



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
Monday, November 5, 2007 at 1:00 p.m.
City Hall Council Chamber, 1101 Texas Avenue
College Station, Texas

1. Pledge of Allegiance, Invocation

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 12:45 p.m. Please limit remarks to three minutes. A timer alarm will sound after 2 1/2 minutes to signal thirty seconds remaining to 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.

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 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 for remarks.

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

a. Presentation, possible action, and discussion of minutes for City Council Workshop and Regular Meetings, October 25, 2007.

- b. Presentation, possible action and discussion regarding the approval of a resolution accepting from the Governors Division of Emergency Management (GDEM) the 2007 State Homeland Security Program Grant Notice for the obligation of funds in the amount of \$188,800.00.
- c. Presentation, possible action and discussion regarding the approval of a resolution to participate in the Texas Interoperability Channel Plan (TICP).
- d. Presentation, possible action and discussion regarding approval of a purchase for the procurement of additional equipment, software and services for the Electronic Citation system for the Police Department with Advanced Public Safety, Inc. for an amount not to exceed \$100,942.68, and for project contingency funds of \$9,057.32 for a project total of \$110,000.
- e. Presentation, possible action, and discussion to approve a Change Order for the College Park-Breezy Heights Rehabilitation Project in the amount of \$32,500.00.
- f. Presentation, possible action and discussion regarding a change order of the services contract, for RFP 07-084 Outsourcing the Printing and Mailing of Utility Bills, late notices and inserts to Sungard EXP-Mailing to allow postage costs for an estimated annual expenditure of \$145,000.
- g. Presentation, possible action and discussion to authorize the expenditures for the Brazos County Appraisal District in the amount of \$207,666 pursuant to the Property Tax Code 6.06D.
- h. Presentation, possible action and discussion on a resolution amending the authorized representatives at Texpool.
- i. Presentation, possible action and discussion on a funding agreement between City of College Station and the United Way of the Brazos Valley in the amount of \$50,000.
- j. Presentation, possible action and discussion to authorize expenditures for Ingram, Wallis & Co. PC for Professional Auditing Services in the amount of \$83,400 for conducting the FY 2007 audit.
- k. Presentation, possible action, and discussion on an ordinance changing the name of FIRST AMERICAN BOULEVARD to MOMENTUM BOULEVARD
- l. Presentation, possible action, and discussion ratifying Change Order No.1 to Contract 06-284 with Gulf States Inc in the amount not to exceed \$75,934.96 for the Spring Creek Substation project.
- m. Presentation, possible action, and discussion on adoption of revised Council Relations Policy.
- n. Presentation, possible action and discussion on the first reading of a franchise agreement with Budget Rolloffs for collection, hauling and disposal services for residential construction debris solid waste.

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 for 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 consideration of an ordinance amending Chapter 10, "Traffic Code," to restrict parking on certain sections of the streets in the South Side area per a request from the Oakwood Neighborhood Association.
2. Public hearing, presentation, possible action, and discussion on single family overlay ordinance amendments to the Unified Development Ordinance, Sections 3.2, Zoning Map Amendment (Rezoning), 4.1, Establishment of Districts, 7.1.D, Required Yard (Setbacks), and 11.2, Defined Terms, the addition Section 5.9, Single-Family Overlay Districts, and amendment to the Subdivision Regulations, Section 18-A.1, Platting and Replatting Within Older Residential Subdivisions as they relate to the creation of Single-Family Overlay Districts.
3. Presentation, possible action, and discussion regarding a report from the City's federal legislative consultant including an update on the Washington, D.C. political situation, the appropriations process, the status of Interstate 69, water district issues, and a possible Council trip to Washington, D.C.
4. Presentation, possible action, and discussion regarding Transportation Priority Projects and funding proposals.
5. Presentation, possible action, and discussion regarding Citizen Engagement Policy and the application of Community Problem Solving Model in College Station.
6. Presentation, possible action and discussion regarding the approval of a resolution for a contract for consulting services (Contract #07-89) with Quimby McCoy Preservation Architecture, LLP for the review of a historic preservation enabling ordinance, preparation of an inventory and survey of historical structures and places within the older neighborhoods to the south and east of the Texas A&M University campus, and identification of potential landmarks and historic districts in these areas, in the amount of \$49,700.
7. Presentation, possible action, and discussion to add "Attachment B" to the City Council Travel Policy. This is a budget summary outlining the projected City Council travel expenses for FY '08.

8. Presentation, possible action, and discussion on campaign finance reports on City's website.
9. Presentation, possible action, and discussion regarding the City's appointment to the Brazos County Appraisal District.
10. Council Calendars.
November 19, 2007 Intergovernmental Committee, Brazos Valley COG offices, 12:00 noon
November 19, 2007 City Council Workshop and Regular Meetings, 3:00 pm and 7:00 pm
December 4, 2007 City Council Special Workshop and Regular Meetings
11. 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.
12. 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).
13. Adjourn.

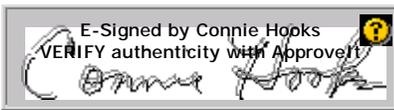
If litigation issues arise to the posted subject matter of this Council Meeting an executive session will be held.

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 Monday, November 05, 2007 at 1:00 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 2nd day of November, 2007 at 11:30 am.



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 November 2, 2007 at 11:30 am 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.



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 October 25, 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 Crompton, Massey, Scotti, Ruesink

COUNCIL MEMBERS ABSENT: White, McIlhaney

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, absence request and Presentation of Sister City Russia delegation

Mayor Pro Tem Gay called the meeting to order at 7:00 p.m. He led the audience in the Pledge of Allegiance. Fire Chief R.B. Alley provided the invocation. Council member Massey moved to approve the absence requests from Mayor White and Council member McIlhaney. Motion seconded by Council member Ruesink, which carried unanimously, 5-0.

Councilmember Ruesink introduced the high school students from Kazan, Russia visiting College Station through the Sister Cities student exchange program. Accompanying them were area high school students who had also participated in the exchange program as well as several advisors. A representative from the Kazan delegation, a former teacher in the Bryan ISD, presented Mayor Pro Tem Gay with a hand carved wood plaque depicting their City of Kazan and a traditional green velvet gold embroidered hat.

Hear Visitors

Layne Westover, 3000 Welsh, addressed the City Council expressing the importance of planning roadways to safely accommodate bicycle traffic.

Tom Woodfin, 3215 Innsbruck Circle, expressed comments pertaining to the Bicycle Master Plan and Eastside Transportation Study.

Jean Marie Linhart, 3015 Durango Street, stressed the importance of updating the Bicycle Master Plan into the ETJ. She requested the City adopt a policy requiring accommodations for bicycle on all new road construction and road reconstruction. She concluded her comments with appreciation for being selected to the Council Transportation Committee.

Tyler Koch, 505 Lansing, a Student Senate member and liaison to the City Council briefly addressed the Neighborhood Residential Conservation District Ordinance and offered to participate in upcoming forums. He encouraged all City Council members to attend the Student Senate Meetings, and thanked key staff and the City Council members for attending College Station 101.

Consent Agenda

- a. Presentation, possible action, and discussion on minutes of October 11, 2007 workshop and regular meetings. Council member Massey moved approval with the amendment to 2i -- Approved by common consent 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~~ **\$436,636.52**. Council member Crompton seconded the motion, which carried unanimously, 5-0.

FOR: Gay, Crompton, Massey, Scotti, Ruesink
 AGAINST: None
 ABSENT: White, McIlhaney

Council member Crompton moved to approve Consent Agenda items 2b-2t. Council member Scotti seconded the motion, which carried unanimously, 5-0.

FOR: Gay, Crompton, Massey, Scotti, Ruesink
 AGAINST: None
 ABSENT: White, McIlhaney

- b. Approved by common consent **Resolution No. 10-25-2007-2b** renewing an annual price agreement with Nafeco Inc., in an amount not to exceed \$56,448.00 for fire protective clothing.
- c. Approved by common consent the rejection of bid proposals received from Bid Number 07-115 for construction of a new Bath House at Adamson Lagoon.
- d. Approved by common consent the renewal of bid #07-03 to Knife River to provide Type D HotMix Asphalt for the maintenance of streets in an amount not to exceed \$547,800.00 (\$49.80 per ton).
- e. Approved by common consent a renewal agreement with National Reimbursement Services to provide ambulance billing services in an amount not to exceed \$60,000.

- f. Approved by common consent an annual bid for heavy equipment rental with Mustang Rental Services of Bryan, Texas as the primary vendor in the amount of \$95,000 and Equipment Support Services as the secondary vendor in the amount of \$30,000.
- g. Approved by common consent Bid Number 07-149. Approved by common consent **Resolution No. 10-25-2007-2g** awarding the bid and approving a construction contract (Contract Number 07-275) with JaCody, Inc., in the amount of \$619,496.00 for the construction of Phase II-A of the Veterans Park and Athletic Complex, the extension of Veterans Parkway.
- h. Approved by common consent a contract with Sungard HTE for the purchase of the Click2Gov Customer Information Systems (CX) module in an amount not to exceed \$36,090.00.
- i. Approved by common consent **Resolution No. 10-25-2007 2i** for the City of College Station to continue the Clinical Affiliation Agreement with the Texas Engineering Extension Service for emergency medical certification purposes.
- j. Approved by common consent **Resolution No. 10-25-2007-2j** approving a contract with Land Design Partners to develop plans for adding landscaping, specifically trees where possible, along Texas Avenue within the TxDOT right-of-way. The amount of the contract is not to exceed \$69,100.
- k. Approved by common consent a Real Estate Contract with The Board of Trustees of the Texas Conference of the United Methodist Church to authorize the purchase of easements needed for the Church Avenue, Phase II Project.
- l. Approved by common consent an Oversize Participation (OP) for Manuel Street extension in The Lots, Wolf Pen Creek Subdivision being made per City Code of Ordinances, Chapter 9, Subdivision Regulations, Section 9, Responsibility for Payment of Installation Costs, 9-A Oversized Participation for a total requested City participation of \$22,013.88
- m. Approved by common consent **Resolution No. 10-25-2007-2m** awarding the professional services contract (Contract No. 17-269) with Bleyl & Associates in the amount not to exceed \$94,960 for engineering design services for the 2005 Bike Loop Project (ST-0530).
- n. Approved by common consent a Real Estate contract with Freddie A. Wolters and wife, Mary M. Wolters that will authorize the purchase of land needed for the Wastewater Capital Improvement Project – Carters Creek Wastewater Treatment Plant.
- o. Approved by common consent **Resolution No. 10-25-2007-2o** stating that the City Council has reviewed and approved the City's Investment Policy and Investment Strategy.

- p. Approved by common consent the authorization of expenditures for the Brazos Animal Shelter in the amount of \$65,334.
- q. Approved by common consent the budget of the George Bush Presidential Library Foundation; and approved by consent a funding agreement between the City of College Station and the George Bush Presidential Library Foundation for FY 08 in the amount of \$100,000.
- r. Approved by common consent a funding addendum that will authorize expenditures for the Brazos County Health Department in the amount of \$211,255.
- s. Approved by common consent a funding agreement between the City of College Station and the Keep Brazos Beautiful for FY 08 in the amount of \$60, 240.
- t. Approved by common consent **Resolution No. 10-25-2007-2t** authorizing the award of contract 07-278 to Bryan Construction Company in the amount of \$483,000 for the installation of a new Ultra violet Disinfection system at the Carters Creek Wastewater Treatment Plant.

Regular Agenda

Regular Agenda Item No. 1 – Public hearing, presentation, possible action, and discussion on an ordinance rezoning 12.55 acres located at 3501 Longmire Drive from C-2 Commercial-Industrial to C-1 General Commercial.

Staff Planner Crissy Hartl presented a brief overview of the proposed ordinance rezoning 12.55 acres located at 3501 Longmire Drive from C-2 Commercial-Industrial to C-1 General Commercial. The Planning and Zoning Commission and staff recommended approval.

Mayor Pro Tem Gay opened the public hearing.

Veronica Morgan, 511 University Drive East, offered to answer questions.

Mayor Pro Tem Gay closed the public hearing.

Council member Massey moved to approve **Ordinance No. 3013** rezoning 12.55 acres located at 3501 Longmire Drive from C-2 Commercial-Industrial to C-1 General Commercial. Council member Scotti seconded the motion, which carried unanimously, 5-0.

FOR: Gay, Crompton, Massey, Scotti, Ruesink

AGAINST: None

ABSENT: White, McIlhaney

Regular Agenda Item No. 2 – Public hearing, presentation, possible action, and discussion on an ordinance rezoning 1.583 acres located at 701 Luther Street West from R-1, Single-Family Residential to R-4, Multi-Family.

Staff Planner Lindsey Boyer presented a brief summary of a proposed ordinance rezoning 1.583 acres located at 701 Luther Street west from R-1, single-Family Residential to R-4, Multi-Family. The Planning and Zoning Commission and staff recommenced approval.

Mayor Pro Tem Gay opened the public hearing.

Rabon Metcalf, 1391 Sea Mist, offered to answer questions.

Mayor Pro Tem Gay closed the public hearing.

Council member Scotti moved to approve **Ordinance No. 3014** rezoning 1.5 acres located at 701 Luther Street West from R-1, Single-Family Residential to R-4, Multi-Family. Council member Massey seconded the motion, which carried unanimously, 5-0.

FOR: Gay, Crompton, Massey, Scotti, Ruesink

AGAINST: None

ABSENT: White, McIlhaney

Regular Agenda Item No. 3 – Public hearing, presentation, possible action and discussion of an ordinance amending the Subdivision Regulations making developers responsible for the cost of construction testing in new developments.

Director of Public Works Mark Smith presented a brief overview of the proposed ordinance amending the City of College Station Code of Ordinances Chapter 9: Subdivisions. The amendment read as follows:

- Ø The City requires testing by an independent laboratory acceptable to the City of College Station to ensure compliance with the Bryan/College Station Unified Design Guidelines and the Bryan/College Station Unified Technical Specifications and approved plans and specifications of the construction of the infrastructure before final inspection and approval of that infrastructure. *Charges for such testing shall be paid by the project owner/developer.*

A savings of \$70,000 was identified, by transferring the construction testing costs to the developer. Previously the testing cost was paid from the Public Works Engineering budget in the City's general fund and is not charged to the developer. Staff recommended approval of the proposed ordinance.

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

Council member Ruesink moved to approve **Ordinance No. 3015** amending the Subdivision Regulations establishing the responsibility within the ordinance to the developers that included construction cost testing in new development. Council member Crompton seconded the motion, which carried unanimously, 5-0.

FOR: Gay, Crompton, Massey, Scotti, Ruesink

AGAINST: None

ABSENT: White, McIlhaney

Regular Agenda Item No. 4 – Public hearing, presentation, discussion, and possible action on consideration of an ordinance amending Chapter 9, “subdivision Regulations” Section 9, “Responsibility for Payment for Installation Costs”, Subsection 9-H, “Street Signs”, of the Code of Ordinances of the City of College Station, Texas.

Director of Public Works Mark Smith noted that currently the City installs street signs at no cost to the subdivider. The amendment will transfer the responsibility of street name signs, associated poles, and hardware to the subdivider at no cost to the City of College Station. A savings of \$12,000 was identified by transferring the street sign installation cost to the developer. Staff recommended approval of the proposed ordinance.

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

Council member Ruesink moved to approve **Ordinance No. 3016** amending Chapter 9, Subdivision Regulations, Section 9, responsibility for Payment for Installation Costs, Subsection 9-H, Street Signs of the Code of Ordinances of the City of College Station. Council member Crompton seconded the motion, which carried unanimously, 5-0.

FOR: Gay, Crompton, Massey, Scotti, Ruesink

AGAINST: None

ABSENT: White, McIlhaney

Regular Agenda Item No. 5 – Presentation, possible action and discussion regarding the approval of a resolution for a contract for consulting services (Contract #08-041) with Kendig Keast Collaborative for the preparation of Phase II of a new comprehensive Plan, in the amount of \$322,590.

Director of Planning and Development Services Bob Cowell noted that the development of the Comprehensive Plan included two phases. The first phase was completed in September 2007 and Phase II of the Comprehensive Plan update will result in the creation of a planning document that will contain chapters or elements that include Community Character, Neighborhood Integrity, Economic Development, Park, Art & Leisure, Transportation, Municipal Services & Community Facilities, Growth Management & Capacity, and Implementation and Administration. Staff recommended approval of the resolution approving a contract for consulting services by Kendig Keast Collaborative for Phase II of the Comprehensive Plan.

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

Council member Massey moved to approve **Resolution No. 10-25-2007-05** authorizing the award of contract to Kendig Keast Collaborative for the preparation of Phase II of a new comprehensive Plan in the amount of \$322,590. Council member Scotti seconded the motion, which carried unanimously, 5-0.

FOR: Gay, Crompton, Massey, Scotti, Ruesink

AGAINST: None

ABSENT: White, McIlhaney

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, SELECTING A PROFESSIONAL CONTRACTOR, APPROVING A PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE COMPREHENSIVE PLAN UPDATE - PHASE II PROJECT.

Regular Agenda Item No. 6 – Presentation, discussion and possible action on 1) accepting the Red Light Camera Committee report; 2) approving a contract with American Traffic Solution, LLC and authorizing expenditures not to exceed \$300,000 annually; 3) approving the TxDot Amendment to the Municipal Maintenance Agreement; and 4) public hearing, presentation, discussion and possible action on an Ordinance amending Chapter 10 of the Traffic code in the code of Ordinances by adding a new Section 11.

Assistant Director of Finance Cheryl Turney presented a brief overview of the contract with American Traffic Solution, LLC, expenditures, and amendment to the Municipal Maintenance Agreement and an amendment to the Traffic Code, Chapter 10, adding a new Section 11. Mrs. Turney provided background information regarding the Red Light Camera Advisory Committee.

Tom Hermann, Chairman of the Red Light Camera Committee, presented a brief summary of the Committee's report which included the recommendation to install and operate a photographic traffic signal enforcement system.

1) Accepting the Red Light Camera Committee report.

Mayor Pro Tem Gay opened the public hearing. The following citizens addressed issues with the Red Light Camera Committee report.

Fred Rodriguez, 2911 Royal Court
Sara Robey, 811 Harvey Road

Mayor Pro Tem Gay closed the public hearing.

Council member Massey moved to accept the Red Light Camera Committee report. Council member Ruesink seconded the motion, which carried unanimously, 5-0.

FOR: Gay, Crompton, Massey, Scotti, Ruesink

AGAINST: None

ABSENT: White, McIlhaney

2) **Approving a contract with American Traffic Solutions, LLC and authorizing expenditures.**

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

Council member Scotti moved to approve the contract with American Traffic Solutions, LLC and authorizing expenditures. His motion directed staff to allow Traffic Solutions LLC to use the City of College Station traffic poles at the appropriate intersections, if feasible. Council member Massey seconded the motion, which carried unanimously, 5-0.

FOR: Gay, Crompton, Massey, Scotti, Ruesink

AGAINST: None

ABSENT: White, McIlhaney

3) **Approving the TxDOT Amendment to the Municipal Maintenance Agreement.**

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

Council member Massey moved to approve TxDOT amendment to the Municipal Maintenance Agreement. Council member Ruesink seconded the motion, which carried unanimously, 5-0.

FOR: Gay, Crompton, Massey, Scotti, Ruesink

AGAINST: None

ABSENT: White, McIlhaney

4) **Public hearing, presentation, discussion and possible action on an ordinance amending Chapter 10 of the Traffic Code in the code of Ordinances by adding a new Section 11.**

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

Council member Massey moved to approve **Ordinance No. 3017** amending Chapter 10 of the Traffic Code in the Code of Ordinances by adding a new Section 11. Council member Scotti seconded the motion.

Council member Massey amended his motion to modify the language in Ordinance No. 3017 "from guilty of a misdemeanor" to "shall be deemed a civil penalty." Council member Scotti seconded the motion, which carried unanimously, 5-0.

Council member Massey moved to approve **Ordinance No. 3017** to amend Chapter 10 of the Traffic Code in the Code of Ordinances by adding a new Section 11 and modifying the language in the ordinance to state "shall be deemed a civil penalty." Council member Scotti seconded the motion, which carried unanimously, 5-0.

FOR: Gay, Crompton, Massey, Scotti, Ruesink

AGAINST: None

ABSENT: White, McIlhaney

Regular Agenda Item No. 7 -- Presentation, possible action, and discussion on approval of expenditures for administrative fees for employee medical and dental insurance with Blue Cross/Blue Shield of Texas, employee prescription drug plan with Caremark (formerly Pharmacare), employee assistance program with Deer Oaks, voluntary vision plan with Spectera, and the approval of expenditures for projected claims for a total amount of \$5,336,494 for 2008.

Director of Human Resources Julie O'Connell presented Regular Agenda Items 7, 8, 9 together. Ms O'Connell presented a brief summary of the employee health insurance costs, funding and premium changes, additional benefits, life insurance, and Long Term Disability. She highlighted the following premium changes:

- § City contribution increased from \$444 to \$454/month
- § Employee and retiree premiums increased by \$10/month
- § Employee only: \$25.00/month
- § Employee and Spouse: \$235/Month
- § Employee and children: \$205/Month
- § Employee and family: \$310/month

Staff recommended approval of the fees and expenditures for health insurance, life insurance and long term disability with Blue Cross/Blue Shield, Caremark, Deer Oaks, (New Carrier) Minnesota Life (New Carrier) and the Standard Insurance Company.

Council member Massey moved to approve fees and expenditures for health insurance, life insurance and long term disability with Blue Cross/Blue Shield, Caremark, Deer Oaks, Minnesota Life and the Standard Insurance Company. Council Ruesink seconded the motion, which carried unanimously, 5-0.

FOR: Gay, Crompton, Massey, Scotti, Ruesink

AGAINST: None

ABSENT: White, McIlhaney

Regular Agenda Item No. 8 -- Presentation, possible action, and discussion on approval of expenditures for employee life, accidental death & dismemberment (AD&D), voluntary life and AD&D, and dependent life insurance in the amount of \$98,276 to Minnesota Life Insurance Company for 2008.

This agenda item was discussed during Regular Agenda Item No. 7.

Regular Agenda Item No. 9 -- Presentation, possible action and discussion on approval of expenditures fro long term disability insurance (LTD) with Standard Insurance Company in the amount of \$60,855 for 2008.

This agenda item was discussed during Regular Agenda Item No. 7.

Regular Agenda Item No. 10 -- The City Council may convene the executive session following the regular meeting to discuss matters posted on the executive session agenda for October 25, 2007.

Council concluded its executive session prior to the regular meeting.

Regular Agenda Item No. 11 -- Final action on executive session, if necessary.

No action was taken.

Regular Agenda Item No. 12 – Adjourn.

Hearing no objections, the meeting adjourned at 8:57 p.m. on Thursday, October 25, 2007.

PASSED and APPROVED on the 5th day of November, 2007.

APPROVED:

Mayor

ATTEST:

City Secretary Connie Hooks

**November 5, 2007
Consent Agenda 2b
State Homeland Security Program Grant**

To: Glenn Brown, City Manager

From: Robert Alley, Fire Chief

Agenda Caption: Presentation, possible action and discussion regarding the approval of a resolution accepting from the Governors Division of Emergency Management (GDEM) the 2007 State Homeland Security Program Grant Notice for the obligation of funds in the amount of \$188,800.00.

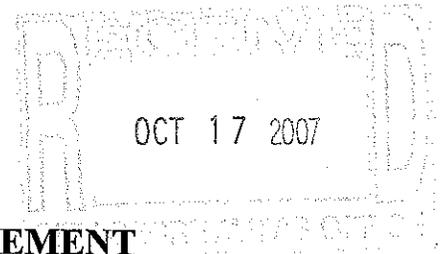
Recommendation(s): Staff recommends acceptance of the 2007 State Homeland Security Program Grant Notice from Governors Division of Emergency Management (GDEM).

Summary: The City of College Station was awarded the State Homeland Security program grant for 2007 in the amount of \$188,800.00 through GDEM. The funding will be used by Police and Fire Departments to purchase equipment that will enhance the response capabilities to terrorist threats or catastrophic events. Attached is the equipment list for the FY-07 State Homeland Security Grant Program which funds will be expended. The period of performance of this agreement is from July 1, 2007 – February 28, 2010.

Budget & Financial Summary: This equipment grant is a purchase and reimbursement type program. For this grant adjustment there is no budget and financial impact to the city.

Attachments:

2007 State Homeland Security Program Grant Notice – 15976
2007 SHSP Equipment List, City of College Station
Resolution



DIVISION OF EMERGENCY MANAGEMENT
Office of the Governor

RICK PERRY
Governor

Mailing Address:
PO Box 4087
Austin, Texas 78773-0220

Contact Numbers:
512-424-2138 Duty Hours
512-424-2277 Non-Duty Hours
512-424-2444 Fax

Physical Address:
5805 N. Lamar Blvd.
Austin, Texas 78752

STEVEN McCRAW
Director
Office of Homeland Security

JACK COLLEY
Chief

October 12, 2007

The Honorable Ben White
Mayor, City of College Station
P.O. Box 9960
College Station, TX 77842-0960

Dear Mayor White:

Your jurisdiction is being awarded a sub-grant for the Fiscal Year (FY) 2007 Homeland Security Grant Program (HSGP) to carry out homeland security projects that will significantly improve local and regional terrorism prevention, preparedness, and response capabilities. Proposed local, regional, and urban area projects were grouped into investments that were submitted to U. S. Department of Homeland Security (DHS) for review and approval. Grant funds must be used for projects which support the investments approved by DHS, which are highlighted in Enclosure 1.

The following additional grant-related documents are enclosed:

1. Notice of Sub-recipient Award. (Enclosure 2)

A. The *Notice of Sub-recipient Award* for the 2007 HSGP must be signed by the chief elected official of your jurisdiction unless that authority has been delegated. Other signatures will require an accompanying statement from the chief elected official authorizing the individual to sign for the jurisdiction.

2. Direct Deposit Authorization. (Enclosure 3)

A. GDEM must have a current *Direct Deposit Authorization* from your jurisdiction in order to transfer grant funds electronically to a designated bank account to reimburse you for grant-funded expenses. Additional copies are available from the Texas State Comptroller's website at: <http://www.window.state.tx.us/taxinfo/taxforms/74-158.pdf>. An appropriate local official, typically your finance officer, must sign the *Direct Deposit Authorization*.

B. If you submitted a completed *Direct Deposit Authorization* form with prior Homeland Security Grant Program, you do not need to submit another unless your bank account information has changed.

3. Grant Management Highlights for Executives (Enclosure 4)

This document includes helpful information for homeland security grant management.

Please send the original signed *Sub-Recipient Agreement* and signed *Direct Deposit Authorization* (if applicable) to GDEM at the following address:

Mail:

Division of Emergency Management
Attention: SAA Section
P.O. Box 4087
Austin, TX 78773-0270

Courier:

Division of Emergency Management
Attention: SAA Section
5805 N. Lamar
Austin, TX 78752

Please retain a copy of each form for your records.

The deadline for returning the signed *Notice of Sub-Recipient Award*, and signed *Direct Deposit Authorization* (if applicable) is **November 30, 2007**. The offer of a homeland security sub-grant will be withdrawn if the required materials are not postmarked by the due date. Extensions to this date **will not** be granted.

If you have any program questions regarding HSGP, please contact the SAA at 512-424-7809 or 512-424-7801.

Sincerely,


Jack Colley
Chief

Enclosures:

1. *DHS Approved Investments*
2. *2007 Notice of Sub-recipient Award*
3. *Direct Deposit Authorization*
4. *Grant Management Highlights for Executives*



Governor's Division of Emergency Management

2007 Sub-Recipient Agreement

for

City of College Station

Date of Award

October 11, 2007

1. Sub-Recipient Name and Address		2. Prepared by: Sheffield, Mike	3. Award Number: 07-SR 15976-01
Mayor Ben White City of College Station P.O. Box 9960 College Station, TX 77842-0960		4. Federal Grant Information	
		Federal Grant Title:	Homeland Security Grant Program
		Federal Grant Award Number:	2007-GE-T7-0024
		Date Federal Grant Awarded to GDEM:	August 13, 2007
		Federal Granting Agency:	Federal Emergency Management Agency National Preparedness Directorate

5. Award Amount and Grant Breakdowns

Total Award Amount \$188,800.00	Note: Additional Budget Sheets (Attachment A): No					
	CCP 97.053	LETPP 97.074	MMRS 97.071	SHSP 97.073	UASI 97.008	Other
	\$0.00	\$81,600.00	\$0.00	\$107,200.00	\$0.00	\$0.00

This award supersedes all previous awards. Performance Period: Oct 12, 2007 to Feb 28, 2010

6. Statutory Authority for Grant: This project is supported under Public Law 109-90, the Department of Homeland Security Appropriations Act of 2007.

7. Method of Payment: Primary method is reimbursement. See the enclosed instructions for the process to follow in the submission of invoices.

8. Debarment/Suspension Certification: The Sub-Recipient certifies that the subgrantee and its' contractors/vendors are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded by any federal department or agency and do not appear in the Excluded Parties List System at <http://www.epls.gov>.

9. Agency Approval

Approving GDEM Official: Jack Colley, Chief Division of Emergency Management Office of the Governor	Signature of GDEM Official:
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10. Sub-Recipient Acceptance

I have read and understand the attached Terms and Conditions.

Type name and title of Authorized Sub-Recipient official: Ben White Mayor, City of College Station	Signature of Sub-Recipient Official:
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11. Enter Employer Identification Number (EIN) / Federal Tax Identification Number: 74-6000534	12. Date Signed :
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13. DUE DATE: **November 30, 2007**

Signed award and Direct Deposit Form (if applicable) must be returned to GDEM on or before the above due date.

FY 2007 Investments Approved by DHS

1. Improve Wireless Communications Interoperability
2. Enhance State, Regional, and Local Emergency Planning
3. Improve Citizen Preparedness and Participation
4. Enhance Border Security
5. Develop/Enhance State and Regional Fusion Centers
6. Enhance Sharing of Intelligence & Law Enforcement Data
7. Protect Critical Infrastructure
8. Reduce Vulnerability to Threats to Animals and Agriculture and Facilitate Emergency Response to Such Threats
9. Enhance Local, Regional, and State Incident Management Capabilities
10. Improve Citizen Protection for Major Disasters
11. Enhance State, Regional, and Local Emergency Operations Centers
12. Enhance Specialized Response and Decontamination
13. Improve Emergency Public Information and Warning
14. Enhance Medical Incident Management System (MIMS) Capabilities

TERMS AND CONDITIONS

PURPOSE AND OVERVIEW

Sub-grant funds provided shall be used to provide law enforcement and emergency response communities with enhanced capabilities for detecting, deterring, disrupting, preventing, and responding to potential threats of manmade, natural disasters and acts of terrorism as described in the federal program guidelines, specifically: planning, equipment, training and exercise needs. All costs under these categories must be eligible under OMB Circular No. A-87 Attachment A, located at <http://www.whitehouse.gov/omb/circulars/index.html>.

1. AWARD ACCEPTANCE

The **Sub-recipient Agreement** is only an offer until the sub-recipient returns the signed copy of the 2007 Sub-recipient Agreement in accordance with the date provided in the transmittal letter and in the agreement.

2. GUIDANCE

This Sub-recipient is subject to the program guidance contained in the U.S. Department of Homeland Security (DHS) FY 2007 Homeland Security Grant Program Guidelines and Application Kit. The Program Guidance and Application Kit can be accessed at http://www.ojp.usdoj.gov/odp/grants_programs.htm. Federal Emergency Management Agency (FEMA) periodically publishes Information Bulletins to release, update, amend or clarify grants and programs which it administers. FEMA's National Preparedness Directorate Information Bulletins can be accessed at <http://www.ojp.usdoj.gov/odp/docs/bulletins.htm> and are incorporated by reference into this sub-grant. This sub-award is also subject to any Homeland Security Grant Program (HSGP) grant guidance issued by GDEM.

3. COMPLIANCE - FEDERAL

A. Sub-recipient hereby assures and certifies compliance with all applicable Federal statutes, regulations, policies, guidelines, and requirements, including OMB Circulars A-21, A-87, A-102, A-110, A-122, A-133; Ex. Order 12372 (intergovernmental review of federal programs); and 28 C.F.R. parts 18, 22, 23, 30, 35, 38, 42, 61, and 63, 66 or 70 (administrative requirements for grants and cooperative agreements).

B. Sub-recipient will comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, as further described in the current edition of the *Office of Grant Operations (OGO)'s Financial Management Guide* (Jan 2006) at <http://www.ojp.usdoj.gov/odp/docs/Financial Management Guide.pdf>

C. When implementing FEMA National Preparedness Directorate funded activities, the sub-recipient must comply with all federal civil rights laws, to include Title VI of the Civil Rights Act, as amended. The sub-recipient is required to take reasonable steps to ensure persons of limited English proficiency have meaningful access to language assistance services regarding the development of proposals and budgets and conducting FEMA funded activities.

D. Sub-recipient agrees to comply with the applicable financial and administrative requirements set forth in the current edition of the Office of Justice Programs Financial Management Guide located at <http://www.ojp.usdoj.gov/oc/>.

E. Sub-recipient will assist the awarding agency (if necessary) in assuring compliance with section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. § 470), Ex. Order 11593 (identification and protection of historic properties), the Archeological and Historical Preservation Act of 1974 (16 U.S.C. § 469 a-1 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. § 4321). (Federal Assurance)

F. Sub-recipient must comply (and must require contractors to comply) with any applicable statutorily-imposed nondiscrimination requirements, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d); the Victims of Crime Act (42 U.S.C. § 10604(e)); The Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)); the Civil Rights Act of 1964 (42 U.S.C. § 2000d); the Rehabilitation Act of 1973 (29 U.S.C. § 7 94); the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131-34); the Education Amendments of 1972 (20 U.S.C. §§1681, 1683, 1685-86); and the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07); see Ex. Order 13279 (equal protection of the laws for faith-based and community organizations). (Federal Assurance)

G. If the sub-recipient is a governmental entity, it must comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. § 4601 et seq.), which govern the treatment of persons displaced as a result of federal and federally-assisted programs; and (Federal Assurance)

H. If the sub-recipient is a governmental entity, it must comply with requirements of 5 U.S.C. §§ 1501-08 and §§ 7324-28, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance. (Federal Assurance)

I. The sub-recipient will cooperate with any Federal, State or Council of Governments assessments, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within this project.

J. Sub-recipient agrees to comply with any additional requirements set by their Council of Governments (COG) in the project notes area on the State Preparedness Assessment and Reporting Service (SPARS) website for each project, i.e. mutual aid agreements and UASI working group approvals, if applicable.

K. Drug Free Workplace

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620. The sub-recipient certifies that it will or will continue to provide a drug-free workplace by:

- 1) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- 2) Establishing an on-going drug-free awareness program to inform employees about the dangers of drug abuse in the workplace; the grantee's policy of maintaining a drug-free workplace; any available drug counseling, rehabilitation, and employee assistance programs; and the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- 3) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 3(K)(1);
- 4) Notifying the employee in the statement required by paragraph (3)(K)(1) that, as a condition of employment under the grant, the employee will abide by the terms of the statement; and Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- 5) Notifying the Governor's Division of Emergency Management/State Administrative Agency (GDEM/SAA), in writing, within 10 calendar days after receiving notice under subparagraph 3(K)(4), from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to GDEM/SAA. Notice shall include the identification number(s) of each affected grant;
- 6) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 3(K)(4), with respect to any employee who is so convicted
 - a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- 7) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1), 2), 3), 4), 5), and 6). (Federal Certification)

4. COMPLIANCE - STATE

To the extent it applies, jurisdiction shall comply with Texas Government Code, Chapter 783, 1 TAC 5.141 *et seq.*, and the Uniform Grant Management Standards, State Uniform Administrative Requirements for Grants and Cooperative Agreements, Subpart B, ___.14.

5. FAILURE TO COMPLY

GDEM/SAA may suspend or terminate sub-award funding, in whole or in part, or other measures may be imposed for any of the following reasons: failing to comply with the requirements or statutory objectives of federal law, failing to make satisfactory progress toward the goals or objectives set forth in the sub-award application, failing to follow grant

agreement requirements or special conditions, failing to submit required reports, or filing a false certification or other report or document. Satisfactory Progress is defined as accomplishing the following during the performance period of the grant: requesting federal funds for purchases, training, etc. and deciding what purchases will be made, ordering the equipment, ensuring the equipment is shipped and received, and training is accomplished with the equipment (or readied for deployment). All of the aforementioned tasks must be accomplished in a timely manner. **Special Conditions may be imposed on sub-recipient's use of grant funds until problems identified during grant monitoring visits conducted by GDEM audit and compliance personnel are resolved.**

6. CONFLICT OF INTEREST

The sub-recipient will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest or personal gain.

7. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the sub-recipient certifies that:

A. No Federal appropriated funds have been paid or will be paid, by or on behalf of the sub-recipient, 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 making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

B. If any funds other than Federal appropriated funds have 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 this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

8. DEBARMENT, SUSPENSION, & OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510. (Federal Certification)

The sub-recipient certifies that it and its principals and vendors:

A. 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 covered transactions by any Federal department or agency; sub-recipients can access debarment information by going to www.epls.gov and the State Debarred Vendor List www.tbpc.state.tx.us/communities/procurement/prog/vendor_performance/debarred.

B. 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;

C. 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 enumerated in paragraph (1)(b) of this certification; and

D. 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; and

E. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application. (Federal Certification)

9. MONITORING

A. Sub-recipient will provide GDEM, State Auditor, or DHS personnel or their authorized representative, access to and the right to examine all paper or electronic records related to the financial assistance.

B. Sub-recipient agrees to monitor its program to ensure that federal awards are used for authorized purposes in compliance with laws, regulations, and the provisions of contracts or grant agreements and that the performance goals are achieved. In addition, Councils of Governments will perform periodic monitoring of grant recipients to ensure compliance.

C. GDEM/SAA may perform periodic reviews of sub-recipient performance of eligible activities and approved projects. These reviews may include, without limitation: performance of on-site audit and compliance monitoring, including inspection of all grant-related records and items, comparing actual sub-recipient activities to those approved in the sub-award application and subsequent modifications if any, ensuring that advances have been disbursed in accordance with applicable guidelines, confirming compliance with grant assurances, verifying information provided in performance reports and reviewing payment requests, needs and threat assessments and strategies.

10. REPORTING

A. A-133 Reporting Requirement – All sub-recipients must submit an audit report to the Federal Audit Clearinghouse if they expended more than \$500,000 in federal funds in one fiscal year. The federal Audit Clearinghouse submission requirements can be found at <http://harvester.census.gov/sac/>. A report must be submitted to GDEM/SAA each year this grant is active.

B. Sub-recipient agrees to comply with all reporting requirements and shall provide such information as required to GDEM/SAA for reporting as noted in the 2007 Federal Grant Guidelines and/or in accordance with GDEM/SAA guidance.

C. Sub-recipient must prepare and submit performance reports to GDEM/SAA for the duration of the grant performance period or until all grant activities are completed and the grant is formally closed. Sub-recipient may also be required to submit additional information and data requested by GDEM/SAA.

11. USE OF FUNDS

A. Sub-recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of FEMA National Preparedness Directorate.

B. The sub-recipient agrees that all allocations and use of funds under this grant will be in accordance with the Homeland Security Grant Program Guidelines and Application Kit for that fiscal year and must support the goals and objectives included in the State Homeland Security Strategic Plan and the Urban Area Homeland Security (UASI) Strategies.

C. The sub-recipient official certifies federal funds will be used to supplement existing funds, and will not replace (supplant) funds that have been appropriated for the same purpose. Sub-recipient may be required to supply documentation certifying that a reduction in non-federal resources occurred for reasons other than the receipt or expected receipt of federal funds.

12. REIMBURSEMENT

A. Sub-recipient agrees to make no request for reimbursement prior to return of this agreement and signed by the authorized sub-recipient representative.

B. Sub-recipient agrees to make no request for reimbursement for goods or services procured by sub-recipient prior to the performance period start date of this agreement.

13. ADVANCE FUNDING

A. If a financial hardship exists, a sub-recipient may request an advance of grant funds for expenditures incurred under this program. Requests must be made in writing by designated representative and submitted to GDEM/SAA.

This will be accomplished using the SPARS website by following the instructions for generating hardship letters. GDEM/SAA will determine whether an advance will be made.

B. If a sub-recipient is approved for an advance, the funds must be deposited in a separate interest bearing account and are subject to the rules outlined in the Uniform Rule 28 CFR Part 66, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, at http://www.access.gpo.gov/nara/cfr/waisidx_04/28cfrv2_04.html and the Uniform Rule 28 CFR Part 70, Uniform Administrative Requirements for Grants and Agreements (including sub-awards) with Institutions of Higher Education, Hospitals, and other Nonprofit Organizations, at http://www.access.gpo.gov/nara/cfr/waisidx_03/28cfr70_03.html. Sub-recipients must report any interest earned to GDEM/SAA. Any interest earned in excess of \$100 must, on a quarterly basis, be remitted to:

United States Department of Health and Human Services
Division of Payment Management Services
P.O. Box 6021
Rockville, MD 20852

14. TRAINING, EXERCISE, & EQUIPMENT REQUIREMENTS

A. Sub-recipient agrees that, during the performance period of this grant, any and all changes to their sub-recipient agreement regarding planning, training, equipment, and exercises must be routed through the appropriate reviewing authority, either the local Council of Governments or Urban Area Security Initiative (UASI) Working Group.

B. Sub-recipients must maintain an updated inventory of equipment purchased through this grant program in accordance with Uniform Grant Management Standards – III, State Uniform Administrative Requirements for Grants and Cooperative Agreements, Subpart C - Post-Award Requirements, Reports, Records, Retention, and Enforcement, .32 Equipment and the *Office of Grant Operations Financial Management Guide*.

C. The sub-recipient agrees that any equipment purchased with grant funding shall be prominently marked as follows: "Purchased with funds provided by the U.S. Department of Homeland Security." Exceptions to this requirement are limited to items where placing of the marking is not possible due to the nature of the equipment.

15. URBAN AREAS SECURITY INITIATIVE (UASI) GRANTS

A. If the sub-recipient is a participant in a UASI program, during the performance period of this grant, sub-recipient agrees to adhere to the UASI strategy, goals, objectives, and implementation steps.

B. Sub-recipient agrees that, during the performance period of this grant, all communications equipment purchases must be reviewed and approved by the Regional Interoperable Communications Committee and the UASI points of contact (voting members), if applicable.

16. National Incident Management System (NIMS) and the Incident Command System (ICS)

Sub-recipients must have adopted and be implementing the National Incident Management System (NIMS) and the Incident Command System (ICS) at the local level. NIMS compliance for 2007 must be achieved by completing actions outlined in the NIMS Implementation Matrix. Beginning in FY 07 compliance will no longer be measured by self-certification, but will transition to performance-based questions and a measurement system of metrics.

A. Adoption. The jurisdiction or organization must have formally adopted NIMS as its incident management system through ordinance, court order, or resolution. A copy of the adoption document should be provided to the Preparedness Section of the Division of Emergency Management.

B. Implementation. The jurisdiction or organization must be implementing the principles and policies of NIMS/ICS, including these major requirements:

- 1) Identifying specific NIMS training requirements for local emergency responder and emergency management positions; then obtaining or providing required training, and documenting it. For further information on NIMS training, see: http://www.fema.gov/emergency/nims/nims_training.shtm
- 2) Updating jurisdiction or organization emergency plans and procedures to address the NIMS/ICS organizational structure, major functions, concepts, policies, and procedures.
- 3) Utilizing NIMS/ICS for day-to-day all-hazard emergency response and during exercises.
- 4) Participating in local, regional, or intrastate mutual aid programs.

- 5) Maintaining an inventory of emergency response assets, and identifying key assets by resource typing standards developed by FEMA to facilitate multi-agency response. For resource typing information, see: <http://www.fema.gov/emergency/nims/rm/rt.shtm>
- 6) Complete the NIMS baseline assessment and develop a local NIMS implementation plan.
- 7) Participate in an all-hazard exercise program based on NIMS that involves responders from multiple disciplines and multiple jurisdictions.

For a more detailed description of these requirements, as well as other NIMS implementation requirements, see http://www.fema.gov/pdf/emergency/nims/imp_mtrx_states.pdf

FY 06 NIMS implementation requirements must be completed by September 30, 2007.

17. OTHER REQUIREMENTS

A. During the performance period of this grant, sub-recipient must maintain an emergency management plan at the Basic Level of planning preparedness or higher, as prescribed by GDEM. This may be accomplished by a jurisdiction maintaining its own emergency management plan or participating in an inter-jurisdictional emergency management program that meets the required standards. If GDEM identifies deficiencies in the sub-recipient's plan, sub-recipient will correct deficiencies within 60 days of receiving notice of such deficiencies from GDEM.

B. Projects identified in the State Preparedness Assessment Report System (SPARS) (www.texasdpa.com) must identify and relate to the goals and objectives indicated by the applicable 14 approved project investments for the period of performance of the grant.

C. During the performance period of this grant, sub-recipient agrees that it will participate in a legally-adopted county and/or regional mutual aid agreement.

D. During the performance period, the sub-recipient must register as a user of the Texas Regional Response Network (TRRN) and identify all major resources such as vehicles and trailers, equipment costing \$5,000 or more and specialized teams/response units equipped and/or trained using grant funds (i.e. hazardous material, decontamination, search and rescue, etc.). This registration is to ensure jurisdictions or organizations are prepared to make grant funded resources available to other jurisdictions through mutual aid.

E. Sub-recipients must submit Fiscal Year 2007 Indirect Cost Allocation Plan signed by Cognizant Agency. Plan should be forwarded to the SAA along with the Planning and Administration Grant Budget Form.

F. Council of Governments (COG) will follow guidelines listed in the FY 07 COG Statement of Work.

G. Up to 15% of the program funds for SHSP, UASI and LETPP may be used to support the hiring of full or part-time personnel to conduct program activities that are allowable under the FY 2007 HSGP (i.e., planning, training program management, exercise program management, etc) The ceiling on personnel costs does not apply to contractors, and is in addition to eligible management and administrative (M&A) costs and eligible hiring of intelligence analysts. Sub-recipients may hire staff only for program management functions, not operational duties. Hiring planners, training program coordinators, exercise managers, and grant administrators fall within the scope of allowable program management functions.

H. The State's 24 planning regions are voluntary associations of local governments organized pursuant to state law as regional planning commissions, councils of government, development councils, and area councils. It is recognized that one of the major functions of state planning regions as homeland security grant sub-recipients is to perform a wide variety of planning and some program administration for both their region and on behalf of the cities and counties within the region that may also be homeland security grant sub-recipients.

18. CLOSING THE GRANT

A. The sub-recipient must have all equipment ordered by December 30, 2009. The last day for submission of invoices is February 28, 2010.

B. GDEM/SAA will close a sub-award after receiving sub-recipient's final performance report indicating that all approved work has been completed and all funds have been disbursed, completing a review to confirm the accuracy of the reported information, and reconciling actual costs to awards modifications and payments. If the close out review and reconciliation indicates that the sub-recipient is owed additional funds, GDEM/SAA will send the final payment automatically to the sub-recipient. If the sub-recipient did not use all the funds received, GDEM/SAA will issue a Grant Adjustment Notice (GAN) to recover the unused funds.

C. GDEM/SAA will unilaterally close out grant if sub recipient does not reconcile account and sign closeout GAN by June 30th, 2010.

19. PUBLICATIONS

A. Sub-recipient acknowledges that FEMA National Preparedness Directorate reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use, for Federal government purposes: (1) the copyright in any work developed under an award or sub-award; and (2) any rights of copyright to which a recipient or sub-recipient purchases ownership with Federal support. The Recipient agrees to consult with NPD regarding the allocation of any patent rights that arise from, or are purchased with, this funding.

B. The sub-recipient agrees that all publications created with funding under this grant shall prominently contain the following statement: "This Document was prepared under a grant from the National Preparedness Directorate, United States Department of Homeland Security. Point of view or opinions expressed in the document are those of the authors and do not necessarily represent the official position or policies of U.S. Department of Homeland Security."

20. RESTRICTIONS, DISCLAIMERS and NOTICES

A. Approval of this award does not indicate approval of any consultant rate in excess of \$450 per day. A detailed justification must be submitted to and approved by GDEM/SAA prior to obligation or expenditure of such funds.

B. In cases where local funding is established by COGs, release of funds by GDEM is contingent upon regional funding allocation approval by the sub-recipient's COG governing board.

C. Notwithstanding any other agreement provisions, the parties hereto understand and agree that GDEM's obligations under this agreement are contingent upon the receipt of adequate funds to meet GDEM's liabilities hereunder. GDEM shall not be liable to the Sub-recipient for costs under this Agreement which exceed the amount specified in the Notice of Sub-recipient Award.

D. Notice. All notices or communication required or permitted to be given by either party hereunder shall be deemed sufficiently given if mailed by registered mail or certified mail, return receipt requested, or sent by overnight courier, such as Federal Express, to the other party at its respective address set forth below or to such other address as one party shall give notice of to the other from time to time hereunder. Mailed notices shall be deemed to be received on the third business day following the date of mailing. Notices sent by overnight courier shall be deemed received the following business day.

Jack Colley, Chief
Division of Emergency Management
Homeland Security Office of the Governor
PO Box 4087
Austin, TX 78773-0220

Grant Management Highlights for Executives

Once you have made the decision as to what projects to fund. The following steps in the grant process are:

1. **ORDER** equipment, training, and other authorized services in a timely manner.
2. **RECEIVE** grant-funded goods and services and get them ready to use.
3. **USE** the equipment, training, and other services you have purchased to increase readiness.

ORDER:

- Don't wait months to order equipment, particularly long lead-time items, such as custom-built trailers or specialized vehicles, or equipment that is in high demand. A number of jurisdictions have let their grant funds lapse because they didn't order early and the manufacturer could not deliver the equipment by the end of the grant period.
- Don't wait until you have new equipment delivered to begin working on arranging the training needed to use it and the maintenance arrangements needed to support it - the equipment may sit for months if the training you need is in great demand or provided by a limited number of providers.
- Advise those who will be using new equipment what's coming as soon as possible so they can get ready to house it, install it, maintain it, and/or use it.

RECEIVE:

- Unpack and inspect equipment upon arrival.
- Ensure new equipment is added to local equipment inventories and that vehicle logs are established for new grant-funded vehicles
- Understand and comply with the grant restrictions on use on certain equipment whose purchase was funded with homeland security grants and insure that those who will actually be using the equipment are aware of such restrictions.

USE:

- To obtain maximum benefit from new equipment, have the employee training, spares, consumables, and maintenance required to operate new equipment in place as soon as possible.

It is strongly recommended that executives review the status of their homeland security grant programs on a monthly basis with the grant project officer or officers and their financial officer.

KEY DATES FOR 2007 GRANT PROCESS:

- **November 30, 2007** - Deadline for jurisdictions and COGs to return signed subrecipient agreements to the State Administrative Agency (SAA) at the Governor's Division of Emergency Management.
- **December 30, 2009** - Deadline for jurisdictions and COGs to commit (encumber) grant funds for purchase of equipment and services for approved projects.
- **February 28, 2010** - End of sub-recipient grant performance period.

DEPT Priority	Department	Project	Quantity	Cost	Project TOTAL Cost
3	Fire (EM)	Communications Trailer & ACU 1000 Upgrade	1	\$ 80,000.00	\$ 80,000.00
1	Fire	Gator w/med bed	2	\$ 13,000.00	\$ 26,000.00
2	Fire	Trailer for Gator	1	\$ 1,200.00	\$ 1,200.00
1	Police	Bread Box (X-Ray Machine) & Supplies	1	\$ 28,345.00	\$ 28,345.00
2	Police	Radio control system for the Remotec robot & Vehicle Power Supply upgrade	1	\$ 53,255.00	\$ 53,255.00

Grant Award	\$	188,800.00
List Total	\$	188,800.00
Remaining	\$	-

Department Account Code
001-4250-569-73-00
001-4253-568-22-90
001-4253-568-22-90

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, ACCEPTING THE 2007 HOMELAND SECURITY SUB-RECIPIENT AWARD FOR THE PURCHASE OF RESPONSE EQUIPMENT AND AUTHORIZING A CONTACT PERSON FOR THE CITY.

WHEREAS, the Office for Domestic Preparedness, a component of the U.S. Department of Homeland Security, has awarded the Governor's Division of Emergency Management (GDEM) the 2007 Homeland Security Grant Program; and

WHEREAS, the Governor's Division of Emergency Management (GDEM) has served the City of College Station with a Grant Adjustment Notice of the 2007 Homeland Security Grant Program in the amount of \$188,800.00; and

WHEREAS, the City Council appoints an authorized contact person for the 2007 State Homeland Security Grant Program; now therefore

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

PART 1: That the City Council hereby accepts the Grant Adjustment Notice of the 2007 Homeland Security Grant Program in the amount of \$188,800.00 from the Governor's Division of Emergency Management (GDEM).

PART 2: That the City Council appoints the Emergency Management Coordinator, Brian Hilton, as the authorized contact person for the 2007 State Homeland Security Grant Program.

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

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

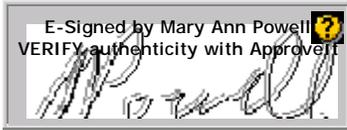
ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:



City Attorney

**November 5, 2007
Consent Agenda 2c
Texas Interoperability Channel Plan (TICP)**

To: Glenn Brown, City Manager

From: Robert Alley, Fire Chief

Agenda Caption: Presentation, possible action and discussion regarding the approval of a resolution to participate in the Texas Interoperability Channel Plan (TICP).

Recommendation(s): Staff recommends approval of the Resolution authorizing the signature of the Memorandum of Understanding, Texas Interoperability Channel Plan (TICP).

Summary: The Governor's Division of Emergency Management has a requirement that every agency receiving homeland security grant funds through the state must adopt the Texas Interoperability Channel Plan (TICP).

This Memorandum of Understanding (MOU) establishes permissions and guidelines for use of interoperability or mutual-aid radio channels by:

- Local government jurisdictions and their associated emergency response agencies,
- State agencies in Texas and their associated emergency response organizations,
- Federal agency local units in Texas and their associated emergency response organizations,
- Private sector emergency response organizations licenses or otherwise entitled to operate in the Public Safety Pool as defined by Part 90 of the FCC Rules (47CFR subpart B paragraphs 90.15-90.20).

It imposes certain protocols, procedures, and obligations upon jurisdictions hereby authorized to use state-licensed radio channels held by the Texas Department of Public Safety (TxDPS).

By signing the Memorandum of Understanding (MOU), the City of College Station public safety agencies may use the Texas Department of Public Safety Interoperability frequencies outlined in the document. These frequencies may be used statewide and allow agencies to have another communications asset while responding to any incident within the state.

Budget & Financial Summary: There is no financial impact to the city.

Attachments:

Memorandum of Understanding, Texas Interoperability Channel Plan (TICP)
Texas Interoperability Channel Plan (TICP)
Resolution

MEMORANDUM OF UNDERSTANDING
Texas Interoperability Channel Plan (TICP)
Original issue, April 1, 2005

Texas Department of Public Safety

And

City of College Station, Texas

(Federal Agency, State, or Local Jurisdiction, Emergency Organization)

Purpose

This Memorandum of Understanding (MOU) establishes permissions and guidelines for use of interoperability or mutual-aid radio channels by

- Local government jurisdictions and their associated emergency response agencies
- State agencies in Texas and their associated emergency response organizations
- Federal agency local units in Texas and their associated emergency response organizations
- Private sector emergency response organizations licensed or otherwise entitled to operate in the Public Safety Pool as defined in Part 90 of the FCC Rules (47CFR subpart B paragraphs 90.15-90.20).

It imposes certain protocols, procedures, and obligations upon jurisdictions hereby authorized to use state-licensed radio channels held by the Texas Department of Public Safety (TxDPS).

This agreement supersedes the MOU associated with the *Immediate Radio Communications Interoperability Plan (IRCIP)* of January, 2003. The IRCIP shall continue in force until this agreement is executed by the jurisdiction, or until December 31, 2005, whichever comes first.

Authority

Execution of this agreement by state and local entities is authorized by Texas Government Code Chapter 791 (local governments), Chapter 771 (state agencies), and Texas Government Code Chapter 411.0105 (Public Safety Radio Communications Council). This MOU satisfies Federal Communications Commission Part 90 rules for extending license privileges to others by agreement.

Federal agencies are permitted access to interoperability channels as authorized by 47 CFR 2.102 (c) & 2.103 and Part 7.12 of the NTIA Manual. Federal agencies may execute this MOU and shall adhere to the attached guidelines.

Applicability

This MOU authorizes the use of certain radio frequencies by emergency response organizations as defined by Department of Homeland Security (Office of Domestic Preparedness) and the Governor's Division of Emergency Management. Generally, this includes organizations in the following governmental disciplines:

**Emergency Management
Law Enforcement
Fire Service
Emergency Medical Services
Public Works / Transportation**

**Public Safety Communications
Public Health
Health Care
Hazardous Materials
Governmental Administration**

This MOU authorizes use of state-licensed frequencies for the purpose of coordination between emergency response agencies and resources. Such coordination may occur during interagency operations, en-route travel, or on-incident communications in accordance with an Incident Communications Plan.

Background

The 77th Legislature, in an effort to provide for effective emergency radio communications by state agencies, called for an Interagency Radio Work Group (IRWG) to develop a state agency communications network. That group developed a preliminary plan that was accepted by the state IRWG and the Sheriffs Association of Texas on March 27, 2001.

Subsequently, the IRWG determined that the state agency communications network should be expanded to include all public safety agencies in the state. This was accomplished by IRWG's development of the *Immediate Radio Communications Interoperability Plan (IRCIP)* of January, 2003. The IRCIP addressed radio communications interoperability between state and local jurisdictions using VHF wideband radio equipment for dispatch, en-route, and on-incident communications. Approximately 300 local government jurisdictions have accepted the IRCIP and submitted an executed Memorandum of Understanding to TxDPS.

In response to a Federal Communications Commission requirement for establishment of state/regional advisory committees, the Texas Statewide Interoperability Executive Committee (TSIEC) was formally established as an advisory committee to TxDPS.

The *Texas Interoperability Channel Plan*, developed by TSIEC and included in this MOU, provides essential guidance for interoperable radio communications using VHF, UHF, 700 MHz, and 800 MHz radio equipment for interagency coordination, en-route travel, or on-incident communications.

Understandings

Texas Department of Public Safety will:

- Manage and maintain proper licenses for the use of the interoperability frequencies identified herein.
- Manage and maintain an accurate database of federal and state agencies and local government jurisdictions that have accepted and signed this MOU.
- Issue updates and revisions to the *Texas Interoperability Channel Plan* contained herein upon request by the Texas Statewide Interoperability Executive Committee (TSIEC) and the Executive Director of the Texas Department of Public Safety.

Jurisdiction will:

- Participate in regional communications planning (generally arranged by regional Council of Governments) that provides for regional radio communications interoperability.
- Manage use of the interoperability frequencies by its employees, ensuring compliance with the *Texas Interoperability Channel Plan (TICP)* and federal/state/local laws, ordinances, and rules.

- Use the interoperability frequencies authorized hereby for their intended purpose of coordination between emergency response agencies and resources. Such coordination may occur during interagency operations, en-route travel, or on-incident.
- Use the interoperability frequencies for operational and en-route communications in accordance with local and regional policies and procedures.
- Use the interoperability frequencies for on-incident communications in accordance with the Incident Communications Plan established by the on-scene Incident Commander.
- Prioritize use of the interoperability frequencies:
 - Emergency or urgent operation involving imminent danger to life or property
 - Disaster or extreme emergency operation requiring extensive interoperability and inter-agency communications.
 - Special event, generally of a pre-planned nature
 - Joint training exercises
 - Inter-agency and enroute communications
- Implement radio communications procedures consistent with the National Incident Management System (NIMS) and Incident Command System (ICS) including:
 - Use "plain language" without 10-codes or agency-specific codes/jargon.
 - Use the calling protocol: "Agency-Unit #, **this is** Agency-Unit #", rather than "Unit # **to** Unit #".
 - ... Examples: "*Bryan EMS 1605, this is Tyler Fire 2102*" or "*Incident Command, this is DPS 505*"
- Ensure that mobile, portable, and temporary base radios intended for use by agency leadership (officers) are configured with the appropriate in-band interoperability frequencies as found in the TCIP. This means that, as a minimum, the interoperable frequencies would be added to the day-to-day frequencies used by that entity.
 - **Texas Law 1:** analog wideband VHF coordination channel for mobile-to-mobile use by emergency personnel on a scene or incident
 - **Texas Law 2:** analog wideband VHF calling channel for mobile-to-base use by transient or en-route emergency personnel
 - **Texas Law 3:** National analog wideband VHF channel for coordination of law enforcement activities
 - **Texas Fire 1, Texas Fire 2, Texas Fire 3,** analog wideband VHF frequencies primarily for fire service use or for use as dictated by Incident Commander on incidents
 - **Texas Medical 1,** analog wideband VHF frequency primarily for use by EMS agency personnel on incidents
 - **Texas Air 2,** analog wideband VHF frequency for air-to-ground use with state or federal aircraft only at direction of Incident Commander on incidents.
- Ensure that appropriate interoperability calling channels are monitored by communications operators at dispatch centers identified in a regional communications plan. As an example, monitoring may include, at a minimum:

- **Texas Law 2**, analog wideband VHF calling channel (this channel, formerly designated "Intercity", is implemented at most dispatch points in Texas). This channel should be used until December 31, 2007.
- **VCALL** analog narrowband VHF calling channel, implemented not later than January 1, 2008, in accordance with regional interoperability plans developed by regional Councils of Government.
- Ensure that interoperability calling channels are monitored at the Incident Command Post on major incidents requiring significant aid from agencies beyond routine local interoperability. Monitoring shall include one or more of the following:
 - **Texas Law 2**, analog wideband VHF calling channel
 - **VCALL**, analog narrowband VHF calling channel [implement by January 1, 2006]
 - **UCALL**, analog narrowband UHF calling channel [implement by January 1, 2006]
 - **7CALL**, digital narrowband P25 700 MHz calling Channel [implement by January 1, 2008]
 - **8CALL**, analog national calling channel [implement by January 1, 2006]

Incident Command Post monitoring may be implemented using cross-band repeaters, communications operator console patching, or VHF/UHF/700/800 MHz fixed or mobile gateway.

The parties mutually agree:

- Jurisdiction and TxDPS agree that their mutual interests will be furthered by continued coordination between the jurisdiction and the Texas Statewide Interoperability Executive Committee (TSIEC).
- Jurisdiction and TxDPS agree that this Memorandum of Understanding may be cancelled at any time, by written notice to the other party, or by subsequent agreements.

TICP Incorporated into this MOU

The attached *Texas Interoperability Channel Plan (TICP--Original Issue March 25, 2005)* is incorporated into this MOU in its entirety. The TICP may be revised by TSIEC and TxDPS from time to time, and revisions will be provided to Jurisdictions by TxDPS.

Should Jurisdiction elect to withdraw from this MOU because of TICP revisions, notice shall be given by mail to Texas Department of Public Safety, Box 4087, attn: RF Unit, Austin TX 78773-0250.

Agreement

This Memorandum of Understanding was agreed to this _____ day of _____, 2007.
Return two copies of only this signature page to the address below.

JURISDICTION

Jurisdiction Name: City of College Station

Authorized Signature: _____

Print Name: Ben White

Title: Mayor

Jurisdiction Address: 1101 Texas Ave

PO Box 9960

College Station, TX 77842

Phone: 979-764-3509

email: bwhite@cstx.gov

Number of mobile, portable, and/or temporary base radios to be operated under DPS licenses:

	Mobile	Portable	Temp-base Mobile Relay
150 MHz Wideband	25	40	3
150 MHz Narrowband	0	5	3
450 MHz Narrowband	0	0	0
700 MHz	0	0	0
800 MHz NPSPAC	360	380	4

(This information is required by TxDPS as a condition of its licenses from the FCC.)

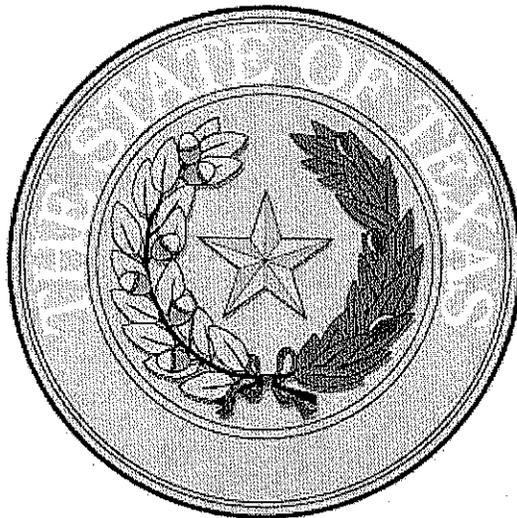
TEXAS DEPARTMENT OF PUBLIC SAFETY

Authorized Signature: _____

For the Executive Director
Robert E. Pletcher

Program Director, TxDPS RF Unit and
Chairman, Texas Statewide Interoperability Executive Committee

5805 North Lamar
Austin, Texas 78773-0250
Telephone 512-424-5307
Robert.Pletcher@txdps.state.tx.us



Texas Interoperability Channel Plan

For FCC Designated Public Safety Interoperability Channels 150 MHz – 800 MHz

**Developed By
Texas Statewide Interoperability Executive Committee (TSIEC)
Robert E. Pletcher, Chairman**

Original Issue April 1, 2005

Texas Interoperability Channel Plan
For FCC Designated Public Safety Interoperability Channels 150 MHz – 800 MHz
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Texas Interoperability Channel Plan

For FCC Designated Public Safety Interoperability Channels 150 MHz – 800 MHz

1. INTRODUCTION

This Channel Plan describes conditions and guidelines for use of state-licensed interoperability or mutual-aid radio channels by:

- Local government jurisdictions and their associated emergency response agencies
- Federal agency offices in Texas and their associated emergency response organizations
- Private emergency response organizations licensed or eligible to operate in the Public Safety Pool as defined in Part 90 of the FCC Rules (47CFR subpart B paragraphs 90.15-90.20). See <http://wireless.fcc.gov/publicsafety/pspool.html> for further information on FCC public safety radio pool eligibility.

Texas Department of Public Safety holds licenses for all interoperability channels. The licenses provide for:

- Operation of VHF, UHF, 700 MHz, and 800 MHz radio equipment on interoperability or mutual aid channels
- Operation of mobile, portable, and temporary base radios only. Fixed-base stations, such as dispatch points, PSAPs, etc., must be separately licensed by the jurisdiction, agency, or private emergency response organization.

By executing the Memorandum of Understanding (MOU) associated with this *Texas Interoperability Channel Plan*, public safety entities may operate under existing Texas Department of Public Safety (TxDPS) state licenses:

<u>Channel Band</u>	<u>FCC License</u>
150 MHz Wideband	WPY1930
150 & 450 MHz Narrowband	WQBC290
700MHz	WPTZ776
800 MHz NPSPAC	WPGV57

2. GENERAL CONDITIONS FOR USE OF STATE-LICENSED INTEROPERABILITY CHANNELS

By executing the MOU associated with this *Texas Interoperability Channel Plan*, signatories agree to abide by the following general conditions:

Operational

- Interoperability calling channel and tactical channels should be programmed into all mobile, portable, and temporary base radios operated by signatory agencies and organizations. At a minimum, the channels should be programmed into all radios that can reasonably be expected to be operated by agency or organization leadership (officers, incident commanders, etc.)

- Use of the interoperability channels shall be limited to their designated purpose of coordination between emergency response agencies and resources. Such coordination may occur during routine operations, en-route travel, or on-incident.
- The interoperability channels should not be used for routine dispatch operations, but may be used for routine and en-route communications in accordance with local and regional policies and procedures.
- Use of the interoperability channels shall be prioritized:
 1. Emergency or urgent operation involving imminent danger to life or property
 2. Disaster or extreme emergency operation requiring extensive interoperability and inter-agency communications
 3. Special event, generally of a pre-planned nature
 4. Joint training exercises
 5. Inter-agency and en-route communications in accordance with local and regional policies and procedures.
- Use of the interoperability channels for on-incident communications shall be in accordance with an Incident Communications Plan established by the on-scene incident commander. The controlling agency for an incident shall, through its incident commander, assign and/or reassign interoperability channels for each operational period as required to support incident operations.
- Radio communications procedures consistent with the National Incident Management System (NIMS) and Incident Command System (ICS) shall be implemented, including:
 - Use "plain language" without 10-codes or agency-specific codes/jargon
 - Use the calling order, "Agency-Unit #, **this is** Agency-Unit #" calling order, rather than "Unit # to Unit #"
 - ... Example: "Bryan 1605 **this is** Tyler 2102" or "Incident Command **this is** DPS 505"
- Interoperability channels shall be used only for voice traffic. Paging, DTMF signaling and SCADA operations are not permitted on interoperability calling or tactical channels. The transmitters and/or receivers in temporary base stations and repeaters/mobile relays shall not be enabled, disabled or muted by any over-the-air signaling device (selective or DTMF signaling, etc).
- To alleviate confusion, the standard channel names listed in this plan should be used in all equipment to refer to individual channels. Radios not capable of displaying alphanumeric channel labels should be placarded to indicate the channel names and their corresponding positions on the radio's channel selector switch.
- All mobile and portable radio equipment should employ a time-out timer set to limit transmission duration to a period of no greater than 120 seconds (2 minute).
- User-initiated telephone interconnect, e.g. phone patch, on the interoperability channels is not permitted.

Co-Channel and Adjacent Channel Interference

The statewide interoperability channels and CTCSS tones are designated statewide under this plan and thus co-channel interference is possible. Given adequate geographic separation, coordinated

co-channel operations at separate incidents and venues may be conducted if effective radiated power is limited to the minimum level required to maintain reliable communications at each incident.

Because FCC frequency re-farming has established new narrowband channels adjacent to existing wideband channels, interference from properly licensed adjacent channel users is possible. If interference to the interoperability channels from licensed users (who are signatory to this plan) occurs during an incident, those users should consider their communications to be secondary to emergency interoperability traffic on the interoperability channels.

On-channel and adjacent channel interference issues during an incident or event must be resolved by the incident commander. The Texas Department of Public Safety, RF Unit, should be immediately notified of interference to the interoperability channels in order to assist in resolution of the problem.

Calling Channels

Initial radio contact during travel to or arrival at an emergency incident may be established on an appropriate interoperability calling channel.

- Calling channel communications shall use non-encrypted analog FM emissions, with the widest allowable bandwidth per current FCC regulations. Exception: 700 MHz calling channel must utilize Project 25 Phase 1 Common Air Interface (CAI).
- If a region, or an adjacent region, has wideband VHF users, **Texas Law 2** should be continually monitored by appropriate dispatch points within the affected regions until those users substantially complete conversion to either narrowband VHF or another channel band. At a time to be identified in the regional interoperability plan, Texas Law 2 monitoring should be augmented by or converted to the narrowband VHF channel **VCALL**. Note the conversion date of January 1, 2008 identified in the MOU associated with this channel plan.
- If a region, or an adjacent region, has wideband UHF users, a regionally identified wideband UHF channel should be continually monitored by appropriate dispatch points within the affected regions until those users substantially complete conversion to either narrowband UHF or another channel band. These wideband UHF channels must be licensed separately and are not covered by this plan. At a time to be identified in the regional interoperability plan, wideband UHF monitoring should be augmented by or converted to the narrowband UHF channel **UCALL**.
- If a region, or an adjacent region, has jurisdictions that use or plan on using 700 MHz equipment, the channel **7CAL59** should be continually monitored by appropriate dispatch points within the affected regions when those users are substantially converted to 700 MHz. At a time to be identified in the regional interoperability plan, any existing interoperability channel monitoring should be augmented by or converted to the channel **7CAL59** within the affected regions.
- If a region, or an adjacent region, has 800 MHz users, the 800 MHz channel **8CALL** should be continually monitored by appropriate dispatch points within the affected regions.

Monitoring of VHF wideband channel **Texas Law 2** (formerly known as "Intercity") is wide-spread throughout the state. Monitoring of the 800 MHz NPSPA channels is common in the metro areas as well. The TSIEC suggests that regional interoperable communication plans recognize and address the monitoring capabilities that will be needed within their jurisdictions in order to assure interoperability among public safety users. For some regions, monitoring VHF and 800 MHz calling channels may be adequate. Other regions may need to monitor additional interoperability channels in order to assure that interoperability is achieved.

CTCSS and NAC Coded Squelch

Continuous Tone Coded Squelch (CTCSS) or Network Access Codes (NAC) shall be used on the interoperability calling and tactical channels to mask interference, in accordance with the tables below. Only the CTCSS tones and NAC Codes identified in this channel plan are allowed on the interoperability channels within the state. These tones and codes shall not be changed nor others added by the individual agency, the agency's communications vendor or any maintenance or service provider.

Responding agencies from outside of Texas, and some in-state agencies with legacy equipment, may not have the CTCSS transmit tones installed on VHF wideband interoperability channels. For this reason, all mobile, portable, and temporary base radio receivers should be capable of "monitor" mode operation.

Modulation and Encryption

Analog modulation is mandatory on all interoperability calling channels to facilitate interoperability with legacy radio equipment in the field. Exception: communications on all 700 MHz interoperability channels must be P25 Phase 1 CAI digital modulation.

For most situations, analog modulation is preferred on tactical interoperability channels in all bands except 700 MHz. For occasional pre-planned events, non-encrypted digital modulation is authorized on tactical interoperability channels in all bands.

When used, digital modulation for interoperability channels shall be P-25 Phase 1 CAI compliant and shall use the following criteria:

- Network access code shall be \$61F for all interoperability channels
- Talkgroup ID of \$0001
- Manufacturer's ID of \$00
- Message ID of \$00000000000000000000 for open messages

For occasional pre-planned events where communications security is an issue, encrypted P-25 Phase 1 CAI modes are authorized on tactical channels. Specific encryption algorithms and encryption keys shall be as defined by the event incident commander, and shall conform to the Texas Interoperability Encryption Plan (TIEP), under separate cover.

Temporary Base and Repeater/Mobile Relay Stations

Temporary base stations and repeater/mobile relay stations are permitted by the MOU associated with this channel plan, with the following conditions or restrictions:

- Temporary base stations and temporary repeater/mobile relays that are deployed and operating at an incident under interoperability conditions, may employ as much elevation and Effective Radiated Power (ERP) as necessary to successfully support the incident. However; Elevation and ERP should not exceed FCC licensed limitations (see Appendix A for reference copies of state FCC licenses). Suggested on-scene parameters for temporary base or repeater/mobile relay stations are:
 - Temporary base and repeater stations should be limited to a maximum transmit antenna height of 15.2m (50 ft), and maximum antenna gain of 3.0 dBd
 - Transmit power shall not to exceed 50 watts when measured at the base of the antenna (ERP ≤ 100 W).

- Temporary base and repeater/mobile relay stations shall not be left in permanent operation and must be disabled upon conclusion of an incident or exercise.
- Temporary base stations and repeater/mobile relay stations should incorporate automatic station identification, using the call sign identified in paragraph A above, per FCC Part 90 of the FCC rules.
- Temporary base and repeater/mobile relay stations shall have a time out timer limiting transmit duration to no greater than 120 seconds (2 minutes).
- Temporary base and repeater/mobile relay stations when operating in the repeater mode shall be configured to immediately drop transmit carrier upon cessation of input signal (no squelch tail). Reasonable squelch hang time for weak received signals or signals that have achieved a critical bit error rate (BER) is permitted. Prolonged "hang time", greater than 500 ms is not permitted.
- End-of-transmission "courtesy tones" or "beeps" are not allowed on any interoperability channel.

Fixed Base and Repeater/Mobile Relay Stations

For consistency with this plan, separately licensed fixed base and mobile relay stations should conform to the following:

- Fixed base and repeater/mobile relay stations should be part of and incorporated into local, county, regional and state emergency operations plans.
- Fixed base and repeater/mobile relay stations should provide balanced coverage, i.e., talk-out and talk-back coverage should be approximately equal.
- Fixed base or repeater/mobile relay stations on interoperability channels should not be used for primary or secondary dispatch operations by the licensee.
- Fixed base stations and repeater/mobile relay stations should incorporate automatic station identification per FCC Part 90 of the FCC rules.
- All fixed base and repeater/mobile relay stations should have a time out timer limiting transmit duration to no greater than 120 seconds (2 minutes).

3. SPECIFIC GUIDELINES -- VHF 150 MHz Wideband Channels

For wideband VHF interoperability, the 8 (eight) channels described below will be used. All of these channels are simplex and are not to be used in a repeater or mobile relay configuration other than in conjunction with a temporary patch or temporary gateway connection. Note the following:

- The VHF wideband interoperability channels were initially licensed by many agencies for routine public safety operations. As such, these channels are being used for day-to-day operations throughout the state and are therefore available only on a shared basis with existing license holders. Localized, non-emergency traffic has traditionally taken place on Texas Law 1 and Texas Law 2. Local agency licensees are strongly encouraged to keep such traffic to a minimum and to curtail that activity during ongoing incidents.
- The channels Texas Law 1 and Texas Law 2 are hereby designated as multi-discipline, multi-agency public safety interoperability channels for all public safety agencies and other signatories to the MOU associated with this channel plan. Texas Law 1 and Texas Law 2 should not be used for routine day-to-day dispatch operations.

- Texas Law 1 is hereby designated as the primary on-incident calling and coordination channel for mobile and portable units. Note that mobile and portable units will hear nearby transmissions directed to dispatch centers on Texas Law 2 but will not hear dispatch center responses.
- Texas Law 2 is hereby designated as the primary transient/en-route calling channel for interoperable VHF wideband channel communications between mobile/portable units, fixed and/or temporary base and repeater (mobile relay) stations. Note: the Texas Law 2 channel is no longer designated as an "Intercity" channel.
- During an incident, the on-incident commander may or may not be within range of a Texas Law 2 fixed or temporary base station. Should this occur, the on-incident commander's radio should have the capability of operating like a temporary Texas Law 2 base station. This requires putting a "TL2A Base" channel into the radios of those officers who could potentially be required to act as an incident commander. This channel would be configured like a Texas Law 2 base station, transmitting on Texas Law 2 and receiving on Texas Law 1 (CTCSS decode, 127.3 Hz).
- Texas Law 3 is designated as a tactical frequency primarily for law enforcement-related incidents/events, but can be used as determined by the incident commander for any discipline.
- Texas Fire 1, 2 and 3 are designated as tactical or command frequencies primarily for fire agencies, but can be used as determined by the incident commander for any discipline.
- Texas Med 1 is designated as a tactical or command frequency primarily for medical agencies, but can be used as determined by the incident commander for any discipline.
- Texas Air 2 is designated for Ground-to-Air communications with **State and Federal Aircraft ONLY** that may be assigned to an incident or event. It is to be used only with state and federal aircraft and is not designated for use with local aircraft, including local EMS aircraft. Other frequencies associated with the VHF wideband frequencies can be used with local EMS aircraft, such as Texas Law 1 or 3, Texas Fire 1-3, or Texas Med 1.
- Some of the VHF wideband interoperable frequencies are in use across the state as primary channels for many agencies. Therefore, the channels should be monitored before assigning them for use on an incident or event to avoid interference with local agencies.
- Gateways, patching or cross-band repeating of VHF wideband calling channels to calling channels in other bands is not permitted. Patching to/between interoperability tactical channels is permitted during incidents or events involving interagency personnel if so directed by the incident commander.

Figure 1
VHF 150 MHz Wideband Interoperability Channels
(Mobile and Portable Configuration)

<i>Receive</i>	<i>Transmit</i>	<i>CTCSS</i>	<i>Label</i>	<i>Use</i>
154.950	154.950	Carrier Squelch ONLY	Texas Law 1	Calling channel, on-site, mobile to mobile
155.370	154.950	127.3 TX only	Texas Law 2	Calling channel, to contact base stations
155.475	155.475	127.3 TX & RX	Texas Law 3	On-scene tactical - command channel
154.280	154.280	127.3 TX & RX	Texas Fire 1	On-scene tactical - command channel
154.265	154.265	127.3 TX & RX	Texas Fire 2	On-scene tactical - command channel
154.295	154.295	127.3 TX & RX	Texas Fire 3	On-scene tactical - command channel
155.340	155.340	127.3 TX & RX	Texas Med 1	On-scene tactical - command channel
151.385	151.385	127.3 TX & RX	Texas Air 2	Air-to-Ground communications with state and federal aircraft ONLY *

*Texas Air 1 is reserved and not available for use in this plan

This channel plan establishes specific labels for VHF wideband channels to assure consistent use throughout the state. These labels are listed below and all participating agencies should use these labels if possible. Alphanumeric radio displays should be consistent with the examples listed below depending on each radio's capability. Any reference to previous identifiers (for example "Intercity") should be removed from the radio display.

- 3-Digit – TL1 / TF1 / TM1 / TA2
- 6-Digit – TEX L1 / TEX F1 / TEX M1 / TEX A2
- 8-Digit – TEX LAW1 / TEXFIRE1 / TEX MED1 / TEX AIR2
- 10-Digit – TEXAS LAW1 / TEXAS FIRE1 / TEXAS MED1 / TEXAS AIR2

4. SPECIFIC GUIDELINES -- VHF 150 MHz Narrowband Channels

For narrowband VHF interoperability, the five narrowband channels described in Figure 2 below will be used. All of these channels are simplex and are not to be used in a repeater or mobile relay configuration other than in conjunction with a temporary patch or temporary gateway connection. Note the following:

- Narrowband VHF interoperability channels are identified by the FCC for interoperability use within Texas. Some of these interoperable channels may already be licensed by local agencies throughout the state for interoperability use.
- The channel VCALL is designated as a multi-discipline, multi-agency public safety interoperability calling channel for all public safety agencies and other signatories to the MOU associated with this channel plan. The channel is designated for interoperable VHF narrowband communications between mobile/portable radios and base stations, temporary base stations and on-incident incident commander.
- The tactical channels VTAC1 – VTAC4 should be assigned on-incident by the incident commander.

- Gateways, patching or cross-band repeating of VHF narrowband calling channels to calling channels in other bands is not permitted. Patching to/between interoperability tactical channels is permitted during emergency situations if so directed by the incident commander.

Figure 2

**VHF 150 MHz Narrowband Interoperability Channels (12.5 kHz)
(Mobile and Portable Configuration)**

Receive and Transmit	NAC	CTCSS	Label	Use
155.7525	\$061F	156.7 TX & RX	VCALL	Calling Channel
151.1375	\$061F	156.7 TX & RX	VTAC1	On-scene tactical - command channel
154.4525	\$061F	156.7 TX & RX	VTAC2	On-scene tactical - command channel
158.7375	\$061F	156.7 TX & RX	VTAC3	On-scene tactical - command channel
159.4725	\$061F	156.7 TX & RX	VTAC4	On-scene tactical - command channel *

* recommended for air-to-ground with **state and federal aircraft only.**

This channel plan establishes specific labels for VHF narrowband channels to assure consistency throughout the state. These labels are listed below and all participating agencies should use these labels if possible. Alphanumeric radio displays should be consistent with the examples listed below depending on each radio's capability.

3- Digit – VCL, VT1, VT2, VT3, VT4

5+ Digit – VCALL, VTAC1, VTAC2, VTAC3, VTAC4

5. SPECIFIC GUIDELINES -- UHF 450 MHz Wideband Channels

Wideband UHF interoperability channels present challenges to the state. The FCC has not identified specific UHF wideband channels for use in interoperability situations. Although a substantial amount of UHF radio equipment is being used throughout the state, in many cases these UHF users are geographically dispersed. Many EMS responders utilize UHF wideband equipment to communicate with hospitals and this equipment should be accounted for in regional interoperability solutions. Some public safety agencies using UHF equipment have deployable systems to provide an interface with other users and for on-incident commanders.

Regionally based interoperability solutions must consider how to incorporate wideband UHF users into their respective regional interoperability plans. The General Conditions in section B of this MOU should be included in such plans. If a deployable UHF gateway or a console patch is used with the interoperability channels identified in this MOU, this interconnected equipment should conform to the Conditions and Guidelines set out in this MOU.

6. SPECIFIC GUIDELINES -- UHF 450 MHz Narrowband Channels

For narrowband UHF interoperability, the four narrowband repeater channels (with direct) described in Figure 3 below will be used. Note the following:

- Narrowband UHF interoperability channels are identified by the FCC for interoperability use within Texas. Some of these interoperable channels may already be licensed by multiple agencies for interoperability use throughout the state.

- The channels UCALL and UCALLD are designated as multi-discipline, multi-agency public safety interoperability calling channels for all public safety agencies and other signatories to the MOU associated with this channel plan.
- The UCALL channels are designated for interoperable UHF narrowband communications between mobile/portable radios and base stations, temporary base stations and incident commander.
- The tactical repeater channels UTAC1 – UTAC3 and talk-around channels UTAC1D-UTAC3D should be assigned by the incident commander.
- This channel plan establishes specific labels for UHF narrowband channels to assure consistency throughout the state. These labels are listed in the Figure 3 and all participating agencies should use these labels.

Figure 3
UHF Narrowband Interoperability Channels (12.5 kHz)
(Mobile and Portable Configuration)

<i>Receive</i>	<i>Transmit</i>	<i>NAC</i>	<i>CTCSS</i>	<i>Direct Label</i>	<i>Repeater Label</i>	<i>Use</i>
453.2125	458.2125	\$061F	156.7 TX & RX		UCALL	Calling Channel (repeater)
453.2125	453.2125	\$061F	156.7 TX & RX	UCALLD		Calling Channel (direct)
453.4625	458.4625	\$061F	156.7 TX & RX		UTAC1	Tactical - Command Channel (repeater)
453.4625	453.4625	\$061F	156.7 TX & RX	UTAC1D		Tactical - Command Channel (direct)
453.7125	458.7125	\$061F	156.7 TX & RX		UTAC2	Tactical - Command Channel (repeater)
453.7125	453.7125	\$061F	156.7 TX & RX	UTAC2D		Tactical - Command Channel (direct)
453.8625	458.8625	\$061F	156.7 TX & RX		UTAC3	Tactical - Command Channel (repeater)
453.8625	453.8625	\$061F	156.7 TX & RX	UTAC3D		Tactical - /Command Channel (direct)

- Gateways, patching or cross-band repeating of UHF narrowband calling channels to calling channels in other bands is not permitted. Patching to/between interoperability tactical channels is permitted during emergency situations if so directed by the incident commander.
- This channel plan establishes specific labels for UHF narrowband channels to assure consistency throughout the state. These labels are listed below and all participating agencies should use these labels if possible. Alphanumeric radio displays should be consistent with the examples listed below depending on each radio's capability.

6+ Digit – UCALL, UTAC1, UTAC2, UTAC3, UCALLD, UTAC1D, UTAC2D, UTAC3D

7. SPECIFIC GUIDELINES -- 700 MHz Channels

For narrowband 700 MHz interoperability, the eight narrowband repeater channels (with direct) described in Figure 4 below will be used. Note the following:

- Narrowband 700 MHz interoperability channels are identified by the FCC for interoperability use within Texas. Some of these interoperable channels may already be licensed by multiple agencies for interoperability use throughout the state.
- The channels 7CAL59, 7CAL59D are designated as the primary calling channels and 7CAL75, 7CAL75D are designated as the secondary calling channels. All 700 MHz interoperability channels are to be used as multi-discipline, multi-agency public safety interoperability calling channels for all public safety agencies and other signatories to the MOU associated with this channel plan. These channels are designated for interoperable 700 MHz narrowband communications between mobile/portable radios and base stations, temporary base stations and on-incident incident commander.
- The tactical repeater channels and direct channels identified in Figure 4 should be assigned on-incident by the incident commander.
- Gateways, patching or cross-band repeating of 700 MHz calling channels to calling channels in other bands is not permitted. Patching to/between interoperability tactical channels is permitted during emergency situations if so directed by the incident commander.
- Wide implementation of 700 MHz radio systems is not anticipated until approximately 2007 (Some equipment is presently capable of 700/800 MHz operation). Users of this channel plan should anticipate development of additional guidance prior to that time.
- This channel plan establishes specific labels for 700 MHz narrowband channels to assure consistency throughout the state and nation. These labels are listed in the Figure 4 and all participating agencies should use these labels.

Figure 4

700 MHz Interoperability Channels (12.5 kHz) (Mobile and Portable Configuration)

<i>Receive</i>	<i>Transmit</i>	<i>NAC</i>	<i>Direct Label</i>	<i>Repeater Label</i>	<i>Use</i>
764.24375	794.24375	\$061F		7CAL59	Calling Channel , primary (repeater)
764.24375	764.24375	\$061F	7CAL59D		Calling Channel, primary (direct)
774.25625	804.25625	\$061F		7CAL75	Calling Channel , (secondary, repeater)
774.25625	774.25625	\$061F	7CAL75D		Calling Channel, (secondary, direct)
764.74375	794.74375	\$061F		7TAC63	Tactical Channel (repeater)
764.74375	764.74375	\$061F	7TAC63D		Tactical Channel (direct)
765.89375	795.89375	\$061F		7MOB72	Tactical Mobile Repeater (repeater)
765.89375	765.89375	\$061F	7MOB72D		Tactical Mobile Repeater (direct)
765.99375	795.99375	\$061F		7TAC73	Tactical Channel (repeater)
765.99375	765.99375	\$061F	7TAC73D		Tactical Channel (direct)

<i>Receive</i>	<i>Transmit</i>	<i>NAC</i>	<i>Direct Label</i>	<i>Repeater Label</i>	<i>Use</i>
774.75625	804.75625	\$061F		7TAC79	<i>Tactical Channel (repeater)</i>
774.75625	774.75625	\$061F	7TAC79D		<i>Tactical Channel (direct)</i>
775.50625	805.50625	\$061F		7MOB88	<i>Tactical Mobile Repeater (repeater)</i>
775.50625	775.50625	\$061F	7MOB88D		<i>Tactical Mobile Repeater (direct)</i>
775.85625	805.85625	\$061F		7TAC89	<i>Tactical Channel (repeater)</i>
775.85625	775.85625	\$061F	7TAC89D		<i>Tactical Channel (direct)</i>

8. SPECIFIC GUIDELINES -- 800 MHz Channels

For 800 MHz interoperability, the five repeater channels (with direct) described in Figure 5 below will be used. Note the following:

- 800 MHz interoperability channels are identified by the FCC for interoperability use within Texas. Some of these interoperable channels may already be licensed by multiple agencies for interoperability use throughout the state.
- The channels 8CALL and 8CALLD are designated as multi-discipline, multi-agency public safety interoperability calling channels for all public safety agencies and other signatories to the MOU associated with this channel plan. These channels are designated for interoperable 800 MHz communications between mobile/portable radios and base stations, temporary base stations and on-incident incident commander.
- The tactical repeater channels 8TAC1 - 8TAC4 and talk-around channels 8TAC1D - 8TAC3D should be assigned on-incident by the incident commander.
- Gateways, patching or cross-band repeating of 800 calling channels to calling channels in other bands is not permitted. Patching to/between interoperability tactical channels is permitted during emergency situations if so directed by the incident commander.
- Implementation of 800 MHz Interoperability channels is complicated by imminent refarming of the NSPAC channels by FCC. Users of this channel plan should anticipate development of additional guidance during 2005. Questions may be addressed to the TSIEC at 512-424-5307.

Figure 5
800 NPSPAC Interoperability Channels (25 kHz)*
(Mobile and Portable Configuration)

<i>Receive</i>	<i>Transmit</i>	<i>NAC</i>	<i>CTCSS</i>	<i>Direct Label</i>	<i>Repeater Label</i>	<i>Use</i>
866.0125	821.0125	\$061F	156.7 TX & RX		8CALL	Calling Channel (repeater)
866.0125	866.0125	\$061F	156.7 TX & RX	8CALLD		Calling Channel (direct)
866.5125	821.5125	\$061F	156.7 TX & RX		8TAC1	Tactical - Command Channel (repeater)
866.5125	866.5125	\$061F	156.7 TX & RX	8TAC1D		Tactical - Command Channel (direct)
867.0125	822.0125	\$061F	156.7 TX & RX		8TAC2	Tactical - Command Channel (repeater)
867.0125	867.0125	\$061F	156.7 TX & RX	8TAC2D		Tactical - Command Channel (direct)
867.5125	822.5125	\$061F	156.7 TX & RX		8TAC3	Tactical - Command Channel (repeater)
867.5125	867.5125	\$061F	156.7 TX & RX	8TAC3D		Tactical - Command Channel (direct)
868.0125	823.0125	\$061F	156.7 TX & RX		8TAC4	Tactical - Command Channel (repeater)
868.0125	868.0125	\$061F	156.7 TX & RX	8TAC4D		Tactical - Command Channel (direct)

*in the future 800 MHz channels will be relocated 15 MHz lower under FCC order

This channel plan establishes specific labels for 800 MHz channels to assure consistency throughout the state and nation. These labels are listed in the Figure 5 and all participating agencies should use these labels.

9. SPECIFIC GUIDELINES -- INTEROPERABILITY CROSS-BAND SYSTEMS

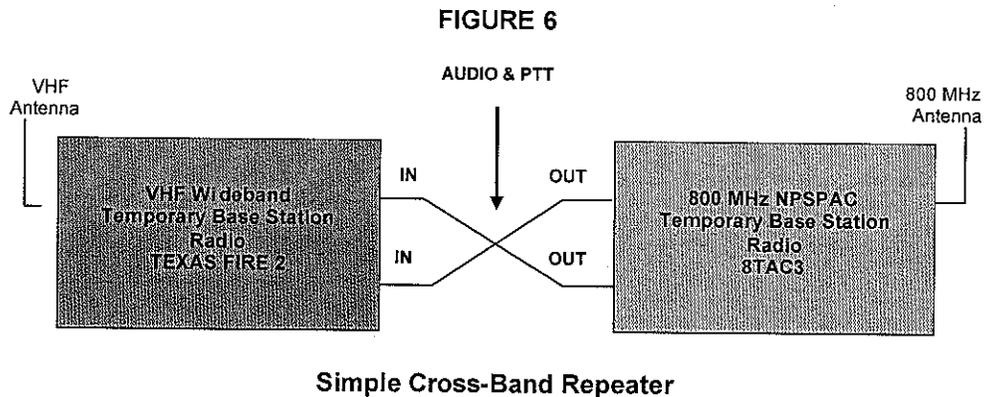
Cross-band interconnection between radio equipments operating under state-licensed channels is authorized with three conditions:

- Cross-band operation is authorized as may be required to interconnect channels identified in this channel plan, and interconnect to other channels that may be required on a particular incident. On incidents, tactical channels and other local channels may be interconnected at the direction of the incident commander.
- Cross-band operation should conform to planning requirements, as established in a Regional Interoperability Plan, typically produced by a regional Council of Governments.
- 800-Mhz NPSPAC (conventional) channels may be cross-banded with other interoperability channels. 800-Mhz trunked channels should not be used in cross-band interconnections because of unpredictable PTT delay.

Cross-band interconnections can be implemented in several ways:

Simple Cross-band Repeater

This approach interconnects two radios "back-to-back" such that received signals on either receiver are re-transmitted by the other transmitter.



Operationally, the two channels selected will seem to be one channel, as long as all radio users are within the coverage "footprint" of the cross-band repeater and antennas. Some push-to-talk (PTT) delay should be expected.

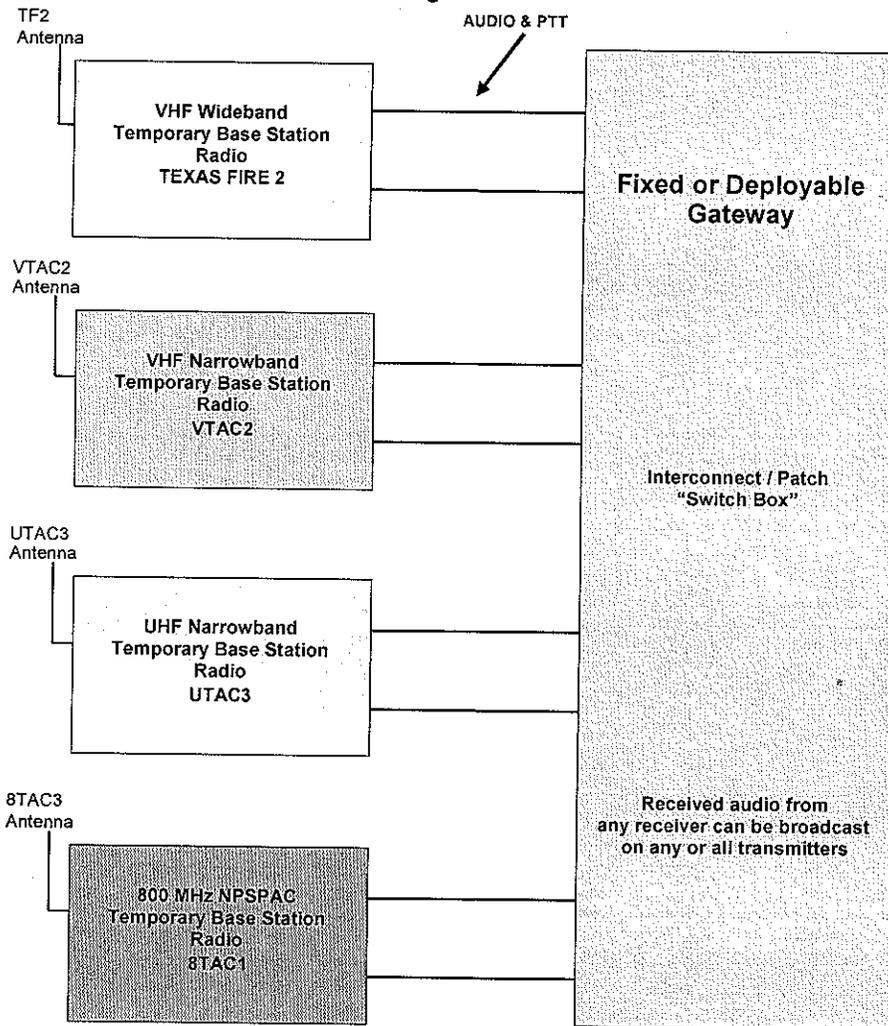
In this example, two tactical channels are interconnected to enable tactical communications between resources equipped with differing equipments.

Mobile Tactical Interconnect or Radio Interoperability Gateway

This approach interconnects several radios "back-to-back" such that received signals on any receiver are re-transmitted by all selected transmitters.

Operationally, all channels selected will seem to be one channel, as long as all radio users are within the coverage "footprint" of the antennas being used. Some push-to-talk (PTT) delay should be expected. In this example, several tactical channels are interconnected to enable tactical communications between resources equipped with differing equipment.

Figure 7

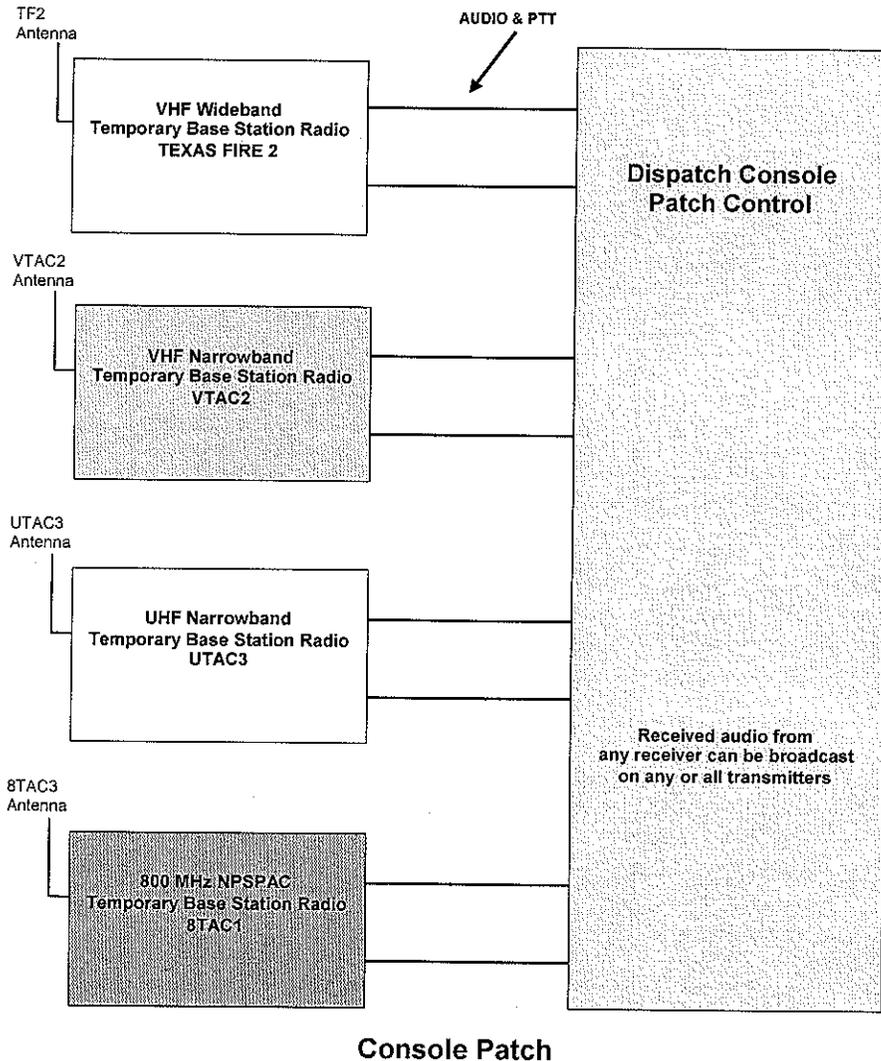


Mobile Tactical Interconnect or Radio Interoperability Gateway

Dispatch Console Patching

Console patching utilizes dispatch point base radios and the patching capability of a common console system to accomplish the same interconnections described above. However, in the case of console patching, all radio users must be within the coverage "footprint" of the base station antenna at the dispatch point. Some push-to-talk (PTT) delay should be expected. Operationally, all channels patched by the dispatcher will seem to be one channel.

Figure 8



Note that console patching at fixed-site base stations is not authorized under state licenses for interoperability channels. Such installations must be separately licensed.

Appendix A
State Licenses for Interoperability Channels



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 Federal Communications Commission
 Wireless Telecommunications Bureau

242

RADIO STATION AUTHORIZATION

Licensee: TEXAS, STATE OF

FCC Registration
 Number (FRN): 0001672419

PUBLIC SAFETY DEPT FLEET OPERATIONS
 TEXAS, STATE OF
 BOX 4087
 AUSTIN TX 78773-0254

Call Sign WPGV572	File Number 0001996032
Radio Service GF - Public Safety Ntl Plan, 821-824/866-869 MHz, Conv.	
Regulatory Status PMRS	
Frequency Coordination Number	

Grant Date 01-07-2005	Effective Date 01-07-2005	Expiration Date 04-05-2015	Print Date 01-07-2005
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STATION TECHNICAL SPECIFICATIONS

Fixed Location Address or Mobile Area of Operation

Loc. 1 Area of Operation
Statewide: TX

Loc. 2 Area of Operation
Statewide: TX

Antennas

Loc. No.	Ant. No.	Frequencies (MHZ)	Sta. Cls.	No. Units	No. Pagers	Emission Designator	Output Power (watts)	ERP (watts)	Ant. Ht./Tp meters	Ant. AAT meters	Construct Deadline Date
1	1	821.01250	FX1T	2	0	20K0F3E	35.000	35.000			
1	1	821.51250	FX1T	2	0	20K0F3E	35.000	35.000			
1	1	822.01250	FX1T	2	0	20K0F3E	35.000	35.000			
1	1	822.51250	FX1T	2	0	20K0F3E	35.000	35.000			
1	1	823.01250	FX1T	2	0	20K0F3E	35.000	35.000			
1	1	866.01250	FB2T	2	0	20K0F3E	75.000	75.000			
1	1	866.51250	FB2T	2	0	20K0F3E	75.000	75.000			
1	1	867.01250	FB2T	2	0	20K0F3E	75.000	75.000			
1	1	867.51250	FB2T	2	0	20K0F3E	75.000	75.000			
1	1	868.01250	FB2T	2	0	20K0F3E	75.000	75.000			
2	1	821.01250	MO	100	0	20K0F3E	35.000	35.000			
2	1	821.51250	MO	100	0	20K0F3E	35.000	35.000			
2	1	822.01250	MO	100	0	20K0F3E	35.000	35.000			
2	1	822.51250	MO	100	0	20K0F3E	35.000	35.000			
2	1	823.01250	MO	100	0	20K0F3E	35.000	35.000			

Conditions:
 Pursuant to Section 309(h) of the Communications Act of 1934, as amended, 47 U.S.C. Section 309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. Section 310(c). This license is subject in terms to the right of use or control conferred by Section 706 of the Communications Act of 1934, as amended. See 47 U.S.C. Section 606.

FCC 601 - LM
 December 2004

Licensee Name: TEXAS, STATE OF

Call Sign: WPGV572

File Number: 0001996032

Print Date: 01-07-2005

Control Points

Control Address

Pt. No.

1 5805 N LAMAR BLVD
City
AUSTIN

County

State
TX

Telephone Number
(512)465-2049

Additional Waivers/Conditions

Antenna structures for land, base and fixed stations authorized by the Wireless Telecommunications Bureau for operation at temporary unspecified locations may be erected without specific prior approval of the Commission where such antenna structures do not exceed a height of 60.96 meters (200 feet) above ground level; provided that the overall height of such antennas more than 6.10 meters (20 feet) above ground, including their supporting structures (whether natural formation or man-made), do not exceed any of the slope ratios set forth in Section 17.7(b). Any antenna to be erected in excess of the foregoing limitations requires prior Commission approval. Licensees seeking such approval should file application for modification of license. In addition, notification to the Federal Aviation Administration is required whenever the antenna will exceed 60.96 meters (200 feet) above the ground and whenever notification is otherwise required by Section 17.7 of the Commission's Rules. Such notification should be given by filing FAA Form 7460-1, Notice of Proposed Construction or Alteration, in duplicate, with the nearest office of the Federal Aviation Administration, which form is available from that office.

FCC-601-LM



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 Wireless Telecommunications Bureau 44

Licensee: STATE OF TEXAS.

FLEET OPERATIONS, RADIO SHOP SUPVR.
 STATE OF TEXAS.
 5710 GUADALUPE ST.
 PO BOX 4087
 AUSTIN TX 78773-0254

Call Sign WPTZ776	File Number 0000535863
Radio Service SL - Public Safety 700 MHZ Band-State License	
Regulatory Status PMRS	

Grant Date 01-18-2002	Effective Date 01-18-2002	Expiration Date 01-18-2017	Print Date 01-22-2002
1st Build Out Date 01-01-2012		2nd Build Out Date 01-01-2017	

State License Area: TX - Texas

State License Channels: All State Channels 764-776/794-806 MHz

WAIVERS/CONDITIONS

In accordance with Section 90.531, only frequencies designated for direct licensing to each state (including U.S. territories, districts, and possessions) are authorized.

In accordance with Section 90.533, operation of public safety transmitters must not cause harmful interference to the reception of television broadcasts transmitted by UHF TV broadcast stations located in Mexico. Public safety base, control, and mobile transmitters must comply with the interference protection criteria in Section 90.545 for TV/DTV stations in Mexico. Public safety facilities must accept any interference that may be caused by operations of UHF television broadcast transmitters in Mexico.

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 Federal Communications Commission
 Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

Licensee: IRWG, TEXAS DPS, STATE OF TEXAS

FCC Registration
 Number (FRN): 0001672419

ROBERT PLETCHER
 IRWG, TEXAS DPS, STATE OF TEXAS
 5805 N. LAMAR BLVD.
 PO BOX P.O. BOX 4097
 AUSTIN TX 78773

Call Sign WQ8C290	File Number 0001756730
Radio Service PW - Public Safety Pool, Conventional	
Regulatory Status PMRS	
Frequency Coordination Number 31PWAP741173735	

Grant Date 09-17-2004	Effective Date 09-17-2004	Expiration Date 09-17-2014	Print Date 09-20-2004
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STATION TECHNICAL SPECIFICATIONS

Fixed Location Address or Mobile Area of Operation

Loc. 1 Area of Operation
 Statewide: TX
 Loc. 2 Area of Operation
 Statewide: TX

Antennas

Loc. No.	Ant. No.	Frequencies (MHZ)	Sta. Cls.	No. Units	No. Pagers	Emission Designator	Output Power (watts)	ERP (watts)	Ant. Ht./Tp meters	Ant. AAT meters	Construct Deadline Date
1	1	453.47500	FB2T	1	0	11K0F3E	100.000	200.000			
1	1	453.70000	FB2T	1	0	11K0F3E	100.000	200.000			
1	1	453.71250	FB2T	1	0	11K0F3E	100.000	200.000			
1	1	453.72500	FB2T	1	0	11K0F3E	100.000	200.000			
1	1	453.85000	FB2T	1	0	11K0F3E	100.000	200.000			
1	1	453.86250	FB2T	1	0	11K0F3E	100.000	200.000			
1	1	453.87500	FB2T	1	0	11K0F3E	100.000	200.000			
1	1	151.13000	F8T	1	0	11K0F3E	100.000	200.000			
1	1	151.13750	F8T	1	0	11K0F3E	100.000	200.000			
1	1	151.14500	F8T	1	0	11K0F3E	100.000	200.000			
1	1	154.44500	F8T	1	0	11K0F3E	100.000	200.000			
1	1	453.20000	FB2T	1	0	11K0F3E	100.000	200.000			
1	1	453.21250	FB2T	1	0	11K0F3E	100.000	200.000			
1	1	453.22500	FB2T	1	0	11K0F3E	100.000	200.000			
1	1	453.45000	FB2T	1	0	11K0F3E	100.000	200.000			
1	1	453.46250	FB2T	1	0	11K0F3E	100.000	200.000			

Conditions:

Pursuant to Section 309(h) of the Communications Act of 1934, as amended, 47 U.S.C. Section 309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. Section 310(c). This license is subject in terms to the right of use or control conferred by Section 706 of the Communications Act of 1934, as amended. See 47 U.S.C. Section 606.

FCC 601 - LM
 January 2004

Licensee Name: IRWG, TEXAS DPS, STATE OF TEXAS

Call Sign: WQBC290

File Number: 0001756730

Print Date: 09-20-2004

1	1	159.46500	FBT	1	0	11K0F3E	100.000	200.000	
1	1	159.47250	FBT	1	0	11K0F3E	100.000	200.000	
1	1	154.45250	FBT	1	0	11K0F3E	100.000	200.000	
1	1	155.47500	FBT	1	0	11K0F3E	100.000	200.000	
1	1	155.48250	FBT	1	0	11K0F3E	100.000	200.000	
1	1	155.74500	FBT	1	0	11K0F3E	100.000	200.000	
1	1	155.75250	FBT	1	0	11K0F3E	100.000	200.000	
1	1	155.76000	FBT	1	0	11K0F3E	100.000	200.000	
1	1	158.73000	FBT	1	0	11K0F3E	100.000	200.000	
1	1	158.73750	FBT	1	0	11K0F3E	100.000	200.000	
1	1	158.74500	FBT	1	0	11K0F3E	100.000	200.000	
2	1	155.75250	MD	10000	0	11K0F3E	100.000	200.000	09-17-2005
2	1	155.76000	MD	10000	0	11K0F3E	100.000	200.000	09-17-2005
2	1	158.73000	MD	10000	0	11K0F3E	100.000	200.000	09-17-2005
2	1	158.73750	MD	10000	0	11K0F3E	100.000	200.000	09-17-2005
2	1	158.74500	MD	10000	0	11K0F3E	100.000	200.000	09-17-2005
2	1	159.46500	MD	10000	0	11K0F3E	100.000	200.000	09-17-2005
2	1	159.47250	MD	10000	0	11K0F3E	100.000	200.000	09-17-2005
2	1	151.13000	MD	10000	0	11K0F3E	100.000	200.000	09-17-2005
2	1	151.13750	MD	10000	0	11K0F3E	100.000	200.000	09-17-2005
2	1	151.14500	MD	10000	0	11K0F3E	100.000	200.000	09-17-2005
2	1	154.44500	MD	10000	0	11K0F3E	100.000	200.000	09-17-2005
2	1	154.45250	MD	10000	0	11K0F3E	100.000	200.000	09-17-2005
2	1	155.47500	MD	10000	0	11K0F3E	100.000	200.000	09-17-2005
2	1	155.48250	MD	10000	0	11K0F3E	100.000	200.000	09-17-2005
2	1	155.74500	MD	10000	0	11K0F3E	100.000	200.000	09-17-2005
2	1	458.86250	MD	10000	0	11K0F3E	100.000	200.000	09-17-2005
2	1	458.87500	MD	10000	0	11K0F3E	100.000	200.000	09-17-2005
2	1	458.20000	MD	10000	0	11K0F3E	100.000	200.000	09-17-2005
2	1	458.21250	MD	10000	0	11K0F3E	100.000	200.000	09-17-2005
2	1	458.22500	MD	10000	0	11K0F3E	100.000	200.000	09-17-2005
2	1	458.45000	MD	10000	0	11K0F3E	100.000	200.000	09-17-2005

FCC 601 - LM

Licensee Name: IRWG, TEXAS DPS, STATE OF TEXAS

Call Sign: WQBC290

File Number: 0001756730

Print Date: 09-20-2004

2	1	458.46250	MD	10000	0	11K0F3E	100.000	200.000	09-17-2005
2	1	458.47500	MD	10000	0	11K0F3E	100.000	200.000	09-17-2005
2	1	458.70000	MD	10000	0	11K0F3E	100.000	200.000	09-17-2005
2	1	458.71250	MD	10000	0	11K0F3E	100.000	200.000	09-17-2005
2	1	458.72500	MD	10000	0	11K0F3E	100.000	200.000	09-17-2005
2	1	458.85000	MD	10000	0	11K0F3E	100.000	200.000	09-17-2005

Control Points

Control Address

Pt. No.	Address	City	County	State	Telephone Number
1	5805 N. LAMAR BLVD	AUSTIN	TRAVIS	TX	(512)424-5307

Additional Waivers/Conditions

Antenna structures for land, base and fixed stations authorized by the Wireless Telecommunications Bureau for operation at temporary unspecified locations may be erected without specific prior approval of the Commission where such antenna structures do not exceed a height of 60.96 meters (200 feet) above ground level; provided that the overall height of such antennas more than 5.10 meters (20 feet) above ground, including their supporting structures (whether natural formation or man-made), do not exceed any of the slope ratios set forth in Section 17.7(b). Any antenna to be erected in excess of the foregoing limitations requires prior Commission approval. Licensees seeking such approval should file application for modification of license. In addition, notification to the Federal Aviation Administration is required whenever the antenna will exceed 60.96 meters (200 feet) above the ground and whenever notification is otherwise required by Section 17.7 of the Commission's Rules. Such notification should be given by filing FAA Form 7460-1, Notice of Proposed Construction or Alteration, in duplicate, with the nearest office of the Federal Aviation Administration, which form is available from that office.

FCC 601 - LM

Page 4 of this license is blank.



Page 1 of 2
 Federal Communications Commission
 Wireless Telecommunications Bureau

258

RADIO STATION AUTHORIZATION

Licensee: IRWG, TEXAS DEPARTMENT OF PUBLIC SAFETY, STATE OF TEXAS

FCC Registration
 Number (FRN): 0001672419

ROBERT PHLICHER
 IRWG, TEXAS DEPARTMENT OF PUBLIC SAFETY,
 STATE OF TEXAS
 5805 N.LAMAR BLVD.
 P.O. BOX PO BOX 4087
 AUSTIN TX 78773

Call Sign WPY1930	File Number
Radio Service PW - Public Safety Pool, Conventional	
Regulatory Status PMRS	
Frequency Coordination Number	

Grant Date 08-19-2003	Effective Date 08-19-2003	Expiration Date 08-19-2013	Print Date 08-29-2003
--------------------------	------------------------------	-------------------------------	--------------------------

STATION TECHNICAL SPECIFICATIONS

Fixed Location Address or Mobile Area of Operation

- Loc. 1
 Area of Operation
 EMERGENCY INTEROPERABILITY WITHIN THE STATE OF TEXAS. USAGE FOR
 FLOODS-TORNADOS-HURRICANES-FOREST FIRES-SEVERE ACCIDENTS ETC. SHUT DOWN ON
 COMPLETION
- Loc. 2
 Area of Operation
 EMERGENCY INTEROPERABILITY WITHIN THE STATE OF TEXAS. USAGE FOR
 FLOODS-TORNADOS-HURRICANES-FOREST FIRES-SEVERE ACCIDENTS ETC. SHUT DOWN ON
 COMPLETION

Antennas

Loc. No.	Ant. No.	Frequencies (MHZ)	Sta. Cts.	No. Units	No. Pagers	Emission Designator	Output Power (watts)	ERP (watts)	Ant. Ht./Tp meters	Ant. AAT meters	Construct Deadline Date
1	1	151.38500	F8T	1	0	20K0F3E	35.000	80.000			
1	1	154.26500	F8T	1	0	20K0F3E	35.000	80.000			
1	1	154.28000	F8T	1	0	20K0F3E	35.000	80.000			
1	1	154.29500	F8T	1	0	20K0F3E	35.000	80.000			
1	1	154.95000	F8T	1	0	20K0F3E	35.000	80.000			
1	1	155.34000	F8T	1	0	20K0F3E	35.000	80.000			
1	1	155.37000	F8T	1	0	20K0F3E	35.000	80.000			
1	1	155.47500	F8T	1	0	20K0F3E	35.000	80.000			
2	1	151.38500	MD	3	0	20K0F3E	10.000	20.000			08-19-2004
2	1	154.26500	MD	10000	0	20K0F3E	100.000	100.000			08-19-2004
2	1	154.29500	MD	10000	0	20K0F3E	100.000	100.000			08-19-2004
2	1	154.95000	MD	10000	0	20K0F3E	100.000	100.000			08-19-2004
2	1	155.34000	MD	10000	0	20K0F3E	100.000	100.000			08-19-2004

Conditions:

Pursuant to Section 309(h) of the Communications Act of 1934, as amended, 47 U.S.C. Section 309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. Section 310(d). This license is subject in terms to the right of use or control conferred by Section 706 of the Communications Act of 1934, as amended. See 47 U.S.C. Section 706.

FCC 601 - LM
 July 2002

Licensee Name: IRWG, TEXAS DEPARTMENT OF PUBLIC SAFETY.

Call Sign: WPY1930

File Number:

Print Date: 08-29-2003

2									
2	1	155.47500	MD	10000	0	2DKOF3E	100.000	100.000	08-19-2004
2	1	154.28000	MD	10000	0	2DKOF3E	100.000	100.000	08-19-2004

Control Points

Control Address

Pt. No.

Pt. No.	Address	County	State	Telephone Number
1	5805 N. LAMAR BLVD. City: AUSTIN	TRAVIS	TX	(512)424-5307

Additional Waivers/Conditions

Antenna structures for land, base and fixed stations authorized by the Wireless Telecommunications Bureau for operation at temporary unspecified locations may be erected without specific prior approval of the Commission where such antenna structures do not exceed a height of 60.96 meters (200 feet) above ground level; provided that the overall height of such antennas more than 6.10 meters (20 feet) above ground, including their supporting structures (whether natural formation or man-made), do not exceed any of the slope ratios set forth in Section 17.7(b). Any antenna to be erected in excess of the foregoing limitations requires prior Commission approval. Licensees seeking such approval should file application for modification of license. In addition, notification to the Federal Aviation Administration is required whenever the antenna will exceed 60.96 meters (200 feet) above the ground and whenever notification is otherwise required by Section 17.7 of the Commission's Rules. Such notification should be given by filing FAA Form 7460-1, Notice of Proposed Construction or Alteration, in duplicate, with the nearest office of the Federal Aviation Administration, which form is available from that office.

154.950 FBT is authorized on a secondary basis in accord with Rule 90.173(h).

Appendix B
Texas Interoperability Channels
Original Issue 3/15/05

VHF 150 MHz Wideband Interoperability Channels
(Mobile and Portable Configuration)

<i>Receive</i>	<i>Transmit</i>	<i>CTCSS</i>	<i>Label</i>	<i>Use</i>
154.950	154.950	Carrier Squelch ONLY	Texas Law 1	Calling channel, on-site, mobile to mobile
155.370	154.950	127.3 TX only	Texas Law 2	Calling channel, to contact base stations
155.475	155.475	127.3 TX & RX	Texas Law 3	On-scene tactical - command channel
154.280	154.280	127.3 TX & RX	Texas Fire 1	On-scene tactical - command channel
154.265	154.265	127.3 TX & RX	Texas Fire 2	On-scene tactical - command channel
154.295	154.295	127.3 TX & RX	Texas Fire 3	On-scene tactical - command channel
155.340	155.340	127.3 TX & RX	Texas Med 1	On-scene tactical - command channel
151.385	151.385	127.3 TX & RX	Texas Air 2	Air-to-Ground communications with state and federal aircraft ONLY *

*Texas Air 1 is reserved and not available for use in this plan

VHF 150 MHz Narrowband Interoperability Channels (12.5 kHz)
(Mobile and Portable Configuration)

<i>Receive and Transmit</i>	<i>NAC</i>	<i>CTCSS</i>	<i>Label</i>	<i>Use</i>
155.7525	\$061F	156.7 TX & RX	VCALL	Calling Channel
151.1375	\$061F	156.7 TX & RX	VTAC1	On-scene tactical - command channel
154.4525	\$061F	156.7 TX & RX	VTAC2	On-scene tactical - command channel
158.7375	\$061F	156.7 TX & RX	VTAC3	On-scene tactical - command channel
159.4725	\$061F	156.7 TX & RX	VTAC4	On-scene tactical - command channel *

* recommended for air-to-ground with state and federal aircraft only.

**UHF Narrowband Interoperability Channels (12.5 kHz)
(Mobile and Portable Configuration)**

<i>Receive</i>	<i>Transmit</i>	<i>NAC</i>	<i>CTCSS</i>	<i>Direct Label</i>	<i>Repeater Label</i>	<i>Use</i>
453.2125	458.2125	\$061F	156.7 TX & RX		UCALL	Calling Channel (repeater)
453.2125	453.2125	\$061F	156.7 TX & RX	UCALLD		Calling Channel (direct)
453.4625	458.4625	\$061F	156.7 TX & RX		UTAC1	Tactical - Command Channel (repeater)
453.4625	453.4625	\$061F	156.7 TX & RX	UTAC1D		Tactical - Command Channel (direct)
453.7125	458.7125	\$061F	156.7 TX & RX		UTAC2	Tactical - Command Channel (repeater)
453.7125	453.7125	\$061F	156.7 TX & RX	UTAC2D		Tactical - Command Channel (direct)
453.8625	458.8625	\$061F	156.7 TX & RX		UTAC3	Tactical - Command Channel (repeater)
453.8625	453.8625	\$061F	156.7 TX & RX	UTAC3D		Tactical - /Command Channel (direct)

**700 MHz Interoperability Channels (12.5 kHz)
(Mobile and Portable Configuration)**

<i>Receive</i>	<i>Transmit</i>	<i>NAC</i>	<i>Direct Label</i>	<i>Repeater Label</i>	<i>Use</i>
764.24375	794.24375	\$061F		7CAL59	Calling Channel , primary (repeater)
764.24375	764.24375	\$061F	7CAL59D		Calling Channel, primary (direct)
774.25625	804.25625	\$061F		7CAL75	Calling Channel , secondary repeater)
774.25625	774.25625	\$061F	7CAL75D		Calling Channel, secondary (direct)
764.74375	794.74375	\$061F		7TAC63	Tactical Channel (repeater)
764.74375	764.74375	\$061F	7TAC63D		Tactical Channel (direct)
765.89375	795.89375	\$061F		7MOB72	Tactical Mobile Repeater (repeater)
765.89375	765.89375	\$061F	7MOB72D		Tactical Mobile Repeater (direct)
765.99375	795.99375	\$061F		7TAC73	Tactical Channel (repeater)
765.99375	765.99375	\$061F	7TAC73D		Tactical Channel (direct)
774.75625	804.75625	\$061F		7TAC79	Tactical Channel (repeater)
774.75625	774.75625	\$061F	7TAC79D		Tactical Channel (direct)
775.50625	805.50625	\$061F		7MOB88	Tactical Mobile Repeater (repeater)
775.50625	775.50625	\$061F	7MOB88D		Tactical Mobile Repeater (direct)
775.85625	805.85625	\$061F		7TAC89	Tactical Channel (repeater)
775.85625	775.85625	\$061F	7TAC89D		Tactical Channel (direct)

**800 NPSPAC Interoperability Channels (25 kHz)*
(Mobile and Portable Configuration)**

<i>Receive</i>	<i>Transmit</i>	<i>NAC</i>	<i>CTCSS</i>	<i>Direct Label</i>	<i>Repeater Label</i>	<i>Use</i>
866.0125	821.0125	\$061F	156.7 TX & RX		8CALL	Calling Channel (repeater)
866.0125	866.0125	\$061F	156.7 TX & RX	8CALLD		Calling Channel (direct)
866.5125	821.5125	\$061F	156.7 TX & RX		8TAC1	Tactical - Command Channel (repeater)
866.5125	866.5125	\$061F	156.7 TX & RX	8TAC1D		Tactical - Command Channel (direct)
867.0125	822.0125	\$061F	156.7 TX & RX		8TAC2	Tactical - Command Channel (repeater)
867.0125	867.0125	\$061F	156.7 TX & RX	8TAC2D		Tactical - Command Channel (direct)
867.5125	822.5125	\$061F	156.7 TX & RX		8TAC3	Tactical - Command Channel (repeater)
867.5125	867.5125	\$061F	156.7 TX & RX	8TAC3D		Tactical - Command Channel (direct)
868.0125	823.0125	\$061F	156.7 TX & RX		8TAC4	Tactical - Command Channel (repeater)
868.0125	868.0125	\$061F	156.7 TX & RX	8TAC4D		Tactical - Command Channel (direct)

*in the future 800 MHz channels will be relocated 15 MHz lower under FCC order

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, AUTHORIZING THE MAYOR TO SIGN A MEMORANDUM OF UNDERSTANDING FOR THE TEXAS INTEROPERABILITY CHANNEL PLAN.

WHEREAS, the Governor’s Division of Emergency Management has a requirement that every agency receiving homeland security grant funds through the state must adopt the Memorandum of Understanding, Texas Interoperability Channel Plan (TICP); and

WHEREAS, this TICP authorizes use of state-licensed frequencies for the purpose of coordination between emergency response agencies and resources. Such coordination may occur during interagency operations, en-route travel, or on-incident communications in accordance with an Incident Communications Plan; and

WHEREAS, the City Council recognizes the importance of having interoperability or mutual-aid radio channels in common with local, state, and federal emergency response organizations during a disaster; now, therefore,

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

PART 1: That the City Council hereby authorizes the Mayor to sign the Memorandum of Understanding, Texas Interoperability Channel Plan (TICP) which is attached hereto as Exhibit “A” and made a part hereof.

PART 2: That this resolution shall take effect immediately from and after its passage.

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

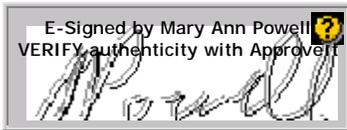
ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:



City Attorney

**November 5, 2007
Consent Agenda Item 2d
Police Electronic Citations**

To: Glenn Brown, City Manager

From: Ben Roper, Director of Information Technology

Agenda Caption:

Presentation, possible action and discussion regarding approval of a purchase for the procurement of additional equipment, software and services for the Electronic Citation system for the Police Department with Advanced Public Safety, Inc. for an amount not to exceed \$100,942.68, and for project contingency funds of \$9,057.32 for a project total of \$110,000.

Recommendation(s):

Staff recommends approval.

Summary:

This project (CO0503) will automate ticket writing in the patrol divisions of the Police Department. It will provide for the entry of the ticket information at the time that the citation is written, and will eliminate the need for the records division to re-enter the information from a paper ticket and the need for Municipal court staff to add additional information from the ticket. This will result in greater speed and efficiency for the officer in the field, decreased errors, and better records keeping and report capability.

This phase of the project replaces the hardware used by the officers to enter the citation information, peripheral equipment and updates the software licenses needed for the program.

Terms and conditions for this purchase are the same as the original APS contract, # 05-192

Budget & Financial Summary:

Funds for this project is available from the existing program budget in the amount of \$55,602 and by transferring the remaining \$54,398.00 from the unused balance in other Public Safety projects.

Attachments:

1. Quote from APS for Equipment, Software and Services



ADVANCED PUBLIC SAFETY
A Trimble Company

500 Fairway Drive, Suite 204 Deerfield Beach, Florida 33441 954-354-3000 (Main)
954-354-3001 (Fax) www.aps.us Date: 10/25/2007

Proposal

Agency	Details
Contact: Mrs. Erin Provazek Agency Name: College Station Police Department Address: 2611 Texas Ave, suite A City, State & Zip: College Station, TX 77840	Order No: 00670000009z1Xi Contact Name: Tommy Lopez (954) 354-3000 x203 tommy@aps.us

QTY	PRODUCT NAME	PRODUCT DESCRIPTION	MISCELLANEOUS	UNIT PRICE	TOTAL PRICE
20	PocketCitation	Electronic traffic citation for handheld device		\$1,499.00	\$29,980.00
20	Symbol MC50 Handheld w/ 802.11b, 2D Imager and Extended Battery	Symbol MC50 (802.11b,2D Imager,Extended Battery),USB Cradle,Line Cord,110volt PS		\$1,365.00	\$27,300.00
20	Symbol MC50 Magstripe Reader	3-track Magstripe Reader for the MC50		\$199.00	\$3,980.00
34	Symbol MC50 Battery (Extended)	Symbol MC50 Battery (Extended Capacity)	BTRY-MC50EAB02R	\$83.62	\$2,843.08
34	Symbol MC50 Power Supply - 12 volt direct	Symbol MC50 12 volt Direct Power Supply	VCA5000-12R, ADP5000-00R	\$104.34	\$3,547.56
20	Symbol MC50 Extended Warranty - 3 year Bronze, (For devices purchased BEFORE expiration of 1st year warranty)	Symbol 3 Year Bronze Extended Warranty, (For devices purchased BEFORE expiration of 1st year warranty)		\$209.00	\$4,180.00
34	Zebra RW420 802.11b Conversion Kit	Zebra RW420 802.11b Conversion Kit Zebra Factory installed 802.11b radio. 5 day turn around time.		\$492.00	\$16,728.00
1	_Shipping & Handling	Shipping & Handling		\$1,385.04	\$1,385.04
1	_Annual Maintenance	Annual Maintenance		\$5,000.00	\$5,000.00
1	_Project Management	Dedicated Project Manager assigned from PO through Software Acceptance. Provides single point of contact.		\$1,999.00	\$1,999.00
2	_Training	Per Diem Training		\$2,000.00	\$4,000.00

NET TOTAL (USD) \$100,942.68 You have received a discount of (USD) \$12853.36 Pricing is guaranteed through December 14,2007

Notes

Terms and Conditions

"Terms and Conditions for The City of College Station per Contract 05-192 apply."

November 5, 2007
Consent Agenda Item 2e
College Park-Breezy Heights Rehabilitation Project
Change Order No. 2 to Contract 05-147

To: Glenn Brown, City Manager

From: Mark Smith, Director of Public Works

Agenda Caption: Presentation, possible action, and discussion to approve a Change Order for the College Park-Breezy Heights Rehabilitation Project in the amount of \$32,500.00.

Recommendation(s): Staff recommends approval of the Change Order No. 2 to Contract 05-147 with Goodwin-Lasiter, Inc. for Urban Forestry Professional Services related to the College Park-Breezy Heights Rehabilitation Project in the amount of \$32,500.00.

Summary: The College Park-Breezy Heights Rehabilitation Project will bring street and utility upgrades to one of the oldest neighborhoods in the City of College Station. As such, the area has many mature trees which will require protection during the construction process. Based on input from neighborhood residents and in the vital interest of preserving neighborhood integrity a tree preservation and protection plan is needed for implementation during the eventual construction of the project. This Change Order will allow for the engineering firm to work with an Urban Forester to produce a site assessment, review of the proposed design, the formation of a tree preservation plan and assistance during construction of the proper implementation of preservation treatments accompanied by site visits to monitor compliance with the plan and tree conditions.

Budget & Financial Summary: The budget for the College Park-Breezy Heights Rehabilitation Project is \$5,930,000.00. Funds in the amount of \$476,885.68 have been expended or committed to date. The original engineering contract amount was \$433,600.00 and Change Order No.1 added an additional \$6,600.00. Change Order No. 2 will increase the contract amount by \$32,500.00 for a revised total of \$472,700.00.

Attachments:

1. Change Order
2. Letter from Goodwin-Lasiter, Inc. detailing the scope of services for the Change Order
3. Location Map of the College Park-Breezy Heights Rehabilitation Project.

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

ENGINEER:
Goodwin-Lasiter Inc.
1509 Emerald PWKY, Suite 101
College Station, TX 77845

Ph: (979) 696-6767
Fax: (979) 695-2685

PURPOSE OF THIS CHANGE ORDER:

A. Additional Services For Urban Forrestry Consulting Services: The neighborhood within the project limits for the College Park/ Breezy Heights Rehabilitation Project is one of the oldest neighborhoods in the City of College Station. With this distinction comes the mature Urban Forrestry associated with this area. In order best preserve neighborhood integrity it is required to take measures to protect and preserve many of the older trees that may be impacted by construction activities. This change order allows the design engineer to work with Burditt Associates, an Urban Forrestry consulting firm, to achieve this goal. A four (4) phase approach has been submitted and includes a site assessment, design review, the development of a tree preservation plan and construction administration. Deliverables for this work will include a site tree inventory, mark ups of current design plans, a findings and recommendations report, a presentation of these findings and recommendations, a meeting with the engineer and City staff to discuss the design review, a CAD format tree preservation plan, tree protection treatments and budget, tree protection specification and details, construction document revisions and attendance of a public meeting to present the final plans to the public.

For additional details and information please see the attached documentation from Goodwin-Lasiter, Inc.

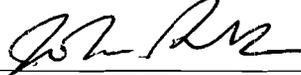
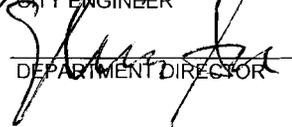
ITEM NO	UNIT	DESCRIPTION	UNIT PRICE	ORIGINAL QUANTITY	REVISED QUANTITY	ADDED COST
2	LS	Urban Forrestry Consulting Servid	\$32,500.00	0	1	\$32,500.00
TOTAL						\$32,500.00

THE NET AFFECT OF THIS CHANGE ORDER IS 7.50% INCREASE.

ORIGINAL CONTRACT AMOUNT	\$433,600.00		
Change Order No. 1	\$6,600.00	1.52%	CHANGE
Change Order No. 2	\$32,500.00	7.50%	CHANGE
REVISED CONTRACT AMOUNT	\$472,700.00	9.02%	TOTAL CHANGE

ORIGINAL CONTRACT TIME	360 Days
Time Extension No. 1	10 Days
Revised Contract Time	370 Days

APPROVED

	10/18/07		
A/E CONTRACTOR	Date	CITY ATTORNEY	Date
	10/9/07		
PROJECT MANAGER	Date	DIRECTOR OF FISCAL SERVICES	Date
	10/22/07		
CITY ENGINEER	Date	MAYOR	Date
	10/10/07		
DEPARTMENT DIRECTOR	Date	CITY SECRETARY	Date
		CITY MANAGER	Date

P.O. Line Item	Accounting Information	Original Contract	Change Order #1	Change Order # 2	Contract
1	ST0507 139-9111-971.30-10	\$200,000	\$0	\$32,500	\$232,500.00
2	WTWOC 212-9111-973.55-02	\$100,000	\$0	0	\$100,000.00
3	SCWOC 213-9111-974.55-01	\$100,000	\$6,600	0	\$106,600.00
4	SD0601 912-9111-975.30-10	\$33,600	\$0	0	\$33,600.00
TOTAL:		\$433,600	\$6,600	\$32,500	\$472,700



City of College Station
P.O. Box 9960
2613 Texas Avenue S.
College Station, TX 77842

October 9, 2007

Attn: Ed McDonald

**RE: Additional Services Request for Urban Forestry Consulting Services
College Park/Breezy Heights Rehabilitation Project
City of College Station Job #ST0507**

Dear Mr. McDonald:

In accordance with your request, Goodwin-Lasiter, Inc. is pleased to respond to your need for Urban Forestry Consulting Services. I understand the scope of requested service to be as follows:

PHASE I - SITE ASSESSMENT (DATA COLLECTION)

Site Data Collection - Evaluate the project site to assess general tree conditions, potential tree preservation problems, tree species and sizes (spot check accuracy of tree survey as provided by Client), determination of accurate tree canopies, bore pit placement, required equipment clearances and potential transplant trees. Only those trees that will be directly affected by street construction, utilities installation and grading will be evaluated for impact. Installations of bore pits and water meter and sewer connections will be included.

PHASE II - DESIGN REVIEW AND FINDING REPORT

Review of construction documents, at current phase of design, to determine any areas of conflict between the design and tree preservation. Review will include the following potential impacts:

- a. Water line, sewer line, storm sewer locations
- b. Street installation construction
- c. Bore zones
- d. Construction document specifications
- e. Methods of installation
- f. Installation of fire hydrants, valves, casing, taps and angle joints
- g. Water meter and sewer line connections

Report - Results of the evaluation will be provided in a general findings and recommendations report to Client. Plan and profile drawings, provided by Client, will be hand-redlined to indicate areas of conflict and any major design changes recommended for tree preservation.

Deliverables: Site Tree Inventory
Hand-Redlines markups of Construction Plans
Findings and Recommendations Report
Present Findings and Recommendations
Report to Client (1 Meeting)

PHASE III - TREE PRESERVATION PLAN DEVELOPMENT (CAD FORMAT)

Preservation Documents - Develop a Tree Preservation Plan for inclusion in the construction documents. These CAD drawn documents will include all specifications and detail drawings, an

estimated budget for treatments, and a schedule of the treatments. Any requested revision will be performed by *Burditt*, as additional services, at our standard hourly rates.

Deliverables: Tree Preservation Plan (CAD Format)
Tree Protection Treatments and Budget
Tree Protection Specifications and Details
Construction Document Revisions
Public Meeting to Present Plans

PHASE IV - CONSTRUCTION ADMINISTRATION

Provide consulting services during the construction phase. Preconstruction visits will be provided to ensure proper implementation of the tree preservation treatments and site visits to observe preservation compliance and tree condition during construction.

We propose to provide the above services for a fee of thirty two thousand five hundred dollars (\$32,500.00).

I thank you in advance for your consideration and look forward to the opportunity to assist you will your project.

Sincerely,



John Rusk, PE.
Regional Manager

November 5, 2007
Consent Agenda Item 2f
Change Order Outsource Bill Print

To: Glenn Brown, City Manager

From: Jeff Kersten, Chief Financial Officer

Agenda Caption: Presentation, possible action and discussion regarding a change order of the services contract, for RFP 07-084 Outsourcing the Printing and Mailing of Utility Bills, late notices and inserts to Sungard EXP-Mailing to allow postage costs for an estimated annual expenditure of \$145,000.

Recommendation(s): Staff recommends approval of the change order to cover postage costs with Sungard EXP-Mailing for Outsourcing the Printing and Mailing of Utility bills, late notices and inserts for an estimated annual expenditure of \$145,000.

Summary: Council approved a contract with Sungard EXP-Mailing on April 12, 2007 to produce and send the utility bills and notices. Postage costs were not included in the original contract. Postage costs are a direct pass through expense from Sungard EXP.

Budget & Financial Summary: We are currently sending out approximately 400,000 utility bills and 60,000 late notices annually. Estimated costs for postage are \$145,000. Funds are budgeted and available in the Utility Customer Service budget.

Attachments:

1. Change Order 1

CHANGE ORDER NO. 1
CONTRACT # 07-084

DATE: October 9, 2007

PROJECT DESCRIPTION: Printing, Inserting and Mailing Utility Bills and Inserts

P.O.# 070756

PROJECT #

OWNER:

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

CONTRACTOR:

Sungard Business Systems
DBA Sungard Output Solutions
350 Automation Way
Irondale, AL 35210
Ph:
Fax:

PURPOSE OF THIS CHANGE ORDER:

Item 1: Allow for reimbursement of direct expenses for postage

Item 2:

Item 3:

ITEM NO.	UNIT	DESCRIPTION	UNIT PRICE	ORIGINAL QUANTITY	REVISED QUANTITY	ADDED COST
1		Postage expenses	\$145,000			\$145,000.00
2			\$			
3			\$			

THE NET AFFECT OF THIS CHANGE ORDER IS A _____ (Increase or Decrease).

ORIGINAL CONTRACT AMOUNT	\$55,000		
Change Order No. 1	\$145,000	265	% of Original Contract Amount
Change Order No. 2	\$		% of Original Contract Amount
Change Order No. 3	\$		% of Original Contract Amount
REVISED CONTRACT AMOUNT	\$200,000		

ORIGINAL CONTRACT TIME

Change Order No. 1 Time Extension or Reduction	Days
Change Order No. 2 Time Extension or Reduction	Days
Change Order No. 3 Time Extension or Reduction	Days

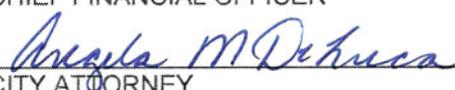
REVISED CONTRACT TIME

Days

ORIGINAL SUBSTANTIAL COMPLETION DATE

REVISED SUBSTANTIAL COMPLETION DATE

APPROVED:

	10/16/07	_____	_____
Sungard EXP-Mailing	Date	CHIEF FINANCIAL OFFICER	Date
_____	_____		_____
_____	_____	CITY ATTORNEY	Date
PROJECT ENGINEER	Date	CITY MANAGER	Date
CITY ENGINEER	Date	MAYOR	Date
DEPARTMENT DIRECTOR/ ADMINISTRATOR	Date	CITY SECRETARY	Date

November 5, 2007
Consent Agenda Item 2g
Authorize Brazos County Appraisal District Expenditures

To: Glenn Brown, City Manager

From: Jeff Kersten, Chief Financial Officer

Agenda Caption: Presentation, possible action and discussion to authorize the expenditures for the Brazos County Appraisal District in the amount of \$207,666 pursuant to the Property Tax Code 6.06D

Recommendation(s): Staff recommends approval of the expenditures in the amount of \$207,666 to the Brazos County Appraisal District.

Summary: Chapter 6.01 of the Property Tax Code calls for an appraisal district to be established in each county. The district is responsible for appraising property in the district for ad valorem taxes purposes of each taxing unit that imposes ad valorem taxes in the district. Chapter 6.06 (d) stipulates how the funding is allocated: "each taxing unit participating in the district is allocated a portion of the amount of the budget equal to the proportion that the total dollar amount of property taxes imposed in the district by the unit for the tax year in which the budget proposals is prepared bears to the sum of the total amount of property taxes imposed in the district by each participating unit for that year."

Budget & Financial Summary: Funds are available and budgeted in the General Fund, Finance Administration Budget. Payments are made in four equal payments made at the end of each calendar quarter.

Attachments: none

**November 5, 2007
Consent Agenda Item 2h
Texpool Resolution**

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

Agenda Caption: Presentation, possible action and discussion on a resolution amending the authorized representatives at Texpool.

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

Summary: Organized in 1989, TexPool is the largest and oldest local government investment pool in the State of Texas. TexPool currently provides investment services to over 1,700 communities throughout Texas. The State Comptroller oversees TexPool, and Lehman Brothers and Federated Investors manage the daily operations of the pool under a contract with the Comptroller. TexPool is managed conservatively to provide a safe, efficient, and liquid investment alternative to Texas governments. The pool seeks to maintain a \$1.00 value per share as required by the Texas Public Funds Investment Act. TexPool investments consist exclusively of U. S. Government securities, repurchase agreements collateralized by U. S. Government securities, and AAA-rated no-load money market mutual funds. TexPool is rated AAAM by Standard & Poor's, the highest rating a local government investment pool can achieve. The weighted average maturity of the pool cannot exceed 60 days, with the maximum maturity of any investment limited to 13 months. TexPool, like the City, is governed by the Texas Public Funds Investment Act.

This resolution designates those employees that are able to act as authorized representatives for the City's Texpool accounts.

Budget & Financial Summary: None

Attachments:

Resolution



RESOLUTION AMENDING AUTHORIZED REPRESENTATIVES

WHEREAS, City of College Station

(Participant Name & Location Number)

("Participant") is a local government of the State of Texas and is empowered to delegate to a public funds investment pool the authority to invest funds and to act as custodian of investments purchased with local investment funds; and

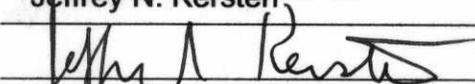
WHEREAS, it is in the best interest of the Participant to invest local funds in investments that provide for the preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act; and

WHEREAS, the Texas Local Government Investment Pool ("TexPool/ Texpool Prime"), a public funds investment pool, were created on behalf of entities whose investment objective in order of priority are preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act.

NOW THEREFORE, be it resolved as follows:

- A. That the individuals, whose signatures appear in this Resolution, are Authorized Representatives of the Participant and are each hereby authorized to transmit funds for investment in TexPool / TexPool Prime and are each further authorized to withdraw funds from time to time, to issue letters of instruction, and to take all other actions deemed necessary or appropriate for the investment of local funds.
- B. That an Authorized Representative of the Participant may be deleted by a written instrument signed by all remaining Authorized Representatives provided that the deleted Authorized Representative (1) is assigned job duties that no longer require access to the Participant's TexPool / TexPool Prime account or (2) is no longer employed by the Participant; and
- C. That the Participant may by Amending Resolution signed by the Participant add an Authorized Representative provided the additional Authorized Representative is an officer, employee, or agent of the Participant;

List the Authorized Representatives of the Participant. Any new individuals will be issued personal identification numbers to transact business with TexPool Participant Services.

1. Name	<u>Jeffrey N. Kersten</u>	Title	<u>Chief Financial Officer</u>
Signature	<u></u>	Phone Number	<u>979-764-3745</u>

ORIGINALS REQUIRED

TEX - REP

2. Name Susan Chmelar Title Finance Staff Assist
 Signature *Susan Chmelar* Phone Number 979-764-3552

3. Name Cheryl Wright Title City Treasurer
 Signature *Cheryl Wright* Phone Number 979-764-3554

4. Name _____ Title _____
 Signature _____ Phone Number _____

List the name of the Authorized Representative listed above that will have primary responsibility for performing transactions and receiving confirmations and monthly statements under the Participation Agreement.

Name Susan Chmelar
 Email schmelar@cstx.gov Fax Number 979-764-3899

In addition and at the option of the Participant, one additional Authorized Representative can be designated to perform only inquiry of selected information. This limited representative cannot perform transactions. If the Participant desires to designate a representative with inquiry rights only, complete the following information.

5. Name _____ Title _____

D. That this Resolution and its authorization shall continue in full force and effect until amended or revoked by the Participant, and until TexPool Participant Services receives a copy of any such amendment or revocation. This Resolution is hereby introduced and adopted by the Participant at its regular/special meeting held on the _____ day _____, 20 ____.

NAME OF PARTICIPANT: City of College Station

BY: _____
 Signature
Ben White
 Printed Name
Mayor
 Title

ATTEST: _____
 Signature
Connie Hooks
 Printed Name
City Secretary
 Title

This document supersedes all prior Authorized Representative designations.

APPROVED:

Carla A. Robinson
 City Attorney

ORIGINALS REQUIRED

TexPool Participant Services • Lehman Brothers
 600 Travis St., Suite 7200 • Houston, TX 77002 • www.texpool.com • 1-866-839-7665

TEX – REP

November 5, 2007
Consent Agenda Item 2i
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 City of College Station and the United Way of the Brazos Valley in the amount of \$50,000.

Recommendation(s): Staff recommends approval of the funding agreement. Per Council direction, the Outside Agency Funding Review Committee (OAFRC) reviewed the request on Wednesday, October 24th and recommended to approve the funding for the United Way request from BVSWMA in the amount of \$50,000

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.

At the October 11 City Council Meeting the Council directed this item go to the Outside Agency Review Committee for recommendation. This committee met on October 24 to consider this item. The committee recommended approving funding the request in the amount of \$50,000.

Budget & Financial Summary: The funds for this agreement are available in the 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:

OAFRC Draft Minutes for October 24, 2007
United Way Capital Campaign Funding Agreement
BVSWMA Board Meeting Agenda for May 11, 2007
BVSWMA Board Meeting Minutes for May 11, 2007

DRAFT
OUTSIDE AGENCY FUNDING REVIEW COMMITTEE MINUTES
CITY OF COLLEGE STATION
WEDNESDAY, OCTOBER 24, 2007
11:30 A.M.
COLLEGE STATION CITY HALL – 2ND FLOOR CONFERENCE ROOM
1101 TEXAS AVENUE
COLLEGE STATION, TEXAS

1. Call to order. Sheryl Welford called the meeting into order at 12:05 p.m. Committee members present included: Chair Sheryl Welford, Chad Jones, Donald Braune, Don Lewis, Stephen Sweet, Charles Taylor and Gregg Baird. Staff present included Deputy City Manager Terry Childers, CFO Jeff Kersten, Budget Manager Janet Dudding, and Budget Analyst Susan Manna. Guests present included United Way of the Brazos Valley CEO Hank Roraback, and United Way Board President Mike Hoelscher.

2. Presentation, possible action and discussion of a request for funding from the United Way of Brazos Valley. Jeff Kersten gave a brief overview of the nature of the United Way request and an overview of the process resulting in the OAFRC review of the request. Jeff Kersten referenced a letter from previous United Way Board President Mervin Peters (attached) and mentioned that the letter provided a good overview of the timeline of events. Hank Roraback and Mike Hoelscher gave a brief overview of the request as well as an update on the United Way capital campaign.

Sheryl Welford asked the United Way representatives to give an overview of the agencies served locally as well the use of the call center, which they did. Committee members questioned staff regarding what type of recommendation was sought by the City Council. Terry Childers said that City Council direction was for the OAFRC to consider the application and that there were basically three recommendations the committee could provide: recommend approving the request, recommend not

approving the request, or putting forth no recommendation. Don Braune noted that he did not believe the request was in the scope of items the committee should consider and that, essentially, the request had already been approved by the previous Mayors and City Managers of both Bryan and College Station.

Gregg Baird asked for an over of the financial aspects of the request. Hank Roraback explained that the request total was for \$75,000 with \$50,000 from BVSWMA (\$25,000 from College Station and \$25,000 from Bryan) and \$25,000 from Brazos County. Don Braune asked about the revenues generated by BVSWMA and Jeff Kersten explained that revenue is gained from tipping fees from Bryan and College Station as well as all of the surrounding counties.

Gregg Baird made a motion to recommend approving the request for \$50,000 from BVSWMA to the United Way. Stephen Sweet seconded the motion. The motion carried with all in favor. Don Braune abstained from the vote.

3. Adjourn. Sheryl Welford adjourned the meeting at 1:00 p.m.

PASSED AND APPROVED this _____ day of _____, 2007.

APPROVED:

Chairperson

ATTEST:

City Staff Representative



OF THE BRAZOS VALLEY

October 22, 2007

To: Outside Agency Funding Committee
City of College Station, Texas
From: Mervin Peters, Drive Chairman for Capital Campaign
and United Way Chairman, 2006-2007

I regret that I am unable to attend your meeting to review the process and decision involved in the request by United Way to the Cities of College Station and Bryan to jointly approve \$50,000 to reduce/retire an equity note originated for the purpose of acquiring a permanent home for the United Way of the Brazos Valley at 909 Southwest Parkway East in College Station. I have had long-standing plans to attend a reception in New York introducing a recently published book for which my son has had a tangible role in producing the content.

The United Way decided in late 2004 to purchase a permanent headquarters for \$620,000 and to put \$400,000 of the purchase price on a term note amortized over twenty years. This amount was selected because it would allow the United Way to have go forward facilities costs significantly below the multiple facilities previously being utilized. This in turn allows United Way to lower Administrative Costs and increase both the percentage and dollars distributed to our valuable partner Agencies. The efficiencies will only improve over time further benefiting our Agencies.

I agreed to serve as Capital Campaign Chair to raise the balance of \$220,000. I developed a plan and submitted it to the committee appointed to work with me. Membership on that committee included the City Managers of both cities. The plan called for specific sums from Foundations, Individuals and Businesses, and Public Entities. The target sums for Bryan, College Station and Brazos County were \$25,000 each. The plan was accepted by the UW Board in early 2005 and the property was occupied in February 2005. Both City Managers expressed support for the concept and ultimately recommended that a request be submitted to the Brazos Valley Solid Waste Management Agency. Before the application could be processed, the College Station City Manager left his position and then some months later the same occurred in Bryan.

In August 2006, the United Way President and I met with the Mayors of College Station (Aug. 1st) and Bryan (Aug. 7th) and reviewed the entire history and made our request. They both expressed support for the request. Although the Bryan Mayor missed the Aug. 1 meeting due to illness, he was part of a discussion regarding the request at the August 4, 2007 BVSWMA Board meeting and it was agreed that it would be brought up again after he had the opportunity to meet with the United Way to discuss the request in detail. The Mayors subsequently suggested that the actual presentation be delayed, first until after the budget process was completed and later until after the campaigning season for local elections had passed. The College Station Mayor had previously indicated he would take it to the BVSWMA Board since he was

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

currently serving as the President. In March 2007 the CS Mayor requested we submit our formalized request in written form which was provided to The City of College Station on March 27, 2007. I received a call about May 1st from him advising that the BVSWMA Board would be meeting the later part of the following week and I subsequently received a follow up call on May 11th or 12th confirming the meeting and advising that the BVSWMA Board had approved our request.

It was further agreed in the planning stages that Brazos County would be approached once both College Station and Bryan had committed to help. Our meeting with the County occurred on May 18 and led to the Commissioner's Court including the \$25,000 in their budget plans for the 2007-9 budget years.

To date, we have raised over \$160,000 in cash contributions and the equity note has been reduced to \$62,222 as of September 30, 2007. The commitments from College Station, Bryan and Brazos County when funded will make it possible for us to fully retire this obligation and have a few dollars left over to reimburse the operating budget for critical air condition equipment replacements (\$19,631.98) that were unexpectedly needed.

This facility has allowed United Way to be more efficient, have a more prominent presence in the community, deliver more support to our Agencies, and offer meeting facilities and programs to Agencies and the community at large that previously were not possible. The facility has indeed become the foundation for United Way that will allow it to become a dynamic Health and Human Services support organization for the entire Brazos Valley with our partners who support over one hundred thousand local individuals being the primary beneficiaries.

I sincerely hope you will reaffirm the funding decision and recommend to the College Station City Council to proceed with funding as originally approved. Failure to so will place in jeopardy a total of \$75,000 in commitments.

Thank you for your time and consideration

A handwritten signature in cursive script, appearing to read "Muriel Petru".

United Way of the Brazos Valley & Its Partners Clients Served By County---2006

Agency	County										Total
	Brazos	Burleson	Grimes	Leon	Madison	Robertson	Washington	Other			
American Red Cross	174	20	8	12	22	43	N/A	7,500		7,779	
Boy Scouts	1,622	39	119	N/A	102	9	N/A	N/A		1,891	
Boys & Girls Club	1,704	N/A		1,704							
Brazos Food Bank	22,115	1,963	575	0	0	1,298	4,982	31		30,964	
BV Rehab Center	554	30	37	2	24	31	23	27		728	
BVCASA	4,500	N/R		4,500							
CHIP	1,279	203	256	207	129	139	304	0		2,517	
Family Outreach	32,445	N/A	25	N/A	N/A	N/A	N/A	N/A		32,470	
2-1-1	6,541	356	356	316	107	431	338	5,510		13,955	
Girl Scouts	1,236	53	114	73	43	33	N/A	N/A		1,552	
Health For All	2,181	246	474	193	191	157	94	339		3,875	
MHMR	2,639	327	379	191	212	273	516	891		5,428	
North Bryan Comm. Center	205	N/A		205							
Prenatal Clinic	959	12	7	0	2	5	5	0		990	
Project Unity	6,277	906	504	240	475	423	150	236		9,211	
Rape Crisis Center	114	14	21	8	5	44	6	123		335	
Scotty's House	209	16	31	13	19	20	31	63		402	
Twin City Mission	28,563	248	207	64	44	189	203	210		29,728	
Voices For Children	115	N/A		115							
TOTAL	113,432	4,433	3,113	1,319	1,375	3,095	6,652	14,930		148,349	
Percentage	76%	3%	2%	1%	1%	2%	4%	10%		100%	

All Figures Based on Most Recently Completed 12 Month Period.

N/A = County Not In Partner's Service Area.

N/R = Agency Did Not Report Totals In Time.

Some Clients May Utilize More Than One Organization To Receive Assistance.

Some Totals Are Unusually High Due to Hurricane Relief Efforts. Typically the "Other" Column Would be Most Affected by Evacuees.

Totals Include Unduplicated Clients And In Some Cases Group Leaders And Outreach To Those Affected By The Organization.

All Totals Were Provided To United Way By The Corresponding Community Partner.

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.

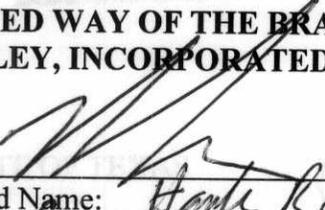
8.19 Unless otherwise specified, written notice shall be deemed to have been duly served if delivered in person or sent by certified mail to the last business address as listed herein. Each party has the right to change its business address by giving at least thirty (30) days advance written notice of 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: 
Printed Name: Monte Rogabade
Title: President/CEO
Date: 9-18-07

BY: _____
Ben White, Mayor
Date: _____

APPROVED:

City Manager

Date



City Attorney

Date

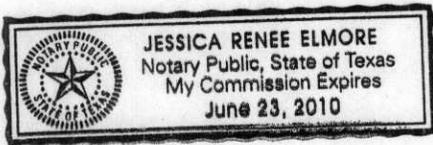
Chief Financial Officer

Date

STATE OF TEXAS)
)
COUNTY OF BRAZOS)

ACKNOWLEDGMENT

This instrument was acknowledged before me on the 18th day of September, 2007, by Hank Rasaback 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

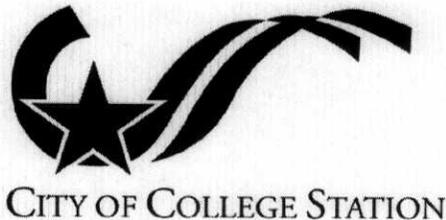
By _____

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 BVSWMMA 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 – BVSWMMA 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 – BVSWMMA 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 BVSWMMA'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 – BVSWMMA, 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.

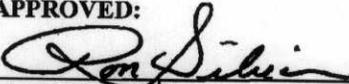
Pete explained the proposed fee increase and new fees for the Rock Prairie Road Landfill and stated the Resolution for the proposed rate increase will go to both the City of Bryan and the City of College Station Councils for approval. There was a sample resolution in the board packet for viewing.

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.

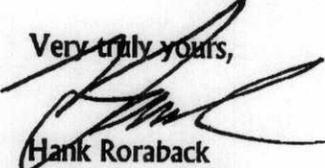
Per our discussions, while a lump sum payment is preferred, we recognize your need to meet multiple responsibilities and if it benefits the Cities, spreading it out in annual increments for up to five years would be perfectly fine.

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*

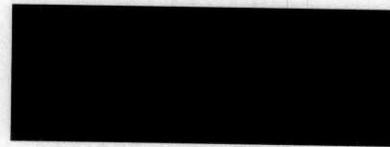
979-696-GIVE PHONE
979-696-4490 FAX
www.uwbv.org

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.

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.

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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

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

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

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 BWSWMA 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 – BWSWMA 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 – BWSWMA 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 BWSWMA'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 – BWSWMA, 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 Wentreck, 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 Wentreck, 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 Wentreck 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 Wentreck 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 Wentreck, second Mark Conlee. The motion passed unanimously.

Agenda Item 4: Presentation, possible action, and discussion on setting fees for the Rock Prairie Road Landfill.

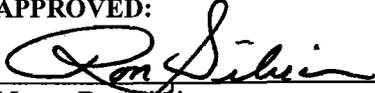
Pete explained the proposed fee increase and new fees for the Rock Prairie Road Landfill and stated the Resolution for the proposed rate increase will go to both the City of Bryan and the City of College Station Councils for approval. There was a sample resolution in the board packet for viewing.

Motion to approve by Mark Conlee, second Mayor Wentreck. 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.

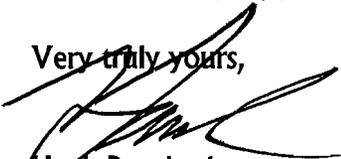
Per our discussions, while a lump sum payment is preferred, we recognize your need to meet multiple responsibilities and if it benefits the Cities, spreading it out in annual increments for up to five years would be perfectly fine.

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

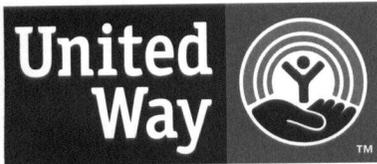
www.uwbv.org

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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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

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

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

November 5, 2007
Consent Agenda Item 2j
Authorize Audit Expenditures

To: Glenn Brown, City Manager

From: Jeff Kersten, Chief Financial Officer

Agenda Caption: Presentation, possible action and discussion to authorize expenditures for Ingram, Wallis & Co. PC for Professional Auditing Services in the amount of \$83,400 for conducting the FY 2007 audit.

Recommendation(s): Staff recommends approval of the expenditure in the amount of \$83,400 to Ingram Wallis & Co., PC for Professional Auditing Services.

Summary: In April 2006 staff solicited proposal for professional auditing services for the fiscal year ending September 30, 2006 with the option of renewing the engagement for up to two (2) subsequent years. The audits are to be performed in accordance with generally accepted auditing standards, the standards set forth for financial audits in the General Accounting Office's (GAO) *Government Auditing Standards* (1994), the provisions of the federal Single Audit Act of 1984 (as amended in 1996), and the provisions of the U.S. Office of Management and Budget (OMB) Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*.

Proposals were received from three accounting firms. A committee consisting of Dr. James Flag, Professor of Accounting at Texas A&M University, Mayor Ron Silvia, Glenn Brown, City Manager, Olivia Burnside, Chief Information Officer, and David Massey, Director of College Station Electric Utility, reviewed the proposals. Ingram, Wallis & Co., P.C. received the highest average score based on the evaluation forms completed by the committee members.

On June 22, 2006 the City Council approved the letter agreement to provide audit services for the fiscal years ended September 30, 2006, 2007, and 2008.

This item is authorizing the expenditures for the current fiscal year since they are over \$50,000.

Budget & Financial Summary: Funds are available and budgeted in the General Fund, Fiscal Services Department.

Attachments: none

November 5, 2007
Consent Agenda Item 2k
First American Boulevard Street Renaming

To: Glenn Brown, City Manager

From: Bob Cowell, Director of Planning and Development Services

Agenda Caption: Presentation, possible action, and discussion on changing the name of FIRST AMERICAN BOULEVARD to MOMENTUM BOULEVARD.

Recommendation(s): Adopt an ordinance to change this street name.

Summary: First American Plaza, which is located on the southeast corner of University Drive East and Copperfield Parkway, was originally being built for First American Bank. The adjacent street was originally named First American Boulevard to maintain the "First American" theme. Since construction was started on this building, First American Bank was sold to Citibank. The owners of the First American Plaza building, Adam Development Properties, LP, will be renaming the building and have requested that the street be renamed to Momentum Boulevard.

The City has communicated this proposed change with 9-1-1 to ensure that this street name is distinct from other roadway names area and 9-1-1 has agreed to the change pending City Council's approval of the ordinance.

Budget & Financial Summary: N/A

Attachments:

1. Guidelines for the Naming of Public Facilities
2. First American Boulevard Renaming Ordinance
3. First American Boulevard Map
4. Renaming Request Letter

REVISED DRAFT GUIDELINES FOR THE NAMING OF PUBLIC FACILITIES

CITY OF COLLEGE STATION, TEXAS

Purpose

The purpose of these guidelines is to establish a systematic and consistent approach for the official naming of public facilities in the City of College Station, including parks, facilities, recreational areas, streets and municipal buildings.

Objectives

- Ensure that parks, facilities, recreational areas, and municipal buildings are easily identified and located.
- Ensure that given names to parks, facilities, recreational areas, and municipal buildings are consistent with the values and character of the area or neighborhood served.
- Encourage public participation in the naming, renaming, and dedication of parks, facilities, recreational areas, and municipal buildings.
- Encourage the dedication of lands, facilities, or donations by individuals and/or groups;
- Advance the reputation of the City as well as increase the understanding and public support for its programs.

Criteria

The practice of the City of College Station is to name parks, recreation areas, facilities, and municipal buildings through an adopted process utilizing the above objectives emphasizing community values and character, local and national history, geography, the environment, civics and service to the City of College Station. Therefore, the following criteria shall be used in determining the appropriateness of the naming designation:

- Neighborhood, geographic, or common usage identification;
- A historical figure, place, event, or other instance of historical or cultural significance;
- National and state historical leaders or heroes, both past and present;
- An individual (living or deceased) (a) who has made a significant land and/or monetary contribution to the park, recreation area, facility, or municipal building or (b) who has had the contribution made "In Memoriam" and when the name has been stipulated as a condition of the donation; or
- An individual (living or deceased) who has contributed outstanding civic service to the City;
- Predominant plant materials;
- Streams, rivers, lakes, and creeks.

Facilities or specialized areas may have a name different from that of the larger park, recreation area, facility, or municipal building.

When feasible, the process to name parks, recreation areas, facilities, and municipal buildings should begin within 12 months after the City has acquired title to the land and/or formally accepted the dedication.

Names that are similar to existing parks, recreation areas, facilities, and municipal buildings should not be considered in order to minimize confusion.

Renaming

The City reserves the right to change the name of a park, recreation area, facility or municipal building to maintain consistency with these guidelines. However, renaming carries with it a much

greater burden of process compared to initial naming. Tradition and continuity of name and community identification are important community values. Each request to rename must meet the criteria of this policy, but meeting all criteria does not ensure renaming.

Procedures

Upon approval of these guidelines by Council, procedures consistent with the guidelines will be developed. It is anticipated that naming/renaming requests will be submitted to the City Manager. The Manager will then forward the request through an appropriate board, committee, or organization or directly to the City Council for approval. (For example, if the naming or renaming request is for a parks facility, the City Manger will submit the request to the Parks and Recreation Advisory Board who will review and make a recommendation. The City Manager will review that recommendation and then submit it to Council for approval.)

The City Council may, upon its own initiative name or rename a City facility without following these guidelines. An individual council member may submit a naming suggestion to the City Manager who will then apply the guidelines and procedures.

ORDINANCE NO. _____

AN ORDINANCE RENAMING FIRST AMERICAN BOULEVARD IN ITS ENTIRETY WITHIN THE CITY LIMITS OF COLLEGE STATION TO MOMENTUM BOULEVARD.

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

- PART 1: That the building on the southeast corner of University Drive East and Copperfield Parkway was named First American Plaza and the adjacent public street was named First American Boulevard.
- PART 2: That First American Bank, the company for which First American Plaza and First American Boulevard was named, was recently sold to Citibank.
- PART 3: That the owner of the First American Plaza building, Adam Development Properties, LP, has requested to rename First American Boulevard to Momentum Boulevard.
- PART 4: That this proposed street renaming meets the guidelines of the public facilities naming policy.
- PART 5: That this ordinance shall become effective ten (10) days after the date of passage by the City Council, as provided by Section 34 of the Charter of the City of College Station.

PASSED, ADOPTED AND APPROVED this fifth day of November 2007.

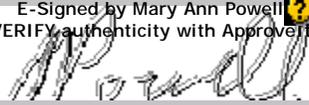
ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:

E-Signed by Mary Ann Powell
VERIFY authenticity with ApproveIt


City Attorney



University Dr East

Copperfield Pkwy

First American Blvd

ADAM DEVELOPMENT

P R O P E R T I E S , L . P .

October 3, 2007

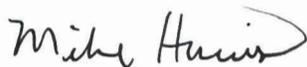
Ken Fogle
Transporation Planner
City of College Station
1101 Texas Ave.
College Station, Texas 77840

RE: Lot 2, Block 1, Crescent Pointe Subdivision
First American Boulevard (private street)

Pursuant to recent emails with Ronnie Horcica of the College Station Police Department, and the City of College Station "Address Committee", Adam Development Properties, L.P. is submitting the following request. With the sale of First American Bank to Citibank, the new building currently under construction at the corner of SH 60 and Copperfield Drive will no longer be named First American Plaza. As such, Adam Development Properties, L.P. would like to request a name change for the private street previously approved and platted as "First American Boulevard" to be renamed as "Momentum Boulevard". Additionally, we would request that the address for the new building be approved as "One Momentum Boulevard".

Thank you in advance for your helpful consideration on this matter. Please feel free to call if you have any questions or concerns.

Sincerely,



Mike Harris
Director of Real Estate

Formerly TAC Realty, Inc.

November 5, 2007
Consent Agenda Item 2L
Spring Creek Substation Change Order Number 1

To: Glenn Brown, City Manager

From: David Massey, Director of Electric Utilities

Agenda Caption: Presentation, possible action, and discussion ratifying Change Order No.1 to Contract 06-284 with Gulf States Inc in the amount not to exceed \$75,934.96 for the Spring Creek Substation project.

Recommendation(s): Staff recommends that Council ratify the Change Order in an amount not to exceed \$75,934.96.

Summary: The Spring Creek Substation is located on Creagor Lane off of Highway 6 South in College Station. The electrical substation is presently energized and will serve customer load in the next few weeks.

Item one consists of bus work and related units in the substation. Additional electrical bus supports were installed on this project instead of the purchase and installation of a third power transformer. This substation is ultimately designed for three power transformers but, due to the sharp increase in materials that effectively doubled transformer costs, staff decided to put off the purchase of the third transformer to a later date. This \$21,676.11 change in the contract will ultimately save the City approximately \$500,000 when the transformer is purchased in the future.

Item two consists of conduit size changes for the underground circuits leaving the substation. This contract change was due to staff's decision to use aluminum power cable in place of the copper cable originally designed for. This resulted in larger conduit sizes being required for the aluminum cable. Copper prices had increased dramatically in price during the course of construction making the use of aluminum conductor a much more prudent and economical choice. This \$13,850.55 contract change resulted in a conductor cost savings of over \$119,000.00 to the City.

Item three involved extra moving costs associated with the wet weather and site stabilization. Due to extensive rain, the substation control building had to be off loaded and stored at location in Bryan until dry weather permitted entry into the site. Additional stabilization of the substation site was also required due to the unseasonably wet weather.

Budget & Financial Summary: The original contract cost for Spring Creek Substation was \$3,642,800.00. Change Order No.1, in the amount of \$75,934.96, reflects a 2.1% increase in the original contract costs for a revised contract total of \$3,718,734.96. Funding for the project is budgeted in the Electric Utility Capital Improvement Projects Fund.

Attachments: 1.Change Order Number 1
2. Vicinity Map

CHANGE ORDER NO. DATE: 10/16/07
 CONTRACT #06-284 PROJECT DESCRIPTION: Spring Creek Substation
 P.O.# 070299 PROJECT # WFO531692

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

CONTRACTOR: Gulf States Inc.
 5541 Bear Lane Suite 206
 Corpus Christi, Tx 78405

Ph: 361 299 6239
 Fax: 361 299 6211

PURPOSE OF THIS CHANGE ORDER:

- Item 1: Additional bus supports, foundations, insulators, bus, and steel changes.
- Item 2: Core drillings, change from copper to aluminum, and grounding for distribution circuits.
- Item 3: Control building changes and control building moving costs associated with wet weather.

ITEM NO.	UNIT	DESCRIPTION	UNIT PRICE	ORIGINAL QUANTITY	REVISED QUANTITY	ADDED COST
1		Additional bus supports	\$21,676.11	0	1	\$21,676.11
2		Distribution circuit changes	\$13,850.55	0	1	\$13,850.55
3		Control building changes and moving costs.	\$40,408.30	0	1	\$40,408.30

THE NET AFFECT OF THIS CHANGE ORDER IS A Increase (Increase or Decrease).

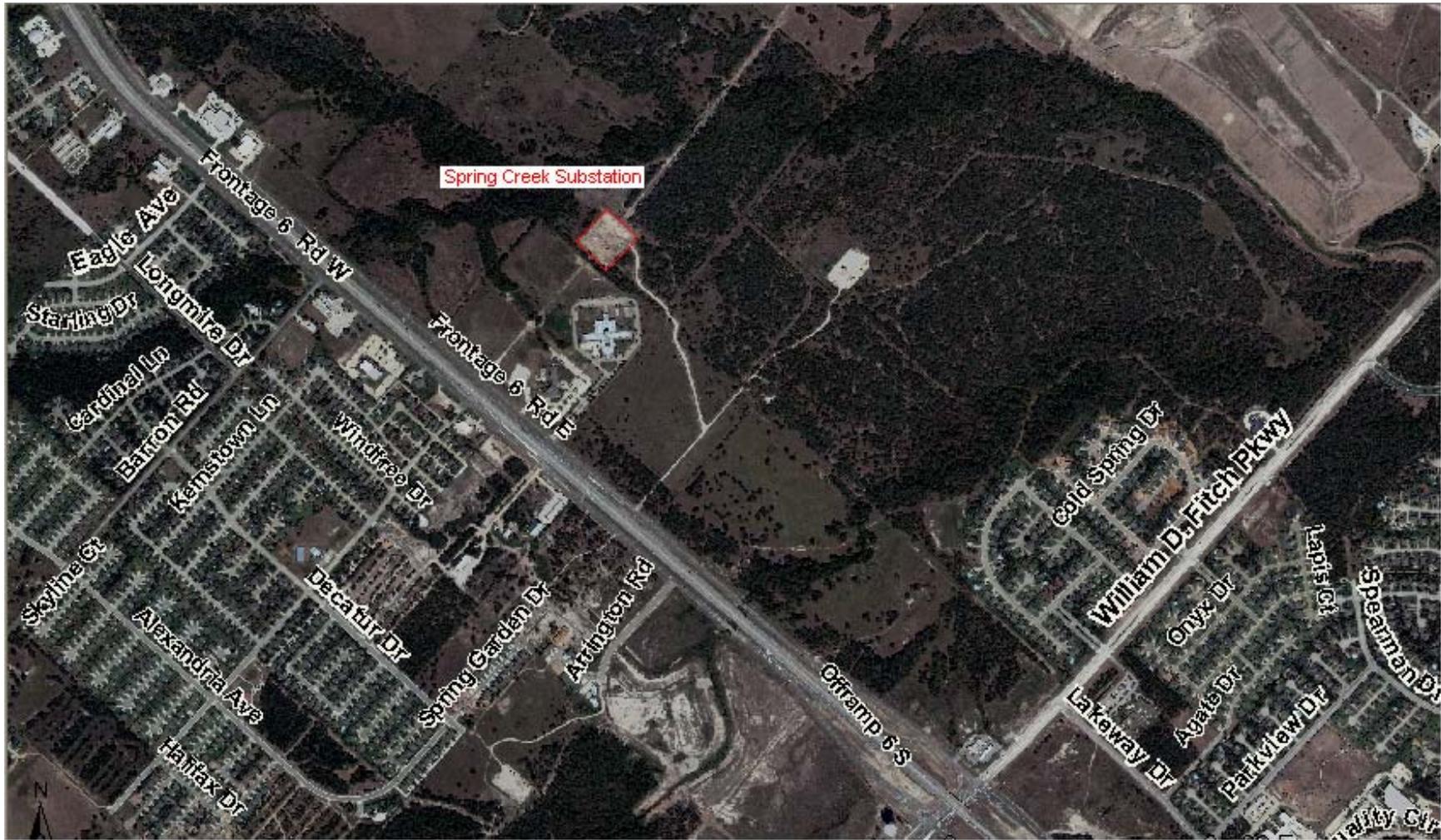
ORIGINAL CONTRACT AMOUNT	\$ 3,642,800.00		
Change Order No. 1	\$ 75,934.96	<u>2.1</u>	% of Original Contract Amount
Change Order No. 2	\$		% of Original Contract Amount
Change Order No. 3	\$		% of Original Contract Amount
REVISED CONTRACT AMOUNT	\$ 3,718,734.96		

ORIGINAL CONTRACT TIME	Days
Change Order No. 1 Time Extension or Reduction	Days
Change Order No. 2 Time Extension or Reduction	Days
Change Order No. 3 Time Extension or Reduction	Days
REVISED CONTRACT TIME	0 Days

ORIGINAL SUBSTANTIAL COMPLETION DATE	Nov. 30, 2007
REVISED SUBSTANTIAL COMPLETION DATE	Nov. 30, 2007

APPROVED:

<u>N/A</u>	_____	Date	_____	Date
A/E CONTRACTOR	<i>[Signature]</i>	10-18-07	CHIEF FINANCIAL OFFICER	<i>[Signature]</i>
CONSTRUCTION CONTRACTOR	<i>[Signature]</i>	10/18/07	CITY ATTORNEY	_____
PROJECT ENGINEER	<i>[Signature]</i>	_____	CITY MANAGER	_____
<u>N/A</u>	_____	Date	MAYOR	_____
CITY ENGINEER	<i>[Signature]</i>	10/18/07	CITY SECRETARY	_____
DEPARTMENT DIRECTOR/ADMINISTRATOR	_____	Date		_____



**November 5, 2007
Consent Item No. 2m
Council Relations Policy**

To: Glenn Brown, City Manager

From: Hayden Migl, Assistant to the City Manager

Agenda Caption: Presentation, possible action, and discussion of Council Relations Policy.

Recommendation(s): Adopt Council Relations Policy as modified by Council discussion during the retreat.

Summary: The Council Relations Policy presented with this item is being brought forward as a result of City Council discussion during their Strategic Planning Retreat in July. The revised Council Relations Policy contains a few additions to the existing document based on the input received from the Council at their retreat. Additions to the policy are underlined and references to the Council Relations Committee were removed since this committee disbanded in 1995.

Budget & Financial Summary: None.

Attachments:

1. Council Relations Policy

Council Relations Policy and Code of Ethics

The College Station City Council is the governing body for the City of College Station; therefore, it must bear the initial responsibility for the integrity of governance. The council is responsible for its own development (both as a body and as individuals), its responsibilities, its own discipline, and its own performance. The development of this policy is designed to ensure effective and efficient governance.

This policy will address mayor and council relations, council and staff relations, and council and media relations. By adopting these guidelines for elected officials, we acknowledge our responsibility to each other, to our professional staff, and to the public. The city council will govern the city in a manner associated with a commitment to the preservation of the values and integrity of representative local government and democracy, and a dedication to the promotion of efficient and effective governing. The following statements will serve as a guide and acknowledge the commitment being made in this service to the community:

1. The council has as high priorities the continual improvement of the member's professional ability and the promotion of an atmosphere conducive to the fair exchange of ideas and policies among members. The governing process will be allowed to work.
2. The council will endeavor to keep the community informed on municipal affairs; encourage communication between the citizens and the city council; strive for strong, working relationships among College Station, Brazos County, Bryan, TAMU, and College Station Independent School District elected officials.
3. In its governance role, the council will continue to be dedicated to friendly and courteous relationships with staff, other council members, and the public, and seek to improve the quality and image of public service. Respect will be shown at all times to citizens, staff, and each other.
4. The council will also strive to recognize its responsibility to future generations by addressing the interrelatedness of the social, cultural, and physical characteristics of the community when making policies.
5. And finally, each council member will make a commitment to improve the quality of life for the individual and the community, and to be dedicated to the faithful stewardship of the public trust. The good of the City will be placed first when the council makes any decision.

Statement of Mission

In order to ensure proper discharge of duties for the improvement of democratic local government, College Station City Council members should display behavior that demonstrates independent, impartial review of all matters addressed by them, and be duly responsible to the citizens of College Station and to each other in their relationships.

Section I: Mayor-City Council Relations

A. Mayor's Responsibilities

1. The mayor shall be the presiding officer at all meetings. The mayor pro-tem shall preside in his/her absence.
2. The mayor shall have a voice in all matters before the council and may vote on all agenda items requiring council action.
3. The mayor shall preserve order and decorum and shall require council members engaged in debate to limit discussion to the question under consideration.
4. The mayor is the spokesperson for the council on all matters unless absent, at which time his/her designee will assume the role.
5. The mayor will encourage all council members to participate in council discussion and give each member an opportunity to speak before any member can speak again on the same subject. The mayor may limit each speaker to five minutes to ensure efficient use of time.
6. The mayor is responsible for keeping the meetings orderly by recognizing each member for discussion, limiting speaking time, encouraging debate among members and keeping discussion on the agenda item being considered.
7. Should a conflict arise among council members, the mayor serves as mediator.
8. All decisions made by the mayor should be respected. The mayor will show fairness to every citizen, staff member and fellow council members.
9. The mayor is responsible for the orientation of all new council members after an election. The orientation shall include council procedures, staff and media relations, current agenda items and municipal leadership training programs.

B. Council Responsibilities

1. Any council member may request the mayor to place an item on the agenda for discussion. Should staff time be required to address this item, the mayor will canvass all council members to determine the support for commitment

of staff time and resources. The same action should be taken by the mayor when council concerns require staff time and budget.

2. Council members will be prepared for each meeting by reading over the agenda and associated background material. Members will also have knowledge of meeting rules to ensure debate remains effective, efficient, and transparent.
3. Council will be fully prepared to be involved in discussions of all issues that come before them. Members will debate in a forthright manner by voicing what is in their heart and mind. However passionate an issue becomes, decisions will not be taken personally and no resentment of past decisions will linger.
4. Each council member is encouraged to attend at least one Texas Municipal League sponsored conference each year in order to stay informed on issues facing municipalities.
5. It is the responsibility of council members to be informed about previous action taken by the council in their absence. In the case of absence from a workshop session where information is given, the individual council member is responsible for obtaining this information prior to the council meeting when said item is to be voted upon.
6. When addressing an agenda item, the council member shall first be recognized by the mayor, confine himself/herself to the question under debate, avoid reference to personalities, and refrain from impugning the integrity or motives of any other council member or staff member in his/her argument or vote.
7. In the absence of a ruling by the mayor on any procedural matter, a council member may move to change the order of business or make any other procedural decision deemed appropriate. The affirmative vote of a majority of the council members present and voting shall be necessary to approve the motion.
8. Any council member may appeal to the council as a whole from a ruling by the mayor. If the appeal is seconded, the person making the appeal may make a brief statement and the mayor may explain his/her position, but no other member may speak on the motion. The mayor will then put the ruling to a vote of the council.
9. Any council member may ask the mayor to enforce the rules established by the council. Should the mayor fail to do so, a majority vote of the council members present shall require him/her to do so.

10. When a council member is appointed to serve as liaison to a board, the council member is responsible for keeping all council members informed of significant board activities.
11. Confidences between council members will not be disclosed. In the event there is a betrayal of confidence, the issue will be discussed with the Mayor and during executive session by disclosing all facts of the incident.

C. Code of Conduct for Mayor and Council Members

1. During the council meetings, council members shall preserve order and decorum, shall not interrupt or delay proceedings, and shall not refuse to obey the orders of the mayor or the rules of the council. Council members shall demonstrate respect and courtesy to each other, to city staff members, and to members of the public appearing before the council. Council members shall refrain from rude and derogatory remarks and shall not belittle staff members, other council members, or members of the public.
2. They should not use their position to secure special privileges and should avoid situations that could cause any person to believe that they may have brought bias or partiality to a question before the council.
3. Members of the council will not condone any unethical or illegal activity. All members of the council agree to uphold the intent of this policy and to govern their actions accordingly.
4. The council will maintain a congenial environment at its meetings and will have fun representing the citizens of College Station.

Section II: Council and Staff Relations

No single relationship is as important as that of the council and their city manager in effectively governing the City of College Station. It is for this reason that the council and the city manager must understand their respective roles in that process. The city manager is the primary link between the council and the professional staff. The council's relationship with the staff shall be through the city manager.

1. In order to ensure proper presentation of agenda items by staff, questions arising from council members after receiving their information packet should be whenever possible, presented to the city manager for staff consideration prior to the council meeting. This allows staff time to address the council member's concern and provide all council members with the additional information.
2. The city manager shall designate the appropriate staff member to address each agenda item and shall see that each presentation is prepared and presented in order to inform and educate the council on the issues which require council action. The presentation should be professional, timely, and allow for

discussion of options for resolving the issue. The staff member making the presentation shall either make it clear that no council action is required, present the staff recommendation, or present the specific options for council consideration. Staff presentations and council discussions will be listened to and evaluated without jumping to conclusions. All viewpoints will be recognized and no decision will be predetermined. Council will honor staff's need for a recess if additional information needs to be made available during a meeting.

3. The city manager is directly responsible for providing information to all the council concerning any inquiries by a specific council member. If the city manager or his/her staff's time is being dominated or misdirected by a council member, it is his/her responsibility to inform the mayor of the concern (any action necessary is covered under Section I A:7).
4. The city manager will be held responsible for the professional and ethical behavior of himself/herself and the discipline of his/her staff. The city manager is also responsible for seeing that his/her staff also receives the education and information necessary to address the issues facing municipal government.
5. Council will not blame staff for unfavorable recommendations. Any conflicts arising between the city staff and the council will be addressed by the mayor and the city manager.
6. All of the rules applicable to council will also be applicable to staff. All staff members shall show each other, each council member, and the public respect and courtesy at all times. They are also responsible for making objective, professional presentations to ensure public confidence in the process.
7. The city manager, after an election, will make sure that staff has prepared information needed for the orientation of new council members and inform them of any Texas Municipal League conferences and seminars available. The city manager will also be responsible for meeting personally with new members and informing them about city facilities and procedures.

Section III: Council and Media Relations

Since the democratic form of government is only successful when the citizens are kept informed and educated about the issues facing their municipality, it is imperative the media play an important role in the council-manager-media relations. It is through an informed public that progress is ensured and good government remains sensitive to its constituents. These guidelines are designed to help ensure fair relationships with print, radio, and television reporters. The council and the city manager recognize that the news media provide an important link between the council and the public. It is the council's desire to establish a professional working relationship to help maintain a well informed and educated citizenry.

1. During the conduct of official business, the news media shall occupy places designated for them or the general public.
2. All reporters will receive an agenda in advance and will be furnished support material needed for clarification if requested.
3. In order to preserve the decorum and professionalism of council meetings, the media are requested to refrain from conversing privately with other people in the audience and to conduct any interviews with the public outside the council chambers while council is in session.
4. Since the government body conducts business differently, it is requested that all reporters new to city council meetings meet with the city manager, mayor, or the media relations representative prior to covering their first meeting to be informed of policies and procedures to help ensure a professional working relationship between the media reporter and the city.
5. On administrative matters, the city manager is the spokesperson, unless he/she has appointed a media relations person to present staff information on the agenda.
6. The mayor, or his/her designee, is the primary spokesperson for the city on matters regarding policy decisions or any council information pertaining to issues on the agenda. In order to ensure fair treatment of an issue, any clarifications requested by the media on the issue should be addressed after the meeting. When opposing positions have been debated, regardless of the outcome, the public is better informed when all sides have adequate coverage by the media. This lets the public know that the item was seriously debated and options discussed before a vote was taken, and helps build confidence in the democratic process.
7. The College Station City Council is made up of six council members and a mayor, each elected by the citizens of College Station. In respect to each council member and his/her constituents, his/her views as presented on an issue before the council should provide equitable representation from all seven members. Even though council members may express differing ideas, equitable representation helps promote unity of purpose by allowing the public to be informed of each member's position during his/her term of office and not only during an election campaign.

We all have the responsibility to protect the integrity of our governing process and therefore, have read and agreed to the above guidelines.

College Station City Council Code of Ethics

The office of elected officials is one of trust and service to the citizens of College Station. This position creates a special responsibility for the College Station city council member. In response to this, the College Station city council is expected to govern this city in a manner associated with a commitment to the preservation of the values and integrity of representative local government and local democracy and a dedication to the promotion of efficient and effective governing. To further these objectives, certain ethical principles shall govern the conduct of every council member, who shall:

1. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the citizens of College Station;
2. Recognize that the chief function of local government at all times is to serve the best interests of all of the people;
3. Be dedicated to public service by being cooperative and constructive, and by making the best and most efficient use of available resources;
4. Refrain from any activity or action that may hinder one's ability to be objective and impartial on any matter coming before the council. Do not seek nor accept gifts or special favors; believe that personal gain by use of confidential information or by misuse of public funds or time is dishonest;
5. Recognize that public and political policy decisions, based on established values, are ultimately the responsibility of the city council, and
6. Conduct business in open, well-publicized meetings in order to be directly accountable to the citizens of College Station. It is recognized that certain exceptions are made by the State for executive sessions; however, any action as a result of that type of meeting will be handled later in open session.

November 5, 2007
Consent Agenda 2n
Construction and Demolition Debris Hauling Franchise

To: Glenn Brown, City Manager

From: Hayden Migl, Assistant to the City Manager

Agenda Caption: Presentation, possible action and discussion on the first reading of a franchise agreement with Budget Rolloffs for collection, hauling and disposal services for residential construction debris solid waste.

Recommendation(s): Staff recommends approval.

Summary: The proposed non-exclusive five (5) year franchise agreement allows for the collection, hauling and disposal services for residential construction and demolition debris generated within the corporate limits of the City of College Station. The franchise agreement ensures the service provided by Budget Rolloffs will not compete with services currently provided by the City.

If approved, Budget Rolloffs will be allowed to place containers not to exceed fifteen (15) cubic yards in volume at residential construction sites for the purpose of collecting, hauling and disposal of construction debris. This company was recently given the opportunity to act as the exclusive waste hauler for Home Depot. This service will be offered to Home Depot customers only and will provide temporary roll off services for disposal of construction materials and general trash.

The roll-off container method allows contractors to keep their construction sites clean during construction and provides a better method of hauling the debris.

Section 120 of the City Charter states that "The City of College Station shall have the power by ordinance to grant any franchise or right mentioned in the preceding sections hereof, which ordinance, however, shall not be passed finally until it shall have been read at three (3) separate regular meetings of the City Council."

Budget & Financial Summary: The franchise agreement requires Budget Rolloffs to pay five percent (5%) of their monthly gross delivery and hauling revenues generated from providing demolition and construction debris roll-off container collection services in the City excluding landfill tipping charges.

Attachments:

1. Franchise Ordinance

ORDINANCE NO. _____

AN ORDINANCE GRANTING BUDGET ROLLOFFS, 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 FROM RESIDENTIAL SITES; 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.

WHEREAS, the City of College Station, by ordinance, provides exclusively all solid waste collection and disposal services for solid waste generated from within the corporate limits of the City of College Station; and

WHEREAS, the City of College Station may, by ordinance and charter, grant franchises to other entities for the use of public streets, alleys and thoroughfares within the corporate limits of the City of College Station and for the collection and disposal of solid waste generated from within the corporate limits of the City of College Station; and

WHEREAS, the City of College Station desires to exercise the authority provided to it by ordinance and charter to grant a franchise for the collection and disposal of a certain classification of solid waste generated within the corporate limits of the City of College Station under the terms of this Franchise Agreement as set out below; and

WHEREAS, BUDGET ROLLOFFS desires to obtain a franchise to provide for the collection, hauling and disposal of construction debris solid waste from the City of College Station;

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

I.
DEFINITIONS

1. Franchise Agreement means this franchise between the City of College Station and BUDGET ROLLOFFS for provision of a residential roll-off container demolition and construction debris collection service within the City of College Station, under certain terms and conditions set out herein.

2. BUDGET ROLLOFFS is a sole proprietorship doing business as BUDGET ROLLOFFS conducting residential waste hauling services.

3. Brazos Valley Solid Waste Management Agency or BVSWMA means a landfill jointly owned by the Cities of Bryan and College Station and operated by the City of College Station on behalf of the cities as authorized through an interlocal agreement.

4. City of College Station or CITY means the City of College Station, Texas a Home-Rule Municipal Corporation incorporated under the laws of Texas.

5. City Council or "COUNCIL" means the governing body of the City of College Station, Texas.

6. Customers means those areas zoned for single family, duplex, and quadraplex uses located within the CITY that generate demolition and construction debris. Not included are multi-family dwellings that are attached to each other such as but not limited to apartments and townhomes.

7. Demolition and Construction Debris means any building material waste resulting from demolition, remodeling, repairs, or construction as well as materials discarded during periodic temporary facility clean-up generated within the CITY.

8. Roll-Off Containers or container means that type of solid waste industry container loaded by winch truck not to exceed fifteen (15) cubic yards in volume.

9. Residential customers means any residential dwelling that is owned or occupied by a resident in the CITY whether as owner, lessee or tenant.

II.

GRANT OF NONEXCLUSIVE FRANCISE

For and in consideration of the compliance by BUDGET ROLLOFFS with the covenants and conditions herein set forth CITY hereby grants to BUDGET ROLLOFFS a NONEXCLUSIVE franchise for use of designated public streets, alleys and thoroughfares within the corporate limits of City for the sole purpose of engaging in the business of collecting only demolition and construction debris from residential customers in those areas zoned for single family, duplex, triplex and quadraplex within the jurisdictional limits of CITY using roll-off containers.

III.

DISPOSAL SITE TO BE USED

Unless approved otherwise in writing by ASSISTANT DIRECTOR OF PUBLIC WORKS, BUDGET ROLLOFFS shall utilize the BVSWMA landfill located on Rock Prairie Road, College Station, Texas or any other site designated for their municipal solid waste disposal for the disposal of all demolition and construction debris collected by

BUDGET ROLLOFFS under this Franchise Agreement. **BUDGET ROLLOFFS shall not dispose of any asbestos or other hazardous wastes at the BVSWMA landfill.**

IV.

RATES TO BE CHARGED BY BUDGET ROLLOFFS

Attached hereto as Exhibit "A" and incorporated herein by reference is the Schedule of Rates, which BUDGET ROLLOFFS shall charge for the aforementioned services. The rates provided herein shall be renegotiated at any time that the costs to the company of doing business have increased, due to the operation of new governmental regulation or due to increased costs of material or labor required to provide the services hereunder, or due to increased costs of disposal in a landfill operation. BUDGET ROLLOFFS agrees to use due diligence to keep costs from increasing.

V.

PAYMENTS TO CITY

For and in consideration of the grant of the franchise herein, BUDGET ROLLOFFS agrees and shall pay to CITY upon acceptance of this Franchise Agreement and thereafter during the term hereof, a sum equivalent to five percent (5%) of BUDGET ROLLOFFS' monthly gross delivery and hauling revenues generated from BUDGET ROLLOFFS' provision of demolition and construction debris roll-off container collection services within the CITY excluding landfill tipping charges. This exclusion is limited only to the amount BVSWMA charges BUDGET ROLLOFFS for landfill tipping charges. Any revenue received by BUDGET ROLLOFFS in excess of the landfill tipping charges will be subject to the franchise fee and shall be computed into BUDGET ROLLOFFS' monthly gross delivery and hauling revenue. Said payment shall be paid quarterly to the City Manager or his delegate and shall be due by the twentieth of the month following the end of the previous quarter. Payment after that date shall incur a ten percent (10%) late fee on the outstanding amount owed under this Article V.

Failure by BUDGET ROLLOFFS to pay any amount due under this franchise constitutes a Failure to Perform under this contract and is subject to the provisions of Article XV of this Franchise Agreement (FAILURE TO PERFORM).

VI.

ACCESS TO RECORDS & REPORTING

CITY shall have the right, upon reasonable notice, to inspect during normal business hours BUDGET ROLLOFFS' records, billing records of those customers served by BUDGET ROLLOFFS and all papers relating to the operation of demolition and construction debris collection and disposal within the CITY. BUDGET ROLLOFFS shall cooperate in allowing CITY to conduct the inspections.

The following records and reports shall be filed quarterly with the City Manager or his delegate:

A. Reports of the results of all complaints and investigations received and action taken by BUDGET ROLLOFFS.

B. A listing of all BUDGET ROLLOFFS accounts served and monthly revenue derived from roll-off containers placed in the CITY under terms of this franchise. The reports will include customer's name, address, frequency of pick-up, size of container, and monthly charges.

VII. PLACEMENT OF ROLL-OFF CONTAINERS

All roll-off containers placed in service shall be located in such a manner so as not to be a safety or traffic hazard. Under no circumstances shall BUDGET ROLLOFFS place containers on public streets, alleys and/or thoroughfares without the prior written approval of the CITY. CITY reserves the right to designate the exact location of any or all roll-off container(s) placed in service in the CITY.

VIII. CONTAINER AND EQUIPMENT MAINTENANCE

BUDGET ROLLOFFS agrees to properly maintain in a safe, clean and sanitary condition, and paint all roll-off containers placed out for service within the CITY.

All equipment necessary for the performance of this franchise shall be in good condition and repair.

All vehicles used by BUDGET ROLLOFFS in the removal of demolition and construction debris shall be covered during transport to prevent spillage, blowing, or scattering of refuse onto public streets or rights of way, private property or adjacent property. A standby vehicle shall always be available.

BUDGET ROLLOFFS' vehicles shall at all times be clearly marked with BUDGET ROLLOFFS' name, address, telephone number and if applicable, state permit number, in letters not less than three (3) inches in height.

IX. COMPLAINTS REGARDING SERVICE/SPILLAGE

BUDGET ROLLOFFS shall handle directly any complaints pertaining to customer service, property damage or personal injury from their roll-off container service. Any such complaints received by CITY shall be forwarded to BUDGET ROLLOFFS within twenty-four (24) hours of their receipt by CITY. BUDGET ROLLOFFS shall respond to all complaints within twenty-four (24) hours of receiving notice of such complaint from CITY, resolve such complaints promptly and shall report to CITY the action taken. Failure by BUDGET ROLLOFFS to respond and report to

CITY on action taken within this twenty-four (24) hour period may subject BUDGET ROLLOFFS to a \$50.00 per incident charge from CITY payable with the next payment due CITY under Article V of this Franchise Agreement.

X.
COMPLIANCE WITH LAWS

BUDGET ROLLOFFS shall comply with all applicable federal, state and local laws, policies, rules and regulations, and ordinances with regard to the collection, hauling and disposal of solid waste, including but not limited to the requirement that all persons on the BVSWMA landfill premises wear a hard hat. All operations conducted by BUDGET ROLLOFFS shall be conducted without unnecessary noise, disturbance, or commotion.

XI.
UNDERSTANDINGS PERTAINING TO NON-EXCLUSIVITY

This Franchise Agreement contains all the terms and conditions agreed on by the parties and no other agreements, or otherwise, regarding the subject matter of this franchise shall be of any force or effect.

Both parties agree and understand that nothing in this Franchise Agreement conveys to BUDGET ROLLOFFS an exclusive franchise for the services described in this franchise and that this franchise is nonexclusive.

XII.
OWNERSHIP OF MATERIALS

BUDGET ROLLOFFS assumes responsibility under this Franchise Agreement for all demolition and construction debris to be collected by it and its customers. Specifically, the City of College Station assumes no ownership, responsibility or obligations of any kind accruing pursuant to this Franchise Agreement with respect to the debris to be collected by BUDGET ROLLOFFS and its customers.

XIII
CITY SERVICE

BUDGET ROLLOFFS agrees to provide free service to CITY following natural disasters or Acts of God.

XIV.
INTERRUPTION OR TERMINATION OF SERVICE

A. Termination in Service. In the event that BUDGET ROLLOFFS terminates service to any customer within the CITY's limit, BUDGET ROLLOFFS must

notify CITY through registered mail within forty-eight (48) hours of termination and state the cause of such termination.

B. Excessive Interruption in Service. If the interruption in service continues for a period of seventy-two (72) hours or more, then it may constitute Failure to Perform under this contract and CITY may invoke the provisions of Article XV of this Franchise Agreement (FAILURE TO PERFORM).

XV.
FAILURE TO PERFORM

It is expressly understood and agreed by the parties that if at any time BUDGET ROLLOFFS shall fail to perform any of the terms, covenants, or conditions herein set forth, CITY may after hearing as described herein, revoke and cancel the Franchise Agreement by and between the parties and said Franchise Agreement shall be null and void. Upon the determination by the staff of CITY that a hearing should be held before the Council of said CITY, CITY shall mail notice to BUDGET ROLLOFFS, at the address designated herein or at such address as may be designated from time to time, by registered mail. The notice shall specify the time and place of the hearing and shall include the allegations being asserted for the revocation of this Franchise Agreement. The hearing shall be conducted in public before the City Council and BUDGET ROLLOFFS shall be allowed to present evidence and given an opportunity to answer all reasons for the termination set forth in the notice. In the event that the Council determines that the allegations set forth are true as set forth in the notice it may by majority vote cancel this Franchise Agreement between the parties at no penalty to the CITY.

**XVI.
INDEMNIFICATION**

In the event CITY is damaged due to the act, omission, mistake, fault or default of BUDGET ROLLOFFS, then BUDGET ROLLOFFS shall indemnify and hold CITY harmless for such damage.

BUDGET ROLLOFFS shall indemnify and hold CITY harmless for any disposal of any solid waste for which the BVSWMA landfill is not permitted whether intentional or inadvertent.

BUDGET ROLLOFFS shall indemnify and hold CITY harmless from any and all injuries to or claims of adjacent property owners caused by BUDGET ROLLOFFS, its agents, employees, and representatives.

BUDGET ROLLOFFS agrees to and shall indemnify and hold the CITY , its officers, agents and employees, harmless from and against any and all claims, losses, damages, causes of action, suits, and liability of every kind and character, including all expenses of litigation, court costs, and reasonable attorney's fees, for injury to or death of any person, or for damage to any property, arising out of or in connection with the services provided and business operated by BUDGET ROLLOFFS under this Franchise Agreement, regardless of whether such injuries, death or damages are caused in whole or in part by the negligence, including but not limited to the contractual comparative negligence, concurrent negligence or gross negligence, of CITY.

**XVII.
INSURANCE**

BUDGET ROLLOFFS shall procure and maintain at its sole cost and expense for the duration of the Franchise Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by BUDGET ROLLOFFS, its agents, representatives, volunteers, employees or subcontractors.

BUDGET ROLLOFFS's insurance coverage shall be primary insurance with respect to the CITY, it's officials, employees and volunteers. Any insurance or self-insurance maintained by the CITY, its officials, employees or volunteers shall be considered in excess of the BUDGET ROLLOFFS's insurance and shall not contribute to it.

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

Certificates of Insurance and endorsements shall be furnished to CITY and approved by CITY before BUDGET ROLLOFFS provides services in the CITY.

A. STANDARD INSURANCE POLICIES REQUIRED

- 1. Commercial General Liability Policy**
- 2. Automobile Liability Policy**
- 3. Worker's Compensation Policy.**

B. GENERAL REQUIREMENTS APPLICABLE TO ALL POLICIES

- 1. General Liability and Automobile Liability insurance shall be written by a carrier with a A- VII or better rating in accordance with the current Best Key Rating Guide.**
- 2. Only Insurance Carriers licensed and admitted to do business in the State of Texas will be accepted.**
- 3. Deductibles shall be listed on the Certificate of Insurance and are acceptable only on a per occurrence basis for property damage only.**
- 4. Claims Made Policies will not be accepted.**
- 5. The City of College Station, its officials, employees and volunteers are to be added as "Additional Insured" to the General Liability and the Automobile Liability policies. The coverage shall contain no special limitations on the scope of protection afforded to the CITY, its officials, employees or volunteers.**
- 6. A Waiver of Subrogation in favor of the City of College Station with respect to the General Liability, Automobile Liability, and Workers' Compensation insurance must be included.**
- 7. Each insurance policy shall be endorsed to state that coverage shall not be suspended, voided, canceled, reduced in coverage or in limits except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City of College Station.**
- 8. Upon request, certified copies of all insurance policies shall be furnished to the City of College Station.**

C. COMMERCIAL GENERAL LIABILITY

- 1. Minimum Combined Single Limit of \$2,000,000 aggregate with \$1,000,000 per occurrence for Bodily Injury and Property Damage.**
- 2. Coverage shall be at least as broad as Insurance service's Office form number CG OO OL.**
- 3. No coverage shall be deleted from the standard policy without notification of individual exclusions being attached for review and acceptance.**

D. AUTOMOBILE LIABILITY

1. **Minimum Combined Single Limit \$1,000,000 combined single limit per occurrence for Bodily Injury Property on any auto.**
2. **The Business Auto Policy must show Symbol 1 in the Covered Autos Portion of the liability section on Item 2 of the declarations page.**

E. WORKER'S COMPENSATION

1. **Worker's Compensation to statutory limits and employer liability of \$500,000/\$500,000/\$500,000 are required.**
2. **City of College Station shall be named as Alternate Employer on endorsement WC 99 09 OI unless written through TWCARP.**
3. **Texas must appear in Item 3A of the Workers' Compensations coverage or Item 3C must contain the following: All States except those listed in Item 3A and the States NV, ND, OH, WA, WV, WY.**

F. CERTIFICATES OF INSURANCE

1. **Certificates of Insurance shall be prepared and executed by the insurance company or its authorized agent, and shall contain provisions representing and warranting the following:**
 - a. **The company is licensed and admitted to do business in the State of Texas**
 - b. **The insurance set forth by the insurance company are underwritten on forms which have been approved by the Texas State Board of Insurance or ISO.**
 - c. **Sets forth all endorsements as required above and insurance coverages as previously set forth herein.**
 - d. **Shall specifically set forth the notice of cancellation, termination, or change in coverage provisions to the City of College Station.**
 - e. **Original endorsements affecting coverage required by this section shall be furnished with the certificates of insurance.**

XVIII.
ASSIGNMENT

This Franchise Agreement and the rights and obligations contained herein may not be assigned by BUDGET ROLLOFFS without the specific prior written approval of the City Council.

XIX.
SAFETY AND LIABILITY FOR INJURIES TO CITY OR ABUTTING PROPERTY

BUDGET ROLLOFFS shall perform the collection in accordance with the applicable laws, codes, ordinances and regulations of the United States, State of Texas, Brazos County, and City of College Station and in compliance with OSHA and other laws as they apply to its employees. It is the intent of the parties that the safety precautions are a part of the collection techniques for which BUDGET ROLLOFFS is solely responsible. In the carrying on of the services herein provided for, BUDGET ROLLOFFS shall use all proper skill and care, and BUDGET ROLLOFFS shall exercise all due and proper precautions to prevent injury to any property, or person(s).

BUDGET ROLLOFFS assumes responsibility and liability and hereby agrees to indemnify and hold the City of College Station harmless from and against any and all claims, losses, property damage, personal injury or death arising out of or in connection with BUDGET ROLLOFFS' failure to comply with applicable federal, state or local laws and regulations, touching upon the maintenance of a safe and protected working environment, and the safe use and operation of machinery and equipment in that working environment.

BUDGET ROLLOFFS shall pay for all damages to City property resulting from the operation of its service and shall pay to every owner of property abutting the residential property on which the container is located that is injured by the operation of the franchise all physical damage caused by any act or omission of BUDGET ROLLOFFS or of any of its subcontractors or employees in the operation of the BUDGET ROLLOFFS service.

XX.
AD VALOREM TAXES

BUDGET ROLLOFFS agrees to render all personal property utilized in its solid waste operation services provided to Brazos County Appraisal District so that said personal property will be the subject of ad valorem taxation for the benefit of CITY.

XXI.
NOTICES AND PAYMENTS

All notices and payments required under the terms of this Contract to be given by either party to the other party shall be in writing, and unless otherwise specified in writing by the respective parties, shall be sent to the parties at the addresses following:

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

Mike Brannon
Owner
Budget Rolloffs
8408 Quebe Road
Brenham, TX 77833

All notices shall be deemed to have been properly served only if sent by Registered or Certified Mail, to the person(s) at the address designated as above provided, or to any other person at the address which either party may hereinafter designate by written notice to the other party.

XXII.
PENALTY

Any person, firm or corporation violating any provision of this ordinance shall be fined not exceeding \$2,000.00 for each offense and each and every day said violation continues constitutes a separate offense.

XXIII.
AMENDMENTS

It is hereby understood and agreed by the parties to this franchise that no amendment to the terms of this franchise shall be made unless made in writing, approved by both parties, and attached to this Franchise Agreement to become a part hereof.

XXIV.
SEVERABILITY

If any section, sentence, clause or paragraph of this Franchise Agreement is for any reason held to be invalid or illegal, such invalidity shall not affect the remaining portions of the Franchise Agreement.

XXV.
AUTHORIZATION TO EXECUTE

The parties signing this Franchise Agreement shall provide adequate proof of their authority to execute this Franchise Agreement. This Franchise Agreement shall inure to the benefit and be binding upon the parties hereto and their respective successors or assigns, but shall not be assignable by either party without the written consent of the other party.

XXVI.
TERM OF FRANCHISE.

The term of this Franchise Agreement shall be for a period of five (5) years beginning on the 11th day of February, 2008.

XXVII.
ACCEPTANCE OF FRANCHISE

This grant of franchise and its terms shall be accepted by BUDGET ROLLOFFS by a written instrument, executed and acknowledged, filed with the City Secretary within thirty (30) days after the date of its passage. The written instrument shall state the acceptance of this franchise and its terms. BUDGET ROLLOFFS shall agree in the instrument to abide by the terms and declare that the statements and recitals in it are correct.

This franchise shall take effect sixty (60) days after the date of its passage by the City Council provided formal acceptance of the terms by BUDGET ROLLOFFS is filed with the City Secretary within the time provided herein.

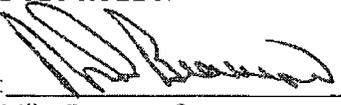
XXVIII.
PUBLIC MEETING

It is hereby found and determined that the meetings at which this ordinance was passed were open to the public, as required by TEXAS GOVERNMENT CODE § 551, as amended, and that advance public notice of time, place, and purpose of said meetings was given.

PASSED. ADOPTED and APPROVED by a majority vote of the City Council of the City of College Station on this the _____ day of _____, 2007.

BUDGET ROLLOFFS

CITY OF COLLEGE STATION

BY: 
Mike Brannon, Owner

BY: _____
Ben White, Mayor

Date: 10-29-2007

Date: _____

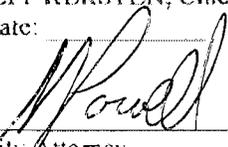
ATTEST:

CONNIE HOOKS, City Secretary
Date: _____

APPROVAL:

GLENN BROWN, City Manager
Date: _____

JEFF KERSTEN, Chief Financial Officer
Date: _____



City Attorney
Date: 11-1-07

First Consideration and Approval: _____

Second Consideration and Approval: _____

Third Consideration and Approval: _____

Exhibit "A"

SCHEDULE OF RATES

10 yard Container (14'L x 8'W x 3'H)	\$195 includes 2 tons
15 yard Container (16'L x 8'W x 4'H)	\$250 includes 3 tons

Exhibit “B”

CERTIFICATES OF INSURANCE

ACORD™ CERTIFICATE OF LIABILITY INSURANCE

OP ID MW
BUDROLL

DATE (MM/DD/YYYY)
10/11/07

PRODUCER VanDyke, Rankin & Company, Inc 211 S. Austin Brenham TX 77833 Phone: 979-836-5636 Fax: 979-836-5059	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW												
INSURED Budget Roll-offs Service, LLC Mike Brannon 8408 Quebe Rd Brenham TX 77833	<table border="1" style="width: 100%;"> <tr> <th style="width: 80%;">INSURERS AFFORDING COVERAGE</th> <th style="width: 20%;">NAIC #</th> </tr> <tr> <td>INSURER A: Burlington Insurance Company</td> <td></td> </tr> <tr> <td>INSURER B: Southern County Mutual Ins. Co</td> <td>27863H</td> </tr> <tr> <td>INSURER C: Texas Mutual Insurance Company</td> <td></td> </tr> <tr> <td>INSURER D:</td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> </table>	INSURERS AFFORDING COVERAGE	NAIC #	INSURER A: Burlington Insurance Company		INSURER B: Southern County Mutual Ins. Co	27863H	INSURER C: Texas Mutual Insurance Company		INSURER D:		INSURER E:	
INSURERS AFFORDING COVERAGE	NAIC #												
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INSURER C: Texas Mutual Insurance Company													
INSURER D:													
INSURER E:													

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	493B002662	02/08/07	02/08/08	EACH OCCURRENCE \$ 1,000,000
	DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000				
					MED EXP (Any one person) \$ 5,000.
					PERSONAL & ADV INJURY \$ 1,000,000
					GENERAL AGGREGATE \$ 2,000,000
					PRODUCTS - COMP/OP AGG \$ Included
B	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	STC571988	02/08/07	02/08/08	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
					BODILY INJURY (Per person) \$
					BODILY INJURY (Per accident) \$
					PROPERTY DAMAGE (Per accident) \$
	GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$
					OTHER THAN AUTO ONLY: EA ACC \$
					AGG \$
	EXCESS/UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE <input type="checkbox"/> RETENTION \$				EACH OCCURRENCE \$
					AGGREGATE \$
					\$
					\$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below OTHER	BINDER	10/12/07	10/12/08	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTH-ER
	E.L. EACH ACCIDENT \$ 1000000				
	E.L. DISEASE - EA EMPLOYEE \$ 1000000				
					E.L. DISEASE - POLICY LIMIT \$ 1000000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
 City of College Station is shown as an additional insured in reference to the general liability & Auto Policices. A waiver of subrogation is added in favor of the City of College Station on the general liability, Auto & Workers Comp. Policies.

CERTIFICATE HOLDER CITCOLL City of College Station P.O. Box 9960 College Station TX 77840	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL <u>30</u> DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE Randy D. Weidemann, LUTCF
--	--

IMPORTANT

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.

November 5, 2007
Regular Agenda Item 1
South Side Parking Restrictions

To: Glenn Brown, City Manager

From: Mark Smith, Director of Public Works

Agenda Caption: Presentation public hearing, possible action, and discussion on consideration of an ordinance amending Chapter 10, "Traffic Code," to restrict parking on certain sections of the streets in the South Side area per a request from the Oakwood Neighborhood Association.

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

Summary: At the June 28th City Council meeting, staff presented an item that proposed the removal of parking at selected intersections in the south side area to improve emergency vehicle access and sight distance issues. Many residents from the Oakwood Neighborhood attended the meeting to show support for the parking restriction, but requested that more parking be removed. At that meeting, Council members directed staff to work with the Oakwood Neighborhood Association to implement the plan they proposed with the modification of the two hour parking and implement the notification process of the effected properties. Council members expressed the urgency to place this item on a future City Council meeting.

The neighborhood's proposed plan is outlined below:

1. Suffolk Avenue – Extend the existing NO PARKING on the west side of Suffolk Avenue from its current end point to Park Place.
2. Pershing Avenue – Extend the existing NO PARKING on the west side of Pershing Avenue from its current end point to Park Place. Extend the existing NO PARKING on the east side of Pershing from the current end point to Burt Street.
3. Pershing Drive – NO PARKING on the east side of Pershing Drive beginning at the intersection with Park Place and extending south 150 feet.
4. Lee Avenue – NO PARKING on the east side of Lee Avenue from the current end of the 2-hour NO PARKING zone to Park Place.
5. Timber Street – Extend the existing NO PARKING on the west side of Timber Street from its current end point to Park Place.
6. Burt Street – NO PARKING on the north side of Burt Street beginning at Pershing Avenue and extending 525 feet west.
7. Shetland Street – NO PARKING on the south side of Shetland Street from Pershing Avenue to Lee Avenue.

Budget & Financial Summary: The "No Parking" signs are planned operation and maintenance expenses accounted for in the Public Works Traffic Operation budget.

Attachments:

1. Ordinance
2. Location Map

ORDINANCE NO. _____

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 SOUTHSIDE AREA; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1: That Chapter 10, "Traffic Code", of the Code of Ordinances of the City of College Station, Texas, be amended by amending schedule XII as referenced in subsection E.2 of Section 4 thereof as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.

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

PART 3: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed liable for a civil offense and, upon a finding of liability thereof, shall be punished by a civil penalty of not less than One Dollar (\$1.00) nor more than Five Hundred Dollars (\$500.00). Said Ordinance becomes effective ten (10) days after 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 the Traffic Control Device Inventory - Schedule XII as referenced in Chapter 10, “Traffic Code”, Section 4, “Administrative Adjudication of Parking Violations,” Sub-section E is hereby amended to include the following:

“Suffolk Avenue – Extend the existing NO PARKING on the west side of Suffolk Avenue from its current end point to Park Place.

Pershing Avenue – Extend the existing NO PARKING on the west side of Pershing Avenue from its current end point to Park Place. Extend the existing NO PARKING on the east side of Pershing from the current end point to Burt Street.

Pershing Drive – NO PARKING on the east side of Pershing Drive beginning at the intersection with Park Place and extending south 150 feet.

Lee Avenue – NO PARKING on the east side of Lee Avenue from the current end of the 2-hour NO PARKING zone to Park Place.

Timber Street – Extend the existing NO PARKING on the west side of Timber Street from its current end point to Park Place.

Burt Street – NO PARKING on the north side of Burt Street beginning at Pershing Avenue and extending 525 feet west.

Shetland Street – NO PARKING on the south side of Shetland Street from Pershing Avenue to Lee Avenue.”

George Bush Dr.

Oakwood
Neighborhood
Boundary

Legend

- Existing NO PARKING
- Existing 2 HR NO PARKING
- Proposed NO PARKING

Shetland St.

Burt St.

Suffolk Ave.

Pershing Ave.

Lee Ave.

Timber St.

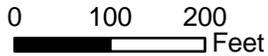
Park Place

Pershing Dr.

Glade St



Proposed No Parking Areas



**November 5, 2007
Regular Agenda Item 2
Single-Family Overlays**

To: Glenn Brown, City Manager

From: Bob Cowell, AICP, Director of Planning & Development Services

Agenda Caption: Public hearing, presentation, possible action, and discussion on single family overlay ordinance amendments to the Unified Development Ordinance, Sections 3.2, Zoning Map Amendment (Rezoning), 4.1, Establishment of Districts, 7.1.D, Required Yard (Setbacks), and 11.2, Defined Terms, the addition Section 5.9, Single-Family Overlay Districts, and amendment to the Subdivision Regulations, Section 18-A.1, Platting and Replatting Within Older Residential Subdivisions as they relate to the creation of Single-Family Overlay Districts.

Recommendation(s): The Planning and Zoning Commission unanimously recommended approval of the ordinance amendments with the suggestion that the definition of a neighborhood be changed to include a minimum number of homes in a minimum area to be defined by Staff.

Summary: At the direction of City Council, Staff has been working on a series of neighborhood protection efforts. Most recently this included a presentation from the City of Bryan on their neighborhood conservation efforts. This specific proposal is focused on the creation of overlay districts which support neighborhood protection efforts across the City. The proposed language would create two different overlays for single-family areas. The intent of these ordinances is to provide additional options to older, established neighborhoods for the protection against incompatible infill and redevelopment. The districts would require the support of 60% of property owners in the neighborhood.

Neighborhood Prevailing Overlay District (NPO): This district is intended to provide set standards that can be used over existing R-1 neighborhoods. Standards address setbacks, lot size, building height, lot coverage, garage location and orientation, tree preservation and landscape maintenance. Infill, redevelopment, and additions to existing homes would be required to meet the median standard of development in the district.

Neighborhood Conservation Overlay District (NCO): This district is intended to provide a range of options for neighborhoods to customize to individual needs. This menu of options includes the standards from the NPO District as well as the addition of garage connection, off-street parking, building materials, and fencing materials. The Conservation Overlay standards must be based on the findings of the existing patterns of development outlined in the Conservation Study. Because a study is required, additional neighborhood input is required through a stakeholder committee. Due to the time it would take to complete a study, a NPO district could be used as an interim overlay.

Staff hosted two community meetings on September 18th to receive input on the proposed language. The majority of those comments were in general support for more options for neighborhood protection and were in favor of the amendments. Some of the issues brought up include:

- Defining the area of the neighborhood
- Balancing redevelopment goals with preserving neighborhoods
- Increased cost and time for permits
- Cost and time for Conservation Studies

At the Planning and Zoning Commission, 3 citizens spoke in favor of adding a limitation on the number of unrelated people that can reside in a single-family residence. The Planning and Zoning Commission also had discussion on raising the minimum percentage of approval by the neighborhood for a district, however no condition was forwarded to the Council.

Budget & Financial Summary: N/A

Attachments:

1. Public Comments
2. Draft Planning and Zoning Commission Meeting Minutes, October 4, 2007
3. UDO Ordinance Option 1 – Staff definition of neighborhood
4. UDO Ordinance Option 2 – Amended definition of neighborhood
5. Subdivision Regulations Ordinance

Public Comment:

- § Definition of a neighborhood should not be based on the plat, should be open for determination based on character. (Cooper)
- § Need to make sure that the overlay is not in conflict with the deed restrictions for an area - may need more than 60% to approve. (Arden)
- § City should look into requiring that deed restrictions be put in place for new neighborhoods to address aesthetic issues so that we don't have to deal with character issues in the future. (Berry)
- § 60% is too low. Need to look at the affect that the changes would have on property taxes - residents are paying for the future value based on recent new development in their areas. (Vessali)
- § This is too much government restriction. Should set a maximum or minimum based on the actual maximum and minimum in the neighborhoods, not the median - wants to be able to do what the "last guy" did. Need to consider property rights - deed restrictions should be enough. He is ok with lowering the number of un-related that may reside together. (Levintis)
- § Use maximum height and minimum lot size (Levinitis)
- § Use median height (Jessup)
- § 60% is too high. It will be hard to find 60% of the property owners in areas that may really need the overlay. (Berry)
- § How will we determine the need for redevelopment of an area with the need for protection - who will decide? (Arden)
- § Should include increasing off-street parking into Prevailing District (Perryman)
- § Should lower the number of unrelated people (Perryman)
- § Change 60% of property to owners, to those shown in current tax records.
- § Instead of median provide way to do 90 to 110% of median (Haskins)
- § Provide a way to undo the district (Haskins)



DRAFT MINUTES
PLANNING AND ZONING COMMISSION
Regular Meeting
Thursday, October 4, 2007,
at 7:00 p.m.
City Hall Council Chambers
1101 Texas Avenue
College Station, Texas

COMMISSIONERS PRESENT: Chairman John Nichols, Derek Dictson, Glenn Schroeder, Marsha Sanford and Noel Bauman

COMMISSIONERS ABSENT: Harold Strong and Bill Davis

CITY COUNCIL MEMBERS PRESENT: David Ruesink

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, Assistant Director Lance Simms, Planning Administrator Molly Hitchcock, First Assistant City Attorney Carla Robinson, Information Services Representative Dan Merkel, Staff Assistant Brittany Korthauer

8. Public hearing, presentation, possible action, and discussion on amendments to the Unified Development Ordinance, Sections 3.2, Zoning Map Amendment (Rezoning), 4.1, Establishment of Districts, 5.2, Residential Dimensional Standards, 7.1.D, Required Yard (Setbacks), and 11.2, Defined Terms, the addition of Section 5.9, Single-Family Overlay Districts, and an amendment to the Subdivision Regulations, Section 18-A.1, Platting and Replatting Within Older Residential Subdivisions as they relate to the creation of Single-Family Overlay Districts. **Case #07-0500209 (LB)**

Lindsay Boyer, Senior Planner, presented the ordinance amendments that relate to the creation of Single-Family Overlay Districts. She answered questions in general from the Commission.

Gaines West, 200 Suffolk Avenue, College Station, Texas spoke in favor of the Single-Family Overlay Districts.

The following citizens expressed concern regarding the Single-Family Overlay Districts: Jerry Cooper, 602 Bell, College Station, Texas; John Ellison, 2705 Brookway, College Station, Texas; Chris Rhode, 8414 Shadow Oaks, College Station, Texas. Some of the concerns were the number of unrelated people in a

residence, boundaries of the district, and the 60 percent approval rate needed from Home Owner's Associations.

Ms. Boyer informed the Commission that the number of unrelated people residing in a residence is not included in the ordinance amendments being presented.

Commissioner Dictson expressed concern about the 60 percent approval rate stating that percentage rate should be higher.

Commissioner Bauman expressed concerns about the fees related to the application.

Commissioner Dictson motioned to approve the amendments to the Unified Development Ordinance and the Subdivision Regulations with the consideration that there is more flexibility in boundaries and the approval rate in Section 3.2.C. be increased to a minimum of 66 percent. Commissioner Sanford seconded the motion.

Commissioner Sanford withdrew her second to the motion stating that the 60 percent approval rate should not be changed.

The motion failed because of lack of a second.

Commissioner Dictson motioned to approve the amendments to the Unified Development Ordinance and the Subdivision Regulations with the consideration that staff increases the flexibility in drawing the boundaries of adjacent properties. Commissioner Schroeder seconded the motion, motion passed (5-0).

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE," SECTION 3.2, "ZONING MAP AMENDMENT," SECTION 4.1, "ESTABLISHMENT OF DISTRICTS," SECTION 5.2, "RESIDENTIAL DIMENSIONAL STANDARDS," SECTION 7.1.D(1), "REQUIRED YARDS, PURPOSE AND INTENT," AND SECTION 11.2, "DEFINED TERMS," AND ADDING SECTION 5.9, "SINGLE-FAMILY OVERLAY DISTRICTS," OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1: That Chapter 12, "Unified Development Ordinance," Section 3.2, "Zoning Map Amendment," Section 4.1, "Establishment of Districts," Section 5.2, "Residential Dimensional Standards," Section 7.1.D(1), "Required Yards, Purpose and Intent," and Section 11.2, "Defined Terms," and adding Section 5.9, "Single-family Overlay Districts," 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 if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

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

PASSED, ADOPTED and APPROVED this _____ day of _____, 2007.

APPROVED:

MAYOR

ATTEST:

City Secretary

APPROVED:



City Attorney

EXHIBIT “A”

I.

That Chapter 12, “Unified Development Ordinance,” Section 3.2, “Zoning Map Amendment,” of the Code of Ordinances of the City of College Station, Texas, is hereby amended by amending Section 3.2, “Zoning Map Amendment,” to read as follows:

3.2 Zoning Map Amendment (Rezoning)

A. Purpose

To establish and maintain sound, stable, and desirable development within the territorial limits of the City, the Official Zoning Map may be amended based upon changed or changing conditions in a particular area or in the City generally, or to rezone an area or extend the boundary of an existing zoning district. All amendments shall be in accordance with the Comprehensive Plan, which may be amended according to the procedure in Section 3.19, Comprehensive Plan Amendment.

B. Initiation of Amendments

An amendment to the Official Zoning Map may be initiated by:

1. City Council on its own motion;
2. The Planning and Zoning Commission;
3. The Administrator; or
4. The property owner(s).

C. Amendment Application

A complete application for a zoning map amendment shall be submitted to the Administrator as set forth in Section 3.1.C, Application Forms and Fees. Application requests for a Planned Development District (PDD) and Planned Mixed-Use District (P-MUD) shall provide the following additional information:

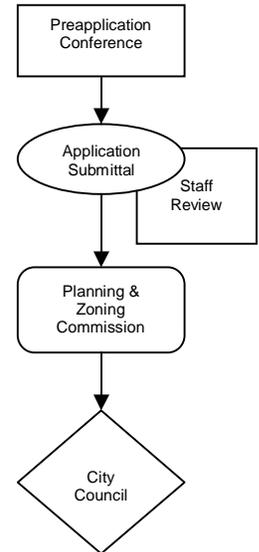
1. A written statement of the purpose and intent of the proposed development;
2. A list and explanation of the potential land uses permitted; and
3. A concept plan as described in Section 3.4, Concept Plan Review (PDD and P-MUD Districts).

Application requests for a Neighborhood Prevailing Overlay District (NPO) shall provide the following additional information:

1. An original plat of the subdivision; and
2. A petition including dated signatures by sixty percent (60%) of current property owners in the subdivision in support of the overlay; and
3. Contact information for all Neighborhood Association or Homeowners Association committee members.

Application requests for a Neighborhood Conservation Overlay District (NCO) shall provide the following additional information:

1. An original plat of the subdivision;
2. A petition including dated signatures by sixty percent (60%) of the property owners in the subdivision in support of the overlay;
3. Contact information for all Neighborhood Association or Homeowners Association committee members;
4. A list of six (6) property owners in the neighborhood to serve on neighborhood stakeholder committee; and



5. A checklist of the proposed items to be included in the Conservation Study.

D. Approval Process

1. Preapplication Conference

Prior to the submission of an application for a Zoning Map Amendment, all potential applicants shall request a Preapplication Conference with the Administrator. The purpose of the conference is to respond to any questions that the applicant may have regarding any application procedures, standards, or regulations required by this UDO.

If the Administrator determines that the map amendment request is not in conformity with the Comprehensive Plan, he shall not accept the application for the map amendment, and no further processing shall occur until the map amendment is in conformity or a request for an amendment to the Comprehensive Plan eliminating the lack of conformity has been submitted by the applicant.

2. Neighborhood Meeting

Prior to the submission of an application for a Zoning Map Amendment for a NPO or NCO Overlay Rezoning, all potential applicants shall request to set up a Neighborhood Meeting with City Staff. The purpose of the meeting is to present information about the proposed overlay and explain the process of rezoning to the neighborhood.

3. Review and Report by Administrator

Once the application is complete, the Administrator shall review the proposed amendment to the Official Zoning Map in light of the Comprehensive Plan, subject to the criteria enumerated in Article 4, Zoning Districts, and give a report to the Planning and Zoning Commission on the date of the scheduled public hearing.

4. Referral To Planning and Zoning Commission

The Administrator, upon receipt of petition to amend the Official Zoning Map, shall refer the same to the Commission for study, hearing, and report. The City Council may not enact the proposed amendment until the Planning and Zoning Commission makes its report to the City Council.

5. Recommendation by Planning and Zoning Commission

The Planning and Zoning Commission shall publish, post, and mail public notice in accordance with Section 3.1.F, Required Public Notice. The Commission shall hold a public hearing and recommend to the City Council such action as the Commission deems proper.

6. City Council Action

a. Notice

The City Council shall publish, post, and mail public notice in accordance with Section 3.1.F, Required Public Notice, and hold a public hearing before taking final action on a petition to amend the Official Zoning Map.

b. Public Hearing

The City Council shall hold a public hearing and approve, approve with modifications, or disapprove the application to amend the Official Zoning Map.

c. Effect of Protest to Proposed Amendment

If a proposed change to this UDO or rezoning is protested in accordance with Chapter 211 of the Texas Local Government Code, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the City Council. The protest must be written and signed by the

owners of at least 20 percent of either the area of lots covered by the proposed change, or of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

d. Review Criteria

In determining whether to approve, approve with modifications, or disapprove the proposed Official Zoning Map amendment, the City Council shall consider the following matters regarding the proposed amendment:

- 1) Consistency with the Comprehensive Plan;
- 2) Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood;
- 3) Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment;
- 4) Suitability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment;
- 5) Marketability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment; and
- 6) Availability of water, wastewater, stormwater, and transportation facilities generally suitable and adequate for the proposed use.

E. Limitation on Reapplication

If a petition for rezoning is denied by the City Council, another petition for reclassification of the same property or any portion thereof shall not be considered within a period of 180 days from the date of denial, unless the Planning and Zoning Commission finds that one of the following factors are applicable:

1. There is a substantial change in circumstances relevant to the issues and/or facts considered during review of the application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the application;
2. New or additional information is available that was not available at the time of the review that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed;
3. A new application is proposed to be submitted that is materially different from the prior application (e.g., proposes new uses or a substantial decrease in proposed densities and intensities); or
4. The final decision on the application was based on a material mistake of fact

F. Repeal of a Single-Family Overlay District

A repeal of a single-family overlay district may be initiated by:

1. City Council on its own motion;
2. The Planning and Zoning Commission;
3. The Administrator; or
4. By petition of sixty percent (60%) of the property owner(s) in the subject district.

A repeal of a single-family overlay district is considered a rezoning and is subject to the Zoning Map Amendment requirements herein.

II.

That Chapter 12, “Unified Development Ordinance,” Section 4.1, “Establishment of Districts,” of the Code of Ordinances of the City of College Station, Texas, is hereby amended by amending Section 4.1, “Establishment of Districts,” to read as follows:

4.1 Establishment of Districts

For the purpose of this UDO, portions of the City, as specified on the Official Zoning Map of the City, are hereby divided into the zoning, design, and overlay districts enumerated below. The intensity regulations applicable for such zoning districts are designated in Article 5 and the use regulations are designated in Article 6 of this UDO.

Residential 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	
Non-Residential Zoning Districts		
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 & Development	
Planned Districts		
P-MUD	Planned Mixed-Use District	
PDD	Planned Development District	
Design Districts		
WPC	Wolf Pen Creek Development Corridor	
Northgate	NG-1	Core Northgate
	NG-2	Transitional Northgate
	NG-3	Residential Northgate
Overlay Districts		
OV	Corridor Overlay	
RDD	Redevelopment District	
KO	Krenek Tap Overlay	
NPO	Neighborhood Prevailing Overlay	
NCO	Neighborhood Conservation Overlay	

III.

That Chapter 12, “Unified Development Ordinance,” Section 5.2, “Residential Dimensional Standards,” of the Code of Ordinances of the City of College Station, Texas, is hereby amended by amending Section 5.2, “Residential Dimensional Standards,” to read as follows:

5.2 Residential Dimensional Standards

The following table establishes dimensional standards that shall be applied within the Residential Zoning Districts, unless otherwise identified in this UDO.

	Residential Zoning Districts									Accessory Structures
	A-0	A-OR	R-1 (J)	R-1B	R-2	R-3	R-4	R-6	R-7	
Min. Lot Area per Dwelling Unit (DU)	5 Acres	1 Acre	5,000 SF	8,000 SF	3,500 SF	2,000 SF	None	None		
Min. Lot Width	None	None	50'	None	35'/DU(E)	None	None	None		Refer to Section 6.4. Accessory Uses
Min. Lot Depth	None	None	100'	None	100'	None	None	None		
Min. Front Setback (H)	50'	50'	25'(D)	25'(D)	25'(D)	25'(D)	25'(D)	25'(D)		
Min. Side Setback	20'	20'	7.5'	7.5'(C)	7.5'(C)	(A)	(A)(B)	(A)(B)		
Min. Street Side Setback	15'	15'	15'	15'	15'	15'	15'	15'		
Min. Side Setback between Structures (B)			15'	15'	15'	7.5'	7.5'	7.5'		
Min. Rear Setback (I)	50'	50'	20'	20'	20'(F)	20'	20'	20'		
Max. Height	35'	35'	2.5 Stories/ 35'	2.5 Stories/ 35'	2.5 Stories/ 35'	35'	G	G		
Max. Dwelling Units/Acre	0.2	1.0	8.0	6.0	12.0	14.0	20.0	30.0	10.0	

Notes:

- (A) A minimum side setback of 7.5 feet is required for each building or group of contiguous buildings.
- (B) Lot line construction on interior lots with no side yard or setback is allowed only where the building is covered by fire protection on the site or by dedicated right-of-way or easement.
- (C) Zero lot line construction of a residence is allowed where property on both sides of a lot line is owned and/or developed simultaneously by single party. Development under lot line construction requires prior approval by the Zoning Official. In no case shall a single-family residence or duplex be built within 15 feet of another primary structure. See Article 8, Subdivision Design and Improvements, for more information.
- (D) Minimum front setback may be reduced to 15 feet when approved rear access is provided, or when side yard or rear yard parking is provided.
- (E) The minimum lot width for a duplex dwelling may be reduced to 30 feet per dwelling unit when all required off-street parking is provided in the rear or side yard.
- (F) Minimum rear setback may be reduced to 15 feet when parking is provided in the front yard or side yard.
- (G) Shall abide by Section 7.1.H, Height.
- (H) Reference Section 7.1.D.1.e for lots created by plat prior to July 15, 1970.
- (I) Reference Section 7.1.D.1.b for lots with approved rear access.
- (J) Reference Section 5.9 for areas in Neighborhood Prevailing Standards Overlay Districts and reference Ordinance authorizing the rezoning for Neighborhood Conservation Overlay Districts.

IV.

That Chapter 12, “Unified Development Ordinance,” Section 7.1.D(1), “Required Yards, Purpose and Intent,” of the Code of Ordinances of the City of College Station, Texas, is hereby amended by amending Section 7.1.D(1), “Required Yards, Purpose and Intent,” to read as follows:

D. Required Yards (Setbacks)

1. Purpose & Intent

- a) Setbacks are measured from the property line;
- b) On lots with approved rear access, the rear setback shall be measured from the nearest boundary of the access easement or alley;
- c) No structure that is taller than eight feet in height and that has a roof structure that completely or partially blocks the view to the sky shall be located within the required setback area unless specifically allowed herein;
- d) No part of a yard or other open space required in connection with any building, building plot, or use for the purpose of complying with this UDO, shall be included for any other building, building plot, or use as part of a yard or open space; and
- e) Where an existing block was created by an approved plat prior to July 15, 1970, a new (infill) single-family dwelling unit shall use the adjacent lots to determine the appropriate front yard setback. The new dwelling unit shall be set no closer to the street or farther back from the street than the nearest neighboring units. Areas zoned NPO, Neighborhood Prevailing Overlay District are exempt from this requirement. Setbacks for areas zoned NCO, Neighborhood Conservation Overlay are stated in the specific rezoning ordinance for the area.

V.

That Chapter 12, “Unified Development Ordinance,” Section 11.2, “Defined Terms,” of the Code of Ordinances of the City of College Station, Texas, is hereby amended by amending Section 11.2, “Defined Terms,” to add the following definitions:

11.2 Defined Terms

For the purpose of this UDO, certain words as used herein are defined as follows:

Blockface: That portion of a block or tract of land facing the same side of a single street and lying between the closest intersection streets

Conservation Study: Study of existing conditions used for a Neighborhood Conservation Overlay. The items evaluated in a Conservation Study are chosen by the Neighborhood Stakeholder Committee and reflect the individual concern of the neighborhood for additional regulation.

Lot coverage: A measure of intensity of land use that represents the portion of a site that is impervious. This portion includes but is not limited to all areas covered by buildings, parked structures, driveways – gravel or paved, roads, and sidewalks.

Median: The middle number in a set of numbers where one-half of the numbers are less than the median number and one-half of the numbers are greater than the median number. For example, 4 is the median number of 1, 3, 4, 8, and 9. If the set of numbers has an even number of numbers, then the median is the average of the two middle numbers. For example, if the set of numbers is 1, 3, 4, 6, 8, and 9, then the median is the average of 4 and 6, or 5.

Neighborhood: A subarea of the city in which the residents share a common identity focused around a school, park, community business center, or other feature. For the purpose of Single Family Overlay Districts, a neighborhood must include all that area within the original subdivision plat or phase of a subdivision that is zoned for single family residential.

Neighborhood Character: The atmosphere or physical environment which is created by the combination of land use and buildings within an area. Neighborhood character is established and

influenced by land-use types and intensity, traffic generation, and also by the location, size and design of structures as well as the interrelationship of all these features.

Neighborhood Stakeholder Committee: A committee of at least 6 property owners within a proposed Neighborhood Conservation Overlay District and the Administrator. The committee provides input from the neighborhood and assists City Staff in conducting a Conservation Study and evaluating the options for regulation as listed in Section 5.9.

V.

That Chapter 12, “Unified Development Ordinance,” Article 5, “District Purpose Statements and Supplemental Standards,” of the Code of Ordinances of the City of College Station, Texas, is hereby amended by adding Section 5.9, “Single-Family Overlay Districts,” to read as follows:

5.9 Single-Family Overlay Districts

A. Purpose

Single-Family Overlay Districts are intended to provide additional standards for new construction and redevelopment in established neighborhoods. College Station’s older, established neighborhoods provide a unique living environment that contribute to the stability and livability of the City as a whole. These standards are intended to promote development that is compatible with the existing character of the neighborhood and preserve the unique characteristics of College Station’s older neighborhoods while balancing the need for the redevelopment of vacant or underutilized property.

The underlying zoning district establishes the permitted uses and shall remain in full force, and the requirements of the overlay district are to be applied in addition to the underlying use and site restrictions.

B. Applicability

The Single-Family Overlay Districts may only be applied to neighborhoods zoned and developed for single-family residences.

C. General Provisions

1. The yard, lot, and open space regulations of the Single-Family Overlay Districts must be read in accordance with the yard, lot, and open space regulations in Section 5.2, Residential Dimensional Standards and Section 7.1.D, Required Yards. In the event of a conflict between the Single-Family Overlay Districts and these sections, the Single-Family Overlay District controls.
2. The area of a Single-Family Overlay District must include the entire area of the originally platted subdivision or phase of a subdivision that is also zoned for single family residences.
3. Petition for a Single-Family Overlay District must be signed by at least sixty percent (60%) of the total number of property owners in the proposed district area.
4. Single-Family Overlay Districts may not apply to neighborhoods originally platted in the last ten (10) years.

D. Districts

1. Neighborhood Prevailing Overlay District (NPO)

a. Purpose

This district is intended to provide standards that preserve single-family neighborhoods by imposing neighborhood-specific yard, lot, and open space regulations that reflect the existing character of the neighborhood. The Neighborhood Prevailing Overlay does not prevent construction of new single-

family structures or the renovation, remodeling, repair or expansion of existing single-family structures, but, rather, ensures that new single-family structures are compatible with existing single-family structures.

b. Applicability

The regulations of the Neighborhood Prevailing Overlay apply to all single-family and accessory structures within the district.

c. Standards

Development shall be subject to the existing median pattern of development on the subject and opposing blockfaces for the following standards:

1) Minimum front setback

Front setback is calculated as the median existing front setback of all residential structures on the subject and opposing blockface.

2) Maximum front setback

The maximum front setback, or build-to line, is no more than ten (10) feet back from the minimum front setback.

3) Minimum side street setback

Minimum side street setback is calculated as the median side street setback of all existing residential structures in the district.

4) Minimum lot size

Minimum lot size is calculated as the median building plot size of all existing building plots on the subject and opposing blockface.

5) Building height

Building height is calculated as the median building height of all existing residential structures on the subject and opposing blockface.

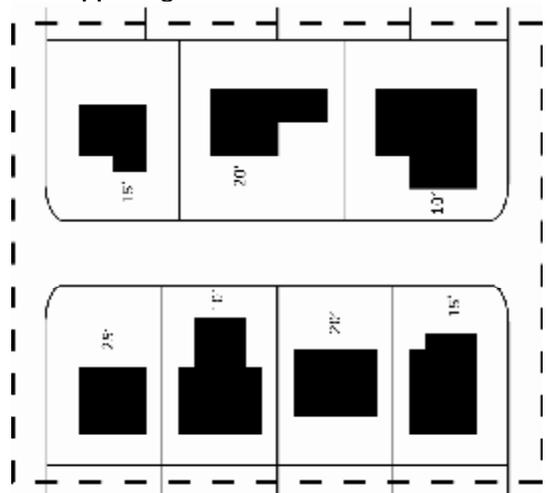
Building height refers to the vertical distance measured from the finished grade, or the base flood elevation where applicable, and the following points:

- a) The average height level between the eaves and ridge line of a gable, hip, or gambrel roof;
- a) The highest point of a mansard roof; or
- b) The highest point of the coping of a flat roof.

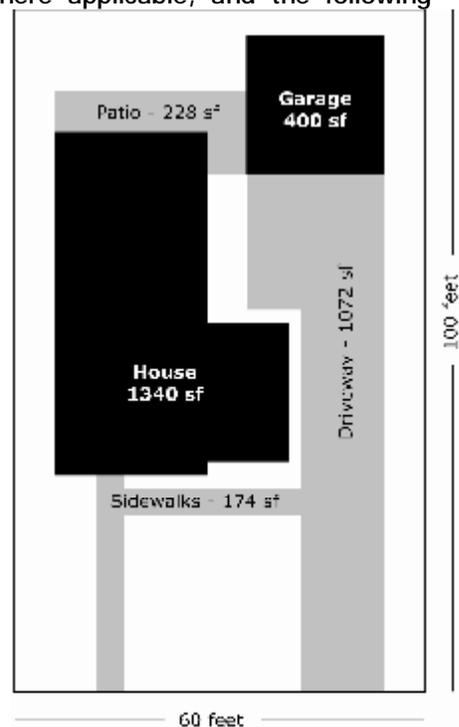
6) Maximum lot coverage

Lot coverage is calculated as the median existing lot coverage on all building plots on the subject and opposing blockface.

Lot coverage includes all structures and impervious cover on a site, including but not limited to, patios,



Example: Median Minimum Setback for the subject and opposing blockface is 15 feet



driveways – gravel or paved, accessory structures, and sidewalks

7) Garage Location and Orientation

New garages must be placed in relation to the primary residential structure on the lot consistent with the most frequent pattern of placement on the subject and opposing blockface. New garages must also be oriented consistent with the most frequent direction of orientation on the subject and opposing blockface. See graphics in 5.9.2 for Garage Location and Orientation.

8) Tree Preservation

Any existing tree of 8-inch caliper or greater in good form and condition and reasonably free of damage by insects and/or disease located outside of the buildable area are required to be barricaded and preserved. A barricade detail must be provided on the site plan. Trees must be barricaded one foot per caliper inch. Barricades must be in place prior to any development activity on the property including, but not limited to, grading.

9) Landscape Maintenance

Any existing canopy and non-canopy trees in good form and condition and reasonably free of damage by insects and/or disease located within the buildable area removed during construction must be replaced on site caliper for caliper, or as determined by the Administrator.

2. Neighborhood Conservation Overlay Districts (NCO)

a. Purpose

The Neighborhood Conservation Overlay District (NCO) is intended to protect and preserve single-family neighborhoods through a district that is focused on the specific needs of the neighborhood. NCO districts are based on in-depth study of the existing neighborhood conditions, and should be used to protect unique assets and qualities of the neighborhood. Conservation districts may be used for neighborhoods that offer a distinct character that its residents and the City wish to preserve and protect. It differs from the Neighborhood Prevailing Overlay in that it allows neighborhoods to choose from a variety of standards to address neighborhood specific issues.

b. Applicability

- 1) The regulations of the Neighborhood Conservation Overlay apply to all single-family and accessory structures within the district.
- 2) A neighborhood may not have both a Neighborhood Prevailing Overlay and a Neighborhood Conservation Overlay.

c. General Provisions

The standards set forward in a Neighborhood Conservation Overlay must be based on findings of a Conservation Study conducted by the City of College Station in conjunction with a neighborhood stakeholder committee. The committee must be made up of at least six (6) property owners in the neighborhood and the Administrator. The Conservation Study must include a survey of existing conditions and unique characteristics of the neighborhood and outline the issues that threaten the preservation of those characteristics. The Conservation Study will also set forth the items that may be included in the rezoning ordinance.

d. Options for Inclusion

In applying for a Neighborhood Conservation District Overlay, the following items may be included for study in the Conservation Study and included as standards in the overlay. All development within the district shall be subject to the standards set forth in the rezoning ordinance.

1) Minimum Front Setback

If minimum front setback is selected for inclusion, the neighborhood stakeholder committee may select one of the following methods of determining minimum front setback based on the findings of the Conservation Study of the subject neighborhood:

- a) Contextual front setbacks as provided for in Section 7.1.D.1.e; or
- b) Contextual front setbacks as provided for in Section 5.9.C.1; or
- c) Fixed front setback. A fixed front setback may be established, however, it may not be less than the setback of underlying zoning or more than the existing median front yard setback of structures in the district.

2) Minimum Side Street Setback

If minimum side street setback is selected for inclusion, the neighborhood stakeholder committee may select one of the following methods of determining minimum side street setback based on the findings of the Conservation Study of the subject neighborhood:

- a) Contextual side street setbacks as provided for in Section 5.9.C.2; or
- b) Fixed side street setback. A fixed side street setback may be established, however, it may not be less than the side setback setback of underlying zoning or more than the existing median side street setback of structures in the district.

3) Minimum lot size

If minimum lot size is selected for inclusion, the neighborhood stakeholder committee may select one of the following methods of determining minimum lot size based on the findings of the Conservation Study of the subject neighborhood:

- a) Lot size as provided for in Section 18 of the Subdivision Regulations, Platting and Replatting in Older Residential Neighborhoods; or
- b) Contextual lot size as provided for in Section 5.9.C.3; or
- c) Fixed lot size. A fixed lot size may be established, however, it may not be less than the lot size required of underlying zoning or more than the existing median size of building plots in the district.

4) Maximum building height

If maximum building height is selected for inclusion, the neighborhood stakeholder committee may select one of the following methods of determining maximum building height based on the findings of the Conservation Study of the subject neighborhood:

- a) Contextual building height as provided for in Section 5.9.C.4; or
- b) Fixed building height. A fixed building height may be established, however, it may not be more than the maximum height allowed in the underlying zoning district or less than the median height of all residential structures in the district.

5) Tree Preservation

If tree preservation is selected for inclusion, any existing tree of 8-inch caliper or greater in good form and condition and reasonably free of damage by insects and/or disease located outside the buildable area are required to be barricaded and preserved. A barricade detail must be provided on the site plan. Trees must be barricaded one foot per caliper inch. Barricades must be in place prior to any development activity on the property including, but not limited to, grading.

6) Landscape Maintenance

If landscape maintenance is selected for inclusion, any existing canopy and non-canopy trees in good form and condition and reasonably free of damage by insects and/or disease located within the buildable area removed during construction must be replaced on site caliper for caliper, or as determined by the Administrator.

7) Maximum lot coverage

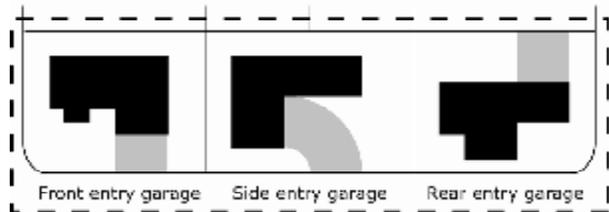
If maximum lot coverage is selected for inclusion, maximum lot coverage is calculated as the median existing lot coverage on all building plots on the subject and opposing blockface.

Lot coverage includes all structures and impervious cover on a site, including but not limited to, patios, driveways, accessory structures, and sidewalks

8) Garage Access

If garage access is selected for inclusion, the neighborhood stakeholder committee may chose one of the following methods of garage access based on the most frequent method of garage access within the subject neighborhood:

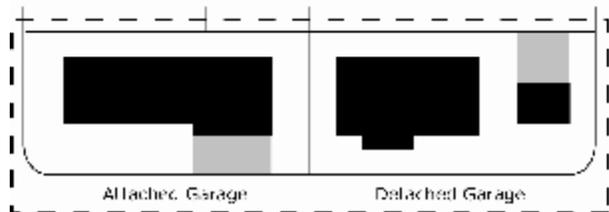
- a) Front entry; or
- b) Side entry; or
- c) Rear entry.



9) Garage Connection

If garage connection is chosen for inclusion, the neighborhood stakeholder committee may select one of the following garage connection types based on the most frequent method of garage connection within the subject neighborhood:

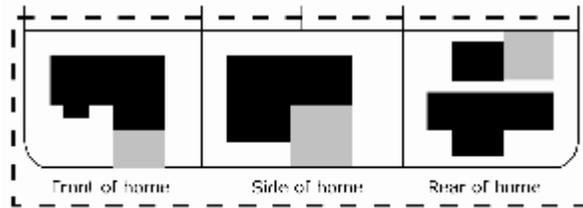
- a) Attached to the single-family structure; or
- b) Detached from the single-family structure.



10) Garage Location

If garage location is selected for inclusion, the neighborhood stakeholder committee may select one of the following garage locations based on the most frequent location of garages in relation to the primary single-family structure within the subject neighborhood:

- a) In front of the single-family structure; or
- b) To the side of the single-family structure; or
- c) To the rear of the single-family structure.



11) Off-street parking

If off-street parking is selected for inclusion, the neighborhood stakeholder committee may set a minimum off-street parking standard of 3 spaces per residential unit, however, it may not be included without also including maximum lot coverage, garage access, connection, and location in the Conservation Study.

12) Building Materials

If Building Materials is selected for inclusion, the neighborhood stakeholder committee may select required building materials and set a minimum percentage for the use of those materials for facades facing a right-of-way. Required materials may only include types of building materials used in the subject neighborhood. The Conservation Study should include a listing of all types of materials used in the district as well as the median percentage on building facades facing a right-of-way. The percentage of use of a required material may only be placed on facades facing a right-of-way and may not exceed the median existing percentage of the materials on building facades facing a right-of-way.

13) Fencing

If Fencing is selected for inclusion, the neighborhood stakeholder committee may select required materials and maximum height.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE," SECTION 3.2, "ZONING MAP AMENDMENT," SECTION 4.1, "ESTABLISHMENT OF DISTRICTS," SECTION 5.2, "RESIDENTIAL DIMENSIONAL STANDARDS," SECTION 7.1.D(1), "REQUIRED YARDS, PURPOSE AND INTENT," AND SECTION 11.2, "DEFINED TERMS," AND ADDING SECTION 5.9, "SINGLE-FAMILY OVERLAY DISTRICTS," OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1: That Chapter 12, "Unified Development Ordinance," Section 3.2, "Zoning Map Amendment," Section 4.1, "Establishment of Districts," Section 5.2, "Residential Dimensional Standards," Section 7.1.D(1), "Required Yards, Purpose and Intent," and Section 11.2, "Defined Terms," and adding Section 5.9, "Single-family Overlay Districts," 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 if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

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

PASSED, ADOPTED and APPROVED this _____ day of _____, 2007.

APPROVED:

MAYOR

ATTEST:

City Secretary

APPROVED:



City Attorney

EXHIBIT “A”

I.

That Chapter 12, “Unified Development Ordinance,” Section 3.2, “Zoning Map Amendment,” of the Code of Ordinances of the City of College Station, Texas, is hereby amended by amending Section 3.2, “Zoning Map Amendment,” to read as follows:

3.2 Zoning Map Amendment (Rezoning)

A. Purpose

To establish and maintain sound, stable, and desirable development within the territorial limits of the City, the Official Zoning Map may be amended based upon changed or changing conditions in a particular area or in the City generally, or to rezone an area or extend the boundary of an existing zoning district. All amendments shall be in accordance with the Comprehensive Plan, which may be amended according to the procedure in Section 3.19, Comprehensive Plan Amendment.

B. Initiation of Amendments

An amendment to the Official Zoning Map may be initiated by:

1. City Council on its own motion;
2. The Planning and Zoning Commission;
3. The Administrator; or
4. The property owner(s).

C. Amendment Application

A complete application for a zoning map amendment shall be submitted to the Administrator as set forth in Section 3.1.C, Application Forms and Fees. Application requests for a Planned Development District (PDD) and Planned Mixed-Use District (P-MUD) shall provide the following additional information:

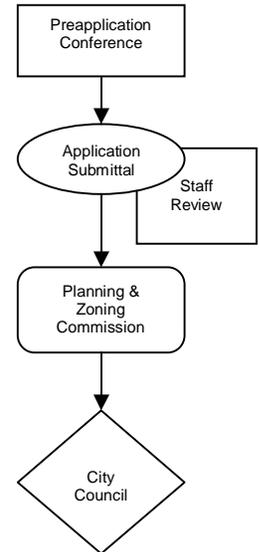
1. A written statement of the purpose and intent of the proposed development;
2. A list and explanation of the potential land uses permitted; and
3. A concept plan as described in Section 3.4, Concept Plan Review (PDD and P-MUD Districts).

Application requests for a Neighborhood Prevailing Overlay District (NPO) shall provide the following additional information:

1. An original plat of the subdivision; and
2. A petition including dated signatures by sixty percent (60%) of current property owners in the subdivision in support of the overlay; and
3. Contact information for all Neighborhood Association or Homeowners Association committee members.

Application requests for a Neighborhood Conservation Overlay District (NCO) shall provide the following additional information:

1. An original plat of the subdivision;
2. A petition including dated signatures by sixty percent (60%) of the property owners in the subdivision in support of the overlay;
3. Contact information for all Neighborhood Association or Homeowners Association committee members;
4. A list of six (6) property owners in the neighborhood to serve on neighborhood stakeholder committee; and



5. A checklist of the proposed items to be included in the Conservation Study.

D. Approval Process

1. Preapplication Conference

Prior to the submission of an application for a Zoning Map Amendment, all potential applicants shall request a Preapplication Conference with the Administrator. The purpose of the conference is to respond to any questions that the applicant may have regarding any application procedures, standards, or regulations required by this UDO.

If the Administrator determines that the map amendment request is not in conformity with the Comprehensive Plan, he shall not accept the application for the map amendment, and no further processing shall occur until the map amendment is in conformity or a request for an amendment to the Comprehensive Plan eliminating the lack of conformity has been submitted by the applicant.

2. Neighborhood Meeting

Prior to the submission of an application for a Zoning Map Amendment for a NPO or NCO Overlay Rezoning, all potential applicants shall request to set up a Neighborhood Meeting with City Staff. The purpose of the meeting is to present information about the proposed overlay and explain the process of rezoning to the neighborhood.

3. Review and Report by Administrator

Once the application is complete, the Administrator shall review the proposed amendment to the Official Zoning Map in light of the Comprehensive Plan, subject to the criteria enumerated in Article 4, Zoning Districts, and give a report to the Planning and Zoning Commission on the date of the scheduled public hearing.

4. Referral To Planning and Zoning Commission

The Administrator, upon receipt of petition to amend the Official Zoning Map, shall refer the same to the Commission for study, hearing, and report. The City Council may not enact the proposed amendment until the Planning and Zoning Commission makes its report to the City Council.

5. Recommendation by Planning and Zoning Commission

The Planning and Zoning Commission shall publish, post, and mail public notice in accordance with Section 3.1.F, Required Public Notice. The Commission shall hold a public hearing and recommend to the City Council such action as the Commission deems proper.

6. City Council Action

a. Notice

The City Council shall publish, post, and mail public notice in accordance with Section 3.1.F, Required Public Notice, and hold a public hearing before taking final action on a petition to amend the Official Zoning Map.

b. Public Hearing

The City Council shall hold a public hearing and approve, approve with modifications, or disapprove the application to amend the Official Zoning Map.

c. Effect of Protest to Proposed Amendment

If a proposed change to this UDO or rezoning is protested in accordance with Chapter 211 of the Texas Local Government Code, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the City Council. The protest must be written and signed by the

owners of at least 20 percent of either the area of lots covered by the proposed change, or of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

d. Review Criteria

In determining whether to approve, approve with modifications, or disapprove the proposed Official Zoning Map amendment, the City Council shall consider the following matters regarding the proposed amendment:

- 1) Consistency with the Comprehensive Plan;
- 2) Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood;
- 3) Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment;
- 4) Suitability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment;
- 5) Marketability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment; and
- 6) Availability of water, wastewater, stormwater, and transportation facilities generally suitable and adequate for the proposed use.

E. Limitation on Reapplication

If a petition for rezoning is denied by the City Council, another petition for reclassification of the same property or any portion thereof shall not be considered within a period of 180 days from the date of denial, unless the Planning and Zoning Commission finds that one of the following factors are applicable:

1. There is a substantial change in circumstances relevant to the issues and/or facts considered during review of the application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the application;
2. New or additional information is available that was not available at the time of the review that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed;
3. A new application is proposed to be submitted that is materially different from the prior application (e.g., proposes new uses or a substantial decrease in proposed densities and intensities); or
4. The final decision on the application was based on a material mistake of fact

F. Repeal of a Single-Family Overlay District

A repeal of a single-family overlay district may be initiated by:

1. City Council on its own motion;
2. The Planning and Zoning Commission;
3. The Administrator; or
4. By petition of sixty percent (60%) of the property owner(s) in the subject district.

A repeal of a single-family overlay district is considered a rezoning and is subject to the Zoning Map Amendment requirements herein.

II.

That Chapter 12, “Unified Development Ordinance,” Section 4.1, “Establishment of Districts,” of the Code of Ordinances of the City of College Station, Texas, is hereby amended by amending Section 4.1, “Establishment of Districts,” to read as follows:

4.1 Establishment of Districts

For the purpose of this UDO, portions of the City, as specified on the Official Zoning Map of the City, are hereby divided into the zoning, design, and overlay districts enumerated below. The intensity regulations applicable for such zoning districts are designated in Article 5 and the use regulations are designated in Article 6 of this UDO.

Residential 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	
Non-Residential Zoning Districts		
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 & Development	
Planned Districts		
P-MUD	Planned Mixed-Use District	
PDD	Planned Development District	
Design Districts		
WPC	Wolf Pen Creek Development Corridor	
Northgate	NG-1	Core Northgate
	NG-2	Transitional Northgate
	NG-3	Residential Northgate
Overlay Districts		
OV	Corridor Overlay	
RDD	Redevelopment District	
KO	Krenek Tap Overlay	
NPO	Neighborhood Prevailing Overlay	
NCO	Neighborhood Conservation Overlay	

III.

That Chapter 12, “Unified Development Ordinance,” Section 5.2, “Residential Dimensional Standards,” of the Code of Ordinances of the City of College Station, Texas, is hereby amended by amending Section 5.2, “Residential Dimensional Standards,” to read as follows:

5.2 Residential Dimensional Standards

The following table establishes dimensional standards that shall be applied within the Residential Zoning Districts, unless otherwise identified in this UDO.

	Residential Zoning Districts									Accessory Structures
	A-0	A-OR	R-1 (J)	R-1B	R-2	R-3	R-4	R-6	R-7	
Min. Lot Area per Dwelling Unit (DU)	5 Acres	1 Acre	5,000 SF	8,000 SF	3,500 SF	2,000 SF	None	None		
Min. Lot Width	None	None	50'	None	35'/DU(E)	None	None	None		
Min. Lot Depth	None	None	100'	None	100'	None	None	None		
Min. Front Setback (H)	50'	50'	25'(D)	25'(D)	25'(D)	25'(D)	25'(D)	25'(D)		
Min. Side Setback	20'	20'	7.5'	7.5'(C)	7.5'(C)	(A)	(A)(B)	(A)(B)		
Min. Street Side Setback	15'	15'	15'	15'	15'	15'	15'	15'		
Min. Side Setback between Structures (B)			15'	15'	15'	7.5'	7.5'	7.5'		
Min. Rear Setback (I)	50'	50'	20'	20'	20'(F)	20'	20'	20'		
Max. Height	35'	35'	2.5 Stories/ 35'	2.5 Stories/ 35'	2.5 Stories/ 35'	35'	G	G		
Max. Dwelling Units/Acre	0.2	1.0	8.0	6.0	12.0	14.0	20.0	30.0	10.0	N/A

Refer to Section 6.4. Accessory Uses

Notes:

- (A) A minimum side setback of 7.5 feet is required for each building or group of contiguous buildings.
- (B) Lot line construction on interior lots with no side yard or setback is allowed only where the building is covered by fire protection on the site or by dedicated right-of-way or easement.
- (C) Zero lot line construction of a residence is allowed where property on both sides of a lot line is owned and/or developed simultaneously by single party. Development under lot line construction requires prior approval by the Zoning Official. In no case shall a single-family residence or duplex be built within 15 feet of another primary structure. See Article 8, Subdivision Design and Improvements, for more information.
- (D) Minimum front setback may be reduced to 15 feet when approved rear access is provided, or when side yard or rear yard parking is provided.
- (E) The minimum lot width for a duplex dwelling may be reduced to 30 feet per dwelling unit when all required off-street parking is provided in the rear or side yard.
- (F) Minimum rear setback may be reduced to 15 feet when parking is provided in the front yard or side yard.
- (G) Shall abide by Section 7.1.H, Height.
- (H) Reference Section 7.1.D.1.e for lots created by plat prior to July 15, 1970.
- (I) Reference Section 7.1.D.1.b for lots with approved rear access.
- (J) Reference Section 5.9 for areas in Neighborhood Prevailing Standards Overlay Districts and reference Ordinance authorizing the rezoning for Neighborhood Conservation Overlay Districts.

IV.

That Chapter 12, “Unified Development Ordinance,” Section 7.1.D(1), “Required Yards, Purpose and Intent,” of the Code of Ordinances of the City of College Station, Texas, is hereby amended by amending Section 7.1.D(1), “Required Yards, Purpose and Intent,” to read as follows:

D. Required Yards (Setbacks)

1. Purpose & Intent

- a) Setbacks are measured from the property line;
- b) On lots with approved rear access, the rear setback shall be measured from the nearest boundary of the access easement or alley;
- c) No structure that is taller than eight feet in height and that has a roof structure that completely or partially blocks the view to the sky shall be located within the required setback area unless specifically allowed herein;
- d) No part of a yard or other open space required in connection with any building, building plot, or use for the purpose of complying with this UDO, shall be included for any other building, building plot, or use as part of a yard or open space; and
- e) Where an existing block was created by an approved plat prior to July 15, 1970, a new (infill) single-family dwelling unit shall use the adjacent lots to determine the appropriate front yard setback. The new dwelling unit shall be set no closer to the street or farther back from the street than the nearest neighboring units. Areas zoned NPO, Neighborhood Prevailing Overlay District are exempt from this requirement. Setbacks for areas zoned NCO, Neighborhood Conservation Overlay are stated in the specific rezoning ordinance for the area.

V.

That Chapter 12, “Unified Development Ordinance,” Section 11.2, “Defined Terms,” of the Code of Ordinances of the City of College Station, Texas, is hereby amended by amending Section 11.2, “Defined Terms,” to add the following definitions:

11.2 Defined Terms

For the purpose of this UDO, certain words as used herein are defined as follows:

Blockface: That portion of a block or tract of land facing the same side of a single street and lying between the closest intersection streets

Conservation Study: Study of existing conditions used for a Neighborhood Conservation Overlay. The items evaluated in a Conservation Study are chosen by the Neighborhood Stakeholder Committee and reflect the individual concern of the neighborhood for additional regulation.

Lot coverage: A measure of intensity of land use that represents the portion of a site that is impervious. This portion includes but is not limited to all areas covered by buildings, parked structures, driveways – gravel or paved, roads, and sidewalks.

Median: The middle number in a set of numbers where one-half of the numbers are less than the median number and one-half of the numbers are greater than the median number. For example, 4 is the median number of 1, 3, 4, 8, and 9. If the set of numbers has an even number of numbers, then the median is the average of the two middle numbers. For example, if the set of numbers is 1, 3, 4, 6, 8, and 9, then the median is the average of 4 and 6, or 5.

Neighborhood: A subarea of the city in which the residents share a common identity focused around a school, park, community business center, or other feature. For the purpose of Single Family Overlay Districts, a neighborhood must contain at least fifty (50) single family structures in a compact, contiguous area, or be an original subdivision if the subdivision contains fewer than 50 single family structures. Boundary lines should be drawn to include blockfaces on both sides of a street, and to the logical edges of the area or subdivision, as indicated by a creek, street,

subdivision line, utility easement, zoning boundary line, or other boundary. Boundary lines that split blockfaces in two should be avoided.

Neighborhood Character: The atmosphere or physical environment which is created by the combination of land use and buildings within an area. Neighborhood character is established and influenced by land-use types and intensity, traffic generation, and also by the location, size and design of structures as well as the interrelationship of all these features.

Neighborhood Stakeholder Committee: A committee of at least 6 property owners within a proposed Neighborhood Conservation Overlay District and the Administrator. The committee provides input from the neighborhood and assists City Staff in conducting a Conservation Study and evaluating the options for regulation as listed in Section 5.9.

V.

That Chapter 12, “Unified Development Ordinance,” Article 5, “District Purpose Statements and Supplemental Standards,” of the Code of Ordinances of the City of College Station, Texas, is hereby amended by adding Section 5.9, “Single-Family Overlay Districts,” to read as follows:

5.9 Single-Family Overlay Districts

A. Purpose

Single-Family Overlay Districts are intended to provide additional standards for new construction and redevelopment in established neighborhoods. College Station’s older, established neighborhoods provide a unique living environment that contribute to the stability and livability of the City as a whole. These standards are intended to promote development that is compatible with the existing character of the neighborhood and preserve the unique characteristics of College Station’s older neighborhoods while balancing the need for the redevelopment of vacant or underutilized property.

The underlying zoning district establishes the permitted uses and shall remain in full force, and the requirements of the overlay district are to be applied in addition to the underlying use and site restrictions.

B. Applicability

The Single-Family Overlay Districts may only be applied to neighborhoods zoned and developed for single-family residences.

C. General Provisions

1. The yard, lot, and open space regulations of the Single-Family Overlay Districts must be read in accordance with the yard, lot, and open space regulations in Section 5.2, Residential Dimensional Standards and Section 7.1.D, Required Yards. In the event of a conflict between the Single-Family Overlay Districts and these sections, the Single-Family Overlay District controls.
2. The area of a Single-Family Overlay District must contain at least fifty (50) single family structures in a compact, contiguous area, or be an original subdivision if the subdivision contains fewer than 50 single family structures. Boundary lines should be drawn to include blockfaces on both sides of a street, and to the logical edges of the area or subdivision, as indicated by a creek, street, subdivision line, utility easement, zoning boundary line, or other boundary. Boundary lines that split blockfaces in two should be avoided.
3. Petition for a Single-Family Overlay District must be signed by at least sixty percent (60%) of the total number of property owners in the proposed district area.
4. Single-Family Overlay Districts may not apply to neighborhoods originally platted in the last ten (10) years.

D. Districts

1. Neighborhood Prevailing Overlay District (NPO)

a. Purpose

This district is intended to provide standards that preserve single-family neighborhoods by imposing neighborhood-specific yard, lot, and open space regulations that reflect the existing character of the neighborhood. The Neighborhood Prevailing Overlay does not prevent construction of new single-family structures or the renovation, remodeling, repair or expansion of existing single-family structures, but, rather, ensures that new single-family structures are compatible with existing single-family structures.

b. Applicability

The regulations of the Neighborhood Prevailing Overlay apply to all single-family and accessory structures within the district.

c. Standards

Development shall be subject to the existing median pattern of development on the subject and opposing blockfaces for the following standards:

1) Minimum front setback

Front setback is calculated as the median existing front setback of all residential structures on the subject and opposing blockface.

2) Maximum front setback

The maximum front setback, or build-to line, is no more than ten (10) feet back from the minimum front setback.

3) Minimum side street setback

Minimum side street setback is calculated as the median side street setback of all existing residential structures in the district.

4) Minimum lot size

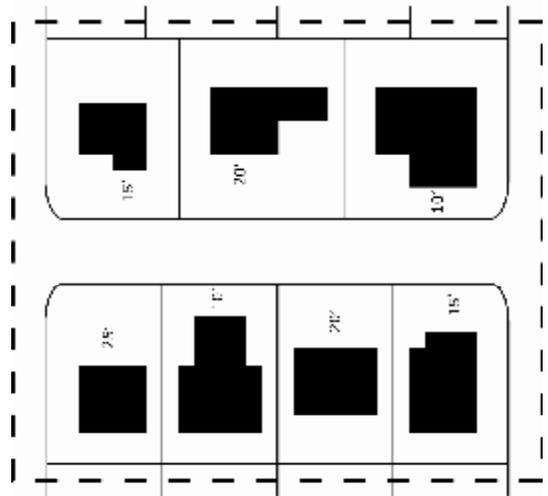
Minimum lot size is calculated as the median building plot size of all existing building plots on the subject and opposing blockface.

5) Building height

Building height is calculated as the median building height of all existing residential structures on the subject and opposing blockface.

Building height refers to the vertical distance measured from the finished grade, or the base flood elevation where applicable, and the following points:

- a) The average height level between the eaves and ridge line of a gable, hip, or gambrel roof;
- a) The highest point of a mansard roof; or
- b) The highest point of the coping of a flat roof.



Example: Median Minimum Setback for the subject and opposing blockface is 15 feet

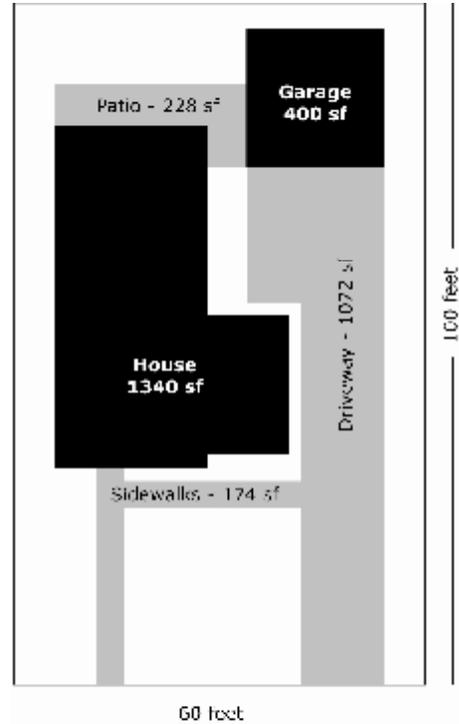
6) **Maximum lot coverage**

Lot coverage is calculated as the median existing lot coverage on all building plots on the subject and opposing blockface.

Lot coverage includes all structures and impervious cover on a site, including but not limited to, patios, driveways – gravel or paved, accessory structures, and sidewalks

7) **Garage Location and Orientation**

New garages must be placed in relation to the primary residential structure on the lot consistent with the most frequent pattern of placement on the subject and opposing blockface. New garages must also be oriented consistent with the most frequent direction of orientation on the subject and opposing blockface. See graphics in 5.9.2 for Garage Location and Orientation.



8) **Tree Preservation**

Any existing tree of 8-inch caliper or greater in good form and condition and reasonably free of damage by insects and/or disease located outside of the buildable area are required to be barricaded and preserved. A barricade detail must be provided on the site plan. Trees must be barricaded one foot per caliper inch. Barricades must be in place prior to any development activity on the property including, but not limited to, grading.

9) **Landscape Maintenance**

Any existing canopy and non-canopy trees in good form and condition and reasonably free of damage by insects and/or disease located within the buildable area removed during construction must be replaced on site caliper for caliper, or as determined by the Administrator.

2. **Neighborhood Conservation Overlay Districts (NCO)**

a. **Purpose**

The Neighborhood Conservation Overlay District (NCO) is intended to protect and preserve single-family neighborhoods through a district that is focused on the specific needs of the neighborhood. NCO districts are based on in-depth study of the existing neighborhood conditions, and should be used to protect unique assets and qualities of the neighborhood. Conservation districts may be used for neighborhoods that offer a distinct character that its residents and the City wish to preserve and protect. It differs from the Neighborhood Prevailing Overlay in that it allows neighborhoods to choose from a variety of standards to address neighborhood specific issues.

b. **Applicability**

- 1) The regulations of the Neighborhood Conservation Overlay apply to all single-family and accessory structures within the district.
- 2) A neighborhood may not have both a Neighborhood Prevailing Overlay and a Neighborhood Conservation Overlay.

c. **General Provisions**

The standards set forward in a Neighborhood Conservation Overlay must be based on findings of a Conservation Study conducted by the City of College Station in conjunction with a neighborhood stakeholder committee. The committee must be made up of at least six (6) property owners in the neighborhood and the Administrator. The Conservation Study must include a survey of existing conditions and unique characteristics of the neighborhood and outline the issues that threaten the preservation of those characteristics. The Conservation Study will also set forth the items that may be included in the rezoning ordinance.

d. **Options for Inclusion**

In applying for a Neighborhood Conservation District Overlay, the following items may be included for study in the Conservation Study and included as standards in the overlay. All development within the district shall be subject to the standards set forth in the rezoning ordinance.

1) **Minimum Front Setback**

If minimum front setback is selected for inclusion, the neighborhood stakeholder committee may select one of the following methods of determining minimum front setback based on the findings of the Conservation Study of the subject neighborhood:

- a) Contextual front setbacks as provided for in Section 7.1.D.1.e; or
- b) Contextual front setbacks as provided for in Section 5.9.C.1; or
- c) Fixed front setback. A fixed front setback may be established, however, it may not be less than the setback of underlying zoning or more than the existing median front yard setback of structures in the district.

2) **Minimum Side Street Setback**

If minimum side street setback is selected for inclusion, the neighborhood stakeholder committee may select one of the following methods of determining minimum side street setback based on the findings of the Conservation Study of the subject neighborhood:

- a) Contextual side street setbacks as provided for in Section 5.9.C.2; or
- b) Fixed side street setback. A fixed side street setback may be established, however, it may not be less than the side setback setback of underlying zoning or more than the existing median side street setback of structures in the district.

3) **Minimum lot size**

If minimum lot size is selected for inclusion, the neighborhood stakeholder committee may select one of the following methods of determining minimum lot size based on the findings of the Conservation Study of the subject neighborhood:

- a) Lot size as provided for in Section 18 of the Subdivision Regulations, Platting and Replatting in Older Residential Neighborhoods; or
- b) Contextual lot size as provided for in Section 5.9.C.3; or
- c) Fixed lot size. A fixed lot size may be established, however, it may not be less than the lot size required of underlying zoning or more than the existing median size of building plots in the district.

4) **Maximum building height**

If maximum building height is selected for inclusion, the neighborhood stakeholder committee may select one of the following methods of

determining maximum building height based on the findings of the Conservation Study of the subject neighborhood:

- a) Contextual building height as provided for in Section 5.9.C.4; or
- b) Fixed building height. A fixed building height may be established, however, it may not be more than the maximum height allowed in the underlying zoning district or less than the median height of all residential structures in the district.

5) Tree Preservation

If tree preservation is selected for inclusion, any existing tree of 8-inch caliper or greater in good form and condition and reasonably free of damage by insects and/or disease located outside the buildable area are required to be barricaded and preserved. A barricade detail must be provided on the site plan. Trees must be barricaded one foot per caliper inch. Barricades must be in place prior to any development activity on the property including, but not limited to, grading.

6) Landscape Maintenance

If landscape maintenance is selected for inclusion, any existing canopy and non-canopy trees in good form and condition and reasonably free of damage by insects and/or disease located within the buildable area removed during construction must be replaced on site caliper for caliper, or as determined by the Administrator.

7) Maximum lot coverage

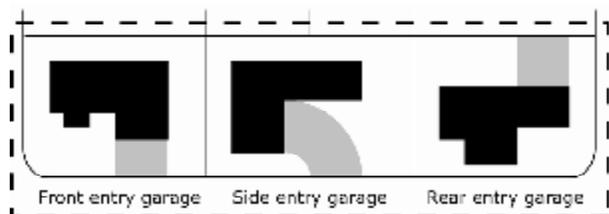
If maximum lot coverage is selected for inclusion, maximum lot coverage is calculated as the median existing lot coverage on all building plots on the subject and opposing blockface.

Lot coverage includes all structures and impervious cover on a site, including but not limited to, patios, driveways, accessory structures, and sidewalks

8) Garage Access

If garage access is selected for inclusion, the neighborhood stakeholder committee may chose one of the following methods of garage access based on the most frequent method of garage access within the subject neighborhood:

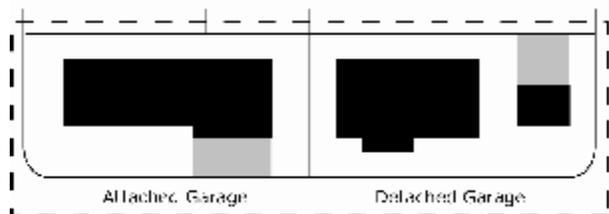
- a) Front entry; or
- b) Side entry; or
- c) Rear entry.



9) Garage Connection

If garage connection is chosen for inclusion, the neighborhood stakeholder committee may select one of the following garage connection types based on the most frequent method of garage connection within the subject neighborhood:

- a) Attached to the single-family structure; or
- b) Detached from the single-family structure.



10) Garage Location

If garage location is selected for inclusion, the neighborhood stakeholder committee may select one of the following garage locations based on the most frequent location of garages in relation to the primary single-family structure within the subject neighborhood:

- a) In front of the single-family structure; or
- b) To the side of the single-family structure; or
- c) To the rear of the single-family structure.



11) Off-street parking

If off-street parking is selected for inclusion, the neighborhood stakeholder committee may set a minimum off-street parking standard of 3 spaces per residential unit, however, it may not be included without also including maximum lot coverage, garage access, connection, and location in the Conservation Study.

12) Building Materials

If Building Materials is selected for inclusion, the neighborhood stakeholder committee may select required building materials and set a minimum percentage for the use of those materials for facades facing a right-of-way. Required materials may only include types of building materials used in the subject neighborhood. The Conservation Study should include a listing of all types of materials used in the district as well as the median percentage on building facades facing a right-of-way. The percentage of use of a required material may only be placed on facades facing a right-of-way and may not exceed the median existing percentage of the materials on building facades facing a right-of-way.

13) Fencing

If Fencing is selected for inclusion, the neighborhood stakeholder committee may select required materials and maximum height.

**November 5, 2007
Regular Agenda Item 3
Report from Federal Legislative Consultant**

To: Glenn Brown, City Manager

From: Kathy Merrill, Assistant City Manager

Agenda Caption: Presentation, possible action, and discussion regarding a report from the City's federal legislative consultant including an update on the Washington, D.C. political situation, the appropriations process, the status of Interstate 69, water district issues, and a possible Council trip to Washington, D.C.

Recommendation(s): N/A

Summary: Meyers & Associates was hired as the City of College Station's federal legislative consultant in February of 2006. He and Rick Meyers are here today to give an update of their activities on behalf of the City.

Budget & Financial Summary: N/A

Attachments: N/A

**November 5, 2007
Regular Agenda 4
Transportation Priority Projects**

To: Glenn Brown, City Manager

From: Terry L. Childers, Deputy City Manager

Agenda Caption: Presentation, possible action, and discussion regarding Transportation Priority Projects and funding proposals.

Recommendation(s): The Council is requested to provide guidance and direction on two levels – 1) priority road projects to be considered for funding in the five Year Capital Plan; and 2) provide direction to City Manager to develop alternative funding sources for formal consideration by Council.

Summary: The Council Transportation Committee was briefed at their October 16, 2007 meeting on the proposed Transportation Priority Projects and suggested funding alternatives. The priority program totals \$99,535,792. This amount is less than the previous \$121 million program presented to Council earlier this year. The \$99.5 million represent the category 1 and 2 projects for consideration.

Budget & Financial Summary: None at this time.

Attachments:

Priority Street Program Cover Memo
Priority Street Projects Funding Proposal



Executive Summary

The Proposed Priority Street Projects and Alternative Funding Mechanisms report is presented to Council for consideration and direction to the City Manager for implementation. The report recommends specific priority street projects for consideration and provides several alternative funding mechanisms to finance the ambitious program.

The recommended program totals \$99,535,792 (August 2007 dollars). The recommended projects represent Priority 1 and Priority 2 projects from the \$122.3 million list previously presented to Council.

The recommendations are a result of numerous discussions, analysis, and evaluation by the Transportation Strategy Group appointed by the City Manager. The Transportation Strategy Group used the following parameters to develop the recommended Priority Street Projects:

- * Examined the *as built* existing street system network to identify bottlenecks and inefficiencies;
- * Examined areas of growth and development in the community in need of transportation facility improvements;
- * Examined the existing Thoroughfare Plan to identify planned roadways; and
- * Examined the recommendations from the East College Station Transportation Study for inclusion in the program.

After the initial analysis, The Transportation Strategy Group identified specific projects based on the following criteria:

- a. **City of College Station projects.** The proposed program focuses on City of College Station street facilities with the exception of the Rock Prairie and State Highway 6 interchange and University Drive pedestrian improvements.
- b. **Corridor Development.** Entire street corridors were evaluated. This resulted in the recommendation of major corridors for inclusion in the proposed program.
- c. **Connectivity.** Areas of the community lacking connectivity were identified. Projects were identified to improve overall connectivity in the community.

- d. **Multi-modal.** The project scope definition for each project considers multi-modal components – pedestrian, biking, etc. The subsequent cost estimates provide necessary funding to accommodate multi-modal design concepts.
- e. **Hike-bike-greenway project.** The proposed program identifies a prototypical hike-bike trail to be constructed in connection with the Spring Creek greenway. This project proposes to build an interactive hike-bike trail beginning at Westfield Park and terminating at Lick Creek Park.

One of the challenges in developing the proposed program is evaluating the transportation system in the absence of the Comprehensive Plan Update. The Team compensated for the absence of the completed comprehensive plan by using a rigorous methodology to evaluate system needs and recommendations from the completed East College Station Transportation Study. Taken as a whole, the proposed program focuses on major corridor development, improving connectivity, and addresses inefficiencies in the system. The vast majority of the proposed projects would be required irrespective of a completed Comprehensive Plan update. In fact, in our judgment, the projects would be required as a foundational piece to implement the comprehensive plan.

Alternative Financing Mechanisms

The size and scope of the proposed program will require robust funding authority. A *tool box* of financing options to maximize available funding to support the implementation of the program has been identified for Council consideration. The Team identified five possible financing mechanisms and recommended the application of the various alternative financing tools for each project. The financing mechanisms are as follows:

General Obligation Bonds. This is our traditional financing vehicle for road projects. Bonds are issued, with voter approval, to finance on a long term basis the cost to construct a roadway. A portion of the property tax is used to pay the bonded indebtedness. We recommend \$27,401,400 in General Obligation funded projects.

Transportation User Fee. This is a fee levied through our utility billing system to pay transportation system improvements. We presented the fee concept in January 2007 and suggested \$10 per residential utility customer and a sliding commercial fee with a maximum of \$140 month. It is estimated the fee will generate \$4.7 million annually. We recommend \$14,401,400 in Transportation User Fee funded projects.

Road Impact Fees. State statues permit the City to levy impact fees to partially reimburse the City for construction of roadways identified on the Thoroughfare Plan. Statues require several actions: 1) a detailed engineering study as a predicate to setting impact fees; b) the City must pay its proportional share of the cost of the project; c) each development project within a 5 mile radius (maximum) would pay a portion of the cost of the street project. This financing tool is only viable for street projects where there is sufficient undeveloped land in the impact fee area. We recommend \$32,305,623 in impact fee roads.

Street Assessment. The City has used street assessments as a important tool in the past. In recent years it has not been as widely used for various reasons. Street assessments are levied based on the City being able to demonstrate enhanced value to the adjoining property. It is a viable tool for use in specific circumstances. We recommend \$6,630,284 in street assessment projects.

Transportation TIF. In the last legislative session, the Texas Legislature authorized the creation of Tax Increment Reinvestment Zones for transportation purposes. TIREZ or TIF had been available for economic development purposes. Other than providing authority to create TIF for transportation, the process and requirement to create a Transportation TIF is essentially the same. This is a viable tool for unique transportation projects in which there is a substantial commercial development potential. We recommend \$19, 100,000 in TIF funded projects.

Council Direction and Action

The Council is requested to provide specific direction to the City Manager as follows:

- 1) Authorize the list of recommended Priority Street Projects or as may be amended by Council as the basis for planning and presentation to the Citizens Advisory Committee for the November 2008 Bond Election.
- 2) Authorize the City Manager to bring back for formal consideration three alternative financing mechanisms
 - a. Transportation User Fee
 - b. Street Impact Fees
 - c. Transportation Tax Increment Financing

The development of specific formal proposals for each of the forgoing alternative financing mechanisms will require several months to develop. Prior to formal presentation to Council, we propose to implement a Citizen Engagement plan to obtain comments and input from stakeholders. The Engagement Plan will include both face to face meetings as well as interactive web based means to communicate with stakeholders.

Corridor Development

Three primary east-west corridors have been identified for development in the recommended program. The three corridors were identified based on traffic volumes, inefficiencies of the current corridor, and projected growth within the corridor.

Rock Prairie Road

* Rock Prairie West widening (SH 6 to Normand)	\$1,750,000
* Rock Prairie / SH 6 Interchange Upgrade	11,000,000
* Rock Prairie West Widening	8,100,000

Barron Road

* Barron Road West Widening Phase 2	\$10,100,000
* Barron Road East	16,250,000

University Drive (FM 60)

* University Drive Pedestrian Improvements	\$5,848,485
* University Drive (FM 60) Widening R-O-W	501,400

Connectivity

A total of nine projects were identified to improve connectivity in our transportation system. The nine projects were identified based on traffic volumes, access, inefficiencies of the transportation system, projected growth and development, and Thoroughfare Plan recommendations.

* Jones – Butler Phase 1	\$2,650,000
* Holleman Drive West	2,430,284
* Eagle Avenue	2,000,000
* Pebble Creek Parkway North	7,850,000
* Victoria Avenue	2,200,000
* Lakeway Drive	14,300,000
* Dartmouth Drive Extension	1,755,623
* F&B Road	1,500,000
* Switch Station Road	1,000,000

Hike – Bike – Greenway

The proposed program recommends the development and construction of a prototypical Hike-Bike trail in conjunction with the Spring Creek Greenway. This project is proposed to set the standard for future trail development in the community while providing for multi-modal component of our transportation system.

* Spring Creek Hike Bike Trail	\$3,500,000
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Other Projects

The proposed program includes other elements required to support the overall transportation system.

* Sidewalks (various locations)	\$300,000
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- * Oversize Participation \$1,000,000
- * Traffic Signals 3,000,000

Innovation Programs

Two project funding projects have been included to improve our ability to deliver street projects in a timely fashion. It is recommended that a portion of Transportation User fee be used to provide advanced funding to design street projects and acquire right of way for approved projects. Because of the timing of projects to be implemented over the five year funding period, we will be able to develop plans and acquire right of way in advance of funding becoming available for a project. Once funding is made available, the design and right of way acquisition funds will be replenished. This innovative approach will permit us to reduce the lead time to begin construction by as much as three years.

- * Future Right of Way Acquisition \$2,000,000
- * Future Street Design 500,000

Section 1 – Recommended Priority Street Projects

PrjNo	Project Title	Project Scope	\$ Estimate	Priority	Funding Type	Street Class
100	Rock Prairie Road East	Bird Pond from SH 6 to Frost	8,100,000.00	1 Highest	2 TIF	Major Arterial
101	Rock Prairie West Widening	Widen from SH 6 to Normand	1,750,000.00	1 Highest	3 TUF	Major Arterial
102	Rock Prairie/SH 6 Interchange Upgrade	SH 6 & Rock Prairie	11,000,000.00	1 Highest	2 TIF	Interchange
103	Barron Road Widening Phase 2	Widen Decatur to SH 40	10,100,000.00	1 Highest	1 GO Bonds	Minor Arterial
104	Barron Road East	SH 6 to WD Fitch SH 40	16,250,000.00	1 Highest	4 Impact Fee	Minor Arterial
105	Jones-Butler Phase 1	George Bush to Luther	2,650,000.00	1 Highest	1 GO Bonds	Minor Arterial
106	University Dr Pedestrian Improvements Phas 2 - 5	College Main to S College	5,848,485.00	1 Highest	3 TUF	Bike/Ped
107	Holleman Drive West	N Dowling Rd to FM 2818	2,430,284.00	2 High	5 Assessment	Major Collector
108	Eagle Avenue	Newport to Alexandria	2,000,000.00	2 High	5 Assessment	Minor Collector
109	Pebble Creek Parkway North	SH 40 to SH 6	7,850,000.00	2 High	1 GO Bonds	Major Collector
110	Victoria Avenue	Southern Plantation to SH 40	2,200,000.00	2 High	5 Assessment	Major Collector
111	Lakeway Drive	Rock Prairie to SH 40	14,300,000.00	2 High	4 Impact Fee	Major Collector
112	FM 60 Widening Right of Way	SH 6 to SH 30	501,400.00	2 High	1 GO Bonds	Major Arterial
113	Dartmouth Drive Extension	FM 2818 to Texas Avenue	1,755,623.00	2 High	4 Impact Fee	Minor Arterial
114	F&B Road	Turkey Creek to SH 47	1,500,000.00	2 High	1 GO Bonds	Major Collector
115	Switch Station Rd	SH 6 to Appromatox	1,000,000.00	2 High	1 GO Bonds	Minor Collector
116	Spring Creek Hike and Bike Trail	Westfield Park to Lick Creek Park	3,500,000.00	2 High	1 GO Bonds	Bike/Ped
117	Sidewalks	Various Locations	300,000.00	2 High	1 GO Bonds	
118	Future Right of Way Acquisition	Various Project Locations	2,000,000.00	2 High	3 TUF	
119	Oversize Participation	Various private funded projects	1,000,000.00	2 High	3 TUF	
120	Future Street Design	Various Projects	500,000.00	2 High	3 TUF	
121	Traffic Signals	Various locations	<u>3,000,000.00</u>	2 High	3 TUF	
	Project Total		<u>99,535,792.00</u>			

Section 2 – Priority Street Projects by Funding Source

Priority	PrjNo	Project Title	\$Estimate	Street Class	Project Scope
GO Bonds					
1 Highest	103	Barron Road Widening Phase 2	10,100,000.00	Minor Arterial	Widen Decatur to SH 40
1 Highest	105	Jones-Butler Phase 1	2,650,000.00	Minor Arterial	George Bush to Luther
2 High	114	F&B Road	1,500,000.00	Major Collector	Turkey Creek to SH 47
2 High	112	FM 60 Widening Right of Way	501,400.00	Major Arterial	SH 6 to SH 30
2 High	109	Pebble Creek Parkway North	7,850,000.00	Major Collector	SH 40 to SH 6
2 High	115	Switch Station Rd	1,000,000.00	Minor Collector	SH 6 to Appromatox
2 High	116	Spring Creek Hike and Bike Trail	3,500,000.00	Bike/Ped	Westfield Park to Lick Creek Park
2 High	117	Sidewalks	300,000.00		Various Locations
		Total General Obligation Bonds	<u>27,401,400.00</u>		
TIF					
1 Highest	102	Rock Prairie/SH 6 Interchange Upgrade	11,000,000.00	Interchange	SH 6 & Rock Prairie
1 Highest	100	Rock Prairie Road East	8,100,000.00	Major Arterial	Bird Pond from SH 6 to Frost
		Total TIF Funding	<u>19,100,000.00</u>		
TUF					
1 Highest	106	University Dr Pedestrian Improvements Phas 2 - 5	5,848,485.00	Bike/Ped	College Main to S College
1 Highest	101	Rock Prairie West Widening	1,750,000.00	Major Arterial	Widen from SH 6 to Normand
2 High	118	Future Right of Way Acquisition	2,000,000.00		Various Project Locations
2 High	119	Oversize Participation	1,000,000.00		Various private funded projects
2 High	121	Traffic Signals	3,000,000.00		Various locations
2 High	120	Future Street Design	500,000.00		Various Projects
		Total Transportation User Fee	<u>14,098,485.00</u>		
Impact Fee					
1 Highest	104	Barron Road East	16,250,000.00	Minor Arterial	SH 6 to WD Fitch SH 40
2 High	111	Lakeway Drive	14,300,000.00	Major Collector	Rock Prairie to SH 40
2 High	113	Dartmouth Drive Extension	1,755,623.00	Minor Arterial	FM 2818 to Texas Avenue
		Total Impact Fee	<u>32,305,623.00</u>		

Assessment

2 High	107	Holleman Drive West	2,430,284.00	Major Collector	N Dowling Rd to FM 2818
2 High	108	Eagle Avenue	2,000,000.00	Minor Collector	Newport to Alexandria
2 High	110	Victoria Avenue	<u>2,200,000.00</u>	Major Collector	Southern Plantation to SH 40
		Total Street Assessments	<u>6,630,284.00</u>		
		Total Program	<u><u>99,535,792.00</u></u>		

November 5, 2007
Regular Agenda Item 5
Citizen Engagement – Community Problem Solving

To: Glenn Brown, City Manager

From: Terry L. Childers, Deputy City Manager

Agenda Caption: Presentation, possible action, and discussion regarding Citizen Engagement Policy and the application of Community Problem Solving Model in College Station.

Recommendation(s): The Council is requested to receive a presentation on Citizen Engagement Discussion Paper for College Station. The discussion paper is intended to provide a broad policy context to apply Citizen Engagement Tool Box to engage College Station citizens on a consistent basis.

Summary: The City Council requested at their October 11, 2007 meeting a discussion of the Community Problem Solving Model and its potential application to address the Weingarten tract. The staff has developed a two prong presentation in response to the request. First, a discussion paper titled – Citizen Engagement a Discussion Paper for College Station has been developed to provide a broader policy framework to engage stakeholders in policy decisions of City government. It suggests, based on national research, that 84% of citizens surveyed feel better about city government when city government regularly seeks informed involvement of citizens in decisionmaking. The discussion paper suggests the establishment of a Citizen Engagement policy and the use of multiple tools to effectively engage citizens on a consistent basis. Second, a discussion of one of the tools identified in the Tool Box – Community Problem Solving Model to address difficult issues facing the community. The Council will be provided with several examples from the suggested Tool Box to gauge the level of acceptance to apply the various engagement tools in College Station.

Budget & Financial Summary: None at this time.

Attachments:

Citizen Engagement a Discussion Paper for College Station
Community Problem Solving Model



**Citizen
Engagement
Discussion Paper
for College Station**

October 15, 2007

Citizen Engagement – Discussion Paper for Introduction

One of the great challenges for the City organization is providing a consistent connection with our citizens in our efforts to foster the development of a high quality community. City Council has identified citizen (stakeholder) engagement as a strategic issue for our consideration.

Effective two-way communications with both internal and external audiences is essential to the continued success of the many programs and services offered by the City of College Station. Utilizing a variety of media and technology, we will strive to market our services, communicate our mission and values, engage our citizens in the decisions of city government while telling the College Station story to our elected officials, employees, citizens, community partners, and others nationwide.

While the City organization has a good tradition of citizen involvement, it lacks a comprehensive framework to fully engage its citizens in the business of City government to promote the quality of life in College Station. The purpose of this discussion paper is to set forth several *framing concepts* for consideration towards the development of a citizen engagement model for the City of College Station.

The *framing concepts* presented here are the result of a survey of current literature on citizen engagement in the public sector. While there is a wide range of models in use by various governmental entities, this paper focuses on key concepts vital to the success of a workable citizen engagement model for College Station. Citizen Engagement – a Discussion Paper for College Station is the beginning of the conversation rather than the end product. It is hoped this paper will

College Station

present a number of concepts which lead to a lively and active discussion among our citizens, policy makers, and management team. The result of the dialogue should result in a highly interactive and predictable citizen engagement model for College Station.

Citizen Engagement

One of the initial challenges is to distinguish between citizen participation and citizen engagement. Citizen participation has as its focus to provide opportunities for citizen input along the policy development and adoption continuum. It tends not to be proactive in seeking citizen involvement. Rather, citizen involvement is permitted at various points along the decisionmaking continuum. Statutorily, College Station citizens have numerous opportunities for input – posting of public meeting agendas, publishing of meeting minutes, public meetings, public hearings, etc. While these practices are good and beneficial, they should not be confused with citizen engagement. “to simply inform and to consult are *thin*, frequently proforma techniques of citizen participation that often fails to meet public expectations for involvement and typically yields little in the way of new knowledge”¹. In a 2006 survey of citizens on engagement strategies, 84% of the respondents indicated they would feel better about government decisionmaking if they knew that government regularly sought informed involvement of citizens in the decisionmaking.

Citizen engagement on the other hand is an active and intentional partnership between the general citizenry and decisionmakers. It a commitment from City government to cultivate a deeper level of knowledge

¹ “Public Deliberation: A Manager’s Guide to Citizen Engagement”

among citizens about the issues and potential solutions. Citizen engagement emphasizes the quality and depth of learning and involvement of citizens in the issues under consideration.

The distinction being offered here is an important one. There is a qualitative difference between citizen involvement and citizen engagement. The former places little emphasis on the quality of information and knowledge of citizens in the decisionmaking process while the latter, places great emphasis on ensuring citizens are fully informed and equipped to be full partners in policy deliberations. “Citizen engagement seeks to improve capacity of citizens to make informed choices, solve problems, and work in partnership with government.”³ It is this distinction – equipping our citizens

easier and accountability is established for the results.

Citizen Engagement Spectrum

Citizen engagement in its truest form is a commitment from local government to cultivate deeper levels of knowledge among citizens generally about the issue at hand and potential solutions, and to provide opportunities for citizens to exercise that knowledge in service of policy and program development in a regular and ongoing basis.

The broad literature of citizen engagement suggests a broad spectrum of connecting citizens to policy and program development. Table 1 below suggests the spectrum ranges from inform, consult, engage, collaborate, to empower.

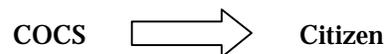
	Inform	Consult	Engage	Collaborate	Empower
Goal	Provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities, and /or solutions	Obtain public feedback on analysis, alternatives, and/or decisions	Work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered	Partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution	Place final decision making authority in the hands of citizens

with knowledge and understanding of the issues – that is the focus of this discussion paper. How do we frame our public policy processes to fully prepare our citizens to be effective partners in making decisions for their benefit and the good of the community. Our primary focus should be to develop a richer information base through which to educate our citizens and public policy makers about the dimensions of an issue or decision. There should be open and candid discussion of policy options with a space fully reserved for the voice of our citizens. The by-product of engagement is that the implementation of decisions are

Stages of Citizen Engagement

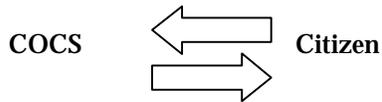
Citizen engagement typically progresses through three stages.

Stage 1 – Information stage. Government delivers information to citizens. This can be done in various forms – websites, agenda summaries, reports, media broadcasts, etc.



Stage 2 – Consultation stage. Government exchanges information with citizens on

issues. This stage is characterized by public hearings, citizen committees, surveys, etc.



Stage 3 – Active participation. This stage is generally characterized by planned collaboration between local government and citizens. Some examples – problem solving forums, online collaboration, discussion groups, etc.

Public entities tend to move through the various stages of engagement as both the community and the public policy makers mature in their understanding of the importance of connecting citizens with the outcomes of policy making.

Public bodies have a need to create various channels of engagement with the public. One way communications fails to fully engage citizens fully. There must be a purpose for the information sharing. There must be a *culture* created which promotes participatory and responsive local government. There is a need to shift from information exchange model to a full engagement of citizens on all fronts. This shift requires a deliberate plan of action on the part of city government.

Goals of Citizen Engagement

The creation of a deliberate citizen engagement model requires focus and prioritization. There are six specific goals generally associated with citizen engagement initiatives.

- 1) Inform and educate the public about important policy issues
- 2) Improve government decisions by supplying better information from citizens to decisionmakers

- 3) Create opportunities for citizens to shape public policy
- 4) Legitimize government decisions by ensuring that voices of those impacted by government policy have been heard
- 5) Involve citizens in monitoring outcomes of policy for evaluation
- 6) Improve the quality of public life by restoring the trust and engagement of citizens.

Six Guiding Principles

There are 6 Guiding Principles of citizen engagement. These principles guide the development of a comprehensive program to connect citizens with their city government.

Principle 1 – Educate participants. Provide accessible information to citizens about issues and choices they have in connection with issues.

Principle 2 – Frame issues neutrally. Offer unbiased framing of policy issues. Provide the facts and let the facts rest on their own merits.

Principle 3 – Achieve diversity. Involve a demographically representative group of citizens. Resist the temptation of inviting only the *usual suspects* to participate in the process.

Principle 4 – Get buy-in from policy makers. Achieve commitment from decision makers to engage in the process and use the results in policy making.

Principle 5 – Support quality deliberation. Facilitate high quality discussion that ensures all voices are heard.

Principle 6 – Sustain involvement. Support ongoing involvement by the public on issues, including feedback, monitoring, and evaluation.

(AmericaSpeaks, 2004)

City of College Station Citizen Engagement

A survey of the current citizen engagement environment in College Station suggests many of the pieces are in place for a vibrant citizen engagement program. A candid evaluation of the efforts by the City suggests that the current program is fragmented and lacks an overall focus. Too often citizen engagement is an after throughout rather than a premeditated plan of action to connect citizens with issues and policy making.

The first step towards are coherent citizen engagement program is a commitment by decisionmakers – policy makers and policy developers – to connect citizens to the development and approval of policies. Citizen engagement must permeate the organization with a heavy respect for the opinions and desires of citizens impacted by policymaking. The city organization must embrace at all levels the principles of engagement and make it a part of the culture and lethargy of the organization.

Proposed Citizen Engagement Plan

Introduction

The City of College Station values the involvement of its citizens in the business of City government. There is a recognition that decision-making by the City government is improved by connecting our citizens with the decision-making process. It is the desire of the elected and appointed officials to create a collaborative decision-making style in which every citizen has the ability to be well informed and provide direct input into the decisions of City government.

Council Strategic Issue

The City Council has recognized the importance of quality citizen engagement through the identification of a Strategic Issue – Effective Two Way Communication with both internal and external audiences is essential to the continued success of the many programs and services offered by the City of College Station. Utilizing a variety of media and technology, we will strive to market our services, communicate our mission and values, engage our citizens in the decisions of city government while telling the College Station story to our elected officials, employees, citizens, community partners, and others nationwide.

Policy Statement

The City of College Station is committed engagement of its citizens by ensuring every citizen has the opportunity and mechanisms to communicate effectively with decisionmakers. We will facilitate information access, knowledge sharing, and discussion among participants in the engagement process. We will use the citizen engagement process to establish responsibility and accountability of outcomes expected from city government.

Guiding Principles

Citizen Engagement should result in:

- * Trust between government and citizens
- * Informed judgments about City activities
- * Face to face deliberation
- * Decisions that reflect a thorough consideration of community issues and perspectives
- * Transparent and trackable decisions with stated accountabilities
- * Common understanding of issues and appreciation for complexity

Citizen engagement is a disciplined process which allows the City government to engage the citizens of College Station to:

- * Increase understanding of issues
- * Determine possible options
- * Generate new ideas
- * Discover and explore possible compromises
- * Gauge public support for various solutions

Citizen Engagement Process

The City of College Station's Citizen Engagement Process is based on the guiding principles of trust, education, deliberation, and involvement. Each major actor – citizens, elected officials, and city staff – has a vital role and responsibility in the Citizen Engagement Process.

Citizens Expectations and Responsibilities

Citizens are expected to be fair, respectful, and supportive of an open process which allows all who are affected or interested to have an equal opportunity to participate. Citizens are expected to work hard at learning about an issue, listening to all perspectives, attempting to understand opposing viewpoints, be willing to reach a compromise on difficult issues, and consider the *public good* perspective on all issues. Finally, citizens are expected to be solution oriented in opposition to fault finding and placing blame.

Elected Officials Roles and Responsibilities

Elected officials play a pivotal role in the success of Citizen Engagement. There must be a recognition of the benefits of citizen engagement and serve as advocates for the process. Elected officials must provide resources and support City staff in utilizing the process. Through the adoption of a formal citizen engagement policy, ensure it is fairly and consistently applied. This

implies, elected officials will be informed about the process and share the benefits of citizen engagement. There is a recognition that citizen engagement does not replace the role and responsibility of elected officials to make the final decision. Citizen Engagement produces improved information and increases the quality of decision-making. Finally, elected officials are expected to evaluate the effectiveness of each citizen engagement process and offer suggestions for improvement.

City Staff Roles and Responsibilities

City staff members role and involvement in the Citizen engagement process is crucial to its success. Based on Council policy, the City staff should recognize the benefits of citizen engagement and serve as advocates for the process. They must be informed of the efficacy and appropriateness of citizen engagement that may be useful in specific applications of their department's work program. City staff should provide accurate and unbiased information to educate citizens on the issues, options, and results of policy deliberations. City staff should engage citizens as partners in the design and execution of specific engagement efforts. Finally, City staff will promote efforts to connect as many affected or interested citizens as possible in the engagement process.

Phases of Citizen Engagement Process

The College Station Citizen Engagement process is a six (6) step process designed to produce improved quality decisions.

Step 1 – Issue Generation Phase

Issues derive from a multiplicity of sources – City Council, City staff, citizens, boards and committees. Issues, problems, concerns are identified which lend themselves to engagement of citizens in some way. Not every issue faced by the City government

should be considered a candidate for the Citizen Engagement process. At the discretion of the City Council or City Manager, an issue will be identified which merits consideration for the Citizen Engagement process.

Step 2 – Engagement Planning Phase

Once an issue has been identified for inclusion in the Citizen Engagement process, the City staff will develop a Citizen Engagement plan which addresses the following elements:

- 1) Scope definition. Define the scope of the issue and aspects of the problem.
- 2) Expected outcomes. Define the expected outcomes from process.
- 3) Information and data development. Provide information which will be required to engage citizens in the process.
- 4) Determine the best tools and methodology (Tool Box) to engage citizens. This is a critical step since it defines expectations of both citizens and ultimate decision-makers. If citizens are expected to provide input but not develop specific recommendations, it should be stated up front.
- 5) Final decision-making authority. There needs to be a clear statement of whom has final decision-making authority to make the decision.
- 6) Resources required. Required resources to fully implement the engagement need to be identified. Resources may be in the form of staff allocations, mailings, publications, programming, outside consultancy, etc.

7) Identify participants. Efforts should be made to identify both affected and interested citizens in the issue.

8) Communication protocol. The appropriate communication techniques with the affected and interested citizens and stakeholders will need to be identified. During this element the appropriate educational materials will be agreed upon and delivered to participants.

9) Timeline for process. A proposed timeline to communicate, educate, discuss, and prepare a final report for consideration.

Step 3 – Deliberation Phase

The next phase of the process is deliberation. It is during this phase that citizen input and suggestions are identified and recorded for reporting to appropriate bodies. Throughout the project, it is important to communicate often and clearly with stakeholders, elected officials, City staff members, general public, and news media the status of discussions and results to date.

Step 4 – Project Completion Phase

The results, findings, and recommendations developed during the engagement should be prepared in a form and format to be provided to stakeholders, general public, decisionmakers, and City Staff.

Step 5 – Decisionmaking Phase

In this phase, those charged with making final decisions review the outcome of the engagement and act upon it.

Step 6 – Evaluation Phase

In order to promote and refine the collective learning from Citizen Engagement processes, it is essential to evaluate the efficacy of both the engagement process and

the outcomes of the decision-making process.

Citizen Engagement Tool Box

The City has a number of tools available for use in Citizen Engagement. Inherent in all of the tools is the importance of accurate unbiased information and opportunities for citizens to express opinions and provide input. The selection of a particular tool to use in Citizen Engagement is dependent upon a number of factors:

- * the nature of the issue to be considered
- * expected outcomes from the process
- * the role of citizens in the decision making process. Whether citizens will be expected to provide input, offer alternatives, or make the basic decision.

Whatever tool is selected, City staff should be very clear as to the role citizens will play in the engagement. Failed processes often occur when there is confusion over expectations.

Here are several potential tools:

Community Problem Solving. This tool is used to bring together various stakeholders with opposing viewpoints on a high profile issue of general community concern. Stakeholders are charged with the development of specific solution(s) to the identified community problem for presentation to decision makers. Because of the high profile nature of issues subjected to this tool, decision makers will likely want to be active in the formulation of the group and provide specific direction in the form of a charge to the assembled work group.

Issues Forum. Forums can be organized in both a face to face format or online. They typically are focused on a single issue and participants are provided an opportunity to express opinions, provide comments, or

offer alternatives. Forums have the advantage of generating ideas and understanding of the single issue beyond the typical listening or input vehicles. Some examples of Issues Forums – online forums in which participants are invited to a website to enter comments, pose new ideas, or pose insightful questions. Some communities have used blogs to communicate with stakeholders and share ideas across a broad cross-section of the community.

Community Listening Sessions. This is one of the most commonly used engagement tools for College Station currently. Citizens are invited to participate in meetings to provide comments on a specific proposal under consideration by the City. Comments are captured and provided to decision-makers for consideration during the policy process. This process is distinguished from Issues Forums on the basis that Issues Forums lend themselves to more give and take and solicitation of new ideas while Listening Sessions are geared more for take comments and answering questions of stakeholders.

Citizen Congress Workshops. The City has successfully used Citizen Congress as a forum to discuss various issues and solicit specific feedback, ideas, and suggestions. Citizen Congress is distinguished by the use of focus groups to discuss various topics of concern to citizens and to assist policy makers to form the basis for broader policy initiatives. It is distinguished from other engagement techniques by the number of topics covered and the nature and use of the feedback received from the focus groups.

Special Task Force. Council has appointed from time to time special task forces to study a specific topic and provide recommendations to Council. Typically, special task forces represent stakeholders with unique interest in a particular issue.

Committees – Boards – Commissions. An important element of Citizen Engagement is the appointment by Council of various statutory, and advisory Committees, Boards, and Commissions to advise and recommend policy actions to Council. The various standing boards, commissions, and committees are a vital tool in citizen engagement process.

Community Survey. The City has successfully used various types of surveys to gauge community opinions and attitudes on various subjects. Survey data is generally used to frame broader policy initiatives or to assist policy makers in setting priorities.

Citizen Engagement Team

The following Management Team members will comprise the Citizen Engagement Team.

- * Information Technology
- * Public Communications
- * Planning and Development Services
- * Public Works
- * Police
- * Fire
- * Parks and Recreation
- * City Manager Office

The Citizen Engagement Team will be responsible for developing implementation strategies to implement the City of College Station Citizen Engagement Plan.



Memorandum

MEMO TO: Glenn Brown, City Manager

FROM: Terry L. Childers, Deputy City Manager

SUBJECT: Community Problem Solving

DATE: October 31, 2007

Community Problem Solving Model

The Community Problem Solving Model has its genesis in urban settings in which community leaders desired to find methods to resolve major community issues without the divisive and often times heated debate. From my personal experience, I have participated in community problem solving processes in two other communities with very good results. In my judgment, the Weingarten tract rises to the level for which we should consider using the model to reach a consensus on the future development of the tract.

Community Problem Solving Methodology

The essential element of Community Problem Solving is consensus building. Every participant in the process is challenged to work towards real and defined solutions and asked to commit to the final solution. This central element is critical. If participants in the process are unwilling to come to the table to find and agree to solutions, the process will not work and should not be undertaken.

A typical Community Problem Solving process will contain all or most of the following steps.

1. Identification of key stakeholders
2. Appointment of independent facilitator
3. Setting of ground rules
4. Agreement to ground rules by all stakeholders
5. Identification of all salient issues (stakeholder generated)
6. Resolution meetings and discussions (typically with set agendas, times and locations)

7. Final agreement authored by and signed by stakeholders

Weingarten Community Problem Solving Process

Here is what I suggest for the Weingarten process. I am adding several steps based on my understanding of our local circumstances:

1. Council and Planning Commission buy-in. This concept needs to be fully explained, understood, and supported by the two decision making bodies before attempting to launch a process. If any member of the Council or Planning Commission cannot support the effort, it should be scrapped.
2. Developer and Neighborhood buy-in. Just as with Council and Planning Commission, both the developer and our neighborhoods need to be fully briefed so they understand and support the process. If there is reluctance on the part of either groups, we should not move forward. This step is problematic on its face since we have varied neighborhood interests and concerns with no one group who could or should represent neighborhood interest. We will need to work with Council to develop some definition of who should be included (neighborhoods) as stakeholders in the process.
3. City Staff buy-in. It is equally important for our staff to be educated on the process and be supportive of the effort. From personal experience, one of the processes I was involved with was nearly submarined by staff who felt they were not fully part of the process.
4. Identification of independent and knowledgeable facilitator. This is perhaps one of the most critical steps in the process. The appointment of a facilitator who is viewed by participants or the community as biased in some way will destroy the creditability at the outset. I suggest we use someone from outside the community with a strong background in planning and development issues while having direct experience in balancing competing community interests.
5. Identification of stakeholders. Once there is complete buy-in and appointment of an independent facilitator, the task of identifying and naming stakeholders to participate in the process becomes paramount. There are two issues for us here a) who identifies the stakeholders (staff, Council, self selection, combination); and b) who names or appoints the stakeholders to serve in the process. Getting the right people connected and committed to be participants in the process will determine the success of the process.
6. Setting ground rules. Initially there needs to be a set of ground rules which will drive the process. The initial ground rules are generally set

Memorandum to Glenn Brown
Community Problem Solving Model

by the originator(s) of the process. All stakeholders (participants) must be willing to abide by the ground rules without exception. Here are some typical ground rules:

- a. Every participant will be expected to participate in every meeting convened to discuss the issue.
- b. Every participant has equal voice in the process. There will be no major or minor participants.
- c. There will be no alternates or surrogates designated to participate in the meetings.
- d. The timeframe to complete the process will be XXX days.
- e. Once a decision has been made on any portion of the solution, the solution will not be re-opened for debate.
- f. Once a final solution has been reached, all participants agree to fully support the final decision.

Participants in the process will generally add other ground rules or the facilitator may well want some rules to insure his/her ability to lead a successful process.

7. Agreement to ground rules by all participants. Typically at the first meeting of the participants, there is formal discussion and adoption of the ground rules. There are a variety of ways groups insure adherence to the ground rules but is primarily a self policing method that proves successful. The two processes I have been a part of required that all participants sign the agreement to ground rules.
8. Identification of salient issues. This is one of the critical steps to be addressed. The identification of issues has two aspects – a) identification of the real issues and concerns; and b) a statement of goals or outcomes expected from the process. The facilitator becomes a key actor to draw out all the issues and assists the group to articulate what every participant expects from the process.
9. Discussion and Resolution. Once the real issues and expected outcomes are set, the real work of the group begins. Every key issue is discussed fully and proposed solutions are identified. Through consensus building, the facilitator moves the group through a road map towards real and viable solutions. Typically, this process requires several meetings with agendas for discussion and resolution opportunities.

Memorandum to Glenn Brown
Community Problem Solving Model

10. Final agreement. Once the group has reached resolution on the stated problem, they agree to present their solutions to the community or in our case to the Council and Planning Commission. It becomes incumbent on every participant to support the agreed upon solution(s) to protect the integrity of the process. Typically a written document is prepared describing the process, findings, and solutions which is signed by every participant.

Conclusion

The use of Community Problem Solving Model lends itself to the Weingarten tract for several reasons.

- The issue(s) are definable and lend themselves to real solutions.
- The sophistication of College Station provides the opportunity for high level discourse of a critical community issue.
- This is a community wide issue with implications that impact the balance of the community.
- Resolution of the issue outside a consensus building process will likely result in even greater emotional response to future land development activities in the future.

I would be delighted to discuss this concept with you in more detail if you should desire.

**November 5, 2007
Regular Agenda Item 6
Historic Preservation Survey Contract**

To: Glenn Brown, City Manager

From: Bob Cowell, AICP, Director of Planning & Development Services

Agenda Caption: Presentation, possible action and discussion regarding the approval of a resolution for a contract for consulting services (Contract #07-89) with Quimby McCoy Preservation Architecture, LLP for the review of a historic preservation enabling ordinance, preparation of an inventory and survey of historical structures and places within the older neighborhoods to the south and east of the Texas A&M University campus, and identification of potential landmarks and historic districts in these areas, in the amount of \$49,700.

Recommendation(s): Staff recommends the approval of the attached contract for consulting services by Quimby McCoy Preservation Architecture, LLP for the review of a historic preservation enabling ordinance, preparation of an inventory and resource survey, and identification of potential landmarks and historic districts.

Summary: To begin protection of buildings, places and objects of architectural, historical and cultural value in the City of College Station, staff is preparing a historic preservation enabling ordinance. A consultant will be utilized to analyze the ordinance and make suggestions for improvements. To initiate the process of preservation, the consultant will also be surveying two of the oldest developed areas in the City and making recommendations as to the significance of particular properties and potential historic districts.

The services to be provided by the consultant include the evaluation of a draft ordinance, archival research, interviews, surveys of properties, a survey report with district and landmark recommendations, a public meeting, and a presentation.

Budget & Financial Summary: \$50,000 was approved for the historic preservation project as part of the FY07-08 budget.

Attachments:

1. Quimby McCoy Overview
2. Quimby McCoy Principals Resumes
3. Resolution
4. Contract Scope of Services

Quimby McCoy Preservation Architecture, LLP

Dallas, Texas



Photo courtesy of the Dallas Historic Society.



Photo courtesy of the Texas/Dallas Archives, Dallas Public Library



Quimby McCoy, founded in 2000, provides full architectural services with a specialization in the restoration, adaptive use and architectural conservation of historic buildings. The firm has a broad base of experience and knowledge in the related areas of preservation planning, research and analysis, architectural history, materials science, government standards and regulations.

Quimby McCoy approaches the preservation of sites and buildings as conservators of the built environment with the intent of maintaining as much historic fabric as possible while providing design solutions that meet an owner's goals for the building's long-term continued use. Our passion for serving our community through excellence in design and preservation practice is reflected in each of our projects.

Contact Information:

Marcel Quimby, FAIA and
Nancy McCoy, AIA

Address: 3200 Main Street # 3.6
Dallas, Texas 75226

Phone: 214/977-9118
Fax: 214/977-9119

Email: marcel@quimbymccoy.com
nancy@quimbymccoy.com

Web: quimbymccoy.com

Marcel Quimby, FAIA

Principal

Marcel Quimby, FAIA, is a distinguished leader in Dallas' preservation community. Her experience ranges from complex restoration projects such as the Newton County Courthouse, which will be substantially reconstructed, to extensive historic resource nominations such as the Downtown Dallas National Register nomination. Also in downtown Dallas, she has prepared a preservation plan for Dallas' historic Municipal Building and served as the preservation planner for the Downtown Parks Plan. Her work experience includes the development of ordinances, training for Landmark Commissions and the preparation of preservation criteria for numerous cities across Texas. She is a former Landmark Commission and has served on its Designation Committee for over twenty years, is an Advisor to the National Trust for Historic Preservation and is a former President and active member of Preservation Dallas and the AIA Dallas. Her leadership skills and commitment to the community earned her Preservation Dallas' highest honor – the Dorothy Savage Award. Historic research, programming new uses, and solving preservation and architectural problems are her passions.

Ms. Quimby has provided services to many municipalities to identify historic resources, develop guidelines, and to train Landmark Commissions including:

Dallas
Fort Worth
Denison
Round Rock
Mansfield
Longview
Mesquite
Georgetown
Rockwall
Grapevine
Oklahoma City, OK

Education

Bachelor of Architecture, University of Louisiana at Lafayette, Cum Laude, 1978

Work History

Hellmuth Obata & Kassabaum (HOK)

Henningson Durham & Richardson (HDR)

Brown Reynolds Watford (BRW)

Boards and Commissions

Texas Historical Commission, National Register Board, Ex Officio, 1999-2007

National Trust for Historic Preservation, Board of Advisors, 1998-2003

Preservation Dallas, President, 2001/2002, Board of Trustees, 1996-2003

American Institute of Architects member since 1980; elected to College of Fellows, 1997; Dallas Chapter President, 1995

Dallas Landmark Commission, 1987-1989; Designation Committee, 1983– present

Friends of Fair Park, Board of Trustees, 1997-2003

Greater Dallas Planning Council. Treasurer, 2003-2006; Board of Directors 1999-present;

Awards and Honors

Dorothy Savage Award for Excellence in Preservation, 2006

Presidents Gold Medal, American Institute of Architects, 1992

Registration

Texas License No. 8609

NCARB Certificate No. 30,073

Marcel Quimby, FAIA
Principal

Selective Publications, Lectures and Exhibitions

Updated for Posterity, review of the Sixth Floor Expansion, Dallas, published in *Texas Architect* magazine, March/April 2003.

A Single Building Code - Will It Work? Article published in Southern Building Code Congress International's "Newsbriefs," Building Official and Code Administration's "BOCA" magazine, and the AIA Building Code and Standards' Spring 1994 newsletter.

Oak Cliff Weighs Succession, article published in *Texas Architect*, September/October 1990. These articles discussed the concept of Oak Cliff, an area with a population of 300,000, and comprising 1/3 of Dallas' land area, seceding from Dallas and establishing itself as a separate municipality.

Model Preservation Criteria for City of Dallas Landmark Program; these model criteria establish guidelines for changes to the City's' historic landmarks. Co-authored in 1990 with the City Attorneys' office, with subsequent revisions in 1996.

Dr. Benjamin Bluit and the Bluit Sanitarium, Dallas History Conference, Dallas Texas; January, 2007.

'*State, Local and National Designations*' program for preservation Dallas' Summer Sizzlers program, Dallas, Texas; July 2004.

'*Design Review Workshop*' for Dennison Historic Preservation Advisory Board, Denison, Texas; May 2004.

'*Preservation Overview, Design Review Guidelines and Questions & Answers Wrap-Up Session*' for Dennison Historic Preservation Board, Denison, Texas; May 2004.

'*Historic Preservation as an Economic Development Tool*' program at the Architecture Lecture Series of the Gregg County Historical Museum, Longview, Texas; February 2004.

'*Unique Code Considerations for Historic Buildings*' program at Texas Society of Architects convention, Fort Worth; November 2003. (w/ Daniel Thien, PE, David Gonzales, TDLR).

'*Design Guidelines for Historic Properties and New Construction*' programs at the Revitalizing the Urban Village Conference in North Texas; October 2003.

'*Trends in Historic Preservation and Neighborhood Revitalization*' at the Revitalizing the Urban Village Conference in North Texas; October 2003.

'*Design Review Workshop*' City of Rockwall Historic Preservation Advisory Board, Rockwall, Texas; June 2003.

'*Conducting a Legal and Efficient Historic Preservation Commission Meeting*' seminar, Texas Certified Local Government Conference, Granbury, Texas; February 2003.

"*Historic Designation – What is it?*" at Preservation Dallas' Historic House Specialist Seminar; annually or bi-annually, 1995– present

Nancy McCoy, AIA

Principal

Nancy McCoy, AIA, is an award-winning preservation architect with twenty years of national experience. She has a broad range of project experience that includes highly complex \$100 million dollar projects such as the adaptive use of Kansas City's Union Station and more intricate conservation work associated with the preservation of historic murals at Fair Park in Dallas. She has designed additions for the Department of the Interior Building in Washington DC as well as for smaller residential structures such as Paigebrooke Farm. Her strength is in finding a balance between the conservation of historic resources and modern-day safety, function and aesthetic goals for the continued use of historic buildings. She currently serves a Treasurer of the Association for Preservation Technology International and as Chair of the Historic Resources Committee of the Dallas Chapter of the AIA. She has practiced in New York and in Washington, DC prior to moving to Dallas in 1997. The interpretation of the Secretary of the Interior's Standards – a philosophical basis for historic preservation - has been a career-long focus that is further developed with each project.

Ms. McCoy has nine years of experience on multiple projects with the City of Dallas as well as experience with other municipalities that include:

Dallas, Park and Recreation Dept.
Dallas, Public Works
Dallas, Planning Dept./Development Services
Grand Prairie
Waxahachie
Granbury
Bonham
New York City

Education

Master of Science in historic preservation,
Columbia University, 1986

Master of Architecture, Columbia University, 1986

Bachelor of Environmental Design, Texas A&M University, 1981

Masonry Conservation Certificate, RESTORE, 1990

Work History

David Smotrich & Partners

Ehrenkrantz Eckstut & Kuhn Architects, PC
ARCHITEXAS

Boards and Commissions

Association for Preservation Technology International (APT) Board of Directors, Treasurer 2005—present

City of Dallas Landmark Commission, CBD and Fair Park Task Force, 1997—present

American Institute of Architects member since 1990; Vice President, Dallas Chapter, 2001, Chair HRC, 2002—present

Texas A&M University Center for Heritage Conservation Center Fellow, 1998—present; Chair, Advisory Council, 2000-2002

Dallas Arboretum, Construction and Design Review Committee, 2007-present

City of Dallas International Existing Building Code Task Force, 2003

Preservation Dallas Board of Directors, Secretary 1998—2004

Oak Cliff Foundation Board of Directors, Texas Theatre Committee, 2001-2004

Registration

Texas License No. 17785

New York License No. 021089-1

NCARB Certificate No. 54,959

Nancy McCoy, AIA
Principal

Selective Publications, Lectures and Exhibitions

"The Secretary of the Interior's Standards and Preservation Criteria", for the City of Dallas Landmark Commission Training Program, 1998, 2001 - 2006

"A Monumental Mural Challenge - Protecting Outdoor Painted Works", presented to the Association for Preservation Technology International, Atlanta, GA , 2006.

Visiting Lecturer, Texas A&M University, College of Architecture, Historic Preservation Coursework, 1998 - 2006

"Mothballing and Moving Historic Structures", Preservation Texas Symposium, 2004

"The ADA and the Texas Accessibility Standards for Historic Structures", State Organization of Landmark Preservation Commissions, 2002

Centennial Building Rehabilitation, online profile for National Park Service, 2002

"Tenth Street Historic District - Past and Future," to the community; Program Chair, Historic Resources Committee of Dallas Chapter of the American Institute of Architects, 2002

Faded Glory – the Art of Fair Park, Texas Architect magazine, 2001

"Fair Park: the Protection of Outdoor Murals," presented to the American Institute for the Conservation of Artistic and Historic Works/Museum Symposium, Dallas, 2000

Roundtable Series on *"Preservation in Affordable Neighborhoods"* and *"Design in Historic Contexts,"* Program Chair for Preservation Dallas, 1999.

"Careers in Historic Preservation" for Texas A&M Historic Resources Imaging Laboratory Symposium, 1999

"House Moving," Speaker and Host for Oak Cliff Restoration Workshop series, 1999

"Interpreting the Secretary's Standards" Symposium for the New York Chapter of the AIA, Program Chair, 1997

Governors Island Design Competition, Preservation and Urbanism Committee of the Municipal Arts Society, for the Van Allen Institute; exhibited and published entry, 1997

New York Civic Center Exhibit exhibition design and content development, Preservation and Urbanism Committee, Municipal Arts Society, New York, 1996 exhibit and publication.

Roundtable Series Moderator, Preservation and Government, Preservation and Urbanism Committee, Municipal Arts Society, 1996

"The U. S. Custom House: Fine Art Conservation Procurement," presented to the Association of Preservation Technology International, Washington DC, 1995

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, SELECTING A PROFESSIONAL CONTRACTOR, APPROVING A PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE HISTORIC PRESERVATION ENABLING ORDINANCE EVALUATION AND INVENTORY AND RESOURCE SURVEY PROJECT.

WHEREAS, the City of College Station, Texas, solicited proposals for the consulting services for the Historic Preservation Enabling Ordinance and an Inventory and Resource Survey Project; and

WHEREAS, the selection of Quimby McCoy Preservation Architecture, LLP is being recommended as the most highly qualified provider of the consulting services; 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 Quimby McCoy Preservation Architecture, LLP is the most highly qualified provider of the services for the Historic Preservation Enabling Ordinance Evaluation and Inventory and Resource Survey Project on the basis of demonstrated competence and qualifications.

PART 2: That the City Council hereby approves the contract with Quimby McCoy Preservation Architecture, LLP for an amount not to exceed \$49,700.00 for the consulting services related to the Historic Preservation Enabling Ordinance Evaluation and Inventory and Resource Survey Project.

PART 3: That the funding for this Contract shall be as budgeted from the General Fund in the amount of \$49,700.00.

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

ADOPTED this 5th day of November, A.D. 2007.

ATTEST:

APPROVED:

City Secretary

MAYOR

APPROVED:



City Attorney

Exhibit "A"

Scope of Services

This Scope of Services (SOS) stipulates the consulting and other services to be provided by Quimby McCoy Preservation Architects and defines the tasks and responsibilities to be carried out by the Contractor and the City of College Station to provide the products outlined below. The Contractor is to be involved for the full duration of the items described in this document.

OVERVIEW

Presently, the City of College Station celebrates historic homes and buildings through the local Historic Marker program. While the program provides the property owners with social recognition and the public with some historic educational benefits, the marker status does NOT offer property protection or regulation. It is the intent of this contract to provide the city the survey information needed to enact its preservation ordinance (currently in progress) in order to protect and regulate with regard to those properties designated as having significant historical value.

SERVICES

I. Historic District and Landmark Enabling Ordinance Review

The City of College Station will prepare a historic preservation enabling ordinance ("the Ordinance") to be incorporated into its Unified Development Ordinance. QMc will review a draft of this document and will provide comments regarding organization, effectiveness, etc. in writing.

Task 1: Preparation: Obtain from the City the background as to the intent of the Ordinance and the implementation process anticipated

Task 2: Ordinance Review

Task 3: Comment

Deliverable for Service 1:

1. One (1) written set of comments providing an analysis of the proposed ordinance in Word file format.

II. Inventory and Resource Survey

QMc will prepare an inventory of extant structures, buildings, places and objects of architectural, historical and cultural value in the City of College Station that are forty (40) years and older within the study areas defined in this Scope of Services. This resource survey will encompass two areas of the city as defined by map diagrams and referred to for the purposes of this project as Eastgate and Southside (see **Exhibit "B"** Survey Areas). The survey will not encompass the Texas A&M University (TAMU) campus or TAMU-owned property.

The City has existing documentation "Southside Historic District Resources, A Comprehensive Plan" dated 1997, which includes maps and photographic slides. This work should not be duplicated but should be updated and incorporated as appropriate in the inventory and survey. The survey will utilize a survey form, prepared by QMc with input from the City, that will provide the following information for each property within the survey area: Property address and Brazos CAD ID number (provided by the City), historic name (where applicable), photograph,

general architectural description, the presence of outbuildings, special site features, stories, heated square footage (provided by the City), integrity, function, architect (where available), approximate date of construction (where available), and whether the property includes additions or significant alterations. National Register criteria, level of significance, and potential to be a contributing structure within a potential historic district will be defined on the survey form.

Task 1: Preparation

- 1.1 Start-up meeting with City
- 1.2 Collect data provided by the City; perform research
- 1.3 Conduct interviews
- 1.4 Obtain maps provided by the City; format for use
- 1.5 Create survey form as Excel document; import City provided information

Task 2: Survey

- 2.1 Orientation drive through
- 2.2 Survey Southside
- 2.3 Survey Eastgate
- 2.4 Meeting with City --review survey findings
- 2.5 Complete survey forms; coordinate photographic documentation

Deliverables for Service II:

- 1. One (1) paper and one (1) electronic copy of the survey form for each property in the survey areas. The survey form will reference any associated photograph. The electronic copy will be in Excel and Word file format.
- 2. One (1) electronic copy of the photographs for each property in the survey area, referenced to the associated property by QMc. The copy will be in Adobe *.jpeg format.

III. Defining of Potential Historic Districts and Documentation

The preparation of the Survey Report will include history, statements of significance and with maps detailing those areas within the survey limits that best represent potential historic districts. This report will detail the reasons for the suggested boundaries of each potential historic district as well as the significance of the architectural, historical and cultural resources that make each area a potential historic district.

Task 1 Define potential districts and landmarks

- 1.1 Define potential districts and landmarks
- 1.3 Meeting with City – review draft potential districts and landmarks

Task 2 Presentations/Public Meetings

- 2.1 Present findings at one public meeting; obtain citizen input
- 2.2 Brief or present survey report to City Council or other government body

Task 3 Prepare Survey Report

- 3.1 Prepare methodology, final survey, and photographic documentation
- 3.3 Prepare general history
- 3.4 Prepare contextual history
- 3.5 Prepare statements of significance
- 3.6 Prepare descriptions
- 3.7 Prepare graphic material (photographs)

- 3.8 Prepare recommendations for further preservation efforts
- 3.9 Deliver Draft Report
- 3.10 Meeting with City to review draft report
- 3.11 Edit Draft Report
- 3.12 Deliver Final Report

Deliverables for Service III will include:

1. One public meeting of stakeholders to provide an overview of the project, solicit input from citizens, City staff, and the Historic Preservation Committee, and to discuss a schedule and milestones. Preparations and notification of meeting to be provided by the City.
2. One presentation to City Council or another government body at the request of City staff.
3. One (1) paper copy of Draft report and one (1) electronic copy of Draft report for review purposes.
4. One (1) paper and one (1) electronic copy of Survey Report.

Deliverables # 3 and 4 will be formatted as 8 ½ x 11 inch documents and will be in Excel and Word file format.

RESPONSIBILITIES OF THE VENDOR

- Provide the staff for all research and data collection and documentation unless noted otherwise in the Scope.
- Plan and record meetings with the City at regularly scheduled times.
- Provide staff with contact information to reach the project manager as necessary.
- Provide monthly written progress reports to the City in a format that clearly indicated completion of or significant interim steps in preparation for or toward completion of all project deliverables and meetings specified in this work program. The reports will also indicate activities scheduled for the next progress report period and document any project delays or difficulties encountered and measures taken in coordination with City staff to overcome them.
- Provide the completed project and all deliverables within nine (9) months of start date.
- Project manager should be willing to answer questions of the media if required.

RESPONSIBILITIES OF THE CITY

- Provide public meeting space, planning, handouts and accommodations for the Stakeholder/Public Meeting.
- Provide city maps with address, square footage, and Brazos CAD ID number, and other documents and resources relevant to the project.
- Assign a staff contact/liaison to work with the consultant's project manager.
- Provide electronic data associated with Brazos CAD.
- Provide photography of properties within survey area, where available.
- Perform Public Meeting notifications.

TEAM

QMc proposes a team composed of QMc and Dr. David Woodcock, FAIA as a consulting architectural historian and historic preservation specialist.

SCHEDULE

QMc proposes to complete the final survey document within nine (9) months of the Notice to Proceed. The following schedule is anticipated:

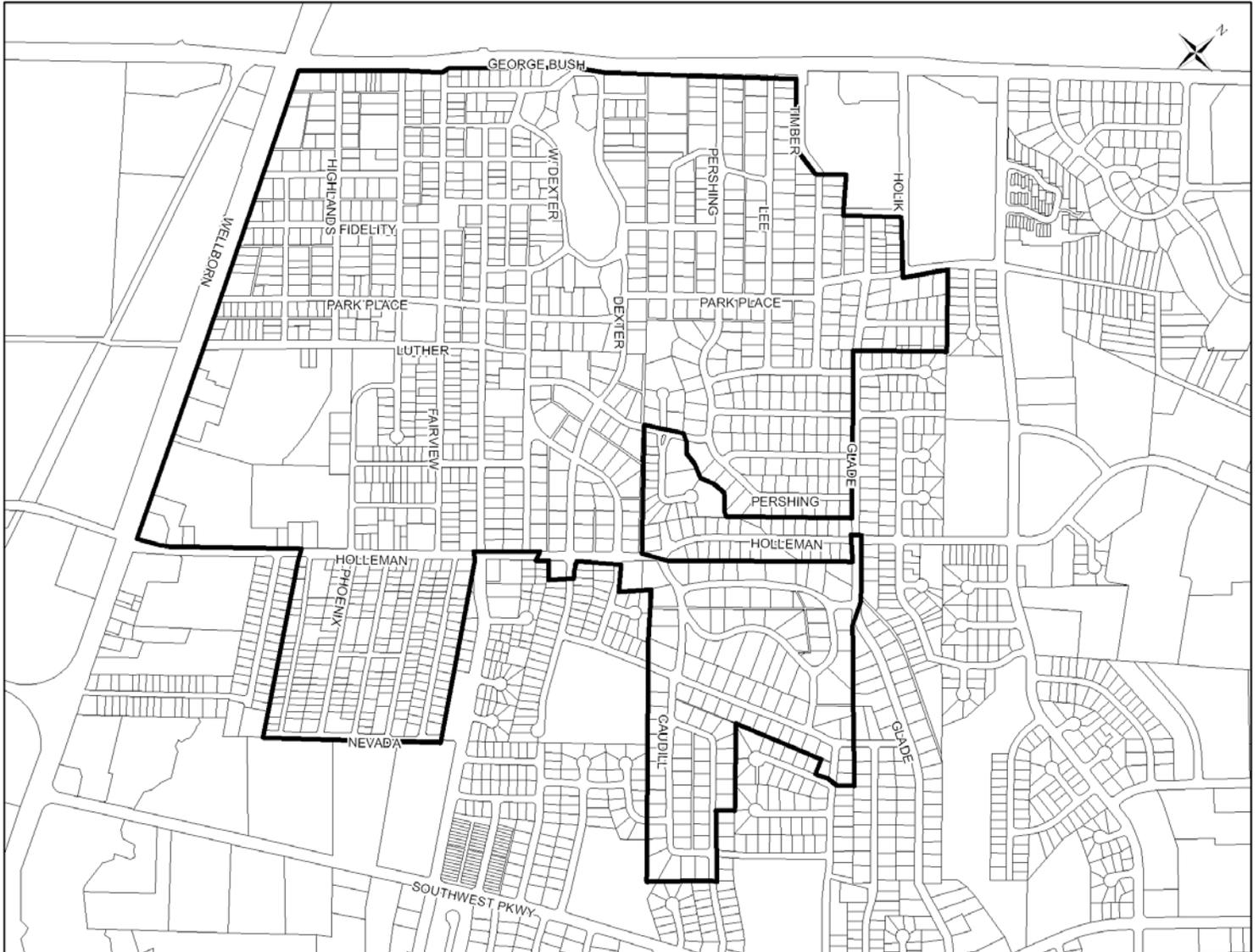
I	Historic District and Landmark Enabling Ordinance Review	1 month, or less
II	Inventory and Resource Survey	3 months
III	Defining of Potential Historic Districts and Documentation	3 months

Exhibit "B"

Survey Areas

The study areas (referred to as Southside and Eastgate) will be used to define the scope of services for this project.

The Southside survey area will consist of properties within the boundaries shown on the map below.



The Eastgate survey area will consist of properties within the boundaries shown on the map below.

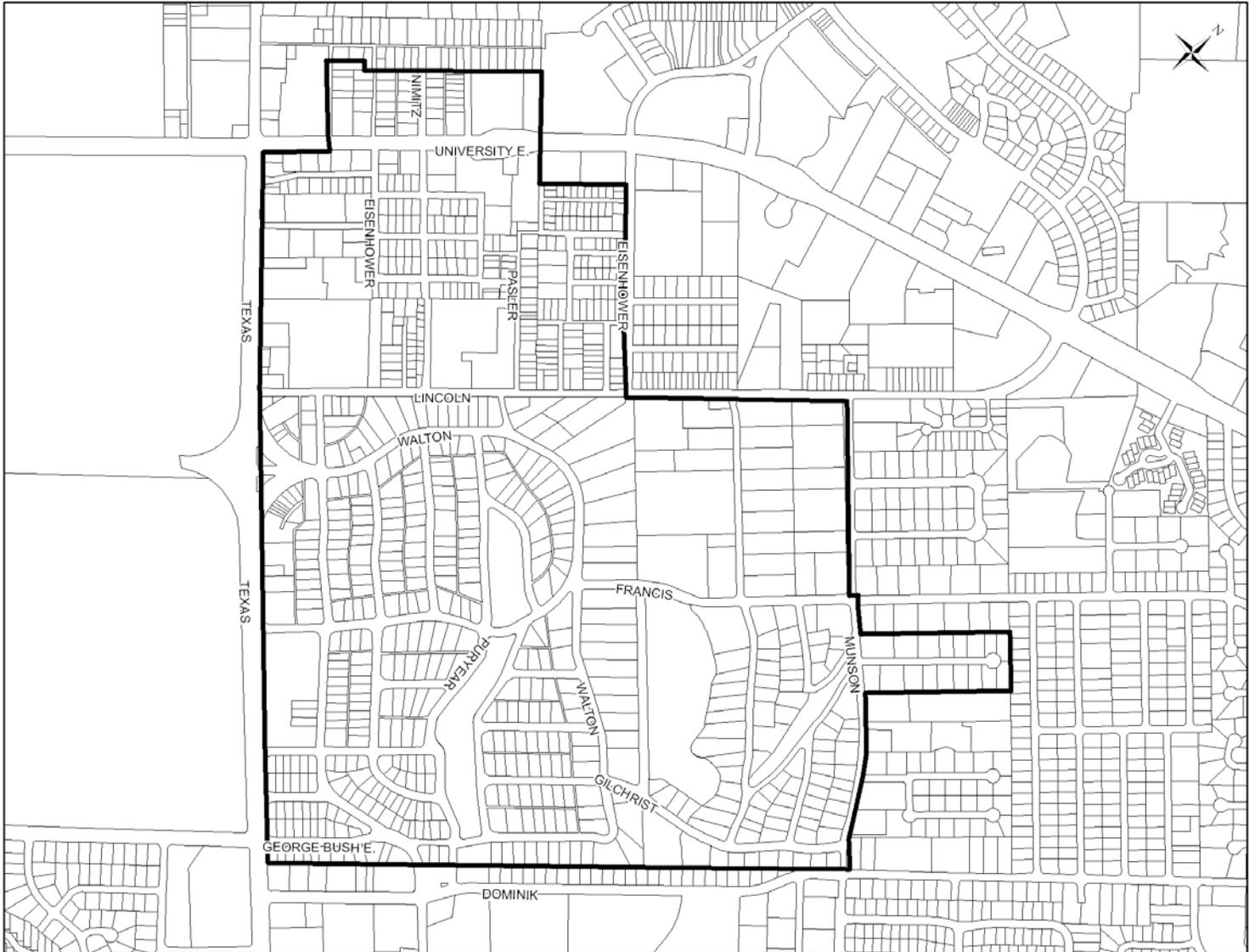


Exhibit "C"

Payment Terms

Payment is a fixed fee in the amount listed in Article II of this Contract. This amount shall be payable by the City pursuant to the schedule listed below and upon completion of the services and written acceptance by the City.

Payment shall be made pursuant to the percentage complete and written acceptance by the City for each task listed below:

Service I	Historic District/Landmark Enabling Ordinance Review	\$ 1,600 (billed over 1 month)
Service II	Inventory and Resource Survey	\$ 18,300
	Reimbursable Expenses	\$ 4,300
	Subtotal	\$ 23,600 (billed over 3 months)
Service III	Defining of Potential Historic Districts/Documentation	\$ 22,700
	Reimbursable Expenses	\$ 4,400
	Subtotal	\$ 29,900 (billed over 3 months)
TOTAL PROFESSIONAL FEES		\$41,000
TOTAL REIMBURSABLE EXPENSES		\$ 8,700
TOTAL		\$49,700

Reimbursable Expenses: include direct costs associated with the production of the Inventory and Survey, including printing of drafts, and final documents, plotting, reproduction, reproduction of archival photographs, travel expenses such as mileage, car rental, lodging, mail, and courier fees.

**November 5, 2007
Regular Agenda Item 7
City Council Travel Policy
Attachment B**

To: Glenn Brown, City Manager

From: Connie Hooks, City Secretary

Agenda Caption: Presentation, possible action, and discussion to add "Attachment B" to the City Council Travel Policy. This is a budget summary outlining the projected City Council travel expenses for FY '08.

Recommendation:

Adopt as presented

Staff seeks direction from Council for amendments.

Summary:

The City Council considered the City Council Business Travel Policy at a special workshop meeting on August 28, 2007. The policy was adopted with direction to the staff to bring back to the Council a report that describes the travel and training expenses for City Council and City employees for the past five years. Emphasis placed on this direction was to ensure that the City Council would not spend more than allocated to city employees. Council expressed a limitation of Council members to attend all out of town meetings. Also noted was a higher allocation to the Mayor.

Attached is a summary of anticipated Council travel and training expenses for FY '08, specifically noting the amount allocated for Mayor, Mayor Pro Tem, and each Council member.

Attachments:

Memo from Janet Dudding, Strategic Planning and Budget Manager
Proposed "Attachment B" to travel policy

“Attachment A”

CITY OF COLLEGE STATION CITY COUNCIL BUSINESS TRAVEL POLICY

Purpose

The purpose of this internal control policy is to establish uniform procedures that shall apply to all related expenditures for professional development, legislative, and other necessary expenses incurred by members of the College Station City Council while performing their official duties.

This policy shall be consistent with the City policies defined in the City of College Station Employee Handbook adopted September 2004. In addition to these policies, the City Charter §Section 19 provides that members of the City Council shall serve without pay or compensation; provided, however, they shall be entitled to all necessary expenses incurred in the performance of their official duties.

General Procedures

The City Manager will allocate general fund monies annually during the budget process for professional development and City business-related travel and reimbursable expenses for the Mayor and Council members. During the fiscal year, the Mayor or his designee shall be provided monthly budget reports of the City Council budget. If determined by the Mayor or his designee that sufficient funds are not available to cover projected expenses for unscheduled travel, the City Manager shall transfer adequate funds from the General Fund Contingency balance to the City Council Budget.

Authorization for Travel

Each City Council member will be entitled to attend meetings that are projected expenses within the budget. In addition, funds shall be budgeted for unscheduled and unanticipated trips as may be necessary to conduct official City business. All travel and training requirements that are not specified in the approved budget, including unscheduled and unanticipated trips, require the following:

- 1) a proposed budget for expenses related to the unscheduled training and/or trip must be submitted to the Mayor or his designee in a timely period prior to departure date, if possible; and,
- 2) verification of funding by the Mayor and City Manager before the training and/or trip is taken.

The following is a list of pre-approved events and/or meetings that any member of the City Council may participate in as a group or on an individual basis, subject to availability of funds:

- ü Texas Municipal League Annual Conference
- ü Texas Municipal League Association of Mayors, Councilmembers and Commissioners

- ü Texas Municipal League Newly Elected Officials Conference
- ü Texas Transportation Summit
- ü National League of Cities Annual Congress of Cities
- ü Legislative Meetings with Elected Officials in Washington and Austin

Lodging

The City will pay training class/seminar, conference, and meeting related out-of-town lodging costs at a single occupancy rate. The City will pay for the cost of the room and business telephone calls only. Council members may, at their own expense, upgrade their lodging. Additionally, Council members are responsible for payment of non-reimbursable expenses such as: room service, in-room movies, personal phone calls, etc.

Transportation

The City will pay all reasonable and necessary transportation costs incurred for required travel relating to the performance of official duties or professional development.

Air Travel

If air travel is selected, payment will be made for the commercial coach fare rate only. Discount fares and/or airline specials are offered by airlines. If a discounted fare and/or airline special require the Council member to leave or stay over an extra day, the City will pay for the lodging and meals for the extra day(s) provided the costs do not exceed the savings on the airfare.

Personal Vehicle

If a personal vehicle is used for travel, mileage reimbursement will be made at the current mileage rate set by the Internal Revenue Service (IRS). The reimbursed amount is expected to cover all of the personal vehicle related expenses for meetings outside Brazos County. The Mayor and Council members shall be reimbursed mileage at the IRS rate per mile for travel from City Hall to business-related meetings, luncheons, and ceremonial functions. Reimbursement shall not cover travel from home to business related meetings within Brazos County and City facilities.

Meals

Meals purchased within the City of College Station and the immediate surrounding area shall be paid for by the City if the purpose of the expense is clearly in the best interest of the City. Council members may use the City procurement card. If a personal credit card or cash is used instead, a Council member shall be reimbursed up to the amount indicated on the meal receipt.

A Council member will have meals paid for up to sixty dollars (\$60) per day. An increase or change from the daily allowance may occur based on factors such as higher costs at the travel destination or other extenuating circumstances. This includes, but not limited to meetings with local, state or federal officials, dignitaries, business representatives, other local government

officials, or meals at professional organization functions. local organizations of which the City is a member. The business purpose and individuals who participated in the meal must be noted on the receipt.

Reporting

Purchasing Card

Upon taking the elected official's oath of office and attendance at orientations, a newly elected official will be provided a City procurement card. All procurement cards are the property of the City of College Station and for authorized purposes only. It is at the discretion of the Council member to retain the card at all times or the City shall maintain in a safe and secure location until needed. All expenditures on procurement cards must be reported to the City Secretary's office within five (5) business days after returning from trip.

A lost, stolen, or misplaced card should be immediately reported to the credit card company as well as the City Secretary's office, 764-3541.

Approval Process

The Mayor or Mayor Pro Tem shall review and consider any transaction necessary for City related business activities by any Council member. These officials will be responsible for signing the necessary documentation that such expenditures were made in accordance with this policy.

Travel expenses for spouse or accompanying Council members to conferences or meetings shall be paid for by the Council member.

Miscellaneous

Council members shall notify the City Secretary's office as far in advance as possible to provide greatest flexibility in obtaining advantageous airfares and lodging rates. In the event, a Council member is unable to attend a scheduled trip, he should notify the City Secretary's office as soon as possible to ensure that notification can be made to airlines or hotels for reimbursement of deposits in a timely manner and additional costs are not incurred. A Council member may be responsible for costs incurred to the City if cancellation is not due to an emergency.

**Attachment B
City Council Business Travel Policy
Approved August 28, 2007**

Number Attendees	Date	Event	Place	Cost
7	11/06/07	TML Annual Conference	Dallas	5,700.00
3	02/09/08	Asso. Mayors, Councilmembers & Commissioners		3,000.00
2	07/01/08	TML Newly Elected Officials Conference	Austin	1,500.00
3	11/13/07	National League of Cities Annual Conference	New Orleans	2,000.00
3	08/01/08	Texas Transportation Summit	Irving	2,250.00
		Sponsorship		1,500.00
7		Council Retreats		12,000.00
				<u>27,950.00</u>
Legislative Trips:				
3		Chamber of Commerce Brazos Day	DC	7,850.00
5		Brazos County Day	Austin	1,000.00
				<u>36,800.00</u>
		UNSCHEDULED MEETINGS		2,930.00
		Training/Travel Proposed Budget		<u>39,730.00</u>

The Council suggested dividing the proposed budget between the Councilmembers, with the caveat that a Councilmember could give his travel allotment to another Councilmember if s/he chose, and with a higher allocation to the Mayor. One possible allocation could be:

\$39,730.00	Travel budget divided evenly	\$5,675.71
Allocating more to Mayor and Mayor Pro Tem, one possible solution may be:		
Mayor	\$8,730	
Pro Tem	\$6,000	
Place 1	\$5,000	
Place 2	\$5,000	
Place 4	\$5,000	
Place 5	\$5,000	
Place 6	\$5,000	
Total	\$39,730	



CITY OF COLLEGE STATION
OFFICE OF BUDGET & STRATEGIC PLANNING

MEMORANDUM

To: Jeff Kersten, Chief Financial Officer
From: Janet Dudding, Strategic Planning & Budget Manager
Subject: Council Travel & Training: Longitudinal Study
Date: November 1, 2007

Staff was asked to conduct a longitudinal study of Mayor and Council Travel and Training compared to overall travel and training.

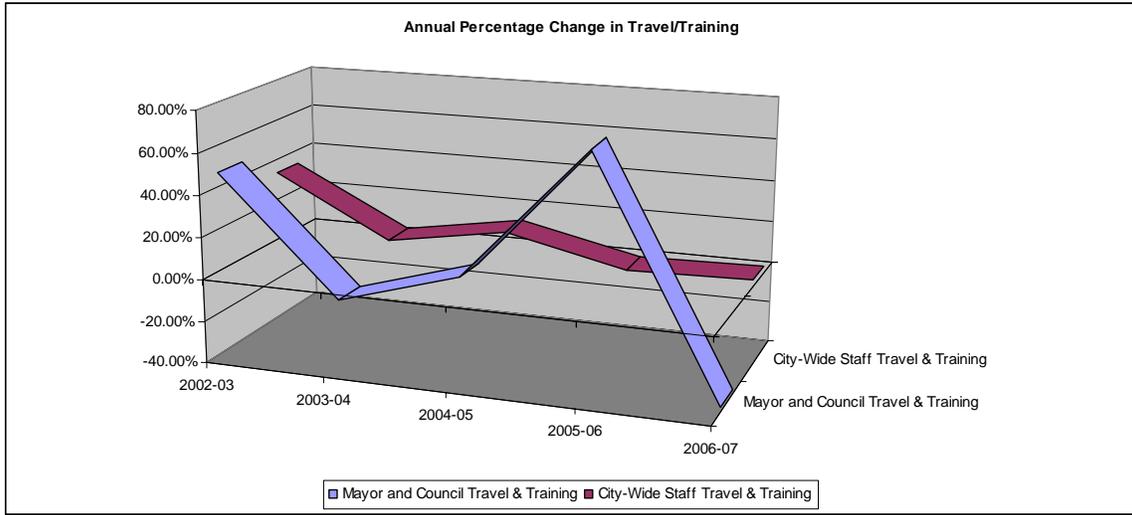
Staff pulled the actual data by division from the City's accounting system for account codes 63.10 Training: Travel/Lodging; 63.11 Training: Outside Training; and 63.20 Training: In-house Training for the fiscal years ended (FYE) September 30, 2002 through 2007. From an analysis of historical data, staff determined the Mayor and Council travel/training charges and separated those charges from the City Secretary Division figures for the fiscal years prior to 2006. During FYE 2007, Mayor and Council charged travel and training to their own division.

Annual Dollars Spent FYE 9/30	2002	2003	2004	2005	2006	2007
Mayor & Council Travel & Training	23,253	34,122	31,126	33,817	58,076	36,104
City-Wide Travel & Training	432,855	577,932	605,118	691,496	701,661	722,295

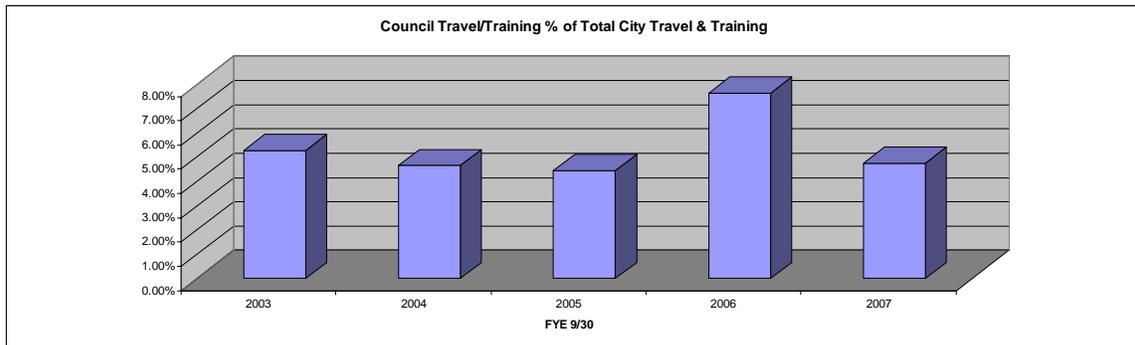
Staff then computed the annual percentage change in dollars spent both by the Mayor and Council and city-wide.

Percentage annual change	2002-03	2003-04	2004-05	2005-06	2006-07
Mayor and Council Travel & Training	46.74%	-8.78%	8.65%	71.74%	-37.83%
City-Wide Staff Travel & Training	33.52%	4.70%	14.27%	1.47%	2.94%

Overall the Mayor and Council travel training amount increased by 55% from 2002 to 2007; and the City-Wide Staff Travel & Training increased by 67% in the same period.



As the chart above and underlying data illustrate, city-wide staff travel and training has been fairly flat the last few fiscal years. Charting the Mayor and Council travel dollars per fiscal year illustrates that Mayor and Council travel and training, discounting a spike in 2006, has remained fairly constant, averaging \$38,649 or 5.21% of overall travel and training.



**November 5, 2007
Regular Agenda Item 8
Campaign Finance Reports on Website**

To: Glenn Brown, City Manager

From: Connie Hooks, City Secretary

Agenda Caption: Presentation, possible action, and discussion regarding publication of City Council campaign financial reports on City website.

Summary: The City Council discussed this matter at two Council workshop meetings, October 23, 2006 and February 22, 2007. Council voted not to address this item at a future workshop.

On October 25, 2007, Council directed staff to place this item on next regular meeting of the City Council.

Budget & Financial Summary: The reproduction cost for this record is \$.10 per page. These records are currently maintained as hard copies in City Secretary office. A standard report consists of 4-5 pages, with reports filed up to four times per year. Historically, the media and candidates request copies.

An individual may also request to review the records in the City Secretary's office.

Attachments: N/A

November 5, 2007
Regular Agenda Item 9
Appointment to Brazos County Appraisal District

To: Glenn Brown, City Manager

From: Hayden Migl, Assistant to the City Manager

Agenda Caption: Presentation, possible action, and discussion regarding the City's appointment to the Brazos County Appraisal District.

Recommendation(s): Staff is seeking direction on how to proceed with the City's appointment to the BCAD Board of Directors.

Summary: The City Manager's office received a letter from Daniel T. Singletary, Interim Chief Appraiser, on September 21, 2007 notifying the City that as of December 31, 2007, the terms of the board of directors of the appraisal district will expire.

The Brazos County Appraisal District (BCAD) Board was expanded in 2001 to seven members in order to allow for more representation including Brazos County, Bryan ISD, College Station ISD, City of Bryan, and City of College Station. At that time all board members were appointed for concurrent two-year terms.

College Station is currently represented on the Board by Virginia Kettler. Board members' terms expire every two years on December 31. Mrs. Virginia Kettler has served in this position for the last six years and has notified the City she is not seeking reappointment.

The BCAD is requesting the City provide the name of the City's appointment for the 2008-2009 term as soon as possible.

Budget & Financial Summary: No direct impact on the City, however, budget oversight is an important activity of the board members.

Attachments:

1. Letter from the Brazos County Appraisal District
2. Appraisal District Director's Responsibilities and Eligibility Requirements

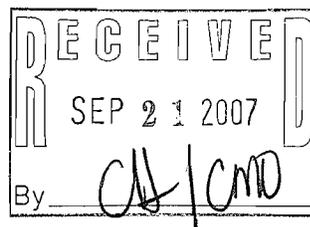
Brazos County Appraisal District
1673 Briarcrest Dr., Suite A-101
Bryan, Texas 77802
Telephone: (979) 774-4100
Facsimile: (979) 774-4196



Daniel T. Singletary
Interim Chief Appraiser

September 18, 2007

Mr. Glenn Brown
City Manager
City of College Station
P O Box 9960
College Station, TX 77842



Re: Appraisal District Board of Directors Membership

Dear Mr. Brown:

As of December 31, 2007, the terms of the board of directors of the appraisal district expire. The procedures for appointing board members were established by majority resolution in 2001. It is time for your jurisdiction to appoint its member or members to the Board of Directors of the Brazos County Appraisal District for a two year term beginning on January 1, 2008.

In accordance to those resolutions, the board of directors is composed of seven members. Members are to be appointed by each jurisdiction based on the following schedule:

Brazos County:	One member
Bryan ISD:	Two members
College Station ISD:	Two members
City of Bryan:	One member
City of College Station:	One member

Current board members are:

Lonnie Jones & William Lero – representing Bryan ISD
Ken Medders, Jr. – representing Brazos County
J. Stephen Arden & John Flynn – representing College Station ISD
James C. Smith – representing the City of Bryan
Virginia Kettler – representing the City of College Station
Kristeen Roe – automatic non-voting membership as County Tax Assessor/Collector

Please take appropriate action to place this item on an upcoming agenda, as notification of your appointment for the 2008-2009 term must be made to the appraisal district by November 15, 2007.

If you have any questions or need additional information, please give me a call.

Sincerely,

A handwritten signature in cursive script that reads "Daniel T. Singletary".

Daniel T. Singletary
Interim Chief Appraiser

U:\BOD\Voting\New membership.doc

Appraisal District Director's Responsibilities and Eligibility Requirements

Tax Code Section 6.03 establishes the selection process for appraisal district directors. This process is not an "election" governed by the Texas Election Code, but an independent procedure unique to the property tax system.

General Statement of Functions

The board of directors has the following primary **responsibilities**:

- Establish the appraisal district's appraisal office;
- Adopt the appraisal district's annual operating budget;
- Contract for necessary services;
- Hire a chief appraiser;
- Hire a taxpayer liaison officer (districts in counties having a population of over 125,000)
- Appoint appraisal review board members and
- Make general policy on the appraisal district's operation

Eligibility Requirements

To be eligible to serve on the board, a person must have resided in the appraisal district for at least two years immediately preceding the date of taking office (as long as there are no conflicts of interest).

An employee of a taxing unit that participates in the appraisal district may not serve. However, an elected official or member of the governing body of a participating taxing unit may serve.

Owing delinquent property taxes disqualifies a person from serving on the CAD board of directors or as chief appraiser.

A person may not be appointed or continue to serve on the board, if related within the second degree of consanguinity (blood) or affinity (marriage) to the following persons:

- an appraiser who appraises property for use in the appraisal district's appraisal review board proceedings, or;
- a tax representative who represents taxpayers for compensation before the appraisal district's appraisal review board.

Conflicts of Interest

Board members are subject to two conflict of interest statutes. Chapter 171, Local Government Code, is a conflict of interest statute that applies to all local officers, including appraisal district directors. The Property Tax Code Section 6.036 also places conflict of interest provisions on directors. While the two definitions are similar, they are not identical. When a question arises about the application of Chapter 171 and Section 6.036, the board should consult with its attorney before acting on the matter.

Terms

Appraisal district directors serve two-year terms. Each term begins on January 1 of an even-numbered year. All directors serve the same two-year terms unless the taxing units have adopted staggered terms.

Limited Appraisal Authority

The board's authority over appraisals is limited. The board does not appraise property or review values on individual properties. The law assigns these tasks to the chief appraiser and the appraisal review board, respectively.

Compensation of Directors

Appraisal district directors may not receive a salary, per diem or other compensation for serving on the board. However, the appraisal district may reimburse for reasonable and necessary expenses incurred in the performance of a director's duties if included in the appraisal district budget.