

RESOLUTION NO. 2016-012

**A RESOLUTION OF THE CITY COUNCIL OF NIXA, MISSOURI,
AUTHORIZING A COOPERATIVE AGREEMENT BETWEEN THE CITY
OF SPRINGFIELD AND THE CITY OF NIXA FOR THE ACQUISITION
OF IMAGERY AND PHOTOGRAPHY SERVICES**

BE IT RESOLVED BY THE CITY COUNCIL OF NIXA, MISSOURI AS FOLLOWS:

WHEREAS, Section 70.220 of the Revised Statutes of Missouri provides that municipalities, counties and other persons may contract and cooperate with one another in connection with the provision of a common service; and

WHEREAS, City of Springfield and the City of Nixa desire to cooperate in connection with the acquisition of imagery and photography services and other deliverables from Pictometry International Corporation as outlined in the City of Springfield's Contract No. 2013-0172, as amended, for 1323 total tiles located in Greene and Christian Counties; and

WHEREAS, it is in the best interests of the citizens of City of Springfield and the City of Nixa collectively to receive the benefits of a more accurate Geographical Information System; and

WHEREAS, City of Springfield has agreed, on the terms and conditions set forth herein, on behalf of the City of Nixa, and to arrange for the delivery of imagery and photography services from Pictometry International Corporation on behalf of the City of Nixa; and

WHEREAS, the City of Nixa has agreed on the terms and conditions set forth herein, to accept said imagery and photography services upon final payment and to pay to the City of Springfield the costs as set forth herein, upon delivery of imagery and photography services.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Nixa, Missouri, that in consideration of the mutual promises and benefits that each party shall derive here from, it hereby authorizes a cooperative agreement between the City of Springfield and the City of Nixa for the acquisition of imagery and photography services from Pictometry International Corporation

This resolution shall be in force from and after the date of its passage.

Passed and approved this 19th day of January, 2016.

Mayor

ATTEST:

City Clerk

COOPERATIVE AGREEMENT
FOR ACQUISITION OF
IMAGERY AND PHOTOGRAPHY SERVICES FROM
PICTOMETRY INTERNATIONAL CORPORATION

THIS AGREEMENT, made and entered into this _____ day of _____, 2015 by and between the City of Springfield, Missouri, hereinafter referred to as the "City", and City of Nixa, Missouri, hereinafter referred to as "Agency."

WHEREAS, Section 70.220 of the Revised Statutes of Missouri provides that municipalities, counties and other persons may contract and cooperate with one another In connection with the provision of a common service; and

WHEREAS, City and Agency desire to cooperate in connection with the acquisition of imagery and photography services and other deliverables from Pictometry International Corporation as outlined in the City's Contract No. 2013-0172, as amended, for 1323 total tiles located in Greene and Christian Counties; and

WHEREAS, it is in the best interests of the citizens of City and Agency collectively to receive the benefits of a more accurate Geographical Information System; and

WHEREAS, City has agreed, on the terms and conditions set forth herein, on behalf of Agency, and to arrange for the delivery of imagery and photography services from Pictometry International Corporation on behalf of Agency; and

WHEREAS, Agency has agreed on the terms and conditions set forth herein, to accept said imagery and photography services upon final payment and to pay to the City the costs as set forth herein, upon delivery of imagery and photography services.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS HEREIN CONTAINED, CITY AND AGENCY AGREE, AS FOLLOWS:

1. City agrees to purchase on behalf of Agency, imagery and photography services from Pictometry International Corporation, as designated by Agency, approximately 35 tiles under City's Contract No. 2013-0172, as amended. Agency shall pay for said imagery and photography services at the time of delivery, which is anticipated to be in Spring 2016. Upon final payment, the Pictometry License shall be held jointly by the City of Springfield, Christian County, City Utilities, Greene County, the City of Nixa, the City of Ozark, the City of Republic, and the Ozarks Transportation Organization.
2. On final delivery, final payment will be made to City (no later than July 31, 2016), Agency agrees to pay to City the Agency's share of the total cost of the project, as outlined within the cost

sharing document approved by the GIS Steering Committee and attached hereto as Exhibit A, including any change orders. Agency's cost is estimated to be \$4.984.48.

3. In no event shall City, its agents and employees, be liable to Agency for any special incidental or consequential damages as the result of any negligence by the City on Agency's behalf. Agency agrees to defend, indemnify and hold harmless, City, and its agents and employees, from and against any third party claims of liabilities for bodily injury, including death, and property damage, caused by the negligence of the City, or its contractor, in the performance of this agreement to the extent such claims constitute exceptions to the Missouri sovereign immunity statutes, Section 537.610, RSMo.

4. If the City and Pictometry International Corporation fail to enter into an amendment to Contract No. 2013-0172 for purchase of imagery and photography services from a 2016 flight, this agreement shall be null and void, and no damages shall accrue to Agency.

SO AGREED AS OF THE DAY AND YEAR FIRST ABOVE WRITTEN.

CITY OF SPRINGFIELD, MISSOURI

AGENCY

BY: _____
Collin Quigley, Assistant City Manager

BY: _____

APPROVED AS TO FORM:

APPROVED AS TO FORM:

BY: _____
Sarah Kerner, Assistant City Attorney

BY: _____
Agency Attorney

ATTEST:

BY: _____
Agency Clerk

FINANCIAL CERTIFICATION

I certify that the expenditure contemplated by this document is within the purpose of the appropriation to which it is to be charged and that there is an unencumbered balance of anticipated revenue appropriated for payment of same.

Director of Finance

Exhibit A
2016 Pictometry Aerial Flight - Cost
Summary

2016 Pictometry Aerial Flight - Cost Summary

Total Flight Sector Cost	\$	250,492.50
ECW / TIFF File Creation & HD*	\$	1,323.00
Total Flight & Deliverables Cost	\$	251,815.50

* The cost for ECW / TIFF file creation and the Hard Drive will be split evenly between all partners.

Cost Breakdown per Partner Entity

Christian County - 627 Tiles

Total Flight Sector Cost	\$	68,845.50
ECW & Tile Creation & HD	\$	189.00
OTO Discount	\$	(5,875.78)
Total Actual Cost	\$	63,158.72

City Utilities - 397 Tiles

Total Flight Sector Cost	\$	46,553.63
ECW & Tile Creation & HD	\$	189.00
OTO Discount	\$	-
Total Actual Cost	\$	46,742.63

Greene County - 728 Tiles

Total Flight Sector Cost	\$	78,154.88
ECW & Tile Creation & HD	\$	189.00
OTO Discount	\$	(15,793.64)
Total Actual Cost	\$	62,550.24

Nixa - 35 Tiles

Total Flight Sector Cost	\$	7,103.25
ECW & Tile Creation & HD	\$	189.00
OTO Discount	\$	(2,307.77)
Total Actual Cost	\$	4,984.48

Ozark - 50 Tiles

Total Flight Sector Cost	\$	9,542.25
ECW & Tile Creation & HD	\$	189.00
OTO Discount	\$	(3,056.31)
Total Actual Cost	\$	6,674.94

Republic - 46 Tiles	
Total Flight Sector Cost	\$ 5,152.50
ECW & Tile Creation & HD	\$ 189.00
OTO Discount	\$ (1,626.48)
Total Actual Cost	\$ 3,715.02

Springfield - 255 Tiles	
Total Flight Sector Cost	\$ 35,140.50
ECW & Tile Creation & HD	\$ 189.00
OTO Discount	\$ (11,340.02)
Total Actual Cost	\$ 23,989.48



Actual Cost Summary per Partner Entity	
Ozarks Transportation Org	\$ 40,000.00
Christian County	\$ 63,158.72
City Utilities	\$ 46,742.63
Greene County	\$ 62,550.24
Nixa	\$ 4,984.48
Ozark	\$ 6,674.94
Republic	\$ 3,715.02
Springfield	\$ 23,989.48
Total Actual Cost	\$ 251,815.50

No Errors