



Mayor
Ben White
Mayor Pro Tem
Lynn McIlhaney
City Manager
Glenn Brown

Councilmembers
John Crompton
James Massey
Dennis Maloney
Lawrence Stewart
David Ruesink

Agenda
College Station City Council
Regular Meeting
Thursday, February 26, 2009 at 7:00 PM
City Hall Council Chamber, 1101 Texas Avenue
College Station, Texas

1. Pledge of Allegiance, Invocation, Consider absence request.

Hear Visitors: A citizen may address the City Council on any item which does not appear on the posted Agenda. Registration forms are available in the lobby and at the desk of the City Secretary. This form should be completed and delivered to the City Secretary by 6:30 pm. 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.

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 on approval of minutes for City Council Workshop and Regular Meetings February 12, 2009.

b. Presentation, possible action and discussion regarding the racial profile report required annually by Senate Bill 1074, of the Texas 77th legislative session.

c. Presentation, possible action, and discussion regarding approval of an amendment to the License Agreement and Annual Maintenance with Principal Decision Systems International approved by the City Manager on June 26, 2002 which amends the covered products, and approval of a resolution declaring intention to reimburse certain expenditures with proceeds from debt.

- d. Presentation, possible action, and discussion regarding a resolution to award bid number 09-24 to T&D Solutions in the amount of \$55,414.13 for installation and termination of fiber optic cable to the Sandy Point Pump Station.
- e. Presentation, possible action, and discussion to approve an engagement agreement with Mr. Jim Mathews, of Mathews & Freeland, for legal representation in the matter of the Skiles Groundwater Permit Application, not to exceed \$100,000.
- f. Presentation, possible action and discussion on a resolution for an Advanced Funding Agreement (AFA) between the City of College Station and the State of Texas for the Discovery Drive Extension project.
- g. Presentation, possible action, and discussion to approve a change order to professional services contract #05-160 related the Tauber and Stasney Streets Rehabilitation Project in the amount of \$2,500.
- h. Presentation, possible action, and discussion regarding approval of expenditures in the amount of \$119,370.00 using the TAMU Master Agreement (Texas A&M RFP Main 05-0011, Master Order No. M500441) for the purchase of audio-video equipment for the CSU Meeting and Training Facility.
- i. Presentation, possible action, and discussion regarding action to ratify a change order for Construction Contract 08-116 with Acklam Construction for the construction of the Memorial Cemetery and the Aggie Field of Honor Project GG-9905 in the amount of \$73,557.30.
- j. Presentation, possible action and discussion on a bid award for the purchase of various distribution padmount transformers maintained in inventory to Techline \$48,620, Wesco \$24,990, KBS \$10,010, TEC \$128,580 and Priester Mell & Nicholson \$3,570 for a total of \$215,770.
- k. Presentation, possible action, and discussion regarding approval of resolution authorizing the Mayor and City Secretary to sign the interlocal agreement between the City of College Station and College Station Independent School District for the conduct and management of a joint election to be held on May 9, 2009. Presentación, acción posible, y discusión en lo que concierne la aprobación de la resolución autorizando al Alcalde y al Secretaria de la Ciudad a firmar el acuerdo interlocal entre la Ciudad de College Station y El Distrito Escolar Independiente de College Station, para conducir y administrar una elección conjunta que se llevará a cabo el noveno día de mayo de dos mil nueve.
- l. Presentation, possible action, and discussion authorizing the payment of a redevelopment reimbursement and cash incentive payments in a total amount of \$271,100 to Radakor, L.L.C.
- m. Presentation, possible action, and discussion regarding a Semi-Annual Report for Impact Fees 92-01, 97-01, 97-02B, 99-01, and 03-02.

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

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

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. Presentation, possible action, and discussion on 1) accepting the Red Light Camera Committee report; 2) authorizing additional expenditures (\$315,000) for 5 new camera locations, total expenditure not to exceed \$567,000 annually; and 3) approving a modification to the TxDOT Amendment to the Municipal Maintenance Agreement.

2. Public Hearing, presentation, possible action, and discussion creating an ordinance authorizing the City's participation in the Texas Enterprise Zone Program and nominating Lynntech, Inc. to the Office of the Governor as an enterprise project.

3. Public hearing, presentation, possible action, and discussion regarding a Rezoning from R-1, Single-Family Residential to A-P, Administrative Professional; A-O, Agricultural Open to A-P, Administrative Professional; and R-1, Single-Family Residential to A-O, Agricultural Open for 4.46 acres located at 2807 Earl Rudder Freeway South, and more generally located next to the North Forest Professional Park.

4. Public hearing, presentation, possible action and discussion to consider an ordinance regarding the addition of Community Park Zones as a Comprehensive Plan Amendment to the Recreation, Park and Open Space Master Plan, an element of the City's Comprehensive Plan.

5. Presentation, possible action, and discussion regarding Wolf Pen Creek Corridor Water Feature and Festival Area Proposal, as requested by Council at the January 12, 2009 meeting.

6. Adjourn.

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

APPROVED:

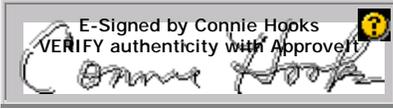
City Manager

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

Thursday, February 26, 2009

Notice is hereby given that a Regular Meeting of the City Council of the City of College Station, Texas will be held on the Thursday, February 26, 2009 at 7:00 PM at the City Hall Council Chambers, 1101 Texas Avenue, College Station, Texas. The following subjects will be discussed, to wit: See Agenda.

Posted this 23rd day of February, 2009 at 1:00 p.m.



City Secretary

I, the undersigned, do hereby certify that the above Notice of Meeting of the Governing Body of the City of College Station, Texas, is a true and correct copy of said Notice and that I posted a true and correct copy of said notice on the bulletin board at City Hall, 1101 Texas Avenue, in College Station, Texas, and the City's website, www.cstx.gov . The Agenda and Notice are readily accessible to the general public at all times. Said Notice and Agenda were posted on February 23, 2009 at 1:00 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 posting board at the College Station City Hall on the following date and time: _____ by _____.

Dated this ____ day of _____, 2009 By _____

Subscribed and sworn to before me on this the ____ day of _____, 2009.

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 ProTem
Lynn McIlhaney
City Manager
Glenn Brown

Councilmembers
John Crompton
James Massey
Dennis Maloney
Lawrence Stewart
David Ruesink

Draft Minutes
City Council Workshop & Regular Meeting
Thursday, February 12, 2009 at 3:00 & 7:00 p.m.
City Hall Council Chambers, 1101 Texas Avenue
College Station, Texas

COUNCIL PRESENT: Mayor ProTem McIlhaney, Council members Maloney, Massey, Ruesink, Stewart

COUNCIL ABSENT: Mayor White, Council member Crompton

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

Mayor ProTem McIlhaney called meeting to order at 3:00 p.m.

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

Mayor ProTem McIlhaney stated she will abstain from Consent Item No. 2d.

Workshop Agenda Item No. 2 -- Presentation, possible action, and discussion regarding an update on Arts Council of Brazos Valley projects, programs and activities.

Carol Wagner, President of the Arts Council expressed thanks to the City Council for their monetary support to the Arts Council for the removal of P. David Romei name on the Arts Council building. Internal funds were allocated toward this task and monies from the City of College Station would not be necessary.

Padraic Fisher, Executive Director of Arts Council presented an update on Arts Council of Brazos Valley projects, program and activities.

Council expressed their appreciation to the Arts Council for moving forward and their hard work on future projects.

Workshop Agenda Item No. 3 -- Presentation, possible action and discussion regarding the FM 2818 grade separation project at Wellborn Road and the Union Pacific Railroad.

Mark Smith, Director of Public Works introduced this item.

Bob Appleton, TxDot District Manager presented slides showing the configuration of the project and traffic flow during the twenty four months of construction.

Mr. Smith briefly explained the Holleman Drive extension.

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Council expressed their appreciation of the work and the urgency to begin the project.

No formal action was taken.

Workshop Agenda Item No. 4 -- Presentation, possible action, and discussion regarding the Desired Future Condition of the Simsboro aquifer, including a presentation on the Economic Impact of Large Groundwater Withdrawal.

Dave Coleman, Director of Water Services presented staff report. He stated that the future of groundwater availability in this region will be determined over the next 18 months. State law requires that each Groundwater Management Area must establish, by 1 September 2010, a “Desired Future Condition” (DFC) for the aquifers in their area. These DFCs will be used by the Texas Water Development Board to determine how much water can be withdrawn from each area, in order to maintain the specified DFC. We jointly hired HDR Engineers, who has completed this study and concluded that moderate to severe economic impacts could result; depending on how far the Simsboro aquifer is depleted.

- Moderate declines: Increased costs to rework wells and pump water farther
- Drastic declines: Construct an alternate water source, such as Millican Reservoir, which would be extremely costly

David Dunn from HDR Engineering explained the economic study.

Bill Riley, the Director of the Brazos Valley Groundwater Conservation District mentioned the political complexities of ground water management when numerous entities are involved. He is utilizing different management strategies to ensure adjacent counties are secured with adequate water resources as well.

Staff requested City Council’s support to pursue Moderate Declines in the DFC process.

Council member Massey moved to endorse staff’s recommendation. Council member Maloney seconded the motion, which carried 5-0.

FOR: Mayor Pro Tem McIlhaney, Massey, Maloney, Stewart and Ruesink

AGAINST: None

ABSENT: Mayor White, Council member Crompton

Workshop Agenda Item No. 5 -- Presentation, possible action, and discussion on the Fiscal Year (FY) 2009-2010 Budget Review Process.

Jeff Kersten, Chief Financial Officer presented a timeline for FY 2009-2010 Budget Review Process.

- The first version has the budget workshop meetings being held on August 13th, August 14th, August 20th and August 21st. The first 2 workshops would cover the General Fund and the discussion on the tax rate would occur on August 17th after the General Fund discussion.

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- The second version has the budget workshop meetings on July 27th, July 28th, and August 13th and August 14th. The discussion on the tax rate would occur on August 17th after all the budget workshop meetings.

City Manager Brown requested the end of July 27 and 28th for two Budget public hearings, a written report from absent Council members on their concerns and to leave enough room for the August 15th Budget meeting if necessary. Council concurred.

Workshop Agenda Item No. 6 -- Presentation, possible action, and discussion on Convention Center financing options.

Item removed for future agenda.

Workshop Agenda Item No. 7 -- Council Calendar

Council reviewed activity calendar.

Workshop Agenda Item No. 8 -- 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.

No discussion was held.

Workshop Agenda Item No. 9 -- Discussion, review and possible action regarding the following meetings: Arts Council of the Brazos Valley, Audit Committee, Brazos County Health Dept., Brazos Valley Council of Governments, Brazos Valley Wide Area Communications Task Force, Cemetery Committee, Design Review Board, Historic Preservation Committee, Interfaith Dialogue Association, Intergovernmental Committee, Joint Relief Funding Review Committee, Library Committee, Metropolitan Planning Organization, National League of Cities, 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, Texas Municipal League, Transportation Committee, Wolf Pen Creek Oversight Committee, Wolf Pen Creek TIF Board, Zoning Board of Adjustments, BVSWMA, (Notice of Agendas posted on City Hall bulletin board).

Council member Ruesink spoke on Sister Cities trip to Russia, August 8.

Council member Maloney discussed the Chamber of Commerce Lobbyist Conference.

Council member Massey discussed on the Oversight Committee meeting and the advocacy of water features.

Mayor Pro Tem McIlhaney spoke on the Transportation and receiving a presentation by the Gulf Coast Strategic Coalition. (Requested for a future agenda item)

At 5:02 pm, Mayor Pro Tem McIlhaney announced that the City Council would convene into executive session pursuant to Section 551.071, 551.072, and 551.087 of the Open Meetings Act to seek the advice of our city attorney, to consider the purchase of real property and economic development negotiations.

Workshop Agenda Item No. 10 -- Executive Session will immediately follow the workshop meeting in the Administrative Conference Room.

Consultation with Attorney {Gov't Code Section 551.071}; possible action. The City Council may seek advice from its attorney regarding a pending or contemplated litigation subject or settlement offer or attorney-client privileged information. Litigation is an ongoing process and questions may arise as to a litigation tactic or

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settlement offer, which needs to be discussed with the City Council. Upon occasion the City Council may need information from its attorney as to the status of a pending or contemplated litigation subject or settlement offer or

attorney-client privileged information. After executive session discussion, any final action or vote taken will be in public. The following subject(s) may be discussed:

- a. Application with TCEQ for permits in Westside/Highway 60 area, near Brushy Water Supply Corporation
- b. Sewer CCN permit requests
- c. Water CCN permit requests
- d. Water service application with regard to Wellborn Special Utility District.
- e. Bed & Banks Water Rights Discharge Permits for College Station and Bryan
- f. Attorney-client privileged information and possible contemplated litigation of prior expenditures of College Station funds made by Paul Urso to Texcon
- g. Legal aspects of Water Well, permits and possible purchase of or lease of water well sites
- h. Cliff A. Skiles, DVM & C.A. Skiles Family Partnership, Ltd. Water permit applications with the Brazos Valley Groundwater Conservation District
- i. JK Development v. College Station
- j. Taylor Kingsley v. College Station
- k. State Farm Lloyds as Subrogee of Mikal Klumpp v. College Station
- l. TMPA v. PUC (College Station filed Intervention)
- m. City of Bryan suit filed against College Station, Legal issues and advise on Brazos Valley Solid Waste Management Agency contract, on proposed methane gas contract
- n. Update on legal proceedings for Grimes County Landfill site and contracts for development of Grimes County site
- o. Weingarten Realty Investors v. College Station, Ron Silvia, David Ruesink, Lynn McIlhaney, and Ben White
- p. Attorney-client briefing of legal options for convention center funding.

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

- a. Possible Sale of or Exchange of Property on E. University.

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

- a. Lynntech Science Park.

Workshop Agenda Item No. 11 -- Action on executive session, or any workshop agenda item not completed or discussed in today's workshop meeting will be discussed in tonight's Regular Meeting if necessary.

At 6:59 pm, Council adjourned from the executive session and returned to Council Chambers. No formal action was taken.

Workshop Agenda Item No. 12 – Adjourn.

The workshop meeting adjourned following the regular meeting.

Minutes of Regular Meeting

Regular Agenda Item No. 1 -- Pledge of Allegiance, Invocation, Consider absence request.

Mayor Pro Tem McIlhaney called the meeting to order at 7:06 pm with all Council members present except Mayor White and Council member Crompton. Mayor Pro Tem McIlhaney led the audience in the Pledge of Allegiance. Fire Chief R.B. Alley provided the invocation.

Council member Stewart made a motion to approve the request for absence from Mayor White and Council member Crompton. Council member Massey seconded the motion, which carried 5-0.

FOR: Mayor Pro Tem McIlhaney, Massey, Maloney, Stewart and Ruesink

AGAINST: None

ABSENT: Mayor White, Council member Crompton

Hear Visitors:

Brian Alg, TAMU student spoke on smoking and rental registration. He felt Council’s remarks were disturbing on the smoking ordinance and on the rental registration.

Regular Agenda Item No. 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. Approved minutes for City Council workshop and regular meeting, January 22, 2009.
- b. Approved **Resolution No 02-12-09-2b** amending the Custody Agreement between the City and Bank of New York Mellon and to amend the authorized persons on the account.
- c. Approved Addendum 1 to the Service Agreement with SunGard Mailing Services consenting to the assignment by SunGard Mailing Services to Pinnacle Data Systems L.L.C. for Utility Bill Printing and Mailing services.
- d. Approved ratified change order to the 2008 Blue Cross Blue Shield purchase order 080370, in the amount \$66,000. Mayor Pro Tem McIlhaney abstained.
- e. Approved the City of College Station 2009 Legislative Program.
- f. Approved contract with Dan Shelley for state legislative and consulting services in the amount of \$48,000.
- g. Approved Change Order #2, in the amount of \$281,903.50 to contract 07-229 with Brazos Valley Services, to adjust quantities for construction of the parallel water transmission line.
- h. Approved **Needs Resolution No. 02-12-09-2h** authorizing City staff to negotiate for the purchase of easements needed for the Koppe Bridge Lift Station project.

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- i. Approved annual purchase in the amount of \$58,000 for disposal of heavy brush at the City of Bryan Composting Facility. This item is exempt from competitive bidding as described in Texas Local Government Code, Chapter 252.022.
- j. Approved **Ordinance No. 3162** amending Chapter 10, "Traffic Code," Section 2.D of the Code of Ordinances of the City of College Station by updating the Traffic Control Device Inventory – Schedule III.
- k. Approved **Ordinance No. 3163** amending Chapter 10, "Traffic Code," Section 2.E of the Code of Ordinances of the City of College Station by updating the Traffic Control Device Inventory – Schedule IV.
- l. Approved an Agreement for Services with the Brazos Valley Softball Umpires Association to provide officiating services for City athletic leagues and programs (Contract Number 09-085) in an amount not to exceed \$128,980.00 per year.
- m. Approved funds for professional legal services from Coats Rose Ryman and Lee for litigation concerning the Weingarten Realty suit. Legal costs and expert costs are estimated to be \$650,000.
- n. Approved the rejection of proposals received for RFP #08-99 for design, production and event management services related to a signature event for the City.
- o. Approved the rejection of proposals received for RFP #09-16 for property management services at the Chimney Hill Shopping Center.
- p. Approved **Resolution No. 02-12-09-2p** awarding a construction contract to Jamail & Smith Construction in the amount of \$96,538.89, for the purchase of twenty-seven (27) and installation of twenty-six (26) traffic control bollards in the Northgate District in the amount of \$96,538.89. .
- q. Approved the City Internal Auditor's Purchasing Card Follow-up Audit Report.
- r. Approved **Resolution No. 02-12-09-2r** on special warranty deeds conveying one-half undivided interest to the City of Bryan in land acquired by condemnation for Twin Oaks Landfill.

Council member Maloney moved to approve consent agenda items 2a thru 2r. Council member Massey seconded the motion, which carried 5-0. Mayor ProTem McIlhaney abstained from Consent Agenda Item No. 2d.

FOR: Mayor Pro Tem McIlhaney, Massey, Maloney, Stewart and Ruesink
AGAINST: None
ABSENT: Mayor White, Council member Crompton

Regular Agenda Item No. 1 -- Public Hearing, presentation, possible action, and discussion on an ordinance Budget Amendment #2 amending ordinance number 3114 which will amend the budget for the 2008-2009 Fiscal Year and authorizing amended expenditures in the amount of \$614,535 and increase the number of regular full-time positions in the budget by nine police officers; and presentation, possible action and discussion on several contingency transfers.

Jeff Kersten, Chief Financial Officer presented the proposed budget amendment to increase the appropriations for the items listed in the proposed budget amendment by \$614,535 and to increase the number of regular full-time

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positions in the budget for nine police officers as part of the implementation of the Police Department reorganization. Funds for these positions were included in the approved FY 2009 Police Department Budget. The Charter of the City of College Station provides for the City Council to amend the annual budget in the event there are revenues available to cover increased expenditures and after holding a public hearing on such budget amendment. In addition, several contingency transfer items were included.

Staff recommended that City Council hold the public hearing on Budget Amendment #2, and approve the budget amendment ordinance. Staff also recommended that City Council approve the budget transfers.

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

Council member Massey moved to approve **Ordinance No. 3164** (Budget Amendment 2) amending Ordinance No. 3114 amending the budget for FY 2008-2009 and authorizing amended expenditures. Council member Maloney seconded the motion, which carried 5-0.

FOR: Mayor Pro Tem McIlhaney, Massey, Maloney, Stewart and Ruesink
AGAINST: None
ABSENT: Mayor White, Council member Crompton

Regular Agenda Item No. 2 -- Public hearing, presentation, possible action, and discussion on an ordinance rezoning 3.67 acres from C-3, Light Commercial to PDD, Planned Development for the property located at 2849 Barron Road generally located at the southeast corner of William D. Fitch Parkway and Barron Road.

Molly Hitchcock, Planning Administrator presented a brief staff report on the rezoning request of 3.67 acres from C-3, Light Commercial to PDD, Planned Development for the property located at 2849 Barron Road. Staff and P&Z Commission recommended approval by a 5-1 vote to rezone as presented with the condition that no restaurant drive-thrus are allowed.

Doug Slack, P&Z Commissioner spoke on the Commission's decision.

Mayor Pro Tem McIlhaney opened the public hearing. David Lawrence, applicant was present for Council questions. Mayor Pro Tem McIlhaney closed the public hearing.

Council member Maloney moved to approve **Ordinance No. 3165** on the rezoning of 3.67 acres located at 2849 Barron Road from C-3, Light Commercial to PDD, Planned Development with the removal of drive-thru. Council member Stewart seconded the motion, which carried 5-0.

FOR: Mayor Pro Tem McIlhaney, Massey, Maloney, Stewart and Ruesink
AGAINST: None
ABSENT: Mayor White, Council member Crompton

Regular Agenda Item No. 3 -- Public hearing, presentation, possible action, and discussion on a request to rezone 10.44 acres from A-O, Agricultural Open, to R-1, Single Family Residential, abutting Decatur Road next to Spring Creek Townhomes.

This item was previously tabled. Council member Stewart made a motion to remove item from the table. Council member Ruesink seconded the motion, which carried 5-0.

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Bob Cowell, AICP, Director of Planning and Development Services presented the staff report on a rezoning request of 10.44 acres from A-O, Agricultural Open, to R-1, Single Family Residential, and abutting Decatur Road next to Spring Creek Townhomes. Staff and P&Z Commission recommended approval by a 7-0 vote.

Mayor Pro Tem McIlhaney opened the public hearing. The applicant, Jeremiah Kellam, 22803 TimberLake Creek Road was present for questions. Doug Slack, P&Z Commissioner explained the Commission's decision. Mayor Pro Tem McIlhaney closed the public hearing.

Council member Stewart moved to approve **Ordinance No. 3166** rezoning 10.44 acres from A-O, Agricultural Open, to R-1, Single Family Residential. Council member Ruesink seconded the motion, which carried 3-2.

FOR: Mayor Pro Tem McIlhaney, Stewart and Ruesink

AGAINST: Council member Massey and Maloney

ABSENT: Mayor White, Council member Crompton

Regular Agenda Item No. 4 -- Public hearing, presentation, possible action, and discussion regarding a Comprehensive Plan Amendment from Single-Family Residential Medium Density to Retail Regional for 5.79 acres for the property located at 4074 State Highway 6 South (Secure Care Storage Facility).

Molly Hitchcock, Planning Administrator presented the Comprehensive Land Use Plan Amendment for 5.79 acres located at the 4074 State Hwy 6 South (Secure Care Storage Facility). Staff and P&Z Commission recommended approval of this request.

Doug Slack, P&Z Commissioner spoke on P&Z's recommendation to support the rezoning.

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

Council member Maloney made a motion to approve **Ordinance No. 3167** to rezone 5.79 acres for property located at 4074 State Hwy 6 South from Single-Family Residential Medium Density to Retail Regional. Council member Massey seconded the motion, which carried 5-0.

FOR: Mayor Pro Tem McIlhaney, Massey, Maloney, Stewart and Ruesink

AGAINST: None

ABSENT: Mayor White, Council member Crompton

Regular Agenda Item No. 5 -- Public hearing, presentation, possible action and discussion on a Comprehensive Land Use Plan amendment from Industrial R&D to Residential Attached for 1.32 acres located at 300 Holleman Drive, located next to the Verizon building near Lassie Lane.

Molly Hitchcock, Planning Administrator presented Comprehensive Land Use Plan amendment for 1.32 acres located at 300 Holleman Drive. Staff and P&Z Commission recommended denial by a 2-5 vote.

Doug Slack, P&Z Commissioner explained the Commission's position for recommending denial of the request.

Mayor Pro Tem McIlhaney opened the public hearing. Bo Miles, 341 Landsburg Lane, developer of property requested affirmative action of his request to build condos. Chuck Ellison, adjacent property owner in the WPC

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Corridor, commented that his office is located in C-1 zoning category. Mayor Pro Tem McIlhaney closed the public hearing.

Council member Maloney moved to deny the Comprehensive Land Use Plan amendment for 1.32 acres located at 300 Holleman Drive. Council member Stewart seconded the motion, which carried 5-0.

FOR: None

AGAINST: Mayor Pro Tem McIlhaney, Massey, Maloney, Stewart and Ruesink

ABSENT: Mayor White, Council member Crompton

Regular Agenda Item No. 6 -- Public hearing, presentation, possible action, and discussion on consideration of an ordinance amending Chapter 10, "Traffic Code," to restrict parking on the north side of Greens Prairie Road adjacent to Forest Ridge Elementary School.

Troy Rother, City Traffic Engineer summarized the request from school officials at Forest Ridge Elementary School. The Principal of this School has requested the City consider parking restrictions on north side of Greens Prairie Road. Staff recommended approval of the proposed ordinance.

Mayor Pro Tem McIlhaney opened the public hearing. Ben Roper, 4411 Edenburg Place, spoke in opposition to the proposal. His concern related to the parking that occurs within the adjacent neighborhoods due to inadequate parking facility at the school. Mayor Pro Tem McIlhaney closed the public hearing.

Council directed staff to contact school officials and review other alternatives.

No action was taken.

Regular Agenda Item No. 7 -- Presentation, possible action, and discussion regarding an exception to Policy to allow the Grey Wolf Trail development to connect to the City sewer system.

David Coleman, Director of Water Services summarized a request for sewer service to property located in the ETJ, off North Dowling Road, south of Easterwood Airport. The proposed development is for 24 duplex buildings (48 duplex units). The tracts total 13.88 acres, which are not contiguous with current City limits, and are thus not currently eligible for annexation without the inclusion of additional land. The tracts are outside the City's current certificated area for sewer, but are in an area that is presently un-certificated, so the City could legally provide sewer service. Staff recommended Council deny this request, because the proposed development is inconsistent with the City's Land Use Plan.

Bob Cowell, Director of Planning and Development Services commented on this development project and adjacent properties regarding development agreements.

Chuck Ellison, representing Brazos Wyldewood II, Inc., the applicant, sought the City Council's support of the request.

Council member Maloney moved to deny the request for City sewer service. Council member Massey seconded the motion, which carried 4-1.

FOR: Council member Massey, Maloney, Stewart and Ruesink

AGAINST: Mayor Pro Tem McIlhaney

ABSENT: Mayor White, Council member Crompton

City Council Workshop & Regular Minutes
Thursday, February 12, 2009

Regular Agenda Item No. 8 -- Presentation, possible action, and discussion regarding an Interlocal Agreement between the City of College Station and the College Station ISD (CSISD) for the purchase and installation of fencing for the joint City/School Parks at Pebble Creek and Jack and Dorothy Miller Parks.

Tony Cisneros, Director of Parks and Recreation presented a proposal for additional fencing at the joint city and school parks at Pebble Creek Elementary and Rock Prairie Elementary. A safety issue has been identified with protection of students during the times that school is in session. Public use of the fenced parks during normal school hours will not be permitted without the public first processing through the schools' admittance offices. CSISD will prepare the specifications and bid package and install fences. The City of College Station will pay 50% of the final costs. Staff recommended approval of the Interlocal Agreement with CSISD.

Council member Massey moved to approve the interlocal agreement on fencing for the joint City/School Parks at Pebble Creek and Jack and Dorothy Miller Parks. Council member Maloney seconded the motion, which carried 5-0.

FOR: Mayor Pro Tem McIlhaney, Massey, Maloney, Stewart and Ruesink

AGAINST: None

ABSENT: Mayor White, Council member Crompton

Regular Agenda Item No. 9 -- Adjourn.

Hearing no objections, Mayor Pro Tem McIlhaney adjourned the meetings at 9:35 pm on Thursday, February 12, 2009.

PASSED AND APPROVED this 26th day of February, 2009.

APPROVED

Mayor Ben White

ATTEST:

City Secretary Connie Hooks

**February 26, 2009
Consent Agenda Item No. 2b
2008 Racial Profiling Analysis Report**

To: Glenn Brown, City Manager

From: Michael "Ike" Ikner, Chief of Police

Agenda Caption: Presentation, possible action and discussion regarding the racial profile report required annually by Senate Bill 1074, of the Texas 77th legislative session.

Recommendation(s): This item is presented according to statutory requirements. Staff requests Council's acceptance of this report.

Summary: Each year, in an effort to remain transparent to our community, the Police Department employs an independent consultant to analyze traffic stop data and develop this report. This year's analysis yields remarkable similarities to past year results with no significant anomalies to give rise for concern. The report further indicates that the department is in compliance with state law and continues to employ best practice strategies. A copy of this report was provided to Council prior to March 1st in compliance with statutory requirements.

Since January 1, 2002, the College Station Police Department, in accordance with the Texas Racial Profiling Law (SB No. 1074), has been required to implement and maintain policy and procedures to satisfy the requirements of the law. The requirements include:

- Development of a policy, which clearly defines the acts that constitute racial profiling and prohibits any peace officer employed by the department from engaging in racial profiling.
- Conduct Racial Profiling Training to Law Enforcement Officers.
- Implementation and publication of complaint and disciplinary processes for addressing racial profiling complaints.
- Development of a policy which establishes procedures for reviewing video and audio documentation.
- Collection of tier 1 traffic stop data.
- Production of an annual report on police traffic contacts (tier 1) and conveyance of that report to the City Council before March 1 of each year.

Budget & Financial Summary: n/a

Attachments:

2008 Racial Profiling Analysis Report can be viewed in the City Secretary's Office.

February 26, 2009
Consent Agenda Item No. 2c
Amendment to Principal Decision Systems International (PDSI) License and
Service Agreement and a Resolution Declaring Intention to Reimburse
Certain Expenditures with Proceeds from Debt

To: Glenn Brown, City Manager

From: Ben Roper, Information Technology Director

Agenda Caption: Presentation, possible action, and discussion regarding approval of an amendment to the License Agreement and Annual Maintenance with Principal Decision Systems International approved by the City Manager on June 26, 2002 which amends the covered products, and approval of a resolution declaring intention to reimburse certain expenditures with proceeds from debt.

Recommendation(s): Staff recommends approval.

Summary: This software (TeleStaff and WebStaff) is a personnel scheduling system currently used by the Fire Department. This amendment simply adds the licenses and software maintenance, allowing the Police Department to utilize this software. This software will assist the Police Department in scheduling their work force, allowing remote access by PD officers and personnel to request time off and/or request overtime when needed. Additionally, it provides the capability to automatically contact off duty personnel to have them report for duty during times of need.

This sole source purchase is exempt from competitive bidding by LGC 252.022(a)(7)(A) "a procurement of items that are available from only one source because of patents, copyrights, secret processes, or natural monopolies".

Budget & Financial Summary: The budget for this project is currently \$71,300. No funds have been expended or committed to date. The amendment to the License Agreement and Annual Maintenance, along with other additional hardware costs, are estimated to be \$71,300. Funds for the on-going support of the license, after the first year, will be included in the Information Technology Department's operating budget. The "Resolution Declaring Intention to Reimburse Certain Expenditures with Proceeds from Debt" is necessary for this item because a portion of the long term debt has not been issued for the project. This debt is scheduled to be issued later this fiscal year.

Attachments:

- 1.) 2009 Amendment to TeleStaff License and Annual Service Agreement.
- 2.) Resolution Declaring Intention to Reimburse Certain Expenditures with Proceeds from Debt.

**2009 AMENDMENT TO TELESTAFF LICENSE AND
ANNUAL SERVICE AGREEMENT**

This amended agreement ("AGREEMENT") is made by and between PRINCIPAL DECISION SYSTEMS INTERNATIONAL ("PDSI"), with its principal place of business at 50 Corporate Park, Irvine, CA 92606, and the CITY OF COLLEGE STATION, a Texas Home Rule Municipal Corporation ("CITY"), its principal place of business at 1101 Texas Avenue, College Station, TX 77842, and this amendment shall be subject to the following terms and conditions:

WHEREAS, PDSI and CITY entered into and executed an agreement on June 26, 2002, with the contract number of 02-151("Original Agreement"); and

WHEREAS, PDSI and CITY desire to amend the original agreement by increasing the scope of services and the amount of the agreement to service the Police Department (attached hereto as Exhibit A); and

WHEREAS, PDSI and CITY agree that all mutual covenants, agreements, terms and conditions, and valuable consideration from the original agreement will remain in effect and will apply to this amendment; and

WHEREAS, the College Station City Council must approve this amendment and ratify original agreement; and

NOW, THEREFORE, IN CONSIDERATION of the performance of the mutual covenants and promises contained herein, PDSI and CITY agree and contract as follows:

To amend the original agreement as follows:

Paragraph 5 Product Options, Paragraph 12 Service and Support, and Appendices A, B, C and D, by adding Exhibit A to the agreement; and

All other terms and conditions of the original agreement shall remain unchanged and in full force and effect.

EXECUTED THIS THE _____ DAY OF _____, 2009.

PDSI

CITY OF COLLEGE STATION

By: *Bret Corbin*

By: _____

Printed Name: Bret Corbin

Mayor

Title: Regional Sales Manager

Date: 1-23-09

ATTEST: _____

City Secretary

APPROVED:

City Manager

Date

Adm C. Falco

City Attorney

Date

Chief Financial Officer

Date

STATE OF CALIFORNIA)
COUNTY OF ORANGE)

ACKNOWLEDGMENT

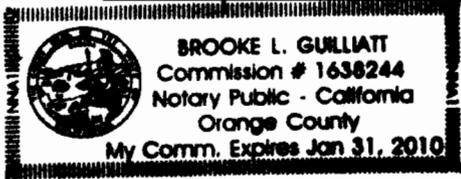
This instrument was acknowledged before me on the 23rd day of January, 2009,
by Brett Corbin in ~~his~~^{his} capacity as Regional Sales of
Principle Decision Systems.

International

Brooke L. Guillatt

Notary Public in and for
the State of California

Brooke L. Guillatt



STATE OF TEXAS)
COUNTY OF BRAZOS)

ACKNOWLEDGMENT

This instrument was acknowledged before me on the ____ day of _____, 2009,
by _____ 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

Exhibit A
Increase in Scope of Service and Amount of Contract

TeleStaff Products- Business Services

TELESTAFF Enterprise Software License for 200 POLICE Staff Members	\$28,000
TELESTAFF Implementation Services for 200 POLICE Staff Members	\$17,000
WEBSTAFF - PDSI Hosted Setup and First Year Service for 200 POLICE Staff Members	\$2,500
TELESTAFF Auctions - Position AND Leave Software License for 200 POLICE Staff Members	\$10,000
Sybase Concurrent Connections Qty: 8	\$1,000
Total Initial Acquisition Cost	\$58,500

- Service and Support is provided at no additional charge during the first twelve (12) months following the Execution Date.
- Annual Software Maintenance Renewal - TeleStaff - 200 Staff Members will be \$6,160 US for the period commencing on the 1st anniversary of the execution date. Subsequent 12 month anniversaries during the term will be limited to a 3% maximum increase over the previous period.
- Annual Software Maintenance Renewal – TeleStaff Auctions - 200 Staff Members will be \$2,000 US for the period commencing on the 1st anniversary of the execution date. Subsequent 12 month anniversaries during the term will be limited to a 3% maximum increase over the previous period.
- Annual Software Maintenance Renewal - WebStaff - 200 Staff Members will be \$4,080 US for the period commencing on the 1st anniversary of the execution date. Subsequent 12 month anniversaries during the term will be limited to a 3% maximum increase over the previous period.

RESOLUTION NO. _____

RESOLUTION DECLARING INTENTION TO REIMBURSE CERTAIN EXPENDITURES WITH
PROCEEDS FROM DEBT

WHEREAS, the City of College Station, Texas (the "City") is a home-rule municipality and political subdivision of the State of Texas;

WHEREAS, the City expects to pay expenditures in connection with the design, planning, acquisition and construction of the projects described on Exhibit "A" hereto (collectively, the "Project") prior to the issuance of obligations by the City in connection with the financing of the Project from available funds;

WHEREAS, the City finds, considers, and declares that the reimbursement of the City for the payment of such expenditures will be appropriate and consistent with the lawful objectives of the City and, as such, chooses to declare its intention, in accordance with the provisions of Section 1.150-2 of the Treasury Regulations, to reimburse itself for such payments at such time as it issues obligations to finance the Project;

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

Section 1. The City reasonably expects it will incur debt, as one or more series of obligations, with an aggregate maximum principal amount not to exceed \$71,300, for the purpose of paying the aggregate costs of the Project.

Section 2. All costs to be reimbursed pursuant hereto will be capital expenditures. No tax-exempt obligations will be issued by the City in furtherance of this Statement after a date which is later than 18 months after the later of (1) the date the expenditures are paid or (2) the date on which the property, with respect to which such expenditures were made, is placed in service.

Section 3. The foregoing notwithstanding, no tax-exempt obligation will be issued pursuant to this Statement more than three years after the date any expenditure which is to be reimbursed is paid.

PASSED AND APPROVED THIS 26th DAY OF FEBRUARY, 2009.

Ben White, Mayor

ATTEST:

Connie Hooks, City Secretary

(Seal)

APPROVED:



Robert Stuychel
McCall, Parkhurst & Horton L.L.P.
Bond Counsel

Exhibit "A"

The projects to be financed that are the subject of this Statement are:

Police Department Scheduling System

February 26, 2009
Consent Agenda Item No. 2d
Fiber Optic Cable for Water Services

To: Glenn Brown, City Manager

From: David Coleman, Water Services Director

Agenda Caption: Presentation, possible action, and discussion regarding a resolution to award bid number 09-24 to T&D Solutions in the amount of \$55,414.13 for installation and termination of fiber optic cable to the Sandy Point Pump Station.

Recommendation: Staff recommends approval of this Resolution.

Summary: This contract is for the installation of fiber optic cable to connect the existing City fiber optic network at George Bush Drive to the Sandy Point Water Pump Station. This project will complete the necessary improvements in communications infrastructure to:

- Fully implement the physical access security as directed by the EPA's Water Services Vulnerability Assessment.
- Provide the communications improvements needed to continue the supervisory control and data acquisition (SCADA) system hardware replacement in the well field.

The project includes installation of approximately 69,000 feet of fiber optic cable in existing underground conduit, completing all fiber terminations and testing of fiber optic communication system. The conduit for the fiber optic cable was previously installed as part of the construction of the parallel water transmission line project.

This project is included in the Water Services Department Special Services strategic business plan. The project addresses section four Citywide safety and security Strategy 1 goal 1.1.1 to implement physical security, objective 1.1.2 to improve video surveillance and Strategy 2 Objective 1.3.1 to continue implementing the SCADA replacement program.

When complete, this data link will keep College Station's water system on the forward edge of technological capabilities, and among a small number of cities nationwide who are gaining efficiency through this technology. We are striving for total system integration, which will allow optimization of resources, such as manpower, energy, and equipment.

Budget & Financial Summary: Funds in the amount of \$500,000 are budgeted for this project and available in the water services Capital Improvement Projects. Funds in the amount of \$42,885 have been expended or committed to date, leaving a balance of \$457,115. Bid number 09-024 received 15 bids with T & D Solutions being the lowest responsive, responsible bidder.

Attachments:

Bid Tab
Resolution
Map



City of College Station - Purchasing Department
 Bid Tabulation for #09-24
 "Installation of Dielectric Fiber Optic Cable for Water Services"
 Open Date: Friday, January 23, 2009 @ 2:00 p.m.

ITEM	QTY	UNIT	DESCRIPTION	MasTec North America, Inc. (Dallas, TX)	GW Communications (Coppell, TX)	Grady Crawford Construction Co. (Baton Rouge, LA)	Titus Systems, LP (Round Rock, TX)	MP NexLevel, LLC (Maple Lake, MN)	Phoenix Installation Services, LLC (Forney, TX)	TCS Communications (Greenwood Village, CO)	Power Engineers, Inc. (Lakewood, CO.)	Fiber-Tel Contractors, Inc. (Midway, AR)	T&D Solutions (Alexandria, LA)	US Utility Contractor Co. (Perrysburg, OH)	Henkels & McCoy, Inc. (Lewisville, TX)	Bayer Construction Electrical Contractors (Bryan, TX)	CTS Consolidated Telecom Services, Inc. (Austin, TX)
Project Location: George Bush Drive/FM 2818 to Dowling Road Pump Station on Sandy Point																	
1	1	LS	Installation of Fiber Optic Cable with Tracer Wire	\$72,516.05	\$58,550.00	\$150,250.00	\$86,097.00	\$56,799.00	\$54,510.00	\$73,821.60	\$77,945.00	\$87,526.00	\$40,710.00	\$95,580.30	\$47,430.00	\$92,095.00	\$127,350.00
2	1	LS	Splicing of Fiber Optic Cable for Interconnection of Reels, All Fibers	\$9,038.63	\$2,829.00	\$2,800.00	\$16,096.00	\$2,298.00	\$2,250.00	\$3,240.00	\$5,232.00	\$5,685.00	\$7,258.84	\$8,220.59	\$7,249.15	\$6,268.00	\$8,500.00
3	1	LS	OTDR Testing and Certification of Installation	\$200.21	\$0.00	\$1,500.00	\$1,628.00	\$603.00	\$2,250.00	\$1,000.00	\$1,560.00	\$3,000.00	\$3,500.00	\$2,055.71	\$357.14	\$363.00	\$0.00
4	1	LS	Mobilization	\$4,171.03	\$5,705.00	\$5,000.00	\$6,688.00	\$3,096.00	\$100.00	\$0.00	\$7,300.00	\$1,000.00	\$3,945.29	\$3,000.00	\$595.24	\$5,000.00	\$1,800.00
Total Bid Amount (Items 1 - 4)				\$85,925.92	\$67,084.00	\$159,550.00	\$110,509.00	\$62,796.00	\$59,110.00	\$78,061.60	\$92,037.00	\$97,211.00	\$55,414.13	\$108,856.60	\$55,631.53	\$103,726.00	\$137,650.00
Executed 5% Bidder's Bond				✓	✓	✓	✓	✓	✓	✓	✓	✓	Check #040001	✓	✓	✓	Check #2512
Certification from bid package				✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Acknowledged Addendum 1				✓	✓	✓	✓	✓	✓	No	✓	✓	✓	✓	✓	✓	✓

NOTES

GWCommunications

»Bidder entered "N/A" for Bid Item No. 3.

TCS Communications, LLC

»Bidder entered "N/C" for Bid Item No. 4.

GZ Technology-Innovations, Inc.

»Bidder did not submit a bid bond or provide itemized bid pricing.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING A CONSTRUCTION CONTRACT FOR THE INSTALLATION OF ALL DIELECTRIC SELF SUPPORTING FIBER OPTIC CABLE FOR WATER SERVICES PROJECT AND AUTHORIZING THE EXPENDITURE OF FUNDS.

WHEREAS, the City of College Station, Texas, solicited bids for the installation of City owned fiber optic cable; and

WHEREAS, the selection of T & D Solutions is being recommended as the lowest responsible bidder for the construction services related to the installation of all dielectric self supporting fiber optic cable; 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 T&D Solutions is the lowest responsible bidder on bid number 09-24.

PART 2: That the City Council hereby approves the contract with T & D Solutions for \$ 55,414.13 for the labor, materials and equipment required for the improvements related to the Installation of all Dielectric Self Supporting Fiber Optic Cable Water Services Project.

PART 3: That the funding for this Contract shall be as budgeted from the Water Capital Improvements Fund, in the amount of \$55,414.13.

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

ADOPTED this _____ day of _____, A.D. 2009.

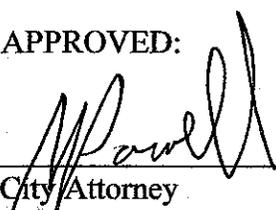
ATTEST:

APPROVED:

City Secretary

MAYOR

APPROVED:



City Attorney

SANDY POINT PUMP STATION

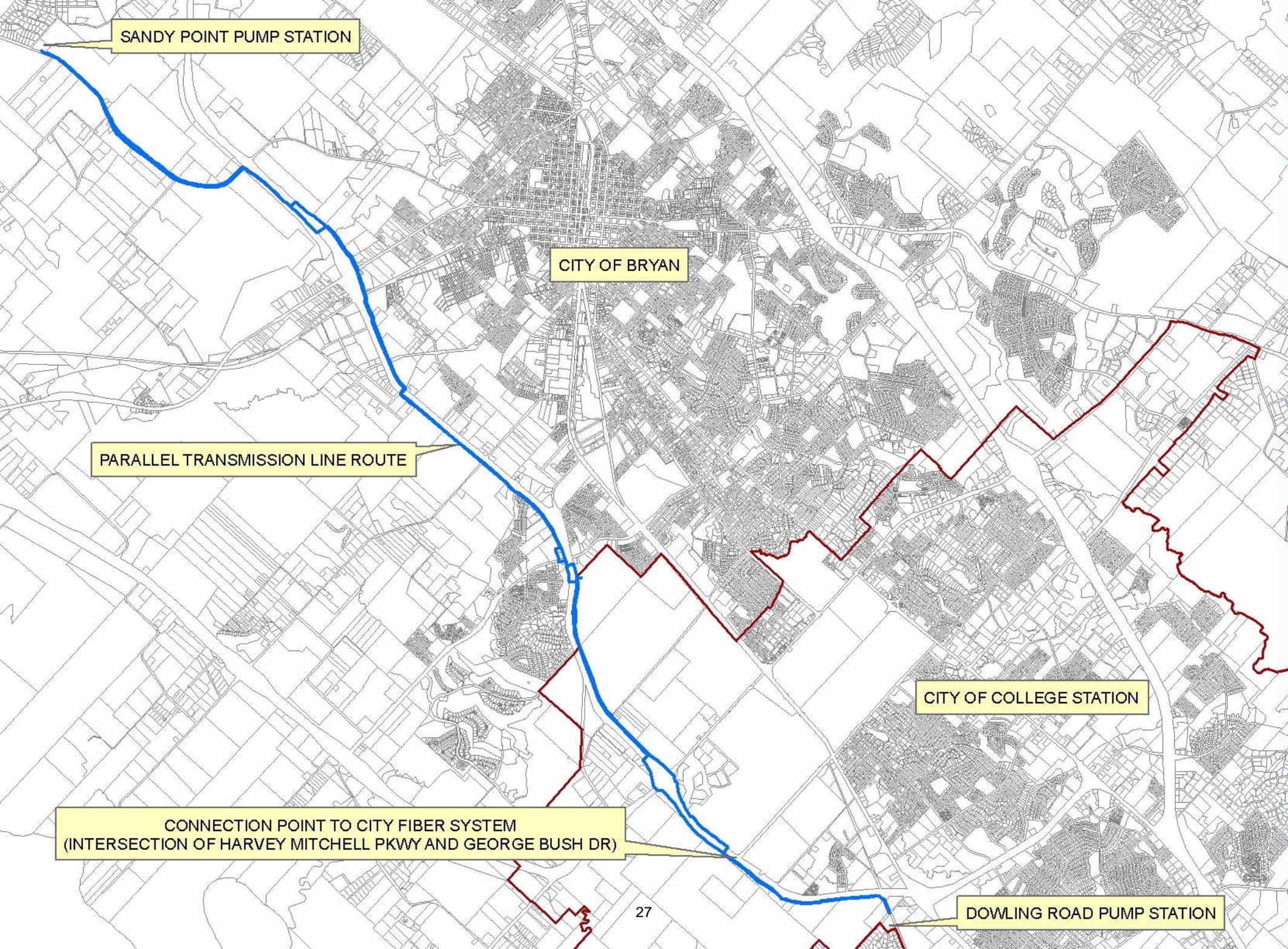
CITY OF BRYAN

CITY OF COLLEGE STATION

PARALLEL TRANSMISSION LINE ROUTE

CONNECTION POINT TO CITY FIBER SYSTEM
(INTERSECTION OF HARVEY MITCHELL PKWY AND GEORGE BUSH DR)

DOWLING ROAD PUMP STATION



February 26, 2009

Consent Agenda Item No. 2e

Engagement Agreement with Mathews & Freeland

To: Glenn Brown, City Manager

From: David Coleman, Director of Water Services

Agenda Caption: Presentation, possible action, and discussion to approve an engagement agreement with Mr. Jim Mathews, of Mathews & Freeland, for legal representation in the matter of the Skiles Groundwater Permit Application, not to exceed \$100,000.

Recommendation: Staff recommends Council approve the agreement.

Summary: The City of College Station has been granted status as an "Affected Party" in the contested case hearing requested by Dr. Cliff Skiles, regarding the denial of his application for Simsboro well permits by the Brazos Valley Groundwater Conservation District (BVGCD). As an Affected Party, legal representation is required, and staff recommends we hire Mr. Jim Mathews, of Mathews & Freeland L.L.C. since he is well versed in groundwater issues. Mr. Mathews is also representing the other two parties who were granted status as Affected Parties, the City of Bryan and Twin Oaks Power, and Mr. Mathews has agreed to split the cost of common legal work equally among the three parties.

This issue is critical to all entities who withdraw water from the Simsboro aquifer. The BVGCD rules were established to preserve our water resource for all future generations, and we must take all action necessary to ensure these rules are followed. Dr. Skiles requested 8,300 acre-feet per year of Simsboro water (in addition to over 20,000 acre-feet per year that he already holds in Historic permits) but the BVGCD Staff determined that Dr. Skiles did not demonstrate a "beneficial use" for that quantity of water. Therefore, the BVGCD Board of Directors denied the application. Dr. Skiles then requested, and was granted, a contested case hearing to review that denial. Staff therefore requests City Council approve this engagement agreement with Mr. Mathews, to maximize the likelihood of a satisfactory resolution to the hearing.

Budget & Financial Summary: Estimated cost for FY-09 will not exceed \$100,000. These funds are budgeted and available in the Water Fund.

Attachments:
Agreement

MATHEWS & FREELAND, L.L.P.

Jim Mathews
Joe Freeland

ATTORNEYS AT LAW
327 Congress Avenue, Suite 300
P.O. Box 1568
Austin, Texas 78767-1568

(512) 404-7800
FAX: (512) 703-2785

August 27, 2008

Harvey Cargill
City Attorney
City of College Station
P.O. Box 9960
College Station, TX 77842

Re: Skiles Groundwater Permit Application (1610.00); Employment Contract

Dear Mr. Cargill:

This will confirm our agreement that the firm of Mathews & Freeland, L.L.P. will represent the City of College Station in the Brazos Valley Groundwater Conservation District's contested case hearing concerning groundwater permits sought and/or held by Dr. Cliff A. Skiles and the C.A. Skiles Family Partnership, Ltd. We will also represent the City of Bryan and Altura Power, LLC/Twin Oaks Power in this matter, and may represent other entities if their interests are aligned with those of the City of College Station. Our work will be performed under your direct supervision or the supervision of other persons designated by you. Additionally, we will represent College Station in any other matter requested, provided we do not have a conflict of interest. Our work on this matter will be billed on an hourly basis as described below.

At the present time our firm has a fee structure ranging up to \$300.00 per chargeable hour for attorneys' services, depending on the individual involved, his or her level of experience and expertise. Additionally, we utilize briefing clerks, paralegals and other support personnel to perform those tasks not requiring the time of an attorney. Briefing clerk and paralegal time is billed at an amount not to exceed \$75.00 per hour. We will submit all out-of-pocket expenses incurred for reimbursement, with a fifteen percent (15%) overhead charge added. Charges for other services, such as photocopies, fax transmissions and messenger services will be billed according to the attached schedule. We endeavor to have a statement of services rendered and expenses incurred by the 20th of each month. Full payment is due on receipt of the statement. Interest will be charged at the rate of 10% per annum on any balance not paid 60 days after the statement date. Because we will be representing more than one client in this matter, we will, as requested, send a bill allocating our fees and expenses among the clients represented on a pro rata basis. Provided, however, if any of our clients in this matter request representation seeking relief unique to that party, all such fees and expenses for that work will be billed directly to that client.

I will be the account representative and the attorney in charge of our representation. My time will be billed at the rate of \$270 per hour. From time to time other attorneys with the firm may be assigned to some aspect of our representation, as appropriate. It is the policy of our firm to review our fee structure annually. We will notify you in writing prior to implementation of any change in our fee structure.

This agreement shall become effective upon our receipt of a countersigned original of this letter. The agreement may be terminated by you at any time by written notice to us, provided, when applicable, that permission for withdrawal from employment is granted by the court. This agreement may be terminated by this firm on fifteen (15) days written notice that we are no longer in a position to continue representing you in a particular matter for whatever reason, including nonpayment of fees and expenses within 30 days of receipt of an invoice.

If this agreement is acceptable to you, please sign the duplicate original provided herein, and return it to us for our records. We look forward to working with you.

Sincerely,



Jim Mathews

JDM/ndh

APPROVED:

(Client Signature)

(Title)

(Printed Name)

SCHEDULE OF CHARGES

As of January 1, 2007

Photocopies	\$.20/page
Facsimile (sending only)	\$ 1.00/page
Paralegal services	\$75.00/hour
Messenger/clerical services	\$ 10.00/hour

CITY OF COLLEGE STATION

Contract Approval: Mathews & Freeland, L.L.P.

Re: Skiles Groundwater Permit Application (1610.00); Employment Contract letter dated August 27, 2008

By: _____
Mayor

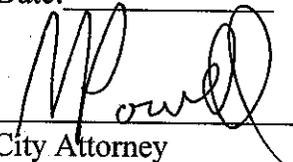
Date: _____

ATTEST:

City Secretary
Date: _____

APPROVED:

City Manager
Date: _____



City Attorney
Date: _____

Chief Financial Officer
Date: _____

February 26, 2009
Consent Agenda Item No. 2f
Discovery Drive Extension Project Advanced Funding Agreement

To: Glenn Brown, City Manager

From: Chuck Gilman, Director of Capital Projects

Agenda Caption: Presentation, possible action and discussion on a resolution for an Advanced Funding Agreement (AFA) between the City of College Station and the State of Texas for the Discovery Drive Extension project.

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

Summary: The project will require the City of College Station to work within the Texas Department of Transportation (TXDOT) right-of-way at the intersection of Discovery Drive and Raymond Stotzer Parkway (FM 60). TXDOT requires an AFA for any roadway connection or roadway work performed within TXDOT right-of-way. The City of College Station is paying for the design and construction of the Discovery Drive project.

Budget & Financial Summary: There are no payments to TXDOT associated with this AFA. The current project budget for the Discovery Drive Extension in the amount of \$2,000,000 is for design and construction. \$392,357 has been expended or committed to date, leaving a balance of \$1,607,643.

Attachments:

1. AFA
2. Location map

CSJ: 0506-01-095
District: 17 (Bryan)
Code Chart 64: 09050 (City of College Station)
Project: CC 506-1-95

THE STATE OF TEXAS §
THE COUNTY OF TRAVIS §

**ADVANCE FUNDING AGREEMENT FOR VOLUNTARY
LOCAL GOVERNMENT CONTRIBUTIONS
TO TRANSPORTATION IMPROVEMENT
PROJECTS WITH NO REQUIRED MATCH**

THIS AGREEMENT IS MADE BY AND BETWEEN the State of Texas, acting by and through the Texas Department of Transportation, hereinafter called the "State", and the City of College Station, acting by and through its duly authorized officials, hereinafter called the "Local Government."

WITNESSETH

WHEREAS, Transportation Code, Chapters 201, 221, 227, and 361, authorize the State to lay out, construct, maintain, and operate a system of streets, roads, and highways that comprise the State Highway System; and,

WHEREAS, Government Code, Chapter 791, and Transportation Code, §201.209 and Chapter 221, authorize the State to contract with municipalities and political subdivisions; and,

WHEREAS, Commission Minute Order Number 001112 authorizes the State to undertake and complete a highway improvement project; and,

WHEREAS, the Local Government is undertaking a municipal project to extend Discovery Drive, which will become a Texas A&M University maintained minor collector, hereinafter called the "Local Project"; and,

WHEREAS, a portion of the Local Project will be constructed within the right of way of FM 60 (University Drive), a state-maintained highway; such portion to include the construction of the street intersection, hereinafter called the "Improvements"; and,

WHEREAS, the Local Government will fund one hundred percent (100%) of the cost of the Improvements; and,

WHEREAS, this Agreement is required in order for the Local Government to construct the portion of the Improvements within the State's right of way; and,

WHEREAS, the State has determined that such participation is in the best interest of the citizens of the State;

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto, to be by them respectively kept and performed as hereinafter set forth, the State and the Local Government do agree as follows:

AGREEMENT

Article 1. Time Period Covered.

This agreement becomes effective when signed by the last party whose signing makes the agreement fully executed, and the State and the Local Government will consider it to be in full force and effect until the Project described herein has been completed and accepted by all parties or unless terminated, as hereinafter provided.

Article 2. Project Funding and Work Responsibilities

The State will authorize the performance of only those Improvements which the Local Government has requested and has agreed to pay for as described in Attachment A, Payment Provision and Work Responsibilities, which is attached to and made a part of this contract. It is understood by the Parties that the Improvements described in Attachment A, Payment Provision and Work Responsibilities, are the responsibility of the Local Government and will be carried out and completed by the Local Government at no cost to the State.

Article 3. Right of Access

The Local Government shall permit the State or its authorized representative to access municipal owned property to perform any activities required under this Agreement.

Article 4. Adjustments Outside the Project Site

The Local Government will provide for all necessary right-of-way and utility adjustments needed for performance of the work on sites not owned or to be acquired by the State.

Article 5. Responsibilities of the Parties

The State and the Local Government agree that neither party is an agent, servant, or employee of the other party and each party agrees it is responsible for its individual acts and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents.

Article 6. Document and Information Exchange

If requested by the State, the Local Government agrees to electronically deliver to the State any documents pertaining to the State's right of way including as-built construction plans and utility adjustments and relocations.

Article 7. Funds

No funds will be provided by the Local Government to the State as part of this Agreement.

Article 8. Inspection and Conduct of Work

The Local Government will be responsible for all work on the Local Project. Unless otherwise specifically stated in Attachment A, Payment Provision and Work Responsibilities, to this contract, the State will inspect all work performed hereunder that affects the operation and future maintenance of FM 60 and provide such engineering inspection and testing services as may be required to ensure that the Local Project is accomplished in accordance with the approved plans and specifications. All correspondence and instructions from the State will be directed to the Local Government or their designated representative. Unless otherwise specifically stated in Attachment A to this contract, all work will be performed in accordance with the *Standard Specifications for Construction and Maintenance of Highways, Streets, and Bridges* adopted by the State and incorporated herein by reference, or special specifications approved by the State.

In addition, the Local Government and its contractors will prosecute the work in accordance with the General Provisions listed in the Attachment A.

Article 9. Increased Costs

Any increased costs related to the Local Project will be paid by the Local Government.

Article 10. Maintenance

Upon completion of the Local Project, the maintenance responsibilities of the parties to this Agreement will be in accordance with the Municipal Maintenance Agreement or any other applicable current agreement between the Local Government and the State.

Article 11. Termination

This agreement may be terminated in the following manner:

- ◆ by mutual written agreement and consent of both parties;
- ◆ by either party upon the failure of the other party to fulfill the obligations set forth herein;
- ◆ by the State, at any time before the date the Local Government lets its contract, if the State determines that the performance of the Local Project is not in the best interest of the State.

Article 12. Notices

All notices to either party by the other required under this agreement shall be delivered personally or sent by certified or U.S. mail, postage prepaid or sent by electronic mail, (electronic notice being permitted to the extent permitted by law but only after a separate written consent of the parties), addressed to such party at the following addresses:

Local Government:	State:
Mr. Glenn Brown City Manager, City of College Station P.O. Box 9960 College Station, Texas 77842-9960	Bryan Alan Wood, P.E. Bryan District Engineer Texas Department of Transportation 1300 North Texas Avenue Bryan, TX 77803-2760

All notices shall be deemed given on the date so delivered or so deposited in the mail, unless otherwise provided herein. Either party may change the above address by sending written notice of the change to the other party. Either party may request in writing that such notices shall be delivered personally or by certified U.S. mail and such request shall be honored and carried out by the other party.

Article 13. Sole Agreement

In the event the terms of the agreement are in conflict with the provisions of any other existing agreements between the Local Government and the State, the latest agreement shall take precedence over the other agreements in matters related to the Local Project.

Article 14. Successors and Assigns

The State and the Local Government each binds itself, its successors, executors, assigns, and administrators to the other party to this agreement and to the successors, executors, assigns, and administrators of such other party in respect to all covenants of this agreement.

Article 15. Amendments

By mutual written consent of the parties, this contract may be amended prior to its expiration.

CSJ: 0506-01-095
District: 17 (Bryan)
Code Chart 64: 09050 (City of College Station)
Project: CC 506-1-95

Article 16. State Auditor

The state auditor may conduct an audit or investigation of any entity receiving funds from the state directly under the contract or indirectly through a subcontract under the contract. Acceptance of funds directly under the contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

Article 17. Insurance

If this agreement authorizes the Local Government or its contractor to perform any work on State right of way, before beginning work the entity performing the work shall provide the State with a fully executed copy of the State's Form 1560 Certificate of Insurance verifying the existence of coverage in the amounts and types specified on the Certificate of Insurance for all persons and entities working on State right of way. This coverage shall be maintained until all work on the State right of way is complete. If coverage is not maintained, all work on State right of way shall cease immediately, and the State may recover damages and all costs of completing the work.

Article 18. Signatory Warranty

The signatories to this agreement warrant that each has the authority to enter into this agreement on behalf of the party they represent.

Article 18. Debarment

The Local Government shall not contract with any person that: is suspended, debarred, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal agency or that is debarred or suspended by the State.

Article 19. Signatory Warranty

The signatories to this agreement warrant that each has the authority to enter into this agreement on behalf of the party they represent.

CSJ: 0506-01-095
District: 17 (Bryan)
Code Chart 64: 09050 (City of College Station)
Project: CC 506-1-95

IN WITNESS WHEREOF, THE STATE AND THE LOCAL GOVERNMENT have executed duplicate counterparts to effectuate this agreement.

THE STATE OF TEXAS

Executed for the Executive Director and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By _____ Date _____
District Engineer

THE LOCAL GOVERNMENT

Name

Ben White, Mayor, City of College Station
Printed Name and Title

Date

ATTEST:

Connie Hooks, City Secretary

Date

APPROVED:

City Manager

Date

Carla A. Robinson
City Attorney

Date

Chief Financial Officer

Date

ATTACHMENT A

Improvements Budget and Description

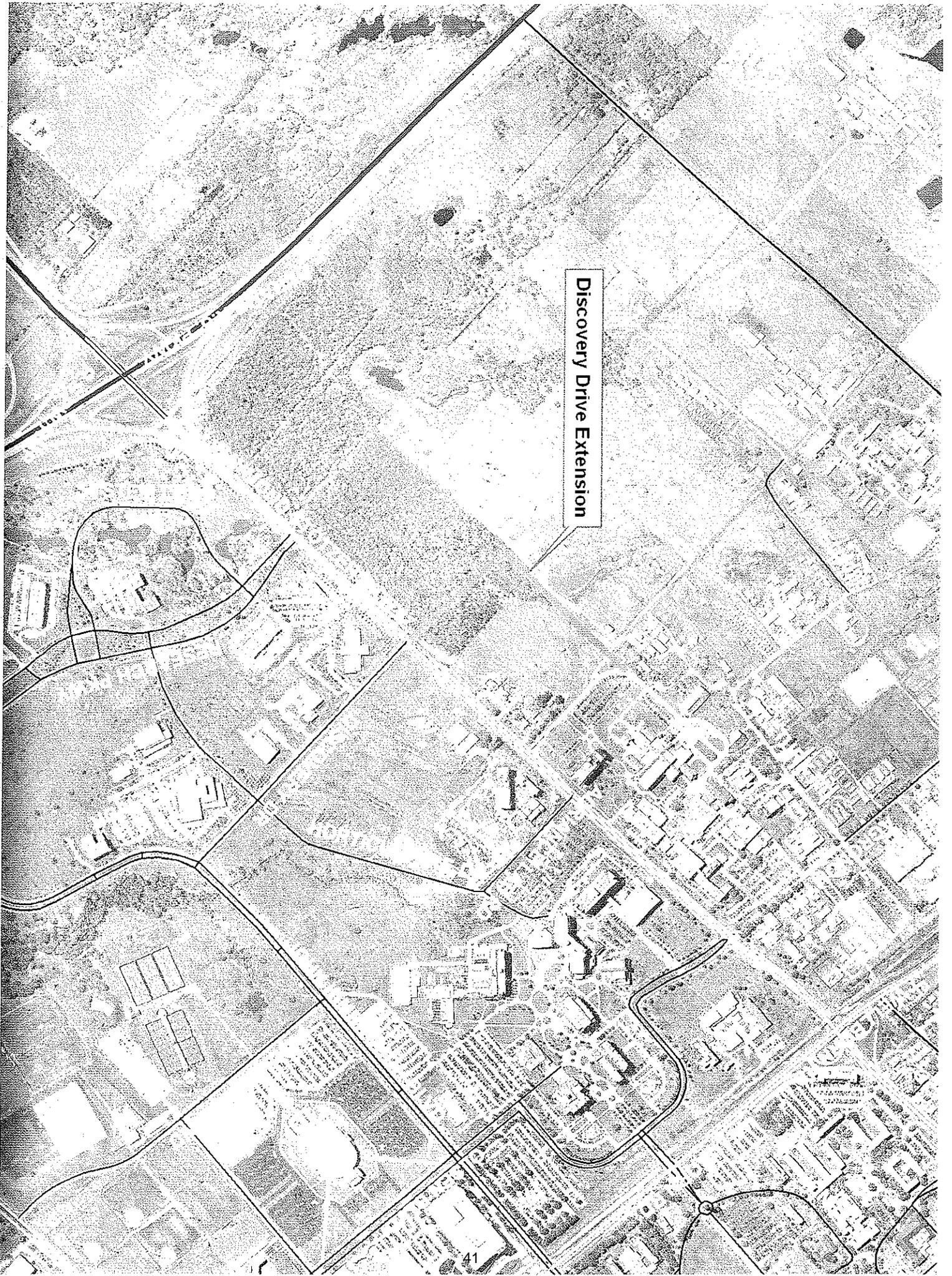
The Local Government will pay for the cost of constructing the Improvements at the intersection of Discovery Drive, a city street, with FM 60 (University Drive), a state-maintained highway. The Local Government's participation is 100% of the cost of the Improvements. The Local Government's estimated cost of this work is \$189,300, including preliminary engineering, construction items and engineering and contingencies. The Local Government has estimated the project to be as follows:

Estimated Project Budget

Description	Total Estimated Cost	Federal Participation		State Participation		Local Participation	
		%	Cost	%	Cost	%	Cost
CONSTRUCTION COSTS							
Land	\$0	0%	\$0	0%	\$0	100%	\$0
PS&E	\$1,000	0%	\$0	0%	\$0	100%	\$1,000
Subtotal	\$1,000	0%	\$0	0%	\$0	100%	\$1,000
Construction	\$188,300	0%	\$0	0%	\$0	100%	\$188,300
Direct State Costs (including plan review, inspection and oversight)	Waived	0%	N/A	0%	N/A	100%	N/A
Indirect State Costs (no local participation required except for service projects)	N/A	0%	N/A	0%	N/A	100%	N/A
TOTAL	\$189,300		\$0		\$0		\$189,300

General Provisions

1. A traffic control plan (TCP) is required prior to the start of construction within the State right of way. This TCP shall be developed in accordance with the Texas Manual on Uniform Traffic Control Devices (TMUTCD). Any lane closures on the state highway facility shall be confined to the hours between 8:30 a.m. and 4:30 p.m. unless otherwise approved in writing by the State.
2. Areas within the state right of way disturbed by construction, including any appurtenances, sidewalks, drainage structures, etc., shall be restored to a condition equal or better than existed prior to construction.
3. Any modifications to the existing pavement markings and markers along the state highway facility must have prior approval from the Bryan Area Engineer.
4. The Local Government, its contractors or its approved representatives is responsible for locating all utilities within the state right of way that may be affected by this construction. Contact with the affected utility companies and utility locators is required.
5. All construction shall be in accordance with the Local Government's / TxDOT's approved construction plans, standard details and specifications.
6. The contractor shall notify Norman Maurer, TxDOT Brazos County Maintenance, at 979-778-8054 for handling of any roadway signs in conflict with the proposed construction.
7. Where applicable, ditches shall be graded to drain.
8. Any concrete curb placed within the state right of way and located within 30 feet of the nearest highway travel lane shall be a mountable curb section.
9. No undercutting of existing asphalt pavement will be allowed.
10. Acceleration lanes, deceleration lanes, sidewalks, pavement markings and markers, etc. shall be in accordance with plan details. Width of existing roadway travel lanes along the state highway facility shall remain unchanged.
11. Sidewalk / ramp construction in TxDOT right-of-ways shall be in accordance with TxDOT's ADA requirements. (See PED-05 Standards.) (Maximum sidewalk cross-slope within a driveway is 2.0%.)
12. No color texturing shall be used for ramps at private or commercial driveways.
13. Highway surfaces shall be kept clean of mud, debris, etc. All sediment control devices shall be placed and maintained such that erosion within the state right of way is kept to a minimum.
14. The Local Government or its prime contractor shall contact the TxDOT Brazos County Maintenance Supervisor at 979-778-8054 at least 48 hours prior to starting work within the state right of way.



Discovery Drive Extension



Discovery Drive Extension

F & B RD

UNNAMED 8086

TURK RD

AGRONOMY RD

WELLBORN RD N

WELLBORN RD

HARVEY MITCHELL PKWY S

ONRAMP R.S. PKWY

RAYMOND STOTZER PKWY

ADRIANCE LAB RD

HORTICULTURE DR

JOHN KIMBROUGH BLVD

OLSEN BLVD

SYSTEM LOOP

RESEARCH PKWY

DISCOVERY DR

MARINER DR

PENBERTHY BLVD

February 26, 2009
Consent Agenda Item No. 2g
Tauber and Stasney Streets Rehabilitation Project
Change Order

To: Glenn Brown, City Manager

From: Chuck Gilman, Director of Capital Projects

Agenda Caption: Presentation, possible action, and discussion to approve a change order to professional services contract #05-160 related the Tauber and Stasney Streets Rehabilitation Project in the amount of \$2,500.

Recommendation(s): Staff recommends approval of the requested change order.

Summary: This item is for the approval of a professional services change order to McClure & Browne Engineering/Surveying, Inc. for the preparation of property exhibits. On December 11, 2008 City staff was instructed that alternative designs could be examined and shared with property owners within the next 90 days. In order to present visual representation of existing, current and alternative designs, the engineer was instructed to prepare visual exhibits. This change order represents the engineer's fees for preparing these exhibits. This changer order represents acceptance by ratification for work already completed by the design engineer.

Budget & Financial Summary: The current budget for the Tauber and Stasney Streets project is \$2,252,110. A total of \$809,384 has been expended or committed to date, leaving a balance of \$1,442,726, a portion of which will be used for this change order.

Attachments:

1. Change Order #3
2. Location Map of the Tauber and Stasney Streets Rehabilitation Project.

Item	Accounting Information	Original Contract	Change Order #1	Change Order #2	Change Order #3	Contract
1	ST0505 139-9111-971.30-10	\$160,000.00	\$6,000.00	\$5,500.00	\$2,500.00	\$174,000.00
TOTAL		\$160,000.00	\$6,000.00	\$5,500.00	\$2,500.00	\$174,000.00

Tauber and Stasney Street Rehabilitation Project Location Map



**February 26, 2009
Consent Agenda Item No. 2h
College Station Utilities Meeting and Training Facility**

To: Glenn Brown, City Manager

From: Chuck Gilman, Director of Capital Projects

Agenda Caption: Presentation, possible action, and discussion regarding approval of expenditures in the amount of \$119,370.00 using the TAMU Master Agreement (Texas A&M RFP Main 05-0011, Master Order No. M900327) for the purchase of audio-video equipment for the CSU Meeting and Training Facility.

Recommendation(s): Staff recommends approval of the purchase under the TAMU Master Agreement.

Summary: The CSU Meeting and Training Facility will be available to College Station Utilities and other City Departments for training purposes. The A/V equipment for the facility includes projection and presentation equipment for the auditorium, assembly room, classroom and conference room. The City is authorized to make purchases under Texas A&M RFP Main 05-0011, Master Order No. M900327 through the City's Interlocal Agreement with TAMU. MicroAge has provided the attached quotation to furnish and install the equipment.

Budget & Financial Summary: Funds in the amount of \$2,500,000 have been budgeted in the Electric Capital Projects Fund for this project. Funds in the amount of \$2,375,637.40 have been expended or committed to date, leaving a balance of \$124,362.60.

Attachments:

- 1.) MicroAge Quotation



1400 University Drive East - College Station, TX 77840
 Phone (979)846-9727 Fax (979)268-1017
 www.MicroAgeCS.com

Quotation

Quote #	Date
113068	01/16/09
Sales Rep	
Steve Catlin 979-846-9727 Ext. 280 catlin@microagecs.com	

For	Phones			
ACCOUNTS PAYABLE CITY OF COLLEGE STATION P.O. BOX 9960 310 Krenek Tap Road COLLEGE STATION, TX 77842				
	PO #	Terms	Ship Date	Ship Via
			1/21/2009	

	Part	Description	Qty	Price	Ext. Price
1		Large Assembly Room			
2		Dual Projectors	2	\$4,964.00	\$9,928.00
3	XGPH70X	Sharp XG-PH70x XGA, 5200 ANSI Lumens, 1200:1 Contrast, DLP®, Power Zoom Lens w/H&V Shift, RJ-45 Port.	1	\$4,171.00	\$4,171.00
4	QM-RX	QuickMedia Receiver	1	\$793.00	\$793.00
5		Projector Mounts	2	\$345.00	\$690.00
6	RPMA107	Chief RPMA Secure Inverted Projector Mount - Sharp XG-PH Series	1	\$182.00	\$182.00
7	CMS440	Chief Speed-Connect Lightweight Suspended Ceiling Kit	1	\$80.00	\$80.00
8	CMA470	Chief Plenum Electrical Enclosure	1	\$72.00	\$72.00
9	CMS006	Chief 6" Extension Column	1	\$11.00	\$11.00
10		Projection Screens	2	\$1,599.00	\$3,198.00
11	84300L	Da-Lite Advantage Electrol 69"x92" (120" diag) 4:3 Projection Screen	1	\$1,599.00	\$1,599.00
12		Control System	1	\$6,249.00	\$6,249.00
13	TPS-6X	Crestron Isys® 5.7" Wireless Touchpanel, Gloss Black; includes TPS-6X-BTP, TPS-6X-DS, TPS-6X-IMCW, PW-1215, TPS-6X-FP (w/default engraving) & TPS-6X-FP-NB; Requires CEN-HPRFGW, C2N-IRGW, or CNXRMIIRD for wireless operation; For custom engraving, see Configuration and Ordering Guide	1	\$1,951.00	\$1,951.00
14	CEN-HPRFGW	Crestron High Powered RF Gateway, includes PW-1205	1	\$366.00	\$366.00
15	MPS-300	Crestron Multimedia Presentation System 300 - 2 video, 3 RGB, 3 QM, 5 program audio, & 2 mic inputs; 1 video/RGB output; 2 QM outputs + 1 QM/CH touchpanel output; discrete program, speech, & record audio outputs; stereo amplifier; digital audio processor; 8-channel mic mixer; 8x7 video matrix; 2-Series control system	1	\$3,902.00	\$3,902.00
16	IRP2	Crestron Infrared (IR) Emitter Probe with 2-pin Mini Connector	1	\$30.00	\$30.00
17		Presentation Remote	1	\$50.00	\$50.00

	Part	Description	Qty	Price	Ext. Price
18	PR-US2	Keyspan USB Presentation Remote RF w/laser pointer	1	\$50.00	\$50.00
19		Room Audio	1	\$1,501.00	\$1,501.00
20	PGX14/85	PGX Wireless Lavalier System WL185 Microflex Professional Cardioid Lavalier Microphone	1	\$432.00	\$432.00
21	MX418/C	CARDIOD-18" Gooseneck Condenser Microphone Attached Preamp with XLR Shock Mount Flange Mount Snap-Fit Foam Windscreen	1	\$214.00	\$214.00
22	CONTROL 24CT MICROPLUS	(9) JBL Pro 4" 2-way Speaker with Transformer 150 Degree	9	\$95.00	\$855.00
23		Lectern	1	\$6,122.00	\$6,122.00
24	55250CHB	Masters Interactive Lectern	1	\$2,731.00	\$2,731.00
25	SSID370	SMART Sympodium ID370	1	\$2,121.00	\$2,121.00
26	95512	Flat Panel Monitor Arm for Light Monitors	1	\$260.00	\$260.00
27	D-R410	TOSHIBA D-R410 DVD Recorder with 1080p Upconversion	1	\$116.00	\$116.00
28	RC-3	(2) Middle Atlantic 3-space Clamping Rackshelf	2	\$54.00	\$108.00
29	60-525-01	Extron Cable Cubby 600	1	\$452.00	\$452.00
30	LCR2400	Tripp Lite Line Conditioning Rack PDU	1	\$308.00	\$308.00
31	LBP-1A	Middle Atlantic "L" Shaped Lacing Bars	1	\$26.00	\$26.00
32		Auditorium			
33		Projector	1	\$4,964.00	\$4,964.00
34	XGPH70X	Sharp XG-PH70x XGA, 5200 ANSI Lumens, 1200:1 Contrast, DLP®, Power Zoom Lens w/H&V Shift, RJ-45 Port.	1	\$4,171.00	\$4,171.00
35	QM-RX	QuickMedia Receiver	1	\$793.00	\$793.00
36		Projection Screen	1	\$1,010.00	\$1,010.00
37	88376L	Da-Lite Contour Electrol 87"x116" (150" diag) 4:3 Projection Screen	1	\$1,010.00	\$1,010.00
38		Projector Mount	1	\$345.00	\$345.00
39	RPMA107	Chief RPMA Secure Inverted Projector Mount - Sharp XG-PH Series	1	\$182.00	\$182.00
40	CMS440	Chief Speed-Connect Lightweight Suspended Ceiling Kit	1	\$80.00	\$80.00
41	CMA470	Chief Plenum Electrical Enclosure	1	\$72.00	\$72.00
42	CMS006	Chief 6" Extension Column	1	\$11.00	\$11.00
43		Control System	1	\$5,762.00	\$5,762.00
44	TPS-6X	Crestron Isys® 5.7" Wireless Touchpanel, Gloss Black; includes TPS-6X-BTP, TPS-6X-DS, TPS-6X-IMCW, PW-1215, TPS-6X-FP (w/default engraving) & TPS-6X-FP-NB; Requires CEN-HPRFGW, C2N-IRGW, or CNXRMIRD for wireless operation; For custom engraving, see Configuration and Ordering Guide	1	\$1,951.00	\$1,951.00
45	CEN-HPRFGW	Crestron High Powered RF Gateway, includes PW-1205	1	\$366.00	\$366.00
46	MPS-250	Crestron Multimedia Presentation System 250 - 2 video, 3 RGB, 1 QM, 5 program audio, & 2 mic inputs; 1 video/RGB output; 1 QM/CH touchpanel output; discrete program, speech, & record audio outputs; stereo amplifier; digital audio processor; 4-channel mic mixer; 6x5 video matrix; 2-Series control system	1	\$3,415.00	\$3,415.00

	Part	Description	Qty	Price	Ext. Price
47	IRP2	Crestron Infrared (IR) Emitter Probe with 2-pin Mini Connector	1	\$30.00	\$30.00
48		Presentation Remote	1	\$50.00	\$50.00
49	PR-US2	Keyspan USB Presentation Remote RF w/laser pointer	1	\$50.00	\$50.00
50		Room Audio	1	\$1,492.00	\$1,492.00
51	CONTROL 26CT	(6) JBL Pro 6.5"2-Way Vented Speaker With Transformer-Pair	6	\$141.00	\$846.00
52	PGX14/85	PGX Wireless Lavalier System WL185 Microflex Professional Cardioid Lavalier Microphone	1	\$432.00	\$432.00
53	MX418/C	CARDIOD-18" Gooseneck Condenser Microphone Attached Preamp with XLR Shock Mount Flange Mount Snap-Fit Foam Windscreen	1	\$214.00	\$214.00
54		Lectern	1	\$6,122.00	\$6,122.00
55	55250CHB	Masters Interactive Lectern	1	\$2,731.00	\$2,731.00
56	SSID370	SMART Sympodium ID370	1	\$2,121.00	\$2,121.00
57	95512	Flat Panel Monitor Arm for Light Monitors	1	\$260.00	\$260.00
58	D-R410	TOSHIBA D-R410 DVD Recorder with 1080p Upconversion	1	\$116.00	\$116.00
59	RC-3	(2) Middle Atlantic 3-space Clamping Rackshelf	2	\$54.00	\$108.00
60	60-525-01	Extron Cable Cubby 600	1	\$452.00	\$452.00
61	LCR2400	Tripp Lite Line Conditioning Rack PDU	1	\$308.00	\$308.00
62	LBP-1A	Middle Atlantic "L" Shaped Lacing Bars	1	\$26.00	\$26.00
63		Classroom			
64		Projector	1	\$1,653.00	\$1,653.00
65	PGF312X	Sharp PG-F312x DLP BrilliantColor - 3000 ANSI Lumens XGA 2000:1 Contrast Ratio DVI-I Input Zoom Lens. "	1	\$860.00	\$860.00
66	QM-RX	QuickMedia Receiver	1	\$793.00	\$793.00
67		Projector Mount	1	\$345.00	\$345.00
68	RPMA117	Chief RPMA Secure Inverted Projector Mount - SHARP PG-F Series	1	\$182.00	\$182.00
69	CMS440	Chief Speed-Connect Lightweight Suspended Ceiling Kit	1	\$80.00	\$80.00
70	CMA470	Chief Plenum Electrical Enclosure	1	\$72.00	\$72.00
71	CMS006	Chief 6" Extension Column	1	\$11.00	\$11.00
72		Projection Screen	1	\$1,563.00	\$1,563.00
73	84299L	Da-Lite Advantage Electrol 60"x80" (100" diag) 4:3 Projection Screen	1	\$1,563.00	\$1,563.00
74		Control System	1	\$5,762.00	\$5,762.00
75	TPS-6X	Crestron Isys@ 5.7" Wireless Touchpanel, Gloss Black; includes TPS-6X-BTP, TPS-6X-DS, TPS-6X-IMCW, PW-1215, TPS-6X-FP (w/default engraving) & TPS-6X-FP-NB; Requires CEN-HPRFGW, C2N-IRGW, or CNXRMIRD for wireless operation; For custom engraving, see Configuration and Ordering Guide	1	\$1,951.00	\$1,951.00
76	CEN-HPRFGW	Crestron High Powered RF Gateway, includes PW-1205	1	\$366.00	\$366.00
77	MPS-250	Crestron Multimedia Presentation System 250 - 2 video, 3 RGB, 1 QM, 5 program audio, & 2 mic inputs; 1 video/RGB output; 1 QM/CH touchpanel output; discrete program,	1	\$3,415.00	\$3,415.00

	Part	Description	Qty	Price	Ext. Price
		speech, & record audio outputs; stereo amplifier; digital audio processor; 4-channel mic mixer; 6x5 video matrix; 2-Series control system			
78	IRP2	Crestron Infrared (IR) Emitter Probe with 2-pin Mini Connector	1	\$30.00	\$30.00
79		Presentation Remote	1	\$50.00	\$50.00
80	PR-US2	Keyspan USB Presentation Remote RF w/laser pointer	1	\$50.00	\$50.00
81		Room Audio	1	\$1,492.00	\$1,492.00
82	CONTROL 26CT	(6) JBL Pro 6.5"2-Way Vented Speaker With Transformer-Pair	6	\$141.00	\$846.00
83	PGX14/85	PGX Wireless Lavalier System WL185 Microflex Professional Cardioid Lavalier Microphone	1	\$432.00	\$432.00
84	MX418/C	CARDIOD-18" Gooseneck Condenser Microphone Attached Preamp with XLR Shock Mount Flange Mount Snap-Fit Foam Windscreen	1	\$214.00	\$214.00
85		Lectern	1	\$6,122.00	\$6,122.00
86	55250CHB	Masters Interactive Lectern	1	\$2,731.00	\$2,731.00
87	SSID370	SMART Symposium ID370	1	\$2,121.00	\$2,121.00
88	95512	Flat Panel Monitor Arm for Light Monitors	1	\$260.00	\$260.00
89	D-R410	TOSHIBA D-R410 DVD Recorder with 1080p Upconversion	1	\$116.00	\$116.00
90	RC-3	(2) Middle Atlantic 3-space Clamping Rackshelf	2	\$54.00	\$108.00
91	60-525-01	Extron Cable Cubby 600	1	\$452.00	\$452.00
92	LCR2400	Tripp Lite Line Conditioning Rack PDU	1	\$308.00	\$308.00
93	LBP-1A	Middle Atlantic "L" Shaped Lacing Bars	1	\$26.00	\$26.00
94		Conference Room			
95		Projector	1	\$1,653.00	\$1,653.00
96	PGF312X	Sharp PG-F312x DLP BrilliantColor - 3000 ANSI Lumens XGA 2000:1 Contrast Ratio DVI-I Input Zoom Lens. "	1	\$860.00	\$860.00
97	QM-RX	QuickMedia Receiver	1	\$793.00	\$793.00
98		Projector Mount	1	\$345.00	\$345.00
99	RPMA117	Chief RPMA Secure Inverted Projector Mount - SHARP PG-F Series	1	\$182.00	\$182.00
100	CMS440	Chief Speed-Connect Lightweight Suspended Ceiling Kit	1	\$80.00	\$80.00
101	CMA470	Chief Plenum Electrical Enclosure	1	\$72.00	\$72.00
102	CMS006	Chief 6" Extension Column	1	\$11.00	\$11.00
103		Projection Screen	1	\$1,563.00	\$1,563.00
104	84299L	Da-Lite Advantage Electrol 60"x80" (100" diag) 4:3 Projection Screen	1	\$1,563.00	\$1,563.00
105		Control System	1	\$5,762.00	\$5,762.00
106	TPS-6X	Crestron Isys@ 5.7" Wireless Touchpanel, Gloss Black; includes TPS-6X-BTP, TPS-6X-DS, TPS-6X-IMCW, PW-1215, TPS-6X-FP (w/default engraving) & TPS-6X-FP-NB; Requires CEN-HPRFGW, C2N-IRGW, or CNXRMIRD for wireless operation; For custom engraving, see Configuration and Ordering Guide	1	\$1,951.00	\$1,951.00
107	CEN-HPRFGW	Crestron High Powered RF Gateway, includes PW-1205	1	\$366.00	\$366.00

	Part	Description	Qty	Price	Ext. Price
108	MPS-250	Crestron Multimedia Presentation System 250 - 2 video, 3 RGB, 1 QM, 5 program audio, & 2 mic inputs; 1 video/RGB output; 1 QM/CH touchpanel output; discrete program, speech, & record audio outputs; stereo amplifier; digital audio processor; 4-channel mic mixer; 6x5 video matrix; 2-Series control system	1	\$3,415.00	\$3,415.00
109	IRP2	Crestron Infrared (IR) Emitter Probe with 2-pin Mini Connector	1	\$30.00	\$30.00
110		Presentation Remote	1	\$50.00	\$50.00
111	PR-US2	Keyspan USB Presentation Remote RF w/laser pointer	1	\$50.00	\$50.00
112		Room Audio	1	\$380.00	\$380.00
113	CONTROL 24CT MICROPLUS	(4) JBL Pro 4" 2-way Speaker with Transformer 150 Degree	4	\$95.00	\$380.00
114		Equipment Rack	1	\$1,196.00	\$1,196.00
115	D-R410	TOSHIBA D-R410 DVD Recorder with 1080p Upconversion	1	\$116.00	\$116.00
116	93703	Da-Lite 21U Equipment Rack Cart w/ Natural Walnut Veneer	1	\$976.00	\$976.00
117	ISOBAR12ULTRA	TRIPP LITE ISOBAR 12 ULTRA - SURGE SUPPRESSOR (RACK-MOUNTABLE) - AC 120 V - 12	1	\$104.00	\$104.00
118		Central Control & Switching			
119		Central Control	1	\$10,855.00	\$10,855.00
120	PRO2	Professional Dual Bus Control System. 1 Z-Bus slot and 3 Y-Bus slots. Built-in Power Supply	1	\$2,195.00	\$2,195.00
121	C2ENET-2	Dual Port 10/100BaseT Ethernet Card with e-Control@2 for Z-Bus Expansion Slot	1	\$793.00	\$793.00
122	C2COM-3	3 Port RS-232/422/485 Card for Y-Bus Expansion Slot	1	\$427.00	\$427.00
123	QM-MD16X16	16x16 QuickMedia Matrix Switcher	1	\$4,268.00	\$4,268.00
124	QM-AE	(4) QuickMedia Audio Extractor	4	\$427.00	\$1,708.00
125	C2N-HBLOCK	(3) Multi-type Cresnet Distribution Block	3	\$183.00	\$549.00
126	C2N-SPWS300	Cresnet Power Supply, 300 watt	1	\$915.00	\$915.00
127		Central Audio Matrix	1	\$3,863.00	\$3,863.00
128	1160A	Crown 1160A Amplifier	1	\$425.00	\$425.00
129	CDI1000	Crown CDI1000 Amplifier	1	\$590.00	\$590.00
130	DM1612	DIGITAL MATRIX AUDIO PROCESSOR, 16 IN, 12 OUT	1	\$2,848.00	\$2,848.00
131		Cabling	1	\$4,955.00	\$4,955.00
132	CRESCAT-QM-P-SP500	(8) Low-skew CAT5e plus Cresnet control cable for QuickMedia, plenum-rated, 500 ft spool	8	\$445.00	\$3,560.00
133		Patch Cables	1	\$700.00	\$700.00
134	18-2C-PSH-WHT	(1500) 18/02C STR BC SH CMP WHITE	1500	\$0.00	\$0.00
135	18-2C-P-WHT	(2500) 18/02C STR BC CMP WHITE	2500	\$0.00	\$0.00
136	CRESNET-P-TL-SP1000	Cresnet control cable, plenum-rated, teal, 1000 ft spool	1	\$695.00	\$695.00
137		Central Equipment Rack	1	\$1,553.00	\$1,553.00
138	WRK-24MDK	Middle Atlantic 24 SPACE ROLLING STUDIO ENCLOSURE KIT, 32" DEEP, BLACK FINISH	1	\$1,025.00	\$1,025.00
139	RC-2		1	\$51.00	\$51.00

Part	Description	Qty	Price	Ext. Price
140 RC-3	2 SPACE (3 1/2") CLAMPING RACKSHELF	1	\$56.00	\$56.00
141 LCR2400	3 SPACE (5 1/2") CLAMPING RACKSHELF	1	\$320.00	\$320.00
142 HW500	Tripp Lite Line Conditioning Rack PDU	1	\$101.00	\$101.00
143	500 PC. PHILLIPS 10/32 CAPTIVE CUP WASHER PACKED IN A RESEALABLE JAR	1	\$17,200.00	\$17,200.00
144 SER10008	Installation (80) Lead A/V Installer	80	\$85.00	\$6,800.00
145 SER10007	(80) A/V Technician	80	\$65.00	\$5,200.00
146 SER10007	(80) A/V Technician	80	\$65.00	\$5,200.00
147	Programming	1	\$4,250.00	\$4,250.00
148 SER10009	(50) Lead A/V Designer	50	\$85.00	\$4,250.00
149	System Design	1	\$1,275.00	\$1,275.00
150 SER10009	(15) Lead A/V Designer	15	\$85.00	\$1,275.00

SubTotal	\$119,370.00
Sales Tax	\$0.00
Shipping	\$0.00
Total	\$119,370.00

QUOTES ARE VALID FOR 30 DAYS FROM THE DATE SHOWN ABOVE. PRICES SUBJECT TO CHANGE - PRICES BASED UPON TOTAL PURCHASE - ALL DELIVERY, TRAINING OR CONSULTING SERVICES TO BE BILLED AT PUBLISHED RATES FOR EACH ACTIVITY INVOLVED - GENERALLY ALL HARDWARE COMPUTER COMPONENTS PROPOSED ABOVE ARE COVERED BY A LIMITED ONE TO THREE YEAR WARRANTY, COVERING PARTS AND LABOR ON A DEPOT BASIS - WE SPECIFICALLY DISCLAIM ANY AND ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO ANY IMPLIED WARRANTIES OR WITH REGARD TO ANY LICENSED PRODUCTS. WE SHALL NOT BE HELD LIABLE FOR ANY LOSS OF PROFITS, BUSINESS, GOODWILL, DATA, INTERRUPTION OF BUSINESS, INCIDENTAL OR CONSEQUENTIAL MERCHANTABILITY OR FITNESS OF PURPOSE, OR DAMAGES RELATED TO THIS AGREEMENT.

February 26, 2009
Consent Agenda Item No. 2i
Change Order #5 for the Memorial Cemetery and
Aggie Field of Honor Construction Contract

To: Glenn Brown, City Manager

From: Chuck Gilman, Director of Capital Projects

Agenda Caption: Presentation, possible action, and discussion regarding action to ratify a change order for Construction Contract 08-116 with Acklam Construction for the construction of the Memorial Cemetery and the Aggie Field of Honor Project GG-9905 in the amount of \$73,557.30.

Recommendation(s): Staff recommends approval of the change order for \$73,557.30 to Acklam Construction, Inc. on the Memorial Cemetery and the Aggie Field of Honor Construction Contract.

Summary: The City Council authorized negotiation of a Professional Services Contract to Jacobs Engineering, Inc. (formally named Edwards and Kelsey at the time) on April 12, 2007. The construction contract for \$7,072,579.00 was approved by City Council March 27, 2008. The following change order is for the following: Adding 6" thick reinforced plain colored concrete, rework Central Plaza base and subgrade elevation, add 51 linear feet of chain link fencing, add two (2) sections of 12' tall and two (2) sections of 10' tall ornamental fencing, delete granite pavers at building and replace with two foot wide sombrero buff concrete band, re-locate aerator pump disconnects, delete four (4) each flush planters and replace with flex base & colored scored concrete, revisions to the entrance gate, delete seal coat requirement at Maintenance Road, deleting interior water meter and backflow preventer in Information Building, upgraded Columbarium limestone soffit anchor system.

Budget & Financial Summary: The current budget for the Memorial Cemetery project is \$10,050,000. This includes \$640,000 added to the budget through a budget amendment on August 8, 2008. Part of this budget increase was for possible change orders on this project. That additional appropriation will be used to cover the cost of this change order.

Staff will be making a presentation to Council in March on the status of the sale of cemetery lots.

Attachments:

1. Coversheet
2. Change Order No. 5
3. Location Map

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

CONTRACTOR:
Acklam Construction, Inc.
18932 Highway 6 South Ph: (979) 690-8500
College Station, TX 77847 Fax: (979) 690-8510

PURPOSE OF THIS CHANGE ORDER #5

- A. Add 6" thick reinforced plain colored concrete with compacted base at noted shaded areas on drawing C-127.
- B. Cost to change from curved wall section with three (3) continuous columbarium wide unites to six (6) continuous wide unites per revised detail 8/A-506 by Jacobs Engineering.
- C. Rework Central Plaza base and subgrade elevation primarily due to changes to meet ADA standards.
- D. Add 51 linear feet of chain link fencing near entrance
- E. Add two (2) sections of 12' tall and two (2) sections of 10' tall ornamental fencing each side of entry gate. Ornamental fencing fabricated in six foot sections as shown on sheet L-201
- F. Delete granite pavers at entry border to each building and replace with two foot wide sombrero buff concrete band.
- G. Re-locate aerator pump disconnects as shown on revised drawing E-101. Pump control box and aerator disconnect switch to be mounted above grade on free standing unistrut rack per enclosed draqing. This pricing proposal in response to our RFI No. 48.
- H. Delete four (4) each flush planters and replace with flex base, colored scored concrete to match surrounding concrete sidewalk area as shown on drawing C-127. This proposal excludes any irrigation sleeve modifications.
- I. Upcharge for gates based on latest revised design. Price increase includes changing from steel to aluminum, increasing frame 2" square members to 3" square members, adding pickets to lower half of gates, adding gusset plates, adding support plate behind emblem and material escalation since project bidding.
- J. Delete seal coat requirement at Maintenance Road
- K. Re-pipe 2" water line entry to Information Building to include deleting interior water meter, adding spool pience of pipe, rerouting pipe over and between A/C equipment and routing drain from RPZ under A/C unit to floor drain.
- L. Upgraded Columbarium limestone soffit anchor system cost in changing from original bid documents indicating welded wire anchor system as shown on S-103, detail 4 page A-506 and response to pinned anchor system to RFI No. 39 before Architect changing to pinned anchor system.
- M. Upgraded Columbarium limestone veneer anchor system cost in changing from original bid documents indicating welded wire anchor system as shown on S-103, detail 4 page A-506 and response RFI No. 39 before Architect changing to pinned anchor system.

ITEM NO	UNIT	DESCRIPTION	UNIT PRICE	ORIGINAL QUANTITY	REVISED QUANTITY	ADDED COST
1A	SY	Compacted Base (Equip)	\$6.00		413	\$2,478.00
2A	SY	Compacted Base (Mat'l)	\$4.30		413	\$1,775.90
3A	SF	Concrete	\$2.30		3720	\$8,556.00
4A	PCS	Reinforcing #3 x 20' long	\$5.71		409	\$2,335.39
5A	LS	Plus 44.68% of labor & 15% of Overhead & Profit				\$3,393.08
Total adjustment for change in work=						\$18,538.37
1B	LS	Cost to change from curved wall section with three (3) continuous columbarium wide unites to six (6) continuous				\$2,031.48
1C	LS	Labor, equip. & surveying to re-work subgrade/base and provide additional base.				
2C	HR	Backhoe	\$70.00		80	\$5,600.00
3C	HR	Track Bobcat	\$45.00		80	\$3,600.00
4C	HR	Mini-trackhoe	\$40.00		50	\$2,000.00
5C	DAY	Dump Truck	\$400.00		2	\$800.00
6C	HR	Laborers (Labor only)	\$10.00		160	\$1,600.00
7C	HR	Carpenter (Labor only)	\$18.50		80	\$1,480.00
8C	tons	Provide additional base (material)	\$20.00		130	\$2,600.00
9C	LS	Increased paver installation	\$1,500.00			\$1,500.00
10C	LF	Remove and replace curb	\$35.00		90	\$3,150.00
11C	LS	Plus 44.68% of labor & 15% of Overhead & Profit				\$2,228.14
12C	LS	Plus 10% of subcontract				\$1,665.00
Total adjustment for change in work=						\$26,223.14
1D	LS	Add 51 Linear feet of chain link fencing near entrance based on revised drawing C-129.				\$1,533.40
1E	FT	Two (2) - 12 X 12 Iron	\$195.00		24	\$4,680.00
2E	FT	Two (2) - 12 X 10 Iron	\$189.00		24	\$4,536.00
3E	LS	Plus 44.68% of labor & 15% of Overhead & Profit				\$921.60
Total adjustment for change in work=						\$10,137.60
1F	SF	Granite pavers	-\$22.25		520	-\$11,570.00
2F	SF	Granite paver installation	-\$3.50		520	-\$1,820.00
3F	CY	Sombrero Colored Concrete	\$132.00		12	\$1,584.00

4F	LF	Edgeforms	\$2.05		520	\$1,066.00
5F	SF	Place and finish concrete	\$1.20		520	\$624.00
6F	PCS	Reinforcing #4 x 20' long	\$10.20		20	\$204.00
7F	LS	Plus 44.68% of labor & 15% of Overhead & Profit				\$667.52
Total adjustment for change in work=						-\$9,244.48
1G	LS	College Station Electric				\$775.01
		Plus 44.68% of labor & 15% of Overhead & Profit				\$77.50
Total adjustment for change in work=						\$852.51
1H	SY	Compacted Base (Equip)	\$3.20		\$146.00	\$467.20
2H	SY	Compacted Base (Mat'l)	\$4.30		\$146.00	\$627.80
3H	SF	Colored Concrete	\$3.80		\$350.00	\$1,330.00
4H	SF	Standard Concrete	\$2.30		\$960.00	\$2,208.00
5H	PCS	Reinforcing 3# x 20' long	\$5.71		\$138.00	\$787.98
6H	SF	12' x 12' Scored Concrete	\$2.85		\$350.00	\$997.50
7H	SF	2' x 2' Scored Concrete	\$1.85		\$960.00	\$1,776.00
8H		Plus 44.68% of labor & 15% of Overhead & Profit				\$1,192.59
Total adjustment for change in work=						\$277.35
Total adjustment for change in work=						\$9,664.42
I1	LS	Change from steel to aluminum, increasing frame 2" square members to 3" square members, adding pickets to lower half of gates, adding gusset plates, adding support plate behind emblem.				\$9,918.00
I2		Plus 44.68% of labor & 15% of Overhead & Profit				\$991.80
Total adjustment for change in work=						\$10,909.80
J1	SY	Brazos Valley Services	-\$3.50		451	-\$1,578.50
K1	LS	Curry Plumbing				\$1,080.00
K2		Plus 10% subcontract				\$108.00
Total adjustment for change in work=						\$1,188.00
L1	LS	R.W. Pfeffer Masonry				\$1,791.42
L2		Plus 10% subcontract				\$179.14
Total adjustment for change in work=						\$1,970.56
M1	LS	R.W. Pfeffer Masonry				\$1,210.00
M2		Plus 10% subcontract				\$121.00
Total adjustment for change in work=						\$1,331.00
					TOTAL	\$73,557.30

THE NET EFFECT OF THIS CHANGE ORDER IS A 1.04% INCREASE

ORIGINAL CONTRACT AMOUNT	\$7,072,579.00		
Change Order No. 1	(\$3,438.72)	-0.05%	CHANGE
Change Order No. 2	\$86,160.50	1.22%	CHANGE
Change Order No. 3	\$69,259.47	0.98%	CHANGE
Change Order No. 4	\$1,230.00	0.02%	CHANGE
Change order No. 5	\$73,557.30	1.04%	CHANGE
REVISED CONTRACT AMOUNT	\$7,299,347.55	3.21%	TOTAL CHANGE

ORIGINAL CONTRACT DAYS

Time Extension No. 1 (C.O. #1)	240 Days
Time Extension No. 2 (C.O. #2)	10 Days
Time Extension No. 3 (C.O. #3, Item A2)	14 Days
Time Extension No. 4 (C.O. #3, Item A4)	4 Days
Time Extension No. 5 (C.O. #3, Item A5)	3 Days
Time Extension No. 6 (C.O. #3, Item A6)	4 Days
Time Extension No. 7 (C.O. #3, Item A10)	34 Days
Time Extension No. 8 (C.O. #5, Item A)	12 Days
Time Extension No. 9 (C.O. #5, Item B)	5 Days
Time Extension No. 10 (C.O. #5, Item C)	5 Days
Time Extension No. 11 (C.O. #5, Item D)	10 Days
Time Extension No. 12 (C.O. #5, Item E)	3 Days
Time Extension No. 13 (C.O. #5, Item G)	3 Days
Time Extension No. 14 (C.O. #5, Item H)	2 Days
Time Extension No. 15 (C.O. #5, Item I)	6 Days
Time Extension No. 15 (C.O. #5, Item K)	3 Days
Time Extension No. 15 (C.O. #5, Item L)	2 Days
Revised Contract Time	2 Days
	362 Days

SUBSTANTIAL COMPLETION DATE
Revised Substantial Completion Date

February 8, 2009
June 10, 2009

APPROVED

A/E CONTRACTOR _____ Date _____
Don. Decker 2/16/09
 CONSTRUCTION CONTRACTOR _____ Date _____
James J. [unclear] 2-16-09
 PROJECT MANAGER _____ Date _____
Charles R. [unclear] 16-Feb-09
 CIP DEPARTMENT DIRECTOR _____ Date _____

DIRECTOR OF FISCAL SERVICES _____ Date _____
Alan C. [unclear]
 CITY ATTORNY _____ Date _____
 MAYOR _____ Date _____
 CITY SECRETARY _____ Date _____
 CITY MANAGER _____ Date _____

0 600 1,200 2,400 3,600 4,800 Feet

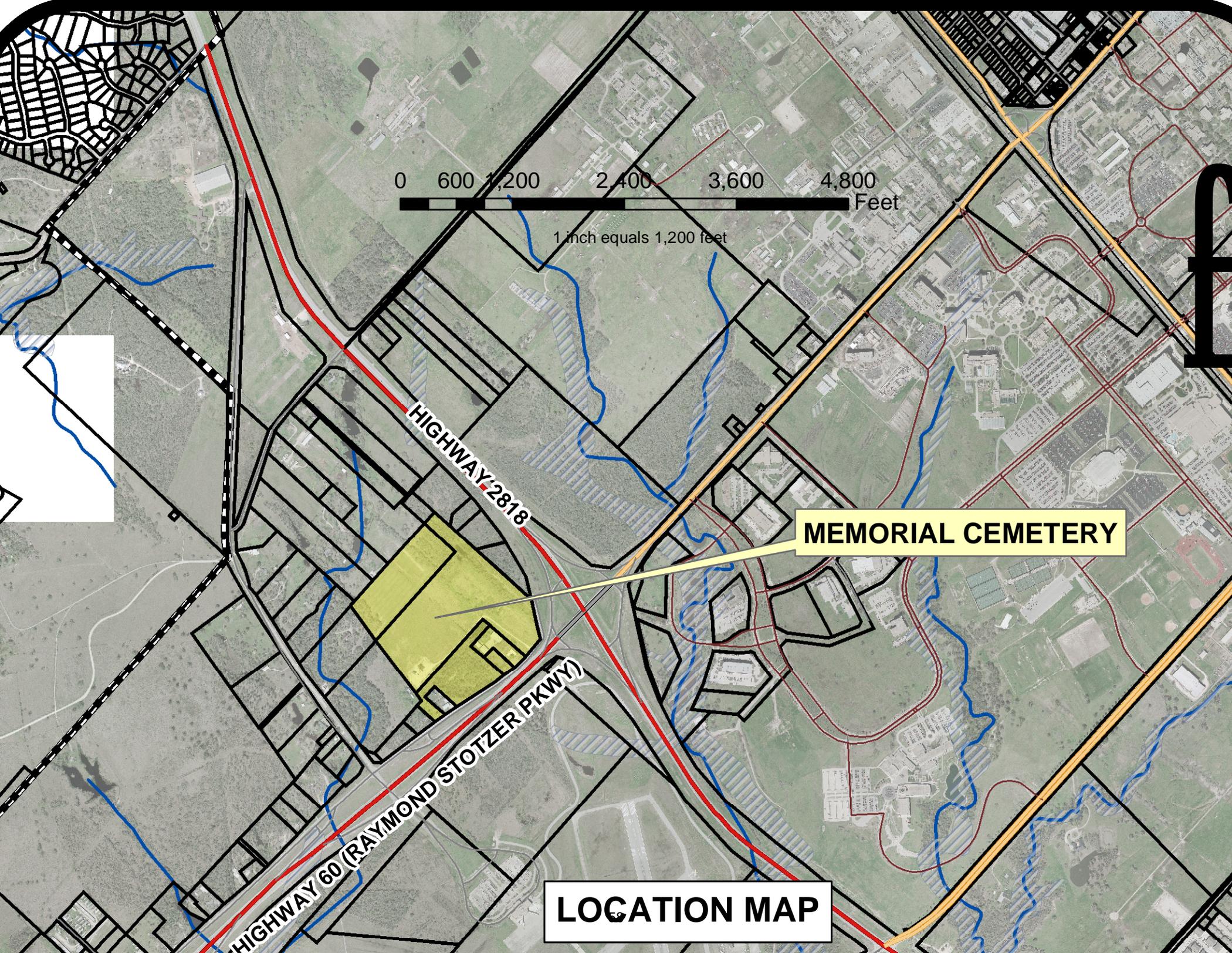
1 inch equals 1,200 feet

HIGHWAY 2818

HIGHWAY 60 (RAYMOND STOTZER PKWY)

MEMORIAL CEMETERY

LOCATION MAP



**February 26, 2009
Consent Agenda Item No. 2j
Various Distribution Padmount Transformers**

To: Glenn Brown, City Manager

From: Jeff Kersten, Chief Financial Officer

Agenda Caption: Presentation, possible action and discussion on a bid award for the purchase of various distribution padmount transformers maintained in inventory to Techline \$48,620, Wesco \$24,990, KBS \$10,010, TEC \$128,580 and Priester Mell & Nicholson \$3,570 for a total of \$215,770.

Recommendation(s): Recommend award to the lowest, responsible bidders meeting specifications as follows with expenditures totaling \$215,770.

I.	Techline	\$ 48,620
II.	Wesco	\$ 24,990
III.	KBS	\$ 10,010
IV.	TEC	\$128,580
V.	Priester Mell & Nicholson	\$ 3,570
	TOTAL	\$215,770

Summary: These purchases will be made upon award of this agreement. The transformers are maintained in the electrical inventory and expensed as necessary. These transformers are bought and kept in stock. Typically, our price agreements include firm, fixed pricing for 12 months; however, this industry is unusually volatile at this time, and in order to get the best pricing possible, we will make these purchases immediately upon award and place these transformers in our inventory.

Budget & Financial Summary: Six (6) sealed, competitive bids and two (2) alternate bids were received and opened on February 4, 2009. Funds are budgeted and available in the Electrical Fund. Various projects may be expensed as supplies are pulled from inventory and issued.

Attachments: Bid Tabulation #09-31

ITEM NUMBER : 1

ITEM DESCRIPTION: Padmount, Single Phase, 50KVA, 240/120

Order Quantity: 20

INVENTORY #: 285-086-00032

BIDDER	MANUFACTURER	UNIT PRICE	EXTENDED PRICE	EVALUATED PRICE (ea)	DELIVERY (WKS)
KBS Electrical Dist.	ERMCO	\$1,776.00	\$35,520.00	\$2,690.00	8
KBS Electrical Alter.	Cooper	\$1,998.00	\$39,960.00	\$2,934.80	8 to 10
Wesco Distribution	ABB	\$1,912.00	\$38,240.00	\$2,775.01	10 to 15
TechLine	Howard	\$1,641.00	\$32,820.00	\$2,617.86	7 to 9
Delta-Y Electric Co	Delta-y	\$2,527.00	\$50,540.00	\$3,379.78	8
Texas Electric Coop	GE	\$1,959.00	\$39,180.00	\$2,830.41	7 to 9
Texas Electric Coop Alt	ERMCO	\$1,774.00	\$35,480.00	\$2,688.09	7 to 9
Priester-Mell & Nicholson	Central Maloney	\$1,739.00	\$34,780.00	\$2,850.87	16

ITEM NUMBER : 2

ITEM DESCRIPTION: Padmount, Single Phase, 50KVA, 240/120

Order Quantity: 10

INVENTORY #: 285-086-00061

BIDDER	MANUFACTURER	UNIT PRICE	EXTENDED PRICE	EVALUATED PRICE (ea)	DELIVERY (WKS)
KBS Electrical Dist.	ERMCO	\$1,760.00	\$17,600.00	\$2,546.75	8
KBS Electrical Alter.	Cooper	\$1,988.00	\$19,880.00	\$2,893.66	8 to 10
Wesco Distribution	ABB	\$1,816.00	\$18,160.00	\$2,679.01	10 to 15
TechLine	Howard	\$1,580.00	\$15,800.00	\$2,526.67	7 to 9
Delta-Y Electric Co.	Delta-Y	\$2,488.00	\$24,880.00	\$3,338.91	8
Texas Electric Coop	GE	\$1,817.00	\$18,170.00	\$2,703.66	7 to 9
Texas Electric Coop Alt	ERMCO	\$1,759.75	\$17,590.00	\$2,545.75	7 to 9
Priester-Mell & Nicholson	Central Maloney	\$1,687.00	\$16,870.00	\$2,798.87	16

ITEM NUMBER: 3

ITEM DESCRIPTION: Padmount, Single Phase, 100KVA, 240/120

Order Quantity: 10

INVENTORY #: 285-086-00034

BIDDER	MANUFACTURER	UNIT PRICE	EXTENDED PRICE	EVALUATED PRICE (ea)	DELIVERY (WKS)
KBS Electrical Dist.	ERMCO	\$2,758.00	\$27,580.00	\$4,118.61	8
KBS Electrical Alter.	Cooper	\$2,808.00	\$28,080.00	\$4,287.85	8 to 10
Wesco Distribution	ABB	\$2,499.00	\$24,990.00	\$4,035.40	10 to 15
TechLine	Howard	\$2,514.00	\$25,140.00	\$4,074.99	7 to 9
Delta-Y Electric Co.	Delta-Y	\$4,225.00	\$42,250.00	\$5,623.88	10
Texas Electric Coop	GE	\$2,739.00	\$27,390.00	\$4,188.23	7 to 9
Texas Electric Coop Alt	ERMCO	\$2,764.00	\$27,640.00	\$4,124.61	7 to 9
Priester-Mell & Nicholson	Central Maloney	\$2,428.00	\$24,280.00	\$4,204.66	16

ITEM NUMBER: 4

ITEM DESCRIPTION: Padmount, Three Phase, 112.5KVA, 208/120

Order Quantity: 2

INVENTORY #: 285-086-00038

BIDDER	MANUFACTURER	UNIT PRICE	EXTENDED PRICE	EVALUATED PRICE (ea)	DELIVERY (WKS)
KBS Electrical Dist.	ERMCO	\$5,005.00	\$10,010.00	\$7,063.05	6
KBS Electrical Alter.	Cooper	\$6,720.00	\$13,440.00	\$8,725.41	6 to 8
Wesco Distribution	ABB	\$6,795.00	\$13,590.00	\$8,339.32	10 to 15
TechLine	Howard	\$5,143.00	\$10,286.00	\$7,302.56	9 to 11
Delta-Y Electric Co.	Delta-Y	\$6,844.00	\$13,688.00	\$8,672.29	8 to 10
Texas Electric Coop	GE	\$5,134.00	\$10,268.00	\$7,263.65	7 to 9
Texas Electric Coop Alt	ERMCO	\$5,014.00	\$10,028.00	\$7,072.05	7 to 9
Priester-Mell & Nicholson	Central Maloney	No Bid	#VALUE!		

ITEM NUMBER: 5

ITEM DESCRIPTION: Padmount, Three Phase, 225KVA, 208-120

Order Quantity: 3

INVENTORY #: 285-086-00040

BIDDER	MANUFACTURER	UNIT PRICE	EXTENDED PRICE	EVALUATED PRICE (ea)	DELIVERY (WKS)	Comments
KBS Electrical Dist.	ERMCO	\$6,684.00	\$20,052.00	\$10,282.36	6	
KBS Electrical Alter.	Cooper	\$8,440.00	\$25,320.00	\$11,889.63	6 to 8	
Wesco Distribution	ABB	\$7,242.00	\$21,726.00	\$10,943.15	10 to 15	
TechLine	Howard	\$7,210.00	\$21,630.00	\$10,581.18	9 to 11	
Delta-Y Electric Co.	Delta-Y	\$8,785.00	\$26,355.00	\$11,960.47	8 to 10	
Texas Electric Coop	GE	\$6,312.00	\$18,936.00	\$10,039.39	7 to 9	
Texas Electric Coop ALT	ERMCO	\$6,612.00	\$19,836.00	\$10,210.36	7 to 9	
Priester-Mell & Nicholson	Central Maloney	No Bid	#VALUE!			

Height over 50 inches

ITEM NUMBER: 6

ITEM DESCRIPTION: Padmount, Three Phase, 300KVA, 208-120

Order Quantity: 4

INVENTORY #: 285-086-00041

BIDDER	MANUFACTURER	UNIT PRICE	EXTENDED PRICE	EVALUATED PRICE (ea)	DELIVERY (WKS)	Comments
KBS Electrical Dist.	ERMCO	\$7,996.00	\$31,984.00	\$12,367.04	6	
KBS Electrical Alter.	Cooper	\$9,597.00	\$38,388.00	\$13,834.87	6 to 8	
Wesco Distribution	ABB	\$8,571.00	\$34,284.00	\$12,586.22	10 to 15	
TechLine	Howard	\$8,518.00	\$34,072.00	\$12,898.65	9 to 11	
Delta-Y Electric Co.	Delta-Y	\$9,785.00	\$39,140.00	\$13,773.25	8 to 10	
Texas Electric Coop	GE	\$7,279.00	\$29,116.00	\$11,757.73	7 to 9	
Texas Electric Coop Alt	ERMCO	\$7,914.00	\$31,656.00	\$12,285.05	7 to 9	
Priester-Mell & Nicholson	Central Maloney	No Bid	#VALUE!			

Height over 50 inches

ITEM NUMBER: 7

ITEM DESCRIPTION: Padmount, Single Phase, 50KVA, 240-480

Order Quantity: 2

INVENTORY #: 285-086-000

BIDDER	MANUFACTURER	UNIT PRICE	EXTENDED PRICE	EVALUATED PRICE (ea)	DELIVERY (WKS)	Comments
KBS Electrical Dist.	ERMCO	\$2,030.00	\$4,060.00	\$2,819.56	8	
KBS Electrical Alter.	Cooper	\$2,038.00	\$4,076.00	\$2,939.89	8 to 10	
Wesco Distribution	ABB	\$1,934.00	\$3,868.00	\$2,842.09	10 to 15	
TechLine	Howard	\$2,144.00	\$4,288.00	\$3,153.86	9 to 11	
Delta-Y Electric Co.	Delta-Y	\$2,877.00	\$5,754.00	\$3,791.71	6 to 8	
Texas Electric Coop	GE	\$2,079.00	\$4,158.00	\$2,904.02	7 to 9	
Texas Electric Coop Alt	ERMCO	\$2,034.00	\$4,068.00	\$2,823.56	7 to 9	
Priester-Mell & Nicholson	Central Maloney	\$1,785.00	\$3,570.00	\$2,880.94	16	Within 3%

ITEM NUMBER: 8

ITEM DESCRIPTION: Padmount, Three Phase, 150KVA, 480/277

Order Quantity: 1

INVENTORY #: 285-086-00046

BIDDER	MANUFACTURER	UNIT PRICE	EXTENDED PRICE	EVALUATED PRICE (ea)	DELIVERY (WKS)	Comments
KBS Electrical Dist.	ERMCO	\$5,449.00	\$5,449.00	\$8,259.62	6	
KBS Electrical Alter.	Cooper	\$7,179.00	\$7,179.00	\$9,633.08	6 to 8	
Wesco Distribution	ABB	\$6,106.00	\$6,106.00	\$8,654.50	10 to 15	
TechLine	Howard	\$6,023.00	\$6,023.00	\$8,723.67	9 to 11	
Delta-Y Electric Co.	Delta-Y	\$7,440.00	\$7,440.00	\$9,797.81	8 to 10	
Texas Electric Coop	GE	\$5,774.00	\$5,774.00	\$8,658.46	7 to 9	
Texas Electric Coop Alt	ERMCO	\$5,394.00	\$5,394.00	\$8,204.62	7 to 9	
Priester-Mell & Nicholson	Central Maloney	No Bid	#VALUE!			

ITEM NUMBER: 9

ITEM DESCRIPTION: Padmount, Three Phase, 500KVA, 480/277

Order Quantity: 1

INVENTORY #: 285-086-00049

BIDDER	MANUFACTURER	UNIT PRICE	EXTENDED PRICE	EVALUATED PRICE (ea)	DELIVERY (WKS)	Comments
KBS Electrical Dist.	ERMCO	\$9,460.00	\$9,460.00	\$15,872.60	6	
KBS Electrical Alter.	Cooper	\$12,340.00	\$12,340.00	\$18,392.97	6 to 8	
Wesco Distribution	ABB	\$10,536.00	\$10,536.00	\$17,050.33	10 to 15	
TechLine	Howard	\$11,107.00	\$11,107.00	\$18,041.81	9 to 11	
Delta-Y Electric Co.	Delta-Y	\$12,610.00	\$12,610.00	\$18,568.18	8 to 10	
Texas Electric Coop	GE	\$8,799.00	\$8,799.00	\$15,835.16	7 to 9	Within 3%
Texas Electric Coop Alt	ERMCO	\$9,369.00	\$9,369.00	\$15,781.60	7 to 9	
Priester-Mell & Nicholson	Central Maloney	No Bid	#VALUE!			

Height over 50 inches

ITEM NUMBER: 10

ITEM DESCRIPTION: Padmount, Three Phase, 1000KVA, 480/277

Order Quantity: 2

INVENTORY #: 285-086-00051

BIDDER	MANUFACTURER	UNIT PRICE	EXTENDED PRICE	EVALUATED PRICE (ea)	DELIVERY (WKS)	Comments
KBS Electrical Dist.	ERMCO	\$17,084.00	\$34,168.00	\$27,972.14	6	
KBS Electrical Alter.	Cooper	\$20,890.00	\$41,780.00	\$31,264.27	6 to 8	
Wesco Distribution	ABB	\$18,968.00	\$37,936.00	\$30,506.36	10 to 15	
TechLine	Howard	\$16,359.00	\$32,718.00	\$28,614.38	9 to 11	
Delta-Y Electric Co.	Delta-Y	\$19,315.00	\$38,630.00	\$29,176.75	10 to 12	
Texas Electric Coop	GE	\$12,369.00	\$24,738.00	\$27,994.97	7 to 9	within 3%
Texas Electric Coop Alt	ERMCO	\$16,904.00	\$33,808.00	\$27,792.14	7 to 9	
Priester-Mell & Nicholson	Central Maloney	No Bid	#VALUE!			

ITEM NUMBER: 11

ITEM DESCRIPTION: Padmount, Three Phase, 1500KVA, 480/277

Order Quantity: 1

INVENTORY #: 285-086-00052

BIDDER	MANUFACTURER	UNIT PRICE	EXTENDED PRICE	EVALUATED PRICE (ea)	DELIVERY (WKS)	
KBS Electrical Dist.	ERMCO	\$21,978.00	\$21,978.00	\$36,645.73	6	
KBS Electrical Alter.	Cooper	\$33,294.00	\$33,294.00	\$47,948.16	12 to 14	
Wesco Distribution	ABB	\$26,547.00	\$26,547.00	\$41,864.93	10 to 15	
TechLine	Howard	\$22,439.00	\$22,439.00	\$38,955.43	9 to 11	
Delta-Y Electric Co.	Delta-Y	\$26,210.00	\$26,210.00	\$39,177.50	10 to 12	
Texas Electric Coop	GE	\$24,764.00	\$24,764.00	\$41,034.26	7 to 9	
Texas Electric Coop Alt	ERMCO	\$21,749.00	\$21,749.00	\$36,416.73	7 to 9	
Priester-Mell & Nicholson	Central Maloney	No Bid	#VALUE!			

ITEM NUMBER: 12

ITEM DESCRIPTION: Polemount, Single Phase, 37.5KVA, 120/240

Order Quantity: 10

INVENTORY #: 285-086-00011

BIDDER	MANUFACTURER	UNIT PRICE	EXTENDED PRICE	EVALUATED PRICE (ea)	DELIVERY (WKS)	
KBS Electrical Dist.	ERMCO	\$974.00	\$9,740.00	\$1,634.06	8	
KBS Electrical Alter.	Cooper	\$999.00	\$9,990.00	\$1,911.80	8 to 10	
Wesco Distribution	ABB	No Bid				
TechLine	Howard	\$954.00	\$9,540.00	\$1,689.64	11 to 13	
Delta-Y Electric Co.	Delta-Y	\$1,228.00	\$12,280.00	\$1,957.53	8	
Texas Electric Coop	GE	\$922.00	\$9,220.00	\$1,568.67	7 to 9	
Texas Electric Coop Alt	ERMCO	\$972.00	\$9,720.00	\$1,632.06	7 to 9	
Priester-Mell & Nicholson	Central Maloney	\$1,023.00	\$10,230.00	\$1,928.27	10	

ITEM NUMBER: 13

ITEM DESCRIPTION: Polemount, Single Phase, 50KVA, 120/240

Order Quantity: 7

INVENTORY #: 285-086-00013

BIDDER	MANUFACTURER	UNIT PRICE	EXTENDED PRICE	EVALUATED PRICE (ea)	DELIVERY (WKS)	Transformer Height
KBS Electrical Dist.	ERMCO	\$1,216.00	\$8,512.00	\$1,999.90	8	
KBS Electrical Alter.	Cooper	\$1,259.00	\$8,813.00	\$2,321.42	8 to 10	
Wesco Distribution	ABB	No Bid				
TechLine	Howard	\$1,191.00	\$8,337.00	\$2,074.44	11 to 13	
Delta-Y Electric Co.	Delta-Y	\$1,545.00	\$10,815.00	\$2,397.78	8	
Texas Electric Coop	GE	\$1,074.00	\$7,518.00	\$1,893.39	7 to 9	
Texas Electric Coop Alt	ERMCO	\$1,214.00	\$8,498.00	\$1,997.90	7 to 9	
Priester-Mell & Nicholson	Central Maloney	\$1,248.00	\$8,736.00	\$2,290.78	10	

February 26, 2009
Consent Agenda Item No. 2k
Inter local Agreement with College Station Ind. School District

To: Glenn Brown, City Manager

From: Connie Hooks, City Secretary

Agenda Caption: Presentation, possible action, and discussion regarding approval of resolution authorizing the Mayor and City Secretary to sign the inter local agreement between the City of College Station and College Station Independent School District for the conduct and management of a joint election to be held on May 9, 2009.

Recommendation(s):

Approve

Summary: The Texas Election Code Section 271.002 (c) authorizes more than one political subdivision to hold joint elections. It is deemed to be in the best interest of the voters who reside within the jurisdictions of the City of College Station and the College Station Independent School District to hold elections jointly for the purpose of electing City Council and School Board of Trustees.

Budget & Financial Summary: Funds available in the City Secretary's FY 09 budget.

Attachments:

Resolution

Inter local agreement

26 de febrero, 2009
Consentimiento de común acuerdo ítem no. 2k
Acuerdo Interlocal con el Distrito Escolar Independiente de College Station

Dirigido a: Glenn Brown, Director de la Ciudad
De: Connie Hooks, Secretaria de la Ciudad

Portada de Agenda: Presentación, acción posible, y discusión en lo que concierne la aprobación de la resolución autorizando al Alcalde y a la Secretaria de la Ciudad a firmar el acuerdo interlocal entre la Ciudad de College Station y El Distrito Escolar Independiente de College Station, para conducir y administrar una elección conjunta que se llevará a cabo el noveno día de mayo de dos mil nueve.

Recomendación(es):
Aprobar

Resumen: El Código de Elecciones de Texas Sección 271.002 (c) autoriza que más de una subdivisión pueda mantener elecciones conjuntas. Considerando el mejor interés de los votantes que residen dentro de las jurisdicciones de la Ciudad de College Station y el Distrito Escolar Independiente de college Station, de convocar elecciones conjuntas para el propósito de elegir a miembros del Consejo Directivo de la Ciudad y de la Escuela.

Presupuesto y Resumen Financiero: Existen fondos disponibles en el presupuesto de la Secretaria de la Ciudad para el Año Fiscal 09.

Documentos Adjuntos:
Resolución
Acuerdo Interlocal

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING THE INTER LOCAL AGREEMENT FOR THE PURPOSE OF HOLDING A JOINT ELECTION WITH THE COLLEGE STATION INDEPENDENT SCHOOL DISTRICT ON SATURDAY, MAY 9, 2009.

WHEREAS, it is necessary to hold an election in the City of College Station, Texas, to elect persons to fill the positions of Places 4 and 6 on the City Council of the City of College Station, Texas, and the positions of Places 1 and 2 on the Board of Trustees of the College Station Independent School District; and,

WHEREAS, the City and College Station Independent School District will hold elections on the same day; to-wit: May 9, 2009; and,

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

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

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

- PART 1: That the City Council hereby approves the Interlocal Agreement for participation in the joint elections.
- PART 2: That the City Council of the City of College Station hereby authorizes the Mayor to sign and the City Secretary to attest the Interlocal Agreement referred to above.
- PART 3: That this resolution shall take effect immediately from and after its passage.

ADOPTED this 26th day of February, A.D. 2009.

ATTEST:

APPROVED:

City Secretary Connie Hooks

Mayor Ben White

APPROVED:


City Attorney

RESOLUCIÓN No. _____

UNA RESOLUCIÓN DEL CONSEJO DE LA CIUDAD DE COLLEGE STATION, TEXAS, APROBANDO EL ACUERDO INTERLOCAL PARA EL PROPÓSITO DE TENER UNA ELECCIÓN CONJUNTA CON EL DISTRITO ESCOLAR INDEPENDIENTE DE COLLEGE STATION QUE SE LLEVARÁ A CABO EL SÁBADO 9 DE MAYO, 2009.

EN TANTO QUE, es necesario convocar unas elecciones en la Ciudad de College Station, Texas, para elegir a personas para ocupar los Puestos Números 4 y 6 en el Consejo de la Ciudad de College Station, Texas, y los Puestos Números 1 y 2 de la Junta Directiva del Distrito Escolar Independiente de College Station; y

EN TANTO QUE, la Ciudad y el Distrito Escolar Independiente de College Station convocarán elecciones el mismo día; a saber: 9 de mayo, 2009; y,

EN TANTO QUE, la Sección 271.002 del Código de Elecciones de Texas autoriza a más de una subdivisión política a convocar elecciones conjuntas; y,

EN TANTO QUE, El Consejo de la Ciudad de College Station, Texas y la Junta Directiva del Distrito Escolar Independiente de College Station estiman que velando por el mejor interés de sus respectivas subdivisiones y en el interés de los votantes que residen dentro de sus respectivas jurisdicciones de tener dichas elecciones conjuntamente; ahora, por lo tanto,

SE RESUELVE CONJUNTAMENTE POR EL CONSEJO DE LA CIUDAD DE COLLEGE STATION, TEXAS, Y LA JUNDA DIRECTIVA DEL DISTRITO ESCOLAR INDEPENDIENTE DE COLLEGE STATION:

PARTE 1: Que el Consejo de la Ciudad aprueba el Acuerdo Interlocal de la participación conjunta en las elecciones.

PARTE 2: Que el Consejo de la Ciudad, por medio de la presente, autoriza al Alcalde a firmar y a la Secretaria de la Ciudad a dar fe al Acuerdo Interlocal mencionado anteriormente.

PARTE 3: Que esta resolución tomará efecto inmediatamente al momento de y después de su aprobación.

ADOPTADO este 26^{avo} día de febrero, A.D. 2009.

DOY FE:

APROBADO:

Secretaria de la Ciudad, Connie Hooks

Alcalde, Ben White

APROBADO:

Abogado de la Ciudad

INTERLOCAL GOVERNMENT AGREEMENT
Joint Election

AN INTERLOCAL AGREEMENT BETWEEN THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, AND THE BOARD OF TRUSTEES, COLLEGE STATION INDEPENDENT SCHOOL DISTRICT ORDERING A GENERAL ELECTION TO BE HELD IN SAID CITY AND SCHOOL DISTRICT ON MAY 9, 2009; FOR THE PURPOSE OF ELECTING PLACES 4 AND 6 ON THE COLLEGE STATION CITY COUNCIL, AND POSITIONS 1 AND 2 ON THE BOARD OF TRUSTEES FOR THE COLLEGE STATION INDEPENDENT SCHOOL DISTRICT; PROVIDING PROCEDURES RELATING TO THE CONDUCT OF SAID ELECTIONS; AND PROVIDING FOR A RUNOFF ELECTION IN THE CITY OF COLLEGE STATION, IF NECESSARY.

WHEREAS, it is necessary to hold an election in the City of College Station, Texas, to elect persons to fill the positions of Places 4 and 6 on the City Council of the City of College Station, Texas; and,

WHEREAS, it is necessary to hold an election within the College Station Independent School District to fill the positions of Places 1 and 2 on the Board of Trustees of the College Station Independent School District; and,

WHEREAS, the City and College Station Independent School District will hold elections on the same day; to-wit: May 9, 2009; and,

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

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

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

PART 1: That joint elections be, and the same are hereby ordered to be held within the jurisdictions of the City of College Station, Texas, and the College Station Independent School District, on the 9th day of May, 2009, pursuant to the laws of the State of Texas and the Charter of the City of College Station, Texas. Such elections shall be held for the following purposes:

- A. To fill the positions of Places 4 and 6 on the College Station City Council.

- B. To fill the positions of Places 1 and 2 on the Board of Trustees of the College Station Independent School District.

PART 2: That a runoff election, is hereby ordered to be held within the City of College Station, Texas on Saturday June 13, 2009, if necessary, to determine the election of one or more candidates for Council positions in the City of College Station.

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

PART 4: That said elections shall be held in accordance with the Constitution and laws of the State of Texas and the City Charter, and all duly qualified voters of the City of College Station and College Station Independent School District shall be entitled to vote; provided, however, that no voter shall be given a ballot containing any office or proposition on which the voter is ineligible to vote.

PART 5: That the election forms and records shall be combined in a manner convenient and adequate to record and report the results of the election for the City of College Station and College Station Independent School District. The joint tabulation of the precinct results shall be in a manner to facilitate the independent canvass of returns by both entities.

PART 6: That the implementation and management of said elections shall be by the City Secretary, City of College Station. The City Secretary, City of College Station, is hereby designated as the Chief Election Official and Early Voting Clerk for the two entities for the election to be held on May 9, 2009 and runoff election, if necessary. The implementation, conduct and management of the elections shall include, but not be limited to:

- A. The securing of qualified individuals to serve as election judges for each polling place within a voting precinct.
- B. The securing of locations and facilities where the election is to be conducted.

- C. The securing of election materials and supplies requisite to the proper administration of the elections, and the programming and preparation of Direct Recording voting equipment to be used in the election.
- D. The securing of a contract with Texas Voting Systems, Inc. for election services and supplies.
- E. City shall be responsible for conducting early voting for said elections.
- F. City shall serve as general custodian of election records in the joint election.

PART 7: Election expenses incurred as the result of the services rendered by the City in the May 9, 2009 election shall be apportioned as follows:

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

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

CSISD will fund one-half (1/2) of the cost of early voting.

CSISD will fund one-half (1/2) of the cost of publication of all jointly required notices.

CSISD will fund one-half (1/2) of the cost of programming, rental of DRE voting equipment for joint precincts, election supplies, election worker training session, Early Ballot Board, Central Counting Station, and the tabulation supervisor and data processing manager.

PART 8: Said elections shall be held in the following election precincts, and voting shall be conducted at the polling places shown below:

BRAZOS COUNTY PRECINCTS

<u>CSISD School Precincts (outside city limits)</u>	<u>City of College Station and CSISD School Precincts</u>	<u>Polling Places</u>
1, 2A, 82		Wellborn Community Center 4119 Greens Prairie Road
	9, 20, 21	College Station Conference Center 1300 George Bush Drive
	10A, 10B, 24, 34	College Station City Hall 1101 Texas Avenue
	2C, 8, 31, 32, 35A, 35B	Grace Bible Church Southwood Annex 1901 Harvey Mitchell Parkway South
29, 62	33, 64, 72, 74	Lincoln Center 1000 Eleanor
	40	Aldersgate Methodist Church 2201 Earl Rudder Freeway South
28A, 28B, 42	41, 68	Pebble Creek Elementary 200 Parkview
	2B, 39, 80	Cypress Grove Intermediate School 900 Graham Road

PART 9: Early voting shall be conducted by personal appearance and by mail. The period for early voting for the general election shall be April 27, 2009 through May 5, 2009. Optical scan ballots shall be used for early voting by mail and direct recording electronic voting machines shall be used for early voting by personal appearance. The Early Voting Clerk for said elections shall be the City Secretary. She shall appoint city employees and additional assistance by qualified individuals of the community to serve as deputy early voting clerks to assist her at the early voting polling places. The Election Coordinator for the College Station Independent School District shall serve as Deputy Early Voting Clerk in said elections. The main early voting polling place by personal appearance shall be in City Hall, 1101 Texas Avenue, College Station, Texas. One branch early voting locations shall be designated for these elections.

Main Early Voting Location: College Station City Hall
1101 Texas Avenue
8:00 am to 5:00 pm Monday – Friday April 27, 28, 29, 30, May 1, 2009
7:00 am to 7:00 pm Monday - Tuesday May 4-5, 2009

Branch Early Voting Location: College Station School District
Administration Building
1812 Welsh

8:00 am to 5:00 pm Monday – Friday April 27, 28, 29, 30, May 1, 2009
7:00 am to 7:00 pm Monday – Tuesday May 4-5, 2009

Friday, May 1, 2009 is the last day for the City Secretary to receive an application for ballot by mail. Requests for application to vote by mail can be made by contacting the Early Voting Clerk at the following address:

Connie Hooks
Early Voting Clerk
P.O. Box 9960
College Station, Texas 77842
979-764-3541

- PART 10: Each entity shall be responsible for any necessary submissions to the U.S. Department of Justice for preclearance under the Federal Voting Rights Act and giving notice of their election in a newspaper of general circulation.
- PART 11: The City Manager or his designee is hereby authorized to negotiate and execute an election services contract with Texas Voting Systems for services in connection with the joint election with the City of College Station and College Station Independent School District.
- PART 12: In accordance with Section 123.001 of the Texas Election Code, the Hart Intercivic Direct Recording Electronic Voting System, Optical Scan Voting System and Electronic Management System for Brazos County, Texas and approved by the Secretary of State on January 3, 2002, and identified as eSLATE is hereby adopted for the general election and special runoff election.
- PART 13: Elections called by this interlocal agreement shall be held in accordance with the requirements for bilingual elections as set forth in the Voting Rights Act amendments for 1975 (42USC 1973aa-1a) and in Section 272.001 of the Election Code. All election forms and material shall be printed in both English and Spanish, and bilingual oral assistance shall be made available within the requirements of the law.

PART 14: The Mayor of the City of College Station is hereby authorized to sign an official NOTICE OF GENERAL ELECTION and NOTICE OF RUNOFF ELECTION listing the precincts and polling place locations for the joint election. A copy of the NOTICE OF GENERAL ELECTION and RUNOFF ELECTION, when published in a newspaper of general circulation in English and Spanish, shall serve as proper notice of the City's election.

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

PASSED AND APPROVED this 26th day of February, 2009.

ATTEST:

APPROVED:

City Secretary Connie Hooks

Mayor Ben White

APPROVED:



City Attorney

PART 16: That this interlocal agreement shall take effect immediately from and after its passage.

ADOPTED by the Board of Trustees of the College Station Independent School District this _____ day of _____, 2009.

COLLEGE STATION INDEPENDENT SCHOOL DISTRICT:

CHARLOTTE SLACK, Board President

RANDALL PITCOCK, Board Secretary

ACUERDO GUBERNAMENTAL INTERLOCAL
Elecciones Conjuntas

UN ACUERDO INTERLOCAL ENTRE EL CONSEJO DE LA CIUDAD DE COLLEGE STATION, TEXAS, Y LA JUNTA DIRECTIVA, DISTRITO ESCOLAR INDEPENDIENTE DE COLLEGE STATION PIDIENDO UNAS ELECCIONES GENERALES PARA REALIZARSE EN DICHA CIUDAD Y DISTRITO ESCOLAR EL DÍA 9 DE MAYO, 2009; CON EL PROPÓSITO DE ELEGIR LOS PUESTOS NÚMEROS 4 Y 6 EN EL CONSEJO DE LA CIUDAD DE COLLEGE STATION, Y LOS PUESTOS NÚMEROS 1 Y 2 EN LA JUNTA DIRECTIVA PARA EL DISTRITO ESCOLAR INDEPENDIENTE DE COLLEGE STATION; PROPORCIONANDO LOS PROCEDIMIENTOS RELACIONADOS A DICHAS ELECCIONES; Y PROPORCIONANDO UNA SEGUNDA VUELTA EN LA CIUDAD DE COLLEGE STATION, EN CASO NECESARIO.

EN TANTO QUE, es necesario convocar unas elecciones en la Ciudad de College Station, Texas, para elegir a las personas que llenarán los puestos números 4 y 6 en el Consejo de la Ciudad de College Station, Texas; y,

EN TANTO QUE, es necesario tener unas elecciones dentro del Distrito Escolar Independiente de College Station para llenar los puestos números 1 y 2 en la Junta Directiva del Distrito Escolar Independiente de College Station; y,

EN TANTO QUE, la Ciudad y el Distrito Escolar Independiente de College Station convocarán elecciones en el mismo día; a saber: el noveno día de mayo, 2009; y,

EN TANTO QUE, la Sección 271.002 del Código de Elecciones de Texas autoriza más de una subdivisión política a convocar elecciones conjuntas; y,

EN TANTO QUE, el Consejo de la Ciudad de College Station, Texas y la Junta Directiva del Distrito Escolar Independiente de College Station considerando el mejor interés de sus respectivas subdivisiones y en el interés de los votantes que residen dentro de sus respectivas jurisdicciones, para convocar tales elecciones conjuntas, ahora, por lo tanto,

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

PARTE 1: Que se realicen las elecciones conjuntas, y se pide que las mismas sean convocadas dentro de las jurisdicciones de la Ciudad de College Station, Texas, y el Distrito Escolar Independiente de College Station, el 9^{no} día de mayo, 2009, de acuerdo a las leyes del Estado de Texas y a los Estatutos de la Ciudad de College Station, Texas. Dichas elecciones se convocarán para los propósitos siguientes:

- A. Para llenar los Puestos Números 4 y 6 en el Consejo de la Ciudad de College Station.
- B. Para llenar los Puestos Números 1 y 2 en la Junta Directiva del Distrito Escolar Independiente de College Station.

PARTE 2: Se pide que una segunda vuelta sea convocada dentro de la Ciudad de College Station, Texas el sábado 13 de junio, 2009, en caso necesario, para determinar la

elección de uno o más candidates para puestos en el Consejo en la Ciudad de College Station.

- PARTE 3: Que habrá una boleta que contenga todos los candidates y las propuestas disponibles para los votantes elegibles de las dos entidades. Formatos de boletas adicionales se programarán para aquellos votantes que no residen en la Ciudad de College Station pero residen en el Distrito Escolar Independiente de College Station, (boleta de Escuela únicamente) y para votantes que residen en la Ciudad de College Station y pertenecen al Distrito Escolar Independiente de Bryan, (boleta de la Ciudad únicamente).
- PARTE 4: Que dichas elecciones se convocarán de acuerdo con la Constitución y leyes del Estado de Texas y con los Estatutos de la Ciudad, y todos los votantes debidamente elegibles a votar de la Ciudad de College Station y del Distrito Escolar Independiente de College Station tendrán el derecho de votar; siempre y cuando, no obstante, que no se le dé a ningún votante una boleta que contenga los puestos o las propuestas para los cuales dicho votante no es elegible para votar.
- PARTE 5: Que los formularios y registros se combinen en una manera conveniente y adecuada para registrar y reportar los resultados de las elecciones para la Ciudad de College Station y para el Distrito Escolar Independiente de College Station. La tabulación conjunta de los resultados de los distritos electorales se hará de una manera que facilite el conteo independiente de elección de ambas entidades.
- PARTE 6: Que la implementación y dirección de dichas elecciones será realizada por la Secretaria de la Ciudad de College Station. La Secretaria de la Ciudad de College Station, por este medio queda designada como la Directora Oficial Electoral y Encargada de las Votaciones Tempranas Conjuntas para las elecciones a convocarse el 9 de mayo, 2009 y con segunda vuelta, en caso necesario. La implementación, conducta, y manejo de las elecciones deberá incluir, pero sin limitar:
- A. Conseguir individuos calificados para server como jueces de las elecciones para cada centro electoral dentro del distrito electoral en el que votará.
 - B. Conseguir lugares e instalaciones donde se llevarán a cabo las elecciones.
 - C. Conseguir materials y suministros necesarios para la apropiada administración de las elecciones, y para la programación y preparación de equipo para votar de Registro Directo para utilizarse en las elecciones.
 - D. Conseguir un contrato con el Sistema de Vocaciones de Texas [*Texas Voting Systems, Inc*] para servicios electorales y suministros.
 - E. La Ciudad será responsable de realizar las votaciones tempranas para dichas elecciones.

F. La Ciudad servirá como el custodio general de los registros electorales en la elección conjunta.

PARTE 7: Los gastos incurridos en las elecciones como resultado de los servicios brindados por la Ciudad en las elecciones del 9 de mayo, 2009 serán adjudicados de la siguiente manera:

- A. La Ciudad primero financiará todos los costos por completo, menos la publicación de las Notificaciones de Elecciones de cada entidad.
- B. El Distrito Escolar Independiente de College Station [*de ahora en adelante se le referirá como CSISD*] reembolsará a la Ciudad de College Station por ciertos costos que se mencionan a continuación:

100 por ciento de todos los gastos incurridos en los centros de votaciones, trabajadores encargados de trabajos electorales, y otros gastos asociados con los centros de votaciones dentro de la jurisdicción de la escuela y afuera de los límites de la ciudad de College Station.

CSISD financiará la mitad (1/2) de los costos por convocar elecciones tempranas.

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

CSISD financiará la mitad (1/2) del costo de programar, rentar el equipo de votaciones DRE para los distritos electorales conjuntos, suministros para las elecciones, sesión de entrenamiento de los trabajadores de las elecciones, la Junta Temprana de la Boleta, Estación Central de Conteo, y por el supervisor de tabulación y el gerente de procesamiento de datos.

PARTE 8: Dichas elecciones se convocarán en los siguientes distritos electorales, y las votaciones se llevarán a cabo en los centros de votaciones indicados a continuación:

DISTRITOS DEL CONDADO DE BRAZOS

<u>Distritos Escolares del CSISD (afuera de los límites de la ciudad)</u>	<u>Distritos de la Ciudad de College Station y los Distritos Escolares del CSISD</u>	<u>Centros de Votaciones</u>
1, 2A, 82		Wellborn Community Center [<i>Centro Comunitario de Wellborn</i>] 4119 Greens Prairie Road
	9, 20, 21	College Station Conference Center [<i>Centro de Conferencias de College Station</i>] 1300 George Bush Drive
	10A, 10B, 24, 34	College Station City Hall [<i>Municipalidad de College Station</i>]

		1101 Texas Avenue
	2C, 8, 31, 32, 35A, 35B	Grace Bible Church Southwood Annex [<i>Anexo de la Iglesia Grace Bible Southwood</i>] 1901 Harvey Mitchell Parkway South
29, 62	33, 64, 72, 74	Lincoln Center [<i>Centro Lincoln</i>] 1000 Eleanor
	40	Aldersgate Methodist Church [<i>Iglesia Metodista Aldersgate</i>] 2201 Earl Rudder Freeway South
28A, 28B, 42	41, 68	Pebble Creek Elementary [<i>Escuela Primaria Pebble Creek</i>] 200 Parkview
	2B, 39, 80	Cypress Grove Intermediate School [<i>Escuela del nivel Intermedio Cypress Grove</i>] 900 Graham Road

PARTE 9: Las votaciones tempranas serán conducidas en persona y por correo. El período de votaciones tempranas para las elecciones generales será del 27 de abril, 2009 hasta el 5 de mayo, 2009. Se usarán las Boletas de Escaneo Óptico para las votaciones tempranas por correo y se usarán las máquinas de votaciones de registro directo para las votaciones en persona. El Encargado de las Votaciones Tempranas para dichas elecciones será la Secretaria de la Ciudad. Ella nombrará a empleados de la ciudad y la asistencia adicional por parte de personal calificado de la comunidad para servir como diputados de las votaciones tempranas, para asistir a la Secretaria en los centros de votaciones tempranas. El coordinador de las Elecciones para el Distrito Escolar Independiente de College Station servirá como Diputado de las Votaciones Tempranas en dichas elecciones. El centro principal de la votaciones tempranas para votar en persona será la Municipalidad de la Ciudad, localizado en 1101 Texas Avenue, College Station, Texas. Una rama del centro de votaciones tempranas será designada para estas elecciones.

Centro Principal de Votaciones Tempranas: Municipalidad de la Ciudad de College Station
1101 Texas Avenue

8:00 am a 5:00 pm de lunes a viernes, el 27, 28, 29 y 30 de abril y el 1^{ro} de May, 2009
7:00 am a 7:00 pm el 4 y 5 de mayo, 2009

Rama del Centro de Votaciones Tempranas: Edificio Administrativo del Distrito Escolar de College Station

1812 Welsh

8:00 am a 5:00 pm de lunes a viernes, el 27, 28, 29 y 30 de abril y el 1^{ro} de mayo, 2009
7:00 am a 7:00 pm lunes y martes, el 4 y 5 de mayo, 2009

El 1^{ro} de mayo, 2009 será el último día para que la Secretaria de la Ciudad reciba una solicitud de boleta por correo. Las solicitudes para votar por correo se podrán hacer contactando a la Encargada de las Votaciones Tempranas en la siguiente dirección:

Connie Hooks, Encargada de Votaciones Tempranas, P.O. Box 9960, College Station, Texas 77842

Número telefónico: 979-764-3541

PARTE 10: Cada entidad será responsable de entregar cualquier documento que necesite el Departamento de Justicia de Los Estados Unidos para la autorización anticipada bajo la Ley de los Derechos de Votaciones Federales y de dar cualquier notificación de sus elecciones en un periódico de circulación general.

PARTE 11: El Director de la Ciudad o la persona nombrada para dicho cargo, por este medio, está autorizado para negociar y ejecutar un contrato de servicios electorales con Texas Voting Systems [*Sistemas de Votaciones de Texas*] por servicios relacionados con las elecciones conjuntas entre la Ciudad de College Station y el Distrito Escolar Independiente de College Station.

PARTE 12: De acuerdo con la Sección 123.001 del Código de Elecciones de Texas, el Hart Intercivic Direct Recording Electronic Voting System [*El Sistema de Votaciones Electrónicas de Registro Directo Intercívico*], el Optical Scan Voting System [*Sistema de Votaciones por Escaneo Óptico*] y el Electronic Management System for Brazos County, Texas [*el Sistema de Manejo Electrónico para el Condado de Brazos, Texas*] y aprobado por el Secretario de Estado el día 3 de enero, 2002, y llamado eSLATE por este medio se adopta para las elecciones generales y elecciones de segunda vuelta.

PARTE 13: Las elecciones convocadas por este acuerdo interlocal se llevarán a cabo de acuerdo con los requisitos de elecciones bilingües como se expone en la enmienda a la Ley de Derechos de Votaciones de 1975 (42USC 1973aa-1a) y en la Sección 272.001 del Código de Elecciones. Todos los formularios y materiales de las elecciones deberán estar impresos en inglés y en español, y asistencia oral bilingüe estará disponible dentro de los requisitos de ley.

PARTE 14: El Alcalde de la Ciudad de College Station por este medio está autorizado para firmar una NOTIFICACIÓN GENERAL ELECTORAL y una NOTIFICACIÓN GENERAL DE ELECCIONES DE SEGUNDA VUELTA oficial donde se indican los distritos electorales y los centros de votaciones para las elecciones conjuntas. La publicación de la NOTIFICACIÓN GENERAL ELECTORAL y de las ELECCIONES DE SEGUNDA VUELTA en los idiomas inglés y español en un periódico de circulación general, servirá como la notificación formal de las elecciones de la Ciudad.

PARTE 15: Que este acuerdo interlocal tomará efecto inmediatamente al momento de y después de pasado el mismo.

PASADO Y APROBADO este 26^{avo} día del mes de febrero, 2009.

DOY FE:

APROBADO:

Secretaria de la Ciudad, Connie Hooks

Alcalde, Ben White

APROBADO:

Abogado de la Ciudad

PARTE 16: Que este acuerdo interlocal tomará efecto inmediatamente al momento de y después de pasado el mismo.

ADOPTADO por la Junta Directiva del Distrito Escolar Independiente de College Station en este _____ día de _____, 2009.

DISTRITO ESCOLAR INDEPENDIENTE DE COLLEGE STATION:

CHARLOTTE SLACK, Presidenta de la Junta

RANDALL PITCOCK, Secretario de la Junta

February 26, 2009
Consent Agenda Item No. 21
Radakor, L.L.C. Redevelopment Reimbursement and Cash Incentive Payment

To: Glenn Brown, City Manager

From: David Gwin, Director of Economic and Community Development

Agenda Caption: Presentation, possible action, and discussion authorizing the payment of a redevelopment reimbursement and cash incentive payments in a total amount of \$271,100 to Radakor, L.L.C.

Recommendation(s): In fulfillment of the City's contractual obligation, staff recommends approval of the \$271,100 payment to Radakor, L.L.C.

Summary: On October 12, 2006, the City Council approved an Economic Development Agreement with Radakor, L.L.C. to provide reimbursement and cash incentives for their performance on the residential and commercial redevelopment project commonly referred to as "The Factory," a 107 unit residential property located at the corner of Cherry Street and College Main in Northgate. The agreement allows for multiple site developments in multiple phases, each with separate incentives; this reimbursement represents the completion of the residential component of the agreement. The term of this agreement runs through December 31, 2013 with a total maximum amount of all eligible reimbursements and incentives of \$965,000.

The reimbursement component of the existing agreement provided for up to \$65,000 in reimbursements and required Radakor, L.L.C. to relocate a wastewater line that was on their property into the public right of way in advance of the Stasney and Tauber Street improvement project.

The agreement also provided for cash incentives in an amount not to exceed \$900,000. Under this section of the Agreement the developer was to construct a multi-family residential facility with a minimum Building Permit Value of \$500,000. As a performance incentive, the City is to provide reimbursement at a rate of three percent (3%) of the Building Permit Value up to a total of \$9 million.

The agreement also provided incentives for a minimum of 25,000 square feet of non-residential construction, which are defined as office, retail or commercial in their design and use, with a minimum Building Permit Value of \$15 million. In order to qualify for the above cash incentives the developer must develop and obtain Certificates of occupancy for the facilities on or before December 31, 2013.

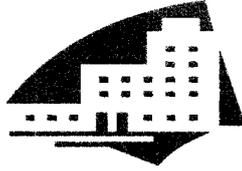
Based on the Statement of Compliance as recently submitted by Radakor, L.L.C. to the City, the company has met the requirements to receive the \$65,000 reimbursement for the wastewater line relocation project. Radakor, L.L.C. has also established a multi-family residential facility with a Building Permit Value of \$6,870,000 and, as such, is eligible for a development cash incentive payment of \$206,100. Furthermore, Radakor, L.L.C. has acknowledged that it has until December 31, 2013 to develop the previously mentioned non-residential facilities to receive any further cash incentives from the City.

Budget & Financial Summary: Funding in the amount of \$206,100 is budgeted and available in the City's Economic Development Fund. Reimbursement for the wastewater line

relocation project in the amount of \$65,000 is budgeted in the CIP budget for the Tauber and Stasney Street improvements.

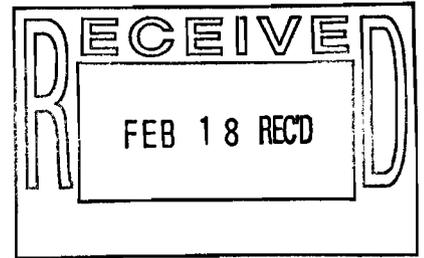
Attachments:

Statement of Compliance – Radakor, L.L.C. - 2009



RADAKOR, LLC

1710 DROXFORD, HOUSTON, TEXAS 77008



February 2, 2009

Mr. David Gwin
Director of Economic and Community Development
City of College Station
1201 Texas Avenue
College Station, Texas 77842

RE: Grant Agreement between the City of College Station and Radakor L.L.C.

Dear Mr. Gwin:

Radakor, L.L.C. located at 1710 Droxford, Houston, Texas, has entered into an Economic Development Agreement dated October 12, 2006 with the City of College Station. In accordance with §3.1; §3.2; and §3.3 in the Agreement, Radakor, L.L.C. is providing the City with the following information regarding its performance and requests payment of the appropriate and agreed upon reimbursement and cash incentive funding.

Radakor, L.L.C. has constructed a multi-family residential facility located at 418 College Main, College Station, Texas with a Building Permit Value of **\$5,370,000** as well as a parking facility for said property with a Building Permit Value of **\$1,500,000**. Pursuant to the provisions of §3.2.1, Radakor, L.L.C. is providing the City with the following documentation:

- 1) Certificate(s) of Occupancy for all facilities;
- 2) Letter of Acceptance issued by City Engineer;
- 3) Notarized Affidavit stating all bills as being paid in full with no known claims pending.

Therefore, pursuant to the provisions of §3.2.1 (a), Radakor L.L.C. requests remittance of the redevelopment Cash Incentive in the amount of **\$206,100.00**.

Radakor, L.L.C. has satisfactorily completed, the Wastewater Line Relocation Project; and has complied with all requirements stated in §3.3 and §3.4. Pursuant to §3.3.1, Radakor, L.L.C. is providing the City with the following attachments necessary for remittance:

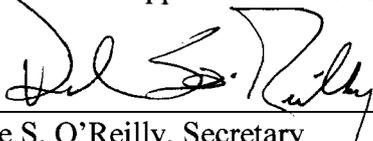
- 1) Letter of Acceptance issued by City Engineer;
- 2) Current title report showing that Radakor, L.L.C. has dedicated the necessary public utility easement to the City;
- 3) Lien releases and/or subordinations from all lenders.

By providing the above documentation, Radakor L.L.C. is in compliance with all necessary provisions and requests remittance of the Wastewater Line Relocation reimbursement in the amount of **\$65,000.00**.

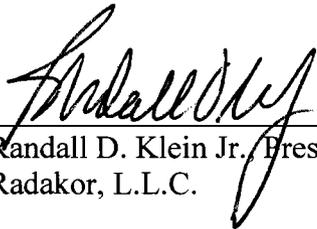
By providing the above stated documentation, in accordance with the provisions of the Economic Development Agreement, Radakor, L.L.C. requests a total remittance of the development Reimbursement and Cash Incentives in the amount of **\$271,100.00** payable by the City of College Station, Texas within thirty (30) calendar days of receipt of this affidavit.

Furthermore, Radakor, L.L.C. acknowledges that it has until December 31, 2013 to develop and obtain Certificates of Occupancy for a minimum of 25,000 square feet of Non-Residential Construction space to receive any further Cash Incentives under the provisions of the Agreement.

I, the undersigned, being an authorized representative of Radakor, L.L.C. do hereby certify that the above statements to be correct and that Radakor, L.L.C. is in compliance with all other applicable terms of the Agreement.



Dale S. O'Reilly, Secretary
Radakor, L.L.C.



Randall D. Klein Jr., President
Radakor, L.L.C.

ENCL/
Required Submittals

County of Harris,
State of Texas

I, Vanita Homer, certify that Dale S. O'Reilly signed the above statement in my presence on Feb. 2, 2009.



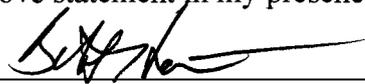
Notary Public

Seal:



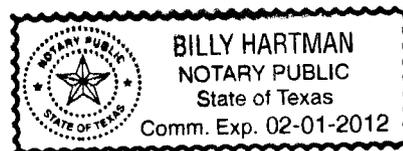
County of Harris,
State of Texas

I, Billy Hartman, certify that RANDALL KLEIN signed the above statement in my presence on 2/2, 2009.



Notary Public

Seal:



February 26, 2009
Consent Agenda Item No. 2m
Semi-Annual Report – Impact Fees 92-01, 97-01, 97-02B, 99-01, and 03-02

To: Glenn Brown, City Manager

From: Mark Smith, Director of Public Works

Agenda Caption: Presentation, possible action, and discussion regarding a Semi-Annual Report for Impact Fees 92-01, 97-01, 97-02B, 99-01, and 03-02.

Recommendation(s): Staff recommends acknowledgement and acceptance of the Semi-Annual Report.

Summary: The City of College Station Ordinance Chapter 15, Impact Fees, designates the Planning and Zoning Commission as the Advisory Committee for review, advisement, and monitoring of proposed and existing impact fees. More specifically, the advisory committee is established to:

1. Advise and assist the City in adopting Land Use assumptions.
2. Review the Capital Improvements Plan and file written comments.
3. Monitor and evaluate implementation of the Capital Improvements Plan.
4. File semi-annual reports with respect to the progress of the Capital Improvements Plan.
5. Advise the City Council of the need to update or revise the Land Use Assumptions, Capital Improvements Plan, and Impact Fees.

Currently the City of College Station has five impact fees in existence of which all associated construction is complete. Last year four of five impact fees were updated by Council in accordance with State Law. The remaining impact fee 03-02 (Steeplechase) was recently analyzed by our consultant Rimrock, and a 5-year update is currently being processed. The following is a current status report for each of the five impact fees:

92-01 Sanitary Sewer (Graham Road) (508 ac.) \$316.07/LUE

This fee was initially implemented in 1992 at \$152.18 /LUE and was revised in 1996 to \$289.77/LUE after approval of updated Land use Assumptions and Capital Improvements Plan (CIP), revised again to the \$232.04/LUE in 2000 and to the current amount last year. The CIP consists of three phases originally estimated at \$543,000 which have all been completed at a combined cost of \$473,518.72. Fees collected over the last 6 months are \$4,279.28 for total amount of \$319,407.73 (per Account #250-0000-101.00-00).

97-01 Sanitary Sewer (Spring Creek – Nantucket) (2000 ac.) \$98.39/LUE

This fee was implemented in December 1997 at \$349.55/LUE and was revised to the current amount earlier this year. The CIP consists of Phase I (east of Hwy 6) and Phase II (west of Hwy 6). Phase I estimated to cost \$1,000,000 was completed in 1999 at a cost of \$631,214.59. Phase II is estimated to cost \$1,350,000 which was completed at a cost of \$813,752.00. The total actual cost was \$1,444,966.59. Fees collected over the last 6 months are \$9,872.68 for total amount of \$510,716.33 (per Account #251-0000-101.00-00).

97-02B Sanitary Sewer (Alum Creek – Pebble Hills) (608 ac.) \$59.42/LUE

This fee was implemented in December 1997 at 243.38/LUE and was revised to the current amount earlier this year. The CIP consisted of running a 15" sanitary sewer line from the south end of the College Station Business Park westerly along Alum Creek to the east ROW of Highway 6. The project was estimated to cost \$390,000 and was completed in 1999 at a cost of \$214,270.87. Fees collected over the last 6 months are \$265.65 for total amount of \$19,830.41 (per Account #252-0000-101.00-00).

99-01 Water (Harley)(158 ac.) \$769.91/LUE

This fee was implemented in April 1999 at \$550.00/LUE and was revised to the current amount earlier this year. The CIP consists of running an 18" water line south along the east ROW of Highway 6 approximately 4800'. The line was estimated to cost \$312,000 (the impact fee is based on an 8" line @ \$165,000). A 2400' section of the 18" line was constructed in 1999 from the south end at a total cost of \$342,977.73. Fees collected over the last 6 months are \$0.00 for total amount of \$7,767.54 (per Account #240-0000-101.00-00).

03-02 Sanitary Sewer (Steeplechase) (715 acres) \$300.00/LUE

This fee was initially implemented in June 2003 at \$300.00/LUE. This CIP was constructed in two phases of sanitary sewer line construction in compliance with the proposed construction in the original report establishing the fee. Phase one crossed Wellborn Road and terminated at Old Wellborn Road consisting of 2,347 linear feet of 18 inch sewer line with a construction cost of \$296,642. Phase two continued the line along Old Wellborn Road and terminated across RPR West. Phase two consisted of 6,281 linear feet of 12 inch line and 2,062 linear feet of 18 inch line for a construction cost of \$529,088 and a land cost of \$87,133. The design cost for the combined phases was \$148,023. The total actual cost was \$1,091,886 which was less than the original report estimated at \$1,596,137. A 5-Year Update Report is currently being processed. Fees collected over the last 6 months are \$606.38 for total amount of \$7,216.03 (per Account #253-0000-101.00-00).

Budget & Financial Summary: N/A

Attachments:

1. Impact Fee Service Area Map

**February 26, 2009
Regular Agenda Item No. 1
CARES Program Update**

To: Glenn Brown, City Manager

From: Mark Smith, Director of Public Works

Agenda Caption: Presentation, possible action, discussion on 1) accepting the Red Light Camera Committee report; 2) authorizing additional expenditures (\$315,000) for 5 new camera locations, total expenditure not to exceed \$567,000 annually; and 3) approving a modification to the TxDOT Amendment to the Municipal Maintenance Agreement.

Recommendation(s): Staff recommends;

- 1) Acceptance of the recommendations from the Red Light Camera Committee for the installation of 5 more red light cameras;
- 2) Approval of the authorization of the additional expenditure of \$315,000 for a total not to exceed \$567,000 annually; and
- 3) Approval of the modification (attached Exhibit A) of the TxDOT Amendment to the Municipal Maintenance Agreement.

Summary: On February 18, 2008, the City of College Station's red light camera program, Cameras Advancing Red Light Enforcement Safety (CARES) began operating. There are currently four (4) intersection approaches monitored by cameras, which were recommended by a council appointed committee as required by state law, and by the City Council. Additionally, at the end of the city's 2008 fiscal year, the city remitted to the State Comptroller's Office approximately \$181,000 to be deposited into the state's Regional Trauma Center Account to be split between the 5 trauma centers in our area. This represents 50% of the money remaining after the vendor fees were paid and the city recovered its expenses related to operating and maintaining the program.

City staff met with the Red Light Camera Citizen Advisory Committee and used crash and citation data to develop a list of 17 intersections to be videoed and evaluated for red light cameras. Based on the analysis of the video survey and an engineering report, the Committee recommends that the program be expanded to include the following five (5) intersection approaches:

Intersection	Videoed Violations
1. NB Texas Avenue at George Bush Drive	16
2. EB George Bush Drive at Texas Avenue	21
3. WB George Bush Drive at Texas Avenue	23
4. EB Harvey Mitchell Pkwy (FM 2818) at Texas Avenue	8
5. NB Texas Avenue at Holleman Drive	8

Budget & Financial Summary: Funds are available and budgeted in the Red Light Camera Fund.

Attachments:

- 1) Red Light Camera Citizen Advisory Committee Report (on file with City Secretary)
- 2) Engineering Report (on file with City Secretary)
- 3) Exhibit A

Exhibit A

1. Northbound Texas Avenue (BS6-R) at Walton Drive
2. Northbound Wellborn Road (FM 2154) at George Bush Drive (FM 2347)
3. Eastbound Harvey Road (SH 30) at Munson Avenue
4. Westbound Harvey Road (SH 30) at George Bush Drive East
5. NB Texas Avenue (BS6-R) at George Bush Drive (FM 2347)
6. EB George Bush Drive (FM 2347) at Texas Avenue (BS6-R)
7. WB George Bush Drive East at Texas Avenue (BS6-R)
8. EB Harvey Mitchell Pkwy (FM 2818) at Texas Avenue (BS6-R)
9. NB Texas Avenue (BS6-R) at Holleman Drive

February 26, 2009
Regular Agenda Item No. 2
Public Hearing and Possible Participation in the Texas Enterprise Zone
Program and Nomination of Lynntech, Inc. as an Enterprise Project

To: Glenn Brown, City Manager

From: David Gwin, Director of Economic and Community Development

Agenda Caption: Public Hearing, presentation, possible action, and discussion creating an ordinance authorizing the City's participation in the Texas Enterprise Zone Program and nominating Lynntech, Inc. to the Office of the Governor as an enterprise project.

Recommendation(s): Staff recommends approval of the City's participation in the Texas Enterprise Zone Program. Further, staff recommends that the City Council move to nominate Lynntech, Inc. as an enterprise project under the program.

Summary: The Texas Enterprise Program was created to encourage job creation and capital investment by reducing State sales and local use taxes for qualified businesses. To qualify, businesses must be located in economically disadvantaged areas and/or maintain a workforce comprised of a certain percentage of eligible residents of an enterprise zone or who themselves are considered economically-disadvantaged. In addition to incentives offered by the State of Texas, the program allows for the City to provide, at its sole discretion, incentives such as those currently available to businesses investing in College Station.

In early February 2009, Lynntech, Inc. requested that the City nominate them as an Enterprise Project under the provisions of the Texas Enterprise Program to better assist with their planned redevelopment of the former Westinghouse Property located at 2501 Earl Rudder Freeway South. Lynntech, Inc. currently estimates that they will be making a \$12 million investment in proposed equipment and real property at the site. Lynntech, Inc. also anticipates growing its employee base from 123 full time employees to approximately 200 over the next five (5) years.

Adopting the attached ordinance will partially fulfill the requirements of Chapter 2303 of the Texas Government Code to allow for participation in the program and will permit Lynntech, Inc. to be placed in nomination to the Office of the Governor by the City.

Budget & Financial Summary: Currently, there is no direct fiscal obligation assumed by the City in participating in the program or by nominating Lynntech, Inc. as an enterprise project. However, the City Council has expressed a clear interest and willingness to pro-actively assist Lynntech with its reinvestment plans at the former Westinghouse facility. Any potential local incentives provided to Lynntech, Inc., or any other the enterprise project, would be at the express pleasure of the City Council.

Attachments:

- 1 – Ordinance
- 2 – FAQ Sheet



DATE: February 10, 2009
TO: Glenn Brown, City Manager
FROM: David Gwin, Director of Economic and Community Development
SUBJECT: Approval of the Texas Enterprise Zone Program and Nomination of Lynntech as an Enterprise Zone Project

In an effort to better assist with Lynntech's anticipated relocation and investment in the former Westinghouse facility, staff has identified the Texas Enterprise Zone Program as a possible programmatic opportunity that can be utilized as a tool to help incent the project with minimal financial impact to the City. The following information is intended to address potential questions regarding the program and to seek general direction from the City Council in this regard.

What is an Enterprise Zone?

An "enterprise zone" is an economic development tool which allows for local communities to partner with the State of Texas to encourage job creation and capital investment in economically-distressed areas by incenting certain qualifying enterprise projects.

What is an Enterprise Project?

An "enterprise project" is a company or business that has been nominated by a municipality and meets the following criteria:

- The business must provide a substantial commitment to initiate the active conduct of a trade or business at a qualified business site, which is not required to be in the designated enterprise zone
- Has at least 25% of the business' new employees are either economically-disadvantaged or enterprise zone residents; or at least 35% of the business' new employees must be economically-disadvantaged if the qualified business site is located outside of an enterprise zone
- New jobs must be created to allow for 1,820 work hours in a year per employee for at least three years

What is the definition of an economically-disadvantaged individual?

An individual at the time of hire:

- Who was unemployed for at least three months before obtaining employment with a qualified business; or
- Receives public assistance benefits; or

- Has a physical or mental disability; or
- Is homeless; or
- Is a foster child; or
- Is on parole; or
- Or is considered to have low-to-moderate income

What are the benefits of the program to the nominated business?

Each designated project is eligible for refunds of the State's portion of sales tax on large capital improvement purchases as part of its investment or reinvestment in the community. The level and amount of the refund is directly related to the amount of capital investment and jobs created at the site. There is no guaranteed impact to the City's sales tax portion. Additionally:

- In terms of the franchise tax, the project's apportioned taxable capital may be reduced by either 50% of the capital investment made, or the apportioned earned surplus income may be reduced by 5% of the capital investment made in the zone for each of year of the five-year designation
- Enterprise Projects receive priority for Smart Job Funds
- The City Council can also elect to offer other incentives such as those currently available to businesses investing in College Station. However, there is no guarantee that these incentives will be extended.

What is the cost to College Station?

There is no fiscal obligation to the City for designating an enterprise zone or nominating an enterprise project. However, the City Council, at its sole discretion, may offer incentives such as tax abatement, a refund of local sales and use taxes, permit fee waivers, TIF creation, transfer of public property at below market cost, fast tracking of permits, low interest loans, etc.. Further, the City may only nominate up to four (4) businesses claiming any combination of up to five (5) slots in a given two year period.

What is the soonest this could be done?

Applications for enterprise project status are only accepted on the first business day of the months of March, September, June and December each year. Projects are designated typically eight to ten weeks after the quarterly project application deadline. Because Lynntech is currently planning to make a number of large capital purchases in late Spring and early Summer, staff is trying to facilitate a timely designation under this program to make Lynntech's participation and purchases eligible. In order to make the March deadline work, staff would have to come back to the City Council on February 26th in order to nominate Lynntech as an enterprise project.

What does this mean for College Station?

Short Term:

- The program can be used to assist in the reuse and redevelopment of the Westinghouse property by Lynntech

- By nominating the Lynntech project as an enterprise project, the City will be facilitating several potential incentives that will assist this growing, College Station-based employer in continuing to do business in College Station
- Because Lynntech is located outside of an eligible potential enterprise zone, 35% of their new employees must be considered economically-disadvantaged to be eligible under the program.
- New employees must remain employed with the business for three (3) years
- Lynntech will most likely target TAMU students and recent graduates for employment, most of who would fall under the economically-disadvantaged category.

Long Term:

- The Enterprise Zone Program would be another tool in the City's Economic Development Tool Box to assist new and expanding businesses
- Provides incentives with limited fiscal burden on the City in order to secure new capital investment and create new jobs
- College Station currently has thirty (30) Census Block Groups that meet the criteria to be designated as an enterprise zone

Next Step

Upon City Council direction in the affirmative, staff will prepare a resolution establishing an Enterprise Zone Program in College Station and approving the nomination of Lynntech as an enterprise project under that program. This nomination will utilize one of the City's four project nominations over the next two years.

Policy Direction?

Is the Council comfortable in moving forward in 1) adopting an ordinance establishing an Enterprise Zone Program in College Station? and 2) nominating Lynntech as an enterprise project under the program?

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING THE CITY'S PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE ("ACT"), PROVIDING FOR POTENTIAL TAX INCENTIVES; PROVIDING FOR DESIGNATING A LIASON FOR COMMUNICATION WITH INTERESTED PARTIES; PROVIDING FOR NOMINATING LYNNTech, INC. TO THE OFFICE OF THE GOVERNOR, ECONOMIC DEVELOPMENT & TOURISM ("EDT") THROUGH THE ECONOMIC DEVELOPMENT BANK ("BANK") AS AN ENTERPRISE PROJECT ("PROJECT"); PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of College Station, Texas desires to create the proper economic and social environment to induce the investment of private resources in productive business enterprises located in severely distressed areas of the city and to provide employment to residents of such area; and

WHEREAS, the project or activity is not located in an area designated as an enterprise zone; and

WHEREAS, pursuant to Chapter 2303, Subchapter F of the Act, Lynntech, Inc. has applied to the City for designation as an enterprise project; and

WHEREAS, the City finds that Lynntech, Inc. potentially may meet the criteria for tax relief and other incentives adopted by the City on the grounds that it will be located at the qualified business site, will create a higher level of employment, economic activity and stability; and

WHEREAS, a public hearing to consider this ordinance was held by the City Council on February 26, 2009; now, therefore,

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

PART 1: The City nominates Lynntech, Inc. for enterprise project status.

PART 2: The following local incentives, at the election of the City Council, may be made available to the nominated project or activity of the qualified business:

- a) The City may abate taxes on the increase in value of real property improvements and eligible personal property that locate in a designated enterprise zone. In that event, the level of abatement shall be based upon the extent to which the business receiving the abatement creates jobs for qualified employees, in accordance with the City of College Station, Texas Tax Abatement Policy, and with qualified employee being defined by the Act; or

- b) The City currently offers a Freeport Exemption for various goods if the inventory is shipped outside of the State of Texas within 175 days by a qualified business; or
- c) The City may provide regulatory relief to businesses, including:
 - 1) zoning changes or variances; or
 - 2) exemptions from impact fees, inspection fees, development fees and permits; or
 - 3) streamlined permitting; or
- d) The City may provide enhanced municipal services to businesses, including:
 - 1) Improved police and fire protection; or
 - 2) Institution of community crime prevention programs; or
- e) The City may provide improvements in community facilities, including:
 - 1) public utility infrastructure installation, improvement, or reimbursement.
 - 2) public road and drainage infrastructure installation, improvement, or reimbursement; or
 - 3) other public improvements including but not limited to: traffic signals, upgrade of sidewalks, enhanced landscaping, etc.
 - 4) public improvement districts as provided by Chapter 372 of the Local Government Code, Municipal Management Districts provided by Chapter 375 of the Local Government Code, or Tax Increment Reinvestment Zones as provided by Chapter 312 of the Tax Code, and other special districts as allowed;
 - 5) over sizing of infrastructure; or
 - 6) creation or improvement of parks; or
- f) The City may provide improvements to housing, including:
 - 1) low-interest loans for housing rehabilitation, improvement, or new construction; or
 - 2) transfer of abandoned housing to individuals or community groups; or
- g) The City may provide business and industrial development services including:
 - 1) low-interest loans for business;
 - 2) provision of publicly-owned land, developed or raw, for development purposes, including residential, commercial, or industrial development;
 - 3) reimbursement for specified costs such as demolition costs, etc.;
 - 4) creation of special one-stop permitting and problem resolution centers or ombudsmen;
 - 5) promotion and marketing services; or
 - 6) other incentives tailored to specific needs may be available on a case-by-case basis; or

- h) The City may provide for or arrange job training and employment services to businesses, including:
 - 1) retraining programs;
 - 2) literacy and employment skills programs;
 - 3) vocational education; or
 - 4) customized job training.

PART 3: The enterprise zone areas within the City are reinvestment zones in accordance with the Texas Tax Code, Chapter 312.

PART 4: The City Council of the City of College Station, Texas directs and designates its Director of Economic and Community Development as the City's liaison to communicate and negotiate with the EDT through the Bank and enterprise project(s) and to oversee zone activities and communications with qualified businesses and other entities in an enterprise zone or affected by an enterprise project.

PART 5: The City finds that Lynntech, Inc. meets the criteria for designation as an enterprise project under Chapter 2303 Subchapter F of the Act on the following Grounds:

- a) Lynntech, Inc. is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site within the governing body's jurisdiction, located outside of an enterprise zone and at least thirty-five percent (35%) of the business' new employees will be residents of an enterprise zone or economically disadvantaged individuals; and
- b) There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities in the area; and
- c) The designation of Lynntech, Inc. as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

PART 6: The enterprise project shall take effect on the date of the designation of the enterprise project by EDT and terminate upon five (5) years having passed after the date of designation.

PART 7: 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 8: This ordinance shall take effect from and after its passage as the law and charter in such case provides.

PASSED, ADOPTED and APPROVED this 26th day of February, 2009.

APPROVED:

MAYOR

ATTEST:

City Secretary

APPROVED:

Carla A Robinson

City Attorney

PUBLIC HEARING NOTICE
PROPOSED ORDINANCE ESTABLISHING AN ENTERPRISE ZONE
AND NOMINATING LYNNTech, INC.
AS A TEXAS ENTERPRISE ZONE PROJECT
CITY OF COLLEGE STATION, TEXAS

The City Council of the City of College Station, Texas will hold a public hearing at 7:00 p.m. on February 26, 2009 in the City Council Chambers in the City Hall, 1101 Texas Avenue, College Station, Texas. Items to be discussed will include seeking input concerning the adoption of an ordinance to participate in the Texas Enterprise Zone Program and to consider and nominate Lynntech Inc., currently located at 1313 Research Parkway, College Station, to the Office of the Governor as a Texas Enterprise Zone Project. The proposed qualified business site is 2501 Earl Rudder Freeway South, College Station. Tax and other potential incentives to be offered to projects within the Texas Enterprise Zone in College Station will be discussed at the hearing. All interested persons are invited to submit written comments to the City of College Station or via e-mail to dgwin@cstx.gov prior to the time and date set for the public hearing or to attend the public hearing and express any comments they may have for or against the proposed ordinance. For further information please call Mr. David Gwin, Director of Economic & Community Development, at 979-764-3778.

City of College Station
1101 Texas Ave.
College Station, TX 77840

February 26, 2009
Regular Agenda Item No. 3
2807 Earl Rudder Freeway South - Rezoning

To: Glenn Brown, City Manager

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

Agenda Caption: Public hearing, presentation, possible action, and discussion regarding a Rezoning from R-1, Single-Family Residential to A-P, Administrative Professional; A-O, Agricultural Open to A-P, Administrative Professional; and R-1, Single-Family Residential to A-O, Agricultural Open for 4.46 acres located at 2807 Earl Rudder Freeway South, and more generally located next to the North Forest Professional Park.

Recommendation(s): The Planning and Zoning Commission recommended approval of the amendment by a vote of 7 to 0 at their February 5th meeting. Staff also recommended approval.

Summary:

REVIEW CRITERIA

1. **Consistency with the Comprehensive Plan:** The Comprehensive Plan was amended in November 2008 to change approximately 2.2 acres from Single Family Residential Medium Density and a portion of Floodplains and Streams to the Office land use designation. The Comprehensive Plan calls for a Floodplains and Streams land use on the portion of land proposed to be rezoned from R-1, Single-Family Residential to A-O, Agricultural Open. As such the rezoning is consistent with the Comprehensive Plan.
2. **Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood:** The proposed rezoning is compatible with the adjacent A-P, Administrative Professional and R-1, Single-Family Residential zoning districts. The adjacent property to the north is currently developed as Offices with an existing single-family neighborhood to the east. This rezoning would be a continuation of the existing office development to the north and is constrained by the floodplain to the south.
3. **Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment:** On November 24th, 2008 City Council approved a Comprehensive Plan Amendment to change the Land Use from Single Family Residential, Medium Density and a portion of Floodplains and Streams to Office. As such an A-P, Administrative Professional zoning district is considered to be suitable for the subject property. Additionally, the portion proposed to be rezoned from R-1,

Single-Family Residential to A-O, Agricultural Open is appropriate based on the Comprehensive Plan calling for Floodplains & Streams as the intended land use.

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:** The subject property's current zoning district limits the potential for development to single family residential development for the area zoned R-1, Single-Family Residential and to agricultural, low-intensity residential, or open space uses for the area zoned A-O, Agricultural Open. Single-Family Residential land uses are generally not appropriate along freeways as they are not dependent on good access to freeway and major arterials like commercial and office land uses are. The portion of the property being rezoned from R-1, Single-Family Residential to A-O, Agricultural Open is appropriate due to the land being in FEMA identified floodplain.
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:** The applicant is seeking to enhance the marketability of the property through the proposed zone change. The applicant intends to market the property for office uses.
6. **Availability of water, wastewater, stormwater, and transportation facilities generally suitable and adequate for the proposed use:** There are existing water and sewer mains to serve this property. The subject tract has frontage on Earl Rudder Freeway and may take access to either Earl Rudder Freeway and/or North Forest Parkway via shared access easements with the northern adjacent property. The proposed land use will only generate 55 trips per peak hour, which is short of the 150 trip threshold that would trigger a Traffic Impact Analysis.

The subject tract is located in the Carters Creek Drainage Basin. There is FEMA regulated Special Flood Hazard Area located on a portion of this tract. Development of this tract will be required to meet the City's Storm Water Design Guidelines.

Budget & Financial Summary: N/A

Attachments:

1. Background Information
2. Draft Planning and Zoning Commission Meeting Minutes, February 5, 2009
3. Ordinance

BACKGROUND INFORMATION

NOTIFICATIONS

Advertised Commission Hearing Date: February 5, 2009
 Advertised Council Hearing Dates: February 26, 2009

The following neighborhood organizations that are registered with the City of College Station's Neighborhood Services have received a courtesy letter of notification of this public hearing:

North Forest Property Owners Association
 Emerald Forest Homeowners Association
 Wolfpen Creek Association

Property owner notices mailed: 20
 Contacts in support: None
 Contacts in opposition: None
 Inquiry contacts: None

ADJACENT LAND USES

Direction	Comprehensive Plan	Zoning	Land Use
North	Single-Family Residential Medium Density	A-P, Administrative Professional	Offices, North Forest Professional Park, Medical Clinic
South	Floodplain & Streams	R-1, Single-Family Residential	Floodplain
East	Single Family Residential Medium Density	R-1, Single-Family Residential	Single-Family residences, North Forest Subdivision
West	Thoroughfare - Freeway	N/A	Earl Rudder Freeway

DEVELOPMENT HISTORY

Annexation: 1971 and 1977
Zoning: R-1, Single-Family Residential (for western area annexed in 1971), A-O, Agricultural Open (for eastern area annexed in 1977).
Final Plat: Unplatted
Site development: Vacant



MINUTES
PLANNING AND ZONING COMMISSION
Regular Meeting
Thursday, February 5, 2009,
at 7:00 p.m.
City Hall Council Chambers
1101 Texas Avenue
College Station, Texas

COMMISSIONERS PRESENT: John Nichols, Noel Bauman, Paul Greer, Doug Slack, Winnie Garner, Thomas Woodfin, and Hugh Stearns

COMMISSIONERS ABSENT: None

CITY COUNCIL MEMBERS PRESENT: None

CITY STAFF PRESENT: Senior Planner Lindsay Kramer, Staff Planner Jason Schubert, Graduate Civil Engineer Erika Bridges, Assistant City Engineer Josh Norton, Senior Assistant City Engineer Carol Cotter, City Engineer Alan Gibbs, Transportation Planning Coordinator Joe Guerra, Planning Administrator Molly Hitchcock, Director of Parks and Recreation Tony Cisneros, Director Bob Cowell, Assistant Director Lance Simms, First Assistant City Attorney Carla Robinson, Action Center Representative Kerry Mullins and Staff Assistant Brittany Caldwell

1. Public hearing, presentation, possible action, and discussion regarding a Rezoning from R-1, Single-Family Residential to A-P, Administrative Professional; A-O, Agricultural Open to A-P, Administrative Professional; and R-1, Single-Family Residential to A-O, Agricultural Open for 4.46 acres located at 2807 Earl Rudder Freeway South, and more generally located next to the North Forest Professional Park. **Case #08-00500330 (MR)**

Jason Schubert, Staff Planner, presented the Rezoning and recommended approval.

There was general discussion regarding the Rezoning.

Chairman Nichols opened the public hearing.

Kent Laza, Civil Development, stated that the amount of floodplain is very small. He also said that the owner would be willing to donate additional land to the City.

Fred Bayliss, 7610 River Ridge Drive, stated that the development would be consistent with the existing development.

Mike Schluder, Urban Planning Class at Texas A&M University, asked for clarification on the Rezoning.

Chairman Nichols closed the public hearing.

Commissioner Stearns motioned to approve the Rezoning. Commissioner Greer seconded the motion, motion passed (7-0).

DRAFT

ORDINANCE NO. _____

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

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

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

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

PASSED, ADOPTED and APPROVED this 26th day of February, 2009.

APPROVED:

MAYOR

ATTEST:

City Secretary

APPROVED:



City Attorney

EXHIBIT "A"

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

I.

The following property is rezoned from R-1, Single-Family Residential to A-P, Administrative Professional:

1.63 Acre Tract
Morgan Rector League, A-46
College Station, Brazos County

METES AND BOUND DESCRIPTION OF ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE MORGAN RECTOR LEAGUE, ABSTRACT NO. 46, COLLEGE STATION, BRAZOS COUNTY, TEXAS. SAID TRACT BEING A PORTION OF A CALLED 4.00 ACRE TRACT DESCRIBED AS TRACT 1 BY A DEED TO HERBERT COLE AND WIFE, GOLDA COLE, RECORDED IN VOLUME 299, PAGE 129 OF THE DEED RECORDS OF BRAZOS COUNTY TEXAS. SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "B" AND GRAPHICALLY SHOWN IN EXHIBIT "E".

II.

The following property is rezoned from A-O, Agricultural Open to A-P, Administrative Professional:

0.57 Acre Tract
Morgan Rector League, A-46
College Station, Brazos County

METES AND BOUND DESCRIPTION OF ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE MORGAN RECTOR LEAGUE, ABSTRACT NO. 46, COLLEGE STATION, BRAZOS COUNTY, TEXAS. SAID TRACT BEING A PORTION OF A CALLED 4.00 ACRE TRACT DESCRIBED AS TRACT 1 BY A DEED TO HERBERT COLE AND WIFE, GOLDA COLE, RECORDED IN VOLUME 299, PAGE 129 OF THE DEED RECORDS OF BRAZOS COUNTY TEXAS. SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "C" AND GRAPHICALLY SHOWN IN EXHIBIT "E".

III.

The following property is rezoned from R-1, Single-Family Residential to A-O, Agricultural Open:

2.26 Acre Tract
Morgan Rector League, A-46
College Station, Brazos County

METES AND BOUND DESCRIPTION OF ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE MORGAN RECTOR LEAGUE, ABSTRACT NO. 46, COLLEGE STATION, BRAZOS COUNTY, TEXAS. SAID TRACT BEING A PORTION OF A CALLED 4.00 ACRE TRACT DESCRIBED AS TRACT 1 AND ALL OF A CALLED 1.05 ACRE TRACT DESCRIBED AS TRACT 2 BY A DEED TO HERBERT COLE AND WIFE, GOLDA COLE, RECORDED IN VOLUME 299, PAGE 129 OF THE DEED RECORDS OF BRAZOS COUNTY TEXAS. SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "D" AND GRAPHICALLY SHOWN IN EXHIBIT "E".

EXHIBIT "B"

**METES AND BOUNDS DESCRIPTION
OF A
1.63 ACRE TRACT
MORGAN RECTOR LEAGUE, A-46
COLLEGE STATION, BRAZOS COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE MORGAN RECTOR LEAGUE, ABSTRACT NO. 46, COLLEGE STATION, BRAZOS COUNTY, TEXAS. SAID TRACT BEING A PORTION OF A CALLED 4.00 ACRE TRACT DESCRIBED AS TRACT I BY A DEED TO HERBERT COLE AND WIFE, GOLDA COLE, RECORDED IN VOLUME 299, PAGE 129 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS.

SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT AN "X" FOUND IN CONCRETE ON THE EAST LINE OF STATE HIGHWAY NO. 6 (EARL RUDDER FREEWAY – VARIABLE WIDTH R.O.W.) MARKING THE NORTHWEST CORNER OF SAID 4.00 ACRE TRACT AND THE SOUTHWEST CORNER OF A REPLAT OF LOT 1, BLOCK 1, NORTH FOREST SUBDIVISION, ACCORDING TO THE PLAT RECORDED IN VOLUME 8214, PAGE 235 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: N 83° 08' 31" E ALONG THE COMMON LINE OF SAID 4.00 ACRE TRACT AND SAID REPLAT OF NORTH FOREST SUBDIVISION FOR A DISTANCE OF 500.19 FEET TO A POINT MARKING THE NORTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT, FOR REFERENCE A ½ I NCH IRON ROD FOUND MARKING THE NORTHEAST CORNER OF SAID 4.00 ACRE TRACT BEARS: N 83° 08' 31" E FOR A DISTANCE OF 142.97 FEET;

THENCE: THROUGH SAID 4.00 ACRE TRACT FOR THE FOLLOWING CALLS:

S 05° 17' 29" E FOR A DISTANCE OF 170.95 FEET TO A POINT;

S 83° 08' 31" W FOR A DISTANCE OF 405.38 FEET TO A POINT;

N 06° 51' 09" W FOR A DISTANCE OF 155.88 FEET TO A POINT;

S 83° 08' 31" W FOR A DISTANCE OF 90.56 FEET TO A POINT ON THE EAST LINE OF STATE HIGHWAY NO. 6, FOR REFERENCE A 5/8 INCH IRON ROD FOUND ON THE EAST LINE OF STATE HIGHWAY NO. 6 BEARS: S 05° 17' 29" E FOR A DISTANCE OF 464.99 FEET;

THENCE: N 05° 17' 29" W ALONG THE EAST LINE OF STATE HIGHWAY NO. 6 FOR A DISTANCE OF 15.01 FEET TO THE **POINT OF BEGINNING** CONTAINING 1.63 ACRES OF LAND, MORE OR LESS, AS SURVEYED ON THE GROUND. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION.

BRAD KERR
REGISTERED PROFESSIONAL
LAND SURVEYOR No. 4502

D:/WORK/MAB/08-816A.MAB

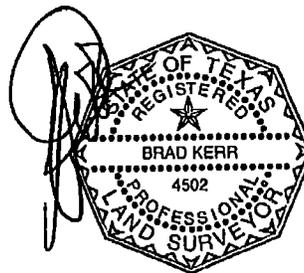


EXHIBIT "C"

**METES AND BOUNDS DESCRIPTION
OF A
0.57 ACRE TRACT
MORGAN RECTOR LEAGUE, A-46
COLLEGE STATION, BRAZOS COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE MORGAN RECTOR LEAGUE, ABSTRACT NO. 46, COLLEGE STATION, BRAZOS COUNTY, TEXAS. SAID TRACT BEING A PORTION OF A CALLED 4.00 ACRE TRACT DESCRIBED AS TRACT I BY A DEED TO HERBERT COLE AND WIFE, GOLDA COLE, RECORDED IN VOLUME 299, PAGE 129 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS.

SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT AN "X" FOUND IN CONCRETE ON THE EAST LINE OF STATE HIGHWAY NO. 6 (EARL RUDDER FREEWAY - VARIABLE WIDTH R.O.W.) MARKING THE NORTHWEST CORNER OF SAID 4.00 ACRE TRACT AND THE SOUTHWEST CORNER OF A REPLAT OF LOT 1, BLOCK 1, NORTH FOREST SUBDIVISION, ACCORDING TO THE PLAT RECORDED IN VOLUME 8214, PAGE 235 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: N 83° 08' 31" E ALONG THE COMMON LINE OF SAID 4.00 ACRE TRACT AND SAID REPLAT OF NORTH FOREST SUBDIVISION FOR A DISTANCE OF 500.19 FEET TO A POINT MARKING THE POINT OF BEGINNING OF THIS HEREIN DESCRIBED TRACT;

THENCE: N 83° 08' 31" E CONTINUING ALONG THE COMMON LINE OF SAID 4.00 ACRE TRACT AND SAID REPLAT OF NORTH FOREST SUBDIVISION FOR A DISTANCE OF 142.97 FEET TO A 1/2 INCH IRON ROD FOUND MARKING THE NORTHEAST CORNER OF SAID 4.00 ACRE TRACT;

THENCE: S 06° 44' 27" E ALONG THE COMMON LINE OF SAID 4.00 ACRE TRACT AND A CALLED 2.434 ACRE TRACT DEPICTED AS GREENWAYS DEDICATION NORTH FOREST SUBDIVISION, ACCORDING TO THE PLAT RECORDED IN VOLUME 6005, PAGE 130 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS, FOR A DISTANCE OF 170.89 FEET TO A POINT MARKING THE SOUTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT, FOR REFERENCE A 3/8 INCH IRON ROD FOUND ON THE EAST LINE OF SAID 4.00 ACRE TRACT BEARS: S 06° 44' 27" E FOR A DISTANCE OF 412.46 FEET;

THENCE: S 83° 08' 31" W THROUGH SAID 4.00 ACRE TRACT FOR A DISTANCE OF 147.29 FEET TO A POINT MARKING THE SOUTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT;

THENCE: N 05°17' 29" W CONTINUING THROUGH SAID 4.00 ACRE TRACT FOR A DISTANCE OF 170.95 FEET TO THE POINT OF BEGINNING CONTAINING 0.57 OF AN ACRE OF LAND, MORE OF LESS, AS SURVEYED ON THE GROUND. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION.

BRAD KERR
REGISTERED PROFESSIONAL
LAND SURVEYOR No. 4502

D:/WORK/MAB/08-816B.MAB



EXHIBIT "D"

**METES AND BOUNDS DESCRIPTION
OF A
2.26 ACRE TRACT
MORGAN RECTOR LEAGUE, A-46
COLLEGE STATION, BRAZOS COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE MORGAN RECTOR LEAGUE, ABSTRACT NO. 46, COLLEGE STATION, BRAZOS COUNTY, TEXAS. SAID TRACT BEING A PORTION OF A CALLED 4.00 ACRE TRACT DESCRIBED AS TRACT I AND ALL OF A CALLED 1.05 ACRE TRACT DESCRIBED AS TRACT 2 BY A DEED TO HERBERT COLE AND WIFE, GOLDA COLE, RECORDED IN VOLUME 299, PAGE 129 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS.

SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT AN "X" FOUND IN CONCRETE ON THE EAST LINE OF STATE HIGHWAY NO. 6 (EARL RUDDER FREEWAY – VARIABLE WIDTH R.O.W.) MARKING THE NORTHWEST CORNER OF SAID 4.00 ACRE TRACT AND THE SOUTHWEST CORNER OF A REPLAT OF LOT 1, BLOCK 1, NORTH FOREST SUBDIVISION, ACCORDING TO THE PLAT RECORDED IN VOLUME 8214, PAGE 235 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS, FOR REFERENCE A ½ INCH IRON ROD FOUND MARKING THE NORTHEAST CORNER OF SAID 4.00 ACRE TRACT BEARS: N 83° 08' 31" E FOR A DISTANCE OF 643.15 FEET;

THENCE: S 05° 17' 29" E ALONG THE EAST LINE OF STATE HIGHWAY NO. 6 FOR A DISTANCE OF 15.01 FEET TO A POINT MARKING THE POINT OF BEGINNING OF THIS HEREIN DESCRIBED TRACT;

THENCE: THROUGH SAID 4.00 ACRE TRACT FOR THE FOLLOWING CALLS:

N 83° 08' 31" E FOR A DISTANCE OF 90.56 FEET TO A POINT;

S 06° 51' 09" E FOR A DISTANCE OF 155.88 FEET TO A POINT;

N 83° 08' 31" E FOR A DISTANCE OF 405.38 FEET TO A POINT;

S 05° 17' 29" E FOR A DISTANCE OF 120.10 FEET TO A POINT IN THE CENTERLINE OF AN EXISTING CREEK, SAID CENTERLINE BEING CALLED THE COMMON LINE OF SAID 4.00 ACRE TRACT AND A CALLED 7.0 ACRE TRACT AS DESCRIBED BY A DEED TO THE CITY OF COLLEGE STATION RECORDED IN VOLUME 4592, PAGE 215 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: ALONG THE CENTERLINE OF SAID CREEK, SAME BEING THE COMMON LINE OF SAID 4.00 ACRE TRACT, SAID 1.05 ACRE TRACT AND SAID 7.0 ACRE CITY TRACT, FOR THE FOLLOWING CALLS:

N 74° 08' 53" W FOR A DISTANCE OF 43.03 FEET TO A POINT;

N 80° 31' 09" W FOR A DISTANCE OF 75.33 FEET TO A POINT;

S 89° 47' 02" W FOR A DISTANCE OF 98.15 FBET TO A POINT;

S 76° 44' 11" W FOR A DISTANCE OF 45.66 FEET TO A POINT;

S 81° 19' 38" W FOR A DISTANCE OF 31.39 FEET TO A POINT;

- S 49° 06' 26" W FOR A DISTANCE OF 14.94 FEET TO A POINT;
- S 23° 15' 41" W FOR A DISTANCE OF 27.36 FEET TO A POINT;
- S 03° 39' 16" W FOR A DISTANCE OF 47.66 FEET TO A POINT;
- S 15° 24' 43" E FOR A DISTANCE OF 70.77 FEET TO A POINT;
- S 35° 37' 29" E FOR A DISTANCE OF 42.60 FEET TO A POINT;
- S 48° 57' 11" W FOR A DISTANCE OF 23.44 FEET TO A POINT;
- S 56° 34' 09" W FOR A DISTANCE OF 58.17 FEET TO A POINT;
- S 78° 02' 48" W FOR A DISTANCE OF 49.27 FEET TO A POINT;
- S 82° 12' 14" W FOR A DISTANCE OF 48.69 FEET TO A POINT;

THENCE: S 81° 26' 48" W LEAVING SAID CENTERLINE OF CREEK AND ALONG THE COMMON LINE OF SAID 1.05 ACRE TRACT AND SAID 7.0 ACRE TRACT FOR A DISTANCE OF 46.20 FEET TO A 5/8 INCH IRON ROD FOUND ON THE EAST LINE OF STATE HIGHWAY NO. 6 MARKING THE SOUTHWEST CORNER OF SAID 1.05 ACRE TRACT;

THENCE: N 05° 17' 29" W ALONG THE EAST LINE OF STATE HIGHWAY NO. 6 FOR A DISTANCE OF 464.99 FEET TO THE POINT OF BEGINNING CONTAINING 2.26 ACRES OF LAND, MORE OF LESS, AS SURVEYED ON THE GROUND. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION.

BRAD KERR
 REGISTERED PROFESSIONAL
 LAND SURVEYOR No. 4502

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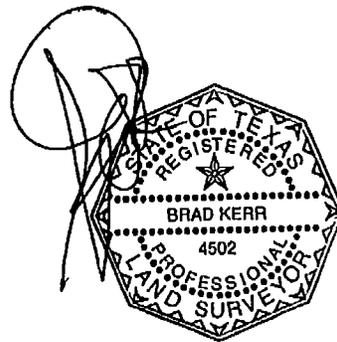
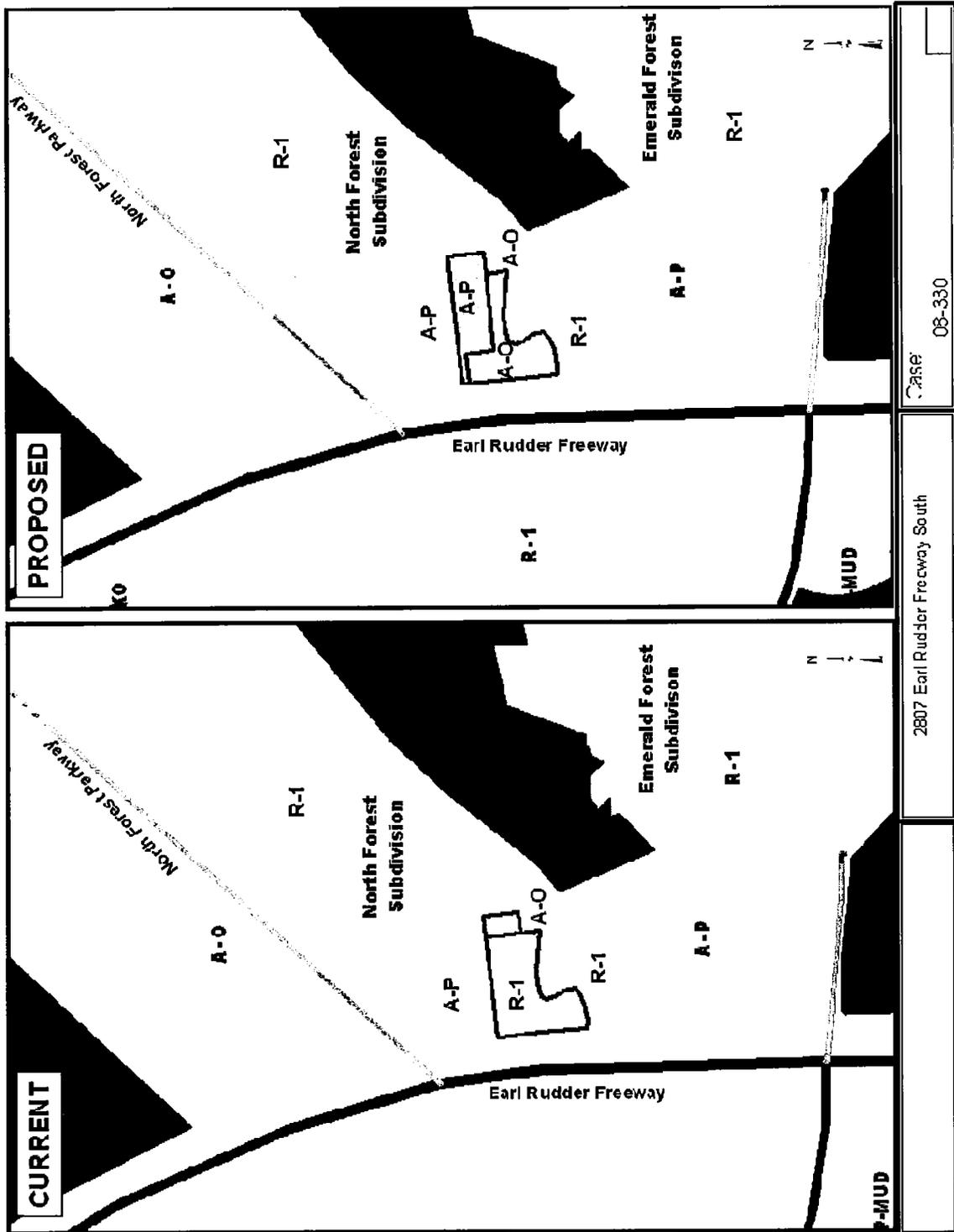


EXHIBIT "E"





Zoning Districts

A - O Agricultural Open
 A - OR Rural Residential Subdivision
 R - 1 Single Family Residential
 R - 1B Single Family Residential
 R - 2 Duplex Residential

R - 3 Townhouse
 R - 4 Multi-Family
 R - 6 High Density Multi-Family
 R - 7 Manufactured Home Park
 A - P Administrative/Professional
 C - 1 General Commercial
 C - 2 Commercial-Industrial

C - 3 Light Commercial
 M - 1 Light Industrial
 M - 2 Heavy Industrial
 C - U College and University
 R & D Research and Development
 P-MUD Planned Mixed-Use Development
 PDD Planned Development District

WPC Wolf Pen Creek Dev. Corridor
 NG - 1 Core Northgate
 NG - 2 Transitional Northgate
 NG - 3 Residential Northgate
 OV Corridor Overlay
 RDD Redevelopment District
 KO Krennek Tap Overlay

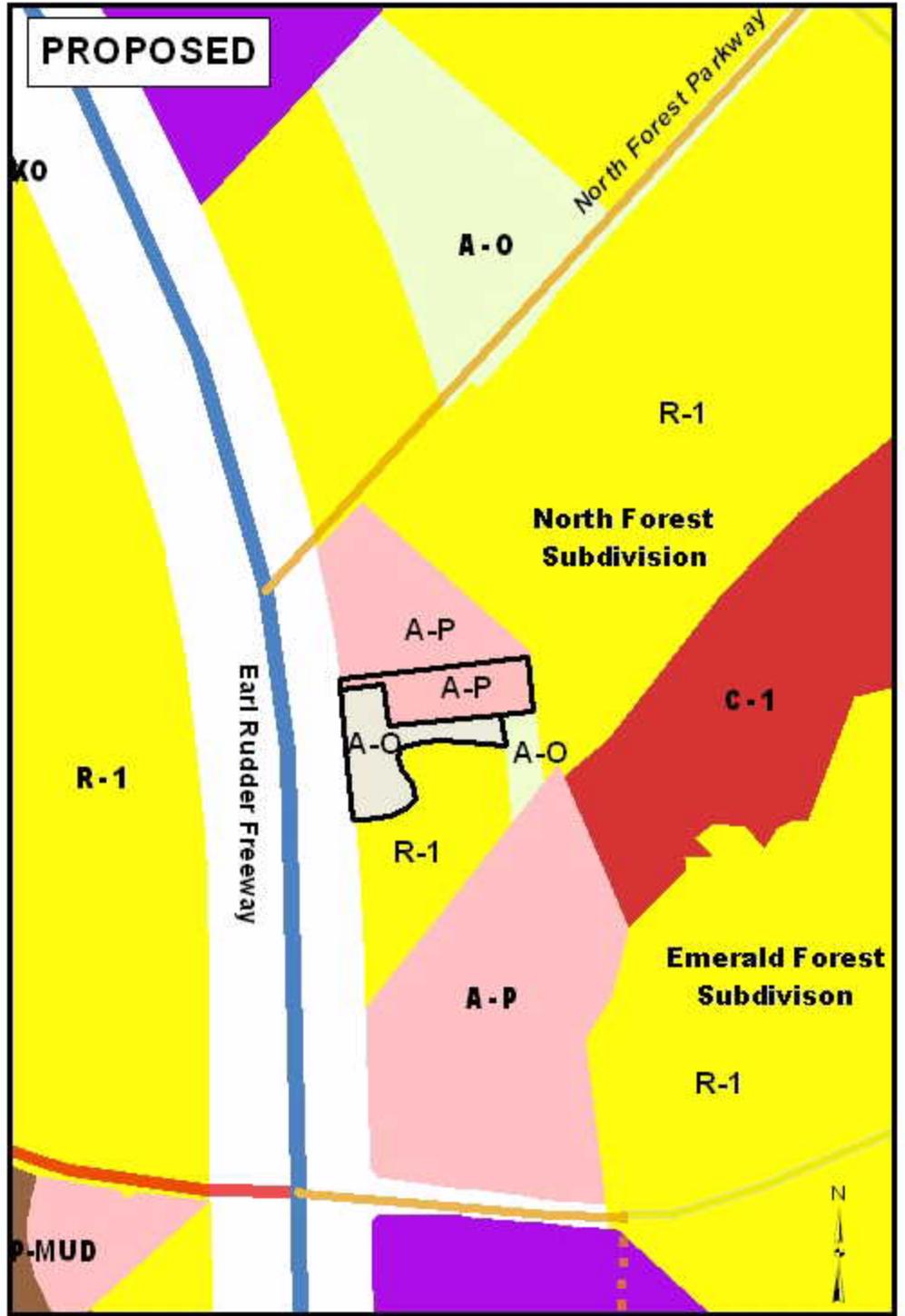
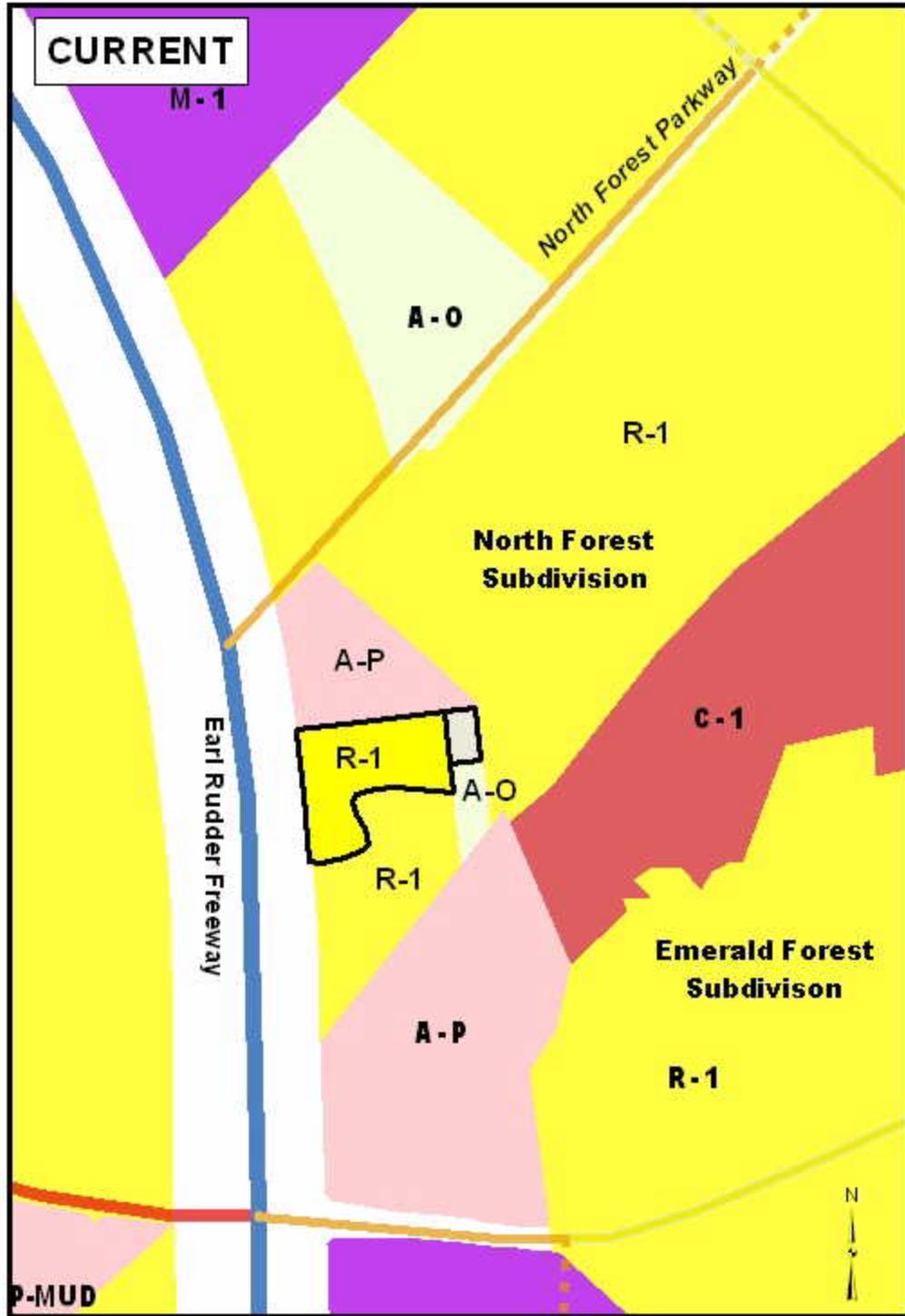


DEVELOPMENT REVIEW

2807 EARL RUDDER FWY S

Case: 08-330

REZONING



2807 Earl Rudder Freeway South
126

Case:
08-330

February 26, 2009
Regular Agenda Item No. 4
Comprehensive Plan Amendment – Community Park Zones

To: Glenn Brown, City Manager

From: Marco A. Cisneros, Director, Parks and Recreation

Agenda Caption: Public hearing, presentation, possible action and discussion to consider an ordinance regarding the addition of Community Park Zones as a Comprehensive Plan Amendment to the Recreation, Park and Open Space Master Plan, an element of the City's Comprehensive Plan.

Recommendation(s): The Parks and Recreation Advisory Board unanimously recommended approval of the Community Park Zones as specified in the proposed ordinance at their January 14, 2009 meeting. The Planning and Zoning Commission unanimously recommended approval at their February 5, 2009 meeting. Staff also recommends approval of an ordinance amending the Recreation, Park and Open Space Master Plan element of the City of College Station's Comprehensive Plan to include Community Park Zones.

Summary: On December 11, 2008, City Council approved Ordinance No. 3139 amending Chapter 9, Subdivisions of the Code of Ordinances of the City of College Station, Texas by amending Section 10, Park Land Dedication which increased fees, added community park land dedication and changed floodplain dedication ratios with adoption on January 1, 2009.

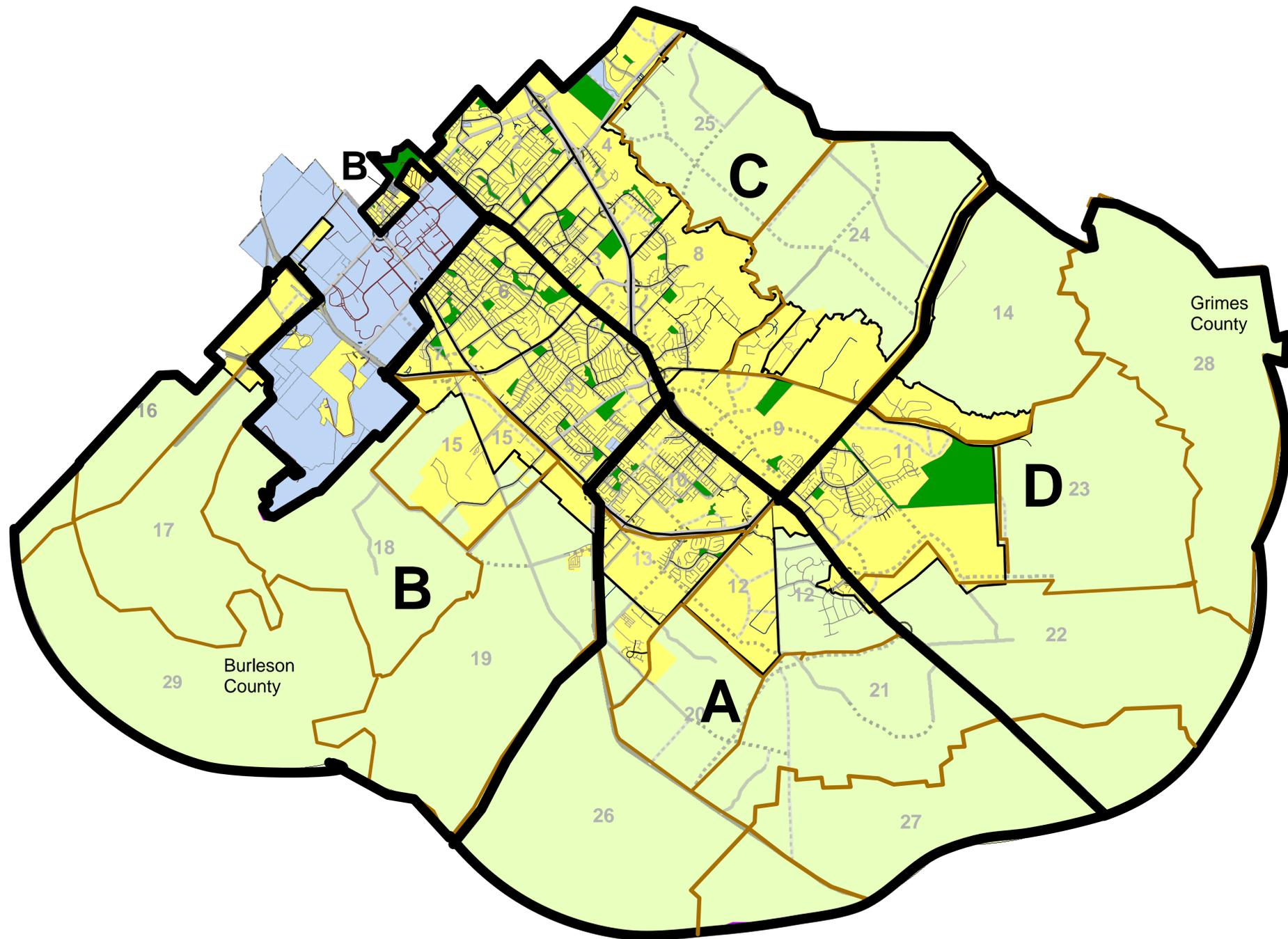
Because of these ordinance changes, a Comprehensive Plan Amendment is recommended to create four Community Park Zones. Park Zones are established by the City's Comprehensive Plan in the Recreation, Park and Open Space Master Plan. They are configured to indicate service areas for community parks, and the boundaries are established using major thoroughfares, existing Neighborhood Park Zones and the ETJ boundaries.

On January 14, 2009, the Parks and Recreation Advisory Board unanimously recommended approval of the proposed Community Park Zones as submitted by staff. On February 5, 2009, the Planning and Zoning Commission unanimously recommended approval of the proposed Community Park Zones also.

Budget & Financial Summary: N/A

Attachments:

1. Proposed Community Park Zone Map
2. Parks and Recreation Advisory Board Minutes from January 13, 2009
3. Ordinance



- (Existing)
- Legend**
- park zone lines
 - Parks
 - tamu_prop polygon
 - CityLimitsProposed_Project
 - New ETJ_02_29
 - Proposed zone lines
- 17-29 Proposed new park zones

N

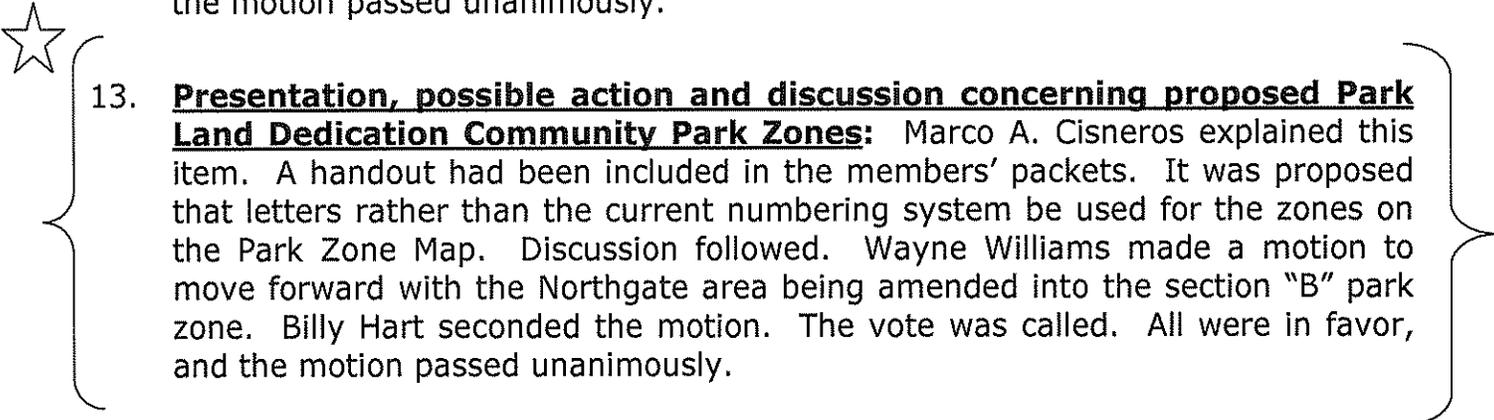
Community Park Zone Map

Proposed map
December 18, 2008

Discussion followed. David Scott made a motion supporting the price differential for Resident vs. Non-Resident, and Shawn Rhodes seconded the motion. The vote was called. All were in favor and the motion passed unanimously.

11. **Presentation, possible action and discussion concerning proposed Landscape/Streetscape Guidelines:** Marco A. Cisneros gave a presentation regarding this item to the Board. Discussion followed. This was an informational item only and no action was required.

12. **Presentation, possible action and discussion concerning proposed Park Land Acquisition Priorities:** Marco A. Cisneros gave a presentation regarding this item. Wayne Williams made a motion to move forward with the plan as submitted, and Jody Ford seconded. The vote was called. All were in favor and the motion passed unanimously.



13. **Presentation, possible action and discussion concerning proposed Park Land Dedication Community Park Zones:** Marco A. Cisneros explained this item. A handout had been included in the members' packets. It was proposed that letters rather than the current numbering system be used for the zones on the Park Zone Map. Discussion followed. Wayne Williams made a motion to move forward with the Northgate area being amended into the section "B" park zone. Billy Hart seconded the motion. The vote was called. All were in favor, and the motion passed unanimously.

14. **Presentation, possible action and discussion concerning proposed Wolf Pen Creek Corridor Water Feature Development Project:** This item was tabled until the February 2009 meeting.

15. **Discussion and possible action concerning Parks and Recreation Advisory Board Goals:** There was discussion over the goals and some changes were made. This was an informational item only and no action was required.

16. **Presentation, possible action and discussion concerning the current Capital Improvement Program:**

- **Current Capital Improvement and Park Land Dedication Project Lists:** Pete Vanecek, Senior Park Planner, reported on the Capital Improvement and Park Land Dedication Project lists. This was an informational item only, and no action was required.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING THE RECREATION, PARK AND OPEN SPACE MASTER PLAN ELEMENT OF THE CITY'S COMPREHENSIVE PLAN TO INCLUDE THE ADDITION OF COMMUNITY PARK ZONES MAP; 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 the Recreation, Park and Open Space Master Plan element of the "Comprehensive Plan of the City of College Station" be amended to include the addition of a "Community Park Zones Map", identifying four (4) Community Park Zones as set out in Exhibits "A" and "B", 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 affect 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 26th day of February, 2009.

ATTEST:

APPROVED:

City Secretary

MAYOR

APPROVED:

City Attorney

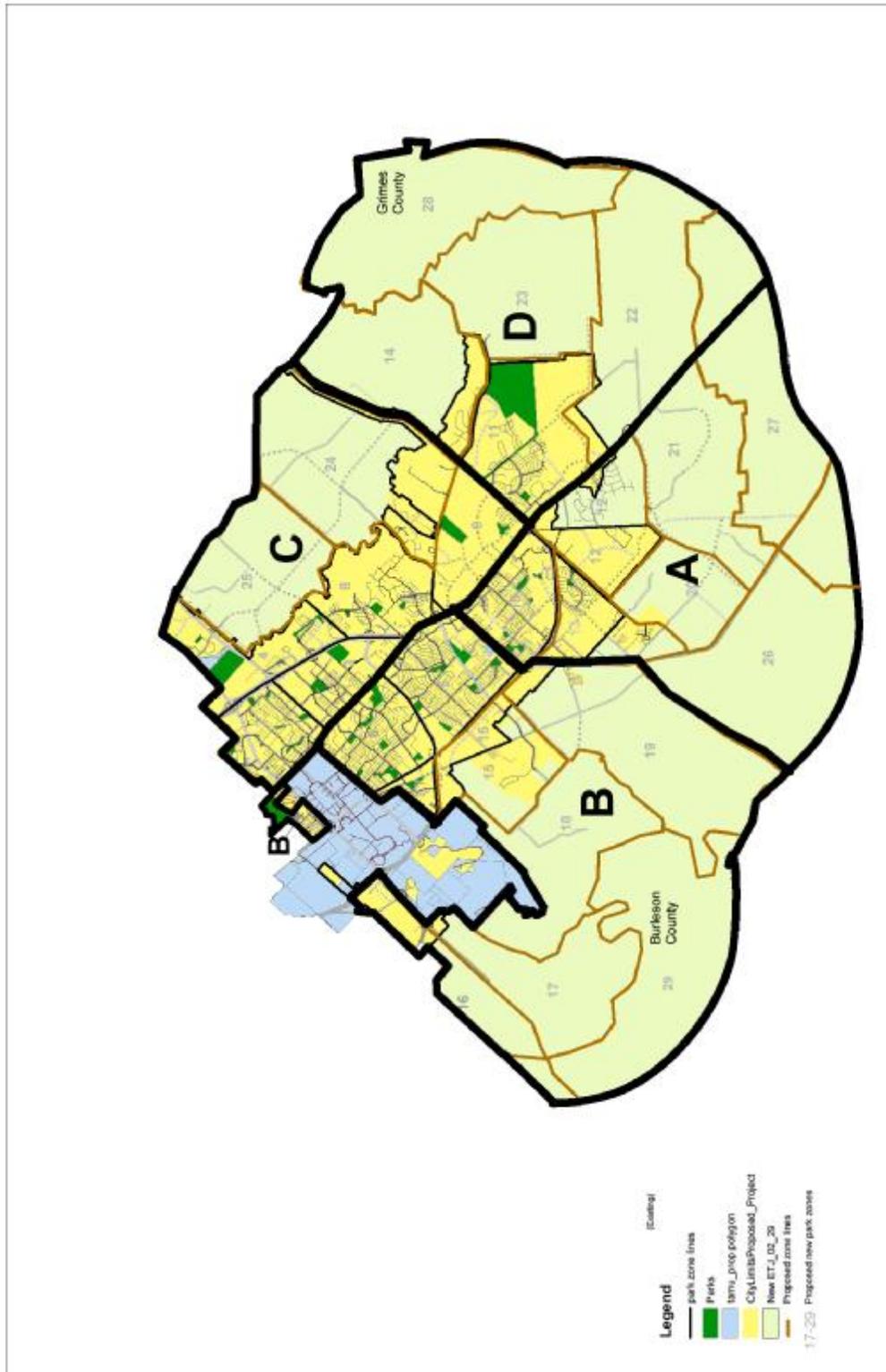
EXHIBIT "A"

ADDITION OF A COMMUNITY PARK ZONES MAP
TO THE COMPREHENSIVE PLAN

That the "Comprehensive Plan" of the City of College Station, Texas, is hereby amended by the addition of a "Community Park Zones Map" as follows:

Four Community Park Zones have been established and configured to indicate service areas for community parks, and the boundaries are established using major thoroughfares, existing Neighborhood Park Zones, and the ETJ boundaries, as shown on the attached Exhibit "B".

EXHIBIT "B"



Proposed map
December 18, 2008

Community Park Zone Map

N

February 26, 2009
Regular Agenda Item No. 5
Wolf Pen Creek Corridor Water Feature and Festival Area
Proposal Presentation

To: Glenn Brown, City Manager

From: Marco A. Cisneros, Director, Parks and Recreation

Agenda Caption: Presentation, possible action, and discussion regarding Wolf Pen Creek Corridor Water Feature and Festival Area Proposal, as requested by Council at the January 12, 2009 meeting.

Recommendation(s): Staff requests that the City Council approve the Wolf Pen Creek Tax Increment Finance Board's recommendation for incorporation of the Wolf Pen Creek Corridor Water Feature into the Festival Area as per the approved Wolf Pen Creek Master Plan with the necessary funding for the project to be provided by the already allocated funds for the Water Feature and any remaining revenues to be derived from the ending balance of the WPC TIF Fund.

Summary: The City of College Station has a large investment in the Wolf Pen Creek Corridor. One of the pending projects for the Corridor is the development of a \$1.2 million water feature to be built somewhere inside the Corridor itself. The development of this water feature was a condition of the land acquisition of a land parcel that was needed for the construction of some of the WPC Upper Trails System. The Wolf Pen Creek Tax Increment Finance Board (WPC TIF Board), the Wolf Pen Creek Oversight Committee, the Planning & Zoning /Parks and Recreation Advisory Board Joint Subcommittee and the Parks and Recreation Advisory Board have all had numerous meetings to discuss this project.

The WPC Corridor Water Feature Proposal consists of an interactive water feature with rock and wolves incorporated into the final design in keeping with the design standard that already exists in the Corridor. It will be designed to be enjoyed in multiple levels of interaction – driving, jogging, walking, sitting and getting wet. The project is proposed to be an integral part of the Festival Area as per the recommendations of the WPC TIF Board, the WPC Oversight Committee, the Planning & Zoning /Parks and Recreation Advisory Board Joint Subcommittee and the Parks and Recreation Advisory Board. The development of the Festival Area would be funded by the remaining funds derived from the WPC TIF District revenues that are to be realized before the WPC TIF Fund is due to expire in December 31, 2009.

Budget & Financial Summary: The City has \$1.2 million allocated from the WPC TIF Fund for the development of this water feature. The remaining estimated \$2.4 million to be used for the Festival Area Project is derived from the anticipated ending balance of the WPC TIF Fund revenues. These two projects will be combined into one project and utilize the funds derived from all of the anticipated WPC TIF Fund revenues. The Water Feature and Festival Area Project needs to be under financial obligation prior to the scheduled expiration of the WPC TIF Fund on December 31, 2009.

Attachments:

1. Wolf Pen Creek Master Plan, 7/98, on file in the City Secretary's Office
2. Wolf Pen Creek TIF Fund Summary, 12/08
3. Wolf Pen Creek TIF Fund Pro Forma, 12/08

4. Wolf Pen Creek TIF Board Project Ranking, 12/08
5. Wolf Pen Creek Land Acquisition Warranty Deed excerpt, 2/05

**City of College Station
Wolf Pen Creek TIF Fund
Fund Summary**

	FY07 Actual	FY08 Revised Budget	FY08 Year-End Estimate	FY09 Base Budget	FY09 Approved Budget	% Change in Budget from FY08 to FY09
BEGINNING BALANCE	\$ 2,475,494	\$ 1,630,174	\$ 1,630,174	\$ 1,567,826	\$ 1,567,826	
REVENUES						
Ad Valorem Taxes COCS	\$ 226,246	\$ 227,000	\$ 246,673	\$ 254,000	\$ 254,000	11.89%
Ad Valorem Taxes CSISD	398,144	418,000	478,707	495,000	495,000	18.42%
Ad Valorem Taxes Brazos County	220,227	194,000	226,247	233,000	233,000	20.10%
Investment Earnings	80,084	10,000	32,000	10,000	10,000	0.00%
Other	-	-	-	-	-	N/A
Total Revenues	<u>\$ 924,701</u>	<u>\$ 849,000</u>	<u>\$ 983,627</u>	<u>\$ 992,000</u>	<u>\$ 992,000</u>	16.84%
TOTAL FUNDS AVAILABLE	<u>\$ 3,400,195</u>	<u>\$ 2,479,174</u>	<u>\$ 2,613,801</u>	<u>\$ 2,559,826</u>	<u>\$ 2,559,826</u>	3.25%
EXPENDITURES & TRANSFERS						
Capital Projects (Upper Trails)	\$ 690,424	\$ -	\$ -	\$ -	\$ -	N/A
Additional Capital Projects	-	-	-	-	-	N/A
WPC Amphitheater Additions	-	-	3,500	1,196,115	1,196,115	-0.29%
WPC Water Feature	-	1,199,615	-	-	-	N/A
Engineering	-	-	-	-	-	-100.00%
Debt Service	1,078,775	1,042,475	1,042,475	-	-	N/A
Other	822	-	-	-	-	-46.65%
Total Expenditures & Transfers	<u>\$ 1,770,021</u>	<u>\$ 2,242,090</u>	<u>\$ 1,045,975</u>	<u>\$ 1,196,115</u>	<u>\$ 1,196,115</u>	-85.35%
Increase (Decrease) in Fund Balance	<u>\$ (845,320)</u>	<u>\$ (1,393,090)</u>	<u>\$ (62,348)</u>	<u>\$ (204,115)</u>	<u>\$ (204,115)</u>	
ENDING FUND BALANCE	<u>\$ 1,630,174</u>	<u>\$ 237,084</u>	<u>\$ 1,567,826</u>	<u>\$ 1,363,711</u>	<u>\$ 1,363,711</u>	

The Wolf Pen Creek (WPC) TIF Fund accounts for ad valorem tax and other revenues that are accrued to the WPC TIF District. The fund also accounts for expenditures on projects that take place in the district.

The TIF receives ad valorem taxes from the City, School District and County on the incremental increase in assessed valuation (captured value) over the base year (1989).

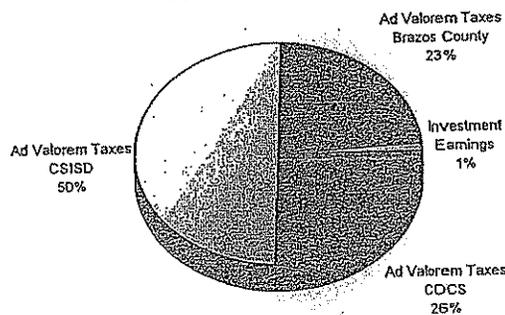
This fund is prepared on the modified accrual basis of accounting. Under this basis, revenues are recognized when they become measurable and available to finance expenditures of the current period. Expenditures are recognized when the related fund liability is incurred with the exception of several items. The full listing of these exceptions can be found in the Financial Policies on page F-1.

The ad valorem revenue estimate of \$992,000 is based on an estimate of the anticipated captured value in the TIF to be generated in FY09.

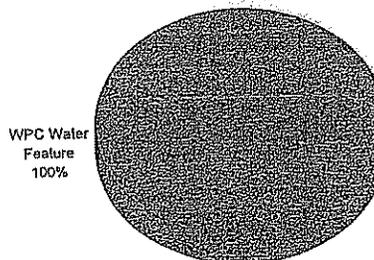
In FY09, expenditures totaling \$1,196,115 are budgeted. These expenditures are for the construction of a water feature in the Wolf Pen Creek area.

Funds remaining at the end of the year will be retained in the fund and programmed as specific projects are identified. The WPC TIF will expire December 31, 2009.

Wolf Pen Creek TIF - Sources



Wolf Pen Creek TIF - Uses



**City of College Station
Wolf Pen Creek TIF Fund
Pro Forma**

	FY07 Actual	FY08 Revised Budget	FY08 Year-End Estimate	FY 09 Projected	FY10 Projected
BEGINNING BALANCE	\$ 2,475,494	\$ 1,630,174	\$ 1,630,174	\$ 1,567,826	\$ 711
REVENUES					
Ad Valorem Taxes COCS	\$ 226,246	\$ 227,000	\$ 246,673	\$ 254,000	\$ 254,000
Ad Valorem Taxes CSISD	398,144	418,000	478,707	495,000	495,000
Ad Valorem Taxes Brazos County	220,227	194,000	226,247	233,000	233,000
Investment Earnings	80,084	10,000	32,000	10,000	10,000
Other	-	-	-	-	0
Total Revenues	<u>\$ 924,701</u>	<u>\$ 849,000</u>	<u>\$ 983,627</u>	<u>\$ 992,000</u>	<u>\$ 992,000</u>
TOTAL FUNDS AVAILABLE	<u>\$ 3,400,195</u>	<u>\$ 2,479,174</u>	<u>\$ 2,613,801</u>	<u>\$ 2,559,826</u>	<u>\$ 992,711</u>
EXPENDITURES & TRANSFERS					
Capital Projects (Upper Trails)	\$ -	\$ -	\$ -	\$ -	\$ 0
Additional Capital Projects	690,424	-	-	1,363,000	992,000
WPC Amphitheater Additions	-	-	-	-	0
WPC Water Feature	-	1,199,615	3,500	1,196,115	0
Engineering	-	-	-	-	0
Debt Service	1,078,775	1,042,475	1,042,475	-	0
Other	822	-	-	-	0
Total Expenditures & Transfers	<u>\$ 1,770,021</u>	<u>\$ 2,242,090</u>	<u>\$ 1,045,975</u>	<u>\$ 2,559,115</u>	<u>\$ 992,000</u>
Increase (Decrease) in Fund Balance	<u>\$ (845,320)</u>	<u>\$ (1,393,090)</u>	<u>\$ (62,348)</u>	<u>\$ (1,567,115)</u>	<u>\$ 0</u>
ENDING FUND BALANCE	<u>\$ 1,630,174</u>	<u>\$ 237,084</u>	<u>\$ 1,567,826</u>	<u>\$ 711</u>	<u>711</u>