



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

Councilmembers
John Crompton
James Massey
Dennis Maloney
Lawrence Stewart
David Ruesink

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

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

Presentation of Proclamation from the Office of the Mayor to the City of Salamanca, Mexico.

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 Meeting March 12, 2009.

b. Presentation, possible action, and discussion regarding approval of Change Order #1, in the amount of \$16,270.00 to contract 07-263 with Mitchell & Morgan, LLP, to adjust scope of services for design of Nantucket Gravity Sewer line.

c. Presentation, possible action, and discussion regarding approval of Change Order 2 to Contract 07-243 with Weisinger Water Wells for a \$32,492 reduction in the contract price and extending the time of completion to March 8, 2009.

- d. Presentation, possible action, and discussion regarding a resolution awarding a professional services contract for the design of the Southwood Phase 5-7 Project to Bleyl & Associates in an amount not to exceed \$427,882.00 and approval of a resolution declaring intention to reimburse certain expenditures with proceeds from debt.
- e. Presentation, possible action, and discussion regarding a resolution awarding a professional services contract for the design of the Water Reclamation Project to Lockwood, Andrews & Newnam, Inc. in an amount not to exceed \$431,000.00.
- f. Presentation, possible action, and discussion regarding approval of a Resolution that will authorize City staff to negotiate and buy easements needed for the Water Reclamation Project and the future development of a bicycle and pedestrian facility project.
- g. Presentation, possible action, and discussion regarding a resolution awarding a professional services contract for the design of the COCS Beautification Project to Hester Engineering Company in an amount not to exceed \$59,750.00.
- h. Presentation, possible action, and discussion regarding Change Order number 1 to contract 06-237 with Jones & Carter in the amount of \$15,000 to design the construction of water and wastewater lines along the section of W.D. Fitch Parkway that was annexed in 2002.
- i. Presentation, possible action, and discussion to authorize funds for professional legal services from Coats Rose Ryman and Lee for litigation concerning the Chavers litigation. Expenses paid to date plus anticipated legal costs are estimated to be \$150,000.
- j. Presentation, possible action, and discussion regarding the approval of the Roam Master Agreement for an Automated Street Light Monitoring System in the amount of \$398,625.00 to be installed by ROAM, a division of Acuity Brands Technology Services, Inc and approval of a resolution declaring intention to reimburse certain expenditures with proceeds from debt.
- k. Presentation, possible action, and discussion regarding award of bid #09-30 to Brazos Valley Services to provide Type D Hot Mix Asphalt in an amount not to exceed \$1,000,000.00 (\$50.00 per ton). A secondary contract is requested for the provision of this material by the second bidder, Knife River, in an amount not to exceed \$51,000.00 (\$51.00 per ton) only in emergency situations when Brazos Valley Services is unable to provide material.
- l. Presentation, possible action and discussion regarding approval of an annual contract with Knife River for Item 1 – “Type D Asphalt Installed” at \$62.40 per ton and Item 2 – “Emulsified Asphalt Installed” at \$2.25 per ton. The cost for the total of Item 1 and Item 2 is not to exceed \$629,625.00.
- m. Presentation, possible action, and discussion regarding award of a contract for the annual blanket purchase order for janitorial supplies, Bid #09-44, to Criswell Distributing, in the amount of \$51,208.25.
- n. Presentation, possible action, and discussion regarding an Advance Funding Agreement (AFA) with the Texas Department of Transportation (TxDOT) to allow the city to install trees along Texas Avenue.

o.Presentation, possible action, and discussion to approve a resolution appointing Mr. Steve Beachy as a member of the Brazos Valley Groundwater Conservation District Board of Directors, subject to approval by the Brazos County Commissioners Court.

p.Presentation, possible action, and discussion regarding a resolution of the City Council of the City of College Station supporting the further development of the Universal Freight Shuttle in the Brazos Valley

Regular Agenda

Individuals who wish to address the City Council **on a regular agenda item not posted as a public hearing** shall register with the City Secretary prior to the Mayor's reading of the agenda item. The Mayor will recognize you to come forward to speak for or against the item. The speaker will state their name and address for the record and allowed three minutes. A timer will sound at 2 1/2 minutes to signal thirty seconds remaining for remarks.

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

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

1. Public hearing, presentation, possible action, and discussion regarding an Ordinance amending Chapter 12, Section 4.2, "Official Zoning Map" of the Code of Ordinances of the City of College Station, Texas changing the Zoning District Boundaries of an area consisting of 16.486 acres, generally located along the State Highway 6 South bypass at Rock Prairie Road, from A-O Agricultural Open and C-2 Commercial Industrial to C-1 General Commercial.
2. Public hearing, presentation, possible action, and discussion on an ordinance amending the Unified Development Ordinance, Article 6, Use Regulations and Article 11, Definitions as they pertain to the regulation of alcohol sales in Wolf Pen Creek (WPC) and Residential Northgate (NG-3) Zoning Districts.
3. Presentation, possible action, and discussion of a sales contract for the sale of Fire Station No. 3 to Texas 4-H Youth Development Foundation in the amount of \$525,000.00.
4. Presentation, possible action, and discussion concerning the City's fiscal policy on external audit.
5. Presentation, possible action, and discussion regarding appointment of Mayor and Council Member to serve on the Policy Advisory Board of the Brazos Valley Solid Waste Management Agency for calendar year 2009.

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

6. Adjourn.

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

APPROVED:

City Manager

Notice is hereby given that a Regular Meeting of the City Council of the City of College Station, Texas will be held on the Thursday, March 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 March, 2009 at 4:00 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 March 23, 2009 at 4:00 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.

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

March 26, 2009
Consent Agenda Item No. 2b
Change Order #1 Nantucket Gravity Sewer

To: Glenn Brown, City Manager

From: David Coleman, Director of Water Services

Agenda Caption: Presentation, possible action, and discussion regarding approval of Change Order #1, in the amount of \$16,270.00 to contract 07-263 with Mitchell & Morgan, LLP, to adjust scope of services for design of Nantucket Gravity Sewer line.

Recommendation: Staff recommends Council approve this change order.

Summary: In September of 2007, the City Manager approved award of design contract 07-263, in the amount of \$23,450 to Mitchell & Morgan, LLP, to provide a bid package for the removal of a sewage lift station in Nantucket. This lift station was taken over by the City when we purchased the Nantucket package sewage treatment plant, and it is not up to TCEQ standards and requires constant maintenance. Our plan is to install a gravity sewer line through this area, and eliminate the lift station, to achieve a much better value for City rate payers. Staff's original intent was to install a gravity line that by-passes the lift station, and then connects to an existing sewer line going under Hwy 6.

The consulting engineer's first task was to evaluate the feasibility of the of staff's design intent. His investigation revealed that the elevation of the existing sewer line under Hwy 6 is too high for the proposed new gravity sewer line to flow properly. We must include a new horizontal bore under State Highway 6 in the design package, which was not included in the engineer's scope of work. This will require additional design work to accomplish, such as a geotechnical investigation, a TXDoT permit application, and additional topographic survey. Due to these unforeseen circumstances, the consultant engineer's scope of services must be updated. The dollar amount of the change, \$16,270 is reasonable for the nature and complexity of the additional scope of services, and staff recommends approval.

Budget & Financial Summary: The FY09 budget for this project is \$125,000. Funds in the amount of \$24,027.50 have been expended or committed to date, leaving a balance of \$100,972.50. If necessary, future additional funds will be requested for construction at a later date.

Attachments:

Change Order 1

P.O.# 071198	CHANGE ORDER NO. 1 CONTRACT #07-263 PROJECT #	DATE: February 11, 2009 PROJECT DESCRIPTION: Nantucket Gravity Sewer
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OWNER: City of College Station P.O. Box 9960 College Station, Texas 77842	CONTRACTOR: Mitchell & Morgan, LLP 511 University Drive, Suite 204 College Station, TX 77840 Ph: (979)260-6963 Fax: (979)260-3564
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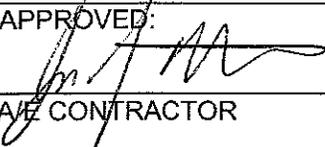
PURPOSE OF THIS CHANGE ORDER:
 During the consultant engineer's design, it was determined that the proposed Nantucket gravity sanitary sewer line would need to be extended in order to connect to a deeper downstream manhole while maintaining T.C.E.Q. minimum slope requirements. It was also determined that as part of this additional gravity line, a horizontal bore will be required underneath State Highway 6 which would, for example, require a geotechnical investigation, Texas Department of Transportation permitting, and additional topographic survey. Due to these unforeseen circumstances, the consultant engineer's scope of services must be updated.

This change order is to authorize the engineer to develop and/or revise the Plans, Specifications, and Estimate (PS&E) package for the Nantucket Gravity Sewer Project for additional downstream gravity sewer line. The fees for additional engineering and surveying total \$16,270.

ITEM NO.	UNIT	DESCRIPTION	UNIT PRICE	ORIGINAL QUANTITY	REVISED QUANTITY	ADDED COST
6	LS	Additional Topographic Survey	\$3,630.00	0	1	\$3,630.00
7	LS	Environmental Assessment	\$2,750.00	0	1	\$2,750.00
8	LS	Geotechnical Report	\$3,740.00	0	1	\$3,740.00
26	LS	Additional Coordination with Existing Utilities	\$440.00	0	1	\$440.00
39	LS	Additional Preliminary Sewer Line Plan & Profiles	\$1,600.00	0	1	\$1,600.00
56	LS	Additional Overall Layout & General Notes	\$540.00	0	1	\$540.00
63	LS	Additional Final Sewer Line Plan & Profiles	\$1,870.00	0	1	\$1,870.00
77	LS	Additional Preparation/Processing TxDOT Permits	\$1,020.00	0	1	\$1,020.00
78	LS	Additional Bid Proposal Form/Quantity Estimates	\$260.00	0	1	\$260.00
79	LS	Additional Preparation of Specification Book	\$10.00	0	1	\$10.00
80	LS	Additional Preparation of Special Specifications	\$10.00	0	1	\$10.00
81	LS	Additional Preparation of Special Conditions & Provisions	\$390.00	0	1	\$390.00
84	LS	Additional Preparation of Final Construction Cost Estimate	\$10.00	0	1	\$10.00
						\$16,270.00

THE NET AFFECT OF THIS CHANGE ORDER IS A 69.38 % Increase.

ORIGINAL CONTRACT AMOUNT	\$23,450.00	
Change Order No. 1	\$16,270.00	<u>69.38</u> % of Original Contract Amount
REVISED CONTRACT AMOUNT	\$39,720.00	
ORIGINAL CONTRACT TIME	105 Days	
Change Order No. 1 Time Extension or Reduction	730 Days	
REVISED CONTRACT TIME	835 Days	
ORIGINAL SUBSTANTIAL COMPLETION DATE	January 1, 2008	
REVISED SUBSTANTIAL COMPLETION DATE	January 1, 2010	

APPROVED:			
	<u>24 Feb 09</u>		
AE CONTRACTOR	Date	CHIEF FINANCIAL OFFICER	Date
			
PROJECT ENGINEER	Date	CITY ATTORNEY	Date
	<u>11 Mar 09</u>		
DEPARTMENT DIRECTOR/ ADMINISTRATOR	Date	CITY MANAGER	Date
		MAYOR	Date
		CITY SECRETARY	Date

26 March 2009

Consent Agenda Item No. 2c

Well 7 Construction, Change Order 2

To: Glenn Brown, City Manager

From: David Coleman, Director of Water Services

Agenda Caption: Presentation, possible action, and discussion regarding approval of Change Order 2 to Contract 07-243 with Weisinger Water Wells for a \$32,492 reduction in the contract price and extending the time of completion to March 8, 2009.

Recommendation: Staff recommends Council approve this Change Order.

Summary: Simsboro Well number 7 is virtually complete and Weisinger Water Wells has done an excellent job for the City. This change order will be the final contract action, and wraps up several issues that result in a credit to the contract of \$32,492. There are two major items in this change order, the first of which is an extension of the time of completion, which is caused by delivery delays on City provided equipment and delays in obtaining the TxDOT permit needed to construct power lines to the site.

The second major item is a credit to the contract for deleting the drilling of a test well. The geo-physical log of the pilot hole indicated an aquifer formation very favorable for the construction of a public water supply well and allowed us to omit the construction of a temporary test well.

The delays were unavoidable, and the credit is due to excellent cooperation between City and Contractor personnel. Staff recommends approval.

Budget & Financial Summary: None, this is a credit to the CIP Project

Attachments:
Change Order 2

CHANGE ORDER NO. 2
 CONTRACT # 07-~~243~~ 243
 PROJECT # WF0353607/003

DATE:1/6/09

PROJECT DESCRIPTION: WATER WELL #7

P.O.# 080081

OWNER:

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

CONTRACTOR:

Weisinger Water Well
 2200 East Davis
 Conroe, Texas 77301

Ph:936 756 7721

Fax:

PURPOSE OF THIS CHANGE ORDER: Adjust quantities.

- Item 1: Reduction of intermediate casing
- Item 2: Increase blank casing
- Item 3: Reduction of Screen
- Item 4: Test well not installed
- Item 5: Plugging test well deleted
- Item 6: Additional cement not needed
- Item 7: Additional development not needed
- Item 8: Additional pumping test not needed
- Item 9: Additional 10' pump column assembly not needed
- Item 10: Additional pump stage not needed
- Item 11: Additional concrete slab for automatic gate
- Item 12: Primary power relocation
- Item 13: Replace # 3 AWG ground conductors with 1/0 AWG ground conductors
- Item 14: Delete 16" pipe and fittings between valve and collection line

ITEM NO.	UNIT	DESCRIPTION	UNIT PRICE	ORIGINAL QUANTITY	REVISED QUANTITY	ADDED COST
1	FEET	INTERMEDIATE CASING	\$40.00	1650	1589	(2,440.00)
2	FEET	BLANK CASING	\$27.00	220	294	1,998.00
3	FEET	REDUCE SCREEN	\$87.00	500	431.95	(5,920.00)
4	EACH	TEST WELL	\$30,000.00	1	0	(\$30,000.00)
5	EACH	PLUG TEST WELL	\$9,000.00	1	0	(9,000.00)
6	EACH	ADDITIONAL CEMENT	\$10.00	10	0	(\$100.00)
7	HOUR	WELL DEVELOPMENT	\$250.00	50	0	(\$12,500.00)
8	HOUR	PUMPING TEST	\$250.00	5	0	(\$1,250.00)
9	EACH	10' COLUMN ASSEMBLY	\$1,720.00	1	0	(1,720.00)
10	EACH	PUMP BOWL STAGE	\$2,050.00	1	0	(\$2,050.00)
11	EACH	ADDITIONAL CONCRETE	\$5075.00	0	1	\$5,075.00
12	EACH	PRIMARY POWER RELOCATION	\$14,240.00	0	1	\$14,240.00
13	EACH	GROUND CONDUCTORS	\$16,375.00	0	1	\$16,375.00
14	LOT	16" PIPE AND FITTINGS	\$5,200.00	1	0	(5,200.00)

THE NET AFFECT OF THIS CHANGE ORDER IS A DECREASE AND TIME EXTENSION

ORIGINAL CONTRACT AMOUNT \$2,698,483.00
 Change Order No. 1 \$0.00
 Change Order No. 2 \$(32,492.00)
 REVISED CONTRACT AMOUNT \$2,665,991.00

0% of Original Contract Amount
 1.2% of Original Contract Amount

ORIGINAL CONTRACT TIME 232 Days
 Change Order No. 1 Time Extension or Reduction 122 Days
 Change Order No. 2 Time Extension or Reduction 160 Days
 REVISED CONTRACT TIME ~~476~~ Days

514

ORIGINAL SUBSTANTIAL COMPLETION DATE
REVISED SUBSTANTIAL COMPLETION DATE

5-31-2008
3-~~06~~-2009

APPROVED:

 A/E CONTRACTOR	<u>2/28/09</u> Date	 CHIEF FINANCIAL OFFICER	_____	Date
 CONSTRUCTION CONTRACTOR	<u>03/02/09</u> Date	 CITY ATTORNEY	_____	Date
 PROJECT ENGINEER	<u>4 March 09</u> Date	_____	_____	Date
 DEPARTMENT DIRECTOR/ ADMINISTRATOR	<u>4 Mar 09</u> Date	_____	_____	Date
_____	_____	MAYOR	_____	Date
_____	_____	CITY SECRETARY	_____	Date

March 26, 2009
Consent Agenda Item No. 2d
Southwood Phase 5-7 Project Professional Services Contract
and a Resolution Declaring Intention to Reimburse Certain
Expenditures with Proceeds From Debt

To: Glenn Brown, City Manager

From: Chuck Gilman, Director of Capital Projects

Agenda Caption: Presentation, possible action, and discussion regarding a resolution awarding a professional services contract for the design of the Southwood Phase 5-7 Project to Bleyl & Associates in an amount not to exceed \$427,882.00 and approval of a resolution declaring intention to reimburse certain expenditures with proceeds from debt.

Recommendation(s): Staff recommends Council approval of the resolution and award of the professional services contract to Bleyl & Associates and recommends approval of the resolution declaring intention to reimburse certain expenditures with proceeds from debt.

Summary: This contract is for the conceptual, preliminary and final design for the replacement of existing sewer and waterlines bounded by Southwest Parkway, Harvey Mitchell, Welsh and Shadowood.

Budget & Financial Summary: Funds in the amount of \$1,507,500 are budgeted for this project in the Water Capital Improvement Projects Fund and \$1,794,000 is budgeted for this project in the Wastewater Capital Improvement Projects Fund. \$18,332.17 has been expended or committed to date, leaving a balance of \$3,283,167.83. 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. Resolution
2. Location Map
3. Resolution Declaring Intention to Reimburse Certain Expenditures with Proceeds from Debt

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, SELECTING A PROFESSIONAL CONTRACTOR, APPROVING A PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE SOUTHWOOD PHASE 5-7 PROJECT.

WHEREAS, the City of College Station, Texas, solicited proposals for engineering services for the design of Southwood Phase 5-7 ; and

WHEREAS, the selection of Bleyl & Associates is being recommended as the most highly qualified provider of the engineering design services for the Southwood Phase 5-7 Project; now, therefore,

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

PART 1: That the City Council hereby finds that Bleyl & Associates is the most highly qualified provider of the engineering services for the Southwood Phase 5-7 Project on the basis of demonstrated competence and qualifications.

PART 2: That the City Council hereby approves the contract with Bleyl & Associates for an amount not to exceed \$427,882.00 for the engineering services related to the Southwood Phase 5-7 Project.

PART 3: That the funding for this Contract shall be as budgeted from the Utility Revenue Bond Fund in the amount of \$427,882.00.

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

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

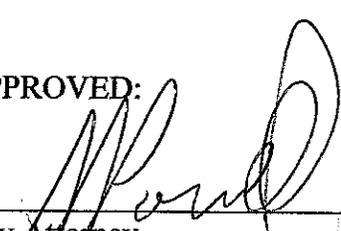
ATTEST:

APPROVED:

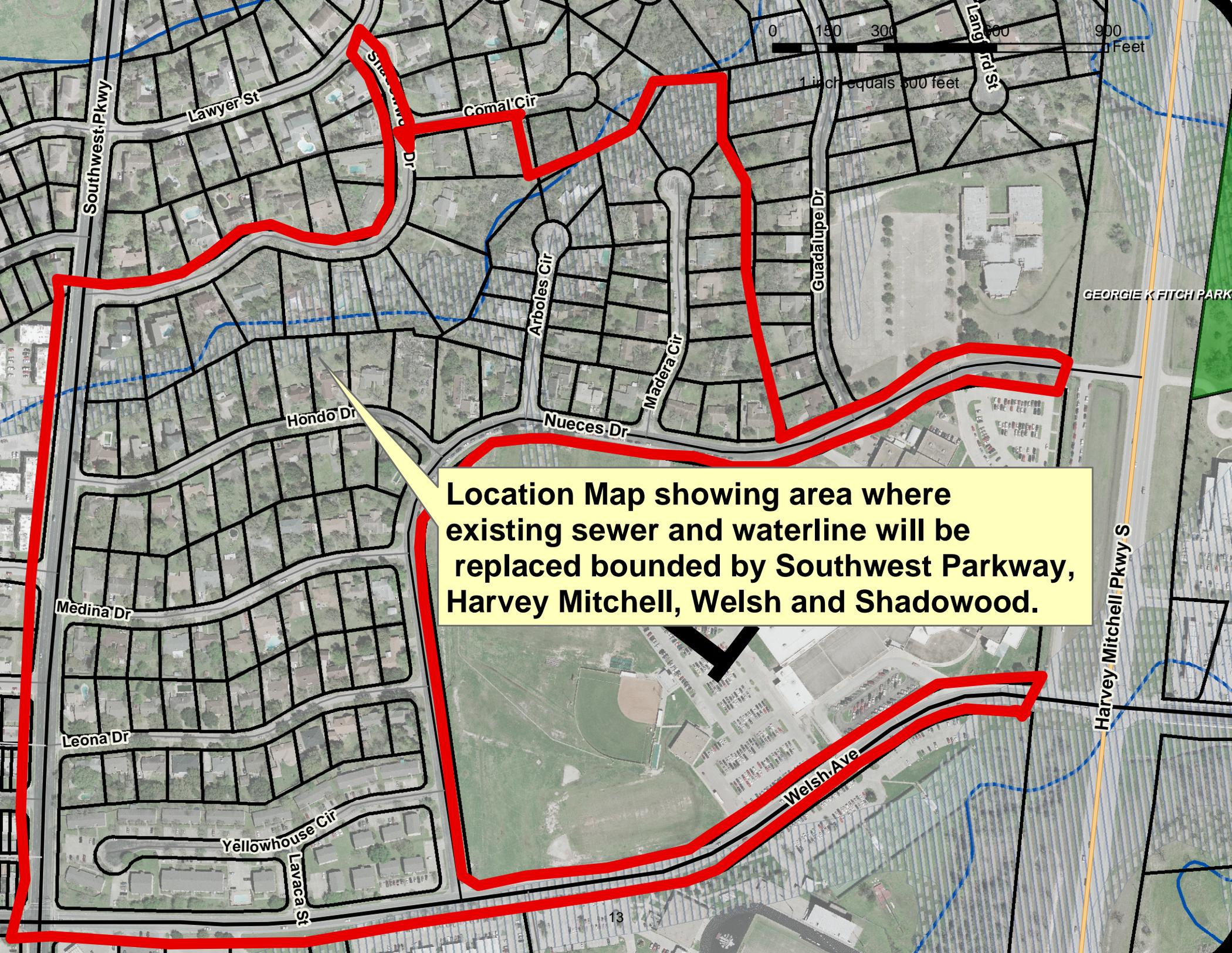
City Secretary

MAYOR

APPROVED:



City Attorney



Location Map showing area where existing sewer and waterline will be replaced bounded by Southwest Parkway, Harvey Mitchell, Welsh and Shadowwood.

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 \$3,400,000, 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 MARCH, 2009.

Ben White, Mayor

ATTEST:

Connie Hooks, City Secretary

(Seal)

APPROVED:



McCull, Parkhurst & Horton L.L.P.
Bond Counsel

Exhibit "A"

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

Southwood Phase 5-7 Waterworks and Sewer System Improvements (replacement of water and sewer lines)

March 26, 2009
Consent Agenda Item No. 2e
Water Reclamation Project – Professional Services Contract

To: Glenn Brown, City Manager

From: Chuck Gilman, Director of Capital Projects

Agenda Caption: Presentation, possible action, and discussion regarding a resolution awarding a professional services contract for the design of the Water Reclamation Project to Lockwood, Andrews & Newnam, Inc. in an amount not to exceed \$431,000.00.

Recommendation(s): Staff recommends Council approval of the resolution and award of the professional services contract to Lockwood, Andrews & Newnam, Inc.

Summary: This contract is for the design of the water reclamation project to provide reclaimed water from the Carters Creek Wastewater Treatment Plant for irrigation water for the Veterans Park and Athletic Complex.

Budget & Financial Summary: The current budget for this project is \$3,606,730.00. Funds in the amount of \$126,172.46 have been expended or committed to date, leaving a balance of \$3,480,557.54. These funds are budgeted in the Water Capital Improvement Projects Fund.

Attachments:

1. Resolution
2. Location Map

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, SELECTING A PROFESSIONAL CONTRACTOR, APPROVING A PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE WATER RECLAMATION PROJECT.

WHEREAS, the City of College Station, Texas, solicited proposals for engineering services for the Water Reclamation Project; and

WHEREAS, the selection of Lockwood, Andrews & Newnam, Inc. is being recommended as the most highly qualified provider of the engineering services for the Water Reclamation Project; now, therefore,

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

PART 1: That the City Council hereby finds that Lockwood, Andrews & Newnam, Inc. is the most highly qualified provider of the engineering services for the Water Reclamation Project on the basis of demonstrated competence and qualifications.

PART 2: That the City Council hereby approves the contract with Lockwood, Andrews & Newnam, Inc. for an amount not to exceed \$431,000.00 for the engineering services related to the Water Reclamation Project.

PART 3: That the funding for this Contract shall be as budgeted from the Utility Bond Fund in the amount of \$431,000.00.

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:

Carla A Robinson

City Attorney

Veterans Park and Athletic Complex

Carters Creek Wastewater Treatment Plant

0 500 1,000 Feet

2

March 26, 2009
Consent Agenda Item No. 2f
Resolution Determining Need (Easement Acquisition)
Water Reclamation Project (WF 0995711)
Un-named Bicycle and Pedestrian Project

To: Glenn Brown, City Manager

From: Chuck Gilman, PE, Director of Capital Projects

Agenda Caption: Presentation, possible action, and discussion regarding approval of a Resolution that will authorize City staff to negotiate and buy easements needed for the Water Reclamation Project and the future development of a bicycle and pedestrian facility project.

Recommendation(s): Staff recommends Council approval of the Resolution.

Summary: The project will provide reclaimed water from Carters Creek Wastewater Treatment Plant for irrigation at Veterans Park. Future projects will provide for public access along a bicycle and pedestrian facilities.

Budget & Financial Summary: This project is funded by Utility Revenue Bonds in the amount of \$3,606,730. Funds for this project are budgeted and available.

Attachments:

1. Resolution Determining Need
2. Project Map – Attachment to Resolution
3. Project Vicinity Map

RESOLUTION NO. _____

RESOLUTION DETERMINING NEED

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, RELATING TO: (1) THE AUTHORITY OF THE CITY TO INITIATE, COMPLETE, AND ACQUIRE, BY PURCHASE OR CONDEMNATION, RIGHT-OF-WAY AND EASEMENT INTEREST IN CERTAIN PROPERTY FOR AN AUTHORIZED PUBLIC PURPOSE AND USE, SAME BEING THE CONSTRUCTION, MAINTENANCE AND OPERATION OF THE WATER RECLAMATION PROJECT AND THE CONSTRUCTION, MAINTENANCE AND OPERATION OF PEDESTRIAN AND BIKE WAYS; (2) A DECLARATION THAT PUBLIC NECESSITY EXISTS FOR THE CITY TO ACQUIRE SUCH INTEREST, THROUGH PURCHASE OR CONDEMNATION; AND (3) ESTABLISHING PROCEDURES FOR THE ACQUISITION OF SUCH INTEREST IN THE PROPERTY.

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

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

WHEREAS, the City owns, operates, constructs, repairs and maintains a system of pedestrian ways and bikeways as a public service; and

WHEREAS, the City's ownership, operation, construction, repair, and maintenance of the city water and wastewater system and the pedestrian and bikeway system is a benefit to the public; and

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

WHEREAS, the City is engaged in the following project regarding installation and improvements to an irrigation water system between Carters Creek Wastewater Treatment Plant and Veterans Park, including the construction, maintenance and operation of a reclaimed water irrigation line and related water utility infrastructure, facilities, and improvements and other public utilities, Water Reclamation Project (referred to collectively with pedestrian and bikeways system described hereinbelow as the "Project"); and

WHEREAS, the City is engaged in the development of a pedestrian and bikeway system pursuant to its adopted 2004 Pedestrian and Bikeways Plan, including the construction, maintenance and operation pedestrian ways and bikeways and associated facilities; and

WHEREAS, the City determines that the best interests and needs of the public, including the health, safety and welfare of the public, require that the City complete the Project, through the City's acquisition, by purchase or condemnation proceeding, of the right-of-way and easements as provided in Exhibit A, attached hereto and incorporated herein by reference for all purposes (the "Right-of-Way and Easements"); now, therefore;

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

- PART 1: That the City Council of the City of College Station, Texas, hereby officially determines that there is a public necessity for the Right-of-Way and Easements, and the public welfare and convenience will be served by the acquisition of the Right-of-Way and Easements.
- PART 2: That the City Manager is hereby authorized to contract, on behalf of the City of College Station, with a professional appraiser for the appraisal services, with a professional real estate agent to act as a Land Agent for the City and with attorneys for preparation of title opinions needed by the City from time to time in connection with acquisition of the Right-of-Way and Easements.
- PART 3: That the City's Land Agent or other staff appraiser is hereby authorized and directed to examine the independent appraisal reports as they are submitted to the City to determine whether said appraisal reports are supported by sufficient data. Based upon such examination of said appraisal reports, the Land Agent or other staff appraiser shall make a recommendation to the City Manager as to the establishment and approval of the amount of the just compensation for the Right-of-Way and Easements.
- PART 4: After consideration of said recommendation, the City Manager shall establish and approve the amount determined for acquisition of the Right-of-Way and Easements.
- PART 5: Upon establishment and approval by the City Manager of the amount of just compensation for the acquisition of the Right-of-Way and Easements, the City's Land Agent or other staff appraiser is authorized to communicate a written offer to the property owners for the acquisition of such interest at the full amount determined and established to be just compensation therefore and to negotiate with said owners on behalf of the City.

PART 6: That the Mayor after approval by City Council, or the City Manager as delegated, is hereby authorized to execute all documents necessary to acquire said Right-of-Way and Easements for the Project, on behalf of the City of College Station.

PART 7: That, if necessary, and should a property owner fail to accept a bona fide, good faith offer from the City to purchase the required Right-of-Way and Easements, City representatives shall have the authority to initiate and complete condemnation proceedings against said owner, in order to acquire through condemnation all required property interests and title regarding such property.

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

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

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

ATTEST:

APPROVED:

City Secretary

MAYOR

APPROVED:

Carla A Robinson

City Attorney

EXHIBIT "A" TO RESOLUTION DETERMINING NEED

Being a fifty foot (50') wide strip of Permanent Public Utility Easements extending along and across the following tracts of land, the alignment of said easements being generally depicted by the attached project map.

Tax ID	Property Owner (current of former)	Legal Description & Deed Reference (Brazos County Official Records)
R13277	Guseman, Lawrence F, III	15.679 acres, Morgan Rector League, A-46 Volume 8617 Page 87
R303883	Guseman, Grant A	5.013 acres, Morgan Rector League, A-46 Volume 8617 Page 69
	City of College Station Carters Crossing Park	7.34 acres, Morgan Rector League, A-46 Volume 8179 Page 114
R13187	Martell Childrens Trust	20.69 acres, Morgan Rector League, A-46 Volume 591 Page 18
	City of College Station Raintree Park	13 acres, Morgan Rector League, A-46 Volume 527 Pages 80 & 83
R38596	Carpenter, H Dale and Linda S	3.05 acres, Raintree #5, Block 1, Lot 1 (Replat) Volume 1206 Page 811
R13203	Cashion, Shelley J, Trustee	12.39 acres, Morgan Rector League, A-46 Volume 3559 Page 269
R13271	Ruffino, LJ & Kitti	34.29 acres, Morgan Rector League, A-46 Volume 508 Page 418
R98351	Kolbe, C Carl & Jeanne	23.75 acres, Morgan Rector League, A-46 Volume 2558 Page 133 Volume 3213 Page 335

R118599	Jones, Charles B et al	12.47 acres, Morgan Rector League, A-46 Volume 8488 Page 248
R13188	Smith, Richard A	77.62 acres, Morgan Rector League, A-46 Volume 328 Page 75 Volume 360 Pages 336 & 338

Being a thirty foot (30') wide strip of Permanent Public Utility Easements extending along and across the following tracts of land, the alignment of said easements being generally depicted by the attached project map.

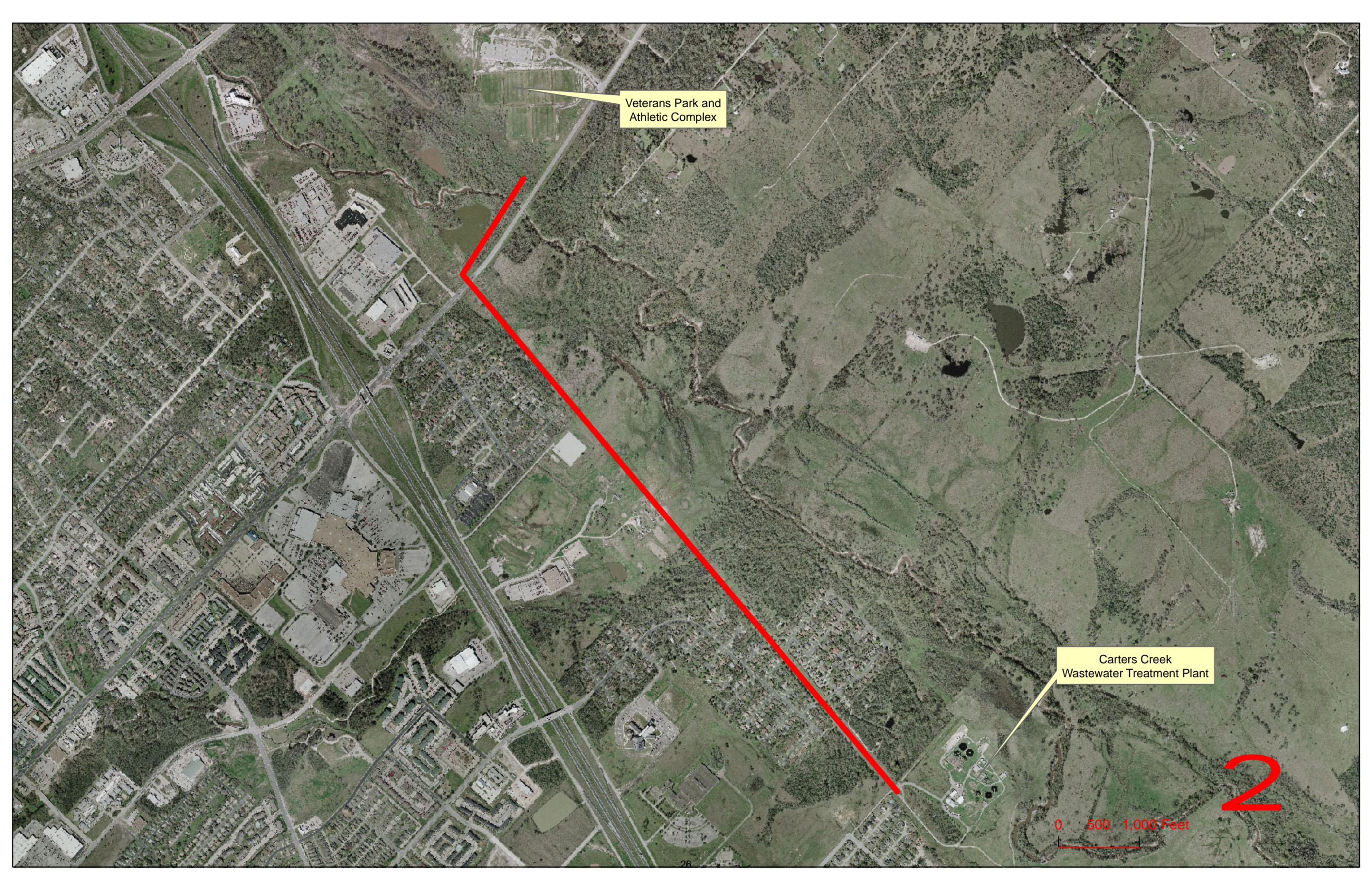
R13188	Smith, Richard A	77.62 acres, Morgan Rector League, A-46 Volume 328 Page 75 Volume 360 Pages 336 & 338
R10568	Highway 30 Partnership Alfred A Martin & Sudhir D. Patel	23.961 acres, Morgan Rector League, A-46 Volume 2108 Page 150
R10548	Regency Parkway Inc	58.59 acres, Richard Carter League, A-8 Volume 1219 Page 287
R10551	The Summit Crossing, LLC	17.2 acres, Richard Carter League, A-8 Volume 8491, Page 52

Veterans Park and Athletic Complex

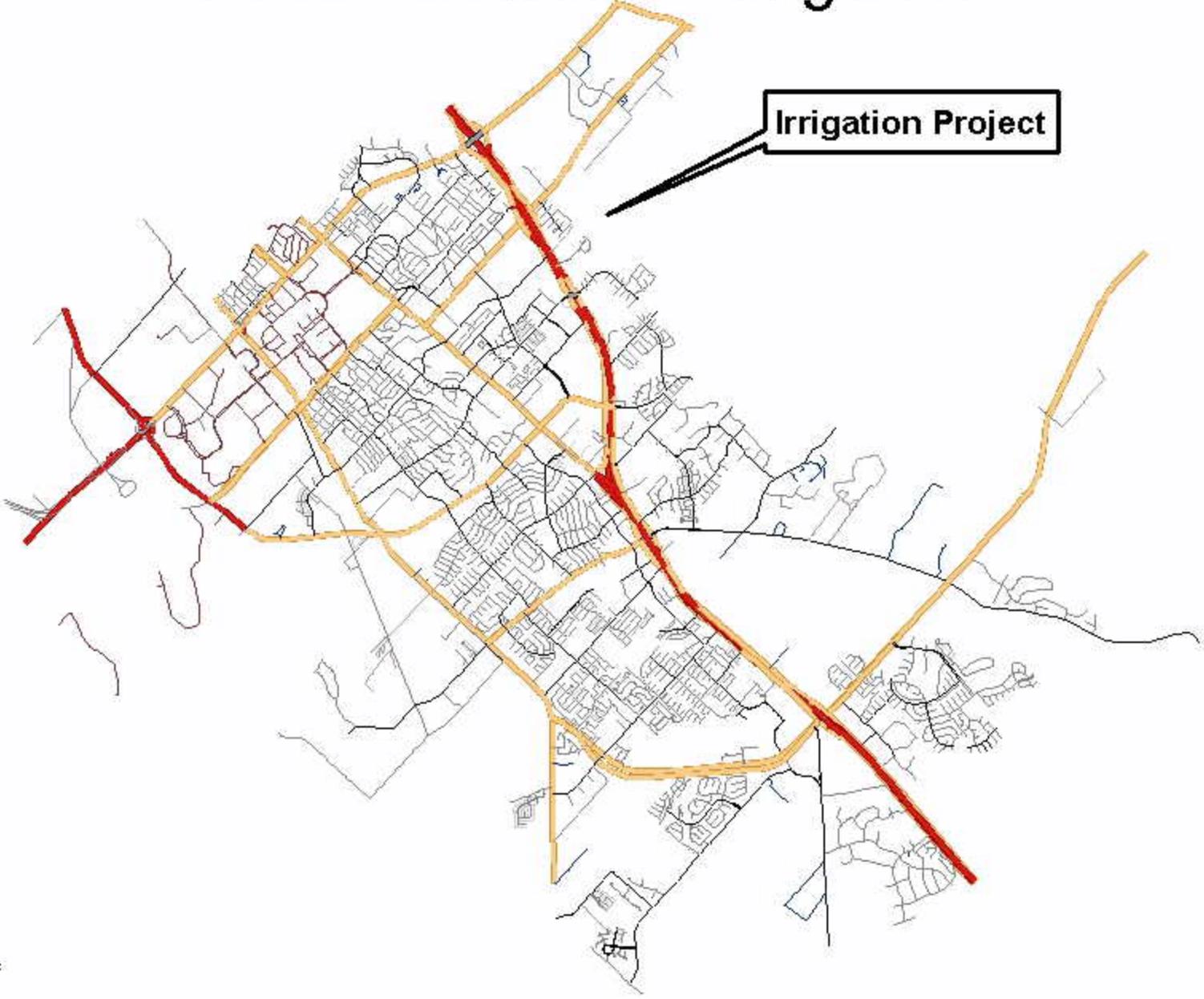
Carters Creek Wastewater Treatment Plant

0 500 1,000 Feet

2



Water Reclaimed - Irrigation



March 26, 2009
Consent Agenda Item No. 2g
College Station Beautification Improvements
(Urban Forest at University Drive and SH6)
Professional Services Contract

To: Glenn Brown, City Manager

From: Chuck Gilman, Director of Capital Projects

Agenda Caption: Presentation, possible action, and discussion regarding a resolution awarding a professional services contract for the design of the COCS Beautification Project to Hester Engineering Company in an amount not to exceed \$59,750.00.

Recommendation(s): Staff recommends Council approval of the resolution and award of the professional services contract to the Hester Engineering Company.

Summary: This contract is for the conceptual, preliminary, and final design for the first phase of the State Highway 6 Beautification Plan. This phase of the project includes approximately 400 trees with irrigation, a gateway sign on a stone retaining wall, and large planters with decorative towers. This phase of the project is located in TxDOT right-of-way at the intersection of Highway 6 and Highway 60 (University Drive).

Budget & Financial Summary: Funds in the amount of \$300,000 are budgeted for this project in the Streets Capital Improvement Projects Fund. \$902.02 has been expended or committed to date, leaving a balance of \$299,097.98. In addition, funds in the amount of \$50,000 may be available for this project if sufficient revenue is realized in FY09 as a result of the Electric Department's Wind Watts program.

Attachments:

1. Resolution
2. Location Map

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, SELECTING A PROFESSIONAL CONTRACTOR, APPROVING A PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE COCS BEAUTIFICATION IMPROVEMENTS PROJECT.

WHEREAS, the City of College Station, Texas, solicited proposals for engineering services for the design of the COCS Beautification Improvements; and

WHEREAS, the selection of Hester Engineering Company is being recommended as the most highly qualified provider of the engineering design services for the COCS Beautification Improvements Project; now, therefore,

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

PART 1: That the City Council hereby finds that the Hester Engineering Company is the most highly qualified provider of the engineering services for the COCS Beautification Improvements Project on the basis of demonstrated competence and qualifications.

PART 2: That the City Council hereby approves the contract with the Hester Engineering Company for an amount not to exceed \$59,750.00 for the engineering services related to the COCS Beautification Improvements Project.

PART 3: That the funding for this Contract shall be as budgeted from the Street Capital Improvement Project Fund in the amount of \$59,750.00.

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:

Carla A. Robinson

City Attorney

**COCS Beautification Project
LOCATION MAP
@ HIGHWAY 6 AND HIGHWAY 60**

1

0 150 300 600 900 Feet

1 inch equals 300 feet

University Dr E

Frontage 6 Rd E

University Dr E

University Dr E

Offramp 60

RICHARD CARTER PARK

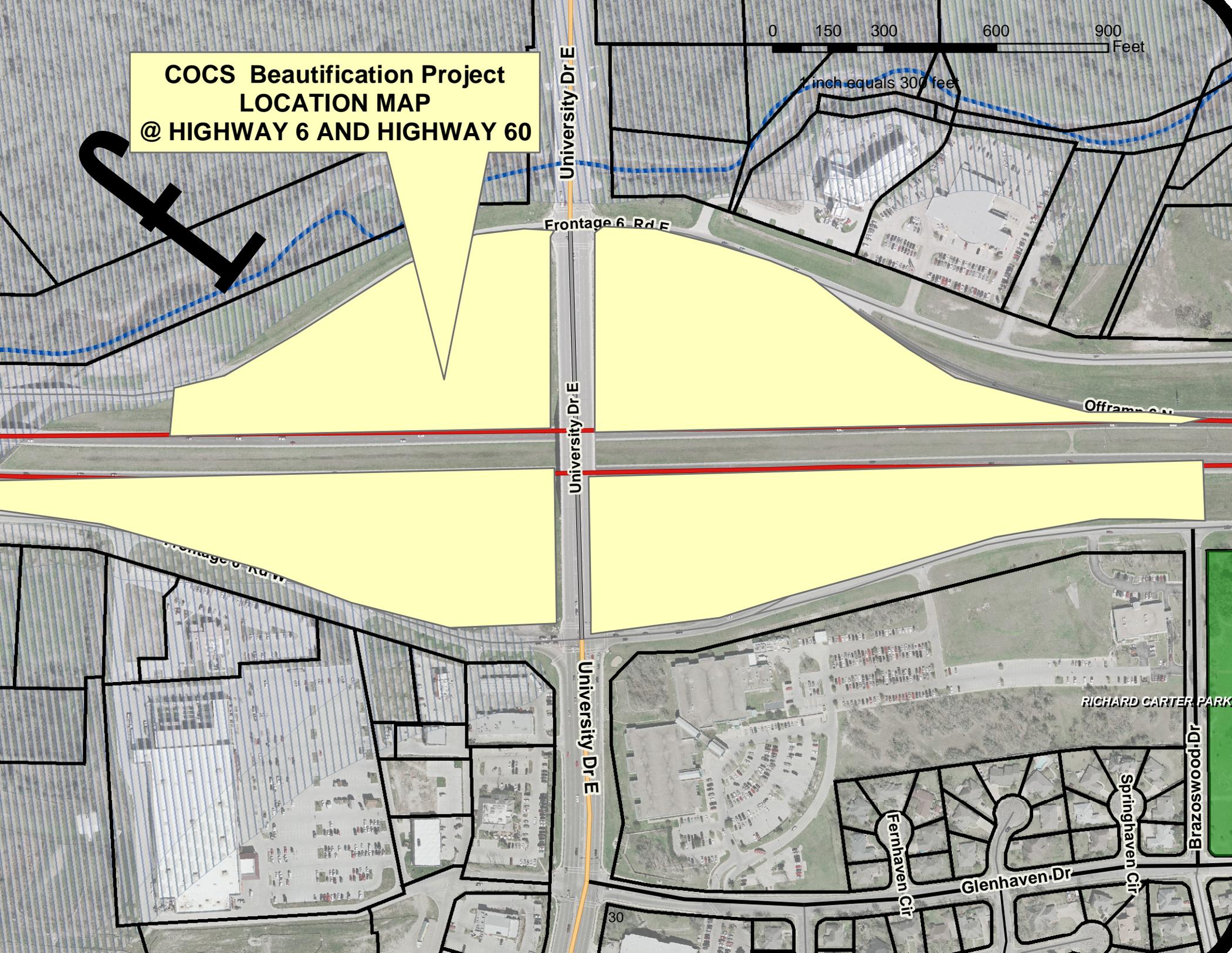
Fernhaven Cir

Glenhaven Dr

Springhaven Cir

Brazoswood Dr

30



March 26, 2009
Consent Agenda Item No. 2h
Change Order No. 1 to Design Contract 06-237

To: Glenn Brown, City Manager

From: Chuck Gilman, Director of Capital Projects

Agenda Caption: Presentation, possible action, and discussion regarding Change Order number 1 to contract 06-237 with Jones & Carter in the amount of \$15,000 to design the construction of water and wastewater lines along the section of W.D. Fitch Parkway that was annexed in 2002.

Recommendation: Staff recommends approval of the change order.

Summary: The purpose of this project is to extend water and sewer service along W.D. Fitch Parkway, east of Rock Prairie Road, which was annexed in 2002 as "Areas 5 and 6." This project will construct a water line, a sewer line, and a sewage lift station to serve the areas on both sides of the Parkway, as required in the Annexation Service Plan.

The design of this construction project began several years ago, but the actual construction was postponed since no development was occurring in this area, and the water and sewer lines would not have any usage on them. However, development pressure has begun, and the lines now need to be constructed. This change order is required to update the design and ensure the bid package includes all the physical changes that have occurred, most notably the construction of the new intersection at Rock Prairie Road and William D. Fitch.

These design updates are essential to prevent major change orders during the construction contract. The fees of \$15,000 are reasonable and in accord with historical costs for work of this scope and nature. For these reasons, staff recommends approval.

Budget & Financial Summary: Funds are budgeted and available in the Water and Wastewater Capital Improvement Projects Funds. The current project budgets total \$1,709,811.00. Funds in the amount of \$244,236.39 have been expended or committed to date, leaving a balance of \$1,465,574.61.

Attachments:

1. Change Order
2. Location Map

CHANGE ORDER NO. 1 Contract No. 06-237 DATE: 2/19/2009
P.O.# 061055 PROJECT: Annex Area 5 and Area 6 Utility Services

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

CONTRACTOR: Jones & Carter, Inc.
700 University Drive East, Suite 110-C
College Station, Texas 77840
Ph: (979) 731-8000 Fax: (979) 846-2893

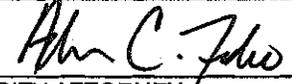
PURPOSE OF THIS CHANGE ORDER:
A. Design consultant fee increase due to change in scope.

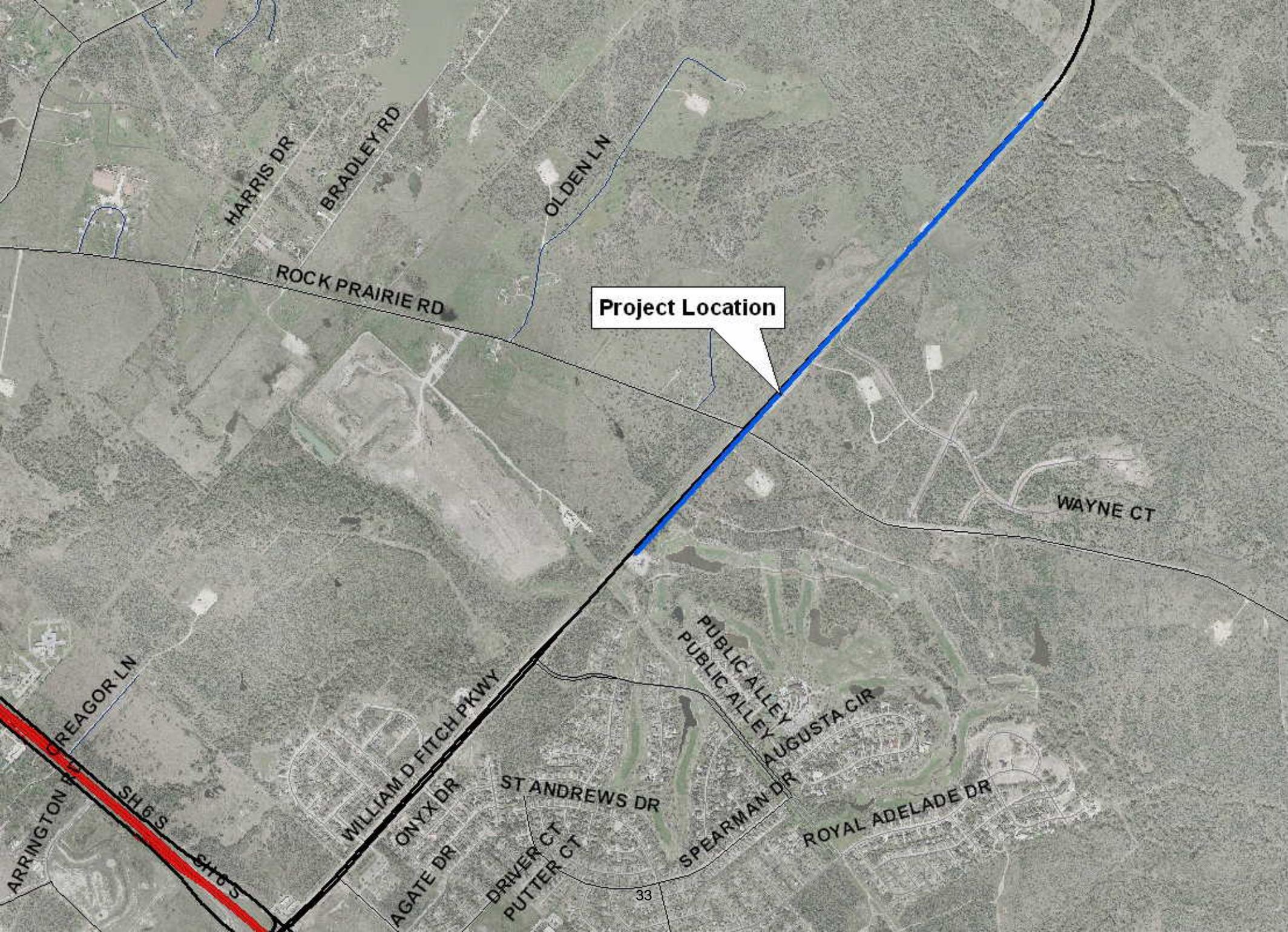
ITEM NO	UNIT	DESCRIPTION	UNIT PRICE	ORIGINAL QUANTITY	REVISED QUANTITY	ADDED COST
1	LS	Sewer Service Study (Additional fees due to 2 revisions)	\$6,000.00	0	1	\$6,000.00
2	LS	Lift Station Guide (Reduced fees due to delivery)	\$5,000.00	1	0	-\$5,000.00
3	LS	Preliminary Design (Additional fees due to the additional coordination with William D Fitch Widening Project)	\$2,000.00	0	1	\$2,000.00
4	LS	Design (Additional fees due to the additional coordination with William D Fitch Widening Project)	\$10,000.00	0	1	\$10,000.00
5	LS	Bidding / Construction (Additional fees due to the additional coordination with William D Fitch Widening Project)	\$1,000.00	0	1	\$1,000.00
6	LS	Geotech - Lift Station site (Additional fees due to increased lift station depth)	\$1,000.00	0	1	\$1,000.00
					TOTAL	\$15,000.00

THE NET AFFECT OF THIS CHANGE ORDER IS A 15.46% INCREASE.

ORIGINAL CONTRACT AMOUNT	\$97,000.00	
Change Order No. 1	\$15,000.00	15.46% CHANGE
REVISED CONTRACT AMOUNT	\$112,000.00	15.46% TOTAL CHANGE

APPROVED

	2/19/09		
A/E CONTRACTOR		CITY ATTORNEY	
	2/19/2009		
PROJECT MANAGER		CHIEF FINANCIAL OFFICER	
	23-Feb-09		
DEPARTMENT DIRECTOR		CITY MANAGER	
		MAYOR	
		CITY SECRETARY	



Project Location

HARRIS DR

BRADLEY RD

OLDEN LN

ROCK PRAIRIE RD

WAYNE CT

PUBLIC ALLEY
PUBLIC ALLEY
AUGUSTA CIR

WILLIAM D FITCH PKWY
ONYX DR
AGATE DR

ST ANDREWS DR

SPEARMAN DR

ROYAL ADELADE DR

ARRINGTON RD
CREAGOR LN
SH 6 S
SH 6 S

33

March 26, 2009
Consent Agenda Item No. 2i
Chavers Litigation Expenditures

To: Glenn Brown, City Manager

From: Michael Ikner, Chief of Police

Agenda Caption: Presentation, possible action, and discussion to authorize funds for professional legal services from Coats Rose Ryman and Lee for litigation concerning the Chavers litigation. Expenses paid to date plus anticipated legal costs are estimated to be \$150,000.

Recommendation(s): Staff recommends approval of retaining Coats Rose Ryman and Lee to represent the City for litigation concerning the Chavers litigation.

Summary: Thomas Chavers and his associated businesses is suing the City of College Station, City Manager Glenn Brown, Police Chief Michael Ikner, Officer Karla Wiesepape, Officer Rachel Falwell and Officer Walter Sayers as a result of the City's removal of Chavers and his associated wrecker services from the City's rotation wrecker list.

Budget & Financial Summary: Expenses paid to date are \$42,642. It is anticipated that an additional \$100,000 will be incurred as a result of this litigation. Funds are available in the Property Casualty Fund. A budget amendment may be needed later this fiscal year to provide additional appropriation for this expenditure.

Attachments:

None

March 26, 2009
Consent Agenda Item No. 2j
Automated Street Light Monitoring System Agreement and a
Resolution Declaring Intention to Reimburse Certain
Expenditures with Proceeds From Debt

To: Glenn Brown, City Manager

From: David Massey, Director of College Station Electric Utilities Department

Agenda Caption: Presentation, possible action, and discussion regarding the approval of the Roam Master Agreement for an Automated Street Light Monitoring System in the amount of \$398,625.00 to be installed by ROAM, a division of Acuity Brands Technology Services, Inc. and approval of a resolution declaring intention to reimburse certain expenditures with proceeds from debt.

Recommendation(s): Staff recommends approval of the Roam Master Agreement for an Automated Street Light Monitoring System and recommends approval of the resolution declaring intention to reimburse certain expenditures with proceeds from debt.

Summary: The attached agreement covers the installation of an automated street light monitoring system to be installed by ROAM, a division of Acuity Brands Technology Services, Inc. Phase I installation will be 2,000 nodes (street light control devices) and the required number of gateways (communication hubs) for the system to begin operation. These 2,000 nodes will complete a system for all of College Station Electric Utilities' thoroughfare street lights in the City. Phase II is scheduled to begin after October 1, 2009 and will consist of 3,000 nodes. This will provide monitoring for all of College Station Electric Utilities' residential and historical lighting. When the system is complete College Station Electric Utilities will be provided real time information on street light outages and malfunctions, will be better able to track manufacturer's warranties on equipment, and will be able to control all lights on the system ("on" and "off") to better manage their energy usage. This system will provide better service and security for our customers by minimizing street light outage time and eliminating the need for customers to report street light outages.

Budget & Financial Summary: A request for proposals was sent out for a Street Light Monitoring System and two (2) proposals were submitted with Roam, a division of Acuity Brands Technology Services, Inc. being the successful proposal. The Phase I deployment cost will be \$161,875.00; Funds are available in the City of College Station Electric Utilities 2009 Capital Improvement Project Budget. The Phase II deployment cost will be \$236,750.00. Funds will be budgeted in the City of College Station Electric Utilities 2010 Capital Improvement Project Budget. The total cost for deployment will be \$398,625.00. The annual fees for licensing, support, and monitoring will be \$5,700.00 per year, which was an approved Service Level Adjustment in the 2009 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. A copy of the agreement will be on file in the City Secretary's Office.
2. Resolution

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 \$400,000, 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 MARCH, 2009.

Ben White, Mayor

ATTEST:

Connie Hooks, City Secretary

(Seal)

APPROVED:



McCall Parkhurst & Horton L.L.P.
Bond Counsel

Exhibit "A"

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

Electric Utility Automated Street Light Monitoring System

March 26, 2009
Consent Agenda Item No. 2k
Hot Mix Asphalt Annual Price Agreement

To: Glenn Brown, City Manager

From: Mark Smith, Director of Public Works

Agenda Caption: Presentation, possible action, and discussion regarding award of bid #09-30 to Brazos Valley Services to provide Type D Hot Mix Asphalt in an amount not to exceed \$1,000,000.00 (\$50.00 per ton). A secondary contract is requested for the provision of this material by the second bidder, Knife River, in an amount not to exceed \$51,000.00 (\$51.00 per ton) only in emergency situations when Brazos Valley Services is unable to provide material.

Recommendation(s): Staff recommends approval of the bid award to Brazos Valley Services and a secondary award to Knife River.

Summary: Brazos Valley Services submitted the lower of two bids for an annual price agreement to provide Type D Hot Mix Asphalt for the maintenance of streets in the City. The recommended bid amount (\$50.00 per ton) from Brazos Valley Services is \$1,000,000.00 (20,000 tons maximum). Knife River submitted the second bid (\$51.00) in the amount of \$1,020,000.00. A secondary contract with Knife River for \$51,000 for a maximum of 1,000 tons is recommended for emergency situations if and when material is not available from Brazos Valley Services. The contracts support maintenance operations in the Street Maintenance Division.

Budget & Financial Summary: Funding is available in the operating budget of the Street Maintenance Division. An "Escalation/De-escalation" provision has been added to allow for price adjustment in a volatile market. After six months, the parties agree that if there is an increase or decrease to the supplier based on the Producer Price Index for Intermediate Goods the bid price may be increased no more than 8% or decreased accordingly.

Attachments: Tabulation of Bid 09-30



City of College Station - Purchasing Department
Bid Tabulation for #09-30
Annual Pick Up of Type "D" Hot Mix
Joint Bid with the City of Bryan
Open Date: Tuesday, March 3, 2009 @ 2:00 p.m.

City of College Station Yearly Estimate				Brazos Valley Services		Knife River	
ITEM	QTY	UNIT	DESCRIPTION	UNIT COST	TOTAL PRICE	UNIT COST	TOTAL PRICE
1	20000	Tons	Asphalt, Hot Mix, Type "D"	\$50.00	\$1,000,000.00	\$51.00	\$1,020,000.00
City of Bryan Yearly Estimate							
1	1500	Tons	Asphalt, Hot Mix, Type "D"	\$50.00	\$75,000.00	\$51.00	\$76,500.00
Certification from bid package				✓		✓	
Delivery Date (calendar days)				As required		As required	
Prompt Payment Discount				0%		0%	

March 26, 2009
Regular Agenda Item No. 2L
Annual Blanket Purchase Order for the Installation of Hot Mix Asphalt Concrete

To: Glenn Brown, City Manager

From: Mark Smith, Director of Public Works

Agenda Caption: Presentation, possible action and discussion regarding approval of an annual contract with Knife River for Item 1 – “Type D Asphalt Installed” at \$62.40 per ton and Item 2 – “Emulsified Asphalt Installed” at \$2.25 per ton. The cost for the total of Item 1 and Item 2 is not to exceed \$629,625.00.

Recommendation(s): Staff recommends approval of the contract

Summary: Bids for the Annual Blanket Purchase Order for the Installation of Hot Mix Asphalt Concrete were received from Brazos Valley Services, Knife River and Brazos Paving, Inc. The bid documents state that “Item 1 and Item 2 will be awarded together, based on total low bid for both items”. Staff recommends the contract for Item 1 and Item 2 be awarded to the low bidder, Knife River.

Budget & Financial Summary: Funding for the Annual Blanket Purchase Order for the Installation of Hot Mix Asphalt Concrete is provided from the operating budget of the Street Maintenance Division. An “Escalation/De-escalation” provision has been added to allow for price adjustment in a volatile market. After six months, the parties agree that if there is an increase or decrease to the supplier based on the Producer Price Index for Intermediate Goods the bid price may be increased no more than 8% or decreased accordingly.

Attachments:

1. Tabulation of Bid No. 09-29
2. Resolution



City of College Station - Purchasing Department
Bid Tabulation for #09-29
"Annual Type D Hot Mix Installed"
Open Date: Tuesday, February 3, 2009 @ 2:00 p.m.

ITEM	QTY	UNIT	DESCRIPTION	Knife River		Brazos Valley Services		Brazos Paving	
				UNIT COST	TOTAL PRICE	UNIT COST	TOTAL PRICE	UNIT COST	TOTAL PRICE
1	10000	tons	Type D Asphalt Installed	\$62.40	\$624,000.00	\$63.95	\$639,500.00	\$86.85	\$868,500.00
2	2500	gallons	Emulsion Installed	\$2.25	\$5,625.00	\$2.00	\$5,000.00	\$3.70	\$9,250.00
GRAND TOTAL				\$629,625.00		\$644,500.00		\$877,750.00	
Certification from bid package				✓		✓		✓	
Delivery Date (calendar days)				5 days as required		as required		as required	
Prompt Payment Discount				0%		0%		0%	

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING A CONSTRUCTION CONTRACT FOR THE Annual Blanket Purchase Order for the Installation of Hot Mix Asphalt Concrete PROJECT AND AUTHORIZING THE EXPENDITURE OF FUNDS.

WHEREAS, the City of College Station, Texas, solicited bids for the construction phase of the Annual Blanket Purchase Order for the Installation of Hot Mix Asphalt Concrete Project; and

WHEREAS, the selection of Knife River Corp. - South is being recommended as the lowest responsible bidder for the construction services related to Annual Blanket Purchase Order for the Installation of Hot Mix Asphalt Concrete Project; now, therefore,

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

PART 1: That the City Council hereby finds that Knife River Corp. – South is the lowest responsible bidder.

PART 2: That the City Council hereby approves the contract with Knife River Corp. - South for \$629,625.00 for the labor, materials and equipment required for the Annual Blanket Purchase Order for the Installation of Hot Mix Asphalt Concrete Project.

PART 3: That the funding for this Contract shall be as budgeted from the General Fund, Street Maintenance Division, in the amount of \$629,625.00.

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

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

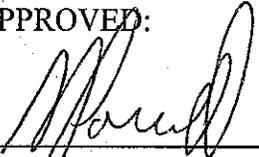
ATTEST:

APPROVED:

City Secretary

MAYOR

APPROVED:



City Attorney

March 26, 2009
Consent Agenda Item No. 2m
Annual Blanket Order for Janitorial Supplies

To: Glenn Brown, City Manager

From: Mark Smith, Director of Public Works

Agenda Caption: Presentation, possible action, and discussion regarding award of a contract for the annual blanket purchase order for janitorial supplies, Bid #09-44, to Criswell Distributing, in the amount of \$51,208.25.

Recommendation(s): Staff recommends award of the contract to Criswell Distributing for \$51,208.25.

Summary: This is an annual agreement for one (1) year with two (2) additional year renewals upon mutual consent of the City and the vendor. Three of the bidders bid on all items.

A summary of the four (3) bids follows:

Criswell Distributing	\$51,208.25
Gulf Coast Paper	\$54,864.30
ProStar Industries	\$59,370.25

Budget & Financial Summary: Funds are budgeted and available for this contract in the Facilities Maintenance Operations Budget.

Attachments: Bid Tabulation #09-44

**ANNUAL BLANKET ORDER FOR JANITORIAL SUPPLIES
 BID TABULATION #09-44
 PUBLIC WORKS - FACILITIES**

Item No.	Qty	Description	Ray Criswell Distributing, Bryan, TX		Pro Star Industries, Bryan, TX		Gulf Coast Paper, Temple, TX	
			Unit Price	Item Total	Unit Price	Item Total	Unit Price	Item Total
1	225	Toilet tissue	\$ 32.50	\$ 7,312.50	\$ 34.320	\$ 7,722.00	\$ 32.780	\$ 7,375.50
2	175	Paper towels- multi fold	\$ 17.50	\$ 3,062.50	\$ 20.000	\$ 3,500.00	\$ 17.610	\$ 3,081.75
3	150	Roll Towels	\$ 20.15	\$ 3,022.50	\$ 36.870	\$ 5,530.50	\$ 34.440	\$ 5,166.00
4	150	Paper towels, C-fold	\$ 18.50	\$ 2,775.00	\$ 18.820	\$ 2,823.00	\$ 22.782	\$ 3,417.30
5	75	Roll towels, perforated	\$ 16.90	\$ 1,267.50	\$ 25.260	\$ 1,894.50	\$ 20.000	\$ 1,500.00
6	100	Wipers - Wype-all	\$ 22.95	\$ 2,295.00	\$ 34.280	\$ 3,428.00	\$ 36.670	\$ 3,667.00
7	100	Wipers - Wype-all Plus	\$ 38.75	\$ 3,875.00	\$ 34.280	\$ 3,428.00	\$ 39.000	\$ 3,900.00
8	100	Wipers - Economizer	\$ 27.50	\$ 2,750.00	\$ 44.710	\$ 4,471.00	\$ 27.900	\$ 2,790.00
9	15	Hand soap-DermaPro	\$ 29.40	\$ 441.00	\$ 19.830	\$ 297.45	\$ 68.940	\$ 1,034.10
10	15	Hand soap - Pink	\$ 19.00	\$ 285.00	\$ 15.290	\$ 229.35	\$ 15.620	\$ 234.30
11	30	Spray & wipe cleaner-19 oz.	\$ 27.00	\$ 810.00	\$ 31.060	\$ 931.80	\$ 25.400	\$ 762.00
12	30	Glass Cleaner, window-19 oz.	\$ 26.40	\$ 792.00	\$ 23.630	\$ 708.90	\$ 22.300	\$ 669.00
13	15	Glass Cleander, Triple S	\$ 19.20	\$ 288.00	\$ 10.000	\$ 150.00	\$ 20.750	\$ 311.25
14	15	Hand Cleaner, Derma Care 2000	\$ 59.60	\$ 894.00	\$ 43.420	\$ 651.30	no bid	
15	30	Urinal Screens w/blocks	\$ 16.80	\$ 504.00	\$ 11.500	\$ 345.00	\$ 19.750	\$ 592.50
16	20	Metered aerosol	\$ 35.40	\$ 708.00	\$ 21.350	\$ 427.00	\$ 35.180	\$ 703.60
17	150	Trash liners, 16"x14"x36", black	\$ 9.40	\$ 1,410.00	\$ 12.200	\$ 1,830.00	\$ 10.200	\$ 1,530.00
18	225	Trash liners, 23"x17"x46", white	\$ 11.25	\$ 2,531.25	\$ 12.310	\$ 2,769.75	\$ 12.400	\$ 2,790.00
19	650	Trash liners, 38"x63", clear	\$ 24.90	\$ 16,185.00	\$ 28.050	\$ 18,232.50	\$ 23.600	\$ 15,340.00
TOTAL				\$ 51,208.25		\$ 59,370.05		\$ 54,864.30
Discount on products not listed				10%		25%		10-12%

NOTES: The following bids were unresponsive
 Incomplete Bids
 All American Poly, Piscataway, NJ
 Central Poly Corp., Linden, NJ
 Advantage Resource Services, Dallas, TX
 Chemsearch, Irving, TX
 Ecolab, St. Paul, MN
 Quill, Lincolnshire, IL

March 26, 2009
Consent Agenda Item No. 2n
Texas Avenue Streetscape Advance Funding Agreement

To: Glenn Brown, City Manager

From: Mark Smith, Director of Public Works

Agenda Caption: Presentation, possible action, and discussion regarding an Advance Funding Agreement (AFA) with the Texas Department of Transportation (TxDOT) to allow the city to install trees along Texas Avenue.

Recommendation(s): Staff recommends approval of the Resolution authorizing the Mayor to sign the AFA and approval of the AFA.

Summary: Last year the city awarded a contract to develop construction documents for the planting of trees along Texas Avenue between George Bush Drive (FM 2347) and Harvey Mitchell Parkway (FM 2818). The agreement with TxDOT will allow the city to perform the construction activities in the TxDOT right-of-way, but 100 percent of the construction costs will be covered by the city and are estimated not to exceed \$124,000.

Budget & Financial Summary: Funds for this project are currently available through the 2003 General Obligation Bonds as part of Project Number ST9915.

Attachments:

1. Resolution authorizing AFA
2. Advance Funding Agreement

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, ALLOWING THE MAYOR TO SIGN AN ADVANCE FUNDING AGREEMENT BETWEEN THE TEXAS DEPARTMENT OF TRANSPORTATION AND THE CITY OF COLLEGE STATION FOR THE INSTALLATION OF LANDSCAPING ALONG TEXAS AVENUE BETWEEN GEORGE BUSH DRIVE AND HARVEY MITCHELL PARKWAY.

WHEREAS, the City Council of the City of College Station, Texas, supports the city plan to install landscaping along Texas Avenue between George Bush Drive and Harvey Mitchell Parkway; and

WHEREAS, the City Council of the City of College Station, Texas, agrees to fund the landscaping project 100% at a cost of \$123,310; now, therefore,

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

- PART 1: That the City Council hereby approves the Advance Funding Agreement.
- PART 2: That the City Council hereby approves of the Mayor signing the agreement.
- PART 3: That the City Council hereby agrees to fully fund the landscaping construction costs.
- 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:

Carla A. Robinson

City Attorney

CSJ: 0050-01-060
District: 17 (Bryan)
Code Chart 64: 09050 (College Station)
Project: STP 2004(390)
CFDA: N/A

STATE OF TEXAS §
COUNTY OF TRAVIS §

**ADVANCE FUNDING AGREEMENT
FOR A LOCAL GOVERNMENT TO
CONSTRUCT AN ON-SYSTEM IMPROVEMENT
WITH 50% to 100% LOCAL FUNDS**

THIS AGREEMENT (the 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, Section 201.209 authorizes the State and a Local Government to enter into agreements to increase the efficiency and effectiveness of government within the scope of their authorized duties; and,

WHEREAS, Texas Transportation Code, Section 222.052 allows a Local Government to contribute funds for the development and construction of the public roads and state highway system; and,

WHEREAS, the Local Government has provided for the Streetscape Improvements (the Project) to improve the aesthetics of the public roads and state highway system as approved by a resolution or ordinance which is attached hereto and made a part hereof as Attachment "A"; and,

WHEREAS, on October 27, 2005, the Texas Transportation Commission passed Minute Order 110266, authorizing the State to enter into the necessary agreements with the Local Government to allow the Local Government to make such improvements at its own cost;

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, it is agreed as follows:

AGREEMENT

- 1. Period of the Agreement.** This Agreement becomes effective when signed by the last party whose signing makes the Agreement fully executed. This Agreement shall remain in effect until the Project is completed or unless terminated as provided herein.
- 2. Scope of Work.** The Local Government will fund and develop the Project described as the Texas Avenue Streetscape Improvements. The project is at the location described in Project Location Map, attached hereto and made a part hereof as Attachment "B".

3. Right of Way.

Right-of-way and real property acquisition shall be the responsibility of the Local Government. Title to right-of-way and other related real property must be acceptable to The State before funds may be expended for the improvement of the right of way or real property. If the Local Government is the owner of any part of the project site under this Agreement, the Local Government shall permit The State or its authorized representative access to occupy the site to perform all activities required to execute the work.

All parties to this agreement will comply with and assume the costs for compliance with all the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Title 42 U.S.C.A. Section 4601 et seq., including those provisions relating to incidental expenses incurred by the property owners in conveying the real property to the Local Government, and benefits applicable to the relocation of any displaced person as defined in 49 CFR Section 24.2(g). Documentation to support such compliance must be maintained and made available to The State and its representatives for review and inspection.

- A. The Local Government shall assume all costs and perform necessary requirements to provide any necessary evidence of title or right of use in the name of the Local Government to the real property required for development of the Project. The evidence of title or rights shall be acceptable to The State, and be free and clear of all encroachments. The Local Government shall secure and provide easements and any needed rights of entry over any other land needed to develop the Project according to the approved Project plans. The Local Government shall be responsible for securing any additional real property required for completion of the Project.
- B. In the event real property is donated to the Local Government after the date of The State's authorization, the Local Government will provide all documentation to The State regarding fair market value of the acquired property. The State will review the Local Government's appraisal, determine the fair market value and credit that amount towards the Local Government's financial share. If donated property is to be used as a funding match, it may not be provided by the Local Government. The State will not reimburse the Local Government for any real property acquired before execution of this agreement and The State's issuance of a letter of funding authority.
- C. The Local Government shall prepare real property maps, property descriptions, and other data as needed to properly describe the real property and submit them to The State for approval prior to the Local Government acquiring the real property. Tracings of the maps shall be retained by the Local Government for a permanent record.
- D. The Local Government agrees to make a determination of property values for each real property parcel by methods acceptable to The State and to submit to The State a tabulation of the values so determined, signed by the appropriate Local Government representative. The tabulations shall list the parcel numbers, ownership, acreage and recommended compensation. Compensation shall be shown in the component parts of land acquired, itemization of improvements acquired, damages (if any) and the amounts by which the total compensation will be reduced if the owner retains improvements.

CSJ: 0050-01-060
District: 17 (Bryan)
Code Chart 64: 09050 (College Station)
Project: STP 2004(390)
CFDA: N/A

This tabulation shall be accompanied by an explanation to support the determined values, together with a copy of information or reports used in calculating all determined values.

Expenses incurred by the Local Government in performing this work may be eligible for reimbursement after the Local Government has received written authorization by The State to proceed with determination of real property values. The State will review the data submitted and may base its reimbursement for parcel acquisitions on these values.

- E. Condemnation shall not be used to acquire real property for this Project.
- F. Reimbursement for real property costs will be made to the Local Government for real property purchased in an amount not to exceed eighty percent (80%) of the cost of the real property purchased in accordance with the terms and provisions of this agreement. Reimbursement will be in an amount not to exceed eighty percent (80%) of The State's predetermined value of each parcel, or the net cost thereof, whichever is less. In addition, reimbursement will be made to the Local Government for necessary payments to appraisers, expenses incurred in order to assure good title, and costs associated with the relocation of displaced persons and personal property as well as incidental expenses.
- G. If the Project requires the use of real property to which the Local Government will not hold title, a separate agreement between the owners of the real property and the Local Government must be executed prior to execution of this Agreement. The separate agreement must establish that the Project will be dedicated for public use for a period of not less than 10 (ten) years after completion. The separate agreement must define the responsibilities of the parties as to the use of the real property and operation and maintenance of the Project after completion. This agreement must be approved by The State prior to its execution. A copy of the executed agreement shall be provided to The State.

4. Project Funding.

- a. The Local Government shall provide 100% (one hundred percent) of the necessary funds for development of the Project, including but not limited to: survey, right of way acquisition, required utility work, environmental assessment and remediation, preliminary and final design work; all letting to contract costs; all construction bid item costs; all construction contract management costs; all construction bid item change order costs, should they become necessary; and, all construction bid item material and equipment testing costs. An Estimated Project Budget is attached as Attachment C.
- b. 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.

5. Project Responsibilities. The Local Government is responsible for all aspects of the Project unless otherwise indicated in this Agreement.

a. Utilities.

The Local Government shall be responsible for the adjustment, removal, or relocation of utility facilities in accordance with applicable State laws, regulations, rules, policies, and procedures, including any cost to the State of a delay resulting from the Local Government's failure to ensure that utility facilities are adjusted, removed, or relocated before the scheduled beginning of construction. The Local Government will not be reimbursed with federal or state funds for the cost of required utility work. The Local Government must obtain advance approval for any variance from established procedures. Before a construction contract is let, the Local Government shall provide, at the State's request, a certification stating that the Local Government has completed the adjustment of all utilities that must be adjusted before construction is completed.

The Local Government will be responsible for all costs associated with additional adjustment, removal, or relocation during the construction of the project, unless this work is provided by the owners of the utility facilities:

- i. per agreement;
- ii. per all applicable statutes or rules, or;
- iii. as specified otherwise in a LPAFA.

Prior to letting a construction contract for a local project, a utility certification must be made available to the State upon request stating that all utilities needing to be adjusted for completion of the construction activity have been adjusted.

b. Environmental Assessment and Mitigation.

- i. The Local Government must comply with all applicable federal, state, and local environmental laws and regulations and permitting requirements.
- ii. The Local Government is responsible for coordination and environmental clearance.
- iii. The Local Government is responsible for identification and assessment of any environmental problems associated with the Project, and for the cost of any environmental problem's mitigation and remediation.
- iv. The Local Government is responsible for providing any public meetings or public hearings, if required.
- v. The Local Government shall provide the State with written certification from appropriate regulatory agency(ies) that identified environmental problems have been remediated.

c. Compliance with Texas Accessibility Standards and ADA.

The Local Government shall ensure that the plans for and the construction of the Project are in compliance with the Texas Accessibility Standards (TAS) issued by the Texas Department of Licensing and Regulation, under the Architectural Barriers Act, Article 9102, Texas Civil Statutes. The TAS establishes minimum accessibility requirements to be consistent with minimum accessibility requirements of the Americans with Disabilities Act (P.L. 101-336) (ADA).

d. Preliminary Engineering.

- i. The Local Government will be responsible for the preparation of all the engineering contract documents required for the construction of the Project.
- ii. The Local Government shall prepare the preliminary engineering, specifications and estimates (PS&E) to be let by the Local Government in accordance with the latest AASHTO or State standards or the Local Government's standards, as approved by the State. The Local Government shall submit shop drawings for all materials intended for use on the traffic signals and related items to the State for the State's approval, prior to fabrication and/or use.
- iii. The Local Government shall submit the completed PS&E to the State for review and approval. The Local Government shall not advertise for the construction contract until the State has approved the PS&E documents.
- iv. The State shall review all plan work and associated documentation in a timely manner.

e. Bidding.

The Local Government shall have its own construction contract letting and award procedures approved by the State or the Local Government shall agree to use the applicable Local Government Project Procedures provided by the State at the following website: <http://the State-webdev/business/localgov.htm>. The Local Government shall advertise for construction bids, issue bid proposals, receive and tabulate the bids and award a contract for construction of the Project in accordance with existing procedures and applicable laws.

The Local Government shall notify the State once the project is advertised for bids. Once the bid tabulations have been received, the Local Government shall obtain approval from the State prior to awarding the contract to the successful bidder. The Local Government must submit a right of way certification stating that right of way acquisition is complete or no right of way is needed before the State will approve the bid.

f. Construction.

- i. The State will be responsible for auditing and construction oversight.
- ii. The Local Government shall notify the State before actual construction work on State right of way begins. Said notification shall include, but is not limited to: invitation to all pre-letting and pre-construction meetings; invitation to all work-in-progress meetings; and a minimum of 3 workdays notice prior to performing major items of work (such as placing or modifying traffic control plans, pouring any concrete items, and/or performing any work items on the existing or proposed traffic signal system) on the project.
- iii. The Local Government shall submit all change order plan work and associated items to the State for their review and approval prior to enacting any change order associated with the project. The Local Government or its engineer will supervise and inspect all work performed by the construction contractor and will provide such engineering, inspection and testing services as may be required to ensure that the construction of the Project is accomplished in accordance with the approved PS&E. The Local Government shall test (or cause to be tested) all construction bid item materials and equipment in accordance with The State testing standards. The Local Government shall provide written results of the various tests to the State within 3 workdays following the completion of each test.

In cases where a material or an equipment test indicates that the material or equipment fails to meet The State standards, the Local Government shall recommend a course of corrective action to the State. The State shall have the authority to accept or reject the corrective action. If the corrective action plan is rejected by the State, the Local Government shall continue to seek-out a corrective action plan until it develops one that is acceptable to the State. All costs associated with material and/or equipment corrective actions shall be borne solely by the Local Government.

- iv. The Local Government shall inspect all construction bid item work to ensure that it is performed in accordance with applicable State standards and specifications.
- v. The Local Government shall submit all concrete mix designs to the State for approval, prior to use on the project.
- vi. The State shall have and retain oversight of all inspection of all items of work performed within the State right-of-way.

The State shall periodically inspect the project's signs, barricades and traffic control plan to ensure compliance with the Texas Manual on Uniform Traffic Control Devices (TxMUTCD). The State shall attend all pre-work and pre-construction meetings.

- 6. **Final Inspection.** The Local Government shall request by letter within fifteen (15) days of physical completion of the work that the local State office perform its final inspection and acceptance.
- 7. **Project Maintenance.** The Local Government shall be responsible for maintenance of the its own local public roads after completion of the Project and the State shall be responsible for maintenance of the state highway system after completion of the Project.
- 8. **Termination of this Agreement.** This Agreement shall remain in effect until the Project is completed and accepted by all parties, unless the:
 - a. Agreement is terminated in writing with the mutual consent of the parties;
 - b. Agreement is terminated because the Local Government has breached the contract.

If the Agreement is terminated then the Local Government must reimburse the State for all Project costs incurred by the State.

- 9. **Amendments.** Amendments to this Agreement due to changes in the character of the work or terms of the Agreement, or responsibilities of the parties relating to the Project must be enacted through a mutually agreed upon, written amendment.
- 10. **Remedies.** This Agreement shall not be considered as specifying the exclusive remedy for any agreement default, but all remedies existing at law and in equity may be availed of by either party to this Agreement and shall be cumulative.

CSJ: 0050-01-060
 District: 17 (Bryan)
 Code Chart 64: 09050 (College Station)
 Project: STP 2004(390)
 CFDA: N/A

11. 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, addressed to such party at the following addresses:

Local Government:	State:
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 1300 North Texas Avenue Bryan, Texas 77803-2760

All notices shall be deemed given on the date so delivered or so deposited in the regular 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.

- 12. Legal Construction.** In case one or more of the provisions contained in this Agreement shall for any reason be held invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions and this Agreement shall be construed as if it did not contain the invalid, illegal or unenforceable provision.
- 13. 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.
- 14. Ownership of Documents.** Upon completion or termination of this Agreement, all documents prepared by the State shall remain the property of the State. All data prepared under this Agreement shall be made available to the State without restriction or limitation on their further use. All documents produced or approved or otherwise created by the Local Government shall be transmitted to the State in the form of photocopy reproduction on a monthly basis as required by the State. The originals shall remain the property of the Local Government. At the request of the State, the Local Government shall submit any information required by the State in the format directed by the State.
- 15. Compliance with Laws.** The parties shall comply with all applicable federal, state, and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies or tribunals in any manner affecting the performance of this Agreement. When required, the Local Government shall furnish the State with satisfactory proof of this compliance.
- 16. Sole Agreement.** This Agreement constitutes the sole and only Agreement between the parties and supersedes any prior understandings or written or oral agreements respecting the Agreement's subject matter.

CSJ: 0050-01-060
District: 17 (Bryan)
Code Chart 64: 09050 (College Station)
Project: STP 2004(390)
CFDA: N/A

- 17. Retention of Records and Inspection.** The Local Government shall keep a complete and accurate record to document the performance of the work and to expedite any audit that might be conducted. The Local Government shall maintain all books, documents, papers, accounting records and other documentation relating to costs. Records shall include, but not be limited to, diaries, materials received (invoices), test reports, manufacturer's certificates, warranties, change orders, and time extensions. The Local Government shall make such materials available to the State, the Local Government, or their duly authorized representatives for verification, review and inspection at its office during the contract period and for four (4) years from the date of completion of work defined under this contract or until any impending litigation, or claims are resolved.
- 18. 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.
- 19. Debarment Certification:** The parties are prohibited from making any award at any tier to any party that is debarred or suspended or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549, "Debarment and Suspension." By executing this agreement, the [Contractor, Local Government, Engineer, or whatever] certifies that it is not currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549. The parties to this contract shall require any party to a subcontract or purchase order awarded under this contract to certify its eligibility to receive Federal funds and, when requested by the State, to furnish a copy of the certification.
- 20. Signatory Warranty.** The signatories to this Agreement warrant that each has the authority to enter into this Agreement on behalf of the party represented.

CSJ: 0050-01-060
District: 17 (Bryan)
Code Chart 64: 09050 (College Station)
Project: STP 2004(390)
CFDA: N/A

IN TESTIMONY HEREOF, the parties hereto have caused these presents to be executed in duplicate counterparts.

THE LOCAL GOVERNMENT

Name of the Local Government City of College Station

By _____ Date _____

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

ATTEST:

Connie Hooks, City Secretary

Date: _____

APPROVED:

City Manager

Date: _____

Carla A. Robinson

City Attorney

Date: _____

Chief Financial Officer

Date: _____

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.

Janice Mullenix
Director of Contract Services
Texas Department of Transportation

Date

ATTACHMENT A
Resolution or Ordinance

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, ALLOWING THE MAYOR TO SIGN AN ADVANCE FUNDING AGREEMENT BETWEEN THE TEXAS DEPARTMENT OF TRANSPORTATION AND THE CITY OF COLLEGE STATION FOR THE INSTALLATION OF LANDSCAPING ALONG TEXAS AVENUE BETWEEN GEORGE BUSH DRIVE AND HARVEY MITCHELL PARKWAY.

WHEREAS, the City Council of the City of College Station, Texas, supports the city plan to install landscaping along Texas Avenue between George Bush Drive and Harvey Mitchell Parkway; and

WHEREAS, the City Council of the City of College Station, Texas, agrees to fund the landscaping project 100% at a cost of \$123,310; now, therefore,

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

- PART 1: That the City Council hereby approves the Advance Funding Agreement.
- PART 2: That the City Council hereby approves of the Mayor signing the agreement.
- PART 3: That the City Council hereby agrees to fully fund the landscaping construction costs.
- 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

ATTACHMENT B
Project Location Map



CSJ: 0050-01-060
 District: 17 (Bryan)
 Code Chart 64: 09050 (College Station)
 Project: STP 2004(390)
 CFDA: N/A

ATTACHMENT C

Estimated Project Budget

Description	Total Estimated Cost	Federal Participation		State Participation		Local Participation	
		%	Cost	%	Cost	%	Cost
PS&E (including design surveys, preliminary and final design)	\$69,000	0%	\$0	0%	\$0	100%	\$69,000
Subtotal	\$23,100	\$0		\$0		\$69,000	
Construction	\$123,310	0%	\$0	0%	\$0	100%	\$123,310
Direct State Costs (including limited construction oversight, inspection and material testing)	Waived	0%	\$0	0%	\$0	0%	\$0
Indirect State Costs (no local participation required except for service projects)	Waived	0%	\$0	0%	\$0	0%	\$0
Subtotal	\$123,310	\$0		\$0		\$123,310	
TOTAL	\$192,310	\$0		\$0		\$192,310	

This is an estimate only; the cost to the Local Government will be based on actual charges to the Project.

**March 26, 2009
Consent Agenda Item 2o
Appointment to Brazos Valley Groundwater
Conservation District Board**

To: Glenn Brown, City Manager

From: David Neeley, Assistant City Manager

Agenda Caption: Presentation, possible action, and discussion to approve a resolution appointing Mr. Steve Beachy as a member of the Brazos Valley Groundwater Conservation District Board of Directors, subject to approval by the Brazos County Commissioners Court.

Recommendation: Staff recommends Council approve this resolution.

Summary: Staff received direction at the March 12 Council meeting to appoint Mr. Steve Beachy as a representative to the Board of Directors of the Brazos Valley Groundwater Conservation District. This item is making that action official through with a resolution that will be sent to the Brazos County Commissioners Court.

Mr. Dave Coleman is presently serving as the College Station representative on the Board of Directors for the Brazos Valley Groundwater Conservation District. The fact that he is a City employee has placed severe restrictions on his ability to be an effective advocate for the City, and he will tender his resignation when a suitable replacement is finalized. The new member must be appointed by the City to fill Mr. Coleman's term, which expires on January 1, 2011. As required by House Bill 1784, section 2.11(3), this appointment by the City must be approved by the Brazos Valley Commissioners Court.

Mr. Steve Beachy is well versed in the importance of groundwater issues to the City, has proven over many years to use sound judgment and to always be fair minded, and dedicated to represent the best interests of College Station's water needs.

Budget & Financial Summary: Not applicable.

Attachments:
Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPOINTING MR. STEVEN BEACHY AS THE CITY'S REPRESENTATIVE TO THE BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT BOARD OF DIRECTORS.

WHEREAS, The City Council of the City of College Station strives through its *Vision Statements* to provide high quality, customer focused basic city services at a reasonable cost, including effective water services; and

WHEREAS, The City Council of the City of College Station adopted, as part of the Comprehensive Plan, *Utility Goal #1* that states "College Station should continue to provide the quantity and quality of utilities needed to assure public health, safety, and accommodation of growth"; and

WHEREAS, House Bill 1784, section 2.11(d) establishes one seat on the Brazos Valley Groundwater Conservation District Board to be a representative of the City of College Station, which must be appointed by the City Council and approved by the Brazos County Commissioners Court; and

WHEREAS, Mr. David Coleman, the City's current representative on the Brazos Valley Groundwater Conservation District Board, is resigning and a new representative must be appointed; and

WHEREAS, The City Council is confident that Mr. Beachy will fairly and accurately represent the interests of College Station and all municipalities and water users within the Brazos Valley District, and the City Council pledges that Mr. Beachy will give adequate time and resources to fulfill every obligation and duty of Board membership; now, therefore,

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

PART 1: That the City Council hereby agrees that membership on the Brazos Valley Groundwater Conservation District Board is essential in meeting the City's Utility Goals.

PART 2: That the City Council hereby accepts Mr. David Coleman's resignation, effective July 1, 2009, and hereby appoints Mr. Steven Beachy as the City's representative to fill the voting member position representing the City of College Station with the Brazos Valley Groundwater Conservation District Board of Directors, effective July 2, 2009.

PART 3: That this Resolution shall take effect immediately.

PART 4: That the City Council hereby requests the Brazos County Commissioners Court approve this appointment.

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

ATTEST:

APPROVED:

CONNIE HOOKS, City Secretary

BEN WHITE, Mayor

APPROVED:

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

City Attorney

**March 26, 2009
Consent Agenda Item 2p
Resolution for
Universal Freight Shuttle**

To: Glenn Brown, City Manager

From: David Neeley, Assistant City Manager

Agenda Caption: Presentation, possible action, and discussion regarding a resolution of the City Council of the City of College Station supporting the further development of the Universal Freight Shuttle in the Brazos Valley

Recommendation(s): The Council Transportation Committee met on March 10, 2009 and recommended that a resolution of support for the Freight Shuttle be placed on a future Council Agenda.

Summary: The Gulf Coast Strategic Highway Coalition, which the City joined at its last meeting, decided to support the efforts of the Universal Freight Shuttle being developed by the Texas Transportation Institute (TTI) at A & M University and Freight Shuttles Partners, LLC in a response to a request for information published by TxDot. The request for information will not result in the selection of a technology but rather to see what is available. If better technology emerges, organizations will be free to support the emerging technology.

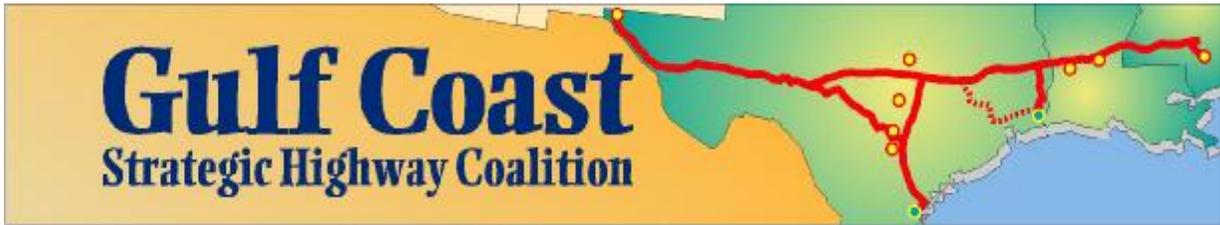
Budget & Financial Summary: None

Attachments:

February 20, 2009 letter – John Thompson, Chairman GCSHC

Universal Freight Shuttle Resolution - will be provided prior to Council meeting

March 10, 2009 CTC Minutes



Polk County Courthouse • 101 West Church St., Ste. 300 • Livingston, Texas 77351
(936) 327-6813 • Fax (936) 327-6891 • www.gulfcoaststrategichighway.org

February 20, 2009

David Neeley
Assistant City Manager
P.O. Box 9960
1101 Texas Avenue
College Station, Texas 77840

Dear David,

Our effort to link our military forts to one another and to their strategic deployment ports continues to make progress.

This past year TxDOT concluded a contract with Wilbur Smith Associates for a 2.5 million dollar feasibility study, which began this past summer. They have begun to hold meetings with local elected officials and community leaders along the proposed route. They joined us in a five-state meeting in Baton Rouge on December 1, which included the Executive Director of TxDOT, the Secretary of Transportation for the state of Louisiana, the Executive Director of the Mississippi Department of Transportation, Deputy Executive Director of Alabama and representatives of the Georgia DOT by phone.

Our project was presented to the TxDOT 2030 Committee stressing the importance of movement of equipment to the strategic ports of Corpus Christi and Beaumont. The TxDOT 2030 Committee is assessing the transportation needs of Texas.

We have requested that the Freight Shuttles Partners, LLC consider our routes for inclusion in their routes for the Universal Freight Shuttle. We are asking our members to pass resolutions of support, which they can submit, to TxDOT with their response to TxDOT's request for information about environmentally friendly ways to move freight in Texas.

Thank you for time on the March 12 City Council agenda. Enclosed is a statement for the 2009 dues to our coalition, should the Council decide to join our effort.

Sincerely,

John P. Thompson
Chairman
County Judge, Polk County



Transportation Committee

Chair
Lynn McIlhaney

Members

John Crompton	Michael Parks
Dennis Maloney	Linda LaSut
Dennis Christiansen	Bryan Wood
Douglas Slack	Jean Marie Linhart

Council Transportation Committee Meeting
College Station City Hall, 1101 Texas Avenue
Administrative Conference Room
College Station, Texas, 77842

Notes from Tuesday, March 10, 2009 at 4:30 p.m.

Committee Members Present: Chairwoman Lynn McIlhaney, Dennis Maloney, John Crompton, Bryan Wood, Jean Marie Linhart

Other Council Members Present: none

Staff Present: Glenn Brown, David Neeley, Mark Smith, Joe Guerra and Hayden Migl

Visitors Present: Terry Childers, Maury Jacob

1. Call to Order.

Chairwoman Lynn McIlhaney called the meeting to order at 4:35 p.m.

2. Presentation, possible action, and discussion on approval of the notes for the Council Transportation Committee Meeting on November 25, 2008 and January 13, 2009.

Bryan Wood moved to approve the minutes, Councilmember Maloney seconded and the motion passed unanimously.

3. Presentation, possible action, and discussion regarding proposed pedestrian improvements to University Drive in the Northgate area.

Mark Smith gave an overview of the efforts of the City and TxDOT to improve pedestrian movement in the Northgate Area including wider crosswalks, signal timers, and pedestrian flashers. Bryan Wood discussed Phase 1 improvements and the proposed pedestrian mall at University and College Main. Northgate merchants have not yet been contacted about the proposed improvements. Maury Jacob from TxDOT stated the new signalized intersection at University and Boyett makes a lot of potential improvements possible. Bryan Wood stated

this project is still a couple of years from happening, but room can be found in the budget.

Lynn McIlhane emphasized the importance of making Northgate look like a pedestrian area with other improvements such as lighting. Removing on-street parking on University would allow for potential patio areas, more areas for smoking, and an added ambiance. It was decided the Northgate merchants need to be consulted, there needs to be a public input process and the item will be placed on the Council's list of pending items.

4. Presentation, possible action, and discussion regarding an update on regional transportation projects eligible for funding through the federal economic stimulus package.

David Neeley presented some of the projects that will be funded with the stimulus package money in our area. Bryan Wood gave specifics on the Barron Road overpass including that the construction should begin in June or July. Councilmember Maloney inquired into the availability of bridge rehabilitation funds for the Rock Prairie Bridge. Bryan Wood will check into this possibility.

David Neeley mentioned the City has been approached by Senator Ogden in regard to the widening of FM 60 from Highway 6 to FM 158. Bryan Wood said that pass-through tolling is a possibility for that project.

Councilmember Crompton inquired into the Wellborn/Bush grade separation. There appears there will not be funding for this for 11 years, but this issue will be placed on a future Council Agenda for a resolution of support. An attempt will also be made to gain University support for this project.

5. Presentation, possible action and discussion regarding a Resolution of support for a Freight Shuttle as proposed by the Gulf Coast Strategic Highway Coalition.

David Neeley gave background on the item and conveyed the request from the Gulf Coast Strategic Highway Coalition. A resolution of support for the freight shuttle will be placed on a future Council meeting agenda.

Items to be discussed at a future meeting:

- Possibility of using bridge rehab funds for Rock Prairie Road
- Transportation chapter of comprehensive plan
- TTI Transit Study
- Barron Road plans including landscaping
- Timing of the 2008 bond transportation projects
- Barron Road extension on east side

6. Adjourn

Without objection, the Committee adjourned at 5:40.

March 26, 2009
Regular Agenda Item No. 1
Weingarten 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 an Ordinance amending Chapter 12, Section 4.2, "Official Zoning Map" of the Code of Ordinances of the City of College Station, Texas changing the Zoning District Boundaries of an area consisting of 16.486 acres, generally located along the State Highway 6 South bypass at Rock Prairie Road, from A-O Agricultural Open and C-2 Commercial Industrial to C-1 General Commercial.

Recommendation(s): The Planning and Zoning Commission has forwarded a recommendation of denial based on a motion to approve the request that failed by a 2 to 5 vote at their March 5, 2009 meeting. Staff recommended approval of the request.

Summary:

REVIEW CRITERIA

- 1. Consistency with the Comprehensive Plan:** The Comprehensive Plan designates the subject property as Retail Regional on the Land Use Plan and states that the purpose of the Regional Retail land use designation is to provide for areas permitting regional scale development of tax-generating developments such as retail centers, service commercial, restaurants, etc. General commercial uses are generally dependent on good access to highways and major arterials. Based on this description, the C-1 General Commercial district, which is intended to allow general commercial uses such as retail sales and services for the regional community, would be an appropriate zoning district for this property. It has been the City's policy to focus this type of development at major intersections.

The most recent update to the City's Land Use Plan in this area was adopted in 2002 with the addition of the Greens Prairie / Rock Prairie Small Area Plan. In that study, properties located at the intersection of Rock Prairie Road and State Highway 6 South were identified for large general retail uses to serve the region because of access and visibility from the freeway. The areas identified for commercial land uses are separated from residential areas by floodplains or major thoroughfares.

In 2007, the City amended its Thoroughfare Plan based on the findings of the East College Station Transportation Study. Rock Prairie Road is designated as a major arterial in this area and abuts the property to the north. State Highway 6, a freeway on the Thoroughfare Plan, lies to the west of the property. The Thoroughfare Plan also includes two proposed major collector roadways on the subject property, providing additional site circulation and access to both Rock Prairie Road and State Highway 6.

- 2. Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood:** Generally, the C-1 General Commercial zoning district allows for the development of retail sales and service uses that function to serve the entire community and its visitors. As such, the proposed zoning is generally compatible with the commercial property located to the north across

Rock Prairie Road, developed as the Plazas of Rock Prairie, and with the adjacent vacant C-1 zoned property on the southeast corner of Rock Prairie Road and State Highway 6. Other adjacent properties are largely zoned A-O Agriculture-Open, a holding zone placed on the properties at the time of annexation.

Previously, representatives of nearby neighborhoods have voiced concerns about proposed commercial developments in close proximity to existing residential neighborhoods. The primary concerns have focused on a potential lack of compatibility of the land uses and an increase in traffic congestion in the area.

- 3. Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment:** The property is located at the grade-separated intersection of a freeway and a major arterial roadway. Rezoning the subject property to C-1 General Commercial could allow it to be developed in conjunction with the approximately 10-acre C-1 property located at the corner of the intersection. In total, the development could include approximately 26.5 acres of land.

Based on the Unified Development Ordinance (UDO) requirements that were in place at the time of the initial rezoning request, if trips generated by the proposed development exceed 5,000 trips per day, a traffic impact analysis will be required to be submitted prior to site plan approval. If the zoning is approved, a likely development scenario would generate around 10,000 trips per day. In this case, a traffic impact study would be required. The scope of this study will include an analysis of driveway locations, on-site circulation, and operations of the surrounding street system and intersections (including the State Highway 6 / Rock Prairie Road interchange). Any impact that worsens traffic operations below Level of Service D, will be required to be mitigated as part of the development. If the impacts cannot be reasonably mitigated, the site plan will be denied.

Improvements to Rock Prairie Road, east of State Highway 6 are needed to implement the East College Station Transportation Study. The capital project to upgrade Rock Prairie Road includes the design and right-of-way acquisition for a major arterial cross section in this area, including new travel lanes, a raised median, sidewalks and bike lanes. The project is currently in the right-of-way acquisition and design stages. Construction is not currently funded.

The Texas Department of Transportation is currently working on a project to improve traffic flow along the State Highway 6 freeway and frontage roads. This project primarily consists of relocation of the entrance and exit ramps between FM 2818 on the north and William D. Fitch Parkway on the south. In this area, the intersection has been modified so that vehicles traveling northbound on the frontage road are able to access the on-ramp to State Highway 6 and avoid the signalized intersection of State Highway 6 and Rock Prairie Road.

- 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:** A portion of the property is currently zoned A-O Agricultural Open. In this area, the A-O district is used as a holding zone for property that is projected in the Comprehensive Plan for conversion to more intensive urban uses at such time as the need for the use is present. While the permitted uses in A-O, including low density residential, agricultural or open space uses, are generally compatible with residential development, not all

agricultural uses may be appropriate on the property due its location and the level of development that has occurred in the area.

A portion of the property is also zoned C-2 Commercial Industrial. Commercial Industrial is a district that is designed to provide a location for businesses offering goods and services to a limited segment of the general public. The uses permitted in this district generally serve other commercial and industrial enterprises, and because of this, are not as reliant on high-visibility site locations.

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 existing zoning allows the property to be marketed for agricultural uses and commercial industrial development. The proposed rezoning would generally allow for the property, in conjunction with the adjacent 10-acre tract, to be marketed for large scale retail development.
6. **Availability of water, wastewater, stormwater, and transportation facilities generally suitable and adequate for the proposed use:** There are existing water lines along State Highway 6 and Rock Prairie Road. The Water Master Plan affects this property, and will have to be addressed with development. There are existing 8" and 12" sanitary sewer lines near the State Highway 6 and Rock Prairie Road intersection. Sewer will most likely need to be by force main to these lines. The Sewer Master Plan also affects this property, and will have to be addressed with development. The property drains toward a tributary of Lick Creek. No FEMA floodplain has been defined on the property. All utilities shall be designed in accordance with the BCS Unified Design Guidelines at the time of Platting and Site Development.

The property is surrounded by State Highway 6 and Rock Prairie Road which are classified on the City's Thoroughfare Plan as Freeway/Expressway and a Major Arterial, respectively. Access to the property will be from Rock Prairie Road, a major arterial and from a northbound State Highway 6 feeder road.

According to the East College Station Transportation Study completed in 2007, Rock Prairie Road experienced 6,777 vehicles per day. Rock Prairie is currently a rural collector section with a functional capacity of 1,000 to 5,000 vehicles per day. Ultimately, Rock Prairie Road will be improved to a major arterial with a capacity of 20,000 to 60,000 vehicles per day. However, those improvements are not in place at this time, nor are they likely to be available in the near future. Also, based on the East College Station Transportation Study, Stonebrook Drive experienced 2,315 vehicles per day in 2007. Stonebrook is classified as a minor collector with a capacity of 1,000 to 5,000 vehicles per day and is operating within its capacity range.

Based on rough estimates, C-1 General Commercial property of this size generates about 10,000 trips per day, though this can vary greatly based upon the type of use developed.

This application proceeded the effective date of the new Traffic Impact Analysis ordinance. In accordance with the ordinance applicable at the time that this project began, a TIA may be required at the time of site plan based upon the size and use proposed. Traffic levels exceeding Level of Service D, where the development is contributing 5% or more of the total trips, are required to mitigate to pre-development levels. Problems demonstrated by the TIA may be required to be mitigated by the following: access management; modifying density or intensity of the proposed use;

phasing the development until roadway capacity becomes available; on-site improvements such as site circulation or access controls; and off-site improvements including construction of additional lanes or improvements to existing intersections.

Budget & Financial Summary: N/A

Attachments:

1. Background Information
2. Aerial & Small Area Map (SAM)
3. Draft Planning and Zoning Commission Minutes, March 5, 2009
4. Ordinance

BACKGROUND

NOTIFICATIONS

Advertised Commission Hearing Date: March 5, 2009
 Advertised Council Hearing Dates: March 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:

- Amberlake HOA
- Bridle Gate Estates HOA
- Chadwick HOA
- Shadowcrest HOA
- Stonebridge HOA
- Wilshire HOA
- Brandon Heights HOA
- Foxfire HOA

Property owner notices mailed: 4

Contacts in support: None as of date of staff report

Contacts in opposition: 8 as of date of staff report. Concerns relate to the possible development of a "big box" on site and traffic congestion on Rock Prairie Road.

Inquiry contacts: 1 as of date of staff report

ADJACENT LAND USES

Direction	Comprehensive Plan	Zoning	Land Use
North (across Rock Prairie Road)	Regional Retail and Institutional	C-1 and A-O	Retail strip center and vacant
South	Residential Attached and Floodplain & Streams	A-O	Vacant
East	Regional Retail	A-O and C-2	Vacant
West (across State Highway 6)	Regional Retail and Single-Family Medium Density	C-1 and C-2	Large retail center, retail and commercial industrial uses

DEVELOPMENT HISTORY

Annexation: 2.806-acre tract in 1977; 13.68 acres in 1983.

Zoning: Zoned A-O Agricultural Open upon annexation. In 1986, approximately 3.41 acres of the subject properties were rezoned from A-O Agricultural Open to C-2 Commercial Industrial.

Final Plat: Unplatted. Included in the Rock Prairie Market Place Master Plan (2008)

Site development: Vacant

BACKGROUND

This item came before the Planning & Zoning Commission on February 1, 2007 and was tabled to allow for the completion of the East College Station Transportation Study. This study evaluated the adequacy of the existing thoroughfare plan to determine any changes that may be needed to handle the anticipated traffic based on build out of the Land Use Plan. Based on the findings of the study, the Thoroughfare Plan was amended in December 2007. The Thoroughfare Plan now designates two proposed major collector roadways through the subject property to improve access and site circulation. The subject property was included in the Rock Prairie Market Place Master Plan approved by the Planning & Zoning Commission in February 2008. Because the Master Plan was filed with the City prior to the Thoroughfare Plan amendment in December 2007, the collector roadways are not included on the approved Master Plan. The Master Plan does include, however, an ingress/egress easement that may function as a backage road to the proposed commercial development.



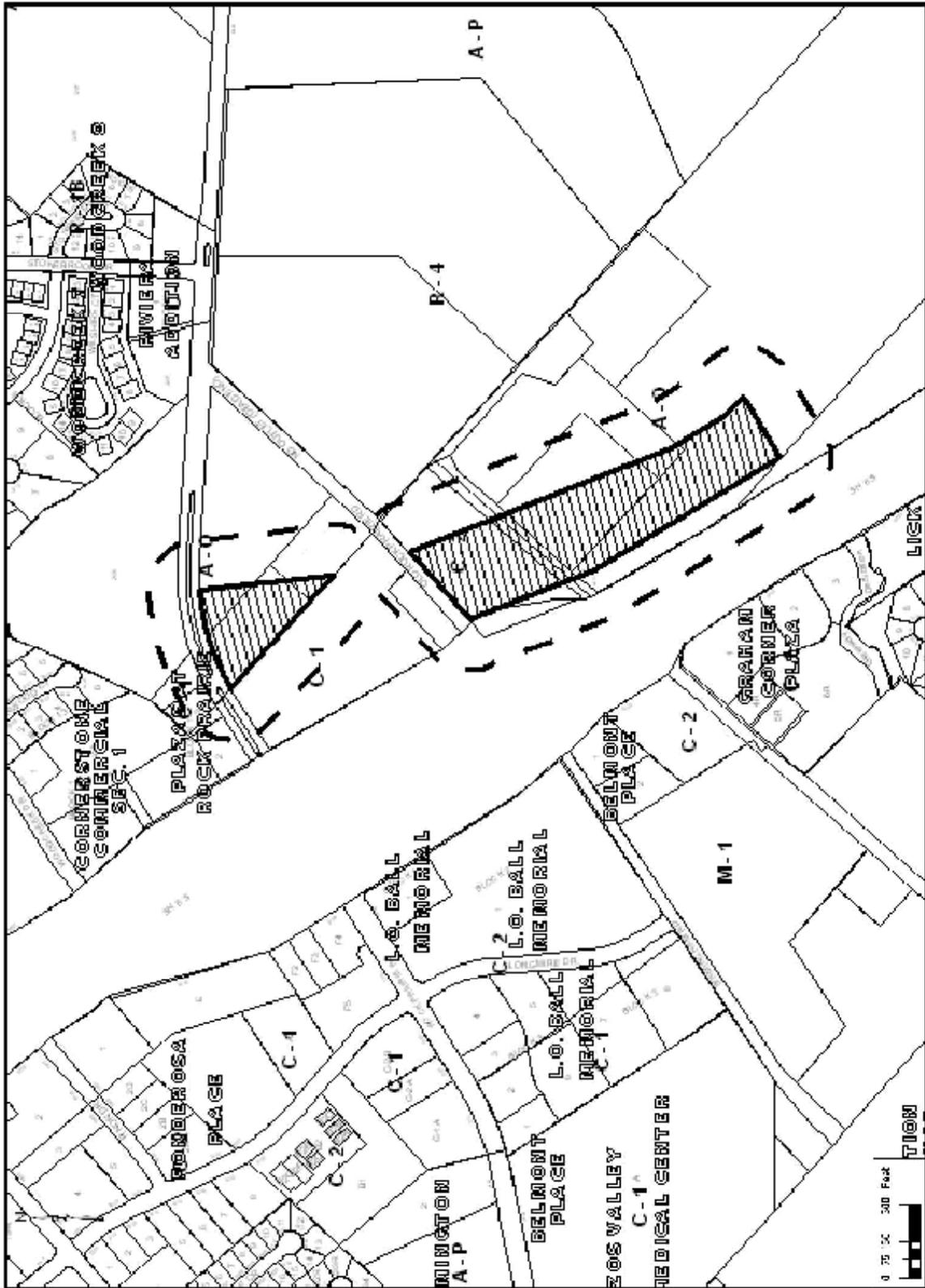
REZONING

Case: 07-002

SOUTHEAST CORNER OF ROCK PRAIRIE
AND HWY 6 - 4005 AND 4011 HWY 6

DEVELOPMENT REVIEW





REZONING
Case: 07-002

SOUTHEAST CORNER OF ROCK PRAIRIE
AND HWY 6 - 4005 AND 4011 HWY 6

DEVELOPMENT REVIEW



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 March, 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:

The following property is rezoned from A-O Agricultural-Open and C-2 Commercial Industrial to C-1 General Commercial and is graphically shown in Exhibit "B":

**13.68 ACRES, TRACT I
IN THE ROBERT STEVENSON SURVEY, A-54
CITY OF COLLEGE STATION, BRAZOS COUNTY, TEXAS**

All that certain 13.68 acres of land, out of the 5.917 acre tract of land described in the deed to Weingarten Realty Investors, recorded in Volume 7310, Page 98, in the Deed Records of Brazos County, Texas, the 7.158 acre tract described in the deed to Weingarten Realty Investors, recorded in Volume 7222, Page 7, in the Deed Records of Brazos County, Texas, and the 19.10 acre tract described in the deed to Weingarten Realty Investors, recorded in Volume 7097, Page 158, in the Deed Records of Brazos County, Texas, in the Robert Stevenson Survey, A-54, City of College Station, Brazos County, Texas, and more particularly described by metes and bounds as follows (all bearings based on the Texas State Plane Coordinate System, Central Zone):

BEGINNING at 5/8" iron rod with a cap stamped "PATE" found for the northwest corner of the 5.917 acre tract, being the southwest corner of Old Rock Prairie Road (right-of-way varies), in the east right-of-way line of State Highway 6 (right-of-way varies);

THENCE North 48° 31' 21" East – 424.60' to the northeast corner of the herein described tract;

THENCE South 21° 52' 47" East – 660.96' to an angle corner of the herein described tract;

THENCE South 32° 11' 28" East – 863.91' to the an angle corner of the herein described tract;

THENCE South 57° 48' 32" West – 400.00' to the southwest corner of the herein described tract, in the east right-of-way line of said State Highway 6;

THENCE North 32° 11' 28" West – 900.00' along the east right-of-way line of said State Highway 6 to a Concrete TXDOT monument found for an angle corner of the herein described tract;

THENCE North 21° 52' 47" West – 554.63' continuing along the east right-of-way line of said Stat Highway 6 to the POINT OF BEGINNING and containing 13.68 acres of land.

2.806 ACRES, TRACT II
IN THE ROBERT STEVENSON SURVEY, A-56 AND
THE THOMAS CARUTHERS LEAGUE SURVEY, A-9
CITY OF COLLEGE STATION, BRAZOS COUNTY, TEXAS

All that certain 2.806 acres of land, out of the 4.310 acre tract described in the deed to Weingarten Realty Investors, recorded in Volume 7583, Page 108, in the Deed Records of Brazos County, Texas, and the 6.566 acre tract described in the deed to Weingarten Realty Investors, recorded in Volume 7282, Page 72, in the Deed Records of Brazos County, Texas, in the Robert Stevenson Survey, A-56, and the Thomas Caruthers League Survey, A-9, in the City of College Station, Brazos County, Texas, and more particularly described by metes and bounds as follows (all bearings based on the Texas State Plane Coordinate System, Central Zone):

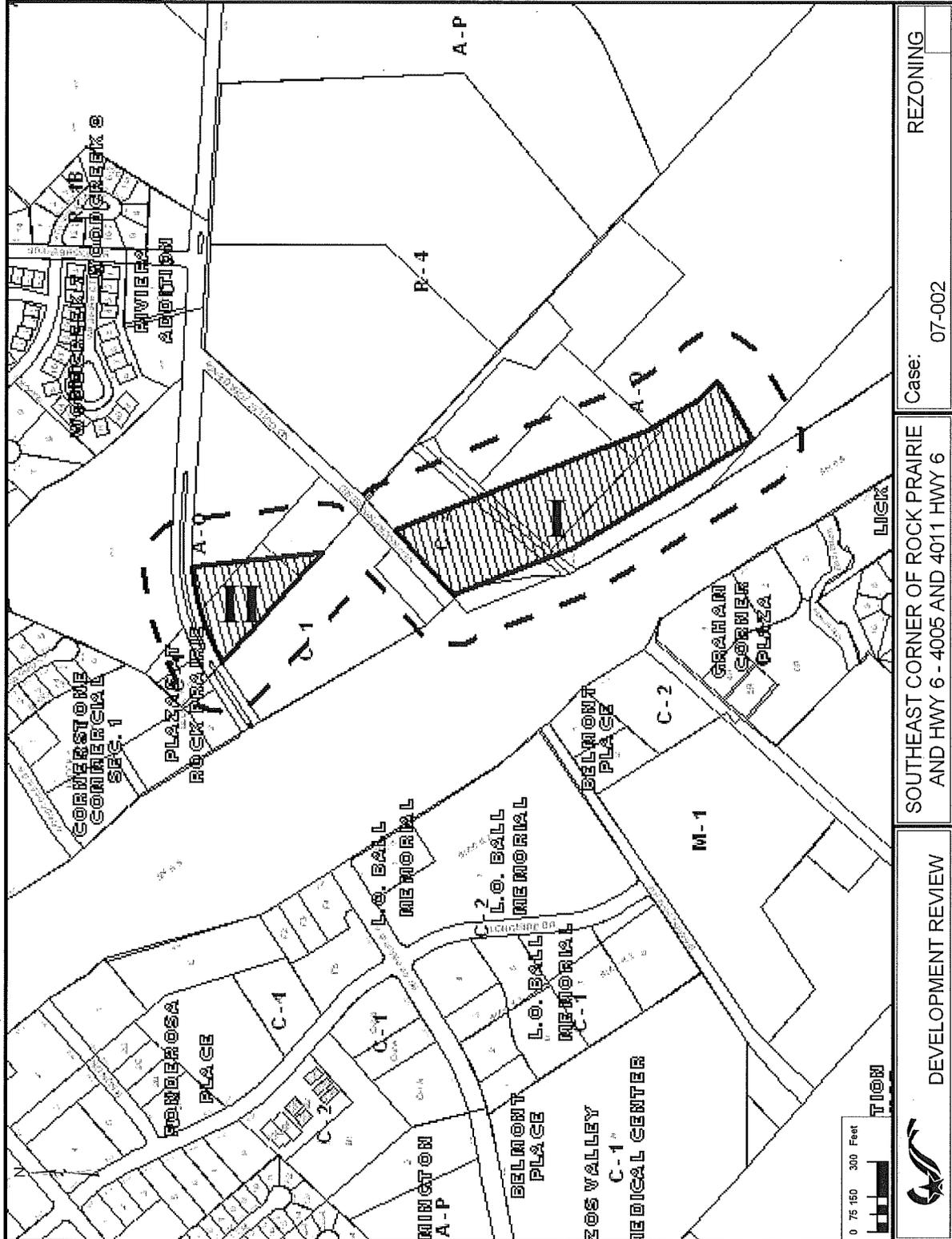
COMMENCING at a 1/2" iron rod found for the south corner of the southeast cutback line of State Highway 6 (right-of-way varies) and Rock Prairie Road (a 90' right-of-way), being an angle corner of the 0.08 acre tract described in deed to Rock Prairie Development, Ltd., recorded in Volume 4121, Page 70, in the Deed Records of Brazos County, Texas; THENCE North 12° 47' 34" East – 21.22' along the southeast cutback line of said State Highway 6 and Rock Prairie Road to a 5/8" iron rod with a cap stamped "PATE" found for the north corner of said southeast cutback line; THENCE North 57° 46' 36" East – 259.85' along the north line of said 0.08 acre tract, common to the south right-of-way line of said Rock Prairie Road to a 5/8" iron rod with a cap stamped "PATE" found for the Point of Curvature of a curve to the right, having a central angle of 01° 39' 15", a radius of 955.00', and a chord bearing and distance of North 58° 36' 40" East – 27.57'; THENCE along said curve to the right, in a northeasterly direction, continuing along the south right-of-way line of said Rock Prairie Road, an arc length of 27.57' to the POINT OF BEGINNING, being a point on a curve to the right, having a central angle of 25° 33' 55", a radius of 955.00', and a chord bearing and distance of North 72° 13' 15" East – 422.59';

THENCE along said curve to the right, in a northeasterly direction, continuing along the south right-of-way line of said Rock Prairie Road, an arc length of 426.12' to the northeast corner of the herein described tract;

THENCE South 06° 37' 07" East – 557.40' to the south corner of the herein described tract;

THENCE North 47° 41' 55" West – 630.94' to the POINT OF BEGINNING and containing 2.806 acres of land.

EXHIBIT "B"



REZONING
Case: 07-002
SOUTHEAST CORNER OF ROCK PRAIRIE AND HWY 6 - 4005 AND 4011 HWY 6
DEVELOPMENT REVIEW

March 26, 2009
Regular Agenda Item No. 2
UDO Amendment – Alcohol sales

To: Glenn Brown, City Manager

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

Agenda Caption: Public hearing, presentation, possible action, and discussion on an ordinance amending the Unified Development Ordinance, Article 6, Use Regulations and Article 11, Definitions as they pertain to the regulation of alcohol sales in Wolf Pen Creek (WPC) and Residential Northgate (NG-3) Zoning Districts

Recommendation(s): The Planning and Zoning Commission unanimously recommended approval of the attached ordinance at their March 5th meeting. Staff also recommended approval.

Summary: The proposed amendments to the Unified Development Ordinance are intended to modify the requirements for alcohol sales in the Wolf Pen Creek District. This item originated out of a discussion related to the construction of the water feature along Dartmouth Drive at the February 3rd Wolf Pen Creek Oversight Committee. During the discussion concerns were raised about the sale of alcohol in proximity to the feature.

A subset of the existing retail sales and services for retail alcohol sales was created that, as proposed, requires a conditional use permit for this use in Wolf Pen Creek and does not allow the use in NG-3, Residential Northgate. A definition in Article 11 has been provided that identifies retail alcohol sales as those establishments that derive more than 75% of their sales from the sale of alcohol for off-premise consumption. Exempt from this would be sales associated with events held on City-owned property. This would allow for the sale of alcohol at both private and public events in the amphitheater and festival area provided they have the appropriate permits to sell alcohol.

Additionally, the standards for nightclubs and taverns were also changed to require conditional use permits for these uses in Wolf Pen Creek as well.

Budget & Financial Summary: N/A

Attachments:

1. Draft Planning and Zoning Commission Minutes, March 5, 2009
2. Ordinance



MINUTES
PLANNING AND ZONING COMMISSION
Regular Meeting
Thursday, March 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, and Hugh Stearns

COMMISSIONERS ABSENT: Thomas Woodfin

CITY COUNCIL MEMBERS PRESENT: Dennis Maloney

CITY STAFF PRESENT: Senior Planners Jennifer Prochazka and Lindsay Kramer, Staff Planners Jason Schubert, Lauren Hovde, and Matthew Hilgemeier, 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, Greenways Program Manager Venessa Garza, Director of Parks and Recreation Marco Cisneros, Director Bob Cowell, Assistant Director Lance Simms, First Assistant City Attorney Carla Robinson, Action Center Representative Carrie McHugh and Staff Assistant Brittany Caldwell

10. Public hearing, presentation, possible action, and discussion on amendments to the Unified Development Ordinance, Article 6, Use Regulations and Article 11, Definitions as they pertain to the regulation of alcohol sales in Wolf Pen Creek (WPC) and Residential Northgate (NG-3) Zoning Districts. **Case #09-00500037 (LK)**

Lindsay Kramer, presented the Unified Development Ordinance amendment regarding alcohol sales in Wolf Pen Creek with two options. The first option would be to require that all nightclubs obtain a conditional use permit in order to operate in the district which would provide greater discretion to the City Council. The second option would be to continue to allow the use in the district and continue to allow the Design Review Board to review the site plans.

There was general discussion regarding the amendment.

Chairman Nichols opened the public hearing.

No one spoke during the public hearing.

Chairman Nichols closed the public hearing.

Commissioner Stearns motioned to recommend that both liquor stores and nightclubs be required to apply for a conditional use permit. Commissioner Bauman seconded the motion, motion passed (6-0).

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE," SECTION 6.2.C, "USE TABLE," AND SECTION 11.2, "DEFINITIONS" OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1: That Chapter 12, "Unified Development Ordinance," Section 6.2.C, "Use Table," and Section 11.2, "Definitions" of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibits "A" and "B", attached hereto and made a part of this ordinance for all purposes.

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

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

PASSED, ADOPTED and APPROVED this _____ day of _____, 2009.

APPROVED:

MAYOR

ATTEST:

City Secretary

APPROVED:

Carla A. Roberson

City Attorney

EXHIBIT "A"

That Chapter 12, "Unified Development Ordinance," Section 6.2.C, "Use Table," of the Code of Ordinances of the City of College Station, Texas, is hereby amended by amending the table to read as follows:

(See Use Table on Next 3 Pages)

USE TABLE	Residential Districts										Non-Residential Districts														
	A-O	A-OR	R-1	R-1B	R-2*	R-3**	R-4**	R-6**	R-7**	P-MUD**	A-P	C-1	C-2	C-3**	R & D**	M-1	M-2	C-U	WPC**	NG-1**	NG-2**	NG-3**			
Specific Uses																									
KEY:	P = Permitted by Right ; P* = Permitted Subject to Specific Use Standards; C = Conditional Use																								
RESIDENTIAL																									
Boarding & Rooming House							P	P	P	P													P		
Extended Care Facility / Convalescent / Nursing Home								P	P	P		P												P	
Dormitory																									
Duplex																									
Fraternity / Sorority																									
Manufactured Home																									
Multi-Family	P*	P*							P*																
Multi-Family built prior to January 2002																									
Single-Family Detached	P	P	P	P	P	P	P	P	P	P															
Townhouse																									P
PUBLIC, CIVIC AND INSTITUTIONAL																									
Educational Facility, College & University																									
Educational Facility, Indoor Instruction																									
Educational Facility, Outdoor Instruction	P	C																							
Educational Facility, Primary & Secondary			P	P	P	P	P	P	P	P															
Educational Facility, Tutoring																									
Educational Facility, Vocational / Trade																									
Governmental Facilities	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P*
Health Care, Hospitals																									
Health Care, Medical Clinics																									
Parks																									
Places of Worship	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
COMMERCIAL, OFFICE AND RETAIL																									
Agricultural Use, Barn or Stable for Private Stock	P	P																							
Agricultural Use, Farm or Pasturage	P	P																							
Agricultural Use, Farm Product Processing	P																								

¹ Multi-family residential uses located in stories or floors above retail commercial uses are permitted by right.

** District with Supplemental Standards (Refer to Article 5).

USE TABLE	Residential Districts										Non-Residential Districts												
	A-O	A-OR	R-1	R-1B	R-2**	R-3**	R-4**	R-6**	R-7**	P-MUD**	A-P	C-1	C-2	C-3**	R & D**	M-1	M-2	C-U	WPC**	NG-1**	NG-2**	NG-3**	
Specific Uses																							
KEY:	P = Permitted by Right ; P* = Permitted Subject to Specific Use Standards; C = Conditional Use																						
COMMERCIAL, OFFICE AND RETAIL (continued)																							
Animal Care Facility, Indoor	P*																						
Animal Care Facility, Outdoor																							
Art Studio / Gallery																							
Car Wash																							
Commercial Garden / Greenhouse / Landscape Maint.	P*																						
Commercial Amusements																							
Conference / Convention Center																							
Country Club	P	P	P																				
Day Care, Commercial																							
Drive-in / thru window																							
Dry Cleaners & Laundry																							
Fraternal Lodge																							
Fuel Sales																							
Funeral Homes																							
Golf Course or Driving Range																							
Health Club / Sports Facility, Indoor																							
Health Club / Sports Facility, Outdoor																							
Hotels																							
Night Club, Bar or Tavern																							
Offices																							
Parking as a Primary Use																							
Personal Service Shop																							
Printing / Copy Shop																							
Radio / TV Station / Studios																							
Restaurants																							

¹ Multi-family residential uses located in stories or floors above retail commercial uses are permitted by right.

** District with Supplemental Standards (Refer to Article 5).

USE TABLE	Residential Districts											Non-Residential Districts											
	A-O	A-OR	R-1	R-1B	R-2*	R-3**	R-4**	R-5**	R-7**	P-MUD**	A-P	C-1	C-2	C-3**	R & D**	M-1	M-2	C-U	WFC**	NG-1**	NG-2**	NG-3**	
Specific Uses																							
KEY:	P = Permitted by Right ; P* = Permitted Subject to Specific Use Standards; C = Conditional Use																						
COMMERCIAL, OFFICE AND RETAIL (continued)																							
Retail Sales - Single Tenant over 50,000 SF												P	P*	P									
Retail Sales and Service										P		P*	P*	P					P	P	P	P	
Retail Sales and Service - Alcohol										P		P*	P*	P					C	P	P	P	
Sexually Oriented Business (SOB)	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*
Shooting Range, Indoor										P		P							P				
Theater										P		P							P	P	P	P	P
Retail Sales, Manufactured Homes																	P*						
Storage, Self Service												P	P	P*									
Vehicular Sales, Rental, Repair and Service												P*	P*										
Wholesales / Services												P*	P*		P								
INDUSTRIAL AND MANUFACTURING																							
Bulk Storage Tanks / Cold Storage Plant																							
Industrial, Light																							
Industrial, Heavy																							
Recycling Facility – Large																							
Salvage Yard																							
Scientific Testing / Research Laboratory																							
Storage, Outdoor - Equipment or Materials																							
Truck Stop / Freight or Trucking Terminal																							
Utility	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*
Warehousing / Distribution																							
Waste Services																							
Wireless Telecommunication Facilities – Intermediate																							
Wireless Telecommunication Facilities – Major	P*									P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*
Wireless Telecommunication Facilities – Unregulated	C										C	C	C	C	C	C	C	C	C	C	C	C	C
Wireless Telecommunication Facilities – Unregulated	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

¹ Multi-family residential uses located in stories or floors above retail commercial uses are permitted by right.
 ** District with Supplemental Standards (Refer to Article 5).

EXHIBIT "B"

That Chapter 12, "Unified Development Ordinance," Section 11.2, "Defined Terms," of the Code of Ordinances of the City of College Station, Texas, is hereby amended by adding the following definition to read as follows:

Retail Sales, Alcohol: Establishments, except nightclubs and restaurants as defined, engaged in selling beer, wine, or other alcoholic beverages for where more than 75% of sales is derived from the sale of such beverages for off-premise consumption. Exempt from this definition are temporary retail sales of alcohol associated with special events, or events held on City-owned property.

March 26, 2009
Regular Agenda Item No. 3
Sale of Fire Station No. 3

To: Glenn Brown, City Manager

From: Jeff Kersten, Chief Financial Officer

Agenda Caption: Presentation, possible action, and discussion of a sales contract for the sale of Fire Station No. 3 to Texas 4-H Youth Development Foundation in the amount of \$525,000.00.

Recommendation(s): Staff recommends the sale of Fire Station No. 3 to Texas 4-H Youth Development Foundation.

Summary: In 2008, the relocation of the new Fire Station No. 3 on Barron Road left Fire Station No. 3 at 4180 SH6 unoccupied and available for lease or sale. The appraised value of the property is \$515,000 dated February 2008. In June 2008, staff solicited bids for the sale of the fire station and did not receive any bids. The City engaged the services of Craig Browne, an Accredited Land Consultant to list the property on MLS and/or commercial real estate listings. Mr. Brown was responsible for marketing, showing and assisting potential buyers with the bid preparation. The broker fee was a \$5,000 retainer at time of contract execution and \$20,000 when an acceptable bid is approved by Council. On March 13, 2009 we received four bids as follows:

Texas 4-H Youth Development Foundation
\$525,000 *subject to a clean environmental phase 1 study

Wallace Phillip, Greens Prairie Investors Ltd.
\$375,000 *subject to property being re-zoned C1

Todd Swink, Swink Investments
\$339,851.00

Mark Kristen
\$316,000

Budget & Financial Summary: The sales price of the property is \$525,000. \$25,000 will go towards the broker fee. A total of \$500,000 in proceeds less any closing costs will be realized by the City of College Station for the sale of this property. At the time the construction contract for the relocation of Fire Station #3 was approved, it was discussed that the proceeds from this sale could go to offset some of the additional cost of the relocation of Fire Station #3. At the time additional certificates of obligation of \$991,000 were issued for that project. These proceeds can be used to offset the cost of future capital projects of approximately \$500,000 and reduce future debt issues by that amount.

Attachments:
Contract for Sale is available in the City Secretary's Office

March 26, 2009
Regular Meeting Agenda Item No. 4
Fiscal Policy on External Audit

To: Mayor and Members of the City Council
From: Ty Elliott, City Internal Auditor

Agenda Caption: Presentation, possible action, and discussion concerning the City's fiscal policy on external audit.

Recommendation(s): Consider changing the City's fiscal policy to require either periodic rotation (e.g. five years) of external audit firms or periodic rotation of external audit staff within the same audit firm.

Summary:

During the January 29, 2009 audit committee meeting, the committee directed that I advise the City Council concerning the advantages and disadvantages of mandatory auditor rotation in order to facilitate discussion of possible changes to the City's fiscal policy on external audit.

The City's current fiscal policy regarding the selection of an external auditor is as follows: "The City will not require a periodic rotation of outside auditors, but will circulate requests for proposal for audit services at least every five years." Under this current policy, request for proposal for audit services are planned to be circulated in April 2009 in order to select an auditor for the fiscal year 2009 audit. The City has contracted with Ingram, Wallis & Co to provide audit services for the last 14 years.

Over time, the independence of an external auditor is likely to be compromised due to being overly familiar with the client's business, aspirations, plans, and possibly even being a participant or informal advisor to the client during decision making processes. Lack of attention to detail due to staleness and redundancy could also result from non-rotation of an external auditor. To best mitigate this risk, the City could change the fiscal policy to require periodic rotation (e.g. five years) of external audit firms. Alternatively, the City could change the fiscal policy to require periodic rotation of external audit staff within the same audit firm.

Operationally, the primary audit quality question is whether such a policy will lead to more-independent auditors performing better audits by either detecting or reporting material misstatements in the financial statements, or whether the constant rotation of audit firms will result in inferior audit performance.

Although mandatory periodic audit firm rotation best addresses the issue of auditor independence, a decision to automatically change external auditors every five years or so has some disadvantages. Since city governments are unique, there would likely be a significant drop-off in the effectiveness during the first year as a new external audit team becomes familiar with city business and its varied activities. There is also likely to be some decline in the effectiveness of fiscal service's staff, since the burden of training the new audit team is likely to fall largely on the shoulders of the City's Accounting Division. Depending on the external audit firm employed, there might even be some degradation in performance during the last year or two of the five-year tour if it was a foregone conclusion that the contract could not be extended beyond the fifth year. The temptation to assign junior staff to an expiring non-renewable contract, for training purposes, might be too strong for some firms to resist.

March 26, 2009
Regular Agenda Item No. 5
Appointment to Policy Board of BVSWMA

To: Glenn Brown, City Manager

From: Connie Hooks, City Secretary

Agenda Caption: Presentation, possible action, and discussion regarding appointment of Mayor and Council Member to serve on the Policy Advisory Board of the Brazos Valley Solid Waste Management Agency for calendar year 2009.

Summary: "The City Councils of both cities shall appoint a Policy Advisory Board. The Board shall be comprised of three voting members as follows: The Mayors of Bryan and College Station shall at all times be voting members of the Board and shall alternate each year as Chair; one City Council member from Bryan shall be a voting member of the Board during each year that College Station's Mayor presides as Chair; one City Council member from College Station shall be a voting member of the Board during each year Bryan's Mayor presides as Chair. The city managers of each city shall serve as non-voting or ex-officio members of the Board."

Bryan Mayor Mark Conlee is serving as the Board's Chair for calendar year 2009.

College Station Mayor Ben White is a voting member.

College Station Council member John Crompton was appointed in July, 2008 as the Council representative.

Staff requests Council action for the reappointment of Council member Crompton or the appointment of another Council member to serve the remainder of 2009.

Attachments:

List of Council Representatives to Board

Council Appointed Representatives

The following individuals are appointed by the City Council to represent the City of College Station on joint committees with other governmental agencies and community groups.

Arts Council of the Brazos Valley (College Station Representatives)

Tom Wilkinson	Appointed 8/07	Reappointed till 10
John Happ	Appointed 8/07	Reappointed till 10
Lynn McIlhane	Appointed 8/07	Reappointed 7/08

Audit Committee

Larry Stewart (Chair)	Appointed 7/08
James Massey	Appointed 7/08
Lynn McIlhane	Appointed 7/08

Brazos County Health Department

Lynn McIlhane	Appointed 6/06	Reappointed 7/08
Ben White	Appointed 6/06	Reappointed 7/08

Brazos Valley Council of Governments Board of Directors

Mayor Ben White

B/CS Metropolitan Planning Organization

Mayor Ben White

BVSWMA Policy Advisory Board

John Crompton	Appointed 8/07	Reappointed 7/08
Ben White		

Comprehensive Plan Advisory Committee

Dennis Maloney	Appointed 7/08
Larry Stewart (Alternate)	Appointed 7/08

Convention and Visitors Bureau

Stephen Moore	
Vacant	
Scott Shafer	
Dave Ruesink (Council Rep)	Reappointed 7/08

Intergovernmental Committee

James Massey (Chair)	Appointed 8/07	Reappointed 7/08
Dave Ruesink	Appointed 8/07	Reappointed 7/08
Larry Stewart	Appointed 7/08	

Research Valley Partnership

Ben White	Appointed 7/08
Dave Ruesink (alternate)	Appointed 7/08

Sister Cities Association

Dave Ruesink	Appointed 8/06	Reappointed 7/08
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Transportation Committee

Lynn McIlhane (Chair)	Appointed 8/06	Reappointed 7/08
John Crompton	Appointed 7/08	
Dennis Maloney	Appointed 7/08	
MPO Linda LaSuit	Created position 7/05	
TTI Dennis Christianson	Created position 7/05	
BVCOG Michael Parker	Created position 7/05	
TxDot Bryan Woods	Created position 7/05	

Wolf Pen Creek Oversight Committee

Dennis Maloney	Appointed 7/08
James Massey	Appointed 7/08
Larry Stewart (Alternate)	Appointed 7/08

City/CSISD Subcommittee