



**Mayor**  
Ron Silvia  
**Mayor Pro Tempore**  
Ben White  
**City Manager**  
Glenn Brown

**Council Members**  
John Happ  
Ron Gay  
Lynn McIlhaney  
Chris Scotti  
David Ruesink

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**Agenda**  
**College Station City Council**  
**Regular Meeting**  
**Thursday, February 08, 2007 at 7:00 p.m.**  
**City Hall Council Chamber, 1101 Texas Avenue**  
**College Station, Texas**

1. Pledge of Allegiance, Invocation, Consider absence requests, and presentation by International Students

Hear Visitors: Any citizen may address the City Council on any item which does not appear on the posted Agenda. Registration forms are available in the lobby and at the desk of the City Secretary. This form should be completed and delivered to the City Secretary by 6:45 p.m. Please limit remarks to three minutes. A timer alarm will sound after 2 1/2 minutes to signal that you have thirty seconds remaining so that you may conclude your remarks. The City Council will receive the information, ask staff to look into the matter, or place the issue on a future agenda. Topics of operational concerns shall be directed to the City Manager.

**Consent Agenda**

Individuals who wish to address the City Council on a consent or regular agenda item not posted as a public hearing shall register with the City Secretary prior to the Mayor's reading of the agenda item. Registration forms are available in the lobby and at the desk of the City Secretary. The Mayor will recognize individuals who wish to come forward to speak for or against the item. The speaker will please state their name and address for the record and provided three minutes. A timer alarm will sound after 2 1/2 minutes to signal thirty seconds remaining so that the speaker may conclude your remarks.

**Vision Statement I - Core Services**  
***Professionals providing world-class customer focused services at a competitive cost through innovation and planning.***

2. Presentation, possible action, and discussion of consent agenda items which consists of ministerial or "housekeeping" items required by law. Items may be removed from the consent agenda by majority vote of the Council.

- a. Presentation, possible action, and discussion on approval of the minutes for the City Council Workshop and Regular Meeting January 25, 2007.
- b. Presentation, possible action, and discussion regarding approval of an interlocal agreement between the City of College Station and the College Station Independent School District for the purpose of holding a joint election for the May 12, 2007 College Station General and Special Election. La presentación, la acción posible y la discusión con respecto a la aprobación de un acuerdo interlocal entre la Ciudad de College Station y el Distrito Independiente de la Escuela con el fin de llevar a cabo una elección comenzando el día 12 de Mayo de el año 2007 en la elección general y especial de la Ciudad de College Station.
- c. Presentation, possible action and discussion on an Agreement for Services with National Reimbursement Services to provide ambulance billing services in an amount not to exceed \$60,000.
- d. Presentation, possible action, and discussion regarding Change Order No. 1 to the construction contract (Contract No. 06-270) with Brazos Valley Services, Inc., in the amount of \$32,790 for the Jones Butler Road Extension Project, Phase II (Project No. ST-0005).
- e. Presentation, possible action and discussion regarding a letter of credit guaranteeing the construction of Southern Breeze Drive connecting the subdivision to W.D. Fitch Parkway.
- f. Presentation, possible action, and discussion approving a resolution authorizing a License Agreement with MATTHEW MOORE pertaining to the encroachment of a portion of a structure located at Lot 10, Block 2, Woodland Hills Phase 1 Subdivision, College Station, Texas, according to the plat recorded in Volume 4027, Page 70 of the Official Records of Brazos County, Texas, into the easement area.

**Vision Statement II – Parks and Leisure Services**  
***Professionals providing a wide range of leisure, recreational, educational, and cultural opportunities.***

- g. Presentation, possible action, and discussion approving a change order for the design contract (Contract No. 06-263) with Edwards and Kelcey, Inc., in the amount of \$12,454.00, to add one additional public hearing meeting to the Scope of Services for the development of a Master Plan for the new Municipal Cemetery/Aggie Field of Honor project.

**Regular Agenda**

Individuals who wish to address the City Council **on a regular agenda item not posted as a public hearing** shall register with the City Secretary prior to the Mayor’s reading of

the agenda item. The Mayor will recognize you to come forward to speak for or against the item. The speaker will state their name and address for the record and allowed three minutes. A timer alarm will sound after 2 1/2 minutes to signal thirty seconds remaining so that the speaker may conclude your remarks.

Individuals who wish to address the City Council on an item **posted as a public hearing** shall register with the City Secretary prior to the Mayor's announcement to open the public hearing. The Mayor will recognize individuals who wish to come forward to speak for or against the item. The speaker will state their name and address for the record and allowed three minutes. A timer alarm will sound after 2 1/2 minutes to signal thirty seconds remaining so that the speaker may conclude your remarks. After a public hearing is closed, there shall be no additional public comments. If Council needs additional information from the general public, some limited comments may be allowed at the discretion of the Mayor.

If an individual does not wish to address the City Council, but still wishes to be recorded in the official minutes as being in support or opposition to an agenda item, the individual may complete the registration form provided in the lobby by providing the name, address, and comments about a city related subject. These comments will be referred to the City Council and City Manager.

**Vision Statement III – Planning and Development**  
***Professionals who plan and develop a sustainable community balancing neighborhood and community interests.***

1. Public hearing, presentation, possible action, and discussion on an ordinance rezoning 16.4 acres at 17339 State Highway 6 South from A-O (Agricultural Open) to M-2 (Heavy Industrial), generally located south of the College Station Business Park.
2. Public hearing, presentation, possible action, and discussion on an ordinance approving a Conditional Use Permit for a mixed use development in Wolf Pen Creek with multi-family residential uses on the ground floor at 410 Holleman Drive East, generally located at the southwest corner of the intersection of Holleman Drive East and Dartmouth Street.

**Vision Statement I - Core Services**  
***Professionals providing world-class customer focused services at a competitive cost through innovation and planning.***

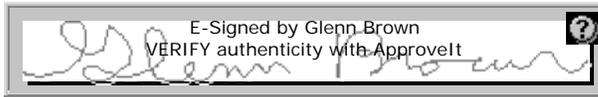
3. Public hearing, presentation, possible action, and discussion on an ordinance Budget Amendment #1 amending ordinance number 2923 which will amend the budget for the 2006-2007 Fiscal Year and authorizing amended expenditures in the amount of \$798,730.
4. Public hearing, presentation, possible action, and discussion an ordinance amending City of College Station Code of Ordinances Chapter 12: Unified Development

Ordinance, enacting the new Drainage Guidelines as part of the Bryan/College Station Unified Design Guidelines, Standard Details, and Technical Specifications.

5. Presentation, possible action, and discussion regarding a resolution for Outside Agency Funding Policy.
6. Possible discussion by Council regarding the Legislative Program in preparation for the Texas Municipal League Legislative Briefing in Austin beginning February 9, 2007 through February 14, 2007.
7. The City Council may convene the executive session following the regular meeting to discuss matters posted on the executive session agenda for February 8, 2007.
8. Final action on executive session, if necessary.
9. Adjourn.

If litigation issues arise to the posted subject matter of these Council Meetings an executive session will be held.

APPROVED:



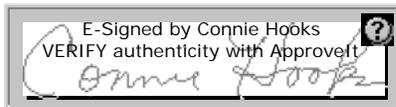
E-Signed by Glenn Brown  
VERIFY authenticity with ApproveIt

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City Manager

Notice is hereby given that a Regular Meeting of the City Council of the City of College Station, Texas will be held on the Thursday, February 08, 2007 at 7:00 p.m. at the City Hall Council Chambers, 1101 Texas Avenue, College Station, Texas. The following subjects will be discussed, to wit: See Agenda.

Posted this the 5<sup>th</sup> day of February, 2007 at 2:45 p.m.



E-Signed by Connie Hooks  
VERIFY authenticity with ApproveIt

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City Secretary

I, the undersigned, do hereby certify that the above Notice of Meeting of the Governing Body of the City of College Station, Texas, is a true and correct copy of said Notice and that I posted a true and correct copy of said notice on the bulletin board at City Hall, 1101 Texas Avenue, in College Station, Texas, and the City's website, [www.cstx.gov](http://www.cstx.gov). The Agenda and Notice are readily accessible to the general public at all times. Said Notice and Agenda were posted on February 5, 2007 at 2:45 p.m. and remained so posted continuously for at least 72 hours proceeding the scheduled time of said meeting.

This public notice was removed from the official posting board at the College Station City Hall on the following date and time: \_\_\_\_\_ by \_\_\_\_\_.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2007.

By \_\_\_\_\_

Subscribed and sworn to before me on this the \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Notary Public – Brazos County, Texas      My commission expires: \_\_\_\_\_

The building is wheelchair accessible. Handicap parking spaces are available. Any request for sign interpretive service must be made 48 hours before the meeting. To make arrangements call (979) 764-3517 or (TDD) 1-800-735-2989. Agendas may be viewed on [www.cstx.gov](http://www.cstx.gov). Council meetings are broadcast live on Cable Access Channel 19.



**Mayor**  
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John Happ  
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Chris Scotti  
David Ruesink

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**Draft Minutes**  
**City Council Workshop Meeting**  
**Thursday, January 25, 2007 at 3:00 p.m.**  
**City Hall Council Chambers, 1101 Texas Avenue**  
**College Station, Texas**

**COUNCIL MEMBERS PRESENT:** Mayor Silvia, Mayor Pro Tem White, Council members, McIlhaney, Scotti, Ruesink

**COUNCIL MEMBERS ABSENT:** Happ, Gay

**STAFF PRESENT:** City Manager Brown, City Attorney Cargill Jr., City Secretary Hooks, Assistant City Secretary Casares, Management Team

Mayor Silvia called the workshop meeting to order at 3:00 p.m.

**Workshop Agenda Item No. 1 -- Presentation, possible action, and discussion on items listed on the consent agenda.**

Council members removed consent agenda items 1, 6, and 7 for clarification.

Deputy City Manager Terry L. Childers, Chief Information Officer Olivia Burnside and Assistant Director of Parks and Recreation Eric Ploeger clarified the consent agenda items.

- City Council meeting January 11, 2007, typographical correction.
- Interlocal agreement with the City of Bryan, Brazos County and Texas A&M University to jointly procure consulting services for the purpose of applying for a federally funded Public Safety Interoperable Communications Grant for a single interoperable radio system. Ms. Burnside noted that the ILA has changed since delivery of the Council Packet. TAMU made the changes and are not significant. City Attorney concurred.
- Agreement for Services with the Brazos Valley Softball Umpires Association to provide officiating services for City athletic leagues and programs (contract number 07-102) in an amount not to exceed \$122,770.00 Mr. Ploeger explained that the contract would reflect correct date and time prior to Mayor's signature.

**Workshop Agenda Item No. 2 – Presentation, tour and discussion of various public and private capital improvement projects.**

Director of Public Works Mark Smith presented an outline of the capital improvement projects that the City Council will see during the bus tour. In addition, he showed a "virtual video tour" informing the City Council about additional CIP projects that would not be covered during the bus tour.

At 3:27 p.m. the City Council, staff and citizens departed City Hall for a tour of proposed and ongoing capital projects as well as development activities and other points of interests throughout the City. Council returned to City Hall and reconvened the workshop meeting at 5:11 p.m.

**Workshop Agenda Item No. 3 – Presentation, possible action, and discussion regarding upcoming events and/or meetings of the College Station City Council.**

Council reviewed their upcoming events.

**Workshop Agenda Item No. 4 -- Presentation, possible action, and discussion on future agenda items: A Council Member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting**

Council member McIlhaney requested a mini-retreat within the next 6 weeks to discuss strategic planning and pre budget items. City Council concurred. Mayor Silvia directed staff to coordinate Council calendars to schedule a date in the near future.

Council member McIlhaney inquired about the status of the TTI Agreement. Director of Public Works Mark Smith noted that he would provide Council members with a written report regarding the agreement.

**Workshop Agenda Item No. 5 -- Discussion, review and possible action regarding the following meetings: Brazos County Health Dept., Brazos Valley Council of Governments, Cemetery Committee, City Center, CSISD/City Joint Meeting, Design Review Board, Fraternal Partnership, Historic Preservation Committee, Interfaith Dialogue Association, Intergovernmental Committee and School District, Joint Relief Funding Review Committee, Library Committee, Making Cities Livable Conference, Metropolitan Planning Organization, Outside Agency Funding Review, Parks and Recreation Board, Planning and Zoning Commission, Sister City Association, TAMU Student Senate, Research Valley Partnership, Regional Transportation Committee for Council of Governments, Transportation Committee, Wolf Pen Creek Oversight Committee, Wolf Pen Creek TIF Board, Zoning Board of Adjustments.**

Mayor Pro Tem White made several comments related to the Student Senate meeting.

Council member Scotti briefly summarized the recent meetings held by the Research Valley Partnership Board, Wolf Pen Creek Oversight and Wolf Pen Creek TIF Board.

Council member Ruesink noted that the Sister Cities Association is in the process of making arrangements to host a group of citizens from Germany this June.

Mayor Silvia briefed the City Council regarding a meeting he attended pertaining to a potential YMCA facility in College Station.

**Workshop Agenda Item No. 6 -- Executive Session will immediately follow the workshop meeting in the Administrative Conference Room.**

At 5:34 p.m., Mayor Silvia announced in open session that the City Council would convene into executive session pursuant to Sections 551.071, 551.074 and 551.087 of the Open Meetings Act, to seek the advice of our attorney, to consider at the appointment and evaluation of public officer(s) and economic development negotiations.

Consultation with Attorney {Gov't Code Section 551.071} The City Council may seek advice from its attorney regarding a pending and contemplated litigation subject or settlement offer or attorney-client privileged information. Litigation is an ongoing process and questions may arise as to a litigation tactic or settlement offer, which needs to be discussed with the City Council. Upon occasion the City Council may need information from its attorney as to the status of a pending or contemplated litigation subject or settlement offer or attorney-client privileged information. After executive session discussion, any final action or vote taken will be in public. The following subject(s) may be discussed:

TCEQ Docket No. 2002-1147-UCR, Applications of Brushy Water Supply and College Station (Westside/Highway 60)

TCEQ Docket No. 2003-0544MWD, Application of Nantucket, Ltd.

TXU Lone Star Gas Rate Request.

Cause No. 03-002098-CV-85, Brazos County, College Station v. Wellborn Special Utility District

Civil Action No. H-04-4558, U.S. District Court, Southern District of Texas, Houston Division, College Station v. U.S. Dept. of Agriculture, etc., and Wellborn Special Utility District

Civil Action No. H-04-3876, U.S. District Court, Southern District of Texas, Houston Division, JK Development v. College Station

GUD No. 9530 – Gas Cost Prudence Review, Atmos Energy Corporation

GUD No. 9560 – Gas Reliability Infrastructure Program (GRIP) rate increases, Atmos Energy Corporation

Cause No. GN-502012, Travis County, TMPA v. PUC (College Station filed Intervention 7/6/05)

Cause No. 06-000703-CV-85, Patricia Moore, et al. v. Ross Stores, Inc., City of College Station, et al.

Possible settlement water CCN with Wellborn  
 Possible settlement of sewer CCN issue  
 Legal aspects of Lease Agreements for No. 4 Water Well and possible purchase of or lease of another water site from City of Bryan  
 C.C.N. Issue for Sewer & Water regarding possible overlaps by City of College Station and City of Bryan Great Oak Estates  
 Southern Trace Development Letter of Credit  
 City of College Station, Plaintiff v. Canyon Creek Partners, Ltd. and First Ag Credit, FLCA; Cause No. 484-CC; In the County Court at Law No. 2 of Brazos County, Texas

Economic Incentive Negotiations {Gov't Code Section 551.087}; possible action  
 The City Council may deliberate on commercial or financial information that the City Council has received from a business prospect that the City Council seeks to have locate, stay or expand in or near the city with which the City Council in conducting economic development negotiations may deliberate on an offer of financial or other incentives for a business prospect. After executive session discussion, any final action or vote taken will be in public. The following subject(s) may be discussed: Proposed city convention center and associated privately developed hotel

Personnel {Gov't Code Section 551.074}; possible action  
 The City Council may deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer. After executive session discussion, any final action or vote taken will be in public. The following public officer(s) may be discussed: Judge Ed Spillane Evaluation

**Workshop Agenda Item No. 7 -- Final Action on executive session, if necessary.**

At 6:25 p.m. Council returned from executive session. Mayor Pro Tem White moved to approve a \$500.00 car allowance for Municipal Judge Ed Spillane, effective February 1, 2007. Council member Scotti seconded the motion, which carried by a vote of 5-0.

FOR: Silvia, White, McIlhaney, Scotti, Ruesink  
 AGAINST: None  
 ABSENT: Happ, Gay

**Workshop Agenda Item No. 8 -- Adjourn.**

Hearing no objections, the meeting adjourned at 6:32 p.m. on Thursday, January 25, 2007.

PASSED and APPROVED on 8<sup>th</sup> day of February, 2007.

ATTEST:

APPROVED:

\_\_\_\_\_  
 City Secretary Connie Hooks

\_\_\_\_\_  
 Mayor Ron Silvia



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**Mayor Pro Tempore**  
Ben White  
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**Minutes**  
**City Council Regular Meeting**  
**Thursday, January 25, 2007 at 7:00 p.m.**  
**City Hall Council Chambers, 1101 Texas Avenue**  
**College Station, Texas**

**COUNCIL MEMBERS PRESENT:** Mayor Silvia, Mayor Pro Tem White, Council members, McIlhaney, Scotti, Ruesink

**COUNCIL MEMBER ABSENT:** Happ, Gay

**STAFF PRESENT:** City Manager Brown, City Attorney Cargill Jr., City Secretary Hooks, Assistant City Secretary Casares, Management Team

**Pledge of Allegiance, Invocation, Consider absence requests.**

Mayor Silvia called the meeting to order at 7:00 p.m. He led the audience in the Pledge of Allegiance. Mayor Pro Tem White provided the invocation. Council member Scotti moved to approve the absence requests from Council members Happ and Gay. Council member Ruesink seconded the motion, which carried by a vote of 5-0.

FOR: Silvia, White, McIlhaney, Scotti, Ruesink

AGAINST: None

ABSENT: Happ, Gay

**Hear Visitors:**

Council did not receive any public comments.

**Consent Agenda**

Council member McIlhaney moved to approve Consent Agenda Items 1-9 with corrections to Consent Agenda Items 1, 6 and 7 (these items were removed during the workshop for clarification).

Mayor Pro Tem White seconded the motion, which carried by a vote of 5-0.

FOR: Silvia, White, McIlhaney, Scotti, Ruesink

AGAINST: None

ABSENT: Happ, Gay

1. Approved by common consent minutes for City Council meetings, January 5, 2007, January 8, 2007, and January 11, 2007 as corrected.
2. Approved by common consent a Renewal Agreement in the amount of \$51,183.00 to renew the annual landscape maintenance contract with Rainbow Gardens.
3. Approved by common consent a bid award for purchase of various distribution and padmount transformers maintained in inventory to Techline for \$506,733.00; WESCO for \$80,300.00; and Pauwels for \$41,707.00 for total expenditures of \$628,740.00. Bid #07-26
4. Approved by common consent the purchase of replacement Police Mobile Video Recording systems in the amount of \$81,000.
5. Approved by common consent **Resolution No. 1-25-2007-05** to collaborate with the City of Bryan, Brazos County, and Texas A&M University in the construction, operation and maintenance of an interoperable multi-jurisdictional radio system to be used by all parties upon the condition that a federal grant is obtained that shall pay for (80%) of the construction.
6. Approved by common consent an interlocal agreement with the City of Bryan, Brazos County and Texas A&M University to jointly procure consulting services for the purpose of applying for a federally funded Public Safety Interoperable Communications Grant for a single interoperable radio system.
7. Approved by common consent an Agreement for Services with the Brazos Valley Softball Umpires Association to provide officiating services for City athletic leagues and programs (contract number 07-102) in an amount not to exceed \$122,770.00.
8. Approved by common consent naming a pavilion at the Brazos Valley Veterans Memorial in honor of Mr. Travis B. Bryan, Jr.
9. Approved by common consent Change Order No. 4 in the amount of \$42,770.00 to Contract #06-089, for construction work associated with Phase II construction of Veterans Park and Athletic Complex.

### **Regular Agenda**

**Item No. 1 -- Public hearing, presentation, possible action, and discussion to approve a resolution providing an exception to Policy to allow Indivisa Corporation to construct sewer infrastructure necessary to connect the upcoming phases of Great Oaks Estates to the City sewer system.**

Water/Wastewater Division Manager David Coleman illustrated factors regarding the exception to the City of College Station Policy to allow Indivisa Corporation to construct sewer infrastructure necessary to connect the upcoming phases of Great Oaks Estates to the City sewer system. Staff recommended approval of the proposed resolution.

Mayor Silvia opened the public hearing. The following citizens addressed the City Council in opposition of the resolution.

Nancy Linger read a letter from Jay Anderholm, 2208 Quail Run  
Nancy Linger read a letter from Sandy Felderhoff, 1817 Quail Run  
Nancy Linger, 1502 Feather Run  
Ed Hard, 11760 Duran  
Veronica Morgan, 1172 Great Oaks Drive

Developer and applicant, Steve Arden of 311 Cecilia Circle described the development and offered to answer questions of the City Council.

Mayor Silvia closed the public hearing.

Council member McIlhaney moved to approve **Resolution No. 1-25-2007-01** providing an exception to Policy to allow Indivisa Corporation to construct sewer infrastructure necessary to connect the upcoming phases of Great Oaks Estates to the City sewer system. Mayor Pro Tem White seconded the motion, which carried by a vote of 5-0.

FOR: Silvia, White, McIlhaney, Scotti, Ruesink  
AGAINST: None  
ABSENT: Happ, Gay

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING AN EXCEPTION TO THE CITY'S UTILITY EXTENSION POLICY TO ALLOW THE EXTENSION OF SEWER UTILITY SERVICES TO GREAT OAKS ESTATES PHASE 1A-8 ON ROCK PRAIRIE ROAD WEST, WITHIN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF COLLEGE STATION, TEXAS.

Council recessed for a short break at 8:03 p.m. and reconvened the regular meeting at 8:15 p.m.

**Item No. 2 -- Public hearing, presentation, possible action, and discussion on an ordinance rezoning 7.355 acres at 1701 Graham Road and 8.707 acres at 1835 Graham Road from M-1 (Light Industrial) to C-1 (General Commercial). The subject property is generally located south of the intersection of Longmire Drive and Birmingham Drive.**

Acting Director of the Planning and Development Services Lance Simms described the proposed rezoning of 7.355 acres at 1701 Graham Road and 8.707 acres at 1835 Graham

Road from M-1 Light Industrial to C-1 General Commercial. The Planning and Zoning Commission and staff recommended approval of the rezoning request.

Mayor Silvia opened the public hearing. No one spoke. Mayor Silvia closed the public hearing.

Mike McClure, 9262 Brookwater Circle, answered questions of the City Council.

Mayor Pro Tem White moved to approve **Ordinance 2953** rezoning 7.355 acres at 1701 Graham Road and 8.707 acres at 1835 Graham Road from M-1 Light Industrial to C-1 General Commercial. Council member Scotti seconded the motion, which carried by a vote of 5-0.

FOR: Silvia, White, McIlhaney, Scotti, Ruesink

AGAINST: None

ABSENT: Happ, Gay

AN ORDINANCE AMENDING CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE," SECTION 4.2, "OFFICIAL ZONING MAP," OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

Council member McIlhaney requested a report regarding a staff report on the available M-1 zoning tracts in College Station.

**Regular Agenda Item No. 3 -- Presentation, possible action, and discussion regarding an update from the Student Senate of Texas A&M University.**

Student Senate Liaison, Tyler Koch from Texas A&M University presented an overview of the Student Senate history, goals, current and "traditional" projects, priorities. His slide presentation focused on enhancing better relations between the City government and the Student Senate. Councilmembers were complimentary about Mr. Koch's comments regarding continuing relationships with students/citizens.

No formal action was taken.

**Regular Agenda Item No. 4 -- Presentation, possible action, and discussion regarding Outside Agency Funding Policy**

This item was removed from the Regular Agenda by staff and rescheduled for another meeting.

**The City Council may convene the executive session following the regular meeting to discuss matters posted on the executive session agenda for January 25, 2007.**

Council concluded its executive session prior to the regular meeting.

**Regular Agenda Item No. 5 -- Final action on executive session, if necessary.**

No action was taken.

**Regular Agenda Item No. 6. -- Adjourn.**

Hearing no objections, the meeting adjourned at 8:55 p.m. on Thursday, January 25, 2007.

PASSED and APPROVED on the 8<sup>th</sup> day of February, 2007.

APPROVED:

\_\_\_\_\_  
Mayor Ron Silvia

ATTEST:

\_\_\_\_\_  
City Secretary Connie Hooks

DRAFT

**February 8, 2007**  
**Consent Agenda**  
**Interlocal Agreement with College Station Independent School District**

**To:** Glenn Brown, City Manager

**From:** Connie Hooks, City Secretary

**Agenda Caption:** Presentation, possible action, and discussion regarding approval of an interlocal agreement between the City of College Station and the College Station Independent School District for the purpose of holding a joint election for the May 12, 2007 College Station General and Special Election. La presentacion, la accion posible y la discusion con respecto a la aprobacion de un acuerdo interlocal entre la Ciudad de College Station y el Distrito Independiente de la Escuela con el fin de llevar acabo una eleccion comenzando el dia 12 de Mayo 2007 de el ano 2007 en la eleccion general y especial de la Ciudad de College Station.

**Recommendation(s):** Staff recommends approval.

**Summary:** The Texas Election Code Section 271.002 (c) authorizes more than one political subdivision to hold joint elections. It is deemed to be in the best interest of the voters who reside within the jurisdictions of the city of College Station and the College Station Independent School District to hold elections jointly for the purpose of electing a mayor, place 1 and place 2 on the College Station City Council and positions 3,4, and 5 on the Board of Trustees for the College Station Independent School District.

**Attachments:**

Interlocal Agreement  
Notice of Election

INTERLOCAL GOVERNMENT AGREEMENT  
Joint Election

AN INTERLOCAL AGREEMENT BETWEEN THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, AND THE BOARD OF TRUSTEES, COLLEGE STATION INDEPENDENT SCHOOL DISTRICT ORDERING A GENERAL ELECTION TO BE HELD IN SAID CITY AND SCHOOL DISTRICT ON MAY 12, 2007; FOR THE PURPOSE OF ELECTING A MAYOR AND PLACE 2 ON THE COLLEGE STATION CITY COUNCIL; POSITIONS 3, 4, AND 5 ON THE BOARD OF TRUSTEES FOR THE COLLEGE STATION INDEPENDENT SCHOOL DISTRICT, AND A SPECIAL ELECTION TO FILL UNEXPIRED TERM ON COLLEGE STATION CITY COUNCIL, PLACE 1; PROVIDING PROCEDURES RELATING TO THE CONDUCT OF SAID ELECTIONS; AND PROVIDING FOR A RUNOFF ELECTION IN THE CITY OF COLLEGE STATION, IF NECESSARY.

WHEREAS, it is necessary to hold an election in the City of College Station, Texas, to elect persons to fill the positions of Mayor, Place 2 on the City Council, and unexpired term Place 1 on the City Council of the City of College Station, Texas; and,

WHEREAS, it is necessary to hold an election within the College Station Independent School District to fill the positions of Places 3, 4, and 5 on the Board of Trustees of the College Station Independent School District; and,

WHEREAS, Section 271.002(c) of the Texas Election Code authorizes more than one political subdivision to hold joint elections; and,

WHEREAS, the City of College Station and College Station Independent School District will hold elections on the same day; to-wit: May 12, 2007; and,

WHEREAS, the City Council of the City of College Station, Texas and the Board of Trustees of the College Station Independent School District deem it to be in the best interest of their respective subdivisions and in the interest of the voters who reside within their respective jurisdictions to hold such elections jointly; now, therefore,

BE IT JOINTLY RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, AND THE BOARD OF TRUSTEES OF THE COLLEGE STATION INDEPENDENT SCHOOL DISTRICT:

PART 1: That joint elections are hereby ordered to be held within the jurisdictions of the City of College Station, Texas, and the College Station Independent School District, on the 12<sup>th</sup> day of May, 2007, pursuant to the laws of the State of Texas and the Charter of the City of College Station, Texas. Such elections shall be held for the following purposes:

- A. To fill the positions of Mayor and Place 2 on the College Station City Council.

- B. To fill the position of Place 1, unexpired term on the College Station City Council. Deadline to apply for this position is March 6, 2007.
- C. To fill the positions of 3, 4, and 5 on the Board of Trustees of the College Station Independent School District.

PART 2: That a runoff election, is hereby ordered to be held within the City of College Station, Texas on Saturday June 23, 2007, if necessary, to determine the election of one or more candidates for Mayor and Council positions in the City of College Station.

PART 3: That there shall be one ballot that contains all appropriate races and propositions available for qualified voters of the two entities. Additional ballot formats will also be available for the voters who do not reside in the City of College Station and live in the College Station Independent School District, (School only ballot) and voters who live in the City of College Station and Bryan Independent School District, (City only ballot).

PART 4: That the election forms and records shall be combined in a manner convenient and adequate to record and report the results of the election for the City of College Station and College Station Independent School District. The joint tabulation of the precinct results shall be in a manner to facilitate the independent canvass of returns by both entities.

PART 5: That the implementation and management of said elections shall be by the City Secretary, City of College Station. The City Secretary, City of College Station, is hereby designated as the Chief Election Official and Joint Early Voting Clerk for the two entities for the election to be held on May 12, 2007 and runoff election, if necessary. The implementation, conduct and management of the elections shall include, but not be limited to:

- A. The securing of qualified individuals to serve as election judges.
- B. The securing of locations and facilities where the election is to be conducted.
- C. The securing of election materials and supplies requisite to the proper administration of the elections, and the programming and preparation of Direct Recording voting equipment to be used in the election.
- D. The securing of a contract with Texas Voting Systems, Inc. for election services and supplies.

- E. The securing of a contract with Brazos County for lease of election equipment.
- F. City shall be responsible for conducting joint early voting for said elections.
- G. City shall serve as general custodian of election records in the joint election.

PART 6: Election expenses incurred as the result of the services rendered by the City in the May 12, 2007 election shall be apportioned as follows:

- A. The City will first fund all costs in full, other than the publication of each entity's Notice of Election.
- B. CSISD will reimburse the City of College Station for certain costs as follows:

100 percent of all costs incurred for polling places, election workers, and other expenses associated with polling locations within the school's jurisdiction outside the city limits of College Station.

One-half (1/2) of the cost of early voting.

One-half (1/2) of the cost of publication of all jointly required notices.

One-half (1/2) of the cost of programming, rental of DRE voting equipment for joint precincts, election supplies, election worker training session, Early Ballot Board and Central Counting Station.

PART 7: Said elections shall be held in the following election precincts, and voting shall be conducted at the polling places shown below:

**BRAZOS COUNTY PRECINCTS**

<u>City Precincts</u>	<u>CSISD Precincts</u>	<u>Polling Places</u>
	1, 2A, 82	Wellborn Community Center 4119 Greens Prairie Road

8	8	South Knoll Elementary School 1220 Boswell
9	9	College Station Conference Center 1300 George Bush Drive
10A, 10B, 34	10A, 10B, 34	College Station City Hall 1101 Texas Avenue
20	20	Memorial Student Center Joe Routh Blvd. TAMU Campus
21	21	Saint Mary's Catholic Church 603 Church Street
24	24	College Hills Elementary School 1101 Williams
68	28B, 68	Peach Creek Community Center Peach Creek Road
31	31	A&M Consolidated High School 1801 Harvey Mitchell Parkway South
32	32	College Station Public Library 1818 Harvey Mitchell Parkway South
33, 72, 74	29, 33, 62, 64, 72, 74	Lincoln Center 1000 Eleanor
2C, 35A, 35B	2C, 35A, 35B	College Station ISD Adm. Bldg. 1812 Welsh
2B, 39	2B, 39	Rock Prairie Elementary School 3400 Welsh
40	40	Aldersgate Methodist church 2201 Earl Rudder Freeway South
41	41, 28A, 42	Christ United Methodist Church 4201 State Highway 6 South

80	80	Cypress Grove Intermediate School 900 Graham Road
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**PART 8:** Joint early voting shall be conducted by personal appearance and by mail. The period for early voting by personal appearance for the general election shall be April 30, 2007 through May 8, 2007. Optical scan ballots shall be used for early voting by mail and direct recording electronic voting machines shall be used for early voting by personal appearance. The Joint Early Voting Clerk for said elections shall be the City Secretary. She shall determine the number of election workers to hire and arrange for training of all election workers and assign to three early voting locations. The Election Coordinator for the College Station Independent School District shall serve as Regular Early Voting Clerk in said elections. The main early voting polling place by personal appearance shall be in City Hall, 1101 Texas Avenue, College Station, Texas. Two branch early voting locations shall be designated for these elections.

**Main Early Voting Location: College Station City Hall**  
 1101 Texas Avenue  
 College Station, Texas  
 8:00 am to 5:00 pm April 30 – May 4, 2007  
 12:00 pm to 8:00 pm May 5 - 6, 2007  
 7:00 am to 7:00 pm May 7 - May 8, 2007

**Branch Location: College Station School District Administration Bldg.**  
 1812 Welsh  
 College Station, Texas  
 8:00 am to 5:00 pm April 30 – May 4, 2007  
 7:00 am to 7:00 pm May 7 - May 8, 2007

**Branch Location: Post Oak Mall**  
 1500 Harvey Road  
 College Station TX  
 12:00 pm to 8:00 pm April 30 – May 8, 2007

**PART 9:** Each entity shall be responsible for any necessary submissions to the U.S. Department of Justice for preclearance under the Federal Voting Rights Act and giving notice of their election in a newspaper of general circulation.

**PART 10:** The City Manager or his designee is hereby authorized to negotiate and execute an election services contract with Texas Voting Systems for services in connection with the joint election with the City of College Station and College Station Independent School District.

PART 11: In accordance with Section 123.001 of the Texas Election Code, the Hart Intercivic Direct Recording Electronic Voting System, Optical Scan Voting System and Electronic Management System for Brazos County, Texas is hereby adopted for the general election and special election.

PART 12: Elections called by this interlocal agreement shall be held in accordance with the requirements for bilingual elections as set forth in the Voting Rights Act amendments for 1975 (42USC 1973aa-1a) and in Section 272.001 of the Election Code. All election forms and materials shall be printed in both English and Spanish, and bilingual oral assistance shall be made available within the requirements of the law.

PART 13: The Mayor of the City of College Station is hereby authorized to sign a NOTICE OF GENERAL ELECTION AND SPECIAL ELECTION and the CSISD Board President is hereby authorized to sign a NOTICE OF GENERAL ELECTION listing the precincts and polling place locations for the joint election. A copy of the NOTICE OF GENERAL ELECTION, when published in a newspaper of general circulation in English and Spanish, shall serve as proper notice.

PART 14: This interlocal agreement shall take effect immediately from and after its passage.

PASSED AND APPROVED this \_\_\_\_\_ day of February, 2007.

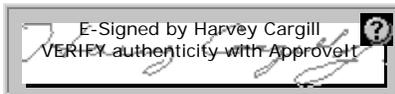
ATTEST:

APPROVED:

\_\_\_\_\_  
City Secretary Connie Hooks

\_\_\_\_\_  
Mayor Ron Silvia

APPROVED:



\_\_\_\_\_  
City Attorney

PART 15: That this interlocal agreement shall take effect immediately from and after its passage.

ADOPTED by the Board of Trustees of the College Station Independent School District this \_\_\_\_\_ day of February, 2007.

COLLEGE STATION INDEPENDENT SCHOOL DISTRICT:

\_\_\_\_\_  
TIM JONES, Board President

\_\_\_\_\_  
RANDALL PITCOCK, Board Secretary

**NOTICE OF GENERAL ELECTION**

**TO THE REGISTERED VOTERS OF THE CITY OF COLLEGE STATION, TEXAS, AND COLLEGE STATION INDEPENDENT SCHOOL DISTRICT.**

**Notice is hereby given that the polling places listed below will be open from 7:00 a.m. to 7:00 p.m. on Saturday, May 12, 2007 for voting in a general election to elect a Mayor and City Council Place 2 and a special election to fill unexpired term for City Council Place 1.**

**LOCATION OF POLLING PLACES:**

<b>City Precincts</b>	<b><u>CSISD Precincts</u></b>	<b><u>Polling Places</u></b>
	1, 02A, 82	Wellborn Special Utility District 4118 Greens Prairie Road
8	8	South Knoll Elementary School 1220 Boswell
9	9	College Station Conference 1300 George Bush Drive
10A, 10B, 34	10A, 10B, 34	College Station City Hall 1101 Texas Avenue
20	20	Memorial Student Center Texas A&M University
21	21	Saint Mary's Catholic Church 603 Church Street
24	24	College Hills Elementary School 1101 Williams
68	28B, 68	Peach Creek Community Center Peach Creek Road
31	31	A&M Consolidated High School 1801 Harvey Mitchell Parkway
32	32	Larry Ringer Public Library 1818 Harvey Mitchell Parkway

## Notice of General Election 2007

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33, 72, 74	29, 33, 62, 64, 72, 74	Lincoln Center 1000 Eleanor
02C, 35A, 35B	02C, 35A, 35B	College Station ISD 1812 Welsh
02B, 39	02B, 39	Rock Prairie Elementary School 3400 Welsh
40	40	Aldersgate Methodist Church 2201 Earl Rudder Freeway South
41	41, 42, 28A	Christ United Methodist Church 4201 SH 6
80	80	Cypress Grove Intermediate 900 Graham Road

Joint early voting shall be conducted by personal appearance and by mail. The period for early voting by personal appearance for the general election shall be April 30, 2007 through May 8, 2007. Optical scan ballots shall be used for early voting by mail and direct recording electronic voting machines shall be used for early voting by personal appearance. The Joint Early Voting Clerk for said elections shall be the City Secretary. She shall determine the number of election workers to hire and arrange for training of all election workers and assign to three early voting locations. The Election Coordinator for the College Station Independent School District shall serve as Regular Early Voting Clerk in said elections. The main early voting polling place by personal appearance shall be in the City Hall Council Chambers, 1101 Texas Avenue, College Station, Texas. Two branch early voting locations shall be designated for these elections.

## Main Early Voting Location: College Station City Hall

1101 Texas Avenue

8:00 am to 5:00 pm April 30, – May 4, 2007

12:00 pm to 8:00 pm May 5 - 6, 2007

7:00 am to 7:00 pm May 7 - 8, 2007

## Branch Location: College Station School District Administration Bldg.

1812 Welsh

8:00 am to 5:00 pm April 30 – May 4, 2007

7:00 am to 7:00 pm May 7 - 8, 2007

## Branch Location: Post Oak Mall

1500 Harvey Road

12:00 pm to 8:00 pm April 30-May 8, 2007

Notice of General Election 2007

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Applications for ballot by mail shall be received no later than 5:00 pm on May 4, 2007 in the office of:  
Connie Hooks, Joint Early Voting Clerk, P.O. Box 9960, College Station, Texas 77842  
979-764-3541 [chooks@cxstx.gov](mailto:chooks@cxstx.gov)

PASSED AND APPROVED this \_\_\_\_\_ day of February, 2007.

ATTEST:

APPROVED:

\_\_\_\_\_  
City Secretary Connie Hooks

\_\_\_\_\_  
Mayor Ron Silvia

O:\group\council\election07\notice of general election07.doc

**ACUERDO GUBERNAMENTAL INTERLOCAL**  
Elección Conjunta

UN ACUERDO INTERLOCAL ENTRE EL CONSEJO MUNICIPAL DE LA CIUDAD DE COLLEGE STATION, TEXAS, Y DE LA JUNTA DIRECTIVA DEL DISTRITO ESCOLAR INDEPENDIENTE DE COLLEGE STATION OREDENANDO QUE SE CONDUZCA UNA ELECCION GENERAL EN DICHA CIUDAD Y DISTRITO ESCOLAR EL 12 DE MAYO, 2007; CON EL PROPÓSITO DE ELEGIR UN ALCALDE Y EL PUESTO 2 DEL CONSEJO MUNICIPAL DE COLLEGE STATION, Y LAS POSICIONES 3, 4 Y 5 DE LA JUNTA DIRECTIVA DEL DISTRITO ESCOLAR INDEPENDIENTE DE COLLEGE STATION; PROVEYENDO LOS PROCEDIMIENTOS RELACIONADOS CON LA CONDUCTA DE DICHAS ELECCIONES; Y PROVEYENDO UNA ELECCIÓN DE DESEMPATE EN LA CIUDAD DE COLLEGE STATION, SI ES NECESARIA.

POR CUANTO, es necesario conducir elecciones en la Ciudad de College Station, Texas, para elegir las personas que para llenar las posiciones de Alcalde, Puesto 2 en el Consejo Municipal y Puesto 1 del término que aún no expira en el Consejo Municipal de la Ciudad de College Station, Texas; y,

POR CUANTO, es necesario conducir elecciones dentro del Distrito Escolar Independiente de College Station para llenar las posiciones de los Puestos 3, 4 y 5 de la Junta Directiva del Distrito Escolar Independiente de College Station, Texas; y,

POR CUANTO, la Sección 271.002(c) del Código Electoral de Texas autoriza a más de una subdivisión política a llevar a cabo elecciones conjuntas; y,

POR CUANTO, la Ciudad y del Distrito Escolar Independiente de College Station conducirán elecciones en el mismo día; siendo el: 12 de Mayo, 2007; y

POR CUANTO, el Consejo Municipal de la Ciudad de College Station, Texas y la Junta Directiva del Distrito Escolar Independiente de College Station creen que es del mejor interés de sus respectivas subdivisiones y del interés de los votantes que residen dentro de sus respectivas jurisdicciones conducir tales elecciones en conjunto; ahora, por lo tanto,

QUE SEA RESUELTO CONJUNTAMENTE POR EL CONSEJO MUNICIPAL DE LA CIUDAD DE COLLEGE STATION, TEXAS Y LA JUNTA DIRECTIVA DEL DISTRITO ESCOLAR INDEPENDIENTE DE COLLEGE STATION:

PARTE 1: Que las elecciones conjuntas serán, y por este medio las mismas están ordenadas a llevarse a cabo dentro de las jurisdicciones de la Ciudad de College Station, Texas, y el Distrito Escolar Independiente de College Station, el día 12 de Mayo, 2007, según las leyes del Estado de Texas y los Estatutos de la Ciudad de College Station, Texas. Dichas elecciones se llevarán a cabo con los siguientes propósitos:

- A. Para llenar las posiciones de Alcalde y Puesto 2 en el Consejo Municipal de la Ciudad de College Station.
- B. Para llenar el Puesto 1, término que aún no expira, de la Junta Directiva del Distrito Escolar Independiente de College Station.
- C. Para llenar las posiciones 3, 4 y 5 de la Junta Directiva del Distrito Escolar Independiente de College Station.

PARTE 2: Que por este medio se ordena que la elección de desempate se lleve a cabo en la Ciudad de College Station Texas, el Sábado 23 de Junio, 2007, de ser necesaria, para determinar la elección de uno o más candidatos para las posiciones de Alcalde y del Consejo Municipal la en la Ciudad de College Station.

PARTE 3: Que debe haber una boleta electoral que incluirá todas las carreras apropiadas y proposiciones disponibles para los votantes calificados de las dos entidades. Formatos adicionales de boletas estarán disponibles para los votantes que no residen en la Ciudad de College Station y viven en el Distrito Escolar Independiente de College Station, (boleta de la Escuela solamente) y los votantes que viven en la Ciudad de College Station y el Distrito Escolar Independiente de Bryan, (boleta de la Ciudad solamente).

PARTE 4: Que los formularios y registros de la elección serán combinados en una manera conveniente y adecuada para registrar y reportar cualquier resultado de la elección para la Ciudad de College Station y el Distrito Escolar Independiente de College Station. El conteo en conjunto de los resultados de los precintos deberá ser en una manera que facilite el conteo independiente de los escrutinios de resultados por las dos entidades.

PARTE 5: Que la implementación y el manejo de dichas elecciones será por la Secretaria Municipal, Ciudad de College Station. La Secretaria Municipal, Ciudad de College Station, está designada por este medio como la Oficial Electoral Principal y Oficial de Votación Adelantada para las dos entidades para la elección que se llevará a cabo el 12 de Mayo, 2007 y la elección de desempate, si es necesaria. La implementación, conducta y manejo de las elecciones incluirá, pero no estará limitada a:

- A. Asegurar que existen individuos calificados para servir como jueces electorales.
- B. Asegurar que existen lugares e instalaciones disponibles en donde será conducida la elección.
- C. Asegurar que existen materiales y suministros electorales disponibles necesarios para la administración adecuada de las elecciones, y la

programación y preparación del equipo de votación de Registro Directo que será usado en las elecciones.

- D. Asegurar que existe un contrato con Texas Voting Systems Inc. por servicios y suministros electorales.
- E. Asegurar que existe un contrato con el Condado de Brazos por equipo electoral.
- F. La Ciudad será responsable de conducir las votaciones adelantadas conjuntas para dichas elecciones.
- G. La Ciudad servirá como custodio general de los registros de las elecciones durante las elecciones conjuntas.

PARTE 6: Los gastos de la elección que ocurran como el resultado de los servicios prestados por la Ciudad en la elección del 12 de Mayo, 2007, serán distribuidos como sigue:

- A. La Ciudad primero va a financiar todos los gastos por completo, excepto la publicación de la Notificación de las Elecciones de cada entidad.
- B. CSISD va a rembolsar a la Ciudad de College Station por ciertos costos como se describe seguidamente:

100 por ciento de todos los gastos incurridos por los sitios de votación, trabajadores electorales, y otros gastos asociados con los sitios de votación dentro de la jurisdicción escolar fuera de los límites de la ciudad de College Station.

CSISD financiará la mitad (1/2) del costo de la votación adelantada.

CSISD financiará la mitad (1/2) del costo de la publicación de todas las notificaciones requeridas en conjunto.

CSISD financiará la mitad (1/2) del costo de la programación, alquiler de equipo de votación DRE para los precintos conjuntos, suministros electorales, sesiones de entrenamiento de los trabajadores electorales, Consejo de Votación Adelantada y la Estación Central de Conteo.

PARTE 7: Dichas elecciones deben llevarse a cabo en los siguientes precintos electorales y las votaciones deben conducirse en los lugares electorales listados abajo

PRECINTOS DEL CONDADO DE BRAZOS

<u>Precintos Municipales</u>	<u>Precintos CSISD</u> 1, 2A, 82	<u>Lugares de Votación</u>
		Centro Comunitario de Wellborn 4119 Greens Prairie Road
8	8	Escuela Primaria South Knoll 1220 Boswell
9	9	Centro de Conferencias de College Station 1300 George Bush Drive
10A, 10B, 34	10A, 10B, 34	Municipalidad de College Station 1101 Texas Avenue
20	20	Centro Conmemorativo Estudiantil Joe Routt Blvd. Campus TAMU
21	21	Iglesia Católica Sta. María 603 Church Street
24	24	Escuela Primaria College Hills 1101 Williams
68	28B, 68	Centro Comunitario de Peach Creek Peach Creek Road
31	31	Escuela Secundaria Consolidated A&M 1801 Harvey Mitchell Parkway South
32	32	Biblioteca Pública de College Station 1818 Harvey Mitchell Parkway South
33, 72, 74	29, 33, 62, 64, 72, 74	Centro Lincoln 1000 Eleanor
2C, 35A, 35B	2C, 35A, 35B	College Station ISD, Edificio de Administración 1812 Welsh
2B, 39	2B, 39	Escuela Primaria Rock Prairie 3400 Welsh

40	40	Iglesia Metodista Aldersgate 2201 Earl Rudder Freeway South
41	41, 28A, 42	Iglesia Metodista Cristo Unido 4201 State Highway 6 South
80	80	Escuela Intermedia Cypress Grove 900 Graham Road

PARTE 8: La votación adelantada debe llevarse a cabo en persona y por correo. El periodo para votación adelantada en persona será del 30 de Abril, 2007 al 8 de Mayo, 2007. Boletas de escáner óptico deben usarse para la votación adelantada por correo y máquinas de registro electrónico deben usarse para la votación adelantada en persona. La Secretaria de Votación Adelantada Conjunta para dicha elección será la Secretaria Municipal. Ella designará el número de trabajadores a ser contratados para la elección y coordinar el entrenamiento de todos los trabajadores para la elección y asignarlos a tres lugares de votación adelantada. La Coordinadora de Elecciones del Distrito Escolar Independiente de College Station deberá fungir como Funcionaria Regular de Votación Adelantada en dichas elecciones. El lugar principal para votación adelantada a conducirse en persona será el Edificio Municipal, 1101 Texas Avenue, College Station, Texas. Dos lugares o sucursales adicionales de votación adelantada serán designados para estas elecciones.

Sede Principal para Votación Adelantada: Edificio Municipal de College Station  
1101 Texas Avenue  
College Station, Texas  
8:00 am a 5:00 pm Abril 30 - Mayo 4, 2007  
12:00 pm a 8:00 pm Mayo 5 - 6, 2007  
7:00 am a 7:00 pm Mayo 7 - Mayo 8, 2007

Sucursal: Edificio Administrativo del Distrito Escolar Independiente de College Station  
1812 Welsh  
College Station, Texas  
8:00 am a 5:00 pm Abril 30 – Mayo 4, 2007  
7:00 am a 7:00 pm Mayo 7 - Mayo 8, 2007

Sucursal: Centro Comercial Post Oak Mall  
 1500 Harvey Road  
 College Station TX  
 12:00 pm a 8:00 pm Abril 30 – Mayo 8, 2007

- PARTE 9: Cada entidad será responsable por cualquier sumisión necesaria al Departamento de Justicia de los EE.UU. para la previa aprobación bajo el Acta Federal de los Derechos de Votación y de dar notificación de su elección en un periódico de circulación general.
- PARTE 10: El Gerente Municipal o su designado por este medio está autorizado para negociar y ejecutar un contrato de servicios electorales con Texas Voting Systems para los servicios relacionados con la elección conjunta de la Ciudad de College Station y el Distrito Escolar Independiente de College Station.
- PARTE 11: De acuerdo con la Sección 123.001 del Código Electoral de Texas, el Hart Intercivic Direct Recording Electronic Voting System, Optical Scan Voting System y Electronic Management System para el Condado de Brazos, Texas, está adoptado por este medio para la elección general y la elección especial.
- PARTE 12: Las elecciones ordenadas por este acuerdo interlocal deben ser conducidas de acuerdo con los requerimientos para elecciones bilingües como está prescrito en las enmiendas de 1975 (42USC 1973aa-la) del Acta de los Derechos de Votación y en la Sección 272.001 del Código Electoral. Todos los formularios electorales y materiales deben ser impresos en Inglés y Español, y asistencia oral bilingüe debe estar disponible bajo los requerimientos de la ley.
- PARTE 13: El Alcalde de la Ciudad de College Station por este medio está autorizado a firmar una NOTIFICACIÓN DE ELECCIÓN GENERAL Y DE ELECCIÓN ESPECIAL listando los precintos y lugares de votación para la elección conjunta. Una copia de la NOTIFICACIÓN DE ELECCIÓN GENERAL, cuando sea publicada en un periódico de circulación general en Inglés y Español, servirá como notificación adecuada.
- PARTE 14: Que este acuerdo interlocal debe entrar en efecto de inmediato desde y después de su aprobación.

PASADO Y APROBADO este día \_\_\_\_\_ de Febrero, 2007.

ATESTIGUADO:

APROBADO:

\_\_\_\_\_  
Connie Hooks, Secretaria Municipal

\_\_\_\_\_  
Alcalde Ron Silvia

APROBADO:

\_\_\_\_\_  
Abogado Municipal

PARTE 15: Que este acuerdo interlocal debe entrar en efecto de inmediato desde y después de su aprobación.

ADOPTADO por la Junta Directiva del Distrito Escolar Independiente de College Station, este día \_\_\_\_\_ de Febrero, 2007.

DISTRITO ESCOLAR INDEPENDIENTE DE COLLEGE STATION:

\_\_\_\_\_  
TIM JONES, Presidente Junta Directiva

\_\_\_\_\_  
RANDALL PITCOCK, Secretario Junta Directiva

## NOTIFICACIÓN DE ELECCIÓN GENERAL

### A LOS VOTANTES REGISTRADOS DE LA CIUDAD DE COLLEGE STATION, TEXAS, Y EL DISTRITO ESCOLAR INDEPENDIENTE DE COLLEGE STATION.

Por este medio se notifica que los siguientes lugares electorales estarán abiertos desde las 7:00 a.m. hasta las 7:00 p.m. el Sábado, 12 de Mayo, 2007 para votar en la elección general para elegir al Alcalde y al Consejero Municipal Puesto 2, y para una elección especial para llenar el Puesto 1 del Consejo Municipal del término que aún no expira.

#### UBICACIÓN DE LUGARES ELECTORALES:

<u>Precintos Municipales</u>	<u>Precintos CSISD</u>	<u>Lugares de Votación</u>
	1, 02A, 82	Centro Comunitario de Wellborn 4119 Greens Prairie Road
8	8	Escuela Primaria South Knoll 1220 Boswell
9	9	Centro de Conferencias de College Station 1300 George Bush Drive
10A, 10B, 34	10A, 10B, 34	Municipalidad de College Station 1101 Texas Avenue
20	20	Centro Conmemorativo Estudiantil Joe Routt Blvd. Campus TAMU
21	21	Iglesia Católica Sta. María 603 Church Street
24	24	Escuela Primaria College Hills 1101 Williams
68	28B, 68	Centro Comunitario de Peach Creek Peach Creek Road
31	31	Escuela Secundaria Consolidated A&M 1801 Harvey Mitchell Parkway South
32	32	Biblioteca Pública Larry Ringer 1818 Harvey Mitchell Parkway South
33, 72, 74	29, 33, 62, 64, 72, 74	Centro Lincoln 1000 Eleanor

## Notificación de Elección General 2006

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2C, 35A, 35B	2C, 35A, 35B	College Station ISD 1812 Welsh
02B, 39	02B, 39	Escuela Primaria Rock Prairie 3400 Welsh
40	40	Iglesia Metodista Aldersgate 2201 Earl Rudder Freeway South
41	41, 28A, 42	Iglesia Metodista Cristo Unido 4201 State Highway 6 South
80	80	Escuela Intermedia Cypress Grove 900 Graham Road

La votación adelantada se llevará a cabo en persona y por correo. El periodo para la votación adelantada en persona será del 30 de Abril, 2007 al 8 de Mayo, 2007. Se usarán boletas de escáner óptico para la votación adelantada por correo y máquinas de votación electrónica de registro directo se usarán para la votación adelantada en persona. La Secretaria de Votación Adelantada Conjunta para dicha elección será la Secretaria Municipal. Ella designará el número de trabajadores a ser contratados para la elección y coordinar el entrenamiento de todos los trabajadores para la elección y asignarlos a tres lugares de votación adelantada. La Coordinadora de Elecciones del Distrito Escolar Independiente de College Station deberá fungir como Funcionaria Regular de Votación Adelantada en dichas elecciones. El lugar principal para votación adelantada a conducirse en persona será el Salón de Consejo del Edificio Municipal, 1101 Texas Avenue, College Station, Texas. Dos sucursales adicionales de votación adelantada serán designados para estas elecciones.

Sede Principal para Votación Adelantada: Edificio Municipal de College Station  
1101 Texas Avenue  
College Station, Texas  
8:00 am a 5:00 pm Abril 30 - Mayo 4, 2007  
12:00 pm a 8:00 pm Mayo 5 - 6, 2007  
7:00 am a 7:00 pm Mayo 7 - Mayo 8, 2007

Sucursal: Edificio Administrativo del Distrito Escolar Independiente de College Station  
1812 Welsh  
College Station, Texas  
8:00 am a 5:00 pm Abril 30 – Mayo 4, 2007  
7:00 am a 7:00 pm Mayo 7 - Mayo 8, 2007

Notificación de Elección General 2006

3

Sucursal: Centro Comercial Post Oak Mall  
1500 Harvey Road  
College Station TX  
12:00 pm a 8:00 pm Abril 30 – Mayo 8, 2007

Las solicitudes para boletas electorales por correo tienen que ser recibidas antes del 4 de Mayo, 2007 en la oficina de Connie Hooks, Secretaria de Votación Adelantada Conjunta, P.O. Box 9960, College Station, Texas 77842

979-764-3541    [chooks@cstx.gov](mailto:chooks@cstx.gov)

PASADO Y APROBADO este día \_\_\_\_\_ de Febrero, 2007.

ATESTIGUADO:

APROBADO:

\_\_\_\_\_  
Connie Hooks, Secretaria Municipal

\_\_\_\_\_  
Alcalde Ron Silvia

**February 8, 2007**  
**Consent Agenda**  
**Agreement with National Reimbursement Services for Ambulance Billing Services**

**To:** Glenn Brown, City Manager  
**From:** Jeff Kersten, Chief Financial Officer

**Agenda Caption:** Presentation, possible action and discussion on an Agreement for Services with National Reimbursement Services to provide ambulance billing services in an amount not to exceed \$60,000.

**Recommendation(s):** Staff recommends the approval of the Agreement for Services with National Reimbursement Services.

**Summary:** This Agreement for Services provides ambulance billing services for the City's EMS operation. This billing is currently being performed by the City's accounting division. Ambulance billing is unique in that it requires specialized knowledge, training, and software in order to code the transports for billing, and it requires a tremendous amount of follow-up after the bill is sent to work with Medicare, Medicaid, and private insurance companies. The growth in the City's population has led to a growth in the City's ambulance billing operation. We estimate that it currently costs the City approximately \$90,000 annually (salaries, software, training) to handle this billing operation internally. An analysis was performed and it was determined that it would be more efficient to outsource this operation.

This contract is being prepared pursuant to the terms and conditions of the Interlocal Agreement between the City of College Station and the City of Bryan. The City of Bryan currently utilizes National Reimbursement Services for ambulance billing services, and we are "piggy-backing" on their contract. This is an example of how the interlocal agreement is working in a positive way for the City of College Station.

**Budget & Financial Summary:** Funds are available in the City's general fund budget of the accounting division. It is expected that these costs will be partially offset by an increase in the ambulance billing collection rate. Staff will also be evaluating the possibility of reducing personnel by one full-time position as a result of this outsourcing.

**Attachments:**

Contract #07-096

## City of College Station

### SERVICE CONTRACT

This contract is by and between the **City of College Station**, a Texas home-rule municipal corporation (the "City"), and **National Reimbursement Services, Inc.** (the "Contractor"), for the following work: **Ambulance Billing Services**, a service provided by the Contractor as an independent contractor.

1. This contract is being prepared pursuant to the terms and conditions of the Interlocal Agreement between the City of College Station and The City of Bryan dated August 18, 2003.
2. In consideration of the compensation stated in paragraph 3, the Contractor shall provide all the services described in the Scope of Services attached hereto as Exhibit "A" and incorporated by reference. The express terms of this Contract shall take precedence and control over any term or provision of the Scope of Services that in any way conflicts with, differs from, or attempts to alter the terms of this Contract.
3. Except in the event of a duly authorized change order approved by the City as provided in this Contract, and in consideration of the Contractor's final completion of all work in conformity with this Contract, the City shall pay the Contractor an amount not to exceed **Sixty Thousand and No/100 Dollars (\$60,000.00)**. The Contractor shall submit his application for payment to the City in accordance with the cost proposal section in Exhibit "A". The City shall pay Contractor for the work performed no later than **thirty (30)** calendar days from the date of the City's receipt and the City's approval of the work and the application for payment.
4. No changes shall be made, nor will invoices for changes, alterations, modifications, deviations, or extra work or services be recognized or paid except upon the prior written order from authorized personnel of the City. The Contractor shall not execute change orders on behalf of the City or otherwise alter the financial scope of the Project.
5. Written change orders may be approved by the City Manager or his delegate provided that the change order does not increase the amount set forth in paragraph 3 of this Contract to more than \$50,000.00. Changes in excess of this amount must be approved by the City Council prior to commencement of the services or work. **Any request by the Contractor for an increase in the Scope of Services and an increase in the amount listed in paragraph 3 of this Contract shall be made and approved by the City prior to the Contractor providing such services or the right to payment for such additional services shall be waived.**
6. **Term of Contract Contract.** This contract shall become effective from date of acceptance and approval by the City of College Station. It shall remain in full force and effect with firm fixed prices until October 27, 2007. The City shall have the option of extending this contract, subject to approval of funding and review of the services provided by the Contractor, for two (2) additional one (1) year terms to be awarded one (1) year at a time. Contracts are extended upon mutual consent of both the City and the Contractor. The City of College Station will not consider contract extensions which include any increase in prices.

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7. No "Notice to Proceed" may be given nor any work commenced until this Contract is fully executed and all exhibits and other attachments are completely filled out and attached hereto.
8. It is understood and agreed by the parties that the Contractor is an independent contractor retained for the above-mentioned purpose. The City shall not control the manner nor the means of the Contractor's performance, but shall be entitled to a work product as described above. The term "subcontractor" shall mean and include only those hired by and having a direct contact with Contractor for performance of work on the Project. The City shall have no responsibility to any subcontractor employed by a Contractor for performance of work on the Project, and all subcontractors shall look exclusively to the Contractor for any payments due. The City will **not** be responsible for reporting or paying employment taxes or other similar levies that may be required by the United States Internal Revenue Service or other State or Federal agencies. Every subcontractor shall be bound by the terms and provisions of this Agreement and the Contract Documents as far as applicable to their work. The Contractor shall be fully responsible to the City for the acts and omissions of its subcontractors. Nothing contained herein shall create any contractual or employment relations between any subcontractor and the City.
9. **OPTION - SELECT A OR B (initial) (both A & B shall apply if contract amount is over \$15,000.00)**

\_\_\_\_\_A. The Contractor shall procure and maintain, at its sole cost and expense for the duration of this Contract, insurance against claims for injuries to persons or damages to property that may arise from or in connection with the performance of the work hereunder by Contractor, its agents, representatives, volunteers, employees, or subcontractors. Said insurance shall list College Station, its employees, and officials as additional named insureds. See Exhibit B for required limits of insurance. Certificates of insurance evidencing the required insurance coverages shall be attached hereto as Exhibit C.

- OR -

\_\_\_\_\_B. **It is further agreed that the Contractor (separately and collectively the "Indemnitee") shall indemnify, hold harmless, and defend the City, its officers, agents, and employees from and against any and all claims, losses, damages, causes of action, suits, and liability of every kind, including all expenses of litigation, court costs, and attorney's fees, for injury to or death of any person or for damage to any property arising out of or in connection with the work done by the Contractor under this Contract. Such indemnity shall apply regardless of whether the claims, losses, damages, causes of action, suits, or liability arise in whole or in part from the negligence of the City, any other party indemnified hereunder, the Contractor, or any third party.**

- 10. The Contractor assumes full responsibility for the work to be performed hereunder and hereby releases, relinquishes, and discharges the City, its officers, agents, and employees from all claims, demands, and causes of action of every kind and character, including the cost of defense thereof, for any injury to or death of any**

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person and any loss of or damage to any property that is caused by, alleged to be caused by, arising out of, or in connection with the Contractor's work to be performed hereunder. This release shall apply regardless of whether said claims, demands, and causes of action are covered in whole or in part by insurance and regardless of whether such injury, death, loss, or damage was caused in whole or in part by the negligence of the City, any other party released hereunder, the Contractor, or any third party.

11. The City is exempt from payment of state and local sales and use of taxes on labor and materials incorporated into the project. If necessary, it is the Contractor's responsibility to obtain a sales tax permit, resale certificate, and exemption certificate that shall enable the Contractor to buy any materials to be incorporated into the project and then resale the aforementioned materials to the City without paying the tax on the materials at the time of purchase.
12. The Contractor shall comply with all applicable federal, state, and local statutes, regulations, ordinances, and other laws, including but not limited to the Immigration Reform and Control Act (IRCA). The Contractor may not knowingly obtain the labor or services of an unauthorized alien. The Contractor, not the City, must verify eligibility for employment as required by IRCA.
13. The City may terminate this Contract at any time upon **thirty (30)** calendar day's written notice. At such time, the City shall notify Contractor, in writing, who shall cease work immediately. Contractor shall be compensated for the services performed. In the event that the City terminates this Contract for convenience, the City shall pay Contractor for the services performed and expenses incurred prior to the date of termination.
14. No waiver or deferral by either party of any term or condition of this Contract shall be deemed or construed to be a waiver or deferral of any other term or condition or subsequent wavier or deferral of the same term or condition.
15. This Contract may only be amended by written instrument approved and executed by the parties.
16. This Contract and the rights and obligations contained herein may not be assigned by the Contractor without the prior written approval of City.
17. The parties hereby state that they have read the terms of this Contract and hereby agree to the conditions contained herein.
18. This Contract has been made under and shall be governed by the laws of the State of Texas. The parties agree that performance and all matters related thereto shall be in Brazos County, Texas.
19. Contractor, its employees, associates or subcontractors shall perform all the work hereunder. Contractor agrees that all of its associates, employees, or subcontractors who work on this Project shall be fully qualified and competent to do the work described hereunder. Contractor shall undertake the work and complete it in a timely manner.

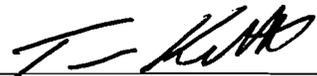
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20. If any provision of this Contract shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court of competent jurisdiction finds that any provision of this Contract is invalid or unenforceable, but that by limiting such provision it may become valid and enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.

21. This Contract represents the entire and integrated agreement between the City and Contractor and supersedes all prior negotiations, representations, or agreements, either written or oral. This Contract may only be amended by written instrument approved and executed by the parties.

22. This Contract will be effective when signed by the last party whose signing makes the Contract fully executed.

**NATIONAL REIMBURSEMENT SERVICES, INC.**

BY:   
Printed Name: Travis Kelton  
Title: Vice President

1/12/07  
Date

**CITY OF COLLEGE STATION**

BY: \_\_\_\_\_  
Ron Silvia, Mayor  
*(required if Contract is \$50,000 or more)*

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
Connie Hooks, City Secretary  
*(required if Contract is \$50,000 or more)*

\_\_\_\_\_  
Date

**CITY OF COLLEGE STATION**

BY: \_\_\_\_\_  
City Manager

\_\_\_\_\_  
Date

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APPROVED:

  
\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chief Financial Officer

\_\_\_\_\_  
Date

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**Exhibit A**  
**SCOPE OF SERVICES**

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## SCOPE OF WORK

National Reimbursement Services Inc is please to present the City of College Station with a very effective solution for Billing for EMS Services. We are prepared to provide superior billing and consulting services and serve at your leisure.

Our proposal offers much more than ordinary billing companies, for instance:

- \* 21 years experience in EMS billing, presently performing billing for 50 cities in Texas.
- \* Company provided in-house accredited documentation training for your EMS staff, which greatly enhances reimbursement of EMS claims
- \* Company provided HIPAA certification and ongoing training
- \* We report your Texas Trauma Registry
- \* 24/7 secure remote internet access to all your data that resides on our servers
- \* A 100% collection guarantee of all insured medically necessary transports
- \* Rate surveys as observed in our 50 cities system-wide
- \* Your option - charge off collections can be handled by our collections division with optional reporting to TransUnionT Credit Bureau at the same regular rate as our billing division. Why should a vendor be rewarded for delaying collections?
- \* An MD administered QA/QI review program
- \* Toll-free phone for contacts to our offices
- \* We supply you with pre-paid express mail pouches for sending information to us
- \* Total cost-free customization of any reporting required from the collected data.
- \* At no cost to you we will respond to all subpoena request for record production
- \* Members in good standing of the Texas Ambulance Association
- \* Members in good standing of the TransUnionT Credit Bureau
- \* Members in good standing of the Better Business Bureau®

We see our billing service as an extension of your original service rendered to your citizens and as such we strive to obtain reimbursement from every legitimate source possible relieving both the City and the resident of the cost.

NRS deals with all accounts ethically, diplomatically, and professionally at all times and deals with all collections in compliance with the Consumer Credit Protection Act, Federal Fair Debt Collection Practices Act, and all other state and local laws applicable to this type of activity. NRS agrees to hold harmless the City of College Station for any billing and/or collection errors due to our activity.

Our company's professional management team has nearly three decades of medical billing, management, and business practice, which guarantees our superior performance for your City.

Since we have our own staff of corporate attorneys, CPA's, degreed accountants, degreed programmers, and nurse coding specialists as well as an MD advisor on staff, we stand ready to adapt our processing to your needs. You don't have to fit into our mold.

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## COMPANY OVERVIEW

We offer a comprehensive solution to emergency billing, reimbursement, and collections. Our fees are comparable with what customers would spend if billing was done in-house or compared with the price of any competitor. Our efficiencies and collection rates are higher because of our automated, software driven billing processes.

## KEYS TO SUCCESS

We recognize that having a superior service at a competitive price is not in itself enough to ensure customer satisfaction. We intend to provide service that exceeds your expectations by:

- \* providing personal contact;
- \* keeping current on all professional standards;
- \* establishing the Company, as a one-stop comprehensive place for your entire customer reimbursement billing and collection needs
- \* strengthening our already powerful software by remaining current in both hardware and software technology enhancements and passing along these improvements to you
- \* Maintaining price advantage over our competitors by keeping costs down and collection rates high.

## CONTACT INFORMATION

The following individuals may be contacted regarding matters of this proposal or matters of daily operation and interface with the City:

Mr. Robert Sarlay Sr, President NRS Inc 713-465-5200 Houston office  
Dr. Alejandro Lara, MD, VP QA NRS Inc 713-465-5200 Houston office  
Mr. Travis Kelton, VP Marketing 713-465-5200 Houston office

## SERVICES PROVIDED INCLUDE:

- \* Ambulance (EMS) billing and reimbursement

We specialize in providing medical billing services to Municipalities and other entities. Additionally ambulance billing and Hazmat Recovery cost billing are two areas of expertise. We are a Texas based company with affiliated offices located in Austin, Dallas, and Corpus Christi, Texas.

## COLLECTION PROCEDURES:

Emergency Medical Services Accounts Receivable Management is a specialized form of billing within the medical community. This service differs from conventional billing methodology

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because there is a clear reliance on information obtained from multiple sources such as paramedics, hospitals and physicians.

The most significant factor is an understanding of the operating conditions of service delivery. An average transport may have a total duration of less than thirty minutes. Those thirty minutes represents the amount of time required to render the necessary aid and, at the same time, gather information necessary for effective billing. In many instances correct names, addresses and medical diagnosis are unavailable at the time services are provided. Area hospitals and treating physicians subsequently become an information resource to collect service fees.

Medicare, Medicaid and private insurance carriers require all EMS claim information to be accurate, complete and consistent with medical treatment(s) received. The procedures developed by us are uniquely designed to meet the needs of the EMS system(s).

Verification to obtain accurate information is the most important element in our A/R system. We remain ready to develop an information access system with the primary receiving hospitals in the area. We have existing electronic links with hospitals and credit bureaus in several other cities and with several other hospital chains.

We divide the *A/R management system procedures* into five areas as follows:

- \* Collation/Verification
- \* Input claims filing & billing
- \* Financial & Statistical reporting
- \* Tracking & Tracing
- \* Delinquent Debt

#### *Collation & Verification*

1. Receive EMS runs sheets via electronic download or by express courier depending on the option chosen by the City.
2. Sort and separate by transport/non-transport services electronically.
  - \* Transport activities defined as physical transport of patient to hospital.
  - \* Non-transport is defined as unit dispatched to scene where aid may or not be rendered, but patient is not transported to hospital.
3. Separate transport runs by receiving hospital.
4. Separate non-transport runs as billable and non-billable so the non-billable can be handled according to the City's policy.
  - \* Non-billable criteria is either defined by City policy or is lack of patient name, correct address, other basic information necessary to generate a bill, which will require further company intervention and look-up.
5. Initiate verification process within database.
6. Perform name and SS# search within database to determine if patient has an existing account.
7. Establish electronic data links with receiving hospital.
8. Verify from run data and/or add additional information obtained from hospitals and/or other sources for all transport and billable non-transport runs. Verify specifically the following:
  - \* Name

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- \* Date of birth
- \* Address
- \* Phone number
- \* Employer
- \* Insurance carrier, if any
- \* Diagnosis
- \* Treating physician
- \* Name of spouse, significant other, etc.

*Input Claims Filing & Billing*

1. Verify Medicaid/Medicare identification utilizing the NAIS system.
2. Update all existing accounts to reflect current information. If addresses or names have changed as a result of marriage/divorce or relocation.
3. Issue new account numbers to all other and enter into the system.
4. Enter charges for each run with appropriate ICD-9 coding.
5. Verify all data entry on a daily basis.
6. File Medicare/Medicaid and Commercial claims electronically.
7. Generate form letter to all runs pertaining to the following activities:

**Motor Vehicle Accidents** - EMS fees incurred as a result of Motor vehicle accidents present a unique situation. In most cases a private insurance carrier will pay all fees. The unique aspect is the determination of which carrier will pay the fee. In these cases letters of protection are obtained from appropriate legal representatives of the patient. The letter provides reasonable assurance that EMS fees will be paid upon case settlement/resolution.

**Insurance Denial** - Letter informing patient that their insurance claim has been denied and they are responsible for payment

**Deductible** - Many private insurance carriers have deductible requirements on EMS fees. This statement informs patient that there is an existing balance on the account due to deductible amount having been unmet. The statement informs patients that the services provided were not eligible for payment under the patient's insurance policy.

Mail Request for information form and statement to those patients who do not have the following types of coverage:

- Private Insurance
- Medicare
- Blue Cross
- Champus
- Multiple others

*Statements and Request for Information forms are generated and mailed within two days after receiving the charges.*

PAYMENT POSTINGS

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1. Receive copies of all payments and statements from the City depository
2. Post payments to appropriate account
3. Verify the following information from EOB form:
  - Name
  - Address
  - Phone
  - Drivers License # (in case of a personal check)
4. Update all account information
5. Input all Explanation of Benefits Information on patient accounts.
6. Verify batch totals to actual payments received
7. File supplemental insurance coverage if payment is received from primary carrier.
  - *Supplemental insurance coverage applies to Medicare, Champus, Standard Group Insurance et al.*
8. Mail statements to all accounts with outstanding balance as applicable.

**EMS Billing** – includes but is not limited to:

- A. Preparation and forwarding of bills for services and supplies to insurance providers and patients
  1. Bills are to be sent out no more than 3 days after receipt of information provided by City.
- B. Insurance verification
  1. Handle all follow up on denials and appeals with insurance companies and Medicare/Medicaid.
- C. Accurate and timely review of claims to verify completeness and compliance.
- D. Electronic submission of Medicare/Medicaid claims and any insurance claims that can be accepted.
- E. Revenues will be collected by as specified by the City.
- F. Develop, implement, and monitor extended payment plan with patients unable to pay in full.

*We also provide the following services:*

1. Billing Services for Private Health & Auto Insurance, Medicare, Medicaid, Workers Compensation Insurance, Private Pay Invoicing, Attorney Pays, Personal Injury, CHIPS, Abused Victims Fund, and **all** other legitimate sources
2. Records will be date stamped and recorded for incoming mail and receipts
3. Records will be reviewed for missing insurance and other information
4. We will obtain missing insurance and other missing information by either phone call to policyholder or by database searches available to us as further described in section II of this response
5. Payment plans will be available to Private-Pay accounts. NRS is able to accept checks online, credit cards, or installments as further described in section II of this response
6. Letter of Protection will be obtained from attorneys on claims as required and we will handle billing affidavits
7. Incident records and charge sheets will be reviewed for correct charges

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8. We shall review and diagnose all records by EMS certified personnel
9. We will supply pre-paid express mail pouches for sending the paper transports.
10. All claims (Medicare, Medicaid, Commercial Insurance, and any others) will be processed and forwarded to third-party insurance companies electronically or if necessary by mail or fax in those instances where the carrier cannot receive electronic submissions.
11. All billing invoices will be processed under the City's name and tax identification number.
12. All denials shall be processed and immediately appealed.
13. Accounts with third-party payors will be monitored closely via our software tracking system.
14. Monthly payment plans in a variety of methods will be established as further described in section II of this response

NRS responds to the City staff in a courteous and professional manner, respecting the fact that you are our customer. The contractor accepts responsibility for all daily activity of the billing and collection process. We anticipate interfacing with a system administrator or QA Captain will be responsible for the electronic submission of your collected data from the EMS Pro system. We also anticipate interfacing with an administrative/financial staff member who will make special request for particular needs. We anticipate providing service above your expectations.

We are capable to submitting electronic claims to over 150 commercial insurance carriers and all other forms of insurance benefit carriers. In those rare instances where the carrier is not equipped to accept electronic submissions we can timely submit paper claims with applicable backup to facilitate review and expedite processing.

Due to the unique nature of the medical transport, billing, review, claims, and co-pay process NRS recommends the City not consider an account delinquent for the first 180 days.

**Telephone contact policies** - All personnel are trained and experienced with the laws regarding the Consumer Credit Protection Act, Texas Debt Collection Act, and the Federal Fair Debt Collection Practices Act. Further, NRS personnel will uphold only the highest professional standards with regards to its communications with the public on behalf of the City. The public will receive the same courtesy and professional service that they receive from all other City Services. Toward this end, NRS personnel are trained and experienced in inter-personal communications and the majority of the staff are bi-lingual.

NRS employees utilize guidelines in all communications with the public as follows:

#### WAYS TO MAKE YOUR COLLECTION LETTERS AND CALLS MORE EFFECTIVE

1. Always begin with a selling opening. Don't upset or anger the customer.
2. Speak simply. Use shorter more direct words as opposed to long ones.
3. Preserve the patient's dignity and self-respect.
4. Nothing is ever gained by strong statements.
5. Start with favorable attention to give patients "reasons" to comply.
6. Visualize that you're talking to one person.
7. Remember you're trying to get someone to do something.

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8. Some selling appeals:
  - Motivation
  - Prompt payment builds “peace of mind”
  - You can help him out of trouble
  - A good credit record is a valuable asset
9. Put yourself in the patient’s place

*Be forceful -- Be Straightforward -- Be Enthusiastic -- Be Positive*

#### WHAT TO DO WITH PATIENTS NOT PREPARED TO PAY

1. Let them know we EXPECT the account to be paid in full.
2. Ask for payment in full.
3. If they cannot pay in full, try to get some payment.
4. Get patient to commit on how much and when the balance will be paid in full.  
Be specific when they can pay.
5. Enter the agreed upon arrangements into the computer so that we can follow-up.
6. Send a reminder of their arrangements at billing.

#### WHAT TO DO WITH A PATIENT WHO SAYS HE IS INDIGENT

1. Dig out the facts. Determine if the patient is really indigent.
2. Ask the patient to disclose all sources of income i.e., jobs, spouse, children, social security, disability, unemployment etc.
3. Check the facts.
4. If indigent, look for some other source of payment, i.e. qualify for Medicaid, local welfare program.
5. If no source of payment, ultimately write it off.

#### WHEN THEY SAY, "THE CHECK IS IN THE MAIL"

1. Ask when and how the payment was sent?
2. What method of payment? (check, money order, etc.)
3. If an acceptable amount of time has lapsed since the payment was allegedly mailed, you may want to ask the patient to stop payment on the check "in the mail" and issue a new check as a replacement
4. If the payment has not had time to reach the office, then establish a specific date on which both you and the patient agree that the payment should be received. We make arrangements to contact the patient if the payment has not been received by the agreed upon date.

Collection rates vary greatly and are dependent upon many factors such as, geography, economic census of the City served, City collection criteria and guidelines (soft approach or hard approach) and DEFINITION of collection rate. Our system-wide dollar collection rate experience ranges from 40% to 70% affected by City restraints on toughness of private pay (uninsured) clients

We promise and *guarantee* this: **If we ever fail to collect a qualifying transport we will pay**

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**the City the applicable allowable amount that would have been paid by the carrier.**

Collection rates for **private pay and uninsured** are dependent upon the City criteria for how vigorous or tame they want us to perform during the billing and collection process.

Further we keep the City informed of current billing surveys that we conduct with our extensive population and make rate recommendations often. It is senseless to bill a carrier less than what they will pay or what the market rate is.

#### COST PROPOSAL

National Reimbursement Services proposes a fee of 7% of actual collections received by the City, paid in arrears, monthly upon invoicing by NRS to the City.

There are no start-up fees  
There are no set-up fees  
There are no one-time fees  
There are no programming fees  
There are no other fees.

**Exhibit B**  
**INSURANCE REQUIREMENTS**

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**CITY OF COLLEGE STATION CONTRACTS**  
**INSURANCE COVERAGE & LIMIT REQUIREMENTS**

**EFFECTIVE 10-1-02**

**Commercial General Liability, (a.k.a.) Public Liability**

Coverage limit should be **\$2 million** aggregate with **\$1 million** per occurrence.

This coverage should provide liability coverage for the following:

Fire Damage Liability, **\$100,000 minimum**

Medical Expense, **\$5,000 minimum**

Personal & Advertising Injury

Products & Completed Operations with Separate Aggregate

Contractual Liability

Host Liquor Liability

Explosion, Collapse, Underground

**Business Auto Liability**

Coverage limit **\$1 million combined single limit**

This coverage should provide liability for the following:

Any Auto

All Owned Autos

Scheduled Autos

Hired Autos

Non Owned Autos, (includes rented & leased vehicles)

**Workers Compensation**

Coverage Limit **Texas Statutory**

**Employers Liability**

Coverage Limit **\$1,000,000/ \$1,000,000/ \$1,000,000**

This coverage should provide liability for the following:

E.L. Each Accident **\$1,000,000**

E.L. Disease- Each Employee **\$1,000,000**

E.L. Disease- Policy Limit **\$1,000,000**

**Professional Liability**

Coverage Limit **\$2 million** Aggregate with **\$1 million** per occurrence\*

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Claims made policies are *acceptable on this line of coverage\**

Must have an *Extended Reporting Period Endorsement\**

**Pollution Liability**

Coverage Limit minimum \$1 million or \$5 million depending upon DOT/TNRCC Classification of materials being transported. (Can be endorsed onto Business Auto Liability on form MCS-90 Endorsement- Motor Carrier Policies for insurance for Public Liability)

**Umbrella / Excess Liability**

Coverage Limit minimum should be equal to or Greater than \$5million per occurrence/aggregate when combined with the lowest primary liability coverage. This coverage **MUST** follow form.

*(Coverage Limit Requirement as Determined by the City's Risk Manager)*

**Builders' Risk**

*(Coverage Limit Requirement as Determined by the City's Risk Manager)*

**Performance Bonds & Payment Bonds**

Required on construction projects at \$100,000.00 and above. However, City has the option to have a performance bond on projects below \$100,000.00 dollars. Payment bonds are also required on projects at \$25,000.00 and above.

**Commercial Crime/Fidelity Bond**

*(Coverage Limit Requirement as Determined by the City's Risk Manager)*

**Liquor Legal Liability** (if alcohol is sold on premise)

*(Coverage Limit Requirement as Determined by the City's Risk Manager)*

**Tenant's Contents and Betterments**

Required for Tenant's renting/leasing City of College Station Building / Office Space

*(Coverage Limit Requirement as Determined by the City's Risk Manager)*

**Leasehold Interest Insurance**

Required when renting or leasing City of College Station buildings or offices.

*(Coverage Limit Requirement as Determined by the City's Risk Manager)*

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## Exhibit "B"

### Insurance Requirements

1. The Contractor agrees to maintain the types and amounts of insurance required in this Contract throughout the term of the Contract. The following insurance policies shall be required:

- (a) Commercial General Liability
- (b) Business Automobile Liability
- (c) Workers' Compensation

2. For each of these policies, the Contractor's insurance coverage shall be primary insurance with respect to the City, its officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its officials, employees or volunteers, shall be considered in excess of the Contractor's insurance and shall not contribute to it. Certificates of insurance and endorsements shall be furnished to and approved by the City's Risk Manager *before* any letter of authorization to commence planning will issue or any work on the Project commences. No term or provision of the indemnification provided by the Contractor to the City pursuant to this Contract shall be construed or interpreted as limiting or otherwise affecting the terms of the insurance coverage. **All Certificates of Insurance and endorsements shall be furnished to the City's Representative at the time of execution of this Agreement, attached hereto as Exhibit "D", and approved by the City *before* work commences.**

3. The Contractor shall include all subcontractors as additional insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

4. General Requirements Applicable to All Policies.

- (a) Only insurance carriers licensed and admitted to do business in the State of Texas will be accepted.
- (b) Deductibles shall be listed on the certificate of insurance and are acceptable only on a "per occurrence" basis for property damage only.
- (c) "Claims made" policies will not be accepted, except for Professional Liability insurance.
- (d) Each insurance policy shall be endorsed to state that coverage shall not be suspended, voided, canceled, or reduced in coverage or in limits except after thirty (30) calendar days prior written notice has been given to the City of College Station by certified mail, return receipt requested.
- (e) Upon request, certified copies of all insurance policies shall be furnished to the City.
- (f) The certificates of insurance shall be prepared and executed by the insurance company or its authorized agent. Each certificate shall contain the following provisions and warranties: (a) that the insurance company is licensed and admitted to do business in the State of Texas; (b) that the insurance policy is underwritten on forms provided by the Texas State Board of Insurance or ISO; (c) all endorsements and coverages according to the requirements of this Contract;

CRC 01-11-2007

Contract No. 07-096

1/11/07

- (d) the form of notice of cancellation, termination, or change in coverage provisions; and (e) original endorsements affecting coverage required by this Contract.
- (g) The City of College Station, its officials, employees, and volunteers are to be added as "Additional Insureds" to the Commercial General Liability and Business Automobile Liability Policies. The coverage shall contain no special limitations on the scope of protection afforded to the City, its officials, employees, and volunteers.
5. **Commercial (General) Liability** requirements:
- (a) Coverage shall be written by a carrier with an "B+:VII" or better rating in accordance with the current Best Key Rating Guide.
- (b) Minimum Limit of \$1,000,000 per occurrence for bodily injury and property damage with a \$2,000,000 annual aggregate.
- (c) Coverage shall be at least as broad as Insurance Service's Office Number CG 00 01.
- (d) No coverage shall be deleted from the standard policy without notification of individual exclusions being attached for review and acceptance.
- (e) The coverage shall include but not be limited to: premises/operations; independent contracts, products/completed operations, contractual liability (insuring the indemnity provided herein), and where exposures exist, "Explosion Collapse and Underground" coverage.
- (f) The City shall be named as an additional insured and the policy shall be endorsed to waive subrogation and to be primary and non contributory.
6. **Business Automobile Liability** requirements:
- (a) Coverage shall be written by a carrier with an "B+:VII" or better rating in accordance with the current Best Key Rating Guide.
- (b) Minimum Combined Single Limit of \$1,000,000 per occurrence for bodily injury and property damage.
- (c) The Business Auto Policy must show Symbol 1 in the Covered Autos portion of the liability section in Item 2 of the declarations page.
- (d) The coverage shall include owned, leased or rented autos, non-owned autos, any autos and hired autos.
7. **Workers' Compensation Insurance** requirements:
- (a) **Pursuant to the requirements set forth in Title 28, Section 110.110 of the Texas Administrative Code, all employees of the Contractor, the Contractor, all employees of any and all subcontractors, and all other persons providing services on the Project must be covered by a workers' compensation insurance policy: either directly through their employer's policy (the Contractor's, or subcontractor's policy) or through an executed coverage agreement on an approved TWCC form. Accordingly, if a subcontractor**

**does not have his or her own policy and a coverage agreement is used, Contractors and subcontractors *must* use that portion of the form whereby the hiring contractor agrees to provide coverage to the employees of the subcontractor. The portion of the form that would otherwise allow them not to provide coverage for the employees of an independent contractor may not be used.**

- (b) The worker's compensation insurance shall include the following terms:
- (i) Employer's Liability limits of \$1,000,000 for each accident is required.
  - (ii) "Texas Waiver of Our Right to Recover From Others Endorsement, WC 42 03 04" shall be included in this policy.
  - (iii) Texas must appear in Item 3A of the Worker's Compensation coverage or Item 3C must contain the following: All States except those listed in Item 3A and the States of NV, ND, OH, WA, WV, and WY.

(c) Pursuant to the explicit terms of Title 28, Section 110.110(c)(7) of the Texas Administrative Code, this Agreement, the bid specifications, this Agreement, and all subcontracts on this Project must include the terms and conditions set forth below, without any additional words or changes, except those required to accommodate the specific document in which they are contained or to impose stricter standards of documentation:

*A. Definitions:*

*Certificate of coverage ("certificate") - A copy of a certificate of insurance, a certificate of authority to self-insure issued by the Texas Workers' Compensation Commission, or a coverage agreement (TWCC-81, TWCC-83, or TWCC-84), showing statutory workers' compensation insurance coverage for the person's or entity's employees providing services on a project, for the duration of the project.*

*Duration of the project - includes the time from the beginning of the work on the project until the Contractor's/person's work on the project has been completed and accepted by the governmental entity.*

*Persons providing services on the project ("subcontractors" in § 406.096 [of the Texas Labor Code]) - includes all persons or entities performing all or part of the services the Contractor has undertaken to perform on the project, regardless of whether that person contracted directly with the Contractor and regardless of whether that person has employees. This includes, without limitation, independent Contractors, subcontractors, leasing companies, motor carriers, owner-operators, employees of any such entity, or employees of any entity which furnishes persons to provide services on the project. "Services" include, without limitation, providing, hauling, or delivering equipment or materials, or providing labor, transportation, or other service related to a project. "Services" does not include activities unrelated to the project, such as food/beverage vendors, office*

*supply deliveries, and delivery of portable toilets.*

*B. The Contractor shall provide coverage, based on proper reporting of classification codes and payroll amounts and filing of any coverage agreements, that meets the statutory requirements of Texas Labor Code, Section 401.011(44) for all employees of the Contractor providing services on the project, for the duration of the project.*

*C. The Contractor must provide a certificate of coverage to the governmental entity prior to being awarded the contract.*

*D. If the coverage period shown on the Contractor's current certificate of coverage ends during the duration of the project, the Contractor must, prior to the end of the coverage period, file a new certificate of coverage with the governmental entity showing that coverage has been extended.*

*E. The Contractor shall obtain from each person providing services on a project, and provide to the governmental entity:*

*(1) a certificate of coverage, prior to that person beginning work on the project, so the governmental entity will have on file certificates of coverage showing coverage for all persons providing services on the project; and*

*(2) no later than seven calendar days after receipt by the Contractor, a new certificate of coverage showing extension of coverage, if the coverage period shown on the current certificate of coverage ends during the duration of the project.*

*F. The Contractor shall retain all required certificates of coverage for the duration of the project and for one year thereafter.*

*G. The Contractor shall notify the governmental entity in writing by certified mail or personal delivery, within 10 calendar days after the Contractor knew or should have known, or any change that materially affects the provision of coverage of any person providing services on the project.*

*H. The Contractor shall post on each project site a notice, in the text, form and manner prescribed by the Texas Workers' Compensation Commission, informing all persons providing services on the project that they are required to be covered, and stating how a person may verify coverage and report lack of coverage.*

*I. The Contractor shall contractually require each person with whom it contracts to provide services on a project, to:*

*(1) provide coverage, based on proper reporting of classification*

*codes and payroll amounts and filing of any coverage agreements, that meets the statutory requirements of Texas Labor Code, Section 401.011(44) for all of its employees providing services on the project, for the duration of the project;*

*(2) provide to the Contractor, prior to that person beginning work on the project, a certificate of coverage showing that coverage is being provided for all employees of the person providing services on the project, for the duration of the project;*

*(3) provide the Contractor, prior to the end of the coverage period, a new certificate of coverage showing extension of coverage, if the coverage period shown on the current certificate of coverage ends during the duration of the project;*

*(4) obtain from each other person with whom it contracts, and provide to the Contractor:*

*(a) a certificate of coverage, prior to the other person beginning work on the project; and*

*(b) a new certificate of coverage showing extension of coverage, prior to the end of the coverage period, if the coverage period shown on the current certificate of coverage ends during the duration of the project;*

*(5) retain all required certificates of coverage on file for the duration of the project and for one year thereafter;*

*(6) notify the governmental entity in writing by certified mail or personal delivery, within 10 calendar days after the person knew or should have known, of any change that materially affects the provision of coverage of any person providing services on the project; and*

*(7) contractually require each person with whom it contracts, to perform as required by paragraphs (a) - (g), with the certificates of coverage to be provided to the person for whom they are providing services.*

*J. By signing this contract, or providing, or causing to be provided a certificate of coverage, the Contractor is representing to the governmental entity that all employees of the Contractor who will provide services on the project will be covered by workers' compensation coverage for the duration of the project, that the coverage will be based on proper reporting of classification codes and payroll amounts, and that all coverage agreements will be filed with the appropriate insurance carrier or, in the case of a self-insured, with the Commission's Division*

*of Self-Insurance Regulation. Providing false or misleading information may subject the Contractor to administrative penalties, criminal penalties, civil penalties, or other civil actions.*

*K. The Contractor's failure to comply with any of these provisions is a breach of contract by the Contractor that entitles the governmental entity to declare the contract void if the Contractor does not remedy the breach within ten calendar days after receipt of notice of breach from the governmental entity.*

**Exhibit C**  
**CERTIFICATES OF INSURANCE**

*CRC 01-11-2007*  
Contract No. 07-096  
*1/11/07*

*CRC 01-11-2007*  
Contract No. 07-096  
*1/11/07*

**February 8, 2007**  
**Consent Agenda Item #**  
**Change Order #1 to the Jones Butler Phase II**  
**Construction Contract**

**To:** Glenn Brown, City Manager

**From:** Mark Smith, Director of Public Works

**Agenda Caption:** Presentation, possible action, and discussion regarding Change Order No. 1 to the construction contract (Contract No. 06-270) with Brazos Valley Services, Inc., in the amount of \$32,790 for the Jones Butler Road Extension Project, Phase II (Project No. ST-0005).

**Recommendation(s):** Staff recommends approval of change order #1 in the amount of \$32,790.00.

**Summary:** Jones Butler is being extended from Holleman Drive to FM 2818 along the western edge of John Crompton Park. The roadway extension will provide a north-south route parallel to Wellborn Road. This change order is for adjustments to the water line that needed to be made during construction and to relocate a line that was in conflict with the new roadway. The change will result in an increase in the construction contract amount by 2.5%. The original contract amount is \$1,312,920.05.

**Budget & Financial Summary:**

Funds in the amount of \$2,136,000 are currently budgeted for this project in the Streets Capital Project Fund. The Streets portion of this change order is \$27,165.00, which will bring the total funds expended or committed to \$1,442,069.80. Funds are also budgeted in the Water Capital Projects Fund in the amount of \$40,000. The Water portion of this change order is \$5,625.00, which will bring the total funds expended or committed to 35,998.70. Funds are available from the Nov. 98 G.O. Bond Authorization (Streets portion) and the Utility Revenue Bonds (Water portion).

**Attachments:**

- 1) Change Order #1
- 2) Project Location Map

**OWNER:**  
City of College Station  
P.O. Box 9960  
College Station, Texas 77842

**CONTRACTOR:**  
Brazos Valley Services Consent Item No. 2d  
P.O. Box 985 Ph: (979) 255-3977  
Bryan, TX 77806 Fax: (979) 846-3159

**PURPOSE OF THIS CHANGE ORDER:**

- A-H. Install a 6" water line instead of the 12".
- 42-48 Deduct from original contract where a 6" line was installed in lieu of the 12".
- I. Install Gate Valve on 8" water line.
- J-M. Relocation and repair of Wellborn water line in the way of the roadway project.

ITEM NO	UNIT	DESCRIPTION	UNIT PRICE	ORIGINAL QUANTITY	REVISED QUANTITY	ADDED COST
A	EA	Connect to existing 6" Gate Valve	\$1,150.00	0	1	\$1,150.00
B	LF	Install 6" Water Line w/ Structural Backfill	\$46.00	0	70	\$3,220.00
C	EA	6" Gate Valve w/ Valve Box	\$800.00	0	1	\$800.00
D	EA	6" Tee	\$400.00	0	1	\$400.00
E	EA	6" Plug	\$200.00	0	1	\$200.00
F	EA	1" Water Service	\$800.00	0	1	\$800.00
G	EA	11 1/4" Bend	\$400.00	0	1	\$400.00
H	CY	14 x 15 x 8' Hole Filled w/ Structural Backfill	\$43.13	0	67	\$2,875.00
42	LF	12" C909 Water line	\$55.00	49		(\$2,695.00)
45	EA	12" Ductile Iron Cap	\$400.00	1		(\$400.00)
46	EA	18"x12" reducer	\$1,000.00	1		(\$1,000.00)
47	EA	12" 90 Degree Bend	\$550.00	1		(\$550.00)
48	EA	12" 11 1/4 Degree Bend	\$525.00	1		(\$525.00)
I	EA	8" Gate Valve	\$950.00	0	1	\$950.00
J	EA	10" Gate Valve	\$1,500.00	0	1	\$1,500.00
K	EA	10" 45 degree Bend	\$500.00	0	7	\$3,500.00
L	LF	10" PVC Pipe w/ Structural Backfill	\$75.00	0	215	\$16,125.00
M	LF	10" PVC Pipe non-structural backfill	\$48.32	0	125	\$6,040.00
<b>TOTAL</b>						<b>\$32,790.00</b>

THE NET AFFECT OF THIS CHANGE ORDER IS 2.50% INCREASE.

ORIGINAL CONTRACT AMOUNT	\$1,312,920.05	
Change Order No. 1	\$32,790.00	2.50% CHANGE
REVISED CONTRACT AMOUNT	\$1,345,710.05	2.50% TOTAL CHANGE
ORIGINAL CONTRACT TIME	180 Days	
Time Extension No. 1	0 Days	
Revised Contract Time	180 Days	

**APPROVED**

A/E CONTRACTOR \_\_\_\_\_ Date \_\_\_\_\_  
*Rick J. Lassit* 1/17/07  
CONSTRUCTION CONTRACTOR \_\_\_\_\_ Date \_\_\_\_\_

*Carla A. Robinson*  
CITY ATTORNEY \_\_\_\_\_ Date \_\_\_\_\_

CHIEF FINANCIAL OFFICER \_\_\_\_\_ Date \_\_\_\_\_

PROJECT MANAGER \_\_\_\_\_ Date \_\_\_\_\_

MAYOR \_\_\_\_\_ Date \_\_\_\_\_

CITY ENGINEER \_\_\_\_\_ Date \_\_\_\_\_

CITY SECRETARY \_\_\_\_\_ Date \_\_\_\_\_

DEPARTMENT DIRECTOR \_\_\_\_\_ Date \_\_\_\_\_

CITY MANAGER \_\_\_\_\_ Date \_\_\_\_\_

\*This Change Order is acceptance by ratification for work already completed.

# Jones Butler Phase II, ST-0005

Consent Item No. 2d



**February 8, 2007  
Consent Agenda  
Southern Trace Letter of Credit**

**To:** Glenn Brown, City Manager

**From:** Mark Smith, Director of Public Works

**Agenda Caption:** Presentation, possible action and discussion regarding a letter of credit guaranteeing the construction of Southern Breeze Drive connecting the Southern Trace subdivision to W.D. Fitch Parkway

**Recommendation(s):** Staff recommends that Council direct the City Attorney to proceed to enforce the Southern Trace Letter of Credit in order to pay for the extension of Southern Breeze Drive.

**Summary:** The City accepted a letter of Credit as surety for Southern Trace (Phase One) Final Plat Subdivision. The majority of the public improvements for this subdivision were completed and accepted, however a 300 ft section of Southern Breeze Drive connecting the subdivision to W.D. Fitch Parkway was not completed because W.D. Fitch Parkway was not completed at the time the other improvements were constructed.

First National Bank of Huntsville, on behalf of 2C Development LLC, provided the City Letter of Credit in the amount of \$25,000.00 with an Issue date of December 1, 2005 and an Expiration date of December 1, 2006. The developer did not complete the subject street improvements, and the City accepted an extension of the Letter of Credit with the same terms but expiring February 20, 2007. The street improvements are still not complete and will not be complete by February 20, 2007.

This item is for the City Council's consideration to give staff direction on the following options which include:

1. The City to allow an additional time extension of the Letter of Credit to provide time for the developer to complete the extension of Southern Breeze Drive. (The developer has not indicated that he will provide an extension of the Letter of Credit.), or
2. The City to draw on the Letter of Credit, bid the construction, and pay for the subject required street improvements, or

**Budget & Financial Summary:** The \$25,000 letter of credit is based on an engineer's estimate of the cost of construction. If the actual costs exceed this amount the City would have to pay the difference. Funding for that possibility has not been identified yet. The terms of the Letter of Credit require the City to construct the extension.

**Attachments:**

1. Letter to Robert Carroll of 2C Development
2. Location Map

**MAILED: CERTIFIED RETURNED RECEIPT NO. 7004 1160 0006 8855 2481**

January 26, 2007

2C Development, LLC  
Atten: Robert Carroll  
7090 Old Reliance Road  
Bryan, Texas 77808

**RE: SOUTHERN TRACE SUBDIVISION – LETTER OF CREDIT NO. 689**

Mr. Carroll,

As we discussed on the phone today, the City is seeking resolution of the subject Letter of Credit which expires on February 20, 2007. The subject improvements guaranteed have not been constructed or accepted. Namely Southern Breeze Drive street improvement connecting to William D. Fitch Parkway was not completed.

A previous Letter of Credit No. 684 was to expire December 1, 2006 which initially covered the same subject construction. In the absence of completing the infrastructure, the City is accepted this extension of the Letter of Credit as noted above.

City staff is proceeding to seek direction from City Council regarding the subject Letter of Credit as to date you have defaulted and failed complete the improvements. First National Bank of Huntsville, the issuing bank is copied on this letter. Should City Council direct staff to draw on the Letter of Credit, the City would then bid the project and complete infrastructure with funds from the Letter of Credit.

Please contact me at 979/764-3570 at your earliest convenience to discuss this matter.

Regards,

Alan Gibbs, P.E.  
Sr. Asst. City Engineer

Cc: Sam Burris, Jr. – First National Bank of Huntsville, Chairman and CEO  
Carla Robinson – City of College Station, Sr. Asst. City Attorney  
Mark Smith, P.E. – City of College Station, Director of Public Works  
Bob Mosley, P.E. – City of College Station, City Engineer  
Eric Hurt – City of College Station, Fire Marshall

Wellborn Road

Southern Trace  
Subdivision

Southern Breeze Drive

William D. Fitch Parkway

Barron Road

**February 08, 2007**  
**Consent Agenda**  
**4421 Woodland Ridge Drive License to Encroach**

**To:** Glenn Brown, City Manager

**From:** Mark Smith, Director of Public Works

**Agenda Caption:** Presentation, possible action, and discussion approving a resolution authorizing a License Agreement with MATTHEW MOORE pertaining to the encroachment of a portion of a structure located at Lot 10, Block 2, Woodland Hills Phase 1 Subdivision, College Station, Texas, according to the plat recorded in Volume 4027, Page 70 of the Official Records of Brazos County, Texas, into the easement area.

**Recommendation(s):** Staff recommends approval of the resolution approving the license to encroach at 4421 Woodland Ridge Drive..

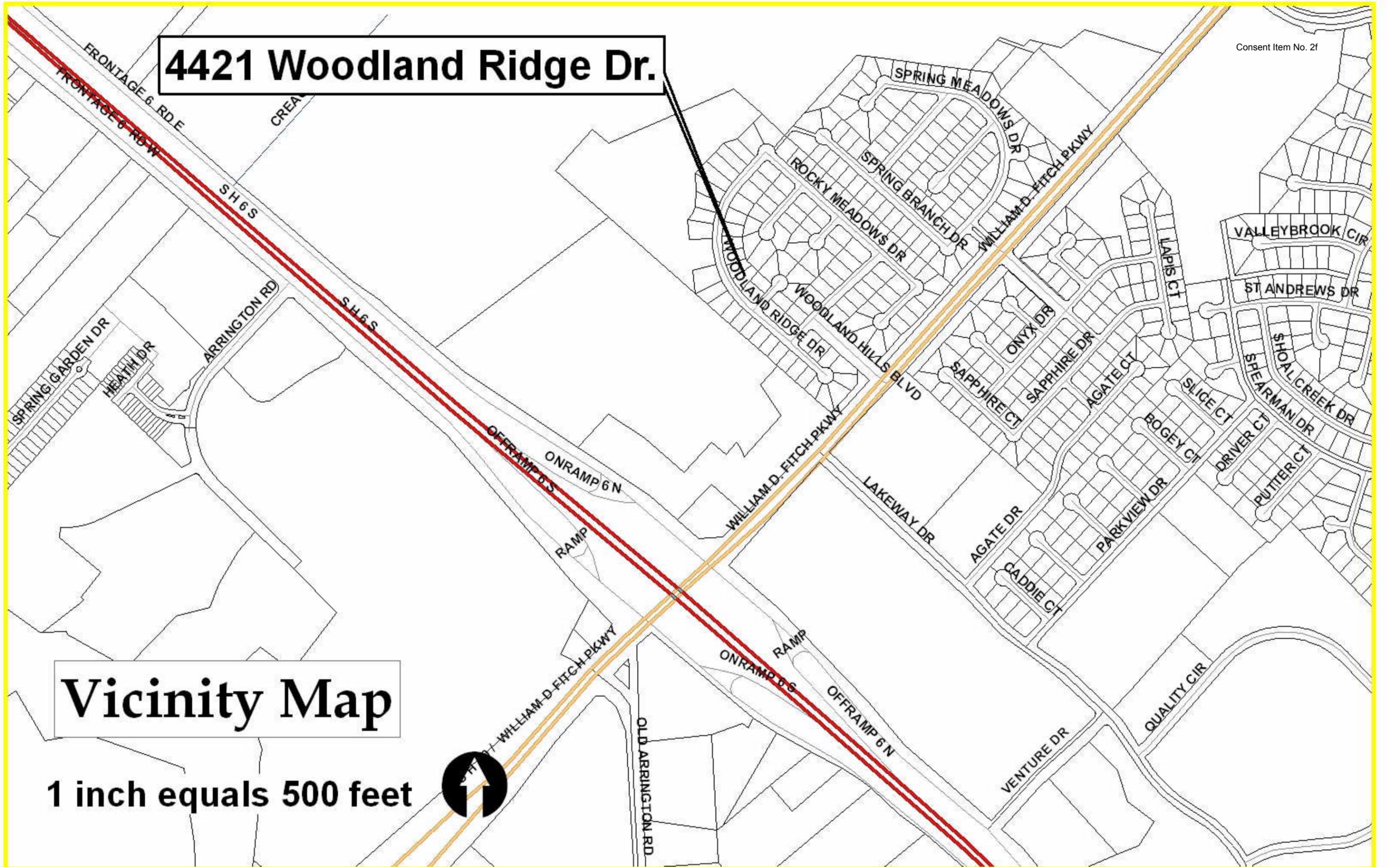
**Summary:** A corner of the house built at 4421 Woodland Ridge extends approximately 1.5 feet into a 10 foot wide public utility easement on the lot. The encroachment does not conflict with any of the utilities in the easement. Consent has been granted by all franchised utilities for the encroachment. Approval of the resolution will cure this defect in the title to the property.

**Budget & Financial Summary:** N/A

**Attachments:**

1. Exhibit 1 - Vicinity Map
2. Exhibit 2 - Resolution
3. Exhibit 3 - Resolution Exhibit "A" (License Agreement)
4. Exhibit 4 – Resolution Exhibit "B" (Survey)
5. Exhibit 5 - Application

**4421 Woodland Ridge Dr.**



**Vicinity Map**

**1 inch equals 500 feet**



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

A RESOLUTION MAKING CERTAIN FINDINGS OF FACT AND AUTHORIZING THE MAYOR OF THE CITY OF COLLEGE STATION TO EXECUTE A LICENSE AGREEMENT BETWEEN THE CITY OF COLLEGE STATION AND APPLICANT, MATTHEW MOORE, PERTAINING TO THE ENCROACHMENT OF A STRUCTURE LOCATED AT LOT 10, BLOCK 2, WOODLAND HILLS PHASE 1 SUBDIVISION, MORE COMMONLY KNOWN AS 4421 WOODLAND RIDGE DRIVE, INTO THE EASEMENT.

WHEREAS, the City of College Station, has received an application for a license to encroach into a utility easement;

WHEREAS, the City of College Station has enacted Ordinance No. 1645 regulating, controlling and governing encroachments;

WHEREAS, in order for a license to be granted by the City Council of the City of College Station, the Council must make certain findings of facts;

WHEREAS, after hearing the application of MATTHEW MOORE to encroach into the easement, the City Council of the City of College Station, finds the following facts:

1. That through no fault of the present property owner, a portion of the structure was constructed in the utility easement.
2. That there are no utilities which would be interfered with by the utilization of the property in its present status.
3. That there are no utilities which would interfere with the utilization of the property in its present status.
4. That the structure intrudes into the easement to such a degree that it is not economically feasible to remove the part of the structure within the easement.
5. That the land use in the neighborhood appears to be stable and the use to which this property is being put is not likely to change within the foreseeable future and is similar to the use to that of the neighborhood;

WHEREAS, the City Council after hearing the application and finding the specific facts as stated above now concludes and finds that:

1. The fact that the structure was constructed within the easement through no fault of the present property owner and that it is not economically feasible to remove the part of the structure within the easement area does constitute special circumstances and conditions affecting the property which if not take into consideration would deprive the applicant of the reasonable use of his property.
2. The fact that the land use is not likely to change within the foreseeable future and that it is not economically feasible to remove the part of the structure within the easement does provide a basis for granting the license necessary for the preservation and enjoyment of the substantial property right of the applicant.

Resolution No. \_\_\_\_\_

Page 2

- 3. The fact that the use of the easement area by the property owner does not interfere with the utilities or access to the utilities and is not detrimental to the public health, safety or welfare or injurious to the property in the area; and

WHEREAS, the applicant agrees to accept the terms of the License Agreement as presented to him; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION:

I.

That the Mayor is hereby authorized to execute on behalf of the City of College Station a License Agreement with MATTHEW MOORE pertaining to the encroachment of a portion of a structure located at Lot 10, Block 2, Woodland Hills Phase 1 Subdivision, more commonly known as 4421 Woodland Ridge Drive, into the easement area. The terms of said License Agreement are as set forth in the form which is attached hereto as Exhibit "A" and incorporated herein by reference for all purposes.

II.

That this resolution shall be effective immediately upon adoption.

PASSED and APPROVED this 8<sup>th</sup> day of February, 2007.

ATTEST:

APPROVED:

\_\_\_\_\_  
CONNIE HOOKS, City Secretary

\_\_\_\_\_  
RON SILVIA, Mayor

APPROVED:



\_\_\_\_\_  
City Attorney

LICENSE AGREEMENT

THE STATE OF TEXAS     \*  
   \*     KNOW ALL MEN BY THESE PRESENTS:  
 COUNTY OF BRAZOS        \*

That the City of College Station (hereinafter referred to as "LICENSOR"), acting through the undersigned official who is so empowered by resolution of the City Council to so act in consideration of the agreement made herein by MATTHEW MOORE (hereinafter referred to as "LICENSEE"), owner of Lot 10, Block 2, Woodland Hills Phase 1 Subdivision, College Station, Texas, according to the plat recorded in Volume 4027, Page 70 of the Official Records of Brazos County, Texas, hereby grants a license to the said LICENSEE to permit a portion of a structure located on a portion of Lot 10, Block 2, Woodland Hills Phase 1 Subdivision, College Station, Texas, to encroach upon the easement, as shown on Exhibit "B" attached hereto and incorporated herein by reference for all purposes, owned and occupied by the City of College Station, Brazos County, Texas, but such improvements shall be at all times under and not in contact with any electric, water, sewer, or other utility, or equipment, or interfere in any way with such utility, including any drainage structures which are servicing the improvements and other property, and subject to the following terms and conditions:

Neither the granting of the license, nor any related permit, constitutes an abandonment by LICENSOR of its property, easement or easements, or any other rights in and to the above-described property. LICENSEE expressly stipulating and agreeing by LICENSEE's acceptance of this license that LICENSEE neither asserts nor claims any interest or right of any type or nature whatsoever, legal, equitable or otherwise in or to LICENSOR's property.

LICENSEE hereby expressly covenants, stipulates and agrees, without limitation, to indemnify and defend the LICENSOR and hold it harmless from any and all liability, claim, cause of action, and cost, including attorneys' fee, and including any acts or omissions of the LICENSOR, its officers, agents, and employees, which may grow out of or be attributable to the granting by the LICENSOR of said license and any supplemental license which may hereafter be issued in connection herewith including any inspections which may be conducted in connection with or pursuant to said license or any supplemental license.

LICENSEE, at its own expense, shall restore or cause to be restored the subject property to as good a condition as existed prior to construction of the improvements which are the subject of this License Agreement. LICENSEE shall pay all costs of relocation of any public utilities or facilities that may be incurred as a result of the proposed construction or actual construction.

LICENSEE agrees to comply with all laws and ordinances in the construction and maintenance of said improvements.

LICENSOR retains the right, but not the obligation, to enter upon the land to which this license applies and at LICENSEE's expense to remove any structure or improvements or alterations thereon upon the determination by LICENSOR that such removal is necessary for exercising LICENSOR's rights or duties in regard to said easement, or for protecting persons or property, or public interest in regard to said easement.

This license, until its expiration or revocation, shall run with the title to the above-described real property, and the terms and conditions hereof shall be binding upon subsequent owners or holders thereof. LICENSEE shall cause any immediate successors in interest to have factual notice of this License Agreement.

This license shall expire automatically upon removal of the improvements located upon the property pursuant to this license, and shall expire as to any portion of said improvements upon the removal, whether or not all of the proposed improvements are removed.

This license is revocable by the LICENSOR upon the occurrence of any of the following conditions or events:

- A. LICENSEE or its successors or assigns have failed to comply with the terms of the granting of the license; or
- B. The improvements located thereon or any portion of them interfere with the rights of the LICENSOR or the public in or to LICENSOR's property; or
- C. The use of the licensed area becomes necessary for a public purpose; or
- D. Said improvements or a portion of them constitute a danger to the public which is not remediable by maintenance or alteration of the said improvements; or

- E. Said improvements or a portion of them have expanded beyond the scope of the license; or
- F. Maintenance or alteration necessary to alleviate danger to the public has not been made within a reasonable time after the dangerous condition has arisen.

This license shall be effective upon the acceptance of the terms hereof by the LICENSEE, as indicated by the signature of LICENSEE.

The license shall be filed of record in the Official Records of the County Clerk of the Brazos County Courthouse.

APPROVED this the 8<sup>th</sup> day of February, 2007.

APPROVED:  
\_\_\_\_\_  
LICENSEE

APPROVED:  
CITY OF COLLEGE STATION,  
LICENSOR

BY: \_\_\_\_\_  
\_\_\_\_\_

BY: \_\_\_\_\_  
\_\_\_\_\_, Mayor

ATTEST:  
\_\_\_\_\_  
CONNIE HOOKS, City Secretary

STATE OF TEXAS            )  
                                      )  
COUNTY OF BRAZOS        )        CORPORATE ACKNOWLEDGMENT

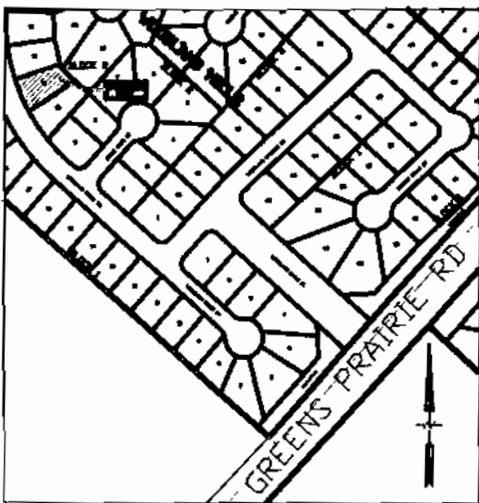
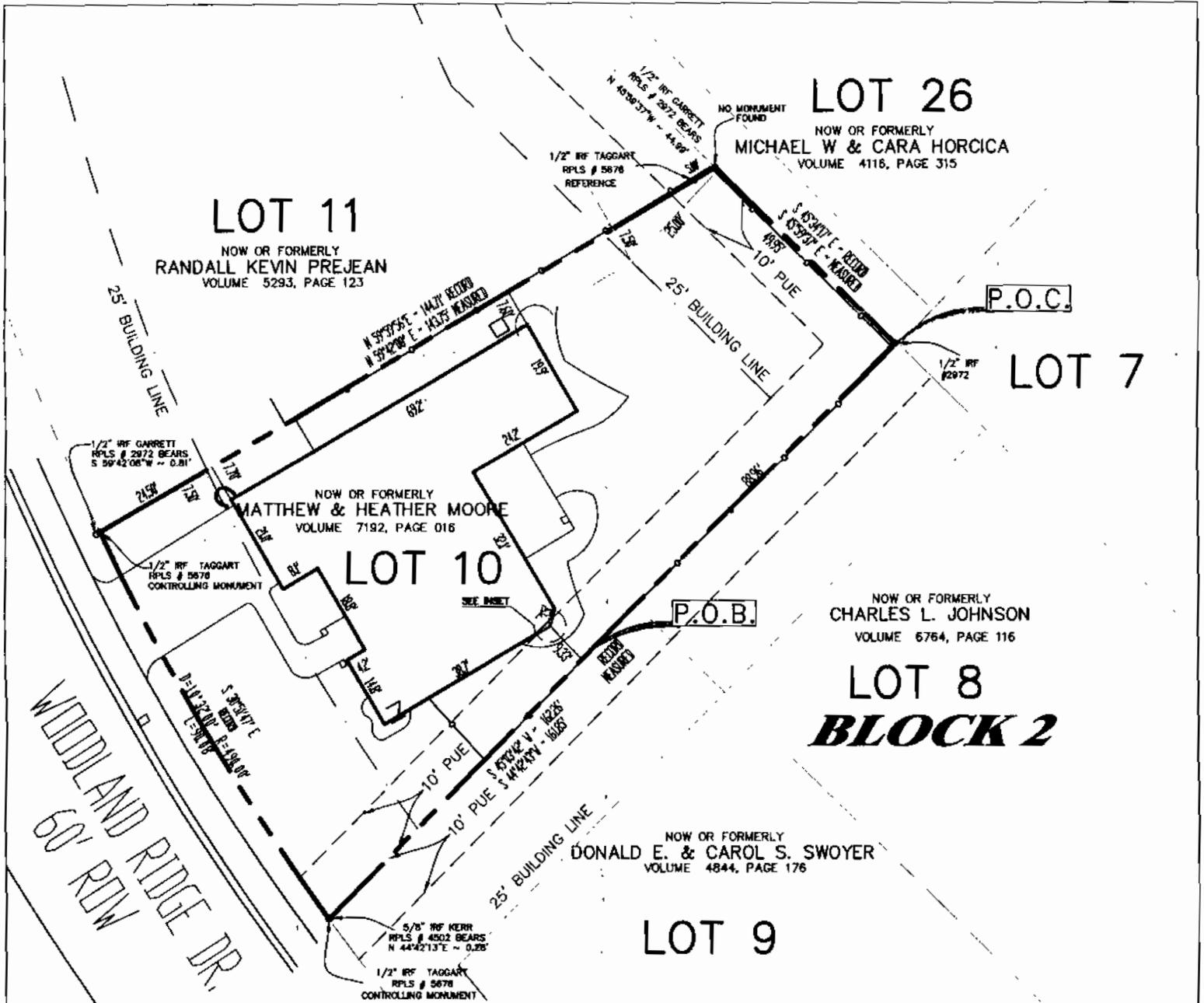
This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 200\_\_, by \_\_\_\_\_, as Mayor of the City of College Station, a Texas Municipal Corporation, on behalf of said Corporation.

\_\_\_\_\_  
Notary Public in and for  
the State of T E X A S

STATE OF TEXAS            )  
                                      )  
COUNTY OF BRAZOS        )        CORPORATE ACKNOWLEDGMENT

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 200\_\_, by \_\_\_\_\_ as \_\_\_\_\_ of \_\_\_\_\_, on behalf of said \_\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for the State of Texas



VICINITY MAP (NTS)

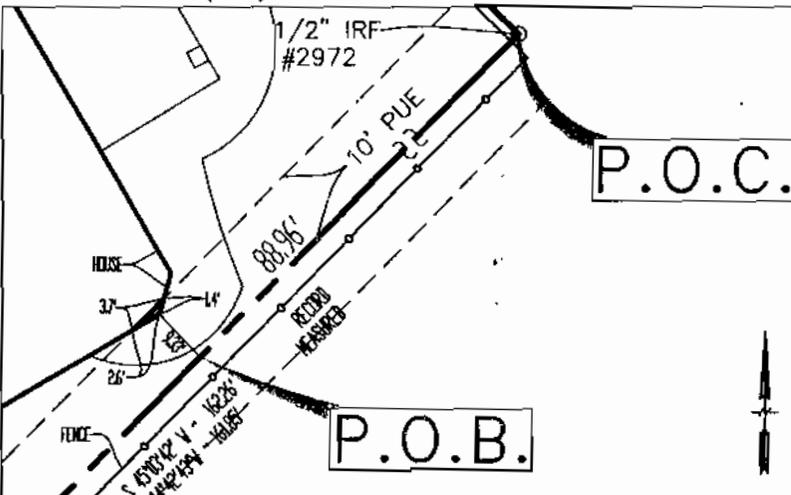


SCALE: 1" = 30'

GENERAL NOTES:

1. SEE METES AND BOUNDS DESCRIPTION ISSUED WITH THIS DRAWING FOR MORE INFORMATION.

STREET ADDRESS: 4421 WOODLAND RIDGE  
 FILENAME: 3950EX01A



INSET A (NTS)

	3901 TEXAS AVENUE SOUTH, SUITE A COLLEGE STATION, TX 77840 Ph: (979) 883-6399 EMAIL: mdgnet@att.net Fax: (979) 883-4843
	ENGINEERS, CONSULTANTS, MANAGERS
AN EXHIBIT DRAWING FOR LICENSE TO ENCROACH LOT 10 BLOCK TWO WOODLAND HILLS #1 VOLUME 4027 PAGE 70	
BRAZOS COUNTY, TEXAS	
Prepared for the exclusive use of: MATTHEW MOORE	Scale: 1" = 30' Sheet: 1 of 1 Date: NOVEMBER 16, 2006 Drawn By: BJ

*06-251  
 12-7-06  
 3:20  
 ww*

M.D.G. No. 000387-3950



FOR OFFICE USE ONLY	
P&Z CASE NO.:	<u>06-251</u>
DATE SUBMITTED:	<u>11-16-06</u>

12-7-06  
2:25  
3:20  
KW

## LICENSE TO ENCROACH APPLICATION

### MINIMUM SUBMITTAL REQUIREMENTS

- \$325.00 License to Encroach application fee.
- A completed copy of the attached License to Encroach application.
- All exhibits processed (except for Exhibit No. 4, which will be processed by staff).

ADDRESS 4421 Woodland Ridge Drive

LEGAL DESCRIPTION Lot 10 Blk 2 of Woodland Hills

APPLICANT (Primary Contact for the Project):

Name Matthew Moore E-Mail matthew.w.moore@yahoo.com  
 Street Address 4421 Woodland Ridge Drive  
 City College Station State Tx Zip Code 77845  
 Phone Number 979 412 3499 Fax Number \_\_\_\_\_

PROPERTY OWNER'S INFORMATION (if different from above):

Name \_\_\_\_\_ E-Mail \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
 Phone Number \_\_\_\_\_ Fax Number \_\_\_\_\_

The applicant has prepared this application and certifies that the facts stated herein and exhibits attached hereto are true and correct.

Matthew Moore  
 Signature of Owner

11/21/06  
 Date

## APPLICATION FOR A LICENSE TO ENCROACH

Date: Nov. 13 2006

Location of public utility easement to be encroached upon: Lot 10 B1K1 of Woodland Hills  
at hand side of 10' PVE. Approximately 2' of the 10' easement  
on the northeast part of the easement - roughly 3' long and 1 1/2 in depth.

Property Owner's Name & Address: Matthew Moore 4421 Woodland Ridge  
Drive College Station TX 77845

Property Owner's Phone Number: 979 412 3499

### TO THE MAYOR AND CITY COUNCIL OF THE CITY OF COLLEGE STATION:

The undersigned hereby makes application for a License to Encroach the above public utility easement particularly described in Exhibit No. 1, attached. In support of this application, the undersigned represents and warrants the following:

1. The undersigned will hold the City of College Station harmless, and indemnify it against all suits, costs, expenses, and damages that may arise or grow out of such License to Encroach.
2. Attached, marked Exhibit No. 1, are two sealed copies of the metes and bounds description of that portion of the public utility easement sought to be encroached upon, prepared by a Registered Public Surveyor.
3. Attached, marked Exhibit No. 2, are two copies of a plat or detailed sketch of the public utility easement sought to be encroached upon and the surrounding area to the nearest streets in all directions, showing the abutting lots and block, and the subdivision in which the above described public utility easement is situated, together with the record owners of such lots.
4. Attached, marked Exhibit No. 3, is the consent of all public utilities to the License to Encroach.
5. Attached, marked Exhibit No. 4, is the consent of the City of College Station staff to the License to Encroach.
6. Attached, marked Exhibit No. 5, is the consent of all the abutting property owners, except the following: (if none, so state)

NONE

- 7. A License to Encroach the public utility easement should be granted because; single family was accidentally placed into 10 Pve on roughly ~~7~~ <sup>7</sup> by 3' on the right rear corner of the home. The subdivision is 95% completed and all lots abutting this easement have been completed.
- 8. Such public utility easement has been and is being used as follows:

Underground electric, underground cable television, underground gas line, underground phone line service. It should be noted that All utilities were accessible to the various utilities providers enough so to connect service at this address without special provisions.

I swear that all of the information contained in this application is true and correct to the best of my knowledge and belief.

Applicant's Signature: Matthew Moore

Applicant's Name: Matthew Moore

Applicant's Address: 421 Woodland Ridge Drive  
C.S. TX 77845

Applicant's Phone Number: 979 412 3499

STATE OF TEXAS        )  
                                  )  
COUNTY OF BRAZOS    )

ACKNOWLEDGMENT

Subscribed and sworn to before me, a Notary Public, this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_, by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for  
the State of Texas

Application for License to  
Encroach a Public Utility Easement

Located: 4421 Woodland Bridge Drive College Station TX 77845

**EXHIBIT NO. 1**

Attached are two sealed copies of the metes and bounds description of that portion of the public utility situated in Lot 10 Bk I of the WOODLAND HILLS #2 Addition/Subdivision to the City of College Station, Brazos County, Texas, sought to be encroached upon.

**METES AND BOUNDS DESCRIPTION  
OF A  
1 SQUARE FOOT TRACT  
(AN EASEMENT ENCROACHMENT AREA)  
LOT 10 BLOCK 2  
WOODLAND HILLS SUBDIVISION, PH. 1  
COLLEGE STATION, BRAZOS COUNTY TEXAS**

Metes and bounds description of all that certain 1 square foot tract or parcel of land, lying and being situated in Lot 10, Block 2 of Woodland Hills Subdivision, Phase 1 in College Station, Brazos County, Texas, and depicted by plat recorded in VOLUME 4027 PAGE 70 of the Official Records of Brazos County, Texas, and being the same property conveyed to Matthew and Heather Moore by Warranty Deed described in VOLUME 7192 PAGE 16 of the said Official Records; said 1 square foot area being that portion of an existing residential slab protruding into a 10 foot public utility easement; said 1 foot square tract being more particularly described by metes and bounds as follows:

**COMMENCING:** at a plastic capped ½” iron rod (stamped Garrett, RPLS # 2972) found for the east corner of said Lot 10, Block 2, being common with Lots 7, 8 and 26 of said Block 2 of Woodland Hills, Phase 1;

**THENCE:** S 44° 42’ 43” W – 88.96 feet (called S 45° 03’ 42” W) along the common line with Lot 7 and continuing along the common line of Lot 8 to a point for corner;

**THENCE:** N 45° 17’ 17” W – 9.33 feet across said Lot 10 to a point on the said residential house slab for the **PLACE OF BEGINNING** of this tract;

Thence the following three (3) calls across the said Lot 10:

S 59° 37’ 12” W – 2.59 feet along the line of said house slab to a point for the south corner of this tract and lying in the line of said utility easement;

N 44° 42’ 42” E – 3.70 feet across the said house slab with the line of said easement to a point for the northeast corner of this tract;

000387-f.01(3950)

S 15° 40' 05" W – 1.37 feet along the line of the said existing house slab to the PLACE OF BEGINNING and containing 1 square foot of land.

NOTE: See drawing issued this date for more information.

BASIS OF BEARINGS: The chord bearing as monumented and measured S 30° 52' 53" E – 89.96 feet (called S 30° 51' 47" E – 90.00 feet) as depicted by the plat of Woodland Hills Subdivision, Phase 1 recorded in VOLUME 4027 PAGE 70 of the Official Records of Brazos County, Texas.

November 2006  
Municipal Development Group  
College Station, Texas

Surveyed by: Gregory K. Taggart  
Gregory K. Taggart RPLS # 5676



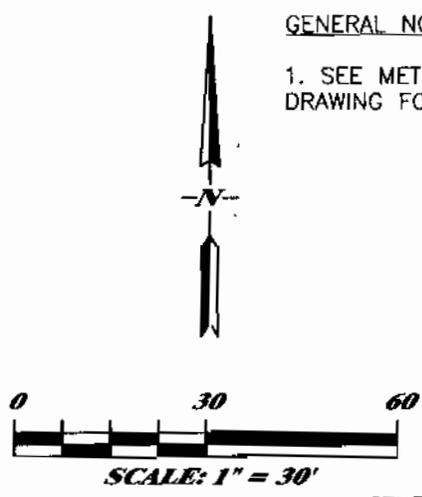
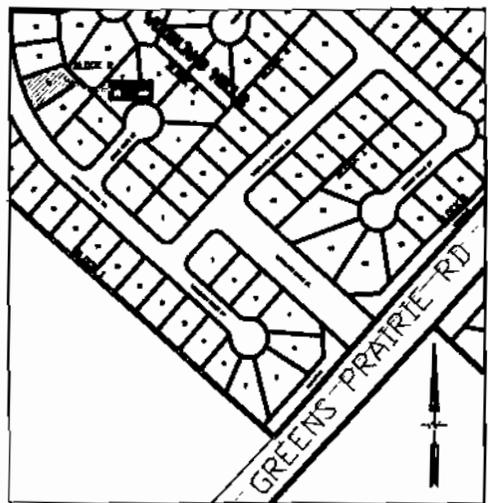
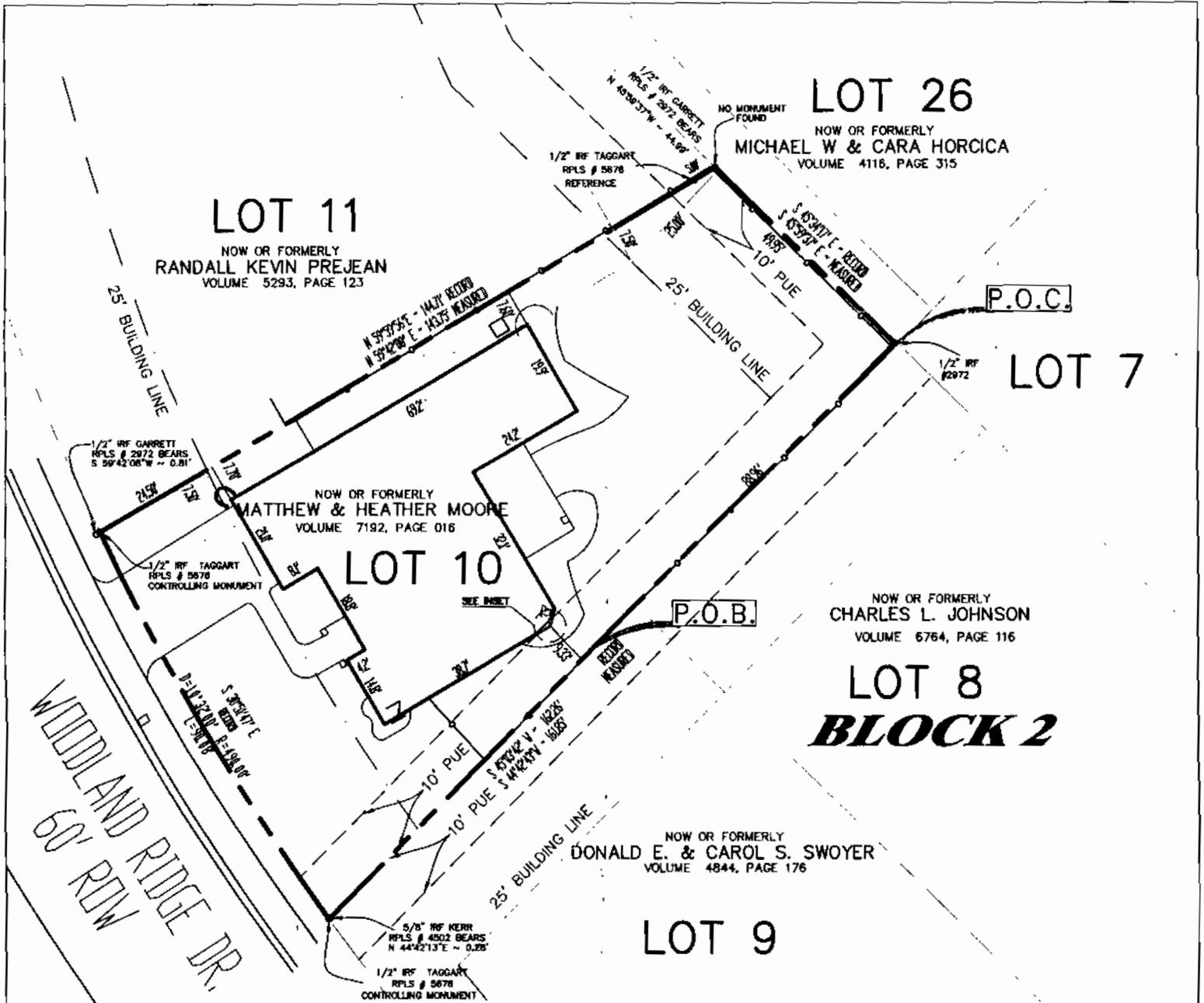
15 November  
2006 A.D.

Application for License to  
Encroach a Public Utility Easement

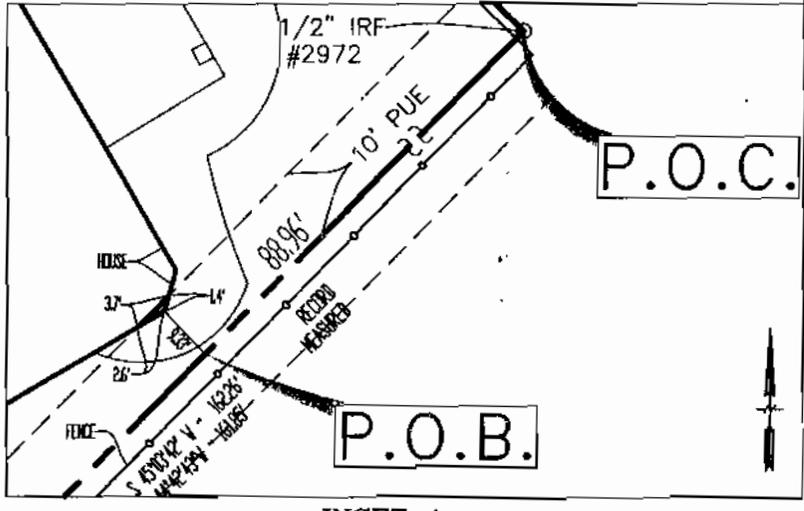
Located: Lot 10 Blk 1 of Woodland Hills #1  
4421 Woodland Ridge Drive College Station TX 77845

**EXHIBIT NO. 2**

Attached are two copies of a plat or detailed sketch of the public utility easement sought to be encroached upon in the above-mentioned application, showing the surrounding area to the nearest streets in all directions, abutting lots, the block or blocks in which the portion of the public utility easement sought to be encroached upon is situated, and the addition or subdivision in which the portion of the public utility easement sought to be encroached upon is situated. Also, the names of record owners of the abutting lots are shown.



STREET ADDRESS: 4421 WOODLAND RIDGE  
FILENAME: 3950EX01A



	3901 TEXAS AVENUE SOUTH, SUITE A COLLEGE STATION, TX 77840 Ph: (878) 883-6388 FAX: (878) 883-4843 EMAIL: mdgnet@att.net
	ENGINEERS, CONSULTANTS, MANAGERS

AN EXHIBIT DRAWING FOR  
LICENSE TO ENCROACH  
LOT 10  
BLOCK TWO  
WOODLAND HILLS #1  
VOLUME 4027 PAGE 70

BRAZOS COUNTY, TEXAS

Prepared for the exclusive use of:  
MATTHEW MOORE

Scale: 1" = 30' Sheet: 1 of 1  
Date: NOVEMBER 16, 2006  
Drawn By: BJ

*06-251  
12-7-20  
3:20  
ww*

M.D.G. No. 000387-3950

Application for License to  
Encroach a Public Utility Easement

Located: 4421 Woodland Ridge Drive C.S. TX 77845  
Lot 10 Blk 1 of Woodlands Subdivision # 1

**EXHIBIT NO. 3**

The undersigned public utility companies, using or entitled to use, under the terms and provisions of our respective franchises with the City of College Station, that portion of the public utility easement sought to be encroached upon in the Application for License to Encroach above referred to, do hereby consent to the encroachment of the described portion thereof.

ATMOS ENERGY

BY: Bob Ornell  
Title ROW Manager

VERIZON TELEPHONE COMPANY

BY: [Signature]  
Title Supervisor Eng.

SUDDENLINK COMMUNICATIONS

BY: Michael Rowles 12-6-06  
Title Plant Manager

BRYAN TEXAS UTILITIES

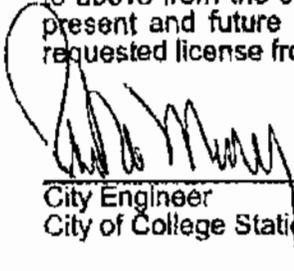
BY: [Signature] - Property is not in BTU service territory. Therefore,  
Title Sr. Electrical Engineer BTU abstains from approving or denying  
encroachment application. PET

Application for License to  
Encroach a Public Utility Easement

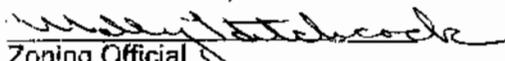
Located: 4421 Woodland Ridge Drive C.S. TX 77845  
Lot 10 Bk 1 of Woodlands Hills #1 subdivision

**EXHIBIT NO. 4**

The undersigned, City staff of the City of College Station, certify that they have carefully considered the Application for License to Encroach the public utility easement referred to above from the standpoint of City of College Station ordinances and with respect to present and future needs of the City of College Station and see no objection to the requested license from the City's standpoint.

  
\_\_\_\_\_  
City Engineer  
City of College Station

  
\_\_\_\_\_  
Building Official  
City of College Station

  
\_\_\_\_\_  
Zoning Official  
City of College Station

\_\_\_\_\_  
Fire Marshal  
City of College Station

\_\_\_\_\_  
Director of Public Utilities  
City of College Station

Application for License to  
Encroach a Public Utility Easement

Located: 4421 Woodland Ridge Drive C.S. TX 77845  
Lot 10 BKA of Woodlands Hills #2 Subdivision

**EXHIBIT NO. 4**

The undersigned, City staff of the City of College Station, certify that they have carefully considered the Application for License to Encroach the public utility easement referred to above from the standpoint of City of College Station ordinances and with respect to present and future needs of the City of College Station and see no objection to the requested license from the City's standpoint.

\_\_\_\_\_  
City Engineer  
City of College Station

\_\_\_\_\_  
Building Official  
City of College Station

\_\_\_\_\_  
Zoning Official  
City of College Station

  
\_\_\_\_\_  
Fire Marshal  
City of College Station

\_\_\_\_\_  
Director of Public Utilities  
City of College Station

Post-It® Fax Note	7671	Date	12-11-06	# of pages	1
To	Mandi	From	Jony M.		
Co./Dept.		Co.	Elect.		
Phone #		Phone #			
Fax #	3496	Fax #			

Application for License to  
Encroach a Public Utility Easement

Located: 4421 Woodland Ridge Drive C.S. TX 77845  
Lot 10 Bk 1 of Woodlands Hills #1 subdivision

**EXHIBIT NO. 4**

The undersigned, City staff of the City of College Station, certify that they have carefully considered the Application for License to Encroach the public utility easement referred to above from the standpoint of City of College Station ordinances and with respect to present and future needs of the City of College Station and see no objection to the requested license from the City's standpoint.

\_\_\_\_\_  
City Engineer  
City of College Station

\_\_\_\_\_  
Building Official  
City of College Station

\_\_\_\_\_  
Zoning Official  
City of College Station

\_\_\_\_\_  
Fire Marshal  
City of College Station

Dhan 29 Jan 07  
\_\_\_\_\_  
Director of Public Utilities  
City of College Station

Water Services Dept.

Jony Michalsky  
CSU Elect.  
12-11-06

**February 8, 2007**  
**Consent Agenda**  
**Municipal Cemetery/Aggie Field of Honor Master Plan Design Change Order #1**

**To:** Glenn Brown, City Manager

**From:** Steve Beachy, Director of Parks and Recreation

**Agenda Caption:** Presentation, possible action, and discussion approving a change order for the design contract (Contract No. 06-263) with Edwards and Kelcey, Inc., in the amount of \$12,454.00, to add one additional public hearing/meeting to the Scope of Services for the development of a Master Plan for the new Municipal Cemetery/Aggie Field of Honor project.

**Recommendation(s):** Staff recommends approval of the change order to Contract No. 06-263.

**Summary:** In the past few months, Edwards & Kelcey collected extensive information through public input received during cemetery advisory committee meetings, a public hearing, and through a design charrette process. Due to comments and concerns received during this process, the Parks and Recreation Department staff determined that one additional public hearing and committee meeting were required to finalize the Cemetery Committee's recommendation to the City Council.

Four key members of the design team participated in this additional committee workshop meeting (January 16, 07) and public hearing (conducted January 23, 07). They included specialists in the fields of strategic planning, master planning, landscape architecture and cemetery design, and civil engineering. Their participation provided perspectives, insight, and information on the design process and development of the master plan for the site.

**Budget & Financial Summary:** Funds in the amount of \$3,910,000.00 are budgeted for this project (GG9905) in the General Government Capital Improvements Fund. Funds in the amount of \$1,482,130.45 have been expended for land acquisition. The design contract with Edwards & Kelcey is in the amount of \$183,656.00. With the approval of this Change Order, a total of \$1,678,240.45 will have been committed to this project, leaving a balance of \$2,231,759.55 to begin Phase I project design and construction.

**Attachments:**

- 1) Change Order No. 1
- 2) Breakdown of Change Order amount

CHANGE ORDER NO. 1  
CONTRACT #06-263

DATE: January 11, 2007  
PROJECT DESCRIPTION: Master plan development for the new municipal cemetery.

P.O.# 070126

PROJECT # GG9905

OWNER:

City of College Station  
P.O. Box 9960  
College Station, Texas 77842

CONTRACTOR:

Michael Martin  
Edwards & Kelcey  
526 University Dr East Suite 201A  
College Station, TX 77840-1734  
Ph: 979-764-9119  
Fax: 979-764-9229

PURPOSE OF THIS CHANGE ORDER:

Item 1: Add one additional public hearing meeting to the original Scope of Services. This meeting is intended to allow additional public feedback on the design concepts developed through the prior public input meeting and design charrette process. The additional meeting will be a public hearing format, and will help formulate a strong recommendation from the Cemetery Committee to the City Council on the proposed Master Plan and Phase I of the new municipal cemetery project.

ITEM NO.	UNIT	DESCRIPTION	UNIT PRICE	ORIGINAL QUANTITY	REVISED QUANTITY	ADDED COST
1		Preparation for and attendance by the design team (4 members) at one additional Public Hearing meeting.	\$12,454.00	2 meetings	3 meetings	\$12,454.00

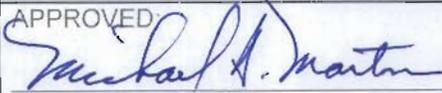
THE NET AFFECT OF THIS CHANGE ORDER IS A \$12,454.00 Increase.

ORIGINAL CONTRACT AMOUNT	\$ 183,656.00	
Change Order No. 1	\$ 12,454.00	6.78 % of Original Contract Amount
REVISED CONTRACT AMOUNT	\$ 196,110.00	

ORIGINAL CONTRACT TIME	N/	Days
	A	
Change Order No. 1 Time Extension or Reduction	N/A	Days
REVISED CONTRACT TIME	N/	Days
	A	

ORIGINAL SUBSTANTIAL COMPLETION DATE	03/31/2007
REVISED SUBSTANTIAL COMPLETION DATE	03/31/2007

APPROVED:

	1/11/07		
Michael Martin, Edwards & Kelcey	Date	DIRECTOR OF FISCAL SERVICES	Date
N/A	Date		Date
CONSTRUCTION CONTRACTOR	Date	CITY ATTORNEY	Date
PROJECT MANAGER- Ross Albrecht	Date	CITY MANAGER	Date
N/A	Date		Date
CITY ENGINEER	Date	MAYOR	Date
DEPARTMENT DIRECTOR/ADMINISTRATOR	Date	CITY SECRETARY	Date

**City of College Station, Texas**  
**Cemetery Design Services, Project No. GG-9905**  
**Change Order**  
**Public Hearing Fee Estimate**

Project: <b>GG-9905</b>		Project Manager (Martin)	Strategic Planner (Stoler)	Master Planner (Mensch)	Project Engineer or Architect (Airikka)	Designer (Hussain)	Junior Designer (Hussain)	Engineer In-Training	Tech / CADD Operator	Admin. Support	Subtotal (manhrs)
Design Consultant: <b>Edwards and Kelcey</b>											
Date: January 5, 2007											
<b>Master Plan - Edwards and Kelcey</b>											
1	Public Hearing PowerPoint Presentation	4	4	1	16	16	0	0	0	0	37
2	Public Hearing Participation	4	8	8	16	16	0	0	0	0	20
	<b>Subtotal</b>	4	12	9	16	16	0	0	0	0	57
	<b>Rate (Incl. Salary OH &amp; Profit)</b>	\$166.00	\$220.00	\$250.00	\$115.00	\$115.00	\$85.00	\$91.00	\$65.00	\$60.00	88
	<b>Labor Total</b>	\$664.00	\$2,640.00	\$2,250.00	\$1,840.00	\$1,840.00	\$0.00	\$0.00	\$0.00	\$0.00	\$9,234.00
<b>Master Plan - Carter-Burgess</b>											
1	Public Hearing PowerPoint Presentation	0	14	0	0	0	0	0	0	0	4
2	Public Hearing Participation	0	10	0	0	0	0	0	0	0	10
	<b>Subtotal</b>	0	14	0	0	0	0	0	0	0	14
	<b>Rate (Incl. Salary OH &amp; Profit)</b>	\$0.00	\$230.00	\$150.00	\$115.00	\$0.00	\$70.00	\$0.00	\$0.00	\$0.00	0
	<b>Labor Total</b>	\$0.00	\$3,220.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,220.00
	<b>Total Change Order</b>	\$664.00	\$5,860.00	\$2,250.00	\$1,840.00	\$1,840.00	\$0.00	\$0.00	\$0.00	\$0.00	\$12,454.00
	<b>Master Plan Development Previously Contracted</b>										\$183,656.00
	<b>Total Master Plan with Change Order</b>							Increase =	6.4%		\$196,110.00

**8 February 2007  
Regular Agenda  
Animate Habitat Rezoning**

**To:** Glenn Brown, City Manager

**From:** Lance Simms, Acting Director of Planning & Development Services

**Agenda Caption:** Public hearing, presentation, possible action, and discussion on an ordinance rezoning 16.4 acres at 17339 State Highway 6 South from A-O (Agricultural Open) to M-2 (Heavy Industrial), generally located south of the College Station Business Park.

**Recommendation(s):** The Planning and Zoning Commission will hear this item on 1 February 2007. A recommendation will be provided to Council at the meeting. Staff is recommending approval of the rezoning request.

**Summary:** The applicant is proposing to rezone just over 16 acres of the Animate Habitat property to M-2 (Heavy Industrial). The property is bordered by Floodplain to the south, and land identified on the Comprehensive Plan as Industrial/Research and Development to the north.

The Comprehensive Land Use Plan identifies the subject property as Industrial/Research and Development and a portion along the southern boundary as Floodplain and Streams. The applicant has excluded the FEMA floodplain from the rezoning.

The subject tract has approximately 875 feet of frontage on State Highway 6, a Freeway on the City's Thoroughfare Plan. The future extension of Lakeway Drive, a Major Collector, continues through the subject property.

The project is just north of the proposed Nantucket interchange on State Highway 6.

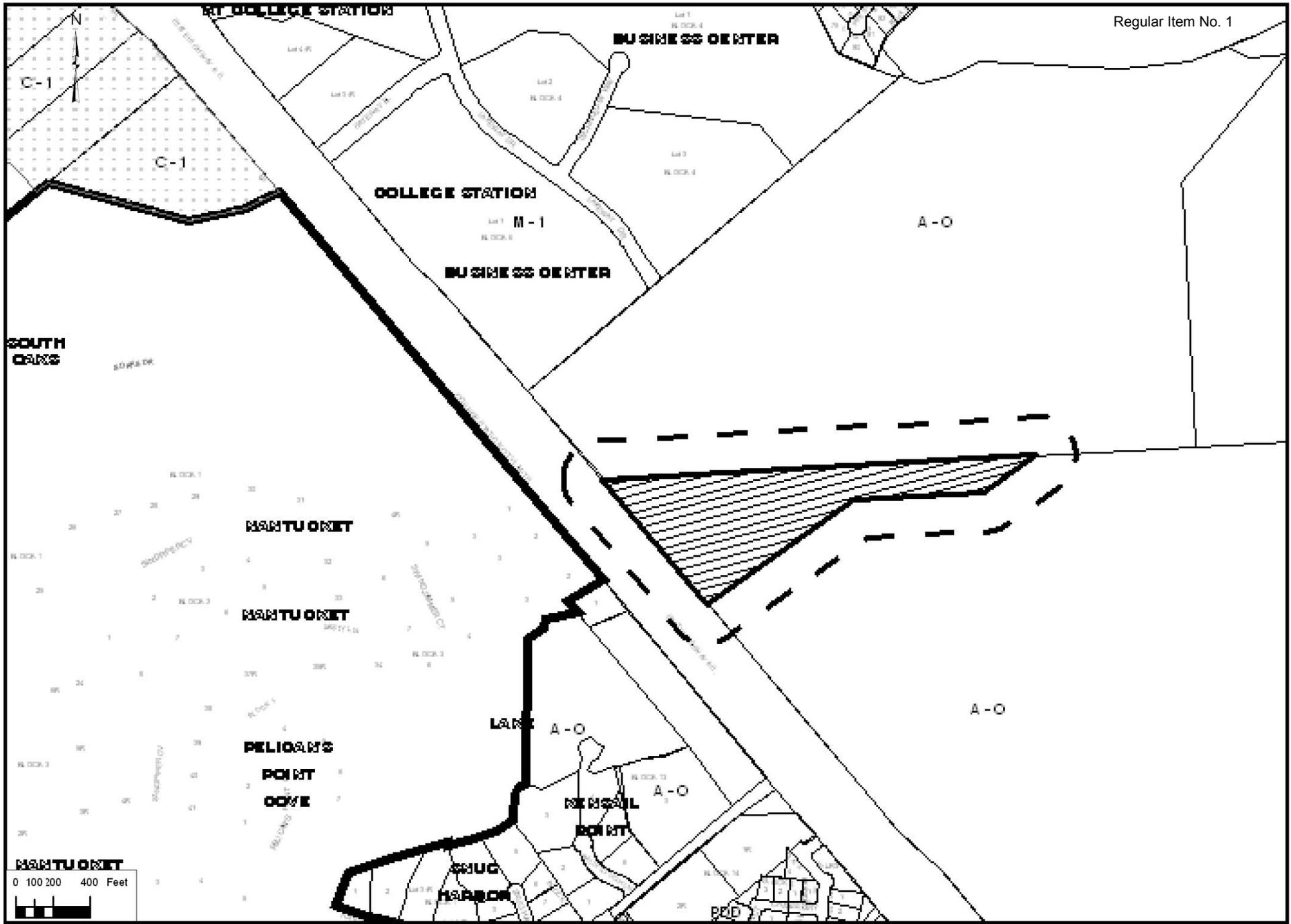
The subject property was annexed in 1996 and subsequently zoned A-O (Agricultural Open). The entire "Animate Habitat" property underwent a Comprehensive Land Use Plan Amendment in 2004. At the time, the applicant requested that the subject property be designated as Retail Regional. However, staff believed that property was better suited as Industrial R&D. The Planning and Zoning Commission and City Council concurred with Staff's recommendation and the area was designated as Industrial R&D on the Comprehensive Land Use Plan. The property is not currently platted.

**Budget & Financial Summary:** None.

**Attachments:**

1. Small Area Map (SAM) & Aerial
2. Infrastructure and Facilities
3. Zoning District Fact Sheet, M-2, Heavy Industrial
4. Ordinance



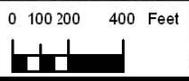


 DEVELOPMENT REVIEW

ANIMATE HABITAT

Case: 06-278

REZONING



DEVELOPMENT REVIEW

ANIMATE HABITAT

Case:  
06-278

REZONING

**ANIMATE HABITAT REZONING  
INFRASTRUCTURE AND FACILITIES**

**Water:** The subject tract is supported by an 8-in water main, which runs along the State Highway 6 Frontage Road. A fire flow analysis will be required to verify that all CS/B Unified Guideline requirements are met.

**Sewer:** The subject tract is supported by a 15-in sanitary sewer main, which runs along the southern property line.

**Streets:** The subject tract is located on State Highway 6 frontage.

**Off-site Easements:** None known at this time.

**Drainage:** The subject property is located in the Alum Creek drainage basin.

**Flood Plain:** The subject tract is encroached by 100-yr floodplain, specifically Special Flood Hazard Area – Zone AE.

**Oversize request:** None known at this time.

**Impact Fees:** The subject tract is encroached by Alum Creek Sanitary Sewer Impact Fee (\$243.38 / LUE).

# UNIFIED DEVELOPMENT ORDINANCE FACT SHEET

## M-2 Heavy Industrial

This district is designed to provide land for manufacturing and industrial activities with generation of nuisance characteristics greater than activities permitted in the C2 and M-1 zoning districts. Permitted uses within this district are generally not compatible with residential uses of any density or lower intensity commercial uses.

### **Permitted Uses:**

- Educational Facility, Vocational / Trade
- Government Facilities
- Parks
- Places of Worship
- Fuel Sales
- Funeral Homes
- Offices
- Radio / TV Station / studios
- Storage, Self Service
- Wholesales / Services
- Bulk Storage Tanks / Cold Storage Plant
- Industrial, Light
- Industrial, Heavy
- Recycling Facility -Large
- Storage, Outdoor -Equipment or Materials
- Truck Stop / Freight or Trucking Terminal
- Warehousing / Distribution
- Waste Services
- Wireless Telecommunication Facilities—Unregulated

### **Permitted with Specific Use Standards:**

- Commercial Garden / Greenhouse / Landscape Maintenance
- Sexually Oriented Business
- Retail Sales, Manufactured Homes
- Vehicular Sales, Rental, Repair, Service
- Salvage Yard
- Utility
- Wireless Telecommunication Facility -Intermediate
- Wireless Telecommunication Facility -Major

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE," SECTION 4.2, "OFFICIAL ZONING MAP," OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES AS DESCRIBED BELOW; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

PART 1: That Chapter 12, "Unified Development Ordinance," Section 4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.

PART 2: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its date of passage by the City Council, as provided by Section 35 of the Charter of the City of College Station.

PASSED, ADOPTED and APPROVED this 8th day of February, 2007.

APPROVED:

\_\_\_\_\_  
RON SILVIA, Mayor

ATTEST:

\_\_\_\_\_  
Connie Hooks, City Secretary

APPROVED:

  
\_\_\_\_\_  
City Attorney

ORDINANCE NO. \_\_\_\_\_

Page 2

**EXHIBIT "A"**

That Chapter 12, "Unified Development Ordinance," Section 4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas, is hereby amended as follows:

The following property is rezoned from A-O, Agricultural Open to M-2, Heavy Industrial:

ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE S.D. SMITH SURVEY, ABSTRACT NO. 210 IN COLLEGE STATION, BRAZOS COUNTY, TEXAS AND BEING PART OF A 1282.09 ACRE TRACT DESCRIBED IN THE DEED FROM THOUSAND OAKS DEVELOPMENT COMPANY JOINT VENTURE TO ANIMATE HABITAT LTD. RECORDED IN VOLUME 5463, PAGE 208 OF THE OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS (O.R.B.C.) AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN THE ATTACHED EXHIBIT "B" AND SHOWN GRAPHICALLY IN THE ATTACHED EXHIBIT "C."

ORDINANCE NO. \_\_\_\_\_

Page 3

**EXHIBIT "B"**

BEGINNING: at a found 1/2-inch iron rod marking the most westerly corner of the said 1282.09 acre tract, the south corner of the called 50.00 acre Pebble Creek Development Company tract described in Volume 1600, Page 313 (O.R.B.C) and said iron rod also being in the northeast right-of-way line of State Highway No. 6 (width varies at this location);

THENCE: N 88° 37' 07" E along the common line between the said 1282.09 acre tract and the called 50.00 acre tract, at a distance of 2106.75 feet pass a found 1/2-inch iron rod marking the southeast corner of the said called 50.00 acre tract and the southwest corner of the 505.19 acre Pebble Creek Development Company Tract One described in Volume 1671, Page 276 (O.R.B.C.), continuing for a total distance of 2361.73 feet for corner;

THENCE: into the interior of the said 1282.09 acre tract for the following eleven (11) calls:

- 1) S 24° 33' 55" W for a distance of 122.37 feet for corner,
- 2) S 51° 27' 38" W for a distance of 225.17 feet for corner,
- 3) S 88° 35' 12" W for a distance of 252.58 feet for corner,
- 4) N 79° 19' 45" W for a distance of 272.04 feet for corner,
- 5) S 88° 37' 58" W for a distance of 260.67 feet for corner,
- 6) S 56° 39' 05" W for a distance of 345.39 feet for corner,
- 7) S 59° 50' 41" W for a distance of 402.48 feet for corner,
- 8) N 89° 33' 55" W for a distance of 40.92 feet for corner,
- 9) N 36° 43' 09" W for a distance of 128.86 feet for corner,
- 10) S 78° 34' 30" W for a distance of 85.41 feet for corner and
- 11) S 54° 19' 17" W for a distance of 121.27 feet for corner, said corner being in the said northeast right-of-way of State Highway No. 6;

THENCE: N 38° 02' 24" W along said line of State Highway No. 6 for a distance of 676.54 feet to the POINT OF BEGINNING and containing 16.373 acres of land, more or less.



**8 February 2007  
Regular Agenda  
Cambridge Lofts Conditional Use Permit**

**To:** Glenn Brown, City Manager

**From:** Lance Simms, Acting Director of Planning & Development Services

**Agenda Caption:** Public hearing, presentation, possible action, and discussion on an ordinance approving a Conditional Use Permit for for a mixed use development in Wolf Pen Creek with multi-family residential uses on the ground floor at 410 Holleman Drive East, generally located at the southwest corner of the intersection of Holleman Drive East and Dartmouth Street.

**Recommendation(s):** The Planning and Zoning Commission will hear this item on 1 February 2007. A recommendation will be provided to Council at the meeting. Staff is recommending approval of the Conditional Use Permit (CUP).

**Summary:** The developer is proposing to construct a mixed use multi-story building with approximately 9,000 square feet of retail space, 250-300 dwelling units, a parking garage and a 9,000 square foot clubhouse. Since the development proposes residential use on the ground floor, a CUP is required. The retail space and the clubhouse are also being proposed on the ground floor, facing the intersection of Dartmouth Street and Holleman Drive East.

This CUP is for the use only. Should the City Council approve the CUP for the proposed use, the site plan will also have to be reviewed and approved by the Design Review Board.

**Budget & Financial Summary:** N/A

**Attachments:**

1. Item Background
2. Small Area Map (SAM) and Aerial Map
3. Concept Plan
4. Application
5. Ordinance

## Item Background

The subject property was annexed into the City of College Station in 1971. The 6.26-acre tract located at the southwest corner of Dartmouth Street and Holleman Drive was platted in 1979 as part of the Woodstock Subdivision. The 2.4-acre tract to the south of this tract along Dartmouth is currently not platted. In February of 2006, the City Council approved the Wolf Pen Creek Condominiums project, located on the north side of Holleman Drive directly across the street from the Artic Wolf Ice Center.

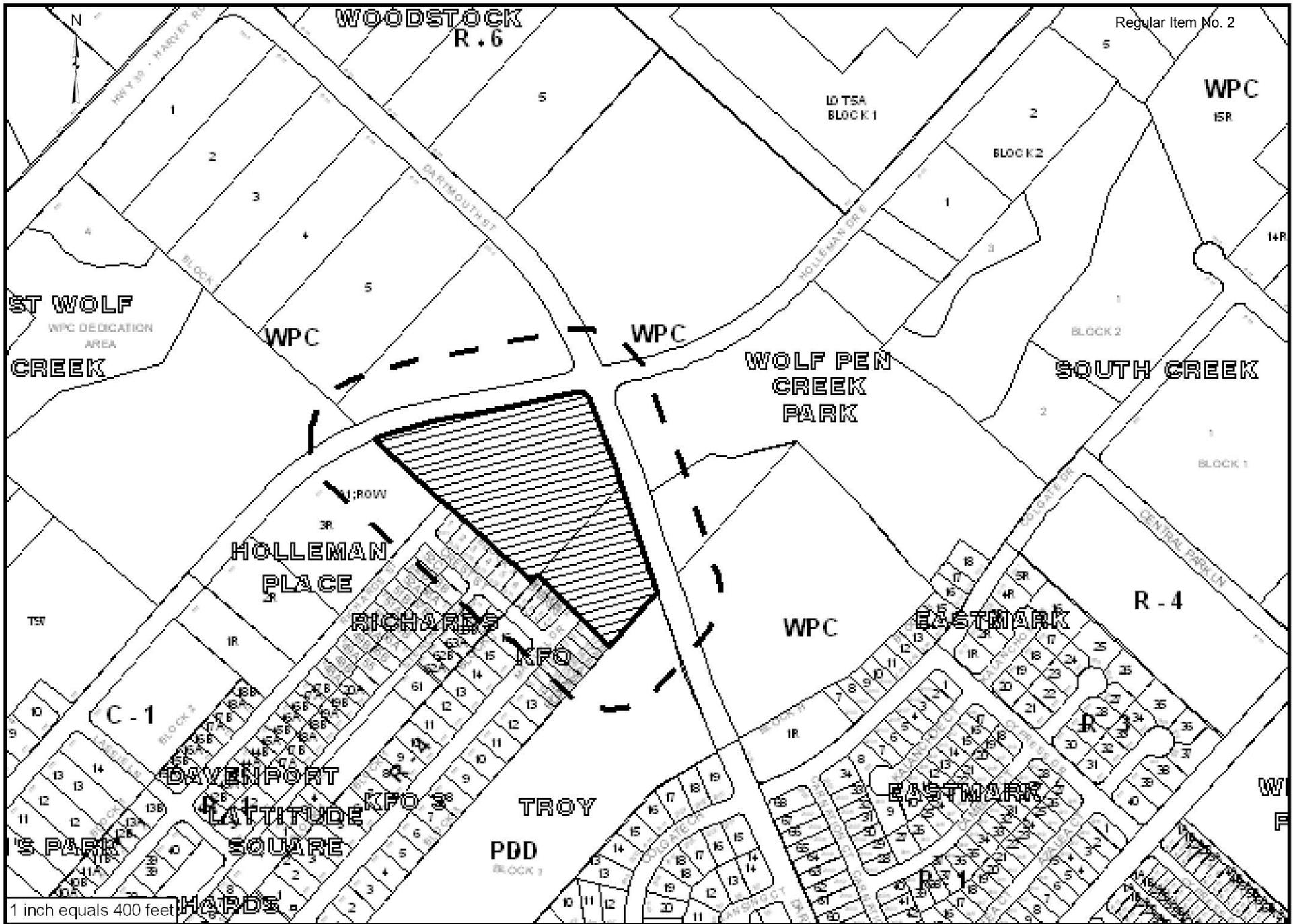
The Comprehensive Land Use Plan and the zoning map reflects the subject property as Wolf Pen Creek. The northwest corner of Holleman and Dartmouth is reflected as Wolf Pen Creek and Flood Plains/Streams and is developed as the City Parking Lot for the Amphitheater and trail system. The northeast corner of Holleman and Dartmouth is reflected as Flood Plains/Streams and Residential Attached and is currently undeveloped. The southeast corner of Holleman and Dartmouth is reflected as Wolf Pen Creek and Flood Plains/Streams and developed as the Amphitheater. The property to the west of the subject property along Holleman Drive, the is developed as the Artic Wolf Ice Center. Behind the Artic Wolf Ice Center (adjacent to the subject property), the Comprehensive Plan reflects Single-Family Residential and Residential Attached and the area is currently developed as single-family homes and duplexes. Dartmouth and Holleman Drive are shown on the City's Thoroughfare Plan as Minor Arterials. Access for this project will be taken off of Holleman Drive and Manuel Drive. Manuel Drive is reflected as a Minor Collector on the City's Thoroughfare Plan. As part of this project, Manuel Drive is shown on the Thoroughfare Plan to be extended through to Dartmouth. Pedestrian access will also be provided where Richards Street terminates into this development as well as along the Manuel Drive extension.

Article 3, Section 13 of the Unified Development Ordinance (UDO) authorizes the existence of conditional uses. The City Council may approve an application for a conditional use permit where it reasonably determines that there will be no significant negative impact upon residents of surrounding property or upon the general public. The Council should consider the following criteria in its review:

- The proposed use shall meet the purpose and intent of this UDO and the use shall meet all the minimum standards established in this UDO for this type of use.
- The proposed use shall be consistent with the development policies and goals and objectives as embodied in the Comprehensive Plan for development of the City.
- The proposed use shall not be detrimental to the health, welfare, or safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to neighboring property.
- The proposed site plan and circulation plan shall be harmonious with the character of the surrounding area.
- The proposed use shall not negatively impact existing uses in the area or in the City through impacts on public infrastructure such as roads, parking facilities electrical, or water and sewer systems, or on public services such as

police and fire protection, solid waste collection, or the ability of existing infrastructure and services to adequately provide services. The proposed use shall not negatively impact existing uses in the area or in the City.

Additional reasonable restrictions or conditions may be imposed to carry out the spirit and intent of the UDO and to mitigate adverse effects of the proposed use. These requirements may include, but are not limited to, increased open space, loading and parking requirements, additional landscaping, and additional improvements such as curbing, sidewalks and screening.



Regular Item No. 2


**DEVELOPMENT REVIEW**

**CAMBRIDGE LOFTS**

Case: **06-279**  
**CUP**



Regular Item No. 2

 DEVELOPMENT REVIEW

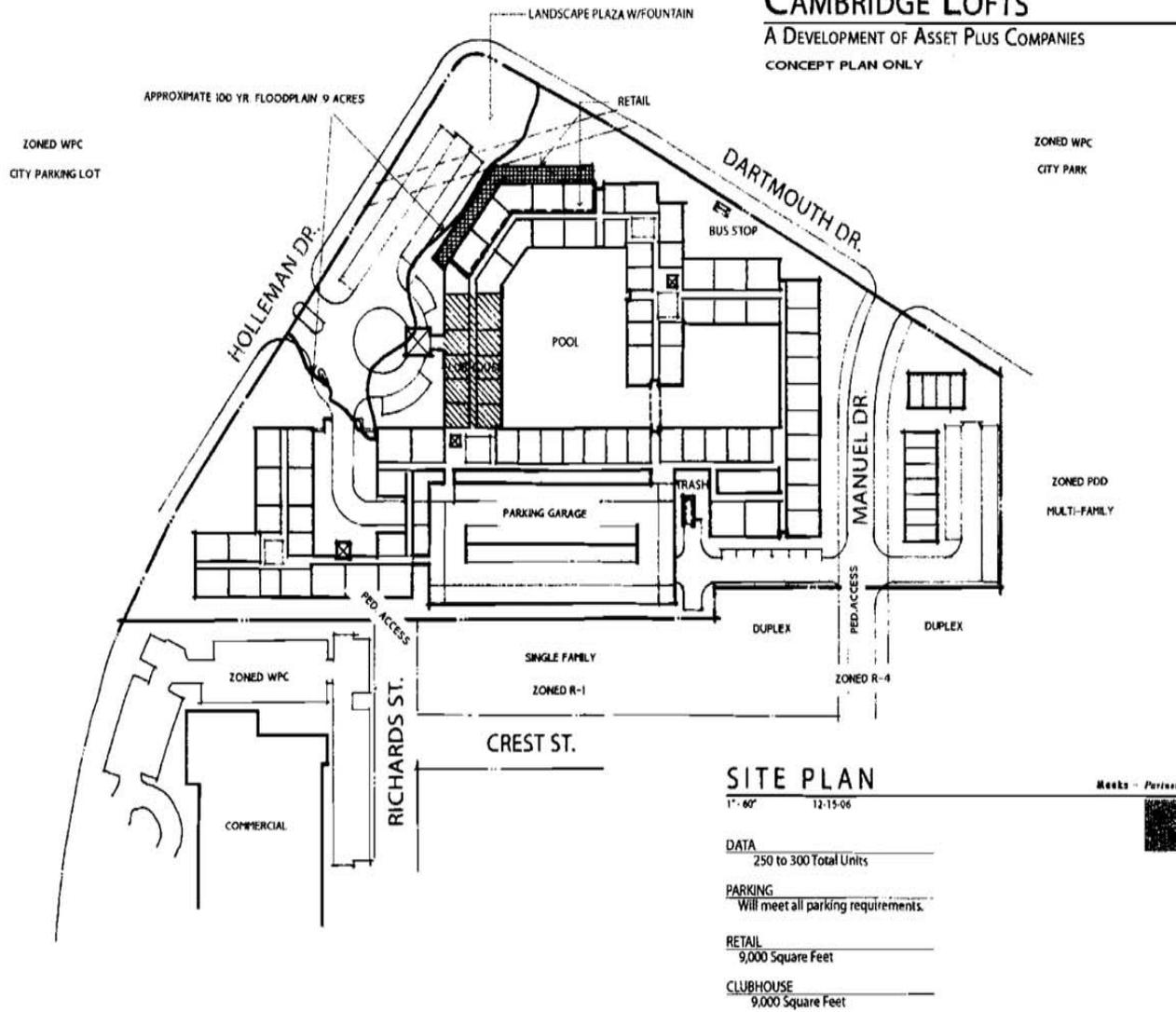
CAMBRIDGE LOFTS

Case: 06-279

CUP

# CAMBRIDGE LOFTS

A DEVELOPMENT OF ASSET PLUS COMPANIES  
CONCEPT PLAN ONLY



06-279  
1-16-07  
9:50  
GS



Regular Item No. 2

**FOR OFFICE USE ONLY**

CASE NO. 06-279

DATE SUBMITTED 12/18/06

9:46

NC

## CONDITIONAL USE PERMIT APPLICATION GENERAL

Minimum Requirements	
<input checked="" type="checkbox"/>	\$300.00 application, processing, and notification fee
<input checked="" type="checkbox"/>	\$200.00 site plan review fee (includes 3 staff reviews).
<input type="checkbox"/>	\$200.00 Development Permit Application Fee if applicable.
<input type="checkbox"/>	\$600.00 Public Infrastructure Inspection Fee if applicable. (This fee is payable if construction of a public waterline, sewerline, sidewalk, street or drainage facilities is involved.)
<input checked="" type="checkbox"/>	Ten (10) copies of site plan which includes requirements for site plan proposals as listed on attached sheet. This site plan will be reviewed by Staff, after which ten (10) copies of revised site plan may be required.
<input checked="" type="checkbox"/>	Detailed explanation of proposed use including hours of operation, anticipated traffic, total building capacity, number of employees, number of students, children, ages of children, etc., as applicable.

**Date of Required Preapplication Conference:** November 8, 2006

**Conditional Uses: (check one)**

- |  |  |
|--|--|
| <input type="checkbox"/> Day Care, Commercial in R-4, R-6, R-7<br><input type="checkbox"/> Drive-in/thru window in WPC<br><input type="checkbox"/> Educational Facility, Outdoor Instruction in A-OR | <input checked="" type="checkbox"/> <b>Multi-Family in WPC with residential on first floor</b><br><input type="checkbox"/> Parking as a Primary Use in A-P, NG-2<br><input type="checkbox"/> Theater in NG-3 |
|--|--|

- **NAME OF PROJECT:** Cambridge Lofts
- **LOCATION:** Southwest corner of Holleman Drive and Dartmouth Drive in the Wolf Pen Creek District
- **LEGAL DESCRIPTION:** 6.26 ac. platted as Woodstock #1, Lot Reserve (pt. of). 2.423 ac. unplatted at this time. Legal description is A004601 M. Rector (ICL), Tract 54.1
- **PURPOSE OF REQUEST:** Multi-family uses above retail uses are permitted by right in this district. This request is to develop a 250 to 300 unit multi-family residential project with 9,000 square feet of first floor retail. Retail uses are proposed for only a portion of the first floor. Developing the entire 8.683 acres as retail is not viable due to the location of the property in relation to major traffic arteries and surrounding available properties that have better visibility and higher traffic counts. Multi-family is a viable use and is an opportunity to gain revenue into the Tax Increment Finance district prior to its expiration in 2009. The development will also add rooftops and people to the area which, in turn, will encourage additional commercial uses in other locations within the district. The intent of the district is being met by providing a viable amount of retail.

**APPLICANT/ POTENTIAL BUYER / PROJECT DEVELOPER INFORMATION:**

Name: Mr. Mark Lindley, Sr. Vice President, Asset Plus Corp.  
 Address: 5151 San Felipe Suite 2050 Houston, Texas 77056  
 E-Mail Address: mlindley@assetpluscorp.com  
 Phone: (713) 782-5800 office (713) 268-5111 fax (281) 657-5225 cell

**PRIMARY CONTACT INFORMATION:**

Name: Jane Kee, IPS Group, Planning Consultant E-mail Address: jane@ipsgroup.us  
Street Address: 511 University Drive Ste. 211, College Station, Texas 77840  
Phone Number: 979-846-9259 Fax Number: 979-846-9259

**PROPERTY OWNER'S INFORMATION:**

Name: Bill Mather, Corps Ventures, LLC (aka Fidelis Ventures, LLC) GRID PROJECT 105 LTD  
Address: 13430 Northwest Freeway, Suite 1075, Houston, TX 77040  
Mobile: 713-705-4525 FAX: 281-966-1682  
Email billm@gridre.com

**ARCHITECT OR ENGINEER'S INFORMATION:**

Name: Veronica Morgan, P.E., Mitchell & Morgan LLP E-Mail Address: v@mitchellandmorgan.com  
Street Address: 511 University Drive, Suite 211, College Station, Texas 77840  
Phone Number: 979-260-6963 Fax Number : 979-260-3564

- PRESENT USE OF PROPERTY : Vacant
- PROPOSED USE OF PROPERTY: Multi-family development with 9,000 square feet of first floor retail with the remainder of the first floor for residential uses.
- CURRENT ZONING OF PROPERTY : WPC
- VARIANCE(S) REQUESTED AND REASON(S) None
- PARKING SPACES REQUIRED: Approx. 750\_ PARKING SPACES PROVIDED: 750\_

<input type="checkbox"/> <b>RESIDENTIAL</b>	<input type="checkbox"/> <b>COMMERCIAL</b>	<input type="checkbox"/> <b>PARKLAND DEDICATION</b>
Total Acreage: 8.683	9,000 square feet	250 - 300 DU X \$452
Housing Units: 250 - 300		Total: \$113,000 - \$135,600
Floodplain Acreage - .9 acres		

**APPLICATION WILL NOT BE CONSIDERED COMPLETE WITHOUT THE FOLLOWING:**

State how the following issues will be addressed:

1. Parking: First floor retail parking will be provided at 1:250 and provided as surface parking in front of the retail space. Multi-family parking will be provided in a parking garage. A detailed site plan will be submitted for the Design Review Board. Parking will meet or exceed ordinance requirements.
2. Screening of offensive areas (trash, loading areas, transformers, utility connections, detention ponds, etc.). Any offensive areas will be screened from the street right-of-way as required and as approved by the Design Review Board.
3. Traffic impacts: The street system in the area is capable of handling the anticipated traffic.

4. Protection of neighborhoods. A small portion of the property to the west is currently developed residentially with a combination of single family, duplex and four-plex units. The Ice Rink is adjacent and to the west. There are no residential areas that will be negatively impacted by this development as all screening and height requirement of the City of College Station will be met. Manuel Drive will be extended through this property as required by the Thoroughfare Plan. It will provide pedestrian access to bus routes on Dartmouth from the neighborhood to the west which is largely a student area. Pedestrian access will be provided to Richards St. which dead-ends into this property.

I verify that all of the information contained in this application is true and correct.

  
\_\_\_\_\_  
Signature of Owner, Agent or Applicant

12-15-06  
Date

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE", SECTION 3.13, "DEVELOPMENT REVIEW PROCEDURES, CONDITIONAL USE PERMIT", OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES AS DESCRIBED BELOW; DECLARING A PENALTY, AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

PART 1: That Chapter 12, "Unified Development Ordinance", Section 3.13, "Development Review Procedures, Conditional Use Permit", of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.

PART 2: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than Twenty-five dollars (\$25.00) nor more than Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its date of passage by the City Council, as provided by Section 35 of the Charter of the City of College Station.

PASSED, ADOPTED and APPROVED this 8th day of February 2007.

ATTEST:

APPROVED:

\_\_\_\_\_  
Connie Hooks, City Secretary

\_\_\_\_\_  
RON SILVIA, MAYOR

APPROVED:

  
\_\_\_\_\_  
City Attorney

ORDINANCE NO. \_\_\_\_\_

Page 2

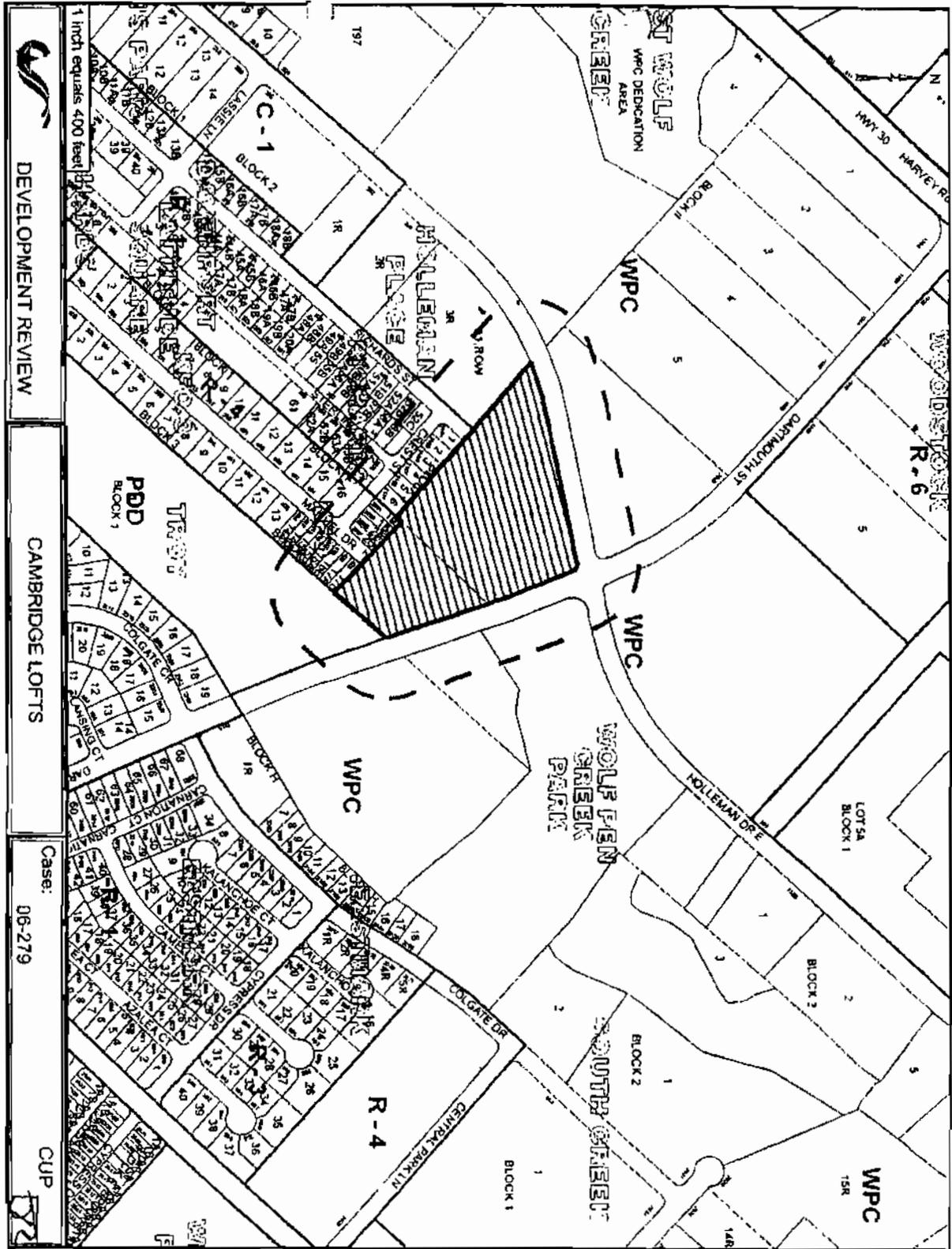
**EXHIBIT "A"**

That the Official Zoning Map of the City of College Station, Section 3.13, "Development Review Procedures, Conditional Use Permit", of Chapter 12, "Unified Development Ordinance", is hereby amended as follows:

**That a Conditional Use Permit is hereby granted for first floor multi-family as provided for in Chapter 12, "Unified Development Ordinance", Section 3.13, "Development Review Procedures, Conditional Use Permit", of the Code of Ordinances of the City of College Station. The property located at 410 Holleman Drive described by metes and bounds in Exhibit "B" and shown graphically in Exhibit "C" is granted a Conditional Use permit for first floor multi-family.**

ORDINANCE NO. \_\_\_\_\_

EXHIBIT "B"



**February 8, 2007**  
**Regular Agenda Item #**  
**Public Hearing and Consideration of Budget Amendment #1**

**To:** Glenn Brown, City Manager

**From:** Jeff Kersten, Chief Financial Officer

**Agenda Caption:** Public Hearing, discussion and possible action on Budget Amendment #1 to the City of College Station 2006-2007 Budget authorizing an increase in appropriations of \$798,730.

**Recommendation(s):** Staff recommends the City Council hold the public hearing on Budget Amendment #1, and approve the budget amendment ordinance.

**Summary:** The proposed budget amendment is to increase appropriations in the 2006-2007 budget by \$798,730. The charter of the City of College Station provides for the City Council to amend the annual budget in the event there are revenues available to cover increased expenditures and after holding a public hearing on such budget amendment. A number of items have been identified that need to be considered in a budget amendment. Attached is a list of the items in the proposed budget amendment.

**Budget & Financial Summary:** The City has resources or can reasonably expect resources to cover each of the appropriations in this budget amendment.

**Attachments:**

1. Budget Amendment #1 Detail List
2. Ordinance

## Fiscal Year 2006-2007 Budget Amendment #1 Detail Listing

The proposed budget amendment is to increase the appropriations for the items listed below by \$798,730.

**1. Gainsharing: \$245,984**

On November 20, 2006, the City Council approved the gainsharing distribution for FY06. At that time it was indicated that a budget amendment would be necessary to provide the budget appropriation for this item. Resources have been identified and are available in the various applicable operating funds for this expenditure. This item will the appropriate the funds for expenditure.

**2. Building Security at Municipal Court: \$172,402**

This request is to upgrade security at the Municipal Court building, which also houses BVSWMA Administration and Fire Administration. This item will appropriate \$144,308 from the Court Technology Fund and \$28,094 from the Court Security Fund to install metal detectors, an x-ray machine, cameras, and other controlled access points at the court facility to better protect employees and citizens. Funds for the project are available in the Court Technology and Court Security Funds.

**3. Police Department Vehicle Camera Upgrade: \$68,685**

The existing camera system used in Police patrol cars needs to be upgraded. The total cost of the camera replacement and installation is anticipated to be \$81,000. Savings realized by the Police department in the FY06 budget year will be used to cover the majority of the cost for replacement of the cameras. The savings comes from two projects that were budgeted but not completed in FY06. Approximately \$60,000 was saved on the document imaging project, and \$22,895 was saved on the Evidence Barcoding system. It is anticipated that these projects can be completed for much less than budgeted. In addition, \$21,000 was included in the FY07 budget as part of the SLA for the "CD, DVD, or Hard-drive type" systems for the three new police cars. Instead, much cheaper 8 mm systems were purchased as part of the vehicle package. The balance, \$12,315, will be used toward the replacement of the camera systems. This budget amendment item will appropriate \$68,685 in the Police Department Budget for the purpose of replacing the patrol vehicle cameras.

**4. Traffic Study: \$80,000**

At the August 24, 2006 workshop meeting, Council directed staff to conduct a traffic study in the area bounded between State Highway 30, Earl Rudder Freeway and William D. Fitch Parkway. The request for proposal has been received, and the approximate cost for conducting the study is \$80,000. The funds to conduct the traffic study are available in the General Fund fund balance. The funds are available due to savings realized in FY06 by the Public Works and Planning and Development Services Departments. This item will appropriate the funds in the Public Works budget for expenditure.

**5. Fire/Emergency Management Vehicle: \$55,688**

There are currently funds remaining from the FEMA reimbursement for expensing incurred with the 2005 hurricanes. The Fire Department has identified the need for a vehicle to enhance operations in the department. The vehicle to be purchased is a Ford Expedition that will be used as a back up vehicle for the Battalion Chiefs, and for emergency response for support at major incidents. It will also be used by command staff and emergency management staff to attend local and statewide meetings as needed. This request will authorize the transfer of funds from the Emergency Management budget in the General Fund to the Equipment Replacement Fund and appropriate the funds to purchase the vehicle for expenditure in the Equipment Replacement Fund.

**6. BVSWMA Camera System: \$50,000**

Funds were approved in an FY06 SLA to install a security camera system at the landfill. Due to delays, the project was not completed in FY06. There is still a need for a camera system to provide security for customers, employees, and assets at the landfill. This item will appropriate the funds for expenditure on the camera system. Funds for the project are available in the BVSWMA fund balance.

- 7. Fire Department Wellness Program: \$45,548**  
This item will allow the Fire Department to move closer to meeting the fire service wellness initiative established by the Texas Fire Commission on Fire Protection, the International Association of Firefighters and the International Association of Fire Chiefs. The requested funds will allow the Fire Department to purchase the necessary physical fitness equipment and to provide peer physical fitness training to twenty five members of the Fire Department who will be instructors for the program. Funds are available in the General Fund balance for this expenditure.
- 8. Parking Garage Credit Card Program: \$39,753**  
This request is for the purchase of the software upgrade for the Federal APD ScanNet parking management software to the latest version 6.x software. The upgraded software will provide a central credit card processing software program that will allow the Parking Garage to accept credit cards for parking fees. Funds are available in the Parking Fund balance for this expenditure.
- 9. City Hall Generator: \$32,000**  
The need for a back-up generator at City Hall has been identified. The total cost for the project is approximately \$97,000. Currently there is \$65,000 appropriated in the City Hall project (GG0408) in the General Government Facilities and Technology Capital Improvement Projects Fund that can be utilized for the generator. The additional \$32,000 is available in the General Fund contingency account. This item will authorize the transfer of \$32,000 from the General Fund to the Facilities and Technology CIP fund and appropriate the funds for expenditure within the City Hall project.
- 10. W.A. Tarrow Park Splash Park: \$4,865**  
Costs for the W.A. Tarrow Park splash park were higher than anticipated. Additional funds in the amount of \$4,865 are needed. These funds are available in the Community Development Fund. This item will provide for the appropriation of the \$4,865 of CDBG funds to be expended in the Parks Capital Improvement Projects Fund.
- 11. Lincoln Recreation Center Donations: \$3,805**  
The City has received donations totaling \$3,805 for use at the Lincoln Recreation Center. Lincoln Center staff has identified equipment, training, and recreation opportunities for which the funds can be utilized. The funds are available in the General fund and this item will appropriate the donated funds for expenditure in the Parks Department.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE (BUDGET AMENDMENT 1) AMENDING ORDINANCE NUMBER 2923 WHICH WILL AMEND THE BUDGET FOR THE 2006-2007 FISCAL YEAR AND AUTHORIZING AMENDED EXPENDITURES AS THEREIN PROVIDED.**

**WHEREAS**, the City Council of the City of College Station, Texas, approved its Budget Ordinance for the 2006-2007 Fiscal Year on September 14, 2006; and

**WHEREAS**, the City Council of the City of College Station, Texas, desires to amend the approved Budget Ordinance; and

**WHEREAS**, this amendment was prepared and presented to the City Council and a public hearing held thereon as prescribed by law and the Charter of the City of College Station, Texas, after notice of said hearing having been first duly given; now, therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:**

**Part 1:** That Part 1 of the Budget Ordinance for the 2006-2007 Fiscal Year is amended to read as follows:

**"PART 1:** That the proposed budget as amended by the City Council of the City of College Station, which is made a part hereof to the same extent as if set forth at length herein, is hereby adopted and approved, a copy of which is on file in the Office of the City Secretary in College Station Texas. Amended appropriations for fiscal year 2006-2007 for the General Fund are \$45,873,052, for the Court Technology Fund are \$196,837, for the Court Security Fund are \$138,805, for the Parks Capital Improvement Projects Fund are \$1,728,922, for the General Government Facilities and Technology Capital Improvement Projects Fund are \$7,591,230, for the Electric Fund are \$68,952,931, for the Water Fund are \$12,484,675, for the Wastewater Fund are \$11,028,724, for the Sanitation Fund are \$6,367,651, for the Parking Fund are \$563,590, for the BSWMA Fund are \$7,116,834, for the Equipment Replacement Fund are \$7,540,797, for the Utility Customer Service Fund are \$2,557,292, for Fleet Maintenance Fund are \$1,702,401, for the Print Mail Fund are \$492,969, for the Communications Fund are \$826,062. All other appropriations as originally adopted and amended by the City Council remain in full force and effect."

**Part 2:** That this ordinance shall become effective immediately after passage and approval.

**PASSED and APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_ 2007.

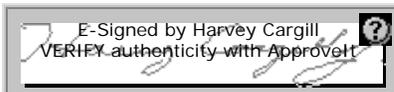
**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Connie Hooks, City Secretary

\_\_\_\_\_  
Ron Silvia, Mayor

**APPROVED:**



\_\_\_\_\_  
City Attorney

**February 8, 2007  
Regular Agenda**

**Ch. 12 Unified Development Ordinance – Drainage Guidelines - Housekeeping**

**To:** Glenn Brown, City Manager

**From:** Mark Smith, Director of Public Works

**Agenda Caption:** Public Hearing, presentation, possible action, and discussion an ordinance amending City of College Station Code of Ordinances Chapter 12: Unified Development Ordinance, enacting the new Drainage Guidelines as part of the Bryan/College Station Unified Design Guidelines, Standard Details, and Technical Specifications.

**Recommendation(s):** Staff recommends approval of this ordinance amendment.

**Summary:** This item is being brought before the Council to consider amending Chapter 12: Unified Development Ordinance: Article 2. Development Review Bodies, Section 2.7 Development Engineer, Subsections C.5, C.8 and C.9; Article 3. Development Review Procedures, Section 3.8 Development Permit, Subsection A. Applicability; Article 11. Definitions, Section 11.2 Defined Terms, Drainage Facility and Drainage System, Primary. The amendment enacts the new Drainage Guidelines as part of the Bryan/College Station Unified Design Guidelines, Standard Details, and Technical Specifications. The Planning and Zoning Commission heard this item on January 18, 2007 and acted to support the item.

Two similar amendments were previously approved by Council on January 11, 2007 to amend Chapter 3: Building Regulations and Ch. 13: Flood Hazard Protection Ordinance. Chapters 3 and 13 did not require the item to be heard by the Planning and Zoning Commission.

The Drainage Guidelines, like the other Water, Sanitary, Street Guidelines contained within the Bryan/College Station Unified Design Guidelines are engineering and construction guidance utilized by both the Cities of College Station and Bryan as the name implies in an effort to standardize and update the development, design, construction, and maintenance for both the development community and both of the cities. The Drainage Guidelines, also like the other Water, Sewer, and Street counterparts, was created as a result of numerous meetings and input from private engineers, developers, and both cities, over approximately a two year period.

This ordinance amendment would replace the Drainage Policy and Design Standards which was originally enacted in 1987 and has been largely unaltered.

**Budget & Financial Summary:** N/A

**Attachments:**

1. Ordinance

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE", OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

PART 1: That Chapter 12, "UNIFIED DEVELOPMENT ORDINANCE", of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibits "A" through "D", attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its date of passage by the City Council, as provided by Section 35 of the Charter of the City of College Station.

PASSED, ADOPTED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

APPROVED:

\_\_\_\_\_  
RON SILVIA, Mayor

ATTEST:

\_\_\_\_\_  
Connie Hooks, City Secretary

APPROVED:



\_\_\_\_\_  
City Attorney

Ordinance No. \_\_\_\_\_

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**EXHIBIT “A”**

That Chapter 12, “UNIFIED DEVELOPMENT ORDINANCE”, Article 2. Development Review Bodies, Section 2.7 Development Engineer, of the Code of Ordinances of the City of College Station, Texas, is hereby amended, by amending Sub-section C. Powers and Duties as set out hereafter to read as follows:

**C. Powers and Duties**

The Development Engineer has the following powers and duties in regard to engineering requirements and flood hazard protection:

1. Review and approve, approve with conditions, or deny driveway applications;
2. Maintain and hold open for public inspection all records pertaining to the provisions of the flood hazard protection regulations;
3. Review and approve, approve with conditions, or deny all applications for development permits;
4. Assure that adequate inspection of construction permitted under the terms and provisions of this UDO are carried out in accordance with the permitted plan;
5. Maintain, update, and provide to interested parties at a reasonable cost the Bryan/College Station Unified Design Guidelines, Technical Specifications and Standard Details;
6. Assure that adequate maintenance of drainage pathways, including altered or relocated waterways, is provided such that capacity for carrying stormwater flows is maintained;
7. Provide interpretation, where required, of boundaries of Areas of Special Flood Hazard, location of floodway, and water surface elevations, when disputes arise during review;
8. Provide information to the Zoning Board of Adjustment, Municipal Court, or City Council, as applicable on all variance requests, administrative appeals, enforcement actions, and proposed amendments to the Bryan/College Station Unified Design Guidelines, Technical Specifications and Standard Details as required;
9. Review and utilize any acceptable new flood study data in accordance with the Bryan/College Station Unified Design Guidelines, Technical Specifications and Standard Details;
10. Notify adjacent communities and the Texas Commission on Environmental Quality (TCEQ), prior to any alteration or relocation of a watercourse, and submit evidence of notification to the Federal Insurance Administration;
11. Review and make recommendations to the City Council concerning Development Agreements;
12. Interpret the terms and provisions of Section 7.8, Drainage and Stormwater Management, as required, as they apply to each project, in accordance with the stated purpose of that Section;
13. Review permits for proposed development to ensure that all necessary permits have been obtained from those Federal, State, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required; and
14. Review and approve or deny alternative materials or standards for site construction.

## **EXHIBIT “B”**

That Chapter 12, “UNIFIED DEVELOPMENT ORDINANCE”, Article 3. Development Review Procedures, Section 3.8 Development Permit, of the Code of Ordinances of the City of College Station, Texas, is hereby amended, by amending Sub-section A. Applicability as set out hereafter to read as follows:

### **A. Applicability**

A development permit shall be required prior to any development, as defined in Article 11, Definitions, to ensure conformance to the provisions and requirements of this UDO. The following uses are exempt from the permitting requirements of this Section, but shall otherwise meet all of the requirements of this UDO and the Bryan/College Station Unified Design Guidelines, Technical Specifications and Standard Details and Section 7.8 Drainage and Stormwater Management:

Customary and incidental grounds maintenance, landscaping, and gardening.

1. Drainage-related improvements or modifications by a homeowner on property used as their principal residence where that property lies outside of the designated Area of Special Flood Hazard.
2. Uses by a landowner of their property for bona fide agricultural purposes.

ORDINANCE NO. \_\_\_\_\_

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**EXHIBIT “C”**

That Chapter 12, “UNIFIED DEVELOPMENT ORDINANCE”, Article 11. Definitions, Section 11.2 Defined Terms, of the Code of Ordinances of the City of College Station, Texas, is hereby amended, by amending the definition “Drainage Facility” as set out hereafter to read as follows:

**Drainage Facility:** Any element necessary to convey stormwater flows from its initial contact with earth to its disposition in an existing watercourse; said drainage facilities shall consist of both public and private storm sewers (closed conduits), streets, improved channels constructed in conformity with the Bryan/College Station Unified Design Guidelines, Technical Specifications and Standard Details, unimproved drainageways left in their natural condition, areas covered by drainage easements for the purpose of providing concentrated or overland sheet flow, and all appurtenances to the foregoing, including inlets, manholes, junction boxes, headwalls, energy dissipaters, culverts, etc.

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**EXHIBIT “D”**

That Chapter 12, “UNIFIED DEVELOPMENT ORDINANCE”, Article 11. Definitions, Section 11.2 Defined Terms, of the Code of Ordinances of the City of College Station, Texas, is hereby amended, by amending the definition “Drainage System, Primary” as set out hereafter to read as follows:

**Drainage System, Primary:** The system of natural watercourses, improved or channelized watercourses; and all closed conduits, culverts, bridges, detention facilities, and retention facilities associated with the watercourses; all of which are shown or indicated in the Bryan/College Station Design Guidelines, Technical Specifications, and Standard Details.

**January 25, 2007  
Regular Agenda  
Outside Agency Funding Policy**

**To:** Glenn Brown, City Manager

**From:** Terry L. Childers, Deputy City Manager

**Agenda Caption:** Presentation, possible action, and discussion regarding Outside Agency Funding Policy.

**Recommendation(s):** The staff recommends adoption of the proposed policy.

**Summary:** The Council reviewed the proposed Outside Agency Funding Policy at their November 9, 2006 Council meeting. In summary the proposed policy contains the following provisions:

- Recommends Contract Partner Agencies who provide economic development, tourism development and marketing, and coordination of cultural arts activities.
- Agency programs will be funded. This means that funds must be used for a specific program and not for general operations.
- Requires agencies to request funds from other governmental agencies including the City of Bryan and Brazos County.
- Requires agencies to demonstrate sustainability beyond a 3 year City funding period.
- Funding will be provided from one source of funding only.
- All applications except CDBG and Contract Partners will be presented to the Council appointed Outside Agency Review Committee.

The Council requested the staff to take two actions prior to bringing the policy back for Council consideration.

- 1) Provide the proposed policy to outside agencies for review and comment; and
- 2) Survey other Texas cities to ascertain comparative levels of funding.

**Comments from Outside Agencies**

The proposed policy was mailed to seventeen agencies with five agencies providing responses. Most of the comments centered around agency concerns with the funding period limitations and the need to demonstrate City funding be used to serve primarily College Station residents. One comment expressed support for the proposed policy.

**Texas Cities Survey**

A survey of twenty eight Texas cities was conducted. Four cities do not fund outside agencies. Six cities do not fund outside agencies with general fund dollars but do fund agencies with Hotel-Motel Tax or Community Development Block Grant funds. Eighteen communities fund outside agencies with General Fund dollars.

A more detailed discussion of agency comments and survey results are attached to this coversheet.

The Council appointed Outside Agency Funding Review Committee recommends approval of the proposed policy.

### **Changes and Modifications to Policy**

- A section regarding agencies to be included in departmental budgets was added to Section 2.00 under Contract Partners. This additional language allows certain agencies to be funded in City departmental budgets. The agencies in this category are: Keep Brazos Beautiful, Veterans Memorial, and the Noon Lions Club 4<sup>th</sup> of July Fireworks.
- The Hotel Occupancy Tax collected by the City that is available for distribution by the Outside Agency Funding Review Committee (OAFRC) was set at 1% of the Hotel Tax available. This change was made to commit a specific dollar amount for agencies applying for funding from the Hotel Tax fund through the Outside Agency process. The policy mandates that the OAFRC be given a specific budget. Setting the amount at 1% was a clean-up measure to make sure that a set amount was established to provide a budget to the OAFRC.

No changes were made to the amount established for arts and culture (15%) or the amount established for convention visitor, marketing, and tourism development (45%).

- A section was added providing for Historic Preservation and Museums to apply for funding through the Outside Agency process. Historic Preservation programs and museums were not previously addressed in the policy. These groups would most likely be requesting the 1% of HOT funds made available in the change mentioned above. It is stipulated that historic preservation or museum programs applying for funding from the HOT funds not duplicate efforts funded by the City or conducted by the City.
- Grammar and punctuation adjustments were also made to the document.

**Budget & Financial Summary:** There is no immediate budgetary and financial impact to this policy.

### **Attachments:**

Proposed Outside Agency Funding Policy  
Outside Agency Funding Information  
Council Resolution



CITY OF COLLEGE STATION

## **Outside Agency Funding Policy**

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## Introduction

This proposed policy presents a comprehensive policy statement by the College Station City Council in connection with funding for Outside Agencies and programs. The proposed policy replaces all previous policies adopted by the Council except as specifically noted within this policy statement. The proposed policy has been divided into five (5) Sections.

**Section 1 – General Policy Statement.** This Section describes the scope of the Outside Agency policy, Policy Objectives, Definition of terms used in the policy, and types of Agencies addressed in the policy.

**Section 2 – Contract Partner Agencies.** This Section deals with specific agencies that provide services to the City of College Station. Because of the magnitude of the funding and the unique nature of the services provided by the Contract Partner Agencies, they are treated on a separate policy basis from other Outside Service Agencies.

**Section – 3 Outside Service Agencies.** This section addresses Outside Service Agencies funded by the City of College Station from city sources other than Community Development Block Grant Funds.

**Section – 4 CDBG Public Service Agencies.** This section addresses Outside Public Service Agencies funded by CDBG funds through the Joint Relief Funding Review process between the City of College Station and the City of Bryan.

**Section – 5 Outside Agency Review Process.** This final section describes the review process for Outside Agency funding.



## **Section 1 – Policy Statement**

This Section describes the scope of the Outside Agency Policy, Policy Objectives, Definition of terms used in the policy, and types of Agencies addressed in the policy.

## 1.00 Policy Statement

It is the policy of the City of College Station, as adopted by its City Council, to provide funding in the form of grants to Community organizations and agencies that provide specific services and programs that support at least one of the following service objectives of the City:

- 1) Provides a vital social service that is not duplicated by other organizations in the community or region.
- 2) Provides a needed cultural or arts amenity to the community that is not duplicated in the community or region.
- 3) Provides the City government with a specific economic development or tourism benefit that is consistent with the Council adopted Strategic Plan.
- 4) Provides a unique service or program that is better delivered by a Community organization rather than City government itself.

This policy applies to any Community organization, agency, program, or activity that operates as a non profit organization and requests a grant of funds from the City of College Station to deliver the program, service, or activity to College Station citizens.

## 1.01 Policy Objectives

Community organizations enrich College Station as a community and assist the City government in achieving its mission ... *On behalf of the citizens of College Station, home of Texas A&M University, we will continue to promote and advance the community's quality of life.* Providing public funding to community organizations require the achievement of public purposes through the statement of fair and equitable policies.

The use of public money must meet clearly defined standards as mandated by the Texas Constitution, state statutes, and federal regulations. Those standards demand public funds be spent for public purposes and not for private benefit. This policy establishes a clear standard to provide grants to various Community organizations that provide a public purpose by delivering programs and activities to the citizens of College Station.

This policy has three (3) objectives:

1. To provide a comprehensive statement of policy for funding Community organizations.
2. To provide specific guidance to Community organizations to evaluate their eligibility to receive public funds from the City of College Station.

3. To establish clear guidelines and procedures to be administered by the City Manager and the City Council appointed review body to evaluate requests for funding from Community organizations.

### **1.02 Public Purpose Test**

The Texas Constitution, state statutes, and federal regulations establish clear standards for the use of public money. The standards require cities to spend taxpayer money for public purposes and prohibit the use of public money for private purposes. The application of this mandate, for the purposes of this policy, will be accomplished on the basis that the City will fund those agencies and programs that fully meet the requirements of this policy. Every agency must serve a public purpose by delivering services that the City government could provide itself but chooses to deliver the services through a non-profit entity.

### **1.03 Definitions**

For the purposes of this policy, the following definitions will apply.

*Program.* Refers to the smallest subpart of an organization or entity.

*Capacity Building.* Systematic efforts by an organization to develop organizational capabilities to raise funds, build leadership and stewardship capacity, and increase service impacts.

*General and Administrative expenses.* Cost of goods and services designed to pay for administrative services, management or general agency costs not directly attributable to the delivery of services to clients.

*Community Impact Statement.* Compilation of data required by this policy that clearly demonstrates the number of College Station citizens benefiting from the program being considered for funding by the City of College Station.

*Sustainability.* The ability of the program being considered for funding to be sustained after City funding has been exhausted.

### **1.04 Enforcement and Implementation**

The City Manager will ensure this policy is equitably administered. Each agency that receives City funding will be provided a copy of this policy and the necessary guidelines developed to fully implement this policy.

### **1.05 Amendments and Changes**

This policy may be amended by resolution of the City Council.



## **Section – 2 Contract Partner Agencies**

**This Section deals with specific agencies that provide services to the City of College Station. Because of the magnitude of the funding and the unique nature of the services provided by the Contract Partner Agencies, they are treated on a separate policy basis than other Outside Service Agencies.**

## 2.00 Contract Partner Agencies

The City of College Station recognizes there are Community organizations that provide unique services to the City through providing economic development, tourist development, marketing, and coordination of cultural arts activities to College Station citizens. Contract Partner Agencies will be required to follow a distinct and separate annual funding process from all other agencies covered by this policy.

Agencies that fit the Contract Partner Agencies category are as follows:

- Research Valley Partnership (Economic Development)
- Convention and Visitors Bureau (Tourism Development and Marketing)
- Arts Council of Brazos Valley (Arts and Culture )

The City of College Station also recognizes there are agencies providing programs that directly support City departmental activities. Funding for these agencies will be included in the proposed departmental budgets at the discretion of the City Manager. City Council will determine funding levels for these agencies as part of the departmental budget review process. Agencies funded in departmental budgets will conform to the same requirements of the Contract Partner agencies.

## 2.01 Contract Partner Agencies Funding Process

Contract Partner Agencies will use the following procedures for annual funding requests:

- a) Submit budget requests to the City Manager by the deadline and in the format established by the City Manager.
- b) Budget requests beyond base budget amounts will be submitted as service level adjustments to the City Manager for review and recommendation.
- c) Agency funding requests will be reviewed during the departmental budget review process and submitted to City Council at the same time all departmental requests are submitted.
- d) The City Manager will provide recommendations on each request from Contract Partner Agencies.
- e) City Council will approve funding levels for each Contract Partner Agency.

## 2.02 Contract Partner Agencies Contracts

Contracts will be required for all Contract Partner Agencies who are allocated funds by the City Council. Contracts will be approved by the City Attorney and submitted to City Council for final approval.



### **2.03 Reports and Monitoring**

Quarterly Reports will be required of all Contract Partner Agencies. Quarterly Reports will include quarterly financial statements that describe specifically how the funds from the City of College Station are being utilized, a narrative of program activities for the organization, and service levels and performance measures for each organization. The City will monitor Contract Partner Agencies to ensure City funds are used in compliance with contract language and to achieve public purposes.

- a. Continued funding is contingent on the timely submission of required Quarterly Reports.
- b. Organizations that receive funds from the Hotel Occupancy Tax Fund will meet the requirements of this section and all of the requirements listed in the state law regarding the proper reporting and accounting of Hotel Occupancy Tax funds.
- c. An annual report will be prepared by all Contract Partner Agencies for City Council review as a part of the budget review process.



## **Section 3 – Outside Service Agencies (Non CDBG)**

This section addresses Outside Service Agencies funded by the City of College Station from city sources other than Community Development Block Grant (CDBG) Funds.

### **3.00 Outside Service Agencies (non CDBG)**

All agencies, except agencies funded as part of a City departmental budget, Contract Partner Agencies and CDBG eligible Public Service programs, requesting program funding will be required to follow the Outside Service Agency funding requirements established by this Section of the Outside Agency Funding Policy.

Outside Service Agencies fall in four (4) categories:

- Outside Social Service Agencies (non CDBG eligible)
- Tourism Development and Marketing Agencies
- Arts and Culture Agencies
- Historic Preservation and Museums

#### **3.01 General Eligibility Criteria for Outside Service Agencies (non CDBG)**

Outside Service Agencies must meet the following criteria and standards to be eligible for funding.

##### **3.01.1 Program Based Funding**

The City will fund Agency programs only. An agency must demonstrate a program serves a public purpose and the program has a positive community impact with the funds provided by the City.

##### **3.01.2 Funding Request to Other Public Entities**

Agencies are required to request and document in the application similar funding requests to the City of Bryan and Brazos County, if their primary mission serves Brazos County. When an agency also serves the Brazos Valley region, they must request and document similar funding request from other regional entities.

##### **3.01.3 Sustainability Test**

An Outside Service Agency must be able to clearly demonstrate the ability to sustain the program being submitted for funding beyond the three (3) year City funding period. The City of College Station does not desire to fund programs that will only survive as long as City funding is available. Applicants must submit full documentation and plans demonstrating the program can be sustained beyond the three (3) year funding period.

##### **3.01.4 Unified Pre-Application Workshop**

Outside Service Agencies must participate in a City sponsored Unified Pre-Application workshop to be eligible to submit an application for funding. During the required Unified Pre-Application Workshop, Outside Social Service Agencies will determine if their programs(s) qualify for CDBG funding. Technical assistance will be provided during the Unified Pre-Application Workshop to assist agencies to qualify for CDBG funding. The Unified Pre-Application workshop will provide at minimum the following elements:

- a. Distribution and discussion of the Council adopted policy on Outside Agency funding.
- b. Discussion of eligibility requirements for funding.
- c. Distribution of application form and required submittals with the application.
- d. Presentation of application timetables and schedules.
- e. Explanation of evaluation criteria and review process for applications.
- f. Response to specific questions from potential applicants.

### **3.01.5 Single Source Funding Application**

City funding will be provided from one source only. No Outside Service Agency will be permitted to submit an application for City funding from more than one source of funds during a funding cycle. Programs eligible to receive CDBG funding may not apply for other City funding in addition to or in lieu of non-CDBG funding. Applicants are required to attend the Unified Pre-application workshop to assist them in the selection of the best single source of funds.

City funding is limited by statutes and regulations for specific purposes. City sources of funding to be granted to Outside Service Agencies are as follows:

- Hotel Occupancy Tax can be used for tourism development, arts, historic preservation, activities encouraging tourists to visit historic sites or museums, and event marketing.
- General Fund may be used for programs and activities that meet the public purpose test for the expenditure of public funds.

### **3.01.6 Grant Applications**

All applications for grants from the City must be in writing using the prescribed format and schedule established by the City Manager. Grant applications will contain the following elements:

- a. The Applicant must clearly demonstrate how the program meets the mission, vision, and values of the City of College Station.
- b. The Applicant must demonstrate the program meets the Public Purpose Test for the expenditure of public funds.
- c. The Applicant must clearly demonstrate positive community impacts by submitting a Community Impact Statement.

- d. The Applicant must demonstrate capability to generate necessary funds to sustain operations outside the grant funding requested from the City.
- e. The Applicant must be able to demonstrate a 3 year past history and current request for funding from the City of Bryan and Brazos County, if the grant request is represented to serve Brazos County.
- f. Grants to Agencies will be awarded on a program basis. The applicant must demonstrate the program delivers a specified service or activity that can be segmented and measured for results.
- g. Grant applications must be submitted in writing using the application form and format established by the City Manager. All applications must be submitted in hard copy at the location designated by the City Manager to receive grant applications. Grant applications will not be accepted via electronic transmission.
- h. Applications must be submitted by the deadline date established by the City Manager. Applications must be complete in all respects upon submittal. Incomplete or late applications will be returned and denied processing for the grant period for which they are submitted.
- i. Grant applications will be accepted for the upcoming funding cycle only. The City will not accept grant applications for any future funding period.

### 3.01.7 Funding Period

The City of College Station provides an initial grant for a one-year period. Outside Service Agencies will receive funds for a single program for no more than three (3) years on a declining funding bases. The City of College Station is not obligated to fund a program that is approved for three consecutive years. Agencies must apply for program funding each year.

b. Year 1	100% of initial funding
c. Year 2	50% of initial funding
d. Year 3	25% of initial funding

Once an Outside Service Agency has exhausted program funding eligibility, the agency may apply for funding of a different program. In no event will multiple programs or activities be funded from the same agency during the same funding year.

### 3.01.8 Hotel Occupancy Tax Funds Limitation

The use of Hotel Occupancy Tax funds is restricted by state statutes and the priority needs of the City of College Station. Hotel Occupancy Tax funds will be limited as follows:

- a. In no event will more than 45% of Hotel Occupancy Tax funds collected by the City of College Station be used to fund convention visitor, marketing, and tourism development activities.
- b. In no event, will more than 15% of Hotel Occupancy Tax funds collected by the City of College Station be used for cultural arts programs in compliance with State statutes.
- c. In no event will more than 1% of Hotel Occupancy Tax funds collected by the City of College Station be used to fund historical restoration and preservation projects or activities or advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums.
- d. The balance of the Hotel Occupancy Tax funds collected by the City of College Station will be dedicated to other eligible expenses, including the development of the College Station Convention Center and Hotel.

### **3.02 Outside Social Service Agencies (non-CDBG eligible)**

Outside Social Service Agencies that are not eligible for CDBG funding may submit an application for City funding if the Outside Social Service Agency meets the following criteria:

- a. The program must provide an essential service, serve a public purpose, and be the only program providing such services in the College Station.
- b. Requests for funding ongoing administrative costs will not be considered. Funding will only be considered for program specific or capacity building activities.
- c. Social service programs may only be granted funding from the City of College Station for a maximum of three (3) years beginning in FY08 through the Outside Agency process.
- d. The program must meet the Sustainability Test as required by this policy.
- e. Clients served by a program must be primarily located in the College Station. Client intake forms or proof of clientele will be required.
- f. No more than 25% of a program's budget may be used for general and administrative expenses. At least 75% of the Program's budget must be dedicated to program specific activity.

### **3.03 Tourism Development and Marketing Agencies**

It is recognized that various community organizations provide excellent tourism development and marketing programs beyond the comprehensive Bryan-College Station Convention and Visitors Bureau (CVB) programs. As such, the City will consider applications from Agencies that desire program funding for tourism development and marketing community events and activities consistent with the statutory requirements for the use of Hotel Occupancy Tax funds.

Tourism Development and Marketing Agencies may submit an application for Hotel Occupancy Tax funding if the Agency meets the following criteria:

- a. The program must provide a tourism development and marketing program consistent with State statutes and not duplicated by the CVB programs.
- b. Requests for funding of ongoing general and administrative costs will not be considered. Funding will only be considered for program or capacity building activities.
- c. Tourism development and marketing programs may only be granted funding from the City of College Station for a maximum of three (3) years beginning in FY08 through the Outside Agency process.
- d. The program must primarily serve the College Station community. Programs that are regional in focus will not be funded since they are likely to duplicate CVB programs and activities.
- e. The program must meet the Sustainability Test as required by this policy.
- f. No more than 25% of a program's budget may be used for general and administrative expenses. At least 75% of the Program's budget must be dedicated to program specific activity.

### **3.04 Arts and Culture Agencies**

Arts and Culture programming is vital to the College Station community. While the City of College Station provides funding through ACBV to support arts and culture coordination activities, funding will be considered for Arts and Culture Agencies that do not qualify or participate in the Arts Council Affiliate program. Funding for agencies that are not participants in ACBV funding will be administered using the criteria set forth in this policy. If an agency receives funds as an Arts Council Affiliate, they will not be eligible to receive funds from any other City source of funds.

#### **3.04.1 Cultural Arts Agencies (Non ACBV Affiliates) Funding Criteria**

- a. The program must provide a cultural arts program consistent with State statutes regulating the use of Hotel Occupancy Tax funds and not duplicate programs funded through ACBV.
- b. Requests for funding of ongoing general and administrative costs will not be considered. Funding will only be considered for program specific activities.
- c. Cultural Arts programs may only be granted funding from the City of College Station for a maximum of three (3) years beginning in FY08 through the Outside Agency process.
- d. The program must meet the Sustainability Test as required by this policy.
- e. The program must primarily serve the College Station community. Programs that are regional in focus will not be funded as they are likely to duplicate ACBV programs and activities.
- f. No more than 25% of a program's budget may be used for general and administrative expenses. At least 75% of the Program's budget must be dedicated to program specific activity.

### 3.05 Historic Preservation Projects and Museums

It is recognized that various community organizations provide excellent historic preservation and museum programs. As such, the City will consider applications from Agencies who desire program funding for historic preservation or activities encouraging tourists to visit preserved historic sites or museums consistent with the statutory requirements for the use of Hotel Occupancy Tax funds.

Historic preservation agencies and museums may submit an application for program funding from the Hotel Occupancy Tax if the Agency meets the following criteria:

- g. The program must provide programs or activities encouraging historical restoration, preservation, or tourists to visit preserved historic sites or museums consistent with State statutes and not duplicated by City programs or other City funded agencies.
- h. Requests for funding of ongoing general and administrative costs will not be considered. Funding will only be considered for program or capacity building activities.
- i. Historic Preservation projects and Museums may only be granted funding from the City of College Station for a maximum of three (3) years beginning in FY08 through the Outside Agency process.
- j. The program must primarily serve the College Station community.
- k. The program must meet the Sustainability Test as required by this policy.
- l. No more than 25% of a program's budget may be used for general and administrative expenses. At least 75% of the Program's budget must be dedicated to program specific activity.



## **Section 4 – CDBG / Joint Relief Funding Review**

This section addresses Outside Public Service Agencies funded with CDBG funds through the Joint Relief Funding Review process between the City of College Station and the City of Bryan.

#### **4.00 CDBG Funded Agencies**

Agencies may qualify for CDBG funding based on criteria and guidelines established by the US Department of Housing and Urban Development (HUD) and the Joint Relief Funding Review guidelines established by the cities of College Station and Bryan. Programs who qualify for Public Service funding under CDBG guidelines may not apply for City of College Station funding.

#### **4.01 CDBG / Joint Relief Funding Review Criteria**

The following criteria will be used to determine if a program is eligible for CDBG funding:

- a. The program must be located within the City limits of Bryan or College Station;
- b. The program or agency must have a non-profit status;
- c. The program must serve and be able to document that a minimum of 51 percent of the requested funded program's clientele is at or below 80 percent of the median income for Bryan/College Station (as defined by HUD);
- d. The program must provide evidence of ability to understand and comply with all applicable city, state, and federal regulations.

#### **4.02 CDBG Joint Relief Funding Review Process**

Agencies who have qualified programs for consideration of CDBG funding will participate in the Joint Relief Funding Review (JRFR) process.

The cities of College Station and Bryan have established a policy that requires all programs submitting proposals for CDBG funds must participate in the Joint Relief Funding Review (JRFR) Process. By reference, this policy adopts the JRFR policies as amended February 23, 2006 and requires all agencies seeking CDBG funds to participate in the JRFR process.



## **Section 5 – Outside Agency Funding Review Process**

This final section describes the review process for Outside Agency funding.

## **5.00 Outside Agency Funding Review Process**

All applications for public funding, except as exempted by this policy, will be presented to the Council appointed Outside Agency Funding Review Committee. The Committee Chair, in coordination with the City Manager, will establish the review schedule for all completed applications to conduct public meetings for the purpose of preparing recommendations for funding to the City Council.

## **5.01 Outside Agency Funding Review Committee Evaluation Criteria**

The Council appointed Outside Agency Funding Review Committee (OAFRC) will use the following criteria to evaluate applications coming before the Committee.

- a. The public purpose to be served by the program proposed for funding. Each program funded by the City of College Station must meet the purpose test established in this policy.
- b. Community impact. The program must have a substantive impact on the College Station community consistent with the mission and priorities established by the City Council.
- c. Compliance with requirements of the Outside Agency Funding Policy. The Committee will consider both the completeness and timeliness of the application in adherence to the requirements of this policy.
- d. Essential Service. The program must provide an essential service, serve a public purpose, and is the only program providing such services in the College Station.
- e. Sustainability Test. The Agency must demonstrate sufficient plans and capabilities to continue the program after City funding has expired. Programs that fail to meet the Sustainability Test will not be funded.
- f. Availability of funds. The Committee will be provided each year the total funding available to be allocated to Outside Service Agencies. The Committee will allocate funds to programs that are determined to best serve the public interest and are consistent with this policy.

## **5.02 Outside Agency Funding Review Committee Recommendations**

The Outside Agency Funding Review Committee (OAFRC) will prepare recommendations for City Council that identify programs recommended for funding and funding amounts recommended. The OAFRC will also provide the City Council a written narrative that explains its rationale for its recommendations.

## **5.03 Funding Outside Agency Requests**

The City Manager is required by Charter to develop an annual budget that estimates the revenues and expenses for College Station city government. The City Manager will prepare an estimate of available funding to support the Council's Outside Agency Funding Policy. The City



Council and Outside Agency Funding Review Committee will be provided the available funding estimate in writing together with the total dollar request from Outside Agencies.

#### **5.04 Funding Sources**

The City Manager will have the following sources of funds to fund the Council's Outside Agency Funding Policy.

- Community Development Block Grant Funds limited to 15% of the total funds as required by HUD regulations.
- Hotel Occupancy Tax Funds limited by statutory restrictions and funds required for the City's planned Convention Center and Hotel. No more than 45% of Hotel Occupancy Tax funds collected by the City of College Station will be used to fund convention visitor, marketing, and tourism development. No more than 15% of the Hotel Occupancy Tax funds collected by the City of College Station will be used for cultural arts programs in compliance with State statutes. No more than 1% of Hotel Occupancy Tax funds collected by the City of College Station will be used for historic preservation or activities encouraging tourists to visit preserved historic sites or museums.
- General Fund limited to 0.5% of General Fund revenues less Return on Investment dollars remitted to General Fund.
- The total funds allocated from the General Fund to fund Outside Service Agencies will not exceed 85% of the available funds. The balance of these funds (15%) will be available for use by the City Council to support Council corporate sponsorship activities.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING OUTSIDE AGENCY FUNDING POLICY.

WHEREAS, the City Council of the City of College Station, Texas, provides funding in the form of grants to Community organizations and agencies that provide specific services and programs which support public purposes; and

WHEREAS, the use of public money must meet clearly defined standards as mandated by the Texas Constitution, state statutes, and federal regulations; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

PART 1: That the City Council hereby approves the Outside Agency Funding Policy attached hereto as Exhibit "A" and incorporated herein by reference for all purposes.

PART 2: That this resolution shall take effect immediately from and after its passage.

ADOPTED this 8<sup>th</sup> day of February, A.D. 2007.

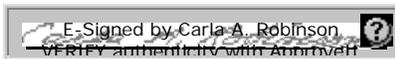
ATTEST:

APPROVED:

\_\_\_\_\_  
CONNIE HOOKS, City Secretary

\_\_\_\_\_  
RON SILVIA, Mayor

APPROVED:



\_\_\_\_\_  
City Attorney



CITY OF COLLEGE STATION  
OFFICE OF BUDGET & STRATEGIC PLANNING

**MEMORANDUM**

**To:** Terry Childers, Deputy City Manager  
Jeff Kersten, Chief Financial Officer

**From:** Bryan Guinn and Courtney Kennedy, Budget & Management Analysts

**Subject:** Outside Agency Funding Information

**Date:** January 19, 2007

At the November 9, 2006 Council meeting, Council directed staff to assess how other Texas cities handle outside agency funding, and to solicit comments to the proposed outside agency funding policy from agencies currently receiving funding from the City. This memo is prepared in response to that request.

Survey Responses

The Office of Budget and Strategic Planning conducted a telephone survey of other Texas cities to assess how these cities address certain aspects of outside agency funding. The survey was intended to address the following areas:

- § whether or not the City funds outside agencies
- § whether or not the City funds outside agencies out of the General Fund
- § if the City funds outside agencies out of the General Fund, whether or not the City limits the amount of General Funds available to the outside agencies
- § if the City funds outside agencies out of the General Fund, whether or not the City limits the number of years the outside agency can apply for the funding
- § whether or not the agency has a formal outside agency funding policy

Responses were collected from twenty-eight cities. Below is a synopsis of the results of this survey. A complete matrix of survey responses is included on the last page of this memo.

Cities That Do Not Fund Outside Agencies

The Cities of Allen, Friendswood, Frisco and North Richland Hills do not fund outside agencies.

Cities That Do Not Fund Outside Agencies out of the General Fund

The following agencies do fund outside agencies, but do not fund these agencies out of the General Fund: Grand Prairie, Irving, Mesquite, Missouri City, Pearland and Sugar Land. These Cities fund agencies out of the Hotel Tax Fund and/or using CDBG funds.

Cities That Fund Outside Agencies out of the General Fund

The following cities fund outside agencies out of the General Fund. These cities do not limit the amount of General Funds that can be budgeted for outside agencies nor do they limit as to the number of years an agency can be funded. These cities do not have formal outside agency policies:

Addison (\$107,000); Brenham (\$23,851); Bryan (\$111,500); Coppell (\$93,545); Denton (\$101,234); Killeen (\$1,928,302); McKinney (\$250,000); San Marcos (\$405,500); Temple (\$385,490); Tyler (\$186,000); Victoria (\$139,000); Waco (\$3,736,010).

Town of Addison: \$107,000

The Town of Addison does fund outside agencies out of the General Fund. Approximately \$107,000 is budgeted in FY07 for outside agencies. There is no limit on the amount of General Funds that can be allocated for outside agencies, and no limit as to the number of years an agency can be funded. Applications are evaluated on an annual basis and the level of funding has remained consistent over the last several years. The Town of Addison does not have a formal outside agency funding policy.

City of Brenham: \$23,851

The City of Brenham does fund outside agencies out of the General Fund. In FY07, \$23,851 is budgeted in the General Fund for outside agencies. There is no limit as to the amount of General Funds that can be budgeted for outside agencies. This is evaluated on an annual basis and the amount of funding has stayed consistent for the last several years. There is also no limit as to the number of years an agency can be funded. The City of Brenham does not have a formal outside agency funding policy. Some of the agencies funded from the City of Brenham's General Fund include the Boys and Girls Club, Brazos Valley MHMR, and Hospice. Washington on the Brazos and the Brenham Heritage Museum are funded out of their Hotel Tax funds.

City of Bryan: \$111,500

The City of Bryan does fund outside agencies out of the General Fund. In FY07, \$111,500 is budgeted in the General Fund for outside agencies. There is no limit as to the amount of General Funds that can be budgeted for outside agencies. This is evaluated on an annual basis and the amount of funding has stayed consistent for the last several years. There is also no limit as to the number of years an agency can be funded. The City of Bryan does not have a formal outside agency funding policy. The following is the list of agencies funded by the City of Bryan from the General Fund and the amount funded:

Boys & Girls Club	\$25,000
Children's Museum	\$25,000
Brazos Valley Veterans Memorial	\$25,000
Brazos Valley Symphony (July 4th)	\$10,000
Dispute Resolution	\$8,500
Brazos Valley Museum	\$5,000
B/CS Boxing Club	\$5,000
Brazos Senior Citizens Assoc	\$5,000
Bryan High Project Graduation	\$3,000

City of Coppell: \$93,545

The City of Coppell does fund outside agencies out of the General Fund. In FY07, \$93,545 is budgeted in the General Fund for outside agencies. There is no limit as to the amount of General Funds that can be budgeted for outside agencies. Agencies are required to submit requests in writing to the City of Coppell, and presentations to Council are then made by the agencies during a budget workshop. There is also no limit as to the number of years an agency can be funded. The City of Coppell does not have a formal outside agency funding policy. Outside Agencies funded by the City of Coppell include Senior Adult Services, Children's Advocacy Center for Denton County, Metrocrest Family Medical Center, Youth Advisory Council, and the Ballet Ensemble of Texas.

City of Denton: \$101,234

The City of Denton does fund outside agencies out of the General Fund. Approximately \$101,234 is budgeted in FY07 for outside agencies. There is no limit on the amount of General Funds that can be allocated for outside agencies, and no limit as to the number of years an agency can be funded.

Applications are evaluated on an annual basis by Council. The City of Denton does not have a formal outside agency funding policy.

City of Killeen: \$1,928,302

The City of Killeen does fund outside agencies out of the General Fund. In FY07, \$1,928,302 is budgeted in the General Fund for outside agencies. There is no limit as to the amount of General Funds that can be budgeted for outside agencies. This is evaluated on an annual basis and is dependent upon available resources and priorities. There is also no limit as to the number of years an agency can be funded. Agency applications are reviewed by the Budget Office as part of the budget process, with the final level of approval determined by Council. The City of Killeen does not have a formal outside agency funding policy. The agencies funded via the General Fund in Killeen are: Bell County Communications for emergency and 911 services, Killeen Chamber of Commerce, Killeen Economic Development Corporation, Killeen Sister Cities, Killeen Volunteers, Hill Country Transit, Bell County Public Health District, Killeen Area Heritage Association, Bell County Tax Appraisal District, Clements Boys and Girls Club, and the USO.

City of McKinney: \$250,000

The City of McKinney does fund outside agencies out of the General Fund. In FY07, \$250,000 is budgeted in the General Fund for outside agencies. There is no limit as to the amount of General Funds that can be budgeted for outside agencies. In the past, the amount was capped at \$150,000, but has since increased. FY07 is the first year of the implementation of a formal application process. Agency applications are reviewed by a seven-member Council appointed Community Grants Advisory Board. This Board also reviews CDBG grant applications. The Board makes funding recommendations to Council. The City of McKinney does not have a formal outside agency funding policy.

City of San Marcos: \$405,500

The City of San Marcos does fund outside agencies out of the General Fund. Approximately \$405,500 is budgeted in FY07 for outside agencies. There is no limit on the amount of General Funds that can be allocated for outside agencies, and no limit as to the number of years an agency can be funded. Applications are evaluated on an annual basis by Council. The City of San Marcos does not have a formal outside agency funding policy.

City of Temple: \$385,490

The City of Temple does fund outside agencies out of the General Fund. In FY07, \$385,490 is budgeted in the General Fund for outside agencies. There is no limit as to the amount of General Funds that can be budgeted for outside agencies. This is evaluated on an annual basis and is not likely to change unless there are additional resources available. There is also no limit as to the number of years an agency can be funded. The City of Temple does not have a formal outside agency funding policy. FY07 was the first year that a written application was required to be submitted by the agencies. Some of the agencies funded via the City of Temples General Fund include a youth center, the Health Department, and a small business incubator.

City of Tyler: \$186,000

The City of Tyler does fund outside agencies out of the General Fund. Approximately \$186,000 is budgeted in FY07 for outside agencies. There is no limit on the amount of General Funds that can be allocated for outside agencies, and no limit as to the number of years an agency can be funded. Applications are evaluated on an annual basis by Council, and the level of funding has remained consistent over the last several years. The City of Tyler does not have a formal outside agency funding policy.

City of Victoria: \$139,000

The only agency funded by City of Victoria out of the General Fund is the South Texas Zoo. In FY07, \$139,000 is budgeted in the General Fund for this agency. There is no limit as to the amount of General

Funds that can be budgeted for outside agencies. There is also no limit as to the number of years an agency can be funded. Agencies requesting funding would make the request to a contact point in the City and the request would be reviewed during the budget process. The City of Victoria does not currently have a formal application process or funding policy.

City of Waco: \$3,736,010

The City of Waco does fund outside agencies out of the General Fund. In FY07, \$3,736,010 is budgeted in the General Fund for outside agencies. There is no limit as to the amount of General Funds that can be budgeted for outside agencies. This is evaluated on an annual basis. There is also no limit as to the number of years an agency can be funded. However, a prior City Manager did phase out funding for some agencies in past years. Applications are sent each year to currently funded agencies, but new agencies are not actively solicited. New agencies would go directly to the City Manager who will tell them whether or not the agency will be considered. Those to be considered would submit an application and would be reviewed during the budget process. The City of Waco does not have a formal outside agency funding policy. The majority of outside agency funding in the City of Waco is comprised of Economic Development (\$1,731,336), Family Practice Health Services (\$876,298), McLennan County Appraisal District (\$568,000), Animal Shelter (\$240,814), and McLennan County Tax Collection (\$112,705).

The following cities also fund outside agencies out of the General Fund. An explanation of each is included to highlight the unique features of the program:

City of Carrollton: \$257,500

Carrollton does not limit the amount of General Funds that can be budgeted for outside agencies. Funding amounts are evaluated on an annual basis. Applications are received and reviewed by the Budget Office and recommendations as to the level of funding are made to Council. There is also no limit as to the number of years an agency can be funded. The City of Carrollton does have a formal outside agency funding policy.

Town of Flower Mound: \$136,000

Flower Mound has set a limit of one half of one percent of prior year general fund expenditures as the maximum amount that can be budgeted for outside agencies. Applications are evaluated on an annual basis, and there is no limit as to the number of times that an agency can request funding. Flower Mound does not have a formal outside agency funding policy.

City of Georgetown: \$272,000

Georgetown limits the amount of funds for outside agencies to 1% of the annual General Fund operations budget. There is no limit as to the number of years an agency can be funded. Applications are evaluated on an annual basis by Council, and the City does have a formal outside agency funding policy. Payments to the Health District and payment for City sponsored events are not included in the total amount of Outside Agency funding for the City of Georgetown.

City of Midland: 274,000

Outside agencies funded by Midland through the General Fund are classified into one of two categories: City Development Agencies and Non-Departmental Agencies. The total General Fund budget for those agencies that fall into the City Development category is limited to no more than 1% of the General Fund budget. There is no limit as to the amount of General Funds that can be budgeted for outside agencies that fall into the Non-Departmental category. There is also no limit as to the number of years an agency can be funded, but agencies are encouraged to seek other funding sources. Agencies seeking funding would submit an application and would be reviewed during the budget process. The City of Midland does not have a formal outside agency funding policy. The City of Midland includes Teen Court, Hispanic

**Chamber of Commerce, Downtown Midland, Inc., and Midland College in their General Fund Outside Agency funding.**

City of Plano: \$500,000

Plano currently allocates \$2 per resident per year for outside agency funding. Agency applications are reviewed by an eight-member Council appointed Community Relations Board. This Board also reviews the CDBG grant applications at the same time. Recommendations of the Board are presented to Council. There is no limit as to the number of years an agency can be funded. The City does have a formal outside agency funding policy.

Round Rock: \$210,000

Round Rock does not limit the amount of General Funds that can be allocated for outside agencies. There is also no limit as to the number of years an agency can be funded. The City has contracted with the United Way to manage the outside agency funding process. The United Way evaluates applications, and allocates funds based on the appropriation received from the City. The City does not have a formal outside agency funding policy.

## Comments on the Proposed Outside Agency Funding Policy

The proposed outside agency funding policy was mailed to the seventeen agencies that are currently funded, and comments from five agencies were received.

### *Comments Received in Writing*

#### Alzheimer's Association

Section 3.02 (e) of the draft Outside Agency Funding Policy is of concern to the Alzheimer's Association. This section requires that "[c]lients served by the program must be primarily located in the City of College Station. Client intake forms or proof of clientele will be required." The agency does request such information, but some clients of the program are hesitant to provide personal data. The agency does not refuse service if the client does not provide the information.

#### Arts Council of Brazos Valley

The Arts Council had comments related to the restriction on the use of funds for administrative expenses. The agency suggested that the policy allow up to 20% of the funds given to be used for administrative expenses for agencies currently proposed be restricted from using funds for administrative expenses. The agency states administrative costs incurred by agencies are unavoidable and that the use of government funds for administrative costs enables agencies to secure additional program funding via other fundraising efforts.

The Arts Council also commented on the naming of the Arts Council as a "contract partner." The Arts Council believes changing the status of the Arts Council to a "contract partner" formalizes the process that is currently in place. The agency also mentions that the preferred source of funding for the organization is Hotel Tax Funds, and recommends that the City contribute a full 15% of Hotel Tax revenues to the Arts Council, the maximum allowed by state statute.

#### The Children's Museum

The comments submitted by The Children's Museum expressed support for Council's decision on funding issues.

#### Twin City Mission

Feedback submitted by Twin City Mission requested clarification on several items, and expressed concern with several sections of the draft policy. For clarification, the agency asked whether the funding dedicated to "contract partner" agencies was a different amount than that dedicated to "outside service" agencies. The agency also requested clarification on the text in Section 3.01.5 that states "[p]rograms eligible to receive CDBG funding may not apply for other City funding in addition to or in lieu of non CDBG funding." The question raised is that if an agency is eligible for CDBG funds, but a program is not, would the program of the agency be eligible for funds as an Outside Service Agency (non CDBG).

Section 3.02 (e) was a concern of this agency as well. The agency states that although most non-profit health and human service providing agencies are located in Bryan, these agencies provide services to College Station residents.

Section 5.01 (e) of the draft Outside Agency Funding Policy states "[t]he program must demonstrate it has sufficient plans and capabilities to continue the program after City funding has expired." The agency mentions that this is a difficult requirement for nonprofit agencies because the scope of services provided by the agencies changes on a continuing basis.

*Comments Received by Telephone*

Northgate District Association

The Northgate District Association suggested that if funds from the General Fund are to be eliminated as a funding source for outside agencies, the time frame for doing so be increased to five years from three. The agency stated this would allow nonprofit groups more time to become self-sufficient.

The agency expressed interest in becoming a “contract partner” with the City. The agency envisions becoming an entity similar to the Downtown Bryan Economic Development Association (DBEDA) and receiving operating funding from the Hotel Tax Fund. There was also a comment about the need for exceptions to some policies.

Matrix of City Survey Responses

	Does City fund Outside Agencies?	Does City fund out of Gen'l Fund	If yes, how much	Is there a limit to the amount of Gen'l fund?	Is there a time limit for funding?	Does City have a formal outside agency funding policy
Addison	Yes	Yes	\$107,000	No	No	No
Allen	No	NA	NA	NA	NA	No
Brenham	Yes	Yes	\$23,851	No	No	No
Bryan	Yes	Yes	\$111,500	No	No	No
Carrollton	Yes	Yes	\$257,500	No	No	Yes
Coppell	Yes	Yes	\$93,545	No	No	No
Denton	Yes	Yes	\$101,234	No	No	No
Flower Mound	Yes	Yes	\$136,000	Yes	No	No
Friendswood	No	NA	NA	NA	NA	No
Frisco	No	NA	NA	NA	NA	No
Georgetown	Yes	Yes	\$272,000	Yes	No	Yes
Grand Prairie	Yes	No	NA	NA	No	No
Irving	Yes	No	NA	NA	No	No
Killeen	Yes	Yes	\$1,928,302	No	No	No
McKinney	Yes	Yes	\$250,000	No	No	No
Mesquite	Yes	No	NA	NA	No	No
Midland	Yes	Yes	\$274,002	*	No	No
Missouri City	Yes	No	NA	NA	No	No
North Richland Hills	No	No	NA	NA	NA	No
Pearland	Yes	No	NA	NA	No	No
Plano	Yes	Yes	\$500,000	Yes	No	Yes
Round Rock	Yes	Yes	\$210,000	No	No	No
San Marcos	Yes	Yes	\$405,500	No	No	No
Sugar Land	Yes	No	NA	NA	No	No
Temple	Yes	Yes	\$385,490	No	No	No
Tyler	Yes	Yes	\$186,000	No	No	No
Victoria	Yes	Yes	\$139,000	No	No	No
Waco	Yes	Yes	\$3,736,010	No	No	No

\* Midland funds agencies that fall into a City Development category at up to 1% of General Fund budget. The other category of General Fund requests, Non-Departmental requests, are not limited.

**February 8, 2007  
Regular Agenda  
College Station 2007 Legislative Priorities**

**To: Glenn Brown, City Manager**

**From: Kathy Merrill, Assistant City Manager**

**Agenda Caption: College Station Legislative Priorities**

**Recommendation(s): In preparation for the TML Legislative Briefing and the Bryan/ College Station Chamber Legislative trip to Austin Feb. 9-14, Staff is presenting the Legislative priorities for Council discussion.**

**Summary: Council approved the College Station Legislative Program and Priorities at the December 14, 2006 Council meeting. Council will have the opportunity to visit with Legislators, their staff and our Legislative Consultants at the Austin events. This is just a reminder/ refresher as it relates to our priorities.**

**Budget & Financial Summary: none**

**Attachments: College Station Legislative Program  
College Station Legislative Priorities**

# College Station Legislative Program

## Purpose

The purpose of the College Station Legislative Program is to influence legislation at the state and federal levels which impact the City of College Station.

## Program Goals

There are four (4) goals for the legislative program to implement the program purpose.

- 1) Establish regular communications with legislative delegation at both the state and federal levels.
- 2) Develop a comprehensive legislative program with other community actors (City of Bryan, BCS Chamber of Commerce, CISD, TAMU, RVP, BISD, Brazos County).
- 3) Lend College Station's voice to important legislative issues.
- 4) Identify and develop an annual legislative package which identifies College Station's specific requests for legislative actions.

## Strategies and Actions

### Strategy 1 – Communicate with legislative delegation

Communication with our legislative delegation is critical to our success. Regular quality communications with our legislative delegation provides a deeper understanding of our issues and concerns while assisting the City to understand constraints and needs of our delegation.

Establish quarterly meetings with members of State delegation.

- 1) Formulate meeting agenda(s)
- 2) Identify College Station representatives
- 3) Coordinate agenda with legislative consultant
- 4) Schedule meeting
- 5) Maintain meeting notes
- 6) Follow-up on meeting discussion
  - i) Thank you notes
  - ii) Commitments made
  - iii) Response to specific requests

Establish semi-annual meetings with members of Federal delegation.

- 1) Formulate meeting agenda(s)
- 2) Identify College Station representatives
- 3) Coordinate agenda with legislative consultant
- 4) Schedule meeting
- 5) Maintain meeting notes
- 6) Follow-up on meeting discussion
  - i) Thank you notes
  - ii) Commitments made
  - iii) Response to specific requests

Place legislative delegation and key staff on "Important Issues and Events" distribution list for City activities.

- 1) Identify type of issues and activities to communicate to delegation
- 2) Identify the best format to communicate "Important Issues and Events"

- 3) Assign point of responsibility for on-going management of communication of "Important Issues and Events"

Communicate College Station's position on key issues and concerns coming before the delegation

- 1) Texas Municipal League legislative agenda items
- 2) Legislation impacting College Station

**Strategy 2 – Develop Comprehensive legislative program with other community actors.**

Develop legislative package which identifies and supports activities and actions of other community actors.

- 1) Use IGC as a vehicle to identify and develop "Joint Legislative Initiatives for Brazos Valley"
- 2) Communicate with delegation "Joint Program"
- 3) Support efforts of other community partners with legislative delegation.  
Conduct joint legislative briefing with actors
- 1) Invite legislation delegation to brief community actors on legislative issues
- 2) Invite College Station legislative consultants to participate
- 3) Develop specific game plan from briefing

**Strategy 3 – Lend College Station's voice to important legislative issues.**

Identify important legislative issues which College Station needs to speak to.

- 1) Identify through staff and Council important issues
- 2) Develop position on issue
- 3) Present issue to Council for consideration
- 4) Prepare necessary documentation to communicate position
- 5) If appropriate, designate College Station official to speak to the issue in appropriate forum

**Strategy 4 – Develop and implement College Station legislative program.**

Identify specific legislative concerns, issues, and opportunities

- 1) Request staff and Council identification of issues
- 2) Develop issues and concerns
- 3) Present to Council (consider Council legislative committee)
- 4) Present to legislative delegation
- 5) Present to community partners (Joint Legislative Forum)
- 6) Prepare legislative proposal
- 7) Request legislative delegate sponsorship
- 8) Develop support with other cities

**Strategy 5 – Recognize legislative delegation for their work**

- 1) Develop annual legislative breakfast, lunch, dinner "Thank You"
- 2) When appropriate, specific "thank you" through media releases and acknowledgements through City communication channels

## Legislative Priorities

### 1) **Extension of Thoroughfare Plan into the County**

Currently, the City's Thoroughfare Plan applies only to the incorporated city and the ETJ. As the city annexes and extends the ETJ development blocks plan routes established by the Thoroughfare Plan. The staff in conjunction with the Council's Transportation Committee recommends the Council adopt extension of the Thoroughfare Plan into the County as a Legislative Priority. Discussions have been coordinated with Brazos County and City of Bryan on this proposal.

### 2) **Sales Tax Extension**

The Council is requested to establish as one of the Legislative priorities the extension of sales tax on a local option basis with the proceeds dedicated to transportation. The Council has previously discussed the extension of sales tax capability as a cornerstone of the Council Transportation Strategy. TEX 21 has also adopted a strong position of support to request the Legislature to permit cities increase sales taxes on a local option basis.

### 3) **Appraisal and Revenue Caps**

The Governor's Special Task Force on Revenue and Appraisals Caps is preparing to make several recommendations which will likely be submitted as a part of the Governor's legislative package. The significance to College Station to limit revenue and or appraisal values could be devastating. The staff strongly recommends the opposition to any legislation that would limit the City's ability to raise revenue to support city service requirements.

### 4) **Texas Recreation and Parks Account**

State appropriations for the Texas Recreation & Parks Account (TRPA) Local Park Grant

Program have been drastically reduced during the last two legislative sessions. TRPA is

a grant program administered by the Texas Parks & Wildlife Department that provides

matching grants to local governments for parkland acquisition and development. The annual appropriation of funds for the TRPA prior to the 78<sup>th</sup> Legislature was \$15.5 million. TRPA was reduced to \$13 million annually during the 78<sup>th</sup> Legislative Session and to \$5.6 million for the current biennium. These funds have a direct impact on the local community by providing financial assistance in developing essential park facilities

for our citizens and for visitors to this area. In addition, this program may provide funds

for the acquisition and development of the proposed 10,000 acre regional park in Grimes

County. Staff recommends support of this legislation and approval of a resolution of support.