,250.00	(60 days)
Task 4C – Final Design, Plans &	Specs	\$ 16,170.00	(90 days)
Task 4D – Bidding Services		<u>\$ 5,940.00</u>	
	Total Add	<u>\$ 36,360.00</u>	

Total Contract Amendment #1 (\$22,182.79)

Please refer to the attached proposal and map for further details. The proposed timeline for permitting and design is tabulated in the proposal. The preliminary opinion of construction cost is \$275,000.

FISCAL IMPACT: Funding for deductive contract amendment #1 to the professional services agreement with Kasberg, Patrick, & Associates, LP for engineering services required for permitting, final design, and bidding for Water Treatment Plant Task 4 – Leon River Dredging in the net amount of \$22,182.79 will be recognized in account 561-5100-535-6959 as follows:

	WTP Improvements Task 4 & 5 Preliminary Engineering Task 4		Total		
		101088	101619		
Project Budget	\$	104,955	\$ 36,360	\$	141,315
Encumbered/Committed to Date		(141,315)	-		(141,315)
KPA Contract Amendment #1		58,543	 (36,360)		22,183
Remaining Project Funds	\$	22,183	\$ 	\$	22,183

ATTACHMENTS:

Engineer's Proposal Contract Amendment Project Map Resolution



KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS Texas Firm F-510

<u>Temple</u> One South Main Street Temple, Texas 76501 (254) 773-3731 RICK N. KASBERG, P.E. R. DAVID PATRICK, P.E., CFM THOMAS D. VALLE, P.E. GINGER R. TOLBERT, P.E. ALVIN R. "TRAE" SUTTON, III, P.E., CFM JOHN A. SIMCIK, P.E., CFM <u>Georgetown</u> 1008 South Main Street Georgetown, Texas 78626 (512) 819-9478

August 24, 2018

Mr. James Billeck, P.E. 3210 E. Avenue H Building A Temple, Texas 76501

Re: City of Temple, Texas

Temple WTP Improvements, Leon River Sedimentation Removal Permitting and Final Design Task 4 Contract Amendment (Items 4B, 4C & 4D)

Dear Mr. Billeck:

This letter proposal is in response to the City's request for additional professional services related to the necessary permitting and associated dredging detailed in Technical Memorandum No. 4-1. Technical Memorandum No. 4-1, Dredging and Removal of Sedimentation at WTP Intake Structures was published September 5, 2017 and documents the historical and current intake/river conditions, details dredging alternatives, discusses permitting requirements and timelines and included a preliminary opinion of probable construction cost for the recommended dredging alternative. Exhibit A detailing the general project limits is attached for reference.

The specific professional service items included in this letter proposal include the following:

- 1. Task 4B Permitting
 - a. Preparation of Nationwide No. 3 Maintenance Permit Pre-Construction Form including the following items:
 - i. Coordination with City Staff to address non-engineering portions of permit
 - ii. Preparation of general location map displaying areas to be dredged and disposal of removed soil.
 - iii. Necessary site surveys to develop as-built existing conditions detailing "ordinary high water mark and bank elevations" of Leon River.
 - iv. Detail dredging method, approximate quantities of sediment to be removed and location of disposal site for all dredged material.
 - b. Prepare Nationwide Permit No. 16, including details for the dewatering procedure, approximate quantity and location of re-introduction of water (once solids are removed).
 - c. Coordinate with USACE Fort Worth Office throughout the permitting process to insure documents and dredging procedures conform to USACE NWP 3, NWP 15 and Section 106 Cultural Resources.

I.

- 2. Task 4C Construction Plans, Details & Specifications
 - a. Prepare applicable construction plans, details and specifications covering the following items:
 - i. Dredging of Leon River adjacent to existing Intake Structures.
 - 1. Incorporate schematics and/or drawings from permit application into plan sheets detailing the existing condition of the intake structures.
 - 2. Prepare technical specification detailing dredging, dewatering and return flow requirements as determined in Permit Application.
 - 3. Prepare final OPC. Preliminary OPC for dredging was \$275,000 as noted in the referenced TM and attached as Exhibit B.

In order for us to provide the services required for completion of this project, the following not-toexceed lump sum amounts will be applicable:

BA	SIC SERVICES		
А.	Task 4B – Permit Preparation		\$ 14,250
В.	Task 4C – Dredging Plans & Specs		\$ 16,170
С.	Task 4D – Bid Phase Services		\$ 5,940
		Total	\$ 36,360

Please note that neither Construction Phase Services nor permit fees (if any) are included in this proposal. A separate proposal will be prepared as necessary and/or requested.

The submission of the permit application and preparation of plans and specifications can be completed within the following respective timelines from the notice to proceed:

- Task 4B 60 calendar days
- Task 4C 90 calendar days

Based on the published information on the US Army Corps of Engineers (USACE) website, the USACE has forty-five (45) days to review once the "complete" application is submitted. Once approval is received, the City will have six (6) months to complete all activity within the River. Exhibit C is included showing the proposed schedule that allows "permitted activities" to be performed beginning in Fall 2019. We appreciate the opportunity to submit this proposal and look forward to working with you on this project.

Sincerely,

Thomas D. Valle, P.E.

TDV/

xc: 16-146-20/21

Exhibit C

Temple Water Treatment Plant Improvements

Leon River Sedimentation Removal Permitting (Task 4B), Final Design (Task 4C) & Bid Phase (Task 4D)

Schedule

August 2018

		2018					2019											
	S	әр	С	oct	N	ov	D	ec	Ji	an	F	eb	N	1ar	Apr		М	ay
Task 4B Permitting																		
Permit Preparation																		
Permit Review by City									Subm	nittal o	n Hold	to all	ow Pe	rmitteo	dActiv	vity to	begini	in Fall
Task 4C Final Design																		
Final Design									Bidd	Bidding on Hold to allow Permitted Activity to begin in Fall					n Fall			

							20)19								20)20	
	J	un	J	ul	A	ug	S	ер	C	Oct	N	ov	D	ec	J	an	F	eb
Task 4B Permitting																		
Submittal to USACE																		
USACE Review																		
Permitted Activity Allowed																		
Task 4D Bidding Phase																		
Bidding Phase & Award																		
Task 4E Construction																		
Dredging Activity																		

Notes: 1. Tasks 4D (Bidding) and 4E (Construction) are shown for refrence only and are not included in this proposoal

2. The lag in subsequent tasks is intended to coincide with construction activities occurring within the fall/winter of 2019.



CONTRACT AMENDMENT (Professional Service Agreements)

PROJECT: Water Treatment Plant Improvement, Tasks 4 & 5 **OWNER:** City of Temple **ARCHITECT/ENGINEER:** Kasberg, Patrick & Associates, LP **AMENDMENT #:** One (1)

Make the following additions, modifications or deletions to the work described in the Contract Documents:

Deductive:	Prelim Task 4 Prelim Task 5 Total Deduct	-25.563.49 - <u>32.979.30</u> - 58,542.79
Additions:	Task 4B – Permit Preparation Task 4C – Dredging Plans & Specs Task 4D – Bid Phase Services Total Added	14,250.00 16,170.00 <u>5,940.00</u> 36,360.00

The Compensation agreed upon in this Contract Amendment is the full, complete and final payment for all costs the Architect or Engineer may incur as a result of or relating to this amendment whether said costs are known, unknown, foreseen or unforeseen at this time, including without limitation, any cost for delay (for which only revised time is available), extended overhead, ripple or impact cost, or any other effect on changed or unchanged work as a result of this Contract Amendment.

Original Contract Amount: Previous Net Change in Contract Amount: Amount This Amendment: Revised Contract Amount: Original Contract Completion Date: Revised Contract Completion Date:

\$	141,315.00
\$	0.00
\$_	-22,182.79
\$	119,132.21
	August 15, 2017
	February 3, 2019

Recommended by:

8-30-18

roject Manager

Approved by City of Temple:

Brynn Myers, City Manager Date

Agreed to:

chitect or Engineer

cnitect or Engineer

Approved as to form:

City Attorney's Office

Date

Date

Approved by Finance Department:



RESOLUTION NO. 2018-9256-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, CONSIDER ADOPTING A RESOLUTION AUTHORIZING A DEDUCTIVE CONTRACT AMENDMENT WITH KASBERG, PATRICK, & ASSOCIATES, LP OF TEMPLE, TEXAS FOR ENGINEERING SERVICES REQUIRED FOR PERMITTING, FINAL DESIGN, AND BIDDING FOR TASK 4 – LEON RIVER DREDGING AT THE CITY OF TEMPLE WATER TREATMENT PLANT INTAKE STRUCTURES IN THE AMOUNT OF \$22,182.79; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City owns and operates a water treatment plant located on the north side of the Leon River just off Charter Oak Drive that consists of a conventional water treatment train (CWTT) and a membrane water treatment train (MWTT), which ultimately combine through shared storage and pumping facilities and operate as one plant which delivers water to customers along the distribution system;

Whereas, the 29.4-MGD CWTT is an aging facility that has been renovated and expanded several times since its construction in 1957 - in 2004, the 11.6-MGD MWTT was constructed in response to increasing water demands;

Whereas, on September 1, 2016, Council authorized Kasberg, Patrick & Associates, LP ("KPA") to begin preliminary design services on Task 4A to assess the raw water intake system and Task 5A to assess the high service pump station - both preliminary tasks culminated in technical memorandums and are now complete;

Whereas, Technical Memorandum No. 4-1 (TM 4-1), Dredging and Removal of Sedimentation at Water Treatment Plant Intake Structures dated September 5, 2017, aided by City of Temple GIS Department's river survey data, identified a considerable amount of silt and sediment in front of the intake structures that is causing restricted flows, higher turbidity, and possible operational issues - TM 4-1 also recommends the best method of sedimentation removal (dredging) and which permits are required for this work;

Whereas, Staff recommends Council authorize a deductive contract amendment with Kasberg, Patrick, & Associates, LP, of Temple, Texas for engineering services required for permitting, final design, and bidding for Task 4 – Leon River Dredging at the City of Temple Water Treatment Plant Intake Structures in the amount of \$22,182.79;

Whereas, funding for this deductive contract amendment will be recognized in account 561-5100-535-6959, Project No. 101088 and Project No. 101619; 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:

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>**Part 2:**</u> The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a deductive contract amendment with Kasberg, Patrick, & Associates, LP, of Temple, Texas for engineering services required for permitting, final design, and bidding for Task 4 – Leon River Dredging at the City of Temple Water Treatment Plant Intake Structures in the amount of \$22,182.79.

<u>**Part 3:**</u> It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

09/06/18 Item #3(E) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, P.E., Public Works Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick and Associates, LP, to coordinate with Oncor and produce schematic design for electric and communication utilities for Downtown Temple in an amount not to exceed \$62,740.

<u>STAFF RECOMMENDATION</u>: Staff recommends approval of the professional services agreement as presented.

ITEM SUMMARY: Work to be performed under this contract consists of planning and engineering services to coordinate with Oncor and other overhead dry utilities to prepare schematic design of locations, underground assignments, phasing, termination points, transformer locations and switching, and customer connections. The project will explore options for development of underground utility duct banks and conversion of existing overhead dry utilities to an underground system. The final product will be schematic design with phasing connections and cost estimates.

Consultant services recommended under this contract include the following tasks and costs:

Plan Layout of Existing Overhead Dry Utilities Coordination with Oncor and Communication Dry Utilities	\$ \$	14,450.00 9,350.00
Development of Phasing with Downtown Projects	\$	17,950.00
Development of Electric and Communication Conversion	\$	9,740.00
Cost Estimates	<u>\$</u>	11,250.00
TOTAL	<u>\$</u>	<u>62,740.00</u>

Timeframe for design is ten (10) months, depending upon availability of Oncor personnel.

The Reinvestment Zone No. 1 Board recommended the agreement for the Downtown Electric Master Plan at their August 29, 2018, Board Meeting.

FISCAL IMPACT: Funding is available in the Reinvestment Zone No. 1 Financing and Project Plan, line 402 – Downtown Electric Master Plan, account 110-3795-524-2616, to fund this professional services agreement with Kasberg, Patrick and Associates, LP, to coordinate with Oncor and produce schematic design for electric and communication utilities for Downtown Temple in an amount not to exceed \$62,740.

ATTACHMENTS:

Proposal Resolution



KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS Texas Firm F-510

<u>Temple</u> One South Main Street Temple, Texas 76501 (254) 773-3731

RICK N. KASBERG, P.E. R. DAVID PATRICK, P.E., CFM THOMAS D. VALLE, P.E. GINGER R. TOLBERT, P.E. ALVIN R. "TRAE" SUTTON, III, P.E., CFM JOHN A. SIMCIK, P.E., CFM

Georgetown 1008 South Main Street Georgetown, Texas 78626 (512) 819-9478

August 17, 2018

Ms. Nicole Torralva, P.E. Director of Public Works 3210 E. Avenue H Building A Temple, Texas 76501

Re: City of Temple Downtown Electric Coordination and Schematic Design

Dear Ms. Torralva:

At the request of the City of Temple and the City of Temple Reinvestment Zone #1 (TRZ), we are submitting this proposal for the above referenced project. This project will develop coordination with Oncor and produce schematic design for electric and communication utility for the Downtown Temple.

The work to be performed by KPA under this contract consists of providing planning and engineering services for coordination with Oncor which will induce other overhead dry utility coordination. Schematic design of locations, underground assignments, phasing, termination points, transformer locations and switching, existing customer connections, etc. will be explored. The timeframe for design of the project is ten (10) months from the Notice to Proceed. This time frame will depend on the availability of Oncor Personnel, although we have already met with Oncor to discuss this work and we feel this time frame will be sufficient for the project.

The purpose of the scope of work as described in this proposal is to develop a coordination and schematic design for the Downtown Temple in regard to overhead dry utilities. The project will explore options for development of underground utility duct banks and conversion of existing overhead dry utilities to an underground system. The final product will be schematic design with phasing connections and cost estimates. Ms. Nicole Torralva, P.E. August 17, 2018 Page 2

KPA will perform quality control and quality assurance (QA/QC) on all deliverables associated with the project.

The following services will be performed:

1) PLAN LAYOUT OF EXISTING OVERHEAD DRY UTILTIES

- i) All current dry utility poles for overhead service of electric and communication utilities will be documented on a downtown map. Existing aerial mapping will be utilized along with field survey of existing utility poles as required to develop a cohesive map illustrating downtown overhead dry utilities. Video and still photos will be developed to document the existing overhead utilities.
- ii) Utilizing the map produced, an overlay of proposed Downtown Projects will be inserted to illustrate the relationship of the current overhead dry utility infrastructure to proposed project areas.

2) COORDINATION WITH ONCOR AND COMMUNCATION DRY UTILITIES

- a) Coordination with Oncor will be established by performing a kick off meeting with City Staff and the Temple Area Oncor Manager (Casey Simpson). This meeting will establish a series of meetings and the personnel that will be required for developing the plan to implement overhead utilities to an underground duct bank system.
- b) Meeting schedules will be developed to integrate the coordination for projects.
- c) Based on Oncor's evaluation of the downtown systems, exhibits and mapping created in Phase 1 will be updated.
- d) It is anticipated that there will be approximately ten (10) meetings with subsequent updates to mapping and exhibits.

3) DEVELOPMENT OF PHASING WITH DOWNTOWN PROJECTS

- a) After the meeting sequences with City Staff, Oncor and the Communication Utilities, phasing of overhead dry utility to underground dry utility will be performed.
- b) Project specific exhibits will be created to illustrate Downtown Projects in relation to dry utility relocations and termination points with projects.
- c) After completion of the project specific exhibit, meetings will be held with City Staff, Oncor and the communication dry utilities to verify connections and termination points, common trench duct bank requirements and exiting customer terminations and connections. All exhibits will be updated from information conveyed at the meetings.

Ms. Nicole Torralva, P.E. August 17, 2018 Page 3

4) DEVELOPMENT OF ELECTRIC AND COMMUNICATION CONVERSION

- a) After completion of Phase 3, meetings will be held with Oncor and the communication utilities to determine existing connection to current customers.
- b) Based on these meetings, additional exhibits will be created to illustrate current customer connections and future connections with the conversion from overhead to underground. Details will be developed in conjunction with the information gathered to illustrate the conversions.
- c) Once the exhibits in 4b have been developed a joint meeting with City Staff, the dry utilities and code enforcement will occur to determine what will be required after new connections are performed and current codes.

5) COST ESTIMATES

a) Once Phases 1 though 4 are complete cost estimates will be established. They will be done with input from all affected dry utilities. The civil portion of the project will be performed by the City of Temple and included in the cost estimates. A breakout of estimated costs will be performed. Discussions with the team will occur to determine the most effective breakdown of costs, but it will be in a form that illustrates costs directly associated with City projects, costs associated with work performed by the dry utilities and any costs associated with transfer of services. Ms. Nicole Torralva, P.E. August 17, 2018 Page 4

The following scope of work for the Downtown Electric Coordination and Schematic Design can be completed for the lump sum price of \$62,740. Below is a breakdown of project costs. We are pleased to submit this proposal and look forward to the benefit it will bring the City of Temple.

Plan Layout of Exisitng Overhead Dry Utilities	\$ 14,450.00
Coordiantion with Oncor and Communication Dry Utilities	\$ 9,350.00
Development of Pahsing with Downtown Projects	\$ 17,950.00
Development of Electric and Communication Conversion	\$ 9,740.00
Cost Estimates	\$ 11,250.00
TOTAL	\$ 62,740.00

Sincerely,

R. David Patrick, P.E., CFM

xc: File

ATTACHMENT "C"

Charges for Additional Services

City of Temple Downtown Electric Coordination and Schematic Design

POSITION	MULTIPLIER	SALARY COST/RATES
Principal	2.4	\$ 75.00 – 95.00/hour
Project Manager	2.4	60.00 - 75.00/hour
Project Engineer	2.4	50.00 - 60.00/hour
Engineer-in-Training	2.4	40.00 - 50.00/hour
Engineering Technician	2.4	35.00 - 50.00/hour
CAD Technician	2.4	30.00 - 50.00/hour
Clerical	2.4	15.00 – 30.00/hour
Expenses	1.1	actual cost
Computer	1.0	15.00/hour
Survey Crew	1.1	125.00 - 160.00/hour
Registered Public Surveyor	1.0	130.00/hour
On-Site Representative	2.1	30.00 - 40.00/hour

RESOLUTION NO. 2018-9257-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK & ASSOCIATES, LP OF TEMPLE, TEXAS IN AN AMOUNT NOT TO EXCEED \$62,740, TO COORDINATE WITH ONCOR AND PRODUCE A SCHEMATIC DESIGN FOR ELECTRIC AND COMMUNICATION UTILITIES FOR DOWNTOWN TEMPLE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the agreement will consist of planning and engineering services coordinated with Oncor and other overhead dry utilities, and the preparation of a schematic design of locations, underground assignments, phasing, termination points, transformer locations and switching, and customer connections to provide for electric and communication utilities for Downtown Temple;

Whereas, this project will explore options for development of underground utility duct banks and conversion of existing overhead dry utilities to an underground system - the final product will be schematic design with phasing connections and cost estimates;

Whereas, Staff recommends Council authorize a professional services agreement with Kasberg, Patrick & Associates, LP to coordinate with Oncor and produce a schematic design for electric and communication utilities for Downtown Temple in an amount not to exceed \$62,740;

Whereas, funding for this agreement is available in the Reinvestment Zone No. 1 Financing and Project Plan, Line 402, Account No. 110-3795-524-2616; 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:

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>Part 2</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a professional services agreement with Kasberg, Patrick & Associates, LP of Temple, Texas in an amount not to exceed \$62,740, to coordinate with Oncor and produce a schematic design for electric and communication utilities for Downtown Temple.

<u>**Part 3:**</u> It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

09/06/18 Item #3(F) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract amendment to a professional services agreement with Stateside Right of Way Services, LLC, in the amount of \$49,600 for additional land acquisition services needed for Phase 4 of the Outer Loop Project.

STAFF RECOMMENDATION: Adopt resolution presented in item description.

ITEM SUMMARY: The Outer Loop south of FM 2305 is an important north-south arterial that will connect the Adams Avenue growth corridor to IH 35. Phase 3A at Adams Avenue has recently been constructed. Construction on phase (3B) to extend the Outer Loop just south of Jupiter Drive is expected to begin in the coming weeks. Phase 4 will consist of 6,100 linear feet of arterial roadway between Jupiter Road and just south of the future connection of Poison Oak Road.

At this time, Staff anticipates right of way will be needed from approximately 27 tracts of land. Based on the current design of the project, Staff does not believe relocation will be necessary. On June 21, 2018, Council approved a professional services agreement with Stateside Right of Way Services, LLC (Stateside) for multiple services during the acquisition process, including, but not limited to, project management, title, and appraisal services.

Staff anticipates applying for federal and state grants for construction of the remaining phases of Outer Loop. If federal or state funds are utilized on a phase of Outer Loop, all phases must strictly adhere to the rules and regulations associated with receiving federal funds. One such rule is adding the step of review appraisals in the acquisition process. Stateside has revised its original proposal to include this step.

Staff is seeking authorization for an amendment in the amount of \$49,600 to the professional services agreement with Stateside to increase the not to exceed amount from \$214,400 to \$264,000, for land acquisition services for Phase 4 of the Outer Loop Project.

FISCAL IMPACT: Funding for the amendment to the professional services agreement with Stateside Right of Way Services, LLC to increase the not to exceed amount by \$49,600 for land acquisition services for Outer Loop Phase 4 is available in account 365-3400-531-6813, project 101714.

99 Regency Parkway, Suite 105 Mansfield, Texas 76063



6208 West Adams Ave. Temple, Texas 76502

August 22, 2018

City of Temple, Texas Christina A. Demirs Deputy City Attorney, Right of Way 2 North Main, Suite 308 Temple, Texas 76501

Re: Proposal for Project Management, Acquisition, Title Curative and Closings in Temple, Texas – Outer Loop ROW Acquisition Project

RIGHT OF WAY SCOPE OF SERVICES

Acquisition / Negotiation:

Stateside will complete negotiations through Final Offer Letter and Closings for \$4,000 per parcel.

<u>Set up Files</u>: Stateside will set up and maintain paper files as well as electronic files on each property (may be referred to as parcel). Files will include copies of correspondence, completed notices and forms, title commitment, appraisal report, copies of informational documents such as Bell County Appraisal District print out, Secretary of State print out, and title research backup. All information will remain confidential and must be requested through City of Temple.

- <u>Initial Offer Packet</u>: Upon written approval by the City of Temple (City), the Stateside Right of Way Agent (Agent) will notify the property owners in writing of the City's interest in acquiring their property and the approved offer amount for that interest. This packet will be sent by certified mail, return receipt requested to the owner's current address as listed on the Bell County Appraisal District website. All individuals that may be affected by this project will be given an opportunity to meet and discuss the procedures to which they may be interested or by which they may be affected. Arrangements will be made, as required, to present information to persons who are unable to read or write English or otherwise need additional assistance.
- In negotiating with the owners of the subject land, it is assumed that the owner will in turn negotiate with any lessees or others who may own any interest in the land or improvements, and settle any lease or lease hold interests prior to closing.
- <u>Counteroffer</u>: During negotiations, if a property owner provides appraisal information or a counteroffer, either written or verbal, which the landowner believes is relevant to the acquisition, the Agent may forward the information to the appraisal firm for analysis. The Agent will discuss with the City a recommendation for review. The Agent will provide an appropriate response to the property owner based upon the City's decision.

• <u>Final Offer Letter</u>: If negotiations reach an impasse, the Agent will prepare a Final Offer Letter restating the terms of the offer and submit to the City for approval. Upon written approval by the City, the Agent will send the Final Offer Letter to the property owner via certified mail, return receipt requested.

Title/Closing:

Stateside will complete title / closing with Centraland Title Company as the designated closing agent.

- Stateside will order Commitments for Title Insurance with copies of all supporting documents for items listed on Schedules A, B and C of the Title Commitment for properties to be acquired.
- Copies of all Schedule A and B documents are to be provided to the survey team by the City or Stateside.
- Upon receipt of the Title Commitments and supporting documents, the Agent will:
 - Review Commitment and supporting documents
 - Vesting Deeds will be verified with ownership shown on the Commitment
 - Secretary of State information will be researched for Corporations, LLC or other entity information
 - Lien information and clouded or complicated title issues will be noted for:
 - Long lead time issues
 - Condemnation by Publication actions needed
 - Provide a copy of the Title Commitment and backup documents to the appraisal firm.
- Prior to acquiring any real property, the Agent will take all appropriate steps necessary to ensure that the area being acquired is purchased with acceptable title and clear title, if possible.
- Upon receipt of properly executed conveyance and title curative documents, all originals will be submitted to the Title Company to be held in escrow until closing.
- The Title Company will provide a check request or wire transfer with the Settlement Statement as per the U.S. Department of Housing and Urban Development (HUD-1) and their contact information for the purchase price and closing costs will be sent to the City.
- The Agent will prepare a Closing Packet for the City which will include an executed Memorandum of Agreement.
- The City will sign all closing documents and Stateside will attend closing.
- The Title Company will record all Deeds and title curative release documents and provide file marked copies to the Agent. The original recorded Deed shall be returned to the City Attorney.
- The Title Company will provide a Title Policy for the purchase price on all fee acquisitions.

Condemnation Support Services:

Stateside will provide condemnation support services for an hourly rate of \$80 per hour for Right of Way Technician tasks, and \$110 per hour for Right of Way Agent tasks.

- The Agent will provide a summary of activities related to the acquisition efforts for review and consideration by the City for Eminent Domain proceedings.
- The Agent will be available to assist the City Attorney as necessary.

Pass-Through Costs:

All invoices submitted to Stateside will be a pass through cost to the City. These costs may include: closing costs, landowner incidental costs, appraisal costs, mover estimates, interpreter fees, and relocation costs.

Reporting:

Stateside will maintain office files containing copies of completed notices and forms, contacts and discussions and project status reports, as required. The City will have access to files and will be cc'd on email correspondence. Additional exhibits will be available through the City, if needed. Stateside will notify the City if a landowner retains an attorney and makes that information available to Stateside. All information will remain confidential and must be requested through the City of Temple Project Manager.

Invoice:

Stateside accounting requires invoicing on a month end basis. Payment is expected within 30 days of the date of the invoice.

Fees:

Appraisal Services:

Appraisals by Appraisers:

 Review Fees – Charles Stearman – 28 parcels 	\$ 49,600
 Residential Land Only Appraisals – 18 @ \$3,500 each 	\$ 63,000
 Commercial Land Only Appraisals – 4 @ \$3,500 each 	\$ 14,000
• Residential with proximity impact Appraisals – 6 @ \$4,900 each	<u>\$ 29,400</u>
The Appraisal total amount:	\$ 156,000
Acquisition Services:	-a
The fees will be submitted on a milestone basis:	
Negotiation Services – up to 27 acquisitions - @ \$4,000 each	\$ 108,000

The Stateside total amount is not to exceed:

\$ 264,000

Milestone Payments:

The fees will be submitted on a milestone basis:

Acquisition

- Set up 20% per parcel
- Offer Packet 50%
- Final Offer/Closing 20%
- File Close Out/Submit for ED 10%

• Appraisals

• Completion 100%

Thank you for this opportunity and we look forward to working with you and your team.

Sincerely, STATESIDE RIGHT OF WAY SERVICES, L.L.C.

Dian Bralik

Diane Burkhardt Valek President

RESOLUTION NO. 2018-9258-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH STATESIDE RIGHT OF WAY SERVICES, INC. OF TEMPLE, TEXAS IN THE AMOUNT OF \$49,600, FOR ADDITIONAL LAND ACQUISITION SERVICES FOR PHASE 4 OF THE OUTER LOOP PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Outer Loop, south of FM 2305, is an important north-south arterial that will connect the Adams Avenue growth corridor to IH 35;

Whereas, Phase 3A at Adams Avenue has recently been constructed and construction on Phase 3B to extend the Outer Loop just south of Jupiter Drive is expected to begin in the coming weeks;

Whereas, Phase 4 will consist of 6,100 linear feet of arterial roadway between Jupiter Road and just south of the future connection of Poison Oak Road;

Whereas, at this time, Staff anticipates right-of-way will be needed from approximately 27 tracts of land and based on the current design of the project, Staff does not believe relocation will be necessary;

Whereas, on June 21, 2018, Council approved a professional services agreement with Stateside Right of Way Services, LLC (Stateside) for multiple services during the acquisition process, including, but not limited to, project management, title, and appraisal services;

Whereas, Staff anticipates applying for federal and state grants for construction of the remaining phases of Outer Loop and if federal or state funds are utilized on a phase of Outer Loop, all phases must strictly adhere to the rules and regulations associated with receiving federal funds;

Whereas, one such rule is adding the step of review appraisals in the acquisition process, to which Stateside has revised its original proposal to include this step;

Whereas, Staff recommends Council authorize a contract amendment to the professional services agreement with Stateside, in the amount of \$49,600 for additional land acquisition services for Phase 4 of the Outer Loop Project;

Whereas, the not to exceed amount does not include any condemnation services that may be required - Stateside will provide such services at the request of the City;

Whereas, funding for this agreement is available in Account No. 365-3400-531-6813, Project No. 101714; 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:

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>Part 2</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a contract amendment to the professional services agreement with Stateside Right of Way Services, Inc. of Temple, Texas in the amount of \$49,600, for additional land acquisition services for Phase 4 of the Outer Loop Project.

<u>**Part 3:**</u> It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

09/06/18 Item #3(G) Consent Agenda Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Kevin Beavers, CPRP, Director of Parks and Recreation

ITEM DESCRIPTION: Consider adopting a resolution authorizing a deductive Change Order #5 to the construction contract with McLean Construction of Killeen, for curb and flatwork that was not used in the amount of \$150,154

STAFF RECOMMENDATION: Approve resolution as presented in item description.

ITEM SUMMARY: Due to timing issues, McLean Construction was not able to complete various concrete flatwork, irrigation sleeves, curbing and other associated work. This work will be moved to the General Contractor, Emerson Construction, Inc., who is currently on site. The cost of this work will be deducted from the McLean Construction's contract and added to Emerson Construction, Inc. construction contract at the same cost.

The Reinvestment Zone No. 1 Board of Directors recommended approval of this item at its meeting on August 29, 2018.

FISCAL IMPACT: Funding for the deductive Change Order #5 to McLean Construction for the Santa Fe Plaza will be recognized in the Reinvestment Zone Financing and Project Plans, Line 404, account 795-9500-531-6870, project 101008 as shown below:

Project Budget	\$ 14,617,538
Encumbered/Committed to Date	(14,476,476)
McLean Construction Deductive Change Order #5	150,154
Emerson Construction Inc Change Order #1	 (250,737)
Remaining Project Funds	\$ 40,479

ATTACHMENTS:

Change Order #5 Resolution

RESOLUTION NO. 2018-9259-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING DEDUCTIVE CHANGE ORDER NO. 5 TO THE CONSTRUCTION CONTRACT WITH MCLEAN CONSTRUCTION OF KILLEEN, TEXAS IN THE AMOUNT OF \$150,154, FOR CURB AND FLATWORK NOT USED FOR THE CONSTRUCTION OF PHASE I OF THE SANTA FE PLAZA PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, due to timing issues, McLean Construction was not able to complete various concrete flatwork, irrigation sleeves, curbing and other associated work which was awarded by Council on November 16, 2016;

Whereas, this work will be moved to the General Contractor, Emerson Construction, Inc. - the cost of this work will be deducted from McLean Construction's contract and added to the construction contract with Emerson Construction, Inc.;

Whereas, the Reinvestment Zone No. 1 Board of Directors recommended approval of this item at its meeting on August 29, 2018;

Whereas, funding for this deductive Change Order will be recognized in the Reinvestment Zone Financing Zone No. 1 Project Plans, Line 404, Account No. 795-9500-531-6870, Project No. 101008;

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:

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>**Part 2:**</u> The City Council authorizes a deductive change order to the construction contract with McLean Construction of Killeen, Texas in the amount of \$150,154 for curb and flatwork not used for the construction of Phase 1 of the Santa Fe Plaza Project.

<u>**Part 3:**</u> It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of **September**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

09/06/2018 Item #3(H) Consent Agenda Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Kevin Beavers, CPRP, Director of Parks and Recreation

ITEM DESCRIPTION: Consider adopting a resolution authorizing Change Order #1 for the Santa Fe Phase 2 Roadway and Landscaping Improvements with Emerson Construction, Inc. of Temple, in the estimated amount of \$250,736.51.

STAFF RECOMMENDATION: Approve resolution as presented in item description.

ITEM SUMMARY: Work to be performed under this contract consists of: 1) Electrical work to include supplying and installing new conduit, utility meter, and wiring for the Plaza, 2) Santa Fe Business Center parking lot work to include excavating and filling in a discovered basement during construction, 3) Purifoy and Company Insurance temporary parking lot for use while 9th Street is being re-constructed, and 4) Santa Fe Phase 1 work to include concrete flatwork and curbing that was not completed under the contract with McLean Construction. The cost of the flatwork and curbing will be deducted from the McLean Construction's contract.

Category descriptions and associated costs are:

Electrical	\$ 45,037.50
Santa Fe Business Center Basement Excavation	\$ 25,794.01
Purifoy Insurance Temporary Parking	\$ 29,751.00
Santa Fe Phase 1	<u>\$ 150,154.00</u>
TOTAL	<u>\$ 250,736.51</u>

The Reinvestment Zone No. 1 Board of Directors recommended approval of this change order at its meeting on August 29, 2018.

FISCAL IMPACT: Funding for change order #1 with Emerson Construction, Inc. for the construction of the Santa Fe Phase 2 Roadway and Landscaping Improvements in the estimated amount of \$250,736.51 is available in Reinvestment Zone Financing and Project Plans, Line 404, account 795-9500-531-6870, project 101008 as shown below:

Santa Fe Plaza

Project Budget	\$	14,617,538
Encumbered/Committed to Date		(14,476,476)
McLean Construction Deductive Change Order #5		150,154
Emerson Construction Inc Change Order #1		(250,737)
Remaining Project Funds	\$	40,479
	-	

ATTACHMENTS:

Change Order #1 Resolution

 PROJECT:
 Santa Fe Plaza Phase I - Roadways & Utilities

 OWNER:
 City of Temple

 CONTRACTOR:
 Emerson Construction Company, Inc.

 ENGINEER:
 Kasberg, Patrick & Associates

 CHANGE ORDER #:
 1

Add:	Site Work Adjustments						
Item	Description	Quantity	Unit		Unit Price	Exte	ended Amount
	Electrica	al Items					
91	Furnish & Install 1-3" conduit ductbank with wire	90	LF	\$	77.00	\$	6,930.00
93	Furnish & Install 2-2" conduit ductbank with #8 or smaller wire	160	LF	\$	44.00	\$	7,040.00
CO1-1	Add 400 Amp Utility Meter	100%	LS	\$	547.50	\$	547.50
CO1-2	4" Conduit w/wire	380	LF	\$	79.00	\$	30,020.00
CO1-3	Add Concrete Equipment Pad	100%	LS	\$	500.00	\$	500.00
			- •		ectrical Items	\$	45,037.50
	Sante Fe Business Center Parkin	ng Lot - Base	ement Re	media	tion		
CO1-4	SFBC Parking Lot Basement Remediation (Excavation & Fill)	100%	LS	\$	25,794.01	\$	25,794.01
	Total SF	BC Parking	Lot Base	ment	Remediation	\$	25,794.01
	Purifoy Insurance T	emporary P	arking				
CO1-5	Purifoy Insurance Temporary Parking Lot	700	SY	\$	37.63	\$	26,341.00
CO1-6	2' Valley Gutter	220	LF	\$	15.50	\$	3,410.00
	Tota	l Purifoy Ins	urance T	empo	rary Parking	\$	29,751.00
	Santa Fe Phase	I Added Sco	ре				
CO1-7	Santa Fe Phase I Additional Scope Added to Emerson Contract	100%	LS	\$	150,154.00	\$	150,154.00
			Total SF I		Phase I Scope	\$	150,154.00
					Add Total	\$	250,736.51
			С	hange	Order Total	\$	250,736.51

The compensation agreed upon in this Change Order is full, complete and final payment for all costs the Contractor may incur as a result of or relating to this change whether said costs are known, unknown, foreseen or unforeseen at this time, including without limitation, any cost for delay (for which only revised time is available), extended overhead, ripple or impact cost, or any other effect on changed or unchanged work as a result of this Change Order.

Original Contract Amount	\$ 9,269,872.59
Previous Net Change in Contract Amount	\$ -
Net Change in Contract Amount	\$ 250,736.51
Revised Contract Amount	\$ 9,520,609.10
Original Contract Time	N/A days
Previous Net Change in Contract Time	0 days
Net Change in Contract Time	0 days
Revised Contract Time	0 days
Original Final Completion Date	May 25, 2019
Revised Final Completion Date	

	Recommended by:	
Date	Architect/Engineer	Date
	Approved by City of Temple:	
Date	Brynn Myers, City Manager	Date
	Approved by Finance Department	
Date	Finance	Date
	Date	Date Architect/Engineer Approved by City of Temple: Date Brynn Myers, City Manager Approved by Finance Department

RESOLUTION NO. 2018-9260-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CHANGE ORDER NO. 1 TO THE CONSTRUCTION CONTRACT WITH EMERSON CONSTRUCTION OF TEMPLE, TEXAS IN THE AMOUNT OF \$250,736.51, FOR THE SANTA FE PLAZA, PHASE 2 ROADWAY AND LANDSCAPING IMPROVEMENT PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, this Change Order consists of the following:

- 1) Electrical work which includes supplying and installing new conduit, utility meter, and wiring;
- 2) Santa Fe Business Center parking lot work which includes excavating and filling in a discovered basement during construction;
- 3) Temporary parking lot for use while 9th Street is being re-constructed; and
- 4) Santa Fe Phase 1 work which includes concrete flatwork and curbing that was not completed under the contract with McLean Construction;

Whereas, the cost of the flatwork and curbing will be deducted from McLean Construction's contract;

Whereas, the Reinvestment Zone No. 1 Board of Directors recommended approval of this item at its meeting on August 29, 2018;

Whereas, funding for this Change Order is available in the Reinvestment Zone No. 1 Project Plans, Line 404, Account No. 795-9500-531-6870, Project No. 101008;

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:

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>**Part 2:**</u> The City Council authorizes Change Order No. 1 to the construction contract with Emerson Construction, Inc. of Temple, Texas in the amount of \$250,736.51 for the Santa Fe Roadway and Landscaping Improvement Project.

<u>**Part 3:**</u> It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of **September**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

09/06/18 Item #3(I-1) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Damon Boniface, Utility Director Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to a purchase agreement for liquid polyaluminum chloride for FY2019 with GEO Specialty Chemicals, Inc. of Little Rock, AR, in the estimated annual amount of \$350,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Authorization to renew this purchase agreement will allow for the continued purchase of liquid polyaluminum chloride (PAC) suitable for treatment of potable water for both the conventional and membrane water treatment plants during FY2019 from GEO Specialty Chemicals, Inc. (GEO). In FY2015, PAC was introduced as a new chemical at the City's water treatment plants to reduce the use of liquid aluminum sulfate blend chemicals and caustic soda, and to reduce sludge generation.

On September 17, 2015, Council awarded an annual purchase agreement to GEO for the purchase of PAC at a cost of 20.94¢ and 18.9¢ per wet pound for specially blended PAC for the conventional and membrane plants, respectively. On September 1, 2016, and September 7, 2017, City Council authorized one-year extensions to the contract. The current contract will expire on September 30, 2018. The original bid allowed for four additional one-year extensions, assuming City staff considers the performance by GEO and their product to be satisfactory, and staff deems the product prices to still be a good value. In order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

Based on staff's review of these renewal criteria, it is staff's recommendation to award a one-year extension to the PAC purchase agreement with GEO. This will be the third one-year renewal authorized under this contract, with one year remaining.

FISCAL IMPACT: Funding for water treatment plant chemicals are included in the adopted FY2019 Budget in account 520-5100-535-2118, Chemicals/Compressed Gas, in the amount of \$1,096,293, of which it is expected that approximately \$350,000 will be used to purchase liquid polyaluminum chloride.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2018-9261-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE PURCHASE AGREEMENT WITH GEO SPECIALTY CHEMICALS, INC. OF LITTLE ROCK, ARKANSAS IN AN ESTIMATED ANNUAL AMOUNT OF \$350,000, FOR LIQUID POLYALUMINUM CHLORIDE FOR FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, liquid polyaluminum chloride (PAC) is suitable for treatment of potable water for both the conventional and membrane water treatment plants - PAC was introduced in fiscal year 2015 as a new chemical at the City's water treatment plants to reduce the use of liquid aluminum sulfate blend chemicals and caustic soda, and to reduce sludge generation;

Whereas, on September 17, 2015, Council awarded an annual purchase agreement to GEO Specialty Chemicals, Inc. of Little Rock, Arkansas for the purchase of PAC at a cost of 20.94¢ and 18.9¢ per wet pound for specially blended PAC for the conventional and membrane plants - on September 1, 2016 and September 7, 2017, Council authorized one-year renewals to the agreement which expires September 30, 2018;

Whereas, the original bid allowed for four additional one-year renewals, assuming Staff considers the performance by GEO and their product to be satisfactory - Staff deems the product prices to still be a good value for the City;

Whereas, in order to renew the agreement, the vendor must agree to hold its prices firm for an additional year, which it is willing to do;

Whereas, Staff recommends Council authorize a one-year renewal to the purchase agreement with GEO Specialty Chemicals, Inc. of Little Rock, Arkansas, in the estimated annual amount of \$350,000 - this is the third one-year renewal authorized under this agreement, with one renewal remaining;

Whereas, funding for water treatment plant chemicals is included in the adopted fiscal year 2019 budget in Account No. 520-5100-535-2118; and

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

Now, Therefore, be it Resolved by the City Council of the City of Temple, Texas, That:

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>Part 2</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a one-year renewal to the purchase agreement with GEO Specialty Chemicals, Inc. of Little Rock, Arkansas in the estimated annual amount of \$350,000, for the purchase of liquid polyaluminum chloride for fiscal year 2019.

<u>**Part 3:**</u> It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

09/06/18 Item #3(I-2) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kevin Beavers, Director of Parks & Recreation Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to the services agreements for the mowing and maintenance of various parks, trails, roadways, and planters for FY2019 in the estimated annual amount of \$259,825 with the following vendors:

- 1. Heart of Texas Landscape & Irrigation Co. Inc. of Belton, \$162,590; and
- 2. Green Ackors Landscaping, LLC of China Spring, \$97,235.

STAFF RECOMMENDATION: Adopt resolutions as presented in item description.

ITEM SUMMARY: Renewal of these two service agreements will provide for mowing and maintenance of several roadway areas, walking trails, right of ways, park detention/drainage areas, landscaping/planter areas and a few City facility locations during FY2019.

On September 7, 2017, City Council authorized annual service agreements with Heart of Texas Landscape & Irrigation Co, Inc (areas primarily west of IH35) and Green Ackors Landscaping, LLC (areas primarily east of IH35) for the mowing and maintenance of various parks, trails, roadways, and planters throughout the City. The current agreements will expire on September 30, 2018. The original bid allowed for four one-year extensions. In order to renew the agreements, each vendor must agree to hold their prices firm for an additional year, which each are willing to do. The detailed Bid Tabulation is attached to the September 7, 2017, Council Agenda Item Memorandum #4(II).

The City has done business with Heart of Texas Landscape & Irrigation Co, Inc and Green Ackors Landscaping, LLC for the past several years and is pleased with the services they provide. Accordingly, staff recommends Council authorize an extension to their agreements. This will be the first one-year renewal authorized under each agreement, with three years remaining.

FISCAL IMPACT: Funding for these services agreements is included in the adopted FY2019 Budget in Reinvestment Zone account #110-3595-552-2623 in the amount of \$197,463, and in Parks account #110-3500-552-2623 in the amount of \$70,500.

ATTACHMENTS:

Resolution

RESOLUTION NO. <u>2018-9262-R</u>

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ONE-YEAR RENEWALS TO THE SERVICES AGREEMENTS WITH HEART OF TEXAS LANDSCAPE & IRRIGATION CO. INC. OF BELTON, TEXAS AND GREEN ACKORS LANDSCAPING, LLC OF CHINA SPRING, TEXAS IN THE COMBINED ESTIMATED ANNUAL AMOUNT OF \$259,825 FOR MOWING AND MAINTENANCE OF VARIOUS PARKS, TRAILS, ROADWAYS, AND PLANTERS FOR FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 7, 2017, City Council authorized annual services agreements with Heart of Texas Landscape & Irrigation Co, Inc (areas primarily west of IH35) and Green Ackors Landscaping, LLC (areas primarily east of IH35) for the mowing and maintenance of various parks, trails, roadways, and planters throughout the City;

Whereas, these current agreements expire September 30, 2018 - the original bid allowed for four additional one-year renewals to the agreements, but in order to renew the agreements, each vendor must agree to hold their prices firm for an additional year, which they are willing to do;

Whereas, the City has done business with Heart of Texas Landscape & Irrigation Co, Inc and Green Ackors Landscaping, LLC for the past several years and is pleased with the services they provide;

Whereas, Staff recommends Council authorize one year renewals to the services agreements with both Heart of Texas Landscaping and Green Ackors Landscaping - this will be the first one-year renewal authorized under each agreement, with three years remaining;

Whereas, funding for the mowing and maintenance agreements are included in the adopted fiscal year 2019 budget in the Reinvestment Zone Account No. 110-3595-552-2623, and the Parks and Recreation Department, Account No, 110-3500-552-2623; and

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

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

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>Part 2</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute one-year renewals to the services agreements with Heart of Texas Landscape & Irrigation Co., Inc. of Belton, Texas (\$162,590), and Green Ackors Landscaping, LLC of China Spring, Texas (\$97,235), in the combined estimated annual amount of \$259,825, for the mowing and maintenance of various parks, trails, roadways, and planters for fiscal year 2019.

<u>**Part 3:**</u> It is hereby officially found and determined that the meeting at which this Resolution was 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 5th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary



09/06/18 Item #3(I-3) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Damon Boniface, Utility Director Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to a services agreement for hauling and disposal of sludge for FY2019 with S&M Vacuum and Waste, Ltd. of Killeen in the estimated annual amount of \$240,000.

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

ITEM SUMMARY: Authorization to renew this services agreement will provide continued hauling and disposal of sludge from the City's Membrane and Conventional Water Treatment Plants during FY2019 at a rate of 3¢ per gallon. The hauling and disposal of sludge varies seasonally depending on water production and the turbidity of the raw water in the river.

On September 1, 2016, the City Council authorized a services agreement with S&M Vacuum and Waste, Ltd. for the hauling and disposal of sludge. On September 7, 2017, Council authorized a oneyear extension to the agreement. The current contract will expire on September 30, 2018. The original bid allowed for four additional one-year extensions. In order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

Staff is pleased with the service provided by S&M Vacuum and Waste, Ltd. and recommends that Council authorize an extension to the services agreement. This will be the second one-year renewal authorized under this contract, with two years remaining.

FISCAL IMPACT: Funding for water treatment plant sludge maintenance is included in the adopted FY2019 Budget in account 520-5100-535-2338, Maintenance Contract, in the amount of \$400,300, of which it is expected that approximately \$240,000 will be used to fund the sludge maintenance.

ATTACHMENTS:

RESOLUTION NO. 2018-9263-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE SERVICES AGREEMENT WITH S&M VACUUM & WASTE, LTD, OF KILLEEN, TEXAS IN THE ESTIMATED ANNUAL AMOUNT OF \$240,000, FOR THE HAULING AND DISPOSAL OF SLUDGE FOR FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 1, 2016, the City Council authorized a services agreement with S&M Vacuum and Waste, Ltd. for the hauling and disposal of sludge from the City's Membrane and Conventional Water Treatment Plants;

Whereas, on September 7, 2017, Council authorized a one-year extension to the agreement which expires September 30, 2018 – the original bid allowed for four additional one-year renewals in which the vendor must agree to hold its prices firm for an addition year, which it is willing to do;

Whereas, Staff is pleased with the service provided by S&M Vacuum and Waste, Ltd. and recommends Council authorize a one-year renewal to the services agreement;

Whereas, this renewal will be the second one-year renewal authorized under this agreement, with two renewals remaining;

Whereas, funding for the water treatment plant sludge maintenance is included in the adopted fiscal year 2019 budget in Account No. 520-5100-535-2338; and

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

Now, Therefore, be it Resolved by the City Council of the City of Temple, Texas, That:

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>**Part 2</u>**: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a one-year renewal to the services agreement with S&M Vacuum & Waste, Ltd., of Killeen, Texas in the estimated annual amount of \$240,000, for the hauling and disposal of sludge for fiscal year 2019.</u>

<u>**Part 3:**</u> It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary



09/06/18 Item #3(I-4) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to a construction contract for concrete repair and construction services for FY2019 with Wilson Construction Services, LLC of Belton in the estimated annual amount of \$200,000.

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

ITEM SUMMARY: Authorization to renew this construction contract will provide for the continued asneeded concrete repair and construction services by Wilson Construction Services, LLC during FY2019.

On September 15, 2016, City Council authorized a construction contract for concrete repair and construction to Wilson Construction Services, LLC. On September 7, 2017 Council authorized a oneyear extension to the agreement. The current contract will expire on September 30, 2018. The original bid allowed for four additional one-year extensions. In order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do. The detailed Bid Tabulation is attached to the September 15, 2016, Council Agenda Item Memorandum #5(L1).

Wilson Construction Services, LLC has provided as-needed concrete repair and construction services to the City since October 2013 and staff has been pleased with their responsiveness and quality of work. Accordingly, staff recommends that Council authorize an extension to the construction contract. This will be the second renewal available under this contract, with two years remaining.

FISCAL IMPACT: Each department with concrete repair and construction needs has budgeted for this construction service in the adopted FY2019 Budget. Staff estimates an annual expenditure of \$200,000 under this contract based on recent year expenditures.

ATTACHMENTS: Resolution

RESOLUTION NO. 2018-9264-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, AUTHORIZING ONE-YEAR TEXAS. А RENEWAL TO THE CONSTRUCTION CONTRACT WITH WILSON CONSTRUCTION SERVICES, LLC OF BELTON, TEXAS IN THE ESTIMATED ANNUAL AMOUNT OF \$200,000, FOR CONCRETE REPAIR AND CONSTRUCTION SERVICES FOR FISCAL YEAR 2019: AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 15, 2016, Council authorized a construction contract for concrete repair and construction with Wilson Construction Services, LLC – on September 7, 2017, Council authorized a one-year renewal to the construction contract which expires on September 30, 2018;

Whereas, in order to renew the agreement, the vendor must agree to hold its prices firm for an additional year, which it is willing to do;

Whereas, Wilson Construction Services, LLC has provided as-needed concrete repair and construction services to the City since October 2013, and Staff has been pleased with their responsiveness and quality of work;

Whereas, Staff recommends Council authorize a one-year renewal to the construction contract with Wilson Construction - this will be the second renewal available under this contract, with two renewals remaining;

Whereas, each department with concrete repair and construction needs has budgeted for these services in the adopted fiscal year 2019 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:

<u>**Part 1</u>: Findings.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.</u>

<u>**Part 2**</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a one-year renewal to the construction contract with Wilson Construction Services, LLC of Belton, Texas in the estimated amount of \$200,000, for concrete repair and construction services for fiscal year 2019.

<u>**Part 3:**</u> It is hereby officially found and determined that the meeting at which this Resolution was 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 **6th** day of **September**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary



09/06/18 Item #3(I-5) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to a services agreement for the processing of utility bills and accounts receivable statements for FY2019 with DataProse, LLC of Coppell in the estimated annual amount of \$183,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Authorization to renew this services agreement will provide continued processing of the City's utility bills and account receivable statements by DataProse, LLC during FY2019.

On September 1, 2016, City Council authorized a services agreement with DataProse, LLC for the processing of approximately 29,000 utility statements and delinquency notices per month for the Utility Business Office and approximately 400 accounts receivable statements per month for the Finance Office. On September 7, 2017, Council authorized a one-year extension to the agreement. The current contract will expire on September 30, 2018. The original bid allowed for four additional one-year extensions. In order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do. The cost for the mailing services will be as follows:

Statement Processing/Printing/Paper/Envelopes Second Side Printing (optional) Inserting Extra Items with Statement Presorted Postage Rate

- \$.09 per statement
- \$.04 per statement
- \$.005 per page
- \$.376 (billed based on 'actual' USPS rates)

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

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FISCAL IMPACT: It is estimated that \$183,000 will be needed to fulfill this contract in FY2019. Funding in the amount of \$180,000 is included in the FY2019 Budget in account 520-5800-535-2623, Other Contract Services, for utility bill printing and processing, and an additional \$3,000 is included in account 110-1200-515-2128 for Accounts Receivable statements.

ATTACHMENTS:

RESOLUTION NO. 2018-9265-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE SERVICES AGREEMENT WITH DATAPROSE, LLC OF COPPELL, TEXAS IN THE ESTIMATED ANNUAL AMOUNT OF \$183,000, FOR THE PROCESSING OF UTILITY BILLS AND ACCOUNTS RECEIVABLE STATEMENTS FOR FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Utility Business Office generates approximately 29,000 utility statements and delinquency notices per month, and the Finance Department generates approximately 400 accounts receivable statements per month;

Whereas, on September 1, 2016, Council authorized a services agreement with DataProse, LLC for the processing of utility bills and accounts receivable statements – on September 7, 2017, Council authorized a one-year renewal to the agreement which expires September 30, 2018;

Whereas, the original bid allowed for four additional one-year renewals in which the vendor must agree to hold its prices firm for an additional year, which it is willing to do;

Whereas, Staff is satisfied with the services provided by DataProse, LLC and recommends that Council authorize a one-year renewal to the services agreement – this will be the second one-year renewal authorized under this contract, with two renewals remaining;

Whereas, funding is available in the adopted fiscal year 2019 budget in Account No. 520-5800-535-2623 and Account No. 110-1200-515-2128; and

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

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

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>Part 2</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a one-year renewal to the services agreement with DataProse, LLC of Coppell, Texas in the estimated annual amount of \$183,000, for the processing of utility bills and accounts receivable statements for fiscal year 2019.

<u>**Part 3:**</u> It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary



09/06/18 Item #3(I-6) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kirk Scopac, Director of Fleet Services Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to a purchase agreement for vehicle and equipment tires for FY2019 with Bridgestone Americas Tire Operations, LLC dba GCR Tires and Service of Nashville, TN, in the estimated annual amount of \$150,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Authorization to renew this purchase agreement will allow for the continued purchase of tires needed for the City of Temple's Fleet Services Department during FY 2019 from Bridgestone Americas Tire Operations, LLC dba GCR Tires and Service (GCR).

On September 21, 2017, the City Council authorized an annual purchase agreement for vehicle and equipment tires with GCR. The current agreement will expire on September 30, 2018. The original bid allowed for four additional one-year extensions. In order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do. The detailed Bid Tabulation is attached to the September 21, 2017, Council Agenda Item Memorandum #3(Q-2).

The City has done business with GCR for the past years and is pleased with the product and service provided and believes the prices offered are still a good value. Accordingly, staff recommends Council authorize an extension to the agreement. This will be the first one-year renewal authorized under this agreement, with three years remaining.

FISCAL IMPACT: Departments have budgeted for tires in their departmental automotive repair & maintenance accounts. Purchases under this agreement will be purchased into a Fleet Maintenance inventory account and charged out to the various department accounts upon use by Fleet Services. The estimated annual expenditure of \$150,000 is based on historical expenditures.

ATTACHMENTS:

RESOLUTION NO. 2018-9266-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE PURCHASE AGREEMENT WITH BRIDGESTONE AMERICAS TIRE OPERATIONS, LLC dba GCR TIRES AND SERVICE OF NASHVILLE, TENNESSEE IN THE ESTIMATED ANNUAL AMOUNT OF \$150,000, FOR VEHICLE AND EQUIPMENT TIRES FOR FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 21, 2017, Council authorized an annual purchase agreement for vehicle and equipment tires with Bridgestone Americas Tire Operations, LLC dba GCR Tires and Service of Nashville, Tennessee ("GCR") - the current agreement will expire on September 30, 2018;

Whereas, the original bid allowed for four additional one-year renewals and in order to renew the agreement, the vendor must agree to hold its prices firm for an additional year, which it is willing to do;

Whereas, the City has done business with GCR for the past few years and is pleased with the product and service provided, and believes the prices offered are still a good value to the City;

Whereas, Staff recommends Council authorize a one-year renewal to the purchase agreement - this will be the first one-year renewal authorized under this agreement, with three renewals remaining;

Whereas, each department with vehicles has budgeted for tires in their fiscal year 2019 budget – tires purchased under this agreement will be purchased into a Fleet Maintenance inventory account and charged to various accounts; and

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

Now, Therefore, be it Resolved by the City Council of the City of Temple, Texas, That:

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>**Part 2**</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a one-year renewal to the purchase agreement with Bridgestone Americas Tire Operations, LLC dba GCR Tires and Service of Nashville, Tennessee in the estimated annual amount of \$150,000, for vehicle and equipment tires for fiscal year 2019.

<u>**Part 3**</u>: It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson City Secretary



09/06/18 Item #3(I-7) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Don Bond, PE, City Engineer Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to a professional services agreement for public infrastructure construction materials testing for FY2019 with Langerman Foster Engineering Company, LLC of Waco in the estimated annual amount of \$150,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Authorization to renew this professional services agreement will provide continued construction materials testing services by Langerman Foster Engineering Company, LLC (LFE) during FY2019 for all infrastructure projects, both City-initiated and subdivision-related.

On September 1, 2016, the City Council authorized a professional services agreement with LFE for construction material testing that includes, but not limited to, density of subgrade, base and hot mixed asphaltic concrete (MHAC) for roadway construction, gradation of subgrade and base material as well as HMAC, California Bearing Ratios (CBD), concrete strength and density and bedding of trench excavation for utility installations. This testing is essential to assure quality construction and compliance with City specifications and standards.

The current agreement will expire on September 30, 2018. The original agreement allowed for four additional one-year extensions. In order to renew the agreement, LFE must agree to hold their prices firm for an additional year, which they are willing to do. The detailed Bid Tabulation is attached to the September 1, 2016, Council Agenda Item Memorandum #4(Q3). Staff is satisfied with the services provided by LFE and recommends that Council authorize an extension to the professional services agreement. This will be the second one-year renewal authorized under this contract, with two years remaining.

FISCAL IMPACT: Funding for the construction material testing services is included in the adopted FY2019 Budget in account 110-3900-533-2513, Special Services, in the amount of \$40,000 for subdivision testing. Costs related to testing for City-funded capital infrastructure projects will be funded out of the respective capital accounts.

ATTACHMENTS:

RESOLUTION NO. 2018-9301-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE PROFESSIONAL SERVICES AGREEMENT WITH LANGERMAN FOSTER ENGINEERING COMPANY, LLC OF WACO, TEXAS IN THE ESTIMATED ANNUAL AMOUNT OF \$150,000, FOR PUBLIC INFRASTRUCTURE CONSTRUCTION MATERIALS TESTING FOR FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 1, 2016, Council authorized a professional services agreement with Langerman Foster Engineering Company, LLC of Waco, Texas for construction material testing that includes, but is not limited to, density of subgrade, base and hot mixed asphaltic concrete for roadway construction, gradation of subgrade and base material as well as hot mixed asphaltic concrete, California Bearing Ratios, concrete strength and density and bedding of trench excavation for utility installations;

Whereas, this testing is essential to assure quality construction and compliance with City specifications and standards;

Whereas, the current agreement expires September 30, 2018 and the original agreement allowed for four additional one-year renewals;

Whereas, in order to renew the agreement, the vendor must agree to hold its prices firm for an additional year, which it is willing to do;

Whereas, Staff has been satisfied with the services provided by Langerman Foster and recommends Council authorize a one-year renewal to the professional services agreement - this will be the second one-year renewal authorized under this contract, with two renewals remaining;

Whereas, funding for construction materials testing services is included in the adopted fiscal year 2019 budget in Account No. 110-3900-533-2513; 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:

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>Part 2</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a one-year renewal to the professional services agreement with Langerman Foster Engineering Company, LLC of Waco, Texas in the amount of \$150,000, for public infrastructure construction materials testing for fiscal year 2019.

<u>**Part 3**</u>: It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary



09/06/18 Item #3(I-8) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to a purchase agreement for water meters for FY2019 with Fortiline Waterworks of Round Rock, in the estimated annual amount of \$140,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Authorization to renew this purchase agreement will allow for the continued purchase of several types of water meters during FY2019 to be installed on customer service lines by the City of Temple Utilities Department.

On September 21, 2017, the City Council authorized an annual purchase agreement for water meters with Fortiline Waterworks. The current agreement will expire on September 30, 2018. The original bid allowed for four additional one-year extensions. In order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do. The detailed Bid Tabulation is attached to the September 21, 2017, Council Agenda Item Memorandum #3(Q-1).

The City has done business with Fortiline for several years and is pleased with the product and service provided. In addition, Staff believes the prices offered are still a good value. Accordingly, staff recommends Council authorize an extension to the agreement. This will be the first one-year renewal authorized under this agreement, with three years remaining.

FISCAL IMPACT: 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 the Water Metering Department. Based on historical usage, it is estimated that \$140,000 in water meters will be purchased during FY2019.

ATTACHMENTS:

RESOLUTION NO. 2018-9268-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE PURCHASE AGREEMENT WITH FORTILINE WATERWORKS OF ROUND ROCK, TEXAS, IN THE ESTIMATED ANNUAL AMOUNT OF \$140,000, FOR THE PURCHASE OF WATER METERS FOR FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 21, 2017, Council authorized an annual purchase agreement for water meters with Fortiline Waterworks of Round Rock, Texas which expires September 30, 2018;

Whereas, the original bid allowed for four additional one-year renewals and in order to renew the agreement, the vendor must agree to hold its prices firm for an additional year, which it is willing to do;

Whereas, the City has done business with Fortiline for several years and is pleased with the product and service provided - Staff also believes the prices offered are still a good value for the City;

Whereas, Staff recommends Council authorize a one –year renewal to the agreement with Fortiline Waterworks - this will be the first one-year renewal authorized under this agreement, with three renewals remaining;

Whereas, meters are purchased on an as-needed basis and are accounted for in the Utility Warehouse's inventory account – meters are charged to departmental expenditure accounts as they are issued to the Water Metering 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:

<u>**Part 1**</u>: **Findings.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>**Part 2</u>**: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a one-year renewal to the purchase agreement with Fortiline Waterworks of Round Rock, Texas in the estimated annual amount of \$140,000, for the purchase of water meters for fiscal year 2019.</u>

<u>**Part 3**</u>: It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary



09/06/18 Item #3(I-9) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kenny Henderson, Streets & Drainage Services Director Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to purchase agreements for FY2019 with the following traffic signal equipment & supply vendors in the estimated annual amount of \$100,000:

McCain Inc. of Vista, California MoboTrex, Inc. of Davenport, Iowa Traffic Parts, Inc. of Spring Paradigm Traffic Systems, Inc. of Arlington TrafficWare Group, Inc. of Sugar Land Iteris, Inc. of Los Angeles, CA

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Renewal of these purchase agreements will allow for the continued purchase of asneeded traffic signal equipment & supplies for the City's Traffic Signal division during FY2019.

On September 15, 2016, Council authorized an annual purchase agreement for traffic signal equipment & supplies with McCain Inc. of Vista, California, MoboTrex, Inc. of Davenport, Iowa, Traffic Parts, Inc. of Spring, Paradigm Traffic Systems, Inc. of Arlington, TrafficWare Group, Inc. of Sugar Land, and Iteris, Inc. of Los Angeles, CA. On September 7, 2017, Council authorized a one-year extension to the agreement. The current agreements will expire on September 30, 2018. The original bid allowed for four additional one-year extensions. In order to renew the agreement, the awarded vendors must agree to hold their prices firm for an additional year which they are willing to do. The detailed pricing related to this purchase agreement is attached to the September 15, 2016, Council Agenda Item Memorandum #5(L2).

Staff is pleased with the traffic signal equipment & supplies provided by the various awarded vendors and believes the prices are still a good value. Accordingly, staff recommends Council authorizes oneyear extensions to the agreements. This will be the second renewal available under these agreements, with two years remaining. **FISCAL IMPACT:** Funding in the amount of \$37,450 is included in the adopted FY2019 Budget in account 110-2800-532-2334 for traffic signal repairs & maintenance. In addition, it is anticipated that many of these supplies will be used in capital projects that will be funded with project-specified funds.

ATTACHMENTS:

RESOLUTION NO. 2018-9269-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ONE-YEAR RENEWALS TO PURCHASE AGREEMENTS WITH VARIOUS SIGNAL AND TRAFFIC CONTROL SUPPLY VENDORS, IN THE ESTIMATED ANNUAL AMOUNT OF \$100,000, FOR SIGN AND TRAFFIC CONTROL SUPPLIES FOR FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 15, 2016, Council authorized an annual purchase agreement for traffic signal equipment & supplies with McCain Inc. of Vista, California, MoboTrex, Inc. of Davenport, Iowa, Traffic Parts, Inc. of Spring, Texas, Paradigm Traffic Systems, Inc. of Arlington, Texas, TrafficWare Group, Inc. of Sugar Land, Texas, and Iteris, Inc. of Los Angeles, California;

Whereas, on September 7, 2017, Council authorized one-year extensions to the agreements which expire September 30, 2018;

Whereas, the original bid allowed for four additional one-year renewals and in order to renew the agreement, the awarded vendors must agree to hold their prices firm for an additional year which they are willing to do;

Whereas, Staff has been pleased with the traffic signal equipment & supplies provided by the various awarded vendors and believes the prices are still a good value for the City;

Whereas, Staff recommends Council authorize one-year renewals to the agreements with the various vendors listed above - this will be the second renewal available under these agreements, with two renewals remaining;

Whereas, funding for sign and traffic control supplies are included in the fiscal year 2018 adopted budget, in Account No. 110-2800-532-2334; 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:

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>**Part 2**</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute one-year renewals to the annual purchase agreements with the following vendors, for sign and traffic control supplies, in the estimated annual amount of \$100,000:

- McCain Inc. of Vista, California;
- MoboTrex, Inc. of Davenport, Iowa;

- Traffic Parts, Inc. of Spring, Texas;
- Paradigm Traffic Systems, Inc. of Arlington, Texas;
- TrafficWare Group, Inc. of Sugar Land, Texas; and
- Iteris, Inc. of Los Angeles, California.

<u>**Part 3:**</u> It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary



09/06/18 Item #3(I-10) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kenny Henderson, Streets & Drainage Services Director Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to a purchase agreement for aggregate base for FY2019 with Heartland Quarries, LLC dba Heartland Aggregates (formerly known as Superior Crushed Stone) of Austin in the estimated annual amount of \$100,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Renewal of this agreement will allow for the continued purchase of aggregate base from Heartland Aggregates during FY2019.

On September 17, 2015, Council authorized an annual purchase agreement for aggregate base with Superior Crushed Stone (now known as Heartland Aggregates) at a cost of \$11.50 per ton for delivered base and \$5.50 per ton for base picked up by City staff. On September 1, 2016, and September 7, 2017, Council authorized one-year extensions to the agreement. The current agreement will expire on September 30, 2018. The original bid allowed for four additional one-year extensions. In order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do. The detailed Bid Tabulation is attached to the September 17, 2015, Council Agenda Item Memorandum #3(P-6).

Staff is pleased with the aggregate base and service provided by Heartland Aggregates and believe the current pricing provides a good value. Accordingly, staff recommends that Council authorize an extension to the agreement. This will be the third renewal available under this agreement, with one year remaining.

FISCAL IMPACT: Aggregate base is ordered on an as-needed basis. Departments have budgeted for this material in the adopted FY2019 Budget. Staff estimates an annual expenditure of \$100,000 under this contract based on FY2018 expenditures.

ATTACHMENTS:

RESOLUTION NO. 2018-9270-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE ANNUAL PURCHASE AGREEMENT WITH HEARTLAND QUARRIES, LLC DBA HEARTLAND AGGREGATES (FORMERLY KNOWN AS SUPERIOR CRUSHED STONE) OF AUSTIN, TEXAS IN THE ESTIMATED ANNUAL AMOUNT OF \$100,000, FOR AGGREGATE BASE FOR FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 17, 2015, Council authorized an annual purchase agreement for aggregate base with Superior Crushed Stone (now known as Heartland Aggregates) at a cost of \$11.50 per ton for delivered base and \$5.50 per ton for base picked up by City staff;

Whereas, on September 1, 2016, and September 7, 2017, Council authorized one-year renewals to the agreement which expires September 30, 2018 - the original bid allowed for four additional one-year renewals and in order to renew the agreement, the vendor must agree to hold its prices firm for an additional year, which it is willing to do;

Whereas, Staff is pleased with the aggregate base and service provided by Heartland Aggregates and believes the current pricing provides a good value for the City;

Whereas, Staff recommends that Council authorize a one-year renewal to the purchase agreement - this will be the third renewal available under this agreement, with one renewal remaining;

Whereas, aggregate base is ordered on an as-needed basis and departments have budgeted for this material in the fiscal year 2019 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:

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a one-year renewal to the purchase agreement with Heartland Quarries, LLC dba Heartland Aggregates (formerly known as Superior Crushed Stone) of Austin, Texas, in the estimated annual amount of \$100,000, for the purchase of aggregate base for fiscal year 2019.

<u>**Part 3:**</u> It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary



09/06/18 Item #3(I-11) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing & Facility Services Justin Brantley, Assistant Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to a construction contract for HVAC maintenance and repair services for FY2019 with Temple Heat & Air, LLC of Temple in the estimated annual amount of \$100,000.

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

ITEM SUMMARY: Authorization of this contract will allow for continued HVAC maintenance and repair services by Temple Heat & Air during FY2019.

On September 4, 2014, the City Council authorized an annual contract with Temple Heat & Air, LLC for providing HVAC repair and maintenance services on an as needed basis using a fixed rate guarantee for materials and labor as follows:

Material Markup over Cost	15% - 50%, depending on unit cost
Labor, Straight Time	\$50/hour
Labor, Nights & Weekends	\$75/hour
Labor, Holidays	\$85/hour

On September 3, 2015, September 1, 2016, and September 7, 2017 Council authorized a one-year extension to the contract. The current contract will expire on September 30, 2018.

Staff is satisfied with the services provided by Temple Heat & Air and recommends Council authorize an extension to the contract. This will be the fourth and final one-year renewal authorized under this contract.

FISCAL IMPACT: Each department has budgeted for HVAC repair service. This service will be ordered on an as-needed basis. Based on historical expenditures, staff estimates that approximately \$100,000 will be expended for HVAC repair and maintenance services in FY2019.

ATTACHMENTS:

RESOLUTION NO. 2018-9271-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE CONSTRUCTION CONTRACT WITH TEMPLE HEAT & AIR, LLC OF TEMPLE, TEXAS, IN THE ESTIMATED ANNUAL AMOUNT OF \$100,000, FOR HVAC MAINTENANCE AND REPAIR SERVICES FOR FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 4, 2014, Council authorized an annual construction contract with Temple Heat & Air, LLC of Temple, Texas, for HVAC maintenance and repair services using a fixed rate guarantee for materials and labor as follows:

Material Markup over Cost	15% - 50%, depending on unit cost;
Labor, Straight Time	\$50/hour;
Labor, Nights & Weekends	\$75/hour;
Labor, Holidays	\$85/hour;

Whereas, on September 3, 2015, September 1, 2016, and September 7, 2017 Council authorized one-year renewals to the contract which expires September 30, 2018;

Whereas, Staff has been satisfied with the services provided by Temple Heat & Air and recommends Council authorize a one-year renewal to the construction contract - this will be the third renewal authorized under this contract, with one renewal remaining;

Whereas, repair services are ordered on an as-needed basis and each department has budgeted for HVAC repair services in their fiscal year 2019 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:

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>**Part 2**</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a one-year renewal to the construction contract with Temple Heat & Air, LLC of Temple, Texas, in the estimated amount of \$100,000, for HVAC maintenance and repair services for fiscal year 2019.

<u>**Part 3:**</u> It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary



09/06/18 Item #3(I-12) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kenny Henderson, Streets & Drainage Services Director Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to a purchase agreement for hot mix asphalt for FY2019 with Oldcastle Materials Texas, Inc. (formerly known as APAC-Texas, Inc/Wheeler Companies) of Cedar Park in the estimated annual amount of \$80,000.

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

ITEM SUMMARY: Approval to renew this purchase agreement will allow for the continued purchase of hot mix asphalt from Oldcastle Materials Texas, Inc. at a cost of \$66.50 per ton during FY2019.

On September 17, 2015, Council authorized an annual purchase agreement for the purchase of hot mix asphalt from APAC-Texas, Inc/Wheeler Companies (now known as Oldcastle Materials Texas, Inc.). On September 1, 2016, and September 7, 2017, Council authorized one-year extensions to the agreement. The current agreement will expire on September 30, 2018. The original bid allowed for four additional one-year extensions. In order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

Staff is pleased with the product and service provided by Oldcastle Materials Texas, Inc. and staff believes the price is still a good value. Accordingly, staff recommends Council authorize an extension to the agreement. This will be the third renewal under the agreement, with one year remaining.

FISCAL IMPACT: This annual agreement is utilized primarily by the Streets & Drainage Departments. Departments have budgeted for this material in the adopted FY2019 Budget. Based on historical usage, the estimated annual expenditure is \$80,000.

ATTACHMENTS:

RESOLUTION NO. 2018-9272-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE ANNUAL PURCHASE AGREEMENT WITH OLDCASTLE MATERIALS TEXAS, INC. (FORMERLY APAC-TEXAS, INC./WHEELER COMPANIES) OF CEDAR PARK, TEXAS IN THE ESTIMATED ANNUAL AMOUNT OF \$80,000, FOR THE PURCHASE OF HOT MIX ASPHALT FOR FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 17, 2015, Council authorized an annual purchase agreement for the purchase of hot mix asphalt from APAC-Texas, Inc./Wheeler Companies (now known as Oldcastle Materials Texas, Inc.);

Whereas, on September 1, 2016 and September 7, 2017, Council authorized one-year renewals to the agreement which expires September 30, 2018 - the original bid allowed for four additional one-year renewals and in order to renew the agreement, the vendor must agree to hold its prices firm for an additional year, which it is willing to do;

Whereas, Staff has been pleased with the product and service provided by Oldcastle Materials Texas, Inc., believes the price is still a good value for the City and recommends Council authorize a one-year renewal to the services agreement – this will be the third renewal under the agreement, with one renewal remaining;

Whereas, this purchase agreement is primarily utilized by the Streets and Drainage departments and those departments have budgeted for this material in their adopted fiscal year 2019 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:

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>Part 2</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a one-year renewal to the annual purchase agreement with Oldcastle Materials Texas, Inc. (formerly known as APAC-Texas, Inc/Wheeler Companies) of Cedar Park, Texas in the estimated annual amount of \$80,000, for the purchase of hot mix asphalt for fiscal year 2019.

Part 3: It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson City Secretary



09/06/18 Item #3(I-13) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing & Facility Services Justin Brantley, Assistant Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to a services agreement for low voltage electrical services for FY2019 with Bluebonnet Electrical Services, Inc. of Temple in the estimated annual amount of \$70,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Renewal of this services agreement will provide continued as-needed low voltage electrical services by Bluebonnet Electrical Services, Inc. (Bluebonnet) during FY2019.

On September 1, 2016, the City Council authorized a services agreement for low voltage electrical services to Bluebonnet. On September 7, 2017 Council authorized a one-year extension to the agreement. The current agreement will expire on September 30, 2018. The original bid allowed for four additional one-year extensions. In order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do. The detailed Bid Tabulation is attached to the September 1, 2016, Council Agenda Item Memorandum Item #4(Q4).

Bluebonnet has provided low voltage electrical services to the City for the past several years. Staff is satisfied with the services provided by Bluebonnet and recommends Council authorize an extension to the services agreement. This is the second renewal available under this contract, with two years remaining.

FISCAL IMPACT: Departments have budgeted for low voltage electrical services in several departmental accounts. These contracts will be used on an as-needed basis. Estimated annual expenditure based on historical expenditures: \$70,000.

ATTACHMENTS: Resolution

RESOLUTION NO. 2018-9273-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE SERVICES AGREEMENT WITH BLUEBONNET ELECTRICAL SERVICES, INC. OF TEMPLE, TEXAS IN THE ESTIMATED ANNUAL AMOUNT \$70,000, FOR LOW VOLTAGE ELECTRICAL SERVICES FOR FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 1, 2016, Council authorized a services agreement for low voltage electrical services with Bluebonnet Electrical Services, Inc. of Temple, Texas;

Whereas, on September 1, 2017, Council authorized a one-year renewal to the agreement which expires September 30, 2018 - the original bid allowed for four additional one-year renewals and in order to renew the agreement, the vendor must agree to hold its prices firm for an additional year, which it is willing to do;

Whereas, Bluebonnet has provided low voltage electrical services to the City for the past several years and Staff has been satisfied with the services provided and recommends Council authorize a renewal to the services agreement - this is the second renewal available under this contract, with two renewals remaining;

Whereas, departments have budgeted for low voltage electrical services in their departmental accounts - these services are 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:

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>**Part 2**</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a one-year renewal to the services agreement with Bluebonnet Electrical Services, Inc. of Temple, Texas, in the estimated annual amount of \$70,000, for low voltage electrical services for fiscal year 2019.

<u>**Part 3:**</u> It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

Lacy Borgeson City Secretary

ATTEST:



09/06/18 Item #3(I-14) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kevin Beavers, Director of Parks & Recreation Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to a services agreement for janitorial services at the Summit Fitness & Recreation Center for FY2019 with Stoker Management, dba Jani-King of Austin in the estimated annual amount of \$47,548.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Authorization to renew this services agreement will provide continued janitorial cleaning services by Jani-King of Austin at the Summit Fitness & Recreation Center (Summit) during FY2019.

On September 1, 2016, City Council authorized a services agreement with Jani-King of Austin for daily (seven days per week) janitorial cleaning services, including all cleaning and personal hygiene supplies (except gym wipes) at the Summit. On September 7, 2017, Council authorized a one-year extension to the agreement. The current agreement will expire on September 30, 2018. The original bid allowed for four additional one-year extensions. In order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

Staff is satisfied with the services provided by Jani-King of Austin and recommends Council authorize an extension to the services agreement. This will be the second one-year renewal authorized under this contract, with two years remaining.

FISCAL IMPACT: The Summit's adopted FY2019 Budget, account 110-3250-551-2623, Other Contracted Services, includes \$47,548 for janitorial services to fund this contract.

ATTACHMENTS:

RESOLUTION NO. <u>2018-9274-R</u>

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE SERVICES AGREEMENT WITH STOKER MANAGEMENT, DBA JANI-KING OF AUSTIN, TEXAS IN THE ESTIMATED AMOUNT OF \$47,548, FOR JANITORIAL SERVICES AT THE SUMMIT FITNESS AND RECREATION CENTER FOR FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 1, 2016, Council authorized a services agreement with Jani-King of Austin for daily janitorial cleaning services, including all cleaning and personal hygiene supplies at the Summit Fitness and Recreation Center;

Whereas, on September 7, 2017, Council authorized a one-year renewal to the agreement which expires September 30, 2018 - the original bid allowed for four additional one-year renewals in which the vendor must agree to hold its prices firm for an additional year, which it is willing to do;

Whereas, Staff is satisfied with the services provided by Jani-King of Austin and recommends Council authorize a one-year renewal to the services agreement - this will be the second one-year renewal authorized under this contract, with two renewals remaining;

Whereas, the Summit Fitness and Recreation Center has budgeted for these janitorial services in its fiscal year 2019 budget, Account No. 110-3250-551-2623; and

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

Now, Therefore, be it Resolved by the City Council of the City of Temple, Texas, That:

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>Part 2</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a one-year renewal to the services agreement with Stoker Management, dba Jani-King of Austin in the estimated annual amount of \$47,548, for janitorial services at the Summit Fitness and Recreation Center for fiscal year 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary



09/06/18 Item #3(I-15) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to a purchase agreement for protective footwear for FY2019 with Cochran, Blair & Potts of Belton in the estimated annual amount of \$45,000.

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

ITEM SUMMARY: Approval to renew this purchase agreement will allow for the continued purchase of protective boots and shoes from Cochran, Blair & Potts during FY2019 for City employees who work in an environment where there is a danger of foot injuries.

On October 1, 2015, the City Council authorized an annual purchase agreement with Cochran, Blair & Potts for the purchase of protective footwear. On September 1, 2016, and September 7, 2017, Council authorized one-year extensions to the contract. The current agreement will expire on September 30, 2018. The original bid allowed for four additional one-year extensions. In order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do. The detailed Bid Tabulation is attached to the October 1, 2015, Council Agenda Item Memorandum #5(J).

Staff is pleased with the product and service provided by Cochran, Blair & Potts and believes the prices offered are still a good value. Accordingly, staff recommends Council authorize an extension to the agreement. This will be the third renewal under the agreement, with one year remaining.

FISCAL IMPACT: Work boots and shoes are purchased on an as-needed basis. Departments have budgeted for work boots/shoes in the adopted FY2019 Budget. The estimated annual expenditure for work boots and shoes based on historical spending is approximately \$45,000.

ATTACHMENTS:

RESOLUTION NO. 2018-9275-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE PURCHASE AGREEMENT WITH COCHRAN, BLAIR & POTTS OF BELTON, TEXAS IN THE ESTIMATED ANNUAL AMOUNT OF \$45,000, FOR THE PURCHASE OF PROTECTIVE FOOTWEAR FOR FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on October 1, 2015, Council authorized an annual purchase agreement with Cochran, Blair & Potts for the purchase of protective footwear – on September 1, 2016 and September 7, 2017, Council authorized one-year extensions to the agreement which expires September 30, 2018;

Whereas, the original bid allowed for four additional one-year renewals and in order to renew the purchase agreement, the vendor must agree to hold its prices firm for an additional year, which it is willing to do;

Whereas, Staff is pleased with the product and service provided by Cochran, Blair & Potts, believes that the prices offered are still a good value to the City, and recommends Council authorize a one-year renewal to the purchase agreement - this will be the third renewal under the agreement, with one renewal remaining;

Whereas, work boots and shoes are ordered on an as-needed basis and departments have budgeted for this expense in their departmental clothing and uniforms account in the fiscal year 2019 adopted 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:

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>**Part 2**</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a one-year renewal to the purchase agreement with Cochran, Blair & Potts of Belton, Texas in the estimated annual amount of \$45,000, for protective footwear for fiscal year 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson City Secretary



09/06/18 Item #3(I-16) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to a purchase agreement for the design and printing of cotton and cotton-blend t-shirts for FY2019 with Holloway's Sports Center of Temple in the estimated annual amount of \$40,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Authorization to renew this purchase agreement will allow for the continued purchase of as-needed design and printing of cotton and cotton-blend t-shirts needed by several departments throughout FY2019 from Holloway's Sports Center. Cotton and cotton-blend t-shirts are used as employee uniforms, sports league uniforms and prizes, camps, and other special events.

On September 15, 2016, City Council authorized an annual purchase agreement for the design and printing of cotton and cotton-blend t-shirts with Holloway's Sports Center. On September 7, 2017, City Council authorized a one-year extension to the contract. The current agreement will expire on September 30, 2018. The original bid allowed for four additional one-year extensions. In order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do. The detailed pricing related to this purchase agreement is attached to the September 15, 2016, Council Agenda Item Memorandum #5(L5).

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

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

ATTACHMENTS:

RESOLUTION NO. 2018-9276-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE ANNUAL PURCHASE AGREEMENT WITH HOLLOWAY'S SPORTS CENTER OF TEMPLE, TEXAS IN THE ESTIMATED ANNUAL AMOUNT OF \$40,000, FOR THE DESIGN AND PRINTING OF COTTON AND COTTON-BLEND T-SHIRTS FOR FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 15, 2016, Council authorized an annual purchase agreement for the design and printing of cotton and cotton-blend t-shirts – on September 7, 2017, Council authorized a one-year extension to the contract which expires September 30, 2018;

Whereas, the original bid allowed for four additional one-year renewals and in order to renew the agreement, the vendor must agree to hold its prices firm for an additional year, which it is willing to do;

Whereas, Staff is satisfied with the services provided by Holloway's Sports Center and recommends Council authorize a one-year renewal to the agreement - this will be the second renewal authorized under this contract, with two renewals remaining;

Whereas, this agreement will be used on an as-needed basis by various departments and those departments have budgeted for these purchases in their departmental accounts in the fiscal year 2019 adopted 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:

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>**Part 2:**</u> The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a one-year renewal to the purchase agreement with Holloway's Sports Center of Temple, Texas in the estimated annual amount of \$40,000, for the design and printing of cotton and cotton-blend t-shirts for fiscal year 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson City Secretary



09/06/18 Item #3(I-17) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to a purchase agreement for the design and printing of dri fit t-shirts for FY2019 with Sports World of Temple in the estimated annual amount of \$40,000.

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

ITEM SUMMARY: Renewal of this agreement will allow for the continued design and printing of dri fit t-shirts by Sports World during FY2019.

On September 4, 2014, Council authorized an annual purchase agreement with Sports World for the design and printing of dri fit t-shirts. On September 3, 2015, September 1, 2016, and September 7, 2017, Council authorized one-year extensions to this agreement. The current agreement expires on September 30, 2018. The original bid allowed for four additional one-year extensions. In order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do. The detailed pricing is attached to the September 4, 2014, Council Agenda Item Memorandum #4(K-11).

Staff is satisfied with the products and pricing provided by Sports World and recommends Council authorize an extension to the agreement. This will be the fourth and final one-year renewal authorized under this agreement.

FISCAL IMPACT: This contract will be used on as needed basis by various departments. However, the Parks & Recreation Department makes the majority of the purchases under this contract. Funding is designated in various departmental accounts in the adopted FY2019 Budget. The estimated annual expenditure of \$40,000 is based on historical expenditures.

ATTACHMENTS:

RESOLUTION NO. 2018-9277-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE PURCHASE AGREEMENT WITH SPORTS WORLD OF TEMPLE, TEXAS IN THE ESTIMATED ANNUAL AMOUNT OF \$40,000, FOR THE DESIGN AND PRINTING OF DRI FIT T-SHIRTS FOR FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 4, 2014, Council authorized an annual purchase agreement with Sports World of Temple, Texas for the design and printing of dri fit t-shirts - on September 3, 2015, September 1, 2016 and September 7, 2017, Council authorized one-year renewals to the agreement which expires September 30, 2018;

Whereas, the original bid allowed for four additional one-year renewals and in order to renew the agreement, the vendor must agree to hold its prices firm for an additional year, which it is willing to do;

Whereas, Staff is satisfied with the products and pricing provided by Sports World and recommends Council authorize a one-year renewal to the purchase agreement - this will be the fourth and final renewal authorized under this agreement;

Whereas, this agreement will be used on an as-needed basis by various departments and those departments have budgeted for this purchase in the adopted fiscal year 2019 annual 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:

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>**Part 2**</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a one-year renewal to the purchase agreement with Sports World of Temple, Texas, in the estimated annual amount of \$40,000, for the design and printing of dri fit t-shirts for fiscal year 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson City Secretary



09/06/18 Item #3(I-18) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kevin Beavers, Director of Parks and Recreation Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to a services agreement for the printing of recreational brochures for FY2019 with Liberty Press of Springville, UT, in the estimated annual amount of \$35,460.

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

ITEM SUMMARY: Authorization to renew this services agreement will provide the continued printing of brochures to the citizens of Temple that includes activities offered by the Parks and Recreation Department (e.g. events, classes for all ages, summer camps, identifies all parks, pools & splash pads, and services provided by Summit, etc.) for FY2019.

On October 6, 2016, City Council authorized a services agreement with Liberty Press for the printing of three Play-by-Play editions printed and mailed in the winter, summer/spring and fall, as well as a one-time summer camp brochure edition released in March to promote summer camps and events happening throughout the City. On September 7, 2017, Council authorized a one-year extension to the agreement. The current agreement will expire on September 30, 2018. The original bid allowed for four additional one-year extensions. In order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do. The detailed price list is attached to the October 6, 2016, Council Agenda Item Memorandum #5(L).

Staff is satisfied with the services provided by Liberty Press and recommend Council authorize an extension to the services agreement. This will be the second one-year renewal authorized under this contract, with two years remaining.

FISCAL IMPACT: Funding for this services agreement with Liberty Press in the estimated amount of \$35,460 is available in the adopted FY2019 Budget in account 110-4100-551-2511, Printing/Publications.

ATTACHMENTS: Resolution

RESOLUTION NO. 2018-9278-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE SERVICES AGREEMENT WITH LIBERTY PRESS OF SPRINGFIELD, UTAH IN THE ESTIMATED ANNUAL AMOUNT OF \$35,460, FOR THE PRINTING OF RECREATIONAL BROCHURES FOR FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on October 6, 2016, City Council authorized a services agreement with Liberty Press for the printing of three Play-by-Play editions printed and mailed in the winter, summer/spring and fall, as well as a one-time summer camp brochure edition released in March to promote summer camps and events happening throughout the City;

Whereas, on September 7, 2017, Council authorized a one-year extension to the current agreement which expires September 30, 2018 - the original bid allowed for four additional one-year renewals in which the vendor must agree to hold its prices firm for an additional year, which it is willing to do;

Whereas, Staff is satisfied with the services provided by Liberty Press and recommends Council authorize a one-year renewal to the services agreement - this will be the second one-year renewal authorized under this agreement, with two renewals remaining;

Whereas, funding for this services agreement is available in the adopted fiscal year 2019 budget in Account No. 110-4100-551-2511; 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:

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>**Part 2:**</u> The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a one-year renewal to the services agreement with Liberty Press of Springfield, Utah, in the estimated annual amount of \$35,460, for the printing of recreational brochures for fiscal year 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

ATTEST:

Lacy Borgeson City Secretary



09/06/18 Item #3(I-19) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing & Facility Services Justin Brantley, Assistant Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to a service agreement for elevator repair and maintenance for FY2019 with Schindler Elevator Corporation of Austin in the estimated annual amount of \$35,000.

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

ITEM SUMMARY: Authorization to renew this service agreement will allow for continued monthly preventative maintenance and emergency maintenance of elevators and chair lifts by Schindler Elevator Corporation during FY2019.

On October 15, 2015, City Council authorized a services agreement with Schindler Elevator Corporation for elevator repair and maintenance services. On September 1, 2016 and September 7, 2017 Council authorized one-year renewals to the agreement. The current contract will expire on September 30, 2018. The original bid allowed for four additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do. The detailed Bid Tabulation related to this agreement is attached to the October 15, 2015, Council Agenda Item Memorandum #5(L).

Staff is satisfied with the services provided by Schindler Elevator Corporation and recommends Council authorize an extension to the service agreement. This will be the third one-year renewal authorized under this agreement, with one year remaining.

FISCAL IMPACT: The adopted FY2019 Budget includes funding for elevator repairs and maintenance in various departmental repair & maintenance accounts. The estimated annual expenditure of \$35,000 is based on historical expenditures.

ATTACHMENTS:

RESOLUTION NO. 2018-9279-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE ANNUAL SERVICES AGREEMENT WITH SCHINDLER ELEVATOR CORPORATION OF AUSTIN, TEXAS IN THE ESTIMATED ANNUAL AMOUNT OF \$35,000, FOR ELEVATOR REPAIR AND MAINTENANCE FOR FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on October 15, 2015, Council authorized a services agreement with Schindler Elevator Corporation of Austin, Texas for elevator repair and maintenance services - on September 1, 2016 and September 7, 2017, Council authorized one-year renewals to the agreement which expires September 30, 2018;

Whereas, the original bid allowed for four additional one-year renewals and in order to renew the agreement, the vendor must agree to hold its prices firm for an additional year, which it is willing to do;

Whereas, Staff is satisfied with the services provided by Schindler Elevator Corporation and recommends Council authorize a one-year renewal to the services agreement - this will be the third renewal authorized under this agreement, with one renewal remaining;

Whereas, the fiscal year 2019 budget includes funding for elevator repairs and maintenance in various departmental repair and maintenance accounts; and

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

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

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>**Part 2**</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a one-year renewal to the services agreement with Schindler Elevator Corporation of Austin, Texas in the estimated annual amount of \$35,000, for elevator repair and maintenance for fiscal year 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary



09/06/18 Item #3(I-20) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing & Facility Services Justin Brantley, Assistant Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal of a purchase agreement for heating, ventilation, and air conditioning supplies for FY2019 with Solar Supply, Inc. of Temple in the estimated annual amount of \$35,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Authorization to renew this purchase agreement will allow for the continued purchase of heating, ventilation, and air conditioning (HVAC) supplies from Solar Supply, Inc. during FY2019.

On September 21, 2017, the City Council authorized an annual purchase agreement for HVAC supplies with Solar Supply. The current agreement will expire on September 30, 2018. The original bid allowed for four one-year extensions. In order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do. The detailed Bid Tabulation is attached to the September 21, 2017, Council Agenda Item Memorandum #3(Q-7).

The City has done business with Solar Supply for several years, and Staff is pleased with the product and service they provide. In addition, Staff believes the prices offered are still a good value. Accordingly, Staff recommends Council authorize an extension to the agreement. This will be the first one-year renewal authorized under this agreement, with three years remaining.

FISCAL IMPACT: HVAC supplies will be purchased on an as needed basis. Departments have budgeted for these materials in several repairs & maintenance accounts in the adopted FY2019 Budget. The estimated annual expenditure of \$35,000 is based on anticipated expenditures.

ATTACHMENTS:

RESOLUTION NO. 2018-9280-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE PURCHASE AGREEMENT WITH SOLAR SUPPLY, INC. OF TEMPLE, TEXAS IN THE ESTIMATED ANNUAL AMOUNT OF \$35,000, FOR HEATING, VENTILATION, AND AIR CONDITIONING SUPPLIES FOR FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 21, 2017, Council authorized an annual purchase agreement for heating, ventilation, and air conditioning supplies with Solar Supply, Inc. of Temple, Texas – the current agreement expires September 30, 2018;

Whereas, the original bid allowed for four additional one-year renewals and in order to renew the agreement, the vendor must agree to hold its prices firm for an additional year, which it is willing to do.

Whereas, Staff is pleased with the product and service provide by Solar Supply, believes the prices offered are still a good value, and recommends Council authorize a one-year renewal to the purchase agreement - this will be the first one-year renewal authorized under this agreement, with three renewals remaining;

Whereas, HVAC supplies will be purchased on an as needed basis - departments have budgeted for these materials in their individual repairs & maintenance accounts in the fiscal year 2019 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:

<u>**Part 1**</u>: **Findings.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>Part 2</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a one-year renewal to the purchase agreement with Solar Supply, Inc. of Temple, Texas in the estimated annual amount of \$35,000, for heating, ventilation, and air conditioning supplies for fiscal year 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson City Secretary



09/06/18 Item #3(I-21) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW: Kevin Beavers, Director of Parks & Recreation Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to a purchase agreement for irrigation supplies for FY2019 with Ewing Irrigation Products of Harker Heights in the estimated annual amount of \$30,000.

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

ITEM SUMMARY: Renewal of this agreement will allow for the continued purchase of irrigation supplies from Ewing Irrigation Products during FY2019.

On November 5, 2015, City Council authorized a purchase agreement with Ewing Irrigation Products for the purchase of irrigation supplies. On September 1, 2016 and September 7, 2017 Council authorized a one-year extensions to this agreement. The current agreement will expire on September 30, 2018. The original bid allowed for four additional one-year extensions. In order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do. The detailed Bid Tabulation is attached to the November 5, 2015, Council Agenda Item Memorandum #4(V).

Staff is satisfied with the products and service provided by Ewing Irrigation Products and based on price research conducted, Staff has concluded we are receiving a good value with the current contracted prices. Accordingly, Staff recommends Council authorize an extension to the agreement. This will be the third one-year renewal authorized under this agreement, with one year remaining.

FISCAL IMPACT: Irrigation supplies are ordered on an as-needed basis. Departments have budgeted for these materials in the adopted FY2019 Budget. The estimated annual expenditure for routine irrigation supplies is \$30,000 based on historical expenditures.

ATTACHMENTS:

RESOLUTION NO. 2018-9281-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE PURCHASE AGREEMENT WITH EWING IRRIGATION PRODUCTS OF HARKER HEIGHTS, TEXAS IN THE ESTIMATED ANNUAL AMOUNT OF \$30,000, FOR IRRIGATION SUPPLIES FOR FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on November 5, 2015, Council authorized a purchase agreement with Ewing Irrigation Products for the purchase of irrigation supplies - on September 1, 2016 and September 7, 2017 Council authorized one-year renewals to the agreement which expires September 30, 2018;

Whereas, the original agreement allowed for four additional one-year renewals and in order to renew the agreement, the vendor must agree to hold its prices firm for an additional year, which it is willing to do;

Whereas, Staff is satisfied with the products and services provided by Ewing Irrigation Products, and based on price research conducted, Staff believes the City is receiving a good value with the current contracted prices;

Whereas, Staff recommends Council authorize a one-year renewal to the purchase agreement with Ewing Irrigation Products - this will be the third one-year renewal authorized under this agreement, with one renewal remaining;

Whereas, irrigation supplies are ordered on an as-needed basis and are budgeted in individual departmental accounts in the fiscal year 2019 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:

<u>**Part 1</u>: Findings.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.</u>

<u>Part 2</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a one-year renewal to the purchase agreement with Ewing Irrigation Products of Harker, Heights, Texas in the estimated annual amount of \$30,000, for the purchase of irrigation supplies for fiscal year 2019.

<u>**Part 3:**</u> It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary



09/06/18 Item #3(I-22) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Mitch Randles, Fire Chief Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to a purchase agreement for the purchase of fire uniforms for FY2019 with GT Distributors Inc. of Austin in the estimated annual amount of \$30,000.

ITEM SUMMARY: Authorization to renew this purchase agreement will allow for the purchase of fire uniforms for the City of Temple Fire Department uniformed officers during FY 2019.

On October 5, 2017, City Council authorized an annual purchase agreement with GT Distributors Inc for the purchase of fire uniforms. The current agreement will expire on September 30, 2018. The original bid allowed for four additional one-year extensions. In order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do. The detailed Bid Tabulation is attached to the October 5, 2017, Council Agenda Item Memorandum #5(H).

Staff is satisfied with the uniforms and service provided by GT Distributors, and Staff believes the prices offered are still a good value. Accordingly, Staff recommends Council authorize an extension to the agreement. This will be the first one-year renewal authorized under this agreement, with three years remaining.

FISCAL IMPACT: The adopted FY2019 Budget includes funding for fire uniforms in various Fire Department accounts. The estimated annual expenditure of \$30,000 is based on historical expenditures.

ATTACHMENTS:

RESOLUTION NO. 2018-9282-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE PURCHASE AGREEMENT WITH GT DISTRIBUTORS, INC. OF AUSTIN, TEXAS IN THE ESTIMATED ANNUAL AMOUNT OF \$30,000, FOR THE PURCHASE OF FIRE UNIFORMS FOR FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on October 5, 2017, Council authorized an annual purchase agreement with GT Distributors, Inc. of Austin, Texas for the purchase of fire uniforms – the current agreement expires September 30, 2018;

Whereas, the original bid allowed for four additional one-year renewals and in order to renew the agreement, the vendor must agree to hold its prices firm for an additional year, which it is willing to do;

Whereas, Staff is satisfied with the uniforms and service provided by GT Distributors, Inc., believes the prices offered are still a good value and recommends Council authorize an extension to the agreement - this will be the first one-year renewal authorized under this agreement, with three renewals remaining;

Whereas, the fiscal year 2019 operating budget includes funding for fire uniforms in multiple Fire Department accounts; and

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

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

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>**Part 2**</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a one-year renewal to the purchase agreement with GT Distributors, Inc. of Austin, Texas in the estimated annual amount of \$30,000, for the purchase of fire uniforms for fiscal year 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson City Secretary



09/06/18 Item #3(I-23) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing & Facility Services Justin Brantley, Assistant Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to a purchase agreement for plumbing supplies for FY2019 with Ham & McCreight Supply of Temple in the estimated annual amount of \$30,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Authorization to renew this purchase agreement will allow for the continued purchase of plumbing supplies from Ham & McCreight Supply during FY2019.

On September 21, 2017, the City Council authorized an annual purchase agreement for plumbing supplies with Ham & McCreight Supply. The current agreement will expire on September 30, 2018. The original bid allowed for four additional one-year extensions. In order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do. The detailed Bid Tabulation is attached to the September 21, 2017, Council Agenda Item Memorandum #3(Q-5).

The City has done business with Ham & McCreight Supply for many years, and Staff is pleased with the product and service they provide. In addition, Staff believes the prices offered are still a good value. Accordingly, Staff recommends Council authorize an extension to the agreement. This will be the first one-year renewal authorized under this agreement, with three years remaining.

FISCAL IMPACT: Plumbing supplies will be purchased on an as needed basis. Departments have budgeted for these materials in several repairs & maintenance accounts in the adopted FY2019 Budget. The estimated annual expenditure of \$30,000 is based on historical expenditures.

ATTACHMENTS: Resolution

RESOLUTION NO. 2018-9283-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE PURCHASE AGREEMENT WITH HAM & MCCREIGHT SUPPLY OF TEMPLE, TEXAS, IN THE ESTIMATED ANNUAL AMOUNT OF \$30,000, FOR PLUMBING SUPPLIES FOR FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, On September 21, 2017, Council authorized an annual purchase agreement for plumbing supplies with Ham & McCreight Supply of Temple, Texas - the current agreement expires September 30, 2018;

Whereas, the original bid allowed for four additional one-year renewals and in order to renew the agreement, the vendor must agree to hold its prices firm for an additional year, which it is willing to do;

Whereas, Staff is pleased with the product and service provided, believes the prices offered are still a good value for the City, and recommends Council authorize a one-year renewal to the purchase agreement - this will be the first one-year renewal authorized under this agreement, with three renewals remaining;

Whereas, plumbing supplies are purchased on an as-needed basis and departments have budgeted for these materials in several repair and maintenance accounts in the adopted fiscal year 2019 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:

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>Part 2</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a one-year renewals to the purchase agreement with Ham & McCreight Supply of Temple, Texas, in an estimated annual amount of \$30,000, for the purchase of plumbing supplies for fiscal year 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary



09/06/18 Item #3(I-24) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kirk Scopac, Director of Fleet Services Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to a purchase agreement for medium duty truck brakes for FY2019 with Russell & Smith Ford, Inc. of Houston in the estimated annual amount of \$30,000.

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

ITEM SUMMARY: Approval to renew this purchase agreement will allow for the continued purchase of medium duty truck brakes from Russell & Smith Ford, Inc. by the Fleet Services department during FY2019.

On September 4, 2014, City Council authorized an annual purchase agreement with Russell & Smith Ford, Inc. for the purchase of medium duty truck brakes. On September 3, 2015, September 1, 2016 and September 7, 2017 Council authorized one-year extensions to the agreement. The current agreement will expire on September 30, 2018. The original bid allowed for four additional one-year extensions. In order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do. There is detailed Bid Tabulation for 41 core items attached to the September 4, 2014, Council Agenda Item Memorandum #4(K-10), and per the agreement, there is a markup of 6% over cost on brake items not specifically listed.

Staff is satisfied with the products and service provided by Russell & Smith Ford, Inc., and based on price research conducted, Staff has concluded that we receive good value with the current contracted prices. Accordingly, Staff recommends Council authorize an extension to the agreement. This will be the fourth and final one-year renewal authorized under this agreement.

FISCAL IMPACT: Departments have budgeted for brakes in their FY2019 departmental automotive repair & maintenance accounts. Purchases under this agreement will be purchased into a Fleet Maintenance inventory account and charged out to the various department accounts upon use by Fleet Services. The estimated annual expenditure of \$30,000 is based on historical expenditures.

ATTACHMENTS:

RESOLUTION NO. 2018-9284-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE PURCHASE AGREEMENT WITH RUSSELL & SMITH FORD, INC. OF HOUSTON, TEXAS IN THE ESTIMATED ANNUAL AMOUNT OF \$30,000, FOR MEDIUM DUTY TRUCK BRAKES FOR FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 4, 2014, Council authorized an annual purchase agreement with Russell & Smith Ford, Inc. for the purchase of medium duty truck brakes - on September 3, 2015, September 1, 2016 and September 7, 2017, Council authorized one-year renewals to the purchase agreement and the current agreement expires September 30, 2018;

Whereas, the original agreement allowed for four additional one-year renewals and in order to renew the agreement, the vendor must agree to hold its prices firm for an additional year, which it is willing to do;

Whereas, Staff is satisfied with the products provided by Russell & Smith Ford, based on price research conducted, Staff believes the prices offered are still a good value for the City, and recommends Council authorize a one-year renewal to the agreement - this will be the fourth and final renewal authorized under this agreement;

Whereas, departments have budgeted for automotive repair and maintenance services in their individual departmental accounts in the adopted fiscal year 2019 annual 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:

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>**Part 2**</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a one-year renewal to the purchase agreement with Russell & Smith Ford, Inc. of Houston, Texas in the estimated annual amount of \$30,000, for medium duty truck brakes for fiscal year 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson City Secretary



09/06/18 Item #3(I-25) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kirk Scopac, Director of Fleet Services Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to a purchase agreement for automotive batteries for FY2019 with Continental Battery Co. of Dallas in the estimated annual amount of \$25,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Authorization to renew this purchase agreement will allow for the continued purchase of automotive batteries, which will be installed by Fleet Services, from Continental Battery Co. during FY2019.

On September 15, 2016, the City Council authorized an annual purchase agreement for automotive batteries with Continental Battery Co. The current agreement will expire on September 30, 2018. The original bid allowed for four additional one-year extensions. In order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do. The detailed Bid Tabulation is attached to the September 15, 2016, Council Agenda Item Memorandum #5(L8).

The City has done business with Continental Battery Co. for the past several years, and Staff is pleased with the product and service they provide. In addition, Staff believes the prices offered are still a good value. Accordingly, Staff recommends Council authorize an extension to the agreement. This will be the second one-year renewal authorized under this agreement, with two years remaining.

FISCAL IMPACT: Departments have budgeted for automotive batteries in their FY 2019 departmental automotive repair & maintenance accounts. Purchases under this agreement will be purchased into a Fleet Maintenance inventory account and charged out to the various department accounts upon use by Fleet Services. The estimated annual expenditure of \$25,000 is based on historical expenditures.

ATTACHMENTS:

RESOLUTION NO. 2018-9285-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE ANNUAL PURCHASE AGREEMENT WITH CONTINENTAL BATTERY CO. OF DALLAS, TEXAS IN THE ESTIMATED AMOUNT OF \$25,000, FOR THE PURCHASE OF AUTOMOTIVE BATTERIES FOR FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 15, 2016, the City Council authorized an annual purchase agreement for automotive batteries with Continental Battery Co. of Dallas, Texas - on September 6, 2017, Council authorized a one-year renewal to the agreement which expires September 30, 2018;

Whereas, the original bid allowed for four additional one-year renewals and in order to renew the agreement, the vendor must agree to hold its prices firm for an additional year, which it is willing to do;

Whereas, Staff is pleased with the product and service provided and believes the prices offered are still a good value for the City and recommends Council authorize a one-year renewal to the purchase agreement - this will be the second renewal under the agreement, with two renewals remaining;

Whereas, departments have budgeted for automotive batteries in their departmental automotive repair & maintenance accounts in the adopted fiscal year 2019 budget - purchases under this agreement will be purchased into a Fleet Maintenance inventory account and charged out to the various department accounts upon use by Fleet Services; 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:

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>**Part 2**</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a one-year renewal to the purchase agreement with Continental Battery Co., of Dallas, Texas in the estimated annual amount of \$25,000, for automotive batteries for fiscal year 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson City Secretary



09/06/18 Item #3(I-26) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kenny Henderson, Transportation Director Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to a purchase agreement for hot crack sealant for FY2019 with Crafco, Inc. (formerly known as Crafco Texas, Inc.) of Chandler, AZ, in the estimated annual amount of \$25,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Approval to renew this purchase agreement will allow for the continued purchase of hot crack sealant from Crafco, Inc. at a cost of \$12.90 per 30-pound box for the City's Street department during FY2019.

On September 17, 2015, Council authorized an annual purchase agreement for the purchase of hot crack sealant from Crafco, Inc. (formerly known as Crafco Texas, Inc.). On September 1, 2016, and on September 7, 2017, Council authorized one-year extensions to the contract. This purchase agreement will expire on September 30, 2018. The original bid allowed for four additional one-year extensions. In order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

Staff is pleased with the product and service provided by Crafco, Inc., and Staff believes the price is still a good value. Accordingly, Staff recommends Council authorize an extension to the agreement. This will be the third renewal authorized under this agreement, with one year remaining.

FISCAL IMPACT: Hot crack sealant is ordered on an as-needed basis by the Street Department. Included in account 110-3400-531-2316, Repairs & Maintenance, of the adopted FY2019 Street Department Budget is \$45,000 for crack sealant supplies. The estimated annual expenditure of \$25,000 is based on historical expenditures.

ATTACHMENTS: Resolution

RESOLUTION NO. 2018-9286-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE ANNUAL PURCHASE AGREEMENT WITH CRAFCO, INC. (FORMERLY KNOWN AS CRAFCO TEXAS, INC.), OF CHANDLER, ARIZONA, IN THE ESTIMATED ANNUAL AMOUNT OF \$25,000, FOR THE PURCHASE OF HOT CRACK SEALANT FOR FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 17, 2015, Council authorized an annual purchase agreement for the purchase of hot crack sealant from Crafco, Inc. (formerly known as Crafco Texas, Inc.) - on September 1, 2016 and September 7, 2017, Council authorized one-year renewals to the agreement which expires September 30, 2018;

Whereas, the original bid allowed for four additional one-year renewals and in order to renew the agreement, the vendor must agree to hold its prices firm for an additional year, which it is willing to do;

Whereas, Staff is pleased with the product and service provided by Crafco, believes that the price is still a good value to the City, and recommends Council authorize a one-year renewal to the purchase agreement - this will be the third renewal under the agreement, with one renewal remaining;

Whereas, the Street Department is the primary department which utilizes this agreement and they have budgeted funds in the fiscal year 2019 adopted budget in Account No. 110-3400-531-2316; 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:

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>**Part 2**</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a one-year renewal to the annual purchase agreement with Crafco, Inc. (formerly known as Crafco Texas, Inc.) in the estimated annual amount of \$25,000, for the purchase of hot crack sealant for fiscal year 2019.

Part 3: It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson City Secretary



09/06/18 Item #3(I-27) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kirk Scopac, Director of Fleet Services Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to a purchase agreement for automotive and equipment filters for FY2019 with Napa Auto Parts of Temple in the estimated annual amount of \$25,000.

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

ITEM SUMMARY: Authorization to renew this purchase agreement will allow for continued purchase of automotive and equipment filters from Napa Auto Parts during FY2019.

On October 1, 2015, City Council authorized an annual purchase agreement with Napa Auto Parts for the purchase of automotive and equipment filters. On September 1, 2016 and September 7, 2017 Council authorized one-year extensions to the agreement. The current agreement will expire on September 30, 2018. The original bid allowed for four additional one-year extensions. In order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do. The detailed Bid Tabulation is attached to the October 1, 2015, Council Agenda Item Memorandum #5(K).

Staff is satisfied with the products provided by Napa Auto Parts, and based on price research conducted, Staff has concluded that Napa's pricing is still a good value. Accordingly, Staff recommends Council authorize an extension to the agreement. This will be the third one-year renewal authorized under this agreement, with one year remaining.

FISCAL IMPACT: Automotive and equipment filters 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 in the adopted FY 2019 budget. The estimated annual expenditure of \$25,000 is based on historical expenditures.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2018-9287-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE PURCHASE AGREEMENT WITH NAPA AUTO PARTS OF TEMPLE, TEXAS IN AN ESTIMATED ANNUAL AMOUNT OF \$25,000, FOR AUTOMOTIVE AND EQUIPMENT FILTERS FOR FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on October 1, 2015, Council authorized an annual purchase agreement with Napa Auto Parts for the purchase of automotive and equipment filters – on September 1, 2016 and September 7, 2017, Council authorized one-year renewals to the purchase agreement which expires September 30, 2018;

Whereas, the original bid allowed for four additional one-year renewals in which the vendor must agree to hold its prices firm for an additional year, which it is willing to do;

Whereas, Staff is satisfied with the products provided by Napa Auto Parts, and based on price research conducted, Staff has concluded that Napa continues to offer a good value with the current contracted prices;

Whereas, Staff recommends Council authorize a one-year renewal to the purchase agreement - this will be the third one-year renewal authorized under this agreement, with one renewal remaining;

Whereas, automotive and equipment filters are 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 repair funds in their individual departmental accounts in the adopted fiscal year 2019 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:

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>Part 2</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a one-year renewal to the purchase agreement with Napa Auto Parts of Temple, Texas in the estimated annual amount of \$25,000, for automotive and equipment filters for fiscal year 2019.

<u>**Part 3**</u>: It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary



09/06/18 Item #3(J-1) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Damon Boniface, Utility Director Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a purchase agreement for liquid chlorine for FY2019 with Brenntag Southwest, Inc. of Lancaster in the estimated annual amount of \$241,150.

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

ITEM SUMMARY: Approval of this purchase agreement will allow for the purchase of liquid chlorine for the City's Conventional Water Treatment Plant during FY2019. The liquid chlorine is used in the treatment of potable water.

As shown on the attached bid tabulation, on August 16, 2018, the City received two bids for liquid chlorine. Brenntag Southwest Inc. was the low bidder at a submitted price of \$689 per ton. The City has done business with Brenntag Southwest, Inc. in the past and finds them to be a responsive and responsible vendor.

The proposed agreement is for a one-year period commencing on October 1, 2018, and is renewable for four additional one-year periods, if agreed to by the City and Brenntag Southwest, Inc.

FISCAL IMPACT: Water Treatment Plant chemicals are purchased on an as-needed basis throughout the fiscal year. Funding for Water Treatment Plant chemicals, to include liquid chlorine, is included in the adopted FY2019 Budget in account 520-5100-535-2118, Chemicals/Compressed Gases, in the amount of \$1,096,293.

ATTACHMENTS:

Bid Tabulation Resolution

Tabulation of Bids Received on August 16, 2018 at 2:15 p.m. Liquid Chlorine Bid# 51-06-19

				Bid	ders		
		Univar l	JSA, Inc	Brenntag Southwest, Inc		DPC Industries, Inc	
		Kent, WA		Lancas	ster, TX	Clebur	ne, TX
Description	Est'd Qty	Unit Price Total Price		Unit Price	Total Price	Unit Price	Total Price
Liquid Chlorine per ton	350	No Bid	No Bid	\$689.00	\$241,150.00	\$750.00	\$262,500.00
Addendum (1)		No	Bid	Yes		No	
Comply to delivery (48 hou	rs)	No	Bid	Yes		Yes	
Exceptions		No Bid		No		Yes, \$50 Monthly Container Rental Fee	
Credit Check Authorization		No	No Bid		es	Yes	

Recommended for Council Award

Memo: FY2018 Award to Brenntag Southwest, Inc. - 190 tons @ \$649/ton = \$123,310

RESOLUTION NO. 2018-9288-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PURCHASE AGREEMENT WITH BRENNTAG SOUTHWEST, INC OF LANCASTER, TEXAS IN THE ESTIMATED ANNUAL AMOUNT OF \$241,150, FOR LIQUID CHLORINE FOR FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, liquid chlorine is used in the treatment of potable water at the City's Conventional Water Treatment Plants;

Whereas, on August 16, 2018, the City received two bids for liquid chlorine with Brenntag Southwest Inc. submitting the low bid of \$689 per ton;

Whereas, the City has done business with Brenntag Southwest, Inc. in the past and finds them to be a responsive and responsible vendor;

Whereas, the proposed agreement is for a one-year period commencing on October 1, 2018, and is renewable for four additional one-year periods, if agreed to by both parties;

Whereas, Water Treatment Plant chemicals are purchased on an as-needed basis throughout the fiscal year - funding for Water Treatment Plant chemicals, to include liquid caustic soda, is included in the adopted fiscal year 2019 budget in Account No. 520-5100-535-2118; and

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

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

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a purchase agreement with Brenntag Southwest, Inc., of Lancaster, Texas in the estimated annual amount of \$241,150, for liquid chlorine for fiscal year 2019.

<u>**Part 3:**</u> It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of **September**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson City Secretary



09/06/18 Item #3(J-2) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Damon Boniface, Utility Director Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a purchase agreement for liquid copper sulfate for FY2019 with Brenntag Southwest, Inc of Lancaster, in the estimated annual amount of \$192,000.

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

ITEM SUMMARY: Approval of this purchase agreement will allow for the purchase of liquid copper sulfate for the City's Conventional Water Treatment Plant during FY2019. Use of the chemical has proven successful in destroying organic material in the City's raw water source (Leon River) which is believed to be a contributing cause for disinfection by-product levels above the maximum measurable amount per U.S. EPA rules.

As shown on the attached bid tabulation, on August 16, 2018, the City received six bids for liquid copper sulfate. Brenntag Southwest, Inc was the low bidder at a price of \$3.84 per gallon. The City has done business with Brenntag Southwest, Inc in the past and finds them to be a responsive and responsible vendor.

The proposed purchase agreement is for a one-year period commencing on October 1, 2018, and is renewable for four additional one-year periods, if agreed to by the City and Brenntag Southwest, Inc.

FISCAL IMPACT: Water Treatment Plant chemicals are purchased on an as-needed basis throughout the fiscal year. Funding for Water Treatment Plant chemicals, to include liquid copper sulfate, is included in the adopted FY2019 Budget in account 520-5100-535-2118, Chemicals/Compressed Gas, in the amount of \$1,096,293.

ATTACHMENTS:

Bid Tabulation Resolution

Tabulation of Bids Received on Thursday, August 16, 2018 at 2:30 p.m. Liquid Copper Sulfate Bid # 51-03-19

					Bido	lers							
		Shannon Chem	ical Corporation	GEO Specialty Chemicals, Inc		Univar USA, Inc		Chemtrade Chemicals US LLC					
		Malvern, PA		Little Rock, AR		Kent, WA		Parsippany, NJ					
Description	Est'd Qty	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost				
Liquid Copper Sulfate per gallon	50,000	\$11.47	\$573,500.00	\$5.57	\$278,500.00	No Bid	No Bid	\$3.98	\$199,000.00				
Addendum (1)		N	0	Yes		No Bid		Yes					
Comply to delivery (48 Hours)		No, 14 D	ays ARO	Yes		No Bid		Yes					
Exceptions		N	0	No		No		No No Bid		No Bid		No	
Credit Check Authorization		Y	es	s Yes		No	Bid	Yes					

	[Bide	ders				
		Chem	rite, Inc	Brenntag Southwest, Inc		Chameleon Industries Inc			
		Buford, GA		Lancas	ster, TX	Mesquite, TX			
Description	Est'd Qty	Unit Cost Total Cost		Unit Cost	Total Cost	Unit Cost	Total Cost		
Liquid Copper Sulfate per gallon	50,000	\$4.006	\$200,300.00	\$3.84	\$192,000.00	\$13.50*	\$675,000.00		
Addendum (1)		Y	es	Yes		No			
Comply to delivery (48 Hours)		Y	es	Yes		Yes			
Exceptions		No		No		* Product alternative-EarthTec			
Credit Check Authorization		Yes		Yes		Yes			

Recommended for Council Award

Memo: FY2018 Award to Chemtrade Chemicals US LLC - 50,000 gallons @ \$3.64/gal = \$182,000

RESOLUTION NO. 2018-9289-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PURCHASE AGREEMENT WITH BRENNTAG SOUTHWEST, INC. OF LANCASTER, TEXAS IN THE ESTIMATED ANNUAL AMOUNT OF \$192,000, FOR THE PURCHASE OF LIQUID COPPER SULFATE FOR FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, liquid copper sulfate has proven successful in destroying organic material in the City's raw water source (Leon River) which is believed to be a contributing cause for disinfection by-product levels above the maximum measurable amount per the United States Environmental Protection Agency;

Whereas, on August 16, 2018, the City received six bids for liquid copper sulfate with Brenntag Southwest, Inc providing the low bid of \$3.84 per gallon - the City has done business with Brenntag Southwest, Inc in the past and finds them to be a responsive and responsible vendor;

Whereas, the purchase agreement is for a one-year period commencing on October 1, 2018, and is renewable for four additional one-year periods, if agreed to by both parties.

Whereas, Water Treatment Plant chemicals are purchased on an as needed basis throughout the fiscal year - funding for Water Treatment Plant chemicals, to include liquid copper sulfate, is included in the adopted fiscal year 2019 budget in Account No. 520-5100-535-2118; and

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

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

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>**Part 2**</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a purchase agreement with Brenntag Southwest, Inc. of Lancaster, Texas, in the estimated annual amount of \$192,000, for liquid copper sulfate for fiscal year 2019.

Part 3: It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of **September**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson City Secretary



09/06/18 Item #3(J-3) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Leigh Gardner, Library Director Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing annual purchase agreements for the purchase of library books, DVDs, MP3s, and books on CD for FY2019 with Baker & Taylor, Inc. of Charlotte, NC, Brodart Co. of Williamsport, PA, Complete Books & Media Supply, LLC of Cedar Park, and Ingram Library Services, LLC of La Vergne, TN, in the estimated annual amount of \$115,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Authorization of these annual purchase agreements will allow for the purchase of library books, DVDs, MP3s, and books on CD for FY2019.

On July 24, 2018, the City received nine bids for books, CDs, DVDs, and MP3s. The invitation to bid was stated to be awarded by category and requested a discount from the publisher's price list. The recommendations for award are in line with the highest discounts offered. A summary of the discounts and distribution of awards by vendor is as follows:

	Primary Award	Secondary Award
Hard Backs, Trade Books	Ingram, 47.5%	Brodart, 46.5%
Paper Backs, Mass Market	Ingram, 41%	Brodart, 40%
Paper Backs, Trade	Ingram, 41%	Brodart, 40%
Paper Backs, Pre-Bound	Ingram, 30%	Brodart, 23%
Library Bindings	Complete Books, 25%	Baker & Taylor, 24.1%
Books on CD, Abridged	Ingram, 46%	Baker & Taylor, 45.6%
Books on CD, Unabridged	Ingram, 46%	Baker & Taylor, 45.6%
DVDs	Baker & Taylor, 31.6%	Ingram, 31%
Compact Discs (Music)	Baker & Taylor, 27.1%	Ingram, 25%
MP3s	Ingram, 46%	Baker & Taylor, 45.6%

Note: %'s noted are Discount from Publisher's Price List

09/06/18 Item #3(J-3) Consent Agenda Page 2 of 2

The Library has had a good experience with all vendors recommended for award. The proposed purchase agreements are for a one-year period commencing on October 1, 2018, with the option to extend the agreements for four additional one-year periods if so agreed to between the City and vendors.

FISCAL IMPACT: Funding for the purchase of library books, DVDs, MP3s, and books on CD is included in the adopted FY2019 Budget in the following accounts: 110-4000-555-2225, Books & Periodicals; 110-4000-555-2226, Reference Books; 110-4000-555-2522, Micro Film/Audio Visual. Estimated expenditure under these purchase agreements is based on historical expenditures of \$115,000.

ATTACHMENTS: Bid Tabulation Resolution

Tabulation of Bids Received on July 24, 2018 @ 2:00pm Books/CDs/DVDs/MP3s

	Bidders									
<u>Note:</u> Bids awarded by Category	Weston Woods Studios, Inc. Danbury, CT	Cengage Learning, Inc. Farmington Hills, MI	Barnes & Noble Booksellers, Inc. New York, NY	Brodart Co Williamsport, PA	Complete Books & Media Supply, LLC Cedar Park, TX					
Description		6 /		• *						
Category 1 - Hardback: Trade Books	0%	0-70%	0-25%	46.5%	33%					
Category 1 - Paperback: Mass Market	0%	0-70%	0-25%	40%	33%					
Category 1 - Paperback: Trade	0%	0-70%	0-25%	40%	33%					
Category 1 - Paperback: Pre-Bound	0%	No Bid	No Bid	23%	33%					
Category 2 - Library Bindings	0%	0-70%	No Bid	23%	25%					
Category 3 - Books on CD: Abridged	0%	No Bid	0-25%	45%	33%					
Category 3 - Books on CD: Unabridged	10%	No Bid	0-25%	45%	33%					
Category 4 - DVDs	10%	No Bid	0-25%	15%	10%					
Category 5 - Compact Discs (Music)	0%	No Bid	0-25%	No Bid	10%					
Category 6 - MP3s	0%	No Bid	No Bid	No Bid	33%					
Category 7 - Other (Explain)	0%	No Bid	No Bid	12% Non-Trade Hard/Paperback 40% Hardcover Reinforced	20% Subscriptions & Misc Educational Supplies					
Exceptions	Yes	Yes	Yes	Yes	Yes					
Credit Check Authorization	Yes	Yes	Yes	Yes	Yes					

		Bide	ders	
	Ingram Library Services, LLC	Baker & Taylor, LLC	Perma-Bound Books	Midwest Tape, LLC
	La Vergne, TN	Charlotte, NC	Jacksonville, IL	Holland, OH
Description			h.	
Category 1 - Hardback: Trade Books	47.5%	47.1%	0%	No Bid
Category 1 - Paperback: Mass Market	41%	41.1%	0%	No Bid
Category 1 - Paperback: Trade	41%	41.1%	0%	No Bid
Category 1 - Paperback: Pre-Bound	30%*	15.0%	0%	No Bid
Category 2 - Library Bindings	24%	24.1%	0%	No Bid
Category 3 - Books on CD: Abridged	46%	45.6%	0%	No Bid
Category 3 - Books on CD: Unabridged	46%	45.6%	0%	No Bid
Category 4 - DVDs	31%	31.6%	0%	25%
Category 5 - Compact Discs (Music)	25%	27.1%	0%	20%
Category 6 - MP3s	46%	45.6%	0%	No Bid
	10% Short/Non-Trade			
Category 7 - Other (Explain)	0% Net Titles	No Bid	0%	20% Blu-Ray DVDs
Exceptions	No	Yes	Yes	Yes
Credit Check Authorization	Yes	Yes	Yes	Yes

* Bid Awarded by Category

Recommended for Council Award - Primary Recommended for Council Award - Secondary

RESOLUTION NO. 2018-9290-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ANNUAL PURCHASE AGREEMENTS WITH VARIOUS VENDORS, IN THE ESTIMATED ANNUAL AMOUNT OF \$115,000, FOR THE PURCHASE OF LIBRARY BOOKS, DVDS, MP3S, AND BOOKS ON CD FOR FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 24, 2018, the City received nine bids for books, CDs, DVDs, and MP3s – the invitation to bid stated that bids would be awarded by category and requested a discount from the publisher's price list;

Whereas, the recommendations for award are in line with the highest discounts offered by category as listed below:

Hard Backs, Trade Books Paper Backs, Mass Market Paper Backs, Trade Paper Backs, Pre-Bound Library Bindings Books on CD, Abridged Books on CD, Unabridged DVDs Compact Discs (Music) MP3s

Primary Award

Ingram, 47.5% Ingram, 41% Ingram, 41% Ingram, 30% Complete Books, 25% Ingram, 46% Ingram, 46% Baker & Taylor, 31.6% Baker & Taylor, 27.1% Ingram, 46%

Secondary Award

Brodart, 46.5% Brodart, 40% Brodart, 40% Brodart, 23% Baker & Taylor, 24.1% Baker & Taylor, 45.6% Baker & Taylor, 45.6% Ingram, 31% Ingram, 25% Baker & Taylor, 45.6%

Whereas, the Library has had a good experience with all vendors recommended for award;

Whereas, these purchase agreements are for a one-year period commencing October 1, 2018, with the option to renew the agreements for four additional one-year periods if so agreed to between the City and the vendors;

Whereas, funding is available for these purchases in the adopted fiscal year 2019 budget in Account Nos. 110-4000-555-2225, 110-4000-555-2226 and 110-4000-555-2522; and

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

Now, Therefore, be it Resolved by the City Council of the City of Temple, Texas, That:

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>Part 2</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute purchase agreements with Baker and Taylor, Inc., of Charlotte, North Carolina, Brodart Co., of Williamsport, Pennsylvania, Complete Books & Media Supply, LLC of Cedar Park, Texas, and Ingram Library Services, LLC of La Vergne, Tennessee, in the estimated annual amount of \$115,000, for the purchase of library books, DVDs, MP3s, and books on CD for fiscal year 2019.

<u>**Part 3:**</u> It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary



09/06/18 Item #3(J-4) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Damon Boniface, Utility Director Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing an annual purchase agreement for liquid caustic soda for FY2019 with Brenntag Southwest, Inc. of Lancaster in the estimated annual amount of \$98,000.

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

ITEM SUMMARY: Approval of this purchase agreement allows for the purchase of liquid caustic soda for our City's Membrane and Conventional Water Treatment Plants during FY2019. Liquid caustic soda is used in the treatment of potable water and is also used in the cleaning of modules at the Membrane Plant.

As shown on the attached bid tabulation, on August 16, 2018, the City received four bids for the purchase of liquid caustic soda. The low bidder was Brenntag Southwest Inc. at a cost of \$0.1568 per wet pound. The City has done business with Brenntag Southwest Inc. in the past and finds them a responsive and responsible vendor.

The proposed agreement is for a one-year period commencing on October 1, 2018, and is renewable for four additional one-year periods, if agreed to by the City and Brenntag Southwest Inc.

FISCAL IMPACT: Water Treatment Plant chemicals are purchased on an as-needed basis throughout the fiscal year. Funding for Water Treatment Plant chemicals, to include liquid caustic soda, is included in the adopted FY2019 Budget in account 520-5100-535-2118, Chemicals/Compressed Gases, in the amount of \$1,096,293.

ATTACHMENTS:

Bid Tabulation Resolution

Tabulation of Bids Received on August 16, 2018 at 2:00 p.m. Liquid Caustic Soda Bid #51-04-19

			Bidders						
		Univar	USA, Inc.	Petra Chemical Company		Brenntag Southwest, Inc		DPC Industries, Inc	
		Kent, WA		Dallas, TX		Lancaster, TX		Cleburne, TX	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Membrane or Diaphragm Grade Liquid Caustic Soda /Wet Pounds	625,000	\$0.1888	\$118,000.00	\$0.1795	\$112,187.50	\$0.1568	\$98,000.00	\$0.1950	\$121,875.00
Addendum (1)		Y	′es	Yes		Yes		Yes	
Comply to Delivery?		No; within 5-7 Days		No; within 5-7 Days Yes		Y	es	Y	'es
Exceptions		1	No No		No No No		lo	No	
Credit Check Authorization		Y	′es	Yes		Yes		Yes	

Recommended for Council Award

Memo: FY2018 Award to Brenntag Southwest, Inc. - 600,000 wet lbs @ 14.23¢ /lb = \$85,380

RESOLUTION NO. 2018-9291-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL PURCHASE AGREEMENT WITH BRENNTAG SOUTHWEST, INC OF LANCASTER, TEXAS IN THE ESTIMATED ANNUAL AMOUNT OF \$98,000, FOR LIQUID CAUSTIC SODA FOR FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, liquid caustic soda is used in the treatment of potable water and in cleaning of modules at the City's Membrane and Conventional Water Treatment Plants;

Whereas, on August 16, 2018, the City received four bids for liquid caustic soda with Brenntag Southwest, Inc. providing the low bid at a cost of \$0.1568 per wet pound - the City has done business with Brenntag Southwest, Inc. for many years, and Staff finds them to be a responsive and responsible vendor;

Whereas, this agreement will be for a one-year period commencing on October 1, 2018, and is renewable for four additional one-year periods, if agreed to by both parties;

Whereas, Water Treatment Plant chemicals are purchased on an as-needed basis throughout the fiscal year - funding for Water Treatment Plant chemicals, to include liquid caustic soda, is included in the adopted fiscal year 2019 budget in Account No. 520-5100-535-2118; and

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

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

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>**Part 2</u>**: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a purchase agreement with Brenntag Southwest, Inc., of Lancaster, Texas, in the estimated annual amount of \$98,000, for liquid caustic soda for fiscal year 2019.</u>

<u>Part 3</u>: It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary



09/06/18 Item #3(J-5) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing & Facility Services Kenny Henderson, Transportation Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing an annual purchase agreement with Heartland Quarries, LLC, dba Heartland Aggregates, of Austin for various forms of rock and top soil during FY2019 in the estimated annual amount of \$80,520.

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

ITEM SUMMARY: Authorization of this annual purchase agreement will allow for the purchase of various forms of rock and top soil from Heartland Aggregates during FY2019.

As shown on the attached bid tabulation, on July 19, 2018, the City received two bids for various forms of rock and top soil that may be needed throughout the year, and will be ordered on an as-needed basis. Heartland Aggregates was the low bidder of all bid sections. The City has done business with Heartland Aggregates in the past and finds them to be a responsive and responsible vendor.

The proposed purchase agreement is for a one-year period commencing on October 1, 2018, with the option to extend the agreement for four additional one-year periods if so agreed to between the City and Heartland Aggregates.

FISCAL IMPACT: Various rock and top soil will be ordered on an as-needed basis. Departments have budgeted for these materials in several accounts in the adopted FY2019 Budget. Estimated annual expenditure based on historical expenditures: \$80,520.

ATTACHMENTS: Bid Tabulation Resolution

Tabulation of Bids Received on July 19, 2018 at 2:00 p.m. Rock, Sand, Crusher Fines, Crushed Rock and Topsoil Bid# 13-07-19

	Ī	BIDDERS				
Awarded by Section				Than Dirt ble, TX		uarries, LLC in, TX
Description	Qty	UOM	Unit Price	Total Price	Unit Price	Total Price
Concrete Sand (Picked-Up)	25	Tons	\$25.00	\$625.00	\$15.00	\$375.00
Concrete Sand (Delivered)	400	Tons	\$28.75	\$11,500.00	\$20.00	\$8,000.00
Additional Delivery Charge for Small Load of Concrete Sand - Load of 10 Tons or Less	1	Load	\$40.00	\$40.00	\$100.00	\$100.00
Section 1 Tota	l Bid A	mount	\$12 ,1	165.00	\$8,4	75.00
Pea Gravel (Picked-Up)	25	Tons	\$25.00	\$625.00	\$18.00	\$450.00
Pea Gravel (Delivered)	1,450	Tons	\$28.75	\$41,687.50	\$22.00	\$31,900.00
Additional Delivery Charge for Small Load of Pea Gravel - Load of 10 Tons or Less	1	Load	\$40.00	\$40.00	\$100.00	\$100.00
Section 2 Tota	l Bid A	mount	\$42,3	352.50	\$32,4	50.00
Rock 1-1/4" to 1-1/2" (Picked-Up)	100	Tons	\$16.00	\$1,600.00	\$13.00	\$1,300.00
Rock 1-1/4" to 1-1/2" (Picked-Up)	10	Tons	\$22.00	\$220.00	\$23.00	\$230.00
Additional Delivery Charge for Small Load of Rock 1-1/14" to 1-1/2" - Load of 10 Tons or Less	1	Load	\$40.00	\$40.00	\$100.00	\$100.00
Section 3 Tota	I Bid A	mount	\$1,8	60.00	\$1,6	30.00
Washed Rock 1" to 1-1/4" (Picked-Up)	10	Tons	\$25.00	\$250.00	\$13.00	\$130.00
Washed Rock 1" to 1-1/4" (Delivered)	10	Tons	\$28.75	\$287.50	\$23.00	\$230.00
Additional Delivery Charge for Small Load of Washed Rock 1" to 1-1/4" - Load of 10 Tons or Less	1	Load	\$40.00	\$40.00	\$100.00	\$100.00
Section 4 Tota	I Bid A	mount	• -	7.50		0.00
Crusher Fines (Picked-Up)	50	Tons	No Bid	No Bid	\$3.00	\$150.00
Crusher Fines (Delivered) Additional Delivery Charge for Small Load of Crusher Fines -	10	Tons Load	\$11.00 \$40.00	\$110.00 \$40.00	\$8.50 \$100.00	\$85.00 \$100.00
Load of 10 Tons or Less Section 5 Tota			¥10.00	\$ 1 0.00		5.00
5/16" to 3/8" Type F Crushed Rock (Picked-Up)	200	Tons	\$15.00	\$3,000.00	\$14.00	\$2,800.00
5/16" to 3/8" Type F Crushed Rock (Delivered)	10	Tons	\$23.00	\$230.00	\$20.00	\$200.00
Additional Delivery Charge for Small Load of 5/16" to 3/8" Type F Crushed Rock - Load of 10 Tons or Less	1	Load	\$40.00	\$40.00	\$100.00	\$100.00
Section 6 Tota	l Bid A	mount	\$3,2	70.00	\$3,1	00.00
3" x 5" Construction Rock (Picked-Up)	100	Tons	\$15.00	\$1,500.00	\$9.50	\$950.00
3" x 5" Construction Rock (Delivered)	10	Tons	\$23.00	\$230.00	\$15.00	\$150.00
Additional Delivery Charge for Small Load of 3" x 5" Construction Rock - Load of 10 Tons or Less	1	Load	\$40.00	\$40.00	\$100.00	\$100.00
Section 7 Tota	I Bid A	mount	\$1,7	70.00	\$1,2	00.00
24" Rip Rap Rock (Picked-Up)	400	Tons	\$31.00	\$12,400.00	\$28.00	\$11,200.00
24" Rip Rap Rock (Delivered)	10	Tons	\$40.00	\$400.00	\$42.00	\$420.00
Additional Delivery Charge for Small Load of 24" Rip Rap Rock - Load of 10 Tons or Less	1	Load	\$40.00	\$40.00	\$100.00	\$100.00
Section 8 Tota	I Bid A	mount	\$12,8	340.00	\$11,7	20.00
Quality Top Soil (Picked-Up)	100	CY	\$18.00	\$1,800.00	\$18.00	\$1,800.00
Quality Top Soil (Delivered)	25	CY	\$26.00	\$650.00	\$18.00	\$450.00
Additional Delivery Charge for Small Load of Quality Top Soil - Load of 10 Yards or Less	1	Load	\$40.00	\$40.00	\$100.00	\$100.00
Section 9 Tota	I Bid A	mount	\$2,4	90.00	\$2,3	50.00
Pulverized Top Soil - Defined as Pulverized Top Soil without Debris or Clods (Picked-Up)	700	СҮ	\$25.00	\$17,500.00	\$22.00	\$15,400.00
Pulverized Top Soil - Defined as Pulverized Top Soil without Debris or Clods (Delivered)	150	СҮ	\$29.00	\$4,350.00	\$22.00	\$3,300.00
Additional Delivery Charge for Small Load of Pulverized Top Soil - Defined as Top Soil without Debris or Clods - Load of 12 Yards or Less	1	Load	\$40.00	\$40.00	\$100.00	\$100.00
Section 10 Tota	I Bid A	mount	\$21,8	390.00	\$18,8	800.00
Total Recommendation for Award	d - by S	ection			\$80,5	20.00
Exceptions Taken by Bidder			N	0	١	lo
Credit Check Authorization				'es		es
Local Preference Declaration			ľ	No	ľ	10

RESOLUTION NO. 2018-9292-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL PURCHASE AGREEMENT WITH HEARTLAND QUARRIES, LLC, DBA HEARTLAND AGGREGATES OF AUSTIN, TEXAS IN THE ESTIMATED ANNUAL AMOUNT OF \$80,520, FOR VARIOUS FORMS OF ROCK AND TOP SOIL FOR FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 19, 2018, the City received two bids for various forms of rock and top soil that may be needed throughout the year, and which will be ordered on an as-needed basis;

Whereas, Heartland Aggregates was the low bidder of all bid sections - the City has done business with Heartland Aggregates in the past and finds them to be a responsive and responsible vendor;

Whereas, the annual purchase agreement is for a one-year period commencing October 1, 2018, with the option to renew the agreement for four additional one-year periods if so agreed to between both parties;

Whereas, various forms of rock and top soil are purchased on an as-needed basis and departments which utilize this product have budgeted for these materials in the adopted fiscal year 2019 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:

<u>**Part 1:**</u> Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>Part 2</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute an annual purchase agreement with Heartland Quarries, LLC, dba Heartland Aggregates of Austin, Texas in the estimated annual amount of \$80,520 for various forms of rock and top soil for fiscal year 2019.

<u>**Part 3**</u>: It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary



09/06/18 Item #3(J-6) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Damon Boniface, Utility Director Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a purchase agreement for liquid ammonium sulfate for FY2019 with Chameleon Industries, Inc of Mesquite in the estimated annual amount of \$47,092.50.

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

ITEM SUMMARY: Approval of this purchase agreement allows for the purchase of liquid ammonium sulfate for our City's Conventional Water Treatment Plant during FY2019. The liquid ammonium sulfate is used on a consistent basis in the treatment of potable water.

As shown on the attached bid tabulation, on August 16, 2018, the City received three bids for liquid ammonium sulfate. Chameleon Industries, Inc was the low bidder at a cost of \$0.0897 per pound. The City has done business with Chameleon Industries, Inc in the past and finds them a responsive and responsible vendor.

The proposed agreement is for a one-year period commencing on October 1, 2018 and is renewable for four additional one-year periods, if agreed to by the City and Chameleon Industries, Inc.

FISCAL IMPACT: Water Treatment Plant chemicals are purchased on an as-needed basis throughout the fiscal year. Funding for Water Treatment Plant chemicals, to include liquid ammonium sulfate, is included in the adopted FY2019 Budget in account 520-5100-535-2118, Chemicals/Compressed Gases, in the amount of \$1,096,293.

ATTACHMENTS:

Bid Tabulation Resolution

Tabulation of Bids Received on August 16, 2018 at 2:45 p.m. Liquid Ammonium Sulfate Bid # 51-07-19

				Bidd	ers		
		-	Sterling Water Technologies, LLC		Univar USA, Inc		Chemicals US _C
		Columbia, TN		Kent, WA		Parsippany, NJ	
Description	Est'd QTY					1	
Total Bid Price for Liquid Ammonium Sulfate per Pound	525,000	No Bid	No Bid	No Bid	No Bid	\$0.0945	\$49,612.50
Addendum (1)		No Bid		No Bid		Yes	
Comply to Delivery?		No Bid		No Bid		Yes	
Exceptions		No Bid		No Bid		No	
Credit Check Authorization		No	Bid	No	Bid	Y	es

			Bidd	lers		
		Brenntag Southwest, Inc		Chameleon Industries Ind		
		Lancaster, TX		Mesq	uite, TX	
Description	Est'd QTY					
Total Bid Price for Liquid Ammonium Sulfate per Pound	525,000	\$0.0914	\$47,985.00	\$0.0897	\$47,092.50	
Addendum (1)		Yes		No - not relevant to product or delivery spec		
Comply to Delivery?		Yes		Yes		
Exceptions		No		No		
Credit Check Authorization		Y	es	Yes		

Recommended for Council Award

Memo: FY2018 Award to Brenntag Southwest, Inc. - 495,000 lbs @ 8.69c/lb = \$43,015.50

RESOLUTION NO. 2018-9293-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PURCHASE AGREEMENT WITH CHAMELEON INDUSTRIES, INC OF MESQUITE, TEXAS IN THE ESTIMATED ANNUAL AMOUNT OF \$47,092.50, FOR LIQUID AMMONIUM SULFATE FOR FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, liquid ammonium sulfate will be used on a consistent basis for the treatment of potable water at the City's Conventional Water Treatment Plant during fiscal year 2019;

Whereas, on August 16, 2018, the City received three bids for liquid ammonium sulfate with Chameleon Industries, Inc. submitting the low bid at a cost of \$0.0897 per pound - the City has done business with Chameleon Industries, Inc. in the past, and finds them to be a responsive and responsible vendor;

Whereas, this agreement will be effective for one-year commencing October 1, 2018 – the agreement is renewable for four additional one-year periods, if agreed to by both parties;

Whereas, Water Treatment Plant chemicals are purchased on an as-needed basis throughout the fiscal year - funding for Water Treatment Plant chemicals, to include liquid ammonium sulfate, is included in the adopted fiscal year 2019 budget in Account No. 520-5100-535-2118; and

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

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

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>**Part 2:**</u> The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a purchase agreement with Chameleon Industries, Inc., of Mesquite, Texas, in the estimated annual amount of \$47,092.50, for liquid ammonium sulfate for fiscal year 2019.

<u>**Part 3:**</u> It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of **September**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson City Secretary



09/06/18 Item #3(J-7) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing & Facility Services Justin Brantley, Assistant Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing an annual construction contract for plumbing repair services for FY2019 with C.A.P's Mechanical of Moody in the estimated annual amount of \$45,000.

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

ITEM SUMMARY: Approval of this annual construction contract will allow for the purchase of plumbing repair services for FY2019.

On July 31, 2018, the City received two bids for Plumbing Repair Services. 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, reputation and experience of the bidder in providing like-kind services to other businesses and public entities, and the skilled staffing available to deliver services in a timely basis. A five-member bid evaluation committee was formed to evaluate the two bids. Based on the pre-defined bid evaluation criteria, it is the committee's recommendation to award the plumbing repair contract to C.A.P's Mechanical. The pricing received in the bid is shown on the attached Bid Tabulation.

C.A.P's Mechanical has provided plumbing repair services to the City for several years, and Staff finds them to be a very responsive and responsible vendor. The proposed construction contract is for a one-year period commencing on October 1, 2018, with the option to extend the contract for four additional one-year periods, if so agreed to between the City and C.A.P's Mechanical.

FISCAL IMPACT: Plumbing repair services will be purchased on an as-needed basis. Departments have budgeted for these services in several accounts in the adopted FY2019 Budget. The estimated annual expenditure of \$45,000 is based on historical expenditures.

ATTACHMENTS:

Bid Tabulation Resolution

Tabulation of Bids Received on July 31, 2018 at 2:00 p.m. Plumbing Repair Services Bid # 13-05-19

	BIDDERS	BIDDERS
	C.A.P'S Mechanical	CSP Utilities
	Moody, TX	Waco, TX
Description		
Material (Cost plus %) \$0 - \$100	28%	20%
Material (Cost plus %) \$101 - \$500	25%	20%
Material (Cost plus %) \$501 - \$1,000	18%	20%
Material (Cost plus %) \$1,001 - \$5,000	15%	20%
Material (Cost plus %) \$5,001 - and up	12%	20%
Rental Equipment (Cost plus %)	10% - Man Lifts, Rock Excavation Equip, Material Lifts 0% - Camera Work or Assistance by Other Plumbing Contractors	\$660.00 (\$550+20%) Backhoe with Hammer \$252.00 (\$210+20%) Air Compressor/Air Hammer
Labor Plumber (Straight time)	\$95.00	\$95.00
Labor Plumber (Overtime)	\$127.50	\$142.50
Labor Plumber's Helper (Straight time)	\$48.00	\$35.00
Labor Plumber's Helper (Overtime)	\$72.00	\$52.50
Company Owned Equipment (per hour)	 \$225/Day - CAT 303 Mini Excavator \$185/Day - Bobcat 323 Mini Excavator, John Deere 110 Backhoe \$85/Day - Welder - Miller Bobcat \$50/Day - Gas Powered Compactor/Quickie Saw, Propress Tool 1/2-4" & Freeze Machine for Pipe \$25/Day - HDPE Fusion Machine \$17.50/Use - Large (3/4") or Small (3/8") Sewer Machine 	\$500/Use - Piercing Tool \$375/Load - 15 yd Dump Truck (Standby \$50/Hr) Load/Haul \$300/Day - John Deere 310 with Backhoe \$250/House - Vaccon- Vacuum/Jet Truck \$220/Use - Mongoose Trailer Jet \$200/Day - Terex 35 Excuvator \$130/Day - Walk Behind Trencher \$75/Day - Walk Behind Concrete Saw
Exceptions	No	No
Credit Check Authorization Form	Yes	Yes
Local Preference	No	No

Recommended for Council Award

RESOLUTION NO. 2018-9294-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL CONSTRUCTION CONTRACT WITH C.A.P.'S MECHANICAL OF MOODY, TEXAS IN THE ESTIMATED ANNUAL AMOUNT OF \$45,000, FOR PLUMBING REPAIR SERVICES FOR FISCAL YEAR 2019; AD PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 31, 2018, the City received two bids for plumbing repair services and 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, reputation and experience of the bidder in providing like-kind services to other businesses and public entities, and the skilled staffing available to deliver services in a timely basis;

Whereas, an evaluation committee evaluated both bids and based on the pre-defined bid evaluation criteria, Staff recommends Council award the annual contract to C.A.P's Mechanical of Moody, Texas;

Whereas, C.A.P's Mechanical has provided plumbing repair services to the City for several years, and Staff finds them to be a very responsive and responsible vendor;

Whereas, the construction contract is for a one-year period commencing on October 1, 2018, with the option to renew the contract for four additional one-year periods, if so agreed to by both parties;

Whereas, plumbing services are purchased on an as-needed basis and have been budgeted in several accounts in the adopted fiscal year 2019 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:

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>**Part 2:**</u> The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute an annual construction contract with C.A.P.'s Mechanical of Moody, Texas in the estimated annual amount of \$45,000, for plumbing repair services for fiscal year 2019.

<u>**Part 3**</u>: It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary



09/06/18 Item #3(J-8) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing & Facility Services Leigh Gardner, Library Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a services agreement for security guard services for FY2019 with Smith Protective Services, Inc of Austin in the estimated annual amount of \$45,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Authorization of this services agreement will provide for security guard services at the Library along with as-needed security guard services for Parks & Recreation events during FY2019.

As shown on the attached bid tabulation, on August 1, 2018, the City received three bids for security guard services. 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, reputation and experience of the bidder in providing security guard services, and the company's proposed approach for managing delivery of the security guard services.

A five-member bid evaluation committee was formed to evaluate the three bids. Based on the predefined bid evaluation criteria, it is the committee's recommendation to award the security guard services contract to Smith Protective Services, Inc. with the following rates:

Services at the Temple Public Library - \$17.83 per hour Services at Parks & Recreation Events - \$26.74 per hour

The proposed services agreement is for a one-year period commencing on October 1, 2018, with the option to extend the agreement for four additional one-year periods, if so agreed to between the City and Smith Protective Services, Inc.

FISCAL IMPACT: Funding for the security guard services at the Library is available in account 110-4000-555-2623. Funding for the services needed by the Parks & Recreation Department are available in various contracted services accounts.

ATTACHMENTS:

Bid Tabulation Resolution

Tabulation of Bids Received on August 1, 2018 at 2:00 p.m. Security Guard Services for the Temple Public Library & Other Miscellaneous City Events Bid# 40-02-19

		Bidders	
	L&P Global Security	Smith Protective Services, Inc.	Vets Securing America
	Frisco, TX	Austin, TX	Arlington, TX
Description			
Hourly Rate for Sercurity Guard Services at the Library	\$20.95	\$17.83	\$17.14
Hourly Rate for "As Needed" Sercurity Guard Services.	\$24.95	\$26.74	\$17.14
Acknowledge Addendum (1)	Yes	Yes	Yes
Exceptions	No	No	No
Credit Check Authorization	Yes	Yes	Yes
Local Preference	No	No	No

Recommended for Council award

RESOLUTION NO. 2018-9295-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A SERVICES AGREEMENT WITH SMITH PROTECTIVE SERVICES, INC. OF AUSTIN, TEXAS IN THE ESTIMATED ANNUAL AMOUNT OF \$45,000, FOR SECURITY GUARD SERVICES AT THE TEMPLE PUBLIC LIBRARY FOR FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on August 1, 2018, the City received three bids for security guard services and 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, reputation and experience of the bidder in providing security guard services, and the company's proposed approach for managing delivery of the security guard services;

Whereas, a five-member evaluation committee evaluated the three bids and based on the pre-defined bid evaluation criteria, the committee recommends Council award the security guard services agreement to Smith Protective Services, Inc. at the following rates:

Services at the Temple Public Library	- \$17.83 per hour
Services at Parks & Recreation Events	- \$26.74 per hour

Whereas, the services agreement is for a one-year period commencing on October 1, 2018, with the option to renew the agreement for four additional one-year periods, if so agreed to by both parties;

Whereas, funding for security guard services at the Library is available in Account No. 110-4000-555-2623, and funding for the services needed by the Parks & Recreation Department is available in various contracted services accounts; and

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

Now, Therefore, be it Resolved by the City Council of the City of Temple, Texas, That:

<u>**Part 1**</u>: **Findings.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>**Part 2:**</u> The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a services agreement with Smith Protective Services, Inc. of Austin, Texas, for security guard services in the estimated annual amount of \$45,000.

<u>**Part 3**</u>: It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

09/06/18 Item #3(J-9) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Damon Boniface, Utility Director Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing an annual purchase agreement for citric acid for FY2019 from Chemtrade Chemicals US, LLC of Parsippany, NJ, in the estimated annual amount of \$25,000.

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

ITEM SUMMARY: Approval of this purchase agreement will allow for the purchase of citric acid that will be used for cleaning modules at the City's Membrane Water Treatment Plant during FY2019. The citric acid is stored in a bulk storage tank.

As shown on the attached bid tabulation, on August 16, 2018, the City received three bids for citric acid for bulk storage tank. Chemtrade Chemicals US LLC was the low bidder at a rate of \$5.54 per gallon. The City has done business with Chemtrade Chemicals US LLC in the past and finds them a responsive and responsible vendor.

The proposed agreement is for a one-year period commencing on October 1, 2018, and is renewable for four additional one-year periods, if agreed to by the City and Chemtrade Chemicals US LLC.

FISCAL IMPACT: Water Treatment Plant chemicals are purchased on an as needed basis throughout the fiscal year. Funding for Water Treatment Plant chemicals, to include citric acid, is included in the adopted FY2019 Budget in account 520-5100-535-2118, Chemicals/Compressed Gases, in the amount of \$1,096,293.

ATTACHMENTS:

Bid Tabulation Resolution

Tabulation of Bids Received on August 16, 2018 at 3:00 p.m. Citric Acid for Bulk Storage Tank Bid# 51-05-19

		BIDDERS																	
		Shannon Chemical Corporation		ation Univar USA, Inc Chemtrade Chemicals US LLC		Univar USA, Inc Chemtrade Chemicals US LLC		poration Univar USA, Inc		Brenntag So	outhwest, Inc								
		Malvern, PA		Kent, WA		Parsippany, NJ		Lancas	ster, TX										
Description	Qty	Unit Price		Unit Price		Unit Price		Unit	Price										
Citric Acid (per gallon)	4,000	\$9.17	\$36,680.00	No Bid	No Bid	\$5.54 \$22,160.00		\$8.09	\$32,360.00										
Addendum (3)		Y	es	No Bid		Yes		Y	es										
Comply to delivery?		No, 10 Days ARO		No Bid		Bid Yes		Y	es										
Exceptions?	No No Bid Yes-acceptable to staff		No		No Bid		No Bid		No Bid		No Bid		No Bid		No Bid		able to staff	١	lo
Credit Check Authorization		Y	Yes		No Bid Yes		No Bid		No Bid		es	Y	es						

Recommended for Council Award

Memo: FY2018 Award to Chemtrade Chemicals US LLC @ \$5.38/gallon

RESOLUTION NO. 2018-9296-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL PURCHASE AGREEMENT WITH CHEMTRADE CHEMICALS US LLC OF PARSIPPANY, NEW JERSEY IN THE ESTIMATED ANNUAL AMOUNT OF \$25,000, FOR THE PURCHASE OF CITRIC ACID FOR FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, citric acid is used for cleaning modules at the City's Membrane Water Treatment Plant and stored in a bulk storage tank;

Whereas, on August 16, 2018, the City received three bids for citric acid for the bulk storage tank with Chemtrade Chemicals US LLC providing the low bid at a rate of \$5.54 per gallon - the City has done business with Chemtrade Chemicals US LLC in the past and finds it to be a responsive and responsible vendor;

Whereas, this agreement is for a one-year period commencing October 1, 2018 through September 30, 2019, and is renewable for four additional one-year periods, if agreed to by both parties;

Whereas, Water Treatment Plant chemicals are purchased on an as needed basis throughout the fiscal year - funding for Water Treatment Plant chemicals, to include citric acid, is included in the adopted fiscal year 2019 budget in Account No. 520-5100-535-2118; and

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

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

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>**Part 2</u>**: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a purchase agreement with Chemtrade Chemicals US LLC, of Parsippany, New Jersey in the estimated annual amount of \$25,000, for citric acid for fiscal year 2019.</u>

<u>**Part 3:**</u> It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of **September**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

09/06/18 Item #3(J-10) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing & Facility Services Justin Brantley, Assistant Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a purchase agreement for electrical supplies for FY2019 with Rexel of Temple in the estimated annual amount of \$25,000.

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

ITEM SUMMARY: Authorization of this annual purchase agreement will allow for the purchase of electrical supplies from Rexel during FY2019.

On August 22, 2018, the City received one bid for the purchase of electrical supplies. The solicitation asked for pricing on numerous electrical supplies that may be needed throughout the year, and will be ordered on an as-needed basis. The detailed bid tabulation related to this purchase agreement is attached. However, a large percentage of the City's electrical supply purchases are not included in the core list of items that were bid, but are purchased under a contracted rate of cost plus 12%. Since there was only one bidder, Staff evaluated pricing against bids received in 2013, and Staff concluded that the proposed unit prices are competitive and reasonable.

The City has done business with Rexel in the past and finds them to be a responsive and responsible vendor. The proposed purchase agreement is for a one-year period commencing on October 1, 2018, with the option to extend the agreement for four additional one-year periods if so agreed to between the City and Rexel.

FISCAL IMPACT: Electrical supplies will be purchased on an as-needed basis. Departments have budgeted for these materials in several accounts in the adopted FY2019 Budget. The estimated annual expenditure of \$25,000 is based on historical expenditures.

ATTACHMENTS:

Bid Tabulation Resolution

Tabulation of Bids Received on August 22, 2018 at 2:00 p.m. Electrical Supplies Bid #13-03-19

		Bidders		
		Rexel Temple TX		
Description	Qty	Unit Price	Total Price	
200 Amp Main Breaker Panel (30 Circuit) (Square D)	1	<mark>\$187.26</mark>	\$187.26	
Approved Eq	ual:	Q013	0M200	
20 Amp Breakers (QO)	10	\$7.00	\$70.00	
30 Amp Breakers (QO) 2 Pole	3	\$15.95	\$47.85	
50 Amp Breakers (QO) 2 Pole	2	\$15.95	\$31.90	
1⁄2" EMT Conduit	100	\$0.39	\$39.00	
1-1/2" Sealtite	10	\$2.04	\$20.40	
Approved Eq	ual:		TE FLEX, UOM- EET	
1-1/2" Sealtite Connectors	2	\$7.73	\$15.46	
Weather/Tamper Resistant 20 AMP Receptacle (Leviton W7899-TRW or equal)	20	\$15.74	\$314.80	
Approved Eq	ual:	GFWT2-W		
Single Pole Switch 120/277 Volt 20 AMP (Leviton 12:221 or equal)	20	\$2.14	\$42.80	
Approved Eq	ual:	1221-21		
3-Way Switch 120/277 Volt 20 Amp (Lveiton1223-21 or equal)	6	\$2.65	\$15.90	
Approved Eq	ual:	1223-21		
Receptable Duplex 20 AMP (Leviton 5352-I or equal)	40	\$3.03	\$121.20	
Single Gang Switch Covers (Leviton 80701 or equal)	25	\$0.19	\$4.75	
Two Gang Switch Covers (Leviton 80709 or equal)	10	\$0.41	\$4.10	
Duplex Receptacle Covers (Leviton 80703 or equal)	30	<mark>\$0.19</mark>	\$5.70	
Single Gang Rain Tight Cover (Leviton T5979 or equal)	10	\$5.20	\$52.00	
Approved Eq	ual:	TAYMAC MM410C		
Single Gang Rain Tight Cover (Leviton M5999 or equal)	10	\$9.10	\$91.00	
Approved Eq	ual:	TAYMAC MX3200		
Exit Light LED Single or Double Face 120/277 W/Battery Backup	10	\$16.50	\$165.00	
Approved Eq	ual:	LUMAR	K APX7R	
Exit Light Emergency Combo 120/277 W/ Battery Backup	5	\$41.96	\$209.80	
Approved Eq	ual:	LUMARK APC7R		
Emergency Light 120/277 W/Battery Backup	10	\$15.90	\$159.00	
Approved Eq	ual:	LUMA	RK APEL	

Description	Qty	Unit Price	Total Price	
1/2" 90 degree Liquidtite Connectors	20	\$2.06	\$41.20	
³ ⁄4" Liquidtite Steel Connectors	10	\$1.98	\$19.80	
³ ⁄4" 90 degree Liquidtite Connectors	10	\$3.52	\$35.20	
1/2" EMT Compression Connectors	50	\$0.22	\$11.00	
1/2" EMT Compression Couplings	50	\$0.21	\$10.50	
3⁄4" EMT Compression Connectors	25	\$0.25	\$6.25	
³ ⁄ ₄ " EMT Compression Couplings	25	\$0.34	\$8.50	
1⁄2" One Hole Straps	50	\$0.04	\$2.00	
¾" One Hole Straps	25	\$0.07	\$1.75	
1/2" Liquidtite Conduit	50	\$0.33	\$16.50	
Approved Ec	lual:		15005 NON- ALLIC	
¾" Liquidtite Conduit	50	\$0.39	\$19.50	
Approved Ec	ual:		15007 NON- TALLIC	
1/2" Nonmetallic Liquidtite Connectors	25	\$0.85	\$21.25	
3/4" Nonmetallic Liquidtite Connectors	25	\$1.27	\$31.75	
1/2" Nonmetallic Liquidtite 90 degree	15	\$1.41	\$21.15	
3/4" Nonmetallic Liquidtite 90 degree	15	\$1.92	\$28.80	
Wire Nuts; Red; 100/box	1	\$13.00	\$13.00	
Wire Nuts; Yellow; 100/box	1	\$10.10	\$10.10	
Wire Nuts; Orange; 100/box	1	\$7.50	\$7.50	
4" Octagon Box 1-1/2" Deep ½" Knock Outs	10	\$0.72	\$7.20	
4" Square Box 1-1/2" Deep ½" Knock Outs	20	\$0.52	\$10.40	
4" Square Box 2-1/2" Deep ½" Knock Outs	20	\$0.83	\$16.60	
3" x 2" x 3-1/2" Box with ½" Knock Outs	20	\$1.22	\$24.40	
1 Gang Weatherproof Box 3-1/2" Hubs	20	\$1.93	\$38.60	
2 Gang Weatherproof Box with 7-1/2" Hubs	10	\$7.58	\$75.80	
TOTAL BID FOR LINE ITEMS		\$2,076.67		
Cost + Percentage on other supplies		12%		
Delivery		Yes		
Exceptions		Yes		
Credit Check Authorization		Yes		
Local Preference		Yes		

Recommended for Council Award

RESOLUTION NO. 2018-9297-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PURCHASE AGREEMENT WITH REXEL OF TEMPLE IN THE ESTIMATED ANNUAL AMOUNT OF \$25,000, FOR ELECTRICAL SUPPLIES FOR FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on August 22, 2018, the City received one bid for the purchase of electrical supplies and the solicitation asked for pricing on numerous electrical supplies that may be needed throughout the year, and which will be ordered on an as-needed basis;

Whereas, a large percentage of the City's electrical supply purchases are not included in the core list of items that were bid, but are purchased under a contracted rate of cost plus 12%;

Whereas, since there was only one bidder, Staff evaluated pricing against bids received in 2013, and concluded that the proposed unit prices are competitive and reasonable - the City has done business with Rexel in the past and finds them to be a responsive and responsible vendor;

Whereas, this purchase agreement is for a one-year period commencing on October 1, 2018, with the option to renew the agreement for four additional one-year periods if so agreed to by both parties;

Whereas, Staff recommends Council authorize a purchase agreement with Rexel of Temple in the estimated annual amount of \$25,000, for electrical supplies for fiscal year 2019;

Whereas, electrical supplies are purchased on an as-needed basis and departments which utilize this agreement have budgeted funds in their respective annual budgets for fiscal year 2019; 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:

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>Part 2</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a purchase agreement with Rexel of Temple in the estimated annual amount of \$25,000, for electrical supplies for fiscal year 2019.

<u>**Part 3:**</u> It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

09/06/18 Item #3(J-11) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing & Facility Services Justin Brantely, Assistant Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a purchase agreement for lighting supplies for FY2019 with Rexel of Temple in the estimated annual amount of \$25,000.

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

ITEM SUMMARY: Authorization of this annual purchase agreement will allow for the purchase of lighting supplies from Rexel during FY2019.

On August 22, 2018, the City received two bids for the purchase of lighting supplies. The solicitation asked for pricing on numerous lighting supplies that may be needed throughout the year, and will be ordered on an as-needed basis. The detailed pricing related to this purchase agreement is attached. However, a large percentage of the City's lighting supply purchases are not included in the core list of items that were bid, but are purchased under a contracted rate of cost plus 12%.

The City has done business with Rexel in the past and finds them to be a responsive and responsible vendor. The proposed purchase agreement is for a one-year period commencing on October 1, 2018, with the option to extend the agreement for four additional one-year periods if so agreed to between the City and Rexel.

FISCAL IMPACT: Lighting supplies will be purchased on an as-needed basis. Departments have budgeted for these materials in several accounts in the adopted FY2019 Budget. The estimated annual expenditure of \$25,000 is based on historical expenditures.

ATTACHMENTS:

Bid Tabulation Resolution

Tabulation of Bids Received on August 22, 2018 at 2:45 p.m. Lighting Supplies Bid# 13-04-19

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		Bidders					
				Electric le, TX		Rexel Temple, TX	
Line	Description	Qty	Unit Price	Total Price	Unit Price	Total Price	
1	Ballast; (Advance ICF2S13H1LD)	3	\$15.00	\$45.00	\$19.45	\$58.35	
2	Ballast; (Advance ICF2S18H1LD)	3	\$15.00	\$45.00	\$19.45	\$58.35	
3	Ballast; (Advance ICF2S26H1LD)	3	\$15.00	\$45.00	\$12.35	\$37.05	
4	Ballast; (Advance ICN1P32SC) - 1 Lamp T8	4	\$10.50	\$42.00	\$9.07	\$36.28	
5	Ballast; (Advance ICN2P32SC) - 2 Lamp T8	5	\$8.88	\$44.40	\$9.07	\$45.35	
6	Ballast; (Advance ICN3P32SC) - 3 Lamp T8	5	\$10.13	\$50.65	\$9.67	\$48.35	
7	Ballast; (Advance ICN4P32SC) - 4 lamp T8	5	\$11.38	\$56.90	\$10.28	\$51.40	
8	Ballast; (Advance 71A5292001D) - MH 70W	10	\$45.00	\$450.00	\$46.70	\$467.00	
9	Ballast; (Advance 71A5390001D) MH 100W	5	\$45.94	\$229.70	\$44.03	\$220.15	
10	Ballast; (Advance 71A5570001D) MH 150W or 175W	5	\$40.00	\$200.00	\$40.76	\$203.80	
11	Ballast; (Advance 71A5692001D) MH 200W	5	\$73.96	\$369.80	\$76.31	\$381.55	
12	Ballast; (Advance 71A5750001D) MH 250W	5	\$46.25	\$231.25	\$46.94	\$234.70	
13	Ballast; (Advance 71A6051001D) MH 400W	5	\$50.00	\$250.00	\$54.35	\$271.75	
14	Ballast; (Advance 71A6552001) MH 1000W	4	\$89.06	\$356.24	\$98.78	\$395.12	
15	Ballast; (Advance 71A6051001D) MH 400W (Duplicate of Line 13)	5	\$50.00	\$250.00	\$54.35	\$271.75	
16	Ballast; (Advance 71A6552001) MH 1000W (Duplicate of Line 14)	4	\$89.06	\$356.24	\$98.78	\$395.12	
17	Ballast; (Advance 71A6742001) -MH 1500W	3	\$118.75	\$356.25	\$160.58	\$481.74	
18	Lamps; LED – 8 W; Energy Focus LEDFLT8-840-208-228F; 4000K or equal	20	\$12.64	\$252.80	\$8.24	\$164.80	
19	Lamps; LED – 13 W; Energy Focus LEDFLT8-840-413- 338F; 4000K or equal	50	\$11.19	\$559.50	\$9.08	\$454.00	
20	Lamps; LED - 15W; Energy Focus LEDFLT8-840-415-228F; 4000K or equal	50	\$8.69	\$434.50	\$7.39	\$369.50	
21	Lamps; LED – 18W; Energy Focus 13PAR30L/END/F36; 3000K or equal	50	\$18.75	\$937.50	\$10.69	\$534.50	
22	Lamps – Fluorescent – 28W; F32T8ADV841 EW ALTO or equal	75	\$2.00	\$150.00	\$2.00	\$150.00	
23	Lamps – Fluorescent – 25W; F25T8TL841 ALTO or equal	10	\$2.40	\$24.00	\$2.12	\$21.20	
24	Lamps; Fluorescent – 17W; F17T8TL841 ALTO or equal	10	\$2.63	\$26.30	\$1.81	\$18.10	
25	Lamps – Fluorescent – 28W; 32T8ADV830 EW ALTO 28W TG or equal	5	\$2.00	\$10.00	\$2.00	\$10.00	
26	Lamps – Fluorescent – 13W; EL/MD T2 or equal	24	\$2.68	\$64.32	\$2.46	\$59.04	
27	Lamps; Fluorescent – 28W; 32T8ADV830 EW ALTO 28W TG or equal	5	\$2.00	\$10.00	\$2.00	\$10.00	
28	Lamps; Fluorescent – 13W; EL/MD T2 or equal	24	\$2.68	\$64.32	\$2.46	\$59.04	
29	Lamps; Fluorescent – 18W; EL/MD T2 or equal	24	No Bid	No Bid	\$3.01	\$72.24	
30	Lamps; Fluorescent – 23W; EL/MD T2 or equal	24	\$4.60	\$110.40	\$2.78	\$66.72	
31	Lamps; Fluorescent – 13W; PL-S; 13W8412P ALTO or equal	6	\$1.95	\$11.70	\$1.30	\$7.80	
32	Lamps; Fluorescent – 18W; PL-C; 18W841 ALTO or equal	6	\$5.14	\$30.84	\$1.66	\$9.96	
33	Lamps; Fluorescent – 26W; PL-C; 26W841 ALTO or equal	6	\$4.85	\$29.10	\$1.54	\$9.24	
34	Lamps; Fluorescent – 18W; PL-T; 18W841 4P ALTO or equal	6	\$6.23	\$37.38	\$2.12	\$12.72	
35	Lamps; Fluorescent – 26W; PL-T; 18W841 4P ALTO or equal	6	\$5.74	\$34.44	<mark>\$2.12</mark>	<mark>\$12.72</mark>	

Tabulation of Bids Received on August 22, 2018 at 2:45 p.m. Lighting Supplies Bid# 13-04-19

				Bidders			
			Elliott Electric Temple, TX		Rexel Temple, TX		
Line	Description	Qty	Unit Price	Total Price	Unit Price	Total Price	
36	Lamps; Fluorescent – 32W; PL-T; 32W841 4P ALTO or equal	12	\$5.98	\$71.76	\$2.37	\$28.44	
37	Lamps; Fluorescent – 42W; PL-T; 42W841 4P ALTO or equal	12	\$5.70	\$68.40	\$2.37	\$28.44	
38	Lamps - Metal Halide; MHC50/U/M/4K/ALTO; 50W or equal	6	\$25.23	\$151.38	No Bid	No Bid	
39	Lamps – Metal Halide; MHC70/U/M/4K/ALTO; 70W or equal	6	\$21.64	\$129.84	\$17.28	\$103.68	
40	Lamps – Metal Halide; MHC100/U/M/4K/ALTO; 100W or equal	6	\$22.86	\$137.16	\$20.57	\$123.42	
41	Lamps – Metal Halide; MHC150/U/M/4K/ALTO; 150W or equal	6	\$27.73	\$166.38	No Bid	No Bid	
42	Lamps –CDM150/U/PS/4K/ALTO; Metal Halide; 150W or equal	6	\$18.99	\$113.94	\$36.92	\$221.52	
43	Lamps – Metal Halide; MH175 U; 175W or equal	6	\$12.16	\$72.96	\$9.14	\$54.84	
44	Lamps – Metal Halide; MH250 U; 250W or equal	6	\$12.50	\$75.00	\$9.78	\$58.68	
45	Lamps – Metal Halide; MH400/U/EP28; 400W or equal	6	\$16.88	\$101.28	\$10.27	\$61.62	
46	Lamps – Metal Halide; MH1000/U/BT37; 1000W or equal	6	\$27.35	\$164.10	\$21.15	\$126.90	
47	Lamps – Metal Halide; MH1000/U; 1000W or equal	6	\$25.11	\$150.66	\$19.35	\$116.10	
48	Lamps – Metal Halide; MH1500/U; 1500W or equal	6	\$33.49	\$200.94	\$25.38	\$152.28	
49	Lamps – Metal Halide; MH400/U; 400W or equal	6	\$12.81	\$76.86	\$10.09	\$60.54	
50	Sylvania MP 150 / U/ MED METAL HALIDE or equal	10	\$22.30	\$223.00	\$12.02	\$120.20	
51	Philips MH 70/U MED or equal	10	\$20.38	\$203.80	\$10.88	\$108.80	
52	Lamps; Damar p540 (beacon light)	6	No Bid	No Bid	\$14.51	\$87.06	
53	PLC 13/827	5	\$4.84	\$24.20	\$1.48	\$7.40	
54	Total Bid Price - Core List Items		\$7,373.19		\$6,333.14		
55	5 Cost + Percentage on other supplies		12%		12%		
56	6 Addendum (1)		Yes		Yes		
57	7 Delivery		Yes		Yes		
58	58 Exceptions		Yes		Yes		
59	Credit Check Authorization		Yes		Yes		
60	Local Preference		Y	es	Yes		

Recommended for Council Award Item Removed from Bid Consideration Duplicate Items

RESOLUTION NO. 2018-9298-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PURCHASE AGREEMENT WITH REXEL OF TEXAS IN THE ESTIMATED ANNUAL AMOUNT OF \$25,000, FOR LIGHTING SUPPLIES FOR FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on August 22, 2018, the City received two bids for the purchase of lighting supplies and the solicitation asked for pricing on numerous lighting supplies that may be needed throughout the year, and will be ordered on an as-needed basis;

Whereas, a large percentage of the City's lighting supply purchases are not included in the core list of items that were bid, but are purchased under a contracted rate of cost plus 12%;

Whereas, the City has done business with Rexel in the past and finds them to be a responsive and responsible vendor;

Whereas, the purchase agreement is for a one-year period commencing on October 1, 2018, with the option to renew the agreement for four additional one-year periods if so agreed to between the parties;

Whereas, lighting supplies are purchased on an as-needed basis and departments have budgeted for these materials in several accounts in their adopted fiscal year 2019 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:

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a purchase agreement with Rexel of Texas in the estimated annual amount of \$25,000, for the purchase of lighting supplies for fiscal year 2019.

Part 3: It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

09/06/18 Item #3(J-12) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing & Facility Services Damon Boniface, Utility Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing an annual services agreement for industrial and high voltage electrical services for FY2019 with T. Morales Company Electric & Controls, Ltd of Florence in the estimated annual amount of \$25,000.

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

ITEM SUMMARY: Approval of this annual services agreement will provide for industrial and high voltage electrical services at the Water Treatment Plants and other City facilities during FY2019. Industrial electrical services is defined as all electrical service repair services needed at the Water Treatment Plants as well as all high voltage repairs (i.e. greater than 600 volts) needed at other City facilities.

On July 31, 2018, the City received one bid from T. Morales Company Electric & Controls, Ltd (T. Morales) for industrial and high voltage electrical services. 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, reputation and experience of the bidder in providing like-kind services to other businesses and public entities, and the skilled staffing available to deliver services in a timely basis. T. Morales as provided industrial and high voltage electrical services to the City for several year, and Staff is pleased with their responsiveness and quality of performance. Accordingly, it is Staff's recommendation to award industrial and high-voltage electrical services to T. Morales for FY2019 at the following rates that were included with their bid:

5	
Materials, Rental Equipment, Contracted Labor	Cost plus 15%
Labor, Master Electrician/Journeyman (straight time)	\$70 per hour
Labor, Master Electrician/Journeyman (overtime)	\$105 per hour
Labor, Apprentice (straight time)	\$70 per hour
Labor, Apprentice (overtime)	\$57 per hour
Company Owned Equipment-Bucket Truck	\$100 per hour
Company Owned Equipment-Skid Loader	\$80 per hour

The proposed services agreement is for a one-year period commencing on October 1, 2018, with the option to extend the agreement for four additional one-year periods if so agreed to between the City and T. Morales.

FISCAL IMPACT: Departments have budgeted for electrical services in several departmental accounts. This contract will be used on an as-needed basis. The estimated annual expenditure of \$25,000 is based on historical expenditures.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2018-9299-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL SERVICES AGREEMENT WITH T. MORALES COMPANY ELECTRIC & CONTROLS, LTD. OF FLORENCE, TEXAS IN THE ESTIMATED ANNUAL AMOUNT OF \$25,000, FOR INDUSTRIAL AND HIGH VOLTAGE ELECTRICAL SERVICES FOR FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 31, 2018, the City received one bid from T. Morales Company Electric & Controls, Ltd. of Florence, Texas for industrial and high voltage electrical services;

Whereas, industrial electrical services are defined as all electrical repair services needed at the Water Treatment Plants as well as all high voltage repairs (i.e. greater than 600 volts) needed at other City facilities;

Whereas, 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, reputation and experience of the bidder in providing like-kind services to other businesses and public entities, and the skilled staffing available to deliver services in a timely basis;

Whereas, T. Morales has provided industrial and high voltage electrical services to the City for several years, and Staff has been pleased with their responsiveness and quality of performance;

Whereas, Staff recommends Council authorize an annual services agreement with T. Morales Company Electric & Controls, Ltd for industrial and high-voltage electrical services for fiscal year 2019;

Whereas, this agreement is for a one-year period commencing on October 1, 2018 with the option to renew the agreement for four additional one-year terms if so agreed to by both parties;

Whereas, departments have budgeted for electrical services in several departmental accounts and 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:

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>**Part 2**</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute an annual services agreement with T. Morales Company Electric & Controls, Ltd. of Florence, Texas in the estimated annual amount of \$25,000, for industrial and high voltage electrical services for fiscal year 2019.

<u>**Part 3:**</u> It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

09/06/18 Item #3(K) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Damon Boniface, Utility Director Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year extension to a services agreement with Evoqua Water Technologies, LLC (previously known as Siemens Industry, Inc.) of Sarasota, Florida, for the service/supplier of chlorine dioxide/sodium chlorite at a cost of 64.7¢ per liquid pound in the estimated annual amount of \$212,735.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Chlorine Dioxide/Sodium Chlorite is used as a pre-oxidant for the taste and odor, iron, manganese and trihalomethanes in the potable drinking water treatment process. Due to the nature of this chemical, it must be carefully stored and requires the use of a chemical feed system, and accordingly, the City has historically contracted out to a suppler the requirements of maintaining a chemical feed systems for the Chlorine Dioxide/Sodium Chlorite at the conventional and membrane plants.

On April 18, 2013, Council authorized a services agreement through September 30, 2018 to Siemens Industry, Inc. (now Evoqua Water Technologies, LLC) to provide the necessary feed system and sodium chlorite. Based on staff's research of the limited available suppliers of this chemical, and the monetary investment required should the City purchase the chemical feed system equipment, Staff is requesting a one-year extension to this contract. Evoqua has proposed a price of 64.7ϕ per liquid pound for the one-year extension, which staff believes is a good value. The FY2018 contracted price was 62.8ϕ per liquid pound.

During FY2019 Staff will be evaluating options for the future supply of chlorine dioxide/sodium chlorite.

FISCAL IMPACT: Funding for water treatment plant chemicals are included in the adopted FY2019 Budget in account 520-5100-535-2118, Chemicals/Compressed Gas, in the amount of \$1,096,293, of which it is expected that approximately \$212,735 will be used to purchase sodium chlorite.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2018-9300-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE SERVICES AGREEMENT WITH EVOQUA WATER TECHNOLOGIES, LLC (PREVIOUSLY KNOWN AS SIEMENS INDUSTRY, INC.) OF SARASOTA, FLORIDA IN THE ESTIMATED ANNUAL AMOUNT OF \$212,735, FOR THE SERVICE/SUPPLY OF CHLORINE DIOXIDE/SODIUM CHLORITE AT A COST OF 64.7¢ PER LIQUID POUND; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, chlorine dioxide/sodium chlorite is used as a pre-oxidant for the taste and odor, iron, manganese and trihalomethanes in the potable drinking water treatment process;

Whereas, due to the nature of this chemical, it must be carefully stored and requires the use of a chemical feed system, and accordingly, the City has historically contracted out to a supplier the requirements of maintaining a chemical feed systems for the chlorine dioxide/sodium chlorite at the conventional and membrane plants;

Whereas, on April 18, 2013, Council authorized a services agreement with Siemens Industry, Inc. (now Evoqua Water Technologies, LLC) through September 30, 2018, to provide the necessary feed system and sodium chlorite;

Whereas, based on Staff's research of the limited available suppliers of this chemical, and the monetary investment required should the City purchase the chemical feed system equipment, Staff recommends Council authorize a one-year renewal to this services agreement;

Whereas, Evoqua has proposed a price of 64.7ϕ per liquid pound for the one-year renewal, which Staff believes to be a good value for the City, as the fiscal year 2018 contracted price was 62.8ϕ per liquid pound;

Whereas, funding for water treatment plant chemicals are included in the adopted fiscal year 2019 budget in Account No. 520-5100-535-2118; and

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

Now, Therefore, be it Resolved by the City Council of the City of Temple, Texas, That:

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>**Part 2**</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a one-year renewal to the services agreement with Evoqua Water Technologies, LLC (previously known as Siemens Industry, Inc.) of Sarasota, Florida, in the estimated annual amount of 212,735, for the service/supply of chlorine dioxide/sodium chlorite at a cost of 64.7ϕ per liquid pound.

<u>**Part 3:**</u> It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

09/06/18 Item #3(L) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Purchasing Director Don Bond, PE, City Engineer

ITEM DESCRIPTION: Consider adopting a resolution authorizing an increase in the estimated expenses in FY2018 from \$70,000 to \$120,000 for construction material testing services provided by Langerman Foster Engineering Company, LLC of Waco.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On September 7, 2017, Council authorized a one-year annual contract renewal to a professional services agreement with Langerman Foster Engineering Company, LLC (LFE) for construction material testing for all infrastructure projects, both City-initiated and subdivision-related, in the estimated annual amount of \$70,000 for FY2018. Based on the high volume of construction projects currently underway, Staff is projecting that an additional \$50,000 in construction material testing services will be needed in FY2018. Some of the construction projects contributing to the higher than budgeted construction material testing needs are as follows: Conner Park Drainage Improvements, Leon River Trunk Sewer, Temple-Belton Wastewater Treatment Plant Improvements, Westfield Boulevard Phase 2, Outer Loop Phase 3, Little Elm Trunk Sewer, and Santa Fe Plaza. Construction material testing is essential to assure quality construction and compliance with the City specifications and standards.

The professional services agreement annual contract with LFE is structured as a 'unit price' contract to allow for flexibility in the contract based on the needs of the City during the fiscal year. Accordingly, no change order is required to the executed professional services agreement. However, staff desires to acknowledge to Council that expenditures have exceeded the estimated annual expenditures which were previously disclosed.

<u>FISCAL IMPACT</u>: Funding for the increased expenditure is available in the various capital infrastructure project accounts.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2018-9301-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN INCREASE IN THE ESTIMATED EXPENSE IN FISCAL YEAR 2018 FOR CONSTRUCTION MATERIAL TESTING SERVICES PROVIDED BY LANGERMAN FOSTER ENGINEERING COMPANY, LLC OF WACO, TEXAS FROM \$70,000 TO \$120,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 7, 2017, Council authorized a one-year annual contract renewal to a professional services agreement with Langerman Foster Engineering Company, LLC ("LFE") for construction material testing for all infrastructure projects, both City-initiated and subdivision-related, in the estimated annual amount of \$70,000 for fiscal year 2018;

Whereas, based on the high volume of construction projects currently underway, Staff is projecting that an additional \$50,000 in construction material testing services will be needed in fiscal year 2018;

Whereas, construction projects which have contributed to the higher than budgeted construction material testing needs are as follows: Conner Park Drainage Improvements, Leon River Trunk Sewer, Temple-Belton Wastewater Treatment Plant Improvements, Westfield Boulevard Phase 2, Outer Loop Phase 3, Little Elm Trunk Sewer, and Santa Fe Plaza;

Whereas, construction material testing is essential to assure quality construction and compliance with the City specifications and standards;

Whereas, the annual contract with LFE is structured as a 'unit price' contract to allow for flexibility in the contract based on the needs of the City during the fiscal year – therefore, no change order is required, but Staff desires to inform Council that expenditures have exceeded the estimated annual expenditures which were previously disclosed and approved;

Whereas, Staff recommends Council authorize an increase in the estimated expense of from \$70,000 to \$120,000 (\$50,000) for construction material testing services provided by Langerman Foster Engineering Company, LLC of Waco, Texas;

Whereas, funding for this increased expenditure is available in the various capital infrastructure project accounts; and

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

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

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes an increase in the estimated expense from \$70,000 to \$120,000 (\$50,000) for construction material testing services provided by Langerman Foster Engineering Company, LLC of Waco, Texas.

<u>**Part 3**</u>: It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

09/06/18 Item #3(M) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kevin Beavers, CPRP, Director of Parks and Recreation

ITEM DESCRIPTION: Consider adopting a resolution authorizing a services agreement with the Amateur Softball Association (ASA) District 17 in the estimated annual amount of \$40,000 for officiating and scorekeeping services needed for various sporting events during FY2019.

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

ITEM SUMMARY: ASA District 17 provides officials for softball and kickball leagues, and scorekeepers for basketball, sports tournaments and the Corporate Challenge.

Beginning in FY 2013, the majority of all official payments began running through ASA District 17, and the association in turn, pays the contracted officials. This approach is more streamlined for the City as it prevents the need to process payments to a multitude of individual officials.

FISCAL IMPACT: Funding has been included in the FY 2019 Operating Budget for officiating and scorekeeping services with ASA as well as other sports officiating services. Details of the allocation of the services for FY 2019 are shown below.

Services Agreement	Account #	Budget
Officiating & Scorekeeping	110-3291-551-2513	\$8,180
Officiating & Scorekeeping	\$71,462	
Total Off	\$79,642	

ATTACHMENTS:

Resolution

RESOLUTION NO. 2018-9302-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A SERVICES AGREEMENT WITH THE AMATEUR SOFTBALL ASSOCIATION DISTRICT 17, IN THE ESTIMATED ANNUAL AMOUNT OF \$40,000, FOR OFFICIATING AND SCOREKEEPING SERVICES FOR VARIOUS SPORTING EVENTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Parks and Recreation Department uses the Amateur Softball Association (ASA) District 17 to provide officials for softball and kickball leagues, scorekeepers for basketball, sports tournaments, and for the Corporate Challenge;

Whereas, beginning fiscal year 2013, the majority of all officials' payments began running through the ASA District 17 Association who in turn pays the contracted officials – the City has found this approach much simpler as it prevents the processing of multiple payments to multiple individuals;

Whereas, Staff recommends Council authorize a services agreement with ASA District 17 for officiating/scorekeeping services;

Whereas, funding is available in the fiscal year 2019 budget and in Account Nos. 110-3291-551-2513 and 110-3292-551-2513; 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:

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>**Part 2**</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a services agreement with Amateur Softball Association District 17, in the estimated annual amount of \$40,000, for officiating and scorekeeping services for various sporting events.

Part 3: It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary



CITY COUNCIL AGENDA ITEM MEMORANDUM

09/06/18 Item #3(N) Consent Agenda Page 1 of 11

DEPT. / DIVISION SUBMISSION & REVIEW:

Erin Smith, Assistant City Manager Brynn Myers, City Manager

ITEM DESCRIPTION: Consider adopting a resolution ratifying a meet and confer agreement with the Temple Police Association.

STAFF RECOMMENDATION: Adopt resolution as presented.

ITEM SUMMARY: Overview of Meet & Confer. The "meet & confer" process is governed by Chapter 142 of the Local Government Code. Chapter 142 allows a "police officers association" to file a petition with the City requesting that the City recognize the association as the sole and exclusive bargaining agent for all officers and adopt the meet & confer process. The meet and confer process allows the City to meet & confer with police officers association over wages, salaries, rates of pay, hours of work, or other terms and conditions of employment. The meet and confer deliberations must occur in meetings open to the public. The City and a police officers association are not required to reach agreement on any particular topic. An agreement on any issue must be in writing and ratified by the Council and a majority of the police officers. A written meet & confer agreement preempts all contrary state statutes, local ordinances, executive orders, civil service provisions, or rules and allows variation of civil service rules regarding hiring requirements, pay, benefits, promotion standards, and the disciplinary process.

Members of the City Administration negotiating team include:

Brynn Myers, City Manager, Lead Negotiator Nan Rodriguez, Deputy City Attorney Jeff Clark, Deputy Police Chief Traci Barnard, Director of Finance Stacey Hawkins, Interim Director of HR

Members of the Temple Police Association negotiating team include:

Chris Jones, Training Coordinator-CLEAT, Lead Negotiator Larry Wilkey, Sergeant, TPA President Marlon Reed. Corporal Corey Powell, Detective Casey Sheppard, Detective

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Overview of the Draft Agreement. In compliance with the terms of the FY 2018 meet and confer agreement, City Administration and TPA began meeting in June, 2018 to discuss criteria and a schedule for the completion of a pay and compensation study for the City of Temple's civil service positions.

Historically, the Assistant City Manager position has led the meet and confer negotiations and because the Assistant City Manager position had been vacant, the Parties agreed to extend our FY 2018 meet and confer agreement through March 31, 2019 with an amendment to Article 4, Compensation, to provides more details on the compensation study process. The Parties agreed to meet not later than January 15, 2019, to discuss the progress of the study and begin the process of negotiating a successor agreement.

The FY 2018 agreement includes articles covering the same 11 issues as in the FY 2017 agreement:

- 1. Association Business
- 2. Additional Deputy Chief Position
- 3. Military Leave Time Account
- 4. Compensation
- 5. Overtime
- 6. Higher Classification Pay / Rank Structure
- 7. Education Incentives for Promotion
- 8. Lateral Entry Program
- 9. Individual Vehicle Assignment Program (IVAP)
- 10. Disciplinary Actions and Appeals
- 11. Grievance Procedure

The draft agreement proposes a change to Article 4- Compensation and also proposes a change to Article 13- Duration of the Agreement which changes the termination date of the agreement from September 30, 2018 to March 31, 2019.

Summary of Changes.

Article 4: Compensation

- Establishes an agreement that City Administration and TPA will work together to develop criteria for a professionally prepared compensation study.
- The City agrees to prepare and release a request for proposals (RFP) for a civil service compensation study.
- The City agrees to include two representatives from Temple Police Association on the proposal evaluation committee.
- The City will work diligently to award a contract for the compensation study by October 31, 2018. The award of the contract is subject to successful negotiations with a qualified firm and approval by City Council, if required based on contact price.
- The Parties agree to meet not later than January 15, 2019, to discuss the progress of the study and begin the process of negotiating a successor agreement.
- Pay increases and increases to the educational and language incentive pay approved in the FY 2018 agreement will remain in effect through the term of this agreement.

Overview of the Articles.

Article 1: Association Business Proposed by TPA

Overview:

This Article is intended to establish provisions that enable the Association to adequately represent Association members, and administer the terms of the Agreement.

Key Provisions:

- Recognizes TPA as the sole and exclusive bargaining agent for all covered police officers;
- Allows TPA access to the Departmental new hire orientation to explain and answer questions about the Association, the Agreement, and the meet & confer process;
- Establishes a three member team designed to be advisory to the Police Chief;
 - One member is to be appointed by the Police Chief and two members by the Association President
- Commits the City to continue its Association dues deduction program;
- Allows the Association reasonable access to the premises of the Department for the purpose of administering this Agreement;
- Permits the Association to install one bulletin board (at their expense) at each police facility to facilitate communication by the Association to its members;
- Allows the Association to utilize the City's email system to communicate with police officers regarding issues related to provisions of the Agreement and upcoming meet and confer sessions;
- Establishes an Association Business Leave Time Pool to be used for the purpose of conducting Association business. This provision allows officers the option of donating 2 hours of accrued vacation leave to the Pool each calendar year;
- Commits the City to pay up to a maximum of five members of the Association's meet and confer team their regular pay for attendance at meet and confer sessions between the City and the Association; Police Administration may adjust Association member's schedules to accommodate meeting attendance.

Article 2: Additional Deputy Chief Position

Proposed by City Administration

Overview:

This Article authorizes the creation of an additional appointed Deputy Police Chief position to enable the future alignment of the Departmental command structure into 3 bureaus: Patrol, Investigations, and Administration.

Key Provisions:

 Allows the creation of a single additional Deputy Chief position in addition to the 2 Deputy Chief positions authorized by Section 143.014(c) of the Local Gov't Code;

- Establishes minimum standards that the person appointed to the additional Deputy Chief position must meet and extends these standards to the subsequent appointment of any person to a Deputy Chief position;
- Establishes a procedure for posting a vacancy in a Deputy Chief position a minimum of 10 calendar days in order to allow eligible candidates to express interest in the position by submitting documentation of their qualification to the Chief;
- The final appointment remains solely the Police Chief's discretion.

Article 3: Military Leave Time Account

Proposed by TPA

Overview:

This Article is intended to clarify the provisions for administration of the City's Military Leave Time Account.

Key Provisions:

- Reiterates the requirements of Chapter 143.074 of the Local Gov't Code relating to Military Leave Time Accounts;
- Clarifies that a police officer wishing to donate accrued time to the Military Leave Time Account must do so on a form provided by the City;
- Requires the City to provide a report to the Association each December that includes the current balance of the military leave time account and the amount of leave used by each police officer from the account during the previous year.

Article 4: Compensation

Proposed by TPA

Overview:

This Article is intended to communicate the City's commitment to a maintaining a fair and competitive pay and compensation package, with due regard for fiscal restraints and sustainability.

Key Provisions:

- Establishes an agreement that City Administration and TPA will work together to develop criteria for a professionally prepared compensation study.
- The City agrees to prepare and release a request for proposals (RFP) for a civil service compensation study.
- The City agrees to include two representatives from Temple Police Association on the proposal evaluation committee.
- The City will work diligently to award a contract for the compensation study by October 31, 2018. The award of the contract is subject to successful negotiations with a qualified firm and approval by City Council, if required based on contact price.

Article 5: Overtime Proposed by TPA

Overview:

This Article is intended to establish a uniform Departmental policy governing overtime compensation.

Key Provisions:

- Establishes an agreement that the overtime exemption provided for by the FLSA known as the 7(k) exemption is adopted by the City;
- Establishes the maximum work period to be used as 14 days and the maximum number of hours worked without overtime pay within the work period at 80 hours;
- Commits the City to provide guaranteed overtime for overtime assignments subject to contractual agreements with third parties;
- Requires overtime assignments that will be compensated at guaranteed time and half to be identified and posted as such in advance;
- States that overtime assignments for City sponsored events (such as the Christmas Parade) will not be guaranteed overtime assignments;
- Clarifies that if an officer takes leave during a work period and later is required to work an overtime assignment which is not guaranteed overtime during that same work period, s/he may choose to apply the overtime assignment to their regular hours in lieu of using leave time;
- Provides a minimum of 2 hours of overtime compensation for call-outs and court appearances prior to, or after an officer's regularly scheduled shift;
- Requires overtime assignments that will be compensated in the form of compensatory leave to be identified and posted as such in advance;
- Allows officers to choose paid overtime or compensatory time for overtime assignments in which the form of compensation has not been identified in advance;
- Maintains the Police Chief's authority to implement flex time in managing the Department's budget;
- Commits supervisors to work with officer to schedule flex time off, subject to the needs of the Department.

Article 6: Higher Classification / Rank Structure

Proposed by TPA

Overview:

This Article is intended to establish a uniform Departmental policy governing the temporary designation of an officer to perform the duties of a higher rank.

Key Provisions:

• Requires a Corporal to be temporarily designated as "Acting Sergeant/Field Supervisor" when no Sergeant or Lieutenant is available to act as a field supervisor for a shift due to absence, illness, or injury;

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- Allows a Lieutenant to designate a Corporal to be temporarily designated as "Acting Sergeant/Field Supervisor" when the Lieutenant determines an additional field supervisor is necessary to meet staffing needs;
- Requires the designation to be noted in writing on the Duty Roster;
- Establishes that a person serving in this temporary designation shall have full authority and responsibility for performing all of the duties of the Sergeant rank for the duration of the designation;
- Requires that the officer designated as Acting Sergeant shall be paid the base salary of the Sergeant rank, plus the officer's own longevity and seniority pay, educational incentive pay, and certification pay during the period of the designation;
- Establishes that the designation will be made on a rotating basis to all Corporals within the Unit, but the Police Chief retains discretion to deviate from the order of the list;
- Allows a Lieutenant to designate a Corporal to act as Mentoring Sergeant under the supervision of a Sergeant or Lieutenant, for training and mentoring purposes and not to meet a Departmental staffing need;
- Requires the designation to be noted in writing on the Duty Roster;
- Establishes that a person serving in this temporary designation will have immediate authority of a Sergeant for the duration of the designation, however ultimate authority and responsibility for the shift remains with the available Sergeant or Lieutenant;
- Establishes that a Mentoring Sergeant will not receive higher classification pay during the designation period;
- Establishes that the designation will be made on a rotating basis to all Corporals within the Unit, but the Police Chief retains discretion to deviate from the order of the list;
- Allows a Sergeant to be temporarily designated to perform the administrative duties of a Lieutenant/Watch Commander when a Lieutenant will be absent or unavailable for at least 28 consecutive days;
- Requires the designation to be noted in writing on the Duty Roster;
- Establishes that a person serving in this temporary designation shall have full authority and responsibility for performing all of the duties of the Lieutenant rank for the duration of the designation;
- Requires that the designated Watch Commander shall be paid the base salary of the Lieutenant rank, plus the officer's own longevity and seniority pay, educational incentive pay, and certification pay during the period of the designation;
- Establishes that the designation will be made on a rotating basis to all Sergeants within the Unit, but the Police Chief retains discretion to deviate from the order of the list;
- Retains authority for the Police Chief to designate a Watch Commander for a period of less than 28 days, based on Departmental needs;
- Establishes authority for the Police Chief to temporarily assign an officer to perform the duties of a position in the next higher rank when a position has been funded, but not yet created by the governing body or when there is a vacancy in an existing position for which no promotional list exists;
- Establishes that a person serving in this temporary assignment shall have full authority and responsibility for performing all of the duties of the higher rank for the duration of the assignment;
- Requires that an officer temporarily assigned to a position in the next higher rank shall be paid the base salary of the higher rank, plus the officer's own longevity and seniority pay, educational incentive pay, and certification pay during the period of the assignment.

Article 7: Educational Incentives for Promotion

Proposed by City Administration

Overview:

This Article establishes incentives to encourage and recognize continuing education as a way to improve professionalism for both officers and the Department.

Key Provisions:

- Establishes additional points for promotional candidates for continuing education as follows:
 - 0.50 points for an Advanced Peace Officer Certificate;
 - 1.0 points for having completed 60 college hours credit
 - 1.5 points for a Master Peace Officer Certificate;
 - 2.0 points for having received an Associates Degree;
 - 3.0 points for having received a Bachelor's Degree or higher

Article 8: Lateral Entry Program

Proposed by City Administration

Overview:

This Article establishes an expedited process for hiring qualified applicants with previous law enforcement experience.

Key Provisions:

- Establishes the following eligibility requirements to be eligible for hire under this program:
 - have a current TCOLE license;
 - be currently employed with a law enforcement agency;
 - have an honorable standing within their current department;
 - not be under any type of investigation with their current department;
 - have 3 or more years of work experience with a comparable law enforcement agency
 - take and pass the locally given Civil Service exam; and
 - complete and pass a background investigation and the City of Temple hiring process.
- Requires that an eligibility list for lateral applicants be maintained and that the score from the locally given Civil Service exam be used to rank applicants on that list;
- Allows the Police Chief the authority to give preference in selection to any person on the lateral eligibility list based on the applicant's years of experience and type of experience;
- Allows the Police Chief to fill a vacant within the Department by selecting an applicant from the lateral eligibility list, or by following the process defined in section 143.026 of the Texas Local Government Code;
- Establishes that actual work experience in another law enforcement agency will not be considered for promotional eligibility purposes or seniority purposes;
- Establishes that applicants hired under this program, once they have successfully completed the Probationary classification, will be placed in the pay grade on the compensation plan commensurate with their full-time prior service as a police officer, as follows:

- Applicants with prior municipal service in a City with a population of 30,000 or greater will receive 1 credit year for each full year of police service, not to exceed ten 10 credit years;
- Applicants with prior municipal service in a City with a population of less than 30,000 will receive 1 credit year for each 2 full years of police service, not to exceed 5 credit years;
- Applicants with prior service in a Sherriff Department in a County with a population of 175,000 or greater will receive 1 credit year for each full year of police service, not to exceed ten 10 credit years;
- Applicants with other prior service will receive 1 credit year for each 2 full years of police service, not to exceed 5 credit years.
- The credited time is for starting salary only and does not count as time served with the Temple Police Department for any other purposes including benefits, step pay, etc.

Article 9: Individual Vehicle Assignment Program (IVAP)

Proposed by TPA

Overview:

This Article establishes a policy for administering the City's Individual Vehicle Assignment Program (IVAP) and establishes the eligibility criteria for take-home patrol vehicles.

Key Provisions:

- Establishes requirements to be eligible to participate in the IVAP program;
- Allows an officer participating in IVAP to take a vehicle home, provided that the officer's residence is no more than 7 miles outside the Temple city limits;
- Establishes a fee of \$23 per pay period for officers participating in the take-home vehicle program who reside outside the city limits;
- Provides the following exceptions to the distance and fee requirements:
 - Any officer who resides .5 miles or less outside the City and is currently allowed to take a vehicle home is exempt from the payment of the fees unless the officer moves more than .5 miles outside the city limits after the effective date of this Agreement
 - Any officer who is assigned a take home vehicle because of their duty assignment (e.g. K-9 Officers) and who resides outside the city at the time this Agreement is adopted is exempt from the distance limitations and the payment of the fees
 - CID Supervisors and CID Detectives are exempt from the distance limitations and the payment of the fees when they are on-call unless they are eligible and elect to fully participate in the take-home vehicle program

Article 10: Disciplinary Actions & Appeals

Proposed by City Administration

Overview:

This Article establishes a policy for disciplinary actions and appeals within the Department.

Key Provisions:

- For suspensions of 36 hours or less, allows an officer to forfeit vacation, compensatory, or holiday time equal to the length of the suspension, to serve the suspension with no loss of paid salary and no break in service. Suspensions served in this manner may not be appealed;
- Limits the appeal for suspensions of 36 hours or less to the Civil Service Commission;
- Establishes that suspensions of 36 hours or less that were imposed on or after the effective date of this Agreement will no longer be considered for purposes of transfer or promotion after 24 months have passed;
- For suspensions of 37-120 hours, establishes that the Police Chief may allow an officer to forfeit vacation, compensatory, or holiday time equal to the length of the suspension, to serve the suspension with no loss of paid salary and no break in service. Suspensions served in this manner may not be appealed;
- Allows the Police Chief and an officer to agree to a suspension of 121-720 hours, and establishes that the Police Chief may allow an officer to forfeit vacation, compensatory, or holiday time equal to the length of the suspension. Suspensions served in this manner may not be appealed;
- Allows the Police Chief to require an officer be evaluated by a qualified professional designated by the Police Chief. If that professional recommends a program of counseling and/or rehabilitation for the officer, the Police Chief may:
 - in lieu of or in combination with a suspension or demotion, require that the officer successfully complete the recommended program (an officer retains right to appeal)
 - offer an "alternative disciplinary agreement" to the officer under which the officer would accept demotion or suspension of up to 720 hours and agree to successfully complete the recommended program of counseling and/or rehabilitation
 - offer the officer, as an alternative to indefinite suspension, the opportunity to enter into a "Last Chance Agreement" which would include, in addition to any provisions agreed upon by the Police Chief and officer, a probationary period not to exceed 1 year, during which if the officer commits the same or a similar act of misconduct, the officer will be indefinitely suspended without right of appeal;
- Allows an officer to request an opportunity to be evaluated by a qualified physician, psychiatrist
 or psychologist in order to seek counseling and/or rehabilitation. The officer's request will toll
 the 180 day deadline for imposing discipline. The Department Head may consider any
 counseling and/or rehabilitation voluntarily undertaken by an officer under this section before
 imposing any discipline;
- Codifies the Loudermill Hearings process followed by the Department in protection of the due process rights of an officer facing any level of formal discipline;
- Establishes procedures for appeal hearings before Hearing Examiners to facilitate the efficient and effective conclusion of such appeals including an agreement that a hearing examiner will be selected within 10 days of the receipt of a list of Hearing Examiners and that the Hearing Examiner selected shall render a decision within
 - 30 business days of the conclusion of the hearing;
- Allows a Hearing Examiner the authority to impose a disciplinary suspension of any length of time, including suspensions in excess of fifteen (15) days, and time already served between the imposition of discipline and the appeal decision
 - (overrides the judicial limitation imposed on the authority of the Commission or Hearing Examiner by the City of Waco v. Kelley case).

Article 11: Grievance Procedure Proposed by TPA

Overview:

This Article establishes a dispute resolution procedure to provide a just and equitable method for resolving disagreements between the Parties regarding the application or interpretation of the provisions of this Agreement.

Key Provisions:

- Requires that a dispute be presented in writing to the Police Chief or his designee;
- Requires an officer to initiate a request for dispute resolution with the Association Executive Board and disallows an officer from filing a dispute directly with the City;
- Establishes a 15 day timeline for an officer to file a claim or dispute from the date they knew or should have reasonably known the facts giving rise to the dispute;
- Establishes a 5 step process for disputes by the Association Executive Board or police officer:
 - Step 1: Association Executive Board
 - Step 2: Police Chief
 - Step 3: City Manager
 - Step 4: Mediation
 - Step 5: Arbitration
- Establishes a process for the City to enforce Association compliance with this Agreement through notification and subsequent options including termination of agreement.

Ratification & Term of the Agreement. A meet and confer agreement is enforceable and binding if the governing body of the municipality ratifies the agreement by a majority vote and the recognized police officers association ratifies the agreement by conducting a secret ballot election at which the majority of the police officers who would be covered by the agreement favored ratifying the agreement. The Temple Police Association conducted a secret ballot election. During that election, 84 police officers voted "yes" to the ratification of the meet and confer agreement and 14 police officers voted "no".

If this resolution is adopted by the City Council, the agreement will become effective immediately and continue in effect until March 31, 2019.

FISCAL IMPACT: Below is a table outlining the fiscal impact of the meet and confer agreement for each of the eleven issue points. This agreement becomes effective immediately and continues in effect until March 31, 2019.

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Issue	Fiscal Impact	Funded In FY 2019
Article 1: Association Business	Not Applicable	N/A
Article 2: Additional Deputy Chief Position	Base salary plus benefits: \$136,425.	Yes
Article 3: Military Leave Time Account	Not Applicable	N/A
Article 4: Compensation	Compensation study funded in FY 2019. Compensation study results would be implemented in FY 2020.	Yes
Article 5: Overtime	3 rd Party reimbursed overtime and benefits is estimated for FY 19 at \$420,000.	Yes
Article 6: Higher Classification / Rank Structure	Step up pay: \$9,784.	Yes
Article 7: Educational Incentives for Promotion	Not Applicable	N/A
Article 8: Lateral Entry Program	Not Applicable	N/A
Article 9: Individual Vehicle Assignment Program (IVAP)	The estimated net cost based on officers who are currently employed by the City is \$28,831.	Yes
Article 10: Disciplinary Actions & Appeals	Not Applicable	N/A
Article 11: Grievance Procedure	Not Applicable	N/A

ATTACHMENTS: Draft Agreement Resolution

MEET & CONFER AGREEMENT BETWEEN THE CITY OF TEMPLE, TEXAS AND

TEMPLE POLICE ASSOCIATION

CITY OF TEMPLE FISCAL YEAR 2019 through March 31, 2019

Temple M&C Agreement -Draft

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DEFINITIONS

- 1. "Agreement" refers to this Meet and Confer Agreement, negotiated between the City of Temple and the Temple Police Association.
- 2. "Association" means the Temple Police Association.
- 3. "City" means the City of Temple.
- 4. "College hours" "Degree" or College Degree" means credit hours or degree from a college or university recognized by the Southern Association of Colleges and Schools or a similar regional association recognized and approved by the United States Department of Education.
- 5. "Commission" means the Firefighters' and Police Officers' Civil Service Commission of the City of Temple.
- 6. "Day(s)" means calendar days, unless otherwise specified.
- 7. "Department" means the Police Department of the City of Temple.
- 8. "Department Head" means the administrative head of the Police Department or the Chief of Police, including any interim or acting Chief of Police.
- 9. "Director" means the Director of the City of Temple Firefighters' and Police Officers' Civil Service Commission.
- 10. "Dues" means the cost of membership in the Association.
- 11. "FY" means financial year.
- 12. "Guaranteed Overtime" refers to assignments compensated at a rate of time and a half, without regard to the number of hours worked in a pay period.
- 13. "IVAP" means the Individual Vehicle Assignment Program.
- 14. "Local rules" refers to the Rules and Regulations of the City of Temple Firefighters' and Police Officers' Civil Service Commission.
- 15. "Party" or "Parties" means the City of Temple and the Temple Police Association.
- 16. "Police Officer" or "Officer" means a person who is a peace officer under Article 2.12, Code of Criminal Procedure, or other law, and who is employed by the City of Temple Police Department.
- 17. "TCOLE" means the Texas Commission on Law Enforcement, or its successor organization.
- 18. "TLGC" means the Texas Local Government Code.

ARTICLE 1 Association Business

Section 1. Intent. In adopting this Article, the Parties acknowledge and agree to the following provisions for the purpose of enabling the Association to adequately represent Association members, and administer the terms of the Agreement.

Section 2. Recognition. The City recognizes the Temple Police Association (TPA) as the sole and exclusive bargaining agent for all covered police officers, pursuant to section 142.053 et. seq. Texas Local Government Code, excluding the Department Head, employees of the Temple Police Department who are exempt under section 142.058(b) Texas Local Government Code, and employees occupying appointed positions pursuant to section 143.014 Texas Local Government Code. The Agreement is intended to include all permanent paid employees of the Temple Police Department who have been hired in substantial compliance with the provisions of Chapter 143 of the Texas Local Government Code, but does not include civilian employees, other employees, or those excluded above. The Agreement is not intended to, and does not, deny local control by the City, or restrict or diminish the management rights of the City, except as expressly provided by the Agreement under section 142.059 of the Texas Local Government Code.

Section 3. Association Access to New Hires. The Association shall have the right to meet with new officers during the Academy and/or Departmental in-house employee orientation sessions to ensure they have received a copy of the Agreement, and to be able to explain and answer questions about the Association, the Agreement, and the meet and confer process.

Section 4. Labor Relations

- 1. To improve communications between the Department Head and the Association, and to facilitate resolution of issues related to implementing the provisions of this Agreement, the Department Head shall establish an Advisory Team comprised of three (3) members, including one (1) member of the Department designated by the Department Head, and two (2) members of the Department designated by the Association. The Association and the Department Head may designate a substitute representative to the Team in the event that the designated Team member is unable to attend a meeting. The Department Head or his designee will meet with this Team at least once every three (3) months. The purpose of the Team is advisory to the Department Head, and to provide police managers input on City and Departmental policy, procedures, and employee issues.
- 2. The Association President or the Department Head may request additional meetings when issues arise that warrant concern or discussion. The Department Head retains discretion regarding the scheduling of additional meetings.

3. Members of the Advisory Team will not be required to use leave in order to attend Team meetings. Members of the Advisory Team will not receive overtime compensation for attendance at Team meetings.

Section 5. Association Rights and Indemnification

(a) <u>Dues Deduction</u>. Upon receipt of a signed authorization from an officer on a form supplied by the City, the dues and assessments to the Association and affiliated state organizations that existed on the date of this Agreement shall be deducted from each member officer's pay. Officers who are not members are not obligated to pay Association dues. Officers who are currently having dues deducted as of the execution date of this Agreement are not required to submit a new dues deduction form.

The dues deduction shall be remitted promptly to the Treasurer of the Association. The City agrees to provide a list of those members for whom deductions are made each month. The Association may change the amount of the deduction for those employees who have authorized payroll deductions by providing the City with a letter, at least thirty (30) days in advance of the change, from the Association President advising the City that the amount of the dues deduction has changed pursuant to the requirements of the Association's Constitution and Bylaws. The Association will promptly refund to the City any amount paid to the Association in error on account of this dues deduction provision.

- (b) <u>Indemnification</u>. As a condition of being granted and continuing payroll deduction of dues, the Association shall indemnify the City and any departments of the City, and hold it harmless against any and all claims, demands, suits, or other form of liability that may arise out of, or by reason of, any actions taken by the City or any department of the City for any purpose of complying with the provisions of this Agreement.
- (c) <u>Association Access to Premises.</u> Subject to reasonable advance notice from the Association and approval from the Department Head or his designee, the Association may be permitted reasonable access to the premises of the Department and the Police Academy for the purpose of administering this Agreement, including but not limited to Departmental in-house employee orientation. Such visits shall be limited to the purpose for which approval was granted and shall be conducted in a manner that does not interfere with the functions of the Department or Academy.

The Association's access to the Department facilities and equipment to communicate with its membership shall include the use of one (1) bulletin board installed at the main police station and one (1) board at each police facility. The Department Head must approve in advance the size of, and materials used for, said bulletin boards. All costs incurred in the purchase, installation, and maintenance of said bulletin boards shall be at the Association's expense. All posted materials must be directly related to Association business. The following guidelines shall apply to materials properly posted on the bulletin boards:

- 1. recreation and social affairs of the Association;
- 2. Association meetings;
- 3. Association elections;
- 4. reports of Association Committees;
- 5. rulings or policies of the state or national Association, without added commentary, and
- 6. legislative enactments and judicial decisions affecting public employee labor relations, without added commentary.
- 7. At no time shall the bulletin boards contain any political endorsement, whether at the local, state, or federal level.
- 8. The Department Head or his designee retains the right to remove material which is not directly related to Association, or is offensive or inappropriate.
- (d) <u>Communications.</u> Subject to the Temple Police Department General Orders, the City's administrative regulations, and the applicable provisions of this Agreement, the Association may utilize electronic communications ("E-mail") to communicate with Temple police officers regarding issues related to provisions of the Agreement and upcoming meet and confer sessions in accordance with the following restrictions and limitations:
 - 1. Association email communications shall relate solely to the following subjects:
 - i. issues related to the Agreement;
 - ii. issues related to upcoming meet and confer sessions;
 - iii. issues related to the grievance policy, and

iv. Association meetings for the purpose of discussing issues related to the Agreement, upcoming meet and confer negotiations, and/or the grievance policy.

- 2. Email communications shall not contain any political commentary, any solicitation for membership in, or financial contributions to, any special interest organization or political action organization, or derogatory or offensive propaganda or commentary which reflects negatively upon the City, its officials, its employees, City employee associations or groups, or upon citizens of the City. On a case-by-case basis, the Department Head or his designee may consider requests from individual officers for approval to distribute email communications regarding solicitations for officers (or their families) needing financial or other forms of assistance.
- 3. In the event of a violation, the Department Head shall notify the Association of the violation. Subsequent violations of these guidelines will subject the Association to the loss of the privilege of using the City's electronic communications system. Such loss will not be subject to review by any administrative or judicial body, or the grievance process.

Section 6. Association Business Leave Time Pool

(a) <u>Time Off for Association Business.</u> An Association Business Leave Pool shall be created for the purpose of conducting Association business, defined herein as time spent adjusting grievances, attending the annual conference of state affiliated organizations, the Association's Executive Board meetings, and regular Association business meetings.

While Temple Police officers are on Association Business Leave, they shall not wear Temple Police Department uniforms or insignia of any kind.

- (b) Establishment of Association Leave Time Pool. The Association Business Leave (ABL) Pool shall be funded during the first pay date of each calendar year by reduction of accrued vacation leave in the amount of two (2) hours for each member of the Temple Police Association who provides notice in writing to the City at least thirty (30) calendar days prior to the beginning of that calendar year of his/her wish to donate said hours to the ABL Pool. Once a contribution has been made to the ABL Pool, there shall be no transfer of leave back into any individual officer's leave account, and there will be no cash payout for any remaining time in the Pool. Unused ABL Pool hours will remain in the Pool to be utilized the following year. ABL Pool hours shall never have any cash or surrender value. The City will track contributions to and deductions from the ABL Pool.
- (c) <u>Use of Association Leave Time Pool.</u> The Association President shall request any use of Association business leave in writing, and submit the request in advance for approval by the Department Head. The Department Head may waive the requirement that the request and approval be in writing. Requests for ABL time shall be made as far in advance as is practicable, but no less than forty-eight (48) hours prior to the date for which leave is requested. There shall be no entitlement for overtime pay for any hours worked on Association business, as such time is not for the benefit of the City, but for the sole benefit of the Association. Unless approved by the Department Head, not more than two (2) members may be on ABL at the same time, and such leave may be cancelled by the Department Head in the event of any emergency or shortage of manpower, as determined by the Department Head. Cancellation of ABL time by the Department Head under these circumstances shall not be subject to review by any administrative or judicial body, or the grievance process.
- (d) <u>Indemnification.</u> The Association shall indemnify the City, its officials and employees, and hold them harmless against any and all claims, demands, suits, or other forms of liability that may arise out of, or by reason of, any actions taken by the City for any purpose of complying with the provisions of this section.

Section 7. Negotiating Time for Negotiating Team Members. The City agrees to pay up to a maximum of five members of the Association's meet and confer team their regular pay for attendance at meet and confer meetings between the City and the Association. If subcommittees are jointly assigned to work on specific matters, Association members of the subcommittee shall receive their regular pay during joint subcommittee meetings. Association team member time

spent preparing for meetings, or attending internal Association meetings, will not be paid by the City. Police administration may adjust Association representatives' schedules in order to minimize overtime expense.

ARTICLE 2 Creation of Additional Deputy Chief Position

Section 1. Intent. In adopting this Article, the Parties agree to the creation of a single additional Deputy Chief position in addition to the two (2) Deputy Chief positions authorized by Section 143.014(c) Texas Local Government Code. The Parties believe this additional position is necessary to align the Departmental command structure with the organization of the Department into three (3) bureaus (Patrol, Investigations, and Administration) and to efficiently address the continued growth of the Department and the community.

Section 2. Minimum Standards. In addition to the minimum standards required by Sections 143.013(b) and 143.014(d) Texas Local Government Code, the person appointed to the additional Deputy Chief position must have:

- 1. obtained a minimum educational level of a Bachelor's degree within two (2) calendar years from the date of appointment to the position;
- 2. successfully completed a major law enforcement management school, e.g., the FBI National Academy, Southern Police Institute, or be able to complete this requirement within the first eighteen (18) months of promotion to the position;
- 3. served in the rank of Sergeant or above, and have demonstrated effective supervision, leadership and management of the personnel under their control;
- 4. obtained the level of Master Peace Officer Certification by the Texas Commission on Law Enforcement (TCOLE) or its successor.

The Parties agree that these minimum standards shall apply to the subsequent appointment of any person to a Deputy Chief position.

Section 3. Procedure. Upon a vacancy in any Deputy Chief position, the position will be posted for a period of ten (10) calendar days during which eligible candidates may submit documentation of their qualifications, e.g., resumes, transcripts, certifications, for review by the Department Head. The Parties agree that the final appointment will be made solely at the Department Head's discretion and that this procedure is not intended to, and does not, provide a basis for appeal of the appointment.

Section 4. Adoption and Publication of Rules. The Commission shall adopt Local Rules in accordance with this article upon approval by the City Council.

ARTICLE 3 Military Leave Time Account

Section 1. City to Maintain Account.

- (a) The City of Temple shall maintain a military leave time account for the Police Department. The account shall benefit a police officer who:
 - (1) is a member of the Texas National Guard or the armed forces reserves of the United States;
 - (2) was called to active federal military duty while serving as a police officer for the City; and
 - (3) has served on active duty for a period of 3 continuous months or longer.
- (b) A police officer may donate any amount of accumulated vacation, holiday, sick, or compensatory leave time to the military leave time account to help provide salary continuation for police officers who qualify as eligible beneficiaries of the account under this Article.
- (c) A police officer who wishes to donate time to an account under this section must authorize the donation in writing on a form provided by the Police Department and approved by the City.
- (d) The City shall equally distribute the leave time donated to the military leave time account among all police officers who are eligible beneficiaries of that account. The City shall credit and debit the applicable military leave time account on an hourly basis, regardless of the cash value of the time donated or used.
- (e) A police officer who wishes to use military leave from the military leave time account shall submit the request in writing.
- (f) In December of each year, the City shall provide a report to the Association that includes the current balance of the military leave time account and the amount of leave used by each police officer from the account during the previous year.

Section 2. Adoption and Publication of Rules. The Commission shall adopt Local Rules in accordance with this article upon approval by the City Council.

ARTICLE 4 Compensation

Section 1. Intent. The Parties agree that in order to attract and retain qualified police officers, it is necessary to maintain a fair and competitive pay and compensation package, with due regard for fiscal restraints and sustainability. When considering total compensation, the Parties agree that base pay, longevity pay, education incentive pay, TCOLE certificate pay, shift differential pay, and other forms of compensation need to be evaluated with other cities comparable to the City of Temple.

While the City of Temple desires to provide competitive salaries for all of our employees, attaining market competitiveness can be costly and may not be affordable in a single year.

Additionally, for all civil service positions other than Police Officer and Firefighter, obtaining an accurate comparison on position minimums, and thus averages, is difficult. This is because that while most of our peer cities structure their pay plan minimum based on tenure within the position, the City of Temple's pay plan minimum is based on tenure within the department.

Section 2. Compensation Study. The Parties agree to diligently work together to develop the criteria for a professionally prepared compensation study that will include a full study of the City of Temple's Civil Service Pay Plan structure including, but not limited to, an evaluation of the step system and compression between steps. The City agrees to prepare and release a request for proposals (RFP) for a civil service compensation study not later than August 19, 2018. The City agrees to include two representatives from Temple Police Association on the proposal evaluation committee. The City will work diligently to award a contract for the compensation study by October 31, 2018. The award of the contract is subject to successful negotiations with a qualified firm and approval by City Council, if required based on contact price.

The Parties agree to meet not later than January 15, 2019, to discuss the progress of the study and begin the process of negotiating a successor agreement.

Pay increases and increases to the educational and language incentive pay approved in the FY 2018 agreement will remain in effect through the term of this agreement.

ARTICLE 5 Overtime Compensation

Section 1. Intent. In adopting this Article, the Parties agree to the creation of a uniform Departmental policy governing overtime compensation, consistent with Section 142.0015 Texas Local Government Code, the Fair Labor Standards Act (FLSA), and City policy.

Section 2. General Guidelines.

- a. The allocation of budgeted overtime funds is solely within the discretion of the Department Head.
- b. Nothing in this Agreement is intended to, and this Agreement does not, limit the Department Head's discretion to assign employees as necessary to achieve Departmental objectives.

Section 3. Overtime Exception. The Parties understand and agree that the overtime exemption provided for by the FLSA known as the 7(k) exemption is hereby adopted by the City and shall be used to determine an applicable work period for purposes of overtime under the FLSA for certain work groups. The City reserves the right to make an initial determination regarding whether an overtime exemption applies, based on its own evaluation, or based on a request for an evaluation from the Department of Labor (DOL).

Section 4. Amendment of Work Period. The City reserves any and all rights to alter or amend the work period, if to do so serves the legitimate governmental and management interests of the City. The Parties agree that the maximum work period that will be utilized by the City is a fourteen (14) day period. The maximum number of hours that will be worked without overtime pay within a 14-day work period will be eighty (80).

Section 5. Scheduled Overtime Assignments.

- a. All scheduled overtime assignments subject to contractual agreements with third parties will be compensated at a guaranteed rate of time and a half, without regard to the number of hours worked by an officer during that pay period.
- b. Other overtime assignments for which compensation will be at a guaranteed rate of time and a half, without regard to the number of hours worked by an officer during that pay period, shall be identified and posted as such in advance.
- c. All scheduled overtime assignments for City events will be paid at time and half, unless an officer has worked less than 80 hours during the relevant pay period. In the event that an officer scheduled to work a City event has not worked 80 hours due to taking sick or vacation leave during that pay period, the officer will be compensated at his regular hourly rate for the City event. The officer shall have the option to elect whether to apply straight "additional regular" time in lieu of the leave taken, or to receive additional compensation for working the City event, but in no case shall the officer be compensated at the rate of time and a half.

d. Supervisors shall not require officers who are scheduled to work a City event to take flex days prior to the City event in order to avoid paying the officers overtime for working the City assignment.

Section 6. Unscheduled Overtime.

- a. Call-Outs Non-exempt officers who are off-duty and receive notification to return to duty status shall be entitled to a minimum of 2 hours of overtime compensation, regardless of actual time worked. Time worked, in this circumstance, shall begin when the notification is received and continue until the officer is cleared from the call.
- b. If an officer is required to work unscheduled overtime, the officer shall have the opportunity to elect whether (s)he will be compensated with compensatory time, or paid overtime for that assignment, subject to leave balance restrictions. If the supervisor does not flex the officer's time, the overtime slip submitted by the officer will be processed as submitted. No supervisor shall amend a payment form submitted by an officer for such an assignment without the officer's prior consent.
- c. If the supervisor does flex the officer's time, the supervisor will work with the officer to schedule the flex time off, subject to the needs of the Department.

Section 7. Court Appearances. An officer who makes a required court-related appearance prior to, or after his/her regularly scheduled shift, is guaranteed a minimum of 2 hours of overtime compensation, regardless of the actual time spent in court. Time worked, in this circumstance, includes scheduled report time until released by the court.

Section 8. Compensatory Time. The Parties agree to the following:

- a. Overtime assignments for which compensation will be in the form of compensatory time off in lieu of paid overtime shall be identified and posted as such in advance.
- b. Unless an overtime assignment has been posted as a compensatory time assignment, compensation for that assignment shall be paid overtime.
- c. If an officer is required to work an overtime assignment for which the form of compensation has not been identified prior to the start of the overtime assignment, the officer shall have the opportunity to elect whether (s)he will be compensated with compensatory time or paid overtime for that assignment, subject to leave balance restrictions. If the supervisor does not flex the officer's time, the overtime slip submitted by the officer will be processed as submitted. No supervisor shall amend a payment form submitted by an officer for such an assignment without the officer's prior consent.
- d. If the supervisor does flex the officer's time, the supervisor will work with the officer to schedule the flex time off, subject to the needs of the Department.

- e. This section is not intended to limit the Department Head's ability to assign officers to work overtime assignments paid with compensatory time off as necessary to meet Departmental objectives.
- f. This section is not intended to limit the Department Head's authority to implement flex time in managing the Department's budget.
- g. Subject to staffing needs, supervisors and officers will schedule compensatory time off at a mutually agreeable time.

Section 9. Administrative Challenge. Nothing in this Agreement shall prevent or preclude an individual officer or class of officers from exercising their administrative rights to challenge the application of an exemption using applicable DOL procedures and protocols. Further, nothing in the Agreement shall prevent or preclude the City from defending its application of an exemption.

Section 10. Statutory Override. This Article supersedes Section 142.0015(j) Texas Local Government Code and any and all other contrary state provisions to allow the adoption of the FLSA 7(k) overtime exemption, and provide for an alternate work period.

Section 11. Adoption and Publication of Rules. The Commission shall adopt Local Rules in accordance with this article upon approval by the City Council.

ARTICLE 6 <u>Temporary Duties in Higher Classification/Rank Structure</u>

Section 1. Intent and Scope. The Parties acknowledge that an officer's experience, training and performance contribute significantly to his/her efficiency and ability, and the Department's ability to meet public safety needs. The Parties agree that temporarily designating an officer to perform the duties of a higher rank may be necessary to meet Departmental staffing needs, and can also provide the officer a unique and valuable training opportunity as part of career development.

Section 2. Corporal Rank

- (a) Acting Sergeant When no Sergeant or Lieutenant is available to act as a field supervisor for a shift due to absence, illness or injury, a Corporal shall be designated as "Acting Sergeant/Field Supervisor" for that shift. When no Sergeant is available to act as a field supervisor for a shift due to absence, illness or injury, and the Lieutenant determines an additional field supervisor is necessary to meet staffing needs, the Lieutenant may designate a Corporal as an "Acting Sergeant/Field Supervisor" for that shift.
 - 1. The designation shall be made by a Lieutenant, Deputy Chief, or the Department Head, and be noted in writing on the Duty Roster.
 - 2. A person serving in this designation shall have full authority and responsibility for performing all of the duties of the Sergeant rank for the duration of the designation.
 - 3. The officer designated as Acting Sergeant shall be paid the base salary of the Sergeant rank, plus the officer's own longevity and seniority pay, educational incentive pay, and certification pay during the period of the designation.
 - 4. The designation shall be made on a rotating basis to all Corporals, from a list which will be distributed to the Unit.
 - 5. The Department Head, or his designee, retains discretion to deviate from the order of names on the list when designating an Acting Sergeant. This decision is not subject to appeal and shall not be the basis for a grievance.
 - 6. If no list is available, the designation will be made on the basis of seniority.
- (b) Mentoring Sergeant A Lieutenant may designate a Corporal to act as Mentoring Sergeant under the supervision of a Sergeant or Lieutenant.
 - 1. The designation is specifically intended for training and mentoring purposes, as part of a comprehensive career development plan. The Mentoring Sergeant designation is not to be made for the purpose of meeting Departmental staffing needs.
 - 2. The designated officer will have the immediate authority of a Sergeant for the duration of the designation, however ultimate authority and responsibility for the shift remains with the available Sergeant or Lieutenant.
 - 3. The designation shall be made by a Lieutenant, Deputy Chief, or the Department Head, and be noted in writing on the Duty Roster.
 - 4. The Mentoring Sergeant shall not receive higher classification pay during the designation period.
 - 5. The designation shall be made on a rotating basis to all Corporals, from a list which will be distributed to the Unit.

- 6. The Department Head, or his designee, retains discretion to deviate from the order of names on the list when designating a Mentoring Sergeant. This decision is not subject to appeal and shall not be the basis for a grievance.
- 7. If no list is available, the designation will be made on the basis of seniority.

Section 3. Sergeant Rank

Watch Commander – When a Lieutenant will be absent or unavailable for a period of at least twenty-eight (28) consecutive days, the Department Head, or his designee, may designate a Sergeant to perform the administrative duties of a Lieutenant/Watch Commander.

- a. The designation shall be made by a Deputy Chief, or the Department Head, and be noted in writing on the Duty Roster.
- b. A person serving in this designation shall have full authority and responsibility for performing all of the duties of the Lieutenant rank for the duration of the designation.
- c. The designated Watch Commander shall be paid the base salary of the Lieutenant rank, plus the officer's own longevity and seniority pay, educational incentive pay, and certification pay during the period of the designation.
- d. The designation shall be made on a rotating basis from a list of Sergeants. If no list is available, the designation shall be made on the basis of seniority. The Department Head retains discretion to deviate from the order of names on the list when designating a Watch Commander. This decision is not subject to appeal and shall not be the basis for a grievance.
- e. The Department Head retains authority to designate a Watch Commander, pursuant to this section, for a period of less than twenty-eight (28) days, based on Departmental needs.

Section 4. Temporary Performance of Duties in a Higher Rank

In order to meet immediate Departmental staffing needs, the Department Head shall have the authority to temporarily assign an officer to perform the duties of a position in the next higher rank under the following circumstances:

- a. when that position has been funded, but not yet created or authorized by the City's governing body, or
- b. when there is a vacancy in an existing position for which no promotional list exists. An officer temporarily assigned under this subsection has no property right or interest, in law or equity, to continued employment in the temporarily assigned position, and will be demoted to the position (s)he occupied prior to the temporary assignment immediately upon determination of the officer occupying the first position on the eligibility list. This subsection does not preclude back-pay due to the person who is ultimately promoted to fill the position from the promotional list once established.

Assignments made pursuant to this provision are temporary in nature, and specifically intended to address immediate, pressing Departmental staffing needs. Assignments made pursuant to this provision are expressly limited to such period of time as is necessary for the City to formally create the position by ordinance, or complete the process of creating a promotional list for the position.

A person temporarily serving in a higher rank shall have full authority and responsibility for performing all of the duties of the assigned rank for the duration of the assignment.

Under no circumstances is this provision intended to, and it does not, circumvent the express intent of Chapter 143 of the Texas Local Government Code, which specifies that promotions are to be made solely through the promotional testing process.

An officer temporarily assigned to a position in the next higher rank under this provision shall be paid the base salary of the rank to which (s)he has been temporarily assigned, and the officer's own longevity or seniority pay, educational incentive pay, and certification pay for the period of the temporary assignment.

Under no circumstances is this provision intended to, and it does not, authorize the Department Head to, directly or indirectly, create a position that has not been funded by the City's governing body.

Section 5. Preemption. It is the specific intent of the Parties to the Agreement that any express written provision that specifically provides for a procedure, standard, or practice other than what is provided for in Subchapter D, Chapter 143 of the Texas Local Government Code is intended to override the applicable statutory provision as allowed by Subchapter C, Chapter 142 of the Texas Local Government Code.

Section 6. Adoption and Publication of Rules. The Commission shall adopt Local Rules in accordance with this article upon approval by the City Council.

ARTICLE 7 <u>Promotional Incentives for Education</u>

Section 1. Intent. The Parties agree that it is the goal of the Department to maintain high professional standards. Continuing education is encouraged and recognized as a way to improve professionalism for both officers and the Department.

Section 2. Additional Points on Promotional Exams.

- (a) In addition to the points a promotional candidate is entitled to receive under Chapter 143.033, Local Government Code, for seniority, promotional candidates are also entitled to receive points for continuing education as follows:
 - Level 1 0.50 points for having received an Advanced Certificate issued by the Texas Commission on Law Enforcement (TCOLE);
 - Level 2 1.0 points for having completed 60 college hours credit with a passing grade from an accredited institution of higher education, college or university;
 - Level 3 1.5 points for having received a Master Peace Officer Certificate issued by the Texas Commission of Law Enforcement (TCOLE);
 - Level 4 2.0 points for having received an Associates Degree from an accredited institution of higher education, college, or university;
 - Level 5 3.0 points for having received a Bachelor's Degree or higher from an accredited institution of higher education, college, or university.
- (b) A promotional candidate is entitled to receive the points for only the highest level attained listed above.
- (c) Points awarded to a promotional candidate under this Article shall be added to the final score received after the testing process has been completed.

Section 3. Adoption and Publication of Rules. The Commission shall adopt Local Rules in accordance with this article upon approval by the City Council.

ARTICLE 8 Lateral Entry Program

Section 1. Intent and Scope. The Parties acknowledge that the ability to attract and hire qualified candidates is beneficial to the Association, the Department, and the City. The Parties agree that an expedited process for hiring qualified applicants with previous law enforcement experience will support and enhance this goal.

Section 2. Eligibility Requirements. To be eligible for hiring under this Article, an applicant must:

- 1. have a current TCOLE license;
- 2. be currently employed with a law enforcement agency;
- 3. have an honorable standing within their current department;
- 4. not be under any type of investigation with their current department;
- 5. have three (3) or more years of work experience with a municipal, county, or state law enforcement agency in a community comparable in size and population to the City of Temple;
- 6. take and pass the locally given Civil Service exam; and
- 7. complete and pass a background investigation, and the City of Temple hiring process.

In addition to the above, the probationary officer, once hired, must:

- 1. successfully complete a modified Field Training Program of not less than eight (8) weeks, and
- 2. successfully complete a twelve (12) month probationary period.

The candidate will not have to attend the full training academy.

The Department Head's final determination regarding whether an applicant meets the Lateral Entry Program criteria shall be final. The decision is not subject to appeal to the Commission, and shall not be the basis of a grievance under this Agreement.

Section 3. Guidelines

- 1. <u>Hiring</u>: An eligibility list for lateral applicants shall be maintained in addition to an entrylevel eligibility list. The score to be placed on the lateral eligibility list for each lateral applicant shall be the applicant's score from the locally given Civil Service exam. That score will be used to rank applicants on the lateral eligibility list, however, the Department Head may give preference in selection to any person on the lateral eligibility list based on the applicant's years of experience and type of experience. The lateral eligibility list shall expire at the discretion of the Department Head. To fill a vacant position within the Department, the Department Head may select an applicant from the lateral eligibility list, or follow the process defined in section 143.026 of the Texas Local Government Code.
- 2. <u>Promotional Eligibility</u>: The Lateral Entry Program is for pay purposes only, and actual work experience in another law enforcement agency will not be considered for promotional eligibility purposes.
- 3. <u>Salary</u>: Applicants hired under this lateral entry program will be placed in the current pay grade on the Temple Police Department compensation plan commensurate with their full-

time prior service as a police officer. Applicants with prior municipal police service in a city with a population of 30,000 or more will receive one credit year for each full year of police service, not to exceed ten (10) credit years. Applicants with prior municipal police service in a city with a population of less than 30,000 will receive one credit year for each two (2) full years of prior police service, not to exceed five (5) credit years. Applicants with prior field deputy service with a county sheriff's office with a population of 175,000 or more will receive one credit year for each full year of field deputy service, not to exceed ten (10) credit years. Applicants with prior field service experience with any TCOLE certified organization other than a municipal police organization or a county sheriff's office will receive one credit year for each two (2) full years of prior field service, not to exceed five (5) credit years. The "credited time" will NOT count as time served in the Temple Police Department for any purpose(s) except determining the starting pay grade. For example, it will not count towards any benefits, assignment, promotions, longevity or retirement. Applicants who receive prior service credit will remain in the assigned starting pay grade until they have the required years of actual service with the Temple Police Department to advance to the next pay grade. Prior service will be calculated on full years of service with an entity. Partial years of service with different entities will not be added together to make a full year. The City will use the latest official census figures from the U.S. Census Bureau at the time the applicant is hired to determine city and county populations.

4. <u>Seniority:</u> Seniority will be based on the applicant's date of hire within the Department. No credit for prior service outside the Department will be granted for seniority purposes.

Section 4. Preemption. It is the specific intent of the Parties to the Agreement that any express written provision that specifically provides for a procedure, standard, or practice other than what is provided for in Subchapter D, Chapter 143 of the Texas Local Government Code is intended to override the applicable statutory provision as allowed by Subchapter C, Chapter 142 of the Texas Local Government Code.

Section 5. Adoption and Publication of Rules. The Commission shall adopt Local Rules in accordance with this article upon approval by the City Council.

ARTICLE 9 Individual Vehicle Assignment Program (IVAP)

Section 1. Intent. In adopting this Article, the Parties agree to implement an Individual Vehicle Assignment Program for the purpose of providing take-home patrol vehicles to eligible officers. The Parties recognize the benefits of reduced vehicle maintenance expense, reduced response times, crime deterrence and enhanced police presence in neighborhoods where the vehicles are located.

Section 2. Eligibility.

- (a) For an officer to be eligible for the IVAP program, the officer must:
 - 1. be employed as a Temple Police Officer;
 - 2. have successfully completed all phases of the Field Training Program, and
 - 3. have been assigned a designated vehicle.
- (b) Except as provided by Section 5, an officer participating in the IVAP program is eligible to take a vehicle home, providing the officer's residence is no more than seven (7) miles outside the Temple city limits.

Section 3. Applicable Guidelines.

- (a) Vehicles will be assigned, when available, to new officers on the basis of their civil service ranking.
- (b) In addition to the eligibility standards established in Section 2, officers assigned a vehicle shall abide by Temple Police Department General Orders, Chapter 803, "Police Vehicles," as amended.

Section 4. Fee. Except as provided by Section 5, officers who are assigned a vehicle in the IVAP program and elect to take that vehicle home shall be assessed a fee for the use of the vehicle as follows:

- 1. Officers residing within the city limits no charge
- 2. Officers residing outside the city limits but no more than seven (7) miles outside the city limits \$23/pay period

Section 5. Exceptions.

- (a) Any officer who resides .5 miles or less outside the City and is assigned a vehicle that the officer elects to take home at the time this Agreement is adopted is exempt from the payment of the fees described in Section 4, unless the officer moves more than .5 miles outside the city limits after the effective date of this Agreement.
- (b) Any officer who is assigned a take home vehicle because of their assignment and who resides outside the city at the time this Agreement is adopted is exempt from the distance limitations and the payment of the fees described in this Article. Officers who are assigned a take home vehicle because of their assignment after the effective date of this Agreement may be assessed the fees described in Section 4 as a condition for accepting the position. The city may impose residential distance restrictions on officers as a

condition of eligibility for assignment to future positions in which an assigned vehicle and the ability to respond in a timely manner is a requirement for the position.

- (c) One (1) Criminal Investigation Division Supervisor and three (3) Criminal Investigation Division Detectives assigned by the Department Head are exempt from the distance limitations and the payment of fees described in this Article as follows:
 - 1. If an officer in one of the above listed positions lives more than seven (7) miles from the city limits, the officer may utilize an assigned vehicle and take that vehicle home when the officer is on-call, and the officer is exempt from the payment of the fees described in Section 4 for the use of the vehicle while on-call.
 - 2. Any officer who is assigned to one of the above listed positions and lives outside the city limits, but within seven (7) miles from the city limits and does not elect to take the vehicle home and pay the fees described in Section 4, may utilize a take-home vehicle when the officer is on-call, and the officer is exempt from the payment of the fees described in Section 4.

Section 6. Adoption and Publication of Rules. The Department shall adopt rules in accordance with this article upon approval by the City Council.

ARTICLE 10 Disciplinary Actions and Appeals

Section 1. Intent. In adopting this Article, the Parties understand and agree that most officers will make some errors during their career involving rule violations, including those who are good, professional police officers. The Parties agree that some disciplinary suspensions are for the purpose of reinforcing the need for compliance with Departmental standards and not necessarily as punishment.

Section 2. Suspensions of Thirty-Six (36) Hours or Less.

- (a) The Parties agree that when an officer is suspended for 36 hours or less, the officer may choose one of two methods of dealing with the suspensions as set out below:
 - 1. <u>Suspensions that may not be appealed.</u> The officer may forfeit vacation, compensatory, or holiday time equal to the length of the suspension, to serve the suspension with no loss of paid salary and no break in service for purposes of seniority, retirement, or promotion. The forfeited vacation, compensatory, or holiday time will not constitute hours worked. In the event an officer has received a disciplinary suspension within the preceding 24-month period, the officer may only forfeit vacation, compensatory, or holiday time with the Department Head's permission. The officer must agree that there is no right to appeal the suspension before any administrative or judicial body if this method of suspension is chosen, and the officer must sign a waiver of appeal. Forfeiture of vacation, compensatory, or holiday time will not preclude an officer from being paid overtime at the rate of time and a half for those overtime assignments that have been identified as "guaranteed overtime" assignments.
 - 2. <u>Suspensions that may be appealed</u>. The officer may appeal the suspension solely to the Civil Service Commission. If the officer chooses to appeal the suspension, the hearing will be conducted as set forth in Section 143.053 Texas Local Government Code.
- (b) <u>Consideration of Suspensions of 36 Hours or Less.</u> The Parties agree that disciplinary suspensions of 36 hours or less that were imposed on or after the effective date of this Agreement will no longer be considered for purposes of transfer or promotion after 24 months have passed from the date the suspension ended, without regard to whether the suspension was appealed. After the 24 months have passed, the Department Head shall notify the Civil Service Commission in writing. A copy of the notification document shall be included in the Internal Affairs Division (IAD) investigative file or the file maintained by the Director, whichever is appropriate, and the Department shall enter a notation reflecting this.
- (c) The Parties agree that the Department and the Civil Service Commission will not alter, destroy, conceal, or remove any documents related to the temporary suspension, including but not limited to the notice of temporary suspension that was filed with the Commission as required by Section 143.052(c) Texas Local Government Code, or the IAD investigative file itself. The original suspension paperwork shall still be subject to open records requests and as evidence to negate any civil liability claim.

Section 3. Suspensions of Thirty-Seven (37) to One Hundred and Twenty (120) Hours. The Parties agree that, when an officer is suspended for 37 to 120 hours, the officer may choose one of two methods for dealing with the suspension, as set out below:

- 1. <u>Suspensions that may not be appealed.</u> The Department Head may allow the officer to forfeit vacation, compensatory, or holiday time equal to the length of the suspension, to serve the suspension with no loss of paid salary and no break in service for purposes of seniority, retirement, or promotion. The forfeited vacation, compensatory, or holiday time will not constitute hours worked. Forfeiture of vacation, compensatory, or holiday time will not preclude an officer from being paid overtime at the rate of time and a half for those overtime assignments that have been identified as "guaranteed overtime" assignments. Approval of the use of vacation, compensatory, or holiday time will be noted in the suspension paperwork. The officer must agree that there is no right to appeal the suspension before any administrative or judicial body if this method of suspension is chosen, and the officer must sign a waiver of appeal.
- 2. <u>Suspensions that may be appealed.</u> The officer may appeal the suspension to the Civil Service Commission, or a Hearing Examiner as provided in Section 143.057 Texas Local Government Code.

Section 4. Suspensions of One Hundred and Twenty-One (121) to Seven Hundred and Twenty (720) Hours. The Parties agree that, when an officer is suspended for 121 to 720 hours, one of the two following methods for dealing with the suspension will be used:

- 1. <u>Mutually Agreed.</u> Either the Department Head or the officer facing discipline may offer to impose or accept a suspension without pay for a period from one hundred and twenty-one (121) to seven hundred and twenty (720) hours. If the officer accepts the mutually agreed suspension, there shall be no right to appeal the suspension to any administrative or judicial body, and the officer must sign a waiver of appeal. It is also understood and agreed that, if the Department Head permits the forfeit of vacation, compensatory, or holiday time for suspension, said vacation, compensatory, or holiday time shall be considered as equal discipline to unpaid hours of suspension. In no case will sick leave be substituted for unpaid hours of suspension. The forfeited vacation, compensatory, or holiday time will not constitute hours worked. Forfeiture of vacation, compensatory, or holiday time will not preclude an officer from being paid overtime at the rate of time and a half for those overtime assignments that have been identified as "guaranteed overtime" assignments.
- 2. <u>Not Agreed.</u> If the Department Head imposes a suspension under this section, the officer may appeal to the Civil Service Commission or to a Hearing Examiner as provided in Section 143.057 Texas Local Government Code.

Section 5. Alternative Discipline by the Department Head.

(a) In considering appropriate disciplinary action involving suspension of at least 37 hours, the Department Head may require that an officer be evaluated by a qualified professional designated by the Department Head. If that professional recommends a program of counseling and/or rehabilitation for the officer, the Department Head may, as an alternative to demotion, or temporary or indefinite suspension, or in combination with demotion or temporary suspension, require that the officer successfully complete the recommended program. The program of counseling and/or rehabilitation will be completed on the officer's off-duty time, unless the Department Head approves the use of accrued vacation leave or sick leave. The officer shall be responsible for paying all costs of the program of counseling and/or rehabilitation which are not covered by the officer's health insurance plan.

- (b) If the officer's misconduct involves alcohol or substance abuse related behavior, the Department Head may require that the officer submit to mandatory alcohol or drug testing for a specified period of time. If the officer fails or refuses to enter into the program, or, after entering the program of counseling and/or rehabilitation, the officer fails or refuses to complete the program, or fails to submit to mandatory alcohol or drug testing, the officer may be indefinitely suspended for failing or refusing to complete the program, or for failing or refusing to submit to mandatory alcohol or drug testing.
- (c) The officer has the right to appeal to the Civil Service Commission or to a third party Hearing Examiner any discipline imposed under this section by filing an appeal notice in accordance with the provisions of Chapter 143.
- (d) On appeal, the Commission or Hearing Examiner shall have the same duties and powers set forth in Chapter 143, but shall not have the power to substitute a program of counseling and/or rehabilitation different from the program imposed by the Department Head, or to substitute any period of suspension for the required program of counseling and/or rehabilitation.

Section 6. Alternative Discipline by Agreement

- (a) In considering appropriate disciplinary action, the Department Head may require that an officer be evaluated by a qualified professional designated by the Department Head. If that professional recommends a program of counseling and/or rehabilitation for the officer, the Department Head may offer the officer the opportunity to enter into an alternative disciplinary agreement under which the officer would accept demotion or a temporary suspension of up to seven hundred and twenty (720) hours and agree to successfully complete the program of counseling and/or rehabilitation recommended by the qualified professional designated by the Department Head.
- (b) The program of counseling and/or rehabilitation will be completed on the officer's off-duty time, unless the Department Head approves the use of accrued vacation leave or sick leave. The officer shall be responsible for paying all costs of the program of counseling and/or rehabilitation which are not covered by the officer's health insurance plan.
- (c) If the officer's misconduct involves alcohol or substance abuse related behavior, the Department Head may require that the officer submit to mandatory alcohol or drug testing for a specified period of time. If the officer accepts the opportunity for agreed alternative discipline, the officer may not appeal any terms of the Agreement or the disciplinary action. If the officer fails to complete the program of counseling and/or rehabilitation without good cause, the officer may be indefinitely suspended without right of appeal regarding the Agreement or the disciplinary action before any administrative or judicial body.

(d) In considering whether the officer had good cause for failing to complete the program, the Department Head will consider whether the officer was prevented from completing the program by circumstances not reasonably within his/her control, e.g. serious illness or death in the family, unavailability of the professional.

Section 7. Last Chance Agreement

- (a) In considering appropriate disciplinary action, the Department Head may require that an officer be evaluated by a qualified professional designated by the Department Head. If that professional recommends a program of counseling and/or rehabilitation for the officer, the Department Head may offer the officer, as an alternative to indefinite suspension, the opportunity to enter into a Last Chance Agreement.
- (b) The Agreement may include the following provisions in addition to any other provisions agreed upon by the Department Head and the officer.
 - 1. The officer shall successfully complete the program of counseling and/or rehabilitation recommended by the qualified professional designated by the Department Head.
 - 2. The program of counseling and/or rehabilitation will be completed on the officer's off-duty time, unless the Department Head approves the use of accrued vacation leave or sick leave. The officer shall be responsible for paying all costs of the program of counseling and/or rehabilitation which are not covered by the officer's health insurance plan.
 - 3. The officer shall agree to a probationary period not to exceed one (1) year, with the additional requirement that if, during the probationary period, the officer commits the same or a similar act of misconduct, the officer will be indefinitely suspended without right of appeal regarding the Agreement or the disciplinary action before any administrative or judicial body.
- (c) If the officer's misconduct involves alcohol or substance abuse related behavior, the Department Head may require that the officer submit to mandatory alcohol or drug testing for a specified period of time. If the officer accepts the opportunity for a Last Chance Agreement, the officer may not appeal any terms of the Agreement. Successful completion of a counseling and/or rehabilitation program will be specifically defined in the Agreement.
- (d) If the officer fails to successfully complete the agreed upon program, without good cause, the officer may be indefinitely suspended without right of appeal regarding the Agreement or the disciplinary action before any administrative or judicial body.
- (e) In considering whether the officer had good cause for failing to complete the program, the Department Head will consider whether the officer was prevented from completing the program by circumstances not reasonably within his/her control, e.g. serious illness or death in the family, unavailability of the professional.

Section 8. Officer's Request for Professional Evaluation

- (a) Prior to completion of an Internal Affairs investigation or the imposition of any discipline, the officer may independently request an opportunity to be evaluated by a qualified physician, psychiatrist or psychologist in order to seek counseling and/or rehabilitation.
- (b) The officer's request will toll the 180 day deadline for imposing discipline under Section 143.052(h) Texas Local Government Code for the duration of time required for the officer to be evaluated and complete any program of counseling and/or rehabilitation.
- (c) The officer shall be responsible for paying all costs of the program of the evaluation and counseling and/or rehabilitation which are not covered by the officer's health insurance plan. The evaluation and the program of counseling and/or rehabilitation will be completed on the officer's accrued vacation and/or sick and/or compensatory leave time.
- (d) If the officer has insufficient accrued vacation and/or sick and/or compensatory leave time to successfully complete the evaluation and any program of counseling and/or rehabilitation, the officer shall complete the evaluation and/or the program while on unpaid leave.
- (e) The Department Head may consider any counseling and/or rehabilitation voluntarily undertaken by an officer under this section before imposing any discipline.

Section 9. Due Process – Loudermill Hearings

- (a) The Parties acknowledge the importance of protecting the due process rights of an officer facing any level of formal discipline. The essential components of due process include the officer's right to have adequate notice of the allegations against him/her, the factual basis for the allegations, and an opportunity to be heard by the Department Head prior to the imposition of discipline. This process is also important to the Department Head in determining the nature of the alleged violations, the unique circumstances of the individual officer, the appropriate level of discipline, and the fairness and consistency of disciplinary actions throughout the Department.
- (b) Following completion of an Internal Affairs investigation, the Department Head shall conduct the following meetings:
 - 1. <u>Initial Meeting Delivery of Notice of Proposed Discipline:</u> After review of the Internal Affairs investigation and related documents, the Department Head shall draft a Notice of Proposed Discipline. This document shall contain the text of any Civil Service rules, Departmental General Orders, City personnel policies, City ordinances, City Charter provisions, state or federal laws the officer is alleged to have violated, along with a detailed description of how the officer's conduct violated said policies, rules or laws. Any documents or recordings that form the basis for the allegations shall be attached to the Notice as exhibits. The Notice will also state the level of discipline the Department Head is proposing to impose. The Notice of Proposed Discipline is not a public document, is not subject to an open records request and is confidential by law pursuant to section 143.089(g) of the Texas Local Government Code. At the initial hearing, the Notice will be delivered to the officer's counsel may attend this meeting. The Internal

Affairs investigator, the officer's supervisor and the Department's legal advisor will also be present. The meeting will be recorded by the Department Head. The officer or his counsel may also record the meeting. If the officer appears without assistance of counsel, the Department Head will read the full text of the Notice aloud at the meeting. If the officer appears with counsel, the Notice will not be read aloud, but will be delivered to the officer's counsel. After the Notice has been read, or delivered to the officer's counsel, the officer will sign acknowledging receipt of the Notice of Proposed Discipline and have an opportunity to ask any questions. The Department Head will then schedule a date and time for the second meeting. If any necessary party is not available to meet on the 5th business day, the meeting will be scheduled for the next business day when all necessary parties are available, provided that the second meeting must be held no later than the 8th business day after the first meeting.

- 2. Second Meeting The Officer's Response: After a period of time during which the officer may review the allegations against him/her and the evidence in support of the allegations, the officer will have an opportunity to present his/her side of the case to the Department Head. The officer may present mitigating evidence, in any form, that he/she believes to be relevant and/or helpful to Department Head in coming to a fair and consistent disciplinary decision. The evidence presented by the officer, to the extent it has not already been publicly released or is considered 'super-public' pursuant to Chapter 552 of the Texas Government Code, is not public information, not subject to an open records request and is confidential by law pursuant to section 143.089 of the Texas Local Government Code. The officer's counsel may be present at this meeting. The Internal Affairs investigator, the officer's supervisor and the Department's legal advisor will also be present. The meeting will be recorded by the Department Head. The officer or his counsel may also record the meeting. After the officer has completed his/her presentation, the Department Head will schedule a date and time for the final meeting. The date of the final meeting will be on the 5th business day following the second meeting. If any necessary party is not available to meet on the 5th business day, the meeting will be scheduled for the next business day when all necessary parties are available, provided that the final meeting must be held no later than the 8th business day after the second meeting.
- 3. <u>Final Meeting Disciplinary Decision:</u> After review of the evidence presented by the officer, the Department Head shall carefully consider the allegations and the officer's evidence. The purpose of the final meeting is to deliver the Department Head's decision regarding the appropriate level of discipline to be imposed. If formal discipline in the form of a demotion, suspension or an indefinite suspension is to be imposed, the Department Head shall draft a Notice and Order of Demotion, Suspension or Indefinite Suspension, as appropriate, for delivery to the officer at this meeting. This document, including any supporting exhibits, is a public document and is subject to an open records request. Any remedial measure other than a demotion, suspension, or indefinite suspension imposed by the Department Head is confidential by law, pursuant to section 143.089 of the Texas Local Government Code. The officer's counsel may attend this meeting. The Internal Affairs investigator, the officer's supervisor and the Department's legal advisor will also be present. The meeting will be recorded by the Department Head. The officer or his counsel may also record the meeting. If the officer appears without

assistance of counsel, and formal discipline is to be imposed, the Department Head will read the full text of the final Notice aloud at the meeting. If the officer appears with counsel, the Notice will not be read aloud, but will be delivered to the officer's counsel. After the Notice has been read, or delivered to the officer's counsel, the officer will sign acknowledging receipt of the Notice and Order. The officer will leave with a signed copy of the Notice and Order.

Section 10. Texas Local Government Code, Section 143.057– Hearing Examiner Retained for Suspensions in Excess of Thirty-Six (36) Hours.

- (a) The City recognizes that during the term of this Agreement, officers have the right to an appeal of an indefinite suspension before a Hearing Examiner as provided in section 143.057 of the Texas Local Government Code. During the term of this Agreement, the Parties specifically agree to retain this right of appeal, as modified herein, notwithstanding any change to section 143.057 which may occur as a result of court or legislative action.
- (b) It is the express intention of this provision that an officer may not appeal to a Hearing Examiner pursuant to section 143.057, Texas Local Government Code unless the suspension exceeds thirty-six (36) hours, or is an indefinite suspension, or a demotion.

Section 11. Procedures for Hearings Before Commission and Hearing Examiners

- (a) It is expressly agreed that Commission hearings and hearings before Hearing Examiners under section 143.057 are informal administrative hearings and are not subject to discovery or evidentiary processes. Specifically, it is understood that neither the Texas Rules of Evidence (TRE) nor the Texas Rules of Court (TRC) apply to such hearings.
- (b) The burden of proof shall be by a preponderance of the evidence.
- (c) If the Department calls a witness to testify during a hearing and that witness has given a statement to Internal Affairs regarding the pending case, then the Department will supply a copy of that statement to the officer's counsel at the time the witness is called to testify.

Section 12. Appeal Procedures Before Hearing Examiners

- (a) The Parties recognize and agree that protracted, unnecessary delay of disciplinary appeals to third-party Hearing Examiners dilutes the primary instructive function of the underlying discipline.
- (b) The Parties agree that the following procedures are intended to promote the efficient and effective conclusion of such appeals.
 - 1. The Parties agree to select a third-party Hearing Examiner:
 - a. by agreement, no later than ten (10) business days from the date the officer's notice of appeal is filed with the Director of the Civil Service Commission, or

- b. from a list of seven (7) Hearing Examiners provided by the American Arbitration Association. The Director will request the list within ten (10) business days of receipt of the officer's notice of appeal. The Director will send the list by email to the officer's counsel and counsel for the City within ten (10) business days of receipt. The selection process will be completed no later than ten (10) business days from the date the list is received by counsel, using a process of alternately striking names from the list, with the officer's counsel making the initial strike.
- 2. Failure by the officer or the officer's counsel to initiate selection of the Hearing Examiner by making the initial strike within ten (10) business days of receipt of the list from the Director shall be deemed a withdrawal of the officer's appeal.
- The Department shall furnish the charge letter to the Hearing Examiner by delivering a copy far enough in advance so that the Hearing Examiner receives the copy at least five (5) business days prior to the start of the hearing.
- 4. The officer may furnish a position statement to the Hearing Examiner by delivering copies to the Hearing Examiner and the Department far enough in advance so that the Hearing Examiner and the Department receive the copies at least five (5) business days prior to the start of the hearing.
- 5. At the close of the presentation of evidence to the Hearing Examiner, the Hearing Examiner shall render a decision within thirty (30) business days.
- 6. Post-hearing briefs shall only be allowed by mutual agreement of the Parties, and shall be sent simultaneously to both the Hearing Examiner and the opposing side using the same mutually agreed method.
- 7. Expenses It is agreed that the City and the officer disciplined under this Article shall equally share the expenses associated with a third-party Hearing Examiner. The cost of an expert witness or any other witness not employed by the City is to be paid by the Party that subpoenas that witness. In the event a Party desires a court reporter, that Party shall bear 100% of that cost. In the event the officer is not a member of the Association, and therefore financially responsible for his/her share of any fees, the officer shall deposit with the Director of the Civil Service Commission his/her share of the fees three (3) days prior to the Hearing Examiner's deadline to cancel. Failure to deposit the funds shall result in the appeal being dropped.

In the event the fees for a hearing exceed the deposited amount, the non-Association member shall pay the remaining amount due within thirty (30) days of receipt of the bill, or authorize the City to deduct the amount due from his/her next four (4) paychecks.

Section 13. Jurisdiction of Hearing Authority to Modify Discipline

(a) In addition to the authority provided by section 143.053 Texas Local Government Code, the Parties agree that the Civil Service Commission, or a Hearing Examiner appointed pursuant to section 143.057 Texas Local Government Code and the provisions of this Agreement, shall have the authority to impose a disciplinary suspension of any length of time, including suspensions in excess of fifteen (15) days, and time already served between the imposition of discipline and the appeal decision.

- (b) It is the specific intent of the Parties to override the judicial limitation imposed on the authority of the Commission or Hearing Examiner by the case styled *City of Waco v*. *Kelley*, 309 S.W.3d 536 (Tex.2010), which restricts the jurisdiction of the hearing authority to imposing only indefinite suspensions, temporary suspensions of fifteen (15) calendar days or less, or restoring the officer's former position.
- (c) It is not the intent of the Parties to modify any right or privilege of further appeal or appellate review that is otherwise authorized by law to review the decision of the Commission or Hearing Examiner.

Section 14. Preemption. The provisions of this Article preempt all contrary local ordinances, administrative directives, legislation or rules adopted by the State or by a political subdivision, including a Civil Service Commission. It is the specific intent of the Parties to the Agreement that any express written provision that specifically provides for a procedure, standard, or practice other than what is provided for in Subchapter D, Chapter 143 of the Texas Local Government Code is intended to override the applicable statutory provision as allowed by Subchapter C, Chapter 142 of the Texas Local Government Code.

Section 15. Adoption and Publication of Rules. The Commission shall adopt Local Rules in accordance with this article upon approval by the City Council.

ARTICLE 11 Grievance Procedure

Section 1. Intent and Scope of Procedure. The Parties acknowledge that from time to time, disagreements between the Parties may arise as to the application or interpretation of this Agreement. The Parties therefore agree that the purpose of this dispute resolution procedure is to provide a just and equitable method for resolving disagreements between the Parties regarding the application or interpretation of the provisions of this Agreement. Only matters involving the interpretation, application, or alleged violations of a specified provision of this Meet and Confer Agreement shall be subject to this dispute resolution procedure. Any matter for which the right of appeal or review is afforded by Chapter 143 of the Texas Local Government Code are excluded from the scope of this Article.

Section 2. Application of Procedure

- (a) If the Association has a dispute with the City regarding this Agreement, the Association Executive Board, or the Association President's designee, should reduce the dispute to writing and deliver it to the City's designated representative, who shall be its Department Head or his designee.
- (b) A police officer may not file a request for contract dispute resolution directly with the City. All resolution requests must be approved and come from the Association Executive Board.
- (c) Each dispute shall be submitted in writing, and must include, at a minimum, the following information:
 - 1. a brief statement of the dispute, and the facts or events on which it is based;
 - 2. the section(s) of the Agreement alleged to have been violated;
 - 3. the remedy or adjustment sought, and
 - 4. the bargaining unit member's signature or, if filed by the Association Executive Board, the signature of the Association President or his designee.
- (d) Any claim or dispute by a police officer or group of police officers under this Agreement which includes a claim for pay or benefits for any past pay periods, must be filed by the employee with the Association Executive Board within fifteen (15) business days of the date when the officer(s) knew or reasonably should have known of the claim. Disputes by the Association Executive Board or police officer shall proceed as follows:

Step 1. An aggrieved police officer must initiate a dispute with the Association Executive Board within fifteen (15) business days of the date upon which the police officer knew of or reasonably should have known of the facts giving rise to the dispute. A copy of the notice or receipt of the dispute shall be forwarded to the Department Head by the Association Executive Board within three (3) business days of the receipt of the dispute. The Association Executive Board shall within their sole discretion determine if a dispute exists within fifteen (15) business days of receipt of the dispute.

If the Association determines that no dispute exists, the grievance will be deemed denied, and the Association shall notify the Department Head in writing that no further proceedings will be necessary. If the Association Executive Board determines that the dispute is valid, the Association

will notify the Department Head of such, and forward a copy of the grievance to the Department Head within fifteen (15) business days after their determination.

Step 2. Any grievance found to be valid by the Association Executive Board shall be submitted to the Department Head within fifteen (15) business days of the Step 1 decision. After receipt of the dispute, the Department Head shall, within fifteen (15) business days, submit his/her response in writing to the Association Executive Board. If there is no timely reply from the Department Head, the grievance is deemed denied and will proceed to Step 3.

Step 3. If the dispute is not resolved in Step 2, the Association Executive Board shall advance the dispute in writing to the City Manager or his/her designee within fifteen (15) days from receipt of the Step 2 decision by the Department Head. The City Manager or designated representative shall review the matter and render a decision in writing to the Association Executive Board and the Department Head within fifteen (15) business days of the receipt of the dispute in Step 3. The City Manager or designee may, at his/her discretion, conduct a conference to further explore the merits of the dispute and to explore resolution options.

Step 4. If the dispute is not resolved in Step 3, either Party shall have the right to seek mediation of the dispute by requesting the same in writing within fifteen (15) business days from the City Manager's response. The mediation will proceed before either a mediator with the Federal Mediation and Conciliation Service, or before a mutually agreed mediator. The mediation shall be held in available City of Temple facilities.

Step 5. If the dispute is not resolved at Step 4, the Association Executive Board shall have fifteen (15) business days from the date mediation concludes to determine whether it will pursue the dispute under this Article through arbitration. Under this step, the Association Executive Board must deliver a letter indicating its election to proceed to arbitration to the Department Head and the City Manager within three (3) business days of that election.

Section 3. Arbitration Option.

- (a) The Parties have agreed that all disputes under this Agreement, which concern the application and interpretation of this Agreement, shall be submitted to final and binding arbitration, and the Parties exclude from this Agreement disputes involving statutory application and interpretation for rights and claims not arising under sections 142 or 143 of the Texas Local Government Code.
- (b) The terms of the Agreement, and any factual issues which are determinative in applying the Agreement, shall be the sole province of the designated arbitrator, and his or her decision shall be final. However, the City will only agree to arbitration on the condition that legal issues which are determinative in any contract dispute are subject to judicial review. This represents an agreement by the Parties to submit disputes to arbitration within its scope, and otherwise preserves the existing jurisdiction of Texas Courts over any contract rights and claims not exclusively committed to arbitration.
- (c) The Parties have agreed that questions of law, which involve either the interpretation and application of state statutes or the application of legal principles from Texas appellate court opinions (or the failure to properly apply such legal principles or opinions) to controversies

under this article shall be submitted initially to arbitration, but that either Party shall have a limited right of appeal from an arbitration award in the Courts, solely for the purpose of reviewing disputed issues of law. No such appeal from arbitration shall include review of any factual determinations by the arbitrator, including credibility of witnesses or weight of the evidence. If an appeal from arbitration based on erroneous application of the law is not successful, the appealing Party shall bear all costs of such appeal.

- (d) If a dispute is submitted to arbitration, within seven (7) business days, the Department Head and/or the City and the Association may mutually agree on the selection of an arbitrator or, if unable to agree, within thirty (30) days shall select an arbitrator by alternately striking names from the Parties' pre-determined panel of six (6) qualified neutral arbitrators. The process will be as follows: the Association shall strike the first name under this article with the first dispute brought under this Article. Thereafter, the first strike shall alternate between the Parties. Should any panel member subsequently refuse or be unable to continue to serve on the panel, the Parties may mutually agree to his replacement. The remaining members of the panel will continue to serve for the duration of the Agreement. The arbitration should be held at the earliest available date, but may be continued for good cause shown, or upon mutual agreement.
- (e) Upon written request delivered at least fourteen (14) calendar days prior to the date of the hearing, a Party to the proceeding shall provide, no later than seven (7) days prior to the hearing, to the opposing Party the names and addresses of witnesses expected to be called at the hearing. In the absence of good or excusable cause, the arbitrator may exclude the testimony of a witness upon the failure of a party to disclose such a witness. The Parties, in writing, may request discovery from each other concerning the grievance. Should the opposing Party not agree to provide the requested information within seven (7) calendar days of the request, the request shall be deemed denied. The requesting Party may then apply to the arbitrator, who shall order such discovery consistent with, but not bound by, the rules of discovery in Texas civil cases. In considering the application, the arbitrator shall consider the burden and expense of producing the information, the need of the requesting Party, the amount of time available prior to the hearing, and such other matters as he may deem material. In no event shall discovery be requested within thirty-five (35) calendar days prior to the hearing, unless agreed to by the Parties.
- (f) The hearing shall be held in available facilities of the City of Temple and shall be conducted informally, without strict evidentiary or procedural rules. The conduct of the hearing shall be governed by the standard rules of the American Arbitration Association. The arbitrator shall consider and decide only the issue(s) in the dispute statement, or submitted in writing by agreement of the Parties. The hearing shall be concluded as expeditiously as possible and the arbitrator's written decision shall be based on a preponderance of the evidence within thirty (30) days after close of the hearing, or after receipt of post-hearing briefs, if applicable.

Section 4. Decision Final and Binding.

(a) If arbitration is selected, the Parties specifically agree that the arbitrator's authority shall be strictly limited to interpreting and applying the explicit provisions of this Agreement. The arbitrator shall not have authority to modify the Agreement or create additional provisions not included in the Agreement.

- (b) The Parties agree that neither the City nor the Association shall have *ex parte* communications with the arbitrator concerning any matter involved in the dispute submitted to the arbitrator. Each Party shall be responsible for its own expenses in preparing for and representing itself at arbitration, but the fees and expenses of the arbitrator shall be borne equally by the Parties.
- (c) The written decision of the arbitrator shall be final and binding on both Parties and may not be appealed by either Party, except for any decision procured by fraud or collusion, or which exceeds the arbitrator's jurisdiction, or which is based on legal conclusions or interpretations which are clearly contrary to existing law.

Section 5. Mutual Extension. All deadlines within this article may be extended by mutual agreement of the Parties.

Section 6. Grievances of Non-Association Members. Grievances of Non-Association members must follow the same procedure outlined by this article. A Non-Association member is entitled to be represented by counsel at the hearing at his or her own expense. However, should the grievance of a Non-Association member require that Association resources be used, the Non-Association member will be required to pay all expenses incurred while pursuing final disposition of their grievance. These shall include costs for payment of Arbitrator fees, counsel fees, and any other fees directly related to the grievance. All disciplinary appeals shall follow the procedures as outlined in chapter 143 of the Local Government Code, or those procedures set out elsewhere in this Agreement.

Section 7. Association Compliance with Agreement. If the Association fails to comply with and adhere to its respective obligations under this Agreement, the City shall notify, in writing, the Association of the alleged failure. No breach of the Agreement may be found to have occurred if the alleged failure by the Association is remedied within thirty (30) business days of the receipt of such notice. If the Association does not remedy the alleged failure within thirty (30) days of the receipt of such notice, the City may (i) terminate this Agreement by the delivery of written notice to the Association; (ii) enforce specific performance of the Agreement; and/or (iii) pursue any remedies available to it at law or in equity.

ARTICLE 12 SAVINGS CLAUSE

Should any provision of this Agreement be found to be inoperative, void or invalid by a court of competent jurisdiction, all other provisions of this Agreement shall remain in full force and effect for the duration of this Agreement, it being the intention of the Parties that no portion of this Agreement or provision herein shall become inoperative or fail by reason of the invalidity of any other portion or provision.

ARTICLE 13 DURATION OF AGREEMENT

This Agreement shall become effective after ratification by the affected employees pursuant to a vote conducted by the Temple Police Association, and upon approval by the City Council after compliance with any procedural or publication requirements imposed by law. It shall continue in effect until March 31, 2019; provided however, the Agreement may be extended by mutual consent of the Parties.

IN WITNESS WHEREOF, THE PARTIES HAVE CAUSED TO HAVE THIS AGREEMENT TO BE SIGNED BY THEIR DULY AUTHORIZED REPRESENTATIVES ON THIS _____DAY OF _____2018.

THE CITY OF TEMPLE, TEXAS

TEMPLE POLICE ASSOCIATION

Brynn Myers, City Manager

Marlon Reed, Vice President

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary City Attorney's Office

STATE OF TEXAS §

COUNTY OF BELL §

This instrument was acknowledged before me on the ____ day of _____, 2018, by Brynn Myers, Interim City Manager, on behalf of the City of Temple, Texas.

Notary Public, State of Texas

STATE OF TEXAS §

COUNTY OF BELL §

This instrument was acknowledged before me on the ____ day of _____, 2018, by _____, on behalf of **Temple Police Association.**

Notary Public, State of Texas

RESOLUTION NO. 2018-9303-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING A MEET AND CONFER AGREEMENT WITH THE TEMPLE POLICE ASSOCIATION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the "meet & confer" process is governed by Chapter 142 of the Local Government Code - Chapter 142 allows a "police officers association" to file a petition with the City requesting that the City recognize the association as the sole and exclusive bargaining agent for all officers and adopt the meet & confer process;

Whereas, the meet and confer process allows the City to meet & confer with a police officers association over wages, salaries, rates of pay, hours of work, or other terms and conditions of employment and must occur in a meeting open to the public;

Whereas, the City and a police officers association are not required to reach agreement on any particular topic, and an agreement on any issue must be in writing and ratified by the Council and a majority of the police officers;

Whereas, a written meet & confer agreement preempts all contrary state statutes, local ordinances, executive orders, civil service provisions, or rules and allows variation of civil service rules regarding hiring requirements, pay, benefits, promotion standards, and the disciplinary process;

Whereas, in compliance with the terms of the fiscal year 2018 Meet and Confer Agreement, City Administration and Temple Police Association ("TPA") began meeting in June, 2018 to discuss criteria and a schedule for the completion of a pay and compensation study for the City of Temple's civil service positions;

Whereas, historically, the Assistant City Manager position has led the meet and confer negotiations and because the Assistant City Manager position had been vacant, the Parties agreed to extend the fiscal year 2018 meet and confer agreement through March 31, 2019 with an amendment to Article 4, Compensation, to provide more details on the compensation study process;

Whereas, the Parties agreed to meet no later than January 15, 2019, to discuss the progress of the study and begin the process of negotiating a successor agreement;

Whereas, Article 4: Compensation is intended to communicate the City's commitment to maintaining a fair and competitive pay and compensation package, with due regard for fiscal restraints and sustainability;

Whereas, the key provisions of Article 4, are as follows:

• Establishes an agreement that City Administration and TPA will work together to develop criteria for a professionally prepared compensation study;

- The City agrees to prepare and release a request for proposals (RFP) for a civil service compensation study;
- The City agrees to include two representatives from Temple Police Association on the proposal evaluation committee;
- The City will work diligently to award a contract for the compensation study by October 31, 2018. The award of the contract is subject to successful negotiations with a qualified firm and approval by City Council, if required based on contact price;

Whereas, a summary of changes to Article 4: *Compensation* is as follows:

- Establishes an agreement that City Administration and TPA will work together to develop criteria for a professionally prepared compensation study;
- The City agrees to prepare and release a request for proposals (RFP) for a civil service compensation study;
- The City agrees to include two representatives from Temple Police Association on the proposal evaluation committee;
- The City will work diligently to award a contract for the compensation study by October 31, 2018. The award of the contract is subject to successful negotiations with a qualified firm and approval by City Council, if required based on contact price;
- The Parties agree to meet not later than January 15, 2019, to discuss the progress of the study and begin the process of negotiating a successor agreement;
- Pay increases and increases to the educational and language incentive pay approved in the FY 2018 agreement will remain in effect through the term of this agreement;

Whereas, a Meet and Confer Agreement is enforceable and binding if the governing body of the municipality ratifies the agreement by a majority vote and the recognized police officers association ratifies the agreement by conducting a secret ballot election at which the majority of the police officers who would be covered by the agreement favored ratifying the agreement;

Whereas, the Temple Police Association conducted a secret ballot election and during that election, 84 police officers voted "yes" to the ratification of the Meet and Confer Agreement and 14 police officers voted "no";

Whereas, this Meet and Confer agreement will become effective immediately and continue in effect until March 31, 2019;

Whereas, fiscal impact associated with the meet and confer agreement for each of the eleven issue points is outlined in the below table:

Issue	Fiscal Impact	Funded In FY 2019
Article 1: Association Business	Not Applicable	N/A
Article 2: Additional Deputy Chief Position	Base salary plus benefits: \$136,425	Yes
Article 3: Military Leave Time Account	Not Applicable	N/A
Article 4: Compensation	Compensation study funded in FY 2019. Compensation study results would be	Yes
Article 5: Overtime	implemented in FY 2020. 3 rd Party reimbursed overtime and benefits is estimated for FY 19 at \$420,000.	<u>No</u> Yes
Article 6: Higher Classification / Rank Structure	Step up pay: \$9,784.	Yes
Article 7: Educational Incentives for Promotion	Not Applicable	N/A
Article 8: Lateral Entry Program	Not Applicable	N/A
Article 9: Individual Vehicle Assignment Program (IVAP)	The estimated net cost based on officers who are currently employed by the City is \$28,831	Yes
Article 10: Disciplinary Actions & Appeals	Not Applicable	N/A
Article 11: Grievance Procedure	Not Applicable	N/A

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:

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>**Part 2</u>:** The City Council ratifies a meet and confer agreement with the Temple Police Association, as outlined in Exhibit 'A,' attached hereto and incorporated herein for all purposes.</u>

<u>**Part 3:**</u> It is hereby officially found and determined that the meeting at which this Resolution was 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 the 6th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary



09/06/2018 Item #3(O) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Floyd Mitchell, Police Chief

ITEM DESCRIPTION: Consider adopting a resolution ratifying an Interlocal Agreement with the Texas Department of Public Safety ("DPS") for use of the state Multimodal Biometric Identification System ("MBIS") for latent fingerprint or palm print searches.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Pursuant to Chapter 791 of the Government Code, the City has entered into an interlocal agreement with DPS to utilize the state MBIS and/or various Federal databases to search latent fingerprint or palm print images against images stored in the state MBIS system, and or register latent fingerprint, or palm print images to the unsolved latent database in the State MBIS system and/or the FBI AFIT system.

Under this Agreement, the City must provide qualified latent fingerprint examiners to meet its latent print workload throughput rate, agree to follow all policies and procedures established by the DPS and maintain compliance with FBI CJIS Security Policy, and agree to have all operators trained, evaluated, and certified according to DPS certification policies.

FISCAL IMPACT: This agreement is neutral with regard to fiscal impact. No additional personnel, equipment, or funding is required for the agreement.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2018-9304-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING AN INTERLOCAL AGREEMENT WITH THE TEXAS DEPARTMENT OF PUBLIC SAFETY FOR THE USE OF THE STATE MULTIMODAL BIOMETRIC IDENTIFICATION SYSTEM FOR LATENT FINGERPRINT OR PALM PRINT SEARCHES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, pursuant to Chapter 791 of the Government Code, the City has entered into an Interlocal Agreement with the Texas Department of Public Safety ("DPS") to utilize the state Multimodal Biometric Identification System ("MBIS") and/or various Federal databases to search latent fingerprint or palm print images against images stored in the state MBIS system, and/or register latent fingerprint, or palm print images to the unsolved latent database in the State MBIS system and/or the FBI AFIT system;

Whereas, under this Agreement, the City must provide qualified latent fingerprint examiners to meet its latent print workload throughput rate, agree to follow all policies and procedures established by the DPS; maintain compliance with FBI CJIS Security Policy, and agree to have all operators trained, evaluated, and certified according to DPS certification policies;

Whereas, Staff recommends Council ratify an Interlocal Agreement with the Texas Department of Public Safety for the use of the State Multimodal Biometric Identification System for latent fingerprint or palm print searches;

Whereas, no additional personnel, equipment, or funding is required for the agreement; and

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

Now, Therefore, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:

<u>**Part 1</u>: Findings.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.</u>

<u>**Part 2:**</u> The City Council ratifies the execution of an Interlocal Agreement with the Texas Department of Public Safety for the use of the State Multimodal Biometric Identification System for latent fingerprint or palm print searches.

<u>**Part 3:**</u> It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary



09/06/18 Item #3(P) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Mitchell D. Randles, Fire Chief

ITEM DESCRIPTION: Consider adopting a resolution ratifying an Interlocal Agreement with the Temple Independent School District to provide standby medical services at varsity home football games for the 2018 football season.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Pursuant to Chapter 791 of the Texas Government Code, Temple Fire and Rescue (TFR) has entered into an interlocal agreement with Temple Independent School District ("TISD") to provide standby medical services at varsity home football games for the 2018 football season. TFR will provide two personnel, at the minimum level of one paramedic and one EMT, from 7:00 pm through the duration of each home football game. This is estimated at approximately three hours of staff time per TFR personnel assigned, per game. TISD will reimburse the City for each of TFR personnel's overtime as follows:

- For a paramedic assigned to provide standby medical services, at an hourly rate not to exceed \$65;
- For an EMT assigned to provide standby medical services, at an hourly rate not to exceed \$60;
- Charges for employee benefits to be calculated per TFR personnel assigned and added to the base hourly rate.

FISCAL IMPACT: Based on the estimated number of hours worked during each of the seven home games, it is estimated that the City could be reimbursed by TISD approximately \$3,150 for overtime and benefits and approximately \$630 for vehicle costs during FY 2018 and FY 2019

ATTACHMENTS:

Resolution

RESOLUTION NO. 2018-9305-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING AN INTERLOCAL AGREEMENT WITH THE TEMPLE INDEPENDENT SCHOOL DISTRICT TO PROVIDE STANDBY MEDICAL SERVICES AT VARSITY HOME FOOTBALL GAMES FOR THE 2018 FOOTBALL SEASON; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, pursuant to Chapter 791 of the Texas Government Code, Temple Fire and Rescue ("TFR") has entered into an Interlocal Agreement with Temple Independent School District ("TISD") to provide standby medical services at Varsity home football games for the 2018 football season;

Whereas, TFR will provide two personnel, at the minimum level of one paramedic and one EMT, from 7:00 pm through the duration of each home football game which is estimated at approximately three hours of Staff time per TFR personnel assigned, per game;

Whereas, TISD will reimburse the City for each TFR personnel overtime as follows:

- a paramedic assigned to provide standby medical services, at an hourly rate not to exceed \$65;
- an EMT assigned to provide standby medical services, at an hourly rate not to exceed \$60;
- charges for employee benefits to be calculated per TFR personnel assigned and added to the base hourly rate;

Whereas, Staff recommends Council ratify an Interlocal Agreement with TISD to provide standby medical services at Varsity home football games for the 2018 football season;

Whereas, based on the estimated number of hours worked during each of the seven home games, it is estimated that the City could be reimbursed by TISD approximately \$3,150 for overtime and benefits, and approximately \$630 for vehicle costs during fiscal year 2018 and fiscal year 2019; 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:

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>**Part 2:**</u> The City Council ratifies the execution of an Interlocal Agreement with TISD to provide standby medical services at Varsity home football games for the 2018 football season.

Part 3: It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary



09/06/18 Item #3(Q) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Mitch Randles, Fire Chief

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Memorandum of Understanding between the Bell County Public Health District and the City of Temple concerning operation of a closed Point of Dispensing in the event of a potential community health emergency.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This is to establish an agreement with the Bell County Public Health District for the operation of a closed Point of Dispensing (POD) for the City of Temple and selected critical supporting personnel in the event of a potential or actual public health emergency.

In the event of a potential or actual public health emergency, the City of Temple will initiate and support a mass prophylaxis or vaccination, or the distribution of supplies to designated City of Temple employees or critical supporting agencies. The goal of the program is to quickly and efficiently establish a process to distribute medications to City of Temple Personnel, their families and critical supporting personnel so that City of Temple employees are able to continue to provide all critical services that are needed to maintain the safety and quality of life that our Citizens require.

All required medications or other supplies needed for the operation of the POD will be furnished at no cost to the City of Temple by Bell County Public Health District in cooperation with State and Federal agencies.

The agreement will be in full effect until revoked by either party.

FISCAL IMPACT: There is no requirement for the City of Temple to provide any funding for this agreement. Any personnel, equipment, or funding required for this item will be reimbursed by the State of Texas through Bell County Public Health District.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2018-9306-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN THE BELL COUNTY PUBLIC HEALTH DISTRICT AND THE CITY OF TEMPLE FOR OPERATION OF A CLOSED POINT OF DISPENSING IN THE EVENT OF A POTENTIAL COMMUNITY HEALTH EMERGENCY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Staff desires to establish an agreement with the Bell County Public Health District for the operation of a closed Point of Dispensing ("POD") for the City of Temple and select critical supporting personnel in the event of a potential or actual public health emergency;

Whereas, in the event of a potential or actual public health emergency, the City will initiate and support a mass prophylaxis or vaccination, or the distribution of supplies to designated City of Temple employees or critical supporting agencies for disbursement;

Whereas, the goal of this program is to quickly and efficiently establish a process to distribute medications to City of Temple personnel, their families and critical supporting personnel, so that City employees are able to continue to provide all critical services that are needed to maintain the safety and quality of life that our citizens require;

Whereas, all required medications or supplies needed for the operation of the POD will be furnished at no cost to the City by the Bell County Public Health District in cooperation with State and Federal agencies;

Whereas, this Memorandum of Understanding will be in full force and effect until revoked by either party;

Whereas, there is no requirement for the City to provide any funding for this MOU and any personnel, equipment, or funding required for this item will be reimbursed by the State of Texas through the Bell County Public Health District; 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:

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>Part 2</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to enter into a Memorandum of Understanding between the Bell County Public Health District and the City of Temple, for operation of a closed Point of Dispensing in the event of a potential community health emergency.

<u>**Part 3:**</u> It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary



09/06/18 Item #3(R) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Mitch Randles, Fire Chief

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Memorandum of Understanding between Texas A&M Engineering Extension Service, the Sponsoring Agency of Texas Task Force 1(TX-TF1) and the City of Temple regarding the participation of Temple Fire and Rescue personnel on Texas Task Force 1 Urban Search and Rescue Team (USAR).

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This agreement is to facilitate the continued relationship between Texas A&M Engineering Extension Service, the Sponsoring Agency of Texas Task Force 1(TX-TF1) and the City of Temple Fire and Rescue Department. As a participating member of the TX-TF1, Temple Fire and Rescue provides personnel for both training and deployments for natural and other disaster scenes to conduct Urban Search & Rescue activities at the request of the State and the Federal government. Temple Fire and Rescue benefits from having crew members who participate with TX-TF1 by being able to bring back training and techniques learned in response environments and pass those lessons to the remainder of the department. This helps to assure that our crews are highly skilled in multiple areas of response and rescue when the need occurs locally.

During any period in which TX-TF1 is activated by the State, or during any Task Force Sponsored Training or Task Force Sanctioned Training, the City of Temple is reimbursed for the pay which the crew member accrues as well as reimbursement for the cost of necessary shift coverage. Additionally, the Employee is protected by the State of Texas liability and workers compensation coverage.

The agreement will be in full effect until October 31, 2023 if approved.

FISCAL IMPACT: There is no requirement for the City of Temple to provide any funding for this agreement. Any personnel, equipment, or funding required for this item will be reimbursed by the Texas A&M Engineering Extension Services.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2018-9307-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN THE TEXAS A&M ENGINEERING EXTENSION SERVICE, THE SPONSORING AGENCY OF TEXAS TASK FORCE 1, AND THE CITY OF TEMPLE FOR PARTICIPATION OF TEMPLE FIRE AND RESCUE PERSONNEL ON THE TEXAS TASK FORCE 1 URBAN SEARCH AND RESCUE TEAM; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, as a participating member of the Texas Task Force 1 ("TX-TF1"), Temple Fire and Rescue ("TFR") provides personnel for both training and deployments for natural and other disasters to conduct Urban Search & Rescue activities at the request of the State and the Federal government;

Whereas, TFR benefits from having crew members who participate with TX-TF1 by being able to bring back training and techniques learned in response environments and passing those lessons on to the remainder of the department;

Whereas, these lessons learned help ensure that TFR crews are highly skilled in multiple areas of response and rescue should the need occur locally;

Whereas, during any period in which TX TF1 is activated by the State, during any Task Force sponsored training, or Task Force Sanctioned Training, the City of Temple is reimbursed for the pay which the employee accrues as well as reimbursement for the cost of necessary shift coverage;

Whereas, the employee is protected by the State of Texas liability and workers compensation coverage while activated;

Whereas, this Memorandum of Understanding will be in full effect upon approval and until October 31, 2023;

Whereas, there is no requirement for the City to provide any funding for this MOU and any personnel, equipment, or funding required for this item will be reimbursed by the Texas A&M Engineering Extension Service; and

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

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

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>**Part 2</u>:** The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to enter into a Memorandum of Understanding between the Texas A&M Engineering Extension Service, the Sponsoring Agency of Texas Task Force 1, and the City of Temple, regarding the participation of Temple Fire and Rescue personnel on Texas Task Force 1 Urban Search and Rescue Team.</u>

<u>**Part 3:**</u> It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary



09/06/18 Item #3(S) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Chandler, Planning Director Kayla Landeros, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing an agreement with the City of Belton, pursuant to Texas Local Government Code Section 212.007, to delegate plat approval authority to the City of Belton for the Final Plat of Restin' Easy Cox Ranch Subdivision.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

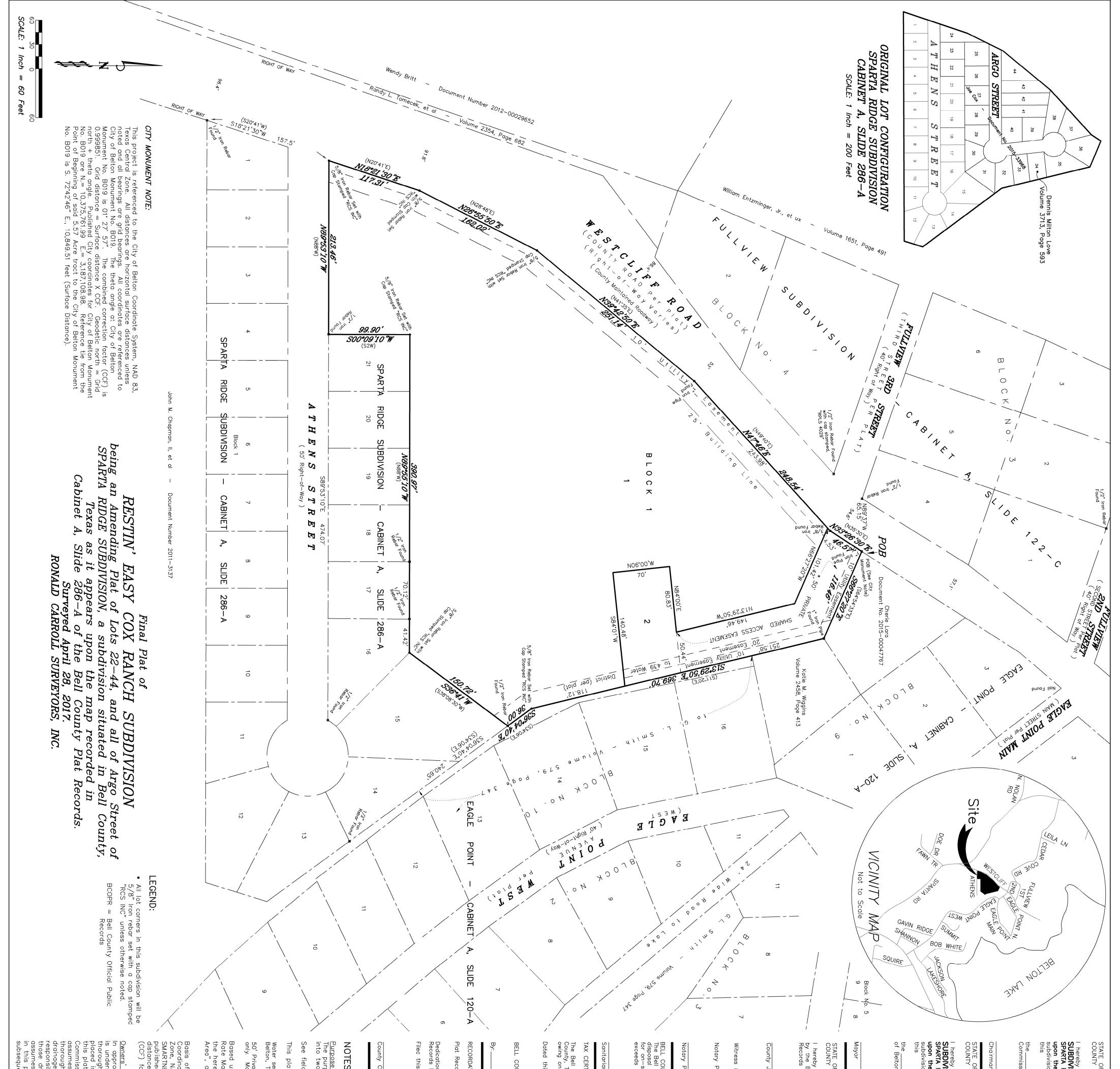
ITEM SUMMARY: The owners of property located along Westcliff Road have submitted to the Cities of Belton and Temple the "Final Plat of Restin' Easy Cox Ranch Subdivision" (the "Plat"). A majority of the property is located in Belton's extraterritorial jurisdiction ("ETJ") and a very small portion of the property is located in Temple's ETJ.

Texas Local Government Code Section 212.007 states that for a tract of land located in the ETJ of more than one municipality, the authority responsible for approving a plat is the authority in the municipality with the largest population. In this case, Temple would be the authority responsible for approving the Restin' Easy Plat. However, Section 212.007 also allows the governing bodies of each municipality to enter into an agreement to delegate plat approval authority. In this case, Temple may delegate its plat approval authority to the City of Belton. The property owners have requested that Temple delegate its authority to Belton for the Restin' Easy Plat.

Staff is supportive of the request and recommends Council authorize an agreement with the City of Belton, pursuant to Texas Local Government Code, Section 212.007, to delegate plat approval authority to the City of Belton for the Final Plat of Restin' Easy Cox Ranch Subdivision.

FISCAL IMPACT: None.

ATTACHMENTS: Plat Resolution



STATE OF TEXAS COUNTY OF BELL hereby certify the above and foregoing plat of RESTIN' EASY COX RANCH SUBDIVISION, being an Amending Plat of Lots 22-44, and all of Argo Street of	STATE OF TEXAS COUNTY OF BELL I, Paula Cox, being the owner of the land shown in this plat, in the W. L. NORVELL SURVEY and beina designated herein as the RESTIN' EASY COX
ed in Cabinet A, Slide 286-A of the Bell County, In raterritorial Jurisdiction of the City of Belton, , 2018, by the Planni ty of Belton, Texas.	KANCH SUBDIVISION, being an Amending Plat of Lots 22–44, and all of Argo Street of SPARTA RIDGE SUBDIVISION, a subdivision situated in Bell County, Texas as it appears upon the map recorded in Cabinet A, Slide 286–A of the Bell County Plat Records, an addition in the Extraterritorial Jurisdiction of the City of Belton, Bell County, Texas and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, watercourses, drains, easements, and public places as shown hereon within the plat boundary of this addition.
Chairman Secretary	Paula Cox, Owner
STATE OF TEXAS COUNTY OF BELL I hereby certify the above and foregoing plat of RESTIN' EASY COX RANCH SUBDIVISION, being an Amending Plat of Lots 22–44, and all of Argo Street of SUBDIVISION, being an Amending Plat of Lots 22–44, and all of Argo Street of SUBDIVISION, a subdivision situated in Bell County, Texas as it appears SPARTA RIDGE SUBDIVISION, a subdivision situated in Bell County, Texas as it appears SPARTA RIDGE SUBDIVISION, a subdivision situated in Bell County, Texas as it appears Subdivision in the Extraterritorial Jurisdiction of the City of Belton, Texas, was approved this	STATE OF TEXAS COUNTY OF BELL Before me, the undersigned authority, on this day personally appeared Paula Cox, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein stated.
theday of, 2018, by the City Council of the City of Belton, Texas.	Given under my hand and seal of office this the day of, 2018. Notary Public, State of Texas
STATE OF TEXAS COUNTY OF BELL I hereby certify this plat was approved this day <u></u> of, <u></u> 2018, by the Bell County Commissioners' Court, and may be filed for record in the Deed Records of Bell County by the County Clerk. County Judge	STATE OF TEXAS COUNTY OF BELL I, Dennis Milton Love, being the owner of the land shown in this plat, in the W. L. NORVELL SURVEY and being designated herein as the RESTIN' EASY COX RANCH SUBDIVISION, being an Amending Plat of Lots 22–44, and all of Argo Street of SPARTA RIDGE SUBDIVISION, a subdivision situated in Bell County, Texas as it appears upon the map recorded in Cabinet A, Slide 286–A of the Bell County Plat Records, a subdivision in the Extraterritorial Jurisdiction of the City of Belton, Bell County, Texas and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, watercourses, drains, easements, and public places as shown hereon within the plat boundary of this addition.
Witness my hand this dayof,2018. Notary Public	Dennis Milton Love, Owner
Notary Public, State of Texas BELL COUNTY PUBLIC HEALTH DISTRICT CERTIFICATE: The Bell County Public Health District, the Licensing Authority for on-site sewage disposal in Bell County Texas hereby certifies that this subdivision has been evaluated for on-site disposal. In its current condition, the proposed subdivision meets or exceeds the minimum standards established by the Bell County Board of Health.	COUNTY OF BELL Before me, the undersigned authority, on this day personally appeared Dennis Milton Love, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein stated. Given under my hand and seal of office this the day of, 2018.
Sanitarian: Date	Notary Public, State of Texas
TAX CERTIFICATE The Bell County Tax appraisal District, the taxing authority for all taxing entities in Bell County, Texas, does hereby certify that there are currently no delinquent taxes due or owing on the property described by this plat. Dated this the day of, 2018 A. D. Dell COUNTY TAX APPRAISAL DISTRICT Bell COUNTY TAX APPRAISAL DISTRICT Bell COUNTY TAX APPRAISAL DISTRICT	STATE OF TEXAS COUNTY OF BELL KNOW ALL MEN BY THESE PRESENTS: THAT I, Ronald Carroll, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon shall be properly placed, under my supervision, in accordance with the City of Belton Subdivision Regulations. IN WITNESS THEREOF, my hand and seal, this day of, 2018.
RECORDATION INFORMATION Plat Recorded in Plat Year 2018, Number, of the Bell County Plat Records. Dedication Recorded in Document Number 2018, of the Official Public Records Bell County. Filed this theday of, 2018.	RONALD CARROLL, RPLS 2025 Vice President
ty Clerk FES: <u>ose of Amending Plat</u> purpose of this replat is to combine 23 lots an- two lots. field notes attached. Field lies within the FTJ of the City of Belton. B	
This plat lies within the ETJ of the City of Belton, Bell County, Texas. Water service to be provided by 439 Water Supply Corporation, 6202 Sparta Road, Belton, Texas 76513. 50' Private Shared Access Easement to be between owners of Lot 1 and Lot 2 only. Maintenance of driveway to be shared at their expense only Based upon what can be scaled from the graphics shown on Federal Insurance Rate Map (FIRM), Community Panel No. 48027C0325E, dated September 26, 2008, the hereon shown property DOES NOT appear within the "Special Flood Hazard Area", and appears to be situated in Zone X (unshaded). Coordinates, based upon the Texas State Plane Coordinate System, Central Zone, NAD83 datum obtained from GPS observations and referenced to the SMARTNET OF NORTH AMERICA, Base Station "TXKL" in Killeen, Texas whose oublished coordinate value: N=10,366,800.433 E=3,229,831.030.~ The distances shown are surface distances.~ The Combined Correction Factor (CCF) for this project is 0.9998694.	Avenue - Document No. Love Road - Volume 3713, 5513 - Volume 3713, bt 1 in Lot 2 <i>Final Plat of</i>
<u>Dwners' Responsibilities</u> n approving this plat by the Commissioners' Court of Bell County, Texas, it s understood that the building of all streets, roads, and other public horoughfares and any bridges or culverts necessary to be constructed or blaced is the responsibility of the owners of the tract of land covered by this plat in accordance with the plans and specifications prescribed by the Commissioners' Court of Bell County, Texas. Said Commissioners' Court assumes no obligation to build any of the streets, roads, or other public thoroughfares shown on this plat or of constructing any of the bridges or frainage improvements in connection therewith. The County will assume no responsibility for drainage ways or easements in the subdivision, other that hose draining or protecting the road system and streets. The County assumes no responsibility for the accuracy of representation by other parties n this plat. Flood plain data, in particular, may change depending on subsequent development.	ng Plat of Lots of SPARTA RIDGI net A, Slide 286- county Plat Reco ARROLL SURV 773-1447 Fax: (2 31st Street – Templa DATE: 5/03/17 DRAWING NAM x36 JOB#: 17035 FIELD BOOK

RESOLUTION NO. 2018-9308-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AGREEMENT WITH THE CITY OF BELTON, TEXAS, PURSUANT TO TEXAS LOCAL GOVERNMENT CODE SECTION 212.007, TO DELEGATE PLAT APPROVAL AUTHORITY TO THE CITY OF BELTON FOR THE FINAL PLAT OF RESTIN' EASY COX RANCH SUBDIVISION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the owners of property located along Westcliff Road have submitted to the Cities of Belton and Temple the "Final Plat of Restin' Easy Cox Ranch Subdivision" (the "Plat");

Whereas, the majority of the property is located in Belton's extraterritorial jurisdiction ("ETJ") and a very small portion of the property is located in Temple's ETJ;

Whereas, Texas Local Government Code Section 212.007 states that for a tract of land located in the ETJ of more than one municipality, the authority responsible for approving a plat is the authority in the municipality with the largest population - in this case, Temple would be the authority responsible for approving the Restin' Easy Plat;

Whereas, however, Section 212.007 also allows the governing bodies of each municipality to enter into an agreement to delegate plat approval authority – Temple may delegate its plat approval authority to the City of Belton;

Whereas, in this case, the property owners have requested that Temple delegate its authority to Belton for the Restin' Easy Plat;

Whereas, Staff is supportive of this request and recommends Council authorize an agreement with the City of Belton, pursuant to Texas Local Government Code, Section 212.007, to delegate plat approval authority to the City of Belton for the Final Plat of Restin' Easy Cox Ranch Subdivision; 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:

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>**Part 2</u>**: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute an agreement with the City of Belton, pursuant to Texas Local Government Code, Section 212.007, to delegate plat approval authority to the City of Belton for the Final Plat of Restin' Easy Cox Ranch Subdivision.</u>

<u>**Part 3:**</u> It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary



09/06/18 Item #3(T) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of a permanent easement and temporary construction easement necessary for the construction of the Bird Creek Interceptor Phase 4 project in an estimated amount of \$16,500.

STAFF RECOMMENDATION: Adopt resolution presented in item description.

ITEM SUMMARY: The City is currently in the design phase for Phase 4 of the proposed Bird Creek Interceptor project. The design requires the acquisition of temporary construction easements and permanent easements for wastewater utilities from fourteen properties. Appraisals have been performed and offers have been made to all property owners. Easements from eleven of the properties have been acquired. Council authorized the use of eminent domain for the remaining two easements at its August 2, and 16, 2018 meetings.

Staff, through Lone Star, has reached an agreement with one property owner for a permanent easement and temporary construction easement. Staff is seeking authorization to purchase the permanent easement and temporary construction easement needed for the construction of Bird Creek Interceptor Phase 4 and authorizing closing costs associated with the purchase in an estimated amount of \$16,500.00

The address of this property is 4012 El Capitan Drive, Temple, Texas; Bell CAD ID 57272.

FISCAL IMPACT: Funding for the purchase of a permanent easement and temporary construction easement necessary for the construction of the Bird Creek Interceptor Phase 4 project in an estimated amount of \$16,500 is available in account 520-5900-535-6110, project 101213.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2018-9309-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A PERMANENT EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT NECESSARY FOR THE CONSTRUCTION OF PHASE 4 OF THE BIRD CREEK INTERCEPTOR PROJECT; AUTHORIZING CLOSING COSTS ASSOCIATED WITH THE PURCHASE IN AN ESTIMATED AMOUNT OF \$16,500; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is currently in the design phase for Phase 4 of the proposed Bird Creek Interceptor project which requires the acquisition of temporary construction easements and permanent easements for wastewater utilities from fourteen properties;

Whereas, appraisals have been performed, offers have been made to all property owners, and easements from eleven of the properties have been acquired;

Whereas, on August 2, 2018 and August 16, 2018, Council authorized the use of eminent domain for the two remaining easements;

Whereas, Staff, through Lone Star Right of Way Services, Inc., has reached an agreement with one property owner located at 4012 El Capitan Drive, Temple, Texas (Bell CAD ID No. 57272;

Whereas, Staff recommends Council authorize the purchase of a permanent easement and a temporary construction easement which is needed for the construction of Phase 4 of the Bird Creek Interceptor, as well as authorize closing costs associated with the purchase in an estimated amount of \$16,500;

Whereas, funding is available for the easements in Account No. 520-5900-535-6110, Project No. 101213; 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:

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>**Part 2**</u>: The City Council authorizes the purchase of a permanent easement and a temporary construction easement which is needed for the construction of Phase 4 of the Bird Creek Interceptor, as well as authorizes closing costs associated with the purchase in an estimated amount of \$16,500.

<u>**Part 3:**</u> The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute any documents that may be necessary for this purchase.

<u>**Part 4:**</u> It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary



09/06/18 Item #3(U) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a settlement agreement, in the amount of \$64,000, to acquire property necessary for the expansion of Prairie View Road and dismiss eminent domain proceedings.

STAFF RECOMMENDATION: Adopt resolution presented in item description.

ITEM SUMMARY: The City is currently in the construction phase for the proposed expansion of Prairie View Road from North Pea Ridge Road to the water tower approximately 0.4 miles west of FM 317, including a realigned intersection at FM 317. The design requires the acquisition of right-of-way from eighteen different property owners. The City has acquired or has possession of seventeen rights of way.

On December 15, 2016, Council authorized eminent domain proceedings for the Newman property. An agreement was reached with the owner. However, the owner was a party in a pending bankruptcy case and was unable to proceed to closing. A motion to approve sale was granted by the Court. The property owner executed a Possession and Use Agreement on April 26, 2017 allowing the City to proceed with construction. However, the lienholder was unwilling to cooperate with the City and after several months of delay, the City decided to proceed with its condemnation suit.

Haley & Olson, PC, the City's outside counsel, filed a Petition in Condemnation on behalf of the City on April 12, 2018. The Court appointed three Special Commissioners on April 17, 2018. The City, through counsel, conducted an updated appraisal on the property in April 2018. A hearing before the Special Commissioners was set for July 9, 2018. However, prior to the hearing, the parties, through their respective attorneys, were able to negotiate a settlement to this lawsuit and have reached an agreement. This agreement will settle all pending claims.

At this time, Staff is asking for authorization to purchase the property and pay closing costs in an estimated amount of \$64,000.

The address and Bell County Appraisal District ID Number of the property is 9244 Prairie View Road, Temple Texas, Bell CAD ID #197189.

FISCAL IMPACT: Funding in the amount of \$64,000 for the proposed settlement agreement and purchase of the property necessary for the expansion of Prairie View Road is available in account 365-3400-531-6862, project 101257.

09/06/18 Item #3(U) Consent Agenda Page 2 of 2

ATTACHMENTS: Resolution

RESOLUTION NO. 2018-9310-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A SETTLEMENT AGREEMENT IN THE AMOUNT OF \$64,000 TO ACQUIRE PROPERTY NECESSARY FOR THE EXPANSION OF PRAIRIE VIEW ROAD; DISMISS EMINENT DOMAIN PROCEEDINGS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is currently in the construction phase for the proposed expansion of Prairie View Road from North Pea Ridge Road to the water tower approximately 0.4 miles west of FM 317, including a realigned intersection at FM 317;

Whereas, the design requires the acquisition of right-of-way from eighteen different property owners to which the City has acquired, or has possession of seventeen of the rights-of-way;

Whereas, on December 15, 2016, Council authorized eminent domain proceedings for one property located at 9244 Prairie View Road, but an agreement was reached with the owner – however, the owner was a party in a pending bankruptcy case and was unable to proceed to closing;

Whereas, a motion to approve this sale was granted by the Court and the property owner executed a Possession and Use Agreement on April 26, 2017 allowing the City to proceed with construction, however, the lienholder was unwilling to cooperate with the City and after several months of delay, the City decided to proceed with its condemnation suit;

Whereas, Haley & Olson, PC, the City's outside counsel, filed a Petition in Condemnation on behalf of the City on April 12, 2018 and the Court appointed three Special Commissioners on April 17, 2018;

Whereas, the City, through counsel, conducted an updated appraisal on the property in April 2018, and a hearing before the Special Commissioners was set for July 9, 2018;

Whereas, prior to the hearing, the parties, through their respective attorneys, were able to negotiate a settlement to this lawsuit and have now reached an agreement settling all pending claims;

Whereas, Staff recommends Council authorize a settlement agreement in the amount of \$64,000 to acquire 9244 Prairie View Road (Bell CAD ID No. 197189);

Whereas, funding is available for the purchase of this property in Account No. 365-3400-531-6862, Project No. 101257; 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:

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>**Part 2:**</u> The City Council authorizes the City Manager, after approval as to form by the City Attorney, to execute a settlement agreement in the amount of \$64,000 to acquire 9244 Prairie View Road (Bell CAD ID No. 197189).

<u>**Part 3**</u>: It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary



09/06/18 Item #3(V) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Damon B. Boniface, Utility Director Colton Migura, Treatment Chief of Operations

ITEM DESCRIPTION: Consider adopting a resolution authorizing an increase in the estimated expense in FY 2018 from \$123,310 to \$171,038 for the purchase of Liquid Chlorine from Brenntag Southwest, Inc of Longview.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On September 7, 2017, council approved an annual contract with Brenntag Southwest, Inc. in the estimated expense of \$123,310 for the purchase of Liquid Chlorine in FY 2018. Liquid Chlorine is required to adequately protect the public health from disease causing organisms when consuming potable water per Texas Commission on Environmental Quality and Environmental Protection Agency. High temperatures and severe drought conditions have increased the volume of source water (Leon River) diverted and treated to meet system demands, requiring additional use of chemicals for the delivery of safe drinking water to the community.

Staff is requesting an increase in the estimated expense of Liquid Chlorine in the amount of \$47,728 to cover expenses for the remainder of fiscal year 2018.

FISCAL IMPACT: Funding in the amount of \$47,728 is available in account 520-5100-535-2118 to support the FY 2018 increased expenditure with Brenntag Southwest, Inc. for Liquid Chlorine.

ATTACHMENTS: Resolution

RESOLUTION NO. 2018-9311-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN INCREASE IN THE ESTIMATED EXPENSE IN FISCAL YEAR 2018 FOR THE PURCHASE OF LIQUID CHLORINE FROM BRENNTAG SOUTHWEST, INC OF LONGVIEW, TEXAS FROM \$123,310 TO \$171,038; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 7, 2017, Council approved an annual contract with Brenntag Southwest, Inc. for the purchase of liquid chlorine in fiscal year 2018 in the estimated amount of \$123,310;

Whereas, liquid chlorine is required to adequately protect the public health from disease causing organisms when consuming potable water per Texas Commission on Environmental Quality and Environmental Protection Agency regulations;

Whereas, high temperatures and severe drought conditions have increased the volume of source water (Leon River) diverted and treated to meet system demands, requiring the additional usage of chemicals for the delivery of safe drinking water to the community;

Whereas, Staff recommends Council authorize an increase in the estimated expense of Liquid Chlorine from \$123,310 to \$171,038 (an increase of \$47,728) to cover expenses for the remainder of fiscal year 2018;

Whereas, funding to support this increase is available in Account No. 520-5100-535-2118; and

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

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

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes an increase in the estimated expense in fiscal year 2018 for the purchase of liquid chlorine from Brenntag Southwest, Inc of Longview, Texas from \$123,310 to \$171,038 (an increase of \$47,428).

<u>**Part 3:**</u> It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson City Secretary



09/06/18 Item #3(W) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing the rejection of the bids received for sodium hypochlorite, hydrochloric acid, and cyanuric acid on August 16, 2018.

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

ITEM SUMMARY: On August 16, 2018, the City received two bids for the purchase of sodium hypochlorite, hydrochloric acid, and cyanuric acid. The sodium hypochlorite is used by the Water Treatment Plant, but more significantly, it is used by the Recreation Department in the treatment of pool and splash pad water. The hydrochloric acid and cyanuric acid are just used by the Recreation Department for the treatment of pool and splash pad water.

The bid was released with the intent of awarding all three chemicals to the lowest responsive bidder for the total price of all three chemicals. Staff believes that a better value can be obtained by splitting the purchase up in three independent purchase awards. Accordingly, Staff is requesting that Council reject the two bids received, which will allow the solicitation of three independent bids.

Per the Local Government Code §252.043(f), the governing body is the designated authority to reject any and all bids.

FISCAL IMPACT: There is no fiscal impact related to this item. Funding for the chemicals is included in the adopted FY2019 Budget for the Water Treatment Plant and the Recreation Department.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2018-9312-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, REJECTING THE BIDS RECEIVED FOR SODIUM HYPOCHLORITE, HYDROCHLORIC ACID, AND CYANURIC ACID ON AUGUST 16, 2018; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on August 16, 2018, the City received two bids for the purchase of sodium hypochlorite, hydrochloric acid, and cyanuric acid;

Whereas, sodium hypochlorite is used by the Water Treatment Plant, but more significantly, it is used by the Recreation Department in the treatment of pool and splash pad water;

Whereas, hydrochloric acid and cyanuric acid are only used by the Recreation Department for the treatment of pool and splash pad water;

Whereas, the bid was released with the intent of awarding all three chemicals to the lowest responsive bidder for the total price of all three chemicals, however, Staff believes that a better value can be obtained by splitting the purchase into three independent purchase awards;

Whereas, Staff recommends Council reject the two bids received for sodium hypochlorite, hydrochloric acid, and cyanuric acid on August 16, 2018, which will allow the solicitation of three independent bids;

Whereas, per the Local Government Code §252.043(f), the governing body is the designated authority to reject any and all bids;

Whereas, there is no fiscal impact related to this item - funding for these chemicals is included in the adopted fiscal year 2019 budget for the Water Treatment Plant and the Recreation 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:

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>**Part 2:**</u> The City Council rejects bids received for sodium hypochlorite, hydrochloric acid, and cyanuric acid on August 16, 2018.

<u>**Part 3:**</u> It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary



09/06/18 Item #3(X) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing the rejection of the bids received for oil and lubricants on August 23, 2018.

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

ITEM SUMMARY: On August 23, 2018, the City received six bids for the purchase of oil and lubricants for the Fleet Services Department. Upon receipt of the bids, it was identified that there were some technical specification issues with certain items on the bid. Accordingly, Staff is requesting that Council reject all bids received for oil and lubricants on August 23, 2018, which will allow Staff to resolicit bids with revised specifications.

Per the Local Government Code §252.043(f), the governing body is the designated authority to reject any and all bids.

FISCAL IMPACT: There is no fiscal impact related to this item. Purchases of oil and lubricants are purchased into a Fleet Services inventory account and charged out to the various department accounts upon use by Fleet Services.

ATTACHMENTS:

Resolution

RESOLUTION NO. <u>2018-9313-R</u>

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, REJECTING ALL BIDS RECEIVED FOR OIL LUBRICANTS ON AUGUST 23, 2018; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on August 23, 2018, the City received six bids for the purchase of oil and lubricants for the Fleet Services Department;

Whereas, upon receipt of the bids, Staff identified that there were some technical specification issues with certain items on the bid;

Whereas, therefore Staff recommends Council reject all bids received for oil and lubricants on August 23, 2018, which will allow Staff to resolicit bids with revised specifications;

Whereas, per the Local Government Code §252.043(f), the governing body is the designated authority to reject any and all bids;

Whereas, there is no fiscal impact related to this item – the purchase of oil and lubricants are purchased into a Fleet Services inventory account and charged out to various departments upon use; 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:

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council rejects all bids received for oil and lubricants on August 23, 2018.

<u>**Part 3:**</u> It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson City Secretary



09/06/18 Item #3(Y) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, P.E., Public Works Director Damon Boniface, Utility Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing payment of an annual invoice from Brazos River Authority in the amount of \$54,188.18 for operation and maintenance costs associated with the City's portion of raw water storage in Lake Belton.

STAFF RECOMMENDATION: Adopt resolution as discussed in item description.

ITEM SUMMARY: Pursuant to the Water Storage Contract between the Brazos River Authority ("BRA") and the City, dated July 16, 1962, the City is responsible for 22.013% of the BRA's operation and maintenance costs associated with Lake Belton and Belton Dam. Staff is seeking authorization to make this payment to BRA.

FISCAL IMPACT: Funding in the amount of \$54,188.18 is appropriated in the FY 2018 Operating Budget, account 520-5100-535-2651.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2018-9314-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING PAYMENT OF AN ANNUAL INVOICE IN THE AMOUNT OF \$54,188.18, FROM BRAZOS RIVER AUTHORITY FOR OPERATION AND MAINTENANCE COSTS ASSOCIATED WITH THE CITY'S PORTION OF RAW WATER STORAGE IN LAKE BELTON; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, pursuant to the Water Storage Contract between the Brazos River Authority and the City of Temple dated July 16, 1962, the City of Temple is responsible for 22.013% of the Brazos River Authority's operation and maintenance costs associated with Lake Belton and the Belton Dam;

Whereas, Staff recommends Council authorize payment of the annual invoice from Brazos River Authority in the amount of \$54,188.18;

Whereas, funding for this annual invoice is available in Account No. 520-5100-535-2651; 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:

<u>**Part 1: Findings.**</u> All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes payment of the annual invoice in the amount of \$54,188.18, from Brazos River authority for operation and maintenance costs associated with the City's portion of raw water storage in Lake Belton.

Part 3: It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson City Secretary



09/06/18 Item #3(Z) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, P.E., Public Works Director Damon Boniface, Utility Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing payment of an annual invoice from Brazos River Authority in the amount of \$191,250 to secure the availability of 2,500 acre-feet of water per year to the City for FY 2019.

STAFF RECOMMENDATION: Adopt resolution as discussed in item description.

ITEM SUMMARY: Pursuant to the System Water Availability Agreement between the Brazos River Authority ("BRA") and the City, dated October 1, 2008, the City is allocated 2,500 acre-feet of water per year. This water is then treated at the City's treatment plant and pumped throughout the City. Staff is seeking authorization to make this payment to BRA.

FISCAL IMPACT: Funding in the amount of \$191,250 is appropriated in the FY 2019 Operating Budget, account 520-5100-535-2651.

ATTACHMENTS: Resolution

RESOLUTION NO. 2018-9315-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING PAYMENT OF AN ANNUAL INVOICE FROM BRAZOS RIVER AUTHORITY IN THE AMOUNT OF \$191,250, TO SECURE THE AVAILABILITY OF 2,500 ACRE-FEET OF WATER PER YEAR TO THE CITY OF TEMPLE FOR FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, pursuant to the System Water Availability Agreement between the Brazos River Authority and the City of Temple dated October 1, 2008, the City is allocated 2,500 acre-feet of water per year;

Whereas, this water is then treated at the City's water treatment plant and pumped throughout the City;

Whereas, Staff recommends Council authorize payment of the annual invoice from the Brazos River Authority in the amount of \$191,250, which covers the availability of 2,500 acre-feet of water to the City of Temple for fiscal year 2019;

Whereas, funding for this annual invoice is appropriated in the fiscal year 2019 budget, Account No. 520-5100-535-2651; 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:

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>Part 2</u>: The City Council authorizes payment of the annual invoice from Brazos River Authority in the amount of \$191,250, to secure the availability of 2,500 acre-feet of water to the City of Temple for fiscal year 2019.

<u>**Part 3:**</u> It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

ATTEST:

Kayla Landeros City Attorney

Lacy Borgeson City Secretary



09/06/18 Item #3(AA) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution approving a negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division regarding the Company's 2018 Rate Review Mechanism Filings.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Temple, along with 171 other Mid-Texas cities served by Atmos Energy Corporation, Mid-Tex Division ("Atmos Mid-Tex" or "Company"), is a member of the Atmos Cities Steering Committee ("ACSC"). In 2007, ACSC and Atmos Mid-Tex settled a rate application filed by the Company pursuant to Section 104.301 of the Texas Utilities Code for an interim rate adjustment commonly referred to as a GRIP filing (arising out of the Gas Reliability Infrastructure Program legislation). That settlement created a substitute rate review process, referred to as Rate Review Mechanism ("RRM"), as a substitute for future filings under the GRIP statute.

Since 2007, there have been several modifications to the original RRM Tariff. The most recent iteration of the RRM Tariff was reflected in an ordinance adopted by ACSC members earlier this year. On or about April 1, 2018, the Company filed a rate request pursuant to the RRM Tariff adopted by ACSC members. The Company claimed that its cost-of-service in a test year ending December 31, 2017, entitled it to additional system-wide revenues of \$42.0 million. Application of the standards set forth in ACSC's RRM Tariff required Atmos to reduce its request to \$27.4 million. After review of the consultants' report, the Company offered to settle for a system-wide increase of \$25.9 million. Following further negotiations, ACSC's Executive Committee agreed to recommend a system-wide rate increase to \$24.9 million. That increase when allocated to ACSC members results in an increase of \$17.8 million. The Effective Date for new rates is October 1, 2018.

Atmos Mid-Tex generated proof that the rate tariffs attached to this Memorandum will generate \$24.9 million in additional revenues on a system-wide basis. ACSC consultants have agreed that Atmos' Proof of Revenues is accurate.

Given the fact that ACSC demanded that Atmos reflect reduced federal income taxes in its cost-ofservice, as reflected in the RRM tariff adopted earlier this year, Atmos reduced its rates in March. The rate increase associated with the proposed Resolution is largely offset by the lowered federal income tax rates, such that out-of-pocket expense to consumers should be roughly the same under new rates as what was experienced by consumers last winter. A bill impact comparison is attached to this Memorandum as Attachment 2. The monthly residential customer charge will be \$18.85. The consumption charge will be \$0.14846 per CCF. The monthly bill impact for the typical residential customer consuming 45.0 CCF will be an increase of \$1.06, or about 1.94%. The typical commercial customer will see an increase of \$3.20, or 1.21%, based on a consumption of 346.5 CCF.

FISCAL IMPACT: The City spent \$75,248.21 for gas utilities in FY 2017. The budget for gas utilities for FY 2018 is \$103,125 and for FY 2019 is \$99,925. It is estimated that the rate increase impact to the City will be approximately 1.21% of the total amount spent for gas utilities.

ATTACHMENTS:

Attachment 1 – Proposed Tariff Structure Attachment 2 – Bill Impact Comparison Resolution Attachment 1

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Line No.	(a)	(q)	(c) (c)	(d) (e)	(J)	(6)	(h)	(i)	()		(K)
1 Propo 2 Propo 3	Proposed Change In Rates: Proposed Change In Rates without Revenue Related Taxes:	\$ ated Taxes: \$	24,900,000 23,357,466	Schedule A Ln 1 divided by Ti	Schedule A Ln 1 divided by Tax factor on WP_F-5.1	-5.1					
4v 0		Revenue Requirements	Allocations								
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17								Proposed Change In	Proposed		
	Customer Charges	Current	Prospective	Revenues	Customer Charges	arges	Proposed Change	Revenues	Rates	Propose	Proposed Revenues
19 20 Resid	Residential Base Charge	\$ 18.35 \$	0.50	\$ 9,103,979	Residential Base Charge	ase Charge	\$ 0.50	\$ 9,156,798	\$ 18.85	ŵ	345,211,285
	Residential Consumption Charge	\$ 0.13734 \$	0.01118	9,103,979	Residential Co	Residential Consumption Charge	0.0	9,051,844	\$ 0.14846 \$ 43.50		120,848,626
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	I&T Consumption Charge Tier 2 MMBTU	\$ 0.2322 \$	0.0102	118,338	1&T Consump	RT Consumption Charge Tier 2 MMBTU	\$ 0.0103 \$ 0.0027	118,980 46.631	\$ 0.2425 \$ 0.0520		1,102,180
2/ 18/ C	I&I Consumption Charge Her 3 MMBTU			\$ 23.357.466	Total			\$ 23,358,519		s	594,158,976

WP_J-5 Page 2 of 7

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	October 1, 2018 PROPOSED CHANGE	\$ 18.85 6.68 6.68 12.84 12.84 13.78 3.44 \$ 52.15 3.44 \$ \$ 55.59 \$ 1.94% PROPOSED CHANGE	\$ 43.50 31.76 98.88 76.60 \$ 250.74 16.56 \$ 3.20 \$ 1.21%
AVERAGE BILL COMPARISON - BASE RATES TEST YEAR ENDING DECEMBER 31, 2017	CURRENT F X \$ 0.13734 \$ 18.35 F X \$ 0.13734 = 6.18 F X \$ 0.28533 = 12.84 F X \$ 0.30630 = 13.78 51.15 X 0.06604 = 3.38	EF X \$ 0.14846 = EF X \$ 0.28533 = EF X \$ 0.30630 = 52.15 X 0.06604 = E7 X \$ 0.08746 = 30.31 E7 X \$ 0.28533 = 98.88	7.74 X 0.06604 = <u>\$ 2</u> 7.74 X 0.06604 = <u>\$ 2</u> X \$ 0.09165 = <u>\$ 2</u> X \$ 0.28533 = X \$ 0.22105 = 1 0.74 X 0.06604 =
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Attachment 2

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ATMOS ENERGY CORP., MID-TEX DIVISION AVERAGE BILL COMPARISON - BASE RATES

CHANGE	\$ 82.93 1.61% CHANGE	\$ 82.93
PROPOSED	\$ 784.00 496.80 583.58 1,141.41 1,906.68 \$ 4,912.47 324.42 \$ 5,236.89 PROPOSED	\$ 784.00 496.80 583.58 - 1,906.68 \$ 3,771.06 \$ 3,771.06 \$ 249.04 \$ 4,020.10
CURRENT \$ 752.00 = 475.80 = 558.79 = 1,141.41 = 1,906.68 \$ 4,834.68 319.28 \$ 5,153.96 \$ 5,153.96	<pre> CURRENT CURRENT CURRENT</pre>	
X \$ 0.3172 X \$ 0.2322 X \$ 0.0498 X \$ 0.4881 X \$ 0.4881 X 0.06604	X \$ 0.3312 X \$ 0.2425 X \$ 0.0520 X \$ 0.0520 X \$ 0.4881 X 0.06604 X \$ 0.3172 X \$ 0.3172 X \$ 0.04881 X \$ 0.0498 X \$ 0.0498 X \$ 0.04981 X 0.06604	X \$ 0.3312 X \$ 0.2425 X \$ 0.0520 X \$ 0.4881 X 0.06604
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1,500 2,407 0 3,907 3,907	1,500 2,407 3,907 3,907 2,407 3,907 3,907	1,500 2,407 0 3,907
Rate I @ 3907 MMBTU Customer charge Consumption charge Consumption charge Consumption charge Rider GCR Part A Rider GCR Part B Subtotal Rider FF & Rider TAX Total	Customer charge Consumption charge Consumption charge Consumption charge Rider GCR Part A Rider GCR Part B Subtotal Rider FF & Rider TAX Total Customer charge Consumption charge Rider FF & Rider TAX Total	Customer charge Consumption charge Consumption charge Consumption charge Rider GCR Part B Subtotal Rider FF & Rider TAX Total
36 37 37 37 37 37 37 37 37 37 37 37 37 37	$\begin{array}{c} 4 & 4 \\ 4 & 5 \\ 6 & 5 \\$	67 69 69 71 72 72 73

Attachment 2

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2018 RATE REVIEW MECHANISM FILINGS; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHED EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN ATTACHED EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC'S LEGAL COUNCIL.

Whereas, the City of Temple, Texas ("City") is a gas utility customer of Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "Company"), and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex;

Whereas, the City is a member of the Atmos Cities Steering Committee ("ACSC"), a coalition of similarly-situated cities served by Atmos Mid-Tex ("ACSC Cities") that have joined together to facilitate the review of, and response to, natural gas issues affecting rates charged in the Atmos Mid-Tex service area;

Whereas, ACSC and the Company worked collaboratively to develop a new Rate Review Mechanism ("RRM") tariff that allows for an expedited rate review process by ACSC Cities as a substitute to the Gas Reliability Infrastructure Program ("GRIP") process instituted by the Legislature, and that will establish rates for the ACSC Cities based on the system-wide cost of serving the Atmos Mid-Tex Division;

Whereas, the RRM tariff was adopted by the City in a rate ordinance earlier this year;

Whereas, on or about April 1, 2018, Atmos Mid-Tex filed its 2018 RRM rate request with ACSC Cities based on a test year ending December 31, 2017;

Whereas, ACSC coordinated its review of the Atmos Mid-Tex 2018 RRM filing through its Executive Committee, assisted by ACSC's attorneys and consultants, to resolve issues identified in the Company's RRM filing;

Whereas, the Executive Committee, as well as ACSC's counsel and consultants, recommend that ACSC Cities approve an increase in base rates for Atmos Mid-Tex of \$24.9 million on a system-wide basis (\$17.8 million of which is applicable to ACSC members);

Whereas, the attached tariffs (Exhibit A) implementing new rates are consistent with the recommendation of the ACSC Executive Committee, are agreed to by the Company, and are just, reasonable, and in the public interest;

Whereas, the Exhibit A rate tariffs incorporate the federal income tax rates that became effective January 1, 2018;

Whereas, the settlement agreement sets a new benchmark for pensions and retiree medical benefits (Exhibit B);

Whereas, the settlement agreement establishes an amortization schedule for regulatory liability (Exhibit C);

Whereas, the City spent \$75,248.21 for gas utilities in fiscal year 2017 – the budget for gas utilities for fiscal year 2018 is \$103,125 and for fiscal year 2019 is \$99,925;

Whereas, it is estimated that the rate increase impact to the City will be approximately 1.21% of the total amount spent for gas utilities; and

Whereas, the RRM Tariff contemplates reimbursement of ACSC's reasonable expenses associated with RRM applications.

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

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>Part 2</u>: The findings set forth in this Resolution are hereby in all things approved.

<u>Part 3</u>: The City Council finds that the settled amount of an increase in revenues of \$24.9 million on a system-wide basis represents a comprehensive settlement of gas utility rate issues affecting the rates, operations, and services offered by Atmos Mid-Tex within the municipal limits arising from Atmos Mid-Tex's 2018 RRM filing, is in the public interest, and is consistent with the City's authority under Section 103.001 of the Texas Utilities Code.

<u>**Part 4:</u>** The existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable. The new tariffs attached hereto and incorporated herein as Exhibit A, are just and reasonable, and are designed to allow Atmos Mid-Tex to recover annually an additional \$24.9 million in revenue on a system-wide basis over the amount allowed under currently approved rates. Such tariffs are hereby adopted.</u>

<u>**Part 5:**</u> The ratemaking treatment for pensions and retiree medical benefits in Atmos Mid-Tex's next RRM filing shall be as set forth on Exhibit B, attached hereto and incorporated herein. **<u>Part 6</u>**: Amortization of regulatory liability shall be consistent with the schedule found in attached Exhibit C attached hereto and incorporated herein.

Part 7: Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC in processing the Company's 2018 RRM filing.

<u>Part 8</u>: To the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Resolution, it is hereby repealed.

<u>**Part 9**</u>: The meeting at which this Resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

<u>Part 10</u>: If any one or more sections or clauses of this Resolution is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution, and the remaining provisions of the Resolution shall be interpreted as if the offending section or clause never existed.

<u>**Part 11**</u>: Consistent with the City Ordinance that established the RRM process, this Resolution shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after October 1, 2018.

Part 12: A copy of this Resolution shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs Mid-Tex Division, Atmos Energy Corporation, 5420 LJB Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

PASSED AND APPROVED this the 6th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary



09/06/17 Item #3(BB) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Consider adopting a resolution authorizing the cancellation of the January 3, 2019 City Council meeting.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The first regular City Council Meeting for 2019 is scheduled for January 3, 2019. Due to this being during the holidays, Staff recommends cancelling this meeting. If approved, the first City Council meeting for 2019 will be held on January 17, 2019.

FISCAL IMPACT: N/A

ATTACHMENTS:

Resolution

RESOLUTION NO. 2018-9317-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, CANCELING THE JANUARY 3, 2019 CITY COUNCIL MEETING; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the first regular City Council meeting for 2019 is scheduled for January 3, 2019 and due to the holidays, Staff recommends canceling this meeting;

Whereas, the second regular City Council meeting scheduled for January 17, 2019, will be held as scheduled; 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:

<u>**Part 1**</u>: **Findings.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council approves canceling the January 3, 2019 City Council meeting – the second regular City Council meeting scheduled for January 17, 2019 will be held as scheduled.

<u>**Part 3**</u>: It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

ATTEST:

Kayla Landeros City Attorney

Lacy Borgeson City Secretary



09/06/18 Item #3(CC) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Stacey Hawkins, Interim Director of Human Resources

ITEM DESCRIPTION: Consider adopting a resolution funding the rates for medical and prescription insurance for employees and pre-65 retirees, as well as Dental, Basic Life Insurance, Accidental Death & Dismemberment and Long Term Disability Insurance.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: At their meeting on July 19, 2018, the Trustees of the City of Temple Employee Benefits Trust agreed to authorize a contract with Scott & White Health Plan for medical and prescription insurance, which includes Conexis services for COBRA administration through FY 18-19.

The Trustees also agreed to renew the contract with MetLife for employee and retiree Dental Insurance through FY 19, and to renew the contract with MetLife for Life Insurance, Accidental Death & Dismemberment and Long Term Disability Insurance.

The City must now, with the adoption of the budget, fund the cost of these benefits, awarded in addition to allowing for the biweekly transfer of contributions made by the City and by employee/retirees to the trust.

FISCAL IMPACT: Funding for the rates as adopted in the FY 2019 budget is shown in the table below.

FY 19 Budget Amount	Insurance Type
Employees:	
\$ 4,855,629	Medical/Prescription
70,611	Dental
56,587	Basic Life
11,946	AD&D
104,783	Long Term Disability
Retirees:	
\$ 166,018	Medical/Prescription - Retirees < age 65
3,821	Dental - Retirees < age 65
\$ 5,269,395	TOTAL

ATTACHMENTS: Resolution

RESOLUTION NO. 2018-9318-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE FUNDING OF RATES FOR MEDICAL AND PRESCRIPTION INSURANCE FOR EMPLOYEES AND PRE-65 RETIREES, AS WELL AS DENTAL, BASIC LIFE INSURANCE, ACCIDENTAL DEATH AND DISMEMBERMENT, AND LONG TERM DISABILITY INSURANCE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, at their July 19, 2018 meeting, the Trustees of the City of Temple Employee Benefits Trust agreed to renew the contract with Scott and White Health Plan for medical and prescription insurance, which includes Conexis services for COBRA administration through fiscal year 2019;

Whereas, the Trustees also agreed to renew the contract with MetLife for employee and retiree Dental Insurance through fiscal year 2019, and to renew the contract with MetLife for Life Insurance, Accidental Death and Dismemberment, and Long Term Disability Insurance;

Whereas, with the adoption of the fiscal year 2019 budget, Staff recommends Council fund the cost of these benefits awarded, in addition to allowing for the biweekly transfer of contributions made by the City and by employees/retirees to the trust;

Whereas, funding rates are as follows:

\$4,844,629 for Medical/Prescription Insurance for employees;

- \$ 70,611 for Dental Insurance for employees;
- \$ 56,587 for Basic Life Insurance for employees;
- \$ 11,946 for Accidental Death & Dismemberment Insurance for employees;
- \$ 104,783 for Long Term Disability Insurance for employees;
- \$ 166,018 for Medical/Prescription Insurance for retirees < age 65;
- 3,812 for Dental Insurance for retirees < age 65; and
- \$5,269,395

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:

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>**Part 2:**</u> The City Council approves funding the rates for medical and prescription insurance for employees and pre-65 retirees, as well as Dental, Basic Life Insurance, Accidental Death & Dismemberment, and Long Term Disability Insurance for fiscal year 2019 as follows:

\$4,844,629 for Medical/Prescription Insurance for employees;

- \$ 70,611 for Dental Insurance for employees;
- \$ 56,587 for Basic Life Insurance for employees;
- \$ 11,946 for Accidental Death & Dismemberment Insurance for employees;
- \$ 104,783 for Long Term Disability Insurance for employees;
- \$ 166,018 for Medical/Prescription Insurance for retirees < age 65;
- $\underline{\$}$ 3,812 for Dental Insurance for retirees < age 65; and

\$5,269,395

<u>**Part 3:**</u> It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary



09/06/18 Item #3(DD) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing budget amendments for fiscal year 2017-2018.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to recommend various budget amendments, based on the adopted FY 2017-2018 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

FISCAL IMPACT: The total amount of budget amendments is \$49,672.

ATTACHMENTS: Budget Amendments Resolution

		CITY OF TEMPLE BUDGET AMENDMENTS FOR FY 2018 BUDGET				
		September 6, 2018				
ACCOUNT #	PROJECT #	DESCRIPTION		APPROP Debit	RIAI	Credit
110-1300-515-2623		Contracted Services / Other Contract Services	\$	3,710		
110-0000-461-0424		Sale of Fixed Assets / Sale of Assets			\$	3,710
292-2900-534-2623		Contracted Services / Other Contract Services	\$	356		
292-0000-461-0424		Sale of Fixed Assets / Sale of Assets			\$	356
		To appropriate revenue and expenditure related to online auction sales of assets.				
110-2230-522-2123		Supplies / Medical Supplies	\$	1,982		
110-0000-442-0931		County Fire Protection / County Fire Service	Ψ	1,002	\$	1,982
		To appropriate revenue and expenditure related to mutual aid given for EMS/Fire incidents within Bell County.				
110-2031-521-2516		Other Services / Judgments & Damages - Patrol	\$	5,374		
110-2031-521-2516		Other Services / Judgments & Damages - Patrol	э \$	2,958		
110-0000-461-0554		Insurance Claims / Insurance Claims	Ψ	2,300	\$	8,332
		To appropriate insurance proceeds received from TML for damages to asset # 14050 that occurred on 07/11/18, as well as damages to asset # 13501 that occurred on 07/28/18.				- ,
260-0000-461-0841		Other / Donations/Gifts	\$	8,716		
260-0000-431-0261		State Grants / State Grants	\$	18,646		
260-3400-531-6315	101440	Capital Buildings & Grounds / Sidewalk/Curb/Gutter - N. 31st Street			\$	27,362
		To unappropriate funding remaining related to the N. 31st Street sidewalk project. Project was completed in FY 2017. The remaining funds were not used to complete the project.				
110-2032-521-6229	101960	Capital Equipment / OCU State Seized Expenditure	\$	7,930		
110-0000-313-0330		Reserved for Drug Enforcement / Reserve for Seized Funds			\$	7,930
		To appropriate state seized funds for the purchase of a speed alert monitor through RU2 Systems.				
		To appropriate state seized funds for the purchase of a speed alert monitor through RU2 Systems. TOTAL AMENDMENTS	\$	49,672		49,672
			\$	49,672		49,672
		TOTAL AMENDMENTS	\$	49,672		49,672
		TOTAL AMENDMENTS GENERAL FUND	\$	49,672	\$	49,672
		TOTAL AMENDMENTS GENERAL FUND Beginning Contingency Balance	\$	49,672	\$	49,672
		TOTAL AMENDMENTS GENERAL FUND Beginning Contingency Balance Added to Contingency Sweep Account	\$	49,672	\$	49,672
		TOTAL AMENDMENTS GENERAL FUND Beginning Contingency Balance Added to Contingency Sweep Account Carry forward from Prior Year	\$	49,672	\$	49,672
		TOTAL AMENDMENTS GENERAL FUND Beginning Contingency Balance Added to Contingency Sweep Account Carry forward from Prior Year Taken From Contingency Net Balance of Contingency Account	\$	49,672	\$ \$ \$	
		TOTAL AMENDMENTS 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	\$	49,672	\$ \$	· · · · · · · · · · · · · · · · · · ·
		TOTAL AMENDMENTS 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 Added to Contingency Judgments & Damages from Council Contingency	\$	49,672	\$ \$ \$	25,182
		TOTAL AMENDMENTS 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	\$	49,672	\$ \$ \$	25,182
		TOTAL AMENDMENTS 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 Added to Contingency Judgments & Damages from Council Contingency Added to Contingency Judgments & Damages from Council Contingency Taken From Judgments & Damages Net Balance of Judgments & Damages	\$	49,672	\$ \$ \$ \$ \$	25,182 (25,000 182
		TOTAL AMENDMENTS 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 Added to Contingency Judgments & Damages from Council Contingency Taken From Judgments & Damages Net Balance of Judgments & Damages Net Balance of Judgments & Damages Contingency Beginning Compensation Contingency	\$	49,672	\$ \$ \$ \$	25,182 (25,000 182
		TOTAL AMENDMENTS 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 Added to Contingency Judgments & Damages from Council Contingency Taken From Judgments & Damages Net Balance of Judgments & Damages Station Contingency Added to Compensation Contingency Added to Compensation Contingency	\$	49,672	\$ \$ \$ \$ \$	25,182 (25,000 182 343,000
		TOTAL AMENDMENTS 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 Added to Contingency Judgments & Damages from Council Contingency Taken From Judgments & Damages Net Balance of Judgments & Damages Net Balance of Judgments & Damages Contingency Beginning Compensation Contingency	\$	49,672	\$ \$ \$ \$ \$	25,182 (25,000 182 343,000
		TOTAL AMENDMENTS 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 Added to Contingency Judgments & Damages from Council Contingency Taken From Judgments & Damages Net Balance of Judgments & Damages Net Balance of Judgments & Damages Contingency Account Beginning Compensation Contingency Added to Compensation Contingency Added to Compensation Contingency Taken From Compensation Contingency	\$	49,672	\$ \$ \$ \$ \$ \$	25,182 (25,000 182 343,000 (343,000
		TOTAL AMENDMENTS 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 Added to Contingency Judgments & Damages from Council Contingency Taken From Judgments & Damages Net Balance of Judgments & Damages Contingency Account Beginning Compensation Contingency Added to Compensation Contingency Net Balance of Compensation Contingency	\$	49,672	\$ \$ \$ \$ \$ \$	25,182 (25,000 182 343,000 (343,000
		TOTAL AMENDMENTS 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 Added to Contingency Judgments & Damages from Council Contingency Taken From Judgments & Damages Net Balance of Judgments & Damages Contingency Account Beginning Compensation Contingency Added to Compensation Contingency Net Balance of Compensation Contingency	\$	49,672	\$ \$ \$ \$ \$ \$	25,182 (25,000 182 343,000 (343,000
		TOTAL AMENDMENTS 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 Added to Contingency Judgments & Damages from Council Contingency Taken From Judgments & Damages Net Balance of Judgments & Damages Contingency Account Beginning Compensation Contingency Added to Compensation Contingency Added to Compensation Contingency Added to Compensation Contingency Net Balance of Compensation Contingency Account Met Balance Of Compensation Contingency Account	\$	49,672	\$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$	25,182 (25,000 182 343,000 (343,000
		TOTAL AMENDMENTS 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 Added to Contingency Judgments & Damages from Council Contingency Taken From Judgments & Damages Net Balance of Judgments & Damages Contingency Account Beginning Compensation Contingency Added to Compensation Contingency Added to Compensation Contingency Added to Compensation Contingency Added to Compensation Contingency Net Balance of Compensation Contingency Net Balance of Compensation Contingency Net Balance Council Contingency Net Balance Budget Sweep Contingency	\$	49,672	\$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$	49,672

CITY OF TEMPLE BUDGET AMENDMENTS FOR FY 2018 BUDGET September 6, 2018

ACCOUNT # PROJECT # DESCRIPTION DEMIX Creater WATER & WASTEWATER FUND Certeit WATER & WASTEWATER FUND Certeit Added to Contingency Balance Added to Contingency Weep Account Taken From Contingency Net Balance of Contingency Account Beginning Compensation Contingency Taken From Contingency Net Balance Water & Wastewater Fund Contingency Taken From Contingency Net Balance Water & Wastewater Fund Contingency Subscription Carry forward furm Prof Year Taken From Compensation Contingency Net Balance d'Contingency Account Carry forward furm Prof Year Taken From Compensation Contingency Net Balance d'Contingency Account Subscription Net Balance Hotel/Motel Tax Fund Contingency Net Balance d'Contingency Account Subscription Net Balance d'Contingency Account Subscription Net Balance d'Contingency Account Subscription Net Balance Hotel/Motel Tax Fund Contingency Added to Compensation C			September 0, 2010		
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Beginning Contingency Balance \$			Net Balance Water & Wastewater Fund Contingency	\$	52,916
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Added to Compensation Contingency Taken From Compensation Contingency Net Balance of Compensation Contingency Account Net Balance Drainage Fund Contingency FEDERAL/STATE GRANT FUND Beginning Contingency Balance Carry forward from Prior Year Added to Contingency Sweep Account Taken From Contingency (37,343)					
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Added to Contingency Sweep Account 6,926 Taken From Contingency (37,343)			Beginning Contingency Balance	\$	-
Added to Contingency Sweep Account 6,926 Taken From Contingency (37,343)			Carry forward from Prior Year		39,299
Taken From Contingency (37,343)			•		
Net Balance Federal/State Grant Fund Contingency \$ 8,882					
			Net Balance Federal/State Grant Fund Contingency	\$	8,882

RESOLUTION NO. 2018-9319-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2017-2018 CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on the 25th day of August, 2017, the City Council approved a budget for the 2017-2018 fiscal year; and

Whereas, the City Council deems it in the public interest to make certain amendments to the 2017-2018 City Budget.

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

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>**Part 2:**</u> The City Council approves amending the 2017-2018 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.

<u>**Part 3**</u>: It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson City Secretary



09/06/18 Item #4 Regular Agenda Page 1 of 4

DEPT. / DIVISION SUBMISSION & REVIEW:

Lynn Barrett, Assistant Planning Director

ITEM DESCRIPTION: SECOND & FINAL READING – FY-18-9-ZC: Consider adopting an ordinance authorizing a rezoning of 2.562 +/- acres from Agricultural zoning district to Planned Development Neighborhood Services zoning district, a non-residential subdivision, a part of the Maximo Moreno Survey, Abstract #14, being out of a part of Lot 8, Block 3, Ridgewood Estates Addition, Bell County, for a proposed retail development, addressed as 7254 South Hartrick Bluff Road.

<u>STAFF RECOMMENDATION</u>: Based on the following, staff recommends approval for a rezoning from the current AG zoning district to Planned Development—Neighborhood Service (PD-NS) zoning district for the following reasons:

- 1. The request is in compliance with UDC Section 3.4.5A-J Planned Development Criteria;
- 2. The request is compatible with the 1969 subdivision plat for Ridgewood Estates which showed the tract as being set aside as "Commercial";
- 3. The request is consistent with Future Land Use Map designation of Suburban Commercial;
- 4. Public facilities are present or nearby to serve the property; and
- 5. The request, conditioned as a Planned Development would help ensure compatibility with surrounding uses and the anticipated and potential growth of the FM 93 corridor.

As a Planned Development with Neighborhood Service base zoning, (PD-NS), staff recommends the following conditions:

PD Conditions:

- 1. Submittal for future consideration and approval of a Development/ Site Plan by the Planning & Zoning Commission and City Council prior to development;
- 2. A 15-foot perimeter buffer and screening strip consisting of a combination of existing trees, solid fencing ranging between 6-8-foot high and new plantings along the adjacent residential property reviewed at the time of public Development/ Site Plan review;
- 3. Maximum building height of single story;
- 4. Neighborhood services uses allowed by right; drive-thru lanes allowed on strip center endcaps only with complete future site plan elevations to be approved by P&Z and City Council; and
- 5. Lighting shall be shielded using full-cutoff fixtures to prevent light trespass to neighboring properties.

PLANNING & ZONING COMMISSION RECOMMENDATION: At their July 16, 2018 meeting, the Planning & Zoning Commission voted 7 to 0 to recommend approval of the rezoning to PD NS with future development/site plan to come prior to development per staff's recommendation.

ITEM SUMMARY: The applicant, Scott Motsinger on behalf of 3040 Ventures, is proposing to rezone the subject tract to allow for future retail or office development. He has agreed to additional screening, landscaping and architectural standards in exchange for the possibility of drive-thru lanes on the strip center end caps. Site plan review by the Planning and Zoning Commission and also approval by City Council would be required prior to development of the property. The tract is also required to be platted prior to development. On the Ridgewood Estates subdivision plat (1969), the property, noted as Tract A, was set aside for Commercial uses.

A supermajority requirement for City Council approval has been triggered by the percentage of responses returned in disagreement (owners representing 21.6% of property within the 200-foot noticing boundary).

Planned Development

UDC Section 3.4.1 defines a PD as: "A flexible overlay zoning district designed to respond to unique development proposals, special design considerations and land use transitions by allowing evaluation of land use relationships to surrounding areas through development plan approval."

Per UDC Section, 3.4.3.A, a PD is subject to review and approval by City Council and requires a binding site plan. In this case, the proposal would include a future site plan review and amendment prior to development of the property.

SURROUNDING PROPERTIES AND USES: The following table provides the direction from the property, Future Land Use Plan (FLUP) designation, existing zoning and current land uses:

Direction	FLUP	Zoning	Current Land Use
Subject Property	Suburban Commercial	AG	Vacant
North	Suburban Residential	SF-1	Residential Subdivision
South	Suburban Commercial	AG/ETJ	Residential
East	Suburban Commercial	AG	Vacant
West	Suburban Residential	SF-1	Residential Subdivision

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

Future Land Use Map (CP Map 3.1)

In the FLUM, the subject property is designated as Suburban Commercial. The proposal is in compliance with the FLUM as NS zoning is compatible with the Suburban Commercial designation.

Thoroughfare and Trails Plan (CP Map 5.2)

The subject property takes access along one side from W FM 93, which is designated as a Major Arterial in the Thoroughfare Plan, and along Hartrick Bluff Road, which is designated as a Collector. No trails are shown in the vicinity of this property.

Availability of Public Facilities (CP Goal 4.1)

Water is available to service the subject property; sewer would be required to be extended.

Document	Policy, Goal, Objective or Map	Compliant?		
СР	Map 3.1 - Future Land Use and Character (FLUP)	Yes		
СР	Map 5.2 - Thoroughfare Plan	Yes		
СР	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Partial (future sewer extension required)		
STP	Temple Trails Master Plan Map and Sidewalks Ordinance	Yes		
CP = Comprehensive Plan STP = Sidewalk and Trails Plan				

This proposed development is in Academy Independent School District.

DEVELOPMENT REGULATIONS: The attached table compares the current Agricultural development standards with the proposed Neighborhood Service district standards. According to UDC requirements, platting of the property would be required prior to development.

DEVELOPMENT REVIEW COMMITTEE: As required by UDC Section 3.4.2 B, the Development/Site Plan for the proposed PD was reviewed by the Development Review Committee (DRC) on July 2nd and 5th, 2018.

PUBLIC NOTICE: Seventeen notices were mailed to property owners within the 200 feet buffer area of the subject property. The notices included information on the public hearing as required by State Law and City Ordinance. As of noon on Monday, August 6^h, 2018, 6 notices were received in disagreement; totaling 21.61%, and 0 notices in agreement received, with 0 notices returned undeliverable.

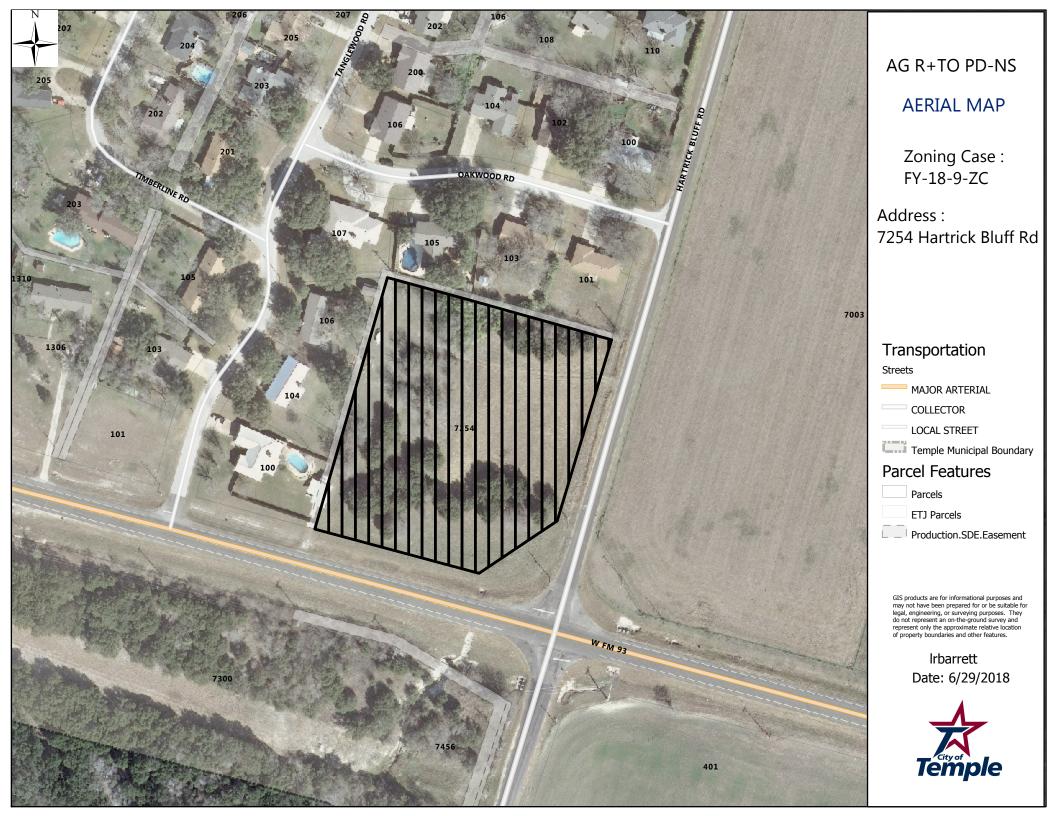
The newspaper printed notice of the public hearing on July 5, 2018 in accordance with state law and local ordinance.

09/06/18 Item #4 Regular Agenda Page 4 of 4

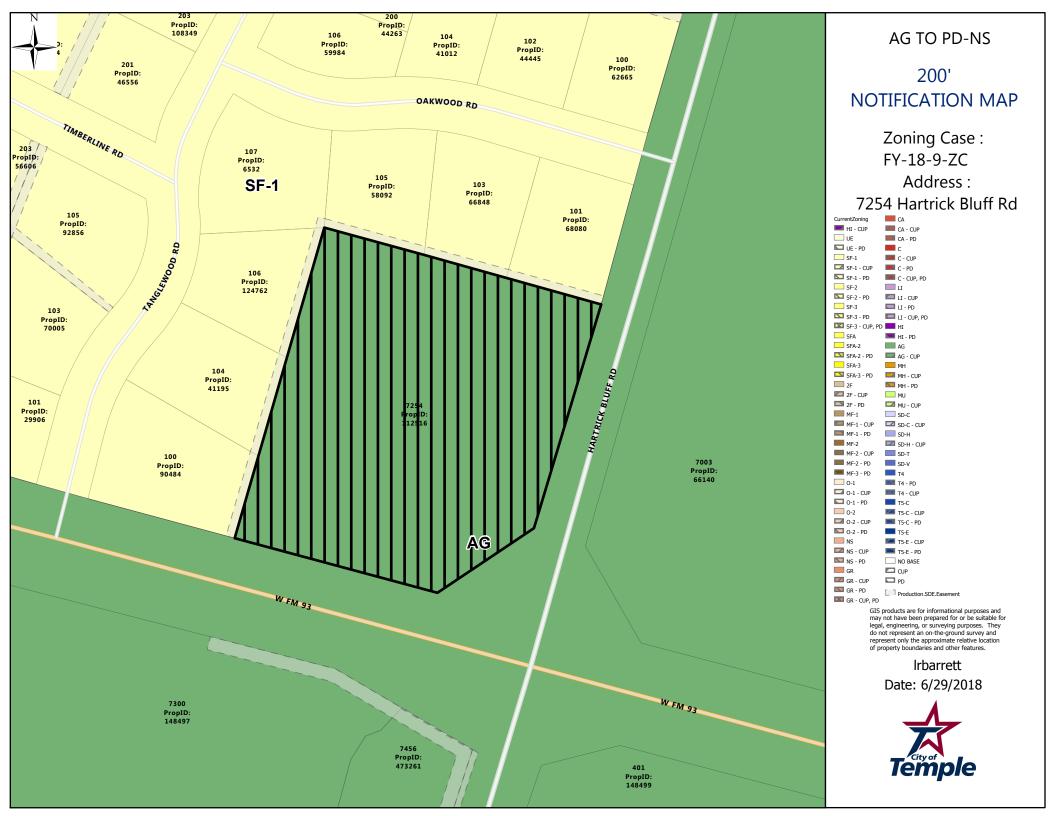
FISCAL IMPACT: Not Applicable

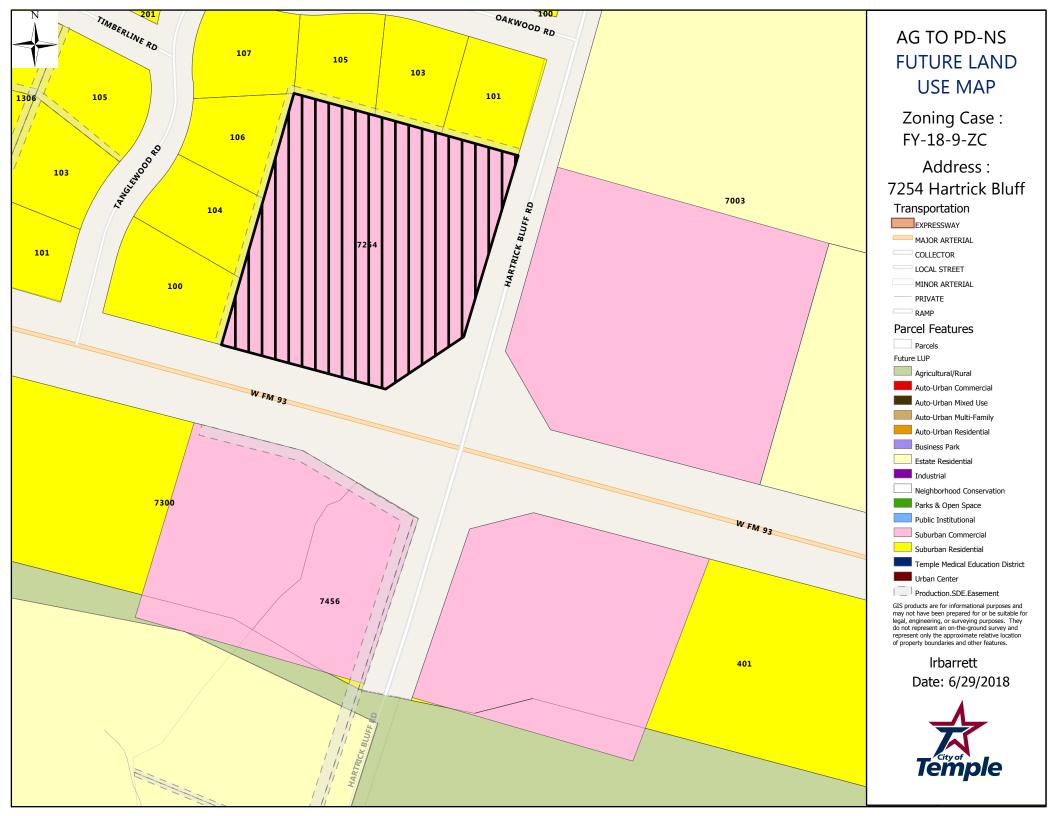
ATTACHMENTS:

Location and Other Maps Ridgewood Estates plat Site Photos Tables Returned Property Notices Excerpt from P & Z Ordinance

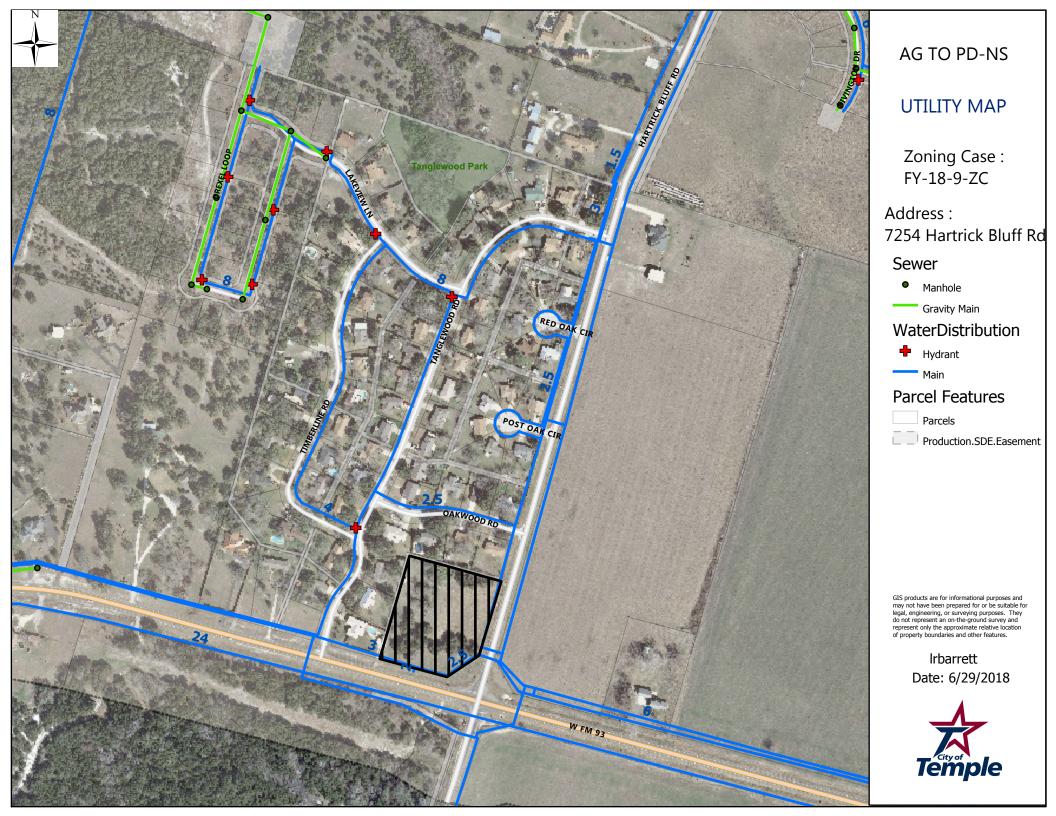


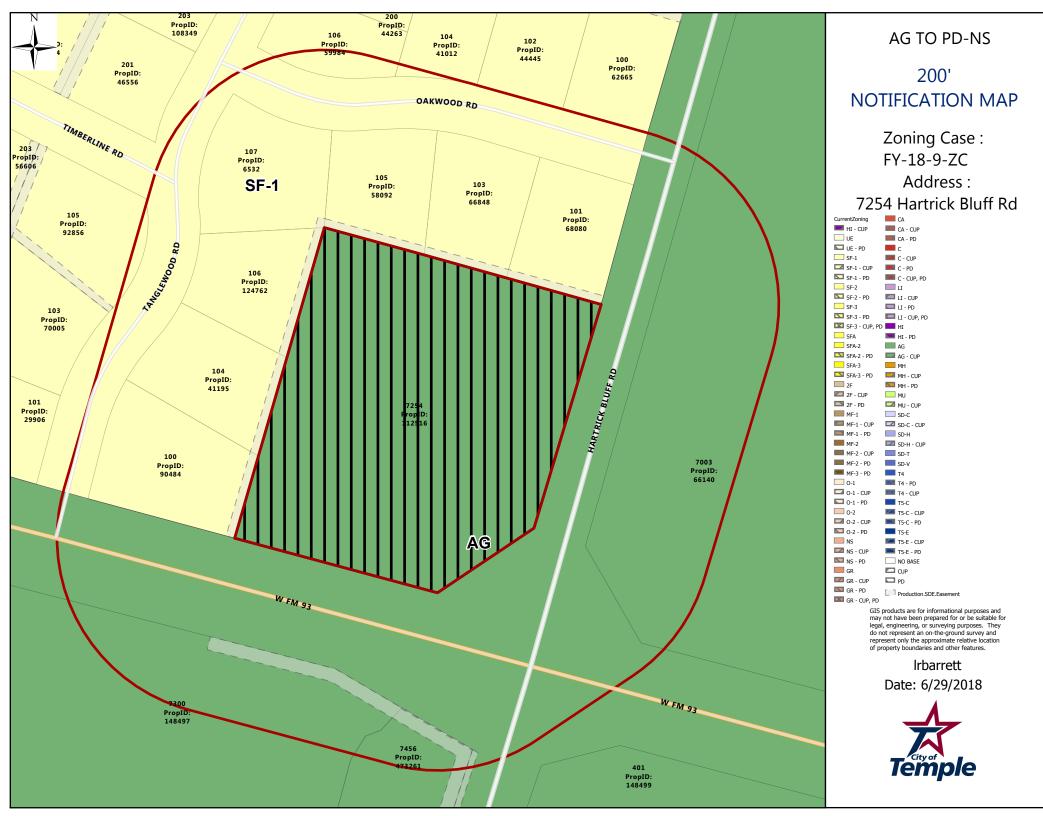
















SITE AND AREA PHOTOS

Site



East Across Hartrick Bluff



View South Across Intersection with 93



East along FM 93



West along FM 93





Across Hartrick Bluff



Site

Adjacent Residential



Ridgewood Estates



Development Standards

	<u>Current (AG)</u> <u>Residential</u>	<u>Proposed</u> (PD-NS) Non-Res
Minimum Lot Size	1 Acre	N/A
Minimum Lot Width	100 Feet	N/A
Minimum Lot Depth	150 Feet	N/A
Front Setback	50 Feet	15 Feet
Side Setback	15 Feet	10 Feet
Side Setback (corner)	15 Feet	10 Feet
Rear Setback	10 Feet	✤ 10 Feet
Max Building Height	3 Stories	2 Stories

10' rear setback (Non-residential use abuts a residential zoning district or use)- UDC Section 4.4.4.F3

General provisions for buffering and screening for non-residential uses adjacent to residential uses are found in UDC Section 7.7, highlighted provisions include:

* landscaping or solid fencing from 6 to 8 feet in height (UDC Section 7.7.4),

*

NOTE: A 15-FOOT PERIMETER LANDSCAPE STRIP IS PROPOSED

AND A ONE STORY MAXIMUM HEIGHT IS PROPOSED

Permitted & Conditional Uses Table Comparison between AG & NS

Use Type	Agricultural (AG)	Neighborhood Service (NS)		
Agricultural Uses	Farm, Ranch or Orchard	Same as AG		
Single Family Residence (Detached & Attached)Residential UsesIndustrialized Housing Family / Group Home (CUP)		Single Family Detached & Attached Only Industrialized Housing Townhouse Family /Group Home (CUP)		
Retail & Service Uses	None	Most Retail & Service Uses Beer & Wine Sales, off-premise consumption (CUP)		
Commercial Uses	None	None		
Office Uses	None	Office Uses		
Industrial Uses Concrete Batching Plat (CUP)		Same as AG Laboratory, medical, dental, scientific or research (CUP)		
Recreational Uses	Park or Playground	Same as AG		
Educational & Institutional Uses	Cemetery (CUP) Place of Worship Social Svc. Shelter (CUP) Halfway House (CUP)	Same as AG		
Vehicle Service Uses	None	Fuel Sales (CUP)		
Restaurant Uses	None	Restaurant - No Drive-In		
Overnight Accommodations	RV Park (CUP)	None		



68080 PRINZ, HARRIET 101 OAKWOOD ST TEMPLE, TX 76502

JUL 1 1 2018

Zoning Application Number: FY-18-9-ZCNNING & DEVELOPMENT Case Manager: Lynn Barrett

Location: 7254 South Hartrick Bluff Road, Temple, Texas

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 <u>possible</u> rezoning of the property described on the attached notice, and provide any additional comments you may have.

l () agree	disagree with this request
F APPOSE the REZONIN	a FY-18-9-ZC of the brea, Z
believe it will cause a	Karge traffic problem which would stight of a Red light. This arould create
an expense for the city.	
At times now	Harriet Prinz
Signature	Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, <u>lrbarrett@templetx.gov</u> or mail or hand-deliver this comment form to the address below, no later than **July 16, 2018**.

City of Temple Planning Department 2 North Main Street, Suite 102 Temple, Texas 76501

Number of Notices Mailed: 17

Date Mailed: July 3, 2018

<u>OPTIONAL</u>: Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.



62665 LANGE, GARY LEE 100 OAKWOOD ST TEMPLE, TX 76502-3537

Zoning Application Number: FY-18-9-ZC Case Manager: Lynn Barrett

Location: 7254 South Hartrick Bluff Road, Temple, Texas

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 <u>possible</u> rezoning of the property described on the attached notice, and provide any additional comments you may have.

	I () agree	(¾) disagree with this request
ŀ	Comments: It would be better if we	knew what was planned.
	we do not need another Con	wence toze as there is one
2		on is getting wroze and 49873. a
	Consulty they anthe some people	Func backled on beverly ingeried.
	Lary Jang	(JARY LOANGE
	Signature /	Print Name

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Number of Notices Mailed: 17

Date Mailed: July 3, 2018

<u>OPTIONAL</u>: Please feel free to email questions or **Comments pirect/** to the Case Manager or call us at 254.298.5668.

JUL 1 6 2018

CITY OF TEMPLE PLANNING & DEVELOPMENT



90484 JONES, ALBERT L ETUX SUSAN 100 TANGLEWOOD RD TEMPLE, TX 76502

Zoning Application Number: FY-18-9-ZC Case Manager: Lynn Barrett

Location: 7254 South Hartrick Bluff Road, Temple, Texas

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 <u>possible</u> rezoning of the property described on the attached notice, and provide any additional comments you may have.

I ()agree	X disagree with this request
Comments:	
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TILD 12 17 NOUSING HA	EA AND NO PLACE FOR RETAIL. WE DO PEOPLE IN OUR NEIGHBOR NOTAL AND IN OUR
	CALLER CRATCONIC ALCONTING AND
THAFFIC UNTIL IT IS I	MADED. THUS IS A BAD IDEA
Susan Jones	SUSAN JONES
Signature	Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, lrbarrett@templetx.gov or mail or hand-deliver this comment form to the address below, no later than July 16, 2018.

City of Temple Planning Department 2 North Main Street, Suite 102 Temple, Texas 76501

Number of Notices Mailed: 17

Date Mailed: July 3, 2018

OPTIONAL: Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.

Temple	RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE
58092 KASA, VINCENT LOUI 105 OAKWOOD ST TEMPLE, TX 76502-35	OFTEMP PERMIT
Zoning Application Nu	umber: FY-18-9-ZC Case Manager: Lynn Barrett
Location: 7254 South H	artrick Bluff Road, Temple, Texas
own property within 20 this form to indicate wh	is the area shown in hatched marking on the attached map. Because you) feet of the requested change, your opinions are welcomed. Please use ether you are in favor of the <u>possible</u> rezoning of the property described on d provide any additional comments you may have.
l ()agro	ee (v) disagree with this request
	this property to stay residential. Put a rk or something there. Commercial will cause unwanted
Vend L. K.c. Signature	Vincent Louis Kasa Print Name
If you would like to sub	mit a response, please email a scanned version of this completed form to

the Case Manager referenced above, <u>Irbarrett@templetx.gov</u> or mail or hand-deliver this comment form to the address below, no later than **July 16, 2018**.

City of Temple Planning Department 2 North Main Street, Suite 102 Temple, Texas 76501

Number of Notices Mailed: 17

Date Mailed: July 3, 2018

OPTIONAL: Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.

	RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE
	124762 WALLACE, KIRK W ETUX JUDY F 106 TANGLEWOOD RD TEMPLE, TX 76502-3535 RECEIVED JUL U S 2018 CITY OF TEMPLE PLANNING & DEVELOPMENT
	Zoning Application Number: FY-18-9-ZC Case Manager: Lynn Barrett Location: 7254 South Hartrick Bluff Road, Temple, Texas
	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 <u>possible</u> rezoning of the property described on the attached notice, and provide any additional comments you may have.
	I () agree disagree with this request
14	Comments: Not gware of what will be Built, or how it will affect our standaid of living. Resident in home for last 34 years. We hadd Uchurch services on our home often a small moup, it was the land" to be made into a small park for development when these homes were built. Before the ary annexed usi fin M Wallow Kirk W WALLACE Signature Print Name resident Tomple, & yaw. If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, Irbarrett@templetx.gov or mail or hand-deliver this comment

form to the address below, no later than July 16, 2018.

City of Temple Planning Department 2 North Main Street, Suite 102 Temple, Texas 76501

Number of Notices Mailed: 17

Date Mailed: July 3, 2018

<u>OPTIONAL</u>: Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.



6532 BARTEK, BERNARD L ETUX GENEVIEVE E 107 OAKWOOD ST TEMPLE, TX 76502-3536

JUL 1 1 2018

ATY OF TEMPLE

PLANNING & DEVELOPMENT

RECEIVED

Zoning Application Number: FY-18-9-ZC

Case Manager: Lynn Barrett

Location: 7254 South Hartrick Bluff Road, Temple, Texas

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.

| () agree

 $(\sqrt{})$ disagree with this request

Comments:

Sign⁄ature

nevieve Bartek

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, Irbarrett@templetx.gov or mail or hand-deliver this comment form to the address below, no later than July 16, 2018.

> **City of Temple Planning Department** 2 North Main Street, Suite 102 Temple, Texas 76501

Number of Notices Mailed: 17

Date Mailed: July 3, 2018

OPTIONAL: Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.

EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

MONDAY, JULY 16, 2018

ACTION ITEMS

Item 2: <u>FY-18-9-ZC</u> – Hold a public hearing to discuss and recommend action on a rezoning of 2.562 +/- acres from Agricultural (AG) zoning district to Planned Development Neighborhood Services (PD-NS) zoning district a non-residential subdivision, a part of the Maximo Moreno Survey, Abstract #14, being out of a part of Lot 8, Block 3, Ridgewood Estates Addition, Bell County, for a proposed retail development, addressed as 7253 South Hartrick Bluff Road.

Ms. Lynn Barrett, Assistant Director of Planning, stated this item is a PD-NS request with a forthcoming site development. This item is scheduled to go forward to City Council for first reading on August 16, 2018 and second reading on September 6, 2018.

Aerial map shown. Property is located on the northwest corner of Hartrick Bluff Road and FM 93.

Applicant proposes either offices or a retail strip center on the property. The applicant will bring back the site plan showing additional landscaping to buffer and screen the adjacent residences, higher architectural requirements prior to development; and is requesting the option for possible future drive-through lanes on endcaps of a strip center.

Aerial map and plat shown. The 1969 plat indicates that parcel was originally set aside for Commercial (C) zoning.

Site and area photos shown.

Zoning map shown with current zoning of AG.

The Future Land Use and Character Map designates the subject property as Suburban-Commercial with surrounding areas of Suburban-Commercial and Suburban-Residential. The request is in compliance.

Utility map shown.

Water is available to serve the property. Sewer is located nearby and will require an extension.

Thoroughfare Plan and Trails map show the subject property is at the intersection of a Collector (Hartrick Bluff Road) and an Arterial (FM 93).

The Unified Development Code (UDC), Section 3.4 Planned Development defines a PD as:

"A flexible overlay zoning district designed to respond to unique development proposals, special design considerations and land use transitions by allowing evaluation of land use relationships to surrounding areas through development plan approval."

Per UDC, Section 3.4.3 and 3.4.4, a Planned Development requires approval of a Development/Site plan that is binding.

The PD Conditions included for the property include:

- 1. Submittal for future consideration and approval of a Development/Site Plan by the Planning & Zoning Commission and City Council prior to development;
- A 15-foot perimeter buffer and screening strip consisting of a combination of existing trees, solid fencing ranging between six- to eight-foot high and new plantings along the adjacent residential property reviewed at the time of public Development/Site Plan review;
- 3. Maximum building height of single story;
- Neighborhood services uses allowed by right; drive-through lanes allowed on strip center endcaps only with complete future site plan elevations to be approved by P&Z and City Council; and
- 5. Lighting shall be shielded using full-cutoff fixtures to prevent light trespass to neighboring properties.

Seventeen notices were mailed in accordance with all state and local regulations with zero responses returned in agreement and six responses returned in disagreement.

A super majority (4/5^{ths}) vote requirement at City Council is triggered when opposition from notification area is greater than 20%. The total opposition received for this case is 21.61 percent.

Staff recommends approval of the rezoning request to PD-NS, including the previously mentioned conditions, and with a Site Development Plan to follow prior to development

Mr. Scott Motsinger, 506 Northcliffe Drive, Temple, Texas, explained the buffering stating the buffer usually starts at the property line which is where the fence is (six- to eight-foot), and then trees would be integrated between the fence and the subject development. There would be some distance between the building and the back property line.

Mr. Motsinger's client is purchasing the property for future investment and wants to have the capability of doing some form of neighborhood center with a mixture of office and retail services. The endcaps could be something similar to Shipley's donuts (similar to West Adams' businesses).

Mr. Motsinger clarified the neighbors would see a fence, then trees, a fire lane, maybe parking, and then a building leaving a fairly large gap between the residences and the businesses. The site is two and a half acres.

Chair Fettig opened the public hearing.

Mr. Bruce McAtee, 103 Tanglewood, Temple, Texas, stated his concerns were related to noise, lighting and the effects at night, and increased traffic/accidents on FM 93.

Mr. Abelardo Lopez, Jr., 104 Tanglewood, Temple, Texas, stated he disagrees with the request and does not want to see the area change. Mr. Lopez had concerns about the trees and fence line on/near his property.

Mr. Motsinger explained if there were trees between the fence line and 15-foot area, those trees would be left alone; if there are no trees, some would probably be planted for integration. The fencing may end up being improved or even replaced by the developer any place between the residences and the development.

There being no further speakers, the public hearing was closed.

Commissioner Crisp made a motion to approve Item 2, **FY-18-9-ZC**, per staff recommendation, and Vice-Chair Langley made a second.

Motion passed: (7:0)

Commissioners Armstrong and Marshall absent

ORDINANCE NO. <u>2018-4928</u> (FY-18-9-ZC)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING OF APPROXIMATELY 2.562 ACRES FROM AGRICULTURAL ZONING DISTRICT TO PLANNED DEVELOPMENT NEIGHBORHOOD SERVICES ZONING DISTRICT, A NON-RESIDENTIAL SUBDIVISION, PART OF THE MAXIMO MORENO SURVEY, ABSTRACT NO. 14, BEING A PART OF LOT 6, BLOCK 3, RIDGEWOOD ESTATES ADDITION, BELL COUNTY, FOR A PROPOSED RETAIL DEVELOPMENT ADDRESSED AS 7254 SOUTH HARTRICK BLUFF ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, Scott Motsinger, on behalf of 3040 Ventures, requests the rezoning of 2.562 acres, from Agricultural zoning district to Planned Development Neighborhood Service zoning district;

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, recommends approval of the rezoning from Agricultural zoning district to Planned Development Neighborhood Services zoning district, of approximately 2.562 acres, located in the Maximo Moreno Survey, Abstract No. 14, being out of a part of lot 6, block 3, Ridgewood Estates Addition, Bell County, and addressed as 7254 South Hartrick Bluff Road, Temple, Texas, with the following conditions:

- 1. Submittal for future consideration and approval of a Development/Site Plan by the Planning & Zoning Commission and City Council prior to development;
- 2. A 15-foot perimeter buffer and screening strip consisting of a combination of existing trees, solid fencing between 6-8 foot high, and new plantings along the adjacent residential property reviewed at the time of public Development/Site Plan review;
- 3. Maximum building height of single story;
- 4. Neighborhood services uses allowed by right; drive-thru lanes allowed on strip center endcaps only with complete future site plan elevations to be approved by the Planning & Zoning Commission and Council;
- 5. Lighting shall be shielded using full-cutoff fixtures to prevent light trespass to neighboring properties; and

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

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

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

<u>Part 2</u>: The City Council approves a rezoning of approximately 2.562 acres from Agricultural zoning district to Planned Development Neighborhood Services zoning district, a non-residential subdivision, part of the Maximo Moreno Survey, Abstract No. 14, being a part of lot 6, block 3, Ridgewood Estates Addition, Bell County, for a proposed retail development addressed as

7254 South Hartrick Bluff Road, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes and subject to the following conditions.

- 1. Submittal for future consideration and approval of a Development/Site Plan by the Planning & Zoning Commission and City Council prior to development;
- 2. A 15-foot perimeter buffer and screening strip consisting of a combination of existing trees, solid fencing ranging between 6-8-foot high, and new plantings along the adjacent residential property reviewed at the time of public Development/Site Plan review;
- 3. Maximum building height of single story;
- 4. Neighborhood services uses allowed by right; drive-thru lanes allowed on strip center endcaps only with complete future site plan elevations to be approved by the Planning & Zoning Commission and City Council; and
- 5. Lighting shall be shielded using full-cutoff fixtures to prevent light trespass to neighboring properties.

<u>Part 3</u>: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.

<u>Part 4</u>: 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.

<u>**Part 5**</u>: 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.

<u>**Part 6**</u>: It is hereby officially found and determined that the meeting at which this Ordinance was 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 **16th** day of **August**, 2018.

PASSED AND APPROVED on Second Reading on the 6th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

Christina Demirs Deputy City Attorney

ATTEST:

Lacy Borgeson City Secretary



CITY COUNCIL ITEM MEMORANDUM

09/06/18 Item #5 Regular Agenda Page 1 of 3

DEPT. / DIVISION SUBMISSION & REVIEW:

Lynn Barrett, Assistant Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING -- FY-18-10-ZC: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning district to Single Family Two on 169.72+/- acres, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, addressed as 914 North Pea Ridge Road.

<u>STAFF RECOMMENDATION</u>: Staff recommends approval for a rezoning from AG to SF-2 district for the following reasons:

- 1. The proposed SF-2 zoning is compatible with surrounding zoning, existing and anticipated uses as well as future growth trends in the area and is an extension of the existing Lake Pointe subdivision;
- 2. The proposal is in compliance with the Thoroughfare Plan; and
- 3. Public facilities are available to serve the subject property.

PLANNING & ZONING COMMISSION RECOMMENDATION: At their August 6, 2018 meeting, the Planning & Zoning Commission voted 8 to 0 to recommend approval of the rezoning to SF-2 with development/site plan per staff's recommendation.

ITEM SUMMARY: The applicant requests rezoning of 169.72 +/- acres from Agricultural (AG) zoning district to Single Family Two (SF-2) zoning district to develop the property into a single family residential subdivision as an expansion of the current Lake Pointe subdivision. The property borders N Pea Ridge Road directly south of the current Lake Pointe development and north of Hilldell Estates. A 60 foot wide entry street right of way has been purchased that will connect to SH 317, north of Lake View Baptist Church, as well.

TXDOT has not provided input relative to driveway access. Discussions may be on-going regarding exact location of future subdivision access directly to 317 and will be finalized by the plat submittal.

The SF-2 designation is appropriate for a medium density residential subdivision. The subject property is in the Belton Independent School District.

<u>COMPREHENSIVE PLAN (CP) COMPLIANCE</u>: Compliance to goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan are summarized by the attached Comprehensive Plan Compliance table but further described below:

Future Land Use Map (CP Map 3.1)

The subject property has the Future Land Use Map (FLUM) designation of Suburban Residential as it is adjacent to two single family developments and a sliver of Suburban Commercial designation due to its proximity to SH317. Additionally, a small portion of the property along N Pea Ridge also given a Suburban Commercial designation, however, it is across N Pea Ridge from a medium-high density residential subdivision, Westfield Development, Phase VIII.

Thoroughfare Plan (CP Map 5.2)

The subject property takes primary access from N Pea Ridge Road and from a 60-foot wide sliver of right of way the developer owns intersecting SH 317. From meetings staff has had with the developer, their plan originally was that Stone Hollow Drive will extend partially into the subdivision from the east ending in a cul-de-sac, but not connect directly to SH 317 due to the floodplain. However, staff has stressed the necessity of having a through connection to the west when the subdivision is designed and has asked that the developer explore this option. Additionally, access from an internal existing Lake Pointe Subdivision street to the north and from Alabama Ave to the south-east are planned, along with a future internal street stub out to vacant property on the south boundary of the property.

Sidewalks and trails will allow access to Stone Hollow Drive through the development from SH 317.

Future Transportation Capital Improvement Program (TCIP) improvements have been identified for N Pea Ridge Road.

Availability of Public Facilities (CP Goal 4.1)

Sewer is available across the property from Lake Pointe from the north and water is available along N Pea Ridge Road on the eastern boundary and along SH 317 to the west. An oversized detention area was designed when the existing Lake Pointe subdivision was built.

Temple Trails Master Plan Map and Sidewalks Ordinance

A proposed community wide connector trail is shown along the power lines transecting the property and a proposed local connector trail intersects it from the east.

DEVELOPMENT REGULATIONS: Standards for detached Single Family residential homes in the SF-2 district are:

	SF-2 (Proposed)
Minimum Lot Size	5,000 Square Feet
Minimum Lot Width	50 Feet
Minimum Lot Depth	100 Feet
Front Setback	25 Feet
Side Setback	5 Feet
Side Setback (corner)	15 Feet
Rear Setback	10 Feet
Max Building Height	2 1/2 Stories

SF-2 zoning does not allow commercial, restaurant, hospitality or business uses, although there are a few other uses allowed other than single family detached homes, including the following:

Permitted & Conditional Use Table – Single Family Two (SF-2)					
Agricultural Uses	* Farm, Ranch or Orchard				
Residential Uses	 * Single Family Residence (Detached Only) * Industrialized Housing * Family or Group Home 				
Industrial Uses	* Temporary Asphalt & Concrete Batching Plat (CUP)				
Recreational Uses	* Park or Playground				
Educational & Institutional Uses	 * Cemetery, Crematorium or Mausoleum (CUP) * Place of Worship * Child Care: Group Day Care (CUP) * Social Service Center (CUP) 				

Prohibited uses include HUD-Code manufactured homes and land lease communities, most commercial uses and industrial uses.

<u>PUBLIC NOTICE</u>: There were 110 notices sent to property owners within 200-feet of the subject property containing notice of the public hearing as required by State law and City Ordinance. As of Thursday August 23, 2018 at 5:00 PM, five notices were received in disagreement; and six notices in agreement have been received.

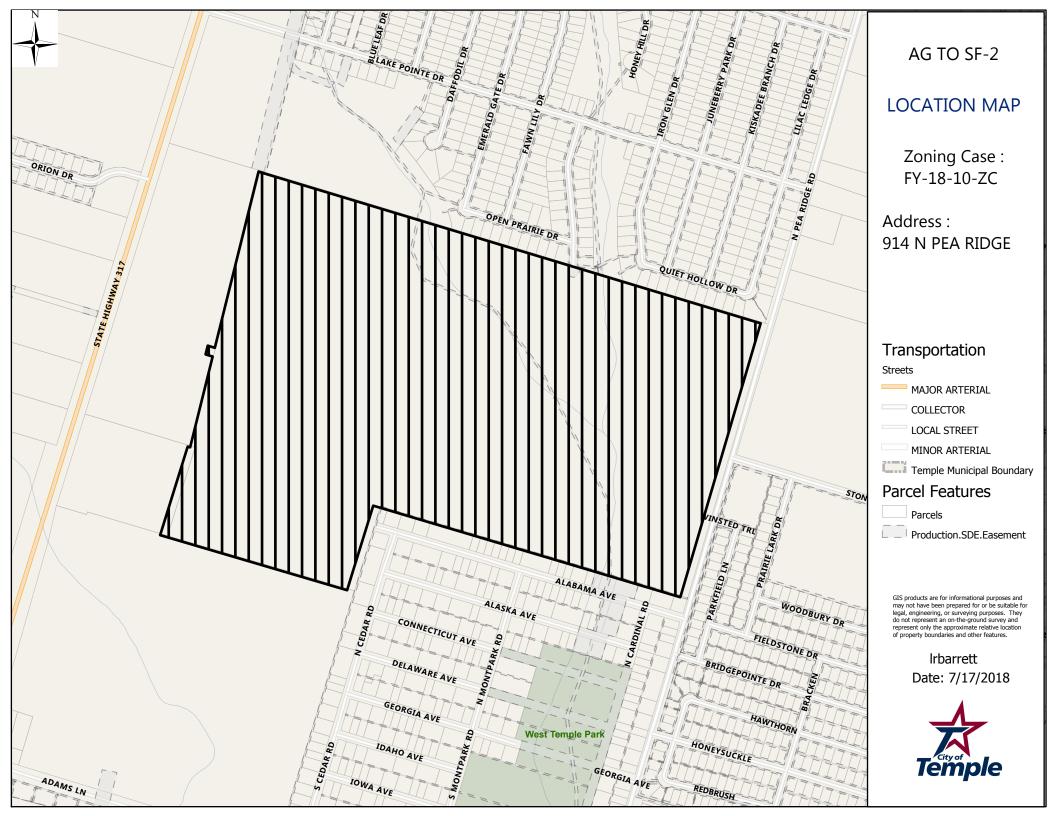
The newspaper printed notice of the public hearing on July 26, 2018, in accordance with state law and local ordinance.

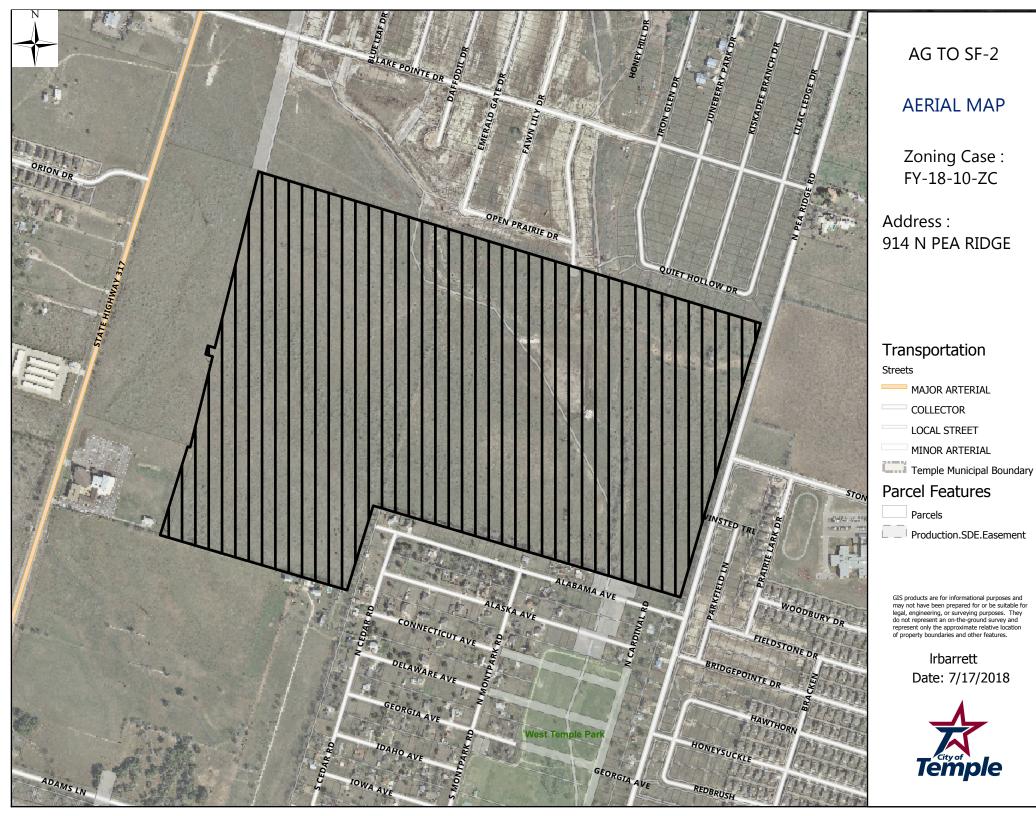
FISCAL IMPACT: Not Applicable

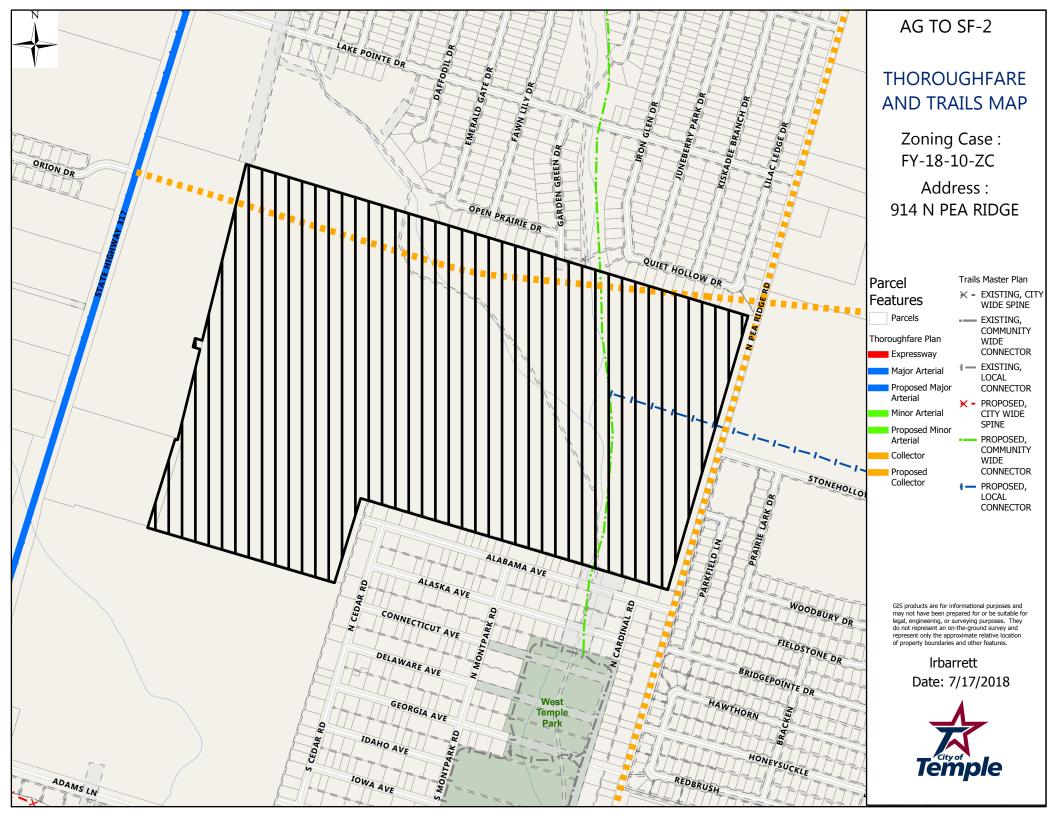
ATTACHMENTS:

Maps Site Photos Returned Property Notices P & Z Excerpts (August 6, 2018) Ordinance

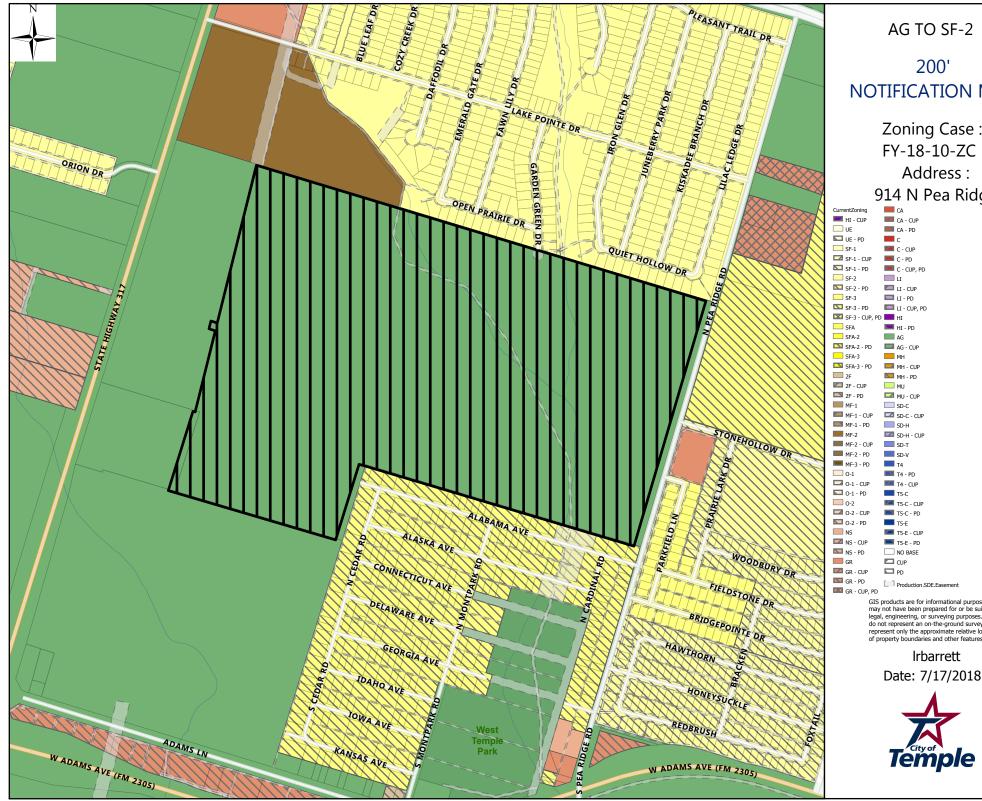


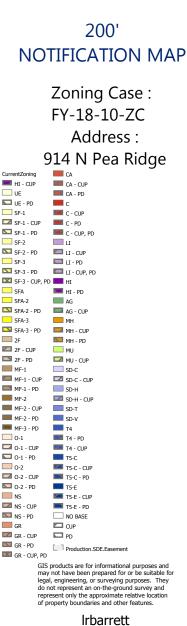












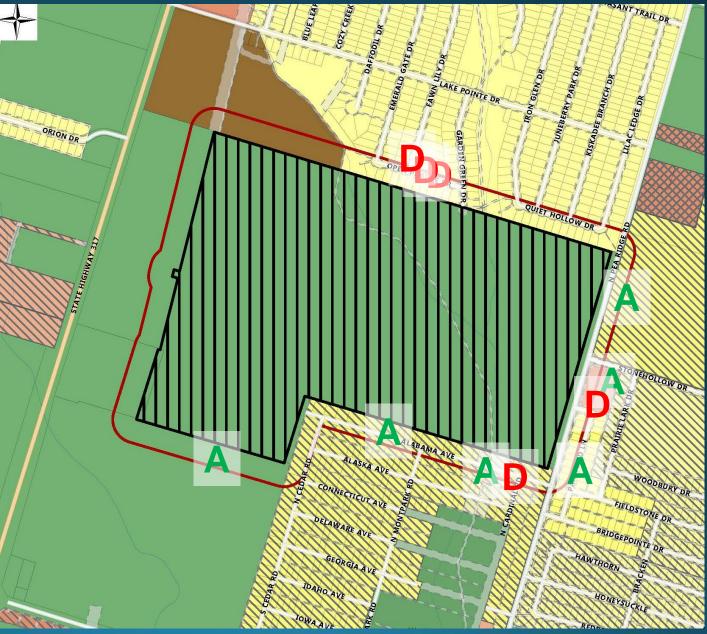


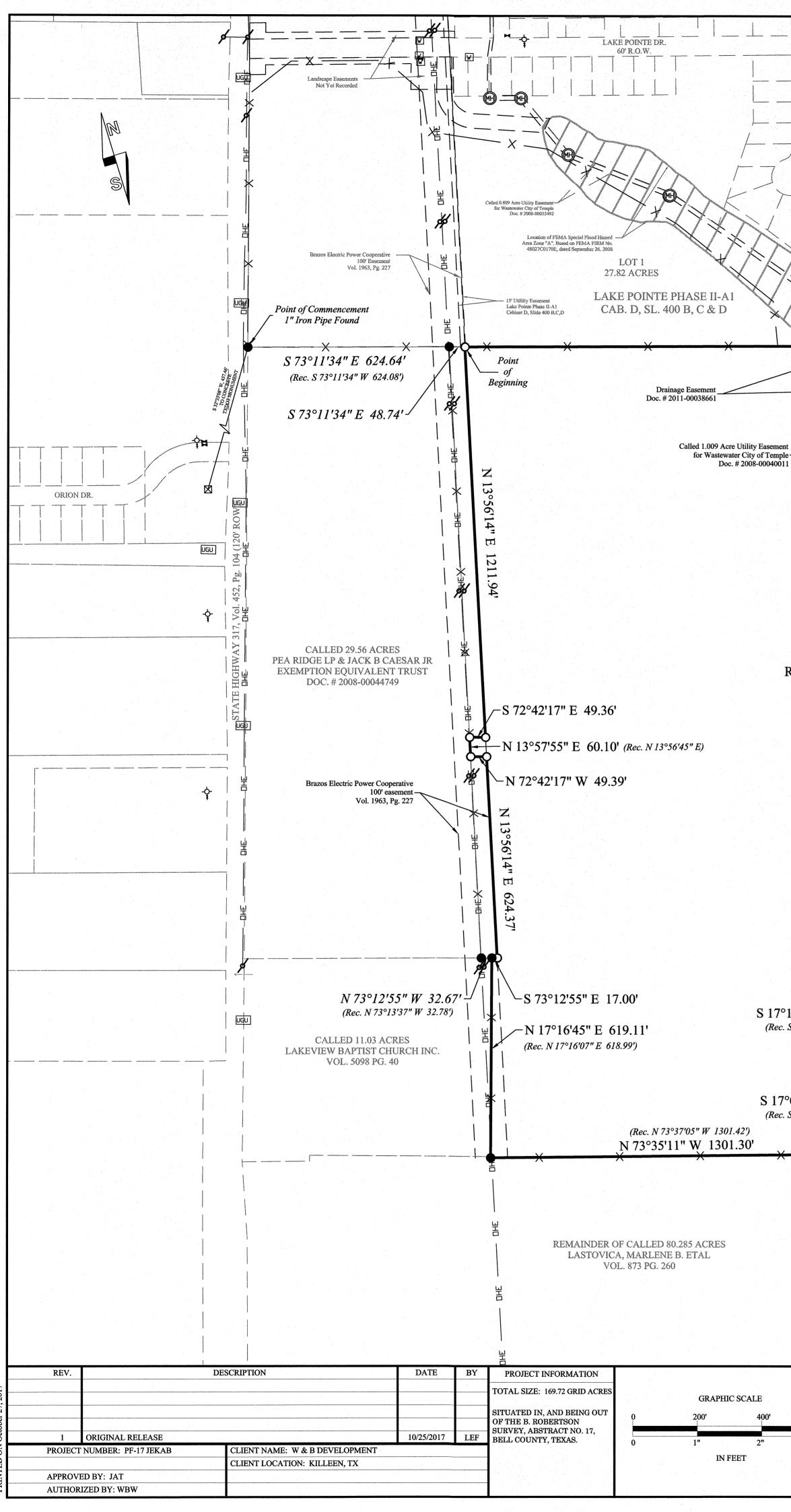
Public Notification & Property Owner Notification

PUBLIC NOTICE:

110	Notice	s Mailed
6 Agr	ee	Α
5 Dis	agree	D

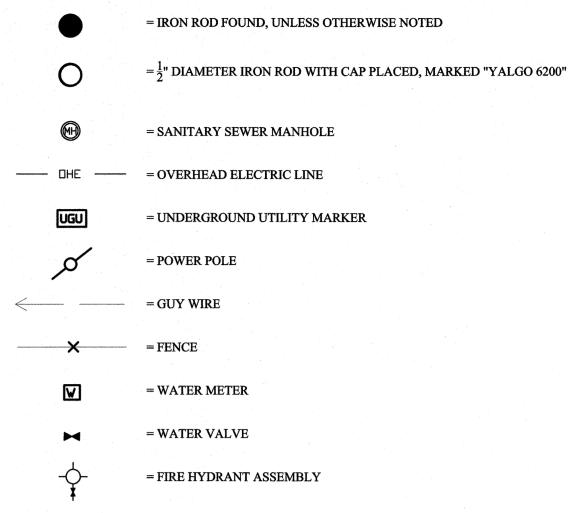
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3/4" Iron F		N 73°26'21" W 751.19') °25'52" W 751.02'	<-● ×	73°22'59" W 1388	3.56'	ç X	
12'44" W 4 \$ 17°12'17" W 06'35" W \$ 17°03'27" W 1-1/4" Iron Pa	419.86'- 419.71') 170.95'- 170.40')	HILLDELL ESTATES CAB. A, SL. 210-A ALABAMA AVE. ALASKA AVE. CONNECTICUT AVE.					
600' 	TEMPLE CITY MONUMENT NO. 195 TEXAS STATE PLANE COORDINATE SYSTEM, NAD1983 DATUM, TEXAS CENTRAL ZONE NO. 4203 N: 10369983.78 E: 3225794.45 Z: 716.47' (NAVD88-Geoid12B)			RID ACRE	EXHIBIT " E TRACT B PLE, BELL	OUNDA	





GENERAL NOTES:

_____ 3HQ_ -____3HQ_

STONEHOLLOW

- 1. This project is referenced to the Texas State Plane Coordinate System, NAD 1983 datum, Texas Central Zone No. 4203. All distances are grid distances and all bearings are grid bearings. The Combined Correction Factor (CCF) is 0.99985735. Ground distance = Grid distance / CCF. All coordinates can be referenced to Temple City Monument No. 195. Published City coordinates for City Monument No. 195 are N.=10369983.78, E.=3225794.45. Reference tie to City Monument No. 195 from the Point of Commencement of this tract is N 15°45'17" E, 4428.02 feet.
- Portions of this tract are shown to be within a Special Flood Hazard Area Zone A, per FEMA's Flood Insurance Rate Map (FIRM) Panel for Bell County, Texas, dated September 26, 2008, panel number 48027C0170E. This surveyor does not certify as to the accuracy or inaccuracy of said information and does not warrant, or imply, that structures placed within the Special Flood Hazard Areas shown hereon, or any of the platted areas, will be free from flooding or flood damage. This survey was performed with the benefit of a title commitment provided by Montieth Abstract & Title Company, Inc., Belton, Texas, as an agent for Chicago Title Insurance Company, GF No. 17-4945, effective date - September 18, 2017. Only easements listed on said title commitment and relative to the surface of
- subject property are shown hereon. 4. Interior fencing, temporary buildings, and other items deemed by this surveyor as not related to boundary line determination are not shown hereon.
- This survey was made in accordance with and satifisfies the requirements of the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1A, Condition II Survey, and conforms to the current standards promulgated by the Texas Board of Professional Land Surveying.

SURVEYOR'S CERTIFICATE

I, the undersigned, Registered Professional Land Surveyor, in the State of Texas, do hereby certify to the best of my knowledge and belief, that this map is true and correct, that it was prepared from an actual survey of the property made on the ground, and that all boundary survey monuments are correctly shown thereon.

Inthe E Hours

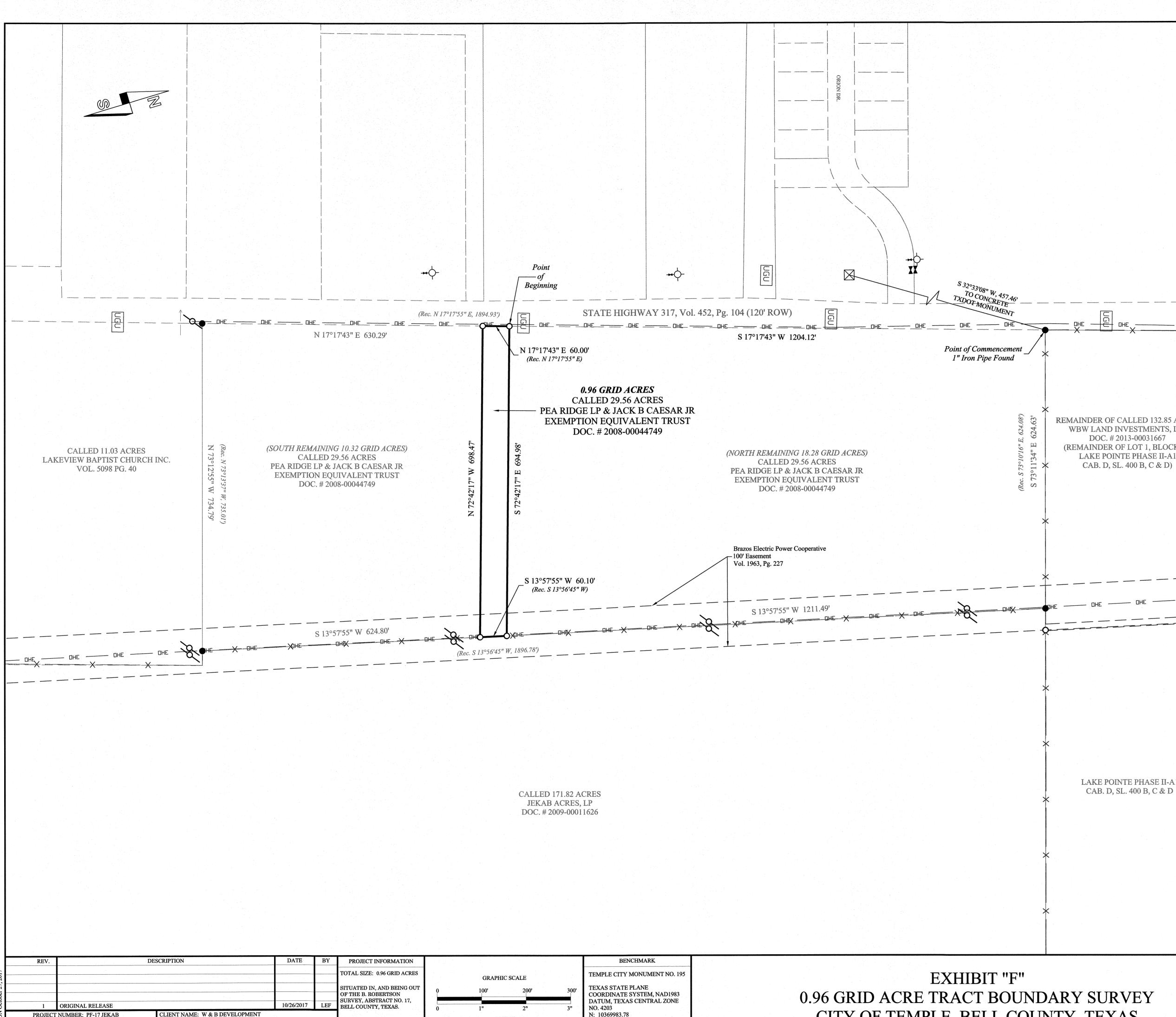
Luther E. Frobish Registered Professional Land Surveyor State of Texas No. 6200

SURVEY EXAS

SURVEYOR'S APPROVAL

Yalgo, LLC SHEET 3000 Illinois Ave., Suite 100 Killeen, TX 76543 PH (254) 953-5353 FX (254) 953-5057 Texas Registered Engineering Firm F-10264 Texas Registered Surveying Firm 10194095

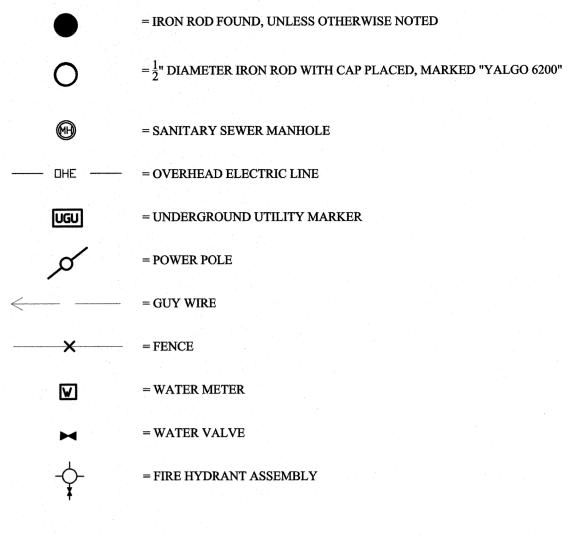
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PROJECT	'NUMBER: PF-17 JEKAB	CLIENT NAME: V	V & B DEVELOPMENT					I Z
		CLIENT LOCATIO	N: KILLEEN, TX					IN FEET
APPROV	ED BY: JAT							
AUTHOR	IZED BY: WBW			-				

E: 3225794.45 Z: 716.47' (NAVD88-Geoid12B) CITY OF TEMPLE, BELL COUNTY, TEXAS





GENERAL NOTES:

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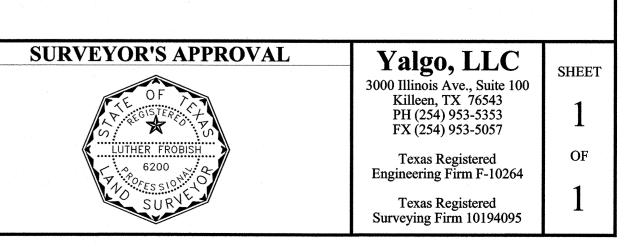
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Luther E. Frobish

wither E. tolik 10

Registered Professional Land Surveyor State of Texas No. 6200



REMAINDER OF CALLED 132.85 ACRES WBW LAND INVESTMENTS, L.P. DOC. # 2013-00031667 (REMAINDER OF LOT 1, BLOCK 13, LAKE POINTE PHASE II-A1

— OHE,

LAKE POINTE PHASE II-A1 CAB, D, SL. 400 B, C & D

SITE PHOTOS



View North along N Pea Ridge





View South along N Pea Ridge



East View of Stone Hollow Drive



View east into Westfield



View into property from SH 317



60 foot right of way strip leading into subject property from SH 317



Rear of Lakewood Baptist Church is adjacent to the subject property along SH317



View to west across SH 317 from near the proposed subdivision entrance



12361 BALLOU, WILLIAM E 8402 ALABAMA AVE TEMPLE, TX 76502-5000

CITY OF TEMPLE

RECEIVED

AUG 1 0 2018

Zoning Application Number: FY-18-10-ZC

Case Manager: Lynn Barrett

Location: 914 North Pea Ridge Road, Temple, Texas

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 <u>possible</u> rezoning of the property described on the attached notice, and provide any additional comments you may have.

I () agree	() disagree with this request
Comments: The Road.	Should have been done
Hong I; me ages	•
Why Was This Not Shool's Were Built	Done Before All The Homest Out Herer
Within E. Ballo	William E. Ballon
Signature	Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, <u>lrbarrett@templetx.gov</u> or mail or hand-deliver this comment form to the address below, no later than **August 6, 2018**.

City of Temple Planning Department 2 North Main Street, Suite 102 Temple, Texas 76501

Number of Notices Mailed: 110

Date Mailed: July 26, 2018

Temple	REZONING	O PROPOSED G REQUEST F TEMPLE	
445193	Y MEKI ETUX MARGARET A	ANN NEWBY	RECEIVED AUS 0 1 2003 CITY OF TEMPLE PLANNING & DEVELOPMENT
Zoning Application N	lumber: FY-18-10-ZC	Case Manager:	Lynn Barrett
Location: <u>914 North Pe</u>	ea Ridge Road, Temple, Tex	as	_
own property within 20 this form to indicate wh	g is the area shown in hatch 00 feet of the requested cha hether you are in favor of the nd provide any additional cor	inge, your opinions are e <u>possible</u> rezoning of th	welcomed. Please use
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<u>222 Signature</u>		Margaret To Print Name	thoson (Nauby)

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City of Temple Planning Department 2 North Main Street, Suite 102 Temple, Texas 76501

Number of Notices Mailed: 110

Date Mailed: July 26, 2018

$\mathbf{\Lambda}$
X
Temple

445207 KELLEY, BRIAN EUGENE ETUX JESSICA LAYNE 1103 EMERALD GATE DR TEMPLE, TX 76502

Zoning Application Number: FY-18-10-ZC

Location: 914 North Pea Ridge Road, Temple, Texas

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| () agree

 \bigotimes disagree with this request

Comments: there is of construction in our area airrently. We lot also tech decreases it may our oroperti

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City of Temple Planning Department 2 North Main Street, Suite 102 Temple, Texas 76501

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Date Mailed: July 26, 2018

OPTIONAL: Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.



CITY OF TEMPLE PLANNING & DEVELOPMENT

Case Manager: Lynn Barrett

Temple	REZONIN	TO PROPOSED G REQUEST OF TEMPLE	IED
445230 SMALL, JAMES B ETU 8614 OPEN PRAIRIE TEMPLE, TX 76502		RECEI NUS O PLANNING	2 200 FTEMPLE BDEVELOPMENT
Zoning Application N	umber: FY-18-10-ZC	Case Manager: Lynn B	3arrett

Location: 914 North Pea Ridge Road, Temple, Texas

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I () agree

 \bigotimes disagree with this request

Comments:	
The WATER Pressure is already (Reduced)	by the Number of additional houses added.
The area is plready experienci	ing an influx of population growth.
and heavier traffic from	the new homes already undergoing
appatruction and it mailes in	thank to get at at wishborhood -
city mudis to improve roads	S and intrastructure first, ie: c light
) on 317 and fix N'perpidge.	, , , , , , , , , , , , , , , , , , ,
James B GM	JAMES B SMALL
Śignature	Print Name

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City of Temple Planning Department 2 North Main Street, Suite 102 Temple, Texas 76501

Number of Notices Mailed: 110

Date Mailed: July 26, 2018

4			_
Temple	REZONIN	TO PROPOSED G REQUEST OF TEMPLE	
			VED
444111 MCFARLAND, JAMES 524 PARKFIELD LN TEMPLE, TX 76502	3 D	RECE NUG O Case Manager: Lynn	3 2018 FTEMPLE DEVELOPMENT
Zoning Application N	Number: FY-18-10-ZC	Case Manager: Lynn	Barrett
Location: <u>914 North Pe</u>	<u>ea Ridge Road, Temple, Te</u>	xas	
own property within 20 this form to indicate w	00 feet of the requested cha	ned marking on the attached m ange, your opinions are welco e <u>possible</u> rezoning of the prop mments you may have.	med. Please use
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An	Dal	JAMES D. MEARLAND	\$
Signature		Print Name	

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City of Temple Planning Department 2 North Main Street, Suite 102 Temple, Texas 76501

Number of Notices Mailed: 110

Date Mailed: July 26, 2018

Zoning Appl. Number: FY-18-10-ZC

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I have lived at my current address for about three years and find the noise levels to be quite loud now. I disagree with this request simply for reasons related to my health. I could give you several reasons not to change the HE' D3 zoning ordinance, but I cannot compete with the money from a big business developer. I can only request the zoning ordinance remain as is.

Thank you

James D McFarland 524 Parkfield Lane Temple, Tx 76502

Temple	REZO	SE TO PROPOSED NING REQUEST IY OF TEMPLE	
68891			EIVED
MAIS, E G PO BOX 2733 UNIVERSAL CITY, TX	K 78148-1733	CITY C	0 2 2013 DF TEM
	Number: FY-18-10-ZC	PLANNING 8 Case Manager:	
	ea Ridge Road, Temple		-
own property within 2 this form to indicate w	00 feet of the requested hether you are in favor of	natched marking on the attac d change, your opinions are of the <u>possible</u> rezoning of th al comments you may have.	welcomed. Please use
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If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, <u>Irbarrett@templetx.gov</u> or mail or hand-deliver this comment form to the address below, no later than **August 6, 2018**.

City of Temple Planning Department 2 North Main Street, Suite 102 Temple, Texas 76501

Number of Notices Mailed: 110

Date Mailed: July 26, 2018



444097 KIELLA DEVELOPMENT INC PO BOX 1344 TEMPLE, TX 76503-1344

Zoning Application Number: FY-18-10-ZC

Case Manager: Lynn Barrett

Location: 914 North Pea Ridge Road, Temple, Texas

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I (√agree

() disagree with this request

Comments:

Se C-B	Scott Kiello	
Signature	Print Name	

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City of Temple JUL 3 1 2013 Planning Department 2 North Main Street, Suite 102 Temple, Texas 76501

Number of Notices Mailed: 110

Date Mailed: July 26, 2018



454513 KIELLA LAND INVESTMENTS LTD PO BOX 1344 TEMPLE, TX 76503-1344

Zoning Application Number: FY-18-10-ZC

Case Manager: Lynn Barrett

Location: 914 North Pea Ridge Road, Temple, Texas

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I () agree

() disagree with this request

Comments:

\sim	K B		
Signature		Print Name	

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RECEIVED

City of Temple Planning Department 2 North Main Street, Suite 102 Temple, Texas 76501

JUL 3 1 2018 City of Temple Planning & Development

Number of Notices Mailed: 110

Date Mailed: July 26, 2018

97384	RECEIVED
HOMEBUILDERS INC C/O REID, ROY 12435 FM 2305 UNIT B	AUG 0 6 2018
BELTON, TX 76513-5488	CITY OF TEMPLE PLANNING & DEVELOPMENT
Zoning Application Number: FY-18-10-ZC	Case Manager: Lynn Barrett
Location: <u>914 North Pea Ridge Road, Temple,</u>	Texas
own property within 200 feet of the requested of	tched marking on the attached map. Because you change, your opinions are welcomed. Please use the <u>possible</u> rezoning of the property described on comments you may have.
I (I) agree () disagree with this request
Comments:	
Roy Rerif Signature	Roy Reid Print Name

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City of Temple Planning Department 2 North Main Street, Suite 102 Temple, Texas 76501

Number of Notices Mailed: 110

Date Mailed: July 26, 2018

	RESPONSE	TO PROPOSED	
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SALADO, TX 76571-6	195 PLAN	NING	
Coning Application N	<u>ımber</u> : FY-18-10-ZC	<u>Case Manager</u> :	Lynn Barrett
ocation: <u>914 North Pe</u>	a Ridge Road, Temple, Te	exas	
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) feet of the requested ch ether you are in favor of th		
	f provide any additional co		
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Comments:			
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Signature		Print Name	
If you would like to sub	mit a response, please en	nail a scanned version o	of this completed form to
	enced above, Irbarrett@te		and-deliver this commen
form to the address bel	ow, no later than August (6, 2018.	
	City of T	emple	
		n Department	

Planning Department 2 North Main Street, Suite 102 Temple, Texas 76501

Number of Notices Mailed: 110

Date Mailed: July 26, 2018



63067 LASTOVICA, MARLENE B ETAL 8850 ADAMS LN TEMPLE, TX 76502-5160

Zoning Application Number: FY-18-10-ZC

Location: 914 North Pea Ridge Road, Temple, Texas

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ا (۲) agree	() disagree with th	nis request
Comments:	I sincerely has	ce Josh Welch
- On thehalf of is a working 1963; H	WBW Development /	unthe Hellislack Estate
Morlene B. La	stouin Markene	B, Lastoricon
Sighature	Print Name Don't du	E-mail

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RECEIVED

AUG 0 6 2018

CITY OF TEMPLE PLANNING & DEVELOPMENT

Case Manager: Lynn Barrett

EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

MONDAY, JULY 16, 2018

ACTION ITEMS:

Item 2: <u>FY-18-10-ZC</u> – Hold a public hearing to discuss and recommend action for a rezoning from Agricultural (AG) zoning district to Single Family Two (SF-2) on 169.72+/- acres, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, addressed as 914 North Pea Ridge.

Ms. Lynn Barrett, Assistant Director of Planning, stated this item is a rezoning case for the second phase of Lake Pointe Subdivision by developer WBW. City Council first reading is scheduled for September 6, 2018 and second reading is scheduled for September 20, 2018.

Aerial map shown. Subject property is located north of West Adams and close to State Highway (SH) 317 with Lake Pointe Subdivision to the north and Westfield to the east.

Map of subject area shown and located in Belton Independent School District (ISD). There is a 60-foot right-of-way strip for access to SH 317 but is not part of this zoning case.

Survey shown indicates a flood plain running through the property and into the existing Lake Pointe Subdivision.

Zoning map shown.

The Future Land Use Map designates the property as Suburban Residential area intended for single family development and supports SF-1 and SF-2 zoning with a small strip as Suburban Commercial on the west side and a block of Suburban Commercial on the east side. Suburban Commercial does support Suburban character and the request is in compliance.

Water and sewer is available to serve the property.

Thoroughfare Plan and Trails Map shown. SH 317, designated as an Arterial, does not impact rezoning; however, the property will have access to it and it is the subject of recent TXDOT widening. North Pea Ridge is designated as a Collector and has scheduled TCIP improvements in the near future. External and internal sidewalks will be addressed with DRC during the platting stage. Internal and external connecting trails are proposed by the developer. Staff finds the plan in compliance.

Site Photos shown.

Unified Development Code (UDC) Standards Table shown comparing AG zoning and proposed SF-2 zoning.

UDC Allowed Uses (non-inclusive) for SF-2 shown.

One hundred and ten notices were mailed in accordance with all state and local regulations with six responses returned in agreement and four responses returned in disagreement.

Staff recommends approval of request for a rezoning of the subject property from AG District to SF-2 District.

Chair Fettig asked if TXDOT has approved the outlet on SH 317. Ms. Barrett replied she did not have that information at this time.

Chair Fettig opened the public hearing.

Mr. Tyler Freese, 3000 Illinois Avenue, Killeen, Texas, an engineer representing developer, stated TXDOT has given only verbal approval of the inlet/outlet area in question on SH 317.

There being no further speakers, the public hearing was closed.

Commissioner Castillo made a motion to approve Item 2, **FY-18-10-ZC**, per staff recommendation, and Commissioner Crisp made a second.

Motion passed: (8:0)

Commissioner Ward absent

ORDINANCE NO. <u>2018-4929</u> (FY-18-10-ZC)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL ZONING DISTRICT TO SINGLE FAMILY TWO ZONING DISTRICT ON APPROXIMATELY 169.72 ACRES, SITUATED IN THE BALDWIN ROBERTSON SURVEY, ABSTRACT NO. 17, BELL COUNTY, TEXAS, AND ADDRESSED AS 914 NORTH PEA RIDGE 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:

<u>**Part 1: Findings.**</u> All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Part 2: The City Council approves a rezoning from Agricultural zoning district to Single Family Two zoning district on approximately 169.72 acres, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, addressed as 914 North Pea Ridge Road, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

<u>Part 3</u>: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.

<u>Part 4</u>: 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.

<u>**Part 5**</u>: 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.

<u>**Part 6**</u>: It is hereby officially found and determined that the meeting at which this Ordinance was 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**, 2018.

PASSED AND APPROVED on Second Reading on the **20th** day of **September**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Kayla Landeros City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/06/18 Item # 6 Regular Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney Mitch Randles, Fire Chief

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING: Consider adopting an ordinance authorizing a five-year franchise with Scott & White EMS, Inc., to provide non-emergency ambulance transfer services within the City.

<u>STAFF RECOMMENDATION</u>: Conduct public hearing and adopt ordinance as presented in item description, with second reading set for September 20, 2018.

ITEM SUMMARY: Scott & White EMS, Inc. is operating a non-emergency ambulance transfer service in the City under a current franchise agreement that was authorized by Council in 2013. That franchise agreement will expire on September 30, 2018. Scott & White EMS has asked for a renewal to the agreement so that it may continue operating within the City.

Scott & White EMS has submitted the necessary paperwork requesting renewal of the franchise and a copy of the paperwork is attached to this Memorandum. Staff recommends authorizing a five-year renewal. Five years is the normal franchise term pursuant to Chapter 5 of the City's Code of Ordinances. The commencement date for the renewal agreement will be October 1, 2018 and the expiration date will be September 30, 2023.

FISCAL IMPACT: By ordinance, non-emergency ambulance transfer services franchisees pay the City 3½ % of the total amount billed per year. In the most recent full reported year (FY 2017), Scott & White EMS paid the City \$66,626.79 in non-emergency ambulance transfer service franchise fees.

ATTACHMENTS:

Franchise Renewal Request Letter Ordinance

Ms. Landeros,

Please accept this letter as the application for renewal of non-emergency ambulance franchise for Scott & White EMS.

- 1. The applicant, including its board member, has not been convicted of a felony or of a misdemeanor involving moral turpitude within the last ten (10) years.
- 2. The applicant has obtained liability insurance in accordance with the requirements of this chapter. Liability insurance is attached.
- 3. Vehicle description;

2017	Dodge	Frasier	Type I	BLS w/ MICU
2016	Dodge	Frasier	Туре І	BLS w/ MICU
2016	Dodge	Frasier	Туре І	BLS w/ MICU
2016	Dodge	Frasier	Туре І	BLS w/ MICU
2013	Chevy	Wheeled Coach	Type III	BLS w/ MICU
2013	Chevy	Wheeled Coach	Type III	BLS w/ MICU
2013	Chevy	Wheeled Coach	Type III	BLS w/ MICU
2013	Chevy	Wheeled Coach	Type III	BLS w/ MICU

- 4. Names of all persons having a financial interest in such application and the ambulance service.
 - a. Dr. Keith Stone
 - b. Dr. Glen Couchman
 - c. Ms. Penny Cermak
 - d. Mr. Frank Anderson

I certify that the above information is true and correct to the best of my knowledge.

5501

Chuck Pearson Scott & White EMS, Inc.

State of T	exas	
County of	Bell	
Cary Cort	ez Cartart	Notary Public in an
* COLOT DE	Cary Cortez NOTARY PUBLIC STATE OF TEXAS Notary ID# 594553-3 Comm Exp 05/29/2020	

tary Public in and for the State of Texas

CDP ®	
Western Surety Company	
CONTINUATION CERTIFICATE	
Western Surety Company hereby continues in force Bond No. <u>18125961</u> bri	efly
described as FRANCHISE HOLDER OF NON-EMERGENCY AMBULANCE SERVICE CITY OF TEMPLE	
for SCOTT & WHITE MEMORIAL HOSPITAL	,
, as Princi	pal,
in the sum of \$ TEN THOUSAND AND NO/100 Dollars, for the term beginn	ling
June 05, 2018_, and endingJune 05, 2019_, subject to	o all
the covenants and conditions of the original bond referred to above.	
This continuation is issued upon the express condition that the liability of Western Surety Comp	any
under said Bond and this and all continuations thereof shall not be cumulative and shall in no event ex	ceed
the total sum above written.	
Dated this <u>13</u> day of <u>February</u> , 2018.	
	ŕ
WESTERN SURETY COMPANY	ΥN
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By Paul T. Brunat, Vice President	dent
and the second	
THIS "Continuation Certificate" MUST BE FILED WITH THE ABOVE BOND.	
THIS COndition OFTIMULATE MUST DE FILED WITH THE ABUYE BUND.	
Form 90-A-8-2012	
STARSTER STERN SURETY COMPANY , ONE OF AMERICA'S OLDEST BONDING COMPANIES BODDEDOD	

Western Surety Company

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That WESTERN SURETY COMPANY, a corporation organized and existing under the laws of the State of South Dakota, and authorized and licensed to do business in the States of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the United States of America, does hereby make, constitute and appoint

	Paul T. Bruflat	of	Sioux Falls	
State of	South Dakota	, its regularly elected	Vice President	

as Attorney-In-Fact, with full power and authority hereby conferred upon him to sign, execute, acknowledge and deliver for and on its behalf as Surety and as its act and deed, the following bond:

One FRANCHISE HOLDER OF NON-EMERGENCY AMBULANCE SERVICE CITY OF TEMPLE

bond with bond number _____18125961

for SCOTT & WHITE MEMORIAL HOSPITAL

as Principal in the penalty amount not to exceed: \$10,000.00

Western Surety Company further certifies that the following is a true and exact copy of Section 7 of the by-laws of Western Surety Company duly adopted and now in force, to-wit:

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys-in-Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

In Witness Whereof, the said WESTERN SURETY COMPANY has caused these presents to be executed by its Vice President ______ with the corporate seal affixed this ______ day of ______ February _____, 2018,

ATTEST Rela Assistant Secretary

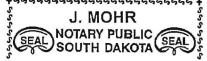
SUBF PANY Paul T. Bruflat, Vice President



STATE OF SOUTH DAKOTA	1
COUNTY OF MINNEHAHA	SS

On this _____13___ day of _____February ____, 2018 ____, before me, a Notary Public, personally appeared ______ Paul T. Bruflat ______ and ______ L. Nelson

who, being by me duly sworn, acknowledged that they signed the above Power of Attorney as <u>Vice President</u> and Assistant Secretary, respectively, of the said WESTERN SURETY COMPANY, and acknowledged said instrument to be the voluntary act and deed of said Corporation.



Notary Public

Figure: 28 TAC ò1.601(a)(3)

IMPORTANT NOTICE

1 To obtain information or make a complaint:

2 You may contact Western Surety Company, Surety Bonding Company of America or Universal Surety of America at 605-336-0850.

3 You may call Western Surety Company's, Surety Bonding Company of America's or Universal Surety of America's toll-free telephone number for information or to make a complaint at:

1-800-331-6053

4 You may also write to Western Surety Company, Surety Bonding Company of America or Universal Surety of America at:

P.O. Box 5077 Sioux Falls, SD 57117-5077

5 You may contact the Texas Department of Insurance to obtain information on companies, coverages, rights or complaints at:

1-800-252-3439

6 You may write the Texas Department of Insurance:

P.O. Box 149104 Austin, TX 78714-9104 Fax: (512) 490-1007 Web: www.tdi.texas.gov E-Mail: ConsumerProtection@tdi.texas.gov

7 PREMIUM OR CLAIM DISPUTES:

Should you have a dispute concerning your premium or about a claim, you should contact Western Surety Company, Surety Bonding Company of America or Universal Surety of America first. If the dispute is not resolved, you may contact the Texas.Department of Insurance.

8 ATTACH THIS NOTICE TO YOUR POLICY:

This notice is for information only and does not become a part or condition of the attached document.

AVISO IMPORTANTE

Para obtener informacion o para someter una queja:

Puede comunicarse con Western Surety Company, Surety Bonding Company of America o Universal Surety of America al 605-336-0850.

Usted puede llamar al numero de telefono gratis de Western Surety Company's, Surety Bonding Company of America's o Universal Surety of America's para informacion o para someter una queja al:

1-800-331-6053

Usted tambien puede escribir a Western Surety Company, Surety Bonding Company of America o Universal Surety of America:

P.O. Box 5077 Sioux Falls, SD 57117-5077

Puede comunicarse con el Departamento de Seguros de Texas para obtener informacion acerca de companias, coberturas, derechos o quejas al:

1-800-252-3439

Puede escribir al Departamento de Seguros de Texas:

P.O. Box 149104 Austin, TX 78714-9104 Fax: (512) 490-1007 Web: www.tdi.texas.gov E-Mail: ConsumerProtection@tdi.texas.gov

DISPUTAS SOBRE PRIMAS O RECLAMOS:

Si tiene una disputa concerniente a su prima o a un reclamo, debe comunicarse con el Western Surety Company, Surety Bonding Company of America o Universal Surety of America primero. Si no se resuelve la disputa, puede entonces comunicarse con el departamento (TDI).

UNA ESTE AVISO A SU POLIZA: Este aviso es solo para proposito de informacion y no se convierte en parte o condicion del documento adjunto.

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ORDINANCE NO: 2018-4930

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, GRANTING A FIVE-YEAR FRANCHISE TO SCOTT & WHITE EMS, INC., TO PROVIDE NON-EMERGENCY AMBULANCE TRANSFER SERVICES WITHIN THE CITY OF TEMPLE, TEXAS; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Scott & White EMS, Inc. is operating a non-emergency ambulance transfer service in the City under a current franchise agreement that was authorized by Council in 2013;

Whereas, that franchise agreement expires on September 30, 2018 and Scott & White EMS, Inc. has asked for a renewal to the agreement so that it may continue operating within the City;

Whereas, Scott & White EMS, Inc. has submitted the necessary paperwork requesting renewal of the franchise and Staff recommends Council authorize a five-year renewal to the franchise agreement;

Whereas, pursuant to Chapter 5 of the City's Code of Ordinances, five years is the normal franchise term;

Whereas, the commencement date for the renewal agreement will be October 1, 2018 and expire September 30, 2023;

Whereas, by Ordinance, non-emergency ambulance transfer services franchisees pay the City 3½ percent of the total amount billed per year - in fiscal year 2017, Scott & White EMS, Inc. paid to the City the amount of \$66,626.79 in non-emergency ambulance transfer service franchise fees; and

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

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

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

<u>**Part 2**</u>: The City Council authorizes a five-year renewal of the franchise agreement with Scott & White EMS, Inc to provide non-emergency transfer services within the City of Temple, Texas.

<u>**Part 3:**</u> 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.

<u>Part 4</u>: 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.

<u>**Part 5**</u>: **Open Meetings.** It is hereby officially found and determined that the meeting at which this Ordinance was 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.

PASSED AND APPROVED on First Reading and Public Hearing on the 6th day of **September**, 2018.

PASSED AND APPROVED on Second Reading on the **20th** day of **September**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Kayla Landeros City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/06/18 Item #7 Regular Agenda Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING: Consider adopting an ordinance authorizing an amendment and adopting the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans to recognize additional tax increment revenue received from Agreements of Appraised Value on property omitted from the tax roll, allocating expenditures for public improvements for years FY 2018, and to fund a required debt service reserve fund associated with the issuance of 2018 Reinvestment Zone No. 1 Tax Increment Revenue Bonds Series 2018A and Taxable Series 2018B in FY 2018.

<u>STAFF RECOMMENDATION</u>: Conduct a public hearing and adopt ordinance as presented in item description on first reading with second reading and final adoption on September 20, 2018.

ITEM SUMMARY: Temple Generation I **(Panda I)** and Panda Temple Power II **(Panda II)** applied for Tier III pollution control exemptions with the Texas Commission on Environmental Quality (TCEQ) The TCEQ did not approve the exemption and issued a 'Negative Use Determination'. Panda I and Panda II filed a lawsuit with TCEQ over the applicability of the pollution control exemption. Due to the pending litigation and value of the property associated with the pollution control exemptions, the Chief Appraiser with the Tax Appraisal District of Bell County, (TAD) omitted the appraised value of the Tier III pollution control property from the annual certification of the Tax Roll for Fiscal Year 2016 – 2018 for both Panda I and Panda II.

On June 06, 2018 Panda I entered into a 'Written Agreement of Omitted Property and Appraised Value' with the TAD for three years of property valuation, FY 2016, FY2017, and FY 2018. On June 22, Panda I paid the taxes due per the agreement to the TAD. The increment revenue remitted to the RZ# 1 totaled **\$3,656,728**.

On August 09, 2018, Panda II entered into a 'Written Agreement of Omitted Property and Appraised Value' with the TAD for three years of property valuation, FY 2016, FY2017, and FY 2018. They have agreed to pay the amount due by October 31, 2018. The increment revenue to be remitted to the RZ# 1 totals **\$3,983,555**. The total increment revenue to be recognized from both agreements is **\$7,640,283**.

Tax Increment Revenue Bonds Series 2018A and Taxable Series 2018B: On April 18, 2018, The RZ #1 Board of Directors approved a Financing and Project Plan amendment to increase the 2018 proposed bond issue from \$22,000,000 to \$29,000,000 to fund the following projects:

	FY 2018
Outer Loop	
Outer Loop (IH35 to Wendland) ROW	\$ 500,000
Outer Loop (McLane to Central Point Parkway)	7,250,000
Outer Loop Phase V (Poison Oak to Old Waco Road)	2,820,000
Outer Loop Phase VI (Old Waco Road to I35 South)	3,340,000
East Outer Loop	623,000
Downtown	
Downtown City Center/Hawn	2,050,000
1st Street from Avenue A to Central Avenue	1,280,000
1st Street Parking Garage	5,000,000
Avenue C from MLK to 24th Street	2,540,000
Santa Fe Plaza Additional Funding for Construction	1,150,000
Santa Fe Plaza - Central Ave Corridor Parking and Enhancement Concept Design	170,000
Santa Fe Plaza - Parking Enhancement - 11th to 9th	155,000
Temple Industrial Park	
Rail Backage Road (E-W) {Design}	450,000
Milling & Overlay Industrial Blvd	650,000
TMED- 31st Street Monumentation Construction	450,000
Airport Park	
Draughon-Miller Regional Airport FBO Center & Parking Design	440,000
Corporate Hangar Phase IV Design	132,000
Total Bond Projects	\$ 29,000,000

On May 17, 2018, City Council approved an ordinance outlining the provisions for a 'financing program' to issue the above referenced Tax Increment Revenues Bonds. The ordinance includes provisions to fund a Reserve Fund **only if** net revenues for any fiscal year are less than 1.25 times the average annual debt service requirements. This is often referred to as a 'Springing Reserve Fund'.

After subsequent market analysis and discussions with the City's Financial Advisors and Bond Counsel, it is Staff's recommendation to fund a reserve fund with available cash on hand on the date of initial delivery of the bonds. The reserve fund will be maintained for the life of the bonds. Funding the reserve fund by this method versus utilizing the 'Springing Reserve Fund' will serve as a credit enhancement for the bonds which will assist in achieving more advantageous borrowing cost. The amount of the reserve fund will be equal to the maximum annual debt service requirements of the bonds. The maximum annual debt service amount is estimated to be \$2,600,000.

The revised schedule for delivery of funds for the bonds is September 27, 2018.

FY 2018

The Reinvestment Zone No. 1 Project Committee met on August 8th to recommend changes to the Financing and Project Plans. The proposed amendment allocates funding for the projects as shown below:

- Reallocation of \$50,000 from the Santa Fe Market to the Santa Fe Plaza This will fund the change order to Emerson Construction for additional work.
- Allocation of \$125,000 for 3rd Street Corridor Enhancement This project will fund streetscape improvements for the new location of the United Way.
- Allocation of \$60,000 for the East/West Gateway Design This project will fund the concept design of the area in TxDOT rights-of-way between Central Avenue and Adams Avenue at Interstate 35 for gateway features and landscape amenities in conjunction with improvements on Interstate 35.
- Allocation of \$1,500,000 for land acquisition This will provide funding for land acquisition in along North 31st Street.

The Reinvestment Zone No. 1 Board met on August 29, 2018 and approved the amendment.

FISCAL IMPACT: The proposed amendment allocates funding within the FY 2018 Financing and Project Plans as shown below:

Line #	Description	
4	Tax Revenues - Panda I	\$ 3,656,728
4	Tax Revenues - Panda II	\$ 3,983,555
2A	Debt Service Reserve Fund-Tax Increment Revenue Bonds, Series 2018A	\$ (2,075,000)
2B	Debt Service Reserve Fund-Tax Increment Taxable Revenue Bonds, Series 2018B	\$ (525,000)
404	Santa Fe Plaza	\$ 50,000
407	Santa Fe Market	\$ (50,000)
417	3rd Street Corridor Enhancement	\$ (125,000)
602	East/West Gateway Design	\$ (60,000)
603	Land Acquisition	\$ (1,500,000)
	Net increase in fund balance	\$ 3,355,283

The net increase in fund balance of \$3,355,283. As mentioned above, the reserve fund is required to be funded on the date of initial delivery of the bonds which is planned for September 27, 2018. This is prior to the end of the fiscal year, therefore, current year available funding from the additional tax increment revenue was allocated to fund the reserve fund. Available Fund Balance exist in FY 2019 to 'backfill' the current revenues allocated to fund the reserve fund in FY 2018.

ATTACHMENTS:

Financing Plan Summary Financing Plan with Detailed Project Plan Ordinance

Financing Plan - 08/29/18 to Zone Board

FINANCING PLAN Page 1 of 5

1 FUND BALANCE, Begin \$ 20,539,894 \$ 4,713,478 \$ 10,161,475 \$ 13,081,784 \$ 20,185,308 \$ 12,421,800 \$ 5,676,352 \$ 2A Adjustments to Debt Service Reserve - Tax Increment Revenue Bonds, Series 2018A (2,075,000)	Plan - 08/29/18 to Zone Board							га	gerors			
FUND BLANCE begin Southers Deck Series Person Tax Increment Revenue Bind, Series 2014 Southers Deck Series Person Binds, Series 2014 Southers Deck Series 201	DESCRIPTION			,								2025 43
Adjaments 10 data Service Revenue Roords, Series 2014A (2.075,000) (2.000,00) (2.0	axable Increment"	\$	426,069,294	\$	415,287,167 \$	409,874,095	\$	397,412,766 \$	426,871,090 \$	430,495,341 \$	473,225,671 \$	510,957,928
a Instance Analabie (A papopriation I <	ijustments to Debt Service Reserve - Tax Increment Revenue Bonds, Series 2018A	\$	(2,075,000)	\$	4,713,478 \$	10,161,475 -	\$	13,081,784 \$ -	20,185,308 \$ -	12,421,800 \$ -	5,676,352 \$ -	5,775,691
Torrenome 28,344,278 17,171,871 15,881,872 15,381,480 15,394,800 15,044,821 15,043,84 15,044,821 15,044,821 15,044,821 15,044,821 15,044,821 15,044,821 15,044,821 15,044,821 15,044,821 15,044,821 15,044,821 15,044,821 15,044,821 15,000 16,044,831 10 Cont Meved 0,0000 0,0000 0,00		\$		\$	4,713,478 \$	- 10,161,475	\$	- 13,081,784 \$	- 20,185,308 \$	12,421,800 \$	- 5,676,352 \$	5,775,691
Tarkenname 28,544,278 17,717,81 19,284,879 15,281,469 15,281,489 15,281,4		٦										
a b 50.000 40.000			25,434,278		17,171,851	16,588,792		15,961,146	15,848,781	15,394,809	16,049,463	16,639,960
0 0 0 1.1770.000 -	owance for Uncollected Taxes [1.5% of Tax Revenues]		(266,910)		(257,578)	(248,832))	(239,417)	(237,732)	(230,922)	(240,742)	(249,599
10 0.0000 38.000					40,000			30,000	10,000	10,000		10,000
0 Char Arwanes												-
9 1 0								36,000	36,000	36,000	36,000	36,00
10 25/00000					-	-		-	-	-	-	-
n tail Sources of Funds i					-	-		-	-	-	-	-
USE OF FUNDS: DEE SERVICE 2009 Bord Marching 1,448,759 1,445,000 -		\$		\$	16,990,273 \$	16,415,960	\$	15,787,729 \$	15,657,049 \$	15,209,887 \$	15,854,721 \$	16,436,36
USE OF FUNDS: DEB SERVICE 2009 Port Medarding 1.448,759 1.448,000 1.241,247 1.241,247 1.241,247 1.247,250 2404,2404,250 . . 2009 Port Massian [Flaturding] 968,2500 915,550 2,407,550 2,407,550 2,404,550 .		N \$	74.069.862	\$	21.703.751 \$	26.577.435	\$	28.869.513 \$	35.842.357 \$	27.631.687 \$	21.531.073 \$	22,212,05
DET SERVICE Constrained (structuring) 1,488,750 1,488,750 1,488,750 1,488,750 1,488,750 1,488,750 1,241,977 1,237,744 1,241,970 1,242,422 . . 2008 brond secure and (structuring) 908,350 919,550 2,497,800 2,497,550 2,494,960 .		<u>י_</u>		T			Ŧ		,+		,	
27 200 Band Refunding 1,448,700 -<		_										
208 2000 1,241,977 1,241,977 1,241,977 1,241,977 1,242,922 - - 200 Deble Service2011 Alssue (Feltruding) 98,830 915,850 2,407,804 2,2047,845 2,2047,845 2,2047,844		-	1 488 750		1 485 000	-		_	_	-	-	-
90 Debt Service - 2011 A issue (informating) 908,350 915,950 2,497,850 2,494,950 - - 10 Debt Service - 2013 issue (informating) 79,600 77,750 8,000 77,870 - - 10 Debt Service - 2013 issue (iges relations) - 2,129,568 1,746,550 1,443,400 1,385,900 2,338,700 2,338,700 2,340,700 10 Debt Service - 2013 issue (iges relations) -	•							1,241,670	1 242 422	-	-	-
0 Deb Service - 2012 (sue [Fedurading] 79,600 77,650 77,250 78,750 - - 1 Deb Service - 2013 (sue [\$25.260 mi]) - 2,047,694 2,047,694 2,047,443 2,044,494 2,031,404 2,030,004 2,246.694 2 Deb Service - 2013 (sue [\$25.260 mi]) - 2,109,700 1,75,000 1,75,000 1,75,000 1,75,000 1,75,000 1,75,000 1,75,000 1,75,000 1,00,00										-	-	-
iii Debt Service - 2013 Issue [325.260 mil] 2.047.344 2.047.344 2.047.344 2.047.344 2.048.344 2.031.434 2.030.44 2.248.594 iii Debt Service - 2013 Issue [325.260 mil] 1.700 1.700 1.700 1.700 1.700 1.700 1.200										-	-	-
2 Det Service - 2018 issue (\$29 mil) - 2, 129, 50 1,746, 500 1,949, 400 1,839, 00 2,339, 700 2,140, 70 9 Paylop, Agent Services 1,700 1,700 1,700 1,700 1,700 1,700 1,700 1,200 1,75,000 1,75,000 1,75,000 1,75,000 1,700 1,400 1,400 1,400 1,400 1,400 1,400 1,400 1,400 1,000 100,										2,030.094	2,026,694	2,038,41
bit Proprint 1.700 1.700 1.700 1.700 1.700 1.700 1.200 1.200 1.200 5768,051 7,898,413 7,611,788 7,298,964 7,295,216 4,369,994 4,368,594 0 5,768,051 7,898,413 7,611,788 7,298,964 7,295,216 4,369,994 4,368,594 0 0 100,000 175,000 100,000 100,000 100,000 100,000 100,000 100,000 100												2,340,70
OPERATING EXPENDITURES Instantana (moving, utilities, botanical supplies) 102,454 175,000 100,000 100,000 100,000			1,700									1,20
90 Prof Sves/Proj Mgmt 102,454 175,000 330,000 330,000 330,000 330,000 330,000 330,000 330,000 330,000 330,000 100,000	Subtotal-Debt Service	_	5,768,051		7,899,413	7,611,788		7,298,964	7,235,216	4,369,994	4,368,594	4,380,313
50 Prof Sves/Proj Mgmt 102,454 175,000 330,000 330,000 330,000 330,000 330,000 330,000 330,000 100,000 100,000 100,000 100,000 100,000 100,000 100,000 100,000 100,000 100,000 200,000	PERATING EXPENDITURES											
54 Zone Park Maintenance [mowing, utilities, botanical supplies] 330,000 330,000 330,000 330,000 330,000 330,000 330,000 330,000 330,000 330,000 330,000 330,000 100,000 <td>of Svcs/Proj Mgmt</td> <td>-</td> <td>102,454</td> <td></td> <td>175,000</td> <td>175,000</td> <td></td> <td>175,000</td> <td>175,000</td> <td>175,000</td> <td>175,000</td> <td>175,000</td>	of Svcs/Proj Mgmt	-	102,454		175,000	175,000		175,000	175,000	175,000	175,000	175,000
Fe Rail Maintenance 112,100 100,000 10	gal/Audit		1,300		1,300	1,300		1,300	1,400	1,400	1,400	1,400
p Road/Signage Maintenance 200,000 100,000 100,000 100,000 100,000 100,000 200,000	ne Park Maintenance [mowing, utilities, botanical supplies]		330,000		330,000	330,000		330,000	330,000	330,000	330,000	330,00
20 Contractual Payments [TEDC - Marketing] 200,000	.il Maintenance		112,100		100,000	100,000		100,000	100,000	100,000	100,000	100,00
22 TISD-Reimbursement [per contract]] 27,563 27,563 27,563 28,941 28,941 28,941 30,388 35 Subtoal-Operating Expenditures 973,417 933,863 933,863 935,241 935,341 935,341 935,788 70 TOTAL DEBT & OPERATING EXPENDITURES \$ 6,741,468 \$ 8,833,276 \$ 8,234,205 \$ 8,170,557 \$ 5,305,335 \$ 5,305,382 \$ 80 Funds Available for Projects \$ 6,741,468 \$ 1,2870,475 \$ 18,031,784 \$ 20,635,308 \$ 27,671,800 \$ 22,326,352 \$ 16,225,691 \$ 80 Funde Available for Projects \$ 67,328,394 \$ 12,870,475 \$ 18,031,784 \$ 20,635,308 \$ 27,671,800 \$ 16,225,691 \$ \$ 16,225,691 \$ \$ 16,225,691 \$ 16,225,691 \$ \$ 16,225,691 \$ \$ 16,225,691 \$ \$ 16,225,691 \$ \$ 16,225,691 \$ \$ 16,225,691	ad/Signage Maintenance		200,000		100,000	100,000		100,000	100,000	100,000	100,000	100,000
5 Subtal-Operating Expenditures 973,417 933,863 933,863 935,241 935,341 935,341 936,781 936,781 936,781 936,781 936,781 936,781 936,781 936,781 936,781 936,781 936,781 936,781 936,781 936,781 936,781 936,781 936,781 \$	intractual Payments [TEDC - Marketing]		200,000		200,000	200,000		200,000	200,000	200,000	200,000	200,000
70 TOTAL DEBT & OPERATING EXPENDITURES \$ 6,741,468 \$ 8,833,276 \$ 8,234,205 \$ 8,170,557 \$ 5,305,335 \$ 5,305,382 \$ 70 Funds Available for Projects \$ Funds Available for Projects \$ 6,7328,394 \$ 12,870,475 \$ 8,031,784 \$ 20,635,308 \$ 27,571,800 \$ 23,325,352 \$ 16,225,691 \$ 700 Perplects * 1,121,920 -	SD-Reimbursement [per contract]					27,563						30,388
90 Funds Available for Projects \$ 67,328,394 \$ 12,870,475 \$ 18,031,784 \$ 20,635,308 \$ 27,671,800 \$ 22,326,352 \$ 16,225,691 \$ 960 Emple Industrial Park 1,121,920 -<	Subtotal-Operating Expenditures		973,417		933,863	933,863		935,241	935,341	935,341	936,788	936,788
PROJECTS 50 Temple Industrial Park 1,121,920 -	TOTAL DEBT & OPERATING EXPENDITURES	3 <u>\$</u>	6,741,468	\$	8,833,276 \$	8,545,651	\$	8,234,205 \$	8,170,557 \$	5,305,335 \$	5,305,382 \$	5,317,101
50 Temple Industrial Park 1,121,920 - <t< td=""><td>Inds Available for Projects</td><td>\$</td><td>67,328,394</td><td>\$</td><td>12,870,475 \$</td><td>18,031,784</td><td>\$</td><td>20,635,308 \$</td><td>27,671,800 \$</td><td>22,326,352 \$</td><td>16,225,691 \$</td><td>16,894,957</td></t<>	Inds Available for Projects	\$	67,328,394	\$	12,870,475 \$	18,031,784	\$	20,635,308 \$	27,671,800 \$	22,326,352 \$	16,225,691 \$	16,894,957
Jemple Industrial Park 1,121,920 - <th< td=""><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></th<>												
0 0 0 -		-	1 101 000		_			_	_	_	_	
Bisscience Park/Crossroads Park 3,191,551 - <td></td> <td></td> <td></td> <td></td> <td></td> <td>-</td> <td></td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td>						-		-	-	-	-	-
50 Outer Loop 19,485,419 - - - 14,800,000 11,700,000 - 60 Synergy Park 46,846 750,000 - <t< td=""><td></td><td></td><td></td><td></td><td></td><td>-</td><td></td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td></t<>						-		-	-	-	-	-
00 Synergy Park 46,846 750,000 - </td <td></td> <td></td> <td></td> <td></td> <td></td> <td>-</td> <td></td> <td>-</td> <td>14.800.000</td> <td>11.700.000</td> <td>-</td> <td>-</td>						-		-	14.800.000	11.700.000	-	-
50 Downtown 30,383,112 725,000 450,000						-		-		-	-	-
00 TMED 3,229,192 300,000 4,500,000 -						450,000		450,000	450,000	450,000	450,000	450,000
50 Airport Park 2,477,063 584,000 -										-		-
50 Public Improvements 4,500,000 10,000,000	port Park		2,477,063			-		-	-	-	-	-
	uteway Projects		1,772,000		100,000	-		-	-	-	-	-
Subtotal-Projects 62,614,916 2,709,000 4,950,000 15,250,000 16,650,000 10,450,000	blic Improvements		-		-	-		-	-	4,500,000	10,000,000	10,500,00
	Subtotal-Projects		62,614,916		2,709,000	4,950,000		450,000	15,250,000	16,650,000	10,450,000	10,950,000
TOTAL USE OF FUNDS \$ 69,356,384 \$ 11,542,276 \$ 13,495,651 \$ 8,684,205 \$ 23,420,557 \$ 21,955,335 \$ 15,755,382 \$)TAL USE OF FUNDS	\$	69,356,384	\$	11,542,276 \$	13,495,651	\$	8,684,205 \$	23,420,557 \$	21,955,335 \$	15,755,382 \$	16,267,101
100 FUND BALANCE, End {Available for Appropriation}	JND BALANCE, End {Available for Appropriation}	\$	4,713,478	\$	10,161,475 \$	13,081,784	\$	20,185,308 \$	12,421,800 \$	5,676,352 \$	5,775,691 \$	5,944,957

DESCRIPTION		2026 44	2027 45	2028 46	2029 47	2030 48	2031 49	2032 50
1 "Taxable Increment"	\$	603,517,507 \$	632,140,107 \$	638,461,508 \$	644,846,123 \$	651,294,584 \$	657,807,530 \$	664,385,606
1 FUND BALANCE, Begin	\$	5,944,957 \$	5,639,379 \$	6,023,272 \$	6,087,013 \$	6,332,215 \$	6,754,111 \$	6,358,522
Adjustments to Debt Service Reserve - Tax Increment Revenue Bonds, Series 2018A	φ	- 3,944,907 -	- 0,009,079 φ	0,020,272 \$ -	-	0,002,210 φ -	- 0,754,111 -	0,000,022
Adjustments to Debt Service Reserve - Tax Increment Taxable Revenue Bonds, Series 2018B		-	-	-	-	-	-	-
3 Fund Balance Available for Appropriation	\$	5,944,957 \$	5,639,379 \$	6,023,272 \$	6,087,013 \$	6,332,215 \$	6,754,111 \$	6,358,522
SOURCES OF FUNDS:	1							
4 Tax Revenues		17,945,912	18,402,247	18,586,255	18,772,103	18,959,809	19,149,392	19,340,871
6 Allowance for Uncollected Taxes [1.5% of Tax Revenues]		(269,189)	(276,034)	(278,794)	(281,582)	(284,397)	(287,241)	(290,113)
8 Interest Income-Other		10,000	10,000	10,000	10,000	10,000	10,000	10,000
10 Grant Funds		-	-	-	-	-	-	-
12 License Fee - Central Texas Railway		36,000	36,000	36,000	36,000	36,000	36,000	36,000
14 Other Revenues		-	-	-	-	-	-	-
15 Sale of land 17 Bond Proceeds		-	-	-	-	-	-	-
Total Sources of Funds Total Sources of Funds	\$	17,722,723 \$	18,172,213 \$	18,353,461 \$	18,536,521 \$	18,721,412 \$	18,908,151 \$	19,096,758
							, , ,	
25 TOTAL AVAILABLE FOR APPROPRIATION	\$	23,667,680 \$	23,811,592 \$	24,376,733 \$	24,623,535 \$	25,053,626 \$	25,662,262 \$	25,455,280
USE OF FUNDS:								
DEBT SERVICE	_							
27 2009 Bond Refunding		-	-	-	-	-	-	-
28 2008 Bond Issue-Taxable {\$10.365 mil}		-	-	-	-	-	-	-
29 Debt Service - 2011A Issue {Refunding}		-	-	-	-	-	-	-
30 Debt Service - 2012 Issue {Refunding}		-	-	-	-	-	-	-
31 Debt Service - 2013 Issue {\$25.260 mil} 32 Debt Service - 2018 Issue {\$29 mil}		2,051,613 2,338,700	2,059,113 2,339,700	2,061,713 2,338,500	2,061,713 2,340,100	2,069,113 2,339,300	2,073,513 2,339,125	2,084,913 2,339,213
35 Paying Agent Services		1,200	1,200	1,200	1,200	1,200	1,200	1,200
40 Subtotal-Debt Service		4,391,513	4,400,013	4,401,413	4,403,013	4,409,613	4,413,838	4,425,326
OPERATING EXPENDITURES								
50 Prof Svcs/Proj Mgmt	-	175,000	175,000	175,000	175,000	175,000	175,000	175,000
52 Legal/Audit		1,400	1,400	1,400	1,400	1,400	1,400	1,400
54 Zone Park Maintenance [mowing, utilities, botanical supplies]		330,000	330,000	330,000	330,000	330,000	330,000	330,000
56 Rail Maintenance		100,000	100,000	100,000	100,000	100,000	100,000	100,000
58 Road/Signage Maintenance		100,000	100,000	100,000	100,000	100,000	100,000	100,000
60 Contractual Payments [TEDC - Marketing]		200,000	200,000	200,000	200,000	200,000	200,000	200,000
62 TISD-Reimbursement [per contract]		30,388	31,907	31,907	31,907	33,502	33,502	33,502
65 Subtotal-Operating Expenditures		936,788	938,307	938,307	938,307	939,902	939,902	939,902
70 TOTAL DEBT & OPERATING EXPENDITURES	\$	5,328,301 \$	5,338,320 \$	5,339,720 \$	5,341,320 \$	5,349,515 \$	5,353,740 \$	5,365,228
80 Funds Available for Projects	\$	18,339,379 \$	18,473,272 \$	19,037,013 \$	19,282,215 \$	19,704,111 \$	20,308,522 \$	20,090,052
PROJECTS								
150 Temple Industrial Park	-	-	-	-	-	-	-	-
200 Corporate Campus Park		-	-	-	-	-	-	-
250 Bioscience Park/Crossroads Park		-	-	-	-	-	-	-
350 Outer Loop		-	-	-	-	-	-	-
100 Synergy Park		-	-	-	-	-	-	-
150 Downtown		450,000	450,000	450,000	450,000	450,000	450,000	450,000
500 TMED		-	-	-	-	-	-	-
550 Airport Park		-	-	-	-	-	-	-
350 Gateway Projects		-	-	-	-	-	-	-
750 Public Improvements		12,250,000	12,000,000	12,500,000	12,500,000	12,500,000	13,500,000	13,500,000
Subtotal-Projects		12,700,000	12,450,000	12,950,000	12,950,000	12,950,000	13,950,000	13,950,000
TOTAL USE OF FUNDS	\$	18,028,301 \$	17,788,320 \$	18,289,720 \$	18,291,320 \$	18,299,515 \$	19,303,740 \$	19,315,228
00 FUND BALANCE, End {Available for Appropriation}	\$	5,639,379 \$	6,023,272 \$	6,087,013 \$	6,332,215 \$	6,754,111 \$	6,358,522 \$	6,140,052
י איז שאבחוזטב, בווע נאימוומטול ועו אףטיטטוומווטוון	Ψ	J,0JJ,J/J Ø	0,020,212 P	0,007,013 P	0,002,210 7	ס,ווו,זייטי,טי	0,000,022 Ø	0,140,002

City of Temple, Texas TIF Reinvestment Zone #1 Financing Plan Financing Plan - 08/29/18 to Zone Board

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FINANCING PLAN Page 2 of 5

Financing Plan - 08/29/18 to Zone Board

DESCRIPTION		2033 51	2034 52	2035 53	2036 54	2037 55	2038 56	2039 57	2040 58	2041 59	2042 60
"Taxable Increment"	\$	671,029,462 \$	677,739,756 \$	684,517,154 \$	691,362,325 \$	698,275,949 \$	705,258,708 \$	712,311,295 \$	719,434,408 \$	726,628,752 \$	733,895,040
FUND BALANCE, Begin	\$	6,140,052 \$	6,104,575 \$	6,349,959 \$	6,294,041 \$	6,180,604 \$	6,268,620 \$	8,905,589 \$	9,481,293 \$	9,261,232 \$	8,747,448
Adjustments to Debt Service Reserve - Tax Increment Revenue Bonds, Series 2018A	Ψ	-	ο, το 1,οτο φ -	0,010,000 ¢		-	2,075,000	-	ο, 101,200 φ -	0,201,202	-
Adjustments to Debt Service Reserve - Tax Increment Taxable Revenue Bonds, Series 2018B		-	-	-	-	-	525,000	-	-	-	_
Fund Balance Available for Appropriation	\$	6,140,052 \$	6,104,575 \$	6,349,959 \$	6,294,041 \$	6,180,604 \$	8,868,620 \$	8,905,589 \$	9,481,293 \$	9,261,232 \$	8,747,448
SOURCES OF FUNDS:											
Tax Revenues		19,534,265	19,729,593	19,926,875	20,126,129	20,327,375	20,530,634	20,735,926	20,943,271	21,152,689	21,364,201
Allowance for Uncollected Taxes [1.5% of Tax Revenues]		(293,014)	(295,944)	(298,903)	(301,892)	(304,911)	(307,960)	(311,039)	(314,149)	(317,290)	(320,463)
Interest Income-Other		10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
0 Grant Funds		-	-	-	-	-	-	-	-	-	-
2 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
Cher Revenues		-	-	-	-	-	-	-	-	-	-
Sale of land		-	-	-	-	-	-	-	-	-	-
7 Bond Proceeds 7 Total Sources of Funds	\$	 19,287,251 \$	 19,479,649 \$	 19,673,972 \$	 19,870,237 \$	20,068,464 \$	20,268,674 \$	20,470,887 \$	20,675,122 \$	20,881,399 \$	21,089,738
	<u> </u>			· ·			· ·		, , .	, , ,	
5 TOTAL AVAILABLE FOR APPROPRIATION	\$	25,427,303 \$	25,584,224 \$	26,023,931 \$	26,164,278 \$	26,249,069 \$	29,137,294 \$	29,376,476 \$	30,156,415 \$	30,142,631 \$	29,837,186
USE OF FUNDS:											
DEBT SERVICE	_										
7 2009 Bond Refunding		-	-	-	-	-	-	-	-	-	-
2008 Bond Issue-Taxable {\$10.365 mil}		-	-	-	-	-	-	-	-	-	-
9 Debt Service - 2011A Issue {Refunding}		-	-	-	-	-	-	-	-	-	-
Debt Service - 2012 Issue {Refunding}		-	-	-	-	-	-	-	-	-	-
1 Debt Service - 2013 Issue {\$25.260 mil}		2,092,913	-	-	-	-	-	-	-	-	-
2 Debt Service - 2018 Issue {\$29 mil}		2,337,038	2,341,488	2,337,113	2,339,138	2,337,113	2,338,369	-	-	-	-
5 Paying Agent Services		1,200	1,200	1,200	1,200	-	-	-	-	-	-
9 Subtotal-Debt Service		4,431,151	2,342,688	2,338,313	2,340,338	2,337,113	2,338,369	-	-	-	-
OPERATING EXPENDITURES	_										
9 Prof Svcs/Proj Mgmt		175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000
2 Legal/Audit		1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400
Zone Park Maintenance [mowing, utilities, botanical supplies]		330,000	330,000	330,000	330,000	330,000	330,000	330,000	330,000	330,000	330,000
6 Rail Maintenance		100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
8 Road/Signage Maintenance		100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
0 Contractual Payments [TEDC - Marketing]		200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000
2 TISD-Reimbursement [per contract]		35,177	35,177	35,177	36,936	36,936	36,936	38,783	38,783	38,783	40,722
5 Subtotal-Operating Expenditures		941,577	941,577	941,577	943,336	943,336	943,336	945,183	945,183	945,183	947,122
TOTAL DEBT & OPERATING EXPENDITURES	5 <u>\$</u>	5,372,728 \$	3,284,265 \$	3,279,890 \$	3,283,674 \$	3,280,449 \$	3,281,705 \$	945,183 \$	945,183 \$	945,183 \$	947,122
Funds Available for Projects	\$	20,054,575 \$	22,299,959 \$	22,744,041 \$	22,880,604 \$	22,968,620 \$	25,855,589 \$	28,431,293 \$	29,211,232 \$	29,197,448 \$	28,890,064
PROJECTS											
7 Temple Industrial Park	_	-	-	-	-	-	-	-	-	-	-
0 Corporate Campus Park		-	-	-	-	-	-	-	-	-	-
0 Bioscience Park/Crossroads Park		-	-	-	-	-	-	-	-	-	-
0 Outer Loop		-	-	-	-	-	-	-	-	-	-
		-	-	-	-	-	-	-	-	-	-
0 Synergy Park		450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000
		,					-	-	-	-	-
0 Downtown		-	-	-	-	-				-	
0 Downtown 0 TMED			-	-	-	-	-	-	-	-	-
0 Downtown 0 TMED 0 Airport Park		-					-				-
0 Downtown 0 TMED 0 Airport Park 0 Gateway Projects		-		-		-	- - 16,500,000		-	-	-
 Synergy Park Downtown TMED Airport Park Gateway Projects Public Improvements Subtotal-Projects 		-	-	-	-	-	- - 16,500,000 16,950,000	-	-	-	- - 19,500,000 19,950,000
 Downtown TMED Airport Park Gateway Projects Public Improvements 	\$	- - - 13,500,000	- - 15,500,000	- - 16,000,000	- - 16,250,000	- - 16,250,000		- - 18,500,000	- - 19,500,000	- - 20,000,000	- 19,500,000

FINANCING PLAN Page 3 of 5

Financing Plan - 08/29/18 to Zone Board

										go i oi o
DESCRIPTION	2043 61	2044 62	2045 63	2046 64	2047 65	2048 66	2049 67	2050 68	2051 69	2052 70
1 "Taxable Increment"	\$ 741,233,990	\$ 748,646,330 \$	756,132,793 \$	763,694,121 \$	771,331,062 \$	779,044,373 \$	786,834,817 \$	794,703,165 \$	802,650,197 \$	810,676,699
1 FUND BALANCE, Begin	\$ 8,940,064	\$ 9,197,343 \$	9,134,243 \$	9,250,422 \$	9,049,730 \$	9,033,998 \$	9,202,938 \$	9,060,556 \$	9,108,739 \$	9,347,147
Adjustments to Debt Service Reserve - Tax Increment Revenue Bonds. Series 2018A	φ 0,0+0,00+	φ 0,107,040 φ	5,104,240 φ	5,200,422 φ	5,040,700 φ	ο,000,000 φ	5,202,300 φ	5,000,000 φ	5,100,705 φ	5,047,147
A Adjustments to Debt Service Reserve - Tax Increment Taxable Revenue Bonds, Series 2018B	-	-	-			_	-	-	-	-
3 Fund Balance Available for Appropriation	\$ 8,940,064	\$ 9,197,343 \$	9,134,243 \$	9,250,422 \$	9,049,730 \$	9,033,998 \$	9,202,938 \$	9,060,556 \$	9,108,739 \$	9,347,147
		· · ·				· ·				
SOURCES OF FUNDS:		10, 100, 150			10,000,000		10.010.100	10 511 000	10 707 004	40.004.050
4 Tax Revenues	18,226,905	18,409,159	18,593,236	18,779,153	18,966,930	19,156,585	19,348,136	19,541,603	19,737,004	19,934,359
6 Allowance for Uncollected Taxes [1.5% of Tax Revenues]	(273,404)	(276,137)	(278,899)	(281,687)	(284,504)	(287,349)	(290,222)	(293,124)	(296,055)	(299,015)
8 Interest Income-Other 10 Grant Funds	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
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
14 Other Revenues	-	-	-	-	-	-	-	-	-	-
15 Sale of land	-	-	-	-	-	-	-	-	-	-
17 Bond Proceeds	-	-	-	-	-	-	-	-	-	-
20 Total Sources of Funds	\$ 17,999,501	\$ 18,179,022 \$	18,360,337 \$	18,543,466 \$	18,728,426 \$	18,915,236 \$	19,103,914 \$	19,294,479 \$	19,486,949 \$	19,681,344
25 TOTAL AVAILABLE FOR APPROPRIATION	N \$ 26,939,565	\$ 27,376,365 \$	27,494,580 \$	27,793,888 \$	27,778,156 \$	27,949,234 \$	28,306,852 \$	28,355,035 \$	28,595,688 \$	29,028,491
USE OF FUNDS:	7									<u> </u>
DEBT SERVICE	_									
27 2009 Bond Refunding 28 2008 Bond Issue-Taxable {\$10.365 mil}	-	-	-	-	-	-	-	-	-	-
29 Debt Service - 2011A Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
30 Debt Service - 2017 Alssue {Refunding}	-	-	-	-	-	-	-	-	-	-
37 Debt Service - 2012 Issue {\featuality} 37 Debt Service - 2013 Issue {\\$25.260 mil}		-	_	_	_	-	_			-
32 Debt Service - 2013 Issue {\$29 mil}		-	_	_	_	-	_			
35 Paying Agent Services		_			_	-				_
40 Subtotal-Debt Service	-	-	-	-	-	-	-	-	-	-
OPERATING EXPENDITURES		175 000	175 000	475.000	475.000	175 000	175 000	175 000	175 000	475 000
50 Prof Svcs/Proj Mgmt	175,100	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000
52 Legal/Audit	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	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
56 Rail Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
58 Road/Signage Maintenance	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]	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000
 62 TISD-Reimbursement [per contract] 65 Subtotal-Operating Expenditures 	40,722 792,222	40,722 792,122	42,758 794,158	42,758 794,158	42,758 794,158	44,896 796,296	44,896 796,296	44,896 796,296	47,141 798,541	47,141 798,541
70 TOTAL DEBT & OPERATING EXPENDITURES	<u>\$ 792,222</u>	\$ 792,122 \$	794,158 \$	794,158 \$	794,158 \$	796,296 \$	796,296 \$	796,296 \$	798,541 \$	798,541
80 Funds Available for Projects	\$ 26,147,343	\$ 26,584,243 \$	26,700,422 \$	26,999,730 \$	26,983,998 \$	27,152,938 \$	27,510,556 \$	27,558,739 \$	27,797,147 \$	28,229,950
PROJECTS										
150 Temple Industrial Park		-	-	-	-	-	-	-	-	-
200 Corporate Campus Park	-	-	-	-	-	-	-	-	-	-
250 Bioscience Park/Crossroads Park	-	-	-	-	-	-	-	-	-	-
350 Outer Loop	-	-	-	-	-	-	-	-	-	-
400 Synergy Park	-	-	-	-	-	-	-	-	-	-
450 Downtown	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000
500 TMED	-	-	-	-	-	-	-	-	-	-
550 Airport Park	-	-	-	-	-	-	-	-	-	-
550 Gateway Projects	-	-	-	-	-	-	-	-	-	-
750 Public Improvements	16,500,000	17,000,000	17,000,000	17,500,000	17,500,000	17,500,000	18,000,000	18,000,000	18,000,000	18,500,000
Subtotal-Projects	16,950,000	17,450,000	17,450,000	17,950,000	17,950,000	17,950,000	18,450,000	18,450,000	18,450,000	18,950,000
TOTAL USE OF FUNDS	\$ 17,742,222	\$ 18,242,122 \$	18,244,158 \$	18,744,158 \$	18,744,158 \$	18,746,296 \$	19,246,296 \$	19,246,296 \$	19,248,541 \$	19,748,541
500 FUND BALANCE, End {Available for Appropriation}	\$ 9,197,343	\$ 9,134,243 \$	9,250,422 \$	9,049,730 \$	9,033,998 \$	9,202,938 \$	9,060,556 \$	9,108,739 \$	9,347,147 \$	9,279,950
	<u>Ψ 0,107,070</u>	<u>- 3,107,270 φ</u>		0,0-0,100 φ	0,000,000 φ		0,000,000 φ	ο,φ		5,210,000

FINANCING PLAN Page 4 of 5

Financing Plan - 08/29/18 to Zone Board

										900010
DESCRIPTION	2053 71	2054 72	2055 73	2056 74	2057 75	2058 76	2059 77	2060 78	2061 79	2062 80
1 "Taxable Increment"	\$ 818,783,466 \$	826,971,300 \$	835,241,013 \$	843,593,423 \$	852,029,358 \$	860,549,651 \$	869,155,148 \$	877,846,699 \$	886,625,166 \$	895,491,418
1 FUND BALANCE, Begin	\$ 9,279,950 \$	8,909,092 \$	9,234,179 \$	9,259,551 \$	9,487,213 \$	8,916,710 \$	9,052,561 \$	9,396,830 \$	9,449,002 \$	9,213,781
Adjustments to Debt Service Reserve - Tax Increment Revenue Bonds, Series 2018A	φ 3,273,330 φ	0,000,002 φ	5,254,175 φ	5,205,001 φ	5,407,215 φ	ο,510,710 φ	5,052,501 φ	5,550,050 φ	5,445,002 φ	5,215,701
28 Adjustments to Debt Service Reserve - Tax Increment Taxable Revenue Bonds, Series 2018B	-	-	-	-	-	-	-	-	-	-
	\$ 9,279,950 \$	8,909,092 \$	9,234,179 \$	9,259,551 \$	9,487,213 \$	8,916,710 \$	9,052,561 \$	9,396,830 \$	9,449,002 \$	9,213,781
SOURCES OF FUNDS:										
4 Tax Revenues	20,133,688	20,335,010	20,538,346	20,743,715	20,951,137	21,160,634	21,372,225	21,585,933	21,801,778	22,019,781
6 Allowance for Uncollected Taxes [1.5% of Tax Revenues]	(302,005)	(305,025)	(308,075)	(311,156)	(314,267)	(317,410)	(320,583)	(323,789)	(327,027)	(330,297)
8 Interest Income-Other	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
10 Grant Funds	-	-	-	-	-	-	-	-	-	-
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
14 Other Revenues	-	-	-	-	-	-	-	-	-	-
15 Sale of land	-	-	-	-	-	-	-	-	-	-
17 Bond Proceeds	-	-	-	-	-	-	-	-	-	-
20 Total Sources of Funds	\$ 19,877,683 \$	20,075,985 \$	20,276,271 \$	20,478,559 \$	20,682,870 \$	20,889,224 \$	21,097,642 \$	21,308,144 \$	21,520,751 \$	21,735,484
25 TOTAL AVAILABLE FOR APPROPRIATION	\$ 29,157,633 \$	28,985,077 \$	29,510,449 \$	29,738,111 \$	30,170,083 \$	29,805,934 \$	30,150,203 \$	30,704,974 \$	30,969,753 \$	30,949,266
USE OF FUNDS:										
DEBT SERVICE										
27 2009 Bond Refunding	-	-	-	-	-	-	-	-	-	-
28 2008 Bond Issue-Taxable {\$10.365 mil}	-	-	-	-	-	-	-	-	-	-
29 Debt Service - 2011A Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
30 Debt Service - 2012 Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
31 Debt Service - 2013 Issue {\$25.260 mil}	-	-	-	-	-	-	-	-	-	-
32 Debt Service - 2018 Issue {\$29 mil}	-	-	-	-	-	-	-	-	-	-
35 Paying Agent Services	-	-	-	-	-	-	-	-	-	-
40 Subtotal-Debt Service	-	-	-	-	-	-	-	-	-	-
OPERATING EXPENDITURES										
50 Prof Svcs/Proj Mgmt	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000
52 Legal/Audit	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	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
56 Rail Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
58 Road/Signage Maintenance	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]	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000
62 TISD-Reimbursement [per contract]	47,141	49,498	49,498	49,498	51,973	51,973	51,973	54,572	54,572	54,572
65 Subtotal-Operating Expenditures	798,541	800,898	800,898	800,898	803,373	803,373	803,373	805,972	805,972	805,972
70 TOTAL DEBT & OPERATING EXPENDITURES	\$ 798,541 \$	800,898 \$	800,898 \$	800,898 \$	803,373 \$	803,373 \$	803,373 \$	805,972 \$	805,972 \$	805,972
80 Funds Available for Projects	\$ 28,359,092 \$	28,184,179 \$	28,709,551 \$	28,937,213 \$	29,366,710 \$	29,002,561 \$	29,346,830 \$	29,899,002 \$	30,163,781 \$	30,143,294
PROJECTS										
150 Temple Industrial Park	-	-	-	-	-	-	-	-	-	-
200 Corporate Campus Park	-	-	-	-	-	-	-	-	-	-
250 Bioscience Park/Crossroads Park	-	-	-	-	-	-	-	-	-	-
350 Outer Loop	-	-	-	-	-	-	-	-	-	-
400 Synergy Park	-	-	-	-	-	-	-	-	-	-
450 Downtown	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000
500 TMED	-	-	-	-	-	-	-	-	-	-
550 Airport Park	-	-	-	-	-	-	-	-	-	-
650 Gateway Projects	-	-	-	-	-	-	-	-	-	-
750 Public Improvements	19,000,000	18,500,000	19,000,000	19,000,000	20,000,000	19,500,000	19,500,000	20,000,000	20,500,000	23,738,011
Subtotal-Projects	19,450,000	18,950,000	19,450,000	19,450,000	20,450,000	19,950,000	19,950,000	20,450,000	20,950,000	24,188,011
TOTAL USE OF FUNDS	\$ 20,248,541 \$	19,750,898 \$	20,250,898 \$	20,250,898 \$	21,253,373 \$	20,753,373 \$	20,753,373 \$	21,255,972 \$	21,755,972 \$	24,993,983
800 FUND BALANCE, End {Available for Appropriation}	\$ 8,909,092 \$	9,234,179 \$	9,259,551 \$	9,487,213 \$	8,916,710 \$	9,052,561 \$	9,396,830 \$	9,449,002 \$	9,213,781 \$	5,955,283

FINANCING PLAN Page 5 of 5

TIF Reinvestment Zone #1 Summary Financing Plan with Detailed Project Plan

Project Plan - 08/29/18 - to Zone Board

\$ 29,000,000 Bond Proceeds

SUMMARY FINANCING PLAN								
7 Beginning Available Fund Balance, Oct 1	2018 \$ 20,539,894 \$	2019 4.713.478	2020 5 10,161,475	2021 \$ 13.081.784 \$	2022 5 20,185,308 \$	2023 12.421.800 \$	2024 5,676,352 \$	2025 5,775,69
·	•,,• •	.,,				, , +	-,	-,,
20 Total Sources of Funds	56,129,968	16,990,273	16,415,960	15,787,729	15,657,049	15,209,887	15,854,721	16,436,367
2A Adjustments to Debt Service Reserve - Tax Increment Revenue Bonds, Series 2018A	(2,075,000)	-	-	-	-		-	
28 Adjustments to Debt Service Reserve - Tax Increment Taxable Revenue Bonds, Series 2018B	(525,000)	-	-	-	-	-	-	
25 Net Available for Appropriation	74,069,862	21,703,751	26,577,435	28,869,513	35,842,357	27,631,687	21,531,073	22,212,058
50/52 General Administrative Expenditures	103,754	176,300	176,300	176,300	176,400	176,400	176,400	176,400
54 Zone Park Maintenance [mowing, utilities, botanical supplies]	330,000	330,000	330,000	330,000	330,000	330,000	330,000	330,000
56 Rail Maintenance	112,100	100,000	100,000	100,000	100,000	100,000	100,000	100,000
58 Road/Signage Maintenance	200,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
60 Contractual Payments (TEDC - Marketing)	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000
62 TISD-Reimbursement [per contract]	27,563	27,563	27,563	28,941	28,941	28,941	30,388	30,388
27 Debt Service - 2009 Issue {Refunding}	1,488,750	1,485,000	-	-	-	-	-	-
28 Debt Service - 2008 Taxable Issue {\$10.365 mil}	1,241,957	1,241,173	1,237,744	1,241,670	1,242,422	-	-	-
29 Debt Service - 2011A Issue {Refunding}	908,350	915,950	2,497,800	2,497,550	2,494,950	-	-	-
30 Debt Service - 2012 Issue {Refunding}	79,600	77,650	80,050	77,250	78,750	-	-	-
31 Debt Service - 2013 Issue {\$25.260 mil}	2,047,694	2,048,344	2,047,944	2,046,494	2,031,494	2,030,094	2,026,694	2,038,413
32 Debt Service - 2018 Issue {\$29 mil}	-	2,129,596	1,746,550	1,434,300	1,385,900	2,338,700	2,340,700	2,340,700
33 Paying Agent Services	1,700	1,700	1,700	1,700	1,700	1,200	1,200	1,200
70 Total Debt & Operating Expenditures	6,741,468	8,833,276	8,545,651	8,234,205	8,170,557	5,305,335	5,305,382	5,317,101
80 Funds Available for Projects	\$ 67,328,394 \$	12,870,475 \$	6 18,031,784	\$ 20,635,308	3 27,671,800 \$	22,326,352 \$	16,225,691 \$	16,894,957
PROJECT PLAN	-							

	PROJECT PLAN								
		2018	2019	2020	2021	2022	2023	2024	2025
	TEMPLE INDUSTRIAL PARK:	2010	2019	2020	2021	2022	2023	2024	2025
101		21,920	-	-	-		-	-	-
101 102	Receiving & Delivery {R&D} Tracks {bond funded} Rail Backage Road (E-W) GST Tract {bond funded}	- 450,000	-	-	-		-	-	-
103	Rail Backage Road (N-S) GST Tract		-	-	-	-	-	-	-
104	Overlay Industrial Blvd	650,000	-	-	-	-	-	-	-
108 150	Total Industrial Park	1,121,920	-	-			-		
155	CORPORATE CAMPUS PARK: Pepper Creek Trail Hwy 36 to McLane Parkway	157,813	-	-	-		-	-	-
156	Corporate Campus Land	750,000	-	-	-	-	-	-	-
157	Mixed Use Master Plan	-	250,000						
200	Total Corporate Campus Park	907,813	250,000	-	•				
	BIOSCIENCE PARK/CROSSROADS PARK:								
<i>207</i> 250	Cross Roads Park @ Pepper Creek Trail Total Bio-Science Park	3,191,551 3,191,551	-					<u> </u>	· ·
200									
0.05	OUTER LOOP	1 005 000							
305 305	Outer Loop (IH 35 to Wendland) STAG grant {Little Elm Sewer} Outer Loop (IH 35 to Wendland)	1,925,000 1,224,909	-	-	-	- 14,800,000	-	-	
305	Outer Loop (IH 35 to Wendland) {bond funded}	500,000	-	-	-	-	-	-	-
310	Outer Loop (Wendland to McLane Pkwy)	1,010,016	-	-	-	-	11,700,000	-	-
315 315	Outer Loop (McLane Pkwy to Central Point Pkwy) Outer Loop (McLane Pkwy to Central Point Pkwy) {bond funded}	398,344 7,250,000	-	-	-	-	-	-	-
316	Outer Loop Phase V (Poison Oak to Old Waco Road) {bond funded}	2,820,000	-	-					
320	Outer Loop Phase VI (Old Waco Road to I35 South)	394,150	-	-	-	-	-	-	-
320 321	Outer Loop Phase VI (Old Waco Road to I35 South) {bond funded} East Outer Loop {bond funded}	3,340,000 623,000	-	-	-	-	-	-	-
321	Total Research Parkway	19,485,419			-	14,800,000	11,700,000		
352	SYNERGY PARK: Entry Enhancement	46,846	-	-	_	-	-	_	-
352 354	Land	+0,0+0	750,000	-		-	-	-	
400	Total Synergy Park	46,846	750,000	•	-		<u> </u>	-	-
	DOWNTOWN								
401	DOWNTOWN: Downtown Improvements {Transformation Team}	362,051	450,000	450,000	450,000	450,000	450,000	450,000	450,000
402	Downtown Electric Master Plan	75,000		-		-	-		-
403	Downtown Lighting	60,000	-	-	-	-	-	-	-
404 404	Santa Fe Plaza Santa Fe Plaza {bond funded}	7,155,977 1,150,000	-	-	-	-	-	-	
406	Downtown City Center/Hawn {bond funded}	2,050,000	-	-		-	-	-	-
406	Downtown City Center/Hawn	150,000	-	-	-	-	-	-	-
407 408	Santa Fe Market MLK Festival Fields	3,504,084	-	-	-	-	-	-	-
409	TISD-Obligation per Contract	5,000,000	-	-	-	-	-	-	
410	1st Street (Avenue B to Central Avenue) and Avenue A (North 3rd to South 2nd)	296,000	-	-	-	-	-	-	-
411 412	1st Street from Avenue A to Avenue B 1st Street from Avenue A to Central Avenue {bond funded}	1,060,000	-	-	-	-	-	-	-
412		5,000,000	-	-		-	-	-	-
414	Avenue C from MLK to 24th Street {bond funded}	2,540,000	-	-	-	-	-	-	-
		170,000	-	-	-	-	-	-	
416 417		155,000 125,000	-	-	-	-	-	-	-
418	Strategic Investment Zone - Grants	250,000	275,000	-	-	-			-
450	Total Downtown	30,383,112	725,000	450,000	450,000	450,000	450,000	450,000	450,000
	TMED:								
458	Loop 363 Frontage Rd (UPRR to 5th TIRZ portion)	182,935	-	-	-	-	-	-	-
459 460	31st Street/Loop 363 Improvements 31st Street (Loop 363 to Avenue M) and Avenue R (31st to 25th Street) Concept Design	74,800 130,000	-	-	-	-	-	-	-
461	31st Street Monumentation {bond funded}	450,000	-	-	-	-	-	-	-
462	Ave U TMED Ave. to 1st Street	362,305	-	-	-	-	-	-	-
465 466	Friars Creek Trail Amphitheater Veteran's Memorial Blvd. Phase II	- 269,602	- 300,000	- 4,500,000		-	-		
466 467	1st Street @ Temple College Pedestrian Bridge	-	-	-,500,000	-	-	-	-	-
468	TMED South 1st Street	1,759,550	-	-	-	-	-	-	-
500	Total TMED	3,229,192	300,000	4,500,000	-		-	-	-
	AIRPORT PARK:								
507	Taxiway for Airport	-	-			-	-	-	-
510	Corporate Hangar Phase III Draughon-Miller Regional Airport FBO Center & Parking Visioning	1,686,063 119,000	-	-	-	-	-	-	-
		440,000	-	-	-	-	-	-	-
511 512	Draughon-Miller Regional Airport FBO Center & Parking {bond funded}	440,000							
512 513	Corporate Hangar Phase IV {RAMP grant funded}	100,000							-
512 513 513	Corporate Hangar Phase IV {RAMP grant funded} Corporate Hangar Phase IV {bond funded}	100,000 132,000	-	-		-	-		
512 513	Corporate Hangar Phase IV {RAMP grant funded} Corporate Hangar Phase IV {bond funded} Clear Area Near Fire Station	100,000	- 172,500 172,500	-	-		-		
512 513 513 514 515 516	Corporate Hangar Phase IV (RAMP grant funded) Corporate Hangar Phase IV (bond funded) Clear Area Near Fire Station Repaint Tower Demolition of Old Terminal Building	100,000 132,000	172,500 115,000	-	-	-		-	
512 513 513 514 515 516 517	Corporate Hangar Phase IV {RAMP grant funded} Corporate Hangar Phase IV {bond funded} Clear Area Near Fire Station Repaint Tower Demolition of Old Terminal Building Fence Realignment	100,000 132,000 - - - - -	172,500 115,000 124,000	-	-	-		-	
512 513 513 514 515 516	Corporate Hangar Phase IV (RAMP grant funded) Corporate Hangar Phase IV (bond funded) Clear Area Near Fire Station Repaint Tower Demolition of Old Terminal Building Fence Realignment Total Airport Park	100,000 132,000 - -	172,500 115,000			-	-	-	-
512 513 514 515 516 516 517 550	Corporate Hangar Phase IV (RAMP grant funded) Corporate Hangar Phase IV (bond funded) Clear Area Near Fire Station Repaint Tower Demolition of Old Terminal Building Fence Realignment Total Airport Park GATEWAY PROJECTS:	100,000 132,000 - - - - 2,477,063	172,500 115,000 124,000				-	-	<u> </u>
512 513 513 514 515 516 517	Corporate Hangar Phase IV (RAMP grant funded) Corporate Hangar Phase IV (bond funded) Clear Area Near Fire Station Repaint Tower Demolition of Old Terminal Building Fence Realignment Total Airport Park	100,000 132,000 - - - - -	172,500 115,000 124,000	-					<u> </u>
512 513 514 515 516 517 550 601 602 603	Corporate Hangar Phase IV (RAMP grant funded) Corporate Hangar Phase IV (bond funded) Clear Area Near Fire Station Repaint Tower Demolition of Old Terminal Building Fence Realignment Total Airport Park <u>GATEWAY PROJECTS:</u> North 31st Street (Nugent to Central) Concept Design East/West IH 35 Gateway Land Acquisition	100,000 132,000 - - - 2,477,063 212,000	172,500 115,000 124,000 584,000		•	-			
512 513 514 515 516 517 550 601 602 603 604	Corporate Hangar Phase IV (RAMP grant funded) Corporate Hangar Phase IV (bond funded) Clear Area Near Fire Station Repaint Tower Demolition of Old Terminal Building Fence Realignment Total Airport Park GATEWAY PROJECTS: North 31st Street (Nugent to Central) Concept Design East/West IH 35 Gateway Land Acquisition Downtown Neighborhoods Overlay	100,000 132,000 - - - 2,477,063 212,000 60,000 1,500,000	172,500 115,000 124,000 584,000	•	•	- - -	- 	•	· ·
512 513 514 515 516 517 550 601 602 603	Corporate Hangar Phase IV (RAMP grant funded) Corporate Hangar Phase IV (bond funded) Clear Area Near Fire Station Repaint Tower Demolition of Old Terminal Building Fence Realignment Total Airport Park <u>CATEWAY PROJECTS:</u> North 31st Street (Nugent to Central) Concept Design EastWest IH 35 Gateway Land Acquisition Downtown Neighborhoods Overlay Total Gateway Projects	100,000 132,000 - - - 2,477,063 212,000 60,000	172,500 115,000 124,000 584,000	_		_		-	-
512 513 514 515 516 517 550 601 602 603 604 650	Corporate Hangar Phase IV (RAMP grant funded) Corporate Hangar Phase IV (bond funded) Clear Area Near Fire Station Repaint Tower Demolition of Old Terminal Building Fence Realignment Total Airport Park <u>GATEWAY PROJECTS:</u> North 31st Street (Nugent to Central) Concept Design EastWest IH 35 Gateway Land Acquisition Downtown Neighborhoods Overlay Total Gateway Projects Public Improvements	100,000 132,000 - - - 2,477,063 212,000 60,000 1,500,000	172,500 115,000 124,000 584,000 100,000 100,000	_		-			
512 513 513 514 515 516 517 550 601 602 603 604 650 701	Corporate Hangar Phase IV (RAMP grant funded) Corporate Hangar Phase IV (bond funded) Clear Area Near Fire Station Repaint Tower Demolition of Old Terminal Building Fence Realignment Total Airport Park Cateway PROJECTS: North 31st Street (Nugent to Central) Concept Design East/West IH 35 Gateway Land Acquisition Downtown Neighborhoods Overlay Total Gateway Projects Public Improvements Public Improvements	100,000 132,000 - - - 2,477,063 212,000 60,000 1,500,000	172,500 115,000 124,000 584,000	_		_		-	-
512 513 514 515 516 517 550 601 602 603 604 650	Corporate Hangar Phase IV (RAMP grant funded) Corporate Hangar Phase IV (bond funded) Clear Area Near Fire Station Repaint Tower Demolition of Old Terminal Building Fence Realignment Total Airport Park <u>GATEWAY PROJECTS:</u> North 31st Street (Nugent to Central) Concept Design EastWest IH 35 Gateway Land Acquisition Downtown Neighborhoods Overlay Total Gateway Projects Public Improvements	100,000 132,000 - - - 2,477,063 212,000 60,000 1,500,000	172,500 115,000 124,000 584,000 100,000 100,000	_		-			
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512 513 513 514 515 516 517 550 601 602 603 604 650 701 702	Corporate Hangar Phase IV (RAMP grant funded) Corporate Hangar Phase IV (bond funded) Clear Area Near Fire Station Repaint Tower Demolition of Old Terminal Building Fence Realignment Total Airport Park GATEWAY PROJECTS: North 31st Street (Nugent to Central) Concept Design East/West IH 35 Gateway Land Acquisition Downtown Neighborhoods Overlay Total Gateway Projects Public Improvements Contingency (bond funded) Total Public Improvements	100,000 132,000 - - - 2,477,063 212,000 60,000 1,500,000 - - 1,772,000	172,500 115,000 124,000 584,000 100,000 100,000		- - - - -	- - - - -	- - 4,500,000 - - 4,500,000	- - 10,000,000 - - 10,000,000	- - 10,500,000 - - 10,500,000
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512 513 513 514 515 516 517 550 601 602 603 604 650 701 702 750	Corporate Hangar Phase IV (RAMP grant funded) Corporate Hangar Phase IV (bond funded) Clear Area Near Fire Station Repaint Tower Demolition of Old Terminal Building Fence Realignment Total Airport Park CATEWAY PROJECTS: North 31ts Street (Nugent to Central) Concept Design EastWest IH 35 Gateway Land Acquisition Downtown Neighborhoods Overlay Total Gateway Projects Public Improvements Public Improvements Contingency (bond funded) Total Planned Project Expenditures	100,000 132,000 - - - - 2,477,063 212,000 60,000 1,500,000 - - 1,772,000 - - - - - - - - - - - - -	172,500 115,000 124,000 584,000 100,000 100,000 - - 2,709,000 10,161,475 \$	4,950,000	- - - 450,000 \$ 20,185,308 \$	- - - - - - - - - - - - - - - - - - -	4,500,000 4,500,000 16,650,000 5 5,676,352 \$	10,000,000 	10,500,000 10,500,000 10,950,000
512 513 513 514 515 516 517 550 601 602 603 604 650 701 702 750	Corporate Hangar Phase IV (RAMP grant funded) Corporate Hangar Phase IV (bond funded) Clear Area Near Fire Station Repaint Tower Demolition of Old Terminal Building Fence Realignment Total Airport Park GATEWAY PROJECTS: North 31st Street (Nugent to Central) Concept Design East/West IH 35 Gateway Land Acquisition Downtown Neighborhoods Overlay Total Gateway Projects Public Improvements Public Improvements Contingency (bond funded) Total Public Improvements Contingency (bond funded) Total Planned Project Expenditures Available Fund Balance at Year End	100,000 132,000 - - - - - - - - - - - - -	172,500 115,000 124,000 584,000 100,000 100,000 - - - 2,709,000	- - - - 4,950,000 13,081,784	450,000	- - - - - - - - - - - - - - - - - - -	4,500,000 4,500,000 16,650,000	10,000,000 10,000,000 10,450,000	10,500,000 - - 10,500,000 10,950,000 5,944,957
512 513 513 514 515 516 517 550 601 602 603 604 650 701 702 750	Corporate Hangar Phase IV (RAMP grant funded) Corporate Hangar Phase IV (bond funded) Clear Area Near Fire Station Repaint Tower Demolition of Old Terminal Building Fence Realignment Total Airport Park <u>GATEWAY PROJECTS:</u> North 31st Street (Nugent to Central) Concept Design East/West IH 35 Gateway Land Acquisition Downtown Neighborhoods Overlay Total Gateway Projects Public Improvements Public Improvements Contingency (bond funded) Total Planned Project Expenditures Available Fund Balance at Year End Reserve for Debt Service - Tax Increment Revenue Bonds, Series 2018A	100,000 132,000 - - - - - - - - - - - - -	172,500 115,000 124,000 584,000 100,000 100,000 - - 2,709,000 10,161,475 \$ 2,075,000	- - - - - - - - - - - - - - - - - - -	450,000 \$ 20,185,308 \$ 2,075,000	- - - 15,250,000 12,421,800 \$ 2,075,000	4,500,000 	10,000,000 	10,500,000 10,500,000 10,950,000 5,944,957 2,075,000
512 513 513 514 515 516 517 550 601 602 603 604 650 701 702 750	Corporate Hangar Phase IV (RAMP grant funded) Corporate Hangar Phase IV (bond funded) Clear Area Near Fire Station Repaint Tower Demolition of Old Terminal Building Fence Realignment Total Airport Park <u>GATEWAY PROJECTS:</u> North 31st Street (Nugent to Central) Concept Design East/West IH 35 Gateway Land Acquisition Downtown Neighborhoods Overlay Total Gateway Projects Public Improvements Public Improvements Contingency (bond funded) Total Planned Project Expenditures Available Fund Balance at Year End Reserve for Debt Service - Tax Increment Revenue Bonds, Series 2018A	100,000 132,000 - - - - - - - - - - - - -	172,500 115,000 124,000 584,000 100,000 100,000 - - 2,709,000 10,161,475 \$ 2,075,000	4,950,000 13,081,784 2,075,000 525,000	450,000 \$ 20,185,308 \$ 2,075,000 525,000	- - - 15,250,000 12,421,800 \$ 2,075,000	4,500,000 4,500,000 16,650,000 5,676,352 \$ 2,075,000 525,000	- - 10,000,000 - 10,450,000 10,450,000 \$ 5,775,691 \$ 2,075,000 525,000	10,500,000 10,500,000 10,950,000 5,944,957 2,075,000 525,000

ORDINANCE NO. 2018-4931

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE TAX INCREMENT FINANCING REINVESTMENT ZONE NO. 1 FINANCING AND PROJECT PLANS TO RECOGNIZE ADDITIONAL TAX INCREMENT REVENUE RECEIVED FROM AGREEMENTS OF APPRAISED VALUE ON PROPERTY OMITTED FROM THE TAX ROLL; ALLOCATING EXPENDITURES FOR PUBLIC IMPROVEMENTS FOR FISCAL YEAR 2018 TO FUND A REQUIRED DEBT SERVICE RESERVE FUND ASSOCIATED WITH THE ISSUANCE OF 2018 REINVESTMENT ZONE NO. 1 TAX INCREMENT REVENUE BONDS SERIES 2018A AND TAXABLE SERIES 2018B IN FISCAL YEAR 2018; 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, 2008; 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. 20094320 on the 15th day of October, 2009; Ordinance No. 2010-4338 on the 18th day of February, 2010; Ordinance No. 2010-4373 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; Ordinance No. 2012-4540 on June 21, 2012; and Ordinance No. 2012-4546 on July 19, 2012; Ordinance No. 2012-4554 on September 20, 2012; Ordinance No. 2012-4566 on November 15, 2012; Ordinance No. 2013-4595 on June 20, 2013; Ordinance No. 2014-4665 on May 15, 2014; Ordinance No. 2014-4676 on July 17, 2014; Ordinance No. 2014-4683 on September 18, 2014; Ordinance No. 2015-4705 on April 16, 2015; Ordinance No. 2015-4734 on October 17, 2015; Ordinance No. 2016-4789 on July 21, 2016; Ordinance No. 2016-4809 on October 20, 2016; Ordinance No. 2017-4838 on April 20, 2017; Ordinance No. 2017-4851 on July 20, 2017; Ordinance No. 2017-4885 on January 18, 2018; Ordinance No. 2018-4908 on May 3, 2018; Ordinance No. 2018-4918 on June 21, 2018; Ordinance No. 2018-4931 on September 20, 2018;

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 such amendment to the Reinvestment Zone Financing and Project Plans is feasible and conforms to the Comprehensive Plan of the City, and that this action will promote economic development within the City of Temple; and

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

<u>**Part 1: Findings.**</u> The statements contained in the preamble of this Ordinance are true and correct and are adopted as findings of fact hereby.

<u>Part 2</u>: Reinvestment Zone Financing and Project Plans. The amendment to the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans, heretofore adopted by the Board of Directors of the Zone and referred to in the preamble of this Ordinance, is hereby approved and adopted, as set forth in the Amendments to Reinvestment Zone Number 1, City of Temple, Texas, attached hereto as Exhibits A and B.

<u>**Part 3: Plans Effective.**</u> 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.

<u>Part 4</u>: 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.

<u>**Part 5: Effective Date.**</u> 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.

<u>**Part 6: Open Meetings.**</u> It is hereby officially found and determined that the meeting at which this Ordinance was 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, 2018.

PASSED AND APPROVED on Second Reading on the **20th** day of **September**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Kayla Landeros City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/06/18 Item #8 Regular Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to a purchase agreement for building materials for FY2019 with Lengefeld Lumber Company of Temple in the estimated annual amount of \$35,000.

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

ITEM SUMMARY: Renewal of this purchase agreement will allow for the continued purchase of building materials needed to perform work throughout the City (e.g. cement, timber & wood products, sheetrock, metal pieces, acoustical materials, sealants, installation tools, and miscellaneous hardware) from Lengefeld Lumber Company during FY2019.

On September 15, 2016, City Council authorized an annual purchase agreement for building materials to Lengefeld Lumber Company at a mark-up over supplier cost of 15% and offers all natural and artificial materials and products used for the construction and repair of buildings and structures. On September 7, 2017, Council authorized a one-year extension to the agreement. The current agreement will expire on September 30, 2018. The original bid allowed for four additional one-year extensions. In order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

Staff is pleased with building materials and service provided by Lengefeld Lumber Company and believes the prices are still a good value. The City has done business with Lengefeld for many years and finds them to be a responsive and responsible vendor. Accordingly, staff recommends Council authorize an extension to the agreement. This will be the second renewal available under this agreement, with two years remaining.

FISCAL IMPACT: Building materials will be purchased on an as-needed basis. Departments have budgeted for these materials in several accounts in the adopted FY2019 Budget. The estimated annual expenditure of \$35,000 is based on historical expenditures.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2018-9320-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE ANNUAL PURCHASE AGREEMENT WITH LENGEFELD LUMBER COMPANY OF TEMPLE, TEXAS IN THE ESTIMATED ANNUAL AMOUNT OF \$35,000, FOR BUILDING MATERIALS FOR FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 15, 2016, City Council authorized an annual purchase agreement for building materials with Lengefeld Lumber Company at a mark-up over supplier cost of 15% - Lengefeld offers all natural and artificial materials and products used for the construction and repair of buildings and structures;

Whereas, on September 7, 2017, Council authorized a one-year renewal to the agreement which expires on September 30, 2018;

Whereas, the original bid allowed for four additional one-year renewals in which the vendor must agree to hold its prices firm for an additional year, which it is willing to do;

Whereas, Staff is pleased with the building materials and services provided by Lengefeld, believes them to be a responsive and responsible vendor, and believes the prices offered are still a good value for the City;

Whereas, Staff recommends Council authorize a one-year renewal to the annual purchase agreement with Lengefeld - this will be the second renewal available under this agreement, with two renewals remaining;

Whereas, building materials will be purchased on an as-needed basis and departments have budgeted for these materials in several accounts in the adopted fiscal year 2019 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:

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>**Part 2**</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a one-year renewal to the purchase agreement with Lengefeld Lumber Company of Temple, Texas, in the estimated annual amount of \$35,000, for building materials for fiscal year 2019.

<u>**Part 3:**</u> It is hereby officially found and determined that the meeting at which this Resolution was 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 6th day of September, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Kayla Landeros City Attorney