



Mayor
Ben White
Mayor Pro Tem
Ron Gay
City Manager
Glenn Brown

Councilmembers
John Crompton
James Massey
Lynn McIlhaney
Chris Scotti
David Ruesink

Agenda
College Station City Council
Regular Meeting
Thursday, October 11, 2007 at 7:00 p.m.
City Hall Council Chamber, 1101 Texas Avenue
College Station, Texas

1. Pledge of Allegiance, Invocation, absence requests
Presentations: Historic Home Designation
Introduction of Youth Advisory Council

2. Hear Visitors: A 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.

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.
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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 given three minutes. A timer will sound at 2 1/2 minutes to signal thirty seconds remaining for remarks.

3. 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 of minutes for Thursday, September 27, 2007.
 - b. Presentation, discussion and possible action regarding a resolution approving the FY 2008 budget of the Brazos County Emergency Communications District.
 - c. Presentation, discussion and possible action regarding the approval of a grant application to the Criminal Justice Division of the Office of the Governor for a special investigations unit in Brazos County, including approval of a Cooperative Working Agreement.

- d. Presentation, possible action, and discussion regarding rejecting bid 07-92 and approval of a resolution to award contract 07-219 for the Lift Station Rehabilitation Project to Elliott Construction, Ltd., in the amount of \$236,374.
- e. Presentation, possible action, and discussion for approval of a resolution granting an exception to Policy to allow V&M Rentals to construct sewer infrastructure necessary to connect the Aggie Acres development to the City sewer system.
- f. Presentation, possible action, and discussion regarding adoption of a needs resolution authorizing staff to obtain sanitary control easements for Water Wells #1 and #2.
- g. Presentation, possible action, and discussion regarding the adoption of an amended needs resolution for the acquisition of additional easement pursuant to the construction and operation of Well 7 and attendant collection line.
- h. Presentation, possible action, and discussion on a resolution suspending the proposal by Atmos Energy Corporation to implement a rate increase.
- i. Presentation, possible action, and discussion approving a Resolution that will amend Resolution Determining Need No. 11-20-2006-13.06. The Resolutions relate to the acquisition of easements for the College Main Sidewalk Project.
- j. Presentation, possible action, and discussion on the award of a construction contract between BCS Development Co. and Brazos Valley Services for the construction of an 18-inch and 15-inch gravity sewer trunkline in the amount of \$429,704.52.
- k. Presentation, possible action and discussion on a funding agreement between Brazos Valley Solid Waste Management (BVSWM) and the United Way of the Brazos Valley in the amount of \$50,000.
- l. Presentation, possible action, and discussion regarding approval of a contract with ESO Solutions for the purchase of an electronic Patient Care Reporting System for the Fire Department, in an amount not to exceed \$25,918.00, for an interface from the City's Computer Aided Dispatch application (Enroute CAD) with Enroute Public Safety, Inc. in an amount not to exceed \$20,000.00, and for additional hardware and software purchases through the City's standard purchasing policies in an amount not to exceed \$74,082.00, for a total project total of \$120,000.00.
- m. Presentation, possible action, and discussion regarding approval of an annual renewal of contract #05-251 in an amount not to exceed \$179,474 with Clean Harbors to provide Household Hazardous Waste collection services.
- n. Presentation, discussion and possible action regarding the reimbursement of 320,182.81 to Gameday Centers Southeastern, L.L.C. for five (5) lots located in Northgate originally sold as part of an Economic Development Agreement.

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 will sound at 2 1/2 minutes to signal thirty seconds remaining to conclude 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 at 2 1/2 minutes to signal thirty seconds remaining to conclude 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.

1. Public hearing, presentation, possible action, and discussion on an ordinance granting a Conditional Use Permit for a night club located at 913 Harvey Road, Suites A & B in the Woodstone Center Courtyard.
2. Public hearing, presentation, possible action, and discussion on an ordinance rezoning 43.94 acres from A-O, Agricultural Open to R-1, Single Family Residential located at 9007 Sandstone Drive in the general vicinity of the termination of Emerald Parkway.
3. Public hearing, presentation, possible action, and discussion on a Rezoning for 3370 Greens Prairie Road West (Preserve at Stone Creek) consisting of approximately 188 acres from A-O, Agricultural Open to R-1, Single Family located at 3370 Greens Prairie Road West in the general area northeast of the intersection of Greens Prairie Road West and Sweetwater Drive between Castlegate Subdivision and Sweetwater Forest Subdivision.
4. Presentation, possible action, and discussion regarding a resolution approving a construction contract with JaCody, Inc in the for the amount of \$2,247,634.00 for the Police Station Renovations Project.
5. The City Council may convene the executive session following the regular meeting to discuss matters posted on the executive session agenda for October 11, 2007.
6. Final action on executive session, if necessary.
7. Adjourn.

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

APPROVED:

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, October 11, 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 8th day of October, 2007 at 2:30 p.m.



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 . The Agenda and Notice are readily accessible to the general public at all times. Said Notice and Agenda were posted on October 8, 2007 at 2:30 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 . Council meetings are broadcast live on Cable Access Channel 19.



Ben White
Mayor Pro Tem
Ron Gay
City Manager
Glenn Brown

Council members
John Crompton
James Massey
Lynn McIlhaney
Chris Scotti
David Ruesink

Draft Minutes
City Council Workshop Meeting
Thursday September 27, 2007 at 3:00 p.m.
City Hall Council Chambers, 1101 Texas Avenue
College Station, Texas

COUNCIL MEMBERS PRESENT: Mayor Pro Tem Gay, Council members Massey, McIlhaney, Scotti, Ruesink

COUNCIL MEMBERS ABSENT: Mayor White, Council member Crompton

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

Mayor Pro Tem Gay called the 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 member McIlhaney noted that she would abstain from Consent Agenda Item No. 2J.

Council members viewed a Public Service Announcement regarding an upcoming Household Hazard Waste Collection program.

Workshop Agenda Item No. 2 -- Presentation, possible action, and discussion regarding Central Station Access.

Transportation Planner Ken Fogle presented an overview and background information regarding transportation plans for access to and from Central Station on Texas Avenue and Harvey Road. He introduced Mike McInturf with WHM HTR Engineering, who was retained by the developer to evaluate traffic operations at the site. Mr. McInturf illustrated traffic models on Texas Avenue and Harvey Road. He noted that the study found that a median opening without signalization is adequate to allow left-turns into the site. TxDOT reviewed the study and accepted the proposal. The recommended

improvements include adding only a median opening at this time. Signalization will be considered in the future if it becomes necessary based on safety or mobility. TxDOT recommended access to the shopping center enhanced by improving the left-turn queue area for the center’s access driveway along Harvey Road.

Mr. Fogle described the following funding options:

Option A

Option B

Texas Avenue Improvements
(\$30,000)
Funded 100% by Centro Properties Group

Harvey Road Improvements
(\$180,000)
Funded 50% by City of College Station

Funded 50% by Centro Properties Group

Texas Avenue Improvements
(\$30,000)
Funded 100% by Centro Properties Group

Harvey Road Improvements
(\$180,000)
Funded by 33% by City of College Station

Funded by 33% by Centro Properties Group

Funded 33% by TxDOT

Option A was recommended by the Transportation Committee.

Council member Scotti moved to approve Option A. Council member Ruesink seconded the motion, which carried by a vote of, 4-1.

FOR: Gay, McIlhane, Scotti, Ruesink
AGAINST: Massey
ABSENT: White, Crompton

Workshop Agenda Item No. 3 -- Presentation, possible action, and discussion regarding current operations and projects managed by the Brazos Valley Solid Waste Management Agency (BVSWMA).

Assistant Director of Public Works/BVSWMA Peter Caler provided a summary of current developments at the Rock Prairie Road Landfill and future Twin Oaks Landfill in Grimes County.

No formal action was taken.

Workshop Agenda Item No. 4 -- Presentation, possible action, and discussion on the working goal and objective statements for the Comprehensive Plan.

Director of Planning and Development Services Bob Cowell presented factors pertaining to the working goal and objective statement for the Comprehensive Plan. Staff recommended approval of the working goals and objective statements as presented.

Council concurred with the working goal and objective statements for the Comprehensive Plan and directed staff to move forward with Phase II.

Workshop Agenda Item No. 5 – Presentation, possible action and discussion regarding policies for funding the construction of new thoroughfares.

Director of Public Works Mark Smith presented a brief outline of the City's thoroughfare extension and funding policy. Mr. Smith pointed out that the policies will become a part of the comprehensive plan and capital plan modifications.

No formal action was taken.

Workshop Agenda Item No. 6 -- Council Calendar

This item was postponed until after the regular meeting. Refer to regular minutes of September 27, 2007 for action taken.

Workshop Agenda Items No. 7 -- 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.

This item was postponed until after the regular meeting. Refer to regular minutes of September 27, 2007 for action taken.

Workshop Agenda Item No. 8 -- Discussion, review and possible action regarding the following meetings: Arts Council Subcommittee of the Council, Audit Committee, Brazos County Health Dept., Brazos Valley Council of Governments, Cemetery Committee, Design Review Board, Historic Preservation Committee, Interfaith Dialogue Association, Intergovernmental Committee, Joint Relief Funding Review Committee, Library Committee, 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 (see attached posted notices for subject matters).

This item was postponed until after the regular meeting. Refer to regular minutes of September 27, 2007 for action taken.

Workshop Agenda Item No. 9 -- Executive Session will immediately follows the workshop meeting in the Administrative Conference Room.

At 5:30 p.m., Mayor Pro Tem Gay announced in open session that the City Council would convene into executive session pursuant to Section 551.071, 551.072 and 551.087 of the Open Meeting act, to seek the advice of the city attorney with respect to pending and contemplated litigation, to consider the purchase of real property and economic 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:

- a. Application with TCEQ in Westside/Highway 60 area, near Brushy Water Supply Corporation.
- b. 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*.
- c. Cause No. GN-502012, Travis County, *TMPA v. PUC* (College Station filed Intervention 7/6/05)
- d. Sewer CCN request.
- e. Legal aspects of Water Well and possible purchase of or lease of another water site.
- f. Civil Action No. H-04-3876, U.S. District Court, Southern District of Texas, Houston Division, *JK Development v. College Station*.
- g. Cause No. 06-002318-CV-272, 272nd Judicial District Court, Brazos County, Texas, *Taylor Kingsley v. City of College Station, Texas and Does 1 through 10, inclusive*.
- h. Cause No. 485-CC, County Court at Law No. 1, Brazos County, Texas, *City of College Station v. David Allen Weber, et al.*
- i. Bed & Banks Water Rights Discharge Permits for College Station and Bryan
- j. Cause No. 07-001241-CV-361, 361st Judicial District Court, Brazos County, Texas *Gregory A. & Agnes A. Ricks v. City of College Station*
- k. Water CCN request

Economic Incentive Negotiations {Gov't Code Section 551.087}; 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:

- a. Hotel and Conference Center

Real Estate {Gov't Code Section 551.072}; The City Council may deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. After executive session discussion, any final action or vote taken will be in public. The following subject(s) may be discussed:

- a. Possible acquisition of property located in the southwestern portion of the Northgate District
- b. Land acquisition for Grimes County BVSWMMA landfill site.

Workshop Agenda Item No. 10 -- Final action on executive session, or any workshop agenda item not completed or discussed in today's workshop meeting will be discussed in tonight's Regular Meeting if necessary.

Council recessed from executive session at 6:55 pm. Council continued executive session following the regular meeting. Refer to regular minutes of September 27, 2007 for action taken.

Workshop Agenda Item No. 11 -- Adjourn.

This item was postponed until after the regular meeting. Refer to regular minutes of September 27, 2007 for action taken.

PASSED and APPROVED on 11th day of October, 2007.

APPROVED:

Mayor

ATTEST:

Connie Hooks City Secretary



Mayor
Ben White
Mayor Pro Tem
Ron Gay
City Manager
Glenn Brown

Council members
John Crompton
James Massey
Lynn McIlhaney
Chris Scotti
David Ruesink

Draft Minutes
City Council Regular Meeting
Thursday September 27, 2007 at 7:00 p.m.
City Hall Council Chambers, 1101 Texas Avenue
College Station, Texas

COUNCIL MEMBERS PRESENT: Mayor Pro Tem Gay, Council members Massey, McIlhaney, Scotti, Ruesink

COUNCIL MEMBERS ABSENT: Mayor White, Council member Crompton

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

Regular Agenda Item No. 1 – Pledge of Allegiance, Invocation, Consider absence requests.

Mayor Pro Tem Gay called the regular meeting to order at 7:00 p.m. He led the audience in the Pledge of Allegiance. Deputy City Manager Terry Childers provided the invocation. Council member Massey moved to approve request for absence from Mayor White and Council member Crompton. Council member McIlhaney seconded the motion which carried unanimously, 5-0.

A&M Consolidated High School Students Stephen Nock, Kyndal Henicke, and Emily Morgan expressed their thanks, appreciation and gratitude to the City of College Station for financially supporting the Sister Cities program. They made comments regarding their trip to Russia.

Hear Visitors

Kendra Graf, 128 Walcourt Loop, Edelweiss Gartens Subdivision, urged the City to allocate funds toward the development of a neighborhood park.

Hugh Lindsay, 400 Walton, made comments and expressed concerns with the City of College Station mowing ordinance.

Consent Agenda

Council member McIlhane moved to approve Consent Agenda Items 2a – 2r, with Council member McIlhane abstaining from 2j. Council member Scotti seconded the motion, which carried unanimously, 5-0.

FOR: Gay, Massey, McIlhane, Scotti Ruesink

AGAINST: None

- a. Approved by common consent City Council minutes for September 13, 2007.
- b. Approved by common consent the purchase of an electrical substation transformer from Kuhlman Electric Corporation in the amount of \$1,039,178.00; and **Resolution No. 9-27-2007-2b** declaring intention to reimburse certain expenditures with proceeds from debt.
- c. Approved by common consent an amendment to the engineering design contract 07-152 with Malcolm-Pirnie, Inc in the amount of \$240,000 to provide a full-time, on-site Resident Project Representative during the construction phase of the Parallel Transmission Line State phase 3, Highway 21 to Villa Maria.
- d. Approved by common consent **Resolution No. 9-27-2007-2d** awarding Contract Number 07-256, a construction contract with Acklam Construction in the amount of \$114,876 for the construction of additional improvements to John Crompton Park.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING A CONSTRUCTION CONTRACT FOR JOHN CROMPTON PARK, PHASE II IMPROVEMENTS CONSTRUCTION PROJECT, PROJECT NUMBER PK0712 AND AUTHORIZING THE EXPENDITURE OF FUNDS.

- e. Approved by common consent a user agreement between Texas A&M University and the City of College Station authorizing Texas A&M University to provide the University Services Complex parking lot area and ingress/egress roads on October, 20, 2007 to the Brazos Valley Solid Waste Management Agency for the fall Household Hazardous Waste & Computer Collection event.
- f. Approved by common consent **Resolution No. 9-27-2007-2f** designating the Request for Competitive Sealed Proposal as an alternative delivery method for the College Station Utilities (CSU) Meeting and Training Facility Project (WF0847168)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, DETERMINING WHICH METHOD PROVIDES FOR THE BEST VALUE TO THE CITY OF COLLEGE STATION FOR THE CONSTRUCTION OF THE COLLEGE STATION UTILITIES (CSU)

MEETING AND TRAINING FACILITY PROJECT AND AUTHORIZING THE USE OF THIS PROCUREMENT METHOD FOR PROJECT NUMBER (WF0847168) IN ACCORDANCE WITH SECTION 271.114(a) OF THE TEXAS LOCAL GOVERNMENT CODE.

- g. Approved by common consent real estate contracts for potential purchase of properties for Groundwater Wells 8, 9, and 10; and a **Resolution No. 9-27-2007-2g** declaring intention to reimburse certain expenditures with proceeds from debt.

A RESOLUTION DECLARING INTENTION TO REIMBURSE CERTAIN EXPENDITURES WITH PROCEEDS FROM DEBT.

- h. Approved by common consent **Ordinance No. 3002** granting a non-exclusive medical waste hauling franchise agreement to Enviromed.

AN ORDINANCE GRANTING ENVIROMED, ITS SUCESSORS AND ASSIGNS, A NONEXCLUSIVE FRANCHISE FOR THE PRIVILEGE AND USE OF PUBLIC STREETS, ALLEYS, AND PUBLIC WAYS WITHIN THE CORPORATE LIMITS OF THE CITY OF COLLEGE STATION FOR THE PURPOSE OF ENGAGING IN THE BUSINESS OF COLLECTION AND DISPOSAL OF TREATED AND UNTREATED MEDICAL WASTE FROM VARIOUS HEALTH CARE-RELATED FACILITIES WITHIN THE CITY LIMITS; PROSCRIBING THE TERMS, CONDITIONS, OBLIGATIONS, AND LIMITATIONS UNDER WHICH SAID FRANCHISE SHALL BE EXERCISED; PROVIDING FOR THE CONSIDERATION; FOR PERIOD OF GRANT; FOR ASSIGNMENT; FOR METHOD OF ACCEPTANCE; FOR REPEAL OF CONFLICTING ORDINANCES AND FOR PARTIAL INVALIDITY.

- i. Approved by common consent the third and final reading of a franchise agreement with CCAA, LLC d/b/a Brazos Valley Recycling for collection, hauling and disposal services for residential and commercial construction debris solid waste for the purpose of recycling. **Ordinance No. 3003.**

AN ORDINANCE GRANTING CCAA, LLC, D/B/A/ BRAZOS VALLEY RECYCLING, ITS SUCCESSORS AND ASSIGNS, A NONEXCLUSIVE FRANCHISE FOR THE PRIVILEGE AND USE OF PUBLIC STREETS, ALLEYS AND PUBLIC WAYS WITHIN THE CORPORATE LIMITS OF THE CITY OF COLLEGE STATION FOR THE PURPOSE OF ENGAGING IN THE BUSINESS OF COLLECTING DEMOLITION AND CONSTRUCTION DEBRIS FOR THE PURPOSE OF RECYCLING; PRESCRIBING THE TERMS, CONDITIONS. OBLIGATIONS AND LIMITATIONS UNDER WHICH SAID FRANCHISE SHALL BE EXERCISED; PROVIDING FOR THE CONSIDERATION; FOR PERIOD OF GRANT; FOR ASSIGNMENT; FOR METHOD OF ACCEPTANCE; FOR REPEAL OF CONFLICTING ORDINANCES; FOR PARTIAL INVALIDITY AND ASSESSING A PENALTY FOR VIOLATION.

- j. Approved by common consent a renewal agreement of Third Party Claims Administration with A S & G Claims Administration, Inc. for an annual expenditure of \$50,000. Anticipated workers compensation claims for FY 08 are \$328,000 and anticipated liability claims for FY 08 are \$300,000. *Council member McIlhaney abstained from voting on this item.*
- k. Approved by common consent a policy renewal for Excess Liability and Workers Compensation to Star National Insurance Company for \$261,243; policy renewal for Property/Boiler & Machinery to Affiliated FM for \$95,600; policy renewal for Crime coverage to Federal Insurance Company for \$4,522; and policy renewal for EMT Liability to Western World Insurance Company for \$5,077.
- l. Approved by common consent a purchase request for FY'08, items exempt from competitive bidding as described more fully in Texas Local Government Code, Chapter 252.022; and other expenditures for interlocal contracts or fees mandated by state law that are greater than \$50,000.
- m. Approved by common consent expenditures related to copying and printing services to Copy Max (\$50,000) and Tops Printing (\$25,000) through our Interlocal Agreement with CSISD and Copy Corner (\$50,000) and Newman's Printing (\$25,000) through our Interlocal Agreement with TAMU.
- n. Approved by common consent a funding agreement between the City of College Station and the Research Valley Partnership for FY08 in the amount of \$293,287.
- o. Approved by common consent the budget of the Brazos Valley Convention and Visitors Bureau (CVB); and presentation, possible action and discussion on a funding agreement between the City of College Station and the Brazos Valley Convention and Visitors Bureau for FY08 in the amount of \$1,060,000.
- p. Approved by common consent competitive matters **Resolution No. 9-27-2007-2p** relating to the College Station electric utility.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION DEFINING "COMPETITIVE MATTERS" FOR THE PURPOSE OF PROTECTING THE COMPETITIVE POSITION OF THE CITY OF COLLEGE STATION ELECTRIC UTILITY DEPARTMENT.

- q. Approved by common consent **Resolution No. 9-27-2007-2q** revising the flow chart of the Gateway Grant Policy, approved May 24, 2007.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING REVISIONS TO THE GATEWAY GRANT POLICY.

- r. Approved by common consent an Oversize Participation (OP) for a water line improvement in the Sonoma Subdivision, Phase 2 being made per City Code of Ordinances, Chapter 9, Subdivision Regulations, Section 9, Responsibility for Payment for Installation Costs, 9-A Oversized Participation for a total requested City participation of \$153,605.50.

Regular Agenda Item No. 1 -- Public hearing, presentation, possible action, and discussion on an ordinance amending Chapter 10, "Traffic Code," to restrict parking on Crystal Dove Avenue, Dove Crossing Lane, Dove Landing Avenue, Turtle Dove Trail, and Whitewing Lane.

Council member Massey abstained from this item.

Director of Public Works Mark Smith described the proposed ordinance amending Chapter 10, Traffic Code to restrict parking on Crystal Dove Avenue, Dove Crossing Lane, Dove Landing Avenue, Turtle Dove Trail and Whitewing Lane.

Fire Marshal Eric Hurt presented pictures illustrating the parking problems for residents and emergency vehicles in the neighborhood, particularly on street parking on both sides of the street. The City's Traffic Management Team recommended that the parking be removed from the street where fire hydrants are located.

Mayor Pro Tem Gay opened the public hearing. The following citizens addressed the City Council regarding the ordinance amendment.

- Mitzi McAllister, 924 Crystal Dove
- Tony Jones, 6022 Augusta Circle
- Philip Armes, 909 Crystal Dove Avenue
- Nancy Allaham, 920 Whitewing Lane
- Kyle Zulkowski, 935 turtle dove Trail
- Roy Lee, 935 Turtle Dove Trail

Mayor Pro Tem Gay closed the public hearing.

Council member McIlhaney moved to approve **Ordinance No. 3004** amending Chapter 10, "Traffic Code," to restrict parking on Crystal Dove Avenue, Dove Crossing Lane, Dove Landing Avenue, Turtle Dove trail, and Whitewing Lane. Council member Ruesink seconded the motion, which carried by a vote of 3-1.

- FOR: Gay, McIlhaney, Ruesink
- AGAINST: Scotti
- ABSTAINED: Massey

AN ORDINANCE AMENDING CHAPTER 10, "TRAFFIC CODE", OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING SCHEDULE XII AS REFERENCED IN SUBSECTION E.2 OF SECTION 4 THEREOF; PROHIBITING PARKING ALONG CERTAIN PORTIONS

OF STREETS WITHIN THE DOVE CROSSING SUBDIVISION; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

Regular Agenda Item No. 2 -- Public hearing, presentation, possible action, and discussion regarding two ordinances vacating and abandoning a portion of the right-of-way of Richards Street and a portion of the right-of-way of Sterling Street, said portions being part of the Richards Addition, according to the plat recorded in Volume 137, Page 25, of the Deed Records of Brazos County, Texas.

Acting City Engineer Allen Gibbs described the two proposed ordinances vacating and abandoning a portion of the right-of-way of Richards Street and a portion of the right-of-way of Sterling Street, and said portions being part of the Richards Addition, according to the plat recorded in volume 137, page 25, of the Deed Records of Brazos County, Texas.

Mayor Pro Tem Gay opened the public hearing.

Natalie Ruiz, IPS Group, 511 University Drive East # 205 offered to answer questions of the City Council.

Mayor Pro Tem Gay closed the public hearing.

Council member Massey moved to approve **Ordinance No. 3005** vacating and abandoning a portion of the right-of-way of Richards Street said portions being part of the Richards Addition, according to the plat recorded in Volume, 137, Page 25, of the Deed Records of Brazos County, Texas. Council member Scotti seconded the motion, which carried unanimously, 5-0.

AN ORDINANCE MAKING CERTAIN AFFIRMATIVE FINDINGS AND VACATING AND ABANDONING A 3210 SQUARE FOOT PORTION OF THE FIFTY (50) FOOT WIDTH RIGHT OF WAY, SAID PORTION LYING ALONG LOTS 27 & 54, BLOCK 1, OF THE RICHARDS ADDITION, ACCORDING TO THE PLAT RECORDED IN VOLUME 137, PAGE 25, OF THE OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS.

Council member Massey moved to approve **Ordinance No. 3006** vacating and abandoning a portion of the right-of-way of Sterling Street, said portions being part of the Richards Addition, according to the plat recorded in Volume, 137, Page 25, of the Deed Records of Brazos County, Texas. Council member Scotti seconded the motion, which carried unanimously, 5-0.

FOR: Gay, Massey, McIlhaney, Scotti, Ruesink

AGAINST: None

AN ORDINANCE MAKING CERTAIN AFFIRMATIVE FINDINGS AND VACATING AND ABANDONING A 1748 SQUARE FOOT PORTION OF THE TWENTY-FIVE (25) FOOT WIDTH RIGHT OF WAY, SAID PORTION LYING ALONG LOTS 60 & 66, BLOCK 1, OF THE RICHARDS ADDITION, ACCORDING

TO THE PLAT RECORDED IN VOLUME 137, PAGE 25, OF THE OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS.

Regular Agenda Item No. 3 -- Public hearing, presentation, possible action, and discussion regarding an ordinance amendment to Chapter 12 of the Code of Ordinances, Unified Development Ordinance Section 2.4 Design Review Board and Section 2.8 Summary of Review Authority.

Staff Planner Crissy Hartl presented a staff report regarding an ordinance amendment to Chapter 12 of the Code of Ordinances, Unified Development Ordinance Section 2.4 Design Review Board and Section 2.8 Summary of Review Authority.

Mayor Pro Tem Gay opened the public hearing. No one spoke. He closed the public.

Council member McIlhaney moved to approve the Gateway Grant duties and amend the existing board membership to reflect the following:

- ❖ Person Knowledgeable in aesthetic or architectural design issues
- ❖ Business Person
- ❖ Landscape architect
- ❖ Person with general knowledge of development codes and processes
- ❖ Person knowledge in aesthetic judgment
- ❖ Citizen-at-large
- ❖ Chairman of the Planning and Zoning Commission

Council member Massey seconded the motion, which failed by a vote of 1-4.

FOR: McIlhaney

AGAINST: Gay, Massey, Scotti, Ruesink

Council member Massey moved to **Ordinance No. 3007** amending Chapter 12 of the Code of Ordinances, Unified Development Ordinance Section 2.4 D-9 summary of Review Authority. Council member McIlhaney seconded the motion, which carried unanimously, 5-0.

FOR: Gay, Massey, McIlhaney, Scotti, Ruesink

AGAINST: None

Council member Massey indicated that he will notify the AIA local chapter to seek qualified applicants.

AN ORDINANCE AMENDING CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE" ARTICLE 2 "DEVELOPMENT REVIEW BODIES" 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.

Regular Agenda Item No. 4 -- Public hearing, possible action, and discussion on an ordinance Budget Amendment #3 amending ordinance number 2923 which will amend the budget for the 2006-2007 Fiscal Year and authorizing amended expenditures in the amount of \$167,485; and presentation, possible action, and discussion regarding an interfund budget transfer in the amount of \$32,000.

Budget Manager Janet Dudding remarked that the proposed budget amendment was to increase appropriations in the 2006-2007 budget by \$167,485.00. Ms. Dudding reviewed the identified items considered in the budget amendment. The Fiscal Policies of the City require that interfund transfers be approved by City Council. The action is for a transfer of budget and funds between the Facilities and Technology Capital Improvement Projects Fund and the General Fund. \$32,000.00 currently budgeted in the Facilities and Technology Capital Improvement Projects Fund for the installation of a generator at City Hall. The action will transfer the budget and the funds to the General Fund for appropriation and expenditure.

Mayor Pro Tem Gay opened the public hearing. No one spoke. He closed the public hearing.

Council member Massey moved to approve **Ordinance 3008** amending ordinance number 2923, amending the budget for the 2006-2007 Fiscal year and authorizing amended expenditures. The Budget Ordinance for the 2006-2007 Fiscal Year was amended to read as follows:

Amended appropriations for fiscal year 2006-2007 for the General Fund are \$46,434,673, for the Police Seizure Fund are \$24,195, for the Streets Capital Improvement Projects Fund are \$10,222,422, for the Facilities and Technology Capital Improvement Project Fund are \$8,741,101, for the Brazos Valley Solid Waste Management Agency Fund are \$7,141,834, and for Parkland Dedication Funds are \$1,414,596. All other appropriations as originally adopted and amended by the City Council remain in full force and effect."

Also, his motion included the approval of the Interfund Budget Transfer.

Council member Scotti seconded the motion, which carried by a vote of 4-1.

FOR: Massey, McIlhaney, Scotti, Ruesink

AGAINST: Gay

AN ORDINANCE (BUDGET AMENDMENT 3) AMENDING ORDINANCE NUMBER 2923 WHICH WILL AMEND THE BUDGET FOR THE 2006-2007 FISCAL YEAR AND AUTHORIZING AMENDED EXPENDITURES AS THEREIN PROVIDED.

Regular Agenda Item No. 5 -- Presentation, possible action, discussion on an ordinance amending Chapter 10, "Traffic Code", of the Code of Ordinances of the City of College Station, Texas by amending section 5: Junked Motor Vehicles.

Fire Marshal, Eric Hurt noted that the State laws have been modified to allow the City to remove junk and abandoned vehicles after a hearing has been conducted. The amendment will bring the City into compliance with the state law. Staff recommended approval.

Council member McIlhaney moved to approve **Ordinance 3009** amending Chapter 10, Traffic Code of the Code of Ordinances of the City of College Station, Texas by amending section 5, and Junk Motor Vehicles. Council member Massey seconded the motion, which carried unanimously, 5-0.

FOR: Gay, Massey, McIlhaney, Scotti, Ruesink
AGAINST: None

Regular Agenda Item No. 6 -- Presentation, possible action and discussion on approving the budget of the Arts Council of Brazos Valley; and presentation, possible action and discussion on two (2) funding agreements between the City of College Station and the Arts Council of Brazos Valley for FY07 totaling \$240,000.

Chief Financial Officer Jeff Kersten provided a brief overview of the budget for the Arts Council of Brazos Valley, and two funding agreements between the City of College Station and the Arts Council of Brazos Valley for FY 2007 totaling \$240,000.

Council member Ruesink moved to approve the Arts Council budget and the two funding agreements. Council member Scotti seconded the motion, which carried by a vote of 4-1.

FOR: Massey, McIlhaney, Scotti, Ruesink
AGAINST: Gay

Regular Agenda Item No. 7 --Presentation, possible action and discussion on a resolution authorizing banners recognizing the Big State Music Festival.

Director of Planning and Development Services Bob Cowell presented a summary of the proposed resolution authorizing banners for the Big State Music Festival.

Council member McIlhaney moved to approve **Resolution No. 9-27-2007-07** authorizing banners recognizing the big State Music Festival. Council member Massey seconded the motion, which carried unanimously, 5-0.

FOR: Gay, Massey, McIlhaney, Scotti, Ruesink
AGAINST: None

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING THE DISPLAY OF SIGNS IN RECOGNITION OF THE BIG STATE MUSIC FESTIVAL.

Regular Agenda Item No. 8 -- Presentation, possible action, and discussion regarding appointments for the Red Light Photo Enforcement Citizen Advisory Committee.

Assistant Director of Fiscal Services Cheryl Turney presented an outline of the Red Light Enforcement Citizen Advisory Committee membership. She was notified by Mayor Pro Tem Gay of his appointee, John Hogg, Ph.D.

Council member McIlhaney moved to appoint John Hogg, PH.D., to the Red Light Photo Enforcement Citizen Advisory Committee. Council member Massey seconded the motion, which carried unanimously, 5-0.

FOR: Gay, Massey, McIlhaney, Scotti, Ruesink
AGAINST: None

The City Council returned to the workshop agenda.

Workshop Agenda Item No. 6 – Council Calendar

Council reviewed their upcoming events.

Workshop Agenda Item No. 7 -- 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

Council member Scotti requested a workshop agenda regarding parking in single family neighborhoods for new and existing areas. Council member Massey seconded the motion, which carried unanimously, 5-0.

FOR: Gay, Massey, McIlhaney, Scotti, Ruesink
AGAINST: None

Council member Massey requested a workshop agenda item regarding the Citizens of Congress event. Council member McIlhaney seconded the motion, which carried unanimously, 5-0.

FOR: Gay, Massey, McIlhaney, Scotti, Ruesink
AGAINST: None

Council member Gay requested a workshop agenda item regarding a community problem solving committee. Council member Scotti seconded the motion, which carried unanimously, 5-0.

FOR: Gay, Massey, McIlhaney, Scotti, Ruesink
AGAINST: None

Workshop Agenda Item No. 8 -- Discussion, review and possible action regarding the following meetings: Arts Council Subcommittee of the Council, Audit Committee, Brazos County Health Dept., Brazos Valley Council of Governments, Cemetery Committee, Design Review Board, Historic Preservation Committee, Interfaith Dialogue Association, Intergovernmental Committee, Joint Relief Funding Review Committee, Library Committee, 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.

Council member Massey presented a brief report on the Intergovernmental Committee meeting.

Council member McIlhaney reported on deliberations held at the Brazos County Health Department meeting.

Council member Scotti made comments regarding the Research Valley Partnership meeting.

The workshop meeting adjourned at 9:40 p.m.

Workshop Agenda Item No. 9 -- The City Council may convene the executive session following the regular meeting to discuss matters posted on the executive session agenda for September 27, 2007.

At 9:40 p.m., Mayor Pro Tem Gay announced in open session that the City Council would reconvene into executive session pursuant to Section 551.071, 551.072 and 551.087 of the Open Meeting act, to seek the advice of the city attorney with respect to pending and contemplated litigation, to consider the purchase of real property and economic negotiations.

Regular Agenda Item No. 10 -- Final action on executive session, if necessary.

Council returned to open session at 10:15 pm. No action was taken.

Regular Agenda Item No. 11 -- Adjourn.

Hearing no objections the meeting adjourned at 10:15 pm on Thursday, September 27, 2007.

APPROVED:

Mayor

ATTEST:

City Secretary Connie Hooks

DRAFT

October 11, 2007
Consent Agenda Item 3b
Emergency Communications District FY 2008 Budget

To: Glenn Brown, City Manager

From: Hayden Migl, Assistant to the City Manager

Agenda Caption: Presentation, discussion and possible action regarding a resolution approving the FY 2008 budget of the Brazos County Emergency Communications District.

Recommendation(s): Staff recommends approval.

Summary: The City of College Station provides no funding directly to the Brazos County Emergency Communications District; however, it is statutorily required to approve the District's budget. The District is funded through a special fee that is assessed for each telephone serviced within Brazos County, though contracts for dispatch services for Brazos County and the City of Bryan, and other revenues. The total budget for FY 2008 as proposed and approved by the Board of Directors of the District is \$3,220,627. The budget is an increase of approximately \$564,741 from 2007. The City of College Station receives emergency communications system support from the District and a basic infrastructure which allows 9-1-1 calls to be directed to the City's dispatch center.

Emergency communications districts were mandated by state law in 1987. The statute also authorized establishing fees charged on each phone within the district to support communications infrastructure. The District was established in 1988 with Brazos County and The City of Bryan participating in a joint dispatch center for police and fire emergency services. Currently, Police Chief Michael Clancey serves as the College Station representation on the Board of Managers for the Brazos County Emergency Communications District.

Budget & Financial Summary: Funding for the District comes from two primary sources. The first source is an Emergency Services Fee charged on each phone registered within the district. The second source is contract payments from the City of Bryan and Brazos County for Emergency Communications and Dispatch services provided by the District for the two entities. The City of College Station provides no funding directly to the District.

Attachments:

1. Resolution
2. Brazos County Emergency Communications District FY 2008 Budget

RESOLUTION NO. _____

A RESOLUTION APPROVING THE BUDGET OF THE BRAZOS COUNTY EMERGENCY COMMUNICATIONS DISTRICT AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the laws of the State of Texas provided for interlocal governmental agreements to benefit the citizens of the State; and

WHEREAS, the voters of Brazos County have approved the establishment of the Brazos County Emergency Communications District in accordance with State law; and

WHEREAS, the Board of Managers of the District have approved and adopted the Budget for fiscal year 2007-2008; and

WHEREAS, Section 772.309 of the Health and Safety Code requires the approval of the District's budget by the Commissioners Court of the County located in the District and a majority of the participating jurisdictions in the District; and

WHEREAS, the undersigned authorities have, in public meeting, approved the annual budget of the District as submitted to them; now, therefore,

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

PART 1: The City Council of the City of College Station, Texas, hereby approves the annual budget of the District as submitted to them and as provided for by law.

PART 2: A copy of the budget is attached hereto as Exhibit "A" and incorporated herein by this reference for all purposes.

PART 3: This Resolution shall be effective immediately upon its adoption and passage.

ADOPTED this _____ day of _____, 2007.

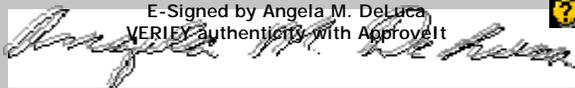
ATTEST:

APPROVED:

CITY SECRETARY

MAYOR

APPROVED:

E-Signed by Angela M. DeLuca
VERIFY authenticity with ApproveIt


CITY ATTORNEY

BRAZOS COUNTY EMERGENCY COMMUNICATIONS DISTRICT

P.O. BOX 911 - BRYAN, TEXAS 77806
979.779.0911 - FAX 979.821.3407
WWW.BC911.ORG



September 25, 2007

Participating Jurisdictions
Brazos County Emergency
Communications District

Please find attached a copy of the approved 2007-2008 budget for the Brazos County Emergency Communications District. Every effort has been made to keep all spending increases to a minimum. I have enclosed suggested resolutions and contracts specific to each entity, as needed. Please execute these documents at your earliest convenience.

I am confident that this budget will meet the needs of the District and provide the County and the City of Bryan the level of dispatch services that they expect and deserve. If you require any additional information or have any questions, please do not hesitate to contact your representative or me.

Respectfully Submitted,

Elizabeth "Betsy" Godwin
Executive Director

WHEN SECONDS COUNT



**FISCAL YEAR 2008
BUDGET & FINANCIAL PLAN**



BRAZOS COUNTY EMERGENCY COMMUNICATIONS DISTRICT



P.O. BOX 911 - BRYAN, TEXAS 77806
979.779.0911 - FAX 979.821.3407
WWW.BC911.ORG

September 21, 2007

The Board of Managers
Ron Mayworm, Chairman
Judge Randy Sims, Secretary
Chief Michael Clancey
Commissioner Kenny Mallard
Chief Michael Donoho

Board of Managers:

Enclosed for your review is the FY 2008 budget which supports the funding adjustments that were approved in FY 2007 budgetary discussions. We continue to phase in corrections this year that were made to adhere to the recommendations of the Directors and the Public Safety Advisory Committee. This proposal follows the same comprehensive plan as presented in fiscal year 2007.

Responding to public health emergencies and protecting citizens from crime continues to be a critical role of the communications support staff. Funding and training was provided in order to facilitate Emergency Medical Dispatching in FY 2007. This project was accomplished March 1, 2007. Following the recommendation of the administration of the Bryan Fire Department and District staff, this project continues to advance.

As we plan for the next year and beyond, we find a stable growth rate for all of Brazos County. We must respond accordingly. Our partnerships with our contractual entities clarify our shared vision of high quality and adequate staffing in order to preserve an expanded level of service. Our commitment to superior public service requires efficient call processing. To accomplish this, we plan to acquire an additional radio position as projected in our three year plan. This enhancement is detailed within this budget.

The following budget not only supports emergency callers with rapid and precise processing of emergency calls, but also includes funds to implement services that are being designated to process Voice over Internet Protocol (VoIP) 9-1-1 calls. We are taking measures to accommodate new technological platforms and ensure funding stability in order to maintain the integrity of the 9-1-1 system.

You will note that we plan to sustain a robust emergency communication system over the next fiscal year. The staff is performing all of the duties that are required for the District to accomplish its mission within the framework provided by the Board of Managers. The Brazos County Emergency Communications District will continue to serve its member jurisdictions with the best 9-1-1 system available.

Respectfully submitted,

Elizabeth "Betsy" Godwin
Executive Director

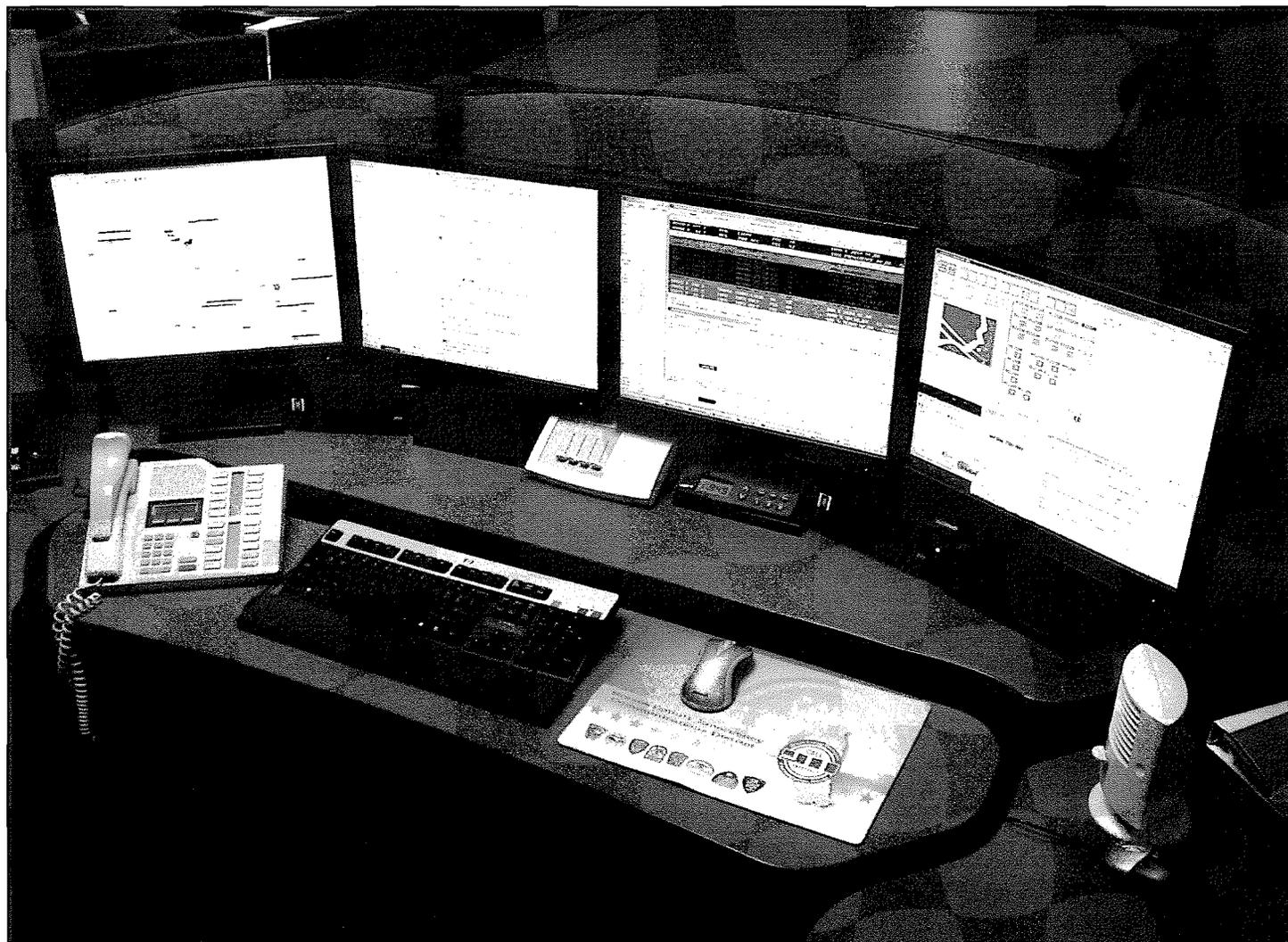
WHEN SECONDS COUNT

ABOUT THE DISTRICT

The Brazos County Emergency Communications District was created in 1988 under the authority of the Texas Emergency Telephone Number Act to provide Enhanced 9-1-1 (E911) emergency communications to the citizens of Brazos County. We currently provide dispatch services for the City of Bryan Police and Fire Departments, the Brazos County Sheriff's Office, and all of the Volunteer Fire Departments in Brazos County. The District also manages E911 service for the above agencies as well as the City of College Station Police and Fire Departments, & Texas A&M University Police Department and Emergency Medical Service.

MISSION STATEMENT

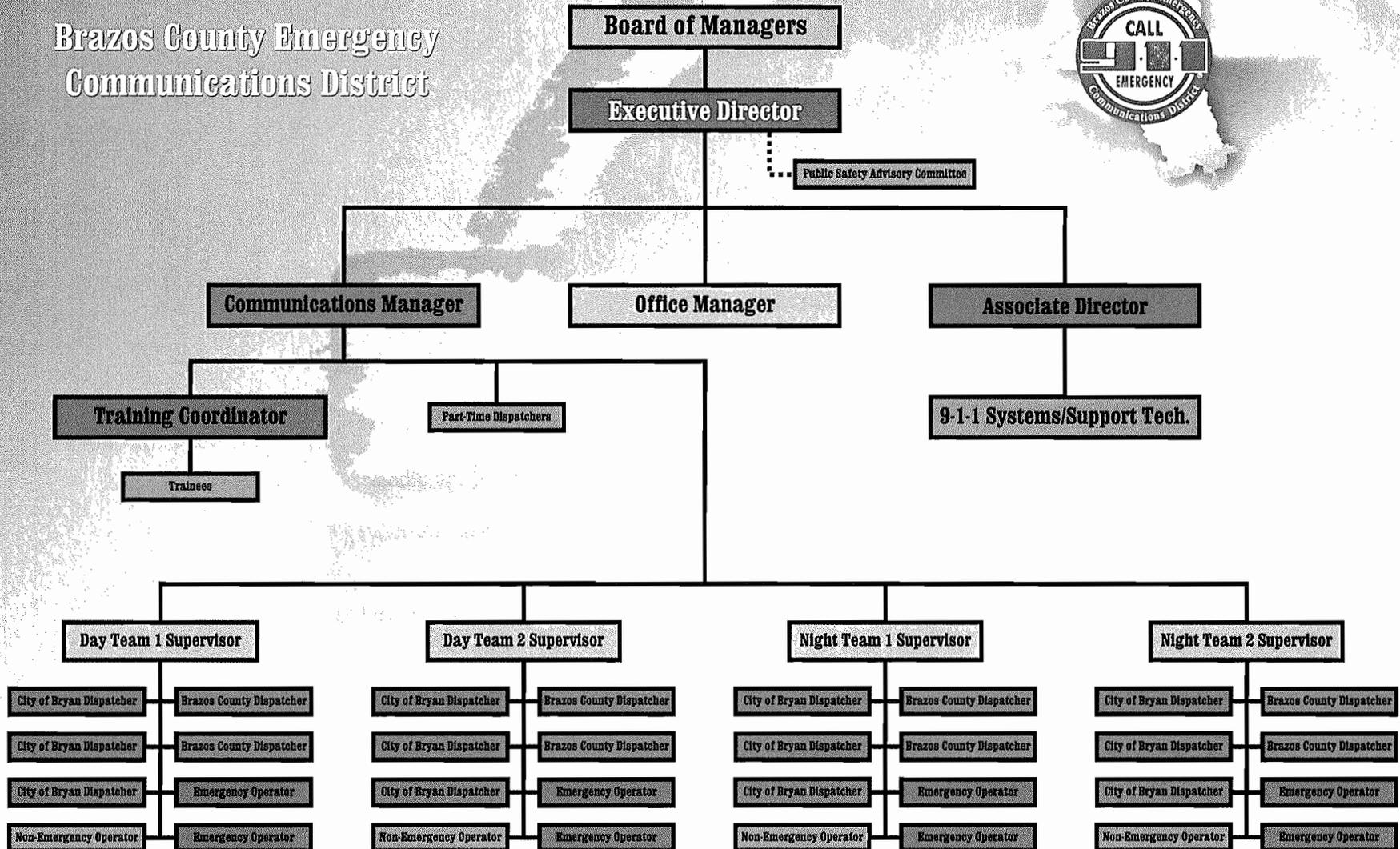
The mission of the Brazos County Emergency Communications District is to provide swift and appropriate access to public safety for the citizens of this community.



Organizational Chart

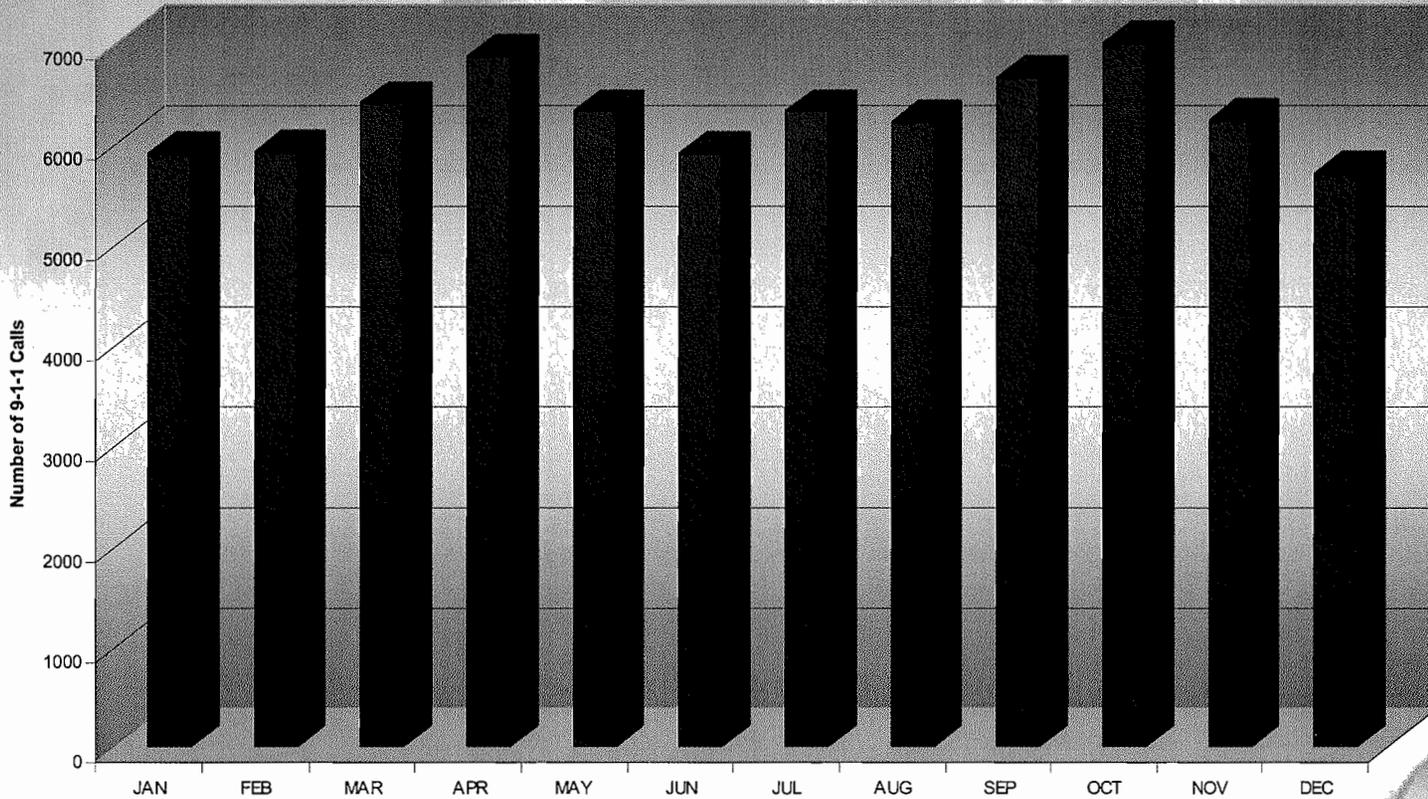
Revised August, 2007

Brazos County Emergency
Communications District



9-1-1 Calls - 2006 Totals

Total Number of
9-1-1 Calls for 2006: **75,547**

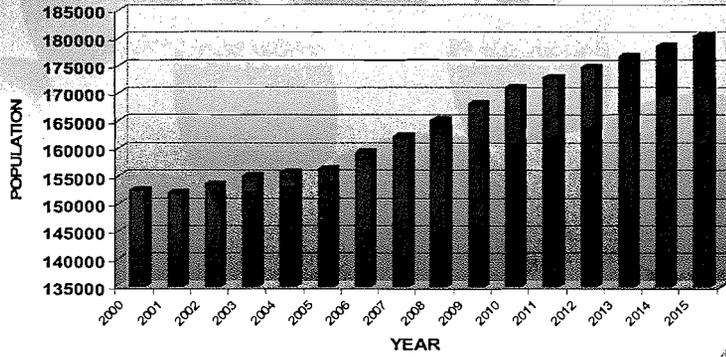


Brazos County 9-1-1 District



Population Growth

Larger population numbers have historically led to a greater volume of both emergency & non-emergency calls along with an increased number of calls for service. Both of these directly impact the overall demand for dispatch services.



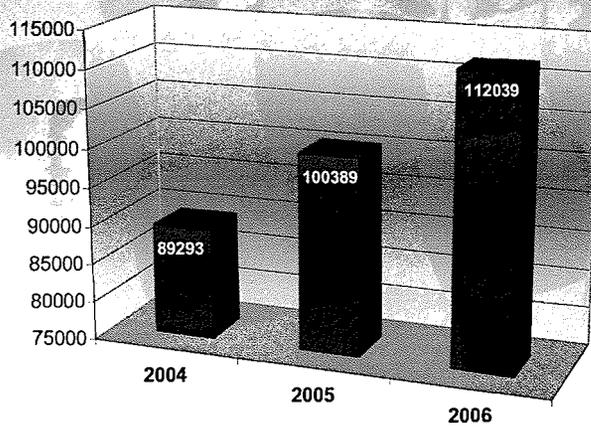
Source: Texas Association of Counties & Texas State Data Center

Brazos County 9-1-1 District



Calls for Service

Overall calls for service have increased at a steady pace for many years.



Brazos County 9-1-1 District



REVENUES/EXPENDITURES



**FY 2008
BUDGET SUMMARY**

Details concerning individual line items are located in the BUDGET DETAILS section

REVENUES	
1	Emergency Service Fees \$1,162,000
2	Interest \$75,000
3	Dispatch Contracts \$1,983,627
TOTAL REVENUE: \$3,220,627	
EXPENDITURES	
4	Operating Costs \$2,991,658
5	Capital Outlay \$103,728
6	Capital Reserve \$125,241
TOTAL EXPENDITURES: \$3,220,627	

PERSONNEL SERVICES

WAGES		DISTRICT	BRYAN	BRAZOS	TOTAL
7	Executive Director	\$82,270			\$82,270
8	Associate Director	\$67,523			\$67,523
9	Office Manager	\$43,160			\$43,160
10	9-1-1 Systems & Support Tech.	\$39,416			\$39,416
11	Communications Manager		\$26,742	\$26,742	\$53,484
12	Training Coordinator	\$39,416			\$39,416
13	Communications Supervisors (4)		\$103,208	\$58,054	\$161,262
14	Non Emergency Call Takers (4)		\$57,356	\$57,356	\$114,712
15	Emergency Operators (8)		\$185,833	\$43,591	\$229,424
16	Brazos County Emergency Dispatchers (8)			\$229,424	\$229,424
17	City of Bryan Emergency Dispatchers (12)		\$344,136		\$344,136
SUB-TOTAL (BASE WAGES)		\$271,785	\$717,275	\$415,167	\$1,404,227
18	Overtime Pay	\$5,000	\$68,781	\$38,689	\$112,470
19	Longevity Pay	\$1,452	\$5,909	\$3,595	\$10,956
20	3.5% Cost of Living Adjustment	\$9,512	\$25,105	\$14,531	\$49,148
21	2.5% Merit Pool (includes 16 eligible employees)	\$5,809	\$6,645	\$4,033	\$16,487
22	Part-Time Pay		\$28,440	\$15,998	\$44,438
Total Wages		\$293,558	\$852,155	\$492,013	\$1,637,726
BENEFITS		DISTRICT	BRYAN	BRAZOS	TOTAL
23	Retirement	\$21,723	\$60,955	\$35,225	\$117,903
24	Worker's Comp. Ins	\$1,776	\$5,156	\$2,977	\$9,909
25	SS/Medicare	\$22,457	\$65,190	\$37,639	\$125,286
26	Unemployment	\$450	\$2,408	\$1,463	\$4,321
27	Health Insurance	\$33,300	\$160,040	\$99,700	\$293,040
Total Benefits		\$79,706	\$293,749	\$177,004	\$550,459
TOTAL PERSONNEL SERVICES		\$373,264	\$1,145,904	\$669,017	\$2,188,185

SUPPLIES

	DISTRICT	BRYAN	BRAZOS	TOTAL	
28	Office Supplies	\$5,500	\$3,520	\$1,980	\$11,000
29	Postage & Shipping	\$1,600	\$960	\$540	\$3,100
30	Printing	\$1,500	\$960	\$540	\$3,000
TOTAL SUPPLIES		\$8,600	\$5,440	\$3,060	\$17,100

MAINTENANCE - CONTRACTUAL SERVICES

	DISTRICT	BRYAN	BRAZOS	TOTAL
31 Building Lease	\$27,174	\$19,021	\$8,152	\$54,347
32 Dictaphone Logger Maintenance	\$3,513	\$6,323	\$4,215	\$14,051
33 PC & PC Network Maintenance & Misc. Equip.	\$1,000	\$640	\$360	\$2,000
34 Financial Audit	\$6,750			\$6,750
35 Legal Fees	\$13,750			\$13,750
36 CAD Hardware & Software Maintenance	\$6,158		\$5,196	\$11,354
37 Copier Lease	\$2,250	\$1,440	\$810	\$4,500
38 UPS Maintenance	\$2,400			\$2,400
39 VHF Radio Emergency Maintenance			\$2,000	\$2,000
40 E9-1-1 Services	\$550,000			\$550,000
TOTAL MAINT. & CONTRACTUAL SERVICES	\$612,995	\$27,424	\$20,733	\$661,152

EDUCATION - TRAINING - MISC. SERVICES

	DISTRICT	BRYAN	BRAZOS	TOTAL
41 Professional Development	\$14,453	\$9,250	\$5,202	\$28,905
42 Recruiting		\$5,888	\$3,312	\$9,200
43 EMD & CPR Certifications		\$1,600	\$900	\$2,500
44 Insurance	\$9,000	\$5,760	\$3,240	\$18,000
45 9-1-1 Public Education	\$10,000			\$10,000
46 Car Allowance	\$7,200	\$1,200	\$1,200	\$9,600
47 Dues & Subscriptions	\$1,715	\$352	\$198	\$2,265
48 Non-Emergency Communications Services	\$11,475	\$19,156	\$12,064	\$42,695
49 Interoperability Radio Circuits	\$2,056			\$2,056
TOTAL EDUCATION-TRAINING-MISC	\$55,899	\$43,206	\$26,116	\$125,221

CAPITAL OUTLAY

	DISTRICT	BRYAN	BRAZOS	TOTAL
50 Color Monitors	\$3,000			\$3,000
51 Intensive Use Chairs	\$3,000			\$3,000
52 Upgrade Computer Network	\$4,000			\$4,000
53 Upgrade PC & Hardware	\$10,000			\$10,000
54 Carpet Tiles (Dispatch Center)	\$31,000			\$31,000
55 Carpet (Admin Offices)	\$10,000			\$10,000
56 Radio Console & Furniture			\$42,728	\$42,728
TOTAL CAPITAL OUTLAY	\$61,000	\$0	\$42,728	\$103,728

TOTALS

	DISTRICT	BRYAN	BRAZOS	TOTAL
57 PERSONNEL SERVICES	\$373,264	\$1,145,904	\$669,017	\$2,188,185
58 SUPPLIES	\$8,600	\$5,440	\$3,060	\$17,100
59 MAINT. & CONTRACTUAL SERVICES	\$612,995	\$27,424	\$20,733	\$661,152
60 EDUCATION-TRAINING-MISC	\$55,899	\$43,206	\$26,116	\$125,221
61 CAPITAL OUTLAY	\$61,000		\$42,728	\$103,728
62 CAPITAL RESERVE	\$125,241			\$125,241
TOTAL FY2008 EXPENDITURES	\$1,236,999	\$1,221,974	\$761,654	\$3,220,627

FY 2008 Budget Detail

Monetary revisions & one-time funding adjustments detailed in FY 2007 are noted by *

Line 1, Emergency Service Fees - The District expects to receive \$ 1,162,000.00 in various forms of emergency services fees for FY 2008. This includes residential and commercial landlines, and wireless phones. VoIP (Voice over Internet Protocol) providers have begun submitting fees; however, funding is still unpredictable. It is important to note that the Emergency Service Fee is expected to remain near the FY2007 level. The trend for landline customers canceling service in favor of using a mobile device for their communications requirements continues.

Line 2, Interest – This figure represents the anticipated interest earned by the District's accounts. This number is based on historical data.

* **Line 3, Dispatch Contracts** – This figure represents income from the District's contracts to provide dispatch services for the City of Bryan Police & Fire Departments as well as the Brazos County Sheriff's office, Constables, and Volunteer Fire Departments. Revenue for FY 2007 and beyond has increased due to a comprehensive revision of our budget structure. Moreover, implementing our three year plan to enhance service requires an increase in funds.

* **Line 4, Operating Costs** – This is the estimated total cost of personnel services, supplies, maintenance contracts, education, and training for all aspects of the District's operation. For clarity we have added several line items in FY 2008. Each categorization is detailed in this section.

* **Line 5, Capital Outlay** – Represents District funds used to fund capital projects and purchases. In FY 2008, we plan to add line items that we marked as postponed in FY 2007.

* **Line 6, Capital Reserve** – This line item is the fund amount being placed into reserves for FY 2008.

Line 7, Executive Director – This position is salaried and funded 100% by the District's Emergency Service Fees.

Line 8, Associate Director – This salaried position is also funded 100% by District derived funds.

Line 9, Office Manager – This is an hourly position funded 100% by the District.

Line 10, 9-1-1 Systems and Support Tech. – This position is also an hourly position and funded 100% by the District.

* **Line 11, Communications Manager** – This position is the senior most communications employee whose duties are dedicated 100% to the operation of the District's

Communications Center. This position was funded one time in FY 2007 by the District as part of the phase-in process. In FY 2008 and beyond, this position is funded with contract revenue and will be shared 50/50 between the City of Bryan and Brazos County.

* ***Line 12, Training Coordinator*** – This hourly position performs a diverse set of responsibilities and will be funded by the District through FY 2008. In FY 2009 and beyond, the funding will be divided based on a breakdown of the job's function.

Line 13, Communications Supervisors – This item funds the base wage for the four shift supervisors in the dispatch center. The total is split between the contracting entities using the standard 64/36 split.

* ***Line 14, Non-Emergency Call Takers*** – These funds were applied in FY 2007 to three new employees to staff a recently installed Non-Emergency call taking position in the dispatch center and was used to facilitate Emergency Medical Dispatching. These funds were shared 2 to 1 by Brazos County and the City of Bryan. Because of this, for FY 2008 we are proposing hiring of 1 additional call-taker funded by the City of Bryan. We plan to hire 2 call-takers in FY 2009 which will be funded by the City of Bryan and Brazos County using the standard split.

Line 15, Emergency Operators – This item funds eight employees functioning as both emergency and non-emergency telephone operators. The funds are split between the contracting entities based on a historical call volume percentage of 81 % City of Bryan and 19% Brazos County. In FY 2010, we plan to add 2 additional emergency operators which will be funded by the City of Bryan and Brazos County.

* ***Line 16, Brazos County Emergency Dispatchers*** – Abiding by our three year plan, we are proposing separating the SO and Constable radio traffic. They will then have two distinct dispatch positions. Based on radio statistics, the SO will have its own dedicated position and the Constables and Volunteer Fire Departments will share a position. These eight communications specialist will operate both radio positions and will be funded 100% by revenue generated by Brazos County's Contract for Dispatch Services. Associated equipment and personnel cost is addressed throughout this Budget document.

Line 17, City of Bryan Emergency Dispatchers – these 12 employees operate the Bryan PD Primary position, the Bryan PD Secondary position, and the Bryan Fire Department position. Note, if funding is approved, Bryan FD will have its own dedicated dispatch position in FY 2008. These positions are funded 100% by revenue provided by the City of Bryan's Contract for Dispatch Services.

* ***Line 18, Overtime Pay*** – These funds will be used to cover vacancies in the dispatch center due to sick leave, vacation, holidays, jury duty and training. Overtime funds will also cover contingencies such as critical incidents, hostage situations and emergency management incidents. A total of 4,885 hours will need to be covered based on historical data. Part-time employees will also cover vacancies.

Line 19, Longevity Pay – This line item funds longevity rewards program which pays employees with at least six years of service with the District. The program pays at a rate which accrues monthly by multiplying the employee’s years of service times between \$4 and \$5.

***Line 20, Cost of Living Allowance** – This funding will make an across the board adjustment to the Districts pay scale in an attempt to reduce the gap between our agency’s wages and other local agencies. It is calculated by multiplying 3.5% times the District Base Wages.

***Line 21, Merit Pool** – This line item affects only those employees who either have reached the top of the District’s career ladder or have no other means by which to earn a higher wage. The District’s evaluation system was implemented to reward outstanding performance by graduating employees to a high pay step following superior performance reviews. This money allows employees at the top of a pay scale to be rewarded for their performance. These funds are required for the 16 employees who currently meet the criteria. It is calculated by multiplying 2.5 % times the base wages of eligible personnel.

Line 22, Part-Time Pay – This line item funds wages for part-time communications specialist who cover openings discussed previously in the Overtime Pay explanation. We hope to cover 3,400 of these hours with the use of Part-time personnel at a cost of \$13.07 per hour. The District plans to employ an additional part-time communications specialist in FY 2010 in an effort to minimize overtime pay.

Line 23, Retirement – These figures represent the District portion of the retirement plan. It is calculated by multiplying 7.4% times the FULL-TIME wage. This is the current cost based on our required contributions to the Texas County & District Retirement System.

Line 24, Worker’s Comp Insurance – This item is calculated by multiplying TML’s current rate of .605% times the Total Wages.

Line 25, Social Security/Medicare – This item is calculated by multiplying 7.65% times Total Wages.

Line 26, Unemployment – The current rate set by the Texas Workforce commission is 1.0% of the first \$9,000 of each employee’s Total Wages.

Line 27, Health Insurance – The current price of health insurance coverage through Blue Cross/Blue Shield of Texas is estimated to be \$6,660.00 for each full-time employee. The total cost is divided using a method similar to the way the standard split was determined and allocates funding based on job duties. Note in FY2007 we joined the County’s health benefits plan which was a cost savings to the District.

Line 28, Office Supplies – Line items includes paper goods, and general office supply needs including costs associated with producing service awards. The expenditure of

these products is difficult to verify; therefore, the District will cover 50% of this line item with the remainder being split by the City of Bryan and Brazos County 64/36.

Line 29, Postage & Shipping – This item funds the District’s cost associated with sending and receiving mail and parcels. The district post office box is also included in this category. The District will fund the majority of this category with the standard split being applied to the remainder.

Line 30, Printing – This figure represents the cost of printing items such as training manuals, posters, forms, and high volume copy jobs. The category is split identically to the office supply category.

* ***Line 31, Building Lease*** – This item covers costs incurred by the District to lease a portion of the third floor in Verizon’s Central Office at 101 Regent Av. Included in the cost are utilities and building maintenance and repair. The District funded 100% of this line item on a one time basis for FY 2007. Following our phase-in correction process, in FY 2008 and beyond, the funding is divided based on the amount of square footage required by each entity. Any portion of the space that is jointly used, the District adopts responsibility for funding.

Line 32, Dictaphone Logger Maintenance – Funds from this line item pay for the maintenance and support service for the Dictaphone Freedom system. Software upgrades are also included as part of our maintenance agreement. The funding level for each entity was calculated by dividing the total cost of \$14,051 by the number of recording channels on the system. We then determined the number of channels being used by each agency and calculated the cost for each entity accordingly. (25%, 45%, 30%).

* ***Line 33, PC & PC Network Maintenance and Misc. Equipment***– This line item provides funds for the repair and maintenance of existing PC’s. Examples of these repairs include the replacement of keyboards, mice, faulty sound, video, and network interface cards as well as drives and mass storage devices. Equipment such as headsets is also included in this line item. The District funded this line item at 100% on a one time basis for FY 2007. In FY 2008 and beyond, the district proposes to cover 50% of this cost with the contracting entities funding the remainder using the standard split.

Line 34, Financial Audit – This line item pays for the independent audit of the District’s financial records as required by the Texas Health & Safety Code and is funded 100% with District derived funds.

Line 35, Legal Fees – This line item funds any needs for general legal counsel throughout the budget year as well as several legal partnership projects which support members of the Texas 9-1-1 Alliance. It is funded 100% with District derived funds.

* ***Line 36, CAD Hardware & Software Maintenance*** – This figure represents the cost of maintenance support for the CAD software and hardware. Technical support is also

included as part of the agreement. The District funds the portion of the plan associated with CAD mapping and the E-911 interface. The remainder of the cost is shared by the City of Bryan and Brazos County using the standard split of 64/36. The City of Bryan IT Department will direct bill the Police Department for its share of maintenance costs.

***Line 37, Copier Lease** – Funds the lease of the District’s copy machine. 100% of the funding was provided by the District on a one time basis for FY 2007. FY 2008 and beyond the District will fund 50 % of the cost with the standard split method used to determine the cost for the City of Bryan and Brazos County.

***Line 38, UPS Maintenance** – This line item funds the annual maintenance and on-site repair and technical support services for the Uninterruptible Power Supply. This funding was covered 100% by the District for FY 2007 and will continue for FY 2008. It will be divided equally among the District, City of Bryan, and Brazos County beginning in FY 2009.

Line 39, VHF Radio Emergency Maintenance – This line item covers emergency repairs on the secondary SO radio channel which is no longer covered by a maintenance plan. 100% of the funding will be provided by Brazos County.

Line 40, E9-1-1 Services – As the single largest line item in the FY 2008 budget, E9-1-1 Services represent the core of the District’s function as described by the Texas Health & Safety Code. Funds for this line item are provided 100% by the District.

Line 41, Professional Development– This line item provides funds for training and ongoing professional development through technical training classes, seminars, conferences and symposiums. It covers all levels within the District. The associated cost of travel is also included in this line item. The District will provide funding for 50% of this item with the City of Bryan and Brazos County paying the remainder employing the standard split method.

***Line 42, Recruiting**- This line item provides dedicated funds for the activities and testing related to the hiring process which includes but is not limited to: advertising to search for qualified candidates, security clearance checks, skill testing, interviews, pre-employment suitability personality test and associated pre-employment medical test. The City of Bryan and Brazos County share this line item utilizing the standard split method. [New line item]

*** Line 43, Emergency Medical Dispatch and CPR-** This line item provides funds to continue the enhanced Emergency Medical Dispatch system implemented in FY 2007. It covers cost related to training and equipment maintenance. The City of Bryan and Brazos County share this line item utilizing the standard split method. [New line item]

***Line 44, Insurance** – This item funds a personal property and liability insurance policy for all employees and was funded 100% with District funds in FY 2007. The District will provide funding for 50% of this item with the City of Bryan and Brazos County paying the remainder utilizing the standard split method.

Line 45, 9-1-1 Public Education – These funds are used to purchase products and services which promote 9-1-1 education within the District. These items may include promotional pens, pencils and paper goods, as well as pamphlets and other items that educate children on the proper use of 9-1-1. Also this line item accounts for costs of special functions such as National Telecommunicator Week recognition and 9-1-1 Day activities. In FY 2008 the District will participate in a State-Wide Public Service announcement to inform the public of 9-1-1 issues. This line item is funded 100 % by the District.

Line 46, Car Allowance – This line item was funded 100% with District derived revenue in FY 2007. The Executive Director receives 50 % with the remainder split equally between the Associate Director and the Communications Manager. The Communications Manager's portion is now shared by the City of Bryan and Brazos County. These funds offset the cost of gas plus wear & tear on the employee's personal vehicles while performing in town driving for District, City and County purposes.

Line 47, Dues & Subscriptions – These funds pay for items such as membership to the Chamber of Commerce and include individual and organizational memberships to professional organizations such as National Emergency Number Association (NENA) and Association of Public Safety Communications Officials-International (APCO). It also includes subscriptions to relevant periodicals. The cost is shared based on employee job function combined with the primary nature of the association. Also included in this line item the District will fund 100% for the subscriptions for TTY-PASS. This allows all Brazos County 9-1-1 call taking positions within the PSAPs to individually test TTY devices.

Line 48, Non-Emergency Communications Services – The District maintains phone service to 40 non-emergency telephone lines. Included in this line item are communications devices (pagers, cell phones, and blackberry) and related expenses that are necessary to maintain a 24/7 on-call status for key personnel. Long distance charges are also included in this line item. We have prepared a lengthy worksheet which outlines and defines the primary user of each line and divided the cost for each entity accordingly.

Line 49, Interoperability Radio Circuits – These existing circuits are one component of a larger project which is used to allow public safety entities within District to communicate using their existing radio systems.

Line 50, Color Monitors – These funds will purchase several new monitors which are defective, broken, or have extreme image burn-in.

Line 51, Intensive Use Chairs – This line item will purchase ergonomic heavy duty chairs to replace worn furniture.

Line 52, Upgrade Computer Network – These funds will allow for the installation of a network hub in the dispatch center. The existing number of network access points is no longer adequate due to large increase in the number computers and networked equipment in the center.

Line 53, Upgrade PC & Hardware – These funds will be used to replace several aging PC's and printers in the District's administration area.

***Line 54, Carpet Tile** – The dispatch center is still using the original raised flooring system installed when the Communications Center was built. The carpet is loose and uneven in many places and presents a continual safety hazard. These funds will be used to replace the existing floor tiles. This was postponed in FY 2007-- Reinstated in FY 2008.

***Line 55, Admin Carpet** – This line item will be used to replace worn carpet in the administrative area of the District's office space. Much of this carpet was installed at the time the District was formed. This was postponed in FY 2007-- Reinstated in FY 2008.

Line 56, Radio Console and related furniture for new position – These funds will provide the necessary radio equipment and furniture to fulfill our three-year plan which dictated the provision of a dedicated SO radio position. This line item will be funded 100% by revenue generated by Brazos County's Contract for Dispatch Services.

Lines 57-62, Totals – This section is a recap of the totals provided at the bottom of each section along with a FY 2008 total for the District, the City of Bryan, and Brazos County. The Increase or Decrease from FY 2007 is also noted.

TOTALS

	DISTRICT	BRYAN	BRAZOS	TOTAL	+/- from 2007	
57	PERSONNEL SERVICES	\$373,264	\$1,145,904	\$669,017	\$2,188,185	\$354,609
58	SUPPLIES	\$8,600	\$5,440	\$3,060	\$17,100	\$0
59	MAINT. & CONTRACTUAL SERVICES	\$612,995	\$27,424	\$20,733	\$661,152	\$5,143
60	EDUCATION-TRAINING-MISC	\$55,899	\$43,206	\$26,116	\$125,221	\$21,020
61	CAPITAL OUTLAY	\$61,000		\$42,728	\$103,728	\$58,728
62	CAPITAL RESERVE	\$125,241			\$125,241	\$125,241

TOTAL FY2008 EXPENDITURES	\$1,236,999	\$1,221,974	\$761,654	\$3,220,627	
Increase/Decrease from 2007	\$49,103	\$185,814	\$329,824	\$564,741	

Four Year Projections

FY 2009 - FY 2012

The following document represents the input from several District staff members as well as members of the Public Safety Advisory Committee. Each participated in meetings, researched his or her area of responsibility, provided suggestions, and collected all available data. The resulting four year plan represents this collaborative effort. This projection is designed to be a work in progress and will be updated on an annual basis.

FY 2009	DISTRICT	BRYAN	BRAZOS	TOTAL
Reinstatement of salary split for Training Coord.		\$16,820	\$3,375	\$20,195
Reinstatement of line 38-UPS Maintenance		\$800	\$800	\$1,600
Additional Non-Emergency Call-Takers (2)		\$45,577	\$10,690	\$56,267
Purchase new call logging system (Grant?)		\$36,000	\$12,000	\$48,000
Capital Outlay - Reserve 9-1-1 answering position	\$80,000			\$80,000
Capital Reserve	\$75,000			\$75,000
Estimated Increase for FY 2009	\$155,000	\$99,197	\$26,865	\$281,062

FY 2010*	DISTRICT	BRYAN	BRAZOS	TOTAL
9-1-1 system upgrade	\$110,000			\$110,000
Additional Emergency Operators (2)		\$43,467	\$14,489	\$57,956
Additional Part-Time position (500 hours at 13.94)		\$5,228	\$1,743	\$6,971
Capital Reserve	\$80,000			\$80,000
Estimated Increase for FY 2010	\$190,000	\$48,695	\$16,232	\$254,927

*Minimum staffing level will increase to 7 in FY 2010

FY 2011	DISTRICT	BRYAN	BRAZOS	TOTAL
Additional Emergency Operators (2)		\$38,390	\$21,594	\$59,984
Replace headphones		\$1,920	\$1,080	\$3,000
Pay Plan Classification Study	\$20,000			\$20,000
Professional standards coordinator/Part-time CS supervisor		\$23,670	\$13,314	\$36,984
Capital Reserve	\$50,000			\$50,000
Estimated Increase for FY 2011	\$70,000	\$63,980	\$35,988	\$169,968

FY 2012	DISTRICT	BRYAN	BRAZOS	TOTAL
Replace Plant*CML	\$500,000			\$500,000
Capital Reserve	\$50,000			\$50,000
Estimated Increase for FY 2012	\$550,000	\$0	\$0	\$550,000

**October 11, 2007
Consent Agenda Item 3c
Brazos County Special Investigations Unit**

To: Glenn Brown, City Manager

From: Michael Clancey, Chief of Police

Agenda Caption: Presentation, discussion and possible action regarding the approval of a grant application to the Criminal Justice Division of the Office of the Governor for a special investigations unit in Brazos County, including approval of a Cooperative Working Agreement.

Recommendation(s): Staff recommends approval of the agreement.

Summary: The purpose of this agreement is to work collaboratively with other Brazos County Law Enforcement agencies, namely the College Station Police Department, Brazos County Sheriff's Office, Bryan Police Department, and the Texas A&M University Police Department in an effort to address the causations of major and significant crimes in Brazos County. This would be accomplished by the formation of a Special Investigations Unit comprised of sworn and civilian employees of the above named agencies. This unit would primarily concentrate their investigative efforts in the area of illegal gangs, narcotics trafficking, organized criminal activity and major property crimes. This effort will be staffed using existing personnel.

Budget & Financial Summary: The BCSIU's operating expenses will be funded primarily through a grant from the Governor's Office specifically designated to help local jurisdictions combat organized criminal activity. The exact amount of the grant funding is unknown at this time. It is anticipated to be in the range of \$200,000 - \$400,000. Each agency will cover the salaries and benefits for their own officers. There is no match for this grant.

Attachments:

1. BCSIU Grant Application
2. Cooperative Working Agreement

COOPERATIVE WORKING AGREEMENT

Office of the Governor
Criminal Justice Division
P.O. Box 12428
Austin, TX 78711
512/463/1919
Fax: 512/475-2440
www.governor.state.tx.us

This is to certify that the objectives of the grant application submitted to the Criminal Justice Division of the Office of the Governor have been reviewed and that it is mutually agreed to cooperate to whatever extent is necessary in carrying out the objectives described in this application.

In addition, if the outside organization has personnel assigned to the grant-funded project, that agency certifies that it is cognizant of the rules and regulations governing the operation of the grant and agrees to abide by any and all such rules or special conditions relating to the application.

Part I: Applicant Organization

Brazos County
Applicant's Organization

Brazos County Special Investigations Unit
Project Title

Randy Sims, Brazos County Judge
Printed Name and Title of Applicant's
Authorized Official

Signature of the Applicant's Authorized
Official

Date

Part II: Outside Organization

College Station Police Department
Outside Organization

Brazos County Special Investigations Unit
Project Title

Michael Clancey, Chief of Police
Printed Name and Title of Outside
Organization's Authorized Official

Signature of the Outside
Organization's Authorized Official

Date

Agency Name: Brazos County
Grant/App: 1986101 **Start Date:** 10/1/2007 **End Date:** 9/30/2008

Project Title: Brazos County Special Investigations Unit (BCSIU)
Status: Application Pending AO Certification

Eligibility Information

Introduction

The Criminal Justice Division (CJD) publishes funding opportunities, known as **Requests for Applications (RFA)**, through the Texas Secretary of State. Click [here](#) to visit the Secretary of State's website to locate the RFAs in the appropriate Texas Register issue.

In addition, CJD requires all applicants and grantee organizations to adhere to the *Texas Administrative Code (TAC)* as adopted. Click [here](#) to view the current TAC, or click [here](#) to view the previous versions of the TAC.

Submission Process

When applying for a grant pursuant to an **RFA** published in the *Texas Register* by CJD, applicants must submit their applications according to the requirements provided in the **RFA**. CJD may also consider applications for grants that are not submitted pursuant to an **RFA**. Applicants will be selected in accordance with *1 TAC*, Â§3.7.

Selection Process

All applications submitted to CJD are reviewed for eligibility, reasonableness, availability of funding, and cost-effectiveness. For applications submitted pursuant to an **RFA**, the executive director will select a review group, COG, or other designee to prioritize the applications and submit a priority listing to the executive director, who will render the final funding decision. A review group may include staff members, experts in a relevant field, and members of an advisory board or council. For more information regarding the selection process, see *1 TAC*, Â§3.7.

Funding Decisions

All grant funding decisions rest completely within the discretionary authority of CJD. The receipt of an application for grant funding by CJD does not obligate CJD to fund the grant or to fund it at the amount requested.

Neither the approval of a project nor any grant award shall commit or obligate CJD in any way to make any additional, supplemental, continuation, or other award with respect to any approved project or portion thereof.

CJD makes no commitment that a grant, once funded, will receive priority consideration for subsequent funding. For more information regarding the application process, see *1 TAC*, Â§3.7 and 3.9.

Adoptions by Reference

All grantees receiving federal and state funds must comply with the applicable statutes, rules, regulations, and guidelines related to the funding source under which the grant is funded. In instances where both federal and state requirements apply to a grantee, the more restrictive requirement applies. For more information regarding grant funding, see *1 TAC*, Â§3.19.

Community Plans

Each community, consisting of a single county or a group of counties, must file with a COG a community plan that addresses the community's criminal justice priorities. A community plan should assess local trends and data; identify problems, resources, and priorities; develop effective strategies; and set goals and objectives. For more information regarding community plans, see *1 TAC*, Â§3.51.

Juvenile Justice and Youth Projects

Juvenile justice projects or projects serving delinquent or at-risk youth, regardless of the funding source, must address at least one of the priorities developed in coordination with the Governor's Juvenile Justice Advisory Board to be eligible for funding. For more information regarding these priorities, see *1 TAC*, Â§3.53.

Monitoring

CJD will monitor the activities of grantees as necessary to ensure that grant funds are used for authorized purposes in compliance with all applicable statutes, rules, regulations, guidelines, and the provisions of grant agreements, and that grantees achieve grant purposes. Grantees must make available to CJD or its agents all requested records relevant to a monitoring review. For more information regarding monitoring, see *1 TAC*, Â§3.2601.

Your organization's Texas Payee/Taxpayer ID Number:

746000433

Application Eligibility Certify:

Created on:9/12/2007 5:38:39 PM By:James Woodward

Profile Information

Introduction

The **Profile Details** section collects information about your organization such as the name of your agency and project title, the geographic area your project will serve and information about your grant officials.

Click on the **Save and Continue** button at any time to save the information entered on this page. If you do not click on this button and navigate away from the page, your work will be lost. When you click the **Save and Continue** button, you may receive several error messages that instruct you to complete the required fields. Your data on any given tab will not save to the system until all required fields are complete and correct.

In addition, you have a 2-hour time limit for each tab where you will need to complete the information correctly and then click the **Save and Continue** button. There is a timestamp in the upper-right hand corner of the page that notes when you first clicked on the tab. From that point, you have 2 hours to complete the information on that tab correctly. If you do not complete the information correctly (for the required fields) and then you click on the **Save and Continue** button, you will be redirected to the eGrants Home Page. If this happens, your data will not be saved in the system. You may also choose to compose a message on this page for CJD to review. This can be done by typing in the **Notes By Grantee / CJD** message box.

Email Addresses & Grant Officials Information

Grant Officials Information: Enter a valid and unique email address for each grant official and click the **Verify Email and Set Official to the Project** button. If you receive an error message regarding an email address, the grant official you are trying to assign to the project has not registered for a user account in eGrants. Please inform the agency's grant official or designee that they must log in to the [eGrants Home Page](#), and register for a user account. If you need technical assistance, please contact the [eGrants Help Desk](#) by email.

Forms

[Designation of Grant Officials Change Form](#) - used to assign or reassign **Grant Officials** for CJD grant projects.

Getting Started

On this tab you will notice a certain icon that is displayed.

-  = an **information** icon - this help icon is next to certain items that may need further explanation. Simply click and review the information provided in the pop up window.

Applicant Agency Name: Brazos County
Project Title: Brazos County Special Investigations Unit (BCSIU)
Division or Unit to Administer the Project: N/A
Address Line 1: 300 E. 26th ST. Suite 105
Address Line 2:
City/State/Zip: Bryan Texas 77803-5359
Payment Address Line 1: 300 E. 26th ST. Suite 313
Payment Address Line 2:
Payment City/State/Zip: Bryan Texas 77803-5359
Start Date: 10/1/2007
End Date: 9/30/2008

Regional Council of Governments(COG) within the Project's Impact Area: Brazos Valley Council of Governments
Headquarter County: Brazos
Counties within Project's Impact Area: Brazos

Grant Officials:

Authorized Official

User Name: Randy Sims
Email: rsims@co.brazos.tx.us
Address 1: 300 E. 26th St., suite 114
Address 1:
City: Bryan, Texas 77803
Phone: 979-361-4102 Other Phone:
Fax: 979-361-4503
Agency:
Title: The Honorable
Salutation: Mr.

Project Director

User Name: Christopher Kirk
Email: chriskirk@highsheriff.com
Address 1: 300 East 26th Street, Suite 105
Address 1:
City: Bryan, Texas 77803
Phone: 979-361-4150 Other Phone: 979-775-4695
Fax: 979-361-4170
Agency:
Title: Mr.
Salutation: Sheriff

Financial Official

User Name: Katie Conner
Email: kconner@co.brazos.tx.us
Address 1: 300 East 26th St, Suite 314

Address 1:**City:** Bryan, Texas 77803**Phone:** 979-361-4350 Other Phone:**Fax:** 979-361-4347**Agency:****Title:** Ms.**Salutation:** Ms.**Grant Writer****User Name:** James Woodward**Email:** jwoodward@cstx.gov**Address 1:** 2611 Texas Avenue, South**Address 1:****City:** College Station, Texas 77840**Phone:** 979-764-3600 Other Phone: 979-764-5012**Fax:** 979-764-3468**Agency:****Title:** Mr.**Salutation:** Sergeant**Grant Vendor Information**

Introduction

The **Grant Vendor** section of the application collects grant payment information for your organization. The following items will be auto-filled from previous data you supplied in eGrants: Organization Type, State Payee Identification Number, and Data Universal Numbering System (DUNS) identifier (if applicable).

Click on the **Save and Continue** button at any time to save the information entered on this page. If you do not click on this button and navigate away from the page, your work will be lost. When you click the **Save and Continue** button, you may receive several error messages that instruct you to complete the required fields. Your data on any given tab will not save to the system until all required fields are complete and correct.

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Getting Started

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Organization Type: County

Organization Option: applying to provide services to all others

Applicant Agency's State Payee Identification Number (e.g., Federal Employer's Identification (FEI) Number or Vendor ID): 746000433

Data Universal Numbering System (DUNS): 052960341

Payment Address Line 1: 300 E. 26th ST. Suite 313

Payment Address Line 2:

Payment City/State/Zip: Bryan Texas 77803-5359

Narrative Information

Introduction

The **Narrative** section is the description of your project. It is important that the information you provide about your project is clear and as concise as possible.

Note: All applicants must certify to the eligibility requirements specific to the fund source. The minimum requirements to complete this page are the **Program Requirements, Problem Statement, Supporting Data, Goal Statement, and Project Summary** sections. We recommend that you complete any sections applicable to your project to assist in the application review process.

Click on the **Save and Continue** button at any time to save the information entered on this page. If you do not click on this button and navigate away from the page, your work will be lost. When you click the **Save and Continue** button, you may receive several error messages that instruct you to complete the required fields. Your data on any given tab will not save to the system until all required fields are complete and correct.

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choose to compose a message on this page for CJD to review. This can be done by typing in the **Notes By Grantee / CJD** message box.

Getting Started

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Primary Mission and Purpose

The purpose of the Justice Assistance Grant (JAG) Program is to prevent and control crime and make improvements to the criminal justice system.

Funding Levels

The anticipated funding levels for the Justice Assistance Grant program are as follows:

- Minimum Award - None
- Maximum Award - None
- The Justice Assistance Grant program does not require a grantee to provide matching funds.

For more information regarding grantee match, please click on the **Budget** tab, and then click on the **Source of Match** tab in eGrants.

Note: If you voluntarily include matching funds that exceed the minimum match requirement, you will be held to that amount throughout the grant period.

Program Requirements

Note: The requirements for this fund source are subject to change pursuant to actions of the U.S. Congress.

Preferences - Preference will be given to projects that perform the following activities:

1. Increase the presence of law enforcement along the Texas-Mexico Border and other ports-of-entry.
2. Target statistically supported areas of violent crime.
3. Promote the use of interlocal agreements (*Texas Government Code, Chapter 791*) to target statistically identified major threats to a specified geographical area.
4. Promote intelligence sharing, crime reporting and communication.

5. Provide law enforcement equipment to jurisdictions that were not eligible for direct funding from the Bureau of Justice Assistance under the Justice Assistance Grant Program.

Program Areas

Applicant assures that its proposed project meets at least one of the following Program Areas to be eligible for funding:

Law Enforcement – Supports state and local law enforcement agencies that address violent crime or statistically supported major crime initiatives at the local level.

Note: Law enforcement agencies applying for equipment only or agencies applying to provide law enforcement training must apply under this program area unless they are seeking to purchase or enhance technology.

Prosecution and Court – Programs that improve the prosecution of serious and violent crimes, including those that reduce the time from arrest to disposition.

Technology – Programs that implement or expand a law enforcement agency's ability to report and analyze crime. Applicant assures that any criminal intelligence databases developed under this program will comply with 28 CFR Part 23.

Drug Treatment – Programs that target substance abuse treatment for juveniles or adults who have been court ordered to participate, including drug courts and projects that serve as alternatives to incarceration.

Drug Treatment Projects

Projects that target substance abuse treatment for juveniles or adults under the Drug Treatment program area (as defined above), are required to complete the following information:

Note: If this program area is not applicable, please continue to the Drug Court Type item, and then select 'N/A' for all of the items in the drug court projects section. After selecting 'N/A', continue to the 'Program Income' item.

Mandatory Drug Courts – Pursuant to Texas Health and Safety Code Â§469.006, counties with a population of more than 200,000 are required to establish a drug court. Applicants from these counties must also apply to the federal government for any funds available to pay the costs of the program. A county with a population of 200,000 or more that does not establish and maintain a drug court program is ineligible to receive state funds for a community supervision and corrections department, and grants for substance

abuse treatment programs administered by the Governor's Criminal Justice Division.

Ten Key Components – The drug court will incorporate the following ten (10) essential characteristics of drug courts noted below and codified in Texas Health and Safety Code Â§469.001:

Integration of Services – The integration between alcohol and other drug treatment services in the processing of cases in the judicial system.

Non-Adversarial Approach – The use of a non-adversarial approach involving prosecutors and defense attorneys to promote public safety and to protect the due process rights of program participants.

Prompt Placement – Early identification and prompt placement of eligible participants in the program.

Access – Access to a continuum of alcohol, drug, and other related treatment and rehabilitative services.

Abstinence Monitoring – Monitoring of abstinence through weekly alcohol and other drug testing.

Compliance Strategy – A coordinated strategy to govern program responses to participantsâ€™ compliance.

Judicial Interaction – Ongoing judicial interaction with program participants.

Evaluation – Monitoring and evaluation of program goals and effectiveness.

Education – Continuing interdisciplinary education to promote effective program planning, implementation, and operations.

Partnerships – Development of partnerships with public agencies and community organizations.

Observation – The drug court team (judge, prosecutor, defense counsel, treatment provider, supervision officer, court coordinator, etc.) of a new program must observe at least one drug court staffing session and hearing prior to program implementation.

Policies and Procedures – The drug court will develop and maintain written policies and procedures for the operation of the program.

Information Sharing – The applicant will submit a copy of any project evaluations, evaluation plans, recidivism studies, or related reports that are completed during the grant period to CJD.

Drug Court Date - If the Drug Court is already in operation, provide the date that this Drug Court was established. If this is not applicable, go to the next question.

Enter the date [mm/dd/yyyy]:

Drug Court Type

- Adult - Programs serving adults (either pre-adjudication, post-adjudication, or reentry).
- Family - Programs serving parents who enter the drug court in relation to suits affecting the parent-child relationship, including child welfare / CPS cases, child support cases, or other civil matters.
- Juvenile - Programs serving juveniles (either pre-adjudication, post-adjudication, or reentry).

Select the type of drug court that will be operated:

- Adult
- Family
- Juvenile
- N/A

General Approaches

- § Pre-adjudication - The defendant is diverted to the treatment program in lieu of prosecution before charges are filed or before final case.
- § Post-adjudication - The drug offender begins the drug court program after entering a plea of guilty or nolo contendere or having been found guilty, often as a condition of probation.
- § Reentry - Offenders completing sentences of incarceration or lengthy terms of residential treatment are ordered into the treatment program to facilitate their transition and reintegration into society.
- § Civil - Participants enter the drug court program in relation to suits affecting the parent-child relationship, child welfare / CPS cases, child support cases, or other civil matters.

Select the **general approach(es)** this drug court fill follow below.

Select all that apply:

- Pre-adjudication
- Post-adjudication
- Reentry
- Civil
- N/A

Will the drug court include **DWI offenders**?

Select the appropriate response:

- Yes
- No
- N/A

Presiding Judge - The presiding judge of a drug court funded with Drug Court funds must be an active judge holding elective office or a magistrate appointed pursuant to Texas Government Code, Chapter 54, Subchapter GG. Is the presiding judge of the drug court an active judge holding elective office or a properly appointed magistrate?

Select the appropriate response:

- Yes
- No
- N/A

Has the drug court ever applied for **federal funding**?

Select the appropriate response:

- Yes
- No
- N/A

Has the drug court ever received **federal funding**?

Select the appropriate response:

- Yes
- No
- N/A

If you selected **Yes** above, provide the federal award amount, grant period [mm/dd/yyyy to mm/dd/yyyy], and explain how CJD funds will be used to support or expand the project and not replace existing funds.

Enter the federal funding description:

Program Income

Applicant agrees to comply with all federal and state rules and regulations for program income and agrees to report all program income that is generated as a result of the project's activities. Applicant agrees to report program income to CJD through a formal grant adjustment and to secure CJD approval prior to use of the program income. Applicant agrees to use program income for allowable costs and agrees to expend program income immediately after CJD's approval of a grant adjustment and prior to requesting reimbursement of CJD funds.

Deduction Method – Program income shall be deducted from total allowable costs to determine the net allowable costs. Program income shall be used for current costs unless CJD authorizes otherwise. Program income which the grantee did not anticipate at the time of the award shall be used to reduce the CJD award and grantee match rather than to increase the funds committed to the project.

Asset Seizures and Forfeitures – Program income from asset seizures and forfeitures is considered earned when the property has been adjudicated to the benefit of the plaintiff (e.g., law enforcement entity).

Uniform Crime Reporting

Applicant assures that they are current and will maintain timely reporting of required crime data to the Texas Department of Public Safety, have been current for the three previous years, and will continue reporting throughout the grant period.

Criminal History Reporting

Applicant assures that they are currently reporting and will maintain timely reporting of all information required under the *Texas Code of Criminal Procedure, Chapter 60*.

Constitutional Compliance

Applicant assures that they will engage in no activity that violates Constitutional law including profiling based upon race.

Information Systems

Applicant assures that any new criminal justice information systems will comply with data sharing standards for the Global Justice XML Data Model and the National Information Exchange Model.

Civil Rights Liaison

Applicants must designate a civil rights liaison who will serve as the grantee's civil rights point of contact and who will be responsible for ensuring that the grantee meets all applicable civil rights requirements. The designee will act as the grantee's liaison in civil rights matters with CJD and with the federal Office of Justice Programs.

Enter the Name of the Civil Rights Liaison:

Bill Ballard

Enter the Address for the Civil Rights Liaison:

Brazos County Attorney's Office 300 East 26th Street, Suite 325 Bryan, Texas 77803

Enter the Phone Number for the Civil Rights Liaison [(999) 999-9999]:
(979) 361-4394

Certification

Each applicant agency will certify to the specific criteria detailed above under **Program Requirements** to be eligible for funding under the Justice Assistance Grant Program Solicitation.

X I certify to **all** of the above eligibility requirements.

Problem Statement:

Please provide a detailed account in the Problem Statement section of the existing issues your project will target.

Enter your problem statement:

The quality of life that most people take for granted are not enjoyed by all in the Brazos County, due in part to the amount of violence being reported seemingly on a daily basis. Violent gangs are becoming more and more aggressive with drive-by shootings and aggravated assaults being reported often. There have been 4 gang related drive-by shootings in this month alone reported in Bryan; two of these resulted in multiple gunshot wounds with two different victims. Brazos County statistics show 7 homicides in 2006 and 9 in 2005. Reported rapes in Brazos County were listed as having 84 in 2006 with 91 reported in 2005. Robberies were also reported as being 137 in 2006 and 138 in 2005. Aggravated Assaults were listed as

being 635 in 2006 and 658 in 2005. While violent crimes seem to be reported on a daily basis in the Brazos County, some, if not most can be attributed to the organization of criminal groups. Not all of these groups fall within the "Gang" calculated criminals hiring others to commit thefts and burglaries to supplement their drug addictions. With the close proximity to Houston, TX, and the recent relocation of hurricane evacuees, crime is alive and well in Brazos County. There have been numerous reports of organized groups coming into Brazos County and stealing vehicles, tire and wheels, and committing various types of burglaries and then returning to the Houston area with the stolen property. Brazos County has an estimated 180,000 residents along with over 50,000 students attending both Texas A&M University and Blinn College. With the addition of the college students, there is tremendous diversity amongst our population. This number also lends credence to the number of males between the ages of 16 and 24; an age that statistics show to be the most inclusive of criminals. The number of students also makes the daily population of well over 200,000 people that live in Brazos County. With strict law enforcement budgets and limited manpower, dealing with this amount of people is very difficult at times. The BCSIU is greatly needed in that it will provide for a group of specialized law enforcement officer to help local law enforcement deal with the above listed significant and major crimes.

Supporting Data:

Provide as much supporting data, to include baseline statistics and the sources of your data, which are pertinent to where the grant project is located and/or targeted. Do not use statewide data for a local problem or national data for a statewide problem.

Enter your supporting data:

Crime statistics were received from both the Bryan and the College Station Police Department's Crime Analysts. Brazos County statistics were received from the Texas Governor's Office of Criminal Justice. Statistical tables and information was received from the Brazos Valley Region Community Plan for 2004. DPS Uniform Crime Report United States Census Bureau

Community Plan:

For projects that have a local or regional impact target area, provide information regarding the community plan need(s) that your project will address.

Enter your community planning needs:

The Brazos Valley Region Community Plan for 2004 sets out several goals for law enforcement: Priority 1: Law Enforcement agencies are not able to keep up with the demand on their services. Each year the number of offenses in each county is significantly more than the number of actual arrests and law enforcement agencies do not have the personnel; to

effectively work their caseloads. Offenses Arrests 1999 8203 886 2000 8926 1097 2001 8173 1269 2002 9213 1141 Priority 2: There are not enough available and accessible services for high risk offenders. Offense Arrests 1999 818 885 2000 579 993 2001 598 876 2002 622 533 Priority 3: There is alack of training to law enforcement regarding available resources. Priority 4: Local correctional facilities are overcrowded. Goals and Objectives set forth are: 1. Increase the number of qualified commissioned personnel in the local law enforcement agencies. 2. Increase the quality and amount of law enforcement equipment. 3. Increase training and equipment. 4. Increase services provided. 5. Increase cooperation between law enforcement agencies and services. 6. Increase crime prevention methods.

Goal Statement:

Provide a brief description of the overall goals and objectives for this project.

Enter a description for the overall goals and objectives:

To reduce crime in targeted areas and to remove known criminals such as violent offenders, repeat offenders, parole violators, unregistered sex offenders, and probation violators from the streets of Brazos County. The BCSIU's goals are to focus on the causations of significant and major crimes and to disrupt criminal enterprises that are operating in Brazos County. Criminal enterprises, including organized groups will be targeted by studying crimes that are similar in nature and grouped by geographical occurrences. Crimes that are financial in nature such as fencing and money laundering will also be targeted because these types of crimes are direct links to other crimes.

Cooperative Working Agreement (CWA):

When a grantee intends to carry out a grant project through cooperating or participating with one or more outside organizations, the grantee must obtain authorized approval signatures on the cooperative working agreement (CWA) from each participating organization. Grantees must maintain on file a signed copy of all cooperative working agreements, and they must submit to CJD a list of each participating organization and a description of the purpose of each CWA. Cooperative working agreements do not involve an exchange of funds.

For this project, provide the name of the participating organization(s) and a brief description of the purpose(s) for the CWA(s). You should only provide information here that this project's successful operation is contingent on for the named service or participation from the outside organization.

Note: A **Sample CWA** is available [here](#) for your convenience.

Enter your cooperating working agreement(s):

The cooperating agencies involved in this cooperative working agreement are as follows: Brazos County Sheriff's Office College Station Police Department Bryan Police Department Texas A&M University Police Department The purpose of each Member is to form a specialized group of trained law enforcement officers, through mutually cooperative efforts, to address the causations of significant and major crimes through focused enforcement and thorough prosecution of major and significant offenses, as well as enhance the sharing of information with other local agencies regarding significant criminal investigations.

Continuation Projects:

For continuation projects only, if your current or previous year's project is NOT on schedule in accomplishing the stated objectives, briefly describe the major obstacles preventing your organization from successfully reaching the project objectives as stated within your previous grant application. (Data may be calculated on a pro-rated basis depending on how long the current or previous year's project has been operating.)

Enter your current grant's progress:

N/A

Project Summary:

Briefly summarize the entire application, including the project's problem statement, supporting data, goal, target group, activities, and objectives. Be sure that the summary is easy to understand by a person not familiar with your project and that you are confident and comfortable with the information if it were to be released under a public information request.

Enter your summary statement for this project:

Residents of Brazos County have had to live with violent crime as part of their everyday life for years now and we have an opportunity to change that with the formation of the specialized group of trained law enforcement officers that will make-up the Brazos County Special Investigations Unit (BCSIU). This group of law enforcement officers consists of Investigators from the Brazos County Sheriff's Office, the College Station Police Department, the Bryan Police Department, and the Texas A&M University Police Department all working in a joint effort to reduce the amount of significant and major crimes in Brazos County. With gang violence reaching new levels in Bryan, as is depicted by the 4 drive-by shootings that have occurred in this month alone, and the number of homicides and assaults that are well on their way of reaching significant levels in 2007, the BCSIU is greatly needed. To remove the violent criminal element from our streets and target the causations of both crimes against persons and property are two of the BCSIU's goals. By accomplishing this, the residents of Brazos County can enjoy a better quality of life. By developing and implementing better communications amongst local law enforcement and affiliates such as pardons and parole, adult and juvenile probations, as well as prosecutors, we are essentially

creating a stronger community striving for the same outcome, a better and safer place to live and raise children.

Project Activities Information

Introduction

The **Project Activities** section of the application gathers information about the type of activities your project will incorporate.

Click on the **Save and Continue** button at any time to save the information entered on this page. If you do not click on this button and navigate away from the page, your work will be lost. When you click the **Save and Continue** button, you may receive several error messages that instruct you to complete the required fields. Your data on any given tab will not save to the system until all required fields are complete and correct.

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Getting Started

On this tab you will notice certain icons that are displayed.

-  = a **pencil** icon - click on this icon to edit your selections.
-  = a **pencil** icon with a **red slash** through it - click on this icon to cancel your edits.
-  = a **red delete** icon - click on this icon to delete the item.
-  = a **diskette** icon - click on this icon to save your work. When this icon appears, it is your queue to save the item that you are working on; otherwise, your data will be lost.
-  = an **information** icon - this help icon is next to certain items that

may need further explanation. Simply click and review the information provided in the pop up window.

Reserved

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Selected Project Activities:

ACTIVITY	PERCENTAGE:	DESCRIPTION
Gangs - Adult	50.00	Work with local law enforcement agencies to identify criminal gangs within Brazos County; identify gang members that are actively involved in criminal activities, both juvenile and adult, male and female.
Investigation	50.00	Assist local agencies with investigations of significant and major crimes as well as implement strategies to address the cuasations of these types of crime.

Geographic Area:

The target area will be Brazos County. Members of the BCSIU are comprised of the College Station Police Department, Bryan Police Department, Brazos County Sheriff's Office, and the Texas A&M University Police Department. The BCSIU will work jointly will all of these agencies to address specific needs within their jursdiction.

Target Audience:

The BCSIU will target violent offenders that participate in crimes that put public safety in jeopardy, especially those involved in organized crime.

Gender:

Statistics show that violent offenders are more than likely to be males. Most violent and dangerous gang members also fall into this category however, some are female.

Ages:

Most violent offenders, sex offenders, burglars, and gang members are most actively involved in criminal activity between the ages of 16 and 30 years of age. The population of Brazos County is approxiately 160,000 residents. In addition to that number, Texas A&M University and Blinn College have an approximate combined enrollment between 50,000 and 55,000 students which puts the total daily average population of Brazos County at approximately 210,000, with a significant portion of that number being between the ages of 18-24 years of age.

Special Characteristics:

Violent offenders are usually repeat offenders that have been handled by the Criminal Justice system and have previously received probation, parole, or both. These type of criminals use their "legal knowledge" to take advantage of the system in order to remain on the streets and continue to be a danger to public safety.

Measures Information

Introduction

The **Project Measures** section of the application collects data to track the performance of your proposed project toward its stated objectives. Output measures demonstrate the level of activity of a project. Outcome measures demonstrate the impact of a project in a targeted area, reflecting the extent to which the goals and objectives of the project have been achieved. Output and outcome measures displayed on this page correspond to activities selected or created on the **Activities** page.

Click on the **Save and Continue** button at any time to save the information entered on this page. If you do not click on this button and navigate away from the page, your work will be lost. When you click the **Save and Continue** button, you may receive several error messages that instruct you to complete the required fields. Your data on any given tab will not save to the system until all required fields are complete and correct.

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-  = an **information** icon - this help icon is next to certain items that may need further explanation. Simply click and review the information provided in the pop up window.

Reserved

This section left intentionally blank.

Objective Output Measures

OUTPUT MEASURE	CURRENT DATA	TARGET LEVEL
Number of arrests made.	0	270
Number of cases investigated.	0	300
Number of cases referred for prosecution.	0	100
Number of cash seizures.	0	50
Number of drug seizures.	0	100
Number of gang members arrested for felony offenses.	0	10
Number of gangs targeted.	0	4
Number of incident reports.	0	400
Number of individuals arrested for felony offenses that can be attributed to gang-related organized or violent crime.	0	25
Number of individuals arrested for felony offenses.	0	88
Number of illegal storage units closed.	0	1
Number of weapons seized.	0	25

Custom Objective Output Measures

CUSTOM OUTPUT MEASURE	CURRENT DATA	TARGET LEVEL
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Objective Outcome Measures

OUTCOME MEASURE	CURRENT DATA	TARGET LEVEL
Number of felony charges filed.	0	140
Number of felony convictions.	0	100
Number of gangs disrupted.	0	4
Number of multi-agency operations conducted.	0	25
Value of cash forfeitures (in dollars).	0	75000
Percent of reduction in drug activity.	0	10
Percent of reduction in drug transactions.	0	10
Percent of reduction in violent crime.	0	10

Custom Objective Outcome Measures

CUSTOM OUTCOME MEASURE	CURRENT DATA	TARGET LEVEL
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Documents Information

Introduction

The **Supporting Documentation** section of the application contains general grantee requirements. Please select or enter the appropriate responses in the areas below.

Important Note Regarding Resolutions: CJD has implemented an "Upload" feature to enable applicants to submit resolutions from governing bodies electronically with their application. It is not necessary to submit your resolution to CJD by fax or email. If your application is awarded, CJD will place a special condition on each application submitted and notify your agency via email with instructions to upload the resolution to eGrants. At that time you will be required to login to eGrants and submit each resolution electronically using the "Upload" feature in eGrants. The special condition will be removed once the resolution is uploaded. Click on the **Upload Files** sub tab under the **Summary** tab in

eGrants to upload documents at any time.

Click on the **Save and Continue** button at any time to save the information entered on this page. If you do not click on this button and navigate away from the page, your work will be lost. When you click the **Save and Continue** button, you may receive several error messages that instruct you to complete the required fields. Your data on any given tab will not save to the system until all required fields are complete and correct.

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Certification and Assurances

Each applicant must click on this link to review the standard [Certification and Assurances](#).

Resolution by Governing Body

Except for state agencies, each applicant must provide information related to the [resolution](#) from its governing body, such as the city council, county commissioners' court, school board, or board of directors. Please ensure that the resolution approved by your governing body addresses items one through four below.

5. Authorization by your governing body for the submission of the application to CJD that clearly identifies the name of the project for which funding is requested;
6. A commitment to provide all applicable matching funds;

- 7. A designation of the name and/or title of an authorized official who is given the authority to apply for, accept, reject, alter, or terminate a grant (Note: If a name is provided, you must update CJD should the official change during the grant period.); and
- 8. A written assurance that, in the event of loss or misuse of grant funds, the governing body will return all funds to CJD.

If your agency's governing body has approved a resolution for this project, enter the date for this approval below:

Contract Compliance

Will CJD grant funds be used to support any contracts for professional services?

Select the Appropriate Response:

Yes

No

For applicant agencies that selected **Yes** above, describe how you will monitor the activities of the sub-contractor(s) for compliance with the contract provisions (including equipment purchases), deliverables, and all applicable statutes, rules, regulations, and guidelines governing this project.

Enter a description for monitoring contract compliance:

A resolution is in the process of being approved but at the time of this grant application that process has not been completed.

Lobbying

For applicant agencies requesting grant funds in excess of \$100,000, have any federally appropriated funds been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant loan, or cooperative agreement?

***Note:** Pursuant to Texas Government Code Â§556.005, a political subdivision or private entity that receives state funds may not use the funds to pay a person required to register as a lobbyist or for lobbying*

expenses. A political subdivision or private entity that violates this provision is not eligible to receive additional state funds.

Select the Appropriate Response:

- Yes
- No
- N/A

For applicant agencies that selected either **No** or **N/A** above, have any non-federal funds been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress in connection with this federal contract, loan, or cooperative agreement?

Select the Appropriate Reponse:

- Yes
- No
- N/A

Single Audit

Has the applicant agency expended combined grant federal funding or combined grant state funding of \$500,000 or more during the most recently completed fiscal year?

Select the Appropriate Response:

- Yes
- No

Enter the amount (\$) of combined Federal Funds:

0

Enter the amount (\$) of combined State Funds:

0

Enter the amount (\$) of Local Government Funds:

0

Enter the amount (\$) of Private Funds:

0

Provide the name and amount for any other source of financial support not listed above:

Other Sources of Financial Support:

Note: Applicants who expend less than \$500,000 in combined federal or combined state funds are exempt from the Single Audit Act and cannot charge audit costs to a CJD grant. However, CJD may require a limited scope audit as defined in OMB Circular A-133.

In addition, for applicant agencies that selected **Yes** above, provide the date of your organization's last annual single audit, performed by an independent auditor (in accordance with the Single Audit Act Amendments of 1996 and OMB Circular A-133).

Enter the date of your last annual single audit:

Fiscal Year

Provide the begin and end date for the applicant agency's fiscal year (e.g., 09/01/20xx to 08/31/20xx).

Enter the Begin Date [mm/dd/yyyy]:

10/1/2007

Enter the End Date [mm/dd/yyyy]:

9/30/2008

Equal Employment Opportunity Plan (EEOP)

Type I Entity: Defined as an applicant that meets one or more of the following criteria:

- the applicant has less than 50 employees;

- the applicant is a non-profit organization;

- the applicant is a medical institution;

- the applicant is an Indian tribe;

- the applicant is an educational institution, or

- the applicant is receiving a single award of less than \$25,000.

Requirements for a Type I Entity:

- The applicant is not required to prepare an EEOP because it is a Type I Entity as defined above, pursuant to 28 CFR 42.302; and
- the applicant will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of services.

Type II Entity: Defined as an applicant that meets the following criteria:

- the applicant has 50 or more employees, and
- the applicant is receiving a single award of \$25,000 or more, but less than \$500,000.

Requirements for a Type II Entity: Federal law requires a Type II Entity to formulate an EEOP and keep it on file.

- The applicant agency is required to formulate an EEOP in accordance with 28 CFR 42.301, et seq., subpart E;
- the EEOP is required to be formulated and signed into effect within the past two years by the proper authority;
- the EEOP is available for review by the public and employees or for review or audit by officials of CJD, CJD's designee, or the Office of Civil Rights, Office of Justice Programs, U.S. Department of Justice, as required by relevant laws and regulations;

- the applicant will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of services; and
- the EEOP is required to be on file in the office of (enter the name and address where the EEOP is filed below):

Enter the name of the person responsible for the EEOP and the address of the office where the EEOP is filed:

Jennifer Salazar 300 E. 26th ST. Suite 105, Bryan, TX 77803

Type III Entity: Defined as an applicant that is NOT a Type I or Type II Entity.

Requirements for a Type III Entity: Federal law requires a Type III Entity to formulate an EEOP and submit it for approval to the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice.

- The EEOP is required to be formulated and signed into effect within the past two years by the proper authority;
- the EEOP has been submitted to the Office of Civil Rights (OCR), Office of Justice Programs, U.S. Department of Justice and has been approved by the OCR, or it will be submitted to the OCR for approval upon award of the grant, as required by relevant laws and regulations; and
- the applicant will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of services.

Based on the definitions and requirements above, the applicant agency certifies to the following entity type:

Select the appropriate response:

Type I Entity

Type II Entity

Type III Entity

Debarment

Each applicant agency will certify that it and its principles:

- Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal Court, or voluntarily excluded from participation in this transaction by any federal department or agency;

- Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; or

- Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses unenumerated in section 1.2(a) in the Certification and Assurances document cited above in the **Introduction**; and have not within a three-year period preceding this application had one or more public transactions (federal, state, or local) terminated for cause or default.

Select the appropriate response:

I Certify

Unable to Certify

If you selected **Unable to Certify** above, please provide an explanation as to why the applicant agency cannot certify the statements.

Enter the debarment justification:

Fiscal Capability Information

Introduction

This **Fiscal Capability** section of the application collects information from nonprofit corporations applying for CJD grant funds.

Click on the **Save and Continue** button at any time to save the information entered on this page. If you do not click on this button and navigate away from the page, your work will be lost. When you click the **Save and Continue** button, you may receive several error messages that instruct you to complete the required fields. Your data on any given tab will not save to the system until all required fields are complete and correct.

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Organizational Information

Enter the Year in which the Corporation was Founded:

Enter the Date that the IRS Letter Granted 501(c)(3) Tax Exemption Status:

Enter the Employer Identification Number Assigned by the IRS:

Enter the Charter Number assigned by the Texas Secretary of State:

Accounting System

The grantee organization must incorporate an accounting system that will track direct and indirect costs for the organization (general ledger) as well as direct and indirect costs by project (project ledger). The grantee must establish a time and effort system to track personnel costs by project. This should be reported on an hourly basis, or in increments of an hour.

Is there a list of your organization's accounts identified by a specific number (i.e., a general ledger of accounts).

Select the appropriate response:

- Yes
- No

Does the accounting system include a project ledger to record expenditures for each Program by required budget cost categories?

Select the appropriate response:

- Yes
- No

Is there a timekeeping system that allows for grant personnel to identify activity and requires signatures by the employee and his or her supervisor?

Select the appropriate response:

- Yes
- No

If you answered 'No' to any question above in the Accounting System section, in the space provided below explain what action will be taken to ensure accountability.

Enter your explanation:

Financial Capability

Grant agencies should prepare annual financial statements. At a minimum, current internal balance sheet and income statements are required. A balance sheet is a statement of financial position for a grant agency disclosing assets, liabilities, and retained earnings at a given point in time. An income statement is a summary of revenue and expenses for a grant agency during a fiscal year.

Has the grant agency undergone an independent audit?

Select the appropriate response:

- Yes
- No

Does the organization prepare financial statements at least annually?

Select the appropriate response:

- Yes
- No

According to the organization's most recent Audit or Balance Sheet, are the current total assets greater than the liabilities?

Select the appropriate response:

- Yes
- No

If you selected 'No' to any question above under the Financial Capability section, in the space provided below explain what action will be taken to ensure accountability.

Enter your explanation:

Budgetary Controls

Grant agencies should establish a system to track expenditures against budget and / or funded amounts.

Are there budgetary controls in effect (e.g., comparison of budget with actual expenditures on a monthly basis) to include drawing down grant funds in excess of:

a) Total funds authorized on the Statement of Grant Award?

- Yes
- No

b) Total funds available for any budget category as stipulated on the Statement of Grant Award?

- Yes
- No

If you selected 'No' to any question above under the Budgetary Controls section, in the space provided below please explain what action will be

taken to ensure accountability.

Enter your explanation:

Internal Controls

Grant agencies must safeguard cash receipts, disbursements, and ensure a segregation of duties exist. For example, one person should not have authorization to sign checks and make deposits.

Are accounting entries supported by appropriate documentation (e.g., purchase orders, vouchers, receipts, invoices)?

Select the appropriate response:

- Yes
- No

Is there separation of responsibility in the receipt, payment, and recording of costs?

Select the appropriate response:

- Yes
- No

If you selected 'No' to any question above under the Internal Controls section, in the space provided below please explain what action will be taken to ensure accountability.

Enter your explanation:

Budget Details Information

Introduction

This **Budget** section of your application details budget line items for your proposed project. To create a new budget line item, click on the icon in the **New Budget Item** column. You will be directed to a different area on this page to make selections specific to the budget category. After making your selection, write a brief description of the line item in the **Expenditure Description** box and enter the amount of CJD funds, Cash Match, and if applicable, In Kind Match in the areas provided. In the percentage box, you can enter a percentage for Personnel or number of items to be purchased for Supplies and/or Equipment. When you have finished, click on the **Add New Budget Line Item** button. Repeat this process for each budget line item needed in each budget category. If you need to edit your entries, click on the '+' icon to expand the budget grid. You will notice that a *pencil* icon will display after expanding the grid. Click on the *pencil* icon to be directed to the editing section on this page and follow the instructions in this area to complete your edits.

Click on the **Save and Continue** button at any time to save the information entered on this page. If you do not click on this button and navigate away from the page, your work will be lost. When you click the **Save and Continue** button, you may receive several error messages that instruct you to complete the required fields. Your data on any given tab will not save to the system until all required fields are complete and correct.

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Getting Started

On this tab you will notice certain icons that are displayed.

-  = a **plus** icon - click on this icon to expand a list of items.
-  = a **minus** icon - click on this icon to collapse a list of items.
-  = a **new** icon - click on this icon to add a new item.
-  = a **pencil** icon - click on this icon to edit your selections.
-  = an **information** icon - this help icon is next to certain items that may need further explanation. Simply click and review the information provided in the pop up window.

Budget Information by Budget Line Item:

CATEGORY	SUB CATEGORY	DESCRIPTION	CJD	CASH MATCH	IN-KIND MATCH
Personnel	* Other Grantee-Defined Budget Line Item (11900 Series)	Additional Overtime expenses for investigations.	\$55,400.00	\$0.00	\$0.00
Supplies and Direct Operating Expenses	* Other Grantee-Defined Budget Line Item (52100 Series)	Equipment maintenance - not limited to camera, recorders, surveillance equipment or electronics.	\$11,000.00	\$0.00	\$0.00
Supplies and Direct Operating Expenses	* Other Grantee-Defined Budget Line Item (52100 Series)	Canine maintenance - includes food, supplies, vet services, leashes, collars, kennels, etc.	\$2,000.00	\$0.00	\$0.00
Supplies and Direct Operating Expenses	* Other Grantee-Defined Budget Line Item (52100 Series)	Radio licensing fee for 18 radios	\$9,360.00	\$0.00	\$0.00

Supplies and Direct Operating Expenses	* Other Grantee-Defined Budget Line Item (52100 Series)	Copier maintenance contract	\$1,150.00	\$0.00	\$0.00
Supplies and Direct Operating Expenses	Alarm and/or Security Fee	Monthly fees for building alarm	\$445.00	\$0.00	\$0.00
Personnel	Assistant	Administrative Assistant - Brazos County: Duties include management of evidence and property, management of purchasing, budgetary items, asset forfeitures, training and attendance records, daily operations of the office which include cleaning and other administrative duties as required.	\$37,898.00	\$0.00	\$0.00
Personnel	Auditor	Asst. Auditor - Brazos County: Duties include administering, tracking, and documenting financial expenditures and reimbursements related to the BCSIU and the Byrne funding source. ~ B.P.	\$11,375.00	\$0.00	\$0.00
Equipment	Bulletproof Vest	Level III-A ballistic body armor to be worn during	\$12,000.00	\$0.00	\$0.00

		medium-high risk incidents.			
Supplies and Direct Operating Expenses	Cellular, Fax, Pager, and/or Office Telephone	Office telephones - monthly bills	\$10,000.00	\$0.00	\$0.00
Supplies and Direct Operating Expenses	Cellular, Fax, Pager, and/or Office Telephone	Pager rental - monthly	\$850.00	\$0.00	\$0.00
Supplies and Direct Operating Expenses	Cellular, Fax, Pager, and/or Office Telephone	Long distance telephone bills - monthly	\$1,500.00	\$0.00	\$0.00
Supplies and Direct Operating Expenses	Cellular, Fax, Pager, and/or Office Telephone	Costs for cellular phones - billed monthly	\$4,200.00	\$0.00	\$0.00
Personnel	Clerk	Office Assistant - Brazos County District Attorney's Office - Duties: handling all asset forfeitures and seizure paperwork, including filing and submitting all notices and court documentation.	\$20,000.00	\$0.00	\$0.00
Supplies and Direct Operating Expenses	Confidential Funds	Confidential funds - Costs associated with the purchase of evidence, purchase of information from confidential informants, and purchase of services related to undercover and surveillance work.	\$52,000.00	\$0.00	\$0.00
Supplies and Direct	Costs for Space (lease	Office space rental, utilities included	\$37,000.00	\$0.00	\$0.00

Operating Expenses	or rental)				
Equipment	Global Positioning System (GPS) Unit and Accessories	GPS tracking device and accessories which is used to track vehicles or contriband via satellite.	\$6,000.00	\$0.00	\$0.00
Travel and Training	In-State Registration Fees, Training, and/or Travel	In-state travel for project personnel training - per diem \$36/day, \$85/night for hotel, rental vehicle, parking and airfare if necessary at lowest possible costs. Expenses will be in accordance with the Brazos County travel policy.	\$4,000.00	\$0.00	\$0.00
Supplies and Direct Operating Expenses	Office Supplies (e.g., paper, postage, calculator)	Office/miscellaneous supplies - folders, tape, staples, postage, calendars, video tapes, hygiene supplies, and other associated items necessary to operate a business.	\$11,000.00	\$0.00	\$0.00
Supplies and Direct Operating Expenses	Printer, Fax, and/or Scanner (Valued Under \$500)	Copier and printer supplies to include paper, toner, staples, etc.	\$1,050.00	\$0.00	\$0.00
Supplies and Direct Operating Expenses	Project Supplies (e.g., binocular, battery, flexicuff, drug testing kit)	Funds will be used to purchase non-capital items for investigative use.	\$1,000.00	\$0.00	\$0.00
Supplies and Direct	Property Insurance	Surety bonds	\$150.00	\$0.00	\$0.00

Operating Expenses					
Equipment	Radio and Accessories	Hand-held radios with digital and analog capabilities which will allow for everyone assigned to the BCSIU to have radio communications using the latest communications platform in the country.	\$32,500.00	\$0.00	\$0.00
Equipment	Radio and Accessories	Mobile radios for vehicles being provided by member agencies of the BCSIU.	\$10,600.00	\$0.00	\$0.00
Equipment	Receiver / Transmitter Unit	Audio repeater to be used with body-worn microphones used in covert audio recordings.	\$3,500.00	\$0.00	\$0.00
Equipment	Specialty Cameras and Accessories	Digital camera with two extended range lenses for long range surveillance.	\$4,000.00	\$0.00	\$0.00
Equipment	Undercover Vehicle	Unmarked lease vehicle to be used in undercover operations, covert surveillance operations, etc. as needed.	\$6,600.00	\$0.00	\$0.00
Supplies and Direct Operating Expenses	Vehicle Operating Cost (e.g., fuel, lubricants, maintenance, storage)	Gasoline - costs for fuel for assigned vehicles	\$37,200.00	\$0.00	\$0.00

Supplies and Direct Operating Expenses	Vehicle Seizure Expense (e.g., lien payoff, maintenance, storage, and towing)	Vehicle maintenance - vehicle tires, oil changes, cracked windshields, mechanical repairs, etc	\$12,000.00	\$0.00	\$0.00
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Source of Match Information

Introduction

The **Source of Match** section of your application collects information regarding the source and amount of **Cash Match** and **In Kind Match**. Please enter the description and amounts of match in the spaces provided below and select whether the item is 'Cash Match' or 'In-Kind Match'. After entering an item click on the **Add New Item** button. When an item has been added, it will appear in the 'Edit the Source(s) of Match Reported' table. You may edit each of the items added to this table by clicking on the 'pencil' icon. If you edited an item in the table, click on the 'diskette' icon to save your edited entries.

For further information regarding matching funds refer to *I TAC*, Â§3.3; for program income refer to *I TAC*, Â§3.73 and Â§3.87.

Click on the **Save and Continue** button at any time to save the information entered on this page. If you do not click on this button and navigate away from the page, your work will be lost. When you click the **Save and Continue** button, you may receive several error messages that instruct you to complete the required fields. Your data on any given tab will not save to the system until all required fields are complete and correct.

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to review. This can be done by typing in the **Notes By Grantee / CJD** message box.

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-  = an **information** icon - this help icon is next to certain items that may need further explanation. Simply click and review the information provided in the pop up window.

Detail Source of Match/GPI:

DESCRIPTION	MATCH TYPE	AMOUNT
-------------	------------	--------

Summary Source of Match/GPI:

Total Report	Cash Match	In Kind	GPI Federal Share	GPI State Share
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Budget Summary Information

Budget Summary Information by Budget Category:

CATEGORY	CJD	CASH MATCH	IN-KIND MATCH	GPI	TOTAL
Equipment	\$75,200.00	\$0.00	\$0.00	\$0.00	\$75,200.00
Personnel	\$124,673.00	\$0.00	\$0.00	\$0.00	\$124,673.00
Supplies and Direct Operating Expenses	\$191,905.00	\$0.00	\$0.00	\$0.00	\$191,905.00
Travel and Training	\$4,000.00	\$0.00	\$0.00	\$0.00	\$4,000.00

Budget Grand Total Information:

CJD	CASH MATCH	IN-KIND MATCH	GPI	TOTAL
\$395,778.00	\$0.00	\$0.00	\$0.00	\$395,778.00

Condition Of Fundings Information

DESCRIPTION	CREATED	MET	HOLD FUND
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You are logged in as **User Name:** jwoodward

**October 11, 2007
Consent Agenda Item 3d
Lift Station Rehabilitation Project**

To: Glenn Brown, City Manager

From: David Coleman, Director of Water Services

Agenda Caption: Presentation, possible action, and discussion regarding rejecting bid 07-92 and approval of a resolution to award contract 07-219 for the Lift Station Rehabilitation Project to Elliott Construction, Ltd., in the amount of \$236,374.

Recommendation: Staff recommends that Council reject bid 07-92 and approve this resolution.

Summary: This item will provide for the labor, materials and equipment required to rehabilitate three lift stations in the wastewater collection system: Shenandoah Lift Station #3, Shenandoah Lift Station #2, and Foxfire Lift Station. Each of these lift stations have been in continuous service for over twenty years. Rehabilitation is intended to extend their service lives at least ten more years.

Invitation to bid 07-92 resulted in one bid from Dudley Construction in the amount of \$194,827.26. Staff inquired with the bidder and other local contractors regarding why we received only one bid, and learned that critical sections of the specifications were not as clear as they should be, and that other items of work should be added for a more complete and usable end product.

Staff revised the bid specifications to clarify some items of work, and added other needed items to provide a more comprehensive project, then issued invitation to bid 07-117. Even though only two bids were received, staff is comfortable that the project is sound, and recommends the resolution be approved to award to the low bidder, Elliott Construction.

Budget & Financial Summary: Bid 07-117 resulted in two bids: Elliott Construction, Ltd. at \$236,374.00 and Dudley Construction at \$352,033.40. Wastewater Capital Improvement Project Funds are budgeted and available.

Attachments:

Resolution
Bid Summary

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING A CONSTRUCTION CONTRACT FOR THE LIFT STATION REEHABILITATION PROJECT AND AUTHORIZING THE EXPENDITURE OF FUNDS.

WHEREAS, the City of College Station, Texas, solicited bids for the construction phase of the Lift Station Rehabilitation Project; and

WHEREAS, the selection of Elliott Construction, Ltd. is being recommended as the lowest responsible bidder for the construction services related to Lift Station Rehabilitation; now, therefore,

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

PART 1: That the City Council hereby finds that Elliott Construction, Ltd. is the lowest responsible bidder.

PART 2: That the City Council hereby approves the contract with Elliott Construction, Ltd. for \$236,374.00 for the labor, materials and equipment required for the improvements related to the Lift Station Rehabilitation Project.

PART 3: That the funding for this Project shall be as budgeted from the Wastewater Capital Projects Fund, in the amount of \$236,374.00

PART 4: That this resolution shall take effect immediately from and after its passage.

ADOPTED this _____ day of _____, A.D. 2007.

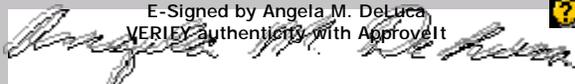
ATTEST:

APPROVED:

City Secretary

MAYOR

APPROVED:

E-Signed by Angela M. DeLuca
VERIFIED authenticity with ApprovalIt


City Attorney

Lift Station Rehabilitation
DEPARTMENT: Water Services
BID: 07-117

Item No.	Qty.	Unit Meas.	Description	Elliott Construction		Dudley Construction	
				Unit Price	Item Total	Unit Price	Item Total
GENERAL ITEMS							
1	1	LS	Mobilization	8,000.00	8,000.00	42,540.00	42,540.00
2	1	LS	Traffic Control	1,000.00	1,000.00	217.00	217.00
3	1,000	SY	Hydro Mulch Seeding	1.00	1,000.00	0.71	710.00
			Subtotal:		10,000.00		43,467.00
Shenandoah Lift Station #3							
4	1	EA	Add Check Valve to Existing Bypass Connection	4,800.00	4,800.00	2,193.00	2,193.00
5	1	LS	Bypass Pumping	21,500.00	21,500.00	10,616.00	10,616.00
6	1	LS	Remove and Replace Existing Piping & Rails in Wet Well	21,420.00	21,420.00	3,213.00	3,213.00
7	1	LS	Install New Pump	12,200.00	12,200.00	16,479.00	16,479.00
8	1	LS	Convert Ex. Pumps & Controller to 480V	2,210.00	2,210.00	15,887.00	15,887.00
9	1	LS	Add 1 - 96" x 4' Riser Section	9,000.00	9,000.00	4,432.00	4,432.00
10	1	LS	New Hatch and Concrete Top	3,670.00	3,670.00	4,046.00	4,046.00
11	1	LS	Replace Floats	950.00	950.00	2,149.00	2,149.00
12	6	LS	Install Flexible Couplings	375.00	2,250.00	107.00	642.00
			Subtotal:		78,000.00		59,657.00
Alternate Bid A							
13	1	LS	Add 20 Mil Epoxy Coating of all Wet Well Piping	5,200.00	5,200.00	9,732.00	9,732.00
14	60	LF	Repair Infiltrating Joints	65.00	3,900.00	27.00	1,620.00
15	491	SF	Resurface Concrete w/ 1/4-1/2" Spray on Mortar & 20 Mil Epoxy Coating	22.00	10,802.00	106.00	52,046.00
16	2	EA	Overhaul Existing Pump	1,215.00	2,430.00	2,151.00	4,302.00
17	2	EA	Extend Power Cables	1,026.00	2,052.00	7,741.00	15,482.00
			Subtotal:		24,384.00		83,182.00
Foxfire Lift Station (Alternate Bid B)							
18	1	LS	Cut in 6x6 M.J. Wye and Check Valve for Bypass	4,500.00	4,500.00	1,451.00	1,451.00
19	1	LS	Bypass Pumping	10,000.00	10,000.00	10,616.00	10,616.00
20	1	LS	Remove and Replace Existing Piping & Rails in Wet Well	14,700.00	14,700.00	3,774.00	3,774.00
21	1	LS	Replace Floats	950.00	950.00	4,478.00	4,478.00
22	1	EA	Replace Hatch	3,300.00	3,300.00	2,065.00	2,065.00
23	60	LF	Repair Infiltrating Joints	65.00	3,900.00	97.00	5,820.00
24	1	EA	Add 20 mil Epoxy Coating of all Wet Well Piping	3,500.00	3,500.00	7,962.00	7,962.00
25	317	SF	Add 20 Mil Epoxy Coating of Wet Well	20.00	6,340.00	106.00	33,602.00
26	2	EA	Replace Existing Pumps	7,200.00	14,400.00	5,466.00	10,932.00
27	1	EA	Replace Existing Control Panel	12,000.00	12,000.00	20,597.00	20,597.00
			Subtotal:		73,590.00		101,297.00
Shenandoah Lift Station #2 (Alternate Bid C)							
28	1	LS	Cut in 8x8 M.J. Wye and Check Valve for Bypass	5,000.00	5,000.00	1,694.00	1,694.00
29	1	LS	Bypass Pumping	10,000.00	10,000.00	10,616.00	10,616.00
30	1	EA	Remove and Replace Existing Piping & Rails in Wet Well	20,000.00	20,000.00	5,128.00	5,128.00
31	60	LF	Repair Infiltrating Joints	65.00	3,900.00	26.54	1,592.40
32	400	SF	Add 20 Mil Epoxy Coating of Wet Well	20.00	8,000.00	106.00	42,400.00
33	1	LS	Add 20 Mil Epoxy Coating of all Wet Well Piping	3,500.00	3,500.00	3,000.00	3,000.00
			Subtotal:		50,400.00		64,430.40
			Base Bid		88,000.00		103,124.00
			Alternate Bid A		24,384.00		83,182.00
			Alternate Bid B		73,590.00		101,297.00
			Alternate Bid C		50,400.00		64,430.40
			Total Bid		236,374.00		352,033.40
			Bid Certification		Yes		Yes
			Bid Bond		Yes		Yes
			Conflict of Interest		Yes		Yes
			Number of Calendar Days to Complete		120		120

October 11, 2007
Consent Agenda
Exception to Policy for Sewer Service to Aggie Acres

To: Glenn Brown, City Manager
From: Dave Coleman, Director, Water Services Department

Agenda Caption: Presentation, possible action, and discussion for approval of a resolution granting an exception to Policy to allow V&M Rentals to construct sewer infrastructure necessary to connect the Aggie Acres development to the City sewer system.

Recommendation: Staff recommends Council approve this Resolution.

Summary: V&M Rentals, through their engineer Pledger Kalkomey Inc, has requested the City provide sewer service to homes that will be constructed in the Aggie Acres development, to be located on Walnut Road, near the Quail Run neighborhood. Their letter and a map are attached. This tract is outside the City's current certificated area for sewer, is outside the City Limits, but it is within the City's extra-territorial jurisdiction (ETJ) and within the area that the City has applied for the sewer Certificate of Convenience and Necessity (CCN). The Developer has consented to be included in the City's CCN. The City's sewer CCN application has not yet been approved by the TCEQ, however, the area is presently not certificated and the City has the legal right to provide this sewer service. Please note, the developer cannot petition for annexation, since the property is not contiguous with the City limits. Also, this property is not within the area being considered for the City's annexation plans.

City sewer lines in this area will provide adequate capacity for the Aggie Acres homes to be connected. V&M Rentals has proposed to bear all cost and obtain all easements to construct the necessary infrastructure to connect to the City sewer system.

City Policy states that the City, in certain situations, may provide sewer service outside the City limits or outside the City's sewer certificated area. Since the City does not yet hold the CCN for the Aggie Acres area, an exception to Policy is required. Exceptions are allowed for three cases, one of which is for health and safety reasons. The health and safety of the residents in this area are much better served by having this development connected to the City sewer system, rather than being served by a small sewage treatment package plant that would discharge into one of the local ponds or streams. If this request is denied, the developer will construct a package plant to be run by others. On this basis, staff recommends approval of this resolution, granting an exception to Policy.

Budget & Financial Summary: City funds are not required to execute this project. A Development Agreement request, that would allow the City and Developer to share the cost of mutually beneficial infrastructure, could possibly be presented for Council consideration in the future.

Attachments:
Letter
Map
Resolution

September 13, 2007

Mr. David Coleman, P.E.
Utilities Department Manager
City of College Station
1601 Graham Road
College Station, TX 77842

Re: Sanitary Sewer Service to
Aggie Acres Subdivision
J&C Project No.: C0023-001-00

Dear Mr. Coleman,

Aggie Acres is an existing 9.8-acre, 26-lot subdivision located in the ETJ area, on the southwest side of Walnut Road, approximately 800 feet southeast of N. Dowling Road in College Station. The developer is reviewing sewer service options at this time.

In order for this subdivision to receive sanitary sewer service an "exception for service" is needed. This letter represents a request from V&M Rentals to the City Council to grant such an exception. There are two options for service that we are requesting.

Option 1: Build a 25,000 GPD wastewater treatment facility

In order to serve the Aggie Acres Subdivision with a wastewater treatment plant a lift station will be installed for effluent collection prior to treatment at the plant. The Aggie Acres Wastewater Treatment Plant will be located on Lot 8 within the Aggie Acres Subdivision (See Exhibit A). The plant will be a packaged extended aeration system for the treatment of domestic wastewater. The plant will be constructed at the developer's expense in accordance with College Station and TCEQ ordinances and regulations.

A wastewater treatment plant permit has already been submitted to TCEQ for review. We intend to name the City as the owner and operator under the permit pending your approval. Once the wastewater treatment plant is operational, the plant will be dedicated to the City for continued operation.



Austin ★ Brenham ★ Bryan ★ Dallas ★ Houston ★ Rosenberg ★ The Woodlands

Option 2: Install force main to tie-in to the existing City Sewer System

In order to serve Aggie Acres with sanitary sewer, a regional lift station will be installed along with a force main, both at the developer's expense. A City owned manhole exists at the southwest corner of Quail Run and N. Dowling Road for the proposed force main to tie-in to. Exhibit B shows the proposed route for the force main. All installation work will be in accordance with College Station and TCEQ ordinances and regulations.

Should you have any questions, or require further information please feel free to contact our office.

Very Truly Yours,



Steve E. Duncan, P.E.
sed@pkengineering.com

SED/drl

Enclosures

cc: Tony Jones

WASTEWATER TREATMENT PLANT LOCATION

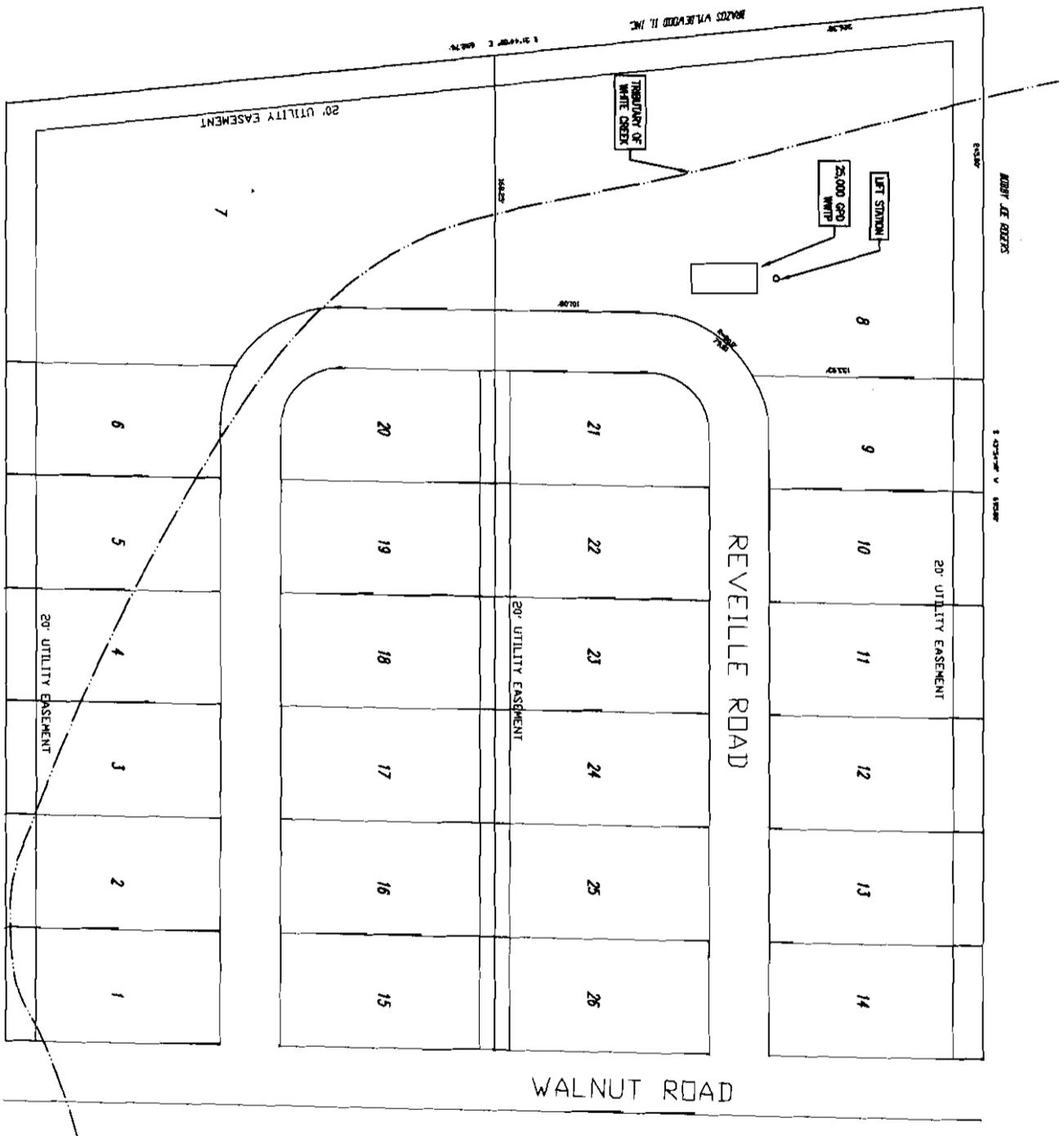
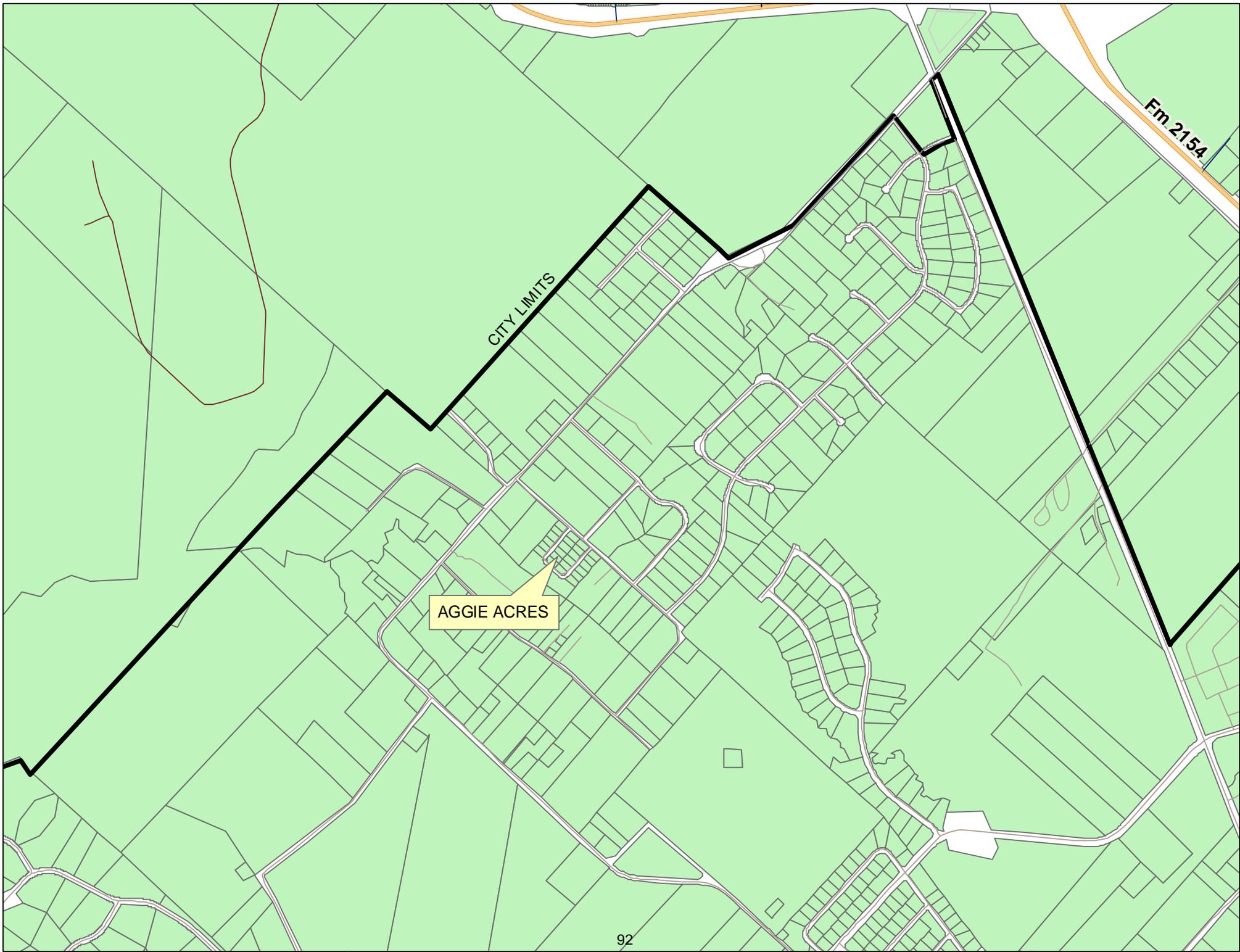


EXHIBIT A


Pledger Kalkomey, Inc.
 a Jones & Carter Company
 7000 Coyne Run · Bryan, Texas 77808
 979-331-8000 · www.jonesandcarter.com
JC ENGINEERING & ARCHITECTURE
 1400 West Loop South, Suite 1000 · Houston, Texas 77027



CITY LIMITS

Fm 2154

AGGIE ACRES

RESOLUTION NO. _____

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 AGGIE ACRES, LOCATED OFF WALNUT ROAD, WITHIN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF COLLEGE STATION, TEXAS.

WHEREAS, the City of College Station adopted Resolution Number 02-09-2006-13.04 on February 9, 2006, which states in Part 1 "that water and sewer utility services will not be available to properties outside the City's corporate limits without a petition for annexation from said properties meeting the legal requirements of such petitions or areas not certificated to the City of College Station for that purpose" and further states in Part 3 "That the City Council hereby agrees that it may grant exceptions as it deems necessary to the best interests of the City of College Station in the following cases: For other governmental agencies through an interlocal agreement, For the purposes of economic development, or For health and safety reasons" (such resolution referred to hereinafter as the "City's Utility Extension Policy"); and

WHEREAS, V&M Rentals, developer of Aggie Acres, has requested an exception to the City's Utility Extension Policy for Aggie Acres, in the City's ETJ; and

WHEREAS, the City of College Station has a Certificate of Convenience and Necessity for water and a Certificate of Convenience and Necessity for wastewater pending in certain parts of the City's Extraterritorial Jurisdiction, including the area in which Aggie Acres is located, in order to facilitate orderly development in that area; and

WHEREAS, under State law a certificated entity has the duty to serve in the area of convenience and necessity; now, therefore,

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

PART 1: That the City Council hereby approves an exception to the City's Utility Extension Policy to make sewer utility services available to Aggie Acres, off Walnut Road in College Station, Texas, based on improving the health and safety of the residents in the City's ETJ.

PART 2: That the City Council hereby requires that the developer of Aggie Acres extend sewer utility service to Aggie Acres as provided in the City's Utility Extension Policy.

RESOLUTION NO. _____

Page 2

PART 3: That this resolution shall take effect immediately from and after its passage.

ADOPTED this _____ day of _____, 2007.

APPROVED:

MAYOR

ATTEST:

City Secretary

APPROVED:

E-Signed by Carla A. Robinson
VERIFY authenticity with Adobe

City Attorney

October 11, 2007
Consent Agenda Item 3f
Sanitary Control Easements for Water Wells #1 and # 2

To: Glenn Brown, City Manager

From: David Coleman, Director of Water Services

Agenda Caption: Presentation, possible action, and discussion regarding adoption of a needs resolution authorizing staff to obtain sanitary control easements for Water Wells #1 and #2.

Recommendation: Staff recommends Council adopt this resolution.

Summary: This resolution will authorize staff to obtain sanitary control easements for Water Wells #1 and #2. Sanitary control easements are required by the Texas Department of Health for public water supply wells to preclude the possibility of water supply contamination, by prohibiting certain activities in the area immediately around the well head. Among the prohibited activities are:

- Ø Feedlot operations.
- Ø Septic system drain /spray fields
- Ø Petroleum pipelines.

Please note that easements will be purchased by mutual agreement. However, if condemnation becomes necessary in the future, Staff will seek specific approval from City Council before starting any condemnation process.

Budget & Financial Summary: Water Capital Improvement funds are budgeted and available.

Attachments:

Resolution
Exhibit A
Map.

RESOLUTION DETERMINING NEED

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, RELATING TO: (1) THE AUTHORITY OF THE CITY TO INITIATE, COMPLETE, AND ACQUIRE, BY PURCHASE OR CONDEMNATION, RIGHT-OF-WAY AND EASEMENT INTEREST IN CERTAIN PROPERTY FOR THE SANITARY CONTROL EASEMENTS FOR WELLS #1 AND #2 PROJECT; (2) A DECLARATION THAT PUBLIC NECESSITY EXISTS FOR THE CITY TO ACQUIRE SUCH INTEREST, THROUGH PURCHASE OR CONDEMNATION; AND (3) ESTABLISHING PROCEDURES FOR THE ACQUISITION OF SUCH INTEREST IN THE PROPERTY.

WHEREAS, the City of College Station, Texas (“City”) is a home rule municipality duly incorporated and chartered under the Constitution and laws of Texas; and

WHEREAS, the City owns, operates, constructs, repairs and maintains a public water supply system as a public service; and

WHEREAS, the City’s ownership, operation, construction, repair, and maintenance of the public water supply system is a benefit to the public; and

WHEREAS, the City, through a condemnation proceeding, may exercise the power of eminent domain to acquire property in order to carry out the ownership, operation, construction, repair, and maintenance of its public water supply system pursuant to Chapter 251 of the Texas Local Government Code, Chapter 21 of the Texas Property Code, and Article II of the City’s Charter; and

WHEREAS, the City is engaged in the following project regarding improvements to the Sanitary Control Easements for Water Wells 1 and 2, (the “Project”); and

WHEREAS, the City determines that the best interests and needs of the public, including the health, safety and welfare of the public, require that the City install the Sanitary Control Easements for Water Wells 1 and 2, through the City’s acquisition, by purchase or condemnation proceeding, of the right-of-way and easements as provided in Exhibits A, attached hereto and incorporated herein by reference for all purposes (the “Right-of-Way and Easements”); now, therefore;

BE IT RESOLVED by the City Council of the City of College Station, Texas:

PART 1: That the City Council of the City of College Station, Texas, hereby officially determines that there is a public necessity for the Sanitary Control Easements, and the public welfare and convenience will be served by the acquisition of the Sanitary Control Easements.

- PART 2: That the City Manager is hereby authorized to contract, on behalf of the City of College Station, with a professional appraiser for the appraisal services, with a professional real estate agent to act as a Land Agent for the City and with attorneys for preparation of title opinions needed by the City from time to time in connection with acquisition of the Sanitary Control Easements.
- PART 3: That the City's Land Agent or other staff appraiser is hereby authorized and directed to examine the independent appraisal reports as they are submitted to the City to determine whether said appraisal reports are supported by sufficient data. Based upon such examination of said appraisal reports, the Land Agent or other staff appraiser shall make a recommendation to the City Manager as to the establishment and approval of the amount of the just compensation for the Sanitary Control Easements.
- PART 4: After consideration of said recommendation, the City Manager shall establish and approve the amount determined for acquisition of the Sanitary Control Easements.
- PART 5: Upon establishment and approval by the City Manager of the amount of just compensation for the acquisition of the Sanitary Control Easements, the City's Land Agent or other staff appraiser is authorized to communicate a written offer to the property owners for the acquisition of such interest at the full amount determined and established to be just compensation therefore and to negotiate with said owners on behalf of the City.
- PART 6: That the Mayor after approval by City Council, or the City Manager as delegated, is hereby authorized to execute all documents necessary to acquire said Sanitary Control Easements for the Project, on behalf of the City of College Station.
- PART 7: That, if necessary, and should a property owner fail to accept a bona fide, good faith offer from the City to purchase the required Sanitary Control Easements, City representatives shall have the authority to initiate and complete condemnation proceedings against said owner, in order to acquire through condemnation all required property interests and title regarding such property.

PART 8: That the City Manager be and is hereby authorized to sell any such surplus improvements, or order the demolition thereof, if any, located on the real property acquired in connection with this Project.

PART 9: That this resolution shall take effect immediately from and after its passage.

ADOPTED this _____ day of _____, A.D. 2007.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:



City Attorney

Joe Orr, Inc.
Surveyors & Engineers
2167 Post Oak Circle
College Station, TX 77845
(979) 690-3378

Proposed Sanitary Control Easement
Al Brandt, Jr. Tract
Francis W. Smith survey A-219
Brazos County, Texas
August 7, 2007

All those certain tracts or parcel of land lying and being situated in the Francis W. Smith survey, Abstract No. 219 in Brazos County, Texas, being a part of that 12.00 acre tract conveyed to Al Brandt, Jr. and wife, Susan J. Brandt by deed recorded in Volume 3819, page 153 of the Official Public Records of Brazos County, Texas, being a portion of circle of 155 foot radius centered on the City of College Station Water Well No. 1 and being more particularly described as follows:

Part One

Commencing at the center of the said City of College Station Water Well No. 1 in that 1.01 acre tract conveyed to the City of College Station by deed recorded in Volume 436, Page 422 of the Deed Records of Brazos County, Texas, from where GPS monument BZ136 bears S 81° 35' 34" W – 12956.4'.

Thence S 82° 38' 23" W – 155.00 feet along the radius of said circle to the **Point of Beginning** of this easement on the northwest line of the said City of College Station tract.

Thence along the arc of said circle in a clockwise direction through a central angle of 78° 47' 27" through the said Brandt tract to the southwest line of F.M. 1687 (Sandy Point Road);

Thence S 68° 56' 02" E – 38.69 feet along the southwest line of Sandy Point Road to the north corner of the said City of College Station tract from where a ½" iron rod was found S 35° W – 1.47';

Thence S 42° 34' 33" W – 207.61 feet along the northwest line of the said City of College Station tract to the Point of Beginning and containing 0.19 acres of land more or less.

Part Two

Commencing at the center of the said City of College Station Water Well No. 1 in that 1.01 acre tract conveyed to the City of College Station by deed recorded in Volume 436, Page 422 of the Deed Records of Brazos County, Texas, from where GPS monument BZ136 bears S 81° 35' 34" W – 12956.4'.

Thence S 8° 30' 14" W – 155.00 feet along the radius of said circle to the **Point of Beginning** of this easement on the northwest line of Britten Road and the southeast line of the said Brandt tract;

Thence along the arc of said circle in a clockwise direction through a central angle of 61° 17' 09" through the said Brandt tract to the southwest line of the said City of College Station tract;

Thence S 69° 29' 57" E – 170.66 feet along the southwest line of the said City of College Station tract to a ½" iron rod found in the northwest line of Britten Road;

Thence S 43° 01' 27" W – 54.69 feet along the northwest line of Britten Road to the Point of Beginning and containing 0.15 acres of land more or less.

Bearings are Texas State Plane, NAD83(1993) datum, based on Brazos County GPS monuments BZ136 and BZ133 (N 35° 20' 24" E).

See survey plat dated August 2007.



Proposed Sanitary Control Easement
 Al & Susan Brandt Tract
 Francis W. Smith survey A-219
 Brazos County, Texas

August 2007



Bearings are Texas State Plane, NAD83(1993) datum, based on Brazos County GPS monuments BZ136 and BZ133 (N 35°20'24"E).

All existing easements and utilities are not shown on this plat.

See separate metes and bounds description prepared with this plot.

F.M. 1687 (Sandy Point Road)
 80' right-of-way

Proposed Easement
 0.19 acres
 (Part One)

Note:
 Dimensions shown are from the corners of the City of College Station tract, as originally surveyed by Joe Orr, Inc. in March 1979. The iron rods were apparently disturbed during fence construction.

City of College Station
 1.01 acres
 Vol. 436, Pg. 422

Existing Location of
 City of College Station
 Water Well No. 1
 (pump shaft)

Al Brandt, Jr. and
 wife, Susan J. Brandt
 12.00 acres
 Vol. 3819, Pg. 153

Proposed Easement
 0.15 acres
 (Part Two)

D'Anne R. Johnson
 (partial interest in) 165.00 ac.
 Vol. 1306, Pg. 259

also see:
 (partial interest in) 185.85 ac.
 Vol. 1949, Pg. 304 (& others)

Joe Orr, Inc.
 Surveyors & Engineers
 2167 Post Oak Circle
 College Station, TX 77845
 (979) 690-3378



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Joe Orr, Inc.
Surveyors & Engineers
2167 Post Oak Circle
College Station, TX 77845
(979) 690-3378

Proposed Sanitary Control Easement
D'Anne R. Johnson Tract
Thomas Webb survey A-240
Brazos County, Texas
August 7, 2007

All that certain tract or parcel of land lying and being situated in the Thomas Webb survey, Abstract No. 240 in Brazos County, Texas, being a part of that 165 acre tract partial interest of which was conveyed to D'Anne R. Johnson by deed Volume 1306, Page 259 of the Official Public Records of Brazos County, Texas being a portion of circle of 155 foot radius centered on the City of College Station Water Well No.1 and being more particularly described as follows:

Commencing at the center of the said City of College Station Water Well No. 1 in that 1.01 acre tract conveyed to the City of College Station by deed recorded in Volume 436, Page 422 of the Deed Records of Brazos County, Texas, from where GPS monument BZ136 bears S 81° 35' 34" W – 12956.4'.

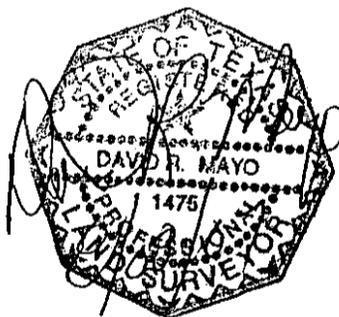
Thence S 79° 53' 05" E – 155.00 feet along the radius of said circle to the **Point of Beginning** of this easement on the northwest line of the said Johnson 165.00 acre tract, at a point from where a concrete monument found at the north corner of the said Johnson tract in the southwest line of F.M. 1687 (Sandy Point Road) bears N 42° 49' 45" E – 96.8 feet;

Thence along the arc of said circle in a clockwise direction through a central angle of 65° 25' 41" through the said D'Anne Johnson tract back to the northwest line of same;

Thence N 42° 49' 45" E – 167.54 feet along the northwest line of the said Johnson tract to the Point of Beginning and containing 0.06 acres of land more or less.

Bearings are Texas State Plane, NAD83(1993) datum, based on Brazos County GPS monuments BZ136 and BZ133 (N 35° 20' 24" E).

See survey plat dated August 2007.



Proposed Sanitary Control Easement
 D'Anne Johnson Tract
 Thomas Webb survey A-240
 Brazos County, Texas

August 2007



Bearings are Texas State Plane, NAD83(1993) datum, based on Brazos County GPS monuments B2136 and B2133 (N 35°20'24"E).

All existing easements and utilities are not shown on this plat.

See separate metes and bounds description prepared with this plat.

F.M. 1687 (Sandy Point Road)
 80' right-of-way

Existing Location of
 City of College Station
 Water Well No. 1
 (pump shaft)

City of College Station
 1.01 acres
 Vol. 436, Pg. 422

S 81°35'34"W - 12956.4'
 to GPS mon. B2136

S 79°53'05"E - 155.00'

155' radius

Britten Road
 variable-width prescriptive R.O.W.

N 42°49'45"E - 167.54'

approximate survey line
 N 42°49'45"E - 96.8' to CM
 approximate dead line (1949/304)

CM found
 S 69°53'15"E
 2936.3' to conc.
 ROW marker found

Proposed
 Easement
 0.06 acres

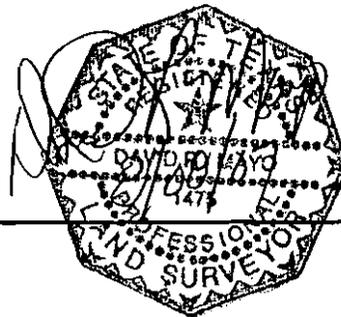
Al Brandt, Jr. and
 wife, Susan J. Brandt
 12.00 acres
 Vol. 3819, Pg. 153

D'Anne R. Johnson
 (partial interest in) 165.00 ac.
 Val. 1306, Pg. 259

also see:
 (partial interest in) 185.85 ac.
 Val. 1949, Pg. 304 (& others)

barbed-wire fence
 Francis W. Smith survey A-219
 Thomas Webb survey A-240

Joe Orr, Inc.
 Surveyors & Engineers
 2167 Post Oak Circle
 College Station, TX 77845
 (979) 690-3378



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Joe Orr, Inc.
Surveyors & Engineers
2167 Post Oak Circle
College Station, TX 77845
(979) 690-3378

Proposed Sanitary Control Easement
Johnny Ward Tract
Samuel Johnson survey A-147
Brazos County, Texas
August 7, 2007

All that certain tract or parcel of land lying and being situated in the Samuel Johnson survey, Abstract No. 147, in Brazos County, Texas, being a part of that 8.00 acre tract conveyed to Johnny Redden Ward by deeds recorded in Volume 657, page 539 of the Deed Records of Brazos County, Texas, and Volume 3504, Page 58 of the Official Public Records of Brazos County, Texas, being a portion of circle of 155 foot radius centered on the City of College Station Water Well No. 2 and being more particularly described as follows:

Commencing at the center of the said City of College Station Water Well No. 2 in that 1.39 acre tract conveyed to the City of College Station by deed recorded in Volume 436, Page 425 of the Deed Records of Brazos County, Texas, from where GPS monument BZ136 bears S 76° 43' 02" W – 9861.2'.

Thence N 40° 51' 52" E – 155.00 feet along the radius of said circle to the **Point of Beginning** of this easement on the northeast line of the said City of College Station 1.39 acre tract;

Thence along the arc of said circle in a clockwise direction through a central angle of 163° 14' 46" through the said Johnny Redden Ward tract to the southwest line of the said Ward tract at point from where a ½" iron rod was found S 7° 21' 15" E – 279.15 feet at a fence corner;

Thence N 7° 21' 15" W – 35.48 feet along the southwest line of the said Ward tract to the south corner of the said City of College Station tract from where a ½" iron rod was found N 23° W – 0.70 feet;

Thence N 72° 35' 49" E – 200.00 feet along the southeast line of the said City of College Station tract to the east corner of same from where a ½" iron rod was found S 4° W – 0.31 feet;

Thence N 7° 30' 29" W – 165.10 feet along the northeast line of the said City of College Station tract to the Point of Beginning and containing 0.41 acres of land more or less.

Bearings are Texas State Plane, NAD83(1993) datum, based on Brazos County GPS monuments BZ136 and BZ133 (N 35° 20' 24" E).

See survey plat dated August 2007.



Proposed Sanitary Control Easement
 Johnny Ward Tract
 Samuel Johnson survey A-147
 Brazos County, Texas

F.M. 1687 (Sandy Point Road)
 80' right-of-way

Note:
 Dimensions shown are from the
 corners of the City of College
 Station tract, as originally surveyed
 by Joe Orr, Inc. in March 1979.
 The iron rods were apparently
 disturbed during fence construction.

August 2007



City of College Station
 1.39 acres
 Vol. 436, Pg. 425

Bearings are Texas State Plane, NAD83(1993)
 datum, based on Brazos County GPS monuments
 BZ136 and BZ133 (N 35°20'24"E).

All existing easements and utilities are not
 shown on this plat.

See separate metes and bounds description
 prepared with this plat.

Existing Location of
 City of College Station
 Water Well No. 2
 (pump shaft)

Proposed
 Easement
 0.41 acres

Johnny S. Lampa
 33.61 acres
 Vol. 438, Pg. 339

Johnny Redden Ward
 8.00 acres
 Vol. 657, Pg. 539

Joe Orr, Inc.
 Surveyors & Engineers
 2167 Post Oak Circle
 College Station, TX 77845
 (979) 690-3378



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Joe Orr, Inc.
Surveyors & Engineers
2167 Post Oak Circle
College Station, TX 77845
(979) 690-3378

Proposed Sanitary Control Easement
Johnny Lampo Tract
Samuel Johnson survey A-147
Brazos County, Texas
August 7, 2007

All that certain tract or parcel of land lying and being situated in the Samuel Johnson survey, Abstract No. 147, in Brazos County, Texas, being a part of that 33.61 acre tract conveyed to Johnny S. Lampo by deed recorded in Volume 438, page 339 of the Deed Records of Brazos County, Texas, being a portion of circle of 155 foot radius centered on the City of College Station Water Well No. 2 and being more particularly described as follows:

Commencing at the center of the said City of College Station Water Well No. 2 in that 1.39 acre tract conveyed to the City of College Station by deed recorded in Volume 436, Page 425 of the Deed Records of Brazos County, Texas, from where GPS monument BZ136 bears S 76° 43' 02" W – 9861.2'.

Thence S 24° 06' 38" W – 155.00 feet along the radius of said circle to the **Point of Beginning** of this easement on the southwest line of that 8.00 acre tract conveyed to Johnny Redden Ward by deeds recorded in Volume 657, Page 539 of the Deed Records of Brazos County, Texas, and Volume 3504, Page 58 of the Official Public Records of Brazos County, Texas;

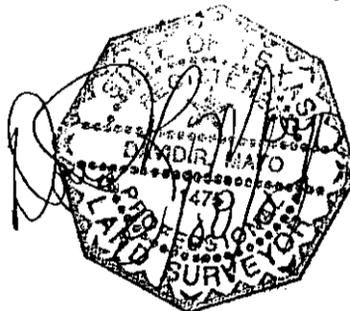
Thence along the arc of said circle in a clockwise direction through a central angle of 116 ° 48' 15" through the said Johnny Lampo tract to the southwest line of the said City of College Station tract at point located S 7° 30' 29" E - 69.48 feet from the northwest corner of same in the south right-of-way line of F.M. 1687 from where a ½" iron rod (bent) was found (bent) S 25° W – 0.24 feet;

Thence S 7° 30' 29" E – 228.56 feet along the southwest line of the said City of College Station tract to the south corner of the said City of College Station tract from where a ½" iron rod was found N 23° W – 0.70 feet;

Thence S 7° 21' 15" E – 35.48 feet along the southwest line of the said Ward tract to the Point of Beginning and containing 0.32 acres of land more or less.

Bearings are Texas State Plane, NAD83(1993) datum, based on Brazos County GPS monuments BZ136 and BZ133 (N 35° 20' 24" E).

See survey plat dated August 2007.



Proposed Sanitary Control Easement
 Johnny Lampo Tract
 Samuel Johnson survey A-147
 Brazos County, Texas

F.M. 1687 (Sandy Point Road)
 80' right-of-way

August 2007



Bearings are Texas State Plane, NAD83(1993) datum, based on Brazos County GPS monuments BZ136 and BZ133 (N 35°20'24" E).

All existing easements and utilities are not shown on this plat.

See separate metes and bounds description prepared with this plat.

City of College Station
 1.39 acres
 Vol. 436, Pg. 425

Note:
 Dimensions shown are from the corners of the City of College Station tract, as originally surveyed by Joe Orr, Inc. in March 1979. The iron rods were apparently disturbed during fence construction.

Existing Location of
 City of College Station
 Water Well No. 2
 (pump shaft)

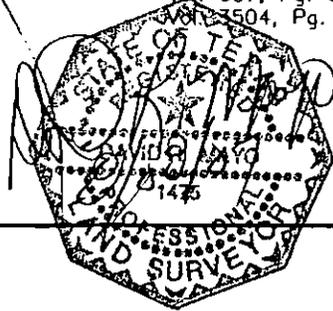
Proposed Easement
 0.32 acres

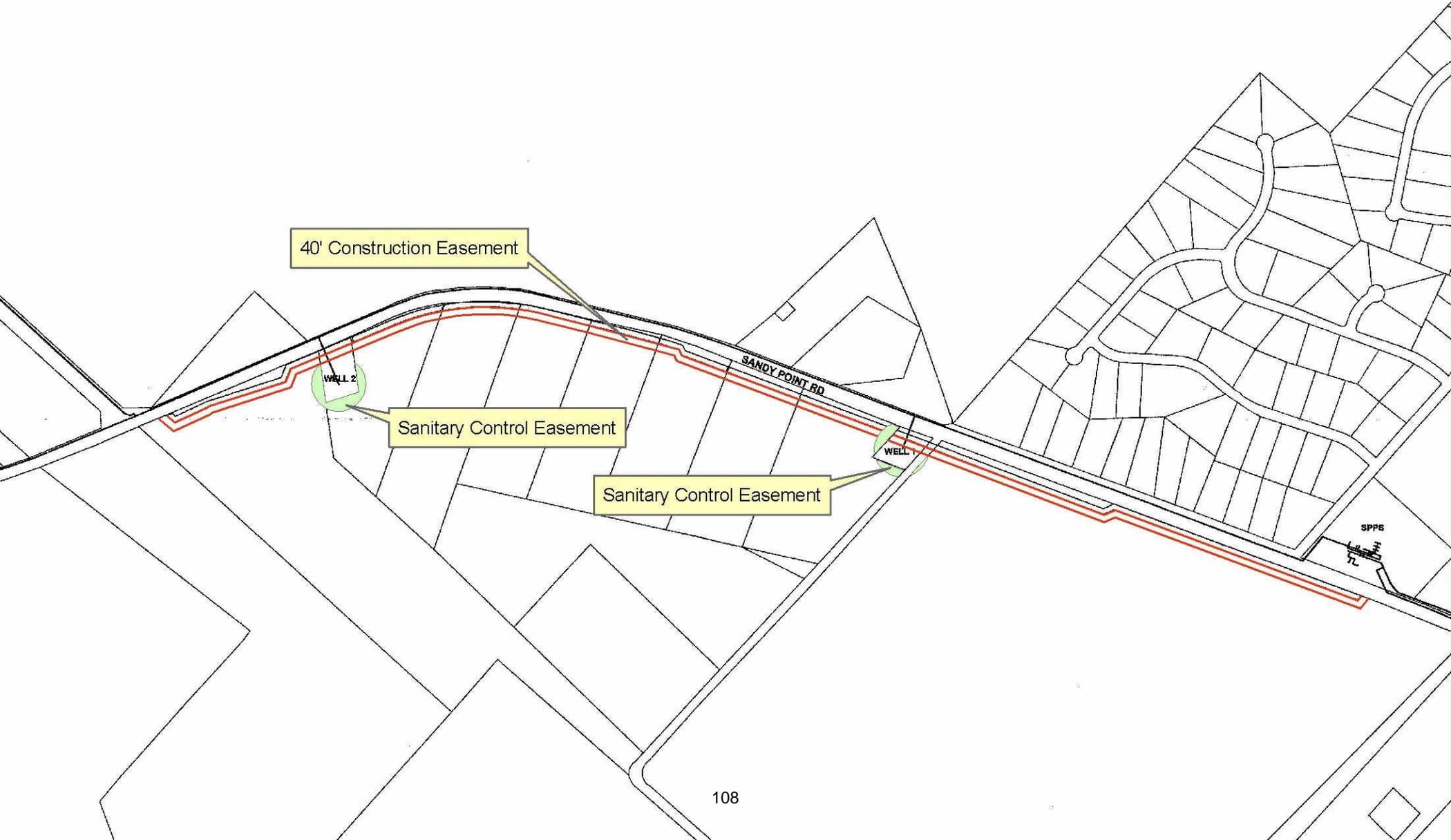
Johnny S. Lampo
 33.61 acres
 Val. 438, Pg. 339

Joe Orr, Inc.
 Surveyors & Engineers
 2167 Post Oak Circle
 College Station, TX 77845
 (979) 690-3378

Johnny Redden Ward
 8.00 acres
 Vol. 657, Pg. 539
 Val. 3504, Pg. 58

pond





40' Construction Easement

WELL 2

Sanitary Control Easement

Sanitary Control Easement

WELL

SANDY POINT RD

SPPS

October 11, 2007
Consent Agenda Item 3g
Amended Needs Resolution for Well 7 and Well 7 Collection Line

To: Glenn Brown, City Manager

From: David Coleman, Director of Water Services

Agenda Caption: Presentation, possible action, and discussion regarding the adoption of an amended needs resolution for the acquisition of additional easement pursuant to the construction and operation of Well 7 and attendant collection line.

Recommendation: Staff recommends Council adopt this resolution.

Summary: Needs Resolution 6-14-2007-2a authorized staff to acquire easements for Well 7 Collection Line. Since that time, it has been determined that additional, temporary easement is needed to allow construction of the collection line as shown on the attached map. Also the existing sanitary control easement for Well 7 (which prohibits activities in an area around the well-head that might contaminate the well), must be relocated to center on the wellhead. This amended resolution makes those changes.

Staff intends to obtain these easements through mutual consent. If it becomes necessary to condemn, staff will seek City Council approval prior to initiating condemnation proceedings.

Budget & Financial Summary:

Funds are budgeted and available in the Water Capital Improvements Fund and future Bond sales.

Attachments:

Resolution
Map
Exhibit A

RESOLUTION DETERMINING NEED

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, RELATING TO: (1) THE AUTHORITY OF THE CITY TO INITIATE, COMPLETE, AND ACQUIRE, BY PURCHASE OR CONDEMNATION, RIGHT-OF-WAY AND EASEMENT INTEREST IN CERTAIN PROPERTY FOR THE SANITARY CONTROL EASEMENTS FOR WELLS #1 AND #2 PROJECT; (2) A DECLARATION THAT PUBLIC NECESSITY EXISTS FOR THE CITY TO ACQUIRE SUCH INTEREST, THROUGH PURCHASE OR CONDEMNATION; AND (3) ESTABLISHING PROCEDURES FOR THE ACQUISITION OF SUCH INTEREST IN THE PROPERTY.

WHEREAS, the City of College Station, Texas (“City”) is a home rule municipality duly incorporated and chartered under the Constitution and laws of Texas; and

WHEREAS, the City owns, operates, constructs, repairs and maintains a public water supply system as a public service; and

WHEREAS, the City’s ownership, operation, construction, repair, and maintenance of the public water supply system is a benefit to the public; and

WHEREAS, the City, through a condemnation proceeding, may exercise the power of eminent domain to acquire property in order to carry out the ownership, operation, construction, repair, and maintenance of its public water supply system pursuant to Chapter 251 of the Texas Local Government Code, Chapter 21 of the Texas Property Code, and Article II of the City’s Charter; and

WHEREAS, the City is engaged in the following project regarding improvements to the Sanitary Control Easements for Water Wells 1 and 2, (the “Project”); and

WHEREAS, the City determines that the best interests and needs of the public, including the health, safety and welfare of the public, require that the City install the Sanitary Control Easements for Water Wells 1 and 2, through the City’s acquisition, by purchase or condemnation proceeding, of the right-of-way and easements as provided in Exhibits A, attached hereto and incorporated herein by reference for all purposes (the “Right-of-Way and Easements”); now, therefore;

BE IT RESOLVED by the City Council of the City of College Station, Texas:

PART 1: That the City Council of the City of College Station, Texas, hereby officially determines that there is a public necessity for the Sanitary Control Easements, and the public welfare and convenience will be served by the acquisition of the Sanitary Control Easements.

- PART 2: That the City Manager is hereby authorized to contract, on behalf of the City of College Station, with a professional appraiser for the appraisal services, with a professional real estate agent to act as a Land Agent for the City and with attorneys for preparation of title opinions needed by the City from time to time in connection with acquisition of the Sanitary Control Easements.
- PART 3: That the City's Land Agent or other staff appraiser is hereby authorized and directed to examine the independent appraisal reports as they are submitted to the City to determine whether said appraisal reports are supported by sufficient data. Based upon such examination of said appraisal reports, the Land Agent or other staff appraiser shall make a recommendation to the City Manager as to the establishment and approval of the amount of the just compensation for the Sanitary Control Easements.
- PART 4: After consideration of said recommendation, the City Manager shall establish and approve the amount determined for acquisition of the Sanitary Control Easements.
- PART 5: Upon establishment and approval by the City Manager of the amount of just compensation for the acquisition of the Sanitary Control Easements, the City's Land Agent or other staff appraiser is authorized to communicate a written offer to the property owners for the acquisition of such interest at the full amount determined and established to be just compensation therefore and to negotiate with said owners on behalf of the City.
- PART 6: That the Mayor after approval by City Council, or the City Manager as delegated, is hereby authorized to execute all documents necessary to acquire said Sanitary Control Easements for the Project, on behalf of the City of College Station.
- PART 7: That, if necessary, and should a property owner fail to accept a bona fide, good faith offer from the City to purchase the required Sanitary Control Easements, City representatives shall have the authority to initiate and complete condemnation proceedings against said owner, in order to acquire through condemnation all required property interests and title regarding such property.

PART 8: That the City Manager be and is hereby authorized to sell any such surplus improvements, or order the demolition thereof, if any, located on the real property acquired in connection with this Project.

PART 9: That this resolution shall take effect immediately from and after its passage.

ADOPTED this _____ day of _____, A.D. 2007.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:



City Attorney



RYE LOOP LOOP

W OSR

40' Construction Easement

40' Construction Easement

40' Construction Easement

RYE SCHOOL RD

Sanitary Control Easement

113

Joe Orr, Inc.
Surveyors & Engineers
2167 Post Oak Circle
College Station, TX 77845
(979) 690-3378

Proposed Sanitary Control Easement
Porterfield Tract
Francisco Ruiz survey A-48
Brazos County, Texas
August 8, 2007

All that certain tract or parcel of land lying and being situated in the Francisco Ruiz survey, Abstract No. 48, in Brazos County, Texas, being a part of that 60.603 acre tract conveyed to Irene H. Porterfield by deed recorded in Volume 942 page 814 of the Official Records of Brazos County, Texas, being a portion of circle of 155 foot radius centered on the City of College Station Proposed Water Well and being more particularly described as follows:

Commencing at the center of the said City of College Station Proposed Water Well in that 1.52 acre tract conveyed to the City of College Station by deed recorded in Volume 1237, Page 12 of the Official Public Records of Brazos County, Texas, from where GPS monument BZ136 bears S 46° 16' 27" W – 5209.7'.

Thence S 35° 57' 03" W – 155.00 feet along the radius of said circle to the **Point of Beginning** of this easement on the west line of the said City of College Station 1.52 acre tract from where a 3/8" iron rod was found S 4° 52' 41" W – 102.37 feet at the southwest corner of same;

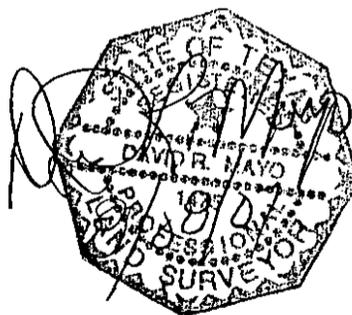
Thence along the arc of said circle in a clockwise direction through a central angle of 193° 45' 43" through the said Irene Porterfield tract to the north line of the said same at point located N 85° 04' 43" W – 56.95 feet from the northeast corner of the said City of College Station tract in the west right-of-way line of Old San Antonio Road, from where a 3/8" iron rod was found S 85° E – 3.5 feet;

Thence N 85° 04' 43" W – 189.29 feet along the north line of the said City of College Station tract to a bent 1/2" iron rod was found at the north corner of same;

Thence S 4° 52' 41" W – 242.82 feet along the west line of the said City of College Station tract to the point of Beginning and containing 0.47 acres of land more or less.

Bearings are Texas State Plane, NAD83(1993) datum, based on Brazos County GPS monuments BZ136 and BZ133 (N 35° 20' 24" E).

See survey plat dated August 2007.

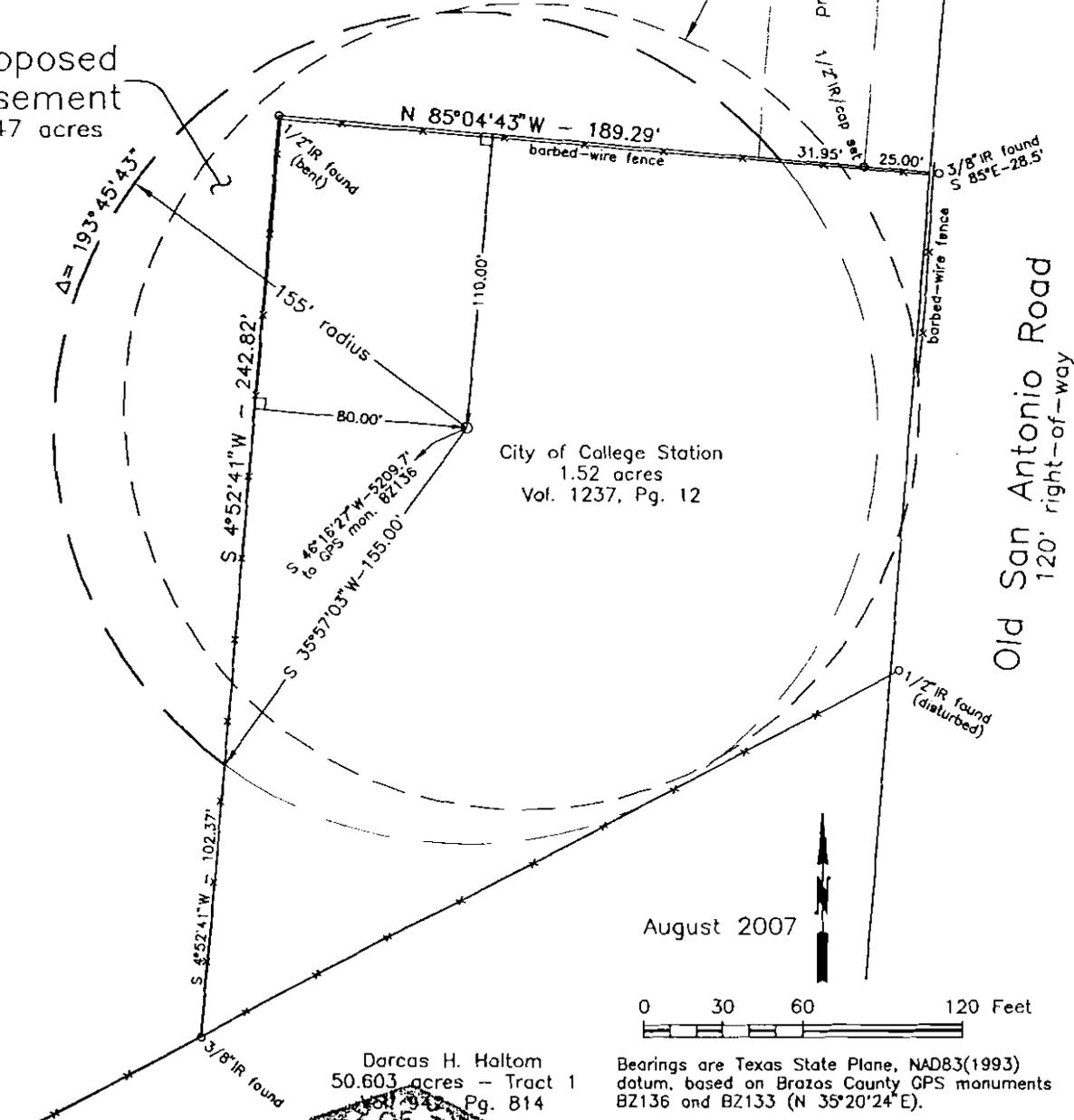


Proposed Sanitary Control Easement
 Irene Higgs Porterfield Tract
 Francisco Ruiz survey A-48
 Brazos County, Texas

Irene H. Porterfield
 60.603 acres - Tract 2
 Vol. 942, Pg. 814

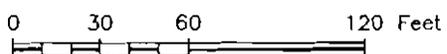
Existing Sanitary Control Easement
 1.62 ac. (150' radius)
 Vol. 1237, Pg. 17 - CS
 (0.35 ac. in Porterfield tract)

Proposed Easement
 0.47 acres



Old San Antonio Road
 120' right-of-way

August 2007



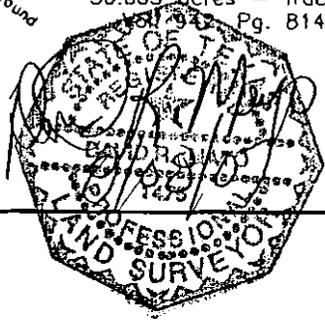
Bearings are Texas State Plane, NAD83(1993) datum, based on Brazos County GPS monuments BZ136 and BZ133 (N 35°20'24\"/>

Iron rods set are 1/2\"/>

All existing easements and utilities are not shown on this plat.

See separate metes and bounds description prepared with this plat.

Darcas H. Haltom
 50.603 acres - Tract 1
 Vol. 942, Pg. 814



Joe Orr, Inc.
 Surveyors & Engineers
 2167 Post Oak Circle
 College Station, TX 77845
 (979) 690-3378

C:\Program Files\AutoCAD 2002\DWG\CS_OSR07a.dwg, Porterfield_E3, 8/8/2007 12:59:45 PM

Joe Orr, Inc.
Surveyors & Engineers
2167 Post Oak Circle
College Station, TX 77845
(979) 690-3378

Proposed Temporary Easement
Irene Porterfield Tract
Francisco Ruiz Survey
Brazos County, Texas
14 May 2007

All that certain tract or parcel of land lying and being situated in the Francisco Ruiz Survey, Abstract No. 48, in Brazos County, Texas, being a part of that Irene Porterfield 60.603 acre tract described as Tract 2 in Volume 942, Page 814 of the Official Records of Brazos County, Texas, and being more particularly described as follows:

Beginning at a ½" iron rod with a blue plastic cap stamped "College Station Easement" set at the southeast corner of this tract from which the Brazos County GPS monument no. BZ136 bears S 46° 37' 42" W – 5385.7', in the northeast line of that 1.52 acre tract conveyed to the City of College Station by deed recorded in Volume 1237, Page 12 of the Official Public Records of Brazos County, Texas, N 85° 05' 43" W – 25.00 feet from the northwest right-of-way line of Old San Antonio Road from where a 3/8" iron rod was found S 83° E – 3.5 feet;

Thence N 4° 38' 24" E – 36.37 feet to a ½" iron rod with a blue cap stamped "College Station Easement" set at the beginning of a tangent curve to the right (R=2949.83');

Thence along the arc of said curve through a central angle of 8° 46' 42" to a ½" iron rod with a blue plastic cap stamped "College Station Easement" set in the east line of the said Porterfield tract;

Thence N 5° 25' 58" E – 87.03 feet along the east line of the said Porterfield tract to an angle point;

Thence N 4° 18' 04" W – 77.60 feet continuing along the east line of the said Porterfield tract to the north corner of this tract;

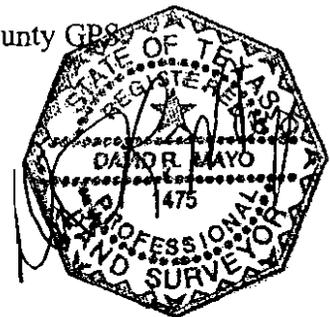
Thence through the said Porterfield tract along the arc of a curve to the left (R=2989.83') through a central angle of 11° 50' 53" and the chord which bears S 10° 33' 51" W – 617.16 feet to the end of said curve;

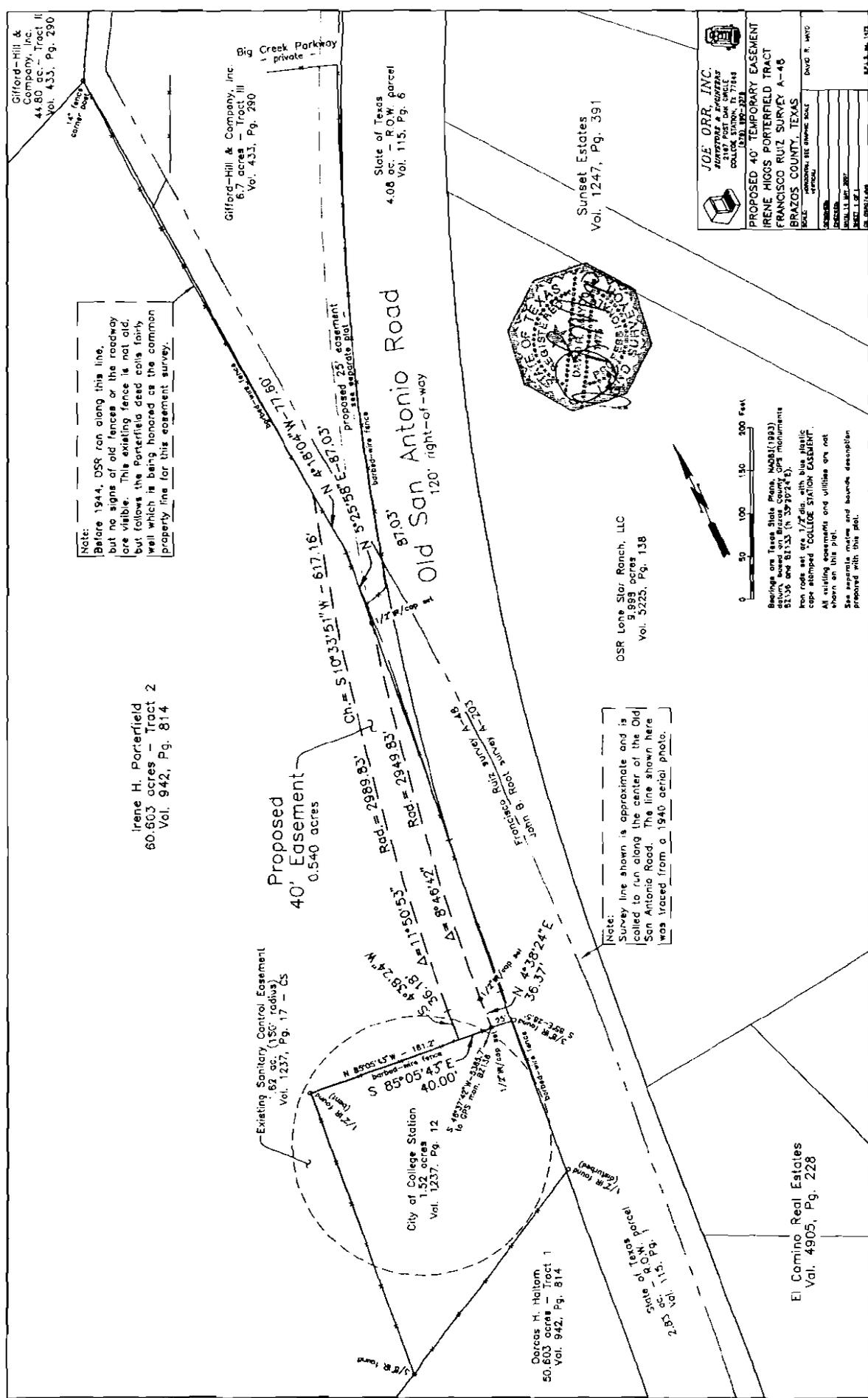
Thence S 4° 38' 24" W – 36.18 feet continuing along through the said Porterfield tract to the northeast line of the said City of College Station 1.52 acre tract;

Thence S 85° 05' 43" E - 40.00 feet along the northeast line of the said City of College Station 1.52 acre tract to the Point of Beginning and containing 0.540 acres of land more or less.

Bearings are Texas State Plane, NAD83(1993) datum, based on Brazos County GPS monuments BZ136 and BZ133 (N35° 20' 24" E).

See survey plat prepared in May 2007.





Note:
 Before 1944, DSR ran along this line, but no signs of old fences or the roadway are visible. This existing fence is not old, but follows the Porterfield deed coils fairly well which is being honored as the common property line for this easement survey.

Irene H. Porterfield
 60.603 acres - Tract 2
 Vol. 942, Pg. 814

Proposed
 40' Easement
 0.540 acres

Existing Sanitary Control Easement
 1.82 ac. (180' radius)
 Vol. 1237, Pg. 17 - CS

City of College Station
 1.32 acres
 Vol. 1237, Pg. 12

Darcos H. Holtem
 50.603 acres - Tract 1
 Vol. 942, Pg. 814

State of Texas
 2.85 ac. - R.O.W. parcel
 Vol. 115, Pg. 6

El Comino Real Estates
 Vol. 4905, Pg. 228

Note:
 Survey line shown is approximate and is called to run along the center of the Old San Antonio Road. The line shown here was traced from a 1940 aerial photo.

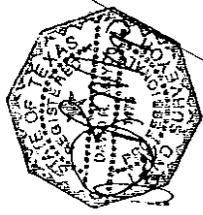
OSR Lone Star Ranch, LLC
 9.958 acres
 Vol. 5225, Pg. 138

Sunset Estates
 Vol. 1247, Pg. 391

State of Texas
 4.08 ac. - R.O.W. parcel
 Vol. 115, Pg. 6

Gifford-Hill & Company, Inc.
 6.7 acres - Tract III
 Vol. 433, Pg. 290

Gifford-Hill & Company, Inc.
 44.80 ac. - Tract II
 Vol. 433, Pg. 290



Bearings on Texas State Plane, NAD83(1983) datum based on Brazos County GPS monuments 8136 and 8133 (N 39°10'24.6).
 Iron rods set are 1/2" dia. with blue plastic caps stamped 'COLLEGE STATION EASEMENT'.
 All existing easements and utilities are not shown on this plat.
 See separate notes and bounds description prepared with this plat.

JOE ORR, INC.
 4070 WEST LOOP SOUTH
 COLLEGE STATION, TX 77845
 (936) 335-5211

PROPOSED 40' TEMPORARY EASEMENT
 IRENE HIGGS PORTERFIELD TRACT
 FRANCISCO RUIZ SURVEY A-48
 BRAZOS COUNTY, TEXAS

DATE: 05/15/2007
 BY: JOE ORR
 TITLE: SURVEYOR
 EXPIRES: 12/31/2007
 STATE: TEXAS

Joe Orr, Inc.
Surveyors & Engineers
2167 Post Oak Circle
College Station, TX 77845
(979) 690-3378

Proposed Temporary Easement
Gifford-Hill & Company Tract
Francisco Ruiz & J.B. Root Surveys
Brazos County, Texas
14 May 2007

All that certain tract or parcel of land lying and being situated in the Francisco Ruiz Survey, Abstract No. 48, and the J.B. Root Survey, Abstract No. 203, in Brazos County, Texas, being a part of that 6.7 acre tract conveyed to Gifford-Hill & Company described as Tract III in Volume 433, Page 290 of the Deed Records of Brazos County, Texas, and being more particularly described as follows:

Beginning at a ½" iron rod with a blue plastic cap stamped "College Station Easement" set in the southwest line of Rye Loop from which Brazos County GPS monument no. BZ136 bears S 39° 54' 35" W – 7106.7', N 52° 10' 05" W – 25.36 feet from the intersection of the northwest right-of-way line of Old San Antonio Road and the southwest line of Rye Loop.

Thence N 52° 10' 05" W – 40.57 feet along the southwest line of Rye Loop to the northwest corner of this tract;

Thence S 28° 13' 24" W – 642.47 feet through the said Gifford-Hill tract to the beginning of a tangent curve to the left (R=2989.83');

Thence along the arc of said curve through a central angle of 11° 44' 07" continuing through the said Gifford-Hill tract to the line between the said Gifford-Hill tract and 60.603 acre tract conveyed to Irene H. Porterfield by deed recorded in Volume 942, Page 814 of the Official Records of Brazos County, Texas;

Thence S 4° 18' 04" E – 77.60 feet along the line between the said Gifford-Hill tract and the said Porterfield tract to an angle point;

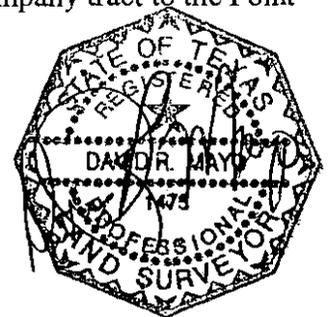
Thence S 5° 25' 58" W – 87.03 feet continuing along the line between the said Porterfield tract and the said Gifford-Hill Company tract to a ½" iron rod with a blue plastic cap stamped "College Station Easement" set at the beginning of a non-tangent curve to the right (R=2949.83');

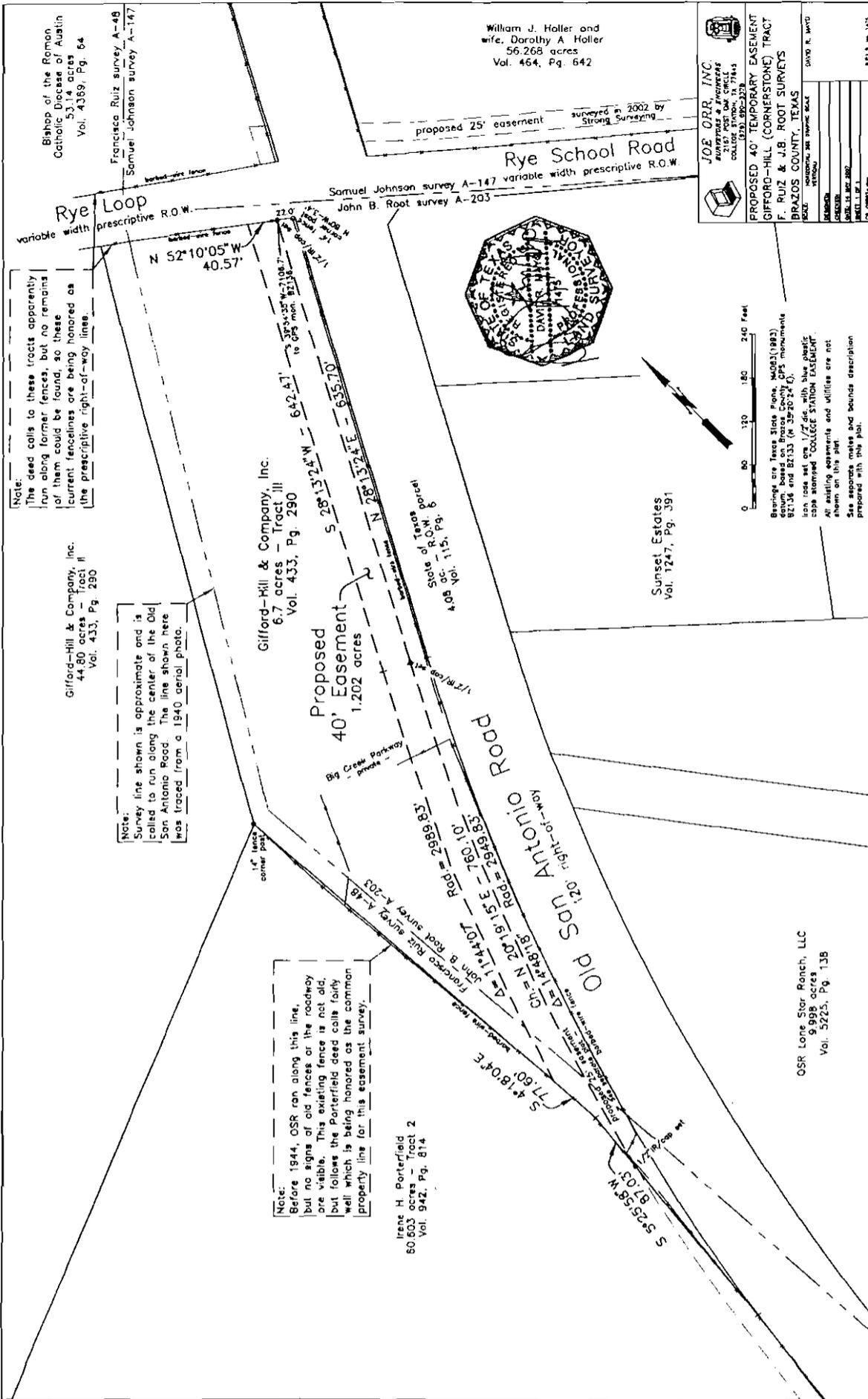
Thence along the arc of said curve through a central angle of 14° 48' 18", the chord of which bears N 20° 19' 15" E – 760.10 feet to a ½" iron rod with a blue plastic cap stamped "College Station Easement" set at the end of said curve;

Thence N 28° 13' 24" E – 635.70 feet continuing through the said Gifford-Hill Company tract to the Point of Beginning and containing 1.202 acres of land more or less.

Bearings are Texas State Plane, NAD83(1993) datum, based on Brazos County GPS monuments BZ136 and BZ133 (N35° 20' 24" E).

See survey plat prepared in May 2007.





Note:
The dead calls to these tracts apparently run along former fences, but no remains of them could be found, so these current fence lines are being honored as the prescriptive right-of-way lines.

Gifford-Hill & Company, Inc.
44.80 acres - Tract II
Vol. 433, Pg. 290

Note:
Survey line shown is approximate and is called to run along the center of the Old San Antonio Road. The line shown here was traced from a 1940 aerial photo.

Note:
Before 1944, OSR ran along this line, but no signs of old fences or the roadway are visible. This existing fence is not old, but follows the Porterfield dead call fairly well which is being honored as the common property line for this easement survey.

Irene H. Porterfield
60.603 acres - Tract 2
Vol. 942, Pg. 814

Gifford-Hill & Company, Inc.
6.7 acres - Tract III
Vol. 433, Pg. 290

Proposed
40' Easement
1.202 acres

William J. Holler and
wife, Dorothy A. Holler
56.268 acres
Vol. 464, Pg. 642

JOE ORR, INC.
SURVEYORS & ENGINEERS
1000 COLLEGE STATION, TX 77843
(936) 980-3378

PROPOSED 40' TEMPORARY EASEMENT
GIFFORD-HILL (CORNERSTONE) TRACT
F. RUIZ & J.B. ROOT SURVEYS
BRAZOS COUNTY, TEXAS

DATE: 03/01/2007
BY: JOE ORR
CHECKED: []
DATE: []
SCALE: AS SHOWN

0 80 120 180 240 Feet

Boundaries on Texas State Base, NAD83(1983) datum based on Brazos County CPS monuments 82136 and 82133 (N 35°20'24\"/>

Iron rods set are 1/2\"/>

All existing easements and utilities are not shown on this plat.

See separate notes and boundary description prepared with this plat.



Sunset Estates
Vol. 1247, Pg. 391

OSR Lone Star Ranch, LLC
9.998 acres
Vol. 5225, Pg. 138

Joe Orr, Inc.
Surveyors & Engineers
2167 Post Oak Circle
College Station, TX 77845
(979) 690-3378

Proposed 40' Temporary Easement
Roman Catholic Church Tract
Samuel Johnson Survey
Brazos County, Texas
14 May 2007

All that certain tract or parcel of land lying and being situated in the Francisco Ruiz Survey, Abstract No. 48, in Brazos County, Texas, being a part of that 53.14 acre tract conveyed to the Bishop of the Roman Catholic Diocese of Austin in Volume 4369, Page 64 of the Official Public Records of Brazos County, Texas, and being more particularly described as follows:

Commencing at the intersection of the northeast line of Rye Loop and the northwest right-of-way line of Old San Antonio Road at the south corner of said Roman Catholic Church 53.14 acre tract from where an 8" fence corner post was found N 56° W – 4.2 feet;

Thence N 55° 36' 08" W – 25.15 feet along the northeast line of Rye Loop to a ½" iron rod with a blue plastic cap stamped "College Station Easement" set at the south corner of this tract from which the Brazos County GPS monument no. BZ136 bears S 39° 46' 59" W – 7183.6', for the **Point of Beginning** of this tract;

Thence N 28° 13' 24" E – 54.35 feet through the said Catholic Church tract to a ½" iron rod with a blue cap stamped "College Station Easement" set at an inside corner of this tract;

Thence S 46° 41' 06" E – 25.89 feet through the said Catholic Church tract to the northwest right of way line of Old San Antonio Road;

Thence N 28° 13' 24" E – 41.43 feet along the northwest right-of-way line of Old San Antonio Road;

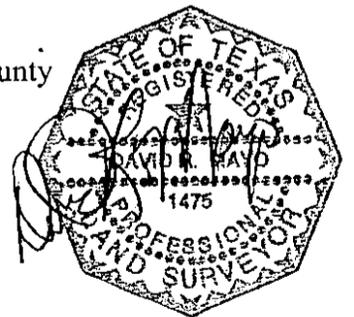
Thence N 46° 41' 06" W – 67.32 feet through the said Catholic Church tract to the north corner of this tract;

Thence S 28° 13' 24" W – 102.24 feet through the said Catholic Church tract to the northeast line of Rye Loop;

Thence S 55° 36' 08" E – 40.23 feet along the northeast line of Rye Loop to the Point of Beginning and containing 4996 square feet of land more or less.

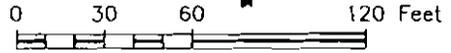
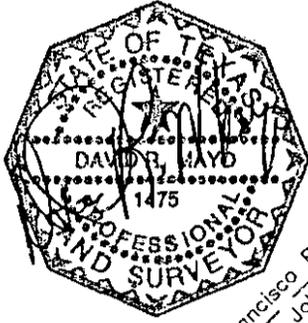
Bearings are Texas State Plane, NAD83(1993) datum, based on Brazos County GPS monuments BZ136 and BZ133 (N35° 20' 24" E).

See survey plat prepared in May 2007.



Proposed 40' Temporary Easement
 Catholic Diocese of Austin Tract
 Samuel Johnson survey A-147
 Brazos County, Texas

May 2007



Bearings are Texas State Plane, NAD83(1993) datum, based on Brazos County GPS monuments BZ136 and BZ133 (N 35°20'24"E).

Iron rods set are 1/2" dia. with blue plastic caps stamped "COLLEGE STATION EASEMENT".

All existing easements and utilities are not shown on this plat.

See separate metes and bounds description prepared with this plat.

Bishop of the Roman
 Catholic Diocese of Austin
 53.14 acres
 Vol. 4369, Pg. 64

Proposed
 40' Easement
 4996 square feet

Rye Loop
 variable width prescriptive R.O.W.

State of Texas
 7.333 ac. - R.O.W. parcel
 Vol. 110, Pg. 237

William J. Holler and
 wife, Dorothy A. Holler
 56.268 acres
 Vol. 464, Pg. 642

Note:
 The deed calls to these tracts apparently run along former fences, but no remains of them could be found, so these current fencelines are being honored as the prescriptive right-of-way lines.

Gifford-Hill & Company, Inc.
 6.7 acres - Tract III
 Vol. 433, Pg. 290

Joe Orr, Inc.
 Surveyors & Engineers
 2167 Post Oak Circle
 College Station, TX 77845
 (979) 690-3378

Old San Antonio Road
 120' right-of-way

Rye School Road
 variable width prescriptive R.O.W.

Sunset Estates
 Vol. 1247, Pg. 391

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EXHIBIT " A "
FIELD NOTES
TRACT 3
CITY OF COLLEGE STATION
PROPOSED 40' WIDE
WATER COLLECTION LINE
TEMPORARY CONSTRUCTION EASEMENT
1.204 ACRES
OUT OF THE
WILLIAM J. HOLLER
CALLED 56.268 ACRE TRACT
VOLUME 464, PAGE 642
S. JOHNSON SURVEY, A - 147
BRAZOS COUNTY, TEXAS
JUNE 28, 2002

All that certain lot, tract or parcel of land being 1.204 acres situated in the S. JOHNSON SURVEY, Abstract No. 147, Brazos County, Texas and being a part of that certain Called 56.268 acre tract as described in deed from Marie Angonia et al to William J. Holler and wife, Dorothy A. Holler, of record in Volume 464, Page 642, Deed Records of Brazos County, Texas, said 1.204 acre temporary construction easement being more particularly described by metes and bounds as follows:

BEGINNING at a point for the most easterly corner, said corner being located in a southeast line of said Called 56.268 acre tract and also being located in the northwest line of the Bryan ISD Called 2.00 acre tract as described in Volume 68, Page 410, a ½" Iron Rod found for an interior corner of said Called 56.268 acre tract and the north corner of said Called 2.00 acre tract bears N 41 ° 12 ' 55 " E a distance of 98.73 feet;

THENCE S 41 ° 12 ' 55 " W, along the southeast line of said Called 56.268 acre tract and the northwest line of said Called 2.00 acre tract a distance of 40.03 feet to a ½" Iron Rod set for the south corner, the calculated south corner of said Called 56.268 acre tract bears S 41 ° 12 ' 55 " W a distance of 48.42 feet;

THENCE along the proposed southwest easement line the following calls:

N 46 ° 41 ' 19 " W, a distance of 596.43 feet to a ½" Iron Rod set for angle point;

N 49 ° 58 ' 27 " W, a distance of 600.55 feet to a ½" Iron Rod set for angle point; and,

N 46 ° 41 ' 06 " W, a distance of 109.76 feet to a ½" Iron Rod set in the southeast right-of-way line of OSR for the most westerly corner, said corner being located in the calculated northwest line of said Called 56.268 acre tract, the calculated west corner of said Called 56.268 acre tract bears S 28 ° 12 ' 31 " W a distance of 45.99 feet;

THENCE N 28 ° 12 ' 31 " E, along the northwest line of said Called 56.268 acre tract and the southeast right-of-way line of said OSR a distance of 41.43 feet to a ½" Iron Rod set for the most northerly corner, a calculated point of curvature of said 56.268 acre tract bears N 28 ° 12 ' 31 " E a distance of 1265.12 feet;

THENCE along the northeast line of this proposed 40 foot wide easement the following calls:

S 46 ° 41 ' 06 " E, a distance of 119.41 feet to a point for angle point;

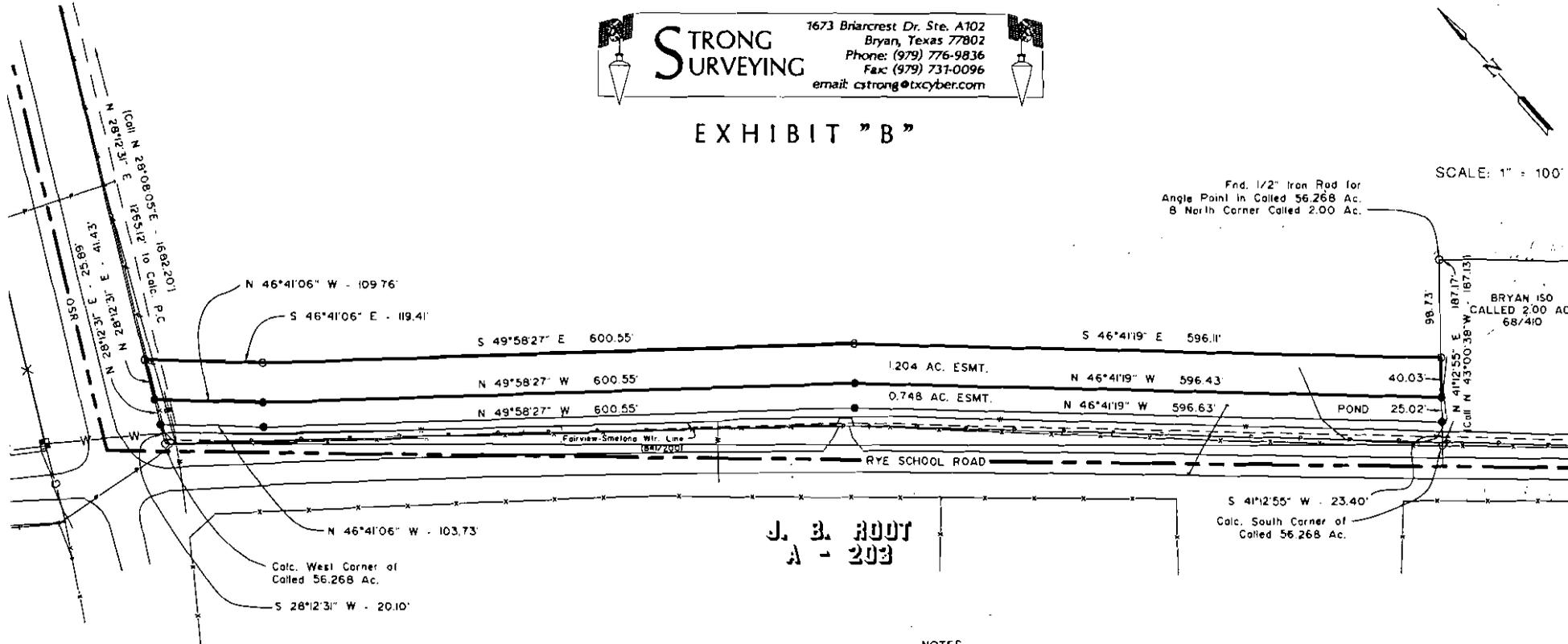
S 49 ° 58 ' 27 " E, a distance of 600.55 feet to a point for angle point; and,

S 46 ° 41 ' 19 " E, a distance of 596.11 feet to the PLACE OF BEGINNING AND CONTAINING AN AREA OF 1.204 ACRES OF LAND MORE OR LESS, according to a survey performed during June, 2002, under the supervision of H. Curtis Strong, Registered Professional Land Surveyor No. 4961. For north orientation and other information see accompanying plat.



EXHIBIT "B"

SCALE: 1" = 100'



J. B. ROOT
A - 203

NOTES:
 North Orientation is based on rotating the southwest line to Grid North by Utilizing GPS

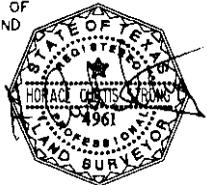
This survey was prepared with the benefit of a Title Report prepared by Lawyers Title Company. All easement information applicable to this survey is shown according to File No. M - 1279.

A 1/2" Iron Rod with Cap will be set at all esmt. corners upon landowners approval of esmt. Taking.

This esmt. is based on following the northeast easement line of the existing Fairview-Smetans Water Line which was located on the ground by Wellborn Water Supply Corp.

TRACT 3
 CITY OF COLLEGE STATION
 PROPOSED 40' WIDE
 WATER COLLECTION LINE
 TEMPORARY CONSTRUCTION EASEMENT
 1.204 ACRES
 OUT OF THE
 WILLIAM J. HOLLER
 CALLED 56.268 ACRE TRACT
 VOLUME 464, PAGE 642
 S. JOHNSON SURVEY, A - 147
 BRAZOS COUNTY, TEXAS
 SCALE 1" = 100' JUNE 28, 2002

I, H. CURTIS STRONG, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4961, DO HEREBY CERTIFY THAT THIS PLAT REPRESENTS THE RESULTS OF AN ON THE GROUND SURVEY AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



H. CURTIS STRONG, R.P.L.S. 4961
 SURVEYED JUNE, 2002

EXHIBIT " A "
FIELD NOTES
TRACT 2
CITY OF COLLEGE STATION
PROPOSED 40' WIDE
WATER COLLECTION LINE
TEMPORARY CONSTRUCTION EASEMENT
0.384 OF ONE ACRE
OUT OF THE
BRYAN ISD
CALLED 2.00 ACRE TRACT
VOLUME 68, PAGE 410
S. JOHNSON SURVEY, A - 147
BRAZOS COUNTY, TEXAS
JUNE 28, 2002

All that certain lot, tract or parcel of land being 0.384 of one acre situated in the S. JOHNSON SURVEY, Abstract No. 147, Brazos County, Texas and being a part of that certain Called 2.00 acre tract as described in deed from Frank Habarta et ux to Joe Merka, A. L. Higgs and J. W. Rawls, trustees for school district number seventeen in Brazos County, Texas, of record in Volume 68, Page 410, Deed Records of Brazos County, Texas, said 0.384 of one acre Temporary Construction Easement being more particularly described by metes and bounds as follows:

BEGINNING at a point for the most easterly corner, said corner being located in the southeast line of said Called 2.00 acre tract and the northwest line of the City of Bryan Called 176.198 acre tract as described in Volume 292, Page 652, a ½" Iron Rod found for the most easterly corner of said Called 2.00 acre tract bears N 41 ° 25 ' 18 " E a distance of 104.04 feet;

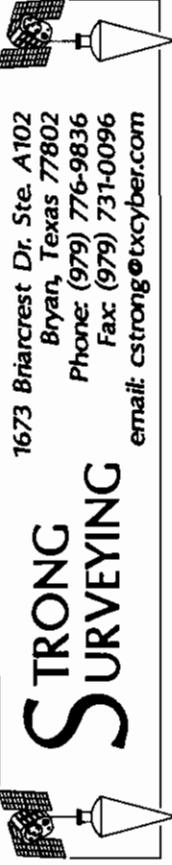
THENCE S 41 ° 25 ' 18 " W, along the southeast line of said Called 2.00 acre tract and the northwest line of said Called 176.198 acre tract a distance of 40.02 feet to a ½" Iron Rod set for the most southerly corner, the calculated most southerly corner of said Called 2.00 acre tract bears S 41 ° 25 ' 18 " W a distance of 64.55 feet;

THENCE N 46 ° 41 ' 19 " W, a distance of 417.64 feet to a ½" Iron Rod set for the most westerly corner, said corner being located in the northwest line of said Called 2.00 acre tract and also being located in a southeast line of the William Holler Called 56.268 acre tract as described in Volume 464, Page 642, the calculated most westerly corner of said Called 2.00 acre tract bears S 41 ° 12 ' 55 " W a distance of 69.89 feet;

THENCE N 41 ° 12 ' 55 " E, along the northwest line of said Called 2.00 acre tract and the southeast line of said Called 56.268 acre tract a distance of 25.02 feet to a point for the most northerly corner, a ½" Iron Rod found for the most northerly corner of said Called 2.00 acre tract bears N 41 ° 12 ' 55 " E a distance of 98.73 feet;

THENCE S 46 ° 41 ' 19 " E, a distance of 417.79 feet to the PLACE OF BEGINNING AND CONTAINING AN AREA OF 0.384 OF ONE ACRE OF LAND MORE OR LESS, according to a survey performed during June, 2002, under the supervision of H. Curtis Strong, Registered Professional Land Surveyor No. 4961. For north orientation and other information, see accompanying plat.





1673 Briarcrest Dr. Ste. A102
Bryan, Texas 77802
Phone: (979) 776-9836
Fax: (979) 731-0096
email: cstrong@txcyber.com

STRONG SURVEYING

WILLIAM J. HOLLER
CALLED 56.268 ACRES
464/642

Fnd. 1/2" Iron Rod
for North Corner of
Called 2.00 Ac. Tract

EXHIBIT "B"

Fnd. 1/2" Iron Rod
for East Corner of
Called 2.00 Ac. Tract

N 41°12'55" E 98.73'

(Coll N 45°E - 208.61' Total)
N 41°25'18" E 104.04'

S. JOHNSON
3 - 3 - 147

BRYAN ISD
CALLED 2.00 ACRES
68/410

S 46°41'19" E 417.79'

0.384 AC. ESMT.

N 46°41'19" W 417.64'

0.24 AC. ESMT.

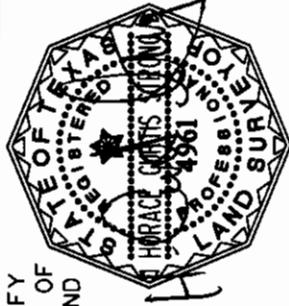
N 46°41'19" W 417.55'

Fairview-Smetana Wir. Line
(867.7501)

S 41°12'55" W - 44.87'

Calc. West Corner Called 2.00 Ac.

I, H. CURTIS STRONG, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4961, DO HEREBY CERTIFY THAT THIS PLAT REPRESENTS THE RESULTS OF AN ON THE GROUND SURVEY AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



J. B. ROBT
A - 203

H. CURTIS STRONG, R.P.L.S. 4961
SURVEYED JUNE, 2002

NOTES:

North Orientation is based on rotating the southwest line to Grid North by Utilizing GPS.

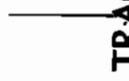
This survey was prepared with the benefit of a Title Report prepared by Lawyers Title Company. All easement information applicable to this survey is shown according to File No. M - 1278.

A 1/2" Iron Rod with Cap will be set at all esmt. corners upon landowners approval of esmt. Taking.

SCALE: 1" = 50'

This esmt. is based on following the northeast easement line of the existing Fairview-Smetana Water Line which was located on the ground by Wellpro Water Supply Corp.

CITY OF BRYAN
CALLED 176.198 ACRES
292/652



TRACT 2
CITY OF COLLEGE STATION
PROPOSED 40' WIDE
WATER COLLECTION LINE
TEMPORARY CONSTRUCTION EASEMENT
0.384 OF ONE ACRE
OUT OF THE
BRYAN ISD

CALLLED 2.00 ACRE TRACT
VOLUME 68, PAGE 410
S. JOHNSON SURVEY, A - 147
BRAZOS COUNTY, TEXAS
SCALE 1" = 50'
JUNE 28, 2002

JOB NO. 2002053TC2.DWG

EXHIBIT " A "
FIELD NOTES
TRACT 1
CITY OF COLLEGE STATION
PROPOSED 40' WIDE
WATER COLLECTION LINE
TEMPORARY CONSTRUCTION EASEMENT
0.094 OF ONE ACRE
OUT OF THE
CITY OF BRYAN
CALLED 176.198 ACRE TRACT
VOLUME 292, PAGE 652
S. JOHNSON SURVEY, A - 147
BRAZOS COUNTY, TEXAS
JUNE 28, 2002

All that certain lot, tract or parcel of land being 0.094 of one acre situated in the S. JOHNSON SURVEY, Abstract No. 147, Brazos County, Texas and being a part of that certain Called 176.198 acre tract as described in deed from Elmer D. Parrott et ux to the City of Bryan, of record in Volume 292, Page 652, Deed Records of Brazos County, Texas, said 0.094 of one acre Temporary Construction Easement being more particularly described by metes and bounds as follows:

BEGINNING at a ½" Iron Rod set for the most westerly corner, said corner being located in the northwest line of said Called 176.198 acre tract and the southeast line of the Bryan ISD Called 2.00 acre tract as described in Volume 68, Page 410, said corner also being located in the northeast easement line of the Fairview-Smetana Water Supply Corporation water line as described in Volume 927, Page 521, a ½" Iron Rod found for the west corner of said Called 176.198 acre tract bears S 41 ° 25 ' 18 " W a distance of 39.72 feet;

THENCE N 41 ° 25 ' 18 " E, along the northwest line of said Called 176.198 acre tract and the southeast line of said Called 2.00 acre tract a distance of 40.02 feet to a point for the most northerly corner, a ½" Iron Rod found for the east corner of said Called 2.00 acre tract and an angle point of said Called 176.198 acre tract bears N 41 ° 25 ' 18 " E a distance of 104.04 feet;

THENCE S 46 ° 41 ' 19 " E, a distance of 103.11 feet to a point in the existing northwest fence line of the City of College Station Well No. 4 Well Site for the most easterly corner;

THENCE S 43 ° 23 ' 17 " W, along said northwest fence line a distance of 40.00 feet to a ½" Iron Rod set for the most southerly corner;

THENCE N 46 ° 41 ' 19 " W, a distance of 101.74 feet to the PLACE OF BEGINNING AND CONTAINING AN AREA OF 0.094 OF ONE ACRE OF LAND MORE OR LESS, according to a survey performed during June, 2002, under the supervision of H. Curtis Strong, Registered Professional Land Surveyor No. 4961. For north orientation and other information, see accompanying plat.





STRONG
SURVEYING

1673 Briarcrest Dr. Ste. A102
Bryan, Texas 77802
Phone: (979) 776-9836
Fax: (979) 731-0096
email: cstrong@txcyber.com



EXHIBIT "B"



SCALE: 1" = 50'

NOTES

North Orientation is based on rotating the southwest line to Grid North by Utilizing GPS.

This survey was prepared with the benefit of a Title Report prepared by Lawyers Title Company. All easement information applicable to this survey is shown according to File No. M - 1277.

A 1/2" Iron Rod with Cap will be set at all esmt. corners upon landowners approval of esmt. Taking.

This esmt. is based on following the northeast easement line of the existing Fairview-Smetana Water Line which was located on the ground by Wellborn Water Supply Corp.

BRYAN ISD
CALLED 2.00 ACRES
68/410

1/2" Iron Rod Ind.
for East Corner of
Called 2.00 Ac. Tract
B Angle Point of
Called 176.198 Ac. Tract

CITY OF BRYAN
CALLED 176.198 ACRES
292/652

S. JOHNSON
S - 147

S 43°23'17" W - 40.00'
S 43°23'17" W - 25.00'

1/2" Iron Rod Ind.
for West Corner of
Called 176.198 Ac. Tract

S 41°25'18" W - 14.71'

J. E. ROOT
A - 203

CITY OF COLLEGE STATION
EXISTING WELL SITE

RYE SCHOOL ROAD
Fairview-Smetana Water Line
1521/250

TRACT 1

CITY OF COLLEGE STATION
PROPOSED 40' WIDE
WATER COLLECTION LINE

I, H. CURTIS STRONG, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4961, DO HEREBY CERTIFY THAT THIS PLAT REPRESENTS THE RESULTS OF AN ON THE GROUND SURVEY AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

October 11, 2007
Consent Agenda Item 3h
Resolution Suspending Atmos Rate Increase

To: Glenn Brown, City Manager

From: Terry Childers, Deputy City Manager

Agenda Caption: Presentation, possible action, and discussion on a resolution suspending the proposal by Atmos Energy Corporation to implement a rate increase.

Recommendation(s): Staff recommends approval of the attached resolution suspending the effective date of Atmos' rate increase.

Summary: Atmos Energy filed an application with the City on September 20, 2007 asking the City to approve an 8.27% increase in residential rates, a 22.72% increases in commercial rates, and a 38.95% increase in industrial and transportation rates.

This resolution suspends the effective date of the Company's rate increase for the maximum period permitted by law to allow the City time to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

The City has participated in prior Atmos Gas rate matters with a coalition of cities now known as Atmos Cities Steering Committee (ACSC). ACSC is a permanent standing committee with 99 members who have passed resolutions authorizing ACSC to intervene on behalf of the city in natural gas matters pending before the Railroad Commission, the Courts or the Legislature. There are currently 141 cities participating with ACSC, including cities that are participating with ACSC on an *ad hoc* basis. A list of the current members and participants is attached.

The law provides that a rate request made by a natural gas utility cannot become effective until 35 days following the filing of the application to change rates. The law permits the City to suspend the effective date for 90 days. If the City does not take action to suspend the filing, Atmos Mid-Tex may begin charging increased rates after October 25, 2007. According to Atmos, annual rates would increase by approximately \$20 for residential customers.

Budget & Financial Summary: Texas Utilities Code § 103.022 provides that costs incurred by the City of College Station in ratemaking activities are to be reimbursed by the regulated utility. The savings enjoyed by Atmos' customers should more than offset the rate case expenses passed on to them.

Attachments:

1. Resolution
2. Staff Report from Lloyd Gosselink [Attorneys for Atmos Mid-Tex Gas Cities]
3. Memo from Lloyd Gosselink
4. List of Atmos Mid-Tex Gas Cities

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF COLLEGE STATION SUSPENDING THE OCTOBER 25, 2007, EFFECTIVE DATE OF ATMOS ENERGY CORP., MID-TEX DIVISION REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH ATMOS CITIES STEERING COMMITTEE AND OTHER CITIES IN THE ATMOS ENERGY CORP., MID-TEX DIVISION SERVICE AREA TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; REQUIRING REIMBURSEMENT OF CITIES' RATE CASE EXPENSES; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL

WHEREAS, on or about September 20, 2007, Atmos Energy Corp., Mid-Tex Division (Atmos), pursuant to Gas Utility Regulatory Act § 104.102 filed with the City of College Station a Statement of Intent to change gas rates in all municipalities exercising original jurisdiction within its Mid-Tex Division service area effective October 25, 2007; and

WHEREAS, it is reasonable for the City of College Station to maintain its involvement in the Atmos Cities Steering Committee (ACSC) and to cooperate with the 141 similarly situated city members and other city participants of ACSC in conducting a review of the Company's application and to hire and direct legal counsel and consultants and to prepare a common response and to negotiate with the Company and direct any necessary litigation; and

WHEREAS, the Gas Utility Regulatory Act § 104.107 grants local regulatory authorities the right to suspend the effective date of proposed rate changes for ninety (90) days; and

WHEREAS, the Gas Utility Regulatory Act § 103.022 provides that costs incurred by Cities in ratemaking activities are to be reimbursed by the regulated utility; now, therefore,

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

PART 1. The October 25, 2007, effective date of the rate request submitted by Atmos on or about September 20, 2007, be suspended for the maximum period allowed by law to permit adequate time to review the proposed changes and to establish reasonable rates.

PART 2. The City is authorized to cooperate with ACSC and its member cities in the Mid-Tex service area to hire and direct legal counsel and consultants, negotiate with the Company, make recommendations to the City regarding reasonable rates and to direct any necessary administrative proceedings or court litigation associated with an appeal of a rate ordinance and the rate case filed with the City or Railroad Commission.

PART 3. The City’s reasonable rate case expenses shall be reimbursed by Atmos.

PART 4. It is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

PART 5. A copy of this Resolution shall be sent to Atmos, care of Joe T. Christian, Director of Rates, at Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1800, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Blevins Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

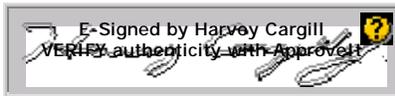
PASSED and APPROVED this _____ day of _____, 2007.

APPROVED:

MAYOR

ATTEST:

City Secretary



City Attorney

MODEL STAFF REPORT

The Railroad Commission issued a Final Order approving new system-wide rates for customers of Atmos Energy's Mid-Tex Division in May. Residential rates were increased by \$10 million annually. Also in May, Atmos Mid-Tex filed its application for its fourth GRIP surcharge in four years, seeking to increase the rates of all customers by \$12 million annually. Despite both of these recent actions to increase customers' rates, Atmos Mid-Tex has filed an application with cities retaining original jurisdiction over rates and services to increase system-wide rates by another \$52 million.

The Company's application was filed with the City on September 20, 2007. Atmos asks the City to approve an 8.27% increase in residential rates, a 22.72% increases in commercial rates, and a 38.95% increase in industrial and transportation rates.

Purpose of the Resolution:

The resolution suspends the effective date of the Company's rate increase for the maximum period permitted by law to allow the City time to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

The law provides that a rate request made by a natural gas utility cannot become effective until 35 days following the filing of the application to change rates. The law permits the City to suspend the effective date for 90 days. **If the City does not take action to suspend the filing, Atmos Mid-Tex may begin charging increased rates after October 25, 2007.** According to Atmos, annual rates would increase by approximately \$20 for residential customers.

The City has participated in prior Atmos Gas rate matters with a coalition of cities now known as Atmos Cities Steering Committee (ACSC). ACSC is a permanent standing committee with 99 members who have passed resolutions authorizing ACSC to intervene on behalf of the city in natural gas matters pending before the Railroad Commission, the Courts or the Legislature. There are currently 141 cities participating with ACSC, including cities that are participating with ACSC on an *ad hoc* basis. A list of the current members and participants is attached.

Explanation of "Be It Resolved" Paragraphs:

Section 1. The city is authorized to suspend the effective date for 90 days for any legitimate purpose. Time to study and investigate the application is always a legitimate purpose. Please note that the resolution refers to the suspension period as "the maximum period allowed by law" rather than ending by a specific date. This is because the Company controls the effective date and can extend the deadline for final city action to increase the time that the City retains jurisdiction if necessary to reach settlement on the case. If the suspension period is not increased by the Company, the City must take final action on Atmos' request to raise rates by January 24, 2007.

Section 2. Negotiating clout and efficiency are enhanced by the City cooperating with other ACSC cities in a common review and common purpose. Additionally, rate case expenses are minimized when ACSC hires one set of attorneys and experts who work under the guidance and control of the ACSC Executive Committee. This provision authorizes the ACSC to act on behalf of the City at the local level in settlement discussions, and in preparation of a rate ordinance and on appeal of the rate ordinance to the Railroad Commission and on appeal to the Courts. Any settlement negotiated by ACSC must be approved by all ACSC member city councils through new rate ordinances.

Section 3. Cities, by statute are entitled to recover their reasonable rate case expenses from the utility. Legal counsel and consultants approved by the ACSC Executive Committee will submit monthly invoices to the City of Arlington that will be forwarded to Atmos for reimbursement. No individual city incurs liability for payment of rate case expenses by adopting a suspension resolution.

Section 4. This section merely recites that the resolution was passed at a meeting that was open to the public and where the consideration of the Resolution was properly noticed.

Section 5. This section provides that both Atmos and counsel to ACSC will be notified of the City's action by sending a copy of the approved and signed resolution to certain designated individuals.

Ms. Doyle's Direct Line: (512) 322-5820
Email: kdoyle@lglawfirm.com

MEMORANDUM

TO: Atmos Cities Steering Committee Members

FROM: Geoffrey Gay
Kristen Doyle
Georgia Crump

DATE: September 20, 2007

RE: Atmos Mid-Tex Statement of Intent to Increase Rates – **ACTION REQUIRED TO SUSPEND THE EFFECTIVE DATE BY OCTOBER 25, 2007**

Atmos is filing a Statement of Intent to Increase Rates with all cities that retain original jurisdiction in the Mid-Tex region. The Statement of Intent indicates that the Company is seeking a \$52 million rate increase. If approved, the \$52 million increase would raise rates for the average residential customers by nearly \$20 per year.

The rate increase requested by Atmos will become effective on October 25, 2007, unless the city takes action to suspend the effective date. The statute permits cities to extend the effective date by up to 90 days in order to study the filing. **The city must take action to suspend the effective date by October 25, 2007.** Attached to this memo is a model suspension resolution and staff report.

ACSC Meeting October 18th to Discuss the Filing

Suspending the effective date allows cities more time to review the application and decide on the final action, including settlement or denial of Atmos' requested rate increase. Jay Doegey, city attorney for the City of Arlington and Chairman of the Atmos Cities Steering Committee will host a meeting of all ACSC members to discuss the filing. **The meeting will be held in Arlington on October 18th at 10:00 a.m. at the Arlington Library Community Room, 101 E. Abram Street.** Representatives from Atmos will be invited to attend the meeting to address ACSC members. There will also be an opportunity for ACSC members to discuss strategy, including settlement with ACSC consultants and attorneys.

In this case, the Company's request to raise rates is essentially a re-litigation of the Atmos Mid-Tex rate case that concluded earlier this year. The order in that rate case became final this May. In that case, Atmos sought a \$62 million rate increase. After a three week hearing, the Railroad Commission judges concluded that Atmos was overearning and rates should be reduced by \$23 million. However, the Railroad Commissioners overturned the judges' decision to reduce rates and approved a \$10 million rate increase for residential customers.

ACSC members have a long and successful history of settling rate issues and avoiding formal rate cases. Lone Star Gas (predecessor to TXU Gas) went fifteen years without a single formal distribution rate case. TXU Gas had only one distribution rate case before the Railroad Commission before selling the system to Atmos. Numerous TXU Gas regional cases were consolidated and settled at the city level without the necessity of appeal to the Railroad Commission. On the electric side, Steering Committee cities have settled two major cases in the past five years – avoiding litigation and substantially benefiting customers. ACSC will endeavor to identify ways to reasonably benefit customers and avoid litigating Atmos' request to raise rates.

Atmos is Scheduling Meetings with City Officials

Atmos representatives are currently scheduling meetings with Mayors and city officials and using the threat of another rate increase in an attempt to persuade city officials to accept automatic annual rate adjustments that will guarantee Atmos a certain level of profits. This automatic profit guarantee adjustment will be implemented in addition to the annual GRIP surcharge. **It is important to know that Atmos wants city officials to give them something that the Railroad Commission has already considered and rejected.** In the May final order issued in Mid-Tex's last rate case, the Railroad Commission rejected a similar request by Atmos to implement a mechanism to guarantee profits.

Although Atmos has described these annual profit guarantee adjustments to the media and to city officials as a way to avoid rate cases, what is not being explained is that the adjustment will maintain a certain level of profits for Atmos shareholders regardless of Atmos' actual costs or the amount of natural gas consumed. The automatic adjustment to guarantee profits will not allow cities or the Railroad Commission to examine the Company's actual costs or whether the costs were prudently incurred before the increase is collected. In fact, the guarantee of profits will ensure that Atmos will make more money even if customers use less gas.

No other gas company in Texas has ever received a guarantee of profits. No circumstances have changed since the Railroad Commission denied Atmos' request in May that would support a guarantee of profits. In fact, the interest rate reductions that have occurred since the last order became final indicate that Atmos' rates should decrease, not increase, since the Company's cost to borrow money has declined.

If you have any questions, please feel free to contact Geoffrey (512/322-5875, ggay@lglawfirm.com), Kristen (512/322-5820, kdoyle@lglawfirm.com), or Georgia (512/322-5832, gcrump@lglawfirm.com.)

Atmos Cities Steering Committee Cities

(141 Total)

Abilene	Fate	Pantego
Addison	Flower Mound	Paris
Allen	Forest Hill	Parker
Alvarado	Fort Worth	Pecan Hill
Argyle	Frisco	Plano
Arlington	Frost	Ponder
Bedford	Gainesville	Pottsboro
Benbrook	Garland	Prosper
Beverly Hills	Grand Prairie	Quitman
Blossom	Grapevine	Red Oak
Blue Ridge	Haltom City	Reno (Parker County)
Bowie	Harker Heights	Richardson
Boyd	Haskell	Richland Hills
Bridgeport	Haslet	Roanoke
Brownwood	Heath	Robinson
Buffalo	Hewitt	Rockwall
Burkburnett	Highland Park	Roscoe
Burleson	Highland Village	Rowlett
Caddo Mills	Honey Grove	Sachse
Carrollton	Hurst	Saginaw
Cedar Hill	Iowa Park	San Angelo
Celeste	Irving	Seagoville
Celina	Justin	Sherman
Cleburne	Kaufman	Snyder
Clyde	Keene	Southlake
College Station	Keller	Springtown
Colleyville	Kemp	Stamford
Colorado City	Kennedale	Stephenville
Comanche	Kerrville	Sulphur Springs
Coolidge	Killeen	Sweetwater
Coppell	Krum	Terrell
Corinth	Lake Worth	The Colony
Corral City	Lancaster	Throckmorton
Crandall	Lewisville	Trophy Club
Crowley	Little Elm	Tyler
Dalworthington Gardens	Malakoff	University Park
Denison	Mansfield	Vernon
DeSoto	McKinney	Waco
Duncanville	Mesquite	Watauga
Eastland	Midlothian	Waxahachie
Edgecliff Village	Murphy	Westlake
Emory	Newark	Westworth Village
Ennis	North Richland Hills	Whitesboro
Everman	Northlake	White Settlement
Fairview	Oak Leaf	Wichita Falls
Farmers Branch	Ovilla	Woodway
Farmersville	Palestine	Wylie

**October 11, 2007
Consent Agenda 3i
Amended Resolution for the College Main Sidewalk Project**

To: Glenn Brown, City Manager

From: Mark Smith, Director of Public Works

Agenda Caption: Presentation, possible action, and discussion regarding the adoption of an amended needs resolution for the acquisition of additional easements, to determine that the valuation problem for the project is uncomplicated and to determine that an appraisal is unnecessary for the College Main Sidewalks Project.

Recommendation(s): Staff recommends Council adopt this amended resolution.

Summary: City Council authorized Resolution Determining Need No. 11-20-2006-13.06 on November 20, 2006. The resolution authorized the Land Agent to begin negotiations for the purchase of easements on both sides of College Main, from Louise Avenue to Cherry Street. Since approval of the resolution, it has been determined that two amendments to the resolution are needed: (1) exclusive permanent, public utility, public access and landscape easements are needed for the project; and (2) an appraisal of the property is not needed, as the appraisal problem is uncomplicated and the anticipated value of each easement is \$10,000 or less. This amended resolution makes these changes.

Budget & Financial Summary: The funding for this project is Community Development Block Grant funds. The cost of purchasing each easement is \$10,000 or less.

Attachments:

- Project Location Map
- Resolution
- Waiver Valuation

College Main Sidewalk Project



RESOLUTION No. _____
AMENDING RESOLUTION NO. 11-20-2006-13.06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, AMENDING RESOLUTION NO. 11-20-2006-13.06

WHEREAS, the City Council of the City of College Station adopted Resolution No. 11-20-2006-13.06 on November 20, 2006, determining that there was a public necessity for exclusive permanent public access easements for the College Main Sidewalks Project; (2) a declaration that public necessity exists for the City to acquire such easements, through purchase or condemnation; and (3) establishing procedures for the acquisition of the easement interest in the property; and

WHEREAS, since the adoption of Resolution No. 11-20-2006-13.06, the City has determined that exclusive permanent public utility, public access and landscape easements are necessary in order to complete the College Main Sidewalks Project; and,

WHEREAS, since the adoption of Resolution No. 11-20-2006-13.06, the City has determined that an appraisal of the Easements is unnecessary because the valuation problem is uncomplicated and the anticipated value of the proposed acquisition is estimated at \$10,000 or less (each easement), based on a review of available data; now, therefore,

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

- PART 1: That the City Council hereby determines that an exclusive permanent public utility, public access and landscape easement is necessary in order to complete the College Main Sidewalks Project.
- PART 2: That the City Council hereby amends Resolution No. 11-20-2006-13.06 by replacing all references to “exclusive permanent public access easements” with “exclusive permanent public utility, public access and landscape easements”.
- PART 3: That the City Council hereby determines that an appraisal of said Easements is unnecessary because the valuation problem is uncomplicated and the anticipated value of the proposed acquisition of each easement is estimated at \$10,000 or less, based on a review of available data, and that Resolution No. 11-20-2006-13.06 shall now be deemed amended according to said determination.
- PART 4: That Resolution No. 11-20-2006-13.06 remains effective as amended.
- PART 5: That this Amendment to Resolution No. 11-20-2006-13.06 shall take effect immediately from and after its passage.

ORDINANCE NO. _____

Page 2

ADOPTED this _____ day of _____, A.D. 2007.

ATTEST:

APPROVED:

City Secretary

MAYOR



City Attorney



CITY OF COLLEGE STATION
P.O. Box 9960
COLLEGE STATION, TEXAS 77842



Real Estate Waiver Valuation

Project: College Main Sidewalk Project - From Louise Avenue to Cherry Street
Date of Value: May 4, 2007 (Value of each parcel to be updated after approval of Resolution)
Property to be Acquired: Five foot (5') wide strips of land behind existing street ROW line to be purchased as Exclusive Permanent Public Utility, Public Access and Landscape Easements
Location: Northeast and southwest side of College Main, between Louise Avenue and Cherry Street, College Station, Brazos County, Texas
Proposed Use (by City): Public Utilities, sidewalks and landscaping.

Property Owner's Name	Size	Price/Unit	Property Interest Adjustment	Market Value & Just Compensation
The Pitner Family LP	75.2 SF	\$15 / SF	100%	\$1,128
Daniel Westerheim	250.5 SF	\$15 / SF	100%	\$3,758
William G. Boyett, Jr., Trustee of Big Dog Trust	250.5 SF	\$15 / SF	100%	\$3,758
Texas A&M Association of Baptist Students	501.1 SF	\$15 / SF	100%	\$7,517
Radakor, LLC	249.7 SF	\$15 / SF	100%	\$3,746
Radakor, LLC	293.0 SF	\$15 / SF	100%	\$4,395
Michael J. Opersteny	249.7 SF	\$15 / SF	100%	\$3,746
Nelson Rentals, Inc	477.2 SF	\$15 / SF	100%	\$7,158
Nelson Rentals, Inc	499.5 SF	\$15 / SF	100%	\$7,493

I have completed a "Waiver Valuation" of each easement needed for the referenced project and have summarized the conclusions above.

 2-OCT-2007
Mark McAuliffe, Land Agent Date

**October 11, 2007
Consent Agenda Item 3j
Sonoma Off-site Sewer Line
Construction Contract**

To: Glenn Brown, City Manager

From: Mark Smith, Director of Public Works

Agenda Caption: Presentation, possible action, and discussion on the award of a construction contract between BCS Development Co. and Brazos Valley Services for the construction of an 18-inch and 15-inch gravity sewer trunk line in the amount of \$429,704.52.

Recommendation(s): Staff recommends that Council declare the bid of Brazos Valley Services in the amount of \$429,704.52 to be the lowest responsible bid for Bid#07-124.

Summary: This item is for the award of a construction contract to Brazos Valley Services for the construction of a gravity sewer trunk line which will connect the existing Spring Creek Impact Fee line to the Sonoma Development and extend across W.D. Fitch Pkwy. Because the City's participation includes the acquisition of an easement and is greater than 30% of the cost for the construction the project was bid in accordance with public purchasing rules. The City of College Station solicited bids for the construction of a sewer trunk line to serve the Sonoma Subdivision. The contract is between BCS Development Co. and Brazos Valley Services. The City agreed to participate in the cost of the sewer line via a Development Agreement approved by Council on July 26, 2007. That agreement committed the City to pay an amount not to exceed \$345,484 for its share of the installation of the sewer line and this cost may be reduced based on actual construction cost, to be determined at project completion.

This item approves the contract with the low bidder resulting from that bid process. A copy of the contract is on file at the City Attorney's office.

Sealed competitive bids for Bid # 07-124 were received from five (5) contracting firms and the summary of the results is as follows:

Brazos Valley Services	\$ 429,704.52
Elliott Construction	\$ 441,438.00
Knife River	\$ 508,082.75
Dudley Construction	\$ 522,600.48
Kingsly Constructors	\$ 575,682.60

Budget & Financial Summary: Funds for the City's portion of the construction costs are budgeted and available in the Wastewater Capital Improvement Projects Fund. A portion of the funds was transferred from FY07 Wastewater Oversized Participation funds. The remainder was transferred from FY07 Collection System Rehabilitation funds and from the Lift Station #2 Force main project, which was completed under budget. These transfers will cover this item and associated overhead costs.

Attachments:

1. Contract is on file at the City Attorney's office
2. Location Map

Agreement to Extend Spring Creek Sewer Trunkline

Existing 21-in Trunkline

CSISD

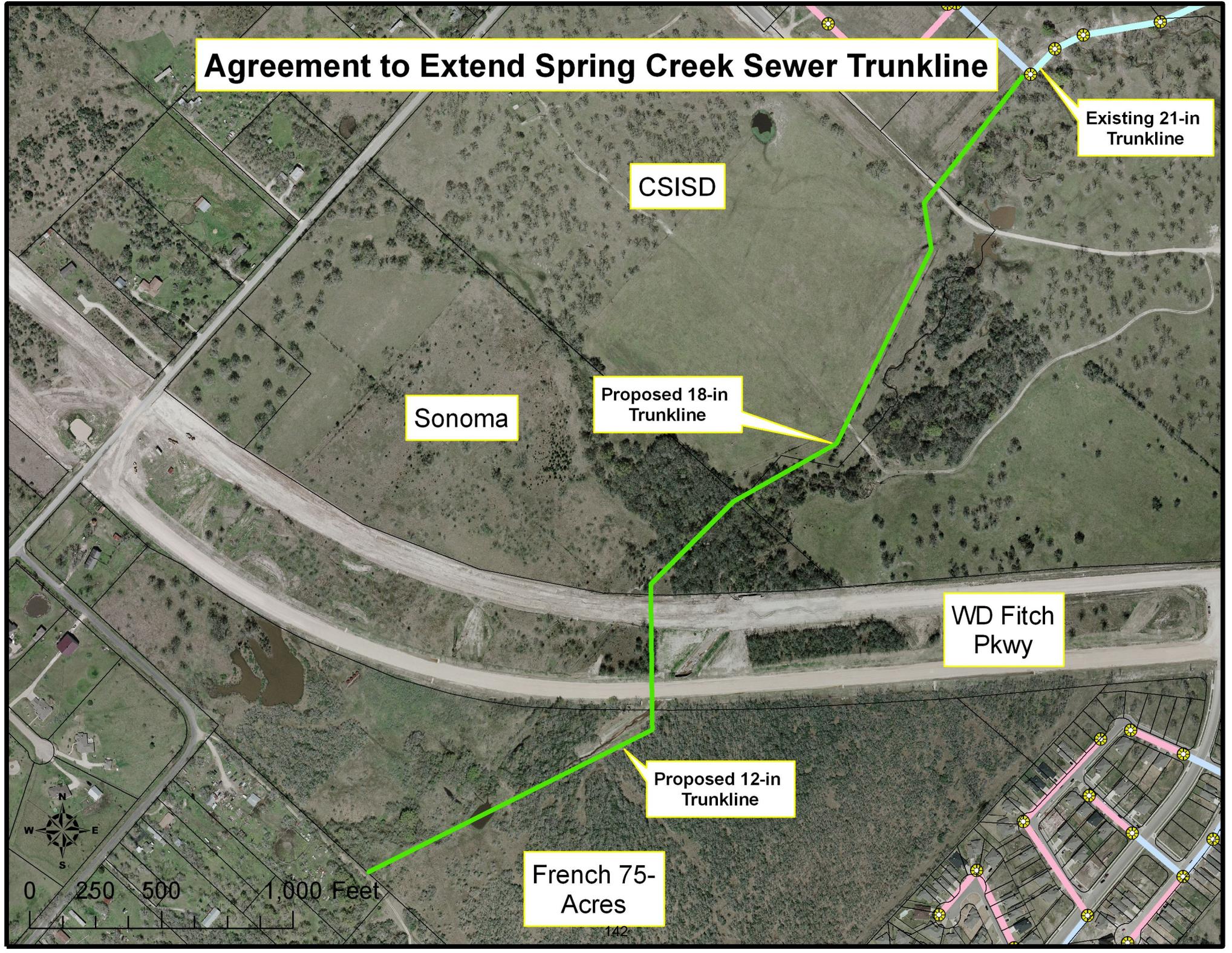
Sonoma

Proposed 18-in Trunkline

WD Fitch Pkwy

Proposed 12-in Trunkline

French 75-Acres



October 11, 2007
Consent Agenda Item 3k
Funding Agreement with the United Way of the Brazos Valley

To: Glenn Brown, City Manager

From: Jeff Kersten, Chief Financial Officer

Agenda Caption: Presentation, possible action and discussion on a funding agreement between Brazos Valley Solid Waste Management (BVSWMA) and the United Way of the Brazos Valley in the amount of \$50,000.

Recommendation(s): Staff recommends approval of the funding agreement.

Summary: As part of the capital campaign to retire the debt on their building, the United Way of the Brazos Valley requested funding from the City of College Station and the City of Bryan via the joint venture BVSWMA. The BVSWMA Board approved a budget amendment at the BVSWMA Board meeting on May 11, 2007 to allow for a one-time payment to the United Way of the Brazos Valley in the amount of \$50,000.

The attached letter from the United Way was provided to the City Council as part of a Miscellaneous Council Update from the City Manager on April 14, 2007.

Budget & Financial Summary: The funds for this agreement are available in the 2006-2007 BVSWMA Fund for the total amount of \$50,000. These funds are for a one-time payment to the United Way of the Brazos Valley to help fund the capital campaign effort to purchase the building in which the United Way is housed.

Attachments:

Letter from United Way
United Way Capital Campaign Funding Agreement
BVSWMA Board Meeting Agenda for May 11, 2007
BVSWMA Board Meeting Minutes for May 11, 2007



MAR 30 2007

March 27, 2007

HAND DELIVERED

Mayor Ron Silvia
City of College Station

Re: College Station and Bryan support of United Way Office Acquisition

Dear Mayor Silvia,

Pursuant to previous visits with prior City Managers of Bryan and College Station, subsequent meetings with you and Mayor Ernie Wentrcek of Bryan on August 1 and 7, 2006, and numerous visits since, we would like to submit this formal request for College Station's consideration of a \$25,000 commitment to assist with the facilities acquisition costs of our offices on Southwest Parkway. Our original plan was to request each City to provide the requested level of support. Discussions with the City Managers and subsequently with you and Ernie all pointed in the direction of this being *one request for \$50,000 to BVSMMA since it is a joint endeavor of the two Cities*. It is our plan to request that Brazos County also consider a similar request with that request being made by United Way leadership once the commitments from College Station and Bryan have been confirmed.

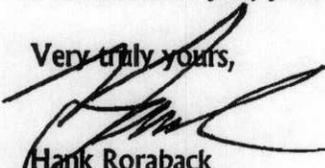
Per our discussions, while a lump sum payment is preferred, we recognize your need to meet multiple responsibilities and if it benefits the Cities, spreading it out in annual increments for up to five years would be perfectly fine.

Our original purchase was for \$620,000 plus \$19,000 for air conditioning replacements, and another \$27,750 of miscellaneous improvements paid for in cash and in-kind gifts for a total of \$666,750. The plan was to raise \$220,000 as front end equity and pay for all improvements from available funds. To date we have paid for all improvements with available and designated funds. We have received \$155,661.40 in cash contributions and an additional \$19,631.98 in short term pledges toward the front end equity, a total of 175,293.38. Our equity balance remaining is \$64,338.60 and funding from the Cities and County will make it possible to fully satisfy this obligation and United Way will have a long term note with a balance of \$379,515 to be covered through the annual budget..

The best result of this purchase is that we have all of our operations in one location that is easily accessible to citizens of both Bryan and College Station, at a lower total occupancy cost than prior to the purchase. United Way is now more productive and passes a greater percentage of total revenues through to our many vital community health and human service agencies.

Our thanks to you, your Council, and your Staff for everyone support in this effort.

Very truly yours,


Hank Roraback
President and CEO

copy: Glenn Brown
Jeff Kersten

979-696-GIVE PHONE
979-696-4490 FAX
www.uwbv.org

909 Southwest Parkway East, Ste. 100
College Station, Texas 77840

Post Office Box 10883
College Station, Texas 77842

FUNDING AGREEMENT

This Agreement is by and between the CITY OF COLLEGE STATION, a Home Rule Municipal Corporation incorporated under the laws of the State of Texas (hereinafter referred to as the "City") and United Way of the Brazos Valley, Texas, Incorporated, a Texas Non – Profit Corporation (hereinafter referred to as “Agency”).

WHEREAS, the City is aware of the need to support the local United Way; and

WHEREAS, Agency through its purpose shares this common goal with the City by providing for health and human service agencies and is the only organization of its kind providing such services in the Brazos Valley; and

WHEREAS, the City desires to assist Agency in providing for the building capital campaign, thereby serving a public purpose;

NOW, THEREFORE, IN CONSIDERATION of the performance of the mutual covenants and promises contained herein, City and Agency agree and contract as follows:

ARTICLE I DEFINITIONS

1.1 The term “Agency” shall mean United Way of Brazos Valley, Incorporated, a Texas Non-profit Corporation.

1.2 The term “City” shall mean the City of College Station, in the County of Brazos, and the State of Texas.

1.3 The term “Contract Quarter” shall refer to any quarter of the contract year in which this Agreement is in force. Contract Quarters will end on December 31st, March 31st, June 30th, and September 30th, of each contract year.

1.4 The term “Financial Activity Report” shall mean a report which includes a summary of revenues and expenditures, and a summary of assets and liabilities to be submitted to the City on the form attached herein as Exhibit A.

1.5 The term “Narrative Summary of Activity Report” shall mean a report of the activities of Agency including a summary of how funds from City have been utilized to accomplish the Statement of Work to be submitted to the City on the form attached herein as Exhibit B.

1.6 The term “Performance Measure Report” shall mean a report to determine the levels of service that are being provided by Agency to be submitted to the City on the form attached herein as Exhibit C.

**ARTICLE II
STATEMENT OF WORK**

2.1 Agency shall use funding from BVSWMA in the amount of \$50,000 for payment toward the capital campaign effort to retire the debt on the United Way building.

**ARTICLE III
PAYMENT**

3.1 For and in consideration of the activities to be satisfactorily performed by Agency under this Agreement, City shall provide funding in the amount of **FIFTY THOUSAND AND NO/100 DOLLARS (\$50,000.00)** to be paid as follows:

A. The total amount of FIFTY THOUSAND AND NO/100 DOLLARS (\$50,000.00) shall be paid from the Brazos Valley Solid Waste Management Authority (BVSWMA) fund.

B. Payments will be made in one (1) installment of \$50,000.00. These appropriated funds shall be used during the period of October 1, 2007, to September 30, 2008.

3.2 The City shall receive all reports required herein from the Agency no later than thirty (30) days after the end of each Contract Quarter (no later than January 30th, April 30th, July 30th, October 30th of each contract year).

3.3 City may require that funds be returned to City if City determines that Agency's expenditures deviate materially from their Statement of Work or if the reports required herein are not submitted in a complete and timely manner.

**ARTICLE IV
RECORDS AND REPORTS**

4.1 Agency shall maintain financial records and supporting documents in the form of receipts, canceled checks, payroll records, employee time sheets and other documentation to verify all expenditures of funds under the terms of this Agreement. Said documentation shall conform to the City's accounting practices.

4.2 Agency shall maintain written records and supporting documents as required under this Agreement for all applicable, generally accepted, and required administrative and operating policies. Agency shall maintain such records, accounts, reports, files or other documents for a minimum of three (3) years after the expiration of this Agreement. City's right to access Agency's files shall continue during this 3-year period and for as long as the records are retained by Agency.

4.3 Agency shall provide the City reasonable access during regular business hours to books, accounts, records, reports, files or other papers related to this Agreement belonging to or in use

by Agency. Agency understands and accepts that all such financial records and any other records relating to this Agreement shall be subject to the Public Information Act, TEX. GOV'T CODE, ch. 552, as hereafter amended.

4.4 **Quarterly reports.** Agency shall submit the following to the City on a quarterly basis as provided in this Agreement:

- A. Financial Activity Report.
- B. Narrative Summary of Activity Report.
- C. Performance Measure Report.

Agency shall respond promptly to any request from the City Manager of City, or designee, for additional information relating to the activities performed under this Agreement.

4.5 The Financial Activity Reports, Narrative Summary of Activity Reports, and Performance Measure Reports shall be submitted to the City within thirty (30) days of the end of each Contract Quarter (no later than January 30th, April 30th; July 30th; and October 30th of each contract year).

4.6 A copy of the Agency financial audit shall be made available to City no later than thirty (30) days following Agency's receipt of same.

4.7 If requested, Agency shall make an annual report and presentation to the City Council.

4.8 The City shall conduct a monitoring review of the Agency as deemed necessary by the City so as to evaluate Agency's compliance with the provisions of this Agreement. Said monitoring may consist of on-site monitoring reviews.

ARTICLE V AGENCY BOARD OF DIRECTORS

5.1 The City shall have the option to recommend one appointee for any one vacancy that occurs on the Board of Directors of the Agency during the program year. This provision shall not apply if the City is otherwise authorized to appoint members to the Board under the Agency's Bylaws.

5.2 Agency shall provide the City with an agenda of all regular and non-regular Board meetings five (5) days prior to the meeting with information as to the date, time and place of meeting. If a non-regular meeting is scheduled, Agency shall immediately notify the City of non-regular meeting. Said notification should be in writing via facsimile or e-mail; or orally by telephone, depending on Agency's own notification of the Board meeting.

5.3 Agency shall submit minutes of each Board of Directors meeting and Executive Committee meeting to the City within ten (10) days after approval of the minutes.

ARTICLE VI TERM AND TERMINATION

6.1 Term. The term of this Agreement shall commence on October 1, 2007, and terminate at midnight on October 31, 2008. However, the program period shall commence on October 1, 2007, and terminate at midnight on September 30, 2008. Only those expenditures authorized under the Statement of Work, which are actually incurred during the program period, for events and activities taking place within the program period, are eligible for funding under this Agreement, and any ineligible expenditures or unspent funds shall be forfeited to City upon termination of the Agreement.

6.2 Termination Without Cause.

(a) This Agreement may be terminated by either party, with or without cause, by giving the other party sixty (60) days advance written notice.

(b) In the event this Agreement is terminated by either party pursuant to Section 6.2(a), City agrees to reimburse Agency for any contractual obligations of Agency undertaken by Agency in satisfactory performance of those activities specified hereinabove. This reimbursement is conditioned upon such contractual obligations having been incurred and entered into in the good faith performance of those services contemplated in Article I above, and further conditioned upon such contractual obligations having a term not exceeding the full term of this Agreement.

(c) Further, upon termination pursuant to §6.2(a), Agency will provide City: 1) Within thirty (30) days, a full accounting of all expenditures not previously reviewed by City; 2) Within five (5) business days of a request from City, a listing of expenditures that have occurred since the last required reporting period; 3) a final accounting of all expenditures on the day of termination. Agency will be obligated to return any unused funds or funds determined to be used improperly. Any use of remaining funds by Agency after notification of termination is conditioned upon such contractual obligations having been incurred and entered into in the good faith performance of those services contemplated in Article II above, and further conditioned upon such contractual obligations having a term not exceeding the full term of this Agreement.

6.3 Automatic Termination. This Agreement shall automatically terminate upon the occurrence of any of the following events:

(a) The termination of the legal existence of Agency;

(b) The insolvency of Agency, the filing of a petition in bankruptcy, either voluntarily or involuntarily, or an assignment by Agency for the benefit of creditors;

(c) The continuation of a breach of any of the terms or conditions of this Agreement by either City or Agency for more than thirty (30) days after written notice of such breach is given to the breaching party by the other party; or

(d) The failure of Agency to submit quarterly reports which comply with the reporting procedures required herein and generally accepted accounting principles within thirty (30) days from the date the City notifies Agency of such breach.

6.4 Right to Immediate Termination Upon Litigation. Notwithstanding any other provision of this Agreement, to mitigate damages and to preserve evidence and issues for judicial determination, either party shall have the right to terminate this Agreement upon immediate notice to the other party in the event that any person has instituted litigation concerning the activities of the non-terminating party, and the terminating party reasonably believes that such activities are required or prohibited under this Agreement.

6.5 In the event that this Agreement is terminated pursuant to §§6.3 or 6.4, Agency agrees to refund any and all unused funds, or funds determined by City to have been used improperly, within thirty (30) days after termination of this Agreement.

ARTICLE VII INDEMNIFICATION AND RELEASE

7.1 Agency agrees to indemnify and hold harmless the City, its officers, agents, and employees from and against any and all loss, costs, or damage of any kind, nature, or description that may arise out of or in connection with this Agreement whether or not the claim or cause of action results from any negligence of the City or any of its officers, agents, or employees.

7.2 Agency assumes full responsibility for the work to be performed and services to be provided hereunder, and hereby releases, relinquishes and discharges the City, its officers, agents, and employees from any and all claims, demands, causes of action of every kind and character, including the cost of defense thereof, for any injury to, including death of, any person (whether employees or agents of either of the parties hereto or third persons) and any loss of or damage to property (whether the property is that of either of the parties hereto or of third parties) that is caused by or alleged to be caused by, arising out of, or in connection with the Agency's work or services provided hereunder whether or not said claims, demands, or causes of actions are covered in whole or part by insurance.

ARTICLE VIII GENERAL PROVISIONS

8.1 Agency understands and agrees to state in all published material, announcements and advertising regarding activities funded with City funding that the activity was made possible in part through funding from the Brazos Valley Solid Waste Management Authority (BVSWMA) through the City of College Station. If there is not published activity material, a sign must be displayed and a verbal announcement must be made at the time of the activity.

8.2 Nothing in this Agreement shall prohibit, nor be construed to prohibit, the agreement by Agency with another private entity, person, or organization for the performance of those services described in Article II above. In the event that Agency enters into any arrangement, contractual or otherwise, with such other entity, person or organization, Agency shall cause such other entity, person, or organization to adhere to, conform to, and be subject to all provisions, terms, and conditions of this Agreement, including reporting requirements, separate funds maintenance, and limitations and prohibitions pertaining to expenditure of the agreed payments.

8.3 This Agreement and each provision hereof, and each and every right, duty, obligation, and liability set forth herein shall be binding upon and inure to the benefit and obligation of City and Agency and their respective successors and assigns.

8.4 The City and Agency attest that, to the best of their knowledge, no member of the City of College Station City Council and no other officer, employee or agent of the City, who exercises any function or responsibility in connection with the carrying out of the terms of this Agreement, has any personal interest, direct or indirect, in this Agreement.

8.5 Agency covenants and agrees that, during the term of this Agreement, it will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin or disability. Agency will take affirmative action to ensure that applicants who are employed are treated, during employment, without regard to their race, color, religion, sex, national origin or disability. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation and selection. Agency agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination requirement.

8.6 Agency expressly agrees that, in all solicitations or advertisements for employees placed by or on behalf of Agency, there will be a statement that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin or disability.

8.7 Agency certifies that it will not limit services or give preference to any person assisted through this Agreement on the basis of religion and that it will provide no religious instruction or counseling, conduct no religious worship or services, and engage in no religious proselytizing in the provision of services or the use of facilities or furnishings assisted in any way under this Agreement.

8.8 The parties to this Agreement agree and understand that Agency is an independent contractor and not an agent or representative of the City and that the obligation to compensate its employees and personnel furnished or used by Agency to provide the services specified in Article II shall be the responsibility of Agency and shall not be deemed employees of the City for any purpose.

8.9 No amendment to this Agreement shall be effective and binding unless and until it is reduced to writing and signed by duly authorized representatives of both parties.

8.10 This Agreement has been made under and shall be governed by the laws of the State of Texas.

8.11 Performance and all matters related thereto shall be in Brazos County, Texas, United States of America.

8.12 Each party has the full power and authority to enter into and perform this Agreement, and the person signing this Agreement on behalf of each party has been properly authorized and empowered to enter into this Agreement. The persons executing this Agreement hereby represent that they have authorization to sign on behalf of their respective organizations.

8.13 Failure of any party, at any time, to enforce a provision of this Agreement, shall in no way constitute a waiver of that provision, nor in any way affect the validity of this Agreement, any part hereof, or the right of either party thereafter to enforce each and every provision hereof. No term of this Agreement shall be deemed waived or breach excused unless the waiver shall be in writing and signed by the party claimed to have waived. Furthermore, any consent to or waiver of a breach will not constitute consent to or waiver of or excuse of any other different or subsequent breach.

8.14 The parties acknowledge that they have read, understand and intend to be bound by the terms and conditions of this Agreement.

8.15 This Agreement and the rights and obligations contained herein may not be assigned by any party without the prior written approval of the other party to this Agreement.

8.16 It is understood and agreed that this Agreement may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes.

8.17 If any provision of this Agreement shall be held to be invalid, illegal, or unenforceable by a court or other tribunal of competent jurisdiction, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired thereby. The parties shall use their best efforts to replace the respective provision or provisions of this Agreement with legal terms and conditions approximating the original intent of the parties.

8.18 It is understood that this Agreement contains the entire agreement between the parties and supersedes any and all prior agreements, arrangements, or understandings between the parties relating to the subject matter. No oral understandings, statements, promises, or inducements contrary to the terms of this Agreement exist. This Agreement cannot be changed or terminated orally. No verbal agreement or conversation with any officer, agent, or employee of any party before or after the execution of this Agreement shall affect or modify any of the terms or obligations hereunder.

8.19 Unless otherwise specified, written notice shall be deemed to have been duly served if delivered in person or sent by certified mail to the last business address as listed herein. Each

parties relating to the subject matter. No oral understandings, statements, promises, or inducements contrary to the terms of this Agreement exist. This Agreement cannot be changed or terminated orally. No verbal agreement or conversation with any officer, agent, or employee of any party before or after the execution of this Agreement shall affect or modify any of the terms or obligations hereunder.

8.19 Unless otherwise specified, written notice shall be deemed to have been duly served if delivered in person or sent by certified mail to the last business address as listed herein. Each party has the right to change its business address by giving at least thirty (30) days advance written notice of the change to the other party.

City: City of College Station
Attn: Finance and Strategic Planning
1101 Texas Avenue
College Station, Texas 77840

Agency: United Way of Brazos Valley, Incorporated
909 Southwest Parkway East, Ste. 100
College Station, TX 77840

UNITED WAY OF THE BRAZOS VALLEY, INCORPORATED

CITY OF COLLEGE STATION

BY: [Signature]
Printed Name: Hante Korabade
Title: President/CEO
Date: 9-18-07

BY: _____
Ben White, Mayor
Date: _____

APPROVED:

City Manager

Date

[Signature]
City Attorney

Date

Chief Financial Officer

Date

STATE OF TEXAS)
COUNTY OF BRAZOS)

ACKNOWLEDGMENT

This instrument was acknowledged before me on the 18th day of September, 2007, by Hank Racaback in his/her capacity as President of United Way of the Brazos Valley, Incorporated.



Jessica R. Elmore
Notary Public in and for
the State of Texas

STATE OF TEXAS)
COUNTY OF BRAZOS)

ACKNOWLEDGMENT

This instrument was acknowledged before me on the _____ day of _____, 2007, by Ben White, in his capacity as Mayor of the City of College Station, a Texas home-rule municipality, on behalf of said municipality.

Notary Public in and for
the State of Texas

AGENDA
BVSWMA Policy Advisory Board
Regular Meeting
City of Bryan Municipal Building, Room 305
300 South Texas Avenue
Bryan, TX 77803
May 11, 2007
8:00 a.m.

1. Call to Order
2. Presentation, possible action, and discussion of the minutes for meeting held on August 4, 2006.
3. Presentation, possible action, and discussion on a BVSWMA Budget Amendment in the amount of \$50,000.00 for FY 2007.
4. Presentation, possible action, and discussion on the United Way Capital Project Program funding.
5. Presentation, possible action, and discussion on the selection of a facility name for the State Highway 30 Landfill. The facility name will be selected from submittals by the employees of the Bryan Environmental Services and College Station Public Works Departments.
6. Adjourn

APPROVED:

Pete Caler,
Assistant Director of Public Works/
BVSWMA Director

Notice is hereby given that a Regular Meeting of the BVSWMA Policy Advisory Board will be held on Friday, May 11, 2007 at 8:00 AM at the City of Bryan Municipal Building, Room 305, 300 South Texas Avenue, Bryan, TX 77803. The following subjects will be discussed, to wit:
See Agenda.

Posted this the 7th day of May, 2007 at 12:00 PM.

Connie Hooks,
College Station, 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 . The Agenda and Notice are readily accessible to the general public at all times. Said Notice and Agenda were posted on May 7, 2007, at 12:00 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 bulletin board at the College Station City Hall on the following date and time: _____ by _____.

Dated this ____ day of _____, 2007.

CITY OF COLLEGE STATION, TEXAS

By _____

Subscribed and sworn to before me on this the ____ day of _____,
_____ Notary Public – Brazos County, Texas

My commission expires: _____

This 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.



MEMORANDUM

To: BVSWMA Policy Advisory Board of Directors
From: Pete Caler, Assistant Director Public Works/BVSWMA Director
CC: Terry Childers, Deputy City Manager
Mark Smith, Director of Public Works
Date: April 30, 2007
Subject: Director's Report – May 11, 2007 BVSWMA Board Meeting

The purpose of this memorandum is to update the Brazos Valley Solid Waste Management Agency Policy Advisory Board of Directors on the operational status of the Rock Prairie Road Landfill Facility and the development status of the SH 30 Landfill Project.

Rock Prairie Road Landfill

As of October 2006, the estimated remaining capacity of the Rock Prairie Road Landfill was determined to be 4.8 years, at current performance levels. Compaction of waste increased in FY2005 from 1218 to 1250 Lbs. per cubic yard, which is an increase of 150 Lbs. per cubic yard since FY 2004. Staff will continue to strive for higher compaction rates in order to extend remaining capacity. Another capacity estimate will be generated in October 2007 during the annual flyover of the facility.

Permit Modification – A rules rewrite by the Texas Commission on Environmental Quality (TCEQ) has mandated that all disposal facilities in the state revise the landfill Site Operating Plan and submit a permit modification. In addition, portions of the Site Development Plan are also under review. Staff will commence work on the permit requirements once the TCEQ has released the guidance documents.

Final Cover/Gas System – Phase I of this project is complete with 90% of the covered area having established vegetation. Reseeding will begin in the next several weeks in order to take advantage of expected seasonal rainfall. Phase II of the project will commence when the remaining landfill footprint reaches design capacity (projected FY2009-2010).

Additional Scale – This project is for the installation of a third scale and remodeling of the scale house for more efficient customer transactions. The installation of an additional scale will enhance traffic flow and provide for a backup unit if a scale is out of service for repair. The third scale will allow faster transactions, alleviating the bottleneck that is occurring during weekend operations. Design of the scale house and scale foundation is 95% complete. An invitation to bid on the improvements should advertise in May or early June.

Methane Exceedence – Gas levels in exceedence of TCEQ thresholds have been recorded in monitoring well G-1. In accordance with 30 TAC 330.56, notification has been sent to the Texas Commission on Environmental Quality and surrounding property owners. As this area is adjacent



CITY OF COLLEGE STATION

to, but not located in the active gas collection area, staff is evaluating options for mitigation with landfill gas specialists and engineering professionals. A Class I Permit Modification was submitted to the TCEQ for approval.

Gas to Energy Project – Staff is in the process of issuing a Request for Proposal (RFP) to utilize the methane that is flared at the facility. There is a potential for revenue from the sale of the methane, however BSWMA will retain control of the Landfill Gas Collection System in order to ensure compliance with TCEQ regulations. Additionally, during staff research concerning the RFP, it has become apparent that there are potential revenues in the sale of carbon credits for gas flaring, which the facility has accumulated during the time period that the gas collection system was installed to the present.

Safety Award – BSWMA has received an Award of Merit from the Texas Chapter of the National Safety Council for a reduction in lost time injuries in 2006.

Surplus Equipment – BSWMA recently sold two pieces of equipment. The D8R Dozer was placed in an auction with a reserve price of \$100,000. The machine sold to a local business for \$146,100, which was \$44,450 more than the expired guaranteed repurchase provision through Caterpillar. For BSWMA's 826G Compactor the guaranteed repurchase provision was exercised. The machine had sustained two fires and frequent repairs. Caterpillar repurchased the machine for \$145,910.

TxSWANA Road-EO – BSWMA, Bryan Environmental Services, College Station Public Works Department, and the Texas A & M University Physical Plant are hosting the 2007 Solid Waste Association of North America - Texas Chapter Truck and Equipment Road-EO on June 9th. Approximately 150 landfill equipment operators and solid waste collectors from across Texas will converge on Bryan/College Station to compete against each other for recognition as the best operator in the state. Winners of the event will be eligible to compete in the next International SWANA Road-EO.

The collection vehicle competition will be held at the Texas A & M Riverside Campus, and the equipment operator portion will be at the Rock Prairie Road Landfill. The event will end with an awards banquet at the Texas A & M Memorial Student Center.

SH 30 Landfill

Facility Property Acquisition – The condemnation process for 10 interior surface tracts and the shallow mineral interests at the site is proceeding, however there are legal complexities that must be managed concerning mineral rights, which has caused a delay in completion. If the delay continues, condemnation on the surface tracts may be conducted separately in order to allow access for final surveying and initial construction. However, separating the condemnation proceeding would result in higher legal fees than anticipated.



CITY OF COLLEGE STATION

Mitigation Property Acquisition – The facility requires a 404 permit from the Corps of Engineers because of the presence of streams and Navasota Ladies' Tresses that are located within the footprint of the landfill. The U.S. Fish & Wildlife Department has issued a favorable biological opinion for the project concerning Navasota Ladies' Tresses. However, wetland mitigation requirements must still be addressed. Staff has begun negotiations to acquire a conservation easement in northeast Brazos County that will meet 404 permitting mitigation requirements.

Facility Design – In November 2005, HDR Engineering was awarded a contract for the Phase I design of the SH 30 Landfill Project and the design process is proceeding with the development of a Design Basis Memorandum. HDR has advised staff that design is close to 30% complete. Site surveying of State Highway 30 improvements, buildings and access to the waste footprint are on going, however some interior surveying has been delayed until surface condemnation is complete. This phase of design will cover only the construction of necessary fill sectors, buildings, and infrastructure for the facility to begin receiving waste.

On Site Activity – Limited on site activity is occurring awaiting the condemnation and possession of the interior surface tracts. The Texas Agricultural Experimental Station has been accessing the site for research related to the Navasota Ladies' Tresses mitigation plan on a regular basis. Perimeter and access clearing, interior surveying, and fence construction will begin at the site as soon as the condemnation process is complete. A temporary construction driveway permit for the site has been approved by TXDOT.

Facility Name – A rules rewrite by the TCEQ has mandated that all disposal facilities in the state revise the landfill site operating plan and submit a permit modification. Along with other items, including the change to fill sector development sequencing, staff would like to rename the facility in this future permit modification. Many landfills in Texas have names that lend themselves to be perceived by the public as environmentally friendly facilities, such as Bluebonnet, Greenwood Farms, and Royal Oaks.

Staff conducted a naming contest, with the winning submission to be selected by the BVSWMA Policy Advisory Board of Directors at the May 11, 2007 meeting, and the submitter receiving a cash award. The naming contest was open to the employees of the Bryan Environmental Services and College Station Public Works Departments.

Minutes
Brazos Valley Solid Waste Management Agency
August 4, 2006
College Station City Hall
Second Floor Conference Room
10:00 a.m.

Board Members Present: Ron Silvia (Chairman), City of College Station Mayor; Ernie Wentrcek, City of Bryan Mayor and Mark Conlee, City of Bryan Council Member.

Others Present: Pete Caler, College Station Assistant Director of Public Works/BVSWMA Director; Shelia McQueen, BVSWMA Program Coordinator; Jeff Kersten, City of College Station Chief Financial Officer; Charles McLemore, City of College Station Acting Public Works Director; Kelly Wellman, City of Bryan Director of Environmental Services; Linda Huff, City of Bryan Acting Public Works Director; and Samantha Best, City of College Station Landfill Superintendent.

Members Absent: Glenn Brown, City of College Station City Manager; Kean Register, City of Bryan Acting City Manager and Bill Pendley, Grimes County Commissioner.

Agenda Item 1: Mayor Ron Silvia called the meeting to order at 10:01 a.m.

Agenda Item 2: Discussion and possible action on the minutes held on May 5, 2006.
Motion to approve by Mayor Wentrcek, second Mark Conlee. The motion passed unanimously.

Agenda Item 3: Presentation, possible action, and discussion on the FY 2007 BVSWMA Annual Operating Budget.

Pete Caler explained the Pro-Forma for FY 2006/2007 and stated there will be an SLA for an upgrade to the 4-wheel drive truck at the landfill to be converted into diesel.

Jeff Kirsten explained the FY 2006-2007 operating budget and the pay plan adjustments.

Mayor Wentrcek asked that BVSWMA possibly fund a contribution to the United Way Capital Project in the amount of \$40,000.00, made payable in four yearly installments of \$10,000.00. Mayor Silvia asked that Mayor Wentrcek attend one of the United Way presentations and bring this topic back to the board at a later date.

BVSWMA's contribution of \$20,000.00 for the Noon Lions Club for the Fourth of July fireworks will continue.

Motion to approve by Mayor Wentrcek, second Mark Conlee. The motion passed unanimously.

Agenda Item 4: Presentation, possible action, and discussion on setting fees for the Rock Prairie Road Landfill.

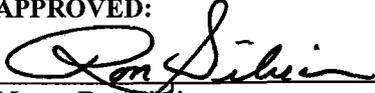
Pete explained the proposed fee increase and new fees for the Rock Prairie Road Landfill and stated the Resolution for the proposed rate increase will go to both the City of Bryan and the City of College Station Councils for approval. There was a sample resolution in the board packet for viewing.

Motion to approve by Mark Conlee, second Mayor Wentrcek. The motion passed unanimously.

Agenda Item 5: Meeting Adjourned at 11:08 a.m.

PASSED AND APPROVED this _____ day of _____, 2006.

APPROVED:



Mayor Ron Silvia

Fiscal Year 2006-2007 BSWMA Budget Amendment Detail Listing

BWSWMA 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 BWSWMA fund balance.



OF THE BRAZOS VALLEY

MAR 30 2007

March 27, 2007

HAND DELIVERED

Mayor Ron Silvia
City of College Station

Re: College Station and Bryan support of United Way Office Acquisition

Dear Mayor Silvia,

Pursuant to previous visits with prior City Managers of Bryan and College Station, subsequent meetings with you and Mayor Ernie Wentrcek of Bryan on August 1 and 7, 2006, and numerous visits since, we would like to submit this formal request for College Station's consideration of a \$25,000 commitment to assist with the facilities acquisition costs of our offices on Southwest Parkway. Our original plan was to request each City to provide the requested level of support. Discussions with the City Managers and subsequently with you and Ernie all pointed in the direction of this being *one request for \$50,000 to BVSMA since it is a joint endeavor of the two Cities*. It is our plan to request that Brazos County also consider a similar request with that request being made by United Way leadership once the commitments from College Station and Bryan have been confirmed.

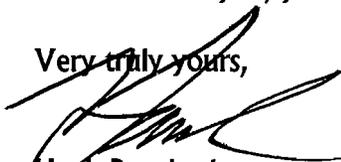
Per our discussions, while a lump sum payment is preferred, we recognize your need to meet multiple responsibilities and if it benefits the Cities, spreading it out in annual increments for up to five years would be perfectly fine.

Our original purchase was for \$620,000 plus \$19,000 for air conditioning replacements, and another \$27,750 of miscellaneous improvements paid for in cash and in-kind gifts for a total of \$666,750. The plan was to raise \$220,000 as front end equity and pay for all improvements from available funds. To date we have paid for all improvements with available and designated funds. We have received \$155,661.40 in cash contributions and an additional \$19,631.98 in short term pledges toward the front end equity, a total of 175,293.38. Our equity balance remaining is \$64,338.60 and funding from the Cities and County will make it possible to fully satisfy this obligation and United Way will have a long term note with a balance of \$379,515 to be covered through the annual budget..

The best result of this purchase is that we have all of our operations in one location that is easily accessible to citizens of both Bryan and College Station, at a lower total occupancy cost than prior to the purchase. United Way is now more productive and passes a greater percentage of total revenues through to our many vital community health and human service agencies.

Our thanks to you, your Council, and your Staff for everyone support in this effort.

Very truly yours,


Hank Roraback
President and CEO

*Copy: Glenn Brown
Jeff Kersten*

979-696-GIVE PHONE

979-696-4490 FAX

www.uwbv.org

909 Southwest Parkway East, Ste. 100

College Station, Texas 77840

Post Office Box 10883

College Station, Texas 77842



OF THE BRAZOS VALLEY



March 27, 2007

HAND DELIVERED

Mayor Ernie Wentrcek
City of Bryan

Re: Bryan and College Station Support of United Way Office Acquisition

Dear Mayor Wentrcek,

Pursuant to previous visits with prior City Managers of Bryan and College Station, subsequent meetings with you and Mayor Silvia of College Station on August 1 and 7, 2006, and numerous visits since, we would like to submit this formal request for Bryan's consideration of a \$25,000 commitment to assist with the facilities acquisition costs of our offices on Southwest Parkway. Our original plan was to request each City to provide the requested level of support. Discussions with the City Managers and subsequently with you and Ernie all pointed in the direction of this being *one request for \$50,000 to BVSMA since it is a joint endeavor of the two Cities*. It is our plan to request that Brazos County also consider a similar request with that request being made by United Way leadership once the commitments from College Station and Bryan have been confirmed.

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Our thanks to you, your Council, and your Staff for everyone support in this effort.

Very truly yours,

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909 Southwest Parkway East, Ste. 100

College Station, Texas 77840

Post Office Box 10883

College Station, Texas 77842

NAME THE LANDFILL CONTEST

The BVSWMA Advisory Policy Board of Directors is asked to select a new name for the State Highway 30 landfill in Grimes County. Employees from both Bryan and College Station were invited to provide a possible name for the new landfill and asked to explain why the chosen name was appropriate. Over 70 suggestions were received. The person that provided the name that is selected by the BVSWMA Policy Advisory Board of Directors will receive a cash prize of \$500. Please select the name for the new landfill from the following submissions:

POST OAK (several submissions)

1. "The new landfill will be surrounded by Post Oak trees and will also house the compost site."
2. "In the Post Oak Savannah region of Texas. Post Oak is used in names around B/CS."
3. "Located in the Post Oak Savannah of Texas."
4. POST OAK SAVANNAH- "Texas has ten vegetative regions and the landfill is found in the Post Oak Savannah region. This name helps highlight our natural ecological region."

TWIN OAKS

1. "Acknowledges the environment and stays away from "dump."
2. "The two oak trees in front of the entry."
3. "Professional and away from dump."

TALL OAKS

1. "Appropriate for the trees and sounds welcoming."

OAK MEADOWS

1. No reason given

TWIN CITY

1. "Because of the two cities."

OAK BRIDGE

1. "The site has lots of oaks near the front of the facility. The large bridge that will be constructed over alum creek will be a nice focal point."

FERGUSON CROSSING

1. "Ferguson crossing is at the Navasota River and Hwy 30. In the mid 1800's Joseph Ferguson's house (near the river crossing) served as the first Brazos (Navasota County) County Courthouse."

Minutes
Brazos Valley Solid Waste Management Agency
May 11, 2007
Bryan City Hall
Conference Room #305
8:00 a.m.

Board Members Present: Mayor Ron Silvia, City of College Station Mayor; Ernie Wentrcek (Chairman) , City of Bryan Mayor and Ben White, City of College Station Council Member/Mayor Pro Tem.

Others Present: Pete Caler, College Station Assistant Director of Public Works/BVSWMA Director; Shelia McQueen, BVSWMA Program Coordinator; Jeff Kersten, City of College Station Chief Financial Officer; Mark Smith, City of College Station Public Works Director; Kelly Wellman, City of Bryan Director of Environmental Services; Linda Huff, City of Bryan Acting Public Works Director; Terry Childers, City of College Station Deputy City Manager; David Watkins, City of Bryan City Manager; Kathy Davidson, City of Bryan Chief Financial Officer and Samantha Best, City of College Station Landfill Superintendent.

Members Absent: Glenn Brown, City of College Station City Manager; and Bill Pendley, Grimes County Commissioner.

Agenda Item 1: Mayor Ernie Wentrcek called the meeting to order at 8:00 a.m.

Agenda Item 2: Discussion and possible action on the minutes held on Aug. 4, 2006.

Motion to approve by Mayor Silvia, second Ben White. The motion passed unanimously.

Agenda Item 3: Presentation, possible action, and discussion on a BVSWMA Budget Amendment in the amount of \$50,000.00 for FY 2007.

Pete Caler explained the Budget Amendment for a camera system. The funds were approved in an FY06 SLA to install a security system at the landfill. Funds are available in the BVSWMA fund balance.

Motion to approve by Mayor Silvia, second Ben White. The motion passed unanimously.

Agenda Item 4: Presentation, possible action, and discussion on the United Way Capital Project Program Funding.

Mayor Wentrcek asked that BVSWMA fund a contribution to the United Way Capital Project in a one time payment in the amount of \$50,000.00.

Motion to approve by Mayor Silvia, second Ben White. The motion passed unanimously.

Agenda Item 5: Presentation, possible action, and discussion on the selection of a facility name for the State Highway 30 Landfill. The facility name will be selected from submittals by the employees of the Bryan Environmental Services and College Station Public Works Departments.

Samantha Best received 70 submissions for the name the landfill contest. The submissions were narrowed down to 7 names.

The Board selected "Twin Oaks" as the new State Highway 30 Landfill name.

Motion to approve by Ben White, second Mayor Silvia. The motion passed unanimously.

Agenda Item 6: Meeting Adjourned at 8:15 a.m.

PASSED AND APPROVED this _____ day of _____, 2007.

APPROVED:



Mayor Ernie Wentrcek

October 11, 2007
Consent Agenda Item 3L
EMS Electronic Patient Care Reports

To: Glenn Brown, City Manager

From: Ben Roper, Director of Information Technology

Agenda Caption: Presentation, possible action, and discussion regarding approval of a contract with ESO Solutions for the purchase of an electronic Patient Care Reporting System for the Fire Department, in an amount not to exceed \$25,918.00, for an interface from the City's Computer Aided Dispatch application (Enroute CAD) with Enroute Public Safety, Inc. in an amount not to exceed \$20,000.00, and for additional hardware and software purchases through the City's standard purchasing policies in an amount not to exceed \$74,082.00, for a total project total of \$120,000.00.

Recommendation(s): Staff recommends approval.

Summary: This project (CO0702) will allow for electronic gathering of patient care information at the time of the incident. Currently, Fire personnel take notes about the patient and care information while the incident takes place. They then transfer those notes to the official forms that must be submitted to various departments and/or state agencies, who must key that information into electronic systems. This system will result in greater speed and efficiency for all parties involved the reporting and/or receipt of Patient Care Reports as well as allow for efficient and accurate billing of charges to patients and their insurance providers.

Budget & Financial Summary: Funds for this project are budgeted and available in the FY07-08 General Government Capital Improvements Projects Fund in the amount of \$120,000. Approximately \$20,000 has been incorporated into the project budget for the first year of maintenance and support of the system. It is anticipated that the annual cost for maintenance and support of the system in future years will be \$20,000. This will be taken into consideration during the FY09 budget process.

Attachments:

Contract for software and services from ESO Solutions is available in the CSO.

October 11, 2007
Consent Agenda Item 3m
Contract Renewal for Household Hazardous Waste Collection Services

To: Glenn Brown, City Manager

From: Mark Smith, Director of Public Works

Agenda Caption: Presentation, possible action, and discussion regarding approval of an annual renewal of contract #05-251 in an amount not to exceed \$179,474 with Clean Harbors to provide Household Hazardous Waste collection services.

Recommendation(s): Staff recommends approval of an annual renewal of contract #05-251 in an amount not to exceed \$179,474 with Clean Harbors.

Summary: This purchase is for collection and disposal services for household hazardous waste. The Brazos Valley Solid Waste Management Agency (BVSWMA) in cooperation with the City of Bryan and City of College Station Sanitation Division will conduct a semi-annual event at the University Services Center. These events (each spring and fall) allow individual households in the Brazos Valley to bring their household hazardous wastes to the University Services Center free of charge. The contractor is responsible for disposing of these wastes in accordance with all local, state, and federal environmental laws. The contractor is also responsible for submitting to BVSWMA a detailed analysis of all the waste collected and the disposal methods used.

Clean Harbors Environmental Services, Inc. was the only responding bidder in 2005 for an annual contract to supply the City with collection, categorization, packaging, transportation, recycling and disposal services for household hazardous waste. This 2007 renewal in the amount of \$179,474.00 is the second of two optional annual renewals of the 2005 contract #05-251.

The next household hazardous waste event will be held on October 20, 2007.

Budget & Financial Summary: Funds are available and budgeted in the Brazos Valley Solid Waste Management Agency Fund.

Attachments:

1. HHW Collection Contract Renewal

.....
RENEWAL ACCEPTANCE

By signing herewith, I acknowledge and agree to renew contract #05-251, for household hazardous waste collection services, in accordance with all terms and conditions previously agreed to and accepted.

I understand this renewal term will be for the period beginning October 20, 2007 through October 19, 2008.

CLEAN HARBORS ENVIRONMENTAL
SERVICES, INC.

William B. Hallam
AUTHORIZED REPRESENTATIVE

10/4/07
DATE

CITY OF COLLEGE STATION

Mayor

DATE

ATTEST:

City Secretary

DATE

APPROVED:

City Manager

DATE

Angela M. DeLuca
City Attorney

DATE

Chief Financial Officer

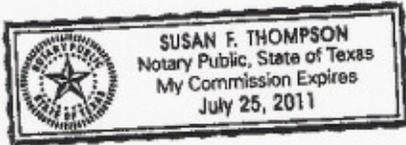
DATE

COMMONWEALTH OF MASSACHUSETTES

CORPORATE

ACKNOWLEDGMENT
COUNTY OF PLYMOUTH

This instrument was acknowledged on the 4TH day of OCTOBER, 2007,
by WILLIAM B HOLLAM in his/her capacity as REG VECO PRESIDENT of
CLEAN HARBORS ENV. SERV. INC. a Massachusetts Corporation, on behalf of said
corporation.



Susan F. Thompson
Notary Public in and for the
State of Texas

STATE OF TEXAS
COUNTY OF BRAZOS

ACKNOWLEDGMENT

This instrument was acknowledged on the _____ day of _____, 2006,
by _____, in the capacity as Mayor of the City of College Station, a
Texas
home-rule municipality, on behalf of said municipality.

Notary Public in and for the
State of Texas

October 11, 2007
Consent Agenda Item 3n
Reimbursement for Five (5) Lots Purchased by
Gameday Centers Southeastern, L.L.C.

To: Glenn Brown, City Manager

From: David Gwin, Director of Economic and Community Development

Agenda Caption: Presentation, discussion and possible action regarding the reimbursement of 320,182.81 to Gameday Centers Southeastern, L.L.C. for five (5) lots located in Northgate originally sold as part of an Economic Development Agreement.

Recommendation(s): Staff recommends approval of the reimbursement of \$320,182.81 to reassert ownership and gain clear title to the five (5) lots.

Summary: In June 2006, the City executed an Amended and Restated Economic Development Agreement (EDA) with Gameday Centers Southeastern, L.L.C. for the development of a luxury condominium development in Northgate. As part of the original EDA the City committed to sale 0.752 acres (Lots 8 – 11 and 22, Block 11 of the W.C. Boyett Estate Partition) of City-owned land as part of a development incentive package.

Under the City's fiduciary responsibility regarding public resources, the City included language in the EDA that required the automatic reversion and reimbursement for the sale of the referenced property if the developer failed to construct the development. If in the event that the developer was unsuccessful, the parameters of the reversionary clause call for the City to reimburse the developer "for the purchase price less lost City rental income (i.e. one lot is subject to a current lease with Deluxe Burger Bar) ... and less seven percent (7%) of the gross purchase price."

Unfortunately, the developer has failed to realize the specified development and, as such, the City is now taking action to reassert clear title to the five (5) lots. The reimbursement of the referenced amount will complete this repossession process.

Budget & Financial Summary: The requested reimbursement amount is available in the City's Economic Development fund and this expenditure will complete the City's outstanding obligations in regards to the referenced Economic Development Agreement. It is important to note that this is a reimbursement or refund to the developer for the amount he actually paid the City, less some expenses, for return of the five (5) lots.

NOTE: A Copy of the Economic Development Agreement is on file with the City Secretary's Office

October 11, 2007
Regular Agenda Item 1
Woodstone Courtyard Conditional Use Permit

To: Glenn Brown, City Manager

From: Bob Cowell, AICP, Director of Planning & Development Services

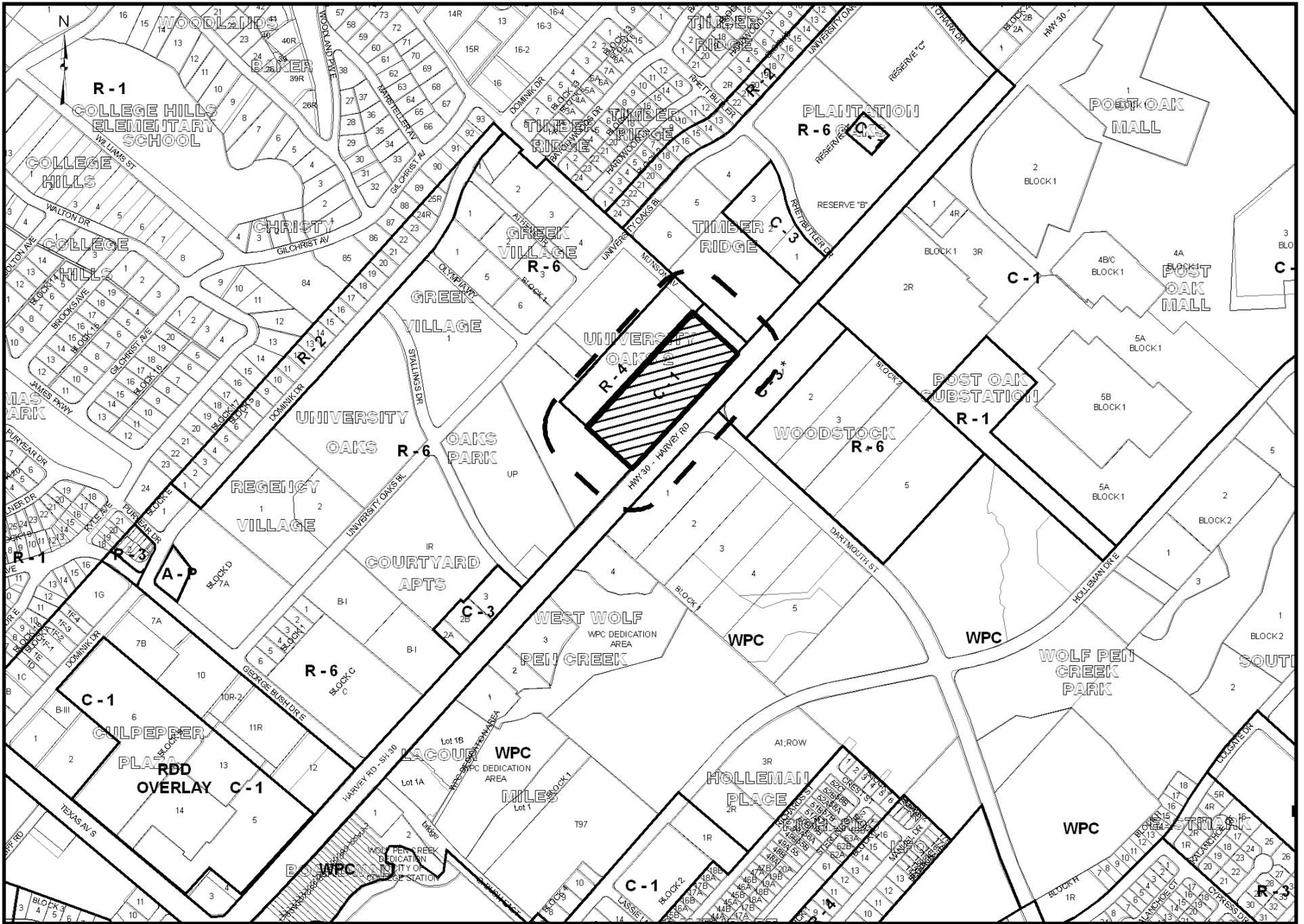
Agenda Caption: Public hearing, presentation, possible action, and discussion on an ordinance granting a Conditional Use Permit for a night club located at 913 Harvey Road, Suites A & B in the Woodstone Center Courtyard.

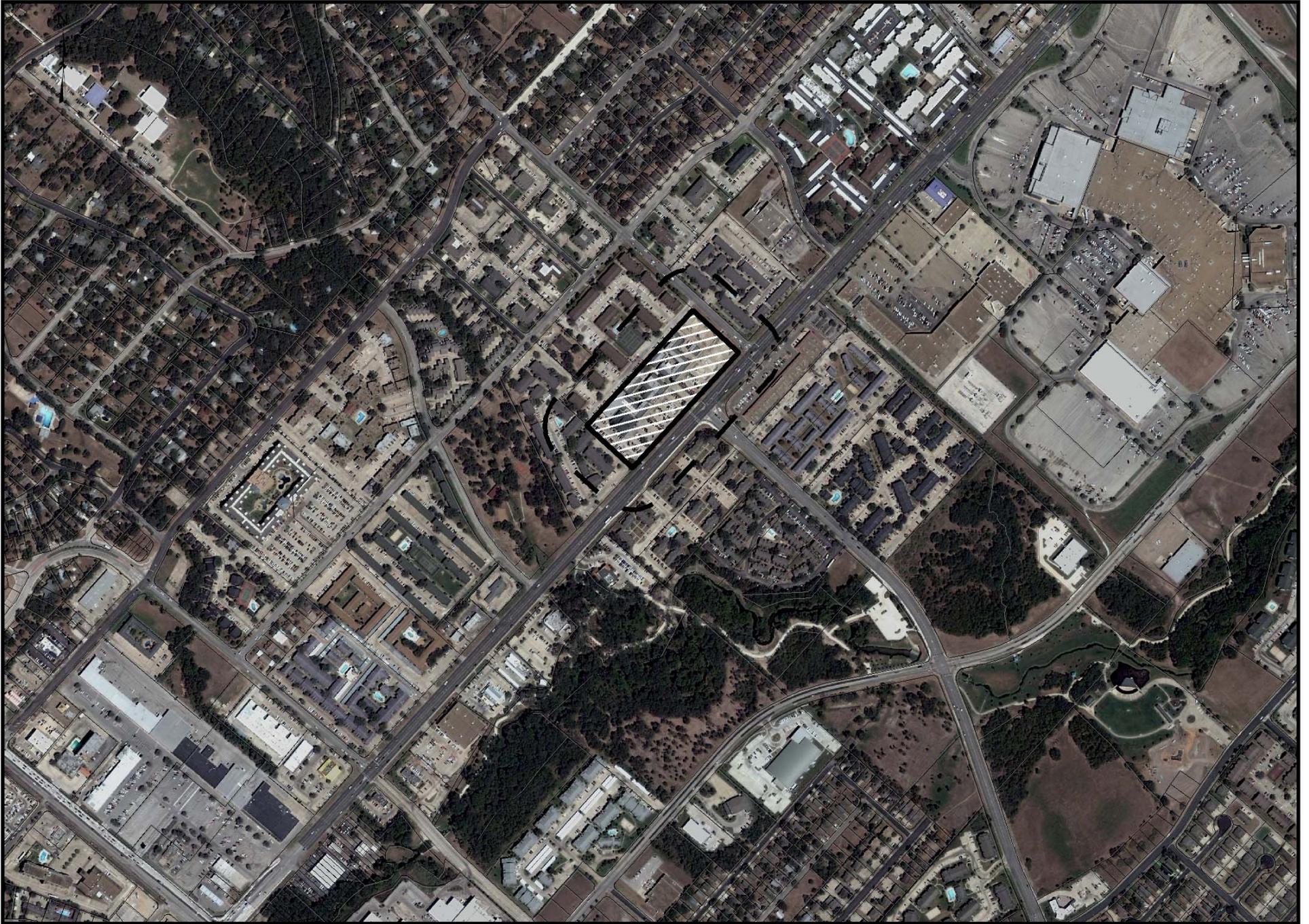
Recommendation(s): The Planning & Zoning Commission heard this item at their July 20th meeting and unanimously recommended approval. Staff also recommends approval with the condition that fencing materials be limited to wrought iron and "Austin" stone and at least 6 (six) feet in height.

Item Summary: The applicant is requesting a Conditional Use Permit for a nightclub in the Woodstone Center Courtyard Shopping Center on Harvey Road. There is currently an existing nightclub operating in this lease space. However, since the applicant is making changes to the layout of the nightclub by moving the 1,700 square foot outdoor patio from the back of the building to the front of the building, a Conditional Use Permit is required. The existing nightclub is 4,000 square feet in area. The proposal includes a new 1,350 square foot outdoor patio that would face Harvey Road. The proposed hours of operation are 5:00 p.m. to 2:00 a.m., nightly. The total allowed occupancy for the lease space and outdoor seating area is estimated between 500-700 people, and the applicant is planning to have between 5 and 20 employees.

Attachments:

1. Small Area Map & Aerial Map
2. Item Background
3. Staff Analysis
4. Draft P&Z Commission minutes from September 19, 2007
5. Ordinance





DEVELOPMENT REVIEW

WOODSTONE CENTER

Case:

07-194

CUP



Woodstone CUP Item Background

The subject property was annexed in 1956 and was zoned C-1 General Commercial in 1973. The property was platted in the University Oaks Section 2 subdivision in 1970.

The Land Use Plan designates this property as Regional Retail. The Thoroughfare Plan designates Harvey Road as a major arterial, Munson Avenue as a minor collector, and Dartmouth Street as a major collector. The property is surrounded by R-4 Multi-Family developed as Cripple Creek Condominiums to the northwest, R-6 Multi-Family High Density developed as Sundance Apartments to the southwest, and Harvey Road to the southeast.

The property currently has 318 parking spaces on site. According to the UDO, the required number of spaces for a shopping center of this size is 206 parking spaces. Shopping centers are permitted to have a maximum of 25% of intense uses (12,865 square feet), including restaurants, coffee shops, nightclubs, laundromats, etc., without the need for additional parking. Intense uses in excess of the allowed 25% are permitted when additional parking is provided. With the proposed conditional use, there will be 17,650 square feet, or 34.3%, of intense uses in the center, requiring 302 parking spaces. Generally, other uses in the center have peak hours that differ from the proposed nightclub. A number of the tenants are offices and personal service retail with operating hours during standard business hours.

Woodstone CUP Staff Analysis

Section 3.13 of the Unified Development Ordinance authorizes the existence of conditional uses. The Planning and Zoning Commission may recommend to the City Council to 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 City Council may permit a conditional use subject to appropriate conditions and safeguards, when after public notice and hearing the Council finds that the use: *(Staff comments are in italics)*

1. Complies with the Purpose and Intent of the UDO.

Staff conducted a technical review and found general compliance with development regulations.

2. Is consistent with the Comprehensive Plan.

The request does not fully comply with the Comprehensive Plan, specifically Objective 3.1, which states "College Station should continue to protect the integrity of residential areas by minimizing intrusive and incompatible land uses and densities.

3. Is compatible with the surrounding area.

The public hearing is an opportunity for the Commission to measure the potential impact on surrounding land uses.

4. Is harmonious with character of surrounding area.

The Use is located in the Woodstone Center Courtyard Shopping Center on Harvey Road adjacent to Cripple Creek Condominiums, Sausalito Apartments and Sundance Apartments.

5. Minimizes infrastructure impacts.

The proposed use will not impact infrastructure more than other permitted uses.

6. Will not negatively affect existing environment.

The proposed use is consistent with other existing uses in the shopping center.

The City Council may impose additional reasonable restrictions or conditions to carry out the spirit and intent of the Unified Development Ordinance 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.



MINUTES
Regular Meeting
Planning and Zoning Commission
Thursday, September 20, 2007,
at 7:00 p.m.
City Hall Council Chambers
1101 Texas Avenue
College Station, Texas

COMMISSIONERS PRESENT: Chairman John Nichols, Derek Dictson, Harold Strong, Bill Davis, Glenn Schroeder, Marsha Sanford and Noel Bauman

COMMISSIONERS ABSENT: None

CITY COUNCIL MEMBERS PRESENT: Chris Scotti

CITY STAFF PRESENT: Senior Planners Jennifer Prochazka and Lindsay Boyer, Staff Planners Crissy Hartl and Jason Schubert, Transportation Planner Ken Fogle, Graduate Civil Engineers Carol Cotter and Josh Norton, Acting City Engineer Alan Gibbs, Director Bob Cowell, Planning Administrator Molly Hitchcock, First Assistant City Attorney Carla Robinson, Information Services Representative April Howard, Staff Assistant Brittany Korthauer

1. Public hearing, presentation, possible action, and discussion on a Conditional Use Permit for a night club located at 913 Harvey Road, Suites A and B in the Woodstone Center Courtyard. **Case #07-500194 (CH)**

Crissy Hartl, Staff Planner, presented the Conditional Use Permit and recommended approval.

She addressed several questions in general from the Commission.

Gary Seaback, Applicant, 9215 Timber Knoll Drive, College Station, Texas, was called upon to answer questions in general from the Commission.

Commissioner Dictson motioned to approve the Conditional Use Permit. Commissioner Strong seconded the motion, motion passed (7-0).

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 11th day of October 2007.

ATTEST:

APPROVED:

City Secretary

MAYOR

APPROVED:



City Attorney

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 an amendment to a Conditional Use Permit is hereby granted for a nightclub 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 913 Harvey Road, Suites A and B is granted a Conditional Use Permit for a night club with fenced outdoor seating located on a 1,350 square foot patio directly adjacent to the lease space. Fencing materials shall be limited to wrought iron and "Austin" Stone and at least 6 (six) feet in height.

**October 11, 2007
Regular Agenda Item 2
Fletcher Tract Rezoning**

To: Glenn Brown, City Manager

From: Bob Cowell, AICP, Director of Planning & Development Services

Agenda Caption: Public hearing, presentation, possible action, and discussion on an ordinance rezoning 43.94 acres from A-O, Agricultural Open to R-1, Single Family Residential located at 9007 Sandstone Drive in the general vicinity of the termination of Emerald Parkway.

Recommendation(s): The Planning and Zoning Commission unanimously recommended approval of the rezoning for the portions of the property located outside the 100-year floodplain at their September 20th meeting. Staff also recommends approval.

Summary: The applicant is requesting a rezoning from A-O, Agricultural Open to R-1, Single Family for 43.94 acres located between Emerald Forest and Sandstone subdivisions for the purpose of preparing the property for residential development.

The property is bordered to the north by Emerald Forest subdivision, zoned R-1, Single Family Residential. The property is bordered to the southwest by Sandstone subdivision which is also zoned R-1, Single Family and developed as large lot residential. The remaining property is bordered by acreage agricultural lots that are primarily designated as Floodplain and Streams on the Comprehensive Land Use Plan.

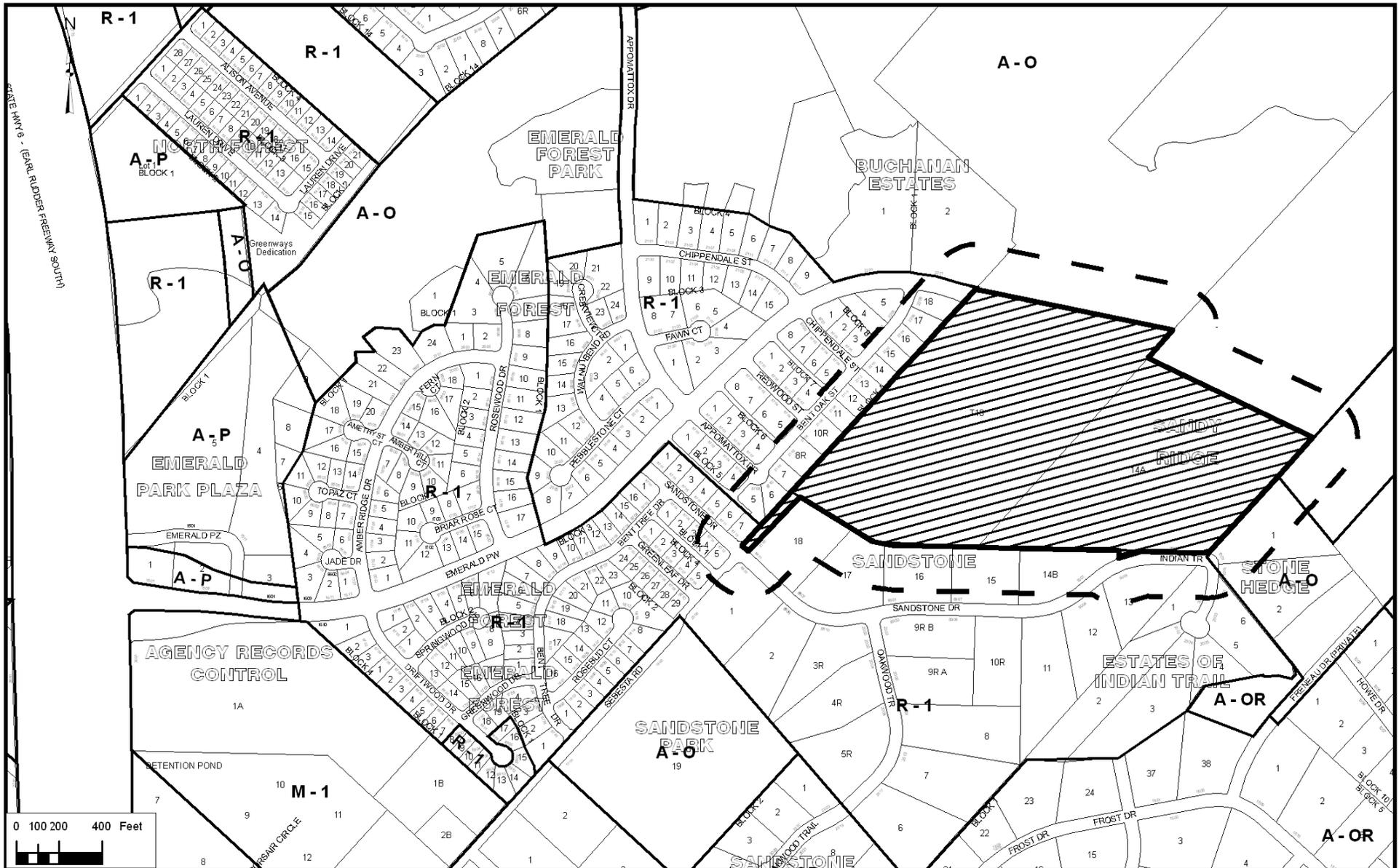
The R-1 zoning district establishes a maximum density of 8 dwelling units per acre, a minimum lot size of 50 feet by 100 feet, and a minimum lot area of 5,000 square feet. The surrounding properties are between 2.6 acres along Sandstone and 0.3 acres along Bent Oak Court. Staff has encouraged the applicant to discuss the development proposal with the surrounding neighborhoods.

When this item was originally submitted, the request included 45 acres (including 1.17 acres of property within the 100-year floodplain). At staff's request, the applicant removed the floodplain property from the rezoning request by submitting revised boundaries resulting in the current request of 43.94 acres. Floodplain zoned A-O does not preclude development; rather it limits development in compliance with the regulations in the Unified Development Ordinance and City floodplain regulations.

Budget & Financial Summary: None

Attachments:

1. Small Area Map (SAM) & Aerial
2. Item Background
3. Infrastructure and Facilities
4. Draft P&Z Commission Minutes from September 27, 2007
5. Ordinance



Zoning Districts		R - 3	Townhouse	C - 3	Light Commercial	WPC	Wolf Pen Creek Dev. Corridor
A - O	Agricultural Open	R - 4	Multi-Family	M - 1	Light Industrial	NG - 1	Core Northgate
A - OR	Rural Residential Subdivision	R - 6	High Density Multi-Family	M - 2	Heavy Industrial	NG - 2	Transitional Northgate
R - 1	Single Family Residential	R - 7	Manufactured Home Park	C - U	College and University	NG - 3	Residential Northgate
R - 1B	Single Family Residential	A - P	Administrative/Professional	R & D	Research and Development	OV	Corridor Overlay
R - 2	Duplex Residential	C - 1	General Commercial	P-MUD	Planned Mixed-Use Development	RDD	Redevelopment District
		C - 2	Commercial-Industrial	PDD	Planned Development District	KO	Krenek Tap Overlay



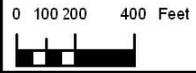
DEVELOPMENT REVIEW

FLETCHER TRACT

Case:

07-169

REZONING



Zoning Districts

- A - O Agricultural Open
- A - OR Rural Residential Subdivision
- R - 1 Single Family Residential
- R - 1B Single Family Residential
- R - 2 Duplex Residential

- R - 3 Townhouse
- R - 4 Multi-Family
- R - 6 High Density Multi-Family
- R - 7 Manufactured Home Park
- A - P Administrative/Professional
- C - 1 General Commercial
- C - 2 Commercial-Industrial

- C - 3 Light Commercial
- M - 1 Light Industrial
- M - 2 Heavy Industrial
- C - U College and University
- R & D Research and Development
- P-MUD Planned Mixed-Use Development
- PDD Planned Development District

- WPC Wolf Pen Creek Dev. Corridor
- NG - 1 Core Northgate
- NG - 2 Transitional Northgate
- NG - 3 Residential Northgate
- OV Corridor Overlay
- RDD Redevelopment District
- KO Krenek Tap Overlay

DEVELOPMENT REVIEW

FLETCHER TRACT

Case: 07-169 REZONING

Fletcher Tract Rezoning Item Background

The subject property was annexed in 1977 and subsequently zoned A-O, Agricultural Open. A portion of the property was platted with the Sandstone Subdivision in 1981. The area is also included in the East College Station Transportation Study, however there are no recommended changes to the transportation system affecting this tract.

The Comprehensive Land Use Plan identifies this area for Medium Density Single-Family development with a portion of the eastern border shown as Floodplain and Streams. The property has access from Emerald Parkway, a minor collector on the City's Thoroughfare Plan.

The floodplain is also identified as a Priority 6 on the Greenways Master Plan. There are currently no plans for this area of the greenway. In addition, a bicycle lane connection to the Gulf States Easement is shown on the Bike and Pedestrian Plan.

We have received 2 inquiries, 10 calls and 1 exhibit in opposition to the rezoning. Those in opposition are concerned about the density of the development, flooding, and sewer capacity. Staff has requested that Dr. Fletcher meet with the neighbors and neighborhood association about the proposal. It is Staff's understanding from Mr. Fletcher that he has been meeting one-on-one with the neighborhoods and his neighbors in Sandstone and Emerald Forest.

Fletcher Tract Rezoning INFRASTRUCTURE AND FACILITIES

Water: The subject property is located adjacent to an 8-in water main to the north and a 6-in water main to the south. In addition the water/waste water master utility plan illustrates the extension of an 8-in water main along the south and east property line, as well as a 12-in water main extension near the southeast property corner.

Sewer: The subject property has a 21-in waster water main that runs near the east property line. However, capacity issues have been identified just down stream from the subject property, these issues will need to be addressed with the development of this property.

Streets: The subject property is located adjacent to Emerald Pkwy (Minor Collector) and Sandstone Drive (Rural Residential Street).

Off-site Easements: None known at this time.

Drainage: The subject property is located in Bee Creek and Carter Creek Drainage Basins. Development of the subject property will be required to meet all minimum requirements of the BCS Unified Storm Water Design Guidelines.

Flood Plain: The subject property is encroached by the 100-yr flood plain, near the eastern property line, as illustrated on FEMA FIRM Panel 163D.

Oversize request: None known at this time.

Impact Fees: None



MINUTES
Regular Meeting
Planning and Zoning Commission
Thursday, September 20, 2007,
at 7:00 p.m.
Council Chambers
College Station City Hall
1101 Texas Avenue
College Station, Texas

COMMISSIONERS PRESENT: Chairman John Nichols, Derek Dictson, Harold Strong, Bill Davis, Glenn Schroeder, Marsha Sanford and Noel Bauman

COMMISSIONERS ABSENT: None

CITY COUNCIL MEMBERS PRESENT: Chris Scotti

CITY STAFF PRESENT: Senior Planners Jennifer Prochazka and Lindsay Boyer, Staff Planners Crissy Hartl and Jason Schubert, Transportation Planner Ken Fogle, Graduate Civil Engineers Carol Cotter and Josh Norton, Acting City Engineer Alan Gibbs, Director Bob Cowell, Planning Administrator Molly Hitchcock, First Assistant City Attorney Carla Robinson, Information Services Representative April Howard, Staff Assistant Brittany Korthauer

7. Public hearing, presentation, possible action, and discussion on a rezoning for the Fletcher property consisting of 2 lots on 44.1 acres from A-O, Agricultural Open to R-1, Single Family Residential located at 9007 Sandstone Drive in the general vicinity of the terminations of Emerald Parkway and Sandstone Drive. **Case #07-500169 (LB)**

Lindsay Boyer, Senior Planner, presented the rezoning stating that staff is recommending denial of the portion of the property that is in the 100 year flood plain and approval of the remainder of the property.

She addressed questions in general from the Commission.

Ken Fogle, Transportation Planner, addressed questions from the Commission regarding connectivity.

Paul Leventis, representing Mr. Skip Fletcher, 2008 Oakwood Trail, College Station, Texas answered questions from the Commission.

The following citizens had concerns with the rezoning:

Larry Wisneck, 2208 Bent Oak, College Station, Texas; Mark Burris, 2115 Chippendale Street, College Station, Texas; Garland Watson, 2108 Bent Oak, College Station, Texas; Cheryl Wenck, 8703 Chippendale Street, College Station, Texas; Amina Alikham, 2028 Oakwood Trail, College Station, Texas; Tom Roraff, 2110 Bent Oak Street, College Station, Texas; Gary Stewart, 8710 Greenleaf Drive, College Station, Texas. Some concerns of the citizens were flooding issues, drainage, increased traffic on Emerald Parkway, and density of the development.

Robert Stewart, citizen, 8710 Appomattox Drive, College Station, Texas stated that he was in favor of the rezoning.

Josh Norton, Graduate Civil Engineer, stated that a drainage report would be required.

Commissioner Davis motioned to approve the rezoning, but stated that any area in the 100 year flood plain should remain Agricultural Open. Commissioner Dictson seconded the motion, motion passed (7-0).

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 _____ day of _____, 2007

APPROVED:

MAYOR

ATTEST:

City Secretary

APPROVED:

Harry Cayle

City Attorney

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 R-1, Single-Family Residential:

LOT 1, BLOCK 1, SANDY RIDGE SUBDIVISION

And

BEING ALL THAT 26.12 ACRE PORTION OF THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE MORGAN RECTOR SURVEY, ABSTRACT NO. 46, COLLEGE STATION, BRAZOS COUNTY, TEXAS, AND BEING THE REMAINDER OF A 45.224 ACRE TRACT DESCRIBED IN THE DEED FROM JETT-SCHULT JOINT VENTURE TO LEROY S. FLETCHER AND WIFE, NANCY M. FLETCHER RECORDED IN VOLUME 1208, PAGE 782, OF THE OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS, AND ALL OF THE "WOLTERS TO FLETCHER" TRACT (EXHIBIT A) DESCRIBED IN THE EXCHANGE DEED BETWEEN LEROY S. FLETCHER AND WIFE, NANCY M. FLETCHER AND FREDDIE A. WOLTERS AND WIFE, MARY WOLTERS, RECORDED IN VOLUME 4212, PAGE 230, OF THE OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS SHOWN IN EXHIBIT "B" AND SHOWN GRAPHICALLY IN EXHIBIT "D"

SAVE AND EXCEPT ALL THAT 1.17 ACRE PORTION OF THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE MORGAN RECTOR SURVEY, ABSTRACT NO. 46, COLLEGE STATION, BRAZOS COUNTY, TEXAS, AND BEING PART OF THE 45.224 ACRE TRACT DESCRIBED IN THE DEED FROM JETT-SCHULT JOINT VENTURE TO LEROY S. FLETCHER AND WIFE, NANCY M. FLETCHER RECORDED IN VOLUME 1208, PAGE 782, OF THE OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS SHOWN IN EXHIBIT "C" AND SHOWN GRAPHICALLY IN EXHIBIT "D"

EXHIBIT "B"

Leroy S. Fletcher
 26.12 Acre Tract
 Morgan Rector Survey, A-46
 College Station, Brazos County, Texas

Field notes of a 26.12 acre tract or parcel of land, lying and being situated in the Morgan Rector Survey, Abstract No. 46, College Station, Brazos County, Texas, and being the remainder of a 45.224 acre tract described in the deed from Jett -Schultz Joint Venture to Leroy S. Fletcher and wife, Nancy M. Fletcher recorded in Volume 1208, Page 782, of the Official Records of Brazos County, Texas, and all of the "Wolters to Fletcher" tract (Exhibit A) described in the Exchange Deed between Leroy S. Fletcher and wife, Nancy M. Fletcher and Freddie A. Wolters and wife, Mary Sebesta, recorded in Volume 4212, Page 230, of the Official Records of Brazos County, Texas, and said 26.12 acre tract being more particularly described as follows:

BEGINNING at a ½" iron rod found at a crosstie fence corner marking the common corner between the beforementioned 45.224 acre tract and Lot 18 (2.48 acres), Sandstone Addition according to the plat recorded in Volume 389, Page 179, of the Deed Records of Brazos County, Texas, said ½" iron rod found also lying in the southeast line of a 30' wide strip - 1.866 acres described in the deed from Tom Sebesta to Freddie A. Wolters recorded in Volume 148, Page 614, of the Deed Records of Brazos County, Texas, same being the beforementioned "Wolters to Fletcher" tract;

THENCE S 45° 35' 27" W along the common line between the beforementioned 1.866 acre tract and Lot 18, Sandstone Addition for a distance of 352.16 feet to a ½" iron rod set in the northeast right-of-way line of Sandstone Drive - 60' right-of-way;

THENCE N 44° 54' 31" W along a projection of the northeast right-of-way line of Sandstone Drive, across the beforementioned 1.866 acre tract for a distance of 30.00 feet to a ½" iron rod set in the common line between the said 1.866 acre tract and the 89 acre tract described in the deed to Frank Dobrovlny recorded in Volume 114, Page 498, of the Deed Records of Brazos County, Texas, (for a complete description see Volume "O", Page 144, of the Civil Minutes of District Court), the northwest right-of-way line of Sebesta Road bears northwest - 19.4 feet;

THENCE along the common line between the beforementioned 1.866 acre tract (lying to the southeast) and the 89 acre tract and the 75 acre tract described in the deed to Frank Dobrovlny recorded in Volume 81, Page 148, of the Deed Records of Brazos County, Texas, (lying to the northwest), as follows:

N 45° 35' 27" E	at a distance of 223 feet, pass the common corner between the said 89 acre tract and the 75 acre tract, continue on for a total distance of 352.06 feet,
N 44° 12' 58" E	for a distance of 1284.55 feet to a ½" iron rod set in a projection of the southwest line of a 20.30 acre tract described as the "Fletcher to Wolters" tract (Exhibit B) in the beforementioned Exchange Deed between Fletcher and Wolters, a ½" iron rod found marking the east corner of Emerald Forest Phase 7, same being the east end of Emerald Parkway - 80' right-of-way, bears N 76° 08' 39" W - 14.94 feet;

THENCE S 76° 08' 39" E along the southwest line of the beforementioned 20.30 acre tract, adjacent to a fence, for a distance of 934.51 feet to a ½" iron rod set at the south corner of the said 20.30 acre tract and in the northwest line of a 64.1 acre tract described in the deed to J. Garland Watson, recorded in Volume 3005, Page 335, of the Official Records of Brazos County, Texas;

Leroy S. Fletcher
26.12 Acre Tract
Morgan Rector Survey, A-46
College Station, Brazos County, Texas
Continued - Page 2

THENCE S 44° 23' 12" W along the common line between the beforementioned 45.224 acre tract and the 64.1 acre tract, adjacent to a fence, for a distance of 181.72 feet to a ½" iron rod set 1' from a 6" creosote post fence corner marking the common corner between the said 64.1 acre tract and the 18.45 acre tract shown as Sandy Ridge according to the plat recorded in Volume 501, Page 473, of the Deed Records of Brazos County, Texas;

THENCE S 44° 10' 00" W along the common line between the beforementioned 45.224 acre tract and Sandy Ridge Subdivision, adjacent to a fence, for a distance of 1191.12 feet to the common corner between the said 45.224 acre tract and the Sandy Ridge Subdivision, and in the northeast line of the beforementioned Sandstone Addition, a ¾" iron rod found at 6" creosote post fence corner bears N 54° 08' E - 0.7 feet;

THENCE along the common line between the beforementioned 45.224 acre tract and the Sandstone Addition, adjacent to a fence, as follows:

- N 86° 24' 43" W for a distance of 397.95 feet to a ½" iron rod set,
- N 77° 53' 03" W for a distance of 97.41 feet to a 20" snag,
- N 56° 23' 52" W for a distance of 399.13 feet to the **PLACE OF BEGINNING**, containing 26.12 acres of land, more or less.



Surveyed January 2006
By: *S.M.K.*
S. M. Kling
R.P.L.S. No. 2003

EXHIBIT "C"

H:\Land Projects R2\041\Reactor Morgan A-46\Leroy Fletcher\dwg\Exhibits\Vertically Positioned Floodplain Description.dwg 9/24/2007 3:36:22 PM CDT

Leroy S. Fletcher
 1.17 Acre - Flood Plain Tract
 (Vertically Positioned Flood Plain)
 Morgan Rector Survey, A-46
 College Station, Brazos County, Texas

Field notes of a 1.17 acre flood plain tract lying and being situated in the Morgan Rector Survey, Abstract No. 46, College Station, Brazos County, Texas, and being part of the 45.224 acre tract described in the deed from Jett-Schultz Joint Venture to Leroy S. Fletcher and wife, Nancy M. Fletcher recorded in Volume 1208, Page 782, of the Official Records of Brazos County, Texas, and said 1.17 acre tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod found marking the south corner of a 20.30 acre tract described as the "Fletcher to Wolters" tract (Exhibit "B") in the Exchange Deed between Leroy S. Fletcher, and wife Nancy M. Fletcher, and Freddie A. Wolters and wife, Mary Wolters, recorded in Volume 4212, Page 230, of the Official Records of Brazos County, Texas, said rod also being the northeast corner of a 15' wide private access easement described in Cause No. 48,414-85 - 85th Judicial District - J. Garland Watson, Jr., V. Leroy Fletcher et al, said 1/2" iron rod also lying in the northwest line of a 64.1 acre tract described in the deed to J. Garland Watson, recorded in Volume 3005, Page 335, of the Official Records of Brazos County, Texas;

THENCE S 44° 23' 12" W along the common line between the beforementioned 45.224 acre tract and the 64.1 acre tract, adjacent to a fence, for a distance of 102.47 feet to a 1/2" iron rod set;

THENCE along the vertically positioned 100 year flood plain of Bee Creek, and through the interior of the beforementioned 45.224 acre tract, as follows:

- N 71° 22' 37" W for a distance of 125.06 feet,
- N 88° 29' 31" W for a distance of 74.43 feet,
- N 79° 18' 26" W for a distance of 72.52 feet,
- N 64° 29' 41" W for a distance of 112.41 feet,
- N 50° 34' 16" W for a distance of 149.32 feet,
- N 74° 13' 47" W for a distance of 52.86 feet,
- S 89° 46' 20" W for a distance of 66.05 feet,
- S 82° 08' 25" W for a distance of 92.22 feet,
- N 88° 07' 46" W for a distance of 34.80 feet,
- N 46° 43' 21" W for a distance of 110.35 feet to a 1/2" iron rod found in the south line of the beforementioned 20.30 acre tract, from which a 1/2" iron rod found marking the southwest corner of the 20.30 acre tract, at the eastern end of Emerald Parkway, bears N 76° 08' 39" W - 49.70 feet;

THENCE S 76° 08' 39" E along the south line of the beforementioned 20.30 acre tract, adjacent to a fence, for a distance of 899.74 feet to the **PLACE OF BEGINNING**, containing 1.17 acres of land, more or less.

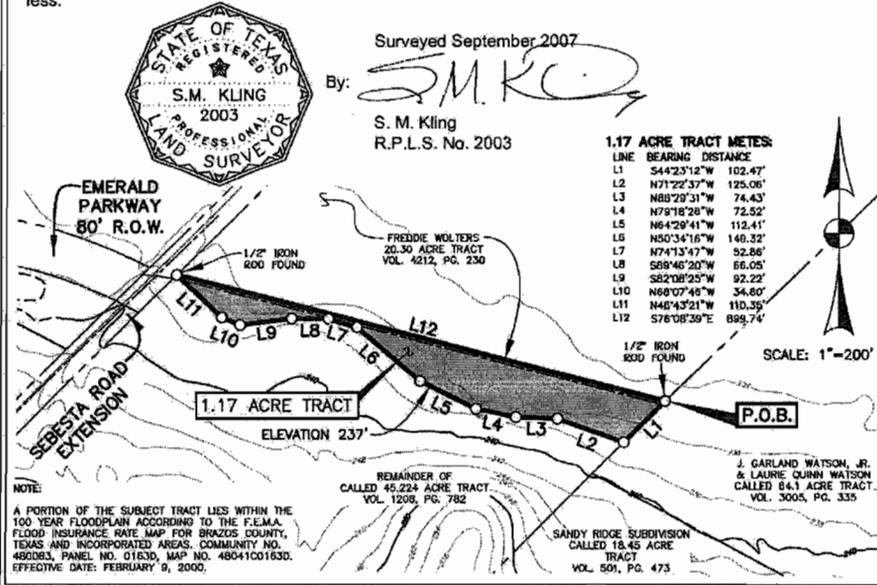
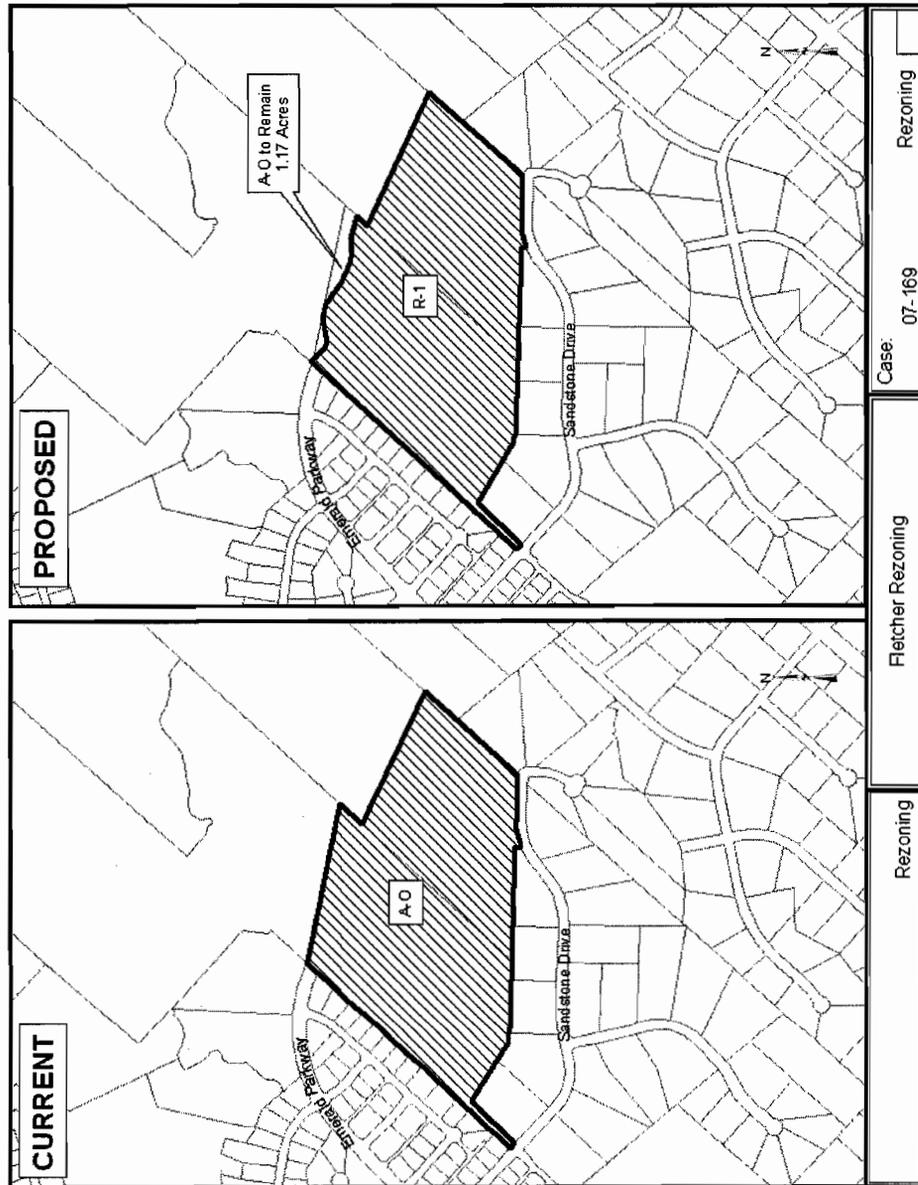


EXHIBIT "D"



October 11, 2007
Regular Agenda Item 3
Rezoning for 3370 Greens Prairie Road West

To: Glenn Brown, City Manager
From: Bob Cowell, AICP, Director of Planning & Development Services

Agenda Caption: Public hearing, presentation, possible action, and discussion on a Rezoning for 3370 Greens Prairie Road West (Preserve at Stone Creek) consisting of approximately 188 acres from A-O, Agricultural Open to R-1, Single Family located at 3370 Greens Prairie Road West in the general area northeast of the intersection of Greens Prairie Road West and Sweetwater Drive between Castlegate Subdivision and Sweetwater Forest Subdivision.

Recommendation(s): The Planning and Zoning Commission recommended denial through a failed motion for approval at their September 27th meeting. Staff recommends approval with the condition that no residential lots be platted within 130 feet of the compressor station.

Summary: The applicant is requesting a rezoning from A-O, Agricultural Open to R-1, Single Family Residential in order to pursue the development of a residential subdivision on the tract. The property is adjacent to Castlegate subdivision to the east (zoned PDD), Sweetwater Forest Subdivision to the west (zoned A-OR), and unplatted agricultural and vacant property to the north.

In the southeast corner of the subject exists a petroleum compression station. Staff recommends the establishment of a safe distance residential lots be located from the potential hazard.

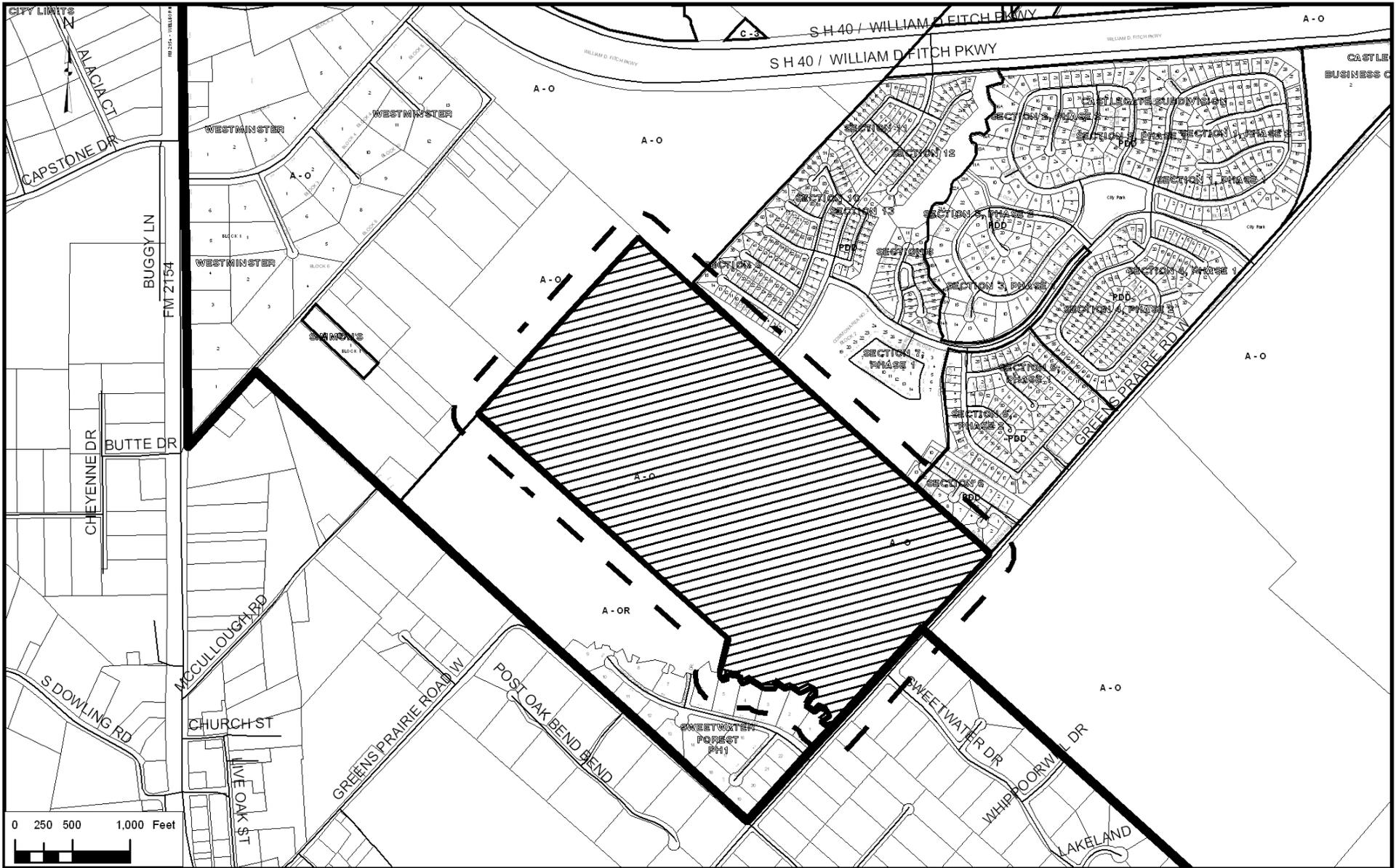
Originally, when this item was considered at the Planning and Zoning Commission on September 20, 2007, staff recommended a radius of 600 feet. This distance is a standardized separation from an Oil and Gas Operation to a residence as in the Ch. 4 Business Regulations, Sec. 13 Oil and Gas Regulations, G. 1. b. This ordinance primarily guides the permitting of new oil and gas operation, and does not specifically apply to residences locating by an existing oil and gas operation. This ordinance was simply used by staff as guidance to quantify a separation distance to be considered with the rezoning.

Additional research following this Planning and Zoning Commission meeting more specifically quantified the potential hazard. Staff does not believe an explosive hazard exists with this compression station as there is not a pressurized tank on site. However, based on this research a flammable hazard is estimated at a radius of 130 feet from the storage tank. Staff therefore recommends that no residential lots be platted within a 130 foot radius of the compressor station.

Budget & Financial Summary: None

Attachments:

1. Small Area Map (SAM) & Aerial
2. Rezoning Map
3. Item Background
4. Infrastructure and Facilities
5. Draft Planning and Zoning Commission Meeting Minutes, September 27, 2007
6. Ordinance

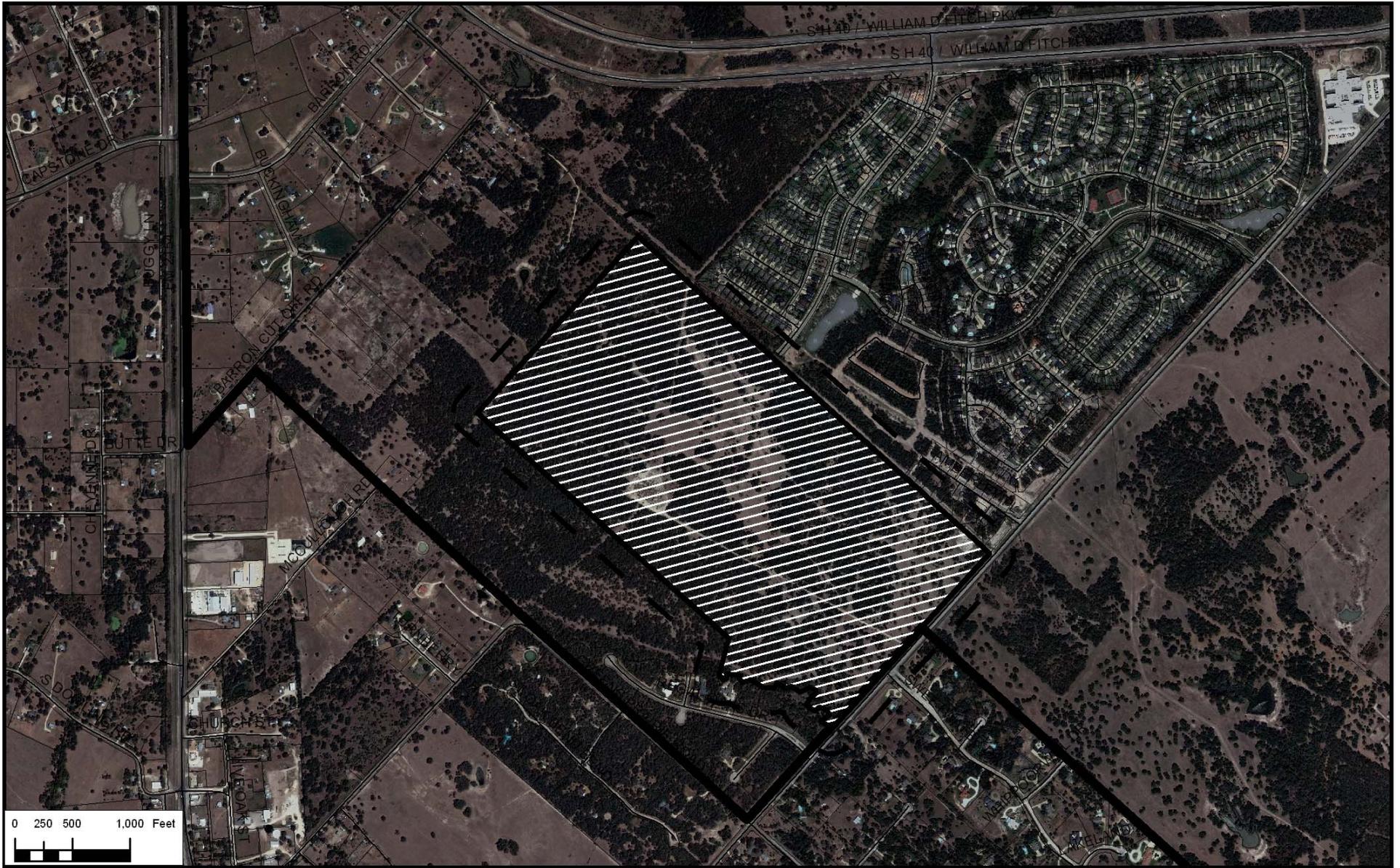


Zoning Districts		R - 3	Townhouse	C - 3	Light Commercial	WPC	Wolf Pen Creek Dev. Corridor
A - O	Agricultural Open	R - 4	Multi-Family	M - 1	Light Industrial	NG - 1	Core Northgate
A - OR	Rural Residential Subdivision	R - 6	High Density Multi-Family	M - 2	Heavy Industrial	NG - 2	Transitional Northgate
R - 1	Single Family Residential	R - 7	Manufactured Home Park	C - U	College and University	NG - 3	Residential Northgate
R - 1B	Single Family Residential	A - P	Administrative/Professional	R & D	Research and Development	OV	Corridor Overlay
R - 2	Duplex Residential	C - 1	General Commercial	P-MUD	Planned Mixed-Use Development	RDD	Redevelopment District
		C - 2	Commercial-Industrial	PDD	Planned Development District	KO	Krenek Tap Overlay



3370 GREENS PRAIRIE RD

Case: 07-170 REZONING



Zoning Districts

A - O Agricultural Open
 A - OR Rural Residential Subdivision
 R - 1 Single Family Residential
 R - 1B Single Family Residential
 R - 2 Duplex Residential

R - 3 Townhouse
 R - 4 Multi-Family
 R - 6 High Density Multi-Family
 R - 7 Manufactured Home Park
 A - P Administrative/Professional
 C - 1 General Commercial
 C - 2 Commercial-Industrial

C - 3 Light Commercial
 M - 1 Light Industrial
 M - 2 Heavy Industrial
 C - U College and University
 R & D Research and Development
 P-MUD Planned Mixed-Use Development
 PDD Planned Development District

WPC Wolf Pen Creek Dev. Corridor
 NG - 1 Core Northgate
 NG - 2 Transitional Northgate
 NG - 3 Residential Northgate
 OV Corridor Overlay
 RDD Redevelopment District
 KO Krenek Tap Overlay



DEVELOPMENT REVIEW

3370 GREENS PRAIRIE RD

Case:

07-170

REZONING



Gessner Engineering

1712 Southwest Pky, Ste 105
College Station, Texas 77840
P.O. Box 10753, 77842-0753
979.680.8840 (Phone)
979.680.8841 (Fax)
www.gessnerengineering.com



PRELIMINARY
NOT FOR
RECORD

PRESERVE AT STONE CREEK, PH. ONE
CGM HOMES, INC.
GREENS PRAIRIE ROAD
COLLEGE STATION, TEXAS

Issue Date:
09/05/07
Project Number:
07-0302
Drawn By:
DAL
Checked By:
AGR
Revision:
△
△
△
△
△
△
REZONING MAP
Z1.0
Sheet: 1 of 1

- NOTES:
- 1) CURRENT ZONING: AGRICULTURAL - OPEN
PROPOSED ZONING: R-1 (SINGLE FAMILY RESIDENTIAL)
NOTE THAT AREA WITHIN THE SPRING CREEK BRANCH 'D' FLOODPLAIN SHALL REMAIN ZONED AS A-O.
 - 2) ACCORDING TO FIRM 48041C020SD DATED FEBRUARY 9, 2000, THE MAJORITY OF THIS PROPERTY LIES IN ZONE 'X' (AREAS OUTSIDE OF 500-YEAR FLOOD); BRANCH 'D' OF SPRING CREEK INTRUDES INTO THE FUTURE PARK AREA; THIS REGION WITHIN THE PARK LIES IN FLOOD ZONE 'AE' WITH A BASE FLOOD ELEVATION OF 313.00'
 - 3) THERE IS NO EVIDENCE OF PUBLIC ACCEPTANCE OR USE OF ANY PUBLIC RIGHTS-OF-WAY ON THE SUBJECT PROPERTY EXCEPT AS SHOWN (REF. LAND TITLE BOUNDARY SURVEY BY MUNICIPAL DEVELOPMENT GROUP DATED OCTOBER 23, 2006)
 - 4) OWNER CONTACT:
DIEBEL FAMILY PARTNERS, LTD
3113 TRIPLE CROWN COURT
DENTON, TEXAS 76210
 - 5) CLIENT CONTACT INFORMATION:
CONTACT: BILLY CHENAULT
CGM HOMES, INC.
2108 SOUTHWOOD
COLLEGE STATION, TEXAS 77840
(979) 764-6701
(979) 764-6721
 - 6) CONSULTING ENGINEERS:
CONTACT: THOMAS GESSNER, P.E.
GESSNER ENGINEERING
1712 SOUTHWEST PARKWAY, SUITE 105
COLLEGE STATION, TX 77840
(979) 680-8840
(979) 680-8841 fax.

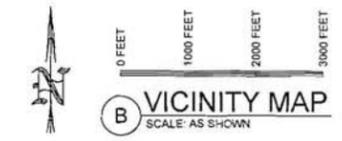
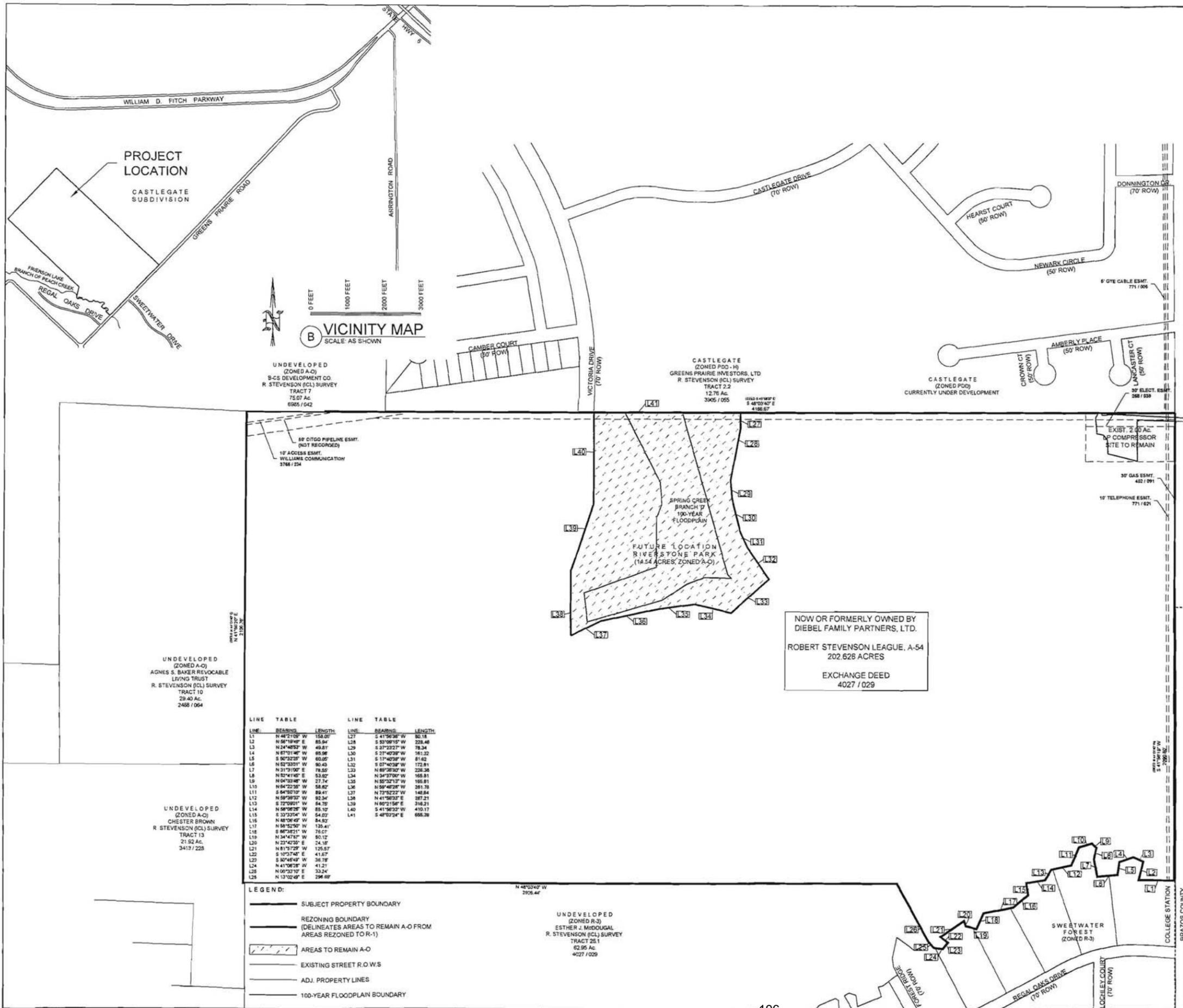
UNDEVELOPED (ZONED A-O)
JERRY & PATRICIA WINDHAM
J BLEDSOE & WM. CLARK SURVEY
TRACT 1
229.26 AC.
3820 / 014

COLLEGE STATION
BRAZOS COUNTY

SWEETWATER
(BRAZOS COUNTY)

SWEETWATER DRIVE
(VARIABLE ROW)

WOODLAKE
(BRAZOS COUNTY)



UNDEVELOPED (ZONED A-O)
B-C S DEVELOPMENT CO.
R. STEVENSON (ICL) SURVEY
TRACT 7
75.07 AC.
6905 / 042

8" CITY GAS PIPELINE ESMT.
(NOT RECORDED)
10' ACCESS ESMT.
- WILLIAMS COMMUNICATION
3768 / 224

UNDEVELOPED (ZONED A-O)
AGNES S. BAKER REVOCABLE
LIVING TRUST
R. STEVENSON (ICL) SURVEY
TRACT 10
29.40 AC.
2468 / 064

UNDEVELOPED (ZONED A-O)
CHESTER BROWN
R. STEVENSON (ICL) SURVEY
TRACT 13
21.52 AC.
3413 / 228

LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
L1	N 44°21'00" W	158.00'	L27	S 41°36'00" W	80.18'
L2	N 56°16'40" E	85.64'	L28	S 53°09'10" W	228.46'
L3	N 24°40'30" W	49.81'	L29	S 27°23'27" W	78.34'
L4	N 57°01'40" W	89.96'	L30	S 27°40'20" W	161.32'
L5	S 50°32'20" W	60.00'	L31	S 17°40'30" W	81.62'
L6	N 52°30'01" W	90.43'	L32	S 07°40'30" W	172.81'
L7	N 31°13'00" E	78.80'	L33	N 60°26'00" W	228.36'
L8	N 52°41'45" E	53.62'	L34	N 34°37'00" W	165.81'
L9	N 64°58'40" W	27.34'	L35	N 30°52'10" W	166.91'
L10	N 84°22'30" W	58.62'	L36	N 50°40'20" W	381.76'
L11	S 84°50'10" W	89.41'	L37	N 73°02'22" W	149.84'
L12	N 50°58'00" W	62.34'	L38	N 41°56'30" E	287.21'
L13	S 72°09'01" W	84.70'	L39	N 60°21'50" E	316.21'
L14	N 58°08'20" W	85.10'	L40	S 41°58'30" W	410.17'
L15	S 23°20'40" E	64.00'	L41	S 48°03'24" E	668.78'
L16	N 88°06'40" W	84.62'			
L17	N 88°52'30" W	125.41'			
L18	S 80°52'15" W	70.07'			
L19	N 34°47'30" W	80.12'			
L20	N 23°40'30" E	24.18'			
L21	N 81°10'20" E	125.87'			
L22	S 10°37'40" E	41.67'			
L23	S 30°46'40" W	38.79'			
L24	N 41°18'20" W	41.21'			
L25	N 00°32'10" E	33.24'			
L26	N 12°02'40" E	298.89'			

- LEGEND:
- SUBJECT PROPERTY BOUNDARY
 - REZONING BOUNDARY (DELINEATES AREAS TO REMAIN A-O FROM AREAS REZONED TO R-1)
 - AREAS TO REMAIN A-O
 - EXISTING STREET R.O.W.S
 - ADJ. PROPERTY LINES
 - 100-YEAR FLOODPLAIN BOUNDARY

UNDEVELOPED (ZONED R-3)
ESTHER J. MCDONALD
R. STEVENSON (ICL) SURVEY
TRACT 25.1
62.95 AC.
4027 / 029

NOW OR FORMERLY OWNED BY
DIEBEL FAMILY PARTNERS, LTD.
ROBERT STEVENSON LEAGUE, A-54
202.628 ACRES
EXCHANGE DEED
4027 / 029

07-172 09-06-07 1:30 A

Item Background

The subject property was annexed in 1995 and subsequently zoned A-O, Agricultural Open. The subject property was platted in the late nineteenth century as the Benjamin Graham Subdivision. The property is located in the vicinity of the Creek Meadow Master Plan.

The Land Use Plan identifies this area as Single Family Residential, Medium Density with a portion of Floodplains and Streams on the east side of the property. The property has approximately 2,000 feet of frontage on Greens Prairie Road West. The Thoroughfare Plan on this property also shows the extension of Victoria as well as an additional north-south Major Collector that is unnamed at this time.

The current traffic count estimate on Greens Prairie Road West is 2,500 trips per day. Existing capacity is estimated between 7,000 and 10,000 trips per day. When fully constructed to its thoroughfare designation, Greens Prairie Road West has a target volume of 5,000 to 10,000 trips. A subdivision of this size is estimated to produce around 6,600 trips per day at build-out.

The Water/Wastewater Master Plan identifies a 12-inch water line along both major collectors, and an 8-inch sanitary sewer line along the extension of Victoria.

A Master Plan was approved by the Planning and Development Service on September 27, 2007 and a Preliminary Plat for Phase 1 is currently under review.

INFRASTRUCTURE AND FACILITIES

Water: There are existing water lines in the area. Water Master plan lines cross this property and will be required to be constructed with development. The water system for this area is required to meet City guidelines per the Subdivision Regulations. A Water Report is required for the subdivision at time of platting to ensure compliance.

Sewer: There are existing sewer lines in the area. A Sewer Report is required for the subdivision at time of platting to insure capacity and compliance.

Streets: The Thoroughfare Plan on this property also shows the extension of Victoria as well as an additional north-south Major Collector that is unnamed at this time.

Off-site Easements: Will be determined with platting.

Drainage: Two-thirds of the property is in the Spring Creek drainage basin. The remaining area is located in the Peach Creek drainage basin.

Flood Plain: There is approximately 6.5 acres of FEMA regulated floodplain on the property. This area as well as 8 additional acres surrounding the floodplain are proposed to be dedicated as parkland.

Oversize request: None requested at this time.

Impact Fees: A portion of the subject property is within Spring Creek Sanitary Sewer Impact Fee Area 97-01. Lots within the Impact Fee Area will pay impact fees at time of Building Permit.



MINUTES
Regular Meeting
Planning and Zoning Commission
Thursday, September 20, 2007,
at 7:00 p.m.
Council Chambers
College Station City Hall
1101 Texas Avenue
College Station, Texas

COMMISSIONERS PRESENT: Chairman John Nichols, Derek Dictson, Harold Strong, Bill Davis, Glenn Schroeder, Marsha Sanford and Noel Bauman

COMMISSIONERS ABSENT: None

CITY COUNCIL MEMBERS PRESENT: Chris Scotti

CITY STAFF PRESENT: Senior Planners Jennifer Prochazka and Lindsay Boyer, Staff Planners Crissy Hartl and Jason Schubert, Transportation Planner Ken Fogle, Graduate Civil Engineers Carol Cotter and Josh Norton, Acting City Engineer Alan Gibbs, Director Bob Cowell, Planning Administrator Molly Hitchcock, First Assistant City Attorney Carla Robinson, Information Services Representative April Howard, Staff Assistant Brittany Korthauer

9. Public hearing, presentation, possible action, and discussion on a Rezoning for Preserve at Stone Creek consisting of approximately 188 acres from A-O, Agricultural Open to R-1, Single Family located at 3370 Greens Prairie Road West in the general area northeast of the intersection of Greens Prairie Road West and Sweetwater Drive between Castlegate Subdivision and Sweetwater Forest Subdivision. **Case #07-500170 (LB)**

Lindsay Boyer, Senior Planner, presented the Rezoning and recommended approval with the condition that no single family lot be platted within 600 feet of the compressor station. She then presented the Master Plan and recommended approval.

She addressed questions in general from the Commission.

Quinn Williams, Developer, 125 Lee Avenue, College Station, Texas stated that the compressor station was being closed and tanks were being removed per a letter received from Aquilla Gas Company. He also stated that Castlegate Subdivision did not have to meet the 600 foot requirement.

Thomas Gessner, Engineer, 3236 Innsbruck Circle, College Station, Texas stated that the compressor station was not active, but the gas line was active and the

easement would still be required. He addressed questions from the Commission regarding the gas line.

Joshua Benn, Attorney, 4420 Edinburgh, College Station, Texas spoke in favor of the rezoning.

Dale Goodwin, citizen, 4204 Camber Court, College Station, Texas expressed concern about the gas line located on the property.

Carol Cotter, Graduate Civil Engineer, and Ken Fogle, Transportation Planner, addressed several questions from the Commission.

Commissioner Davis motioned to approve the rezoning with the condition that no single family lot be platted within 600 feet of the compressor station unless it is dismantled. Commissioner Sanford seconded the motion, motion failed (5-2).

Commissioner Schroeder motioned to approve the rezoning without any conditions. Commissioner Bauman seconded the motion, motion failed (4-3).

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 _____ day of _____, 2007

APPROVED:

MAYOR

ATTEST:

City Secretary

APPROVED:



City Attorney

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 R-1, Single-Family Residential:

BEING ALL THAT 202.648 ACRE PORTION OF THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE ROBERT STEVENSON LEAGUE, ABSTRACT NO.54, COLLEGE STATION, BRAZOS COUNTY, TEXAS AND CALLED 202.648 ACRES AS DESCRIBED BY EXCHANGE DEED TO DIEBEL FAMILY PARTNERS, LTD. RECORDED IN VOLUME 4027, PAGE 29 OF THE OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS; SAID TRACT BEING A REMAINDER OF THE CALLED AGGREGATE 300.00 ACRES DESCRIBED IN THE GIFT DEED FROM ESTHER MCCULLOUGH (SIC) DANSBY AND HUSBAND MIT DANSBY TO ESTHER JANE GRANT MCDOUGAL AS RECORDED IN VOLUME 555, PAGE 248 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS; SAID TRACT BEING COMPRISED ALSO OF PARTS OF LOTS 1, 2, AND 3, AND ALL OF LOTS 6, 7, AND 8 OF THE BENJAMIN GRAHAM SUBDIVISION, ACCORDING TO THE PLAT RECORDED IN VOLUME 12, PAGE 394 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS, SAID TRACT BEING FOUND BY ON-GROUND SURVEY TO BE 202.64 ACRES AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS SHOWN IN EXHIBIT "B" AND SHOWN GRAPHICALLY IN EXHIBIT "D"

SAVE AND EXCEPT ALL THAT 14.52 ACRE PORTION OF THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE ROBERT STEVENSON LEAGUE, ABSTRACT NO.54, COLLEGE STATION, BRAZOS COUNTY, TEXAS AND CALLED 202.648 ACRES AS DESCRIBED BY EXCHANGE DEED TO DIEBEL FAMILY PARTNERS, LTD. RECORDED IN VOLUME 4027, PAGE 29 OF THE OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS; SAID TRACT BEING A REMAINDER OF THE CALLED AGGREGATE 300.00 ACRES DESCRIBED IN THE GIFT DEED FROM ESTHER MCCULLOUGH (SIC) DANSBY AND HUSBAND MIT DANSBY TO ESTHER JANE GRANT MCDOUGAL AS RECORDED IN VOLUME 555, PAGE 248 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS; SAID TRACT BEING COMPRISED ALSO OF PARTS OF LOTS 1, 2, AND 3, AND ALL OF LOTS 6, 7, AND 8 OF THE BENJAMIN GRAHAM SUBDIVISION, ACCORDING TO THE PLAT RECORDED IN VOLUME 12, PAGE 394 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS, SAID TRACT BEING FOUND BY ON-GROUND SURVEY TO BE 202.64 ACRES AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS SHOWN IN EXHIBIT "C" AND SHOWN GRAPHICALLY IN EXHIBIT "D"

AND SAVE AND EXCEPT ALL THAT APPROXIMATE 2.5 ACRES DESCRIBED AS THAT PORTION OF THE ABOVE-DESCRIBED 202.648 ACRES THAT IS WITHIN A 130 FOOT RADIUS OF THE COMPRESSOR STATION LOCATED ON GREENS PRAIRIE ROAD, AND GRAPHICALLY SHOWN IN EXHIBIT "D", UNTIL SUCH TIME THAT THE COMPRESSOR STATION IS DETERMINED BY THE CITY OF COLLEGE STATION TO BE NO LONGER ACTIVE AND DISMANTLED.

EXHIBIT "B"

**METES AND BOUNDS
OF A
202.64 ACRE TRACT
ROBERT STEVENSON LEAGUE, A-54
COLLEGE STATION, BRAZOS COUNTY, TEXAS**

Metes and Bounds description of all that certain tract or parcel of land lying and being situated in the Robert Stevenson League, Abstract No. 54, College Station, Brazos County, Texas and called 202.648 acres as described by exchange deed to Diebel Family Partners, Ltd. Recorded in VOLUME 4027, PAGE 29 of the Official Records of Brazos County, Texas; said tract being a remainder of the called aggregate 300.00 acres described in the gift deed from Esther McCullouch (SIC) Dansby and husband Mit Dansby to Esther Jane Grant McDougal as recorded in VOLUME 555, PAGE 248 of the Deed Records of Brazos County, Texas; said tract being comprised also of parts of Lots 1, 2 and 3, and all of Lots 6, 7 and 8 of the Benjamin Graham Subdivision, according to the plat recorded in VOLUME 12, PAGE 394 of the Deed Records of Brazos County, Texas, said tract being found by on-ground survey to be 202.64 acres;

Said 202.64 acre tract being more particularly described as follows:

COMMENCING: at a $\frac{3}{8}$ " iron rod found in the northeasterly boundary line of this tract, a plastic capped $\frac{3}{8}$ " iron rod (stamped Carlomagno, RPLS # 1562) found at an 8" fence corner post bears N 45° 17' 09" W ~ 22.94 feet for the southwesterly corner of Section 6 of Castlegate Subdivision as depicted by plat recorded in VOLUME 7213 PAGE 40 of the said Official Records; said point being within the right-of-way of Greens Prairie Road, a variable width prescriptive public right-of-way;

THENCE S 48° 03' 40" E ~ 14.30 feet along the said northeasterly line of this tract to a point in the pavement of Greens Prairie Road, for the east corner of this tract and being the **POINT OF BEGINNING**; said point also being the apparent east corner of said Lot 8 of Benjamin Graham Subdivision;

THENCE S 41° 56' 19" W ~ 2,090.80 feet along the southeast line of this tract, being also the southeast line of the said Benjamin Graham Subdivision, to a point in the pavement of said Greens Prairie Road for the southwest corner of this tract; said point being the southeast corner of a 38.367 acre tract called Phase I of Sweetwater Forest Subdivision as depicted by plat and recorded in VOLUME 4267 PAGE 259 of the said Official Records;

THENCE: upstream along the centerline of an unnamed tributary of Peach Creek for the easterly boundary line of said Sweetwater Forest Subdivision, and across said Lot 1 of the Benjamin Graham Subdivision for the following twenty-six (26) calls:



N 48° 21' 09" W ~ 158.05 to a point for corner;
N 56° 19' 49" E ~ 85.94 feet to a point for corner;
N 24° 48' 53" W ~ 49.81 feet to a point for corner;
N 67° 01' 46" W ~ 65.96 feet to an angle point;
S 50° 32' 25" W ~ 60.05 feet to a point for corner;
N 52° 33' 01" W ~ 90.43 feet to a point for corner;
N 31° 31' 00" E ~ 78.55 feet to an angle point;
N 52° 41' 45" E ~ 53.92 feet to a point for corner;
N 04° 33' 46" W ~ 27.74 feet to a point for corner;
N 64° 22' 35" W ~ 58.62 feet to a point for corner;
S 64° 50' 10" W ~ 89.41 feet to a point for corner;
N 59° 39' 33" W ~ 92.34 feet to a point for corner;
S 72° 09' 01" W ~ 54.75 feet to a point for corner;
N 56° 06' 26" W ~ 85.10 feet to a point for corner;
S 33° 33' 04" W ~ 54.03 feet to a point for corner;
N 88° 06' 49" W ~ 84.93 feet to a point for corner;
N 58° 52' 50" W ~ 135.41 feet to a point for corner;
S 66° 38' 21" W ~ 76.07 feet to a point for corner;
N 34° 47' 57" W ~ 50.12 feet to a point for corner;
N 23° 42' 35" E ~ 24.18 feet to a point for corner;
N 81° 57' 29" W ~ 125.57 feet to a point for corner;
S 10° 37' 48" E ~ 41.67 feet to a point for corner;
S 80° 46' 49" W ~ 36.76 feet to a point for corner;

N 41° 06' 28" W ~ 41.21 feet to a point for corner;

N 00° 33' 10" E ~ 33.24 feet to a point for the northeasterly common corner of Lot 5 and Lot 6 of the said Sweetwater Forest Subdivision, and also being in a southeasterly boundary line of the Esther Jane Grant McDougal 62.955 acre remainder tract as described in the said Gift Deed; a plastic capped ½" iron rod (stamped Taggart, RPLS # 5676) set for a reference monument bears N 13° 02' 49" E ~ 70.00 feet;

THENCE N 13° 02' 49" E ~ 296.69 feet continuing across the said Lot 1 of the Benjamin Graham Subdivision and along the said 62.955 acre boundary line to a 60 d nail found for angle point, and replaced with a plastic capped ½" iron rod (stamped Taggart, RPLS # 5676);

THENCE N 48° 03' 40" W ~ 2,926.44 feet continuing across said Lots 1, 2 & 3 of the said Benjamin Graham Subdivision and along the said 62.955 acre boundary line to a plastic capped ½" iron rod (stamped Taggart, RPLS # 5676) set for the northwest corner of this tract; said point being in the southeasterly boundary line of a 21.92 acre tract conveyed to Chester Brown as described by Partition Deed recorded in VOLUME 3413 PAGE 228 of the said Official Records; a barbed-wire fence post for a northerly tee-intersection bears S 40° 46' 04" W ~ 448.94 feet;

THENCE N 41° 56' 19" E ~ passing an 8" barbed-wire fence post for a northerly tee-intersection at 538.08 feet which bears S 48° 03' 40" E ~ 5.43 feet; thence for a total distance of 2,106.36 feet adjacent to said fence line, and being along the southeast boundary line of the said 21.92 acre tract, and continuing along the southeasterly boundary of a 29.405 acre tract conveyed to the Agnes S. Baker Revocable Living Trust and recorded in VOLUME 2488 PAGE 64 of the said Official Records, to plastic capped ½" iron rod (stamped Taggart, RPLS # 5676) set for the north corner of this tract and being the apparent north corner of said Lot 6 of the Benjamin Graham Subdivision; said point also being in the southwest line of a 75.07 acre tract conveyed to BCS Development Company and recorded in VOLUME 6985 PAGE 42 of the said Official Records; a barbed-wire fence post for the apparent east corner of the said 29.405 acre tract bears N 42° 01' 55" E ~ 23.08 feet; a ¾" iron rod found bears S 04° 32' 25" W ~ 0.67 feet; a barbed wire fence corner post bears S 71° 54' 07" E ~ 1.69 feet;

THENCE S 48° 03' 40" E ~ along the said southwesterly line passing at 641.97 feet a ½" iron rod found at a barbed-wire fence post for tee-intersection northeasterly and being the apparent south corner of the said 75.07 acre tract, and common with the west corner of Section 9 of Castlegate Subdivision as depicted by plat recorded in VOLUME 4820 PAGE 096 of the said Official Records; a plastic capped ¾" iron rod bears N 42° 55' 29"

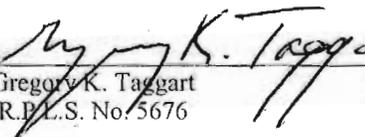


E ~ 48.05 feet for the northwest corner of Lot 1 Block 1 of said Section 9; thence continuing along the southwesterly boundary of a remainder tract out of a 316.0221 acre tract conveyed to Greens Prairie Investors, Ltd. and recorded in VOLUME 3905 PAGE 55 of the said Official Records; at a distance of 3,126.25 feet passing a plastic capped 5/8" iron rod (stamped Carlomagno, RPLS # 1562) which bears N 41° 56' 20" E ~ 1.53 feet for the west corner of Section 6 of Castlegate as depicted by plat recorded in VOLUME 7213 PAGE 40 of the said Official Records; continuing for a total distance of 4,166.67 feet to the **POINT OF BEGINNING** and containing 202.64 acres of land.

Basis of Bearings: The deed calls of the said 300.00 acre composite parent tract as recorded in VOLUME 4027 PAGE 029 of the Official Records of Brazos County, Texas and monumented on the ground.

October 2006
Municipal Development Group
College Station, Texas

Surveyed by:


Gregory K. Taggart
R.P.L.S. No. 5676



27 October 2006 A.D.

EXHIBIT "C"
METES AND BOUNDS
OF A
14.54 ACRE TRACT
ROBERT STEVENSON LEAGUE, A-54
COLLEGE STATION, BRAZOS COUNTY, TEXAS

Metes and bounds description of a 14.52 acre portion of that certain tract or parcel of land lying and being situated in the Robert Stevenson league, Abstract No. 54, College Station, Brazos County, Texas and called 202.648 acres as described by exchange deed to Diebel Family Partners, Ltd. Recorded in VOLUME 4027, PAGE 29 of the Official records of Brazos County, Texas; said tract being a remainder of the called aggregate 300.00 acres described in the gift deed from Esther McCullough (SIC) Dansby and husband Mit Dansby to Esther Jane Grant McDougal as recorded in VOLUME 555, Page 248 of the Deed Records of Brazos County, Texas; said tract being comprised also of parts of Lots 1, 2, and 3 and all of Lots 6, 7, and 8 of the Benjamin Graham Subdivision, according to the plat recorded in VOLUME 12, PAGE 394 of the Deed Records of the Brazos County, Texas, said tract being found by on-ground survey to be 202.64 acres;

Said 14.54 acre tract being more particularly described as follows:

COMMENCING: at a 3/8" iron rod found in the northeasterly boundary line of this tract, a plastic capped 5/8" iron rod (stamped Carlomagno, RPLS #1562) found at an 8" fence corner post bears N 45° 17' 09" W – 22.94 feet for the southwesterly corner of Section 6 of Castlegate Subdivision as depicted by plat recorded in VOLUME 7213 PAGE 40 of the said Official Records; said point being within the right-of-way of Greens Prairie Road, a variable width prescriptive public right-of-way;

THENCE S 48° 03' 40" E – 14.30 feet along said northeasterly line of this tract to a point in the pavement of Greens Prairie Road, for the east corner of this tract and being the **POINT OF BEGINNING**; said point also being the apparent east corner of said Lot 8 of the Benjamin Graham Subdivision;

THENCE S 48° 03' 40" E along the northeast line of this tract, being also the southwest line of the said Castlegate Subdivision, for a distance of 1944.29 feet;

THENCE describing a parcel of the parent tract surrounding the floodplain of Spring Creek Branch D to be dedicated as parkland for the following 15 calls:

- S 41° 56' 36" W – 80.18 feet for a corner;
- S 53° 09' 15" W – 228.46 feet for a corner;
- S 37° 23' 27" W – 78.34 feet for a corner;
- S 27° 40' 39" W - 151.32 feet for a corner;

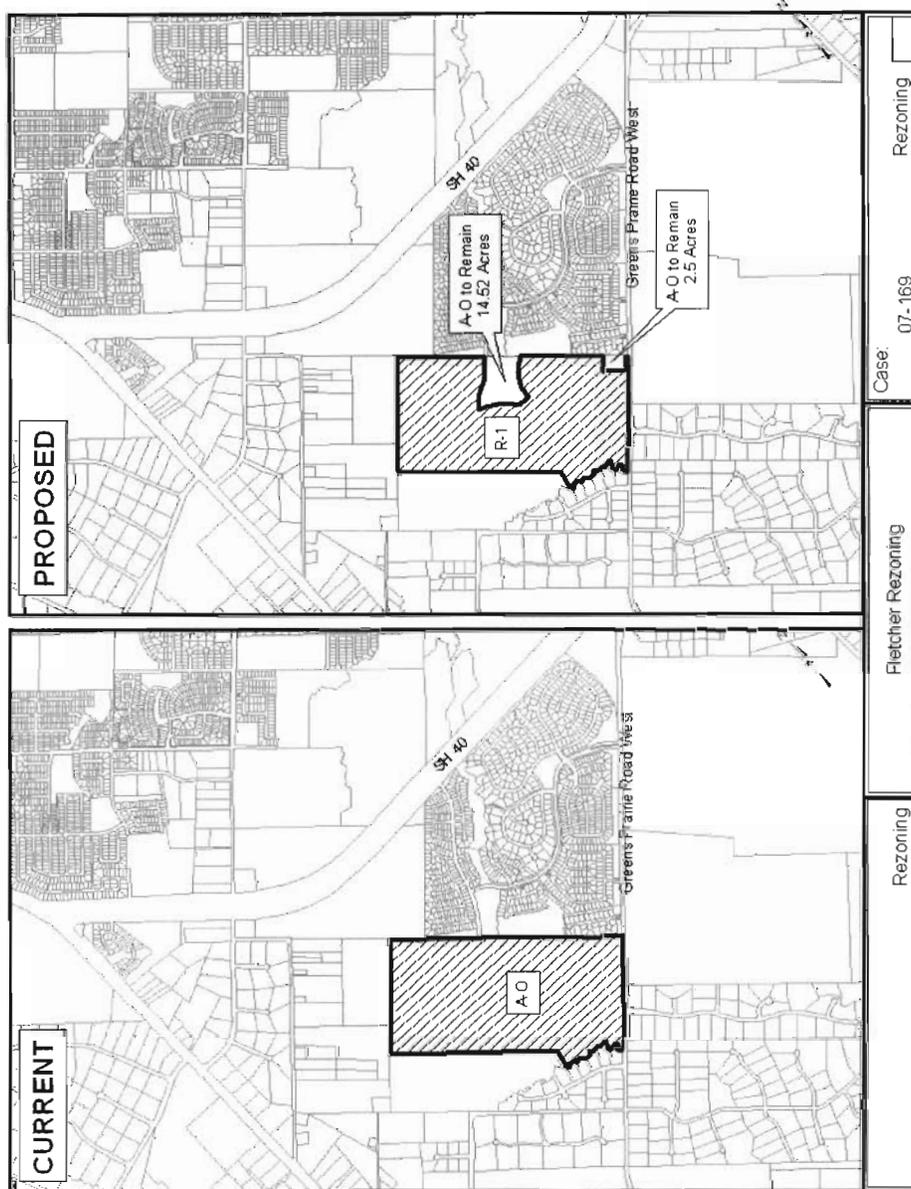
S 17° 40' 39" W – 81.62 feet for a corner;
S 07° 40' 39" W – 172.61 feet for a corner;
N 89° 38' 30" W – 226.38 feet for a corner;
N 34° 37' 0" W – 165.81 feet for a corner;
N 55° 32' 13" W – 165.61 feet for a corner;
N 59° 46' 26" W – 261.78 feet for a corner;
N 73° 52' 22" W – 148.84 feet for a corner;
N 41° 56' 33" E – 287.21 feet for a corner;
N 60° 21' 56" E – 316.21 feet for a corner;
S 41° 56' 33" W – 410.17 feet for a corner;
S 48° 03' 24" E – 655.39 feet for a corner and containing 14.54 acres of land;

THENCE S 48° 03' 40" E – 1944.29 feet to the **POINT OF BEGINNING** of the 202.64 acre parent tract.

Basis of Bearings: The deed calls of the said 300 acre composite parent tract as recrded in VOLUME 4027, PAGE 029 of the Official Records of Brazos County, Texas and monumented on the ground.

Note that the calls presented herein are preliminary pending approval of the appropriate entities within the City of College Station, Texas Planning and Development Department and the City of College Station Parks and recreation Department.

EXHIBIT "D"



**October 11, 2007
Regular Agenda Item 4
Police Station Renovations**

To: Glenn Brown, City Manager

From: Mark Smith, Director of Public Works

Agenda Caption: Presentation, possible action, and discussion regarding a resolution approving a construction contract with JaCody, Inc in the for the amount of \$2,247,634.00 for the Police Station Renovations Project.

Recommendation(s): Staff recommends award to JaCody, Inc. in the amount of \$2,247,634.00.

Summary: Two competitive sealed proposals were received for this project; Acklam Construction Company, and JaCody, Inc. The proposals were ranked according to a published set of selection criteria. JaCody was ranked highest and was also the lowest cost.

Budget & Financial Summary: The current budget for this project is \$3,610,000.00 (\$3,310,000.00 in 2003 General Obligation Bond Funds and \$300,000 in Certificates of Obligation.) These funds are budgeted in the Facilities and Technology Capital Improvement Project Fund. An additional \$76,000.00 is budgeted in the Equipment Replacement Fund for the replacement of the emergency generators. Funds in the amount of \$434,574.40 have been expended or committed to date, leaving a balance of \$3,251,425.60.

Attachments:

1. Police Station Renovations Resolution
2. Police Station Renovations Location Map

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING A CONSTRUCTION CONTRACT FOR THE CONSTRUCTION OF THE POLICE STATION RENOVATIONS PROJECT AND AUTHORIZING THE EXPENDITURE OF FUNDS.

WHEREAS, the City of College Station, Texas, solicited competitive sealed proposals for the construction phase of the Police Station Renovations Project; and

WHEREAS, the selection of JaCody, Inc. is being recommended as the highest-ranked offeror for the construction services related to the construction of the Police Station Renovations Project; now, therefore,

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

PART 1: That the City Council hereby finds that JaCody, Inc. is the highest-ranked offeror for the construction services related to the construction of the Police Station Renovations Project.

PART 2: That the City Council hereby approves the contract with JaCody, Inc. for \$2,247,634.00 for the labor, materials and equipment required for the improvements related to the Police Station Renovations Project.

PART 3: That the funding for this Contract shall be as budgeted from the Equipment Replacement Fund in the amount of \$76,000.00, and from 2003 General Obligation Bond Funds in the amount of \$2,171,634.00.

PART 4: That this resolution shall take effect immediately from and after its passage.

ADOPTED this _____ day of _____, A.D. 2007.

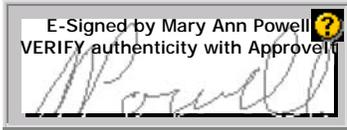
ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:



City Attorney

