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Mayor

Nancy Berry

Mayor Pro Tem

John Crompton

City Manager

Glenn Brown

Council members

Jess Fields

Dennis Maloney

Katy-Marie Lyles

Lawrence Stewart

Dave Ruesink

Agenda

College Station City Council

Regular Meeting

Thursday, July 08, 2010 at 7:00 PM

City Hall Council Chamber, 1101 Texas Avenue

College Station, Texas

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

- **Proclamation recognizing Ms. Christel Botha of South Africa for her caring devotion to Council member Larry Stewart.**
- **Presentation of recognition for the City of College Station's acceptance into the Federal Emergency Management's Community Rating System.**
- **Proclamation designating July as Parks and Recreation Month" to the agenda**

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. Comments should not personally attack other speakers, Council or staff.

Consent Agenda

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

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

a. Presentation, possible action, and discussion of minutes for June 10, 2010 Workshop Meeting and June 24, 2010 Workshop and Regular Meetings.

b. Presentation, possible action, and discussion of Special Election for City Council Place 5, to fill an unexpired term.

- c. Presentation, possible action, and discussion to ratify construction material testing expenses of \$9,012.50 and authorize additional expenditures for projected expenses of \$27,000.00 for a combined increase to the 2010 CME Testing and Engineering Inc purchase order number 100088 in the amount of \$36,012.50.
- d. Presentation, possible action and discussion on a bid award for the purchase of water meters and registers maintained in inventory to Hersey Meters Co., LLC d/b/a Mueller Systems for \$114,270.71 and Aqua-Metric Sales Co., for \$39,330.35 for a total annual estimated expenditure of \$153,601.06. (Bid #10-69).
- e. Presentation, possible action and discussion on renewing the annual contract for turf mowing services for various city properties with Green Teams, Inc. for an annual expenditure of \$76,398.00. This is the first of two (2) renewal options that is to begin on July 9, 2010 and expires on July 8, 2011. (Contract No. 09-101/Bid No. 09-19).
- f. Presentation, possible action and discussion on awarding a price agreement for annual purchases of fleet oils and lubricants to North American Lubricants Co. for an annual expenditure of \$73,391.00. (Bid No. 10-70).
- g. Presentation, possible action and discussion to approve a resolution by the City Council of the City of College Station, Texas, directing publication of notice of intention to issue certificates of obligation, series 2010; and providing an effective date.
- h. Presentation, possible action, and discussion regarding approval for the purchase of the Police Department's Electronic Citation Replacement Equipment from SHI for an amount not to exceed \$103,132.00.
- i. Presentation, possible action, and discussion regarding approval of a real estate contract between the City of College Station (Buyer) and L.J. Ruffino (Seller) for the purchase of 34.10 acres in the Morgan Rector Survey, Abstract No. 46, College Station, Texas.
- j. Presentation, possible action, and discussion regarding approval of a real estate contract between the City of College Station (Buyer) and Richard Smith (Seller) for the purchase of approximately 78.9 acres in the Morgan Rector Survey, Abstract No. 46, College Station, Texas.
- k. Presentation, possible action, and discussion regarding design contract change order no. 1 with Clark Condon Associates decreasing the design contract in the amount of \$30,500.
- l. Presentation, possible action, and discussion regarding the transfer of no more than \$35,000.00 from Wastewater Capital Projects Contingency to the Thickener Building Roof Upgrade at Carters Creek Wastewater Treatment Plant Project.
- m. Presentation, possible action and discussion on a resolution for an Advanced Funding Agreement (AFA) in the amount of \$3,696 between the City of College Station and the Texas Department of Transportation (TxDOT) for the Barron Road Interchange.
- n. Presentation, possible action, and discussion regarding approval of a resolution declaring intention to reimburse certain expenditures with proceeds from debt for the Barron Road Widening Phase II project.
- o. Presentation, possible action, and discussion regarding Change Order No. 2 to the professional services contract with Mitchell & Morgan, LLP (Contract No. 07-201) in the amount of \$16,000.

p. Presentation, possible action, and discussion to terminate a Construction Contract, 09-089, with Jamail & Smith Construction in the amount of \$96,538.89, for the installation of the bollards along College Main and Patricia Street.

q. Presentation, possible action, and discussion regarding approval of the 2nd renewal of the annual price agreement with Crafcot Texas Inc. to provide crack sealant material and de-tack sealant material for the maintenance of streets in an amount not to exceed \$98,648.00 remaining the same as the current agreement.

r. Presentation, possible action and discussion regarding an ordinance amending Chapter 10 of the Code of Ordinances (Traffic Code) adding the closure of College Main between University Drive and Patricia Street by the construction of a "911 Gate."

s. Presentation, possible action, and discussion on a resolution approving a fourth annual renewal of a five (5) year agreement for the lease of slant-top, front-end loading refuse containers for an annual estimated expenditure of \$191,520.00.

Regular Agenda

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

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

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

1. Public Hearing, presentation, possible action, and discussion on the Annual Review of the Unified Development Ordinance (UDO) and the Annual Review of the Comprehensive Plan.
2. Public Hearing, presentation, possible action, and discussion regarding a Comprehensive Land Use Amendment of 6.326 acres from General Commercial and Natural Areas-Reserved to Urban and Natural Areas-Reserved for the property located at 301 Southwest Parkway, and more generally located east of the Southwest Crossing shopping center.
3. Public Hearing, presentation, possible action, and discussion regarding a Rezoning for Copper Creek Condos from C-1, General Commercial to PDD, Planned Development District for 6.236 acres located at 301 Southwest Parkway.

4. Public Hearing, presentation, possible action, and discussion on an ordinance Budget Amendment #3 amending ordinance number 3202 which will amend the budget for the 2009-2010 Fiscal Year in the amount of \$10,878,428, increase the number of regular full-time positions in the budget by two (2.0); and presentation, possible action and discussion on two interfund transfers.
5. Presentation, possible action, and discussion regarding the approval of an ordinance on changing the name of JONES BUTLER ROAD and I&GN ROAD to HOLLEMAN DRIVE SOUTH.
6. Public Hearing, presentation, possible action, and discussion approving an ordinance vacating and abandoning a 5,097 square foot, 20-foot wide public utility easement, which is located on Lot 13A of Block 3 of the Tower Point Phase 3 Subdivision according to the plat recorded in Volume 9497, Page 120 of the Deed Records of Brazos County, Texas.
7. Public Hearing, presentation, possible action and discussion concerning approval to proceed with engineering services for improvements to Royder Road and Greens Prairie Trail and approval of a resolution declaring intention to reimburse certain expenditures with proceeds from debt.
8. Presentation, possible action, and discussion regarding a proposed Parks and Recreation Department Park Vendor Permit and Dogs in Parks Ordinance.
9. Presentation, possible action, and discussion on selection of Council members to fill vacancies on the following committees and boards.

Audit Committee
Brazos County Health Department
BWSMA Policy Advisory Board
Comprehensive Plan Advisory Committee
Convention and Visitors Bureau
Intergovernmental Committee
Research Valley Partnership
Sister Cities Association
Transportation Committee
Wolf Pen Creek Oversight Committee

10. 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, July 08, 2010 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 2nd day of July, 2010 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 July 2, 2010 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 _____, 2010 By _____

Subscribed and sworn to before me on this the ____ day of _____, 2010.

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.

Thursday, July 8, 2010
Consent Agenda Item No. 2b
Special Election

To: Glenn Brown, City Manager

From: Tanya McNutt, Deputy City Secretary

Agenda Caption: Presentation, possible action, and discussion of Special Election for City Council Place 5, to fill an unexpired term.

Recommendation: Approve as presented to the City Council.

Summary: The Resolution calls a special election to be managed by Brazos County.

Budget Summary: Cost to the City for this special election shall be approximately \$33,000.

Attachments:

1. Resolution – to be presented to Council at meeting

July 8, 2010
Consent Agenda Item No. 2c
Construction Material Testing Expenditures

To: Glenn Brown, City Manager

From: Chuck Gilman, PE, Capital Projects Director

Agenda Caption: Presentation, possible action, and discussion to ratify construction material testing expenses of \$9,012.50 and authorize additional expenditures for projected expenses of \$27,000.00 for a combined increase to the 2010 CME Testing and Engineering Inc purchase order number 100088 in the amount of \$36,012.50.

Relationship to Strategic Goals: Goal 1, Financially Sustainable City Providing Response to Core Services and Infrastructure.

Recommendation(s): Staff recommends approval of the additional authorization to pay the construction material testing expenses.

Summary: Staff developed a construction material testing budget for FY 2010 based on the 2010 Capital Plan and the expenditures from 2009. Staff estimated that the material testing with CME Testing and Engineering Inc would not to exceed \$50,000.00. However, in early FY 2010 an invoice for approximately \$22,000 was received by the City from CME Testing and Engineering Inc for a large project that was completed near the end of FY 2009, thereby reducing the funds available for projects being delivered in FY 2010 to approximately \$28,000.

To date, Staff has spent \$59,012.50 with CME Testing and Engineering Inc. Based on the projects currently in construction, Staff anticipates spending approximately \$27,000 for additional testing with CME Testing and Engineering Inc. Therefore, Staff is requesting the City Council ratify \$9,012.50 for services already received from CME Testing and Engineering Inc and authorize additional projected expenditures of \$27,000.00, for a total change order amount of \$36,012.50 for construction material testing.

Budget and Financial Summary: Funds for construction material testing are included in the project budget for each capital project. Funds to pay for this additional testing was already included and accounted for in the individual project budgets.

Attachments: None

July 8, 2010
Consent Agenda Item No. 2d
Annual Water Meters and Registers

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

Agenda Caption: Presentation, possible action and discussion on a bid award for the purchase of water meters and registers maintained in inventory to Hersey Meters Co., LLC d/b/a Mueller Systems for \$114,270.71 and Aqua-Metric Sales Co., for \$39,330.35 for a total annual estimated expenditure of \$153,601.06. (Bid #10-69).

Relationship to Strategic Goals: Goal 1.1 Spending taxpayer money efficiently.

Recommendation(s): Recommend award to the lowest, responsible bidder meeting specifications per section, as follows, with annual estimated expenditures totaling \$153,601.06.

I.	Hersey Meters Co., LLC d/b/a Mueller Systems	Section I-Meters	\$114,270.71
II.	Aqua-Metric Sales Co.	Section II-Registers, Measuring Chambers & Rebuild Kits	\$39,330.35
		TOTAL	\$153,601.06

Summary: Four (4) sealed, competitive bids were received and opened on June 14, 2010. These purchases will be made as needed during the term of the agreement. These items are maintained in the Water/Wastewater inventory, stocked and expensed as necessary. The term of agreement shall be for twelve (12) months with up to two (2) one-year renewal options to be awarded one year at a time.

Budget & Financial Summary: Funds are budgeted and available in the Water/Wastewater Fund. Various projects may be expensed as supplies are pulled from inventory and issued.

Attachments: Bid Tabulation #10-69



City of College Station - Purchasing Division
Bid Tabulation for #10-69
"Annual Price Agreement for Water Meters"
Open Date: Monday, June 14, 2010 @ 2:00 p.m.

ITEM	QTY	UNIT	DESCRIPTION	Hersey Meter Co., LLC d/b/a Mueller Systems (Cleveland, NC)		**Alternate Bid** Hersey Meter Co., LLC d/b/a Mueller Systems (Cleveland, NC)		Badger Meter, Inc. (Milwaukee, WI)		MDN Enterprises (New Caney, TX)		Aqua Metric Sales Co. (Schertz, TX)	
				UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
SECTION I - METERS													
1	1800	EA	5/8" x 3/4" direct read water meter	\$31.94	\$57,492.00	\$29.90	\$53,820.00	\$37.07	\$66,726.00	\$33.13	\$59,634.00	\$38.46	\$69,228.00
Manufacturer/Part No.				Hersey 430/V0G0202		Hersey 420/V0GC204		RCDL 25 Bronze, Less Connections		Infinity PD-07GBB		Sensus 5/8" x 3/4" SRII DR USG	
2	80	EA	1" direct read water meter	\$82.72	\$6,617.60	\$82.72	\$6,617.60	\$84.55	\$6,764.00	\$96.25	\$7,700.00	\$85.53	\$6,842.40
Manufacturer/Part No.				Hersey 452/V0K0202		Hersey 452/V0K0202		RCDL 55 Bronze, Less Connections		Infinity PD-10GBB		Sensus 1" SRII DR USG	
3	50	EA	1.5" direct read water meter	\$223.60	\$11,180.00	\$223.60	\$11,180.00	\$225.00	\$11,250.00	\$309.84	\$15,492.00	\$249.50	\$12,475.00
Manufacturer/Part No.				Hersey 562/W0N0201		Hersey 562/W0N0201		RCDL 120 Elliptical, Less Connections		Infinity PDS-15GBB		Sensus 1 1/2" SR DR USG	
4	18	EA	2" direct read water meter	\$273.80	\$4,928.40	\$273.80	\$4,928.40	\$295.00	\$5,310.00	\$492.90	\$8,872.20	\$367.86	\$6,621.48
Manufacturer/Part No.				Hersey 572/W0P0201		Hersey 572/W0P0201		RCDL 170 Elliptical, Less Connections		Infinity PDS-20GBB		Sensus 2" SR DR USG	
5	32	EA	5/8" x 3/4" touch read/pit lid meter	\$71.20	\$2,278.40	\$69.92	\$2,237.44	\$79.35	\$2,539.20	\$75.53	\$2,416.96	\$75.72	\$2,423.04
Manufacturer/Part No.				Hersey 430/V0G02724		Hersey 420/V0GC2744		RCDL 25 Bronze, W/ADE & Badger Touch Pit Module		Infinity PD-07GBB-1		Sensus 5/8" x 3/4" SRII TR/PL USG	
6	2	EA	2" compound meter w/ strainer, touch read/pit lid	\$365.80	\$731.60	\$365.80	\$731.60	\$1,169.05	\$2,338.10	\$1,607.03	\$3,214.06	\$1,010.00	\$2,020.00
Manufacturer/Part No.				Hersey MVR 160/Q8P02054		Hersey MVR 160/Q8P02054		RCDL Compound Series, Bronze Strainer, w/ 2 ADEs & 2 Bader Touch Pit Modules		Infinity CM-250-1		Sensus 2" OMNI C2 Compound w/ Strainer	
7	5	EA	3" compound meter w/ strainer, touch read/pit lid	\$668.00	\$3,340.00	\$668.00	\$3,340.00	\$1,425.00	\$7,125.00	\$1,698.90	\$8,494.50	\$1,279.33	\$6,396.65
Manufacturer/Part No.				Hersey MVR 350/Q0R02014		Hersey MVR 350/Q0R02014		RCDL Compound Series, Bronze Strainer, w/ 2 ADEs & 2 Bader Touch Pit Modules		Infinity CM-600-1		Sensus 3" OMNI C2 Compound w/ Strainer	
8	1	EA	4" compound meter w/ strainer, touch read/pit lid	\$994.00	\$994.00	\$994.00	\$994.00	\$1,940.00	\$1,940.00	\$1,986.08	\$1,986.08	\$2,222.00	\$2,222.00
Manufacturer/Part No.				Hersey MVR 650/Q0S02014		Hersey MVR 650/Q0S02014		RCDL Compound Series, Bronze Strainer, w/ 2 ADEs & 2 Bader Touch Pit Modules		Infinity CM-1000-1		Sensus 4" OMNI C2 Compound w/ Strainer	
9	1	EA	2" turbine water meter touch read/pit lid	\$365.80	\$365.80	\$365.80	\$365.80	\$425.45	\$425.45	\$392.20	\$392.20	\$710.54	\$710.54
Manufacturer/Part No.				Hersey MVR 160/Q8P02054		Hersey MVR 160/Q8P02054		RCDL T-200 Elliptical, w/ ADE & Badger Touch Pit Module		Infinity TWM-250-1		Sensus 2" OMNI T2 Turbo w/ Strainer	
10	2	EA	3" turbine water meter touch read/pit lid	\$668.00	\$1,336.00	\$668.00	\$1,336.00	\$499.50	\$999.00	\$459.78	\$919.56	\$885.46	\$1,770.92
Manufacturer/Part No.				Hersey MVR 350/Q0R02014		Hersey MVR 350/Q0R02014		RCDL T-450 Elliptical, w/ ADE & Badger Touch Pit Module		Infinity TWM-600-1		Sensus 3" OMNI T2 Turbo w/ Strainer	
11	1	EA	4" turbo water meter touch read/pit lid	\$994.00	\$994.00	\$994.00	\$994.00	\$682.30	\$682.30	\$593.25	\$593.25	\$1,723.79	\$1,723.79
Manufacturer/Part No.				Hersey MVR 650/Q0S02014		Hersey MVR 650/Q0S02014		RCDL T-1000 Elliptical, w/ ADE & Badger Touch Pit Module		Infinity TWM-1000-1		Sensus 4" OMNI T2 Turbo w/ Strainer	
12	43	EA	1.5" touch read/pit lid meter	\$244.00	\$10,492.00	\$244.00	\$10,492.00	\$256.00	\$11,008.00	\$413.40	\$17,776.20	\$276.23	\$11,877.89
Manufacturer/Part No.				Hersey 562/W0N02814		Hersey 562/W0N02814		RCDL 120 Elliptical, w/ ADE & Badger Touch Pit Module		Infinity PDS-15GBB-1		Sensus 1 1/2" SR TR/PL USG	
13	3	EA	1" touch read/pit lid meter	\$115.97	\$347.91	\$115.97	\$347.91	\$154.55	\$463.65	\$138.65	\$415.95	\$119.90	\$359.70
Manufacturer/Part No.				Hersey 452/V0K02724		Hersey 452/V0K02724		RCDL 55 w/ ADE & Badger Touch Pit Module		Infinity PD-10GBB-1		Sensus 1" SRII TR/PL USG	
14	3	EA	2" touch read/pit lid meter	\$311.00	\$933.00	\$311.00	\$933.00	\$325.00	\$975.00	\$530.25	\$1,590.75	\$387.36	\$1,162.08
Manufacturer/Part No.				Hersey 572/W0P02814		Hersey 572/W0P02814		RCDL 170 Elliptical, w/ ADE & Badger Touch Pit Module		Infinity PDS-20GBB-1		Sensus 2" SR TR/PL USG	



City of College Station - Purchasing Division
Bid Tabulation for #10-69
"Annual Price Agreement for Water Meters"
Open Date: Monday, June 14, 2010 @ 2:00 p.m.

ITEM	QTY	UNIT	DESCRIPTION	Hersey Meter Co., LLC d/b/a Mueller Systems (Cleveland, NC)		**Alternate Bid** Hersey Meter Co., LLC d/b/a Mueller Systems (Cleveland, NC)		Badger Meter, Inc. (Milwaukee, WI)		MDN Enterprises (New Caney, TX)		Aqua Metric Sales Co. (Schertz, TX)	
				UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
15	24	EA	Direct read-read in thousands 3" fire hydrant meter	\$510.00	\$12,240.00	\$510.00	\$12,240.00	\$615.00	\$14,760.00	\$492.90	\$11,829.60	\$668.60	\$16,046.40
Manufacturer/Part No.				Hersey HM/HMR022		Hersey HM/HMR022		RCDL T-450 FH, w/ Connections		Infinity FH-30GAB		Sensus 3" W125 Hydrant Meter	
SUBTOTAL - SECTION I				\$114,270.71		\$110,557.75		\$133,305.70		\$141,327.31		\$141,879.89	
SECTION II - REGISTERS, MEASURING CHAMBERS & REBUILD KITS													
16	5	EA	Touch read register for 5/8" x 3/4" meter	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$69.44	\$347.20
Manufacturer/Part No.				N/A		N/A		N/A		N/A		Sensus 5/8" x 3/4" SRII TR/PL Register	
17	5	EA	Touch read register for 1" meter	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$69.44	\$347.20
Manufacturer/Part No.				N/A		N/A		N/A		N/A		Sensus 1" SRII TR/PL Register	
18	5	EA	Touch read register for 4" to 6" compound meters	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$197.87	\$989.35
Manufacturer/Part No.				N/A		N/A		N/A		N/A		Sensus 4" - 6" SRH Compound TR/PL Register	
19	5	EA	Touch read register for 4" turbo meters	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$197.87	\$989.35
Manufacturer/Part No.				N/A		N/A		N/A		N/A		Sensus 4" W1000 TR/PL Register	
20	5	EA	Touch read register for 2" to 3" meters	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$197.87	\$989.35
Manufacturer/Part No.				N/A		N/A		N/A		N/A		Sensus 2" - 3" SRH Compound TR/PL Register	
21	5	EA	Touch read register for 1.5" meters	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$69.44	\$347.20
Manufacturer/Part No.				N/A		N/A		N/A		N/A		Sensus 1 1/2" SR TR/PL Register	
22	5	EA	Touch read register for 2" meters	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$69.44	\$347.20
Manufacturer/Part No.				N/A		N/A		N/A		N/A		2" SR TR/PL Register	
23	5	EA	Touch read register for 1.5" turbo meters	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$197.87	\$989.35
Manufacturer/Part No.				N/A		N/A		N/A		N/A		1 1/2" W120 TR/PL Register	
24	5	EA	Touch read register for 3" turbo meters	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$197.87	\$989.35
Manufacturer/Part No.				N/A		N/A		N/A		N/A		3" W350 TR/PL Register	
25	5	EA	Measuring chamber for 2" turbo meters	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$431.51	\$2,157.55
Manufacturer/Part No.				N/A		N/A		N/A		N/A		2" W160 MMP Turbo Chamber DR USG	
26	5	EA	Measuring chamber for 3" turbo meters	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$485.27	\$2,426.35
Manufacturer/Part No.				N/A		N/A		N/A		N/A		3" W350 MMP Turbo Chamber DR USG	
27	5	EA	Measuring chamber for 4" turbo meters	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$970.55	\$4,852.75
Manufacturer/Part No.				N/A		N/A		N/A		N/A		4" W1000 MMP Turbo Chamber DR USG	



City of College Station - Purchasing Division
Bid Tabulation for #10-69
"Annual Price Agreement for Water Meters"
Open Date: Monday, June 14, 2010 @ 2:00 p.m.

ITEM	QTY	UNIT	DESCRIPTION	Hersey Meter Co., LLC d/b/a Mueller Systems (Cleveland, NC)		**Alternate Bid** Hersey Meter Co., LLC d/b/a Mueller Systems (Cleveland, NC)		Badger Meter, Inc. (Milwaukee, WI)		MDN Enterprises (New Caney, TX)		Aqua Metric Sales Co. (Schertz, TX)	
				UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
28	5	EA	Rebuild kit, 2" complete for compound meter with tr/pl	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$1,114.40	\$5,572.00
Manufacturer/Part No.				N/A		N/A		N/A		N/A		Sensus 2" SRH Compound Rebuild Kit (If available)	
29	5	EA	Rebuild kit, 3" complete for compound meter with tr/pl	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$1,574.12	\$7,870.60
Manufacturer/Part No.				N/A		N/A		N/A		N/A		Sensus 3" SRH Compound Rebuild Kit (If available)	
30	5	EA	Rebuild kit, 4" complete for compound meter with tr/pl	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$2,023.11	\$10,115.55
Manufacturer/Part No.				N/A		N/A		N/A		N/A		Sensus 4" SRH Compound Rebuild Kit (If available)	
SUBTOTAL - SECTION II				NO BID		NO BID		NO BID		NO BID		\$39,330.35	
GRAND TOTAL (Section I + Section II)				\$114,270.71		\$110,557.75		\$133,305.70		\$141,327.31		\$181,210.24	
Certification of Bid				✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Delivery (No. of Calendar Days)				35 (90 for model 420)	35 (90 for model 420)	35 (90 for model 420)	35 (90 for model 420)	28-34 days Delivery schedule included in bid	15-30	15-30	15-30	7-14	7-14
Prompt Payment Discount (%)				2% (Net 30)	2% (Net 30)	2% (Net 30)	2% (Net 30)	0%	1%	1%	1%	0%	0%

NOTES:

Hersey Meter Co., LLC d/b/a Mueller Systems

»Bidder submitted alternate bids for Section I, Bid Items #1 and #5.

Badger Meter

»Bidder noted the following in their bid: "We are taking complete exception and bidding an alternate that we feel is comparable to your specifications. Although we do not meet the exact specification, we do meet the intent of the specifications."

MDN Enterprises

»Bidder miscalculated the total price for Section I, Bid Item #13 as \$415.00 and Subtotal - Section I as \$141,326.36. The highlighted totals above are correct.

**July 8, 2010
Consent Agenda Item No. 2e
Annual Turf Mowing Services**

To: Glenn Brown, City Manager

From: Jeff Kersten, Chief Financial Officer

Agenda Caption: Presentation, possible action and discussion on renewing the annual contract for turf mowing services for various city properties with Green Teams, Inc. for an annual expenditure of \$76,398.00. This is the first of two (2) renewal options that is to begin on July 9, 2010 and expires on July 8, 2011. (Contract No. 09-101/Bid No. 09-19)

Relationship to Strategic Goals: Goal 1.1 Spending taxpayer money efficiently.

Recommendation(s): Staff recommends approval of the renewal agreement with Green Teams, Inc. for an annual estimated expenditure of \$76,398.00.

Summary: Staff is requesting approval to renew the Annual Turf Mowing contract in the amount of \$76,398.00. This renewal does not include any price increases. The original contract approved by Council in July 2009 was for \$79,626.00. The revised contract amount includes one change order deduction of \$516.00 to remove the Well No. 4 location from the contract as well as the removal of two (2) temporary locations from this contract further decreasing the original amount by another \$2,712.00.

The Annual Turf Mowing renewal agreement will cover bulk turf mowing, edging/trimming, litter/debris removal, fire ant control and minor landscape bed maintenance for the following locations:

- Utility Electrical Substations (7 locations)
- Water Production Sites (11 locations)
- Wastewater Treatment Sites (11 locations)
- Water Pump Stations (2 locations)
- Economic/Community Development Sites (7 locations)

There is another contract for manicured landscaping services at park and other locations throughout the City. It was determined last year there were potential savings that could be realized by separating these two contracts.

Budget & Financial Summary: Funding for turf mowing services comes from the operations/maintenance funds for Water/Wastewater, Electric, Community Development and Economic Development.

Attachments: Renewal letter

RENEWAL ACCEPTANCE

By signing herewith, I acknowledge and agree to renew Bid No. 09-19 (Contract No. 09-101), for Annual Turf Mowing Services in accordance with all pricing, terms and conditions previously agreed to and accepted in an amount not to exceed \$76,398.00.

I understand this renewal term will be for the period beginning July 9, 2010 through July 8, 2011.

GREEN TEAMS, INC.

Tom Gallagher
AUTHORIZED REPRESENTATIVE

6-17-10
DATE

CITY OF COLLEGE STATION

Mayor

DATE

ATTEST:

City Secretary

DATE

APPROVED:

City Manager

DATE

Adm C. Fido

City Attorney

DATE

Chief Financial Officer

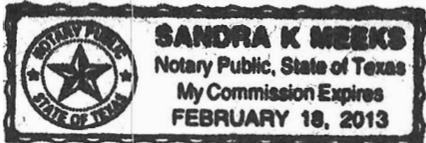
DATE

STATE OF TEXAS

CORPORATE ACKNOWLEDGMENT

COUNTY OF Brazos

This instrument was acknowledged on the 18th day of June, 2010,
by Len Gallagher in his/her capacity as President of
Green Teams, a TEXAS Corporation, on behalf of said corporation.



Sandra K Meeks
Notary Public in and for the
State of Texas

STATE OF TEXAS

ACKNOWLEDGMENT

COUNTY OF BRAZOS

This instrument was acknowledged on the _____ day of _____, 2010,
by _____, in his capacity as Mayor of the City of College Station, a Texas
home-rule municipality, on behalf of said municipality.

Notary Public in and for the
State of Texas

July 8, 2010
Consent Agenda Item No. 2f
Annual Purchases of Oils and Lubricants

To: Glenn Brown, City Manager

From: Jeff Kersten, Chief Financial Officer

Agenda Caption: Presentation, possible action and discussion on awarding a price agreement for annual purchases of fleet oils and lubricants to North American Lubricants Co. for an annual expenditure of \$73,391.00. (Bid No. 10-70)

Relationship to Strategic Goals: Goal 1.1 Spending taxpayer money efficiently.

Recommendation(s): Staff recommends award of the price agreement to the lowest responsible bidder, North American Lubricants Co. for the annual not-to-exceed amount of \$73,391.00.

Summary: Sealed competitive bids were solicited and eight (8) bids were received. North American Lubricants Co. submitted the lowest bid providing the best value to the City. (Please see the attached itemized bid tabulation for more detail.) Various oils, fluids and lubricants will be purchased and maintained in inventory for the purpose of maintaining City fleet/equipment. The vendor is responsible for delivering said products to the following locations on an as needed basis: Public Works/Fleet, BVSWMA and Public Utilities.

Budget & Financial Summary: Funds are budgeted and available in the Fleet Maintenance and BVSWMA Funds. Fleet purchases are maintained in inventory and expensed to departments as needed.

Attachments: Tabulation for Bid No. 10-70



City of College Station - Purchasing Division
 Bid Tabulation for #10-70
 "Fleet Maintenance Oils and Lubricants"
 Open Date: Thursday, June 10, 2010 @ 2:00 p.m.

ITEM	QTY	UNIT	DESCRIPTION	North American Lubricants (Scottsdale, AZ)		Matrix Lubricants LLC (Houston, TX)		Kolkhorst Petroleum Co. Inc. (Navasota, TX)		Kolkhorst Petroleum Co. Inc. (Navasota, TX)		Brazos Valley Lubricants (Bryan, TX)		K.D. Timmons, Inc. (Bryan, TX)		Mantek, Div. of NCH Corp. (Irving, TX)		Chemsearch, Div. of NCH Corp. (Irving, TX)	
				UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE
1	5,000	Gal.	AW 68 Hydraulic Oil	\$4.50	\$22,500.00	\$4.99	\$24,950.00	\$4.90	\$24,500.00	\$4.85	\$24,250.00	\$4.88	\$24,400.00	\$5.30	\$26,500.00	\$14.15	\$70,750.00	\$14.15	\$70,750.00
2	800	Gal.	Automatic Transmission Fluid (Multi-vehicle)	\$7.90	\$6,320.00	\$8.34	\$6,672.00	\$8.50	\$6,800.00	\$6.95	\$5,560.00	\$8.33	\$6,664.00	\$11.39	\$9,112.00	NO BID	NO BID	NO BID	NO BID
3	5,500	Gal.	Oil, Engine, SAE Grade 15W40	\$6.40	\$35,200.00	\$6.83	\$37,565.00	\$6.75	\$37,125.00	\$7.05	\$38,775.00	\$6.68	\$36,740.00	\$6.89	\$37,895.00	\$18.39	\$101,145.00	\$18.39	\$101,145.00
4	12	Drum (120 lb)	Grease #2EP Hi-Temp	\$186.00	\$2,232.00	\$216.25	\$2,595.00	\$231.00	\$2,772.00	\$215.30	\$2,583.60	\$195.02	\$2,340.24	\$222.70	\$2,672.40	\$416.40	\$4,996.80	\$416.40	\$4,996.80
5	12	Drum (55 Gal)	Lubricant, All Purpose Gear, GL5, SAE Grade 85W140	\$376.75	\$4,521.00	\$398.75	\$4,785.00	\$409.00	\$4,908.00	\$446.60	\$5,359.20	\$358.00	\$4,296.00	\$396.00	\$4,752.00	\$386.40	\$4,636.80	\$386.40	\$4,636.80
6	8	Drum (55 Gal)	Universal Tractor Hydraulic Oil	\$327.25	\$2,618.00	\$356.95	\$2,855.60	\$250.00	\$2,000.00	\$372.95	\$2,983.60	\$308.00	\$2,464.00	\$359.10	\$2,872.80	\$942.70	\$7,541.60	\$942.70	\$7,541.60
TOTAL BID				\$73,391.00		\$79,422.60		\$78,105.00		\$79,511.40		\$76,904.24		\$83,804.20		\$189,070.20		\$189,070.20	
Certification of Bid				✓		✓		✓		✓		✓		✓		✓		✓	
Prompt Payment Discount				0%		1%		2%		2%		0%		0%		0%		0%	
Manufacturer(s)				Puratech/PureGreen		Matrix		Leverage		Super S/Suregard		Citgo/Golden West		Super S		Lubra-Systems		Lubra-Systems	

NOTES:

Brazos Valley Lubricants:

»Bidder miscalculated the Grand Total as \$76,904.00. The highlighted total above is correct.

Mantech and Chemsearch:

»Bidders changed the quantities specified for Bid Items 1 and 3 which resulted in miscalculated Extended Prices and Grand Total cost. Bidders miscalculated Bid Item 1 as \$70,042.50, Bid Item 3 as \$97,099.20 and the Grand Total as \$184,316.90. The highlighted totals above are correct.

July 8, 2010
Consent Agenda Item No. 2g
Resolution Authorizing Publication of Notice for Certificates of Obligation

To: Glenn Brown, City Manager

From: Jeff Kersten, Chief Financial Officer

Agenda Caption: Presentation, possible action and discussion to approve a resolution by the City Council of the City of College Station, Texas, directing publication of notice of intention to issue certificates of obligation, series 2010; and providing an effective date.

Relationship to Strategic Goals: Goal 1.1 Spending taxpayer money efficiently.

Recommendation(s): Council approves the attached resolution directing publication of notice of the intention to issue certificates of obligation.

Summary: The City Council is authorized to approve the issuance of certificates of obligation (COs) after approving a resolution directing notices to be published of the intent to issue the COs.

The City of College Station typically issues debt to fund various capital projects identified and approved as a part of the annual budget.

Certificates of Obligation (COs) are based on the full faith and credit of the City and are paid primarily through the debt service portion of the ad valorem tax rate. Certificates of Obligation normally include at least one additional revenue stream besides the debt service portion of the tax rate such as utility revenues. The City's policy for issuing certificates of obligation allows more flexibility in their issue than General Obligation Bonds, which are authorized by the voters, particularly when other revenues are anticipated to assist in debt service.

The City's Financial Advisor recommended that the City issue Certificate of Obligations for utility projects instead of Utility Revenue Bonds (URBs). The Utility systems will still cover their associated portion of debt service through utility revenues. The efficiency of combining the debt is as follows:

- **Economies of scale:** The City can save on issuance cost by combining the two issues. The estimate cost savings is \$75,000 to \$100,000 each year that we issue.
- **Better ratings:** COs are rated Aa2/AA while URBs are rated Aa2/A+. Selling only the higher rated COs will result in lower bond interest rates.
- **More marketable bonds:** Combining the two issues will provide substantially larger block sizes in each maturity. Having block sizes in excess of \$1 million per year will likely attract institutional investors to the City's bonds where as before the market was essentially retail oriented investors.
- **Reserve fund requirements:** The URBs require that the City fund a debt service reserve fund unless the bonds are insured by a bond insurer, who at the time of the issuance, is AAA rated. Currently, the only bond insurer that remains AAA

rated by both Moody's and Standards & Poors is Assured Guaranty Municipal Corporation, formerly Financial Security Assurance (FSA).

In addition to the utility projects, this particular debt issue is planned to provide resources for, the purchase of the Art Council of Brazos Valley building, technology projects and debt issuance costs. The maximum amount of Certificates of Obligation indebtedness that may be authorized to be sold is \$3,910,000.

At the August 12th meeting, the City Council will consider approval of the Preliminary Official Statements for the Certificates of Obligation and General Obligation Bonds. The bond sale for the Certificates of Obligation and General Obligation Bonds is scheduled for August 26th and will be on that agenda for City Council consideration.

Budget & Financial Summary: Staff reviewed the impact of the Certificates on the City's ability to meet debt service requirements and the effect they may have on the ad valorem tax rate. The recommendation to move forward with this issue will not impact the ad valorem tax rate. The impact on the utility rates will be reviewed as part of the financial forecast and FY11 budget.

Attachments:

1. Resolution by the City Council of the City of College Station directing publication of notice of intention to issue Certificates of Obligation.
2. List of Projects

2. That a true, full and correct copy of the aforesaid Resolution described in the above and foregoing paragraph is attached to and follows this Certificate; that said Resolution has been duly recorded in said City Council's minutes of said Meeting; that the above and foregoing paragraph is a true, full and correct excerpt from said City Council's minutes of said Meeting pertaining to the passage of said Resolution; that the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of said City Council as indicated therein; that each of the officers and members of said City Council was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the aforesaid Meeting, and that said Resolution would be introduced and considered at said Meeting, and each of said officers and members consented, in advance, to the holding of said Meeting for such purpose, and that said Meeting was open to the public and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

SIGNED AND SEALED THE 8TH DAY OF JULY, 2010.

City Secretary

Mayor

(SEAL)

RESOLUTION NO. _____

A RESOLUTION DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION, SERIES 2010; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of College Station (the "City") expects to pay expenditures in connection with the design, planning, acquisition and construction of the projects described in "Exhibit A" to this Resolution prior to the issuance of the Certificates of Obligation hereinafter described; and

WHEREAS, the City Council hereby finds, considers and declares that the reimbursement of the payment by the City 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 U.S. Treasury Regulations, to reimburse itself for such payments at such time as it issues the hereinafter described Certificates of Obligation; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Resolution was considered was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

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

Section 1. That attached hereto and marked "Exhibit A" is a form of notice, the form and substance of which are hereby passed and approved.

Section 2. That the City Secretary shall cause said notice to be published, in substantially the form attached hereto, in the Bryan-College Station Eagle, a newspaper of general circulation in the City of College Station, Texas, for two consecutive weeks, the date of the first publication to be before the 30th day before the day tentatively proposed for authorizing the issuance of the Certificates of Obligation as shown in said notice.

Section 3. That the facilities and improvements to be financed with proceeds from the proposed Certificates of Obligation are to be used for the purposes described in the attached Notice of Intention.

Section 4. That all costs to be reimbursed pursuant to this Resolution will be capital expenditures; the proposed Certificates of Obligation shall be issued within 18 months of the later of (i) the date the expenditures are paid or (ii) the date on which the property, with respect to which such expenditures were made, is placed in service; and the foregoing notwithstanding, the Certificates of Obligation will not be issued pursuant to this Resolution on a date that is more than three years after the date any expenditure which is to be reimbursed is paid.

Section 5. That this Resolution shall be effective immediately upon passage and adoption.

PASSED AND APPROVED this 8th day of July, 2010.

Nancy Berry, Mayor

ATTEST:

Connie Hooks, City Secretary

(Seal)

APPROVED:



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

EXHIBIT A

NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION

NOTICE IS HEREBY GIVEN that it is the intention of the City Council of the City of College Station, Texas, to issue one or more series of the interest bearing certificates of obligation of the City to be entitled "City of College Station, Texas Certificates of Obligation", for the purpose of paying contractual obligations to be incurred by the City, to-wit: the acquisition and installation of technology improvements including new electronic storage equipment for the City and fiber optic infrastructure for use by the City; acquisition of a building located at 2275 Dartmouth Street for municipal purposes, including the exhibition of art and related uses; the construction of improvements and extensions to the City's combined electric, waterworks and sewer systems; and the payment of fiscal, engineering and legal fees incurred in connection therewith.

The City Council tentatively proposes to authorize the issuance of one or more series of Certificates of Obligation at its regular meeting place in the City Hall at a meeting to commence at 7 o'clock, p.m., on August 26, 2010. The maximum amount of Certificates of Obligation indebtedness that may be authorized to be sold on said date for such purposes described above is \$4,000,000. The City Council presently proposes to provide for payment of said series (one or more) of Certificates of Obligation from the levy of taxes and from a limited surplus revenue pledge (not to exceed \$1,000) derived from the operation of the City's electric, waterworks and sewer systems.

CITY OF COLLEGE STATION, TEXAS

Thursday, July 8, 2010
Consent Agenda Item No. 2h
Police Department's Electronic Citation Replacement Equipment

To: Glenn Brown, City Manager

From: Ben Roper, Director of Information Technology

Agenda Caption: Presentation, possible action, and discussion regarding approval for the purchase of the Police Department's Electronic Citation Replacement Equipment from SHI for an amount not to exceed \$103,132.00.

Recommendation: Staff recommended approval.

Summary: N/A

Budget Summary: N/A

Attachments:

1. Quote



Pricing Proposal
 Quotation #: 3803024
 Created On: Jun-11-2010
 Valid Until: Jul-15-2010

City of College Station

Tracy Price

310 Krenek Tap
 College Station, Texas 77842
 Phone: (979) 764-6374
 Fax: (979) 764-3664
 Email: tprice@cstx.gov

Account Representative

Meghan Reedy

1301 South Mo-Pac Expressway
 Suite 375
 Austin, TX 78746
 Phone: 1-800-870-6079
 Fax: 512-732-0232
 Email: Meghan_Reedy@shi.com

All Prices are in US Dollar(USD)

	Product	Qty	Your Price	Total
1	Motorola MC75 Worldwide Enterprise Digital Assistant Motorola - Part#: MC7598-PYESKQWA9WR	31	\$1,870.00	\$57,970.00
2	Symbol CRD7X00-100RR - docking cradle Motorola - Part#: CRD7X00-100RR	31	\$131.00	\$4,061.00
3	Symbol Service Center Bronze - extended service agreement - 3 years Motorola - Part#: SCB-MC70XX-30	31	\$294.00	\$9,114.00
4	Zebra RW 420 - label printer - B/W - direct thermal Zebra Technologies - Part#: R4D-0UBA000N-00	34	\$695.00	\$23,630.00
5	ZebraCare Standard - extended service agreement - 2 years - carry-in Zebra Technologies - Part#: ZA0-RW41-200	34	\$99.00	\$3,366.00
6	Symbol MSR7000 - magnetic card reader Motorola - Part#: MSR7000-100R	31	\$161.00	\$4,991.00
			Total	\$103,132.00

Additional Comments

DIR-SDD-810

The Products offered under this proposal are subject to the SHI Return Policy posted at www.shi.com/returnpolicy, unless there is an existing agreement between SHI and the Customer.

July 8, 2010
Consent Agenda Item No. 2i
Water Reclamation; Unnamed Bicycle and Pedestrian; and Greenways
Real Estate Contract - Ruffino

To: Glenn Brown, City Manager

From: Chuck Gilman, PE, Director of Capital Projects

Agenda Caption: Presentation, possible action, and discussion regarding approval of a real estate contract between the City of College Station (Buyer) and L.J. Ruffino (Seller) for the purchase of 34.10 acres in the Morgan Rector Survey, Abstract No. 46, College Station, Texas.

Relationship to Strategic Goals: Goal V.10, Focus on Natural Areas/Greenways vs. Recreational Parks and Goal IV, Improving Multi Modal Transportation.

Recommendation(s): Staff recommends approval of the contract which will authorize the Mayor to execute the contract and the City Attorney to complete the transaction.

Summary: On March 26, 2009, City Council authorized the acquisition of easements from Carter's Creek WWTP to Veteran's Park as part of the Water Reclamation Project and a future bicycle and pedestrian project. The project includes providing reclaimed water to Veteran's Park, as well as providing public access for future bicycle and pedestrian facilities.

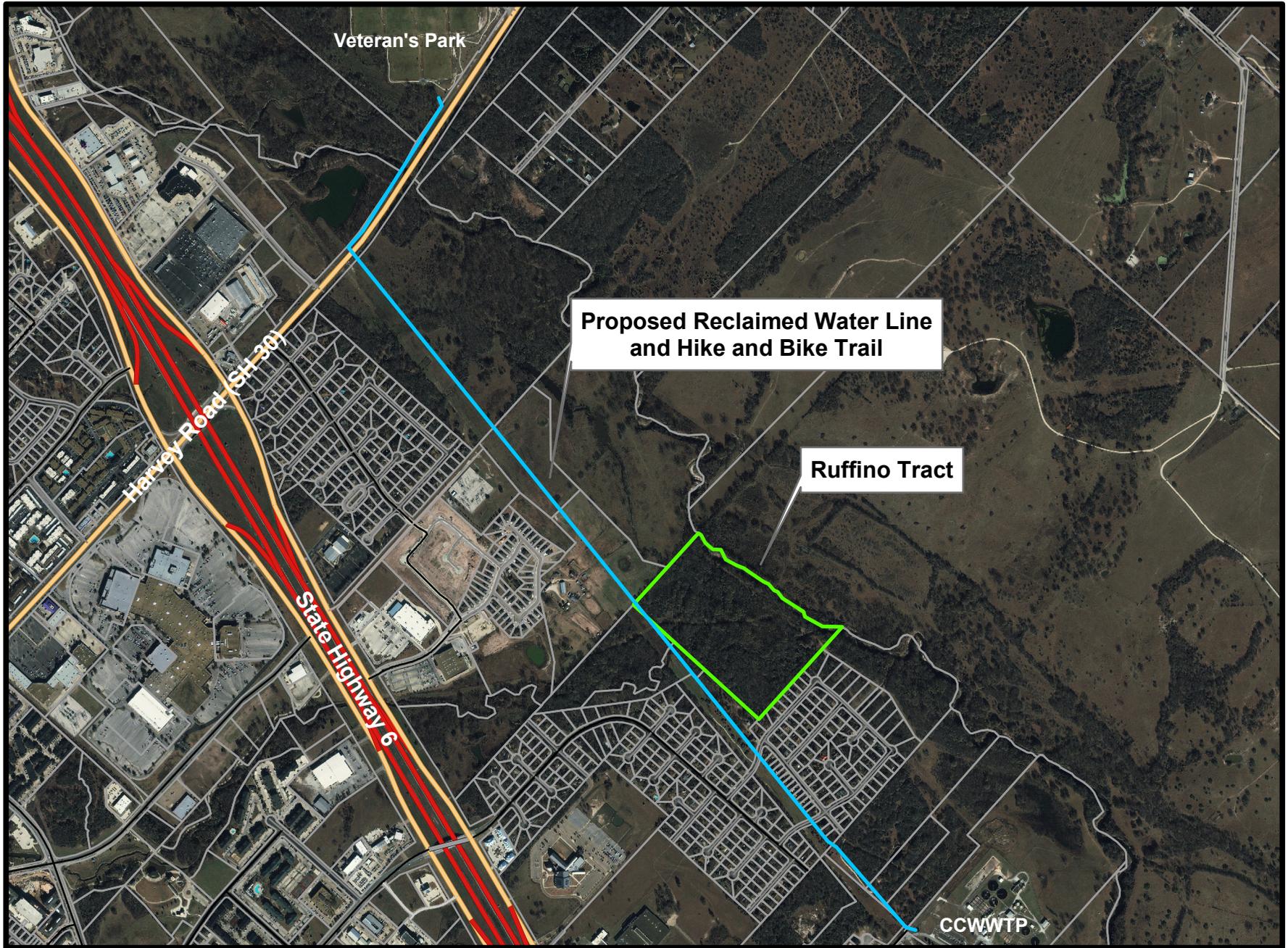
During good faith negotiations for an easement across the property, Staff reached an agreement with the landowner to purchase the entire tract. The majority of the property is located in the flood plain and will be used for Greenways. The balance will be utilized for its originally intended purposes as part of the route for the reclaimed water line and for a future multi use path.

Budget & Financial Summary: The purchase price for the property is \$119,350 payable at closing plus a gift of \$236,409 as a charitable contribution from Seller to Buyer. Additional funds in the amount of approximately \$1,500 will be required for closing costs. Funds for the majority of this purchase are budgeted in the Drainage Fund as part of the 1998 GOB Bond Funds for Greenways projects. A small portion of the purchase that is not related to greenways will be made from the Water Capital Improvement Projects Fund.

Attachments:

1. Location Map
2. Real Estate Contract – Available in City Secretary's Office

Ruffino Tract



July 8, 2010
Consent Agenda Item No. 2j
Water Reclamation; Unnamed Bicycle and Pedestrian; and Greenways
Real Estate Contract – Smith Tract

To: Glenn Brown, City Manager

From: Chuck Gilman, PE, Director of Capital Projects

Agenda Caption: Presentation, possible action, and discussion regarding approval of a real estate contract between the City of College Station (Buyer) and Richard Smith (Seller) for the purchase of approximately 78.9 acres in the Morgan Rector Survey, Abstract No. 46, College Station, Texas.

Relationship to Strategic Goals: Goal V.10, Focus on Natural Areas/Greenways vs. Recreational Parks and Goal IV, Improving Multi Modal Transportation.

Recommendation(s): Staff recommends approval of the contract which will authorize the Mayor to execute the contract and the City Attorney to complete the transaction.

Summary: On March 26, 2009, City Council authorized the acquisition of easements from Carter's Creek WWTP to Veteran's Park as part of the Phase I Water Reclamation Project and a future bicycle and pedestrian project. The project includes providing reclaimed water to Veteran's Park, as well as providing public access for future bicycle and pedestrian facilities.

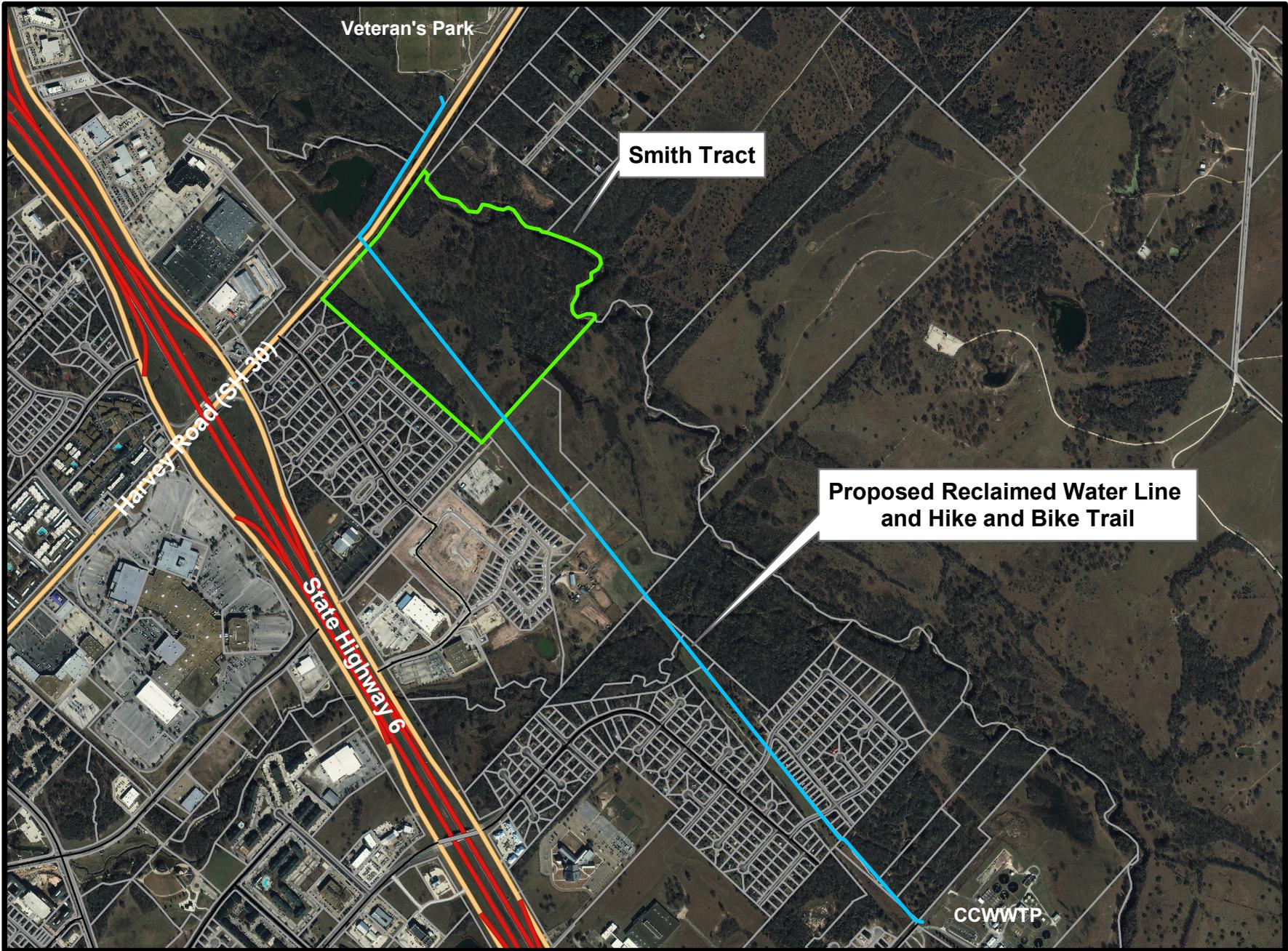
As a result of good faith negotiations for an easement across the property, City staff reached an agreement with the landowner to purchase the entire tract. A majority of the tract is located in the floodplain and is being purchased for Greenways. The portion located outside of the floodplain will be used for Park Land. A segment of the property will also be utilized for its originally intended purposes as part of the route for the reclaimed water line and for a future multi-use path.

Budget & Financial Summary: The purchase price for the property is \$343,885 payable at closing plus a gift of \$290,084 as a charitable contribution from Seller to Buyer. Additional funds in the amount of approximately \$3,000 will be required for closing costs. The purchase of this property will be made using funds from three sources. Funds for the majority of this purchase (\$270,250.50) are budgeted in the Drainage Fund as part of the 1998 GO Bond funds for Greenways projects. Closing costs will also be paid out of the Drainage Fund. An additional \$55,548 is the estimated cost to be paid using Zone 4 Park Land Dedication funds. \$18,086.50 is the estimated cost to be paid out of the Water Capital Improvement Projects Fund as part of the Phase I Water Reclamation project.

Attachments:

1. Location Map
2. Real Estate Contract – Available in City Secretary's Office

Smith Tract



July 8, 2010
Consent Agenda Item No. 2k
Wolf Pen Creek Water Feature and Festival Area Project
Design Contract Change Order No. 1

To: Glenn Brown, City Manager

From: Chuck Gilman, PE, Director of Capital Projects

Agenda Caption: Presentation, possible action, and discussion regarding design contract change order no. 1 with Clark Condon Associates decreasing the design contract in the amount of \$30,500.

Relationship to Strategic Goals: Goal III.10, Increase Tourism.

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

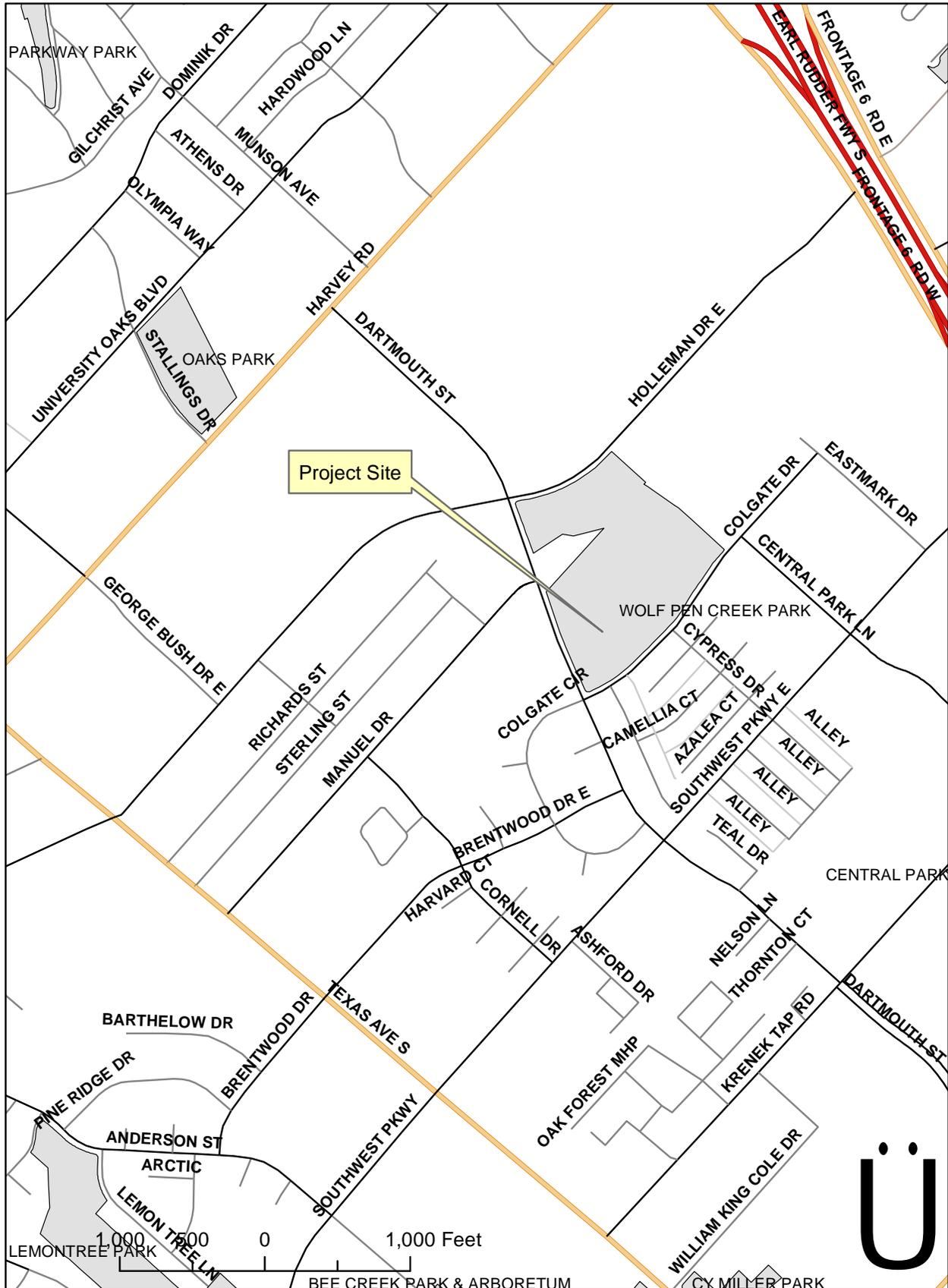
Summary: On March 11, 2010 Staff delivered a presentation to the Council on the status of the Wolf Pen Creek Water Feature and Festival Area. Included in the presentation was a discussion on the project budget and the preliminary opinion of probable construction cost. As part of that discussion the Council directed Staff to reduce the scope of work for the design consultant. The Council recommended that the design of a pavilion and the design of the grasscrete in the middle of the festival area be removed from the scope of work in the design contract.

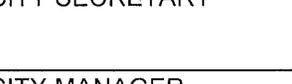
Budget & Financial Summary: This project is funded from the Wolf Pen Creek TIF Fund in the amount of \$3,500,000.00. As part of a development agreement, \$1,200,000.00 is obligated for the design and construction of a water feature. Funds in the amount of \$549,111.13 have been expended or committed to date, leaving a balance of \$2,950,888.87 for the completion of the project.

Attachments:

1. Project Location Map
2. Change Order No. 1

Wolf Pen Creek Water Feature and Festival Area



CHANGE ORDER NO. 1		Contract No. 10-128		DATE: 06/15/2010		
P.O.# 100595		PROJECT: Wolf Pen Creek Water Feature and Festival Area Project, Proj. No. WP0901				
OWNER:			CONTRACTOR:			
City of College Station P.O. Box 9960 College Station, Texas 77842			Clark Condon Associates, Inc. 10401 Stella Link Road Houston, Texas 77025			
			Ph: (713) 871 -1414 Fax: (713) 871 - 0888			
PURPOSE OF THIS CHANGE ORDER:						
A. Remove pavilion and grasscrete design from the scope of services.						
ITEM NO	UNIT	DESCRIPTION	UNIT PRICE	ORIGINAL COST	REVISED COST	ADDED COST
1	LS	Remove pavilion and grasscrete design from the scope of services	\$1.00	\$446,440	\$408,440	(\$38,000.00)
2	LS	Additional geotechnical work including six additional borings	\$1.00	\$0	\$7,500	\$7,500.00
					TOTAL	(\$30,500.00)
THE NET AFFECT OF THIS CHANGE ORDER IS A 6.83 % DECREASE.						
ORIGINAL CONTRACT AMOUNT			\$446,440.00			
Change Order No. 1			(\$30,500.00)	-6.83% CHANGE		
REVISED CONTRACT AMOUNT			\$415,940.00	-6.83% TOTAL CHANGE		
ORIGINAL CONTRACT DESIGN TIME			180 Days			
Time Extension No. 1			0 Days			
Revised Contract Design Time			180 Days			
SUBSTANTIAL COMPLETION DATE			N/A			
Revised Substantial Completion Date			N/A			
APPROVED						
		<u>6/22/10</u>				
A/E CONTRACTOR			CITY ATTORNEY			
		<u>N/A</u>				
CONSTRUCTION CONTRACTOR			DIRECTOR OF FISCAL SERVICES			
		<u>6/24/10</u>				
PROJECT ENGINEER			MAYOR			
		<u>N/A</u>				
CITY ENGINEER			CITY SECRETARY			
		<u>24 June 2010</u>				
DEPARTMENT DIRECTOR			CITY MANAGER			

July 8, 2010

Consent Agenda Item No. 2L

Contingency Transfer to Re-roof the Thickener Building at CCWWTP

To: Glenn Brown, City Manager

From: David Coleman, Director of Water Services

Agenda Caption: Presentation, possible action, and discussion regarding the transfer of no more than \$35,000 from Wastewater Capital Projects Contingency to the Thickener Building Roof Upgrade at Carters Creek Wastewater Treatment Plant Project.

Relationship to Strategic Goals: Goal I.1 - Spending taxpayer money efficiently – it is much more cost effective to replace the roof now, than to risk damaging the thickening and electrical equipment in the building.

Recommendation: Staff recommends Council approve this transfer.

Summary: By Policy, transfers from Contingency to specific projects exceeding \$15,000 require Council approval.

The Thickener Building at Carters Creek Wastewater Treatment Plant houses the sludge thickening equipment and electrical equipment. It was built in 1995 with an expected life span of thirty years. The roof began leaking after the warranty expired and was patched many times with temporary success. It began leaking badly again during last fall's rainy weather, directly over our electrical equipment.

Dunham Engineering was retained to inspect the roof. The resulting report recommended the installation of a urethane foam coating with an acrylic overcoat for weather resistance. This system will repair the leaks and improve the energy efficiency of the roof for the expected life of the building.

Budget & Financial Summary: This project was not anticipated until the receipt of the report from Dunham Engineering and thus is unfunded. There is a balance of \$110,000 in Wastewater Capital Projects Contingency available for unanticipated projects such as this. Anticipated costs are \$5,000 for Dunham Engineering, \$25,000 for the installation of the roofing materials, and \$5,000 for reinstalling the lightning protection system and overhead expenses for a total project budget of \$35,000. Contingency transfers exceeding \$15,000 require Council approval.

Attachments:

1. Contingency Transfer

REQUEST FOR CONTINGENCY TRANSFER

DATE: 7/8/10

FROM: 213-9111-974-55-01 WW Capital Contingency

AMOUNT \$35,000

TO: 213-9111-974-55-03 ACCOUNT NUMBER

AMOUNT \$35,000

(Thickener Building Roof Upgrade at Carters Creek Wastewater Treatment Plant)

JUSTIFICATION OF NEED FOR TRANSFER:

1. Why is this request of such an emergency nature that it must be made immediately?

The most recent leaks are pouring water onto vital electrical equipment.

2. Why was the item not budgeted in the normal budgetary process?

.The expected roof life was 30 years. We have been repairing leaks in house with the hopes of getting 30 years of use, but new leaks keep occurring. We had a professional inspect the roof. His report recommended this upgrade to repair the leaks and add insulation to the roof.

3. Justification as to why the transfer cannot be made within the division or department?

This is an unplanned item and funds are not available in the operating budget and were not programmed into the Capital Improvement Program.

Council Approval Required: Yes

Date Approved by Council: _____

Requested by : _____

Budget Review: _____

Approved: _____

Department Head

Approved: _____

Budget Officer

Approved: _____

City Manager

**July 8th, 2010
Consent Agenda Item No. 2m
Barron Road Interchange (Project # ST0212)
Advanced Funding Agreement**

To: Glenn Brown, City Manager

From: Chuck Gilman, PE, Director of Capital Projects

Agenda Caption: Presentation, possible action and discussion on a resolution for an Advanced Funding Agreement (AFA) in the amount of \$3,696 between the City of College Station and the Texas Department of Transportation (TxDOT) for the Barron Road Interchange.

Relationship to Strategic Goals: Goal IV, Improving Multimodal Transportation.

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

Summary: This AFA will allow the City to pay for modifications to the sidewalk beneath the State Highway 6 overpass at Barron Road. Staff has requested that TxDOT increase the width of this sidewalk through the interchange, provide wider curb ramps and improve the pedestrian pavement striping. These improvements were requested by the City in order to maintain continuity along the City's hike and bike route. The Lick Creek Hike and Bike Trail, included in the City's Pedestrian, Bicycle and Greenways Master Plan that extends from Westfield Park to Lick Creek Park will pass through this interchange. The improvements will allow for safer passage through the interchange by providing additional width along the sidewalk for pedestrians as well as cyclists.

Budget & Financial Summary This agreement is required prior to the completion of the sidewalk improvements. The improvements that will be completed as a result of this agreement will be funded by the City, and are included in the budget for the Barron Road Interchange.

Attachments:

1. AFA
2. Resolution
3. Location map
- 4.

THE STATE OF TEXAS §

THE COUNTY OF TRAVIS §

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

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

WITNESSETH

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

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

WHEREAS, Commission Minute Order Numbers 110266, 111734 and 111335 authorize the State to undertake and complete a highway improvement generally described as the construction of a new interchange on SH 6 at Barron Road, a local city street; and,

WHEREAS, the Local Government has requested that the State allow the Local Government to participate in said improvement by funding that portion of the improvement described as the modification of sidewalks, curb ramps and pavement markings, hereinafter called the "Project"; and,

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

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

AGREEMENT

Article 1. Time Period Covered

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

Article 2. Project Funding and Work Responsibilities

The State will authorize the performance of only those Project items of work which the Local Government has requested and has agreed to pay for as described in Attachment A, Payment Provision and Work Responsibilities which is attached to and made a part of this contract.

In addition to identifying those items of work paid for by payments to the State, Attachment A, Payment Provision and Work Responsibilities, also specifies those Project items of work that are the responsibility of the Local Government and will be carried out and completed by the Local Government, at no cost to the State.

At least sixty (60) days prior to the date set for receipt of the construction bids, the Local Government shall remit its remaining financial share for the State's estimated construction oversight and construction costs.

In the event that the State determines that additional funding by the Local Government is required at any time during the Project, the State will notify the Local Government in writing. The Local Government shall make payment to the State within thirty (30) days from receipt of the State's written notification.

Whenever funds are paid by the Local Government to the State under this Agreement, the Local Government shall remit a check or warrant made payable to the "Texas Department of Transportation Trust Fund." The check or warrant shall be deposited by the State in an escrow account to be managed by the State. Funds in the escrow account may only be applied by the State to the Project. If, after final Project accounting, excess funds remain in the escrow account, those funds may be applied by the State to the Local Government's contractual obligations to the State under another advance funding agreement.

Article 3. Right of Access

If the Local Government is the owner of any part of the Project site, the Local Government shall permit the State or its authorized representative access to the site to perform any activities required to execute the work.

Article 4. Adjustments Outside the Project Site

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

Article 5. Responsibilities of the Parties

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

Article 6. Document and Information Exchange

The Local Government agrees to electronically deliver to the State all general notes, specifications, contract provision requirements and related documentation in a Microsoft® Word or similar document. If requested by the State, the Local Government will use the State's document template. The Local Government shall also provide a detailed construction time estimate including types of activities and month in the format required by the State. This requirement applies whether the local government creates the documents with its own forces or by hiring a consultant or professional provider. At the request of the State, the Local Government shall submit any information required by the State in the format directed by the State.

Article 7. Interest

The State will not pay interest on funds provided by the Local Government. Funds provided by the Local Government will be deposited into, and retained in, the State Treasury.

Article 8. Inspection and Conduct of Work

Unless otherwise specifically stated in Attachment A, Payment Provision and Work Responsibilities, to this contract, the State will supervise and inspect all work performed hereunder and provide such engineering inspection and testing services as may be required to ensure that the Project is accomplished in accordance with the approved plans and specifications. All correspondence and instructions to the contractor performing the work will be the sole responsibility of the State. Unless otherwise specifically stated in Attachment A to this contract, all work will be performed in accordance with the *Standard Specifications for Construction and Maintenance of Highways, Streets, and Bridges* adopted by the State and incorporated herein by reference, or special specifications approved by the State.

Article 9. Increased Costs

In the event it is determined that the funding provided by the Local Government will be insufficient to cover the State's cost for performance of the Local Government's requested work, the Local Government will pay to the State the additional funds necessary to cover the anticipated additional cost. The State shall send the Local Government a written notification stating the amount of additional funding needed and stating the reasons for the needed additional funds. The Local Government shall pay the funds to the State within 30 days of the written notification, unless otherwise agreed to by all parties to this agreement. If the Local Government cannot pay the additional funds, this contract shall be mutually terminated in accord with Article 11 - Termination. If this is a fixed price agreement as specified in Attachment A, Payment Provision and Work Responsibilities, this provision shall only apply in the event changed site conditions are discovered or as mutually agreed upon by the State and the Local Government.

If any existing or future local ordinances, commissioners court orders, rules, policies, or other directives, including but not limited to outdoor advertising billboards and storm water drainage facility requirements, are more restrictive than State or Federal Regulations, or if any other locally proposed changes, including but not limited to plats or replats, result in increased costs, then any increased costs associated with the ordinances or changes will be paid by the local government. The cost of providing right of way acquired by the State shall mean the total expenses in acquiring the property interests either through negotiations or eminent domain proceedings, including but not limited to expenses related to relocation, removal, and adjustment of eligible utilities.

Article 10. Maintenance

Upon completion of the Project, the State will assume responsibility for the maintenance of the completed Project unless otherwise specified in Attachment A to this agreement.

Article 11. Termination

This agreement may be terminated in the following manner:

- ◆ by mutual written agreement and consent of both parties;
- ◆ by either party upon the failure of the other party to fulfill the obligations set forth herein;
- ◆ by the State if it determines that the performance of the Project is not in the best interest of the State.

If the agreement is terminated in accordance with the above provisions, the Local Government will be responsible for the payment of Project costs incurred by the State on behalf of the Local Government up to the time of termination.

- ◆ Upon completion of the Project, the State will perform an audit of the Project costs. Any funds due to the Local Government, the State, or the Federal Government will be promptly paid by the owing party.

Article 12. Notices

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

Local Government:	State:
Glenn Brown, City Manager City of College Station PO Box 9960 College Station, Texas 77840-9960	Director of Contract Services Texas Department of Transportation 125 E. 11th Austin, Texas 78701

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

Article 13. Sole Agreement

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

Article 14. Successors and Assigns

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

Article 15. Amendments

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

Article 16. State Auditor

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

Article 17. Insurance

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

Article 18. Signatory Warranty

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

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

THE STATE OF TEXAS

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

By _____ Date _____
District Engineer

THE LOCAL GOVERNMENT

Name of the Local Government City of College Station

By _____ Date _____

Typed or Printed Name and Title Nancy Berry, Mayor, City of College Station

ATTEST:

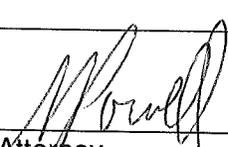
Connie Hooks, City Secretary

Date

APPROVED:

City Manager

Date



City Attorney

Date

Chief Financial Officer

Date

ATTACHMENT A

Payment Provision and Work Responsibilities

The Local Government will pay for the cost to modify the sidewalks, curb ramps and pavement markings on Barron Road at its interchange with SH 6 as requested by the Local Government. The Local Government's estimated cost of this additional work is \$3,696, including construction items and engineering and contingencies. The State has estimated the project to be as follows:

Description	Total Estimate Cost	State Participation		Local Participation	
		%	Cost	%	Cost
Modification of sidewalks, curb ramps and pavement markings	\$3,300	0%	\$0	100%	\$3,300
Subtotal	\$3,300		\$0		\$3,300
Direct State Costs (including plan review, inspection and oversight) Est. @ 12%	\$396	0%	\$0	100%	\$396
Indirect State Costs (no local participation required except for service projects)	N/A	0%	\$0	100%	\$0
TOTAL	\$3,696		\$0.00		\$3,696

Direct State Cost will be based on actual charges.

Local Government's Participation (100%) = \$3,696.

It is further understood that the State will include only those items for the improvements as requested and required by the Local Government. This is an estimate only; final participation amounts will be based on actual charges to the project.

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 CONSTRUCTION OF BARRON ROAD INTERCHANGE MODIFICATIONS.

WHEREAS, the City Council of the City of College Station, Texas, supports the City plan to construct the Barron Road Interchange Modifications, consisting of widening the pedestrian sidewalks and curb ramps through the interchange as well of improved pedestrian striping.

WHEREAS, the City Council of the City of College Station, Texas, agrees to fund the Barron Road Interchange Modifications Project 100% of the value of the project; 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 Barron Road Interchange Modifications Project construction costs at the intersection of State Highway 6 and Barron Road.
- PART 4: That this resolution shall take effect immediately from and after its passage.

ADOPTED this 8th day of July, A.D. 2010.

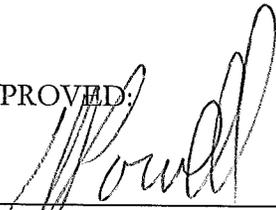
ATTEST:

APPROVED:

City Secretary

MAYOR

APPROVED:



City Attorney

Barron Road Interchange Modifications Project Location Map



July 8, 2010
Consent Agenda Item No. 2n
Debt Reimbursement Resolution for
Barron Road Widening Phase II

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 declaring intention to reimburse certain expenditures with proceeds from debt for the Barron Road Widening Phase II project.

Relationship to Strategic Goals: Goal IV, Improving Multimodal Transportation.

Recommendation(s): Staff recommends approval of the resolution declaring intention to reimburse certain expenditures with proceeds from debt.

Summary: The Barron Road Widening Phase II project was approved as part of the 2008 Bond Program. The current budget for this project is \$11,665,000, with \$11,415,000 budgeted in the Streets Capital Improvement Projects Fund, \$150,000 budgeted in the Water Capital Improvement Project Fund and \$100,000 budgeted in the Wastewater Capital Improvement Projects Fund. Current estimates indicate that the actual construction costs will be less than the amount budgeted for this project. In that case, the budget will be reduced and less debt will be issued for the project than originally planned.

It is anticipated that long term debt will be issued for this project. Expenses on this project have begun. On projects for which the expenditures will occur prior to the debt issue, a resolution declaring intention to reimburse certain expenditures with proceeds from debt must be adopted within 60 days of expenditure on the project.

Budget & Financial Summary: The "Resolution Declaring Intention to Reimburse Certain Expenditures with Proceeds from Debt" is necessary for this item because 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 Declaring Intention to Reimburse Certain Expenditures with Proceeds from Debt
2. Location Map

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 \$11,665,000, 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 8th DAY OF JULY, 2010.

Nancy Berry, Mayor

ATTEST:

Connie Hooks, City Secretary

(Seal)

APPROVED:

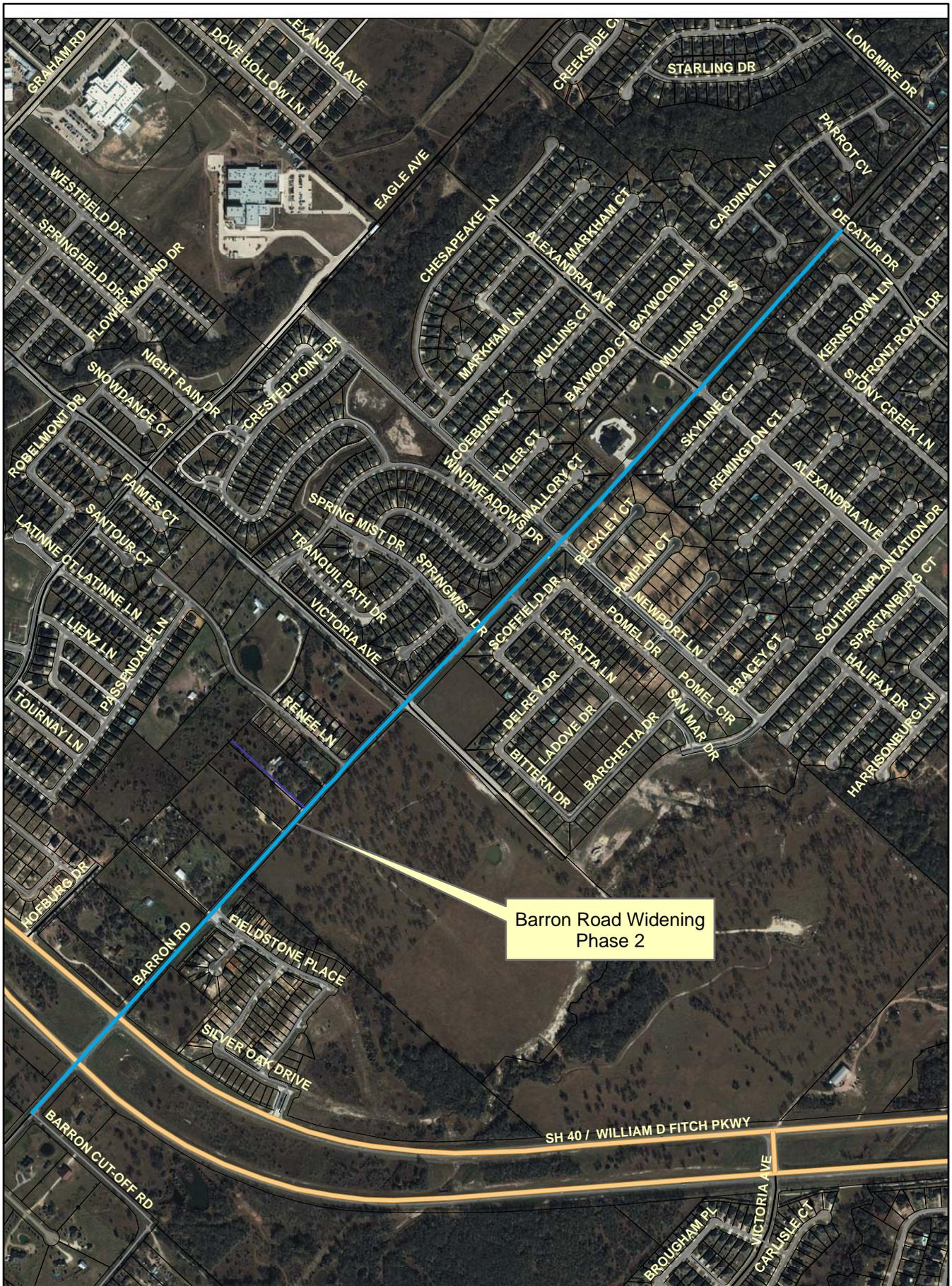


McCall, Parkhurst & Horton L.L.P.
Bond Counsel

Exhibit "A"

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

The construction of Barron Road Phase II which will widen Barron Road from a two lane road to a divided 4 lane minor arterial roadway with bicycle lanes and sidewalks from Decatur Drive to Barron Cutoff Road on the south side of SH 40. The project will also include improvements to the water and wastewater systems including the relocation of water and wastewater lines, meters and manholes.



Barron Road Widening
Phase 2

July 8, 2010
Consent Agenda Item No. 2o
Change Order #2 for the Bee Creek LOMR Flood Study

To: Glenn Brown, City Manager

From: Chuck Gilman, PE, Director of Capital Projects

Agenda Caption: Presentation, possible action, and discussion regarding Change Order No. 2 to the professional services contract with Mitchell & Morgan, LLP (Contract No. 07-201) in the amount of \$16,000.

Relationship to Strategic Goals: Goal V.10, Focus on Natural Areas/Greenways vs. Recreational Parks.

Recommendation(s): Staff recommends approval of Change Order #2.

Summary: As part of the Bee Creek Combined Channel Improvements Project a Letter of Map Revision (LOMR) was submitted to FEMA to reflect new boundaries of the floodplain as a result of the channel improvements. The City submitted a draft LOMR to FEMA for review and approval. FEMA provided comments and requested additional information and additional computer modeling.

This change order will allow the design firm to perform the additional computer modeling and analysis requested by FEMA. The additional modeling will extend the existing Bee Creek flood study model upstream on Bee Creek and Tributary B to tie into the effective model. The change order will also include additional modeling on a channel along the northern right-of-way of FM 2818 from Welsh Avenue past Nueces Drive to the creek to accurately reflect the floodplain conditions in the area.

Once complete, the Letter of Map Revision (LOMR) will result in revised floodplain maps to reflect changes to the floodplain as a result of the Bee Creek Combined Channel Improvements Project.

Budget & Financial Summary: The original contract amount is \$73,120. Change order No. 2 will increase the professional services contract to \$94,520. Funds in the amount of \$92,000 are budgeted and available for this project. Funds in the amount of \$88,373 have been expended or committed to date, leaving a current balance of \$3,627. A budget transfer in the amount of \$16,000 from the Stormwater Mapping project will be required to complete this change order.

Attachments:

1. Change Order No. 2
2. Project Location Map

CHANGE ORDER NO. 2 Contract No. 07-201 DATE: June 17, 2010
P.O.# 070878 PROJECT: Bee Creek LOMR, SD-0703

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

CONTRACTOR:
Mitchell & Morgan, LLP
511 University Drive, Ste. 20 Ph: (979) 260-6963
College Station, Texas 77840 Fax: (979) 260-3564

PURPOSE OF THIS CHANGE ORDER:

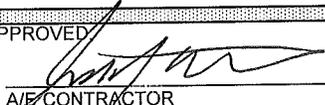
1-2. FEMA has requested extension of the hydraulic model limits to tie in the revised model to the effective model on the upstream portion of the main channel and Tributary B.
3. For additional mapping along the northern right of way of FM 2818 from Welsh Avenue past Nueces Drive to the creek to accurately reflect the floodplain (split-flow) conditions.

ITEM NO	UNIT	DESCRIPTION	UNIT PRICE	ORIGINAL QUANTITY	REVISED QUANTITY	ADDED COST
1	LS	Extend model of Bee Creek Main upstream approximately 5770 linear feet from Southwest Pkwy to Dexter Drive	\$4,800.00	0	1	\$4,800.00
2	LS	Extend model of Bee Creek Tributary B upstream of FM 2818 approximately 3200 linear feet	\$4,800.00	0	1	\$4,800.00
3	LS	Model additional channel along the northern ROW of FM 2818 from Welsh to the creek	\$6,400.00	0	1	\$6,400.00
					TOTAL	\$16,000.00

THE NET AFFECT OF THIS CHANGE ORDER IS 7.39% INCREASE.

ORIGINAL CONTRACT AMOUNT	\$73,120.00		
Change Order No. 1	\$5,400.00	7.39%	
Change Order No. 2	\$16,000.00	21.88%	
REVISED CONTRACT AMOUNT	\$94,520.00	29.27%	TOTAL CHANGE
ORIGINAL CONTRACT TIME	210 Days		
Time Extension No. 1	35 Days		
Time Extension No. 2	42 Days		
Revised Contract Time	287 Days		

APPROVED:

 _____ CITY ENGINEER Date	 _____ CITY ATTORNEY Date
N/A _____ CONSTRUCTION CONTRACTOR Date	_____ CHIEF FINANCIAL OFFICER
 _____ PROJECT MANAGER Date 6/22/10	_____ MAYOR Date
N/A _____ CITY ENGINEER Date	_____ CITY SECRETARY Date
 _____ DEPARTMENT DIRECTOR Date 6/22/10 FOR CRG	_____ CITY MANAGER Date

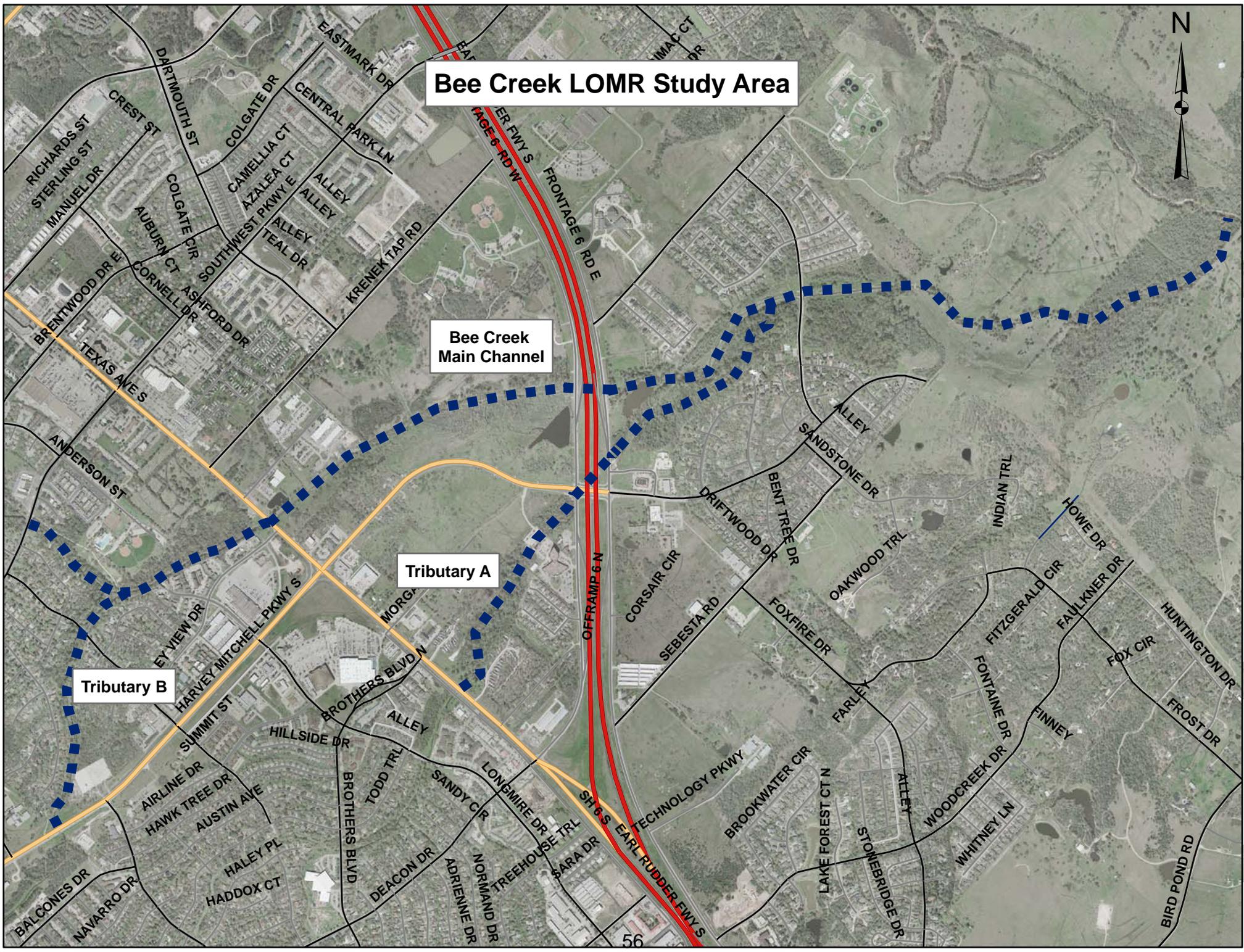
Bee Creek LOMR Study Area



Bee Creek
Main Channel

Tributary A

Tributary B



July 8, 2010
Consent Agenda Item No. 2p
Project Number GG0803
Jamail Smith Construction Contract Termination

To: Glenn Brown, City Manager

From: Chuck Gilman, PE, Director of Capital Projects

Agenda Caption: Presentation, possible action, and discussion to terminate a Construction Contract, 09-089, with Jamail & Smith Construction in the amount of \$96,538.89, for the installation of the bollards along College Main and Patricia Street.

Relationship to Strategic Goals: Goal I.8, Evaluating Public Safety Needs and Goal IV, Improving Multimodal Transportation.

Recommendation(s): Staff recommends termination of the construction contract.

Summary: The scope of the Northgate Bollards project was for installation of twenty-six bollards in the Northgate area to allow for the temporary closure of College Main and Patricia Street during special events and certain times of high pedestrian traffic. Prior to the installation of these bollards, the City and TxDOT began discussing options to improve pedestrian safety in Northgate, and options for College Main as part of the University Drive Pedestrian Safety Improvement Project. At that time, the project was temporary suspended pending the recommendations by TxDOT to improve pedestrian safety at the intersection of College Main and University Drive. At the June 24, 2010 Council Meeting, Staff's recommendation to permanently close College Main between University and Patricia Street was approved by the Council. Retractable bollards is one device that will be considered for installation at the intersection of University Drive and College Main to ensure emergency response vehicles have access to the pedestrian mall between University and Patricia. However a detailed evaluation conducted by a professional engineer determined that retractable bollards to be installed by Jamail Smith Construction will not provide the level of public safety needed at the intersection of College Main and University Drive. Therefore, Staff is seeking opportunities to utilize the bollards on other projects that do not require bollards with a high impact traffic rating such as hike/bike trails and parks.

Budget & Financial Summary: The bollards were purchased as part of the Northgate Improvements project. \$52,500.00 was spent to purchase the bollards, leaving a balance of \$44,038.89 on the P.O. Terminating this contract will release the balance of the P.O. making it available in the Northgate Improvements project for use on capital projects in the Northgate area. Several of the purchased bollards were used on another capital project. The bollards will continue to be used on capital projects as needed.

Attachments:

- 1.) Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING THE TERMINATION OF A CONTRACT FOR THE CONSTRUCTION AND/OR INSTALLATION OF PEDESTRIAN/TRAFFIC CONTROL BOLLARDS.

WHEREAS, the City of College Station, Texas, solicited bids for the construction and/or installation of pedestrian/traffic bollards in Northgate.

WHEREAS, Jamail & Smith Construction was selected as the lowest responsible bidder for the construction and/or installation of pedestrian/traffic bollards.

WHEREAS, the City will terminate, for convenience, construction contract no. 09-089, with Jamail & Smith Construction, as according to the contract; now, therefore,

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

PART 1: That the City Council hereby terminates agreement 09-089 with Jamail & Smith Construction for convenience as according to Section 39 of the construction contract.

PART 2: That \$52,500.00 was spent to purchase the bollards and the bollards will not be installed because they are not designed to stop a vehicle.

PART 3: That the funding for this Project shall be returned to the College Station General Government Capital Improvement Projects Fund (Northgate Improvements project – GG0803), in an amount not to exceed \$44,038.89.

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

ADOPTED this _____ day of _____, A.D. 2010.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:



City Attorney

July 8, 2010
Consent Agenda Item No. 2q
Annual Price Agreement for Crack Sealant and De-tack Sealant Material

To: Glenn Brown, City Manager

From: Mark Smith, Director of Public Works

Agenda Caption: Presentation, possible action, and discussion regarding approval of the 2nd renewal of the annual price agreement with Crafcot Texas Inc. to provide crack sealant material and de-tack sealant material for the maintenance of streets in an amount not to exceed \$98,648.00 remaining the same as the current agreement.

Relationship to Strategic Goals: Financially Sustainable City Providing Response to Core Services and Infrastructure

Recommendation(s): Staff recommends approval.

Summary: Under this agreement the unit price for crack sealant, polyflex type III is \$0.48 per lb. The unit price for detack sealant is \$8.15 per gallon. The annual price agreement supports maintenance operations in the Street Maintenance Division.

Budget & Financial Summary: Funding is available in the operating budget of the Street Maintenance Division.

Attachments:

1. Renewal letter

RENEWAL ACCEPTANCE

By signing herewith, I acknowledge and agree to renew bid no. 08-69, for cracked sealant/de-tack sealant in accordance with all terms and conditions previously agreed to and accepted. This is the second renewal.

I understand this renewal term will be for a one year period beginning June 30, 2010 through June 29, 2011, the total amount of the contract is \$98,648.00 (Ninety eight thousand six hundred forty eight and no/100 dollars).

CRAFCO TEXAX, INC.

William T. Krenick
AUTHORIZED REPRESENTATIVE

6-15-10
DATE

CITY OF COLLEGE STATION

Mayor

DATE

ATTEST:

City Secretary

DATE

APPROVED:

City Manager

DATE

Alan C. Felt
City Attorney

DATE

Chief Financial Officer

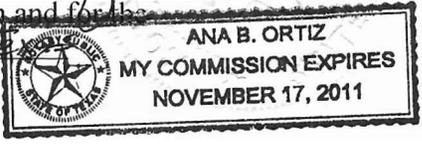
DATE

STATE OF Texas
COUNTY OF Bexar

CORPORATE ACKNOWLEDGMENT

This instrument was acknowledged on the 15th day of June, 2010
by William T. Frerichs in his/her capacity as President of
Crafco Texas, Inc, a Texas Corporation, on behalf of said corporation.

Ana B. Ortiz
Notary Public in and for the
State of Tx



STATE OF TEXAS
COUNTY OF BRAZOS

ACKNOWLEDGMENT

This instrument was acknowledged on the _____ day of _____, 2010,
by _____, in the capacity as Mayor of the City of College Station, a Texas
home-rule municipality, on behalf of said municipality.

Notary Public in and for the
State of Texas

July 8, 2010
Consent Agenda Item No. 2r
College Main Closure

To: Glenn Brown, City Manager

From: Mark Smith, Director of Public Works

Agenda Caption: Presentation, possible action and discussion regarding an ordinance amending Chapter 10 of the Code of Ordinances (Traffic Code) adding the closure of College Main between University Drive and Patricia Street by the construction of a "911 Gate."

Relationship to Strategic Goals: Improving Multi Modal Transportation

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

Summary: On June 24th Council approved a resolution approving a plan to enhance pedestrian safety in the Northgate area. A key feature of that plan was the closure of College Main via retractable bollards that would facilitate access in case of emergencies.

This ordinance provides for that closure to take place whenever the construction of the bollards and other improvements are completed.

Budget & Financial Summary:

Attachments:

1. Ordinance
2. Location Map

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 10, "TRAFFIC CODE", OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING SECTION TWO "TRAFFIC CONTROL DEVICES", SUB-SECTION M "EMERGENCY 911 GATES" TO INCLUDE COLLEGE MAIN BETWEEN UNIVERSITY DRIVE AND PATRICIA STREET; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1: That Chapter 10, "Traffic Code", of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.

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

PART 3: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00). 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 upon the completion of planned pedestrian improvements approved by Council on June 24, 2010.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2010.

APPROVED:

MAYOR

ATTEST:

City Secretary

APPROVED:

City Attorney

EXHIBIT “A”

That the Traffic Control Device Inventory – Schedule X as referenced in Chapter 10, “Traffic Code”, Section 2, “Traffic Control Devices,” Sub-section M, is hereby amended to include the following:

“College Main beginning at its intersection with University Drive and extending to its intersection with Patricia Street.”



Patricia St

College Main

Lodge St

Farm to Market Rd 65

July 8, 2010
Consent Agenda Item No. 2s
Texas Commercial Waste Container Lease Agreement

To: Glenn Brown, City Manager

From: Mark Smith, Director of Public Works

Agenda Caption: Presentation, possible action, and discussion on a resolution approving a fourth annual renewal of a five (5) year agreement for the lease of slant-top, front-end loading refuse containers for an annual estimated expenditure of \$191,520.00.

Relationship to Strategic Goals: Financially Sustainable City Providing Response to Core Services and Infrastructure

Recommendation(s): Staff recommends approval of the renewal agreement with Texas Commercial Waste for an annual estimated expenditure of \$191,520.00.

Summary: BID #06-62 was opened on April 4, 2006 @2:00 P.M. Two (2) bids were received and opened. Texas Commercial Waste was the lowest responsible bidder. The monthly lease rate for 8 yard containers as bid is \$15.00 per month and the rate for 4 yard containers is \$7.50 per month. The price includes delivery, storage of inventory and maintenance of the containers.

The number of commercial leased containers has increased from 946 8 yard containers in 2009 to 960 8 yard containers in 2010. The number of 4 yard containers has increased from 150 to 158. Due to growth in the City an additional 20-25 containers are added to inventory on a yearly basis.

The lease is for a five year period in order for the vendor to amortize the capital costs of the containers, thus reducing lease costs. Staff reviews the possibility of city ownership and maintenance on a yearly basis, but has determined it is not cost effective due to onetime costs, ongoing costs, and inadequate available storage and maintenance space. The lease arrangement is preferable to the cost of the city purchasing and maintaining new containers. It is estimated that the City would pay \$965.00 to purchase individual 8 yard containers and \$659.00 for 4 yard containers. The one time cost to purchase these containers would be approximately \$1,030,522. Additional costs would include a fulltime painter and welder at an estimated cost of \$65,000.00, paint and repair bay building at approximately \$12,000.00, and finally, equipment, materials, maintenance, and 5 percent yearly replacement costs are estimated at \$103,000.00.

The lease agreement was approved by council on May 25, 2006. (Contract No. 06-165)

Budget & Financial Summary: The Lease Agreement is effective July 2010, and funds are budgeted in the Sanitation Fund, Commercial Collection Division.

Attachments:

1. Renewal Agreement.



RENEWAL ACCEPTANCE

By signing herewith, I acknowledge and agree to renew contract #06-165 (Bid #06-62), for rental of front end loaders in accordance with all terms and conditions previously agreed to and accepted. This is the third renewal of a five year contract.

I understand this renewal term will be for the period beginning July 17, 2010 through July 26, 2011.

Texas Commercial Waste



AUTHORIZED REPRESENTATIVE

6-16-2010

DATE

CITY OF COLLEGE STATION

Mayor

DATE

ATTEST:

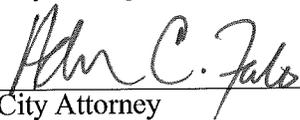
City Secretary

DATE

APPROVED:

City Manager

DATE



City Attorney

DATE

Chief Financial Officer

DATE

STATE OF TEXAS

CORPORATE ACKNOWLEDGMENT

COUNTY OF Brazos

This instrument was acknowledged on the 16th day of June, 2010,
by Ron Schmidt in his/her capacity as General Manager of
Texas Commercial Waste, a TEXAS Corporation, on behalf of said corporation.



[Signature]
Notary Public in and for the
State of Texas

STATE OF TEXAS

ACKNOWLEDGMENT

COUNTY OF BRAZOS

This instrument was acknowledged on the _____ day of _____, 2010,
by _____, in his capacity as Mayor of the City of College Station, a Texas
home-rule municipality, on behalf of said municipality.

Notary Public in and for the
State of Texas



CITY OF COLLEGE STATION

*1101 Texas Avenue
College Station, TX 77840
www.cstx.gov*

**ANNUAL PRICE AGREEMENT
AND
SPECIFICATIONS FOR
RENTAL OF FRONT-END LOADING REFUSE CONTAINERS**

BID #06-62

BID OPENING DATE: APRIL 4, 2006 @2:00 P.M. CST

Bids will be received at the City of College Station Purchasing Department, 1101 Texas Avenue, College Station, TX 77842, until April 4, 2006, at 2:00 p.m. CST, and publicly opened and read aloud at City Hall, 1101 Texas Avenue, College Station, TX. Any questions concerning the bid should be directed to Cynthia Sciulli, C.P.M., Buyer, Purchasing Services Division, (979) 764-3437. **Clearly mark return bid envelope with Bid # and Bid Opening Date.**

INTRODUCTION

Bids are solicited for the leasing of front end loading refuse containers with the following definitions, term and conditions of bidding. Should this bid contain the City's standard contract terms, conditions and insurance requirements, they will be attached as Exhibit A.

NOTE: Bid opportunities are posted on our website at www.cstx.gov. Some bids, but not all, are conducive to receipt of bids via the City of College Station's On-Line Bidding System. These bids are encrypted and remain effectively locked until the due date and time. If you are interested in submitting your bid on-line, you must be registered with the City of College Station. See On-Line Bidding at www.cstx.gov for more information.

DEFINITIONS, TERMS AND CONDITIONS

The following instructions apply to all bids and become a part of terms and conditions of any bid submitted to the City of College Station Purchasing Services Division, unless otherwise specified elsewhere in this bid request. All bidders are required to be informed of these Terms and Conditions and will be held responsible for having done so:

Exceptions

The bidder will note any exceptions to the conditions of this bid. If no exceptions are stated, it will be understood that all general and specific conditions will be complied with, without exception.

Extension of Contract

Upon completion of the term of the original contract and upon the mutual agreement of both parties, the original contract may be renewed for up to four (4) additional one (1) year terms [five (5) years total]. In the event a new contract cannot be executed at the anniversary date of the original term or any renewal term, the contract may be renewed month-to-month until a new contract is executed.

Financial Condition

Contractor must provide audited financial statements, if requested, to the City.

Fiscal Funding

This contract includes fiscal funding provisions. If, for any reason, funds are not appropriated to continue this contract, said contract shall become null and void.

Forms

Bid proposals will be submitted on the forms provided by Owner. All figures must be written in ink or typewritten. However, mistakes may be crossed out, corrections inserted adjacent thereto and initiated in ink by the person signing the proposal. When discrepancies occur between words and figures, the words shall govern.

Indemnification

The successful bidder agrees by entering into this contract, to defend, indemnify and hold Owner harmless from any and all causes of action or claims of damages arising out of or related to bidder's performance under this contract.

Independent Contractor

Nothing in this bid is intended nor shall be construed to create an employer/employee relationship between the contracting parties.

Interlocal Agreement

Successful bidder agrees to extend prices and terms to all entities who have entered or will enter into joint purchasing interlocal cooperation agreement(s) with the City of College Station.

Notification

The City of College Station uses multiple channels for the notification and dissemination of all invitations to bid. Approved methods of dissemination include: City of College Station website or the City of College Station Purchasing office. The receipt of solicitations through any other means may result in the receipt of incomplete specifications or addenda which could ultimately render your bid non-compliant. City of College Station accepts no responsibility for the receipt or notifications of solicitations through any other source.

July 8, 2010
Regular Agenda Item No. 1
Annual Review of the Unified Development Ordinance and
Annual Review of the Comprehensive Plan

To: Glenn Brown, City Manager

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

Agenda Caption: Public hearing, presentation, possible action, and discussion on the Annual Review of the Unified Development Ordinance (UDO) and the Annual Review of the Comprehensive Plan.

Relationship to Strategic Goals: Financially Sustainable City Providing Response to Core Services and Infrastructure, Neighborhood Integrity, and Diverse Growing Economy, Improving Multi-modal Transportation, and Green Sustainable City

Recommendation(s): Regarding the Annual Review of the UDO, the City Council should provide direction to staff to pursue the prioritized amendments or to pursue an amended prioritization list. Regarding the Annual Review of the Comprehensive Plan, the City Council should provide direction to staff to pursue the recommendations for needed actions, programs and procedures to be developed and implemented in the coming year, or to pursue an amended list of actions, programs, and procedures.

The Planning and Zoning Commission will consider this item at their regular meeting on June 17, 2010. Their recommendations will be available at the City Council meeting.

Summary: The annual review of the Unified Development Ordinance is required by the ordinance to provide for an on-going effort to keep the development codes of the City of College Station current and relevant. The last annual review was considered by City Council on July 9, 2009. Included as an attachment is a list of amendments to the UDO since the last review, pending amendments, potential amendments staff has prioritized for our future work program, and other potential amendments that have been identified, but not highly prioritized.

The UDO also calls for an annual review of the Comprehensive Plan, which was adopted by the City Council in May 2009. The Comprehensive Plan itself prescribes an annual progress report in which four issues should be considered:

1. Significant actions and accomplishments during the past year, including the status of implementation for each programmed task in the Comprehensive Plan;
2. Obstacles or problems in the implementation of the Plan, including those encountered in administering the land use and transportation aspects, as well as any other strategies of the Plan;
3. Proposed amendments that have come forward during the course of the year, which may include revisions to the individual Plan maps or other recommendations or text changes; and,

4. Recommendations for needed actions, programs and procedures to be developed and implemented in the coming year, including recommendation of projects to be included in the City's Capital Improvements Program, other programs/projects to be funded, and priority coordination needs with public and private implementation partners.

Budget & Financial Summary: N/A

Attachments:

1. Annual Review of the Unified Development Ordinance
2. Annual Review of the Comprehensive Plan

**FIRST ANNUAL REVIEW
OF THE
COMPREHENSIVE PLAN
(Adopted May 28, 2009)**

1. Significant actions and accomplishments during the past year, including the status of implementation for each programmed task in the Comprehensive Plan

Green Community Initiatives

- The **2009 International Building Codes** and the **2008 National Electrical Code** were reviewed by the Construction Board of Adjustment and Appeals and adopted by City Council in December of 2009. Among other things, the codes help improve energy efficiency.
- Also in December an ordinance amendment was passed to the **Landscaping and Tree Protection** regulations that requires the planning of trees on residential lots and encourages the protection of existing trees during site development.
- In January, the **Bicycle, Pedestrian, and Greenways Master Plan** was adopted. Implementation of the plan will further alternative transportation choices and use.
- A program of **rain water harvesting** has begun at City facilities.
- Neighborhood Services has partnered with other City departments to **expand public outreach** to raise awareness about topics such as recycling, waste reduction, composting, and hazardous waste.
- Planning and Development Services created and distributed an **educational brochure** containing landscape irrigation standards.
- A **CFL Rebate program** is now offered through Electric Dept.
- A **Sustainability Coordinator** position was made possible through a Department of Energy grant and the new Coordinator began work in April.
- Development Engineers are currently investigating **storm water treatment techniques**.
- The **Central College Station Neighborhood Plan** included a chapter on Sustainability that includes a profile of resource use/recycling of the plan's area and a number of strategies to increase education and efforts regarding recycling, utility conservation, stormwater management, and alternative transportation and land use.
- Planning staff, the Sustainability Coordinator, and the Water Resource Coordinator have been working with the landscape architect community to revise the **College Station Plant List** for development credit to include those that have low-water dependency. They are also exploring the demand for xeriscaping and how xeriscaping might be encouraged.

UDO amendments consistent with new plan

While all Unified Development Ordinance amendments are consistent with the new plan, one amendment has actively assisted in the implementation of the goals of the plan—allowing **Planned Development Districts** to guarantee specific building characteristics and apply additional development standards through the rezoning process (July 2009). This has

furthered community character and neighborhood integrity while permanent zoning solutions to implement the Comprehensive Plan are being researched and developed.

Continued phased expansion of water supply resources and production capacity

- Anticipated to be complete in July, **Well No. 8** will boost production capacity by 3 million gallons per day.
- A **collection line for Well No. 8** has been completed.
- A **parallel collection line for all wells** along Sandy Point Road was completed in May.
- The **Water/Wastewater Master Plan** is currently in development.

Economic Development Master Plan

A **Request for Proposals** was issued this February and Economic and Community Development is currently reviewing the submittals.

Plans for specific neighborhoods, districts, corridors, and redevelopment areas

- The **Neighborhoods, Districts, and Corridors Planning Handbook** was developed by staff last summer to guide a predictable, but flexible, process of the small area planning prescribed by the Comprehensive Plan. Following the guidelines, the planning process was completed for the neighborhood planning area encompassing Southwood Valley, Edelweiss, and their surrounds. The **Central College Station Neighborhood Plan** was adopted June 10th.
- On May 27th, the City Council approved funding to allow the **Spring Creek District** (also referred to as the “Medical Corridor”) planning process to move forward.
- The **Oakwood Historic Preservation Study and Draft Design Guidelines** is near completion (anticipated to be complete by the end of June). This study of the historic significance and residential design of the Oakwood Subdivision will serve as the basis for a Historic Preservation Overlay rezoning, should one ever be proposed in this area.

Strengthened code enforcement program

- The commercial code enforcement officer began concentrated enforcement—focusing on specific code violation issues across the business community—in addition to general enforcement responsibilities. Since the adoption of the plan, he has successfully resolved all known issues of nonconforming **portable storage structures** and nonconforming and abandoned **signage**.
- Residential code enforcement has continued working with Neighborhood Services, the Police Department, and Texas A&M University to **educate** those in single family residences and prevent common code violations. In addition to partnering with the entities listed above, enforcement officers perform surges of neighborhoods with large concentrations of rental property.
- Enforcement of **Rental Registration** began in June of 2009.
- Code Enforcement began extended shifts to address **evening residential parking issues** on Thursday, Friday, and Saturday nights.
- Code Enforcement extended shifts to cover code enforcement issues on **Saturdays**.

- In the past year there has been an increased focus on **apartment complexes**, with regular communication with their management teams. Code Enforcement has offered on-site classes to prevent common code violations, but the complexes have not yet been interested in this service.
- Code enforcement activities increased into **mobile home parks**.
- There is **continued partnering** with Keep Brazos Beautiful. In the annual Brazos Valley Trash Off, the City collected over two tons of tires.
- Communication was increased with the Police Department and Neighborhood Services to **identify problem areas** in the City and to work together to resolve issues in those neighborhoods.
- In the past year Code Enforcement began making **personal contact** to distribute educational materials with those that are on the Police Department's loud party report.

Commercial area redevelopment focus (Northgate, University Drive, Post Oak Mall, Ramada, retail centers)

- In the past year, the **Northgate District** has seen: four new pub/restaurant establishments opened in previously vacated locations; one new restaurant/pub (under construction); one major renovation of a current restaurant/pub; and the completion of two significant multi-family residential developments.
- The Economic and Community Development Department successfully implemented the **Northgate District Management Division**, which not only oversees the maintenance and operations of the City's major parking assets throughout the District but also maintains the appearance of public spaces, facilitates special events, and serves as an ambassador between Northgate stakeholders and the City all to ensure that visitors and citizens alike receive the best customer experience possible.

Water / wastewater / drainage rehab projects in older neighborhoods and redevelopment areas

- A water and sewer rehabilitation Capital Improvement Program project is currently in design for **Southwood 5-7** the vicinity of Southwest Parkway, Harvey Mitchell Parkway, Glade Street, Welsh, and Shadowood.
- A water and sewer rehabilitation Capital Improvement Program project is currently in design for **South Knoll/The Glade** in the vicinity of Haines Street, Southwest Parkway, Glade Street, and Langford Street.
- A water rehabilitation project is currently in design review for **Patricia Street** in Northgate.
- The **Capital Improvement Program (CIP) project development process** has been amended so that potential projects are presented to and discussed by the P&Z before inclusion in the proposed budget to City Council. This process allows the P&Z the opportunity to ensure that CIP projects help further the objectives of the Comprehensive Plan.

Implement context sensitive roadway design approach – and coordinate on TxDOT corridors

- The B/CS Unified Design Guidelines was updated to reflect the **right-of-way widths** described in the Comprehensive Plan that would be needed to provide different elements of context sensitive design.

- The City worked with TxDOT during the Texas Avenue widening project to provide **street trees** at the intersection of Texas and Harvey Mitchell Parkway. The City is developing a 10-ft. wide multi-use trail will extend from this intersection to A&M Consolidated High School and the trees will provide increased pedestrian comfort in the immediate area.
- The Barron Road Widening and Victoria Extension, and Holleman Extension Capital Improvement Program projects are providing context sensitive elements such as **bike lanes, sidewalks, and landscaping**.

Streamlined neighborhood traffic management processes (traffic calming, parking)

- While a formal process has not yet been developed to respond to issues of neighborhood traffic management, staff has discontinued the previous, cumbersome standard operating procedure. Concerns are currently being addressed **ad hoc** between the Neighborhood Services Coordinator, Traffic Engineer, and Transportation Planner.
- Parking concerns are still being addressed by the City's **Traffic Management Team**.

Rejuvenate existing parks (master plan implementation)

- While the Parks and Recreation Master Plan is still in progress, improvements have been designed and are in development review for **Brothers Pond Park**.
- A pavilion for **Pebble Creek Park** is currently under construction.
- A new concessions and restrooms building at **Stephen C. Beachy Central Park** is in design through the Capital Improvements Program.
- **Castlegate Park** is currently in the process of being enhanced with a tot playground.
- The playground equipment at **Wolf Pen Creek Amphitheater** is in the process of being replaced. In addition, a Capital Improvement Program project is in design to develop a water feature and plaza, and to add landscaping.

"Natural Corridor" greenway initiatives (Carters Creek and Lick Creek corridors)

- Staff has **pursued grant funding** to assist in the process of planning the Lick Creek Natural Planning Corridor, but to date has been unsuccessful.
- The Texas Water Resources Institute and the Texas Commission on Environmental Quality is currently performing a **water quality study and implementation report** for Carters Creek and Burton Creek that will help direct the City's future planning efforts of the Carters Creek Natural Planning Corridor.
- The **purchase of 120 acres** along Carters Creek is currently being pursued in conjunction with the water reclamation project.

City-wide public "Wi-Fi" network (with other partners)

- The City has provided Wi-Fi to cover the softball fields at **Veteran's Park and City Hall**. Staff is working on providing wireless networks at other City facilities.
- The City responded to a Request for Information from Google for consideration of their trial Google fiber (an ultra-high speed broadband network) that could improve **private internet service** (note—not Wi-Fi) throughout the community. Google plans to announce their trial community(ies) later this year.

Extend water / wastewater impact fees to ETJ growth areas, where appropriate

No impact fees have been or are currently being explored for the ETJ.

Image and beautification initiatives

- In accordance with approved bond packages, the following projects have recently been completed: the William D. Fitch Parkway Widening Phase II, which included **landscaped medians** and the University Drive Beautification project, which included the **planting of trees** at the University Drive and Earl Rudder Freeway.
- The following Capital Improvement Program projects are in design: the Victoria Avenue Extension, which includes **landscaping** and the Wolf Pen Creek Water Feature and Festival Area, which will include **a water feature, plaza, and landscaping**.
- The City worked with TxDOT during the Texas Avenue widening project to provide **street trees** at the intersection of Texas and Harvey Mitchell Parkway and it has been agreed that the City will provide **trees** at the Harvey Mitchell Parkway and Wellborn interchange.

Expanded and enhanced local transit services

While there have not been any expanded or enhanced local transit service projects, there have been **increased communications** with transit providers about stop locations and amenities through the neighborhood planning process and the plans review of the new high school.

Annexation / service extension planning and strategic annexations based on these plans

- In June 2009, the City accepted five **annexation agreements** representing a total of 281 acres in the area of Wellborn and Greens Prairie roads.
- In June 2010, seven acres on Rock Prairie Road West and 52.73 acres on Greens Prairie Trail were **annexed by petition** of the property owners.

Texas A&M University coordination

- Two university **student representatives**, as recommended by TAMU, served on the Central College Station Neighborhood Plan's Citizen Resource Team.

Host signature event (develop, promote, execute)

Economic and Community Development worked with a subcommittee to explore possible signature events.

2. Obstacles or problems in the implementation of the Plan, including those encountered in administering the land use and transportation aspects, as well as any other strategies of the Plan

- One obstacle encountered in the implementation of the Plan is the amount of **education** necessary to make it successful. The updated Plan differs from the 1997 Comprehensive Plan. While all intents of citizens and decision makers may be to support the Plan, many rely on memories of now-outdated visions, goals, and/or policies that may actually conflict with successful implementation of the new Plan.
- Another obstacle has been the inability of City leaders to **focus** on the Plan. City Council's adoption of the Plan gave community stakeholders and City staff the vision of what the

community should be and direction on how to accomplish that. Because the Comprehensive Plan is long-range in nature, some policies and strategies can be implemented quickly, but there are many actions that will take years to complete and many actions that build upon each other over the years to help reach the vision. Significant deviations from one element in the Plan will likely create a ripple effect into other areas of the Plan. If significant deviations are able to be isolated, at best they call into question the integrity of the Plan when similar situations occur in the future. Focused action to implement the Plan provides the predictability essential for citizens and stakeholders to feel secure in investing their resources (both tangible and intangible) in College Station.

- Thousands of hours of volunteer and citizen time went into the creation of the Plan. While each individual may not agree with each point of the Plan, it was a Plan built out of compromise and consensus. It is a long-range Plan that is meant to transcend the politics of individual staffs, committees, commissions, and City Councils, providing consistent direction to a stated future. Weak (or lack of) **support** by City leadership for the Plan as a whole, or to continue to press issues that have already reached compromise and have been adopted in the Plan, creates confusion and unpredictability, the effects of which are discussed above.
- Planning staff has been challenged with the development of **new zoning districts** that will reflect the goals and strategies of the land use and character designations. The designations were created to provide land use flexibility that could respond to market demands. The flexibility of entitled land uses would be balanced with strong form-based prescriptions. Later in the comprehensive planning process the City Council determined that they were not comfortable in a scenario where appropriate form could override land use decisions.

A hybrid form of Euclidian, incentive, and form-based zoning is now necessary to implement the plan. Staff has researched and discussed recent codes from across the United States in an effort to determine best practices. While a new zoning approach is being developed, Planned Development Districts have been used in rezoning requests this past year to entitle land uses with some concept as to how they will be laid out on a tract and how they will be designed. These rezonings have also provided staff with valuable information as to how land use and character designations may be implemented.

3. Proposed amendments that have come forward during the course of the year, which may include revisions to the individual Plan maps or other recommendations or text changes

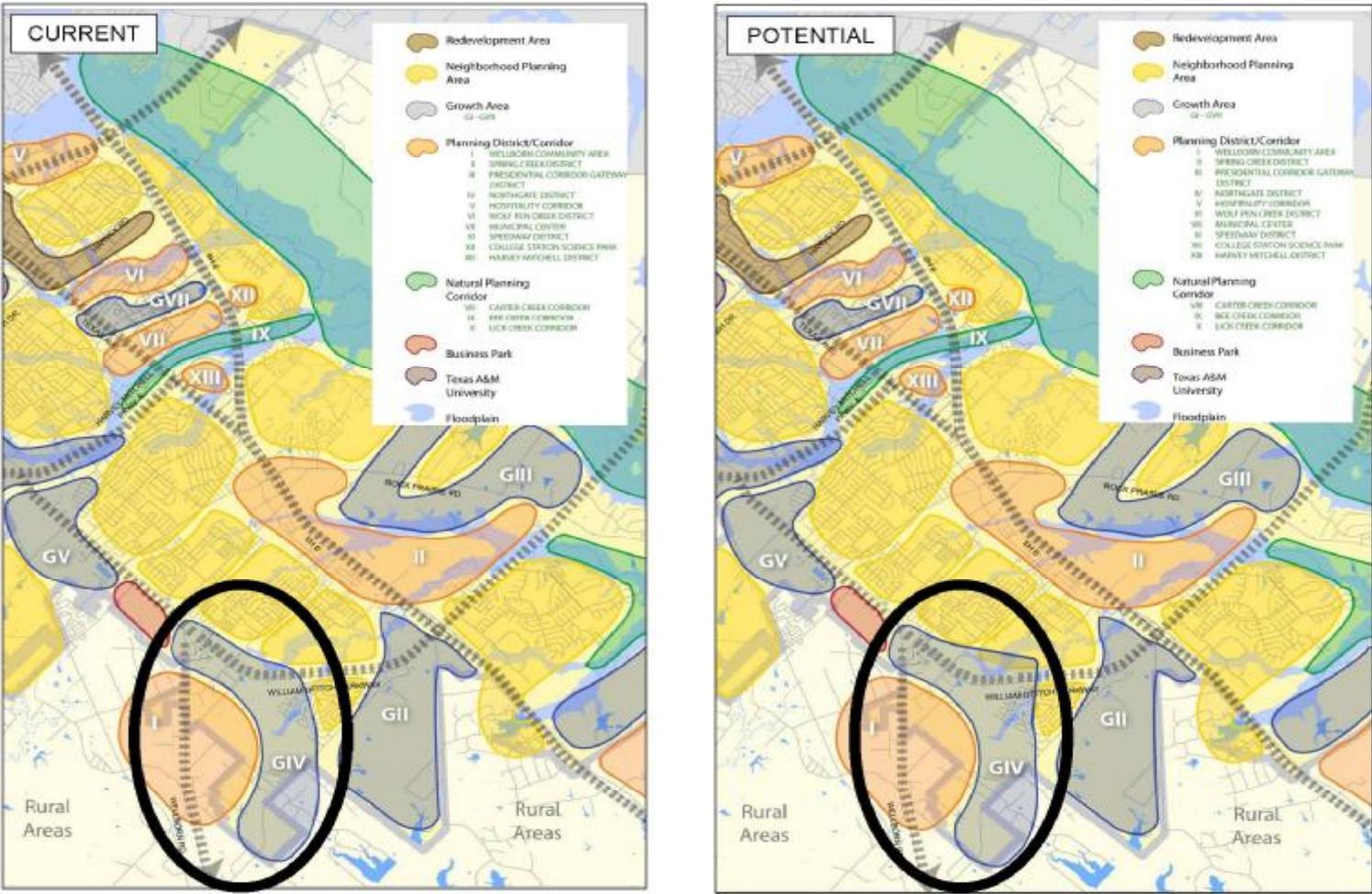
There are two property owner-initiated Future Land Use and Character Map amendments currently in progress: a change **from General Commercial to Urban** on an infill tract in the Southwest Parkway/Wellborn area (which staff and the Planning and Zoning Commission support) and a change from **General Suburban to Urban** for 93 acres in the area between Wellborn Road and Jones Butler, north of Rock Prairie Road West (which staff and the Planning and Zoning Commission do not support). These items are scheduled to be presented at the June 24 City Council meeting.

4. Recommendations for needed actions, programs and procedures to be developed and implemented in the coming year, including recommendation of projects to be included in the City's Capital Improvements Program, other programs/projects to be funded, and priority coordination needs with public and private implementation partners

- The **next neighborhood plan** staff would like to pursue is in the vicinity of the area between University Drive and Harvey Road, and Texas Avenue and Earl Rudder Freeway. Background data collection on the next neighborhood plan will begin this summer.
- **Implementation** of the Bicycle, Pedestrian, and Greenways Master Plan should continue in the next year.
- **Implementation** of the Central College Station Neighborhood Plan should begin in the next year.
- **Prioritization of UDO amendments** needs to be by the impact the amendments will have on the implementation of the Comprehensive Plan.
- Staff has identified that a **text amendment** would be beneficial to address what may be appropriate at the intersection of two collectors in the Restricted Suburban area of Growth Area V.
- Staff has identified several **map amendments** that will be brought forward for consideration as time permits, unless direction is given to the contrary.

1. Concept Map: Expansion of Growth Area IV

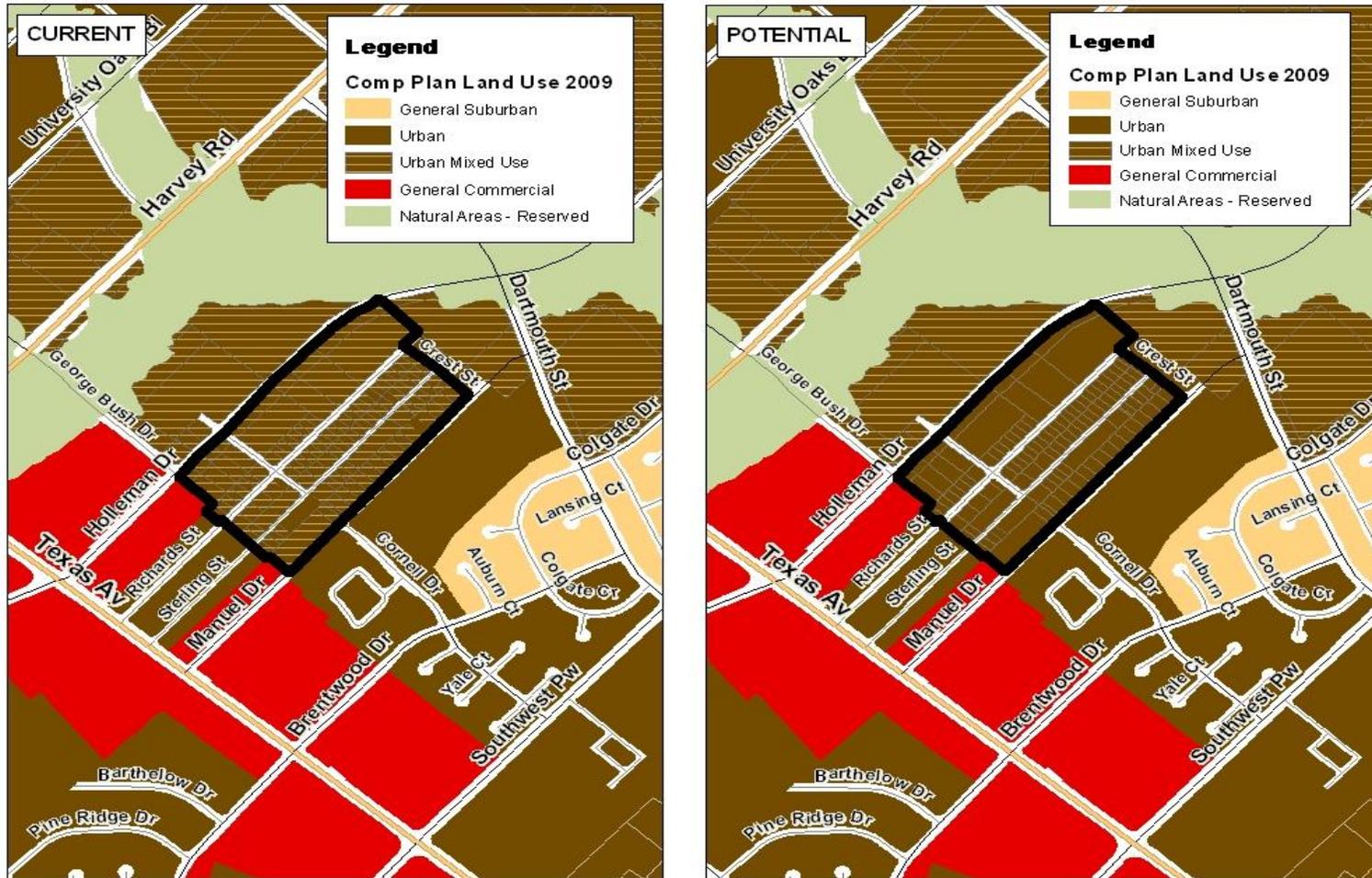
Currently consisting of land near the intersection of William D. Fitch Parkway and Wellborn Road, the growth area should be expanded to the east to encompass the Urban-designated properties at the intersection of William D. Fitch and Victoria Avenue. The related text in the Plan will also need to be amended to reflect the City Council decision to support a future mix of uses in this area.



Proposed Amendment: Expansion of Growth Area IV

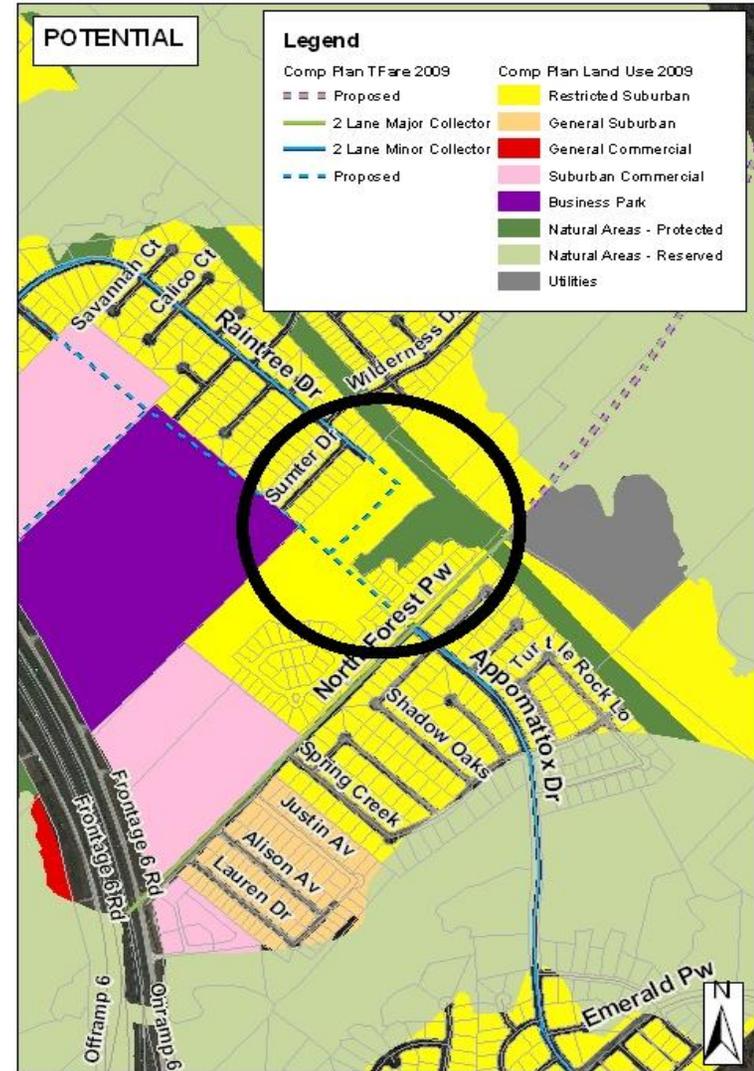
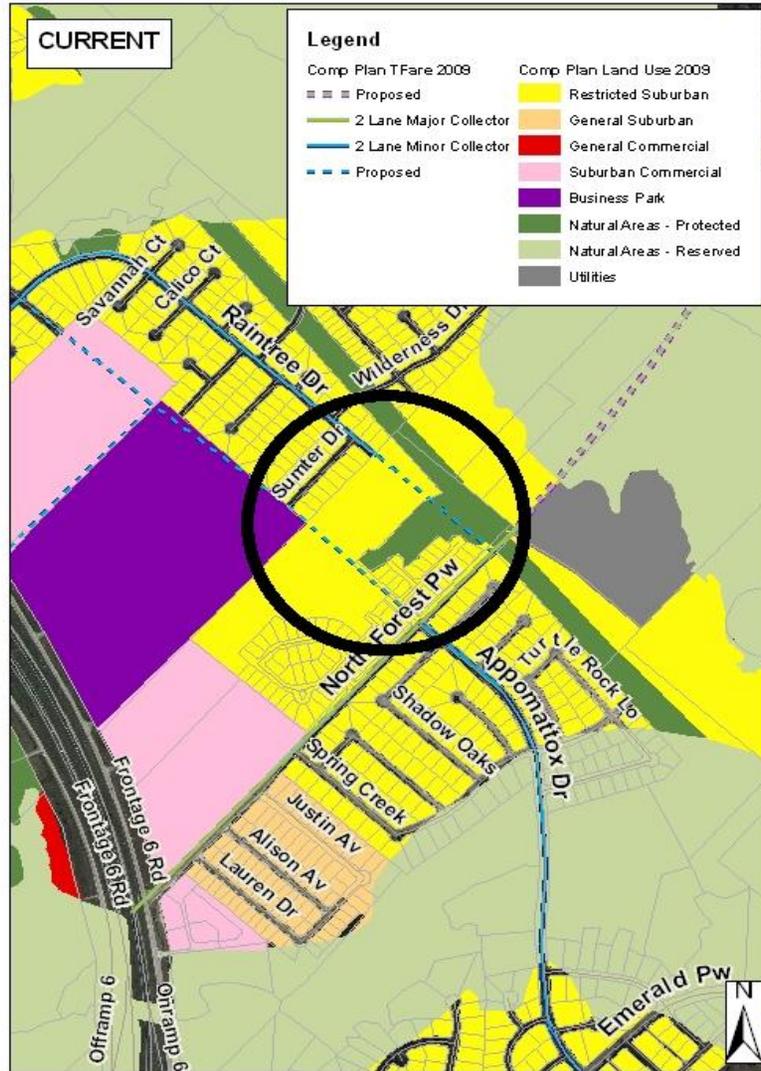
2. Future Land Use and Character Map: Change in WPC Area

The Richards Subdivision was originally platted in the 1930s. It is largely developed, but has several lots that remain undeveloped. While a land use and character designation of Urban Mixed Use would be desirable for large-scale consolidation and redevelopment of property in this area, staff has noticed over the past year that an Urban designation would probably respond better to the pressure to develop lot by lot and to help such small-scale development maintain compatibility with the existing high-density single family residences.



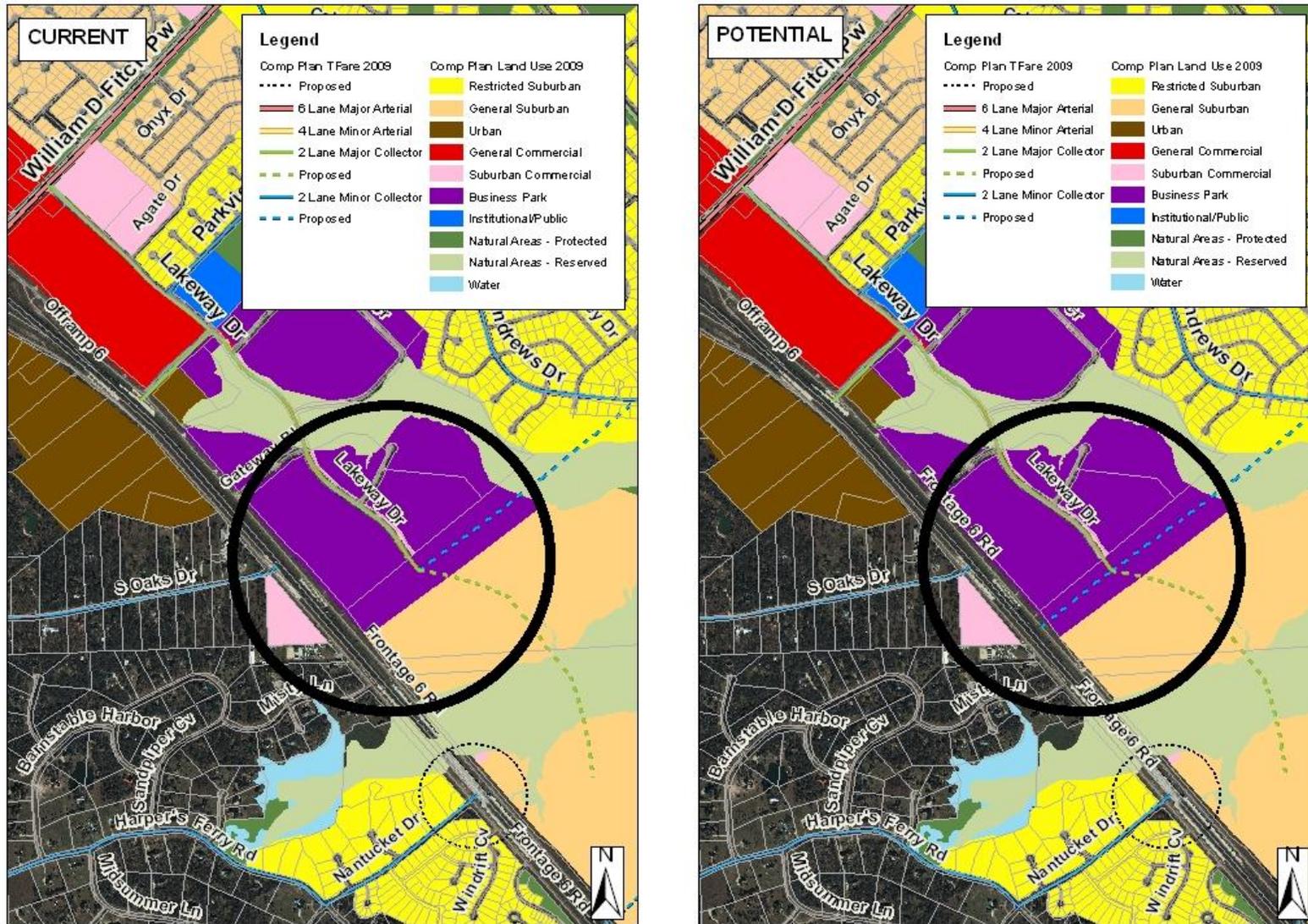
Proposed Amendment: Change Urban Mixed Use to Urban in Richards/Sterling Area

3. Thoroughfare Plans: Removal of the Raintree Extension to North Forest Dr.
 With the Master Plan for the Carter's Crossing Subdivision (a.k.a. the Fotjik tract), the extension of Raintree Drive was approved to turn and intersect Appomatox Drive in an effort to discourage cut through traffic along Raintree Drive. This amendment would reflect what has been built.



Proposed Amendment: Change Raintree Extension to Jog Through Fotjik Property

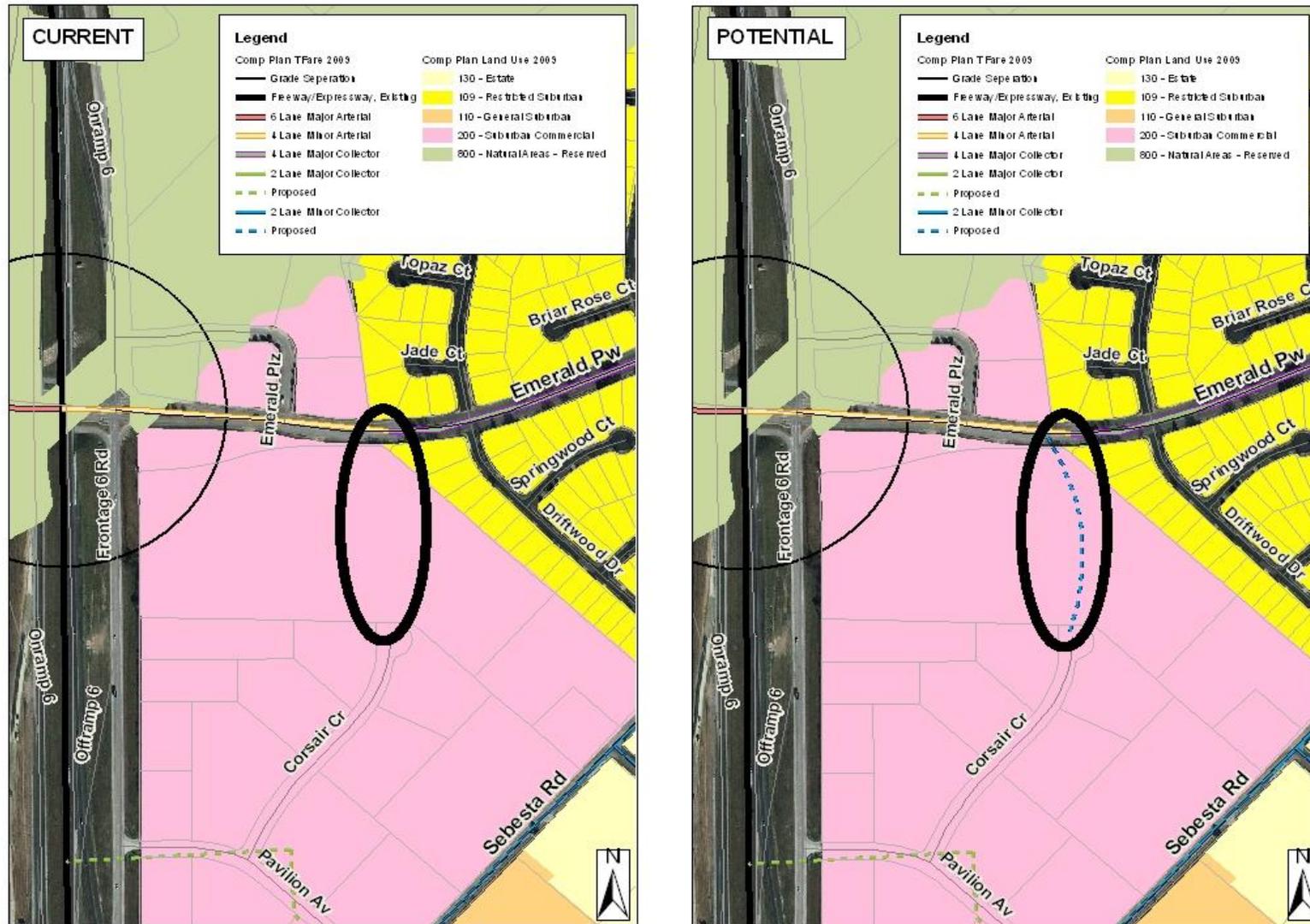
4. Thoroughfare Plans: Extension of Birkdale from Lakeway Dr. to SH 6 Frontage Rd.
 The previous Thoroughfare Plan showed Birkdale to cross Lakeway Dr. to meet up with the Highway 6 frontage road. Through oversight, this connection was not included in the current plan, but is needed to promote circulation and connectivity.



Proposed Amendment: Change Extension of Birkdale from Lakeway Dr. to SH 6 Frontage Rd.

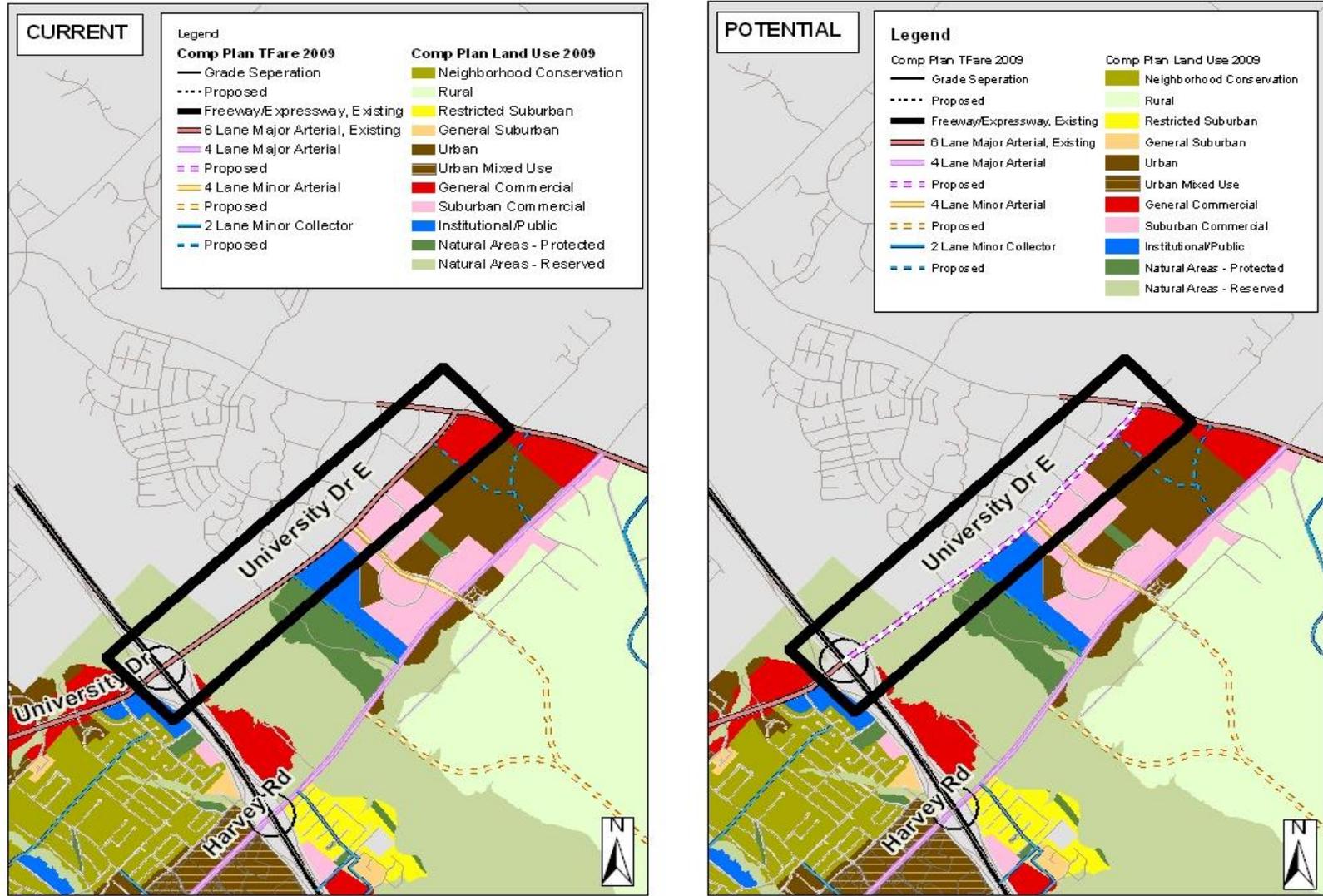
5. Thoroughfare Plans: Extension of Corsair to Emerald Parkway

The previous Thoroughfare Plan showed Corsair to terminate into Emerald Parkway. This desire for this connection was confirmed through the East College Station Transportation Study. Through oversight, this connection was not included in the current plan, but is needed to promote circulation and connectivity.



Proposed Amendment: Extend Corsair Cr to Emerald Pkwy

6. Reduction in lane widths to FM 60 from SH 6 to FM 158 from 6 lanes to 4 lanes
 Since the time the Thoroughfare Plan was developed, the Texas Department of Transportation has determined that the anticipated demand on University Drive East will not exceed a need for more than four lanes through the life of the Comprehensive Plan.



Proposed Amendment: Reduce FM 60 lane widths from SH 6 to FM 158 from 6 lanes to 4 lanes

**2010 ANNUAL REVIEW
OF THE
UNIFIED DEVELOPMENT ORDINANCE**

Approved Amendments to the UDO since June 1, 2009

1. Planned Development District Restrictions Removed (July 23, 2009)
Article 5 District Purpose Statements and Supplemental Standards was amended to allow Planned Development Districts (PDDs) to guarantee specific building characteristics and apply additional development standards through the rezoning process. Since the existing zoning districts at the time of this amendment were consistently the most relevant tools for implementing the Comprehensive Plan, this amendment allows PDDs to be an effective tool to help College Station realize the goals of the Comprehensive Plan.
2. Wolf Pen Creek Signage (September 10, 2009)
Article 5 District Purpose Statements and Supplemental Standards was amended to allow projection signs on light poles on private property and affixed to buildings in the Wolf Pen Creek District. As with any proposed sign in the Wolf Pen Creek District, the Design Review Board is the final authority on the design and integration of the sign in the development.
3. Commercial Amusements in Light Commercial Zoning Districts (September 24, 2009)
Article 6 Use Regulations was amended to permit a Commercial Amusement to be located in a Light Commercial (C-3) zoning district with the approval of a Conditional Use Permit.
4. Outdoor Storage (September 24, 2009)
Article 7 General Development Standards was amended to allow retailers the option to identify outdoor display areas during the site planning process and limits the allowable area to no more that 10% of the floor area of the building or 2,500 square feet, whichever is less.
5. Parking Lot Screening (November 9, 2009)
Article 7 General Development Standards was amended to require the use of berms for parking lot screening for sites with more than 20,000 square feet of gross building area developing under the Non-Residential Architectural Standards. This does not include residential site development or site development in M-1, M-2, R&D, NG-1, NG-2, and NG-3 zoning districts. The amendment 1)requires a berm to be at least 3 feet tall to screen parking lots from the right-of-way, 2) provides for the option of a half-berm with a retaining wall on the parking lot side of a screening berm, 3) allows berm height to be lowered if plant material makes up the height to achieve a 3-foot screen or a masonry wall can be used for redeveloping sites with existing space constraints, 4) allows alternatives to be granted for tree-preservation where it may not be possible to build around an existing tree, and 5)provides for alternatives proposed by a registered Landscape Architect that uses the amended ordinance and Section 7.5 Landscaping as a guide.
6. Landscaping and Tree Protection (December 10, 2009)
Article 7 General Development Standards was amended to require new single-family and townhouse lots plant two trees of two-inch caliper or larger in the front yard. The amendment also provides greater point credit for trees that are designated to be preserved and barricaded during development and an additional point credit for landscape plans prepared by qualified landscape professionals.

7. Non-Residential Architectural Standards for City Industrial Facilities (February 25, 2010)
Articles 7 General Development Standards and 11 Definitions were amended to exempt municipal facilities of an industrial nature such as a wastewater treatment plants or electrical substations from the Non-Residential Architectural (NRA) Standards.
8. Hotel/Motel as an Acceptable Use with a Country Club (April 22, 2010)
Article 6 Use Regulations was amended to permit a hotel associated with a country club as a conditional use within A-O Agricultural Open and A-OR Rural Residential Subdivision zoning districts. A maximum number of 15 guest rooms will be allowed for this type of use.

Pending Amendments to the UDO

9. Permanent storage container area screening and permitting (to Council June 24)
As more businesses explore storage containers as permanent solutions to their inventory space needs, Staff has realized that some flexibility in the screening requirements would be beneficial. Planning would like to amend the portable storage structures regulations to adjust screening requirements when visibility of the permanent container area is limited. Council discussion in January re: permitting.
10. Sidewalk Fund (to Council July 8)
The Subdivision Regulations in the UDO require that sidewalks be provided on all streets except for cul-de-sacs (where they may still be required if needed for pedestrian connectivity). In response to an increasing number of sidewalk variance requests, the Planning & Zoning Commission requested that staff pursue an amendment that would allow a developer, with the P&Z's permission, to pay into a "sidewalk fund" (similar to the parkland dedication fund) in lieu of building a sidewalk during development.

Below are proposed amendments that staff believes should be prioritized. While staff and the development community have identified several changes they believe will make regulations more clear and effective, staff and budgetary resources limit the amount of amendments that can be prepared in one year. The amendments below are those either near completion or are essential elements in reaching the goals of a newly adopted Comprehensive Plan.

11. Phase II of the Subdivision Regulations Update (summer 2010)
The first phase of the update to the Subdivision Regulations was to align them with the requirements of the TEXAS LOCAL GOVERNMENT CODE and to integrate them into the Unified Development Ordinance. The second phase will be to update the regulations, which have not been considered comprehensively for update since their inception in the 1970s, and align the regulations with the goals of the Comprehensive Plan. This amendment is anticipated to be before the P&Z and City Council for consideration this summer.
12. Phase III of the Subdivision Regulations Update (summer/fall 2010)
The last phase of the subdivision regulations update will be to take more complex regulations and policy issues on an amendment-by-amendment basis so that due consideration may be given. The P&Z has already begun discussions of some issues such as connectivity and how regulatory items such as block length affect it. Other items to be discussed include: parent tracts; plat expirations; sidewalks, multi-use paths, and access

ways; greenways; adequate public facilities; where “Platting in Older Subdivisions” should be applied; rough proportionality; development agreements; oversize participation; non-City utility providers; street projections; the number of lots off of one or more access points; streetscaping; gated subdivisions; single family high density standards; perimeter streets; clustering; fencing along thoroughfares; anti-monotony regulations; inter-local agreements; and context sensitive design.

13. Zoning Districts (fall 2010)

In order to implement the land uses as designated in the Comprehensive Plan, ordinance amendments for new zoning districts to reflect General Suburban, Residential Suburban, Suburban Commercial, Urban, and Urban Mixed Use land uses will be proposed. Staff has worked diligently over the past year researching, debating, testing, and creating a proposal for a new zoning plan that will reflect the intentions of the unique land uses and area characters reflected in the Comprehensive Plan. The proposal will address appropriate residential densities and how uses may be successfully mixed.

14. High Density Single Family Development Standards (summer/fall 2010)

Through numerous venues (e.g., the Strong and Sustainable Neighborhoods Initiative, P&Z and Council meetings), the need for a new set of standards for high density single family has been discussed. Ways to regulate the needs of high density housing will be proposed through subdivision and zoning regulations.

15. Recreational vehicle (RV) parks (summer 2010)

Currently, new RV parks may not develop in the City. During last year’s annual review, at the request of a current manufactured home/RV park business owner, the City Council gave Staff direction to pursue an amendment that would allow such a use. Planning has been working on the amendment and anticipates bringing it forward for consideration within a few weeks.

16. Landscaping/xeriscaping (summer 2010)

A local landscape architect had expressed the desire that the City’s planting lists be updated to allow by right vegetation that may not be within our USDA Hardiness Zone, but has shown over time to work well in the community. Staff is currently surveying local landscape architects, including those on staff, about their experiences with plantings that have been used and their successes and failures. The College Station Plant List will be updated in June after the results of the survey have been reviewed.

The same landscape architect and City Staff have also expressed an interest in making xeriscaping easier for developers in College Station. Xeriscaping may currently be permitted when the landscaping plans have been created and stamped by a landscape architect. While environmentally sensitive, the incentivization of xeriscaping will require a paradigm shift from the accepted landscaping aesthetic. The survey mentioned above also includes questions about the demand for xeriscaping services and the perceived acceptance of xeriscaping by the public from a service provider’s standpoint. A discussion amongst policy makers is warranted to determine if such a change to landscaping is desired.

17. CSISD exceptions (summer 2010)

In March 2010, the City and CSISD agreed to a level of City of College Station development processes and standards that CSISD projects would adhere to. In the past, CSISD generally complied with City regulations regarding health and life safety, but a recent opinion

from the Attorney General of Texas affirmed the authority of a home rule city to also enforce land development regulations on an independent school district for the purpose of aesthetics and the maintenance of property values. It is proposed that the UDO be amended to reflect the terms of the agreement.

18. Institutional height allowances (fall 2010)

Institutional uses such as churches, City facilities, and schools are allowed in all zoning districts. In single family, duplex, and townhome developments, structures—including churches, City facilities, and schools—are limited in height to 35 feet. In all other zoning districts, height is not limited with the exception that non-residential and multifamily structures that abut single family homes and townhomes are restricted to half of the number of feet that the structure is from the property line. This regulation was created to protect residences from imposing multi-family and non-residential buildings. An amendment would be proposed to provide more flexibility to compatible institutional uses by still requiring the 1:2 height limitation, but to eliminate the 35-foot height restriction in single family, duplex, and townhome districts.

Other amendments that were identified, but not prioritized

Below are items identified for eventual amendment, but because of the low demand for change, these are believed to be lower priorities against the body of proposals and requests that currently exist.

19. Temporary leasing offices for multi-family

On several occasions, temporary leasing offices have been requested for multi-family developments on unplatted properties that are part of planned development projects, but not on the apartment communities' land. An amendment would codify the interpretation staff has made to allow for such temporary uses.

20. Off-street parking standards

The Planning and Zoning Commission has listed the evaluation of off-street parking standards on their Plan of Work. The UDO combined the parking ratios for related land uses in an effort to simplify parking requirements in 2003, but it has been questioned if breaking the requirements back down by more specific land uses would reduce the amount of impervious cover being developed as parking lots. The Commission also wished to discuss the possibility of implementing parking maximums.

21. Overlay District Signs

The overlay district sign regulations have been in place for approximately 18 years, with minor amendments made with the adoption of the UDO. These regulations restrict the sign colors permitted to no more than three colors with black and white not considered as colors unless requested to be so by the applicant. It further requires that one of the colors must match the predominant colors of the building. Finally, it limits the sign fonts to no more than two lettering styles. Staff believes that the regulations affecting sign size and height have a much greater impact than those restricting sign colors and fonts. In an effort to relieve some regulation while maintaining a consistent element of visual quality, staff would like to amend the OV regulations to remove the restrictions on sign colors and fonts.

22. Commercial Amusements definition to include special event rental uses
Staff has identified the need to amend the Commercial Amusements use type definition to include special event rental uses that do not derive 75% or more of their gross revenue from the on-premise sale of alcoholic beverages.
23. Home Occupations
While taxi operations may be illegal home occupations, enforcement of the regulations has been difficult when complainants do not wish to testify as to the activities. An amendment to the home occupation regulations that restrict/prohibit taxi operations and adds an amortization clause may help resolve issues related to these commercial activities.
24. Preliminary Plat expirations
As a slowed economy has slowed home development, it may be beneficial to residential subdividers/developers to have the expiration of preliminary plats temporarily extended. This was requested by a developer, but staff has not researched active preliminary plats on file to determine the need for this amendment.
25. Landscaping bonds
When the development of a project nears completion and a Certificate of Occupancy or Certification of Completion is requested, all approved landscaping and irrigation must be completed, or a bond or letter of credit in the amount of 150% of the landscape/streetscape bid submitted. Groundcover has not been covered in the bonding process, but typically staff agrees to a temporary certificate of occupancy until grasses have taken over all areas disturbed by construction. On occasion, a contractor or developer wishes to receive a full CO or CC that has all landscaping and streetscaping, but does not have established groundcover. An amendment could allow a bond for groundcover only to reach a full CO/CC in certain situations.
26. Redevelopment of non-conforming structures
The UDO requires that virtually all new construction meet current codes. Tornados and fires in recent years have challenged the appropriateness of requiring all non-conformities to reach current development standards. An ordinance amendment could define what may be replaced as a result of damage by an "act of God".
27. Northgate two-story requirement
The development regulations for Northgate require that all buildings constructed after the adoption of the Northgate ordinance be a minimum of two stories. A waiver from this requirement is possible when the building is only going through façade renovations, but height requirements do not apply to façade-only projects. An amendment could delete this inconsistency and help make the regulations more clear.
28. Amendments related to a new Bicycle, Pedestrian, and Greenways Master Plan
A number of amendments will be necessary to implement the vision of a newly adopted Bicycle, Pedestrian, and Greenways Master Plan.
29. Amendments related to the Central College Station Neighborhood Plan
If adopted, the new neighborhood plan will require several amendments to help implement the strategies of the plan. This would include a new overlay zoning district for undeveloped commercial properties that abut single family residences.

30. Historic Preservation Ordinance amendment

When the historic preservation enabling ordinance was adopted, it provided that all Historic Preservation Overlay zoning districts would follow the Secretary of Interior's Standards for Rehabilitation. An amendment could allow for the adoption of a specific set of guidelines with a rezoning that follow the Standards for Rehabilitation, but that are specifically tailored to the architectural styles located in the district and that reflect the preservation values of the property owners.

31. Amendments related to a possible Bio-Medical Corridor

Depending on the amount and type of support the City Council wishes to provide to the concept of a Bio-Medical Corridor as proposed by the Research Valley Partnership, staff may need to become engaged in the development of a plan and regulations to help the vision be reached.

32. Building Plot

The current definition of building plot is subject to interpretation and becomes a negotiation between staff and developers, especially on larger projects. A clearer definition could remove ambiguity so that all have a clear understanding of the project's expectations, which is important as many contractual decisions are being made before staff becomes engaged in a project's review.

33. Non-Residential Architectural Standards

In accordance with direction given during last year's annual review, Staff proposed an ordinance amendment to the P&Z in January to help expand the list of architectural features allowed by right on commercial buildings. A discussion with architects of the merits of the ordinance overshadowed the proposal during the public hearing. Because of the policy implications involved, it was decided that the amendment would be put aside until the P&Z and City Council could confirm or clarify their policy as it pertains to the regulation of commercial building aesthetics.

July 8, 2010
Regular Agenda Item No. 2
Comprehensive Plan Land Use Amendment
for 301 Southwest Parkway

To: Glenn Brown, City Manager

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

Agenda Caption: Public hearing, presentation, possible action, and discussion regarding a Comprehensive Land Use Amendment of 6.326 acres from General Commercial and Natural Areas-Reserved to Urban and Natural Areas-Reserved for the property located at 301 Southwest Parkway, and more generally located east of the Southwest Crossing shopping center.

Relationship to Strategic Goals: Financially Sustainable City Providing Response to Core Services and Infrastructure, Neighborhood Integrity, and Diverse Growing Economy.

Recommendation(s): The Planning and Zoning Commission considered this item at their June 3, 2010 meeting and voted 5-0 to recommend approval. Staff also recommended approval.

Summary: The Comprehensive Plan provides the following review criteria for zoning map amendments:

REVIEW CRITERIA

1. **Changed or changing conditions in the subject area or the City:** The applicant has stated in their application that additional flood study in the area has reduced the amount of developable area on the subject property and that the property has no frontage on Southwest Parkway.

Changing conditions in the surrounding area since adoption of the Comprehensive Plan include a recent rezoning that has taken place in the area is located across Southwest Parkway adjacent to the Woodlands of College Station development. That request was for a PDD, to allow for commercial and multi-family uses, which are appropriate land uses based on their land use designations as Urban and General Commercial in the Comprehensive Plan. In addition to the aforementioned project, most of the land in the area is currently developed or developing in the manner set forth in the Comprehensive Plan.

2. **Scope of the request:**The scope of the request is to change the land use designation from General Commercial to Urban for approximately 4.5 acres out of a 6.326 acre lot. The remaining portion of the lot is to remain as Natural Areas-Reserved with no development taking place on that specific portion of the property. Additionally, the proposed land use change request is being brought forward along with a proposal to rezone of the property from C-1, General Commercial to PDD, Planned Development District.
3. **Availability of adequate information:** The proposed land use change will have minimal effect to the volume capacity of Southwest Parkway and will accommodate a multi-use path along the creek on the east side of the subject property. The transportation system will be minimally impacted beyond its site borders. The proposed

rezoning that is accompanying this Comprehensive Plan Amendment calls for multi-family development with a projected 45 vehicle trips in the peak hour. In comparison, the general commercial land use existing on the property would project at 225 vehicle trips in the peak hour.

Utility infrastructure should be minimally impacted as the surrounding area is almost completely built out.

4. **Consistency with the goals and strategies set forth in the Plan:** The proposed land use change complies with the goals and strategies of the Comprehensive Plan in its protection of natural areas, specifically the flood plain. No change is being requested to the portion of the property that is currently designated as Natural Areas-Reserved. Additionally, a rezoning proposal is being brought forward that proposes the development and dedication of a multi-use path as specified in the Bicycle, Pedestrian and Greenways Master Plan.

The Comprehensive Plan identifies planning policies related to sensitive infill development, preservation of natural areas and the protection and enhancement of existing neighborhoods. With the proposed Urban land use designation, each of these items can be addressed through a PDD rezoning and the site plan process.

5. **Consideration of the Future Land Use & Character and/or Thoroughfare Plans:** The proposed land use change will not require a change to the functional classification or the context of Southwest Parkway. As shown on the Thoroughfare Plan, Southwest Parkway is a 4-lane minor arterial with an Urban context.

In staff's opinion a change to the Urban land use designation would not affect the character of the area, as the area is predominantly developed as Urban type land uses consisting of multi-family dwellings, specifically to the east and south. At this time there are no adopted neighborhood, district or corridor plans that are applicable to the subject property or area.

6. **Compatibility with the surrounding area:** The Urban land use designation that is being sought is generally for areas that should have a very intense level of development activities. These areas will tend to consist of townhouses, duplexes and high-density apartments. A rezoning application has been submitted and is running concurrently with the proposed land use amendment and includes a proposal to develop multi-family dwelling units on the subject property.

Surrounding properties to the north, east and west are currently developed in accordance with the future land use and character designation as well as the existing zoning. Surrounding development includes high density single-family homes to the north, multi-family apartments to the east and a shopping center to the west. Additionally, existing and proposed multi-family development is located south of the subject property across Southwest Parkway.

7. **Impacts on infrastructure including water, wastewater, drainage, and the transportation network:** Water service to the subject tract may be provided by an existing 12-inch water main running along the south side of Southwest Parkway. Any future water infrastructure must be designed and constructed in accordance with the BCS Unified Design Guidelines.

The subject tract is located adjacent to a 10-inch sanitary sewer main along Southwest Parkway. The proposed Urban Land Use will be creating more density, however

preliminary analysis of the system has indicated that there is available capacity to serve this type of development.

The subject tract is located in the Bee Creek Tributary "B" drainage basin. A portion of the property has been designated FEMA Special Flood Hazard Area. Development of the subject tract will be required to meet the requirements of the City's Storm Water Design Guidelines, and site development impacts on the drainage system will be evaluated further at that time.

Impacts to the transportation network for the proposed land use change will be minimal. As stated previously, as part of the rezoning accompanying this Comprehensive Plan Amendment, 45 vehicle trips are projected in the peak hour. Due to many of the surrounding land-uses being designated as Urban, the street context for Southwest Parkway will not change.

8. **Impact on the City's ability to provide, fund, and maintain services:** The proposed land use change is for the development of an infill lot in an area that is almost completely built out. Impacts on fire response time and the availability of other city services should be minimal as the lot is surrounded by development on all sides.
9. **Impact on environmentally sensitive and natural areas:** The subject property consists of several acres of floodplain that is intended to be preserved. The land use designation for the portion of the property located within the floodplain is not proposed to change from its current designation as Natural Areas-Reserved.
10. **Contribution to the overall direction and character of the community as captured in the Plan's vision and goals:** The proposed Comprehensive Plan Amendment neither detracts nor advances the Comprehensive Plan's vision. In specific, with regards to preservation, the amendment is neutral as the amount of land designated as Natural Areas-Reserved is not changing. In addition, there are portions of land that were graded and filled as part of an approved site plan that are located within the Natural Areas-Reserved.
11. **Further Planning:** The proposed land use change would be in advance of a neighborhood plan that is called for as part of the Comprehensive Plan that will be developed at some point in the future.

Budget & Financial Summary: N/A

Attachments:

1. Background Information
2. Aerial & Small Area Map (SAM)
3. Draft Planning & Zoning Commission Minutes – June 3, 2010
4. Ordinance

BACKGROUND INFORMATION:

NOTIFICATIONS

Advertised Commission Hearing Date: June 3, 2010
Advertised Council Hearing Dates: June 24, 2010

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:

None

Contacts in support: None
Contacts in opposition: None
Inquiry contacts: 1

ADJACENT LAND USES

Direction	Comprehensive Plan	Zoning	Land Use
North	General Suburban	R-1, Single-Family Residential	Single-family residences, Southland Subdivision
South	General Commercial and Natural Areas – Reserved (across a minor arterial)	PDD, Planned Development District, Thoroughfare - Southwest Parkway	Undeveloped
East	Natural Areas – Reserved, Urban	R-4, Multi-Family	Parkway Circle Apartment Complex
West	General Commercial	C-1, General Commercial	Southwest Crossing shopping center

DEVELOPMENT HISTORY

Annexation: 1969
Zoning: R-1, Single-family residential upon annexation (1969),
R-1, Single-family residential to C-1, General Commercial (1975)
Final Plat: Subject property was final platted as part of William Brooke Hunter Estates in 2004 and subsequently replatted in 2006.
Site development: A portion of the property has been developed as a driveway access for the existing Southwest Crossing shopping center. The remainder is vacant. In 2009, portions of the site, including part of the Natural Areas – Reserved, were graded and filled to accommodate commercial development.



COMP
PLAN

Case: 10-073

COPPER CREEK CONDOS

DEVELOPMENT REVIEW





MINUTES
PLANNING AND ZONING COMMISSION
Regular Meeting
June 3, 2010, 7:00 p.m.
City Hall Council Chambers
1101 Texas Avenue
College Station, Texas

COMMISSIONERS PRESENT: Chairman John Nichols, Doug Slack, Paul Greer and Mike Ashfield, and Hugh Stearns

COMMISSIONERS ABSENT: Tom Woodfin and Scott Shafer

CITY COUNCIL MEMBERS PRESENT: David Ruesink

CITY STAFF PRESENT: Senior Planners Lindsay Kramer and Jason Schubert, Staff Planners Lauren Hovde, Matt Robinson, and Matthew Hilgemeier, Graduate Civil Engineer Erika Bridges, Assistant City Engineer Josh Norton, Greenways Program Manager Venessa Garza, Transportation Planning Coordinator Joe Guerra, Planning Administrator Molly Hitchcock, City Engineer Alan Gibbs, Director Bob Cowell, First Assistant City Attorney Carla Robinson, Action Center Representative Kerry Mullins, and Administrative Support Specialist Brittany Caldwell

1. Call meeting to order.

Chairman Nichols called the meeting to order at 7:00 p.m.

2. Hear Citizens.

Chuck Ellison, 2902 Camille Drive, College Station, Texas, thanked Chairman Nichols for 16 years of service to the City of College Station.

Regular Agenda

3. Public hearing, presentation, possible action, and discussion regarding a Comprehensive Land Use Amendment of 6.326 acres from General Commercial and Natural Areas-Reserved to Urban and Natural Areas-Reserved for the property located at 301 Southwest Parkway, and more generally located east of the Southwest Crossing shopping center.
Case # 10-00500073 (MR)

Staff Planner Matt Robinson presented the Comprehensive Plan Land Use Amendment and recommended approval.

There was general discussion amongst the Commission regarding the amendment.

Chairman Nichols opened the public hearing.

Jane Kee, IPS Group, gave a history of the property and stated that her client has plans to develop the property as a multi-family development.

Chairman Nichols closed the public hearing.

Commissioner Greer motioned to recommend approval of the Comprehensive Plan Land Use Amendment. Commissioner Ashfield seconded the motion, motion passed (5-0).

4. Adjourn.

Commissioner Greer motioned to adjourn the meeting. Commissioner Stearns seconded the motion, motion passed (5-0).

The meeting was adjourned at 10:50 p.m.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING THE FUTURE LAND USE AND CHARACTER MAP, FOR THE AREA LOCATED AT 301 SOUTHWEST PARKWAY, PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1: That the "Comprehensive Plan of the City of College Station" be amended by amending the "Future Land Use and Character Map" as set out in Exhibits "A" and "B", for the identified area 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 _____, 2010.

ATTEST:

APPROVED:

City Secretary

MAYOR

APPROVED:



City Attorney

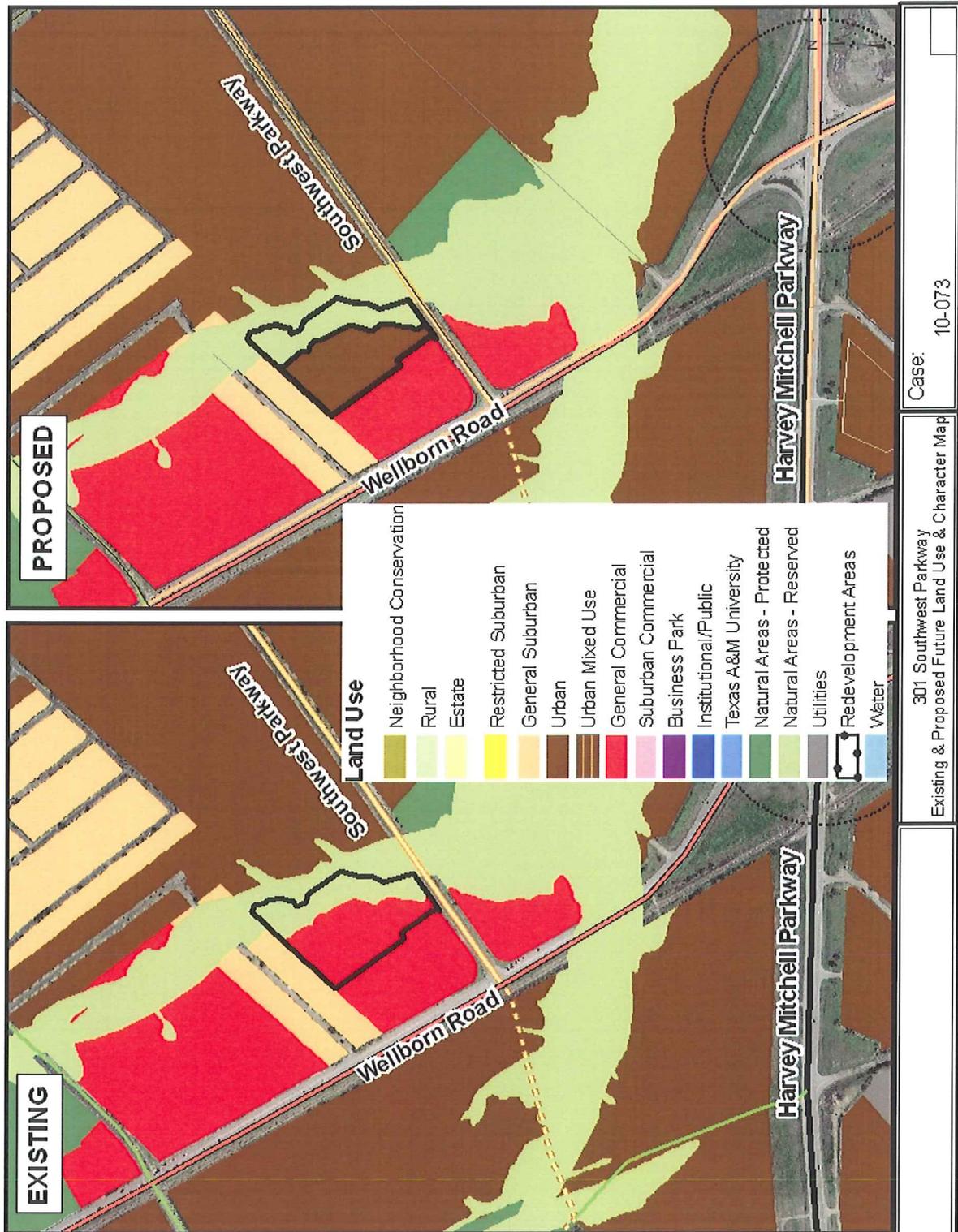
EXHIBIT "A"

**AMENDED AREA OF THE
COLLEGE STATION FUTURE LAND USE AND CHARACTER MAP**

That the "Comprehensive Plan" of the City of College Station, Texas, is hereby amended by amending the College Station Future Land Use and Character Map as follows:

The 6.326 acres generally located at 301 Southwest Parkway is amended from General Commercial and Natural Areas – Reserved to Urban and Natural Areas - Reserved, as shown on the attached Exhibit "B".

EXHIBIT "B"



July 8, 2010
Regular Agenda Item No. 3
Rezoning for Copper Creek Condos

To: Glenn Brown, City Manager

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

Agenda Caption: Public hearing, presentation, possible action, and discussion regarding a Rezoning for Copper Creek Condos from C-1, General Commercial to PDD, Planned Development District for 6.236 acres located at 301 Southwest Parkway.

Relationship to Strategic Goals: Financially Sustainable City Providing Response to Core Services and Infrastructure, Neighborhood Integrity, and Diverse Growing Economy

Recommendation(s): The Planning and Zoning Commission considered this item at their June 3, 2010 meeting and voted 5-0 to recommend approval with the following conditions: fencing along the rear of the property be required to have a hedge wall with 100% opacity at three-foot height, no ambient lighting shall cross the property line at the rear of the property, dumpsters not be allowed within 50 feet of the rear of the property, and two-thirds of the length of the fencing against the multi-use path be open-type fencing.

Summary: The Unified Development Ordinance provides the following review criteria for zoning map amendments:

REVIEW CRITERIA

1. **Consistency with the Comprehensive Plan:** A Comprehensive Plan Amendment to change the land use designation from General Commercial and Natural Areas-Reserved to Urban and Natural Areas-Reserved is being brought forward simultaneously with the rezoning. This is necessary as the current land use designation does not allow for multi-family type land uses as proposed with the PDD. The General Commercial designation is intended for concentrations of commercial activities that cater to both nearby residents and to the larger community or region. If the Comprehensive Plan Amendment change from Commercial to Urban is approved, the proposed rezoning will be in compliance with the Comprehensive Land Use Plan.
2. **Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood:** The property is zoned C-1, General Commercial and is adjacent to C-1 designated and utilized property to the west. Property to the north is currently zoned R-1, Single-Family Residential and is utilized as such. The property to the east is zoned R-4, Multi-Family and has an existing apartment complex located on it. The subject property and the adjacent multi-family development to the east are bounded by FEMA identified flood plain.

The proposed multi-family use specified in the PDD is compatible with existing multi-family developments that exist primarily along Southwest Parkway from Welsh Avenue to Wellborn Road. In addition, multi-family uses can serve as a step down intensity from more intense commercial development. While C-1 uses would be acceptable on the subject property, through the PDD, additional buffering standards can be applied as well as other specific items that would not be possible with the current zoning. In this case,

that would include the development and construction of a multi-use path and connectivity through the site.

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 subject property is located along and takes access to Southwest Parkway, a minor arterial on the City's Thoroughfare Plan. A large portion of the property is proposed to remain undeveloped as floodplain with the exception of a multi-use path as shown on the Bicycle, Pedestrian and Greenways Master Plan.

The proposed PDD would permit the development of multi-family dwelling units consisting of one, two and three bedroom units. The property is suitable for the development of multi-family uses consisting of two-story buildings as proposed.

4. **Suitability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment:** The property is currently zoned C-1, General Commercial, which would allow for the development of retail sales and service uses that caters to not only nearby residents, but the entire community. Any planned development on the subject property will be required to utilize the shared driveway access off of Southwest Parkway that currently exists.
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 property can currently be marketed for C-1, General Commercial uses, which is the City's least restrictive commercial zoning designation. However, due to extensive floodplain located on the property, marketability for commercial development may be lessened. This can be attributed to commercial development, in general requiring a greater degree of site visibility.
6. **Availability of water, wastewater, stormwater, and transportation facilities generally suitable and adequate for the proposed use:** There is an existing 12-inch water main available to serve this property. Sanitary sewer service to the property is available via an existing 10-inch main. Drainage is mainly to the east within the drainage basin of Bee Creek Tributary B. The property is partially encumbered by FEMA Special Flood Hazard Area. All utilities shall be designed in accordance with BCS Unified Design Guidelines at the time of site development. Access to the property is available through Southwest Parkway or an existing 50-foot Access Easement with the adjacent property to the west. Existing utilities and access are adequate for the proposed use at this time.

REVIEW OF CONCEPT PLAN

The following land uses are proposed for the PDD: natural areas of floodplain and open space; and multi-family residential units consisting of approximately 16 dwelling units per acre. The stated purpose statement of the PDD is as follows:

"The purpose of the PDD is to build a multi-family development consisting of 1, 2, and 3 bedroom units. The project will preserve the floodplain as open space and dedicate and develop a multi-use path as shown on the bikeway master plan. In addition the development will meet neighborhood protection standards to protect the single-family development to the north."

The Unified Development Ordinance provides the following review criteria for PDD Concept Plans:

1. **The proposal will constitute an environment of sustained stability and will be in harmony with the character of the surrounding area;** The applicant has proposed a multi-family residential land use, which conforms to the existing character along the segment of Southwest Parkway from Welsh Avenue to Wellborn Road. The majority of property within this area is developed as some form of multi-family dwelling. Additionally, the Concept Plan calls for the preservation of the flood plain as open space.
2. **The proposal is in conformity with the policies, goals, and objectives of the Comprehensive Plan, and any subsequently adopted Plans, and will be consistent with the intent and purpose of this Section:** The proposed concept plan is in conformity with the proposed Comprehensive Plan Amendment that is being sought concurrently with the rezoning request. Approximately a third of the property is in the floodplain and will remain undeveloped as open space with the exception of the proposed multi-use path. In addition, the Concept Plan proposes the development and dedication of a multi-use path as shown on the City's Bicycle, Pedestrian and Greenways Master Plan. While the location of the multi-use path will be predominantly located within the floodplain, additional land to construct the path outside of the floodplain would greatly constrict any potential development on the property.
3. **The proposal is compatible with existing or permitted uses on abutting sites and will not adversely affect adjacent development:** The proposed development calls for multi-family residential dwellings, which are compatible with the adjacent multi-family developments to the south and east. In addition, multi-family buffer standards as it relates to single-family developed property will be required to be met at time of site plan development. Buffers to commercial development are not required when developing after commercial development is in place. Adjacent properties are almost completely built out with the exception of the subject property and the future Campus Village development across Southwest Parkway.
4. **Every dwelling unit need not front on a public street but shall have access to a public street directly or via a court, walkway, public area, or area owned by a homeowners association:** The proposed development will take access to Southwest Parkway via a shared driveway access with the Southwest Crossing shopping center to the west.
5. **The development includes provision of adequate public improvements, including, but not limited to, parks, schools, and other public facilities:** The development includes the dedication and development of a multi-use path as shown on the Bicycle, Pedestrian and Greenways Master Plan. At the April 13th, 2010 Parks and Recreation Advisory Board meeting, the board approved the request to allocate Parkland Dedication funds towards the development and construction of the multi-use path.
6. **The development will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity:** The concept plan includes the protection of the floodplain that has not been filled. The minimum neighborhood protection standards as specified in the UDO, including single-family height protection and buffer and lighting standards will be required to be met.
7. **The development will not adversely affect the safety and convenience of vehicular, bicycle, or pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and land uses in the area:** The increased number of trips of 45 vehicles at the peak hour will have minimal affect on the transportation system. However, due to the location of the proposed multi-use path, mid block safety improvements will have to be provided such as a raised median for pedestrian refuge, signage, pavement markers and pedestrian flashers. These improvements will be the responsibility of the City to provide at a future

date.

Budget & Financial Summary: N/A

Attachments:

1. Background Information
2. Aerial & Small Area Map (SAM)
3. Planning & Zoning Commission Minutes – June 3, 2010
4. Ordinance

BACKGROUND INFORMATION:

NOTIFICATIONS

Advertised Commission Hearing Date: June 3, 2010
Advertised Council Hearing Dates: June 24, 2010

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:

None

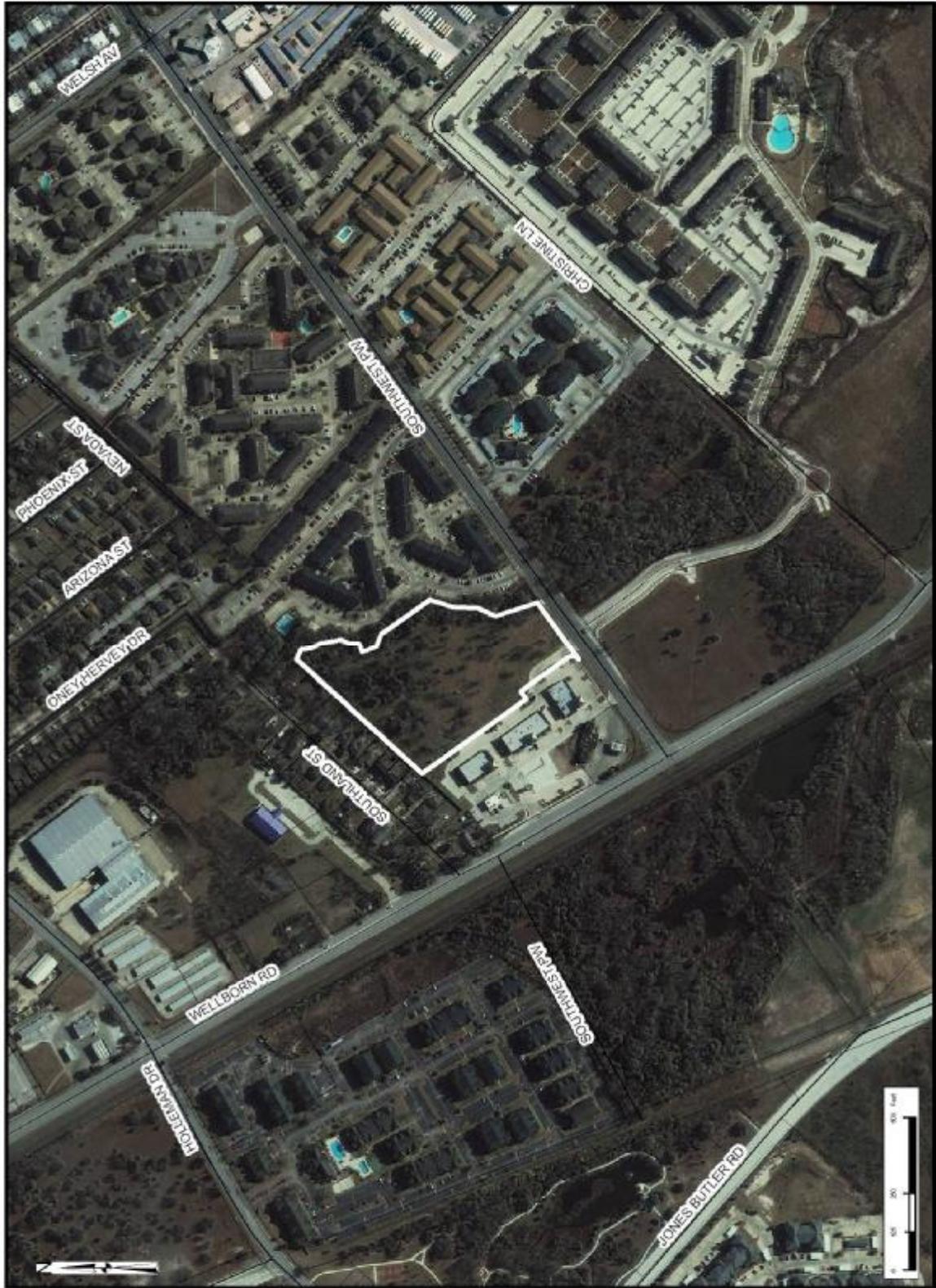
Property owner notices mailed: 26
Contacts in support: None
Contacts in opposition: None
Inquiry contacts: 1

ADJACENT LAND USES

Direction	Comprehensive Plan	Zoning	Land Use
North	General Suburban	R-1, Single-Family Residential	Single-family residences, Southland Subdivision
South	General Commercial and Natural Areas – Reserved (across a minor arterial)	PDD, Planned Development District	Undeveloped
East	Natural Areas – Reserved, Urban	R-4, Multi-Family	Parkway Circle Apartment Complex
West	General Commercial	C-1, General Commercial	Southwest Crossing shopping center

DEVELOPMENT HISTORY

Annexation: 1969
Zoning: R-1, Single-Family Residential upon annexation (1969),
R-1, Single-Family Residential to C-1, General Commercial (1975)
Final Plat: Subject property was final platted as part of William Brooke Hunter Estates in 2004 and subsequently replatted in 2006.
Site development: A portion of the property has been developed as a driveway access for the existing Southwest Crossing shopping center. In 2009, portions of the site, including part of the Natural Areas – Reserved, were graded and filled to accommodate commercial development.



	DEVELOPMENT REVIEW	COPPER CREEK	Case: 10-016	REZONING
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MINUTES
PLANNING AND ZONING COMMISSION
Regular Meeting
June 3, 2010, 7:00 p.m.
City Hall Council Chambers
1101 Texas Avenue
College Station, Texas

COMMISSIONERS PRESENT: Chairman John Nichols, Doug Slack, Paul Greer and Mike Ashfield, and Hugh Stearns

COMMISSIONERS ABSENT: Tom Woodfin and Scott Shafer

CITY COUNCIL MEMBERS PRESENT: David Ruesink

CITY STAFF PRESENT: Senior Planners Lindsay Kramer and Jason Schubert, Staff Planners Lauren Hovde, Matt Robinson, and Matthew Hilgemeier, Graduate Civil Engineer Erika Bridges, Assistant City Engineer Josh Norton, Greenways Program Manager Venessa Garza, Transportation Planning Coordinator Joe Guerra, Planning Administrator Molly Hitchcock, City Engineer Alan Gibbs, Director Bob Cowell, First Assistant City Attorney Carla Robinson, Action Center Representative Kerry Mullins, and Administrative Support Specialist Brittany Caldwell

1. Call meeting to order.

Chairman Nichols called the meeting to order at 7:00 p.m.

2. Hear Citizens.

Chuck Ellison, 2902 Camille Drive, College Station, Texas, thanked Chairman Nichols for 16 years of service to the City of College Station.

Regular Agenda

5. Public hearing, presentation, possible action, and discussion regarding a Rezoning for Copper Creek Condos from C-1, General Commercial to PDD, Planned Development District for 6.236 acres located at 301 Southwest Parkway. **Case #10-00500016 (MR)**

Staff Planner Matt Robinson presented the Rezoning and recommended approval.

There was general discussion amongst the Commission regarding the Rezoning.

Commissioner Ashfield expressed concern about lighting on the back of the property.

Chairman Nichols opened the public hearing.

Jane Kee, IPS Group, stated that the applicant plans to provide screening along the back of the property where it abuts single family residences. She also stated that the applicant would like to keep the development contained for safety reasons.

Commissioner Stearns expressed concern about fencing along the proposed multi-use path. He stated that the view of the multi-use path should not be blocked by a fence. He also asked that dumpsters not back up to the residential properties on Southland Street.

Chairman Nichols closed the public hearing.

There was general discussion amongst the Commission regarding the Rezoning.

Commissioner Stearns motioned to recommend approval of the Rezoning with the following conditions: fencing along the rear of the property be required to have a hedge wall with 100% opacity at three-foot height, no ambient lighting shall cross the property line at the rear of the property, dumpsters not be allowed within 50 feet of the rear of the property, and two-thirds of the length of the fencing against the multi-use path be open-type fencing. He also asked that the applicant create good pedestrian connectivity to the commercial development to the west. Commissioner Greer seconded the motion, motion passed (5-0).

Chairman Nichols recessed the meeting at 9:45 p.m.

Chairman Nichols reconvened the meeting at 9:50 p.m.

6. Adjourn.

Commissioner Greer motioned to adjourn the meeting. Commissioner Stearns seconded the motion, motion passed (5-0).

The meeting was adjourned at 10:50 p.m.

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 Exhibits "A", "B" and "C", attached hereto and made a part of this ordinance for all purposes.

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

PASSED, ADOPTED and APPROVED this _____ day of _____, 2010

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 and as shown graphically in Exhibits "B" and "C":

The following property is rezoned from C-1, General Commercial to PDD, Planned Development District:

Lot 2R, William Brooke Hunter Estates Subdivision

EXHIBIT "B"

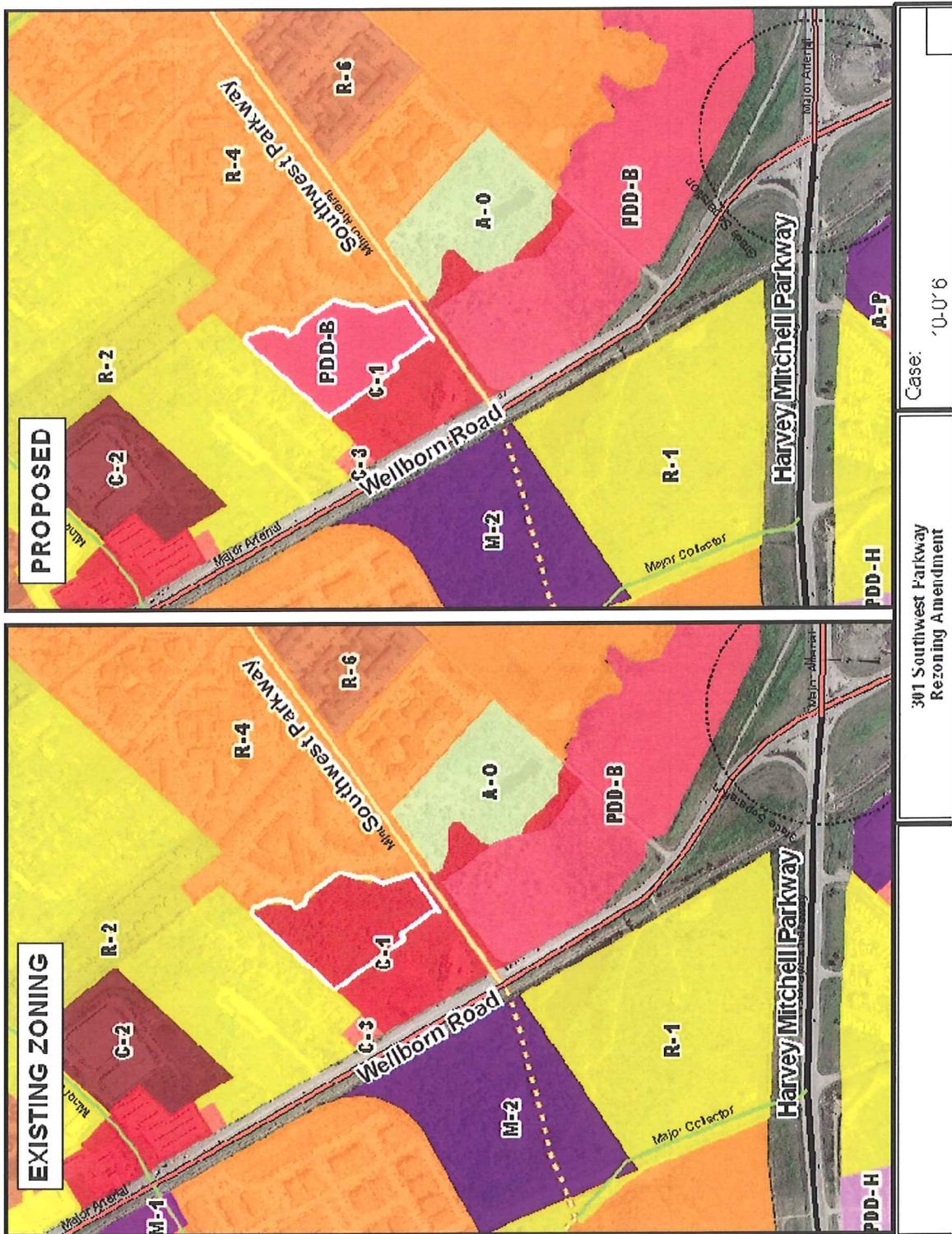
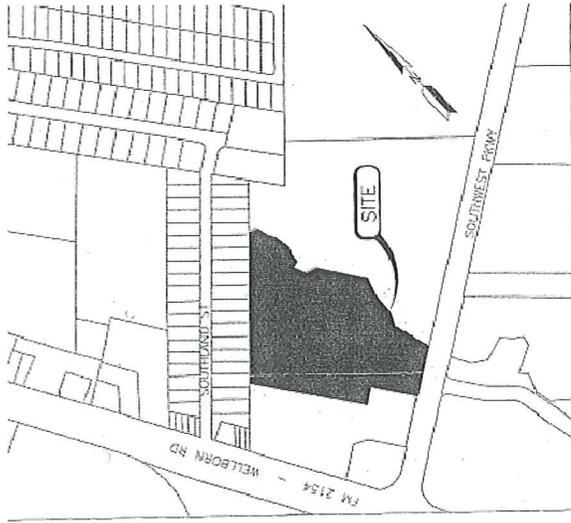


EXHIBIT "C"

NOTE: The R-4, Multi-Family Zoning District Regulations shall be applicable except as modified in the attached concept plan.

Purpose Statement: The purpose of the PDD is to build a multi-family development consisting of 1, 2, and 3 bedroom units. The project will preserve the floodplain as open space, and dedicate and develop a multi-use path as shown on the bikeway master plan. In addition, the development will meet the neighborhood protection standards to protect the single family development adjacent to the north.

EXHIBIT "C" CONTINUED



VICINITY MAP
N.T.S.

CONCEPT PLAN
Copper Creek Condos

6.326 ACRES

LOT 2R

WILLIAM BROOKE HUNTER ESTATES
CITY OF COLLEGE STATION

BRAZOS CO., TEXAS

SCALE 1"=50'

February, 2010

FOUR AGS INVESTMENT'S L.P.

6701 IMPERIAL DR

WACO, TX 76712-8300

MITCHELL & MORGAN, LLP.

511 UNIVERSITY DRIVE E., STE 205

COLLEGE STATION, TEXAS 77840

(979) 269-9863

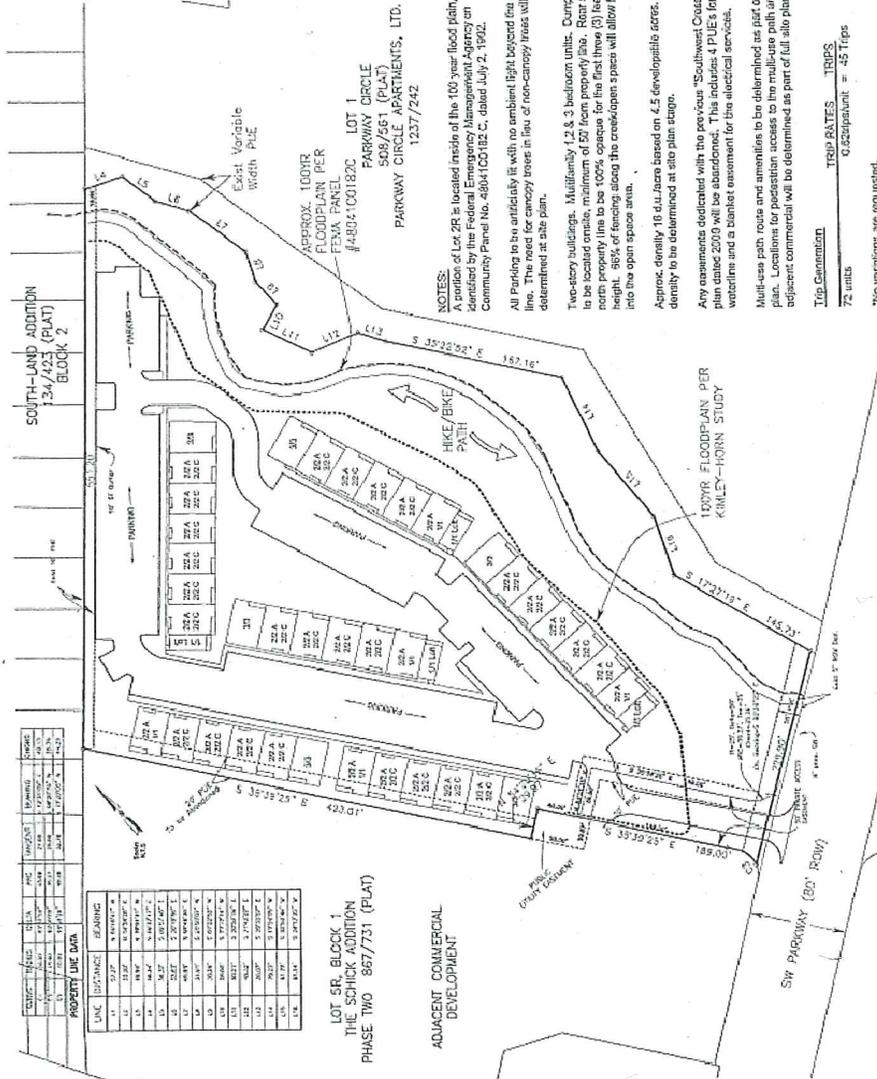
IPS GROUP

511 UNIVERSITY DRIVE E., STE 205

COLLEGE STATION, TEXAS 77840

(979) 644-0559

POD Purpose Statement:
The purpose of the POD is to build a multi-family development consisting of 1,2, and 3 bedroom units. The project will preserve the floodplain as open space and reduce and improve the floodplain. The project will be shown on the highway master plan. In addition the development will meet the neighborhood circulation standards to protect the single family development adjacent to the marsh.



LINE	DISTANCE	BEARING
1	12.27	N 89°00'00" W
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99	12.27	N 89°00'00" W
100	12.27	N 89°00'00" W

LOT 1R, BLOCK 1
THE SCHICK ADDITION
PHASE TWO 867/731 (PLAT)

ADJACENT COMMERCIAL
DEVELOPMENT

NOTES:
A portion of Lot 2R is located inside of the 100-year flood plain, as identified by the Federal Emergency Management Agency on Community Panel No. 4804100182C, dated July 2, 1992.

All parking to be provided with no ambient light beyond the property line. The need for canopy areas in lieu of non-canopy areas will be determined at site plan.

Two-story buildings. Multifamily 1,2 & 3 bedroom units. Computer pads to be located onsite, minimum of 50' from property line. Retention on north property line to be 100% opaque for the first three feet of height. 80% of fencing along the creek/open space will allow for visibility into the open space area.

Approx. density 10 d.u./acre based on 4.5 developable acres. Final density to be determined at site plan stage.

Any easements dedicated with the previous "Southwest Crossing" site plan dated 2009 will be abandoned. This includes 4 PUE's for a waterline and a blanket easement for the electrical services.

Multi-use path route and amenities to be determined as part of the site plan. Locations for pedestrian access to the multi-use path will be the adjacent commercial will be determined as part of full site plan review.

Top Generation

TRIP RATES - TRIPS

0.625/minute = 45 Trips

72 units

No variations are requested.

July 8, 2010
Regular Agenda Item No. 4
Public Hearing and Consideration of Budget Amendment # 3

To: Glenn Brown, City Manager

From: Jeff Kersten, Chief Financial Officer

Agenda Caption: Public Hearing, possible action, and discussion on an ordinance Budget Amendment #3 amending ordinance number 3202 which will amend the budget for the 2009-2010 Fiscal Year in the amount of \$10,878,428, increase the number of regular full-time positions in the budget by two (2.0); and presentation, possible action and discussion on two interfund transfers.

Relationship to Strategic Goals: Goal 1.1 Spending taxpayer money efficiently.

Recommendation(s): Staff recommends the City Council hold the public hearing on Budget Amendment #3 and approve the budget amendment ordinance.

Summary: The proposed budget amendment is to increase the appropriations for the items listed below by \$10,878,428 and to increase the number of regular full-time positions in the budget by two (2.0). The charter of the City of College Station provides for the City Council to amend the annual budget in the event there are revenues available to cover increased expenditures and after holding a public hearing on such budget amendment. A number of items have been identified that need to be considered in a budget amendment. Attached is a list of the items in the proposed budget amendment.

Budget & Financial Summary: The City has resources or can reasonably expect resources to cover each of the appropriations in this budget amendment. Appropriations in the amount of \$5,375,000 are for purchased power. \$3,019,656 of this budget amendment is to provide appropriation for federal grants awarded. \$1,501,454 is for capital projects including the Holleman Drive extension. The attached list has the complete description of the items included in the this proposed budget amendment.

Attachments:

1. Budget Amendment #3 Detail List, Budget transfer detail list
2. Ordinance

The proposed budget amendment is to increase the appropriations for the items listed below by \$10,878,428. When budget adjustments between Departments and/or Funds are necessary, Council approval is required. Increases to personnel and interfund transfers also require Council approval. This proposed budget amendment will increase the number of full-time equivalents (FTE's) by two (2.0). Therefore, these items are included as part of this Budget Amendment documentation.

1. Purchased Power - \$5,375,000

This item will appropriate funds for the unanticipated increase in the cost of purchased power and wheeling charges. Purchased power cost changes are due to customer load variances from the current contract for power and the unanticipated maintenance outages required on our contracted power plant. Changes to the wheeling charges represent transmission cost changes approved for additions and improvements to the ERCOT transmission grid made by various transmission providers in the ERCOT system. Transmission costs are determined on a yearly basis by the Texas Public Utilities Commission (PUCT) with the new charges approved in the first quarter of the calendar year. These funds are available in the Electric Fund balance. Increases due to usage will be offset by revenue received.

2. Holleman Extension – \$1,121,454 (Streets CIP Fund) & \$130,000 (Water CIP Fund)
(Budget Amendment)

On November 9, 2009, Council gave direction to Staff to proceed with the Holleman Extension project. The proposed funding sources for the project will be the Streets Capital Improvement Projects (CIP) Fund and the Water Capital Improvement Projects Fund. Funds in the amount of \$1,003,546 have already been appropriated to the Holleman Extension project. This item will appropriate within the Streets CIP Fund an additional \$1,107,954 to the Oversized Participation project and \$13,500 to the 2008 GOB Traffic Signals project. These budgets will then be transferred to the Holleman Extension project. It is anticipated that approximately \$500,000 of the Streets portion of the project costs will be recovered through assessments as the land is developed. In addition, funds in the amount of \$130,000 will be appropriated to the Water CIP Fund for use on the water components of the Holleman Extension project. As part of a development agreement, it is anticipated that, upon the completion of construction, the Water expenditure will be reimbursed by the developer. The total project budget for the Holleman Extension project will be \$2,255,000.

3. Wellborn/F&B Traffic Signal – \$250,000 (Budget Amendment)

On December 10, 2009, Council approved an Interlocal Agreement (ILA) with the City of Bryan for the design costs related to the construction of a signal at the intersection of Wellborn Road with F&B and Old College. The City's portion of the design is estimated not to exceed \$21,000. It is anticipated that an additional ILA will be brought forth to Council for the construction of the signal. The total cost of the project is estimated to be \$250,000. This item will appropriate to the Streets CIP Fund an additional \$250,000. These funds will come from the New Traffic Signal project which was approved as part of the 2008 GOB.

4. Wastewater Collection System Planning Evaluation - \$209,500 (Budget Amendment)

On October 19, 2009, Council approved a contract with HDR Engineering in the amount of \$209,500 for a Wastewater Collection System Planning Evaluation. The dynamic sewer model and the flow

monitoring are necessary to prudently manage the millions of dollars spent every year on the City's sewer system. The model will provide a much more accurate prediction of the effects of system modifications such as line extensions or the rehabilitation of areas subject to high rates of inflow and infiltration. This in turn will allow the City to more effectively prioritize system improvements and will assist in designing lines of the appropriate size without overdesigning due to a lack of information. This model will also provide an accurate assessment, during the development review process, on the impacts of new development, infill, and re-developing areas based on the newly adopted comprehensive plan and any future re-zoning requests. Also, the information about existing capacities is essential to determine potential Impact Fees, so that staff can properly advise City Council in their decision whether to implement City-wide impact fees. The funds for this item are available in the Wastewater Operating Fund, but were not included in the FY10 budget. This item will appropriate the funds to the FY10 Wastewater Operating Fund budget.

5. CDBG Land Purchase – 204-220 Holleman Drive East - \$2,080,802 (Community Development Fund) and \$299,821 (American Recovery and Reinvestment Act (ARRA)) (Budget Amendment)

This item appropriates an additional \$2,080,802 in the Community Development fund for the purchase of 204-220 Holleman Drive East. The FY10 Community Development budget currently includes \$292,577 in CDBG land acquisition funds for this purchase. This will also appropriate the remaining purchase funds of \$299,821 in the ARRA Fund for a total purchase price of \$2,673,200. This purchase was originally anticipated to occur in FY09, however delayed negotiations pushed the acquisition to FY10. The real estate contract for the land purchase was approved by Council on 10/19/2009. This acquisition will be funded exclusively from federal funds as provided from the U.S. Department of Housing and Urban Development (HUD). Funds are available in the Community Development and ARRA fund balance.

6. Energy Efficiency & Conservation Block Grant – Energy Dept – \$639,033 (Budget Amendment, 1.0 FTE) Staff was notified on October 5, 2009 that the City's application for stimulus funds administered by the Department of Energy has been approved and awarded. The City will be receiving \$791,100 for the following projects approved by Council in June:

\$65,000 – The first of three years of funding for a Sustainability Program to include paying the salary for a Sustainability Coordinator (total funds for this are \$195,000). This will add 1.0 FTE full time equivalent to the ARRA Fund. This position will be funded for three years.

\$552,975 - Significant upgrades at Stephen C. Beachy Central Park and Veterans Park to include irrigation retrofits, installing solar-powered LED lighting, more efficient recycling/trash containers, and a rainwater harvesting system.

\$21,058 - Addition of two hybrid vehicles to the City fleet in FY2010. This funding covers the increase in cost between two regular vehicles and two hybrid vehicles. Additional grant funds in the amount of \$22,067 will be budgeted in FY2011 to cover the increase in cost between one regular vehicle and a hybrid vehicle and training. The total grant funds approved for this project is \$43,125 and include training for the fleet division and three hybrid vehicles.

Funds in the amount of \$791,100 were received for this grant on November 16, 2009. \$130,000 of these funds are for years two and three of the Sustainability Coordinator position and will be budgeted in future fiscal years. The remaining \$22,067 will be budgeted in FY2011 for the difference in upgrading a vehicle to a hybrid vehicle. This item will appropriate budget in the amount of \$639,033 in the American Recovery and Reinvestment Act (ARRA) Fund for the FY10 expenditures.

7. American Recovery & Reinvestment Act of 2009 – \$59,458 (Budget Amendment, Interfund Transfer)
This item approves a transfer from the Equipment Replacement Fund to the American Recovery and Reinvestment Act of 2009 (ARRA) Fund in the amount of \$37,022. The FY10 Equipment Replacement budget includes funds for the purchase of two regular vehicles. The award of the Energy Efficiency & Conservation Block Grant provides \$21,058 in funding for the increase in cost between two regular vehicles and two hybrid vehicles. The total purchase price of the two vehicles is \$58,080. This item approves the transfer of \$37,022 from the Equipment Replacement Fund to the ARRA Fund. This item also appropriates the purchase to come from the ARRA Fund. All Interfund transfers must be approved by Council.

Funds in the amount of \$22,436 were originally budgeted in the ARRA fund for the second allocation of the 2009 Byrne Justice Assistance Grant (JAG) for FY10. These funds were originally classified as stimulus and now are not. This item approves the transfer of funds from the ARRA Fund to the General Fund Police Department budget and also appropriates the Police budget for the same amount. All Interfund transfers must be approved by Council.

8. Education and Government Access (EG) funds for Public Communications Channel 19 Improvements - \$71,360 (Budget Amendment)
Education and Government Access (EG) grant funds are collected in addition to the cable franchise fee in an amount equal to \$0.15 per cable services customer per month. The City of College Station shall use such grant for EG Channel(s) administered by City as City determines is in the public interest. The City requests \$11,900 of EG funds will be used to purchase a Computer/Editing Station, \$31,100 in purchases made for Field Production Equipment (monitors, audio, lighting kits, tripods/handheld devices), and \$16,100 for the purchase of Miscellaneous Supplies (filters, audio, lighting, video storage, cables, battery packs) which will supplement the cameras and production equipment to enhance their functionality. Additionally, \$12,260 in Camera purchases (video, photography, lens) will provide the flexibility and resources to perform productions at remote city facilities for events, programs and other related TV19 programming. These purchases were appropriated by Council on April 8, 2010. These funds are available in the General Fund fund balance and are restricted for use on EG purchases.
9. Lick Creek WWTP Forklift - \$42,000 (Budget Amendment)
\$42,000 in the Equipment Replacement Fund will be used for the purchase of a forklift for the Lick Creek Waste Water Treatment Plant. This was an approved SLA in the FY10 Annual Budget and funds have been appropriated in the Wastewater Fund for transfer to the Equipment Replacement Fund for this purchase. This item appropriates these funds in the Equipment Replacement Fund and adds the Lick Creek WWTP Forklift to the FY10 Approved New Fleet Purchases list on page 236 of the FY10 Approved Budget document. Total FY10 Approved New Fleet Purchases will be \$232,500.
10. Economic Development Strategic Plan - \$200,000 (Budget Amendment)
This item appropriates \$200,000 in the Economic Development Fund for professional services related to

the development of a comprehensive Economic Development Strategy and Plan for the community that will ultimately define and analyze the major components and programming elements currently impacting and driving economic development, redevelopment and reinvestment in College Station. Appropriations for this item were included in the FY08 and FY09 annual budgets as part of the City's Comprehensive Plan Update, but were not expended. Funds are available in the Economic Development fund balance for this item.

11. Legal Costs in Property Casualty Fund – \$300,000 (Budget Amendment)

Due to unanticipated legal costs associated with litigation occurring from the Property Casualty Fund additional budget is needed in this line item. Funds are available in the Property Casualty Fund balance.

12. E-Ticket System Replacement – \$100,000 (Budget Amendment)

This item appropriates \$100,000 in the Equipment Replacement Fund operating budget for the replacement purchase of the E-Ticket system. \$50,000 of this purchase will be transferred from the Equipment Replacement Fund fund balance. The remaining \$50,000 must be appropriated and then transferred from the Court Technology Fund to the Equipment Replacement Fund for the other half of this purchase. Funds are available in the Equipment Replacement Fund and the Court Technology Fund fund balances for this purchase. All Interfund transfers must be approved by Council.

13. Communications and Marketing Specialist (Budget Amendment, 1.0 FTE)

The Public Communications Division has proposed the addition of a 1.0 FTE Full-time Communications and Marketing Specialist to provide support to the Public Communications division. This position is funded by splitting one high level position into two lesser positions. Funds are available in the General Fund.

ORDINANCE NO. _____

AN ORDINANCE (BUDGET AMENDMENT 3) AMENDING ORDINANCE NUMBER 3202 WHICH WILL AMEND THE BUDGET FOR THE 2009-2010 FISCAL YEAR AND AUTHORIZING AMENDED EXPENDITURES AS THEREIN PROVIDED.

WHEREAS, the City Council of the City of College Station, Texas, approved its Budget Ordinance for the 2009-2010 Fiscal Year on September 10, 2009; and

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

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

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

Part 1: That Part 1 of the Budget Ordinance for the 2009-2010 Fiscal Year is amended to read as follows:

"PART 1: That the proposed budget as amended by the City Council of the City of College Station, which is made a part hereof to the same extent as if set forth at length herein, is hereby adopted and approved, a copy of which is on file in the Office of the City Secretary in College Station Texas. Amended appropriations for fiscal year 2009-2010 for the General Fund are \$58,976,488; for the Economic Development Fund are \$1,167,000; for the American Recovery and Reinvestment Act (ARRA) Fund are \$998,312; for the Community Development Fund are \$4,954,667; for the Streets Capital Improvements Fund are \$17,118,006; for the Electric Fund are \$95,923,986; for the Water Fund are \$19,564,526; for the Waste Water Fund are \$14,524,746; for the Property Casualty Fund are \$1,633,845; and for the Equipment Replacement Fund are \$3,821,815. Amended regular full and part-time positions is 871. All other appropriations as originally adopted and amended by the City Council remain in full force and effect."

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

PASSED and APPROVED this _____ day of _____ 2010.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:

Hans Langford

City Attorney

July 08, 2010
Regular Agenda Item No. 5
Street Renaming – Portions of Jones Butler Road and I&GN Road

To: Glenn Brown, City Manager

From: Bob Cowell Director of Planning and Development Services

Agenda Caption: Presentation, possible action, and discussion regarding the approval of an ordinance on changing the name of JONES BUTLER ROAD and I&GN ROAD to HOLLEMAN DRIVE SOUTH.

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

Summary: In an effort to maximize efficiency for emergency responders including fire, police, and medical services, the City of College Station strives to maintain street names that are clearly distinguishable from others within our local 9-1-1 service area. In order to do this, Jones Butler Road located southwest of Harvey Mitchell Parkway (FM 2818) and I&GN between Rock Prairie Road and Graham Road North needs to be changed.

The City plans to realign Jones Butler Road to connect to Holleman Drive at the intersection of Holleman Drive and Harvey Mitchell Parkway (FM 2818). This project is currently under construction. Because Jones Butler Road has no through connection at Harvey Mitchell Parkway the staff is recommending that the street name of Jones Butler Road be changed southwest of Harvey Mitchell Parkway to Holleman Drive South. The name of Holleman Drive South will be carried on too its intersection with Rock Prairie Road and then I&GN Road will also be renamed between Rock Prairie Road and Graham Road North (see attachment). Finally the street name of Jones Butler Road will end at the northeast intersection with Harvey Mitchell Parkway.

The City's Address Committee and the Traffic Management Team both met regarding this issue and recommend the renaming of Jones Butler Road and I&GN Road to Holleman Drive South.

The owners and residents of the four (4) properties that are addressed on these roadways have been notified by letter of the proposed change (see attachment). The United States Postal Service will recognize the existing street addresses for one year as long as the current residents submit a change of address form to the postal service.

Budget & Financial Summary: N/A

Attachments:

1. Holleman Drive South Letter
2. Holleman Drive South Ordinance
3. Holleman Drive South Map

June 22, 2010

Name
Address
City, State Zip

Re: Proposed Street Name Change

Dear Jones Butler Road and I&GN Resident:

In an effort to maximize efficiency for emergency responders including fire, police, and medical services, the City of College Station strives to maintain street names that are clearly distinguishable from others within our local 9-1-1 service area. Due to the City of College Station plans to realign Jones Butler Road to connect to Holleman Drive at the intersection of Holleman Drive and Harvey Mitchell Parkway (FM 2818), and Jones Butler Road having no through connection at Harvey Mitchell Parkway, the City staff is recommending to City Council that the street name of Jones Butler Road be changed west of Harvey Mitchell Parkway to Holleman Drive South. The name of Holleman Drive South will be carried on too its intersection with Rock Prairie Road (see attachment). The section of I&GN Road between Rock Prairie Road and Graham Road North will also be renamed.

The section of Jones Butler Road being realigned between Harvey Mitchell Parkway and North Dowling Road is presently under construction.

Based on this information, we are recommending to the College Station City Council that the Jones Butler Road street name be changed to Holleman Drive South. An item will be sent to City Council on July 8, 2010 regarding the change. If City Council approves this name change, it will be effective on July 18, 2010. You are receiving this letter because you are one of the properties addressed on Jones Butler Road and I&GN Road within the College Station City Limits. The United States Postal Service will still recognize your Jones Butler Road and I&GN Road address for one year if a change of address form is submitted.

If you have any questions regarding this issue, please feel free to contact Joe R. Guerra Jr., AICP, PTP, Transportation Planning Coordinator by phone (979.764.3556) or e-mail (jguerra@cstx.gov).

Sincerely,

Joe R. Guerra Jr., AICP, PTP, Transportation Planning Coordinator

Attachment: Holleman Drive South Map Exhibit

cc: Brittany Caldwell, Administrative Support Specialist
Mandi Alford, Staff Assistant
Ronnie Horcica, CSPD Technical Services Coordinator

ORDINANCE NO. _____

AN ORDINANCE RENAMING BOTH (1) JONES BUTLER ROAD FROM HARVEY MITCHELL PARKWAY (FM 2818) TO ROCK PRAIRIE ROAD AND (2) I&GN ROAD FROM ROCK PRAIRIE ROAD TO GRAHAM ROAD NORTH TO HOLLEMAN DRIVE SOUTH.

WHEREAS, there are two streets located within the City of College Station, Texas, city limits that each are named "Jones Butler Road" divided by Harvey Mitchell Parkway, with no connection across Harvey Mitchell Parkway; and

WHEREAS, the City of College Station, Texas, is realigning Jones Butler Road to connect to Holleman Drive at the intersection of Holleman Drive and Harvey Mitchell Parkway; and

WHEREAS, the City, of College Station, Texas, strives to maximize efficiency for emergency responders and to maintain street names that are clearly distinguishable from others within the local 9-1-1 service area; and

WHEREAS, the City Council of the City of College Station, Texas, desires to rename Jones Butler Road from Harvey Mitchell Parkway to Rock Prairie Road and I&GN Road from Rock Prairie Road to Graham Road North to Holleman Drive South as depicted in Exhibit A attached hereto and incorporated herein for all purposes; and

WHEREAS, the residents currently addressed off of Jones Butler Road and I&GN Road have been notified of the proposed name change and may continue to receive mail at the current address for up to one year;

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

PART 1: That the street currently named Jones Butler Road and located approximately west of FM 2818 be renamed to Holleman Drive South to its limits at Rock Prairie Road to ensure that the street is clearly distinguishable from others within the City's 9-1-1 service area.

PART 5: That the street currently named IG&N Road and located approximately southwest of Rock Prairie Road be renamed to Holleman Drive South to its limits at Graham Road North to ensure that the street is clearly distinguishable from others within the City's 9-1-1 service area

PART 6: That this ordinance shall become effective immediately upon 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 _____, 2010.

ATTEST:

APPROVED:

City Secretary

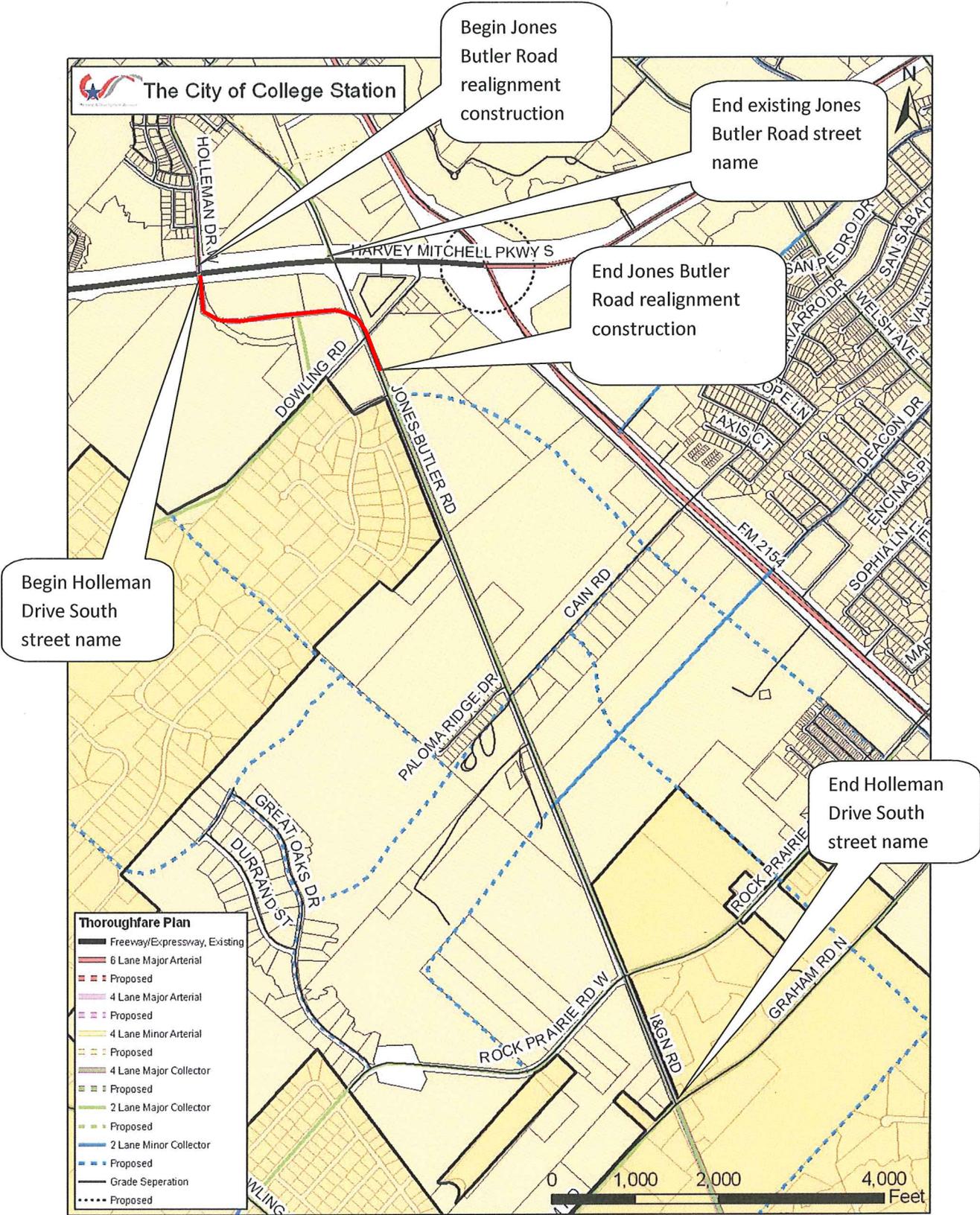
Mayor

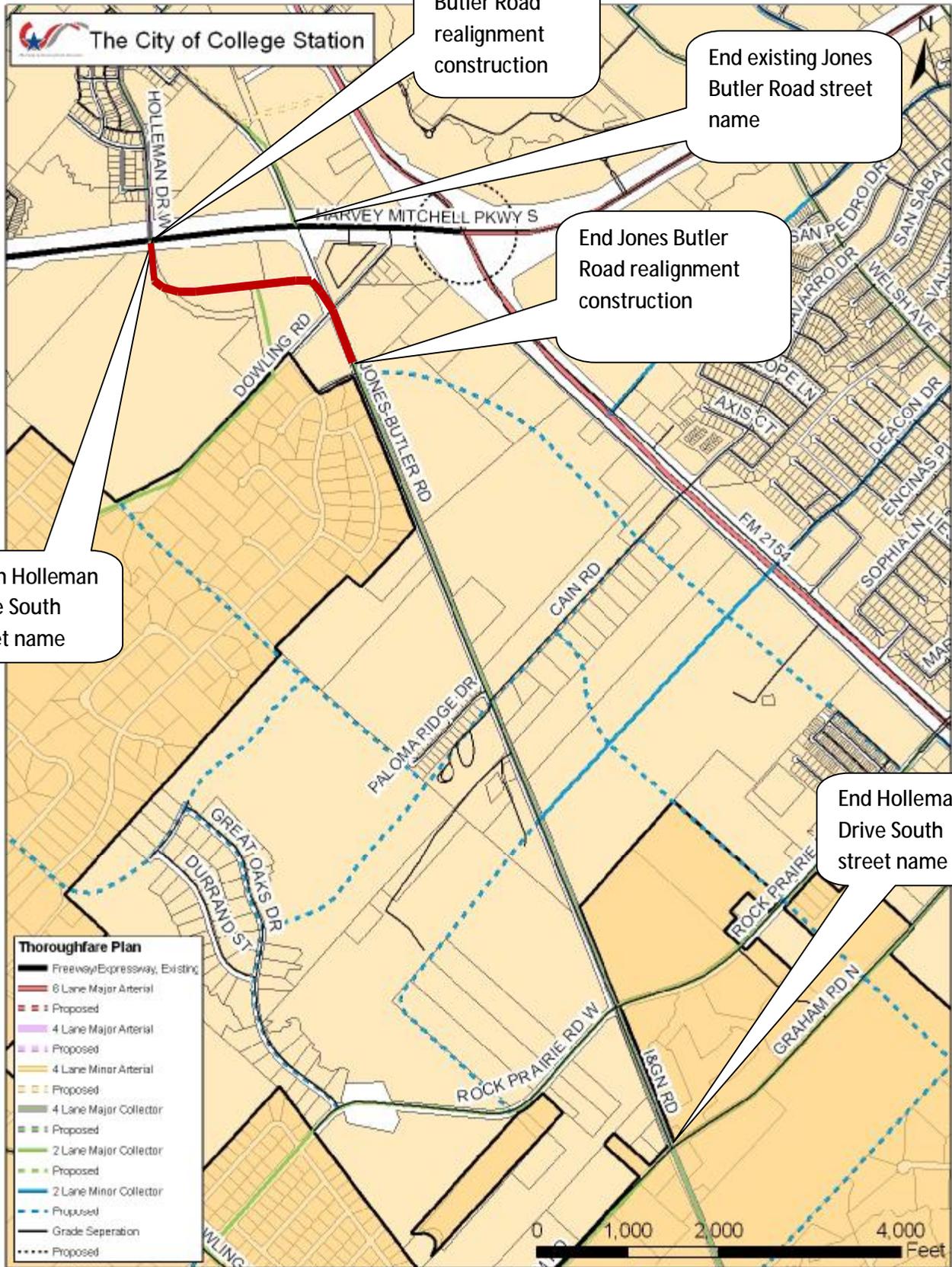
APPROVED:

Carla A Robinson

City Attorney

EXHIBIT A





July 8, 2010
Regular Agenda Item No. 6
HEB Tower Point – 20 ft Public Utility Easement Abandonment

To: Glenn Brown, City Manager

From: Bob Cowell, Director of Planning and Development Services

Agenda Caption: Public Hearing, presentation, possible action, and discussion approving an ordinance vacating and abandoning a 5,097 square foot, 20-foot wide public utility easement, which is located on Lot 13A of Block 3 of the Tower Point Phase 3 Subdivision according to the plat recorded in Volume 9497, Page 120 of the Deed Records of Brazos County, Texas.

Relationship to Strategic Goals: Financially Sustainable City Providing Response to Core Services and Infrastructure, Neighborhood Integrity, and Diverse Growing Economy

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

Summary: This easement abandonment accommodates future development of this subject tract. There are no public or private utilities in the subject portion of easement to be abandoned.

The 5,097 square foot, 20-foot wide public utility easement to be abandoned is located on Lot 13A of Block 3 of the Tower Point Phase 3 Subdivision according to the plat recorded in Volume 9497, Page 120 of the Deed Records of Brazos County, Texas.

Budget & Financial Summary: N/A

Attachments:

1. Attachment 1 - Vicinity Map
2. Attachment 2 - Location Map
3. Attachment 3 - Ordinance
4. Attachment 4 - Ordinance Exhibit "A"
5. Attachment 5 - Application for Abandonment (On file with the City Secretary)

SCALE:
1" = 5,000'



Vicinity Map

SCALE:
1" = 1,000'



Location Map

ORDINANCE NO. _____

AN ORDINANCE MAKING CERTAIN AFFIRMATIVE FINDINGS AND VACATING AND ABANDONING A 5,097 SQUARE FOOT, 20-FOOT WIDE PUBLIC UTILITY EASEMENT, WHICH IS LOCATED ON LOT 13A OF BLOCK 3 OF THE TOWER POINT PHASE 3 SUBDIVISION ACCORDING TO THE PLAT RECORDED IN VOLUME 9497, PAGE 120 OF THE OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS.

WHEREAS, the City of College Station, Texas, has received an application for the vacation and abandonment of a 5,097 square foot, 20-foot wide public utility easement, which is located on Lot 13A of Block 3 of the Tower Point Phase 3 Subdivision according to the plat recorded in Volume 9497, Page 120, of the Official Records of Brazos County, Texas, as described in Exhibit "A" attached hereto (such portion hereinafter referred to as the "Easement"); and

WHEREAS, in order for the Easement to be vacated and abandoned by the City Council of the City of College Station, Texas, the City Council must make certain affirmative findings; now therefore,

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

PART 1: That after opening and closing a public hearing, the City Council finds the following pertaining to the vacating and abandoning of the Easement described in Exhibit "A" attached hereto and made a part of this ordinance for all purposes.

1. Abandonment of the Easement will not result in property that does not have access to public roadways or utilities.
2. There is no public need or use for the Easement.
3. There is no anticipated future public need or use for the Easement.
4. Abandonment of the Easement will not impact access for all public utilities to serve current and future customers.

PART 2: That the Easement as described in Exhibit "A" be abandoned and vacated by the City.

ORDINANCE NO. _____

Page 2

PASSED, ADOPTED and APPROVED this _____ day of _____, 2010.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED:

Carla A. Robinson
City Attorney

EXHIBIT A

Easement Abandonment
5,097 Square Feet
Part of Lot 13A, Block 3
Tower Point Subdivision - Phase 3
Robert Stevenson Survey, A-54
College Station, Brazos County, Texas

Field notes of a 5,097 square foot tract, lying and being situated in the Robert Stevenson Survey, Abstract No. 54, College Station, Brazos County, Texas, and being part of Lot 13A, Block 3 - 1.02 acres, Tower Point Subdivision, Phase 3, according to the plat recorded in Volume 9497, Page 120, of the Official Records of Brazos County, Texas, and being that portion of the City of College Station, Texas - 20' wide utility easement, called 3.2621 acres and recorded in Volume 5282, Page 202, of the Official Records of Brazos County, Texas, which lies across said Lot 13A (as shown on said plat of Tower Point Subdivision, Phase 3), and said 5,097 sq. ft. tract being more particularly described as follows:

COMMENCING at the ½" iron rod found marking the east corner of the beforementioned Lot 13A, same being in the southwest line of South Park Estates, according to the plat recorded in Volume 795, Page 259, of the Official Records of Brazos County, Texas, and being in the northwest right-of-way line of State Hwy No. 40;

THENCE N 60° 58' 37" W along the northeast line of the beforementioned Lot 13A, same being the southwest line of the beforementioned South Park Estates, adjacent to a fence, for a distance of 21.18 feet to a 60d nail set at the east corner of the beforementioned 20' wide utility easement (5282/202), at the **PLACE OF BEGINNING** of this description;

THENCE S 48° 59' 28" W along the southeast line of the beforementioned utility easement (5282/202), across the beforementioned Lot 13A, for a distance of 258.50 feet and corner in the northeast line of the 20' wide private access easement and public utility easement as shown on the plat of Tower Point Subdivision, Phase 3, from which a ½" iron rod marking the south corner of Lot 13A bears S 04° 03' 59" W - 28.24 feet;

THENCE N 41° 00' 58" W along the northeast line of said private access / utility easement for a distance of 20.00 feet to a 60d nail set;

THENCE N 48° 59' 28" E along the northwest line of the beforementioned utility easement (5282/202) for a distance of 251.23 feet to the north corner of the utility easement in the northeast line of Lot 13A, from which a ½" iron rod at an 8" creosote post fence corner marking the north corner of Lot 13A bears N 60° 58' 37" W - 96.25 feet;

THENCE S 60° 58' 37" E along the northeast line of Lot 13A for a distance of 21.28 feet to the **PLACE OF BEGINNING**, containing 5,097 sq. ft. of land, more or less.



Surveyed: April, 2010

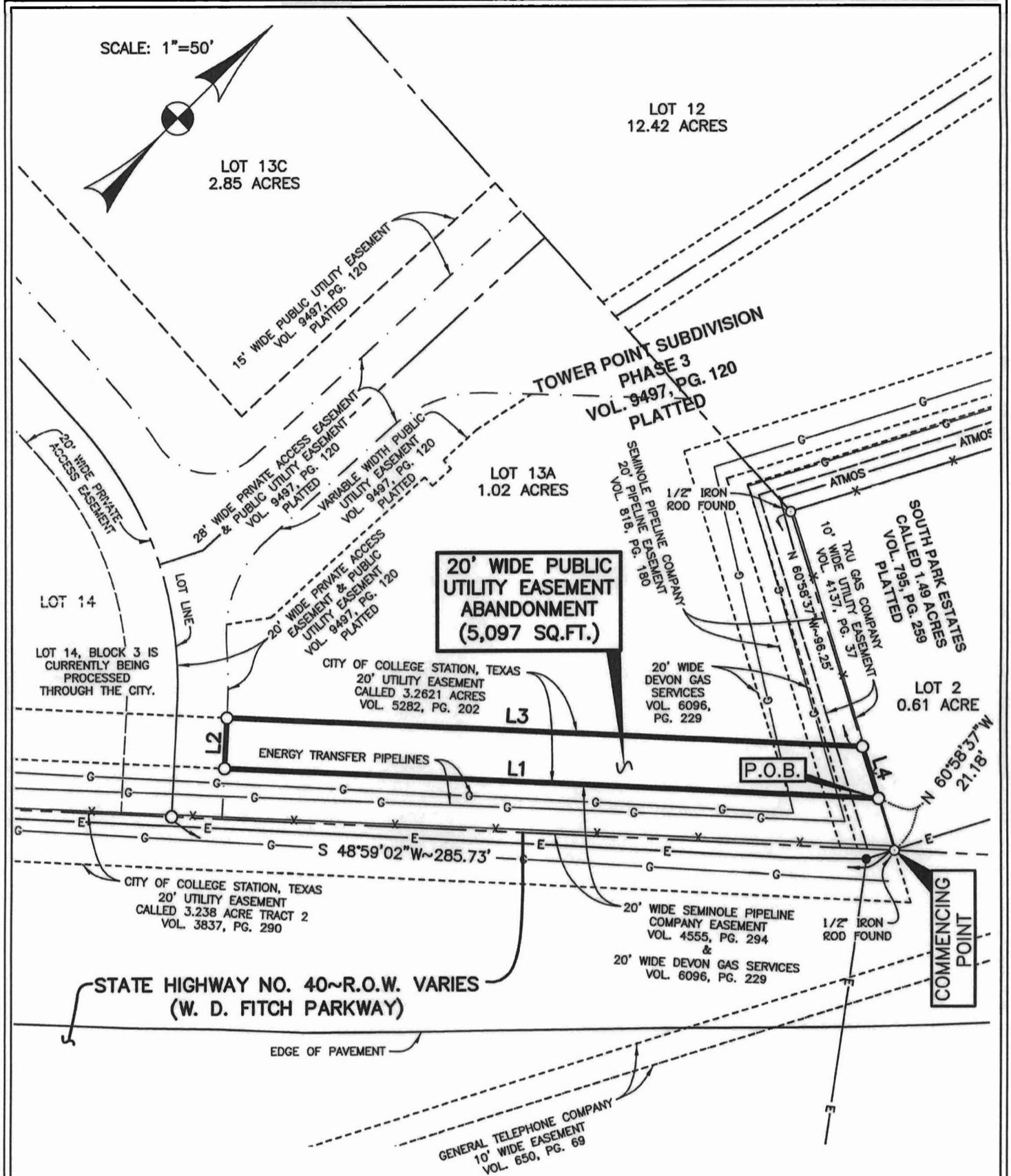
By:

S. M. Kling
S. M. Kling
R.P.L.S. No. 2003

Prepared 04/29/10

Kes10-dvd1Tower Point HEB - eznt abandonment - 5097sqft.wpd

EXHIBIT A



20' WIDE PUBLIC UTILITY EASEMENT ABANDONMENT (5,097 SQ.FT.)

LINE TABLE:

LINE	BEARING	DISTANCE
L1	S48°59'28"W	258.50'
L2	N41°00'58"W	20.00'
L3	N48°59'28"E	251.23'
L4	S60°58'37"E	21.28'

NOTES:

1. BEARINGS ARE PLAT CALL BEARINGS ACCORDING TO THE PLAT OF TOWER POINT SUBDIVISION, PHASE 3, ACCORDING TO THE PLAT RECORDED IN VOL. 9497, PG. 120 OF THE OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS.

SURVEYED: APRIL, 2010

S.M. Kling
BY: S.M. KLING R.P.L.S. NO. 2003



EASEMENT ABANDONMENT OF A PORTION OF CITY OF COLLEGE STATION, TEXAS 20' WIDE PUBLIC UTILITY EASEMENT

5,097 SQUARE FEET

ACROSS
**LOT 13A, BLOCK 3
TOWER POINT SUBDIVISION PHASE 3
VOL. 9497, PG. 120**
ROBERT STEVENSON SURVEY, A-54
COLLEGE STATION, BRAZOS COUNTY, TEXAS

SCALE: 1"=50' APRIL, 2010

PREPARED BY:
KLING ENGINEERING & SURVEYING
4101 TEXAS AV. + P.O. BOX 4234 + BRYAN, TEXAS + PH. 879/248-8212

EXHIBIT A

Easement Abandonment
5,097 Square Feet
Part of Lot 13A, Block 3
Tower Point Subdivision - Phase 3
Robert Stevenson Survey, A-54
College Station, Brazos County, Texas

Field notes of a 5,097 square foot tract, lying and being situated in the Robert Stevenson Survey, Abstract No. 54, College Station, Brazos County, Texas, and being part of Lot 13A, Block 3 - 1.02 acres, Tower Point Subdivision, Phase 3, according to the plat recorded in Volume 9497, Page 120, of the Official Records of Brazos County, Texas, and being that portion of the City of College Station, Texas - 20' wide utility easement, called 3.2621 acres and recorded in Volume 5282, Page 202, of the Official Records of Brazos County, Texas, which lies across said Lot 13A (as shown on said plat of Tower Point Subdivision, Phase 3), and said 5,097 sq. ft. tract being more particularly described as follows:

COMMENCING at the ½" iron rod found marking the east corner of the beforementioned Lot 13A, same being in the southwest line of South Park Estates, according to the plat recorded in Volume 795, Page 259, of the Official Records of Brazos County, Texas, and being in the northwest right-of-way line of State Hwy No. 40;

THENCE N 60° 58' 37" W along the northeast line of the beforementioned Lot 13A, same being the southwest line of the beforementioned South Park Estates, adjacent to a fence, for a distance of 21.18 feet to a 60d nail set at the east corner of the beforementioned 20' wide utility easement (5282/202), at the **PLACE OF BEGINNING** of this description;

THENCE S 48° 59' 28" W along the southeast line of the beforementioned utility easement (5282/202), across the beforementioned Lot 13A, for a distance of 258.50 feet and corner in the northeast line of the 20' wide private access easement and public utility easement as shown on the plat of Tower Point Subdivision, Phase 3, from which a ½" iron rod marking the south corner of Lot 13A bears S 04° 03' 59" W - 28.24 feet;

THENCE N 41° 00' 58" W along the northeast line of said private access / utility easement for a distance of 20.00 feet to a 60d nail set;

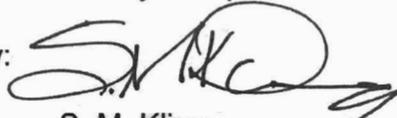
THENCE N 48° 59' 28" E along the northwest line of the beforementioned utility easement (5282/202) for a distance of 251.23 feet to the north corner of the utility easement in the northeast line of Lot 13A, from which a ½" iron rod at an 8" creosote post fence corner marking the north corner of Lot 13A bears N 60° 58' 37" W - 96.25 feet;

THENCE S 60° 58' 37" E along the northeast line of Lot 13A for a distance of 21.28 feet to the **PLACE OF BEGINNING**, containing 5,097 sq. ft. of land, more or less.



Surveyed: April, 2010

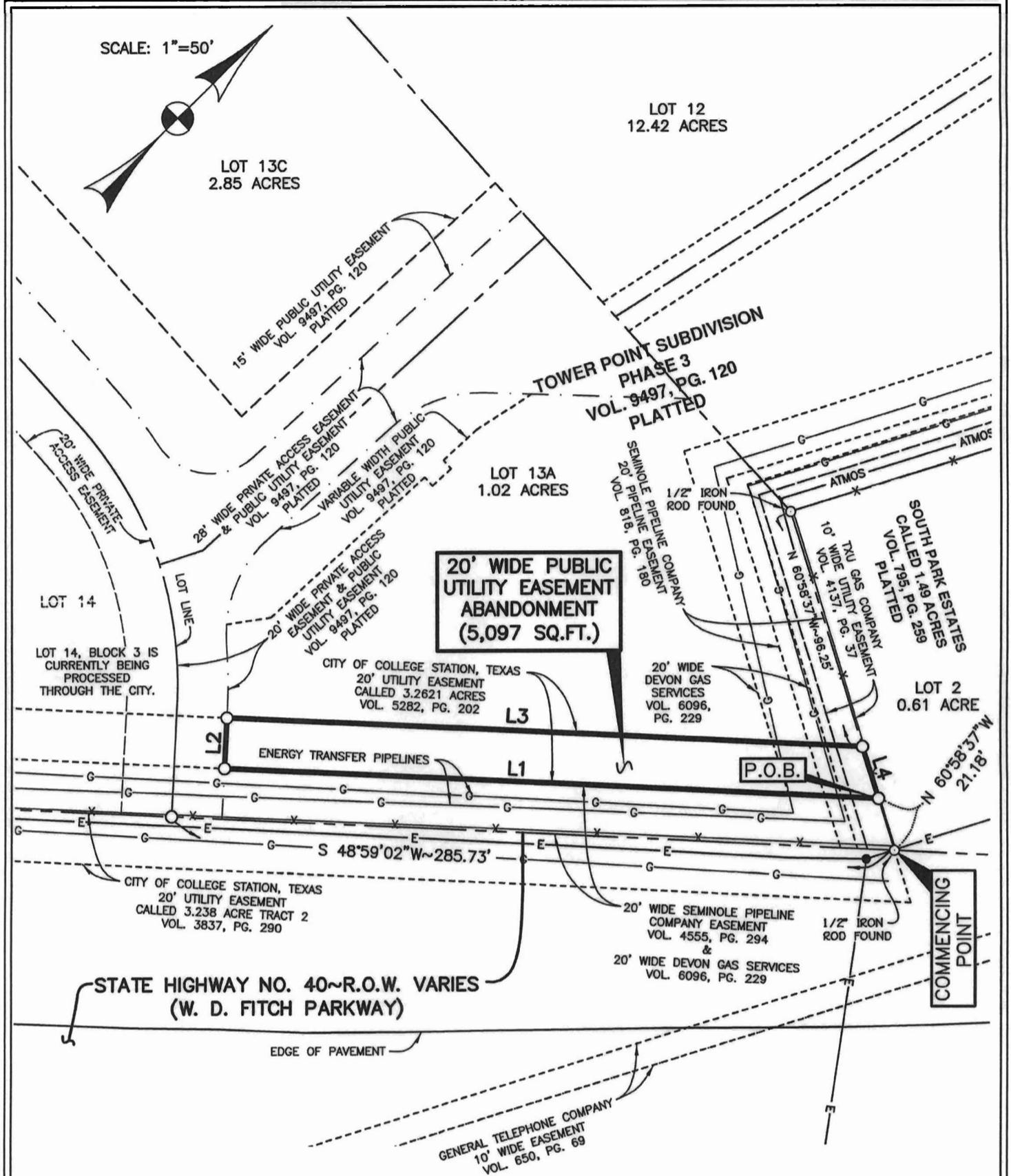
By:


S. M. Kling
R.P.L.S. No. 2003

Prepared 04/29/10

kes10-dvd\Tower Point HEB - ezmt abandonment - 5097sqft.wpd

EXHIBIT A



LINE TABLE:

LINE	BEARING	DISTANCE
L1	S48°59'28"W	258.50'
L2	N41°00'58"W	20.00'
L3	N48°59'28"E	251.23'
L4	S60°58'37"E	21.28'

NOTES:

1. BEARINGS ARE PLAT CALL BEARINGS ACCORDING TO THE PLAT OF TOWER POINT SUBDIVISION, PHASE 3, ACCORDING TO THE PLAT RECORDED IN VOL. 9497, PG. 120 OF THE OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS.

SURVEYED: APRIL, 2010

S.M. Kling

BY: S.M. KLING R.P.L.S. NO. 2003



EASEMENT ABANDONMENT
OF A PORTION OF
CITY OF COLLEGE STATION, TEXAS
20' WIDE PUBLIC UTILITY EASEMENT

5,097 SQUARE FEET

ACROSS
LOT 13A, BLOCK 3
TOWER POINT SUBDIVISION PHASE 3
VOL. 9497, PG. 120

ROBERT STEVENSON SURVEY, A-54
COLLEGE STATION, BRAZOS COUNTY, TEXAS

SCALE: 1"=50' APRIL, 2010

PREPARED BY:
KLING ENGINEERING & SURVEYING
4101 TEXAS AV. + P.O. BOX 4234 + BRYAN, TEXAS + PH. 879/248-8212

July 8, 2010
Regular Agenda Item No. 7
Royder Road Improvements
Public Hearing and a Resolution Declaring Intention
to Reimburse Certain Expenditures with Proceeds From Debt

To: Glenn Brown, City Manager

From: Chuck Gilman, PE, Director of Capital Projects

Agenda Caption: Public Hearing, presentation, possible action and discussion concerning approval to proceed with engineering services for improvements to Royder Road and Greens Prairie Trail and approval of a resolution declaring intention to reimburse certain expenditures with proceeds from debt.

Relationship to Strategic Goals: Goal I, Financially Sustainable City Providing Response to Core Services and Infrastructure.

Recommendation(s): Staff recommends proceeding with design and construction phase services for these improvements.

Summary: College Station ISD (CSISD) is presently constructing Greens Prairie Elementary School located on the southwest corner of Royder Road. The elementary school is scheduled to open in August 2011. Royder Road, an existing 2-lane asphalt and gravel road, will serve as the thoroughfare to provide access to the staff and bus entrance to the elementary school. The driveway for the student drop-off will be located off Greens Prairie Trail.

The school district completed a traffic impact analysis (TIA) as part of the design of the new facility. The TIA recommended minimal improvements to Royder and Greens Prairie Trail. However, CSID intends to improve Royder Road to allow reliable access to site. Additionally, the Unified Development Ordinance requires that CSISD include a deceleration lane along Greens Prairie Trail to help facilitate traffic into their parent drop off driveway.

The current thoroughfare plan classifies Royder Road a 4-lane minor arterial. The school district has plans to construct two of the four lanes along Royder Road and the deceleration lane along Green Prairie Trail; however, the Texas Education Code prohibits the school district from spending funds for improvements on property they do not own. Therefore, the school has requested that the City of College Station to construct these improvements and assess the school district for the cost of the improvements.

In addition to the improvements planned by the school district, City Staff feels a dedicated left turn into the site for westbound traffic along Greens Prairie Trail is necessary to ensure parents accessing the school do not adversely impact the flow of traffic along Greens Prairie Trail.

Budget & Financial Summary: It is proposed that funds for this project come from capacity that is anticipated to be available in the Barron Road Widening Phase II project. The Barron Road Widening Phase II project, which is being funded with 2008 General Obligation authorized bond funds, is expected to come in under budget. It is anticipated that a considerable portion of the funds expended on the Royder Road project will be recoverable through a future assessment of CSISD.

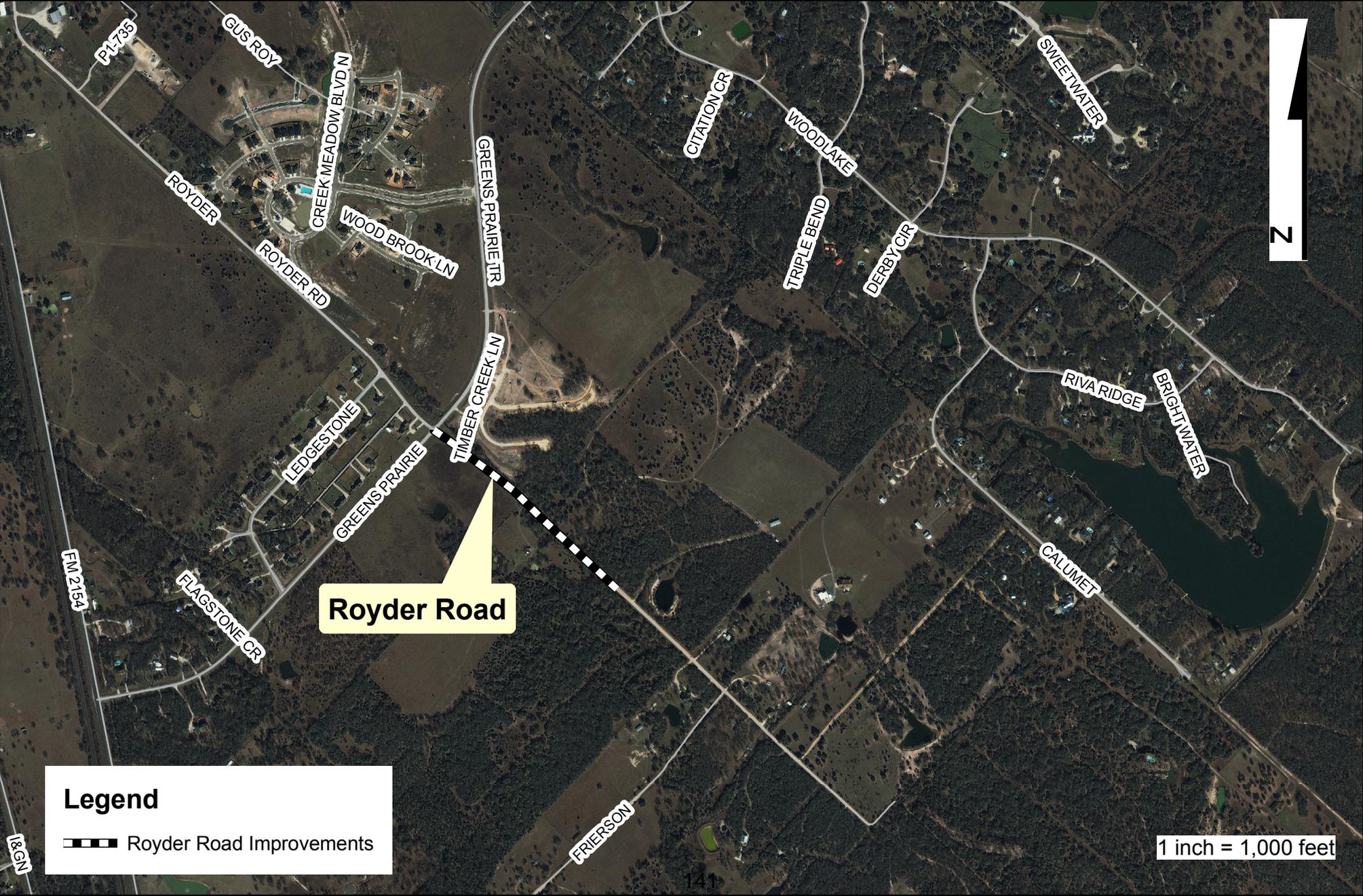
The Royder Road project was not developed when the FY10 Approved Budget was prepared and, therefore, was not included. This project will be included on an upcoming FY10 budget amendment.

The "Resolution Declaring Intention to Reimburse Certain Expenditures with Proceeds from Debt" is necessary for this item because the long term debt has not been issued for the project. The debt for the project is scheduled to be issued later this fiscal year.

Attachments:

- 1.) Project Map
- 2.) Resolution Declaring Intention to Reimburse Certain Expenditures with Proceeds from Debt

Royder Road Project Location Map



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 \$1,000,000, 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 8th DAY OF JULY, 2010.

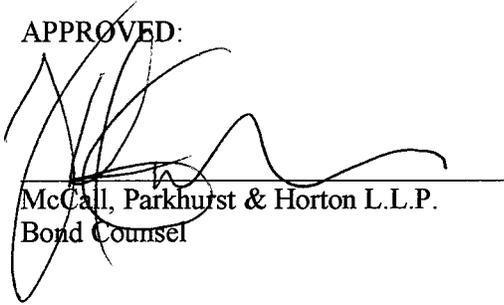
Nancy Berry, Mayor

ATTEST:

Connie Hooks, City Secretary

(Seal)

APPROVED:

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right. The signature is positioned above a horizontal line that underlines the text below it.

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

Exhibit "A"

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

Roadway and pedestrian improvements to Royder Road in order to mitigate the increase of traffic along this roadway due to the construction of a new elementary school.

July 8, 2010
Regular Agenda Item No. 8
Proposed Parks and Recreation Department Park Vendor Permit and
Dogs in Parks Ordinance

To: Glenn Brown, City Manager

From: David Schmitz, Assistant Director, Parks and Recreation

Agenda Caption: Presentation, possible action, and discussion regarding a proposed Parks and Recreation Department Park Vendor Permit and Dogs in Parks Ordinance.

Relationship to Strategic Goals: I.2 Those who benefit from services should pay

Recommendation(s): The Parks and Recreation Advisory Board and staff recommend adoption of the proposed ordinance and resolution as provided.

Summary: In summary, the principal portion of the proposed ordinance outlines the park vendor permit process and allows for the City Council to establish the payment of a fee for the permit. The proposed resolution in turn incorporates the Park Vendor Permit Fees into the current parks and recreation user fees schedule. The second portion of the ordinance references dogs in parks and is simply a housekeeping effort to incorporate into the Code of Ordinances the "leash free" operations that are currently in place at Lick Creek Park and the two designated City dog parks at Steeplechase Park and University Park.

At the September 24, 2009 City Council meeting, staff was directed by the City Council to separate the Park Vendor Permit process from the proposed user fees for parks and recreation activities and facilities for the 2010 calendar year. The proposed fees at that time included a \$50 permit fee plus 10% of the gross revenues derived from any classes or sales activities that occurred in the parks. The Council recommended that a joint meeting with the Parks and Recreation Advisory Board be held to discuss private use of city facilities and boot camps in the parks.

That joint meeting was held on November 16, 2009. At that meeting the Council directed the staff and the Board to move forward with a permit and modest fee suggestion. The Council felt that more stakeholder input in this area of operations in the parks was warranted. The creation of a task force to study the issue was suggested. The staff would later bring the task force suggestions to the Board for discussion and possible recommendation to the Council.

A Park Vendor Permit Policy Task Force was established in late November that included two members from the Parks and Recreation Advisory Board (Board), three representatives from the local Fitness Boot Camp providers and two staff liaisons. The Task Force met several times to discuss and develop the proposed Park Vendor Permit Policy. One of the suggestions that the Task Force made was to include an opportunity for each Park Vendor Permit holder to use their group as a volunteer work force to help the City with its special events or normal cleanup duties in the parks themselves as a give back to the City, but this was also in lieu of any permit fee being paid to the City. The Task Force made update reports to the Board and delivered their final recommendation to the Board on April 13, 2010. The Board voted unanimously to recommend that the City Council consider the proposed Park Vendor Policy with the amendment of adding a tiered permit fee based on participation numbers to the permit process. The recommended tiered Park Vendor Permit fees that would be in effect for a six months period were:

- Per class 10 or less participants - \$25 Permit Fee/6 months
- Per class 11 to 25 participants - \$50 Permit Fee/6 months
- Per class 26+ participants - \$100 Permit Fee/6months

This item was brought back to the Board at the May 11, 2010 Board meeting for further consideration of additional fees, including a percentage of gross revenues payment back to the City. The Board decided to not make any changes to their original recommendation to the City Council.

After further discussion with the Legal staff, it was decided that due to the enforcement possibilities that the proposed policy would possibly raise, the adoption of an ordinance related to the Park Vendor Permit process would be recommended. The Board reviewed that ordinance and corresponding fees resolution at their rescheduled June 15, 2010 meeting. The Board voted 6-2 to recommend approval of the ordinance and resolution to the City Council. The Park Vendor Permit Process is shown as Exhibit "A" of the proposed ordinance. The attached resolution allows for incorporation of the Park Vendor Permit fees into the current PARD user fees.

The Dogs in Parks portion of the proposed ordinance, shown as Exhibit "B", is simply a housekeeping effort to incorporate into the Code of Ordinances the "leash free" operations that are currently in place at Lick Creek Park and the two designated City dog parks at Steeplechase Park and University Park. Both the PARD and Legal staff felt that this would help streamline the ordinance process in this instance by including both items in the same ordinance.

Budget & Financial Summary: There are currently no fees being collected from these types of vendors in the parks. An estimate of the possible revenues that could be generated from these fees is in the range of \$5,000 to \$6,000 per year. Any future proposed changes in these fees would have to be addressed as a part of the Parks and Recreation Department's annual user fees analysis and possible recommendations for the Schedule of Fees for Parks and Recreation Services related to the FY 2010-11 Operating Budget.

Attachments:

1. Ordinance
2. Resolution
3. Parks and Recreation Advisory Board Minutes, April 13, 2010
4. Parks and Recreation Advisory Board Minutes, May 11, 2010
5. Parks and Recreation Advisory Board Minutes, June 15, 2010

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER ONE, SECTION 14 "GENERAL PROVISIONS/CONDUCT OF PERSONS WITHIN PARK AND RECREATION AREAS OF CITY" OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW PERTAINING TO RULES AND REGULATIONS FOR ORGANIZED USE OF VARIOUS PARK FACILITIES AND FOR DOGS IN PARKS; 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 1 "General Provision," Section 14 "Conduct of Persons within Park and Recreation Areas of City" 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 Five Hundred Dollars (\$500.00). 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 _____, 2010.

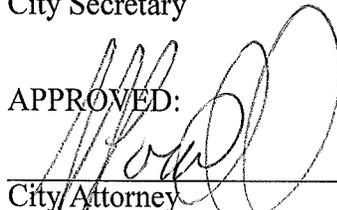
APPROVED:

MAYOR

ATTEST:

City Secretary

APPROVED:



City Attorney

Exhibit "A"

That Chapter 1, "General Provisions," Section 14, "Conduct of Persons within Park and Recreation Areas of City," section F of the Code of Ordinances of the City of College Station, Texas, is hereby amended by deleting said section and substituting therefore a new one as set out hereafter to read as follows:

"F. Use Permits.

(1) Permit required. In addition to meeting any other provision of this code of ordinances, a permit from the Director of Parks and Recreation or his designee, hereinafter referred to as "Director, is required prior to sponsoring, holding or conducting the following uses in a City park or City park facility:

- a. Any organized sport activity including sports leagues and associations, tournament play, and activities related thereto including concessions, rallies, award ceremonies, etc.;
- b. Any exhibit, music event, play, motion picture or similar form of entertainment;
- c. Any assembly or parade;
- d. Any use of amplified sound equipment;
- e. Any sale of food, drinks, or other goods;
- f. Any sale of services, including boot camps, tennis lessons, day care, etc.;
- g. Any park use during times when the city park or city park facility is normally closed to the public;
- h. Cutting or removal of any trees;

(2) Display permit. Permits required by this section shall be posted in the area where the activity is conducted or produced and exhibited upon demand of any law enforcement officer of the city or any authorized park employee of the city.

(3) Application procedure. A person required to get a permit hereunder must make application with the Director. The application shall contain the following, to wit:

- a. The name, address, telephone number and email address of the person or organization applying for the permit and, if an organization, its officers;
 - b. The exact nature of the use or activity for which the permit is being sought;
 - c. The days and hours for which the permit is desired;
 - d. The part and the portion of the park or park facility desired to be used to carry out the proposed use or activity;
 - e. An estimate of the anticipated attendance;
 - f. Payment of a fee, if any, as may from time to time be established by the City Council;
- and

g. Any other information that the Director determines to be reasonably necessary.

(4) Time of Application. Application shall be made to the City filed with the Director for consideration not less than two (2) days nor more than three hundred sixty-five (365) days before the date of the proposed use of the City park or City park facility. Emergency requests for permits may be submitted and considered at the Director's discretion.

(5) Criteria granting permit. A permit shall be issued unless the Director finds:

- a. That the proposed activity or use will unreasonably interfere with or detract from the general public use and enjoyment of the City park or City park facility;
- b. That the proposed activity or use detrimentally affects the public health, safety or welfare;
- c. That the facilities desired have been reserved for another activity or use at the day and hour requested in the application;
- d. That false or misleading information is contained in the application or required information is omitted;
- e. That the proposed use conflicts with a City-sponsored event or program; or
- f. That the event would violate any federal, state or municipal law.

(6) Conditions to the Permit. The Director may impose reasonable conditions or restrictions on the granting of a permit including, but not limited to, any of the following:

- a. Restrictions on fires, fireworks, amplified sound, dancing, sports, use of animals, equipment or vehicles, the number of persons to be present, the location of any bandstand or stage, or any other use which appears likely to create a risk of unreasonable harm to the use and enjoyment of the park or park facility;
- b. A requirement that the applicant post a reasonable deposit or security for the repair of any damage to park property or the cost of cleanup, or both;
- c. A requirement that the applicant pay a reasonable fee to defray the cost of furnishing adequate security forces by the City at the proposed use or activity; and
- d. A requirement that the permittee furnish additional sanitary and refuse facilities that might be reasonably necessary, based on the use or activity for which the permit is being sought.

(7) Transfer of Permit. Permits shall not be transferable without the written consent of the Director.

(8) Granting Permit. The Director will make a decision on the permit application as promptly as possible after the applicant has provided all the information required by the application, including in the form and manner required, but in no case later than ten business days after the date a complete application is submitted. The Director shall apprise an applicant in writing of his approval of such application or of the reasons for refusing a permit or any conditions which are required for the issuance of the permit.

(9) Revoking a Permit. The Director shall have the authority to revoke a permit upon a finding of violation of any rule, ordinance, state or federal law or upon the violation of any condition or restriction under which the permit was issued.

(10) Appeal. Any person dissatisfied with a decision of the Director in failing to grant a permit or to revoke a permit shall have the right to appeal in writing within ten (10) days of the date of the Director's written decision. Such appeal shall be presented by the applicant in writing to the City Manager who shall consider the matter under the standards established in this section. The City Manager shall sustain or overrule the Director's decision within fourteen (14) days of the date he receives the written appeal from the applicant. The City Manager's decision on such appeal shall be final.

(11) Abide by applicable rules. A permittee shall be bound by all park rules and regulations and all other applicable ordinances as fully as though the same were inserted in the permit.

(12) Indemnification of City. The permittee agrees to indemnify and hold harmless the City and its officers, agents and employees from any and all actions, claims, costs, damages and expenses, including but not limited to attorney's fees and court costs, arising out of permittee's use of the City park or City park facility. Furthermore, such indemnification shall apply with

respect to all acts or omissions of the permittee and the permittee's participants, students, spectators, invitees, licensees, relatives, friends and their respective invitees or licensees associated therewith. The person to whom a permit is issued shall be liable for any loss, damage or injury to persons or property whatsoever by reason of the negligence of the person to whom such permit is issued and his or its agents, officers or employees.

(13) Responsibility for Damages and Services. The person, group, organization or entity reserving the use of a park facility shall be responsible for all damages to City property and for the cost of any unreasonable wear and tear of park facilities or services, emergency or public safety services including police and fire, provided to, at or dispatched to the City park or City park facility as a result of such person's, group's or the organization's misuse, improper or unlawful use of the park facility.”

Exhibit "B"

That Chapter 1, "General Provisions," Section 14, "Conduct of Persons within Park and Recreation areas of City," Subsection J, "Dogs" of the Code of Ordinances of the City of College Station, Texas, is hereby amended, by replacing Subsection J. as set out hereafter to read as follows:

"J. DOGS.

It shall be unlawful for any owner or person in control of any dog to keep or permit the same in or about any park or recreation area unless such dog is kept under restraint at all times by means of a leash, except at Lick Creek Park, which is designated "leash free" with dogs required to be under "voice control" of the owner or person in control; and except in designated dog parks."

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, AMENDING RESOLUTION NO. 01-28-10-01, ADOPTED ON JANUARY 28, 2010; ADOPTING A PARK VENDOR PERMIT FEE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of College Station approved Resolution No 01-28-10-01 adopted on January 28, 2010 setting user fees for the Parks and Recreation Department; now, therefore,

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

PART 1: That Resolution No. 01-28-10-01 adopted on January 28, 2010 setting user fees for the Parks and Recreation Department is hereafter amended by adding the following:

“Park Vendor Permit Fee

- | | |
|--|---------------|
| 1. Per class with 10 or less participants: | \$25/6 mos. |
| 2. Per class with 11-25 participants: | \$50/6 mos. |
| 3. Per class with 26 + participants: | \$100/6 mos.” |

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

ADOPTED this _____ day of _____, 2010.

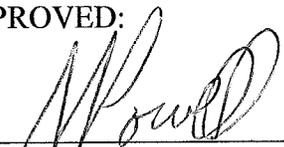
APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED:



City Attorney



6. **Presentation, discussion, and possible action on proposed Park Vendor Permit Policy:** Peter Lamont, Recreation Superintendent, reported on the proposed Park Vendor Permit Policy. He explained what had been accomplished with this policy and the task force changes that have been made. Discussion followed. Glenn Schroeder moved to accept the report that the task force submitted with the additional recommendation that a fee be associated with the permit. The permit shall also list the number of participants, and be organized in a three tier structure as follows:

- 10 or less participants - \$25 Permit Fee
- 11 to 25 participants - \$50 Permit Fee
- 26+ participants - \$100 Permit Fee

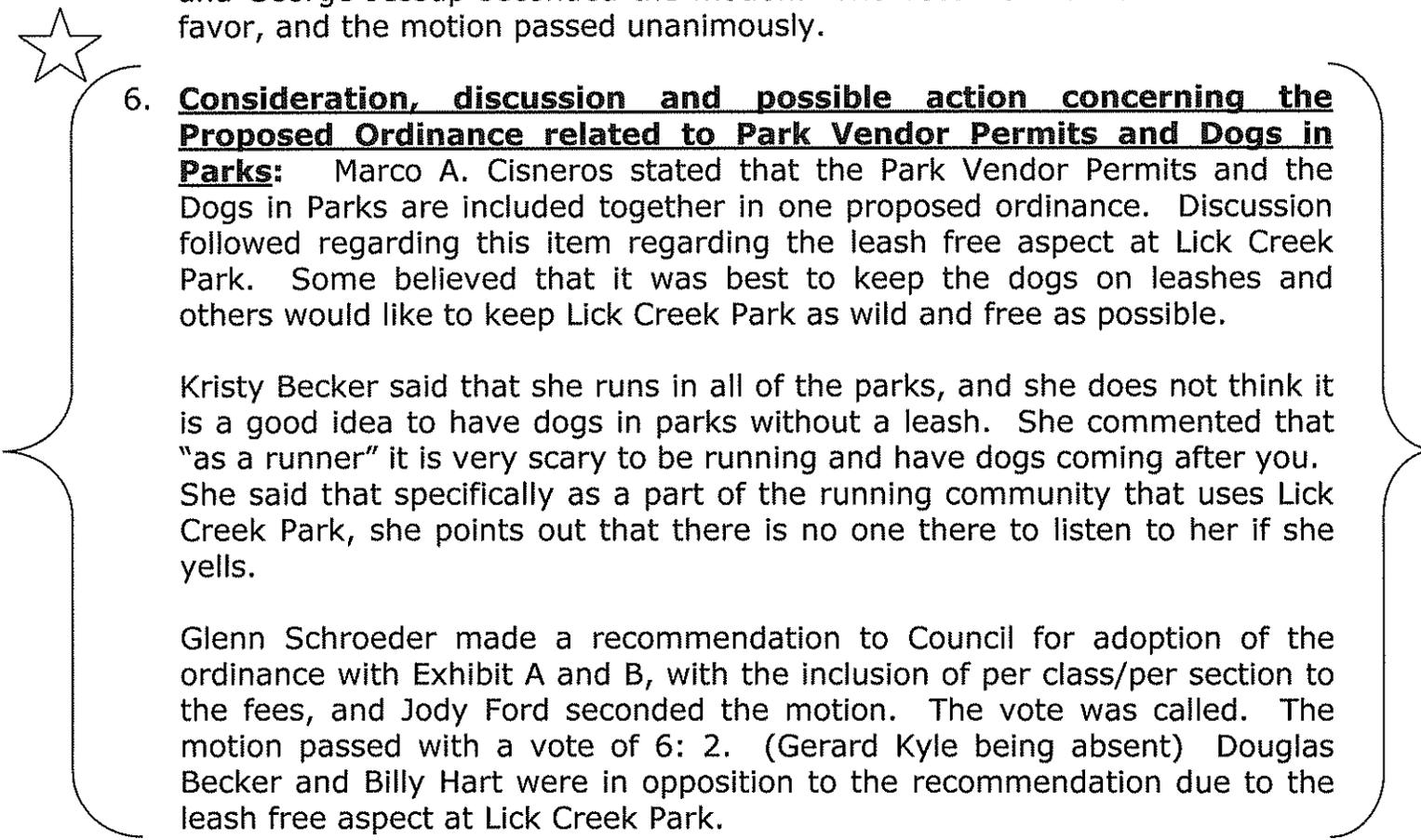
George Jessup seconded the motion. The vote was called. All were in favor, and the motion passed unanimously.

7. **Presentation, discussion, and possible action on a request to allocate Park Land Dedication Funds towards multi-use path improvements for the Southwest Parkway Apartments:** Jane Kee, IPS Group representative, presented a proposed park land dedication to the Board. She explained that the developer, Scott Ball, wanted to dedicate the property for a path, while also building the path to include amenities. The dedication involves 72 dwelling units. The proposal is for the developer to use the neighborhood and community development fees to pay for the path. It will cost \$50,000 to develop the path and \$5,000 - \$7,000 to design the path. The proposed path would be an extension of an existing trail and a continuation of the trails system. Douglas Becker made a motion to accept both the community and neighborhood development fees to be used to develop the path with amenities, and Glenn Schroeder seconded the motion. The vote was called. All were in favor, and the motion passed unanimously.
8. **Update on Quarterly Park Maintenance Standards Report:** Curtis Bingham, Park Operations Superintendent, reported on the Quarterly Park Maintenance Standards Report. This was an informational item only, and no action was required.
9. **Presentation, discussion, and possible action regarding the usage and calculation of College Station Park Acreage Standards:** Documents were included in the Board packet to reference the calculations with regard to the College Station Park Acreage Standards. Douglas Becker was questioning if these were the right amounts to be asking for. There was discussion that followed. This was an informational item only, and no action was required.

5. **Presentation, possible action, and discussion regarding a proposed Parks and Recreation Department Park Vendor Permit Policy and associated fees:** Marco A. Cisneros reported on this item of the Park Vendor Permit Policy. Discussion followed. The Board decided to not make any changes to their original recommendation made in April regarding the Park Vendor Permit Policy, except to add "Per Class" to the permit fee. This is a starting point for this type of system.
6. **Update on PARD Summer Recreation Programs:** Peter Lamont, Recreation Superintendent, reported on this item. Discussion followed. This was an informational item only, and no action was required.
7. **Public Hearing, presentation, possible action and discussion regarding the Recreation, Park, and Open Space Master Plan revisions:** Marco A. Cisneros reported on this item and the revisions that have taken place. He also reported on the timeline for the Master Plan and the time for possible adoption. Discussion followed. This was an informational item only, and no action was required.
8. **Update on May 3, 2010 Tour of PARD Facilities:** The Board discussed the May 3rd Board Tour, and agreed that a Fall tour would be necessary. This was an informational item only, and no action was required.
9. **Discussion and possible action concerning the Parks and Recreation Advisory Board Goals for FY10:** This was an informational item only, and no action was required.
10. **Presentation, possible action, and discussion concerning the current Capital Improvements Program:**
 - **Capital Improvements and Park Land Dedication Project Lists of May 2010:** Pete Vanecek, Senior Park Planner, reported on the Capital Improvements and Park Land Dedication lists. This was an informational item only, and no action was required.
 - **Dedications of Less than Five Acres:** Pete Vanecek, Senior Park Planner, reported on the Dedications of Less than Five Acres. This was an informational item only, and no action was required.
 - River Rock Estates ~ Park Zone 15
 - Pasler's Subdivision ~ Park Zone 2
 - Concept Plan for F.S. Kapchinski Block One ~ Park Zone 6
 - Lincoln & Churchill (FP – Replat) ~ Park Zone 1

4. **Consideration, discussion, and possible action of minutes from the meeting of May 11, 2010:** Glenn Schroeder made a motion to approve the minutes as submitted, and Doug Becker seconded the motion. The vote was called. All were in favor, and the motion passed unanimously.

5. **Discussion and possible action concerning the Senior Advisory Committee Appointments:** Marci Rodgers, Senior Services Coordinator, reported on the different individuals that applied for the Senior Advisory Committee. The Committee is recommending that Joanna Yeager serve as Chair for one year and Anne Hazen serve as Vice Chair for one year. David Scott moved that the four applications included in the packet be appointed, and Glenn Schroeder seconded the motion. The vote was called. All were in favor, and the motion passed unanimously. Jody Ford moved to accept the recommendations for Chair and Vice Chair, and George Jessup seconded the motion. The vote was called. All were in favor, and the motion passed unanimously.



6. **Consideration, discussion and possible action concerning the Proposed Ordinance related to Park Vendor Permits and Dogs in Parks:** Marco A. Cisneros stated that the Park Vendor Permits and the Dogs in Parks are included together in one proposed ordinance. Discussion followed regarding this item regarding the leash free aspect at Lick Creek Park. Some believed that it was best to keep the dogs on leashes and others would like to keep Lick Creek Park as wild and free as possible.

Kristy Becker said that she runs in all of the parks, and she does not think it is a good idea to have dogs in parks without a leash. She commented that "as a runner" it is very scary to be running and have dogs coming after you. She said that specifically as a part of the running community that uses Lick Creek Park, she points out that there is no one there to listen to her if she yells.

Glenn Schroeder made a recommendation to Council for adoption of the ordinance with Exhibit A and B, with the inclusion of per class/per section to the fees, and Jody Ford seconded the motion. The vote was called. The motion passed with a vote of 6: 2. (Gerard Kyle being absent) Douglas Becker and Billy Hart were in opposition to the recommendation due to the leash free aspect at Lick Creek Park.

7. **Update and discussion regarding the June 2, 2010 Skate Park Public Meeting:** Mark Savarino with Bleyl and Associates reported on the Skate Park Design Project. Discussion followed. This was an informational item only, and no action was required.

**July 8, 2010
Regular Agenda Item No. 9
Council Appointments**

To: Glenn Brown, City Manager

From: Connie Hooks, City Secretary

Agenda Caption: Presentation, possible action, and discussion on selection of Council members to fill vacancies on the following committees and boards.

Audit Committee
Brazos County Health Department
BWSWMA Policy Advisory Board
Comprehensive Plan Advisory Committee
Convention and Visitors Bureau
Intergovernmental Committee
Research Valley Partnership
Sister Cities Association
Transportation Committee
Wolf Pen Creek Oversight Committee

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

Audit Committee

Mayor Nancy Berry	Appointed 5/10
Jess Fields	Appointed 5/10
Vacant	

Arts Council of the Brazos Valley (College Station Representatives)

Tom Wilkinson	Appointed 8/07	Reappointed to 2010
Katy-Marie Lyles	Appointed 8/09	
John Happ	Appointed 8/07	Reappointed to 2010

Brazos County Health Department

Katy-Marie Lyles	Appointed 8/09
Vacant	

Brazos Valley Council of Governments Board of Directors

Mayor Nancy Berry

B/CS Metropolitan Planning Organization

Mayor Nancy Berry

BWSWMA Policy Advisory Board

Ben White	September 30, 2011
John Crompton	September 30, 2011
James Massey	September 30, 2010

Brazos Valley Wide Area Network Council Services

Coversheet council board appointments to agencies and local boards July 8 2010 meeting

