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Mayor

Nancy Berry

Mayor Pro Tem

Dave Ruesink

City Manager

David Neeley

Council members

Blanche Brick

Jess Fields

Karl Mooney

Katy-Marie Lyles

Julie M. Schultz

Agenda
College Station City Council
Regular Meeting
Thursday, September 22, 2011 at 7:00 PM
City Hall Council Chamber, 1101 Texas Avenue
College Station, Texas

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

Hear Visitors: A citizen may address the City Council on any item which does not appear on the posted Agenda. Registration forms are available in the lobby and at the desk of the City Secretary. This form should be completed and delivered to the City Secretary by 5:30 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:

- September 8, 2011 Workshop and Regular Council Meeting
- September 15, 2011 Joint Meeting with Planning and Zoning

b. Presentation, possible action, and discussion regarding an amendment to Chapter 10, "Traffic Code", Section 5, "Junked Motor Vehicle Regulations", Section A, "Definitions", of the Code of Ordinances of the City of College Station, Texas.

c. Presentation, possible action, and discussion on an Ordinance amending Chapter 1, "General Provisions", of the Code of Ordinances of the City of College Station, Texas by repealing Section 15, "Disposition of Abandoned or Unclaimed Property; Disposition of Salvage or Surplus Property; and Disposition of Seized Weapons, Explosive Weapons, or other Prohibited Contraband"; providing a severability clause; and providing an effective date.

d. Presentation, possible action, and discussion regarding the approval and payment of statewide transmission settlement charges in Docket 39066 of the Public Utilities Commission of Texas and authorizing Joe Pratt of the legal firm of Bickerstaff Heath Delgado Acosta LLP to be the legal signatory for the City of College Station in the final settlement document. The net total charges for College Station in this settlement will be \$500,945.00.

e. Presentation, possible action, and discussion on a Professional Services Contract 11-349 with Kimley-Horn and Associates, Inc. for \$452,900.00 for design, bidding, and construction administration for improvements to the Rock Prairie Road Bridge, and approval of a resolution declaring intention to reimburse certain expenditures with proceeds from debt.

f. Presentation, possible action, and discussion approving a resolution authorizing expenditures for the Brazos Animal Shelter in the amount of \$169,512.90 for Fiscal Year 2012.

g. Presentation, possible action, and discussion regarding approval of the Offer of Settlement included in a filing with the Federal Energy Regulatory Commission (FERC) pertaining to an emergency transmission interconnection with ETI (Entergy). This approval must be given prior to the formal filing of the document at FERC.

h. Presentation, possible action, and discussion regarding the approval of additional legal expenses related to the emergency transmission interconnection with Entergy. Total expenses through FY11 are anticipated to be \$75,000 with Duncan, Weinberg, Genzer & Pembroke, P.C.

i. Presentation, possible action, and discussion on a deductive change order in the amount of \$104,648.00 to set the guaranteed maximum price to \$5,895,352.00 for the construction of the Fire Station No. 6 Project.

j. Presentation, possible action and discussion to authorize expenditure of funds for FY'12, items exempt from competitive bidding as described more fully in Texas Local Government Code, Chapter 252.022; and other expenditures for interlocal contracts or fees mandated by state law that are greater than \$50,000.

k. Presentation, possible action, and discussion regarding a change order to the professional services contract with HDR, Inc. (Contract # 10-152) in the amount of \$76,670 for the Lick Creek Wastewater Treatment Plant Miscellaneous Improvements Project.

l. Presentation, possible action, and discussion regarding ratification of an increase in PO 110969 to a new total of \$54,823 for repairs to the Carters Creek centrifuge, and approval of a contingency transfer from the Wastewater Operating Fund in the amount of \$28,745.

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 concerning approval of a professional services contract for the Improvements to the Rock Prairie Road Bridge.
2. Presentation, possible action, and discussion on an ordinance adopting the City of College Station 2011-2012 Budget; and presentation, possible action and discussion ratifying the property tax revenue increase reflected in the budget.
3. Presentation, possible action, and discussion on approval of an ordinance adopting the City of College Station 2011-2012 ad valorem tax rate of \$0.437995 per \$100 assessed valuation, the debt service portion being \$0.201536 per \$100 assessed valuation and the operations and maintenance portion being \$0.236459 per \$100 assessed valuation.
4. Presentation, possible action, and discussion regarding an ordinance amending Chapter 11, "Utilities" Section 2, "Water and Sewer Services," of the Code of Ordinances of the City of College Station, Texas having the effect of raising rates for wastewater service, with effective date of January 1, 2012.
5. 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, September 22, 2011 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 16th day of September, 2011 at 5:00 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 September 16, 2011 at 5:00 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 _____, 2011 By _____

Subscribed and sworn to before me on this the ____ day of _____, 2011.

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.

September 22, 2011
City Council Consent Agenda Item No. 2a
City Council Minutes

To: David Neeley, City Manager

From: Sherry Mashburn, City Secretary

Agenda Caption: Presentation, possible action, and discussion of minutes for:

- September 8, 2011 Workshop and Regular Council Meeting
- September 15, 2011 Joint Meeting with Planning and Zoning

Attachments:

- September 8, 2011 Workshop and Regular Council Meeting
- September 15, 2011 Joint Meeting with Planning and Zoning

MINUTES OF THE CITY COUNCIL WORKSHOP
CITY OF COLLEGE STATION
SEPTEMBER 8, 2011

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

Nancy Berry, Mayor

Council:

Blanche Brick
Jess Fields
Karl Mooney
Katy-Marie Lyles
Julie Schultz, absent
Dave Ruesink, absent

City Staff:

David Neeley, City Manager
Kathy Merrill, Assistant City Manager
Frank Simpson, Assistant City Manager
Carla Robinson, City Attorney
Sherry Mashburn, City Secretary
Tanya McNutt, Deputy City Secretary

Call to Order and Announce a Quorum is Present

With a quorum present, the Workshop of the College Station City Council was called to order by Mayor Nancy Berry at 3:06 p.m. on Thursday, September 8, 2011 in the Council Chambers of the City of College Station City Hall, 1101 Texas Avenue, College Station, Texas 77842.

1. Presentation, possible action, and discussion on items listed on the consent agenda.

Mayor Berry reported that item 2f will be pulled later so that a presentation may be given.

Council asked for item 2b was pulled to receive information.

2b: City Secretary Sherry Mashburn explained that the polling location on campus has been moved from the Memorial Student Center to Rudder Tower due to construction. It was further noted that a campus location was very important, and there was no movement to change that.

2. Presentation, possible action, and discussion on the Research Valley Partnership (RVP).

Todd McDaniel, CEO of the RVP, updated the Council on how the RVP will invest for the future. They are concerned with long-term investment and want to be a catalyst for economic development and growth. College Station was ranked recently by Forbes as ninth in the nation and first in Texas as the Best Place for Small Business. They are seeking to transition from a traditional economic development model to an innovation to industry model. Budget history reflects level funding since FY04. They have drawn down reserves and been creative with outsourcing, but they no longer have the reserves to move pieces around. The FY09-10 budget cut expenses by 10%. They have increased private sector and A&M investment. The current structure demonstrates a hybrid of the transition, using constant investment with a shift of resources from marketing to innovation infrastructure. FY11-12 is the end of the strategic plan and is considered to be a transition year. They will shift to forward facing, proactive engagement and enhanced global exposures. Transition priorities include continued integration with the community and university, proactive outreach, and project/product management expertise with the biocorridor and international gateway. They need to manage/market/sell new products by expanding the role of project management, increase exposure of the highest priority efforts, and move the International Gateway from proof of concept. He summarized by stating this is an investment for expanded corporate relations engagement and the International Gateway. They utilize a best practices model of leveraging resources by building during recessionary times and a regional public-private partnership. This is a long-term investment tied to a focused vision.

3. Presentation, possible action and discussion regarding the Fire Station 6 community engagement plan.

R.B. Alley, Fire Chief, updated the Council on Fire Station 6. To address public engagement, a planning team was created. This team is comprised of members from the Fire Department, Public Works, Public Communications, Neighborhood Services, Chamber of Commerce, and the CVB. Opportunities for the public to receive information and review design plans will be provided September 13 and 20. The groundbreaking will be on September 27. As for the hiring and staffing process, applications will be accepted September 1 through October 14. They will hire the first nine personnel in April 2012 and the second nine personnel in July 2012.

4. Presentation, possible action, and discussion on the FY 2011-2012 BVSWMA, Inc Proposed Budget and 2011 Annual Business Plan.

Bryan Griesbach, Executive Director of BVSWMA, presented the FY12 budget. Bryan-College Station make up two-thirds of their revenue. FY12 revenues are projected at \$6.5 million, which is \$900,000 less than FY11. Landfill revenues are driven by landfill volumes. They have lost a customer to lower rates offered in the Austin market. They will continue to maintain the same rate to Bryan and College Station. Expenses for FY12 are projected at \$5.4 million, which is \$512,000 less than FY11. They are striving to cut costs and achieve additional operational efficiencies to adjust for loss of revenue. Significant expenses are related to personnel and fuel. Capital expenses are estimated at \$5.5 million. Of this, \$3 million is for the closure of the Rock Prairie site. \$1.3 million is for the replacement and maintenance of heavy equipment. \$600,000 is need for a new wood grinder. They are seeing an increase in wood waste, and they don't want

to use up landfill space with wood waste when it can be composted. \$650,000 is budgeted for various site improvements to complete the Twin Oaks landfill. Regarding the initial reserve draw-down, an initial cell construction creates limited useful landfill capacity. Future cell developments will yield larger amounts of landfill capacity and create initial planned draw-down of capital reserves.

Mr. Griesbach presented the 2011 Annual Business Plan per bylaw requirement. They are 100% compliant with state and federal regulations. Revenue is projected at \$7 million projected vs. \$7.4 budgeted. Expenses are \$6.8 projected vs. \$9.4 budgeted. Cash flow is 370,000 is projected vs. -\$1.9 million budgeted. Their goals include retention of the existing customer base and replacement of volume lost to competing facilities. Compaction goals include a conservative density of 1,500 pounds per cubic yard assumed for the initial budget model. Maximizing density will be a long term goal. The design capacity is 37 million cubic yards or 27 million cubic tons. The current volume is 300,000 tons per year. The estimated site life is 92 years. As for composting, they will maintain existing operations for the short term, and in the long term, they plan to relocate the compost facility to Twin Oaks. Waste diversion strategies include continuing with current practices such as diverting brush and yard waste, metals and white goods will be collected for recycling, and tires will be collected for beneficial uses. They will continue to look at other waste diversions that are successful in other markets. Future activities include a permanent hazardous household waste collection facility, a community environmental education center, property acquisition, and vertical expansion.

5. Presentation, possible action, and discussion regarding the Council's development of their Strategic Plan.

This item was postponed to a later date.

6. Council Calendar

- **September 13 Medical Corridor Advisory Committee in CSU Meeting and Training Facility, 3:30 p.m.**
- **September 15 Special Joint P&Z and Council Workshop in Council Chambers at 4:00 p.m.**
- **September 15 Planning & Zoning Commission Meeting in Council Chambers at 6:00 p.m.**
- **September 19 IGC Meeting at BVCOG, 12:00 p.m.**
- **September 21 BVSWMMA Board Meeting at Twin Oaks Facility - 2690 SH30, 11:00 p.m.**
- **September 21 Exploring History Lunch Lecture at CS Conference Center, 11:30 a.m.**
- **September 22 City Council Workshop/Regular Meeting 3:00 p.m. & 7:00 p.m.**

Council reviewed the Council calendar.

7. Presentation, possible action, and discussion on future agenda items: a Council Member may inquire about a subject for which notice has not been given. A statement of specific

factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.

Councilmember Mooney requested an item regarding council liaisons from the council.

8 Discussion, review and possible action regarding the following meetings: Animal Shelter Board, Arts Council of the Brazos Valley, Audit Committee, Bicycle, Pedestrian, and Greenways Advisory Board, Brazos County Health Dept., Brazos Valley Council of Governments, Brazos Valley Wide Area Communications Task Force, BVSWMA, BWACS, Cemetery Committee, Code Review Committee, Review Board, Historic Preservation Committee, Interfaith Dialogue Association, Intergovernmental Committee, Joint Relief Funding Review Committee, Landmark Commission, Library Board, Mayor's Council on Physical Fitness, Mayor's Development Forum, Metropolitan Planning Organization, National League of Cities, Outside Agency Funding Review, Parks and Recreation Board, Planning and Zoning Commission, Research Valley Partnership, Regional Transportation Committee for Council of Governments, Signature Event Task Force, Sister City Association, TAMU Student Senate, Texas Municipal League, Transportation Committee, Zoning Board of Adjustments.

Councilmember Ruesink reported on Sister Cities and said there is the possibility of a visit from Salamanca in November.

Councilmember Lyles reported that the Health Board meeting will be rescheduled. The Arts Council will be celebrating the arts on September 20. The theme is Adventure in Venice.

Mayor Berry reported on the Mayors Council on Physical Fitness. The funding was from a grant from the Governor's Council on Physical Fitness. There is no more money, and the activity will morph into the Parks Board. She then reported the Mayors Development Forum will disband and working with the City Manager and staff for better communication and a better end product. She reported the MPO met and reviewed their plan of work, and they are on target. They approved the operating budget for the coming year.

9. Executive Session

In accordance with the Texas Government Code §551.071-Consultation with Attorney, and §551.074-Personnel, the College Station City Council convened into Executive Session at 4:56 p.m. on Thursday, September 8, 2011 in order to continue discussing matters pertaining to:

- A. Consultation with Attorney to seek advice regarding pending or contemplated litigation; to wit:
- City of Bryan's application with TCEQ for water & sewer permits in Westside/Highway 60 area, near Brushy Water Supply Corporation to decertify City of College Station and certify City of Bryan

- Clancey v. College Station, Glenn Brown and Kathy Merrill, Civil Action No. 09-CV-01480
- Rachel Rahn v. Alma Martinez, The Arkitex Studio, Inc. et al, cause No. 09-000656-CV361
- Chavers et al v. Tyrone Morrow et al, No. 10-20792; Chavers v. Randall Hall et al, Case No. 10 CV-3922
- College Station v. Star Insurance Co., Civil Action No. 4:11-CV-02023
- Woodruff v. College Station, Cause No. 10-000515-CV-272
- Ongoing criminal investigation of municipal court missing funds

B. Consultation with Attorney to seek legal advice; to wit:

- Legal issues regarding possible revenue sharing and legislation in bio-corridor

C. Deliberation Regarding Personnel; to wit:

- City Manager
- City Secretary
- Council Self Evaluation
- Internal Auditor

The Executive Session adjourned at 6:57 p.m. on Thursday, September 8, 2011.

No action was required from Executive Session.

8. Adjournment

MOTION: There being no further business, Mayor Berry adjourned the workshop of the College Station City Council at 9:25 p.m. on Thursday, September 8, 2011.

Nancy Berry, Mayor

ATTEST:

Sherry Mashburn, City Secretary

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF COLLEGE STATION
SEPTEMBER 8, 2011

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

Nancy Berry

Council:

Blanche Brick
Jess Fields
Karl Mooney
Katy-Marie Lyles
Julie Schultz, absent
Dave Ruesink

City Staff:

David Neely, City Manager
Kathy Merrill, Assistant City Manager
Frank Simpson, Assistant City Manager
Carla Robinson, City Attorney
Sherry Mashburn, City Secretary
Tanya McNutt, Deputy City Secretary

Call to Order and Announce a Quorum is Present

With a quorum present, the Regular Meeting of the College Station City Council was called to order by Mayor Nancy Berry at 7:12 p.m. on Thursday, September 8, 2011 in the Council Chambers of the City of College Station City Hall, 1101 Texas Avenue, College Station, Texas 77842.

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

A joint College Station Fire and Police Color Guard presented the flags.

Mayor Berry read and presented a proclamation for the 9-11 National Moment of Remembrance to the College Station Police and Fire Departments.

MOTION: Upon a motion made by Councilmember Ruesink and a second by Councilmember Mooney, the City Council voted six (6) for and none (0) opposed, to accept Councilmember Schultz's absence. The motion carried unanimously.

Citizen Comments

Tina Hanna, 1707 Serval Lane, spoke regarding Project Hold. She stated that the job has grown over the years. History does matter, and Project Hold embraces the past. Project Hold collaborates with other city departments. People do care about budgets, but they also care about quality of life. Who wants to live in a community where there is no quality of life? Who wants to volunteer if upper management does not appreciate them?

Alston Thoms, 224 Rustic Oaks, Bryan, reported that he has benefited from the heritage programs. He began working with College Station as an archeologist in 2000 in Veterans Park and began to tell the story of archeology through the heritage program and lecture series. In 2008, he met with City staff and began to plan a Native American component called the Hot Rocks Cook-off. This is a celebration of Indian people, citizens, and archeologists coming together to learn about the past. Mayor Berry invited several tribes to come and tell the story of Indian people. He is concerned is that with budget cuts, this support will not continue. He asked Council to continue with their support.

CONSENT AGENDA

2a. Presentation, possible action, and discussion of minutes for:

- **August 25, 2011 Workshop and Regular Council Meeting**

2b. Presentation, possible action, and discussion on Ordinance 2001-3368, amending Sections 5 and 6 of Ordinance No. 2011-3361, ordering a Special Election to be held on November 8, 2011 for the purpose of submitting proposed amendments to the City Charter to the voters; establishing early voting locations and polling places for this election; and making provisions for conducting the election. Presentación, posible acción, y discusión de una ordenanza 2011-3368, enmendando las secciones 5 y 6 de la ordenanza no. 2011-3361, ordenando elecciones especiales a celebrarse el 8 de noviembre de 2011 con el propósito de presentarle a los votantes las enmiendas propuestas a los estatutos de la ciudad; estableciendo centros de votaciones tempranas y centros de votaciones para estas elecciones; y hacer todos los arreglos necesarios para llevar a cabo las elecciones.

2c. Presentation, possible action and discussion on Resolution 09-08-11-2c, approving an interlocal government agreement with Brazos County for the conduct and management of the City of College Station Special Election and the approval of the Notice of Special Election that will be held on Tuesday, November 8, 2011. Presentación, posible acción y discusión acerca de la aprobación de la resolución 09-08-11-2c, autorizando un acuerdo de gobierno interlocal con el Condado de Brazos para celebrar y administrar las Elecciones Especiales de la Ciudad de College Station y aprobar la Notificación de Elecciones Especiales a celebrarse el martes 8 de noviembre de 2011.

2d. Presentation, possible action, and discussion regarding Resolution 09-08-11-2d, selecting a professional contractor, approving a professional services contract with Halfff Associates, Inc. and authorizing the expenditure of funds for the Lick Creek Hike and Bike project in the amount not to exceed \$64,365.00.

2e. Presentation, possible action and discussion regarding the approval of Resolution 09-08-11-2e, accepting from the Texas Division of Emergency Management (TDEM) the 2009 Homeland Security Grant Program Grant Adjustment Notice (GAN) of \$82,000, naming a City staff member as manager of those grant funds.

2f. Presentation, possible action, and discussion regarding a recommendation to name the new Skate Park at Southwood Athletic Park in College Station (Resolution 09-08-11-2f).

2g. Presentation, possible action, and discussion regarding ratification of Change Order #2, in the amount of \$57,734.01 to Contract No. 11-001 with Fuqua Construction Company, Inc. related to construction of the 2005 Bike Loop Phase II Project.

2h. Presentation, possible action, and discussion on the FY 2011-2012 BVSWM, Inc. Proposed Budget and 2011 Annual Business Plan.

2i. Presentation, possible action, and discussion rejecting invitation to bid 11-73 for the construction of the FM 2818 – Villa Maria Transmission Line Adjustment.

2j. Presentation, possible action, and discussion renewing Contract No. 09-189 (RFP No. 09-62) for Janitorial Services for all City offices for an annual expenditure of \$199,142.44 and Deduction Change Order No. 2 in the amount of \$32,000 for a modified annual expenditure of \$167,142.44.

2k. Presentation, possible action, and discussion on an Interlocal Agreement for cooperative purchasing activities between the City of College Station and City of Plano.

2l. Presentation, possible action and discussion on a contract renewal for year 3 to provide ambulance billing services with Emergicon in an amount not to exceed \$85,000.

2m. Presentation, possible action and discussion on approving annual water meter purchases from Aqua Metric Sales Company through the Houston-Galveston Area Council (HGAC) contract. Based on the attached contract unit pricing, the estimated annual expenditure for water meters is: \$382,978.41.

Item 2f was pulled from the Consent Agenda.

MOTION: Upon a motion made by Councilmember Mooney and a second by Councilmember Fields, the City Council voted six (6) for and none (0) opposed, to approve the Consent Agenda, less item 2f. The motion carried unanimously.

(2f)MOTION: Upon a motion made by Councilmember Ruesink and a second by Councilmember Lyles, the City Council voted six (6) for and none (0) opposed, to adopt Resolution 09-08-11-2f, naming the new Skate Park at Southwood Athletic Park, the G. Hysmith Skate Park. The motion carried unanimously.

REGULAR AGENDA

1. Public Hearing, presentation, possible action, and discussion on the City of College Station 2011-2012 Proposed Budget.

At approximately 7:41 p.m., Mayor Berry opened the Public Hearing.

There being no comments, the Public Hearing was closed at 7:41 p.m.

MOTION: Upon a motion made by Councilmember Fields and a second by Mayor Berry, the City Council voted six (6) for and none (0) opposed, to remove the \$100,000 funding for Arts Council Affiliates from the General Fund. The motion carried unanimously.

MOTION: Upon a motion made by Councilmember Ruesink and a second by Councilmember Lyles, the City Council voted five (5) for and one (1) opposed, with Councilmember Fields voting against, to fund the Arts Council Affiliates \$100,000 from HOT tax. The motion carried.

MOTION: Upon a motion made by Councilmember Fields and a second by Councilmember Lyles, the City Council voted two (2) for and four (4) opposed, with Mayor Berry and Councilmembers Brick, Mooney, and Ruesink voting against, to reduce the allocation to the RVP from \$350,000 to \$300,000 (same level as FY11). The motion failed.

MOTION: Upon a motion made by Councilmember Mooney and a second by Councilmember Ruesink, the City Council voted six (6) for and none (0) opposed, to charge staff to research which portion of the \$350,000 budgeted for the RVP could be realized by application of the HOT tax. The motion carried unanimously.

MOTION: Upon a motion made by Mayor Berry and a second by Councilmember Lyles, the City Council voted six (6) for and none (0) opposed, to fund \$50,000 to the George Bush Library and Museum from the HOT tax, reducing the CVB allocation by \$50,000. The motion carried unanimously.

MOTION: Upon a motion made by Mayor Berry and a second by Councilmember Fields, the City Council voted six (6) for and none (0) opposed, to fund the CVB \$1 million from the HOT fund. The motion carried unanimously.

MOTION: Upon a motion made by Councilmember Fields and a second by Mayor Berry, the City Council voted three (3) for and three (3) opposed, with Councilmembers Brick, Mooney and Ruesink voting against, to reduce the line item in the Sanitation Fund for Keep Brazos Beautiful by \$2,500. The motion failed.

MOTION: Upon a motion made by Councilmember Fields and a second by Councilmember Lyles, the City Council voted one (1) for and five (5) opposed, with Mayor Berry and Councilmembers Brick, Mooney, Lyles, and Ruesink voting against, to strike \$10,000 for July 4th fireworks from the General Fund. The motion failed.

2. Adjournment.

MOTION: There being no further business, Mayor Berry adjourned the Regular Meeting of the City Council at 9:14 p.m. on Thursday, September 8, 2011.

ATTEST:

Nancy Berry, Mayor

Sherry Mashburn, City Secretary

DRAFT

MINUTES OF THE JOINT MEETING WITH
THE CITY OF COLLEGE STATION PLANNING AND ZONING COMMISSION
AND THE COLLEGE STATION CITY COUNCIL
SEPTEMBER 15, 2011

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

Nancy Berry

Council:

Blanche Brick
Karl Mooney
Katy-Marie Lyles
Dave Ruesink

City Staff:

David Neeley, City Manager
Kathy Merrill, Assistant City Manager
Carla Robinson, City Attorney
Tanya McNutt, Deputy City Secretary

1. Call to Order and Announce a Quorum is Present

With a quorum present, the Joint Meeting with the College Station Planning and Zoning Commission and the College Station City Council was called to order by Mayor Nancy Berry at 4:20 p.m. on Thursday, September 15, 2011 in the Council Chambers of the City of College Station City Hall, 1101 Texas Avenue, College Station, Texas 77842.

2. Presentation, possible action, and discussion regarding an overview of comprehensive planning.

Bob Cowell, AICP, CNU-A, Executive Director, Planning & Development Services presented an overview of Comprehensive Planning and Comprehensive Planning in College Station. (What it is, Why do it, What it is not)

3. Presentation, possible action, and discussion regarding an overview of form-based codes.

Bob Cowell, AICP, CNU-A, Executive Director, Planning & Development Services presented an overview of Zoning (What it is, Why do it, It's many forms) and of Form-Based Codes and its use/application to College Station.

4. Adjournment

MOTION: There being no further business, Mayor Berry adjourned the Joint Meeting with the College Station Planning and Zoning Commission and City Council at 6:00 p.m. on Thursday, September 15, 2011.

Nancy Berry, Mayor

ATTEST:

Sherry Mashburn, City Secretary

DRAFT

**September 22, 2011
Consent Agenda Item No. 2b
Traffic Code Amendment Regarding Junked Vehicles**

To: David Neeley, City Manager

From: Bob Cowell, AICP, CNU-A, Executive Director, Planning & Development Services

Agenda Caption: Presentation, possible action, and discussion regarding an amendment to Chapter 10, "Traffic Code", Section 5, "Junked Motor Vehicle Regulations", Section A, "Definitions", of the Code of Ordinances of the City of College Station, Texas.

Recommendation(s): Staff recommends approval of the Ordinance amendment as presented.

Summary: This Ordinance amends Chapter 10 of the Code of Ordinances to make the City's definition of a "junked vehicle" consistent with the State's definition. HB 1376, approved by the Texas Legislature last session, amended the definition of a "junked vehicle" as follows:

A vehicle that is self-propelled and displays an expired license plate or invalid motor vehicle inspection certificate or does not display a license plate or motor vehicle inspection certificate; and is:

- *Wrecked, dismantled, partially dismantled, or discarded; or,*
- *Inoperable and has remained inoperable for more than:
Ø 72 consecutive hours, if the vehicle is on public property; or
Ø 30 consecutive days, if the vehicle is on private property.*

This amendment will enhance the Police Department's and Code Enforcement Division's ability to address junked vehicles within the City.

Budget & Financial Summary: N/A

Attachments:

1. Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 10, "TRAFFIC CODE" SECTION 5 "JUNKED MOTOR VEHICLE REGULATIONS" SECTION A "DEFINITIONS", (2) "JUNKED MOTOR VEHICLE" OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1: That the Code of Ordinances of the City of College Station, Texas **CHAPTER 10, "TRAFFIC CODE" SECTION 5 "JUNKED MOTOR VEHICLE REGULATIONS" SECTION A "DEFINITIONS", (2) "JUNKED MOTOR VEHICLE"**, 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 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.

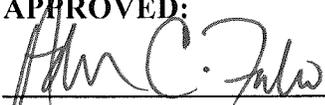
PASSED, ADOPTED, and APPROVED this 22nd day of September, 2011.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED:


City Attorney

EXHIBIT "A"

That **CHAPTER 10, "TRAFFIC CODE" SECTION 5 "JUNKED MOTOR VEHICLE REGULATIONS" SECTION A "DEFINITIONS", (2) "JUNKED MOTOR VEHICLE"**, of the Code of Ordinances of the City of College Station, Texas be amended and is to read as follows:

- (2) Junked Motor Vehicle means any motor vehicle as defined in Texas Transportation Code Title 7, Chapter 683, as amended:
 - (a) that is self-propelled; and
 - (b) displays an expired license plate or invalid motor vehicle inspection certificate or does not display a license plate or motor vehicle inspection certificate; and
 - (c) is:
 - (1) wrecked, dismantled, partially dismantled, or discarded; or
 - (2) inoperable and has remained inoperable for more than:
 - (i) 72 consecutive hours, if the vehicle is on public property; or
 - (ii) 30 consecutive days, if the vehicle is on private property.

September 22, 2011
Consent Agenda Item No. 2c
Disposal of Surplus (Personal) Property

To: David Neeley, City Manager

From: Jeff Kersten, Executive Director of Business Services

Agenda Caption: Presentation, possible action, and discussion on an Ordinance amending Chapter 1, "General Provisions", of the Code of Ordinances of the City of College Station, Texas by repealing Section 15, "Disposition of Abandoned or Unclaimed Property; Disposition of Salvage or Surplus Property; and Disposition of Seized Weapons, Explosive Weapons, or other Prohibited Contraband"; providing a severability clause; and providing an effective date.

Relationship to Strategic Goals: Goal I.1. Spending taxpayer money efficiently

Recommendation(s): Staff recommends approval of the Ordinance repealing Section 15 in Chapter 1 of the Code of Ordinances.

Summary: The current ordinance has not been changed since 2001 and is inefficient and ineffective because in some cases it requires a minimum of 45 days before disposition can be made. Staff is recommending that we include a section in the Purchasing Policies and Procedures Manual for the disposition of City surplus and/or salvage property. This policy will govern the disposition of all surplus property **other than land** since there are no statutes governing the disposition of the City's surplus and salvage property. The proposed policy is more flexible and allows timely disposal of surplus property through a variety of means including but not limited to: recycling; auction; competitive bidding; trade-in; destruction of salvage materials; and charitable donations if the donation would serve a public purpose.

Budget & Financial Summary: There is no expenditure of funds required for this change. The positive financial impact is the quicker disposition of surplus property will result in revenue received sooner rather than later.

Attachments:

1. Ordinance Repealing Chapter 1 Section 15 of the Code of Ordinances
2. Policy for the Disposition of Surplus and Salvage Property

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 1, "GENERAL PROVISIONS", OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS BY REPEALING SECTION 15, "DISPOSITION OF ABANDONED OR UNCLAIMED PROPERTY; DISPOSITION OF SALVAGE OR SURPLUS PROPERTY; AND DISPOSITION OF SEIZED WEAPONS, EXPLOSIVE WEAPONS, OR OTHER PROHIBITED CONTRABAND"; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1. That Chapter 1, Section 15, "Disposition of Abandoned or Unclaimed Property; Disposition of Salvage or Surplus Property; and Disposition of Seized Weapons, Explosive Weapons, or other prohibited contraband," of the Code of Ordinances of the City of College Station, Texas be hereby repealed.

PART 2. That such holding shall in no way affect the validity of the remaining provisions or sections of the Code of Ordinances, which shall remain in full force and effect.

PASSED, ADOPTED and APPROVED this ____ day of _____, 2011.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:



City Attorney

**DISPOSITION OF ABANDONED OR UNCLAIMED PROPERTY;
DISPOSITION OF SALVAGE OR SURPLUS PROPERTY; AND DISPOSITION
OF SEIZED WEAPONS, EXPLOSIVE WEAPONS, OR OTHER PROHIBITED
CONTRABAND**

A. ABANDONED OR UNCLAIMED PROPERTY

(1) Code of Criminal Procedure

The disposition of abandoned or unclaimed property shall be made in accordance with Article 18.17 of the Code of Criminal Procedure as it may be amended from time to time.

B. SALVAGE OR SURPLUS PROPERTY

(1) Definitions

(a) Salvage Property - personal property, other than items routinely discarded as waste, that because of use, time, accident, or any other cause is so worn, damaged, or obsolete that it has no value for the purpose for which it was originally intended.

(b) Surplus Property - personal property that:

(i) is not salvage property or items routinely discarded as waste;

(ii) is not currently needed by the City,

(iii) is not required for the City's foreseeable needs; and

(iv) possesses some usefulness for the purpose for which it was intended.

(2) Disposition

(a) General

It is the intent of this section to dispose of salvage or surplus property within 30 days of identifying it as such , with the applicable time period of 180 days for vehicles and heavy equipment. This will maximize the value of salvage and surplus property by avoiding hidden costs such as storage, maintenance, and obsolescence. A Department that determines it has surplus or salvage property should inform the Finance Department of the property's kind, number, location, condition, original cost or value, and date of acquisition.

(b) Methods of Disposal

(i) Recycling

Recycling is a key component of waste management and helps in the conservation of energy and natural resources while reducing waste. City Departments should attempt to recycle when it is determined to be the most cost effective and environmentally sound way of managing waste. Departments should maximize the life of City property by reusing property whenever possible, recycling all acceptable materials, disposing only of what is necessary and buying recycled products when appropriate.

(ii) Auction or Competitive Bidding

The Finance Department may periodically sell the City's surplus or salvage property by competitive bid or auction, except that

competitive bidding or an auction is not necessary if the purchaser is another local government.

(iii) Trade-In

The Finance Department may offer the property as a trade-in for new property of the same general type if it is determined to be in the best interests of the City.

(iv) Destruction

The property may be destroyed or otherwise disposed of as worthless if the Finance Department undertakes to sell the property by auction or competitive bid and is unable to do so because no bids are received or if the property is considered salvage.

(v) Charitable Donations

The Finance Department may dispose of the property by donating it to a non-profit, civic or charitable organization taking the following into consideration:

- A. Pursuant to any applicable statutory provisions; or
- B. Undertaking to sell the property by auction or competitive bid would likely result in no bids or a bid price that is less than the City's expenses required for the bid process; or
- C. The donation serves a public purpose; or
- D. The organization will provide the City with adequate consideration, such as relieving the City of transportation or disposal expenses related to the property.

(c) Exceptions

(i) Fleet

The inter-departmental transfer of vehicles and heavy equipment shall be coordinated by the Fleet Manager or his designee. Once Fleet has exhausted the equipment's useful life by transferring it to other City Departments, Fleet may choose any of the methods described above to dispose of the vehicles and heavy equipment in the most cost effective manner appropriate. The City may exercise a repurchase option when disposing of property if the repurchase price of the equipment is contained in a previously accepted purchase contract.

(ii) Information Technology

The inter-departmental transfer of computer, communication devices and other high technology items shall be coordinated by the IT Director or his designee. Once IT has exhausted the equipment's useful life by transferring it to other City Departments, IT may choose any of the methods described above to dispose of high technology equipment in the most cost effective and environmentally friendly manner appropriate.

(iii) Firefighting Equipment and Supplies

The City may choose to donate its surplus equipment, supplies, or other materials used in fighting fires to the Texas Forest Service or

to a successor agency authorized to cooperate in the development of rural fire protection plans.

(3) Notice

Notice of available surplus property may be posted on the City's intranet, the City's website, or through an internet auction site offering online bidding.

(4) Record

The Finance Department shall keep a record of each item of surplus or salvage property sold and the sale price of each item. The City shall keep a record of each item disposed of for a period of one year.

(5) Proceeds

The Finance Department shall deposit the proceeds from the sale of salvage or surplus property into the City treasury to the credit of the general fund or the fund from which the property was purchased.

C. **DISPOSITION OF SEIZED WEAPONS, EXPLOSIVE WEAPONS, OR OTHER PROHIBITED CONTRABAND**

(1) **Disposition of Gambling Paraphernalia, Prohibited Weapon, Criminal Instrument, and Other Contraband**

The disposition of gambling paraphernalia, prohibited weapon, criminal instrument, and other contraband shall be made in accordance with Article 18.18 of the Code of Criminal Procedure as it may be amended from time to time.

(2) **Disposition of Explosive Weapons and Chemical Dispensing Devices**

The disposition of explosive weapons and chemical dispensing devices shall be made in accordance with Article 18.181 of the Code of Criminal Procedure as it may be amended from time to time.

(3) **Disposition of Seized Weapons**

The disposition of seized weapons shall be made in accordance with Article 18.19 of the Code of Criminal Procedure as it may be amended from time to time.

**September 22, 2011
Consent Agenda Item No. 2d
Approval of Statewide Transmission Settlement Charges
In PUCT Docket 39066**

To: David Neeley, City Manager

From: David Massey, Director of Electric Utilities

Agenda Caption: Presentation, possible action, and discussion regarding the approval and payment of statewide transmission settlement charges in Docket 39066 of the Public Utilities Commission of Texas and authorizing Joe Pratt of the legal firm of Bickerstaff Heath Delgado Acosta LLP to be the legal signatory for the City of College Station in the final settlement document. The net total charges for College Station in this settlement will be \$500,945.00.

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

Recommendation: Staff recommends approval of the settlement charges in PUCT Docket 39066. Staff also recommends Joe Pratt of Bickerstaff Heath Delgado Acosta LLP be authorized as the legal signatory for College Station in the final settlement document for Docket 39066.

Summary: The settlement for statewide transmission charges in PUCT Docket 39066 involves transmission charges for the time period September through December 1999. The original statewide transmission charge matrix had included what was called a "Transition Mechanism" that was later ruled illegal by the courts. This Transition Mechanism was originally used to lessen the impact of transmission tariffs to some utilities as Texas moved to open transmission access in the late 1990s. College Station was a beneficiary of this Transition Mechanism along with a number of other electric utilities in Texas. Docket 39066 has served as the settlement mechanism for revised transmission charges for the time period September through December of 1999. The total charges to College Station from Docket 39066 is \$649,448.00. However, since a 2003 transmission settlement has already occurred between College Station and Bryan/TMPA that included the September-December 1999 time period, the net charges to College Station is reduced to \$500,945.00. Joe Pratt of Bickerstaff Heath Delgado Acosta LLP has been College Station's legal representative throughout the settlement hearings in Docket 39066 and is recommended to be the legal signatory for College Station in the final settlement document.

Budget & Financial Summary: This item was not included in the FY11 Approved Budget as the settlement had not been finalized when the FY11 Approved Budget was developed. Budget for the settlement in the amount of \$500,945 was included on FY11 Budget Amendment #3 (approved 8-25-11). Funds for this settlement will come from the Electric Utility fund balance.

Attachment:

Resolution to be considered will be available at the meeting

Revised Transmission Payment Matrix – Will be provided at the Council meeting

September 22, 2011
Consent Agenda Item No. 2e
Rock Prairie Road Bridge Improvements
Project Number ST1118
Professional Services Contract and a Resolution
Declaring Intention to Reimburse Certain
Expenditures with Proceeds From Debt

To: David Neeley, City Manager

From: Chuck Gilman, P.E., Public Works Director

Agenda Caption: Presentation, possible action, and discussion on a Professional Services Contract 11-349 with Kimley-Horn and Associates, Inc. for \$452,900.00 for design, bidding, and construction administration for improvements to the Rock Prairie Road Bridge, 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. Goal IV, Improving Multimodal Transportation.

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

Summary: The scope of the Rock Prairie Road Bridge Improvements project is for environmental clearance, design, bidding, and construction administration for the improvements to the existing bridge over State Highway 6. Kimley-Horn and Associates, Inc. prepared a traffic study of the Rock Prairie Road Corridor earlier this year to collect traffic data and make infrastructure improvement recommendations to alleviate existing traffic congestion. The corridor limits were generally bounded by Normand Drive to the west, Ponderosa Road to the north, Graham Road to the south, and Stonebrook Drive to the east. The report concluded that the Rock Prairie Road Bridge will be operating at an unacceptable Level of Service by 2016 if the bridge is not expanded.

The Bryan-College Station Metropolitan Planning Organization (BCSMPO) identified this project as the number one priority project in their Metropolitan Transportation Plan. The BCSMPO received \$4.6 million in State Proposition 12 funds from TxDOT. The BCSMPO voted to allocate those funds toward the construction of the Rock Prairie Road Bridge. As a condition, the City is responsible for funding the engineering design and environmental work on this project and TxDOT will manage the construction of the project. The City is obligated to deliver final plans and specifications including environmental clearance by April of 2013.

Kimley-Horn and Associates, Inc. was contacted to submit a proposal for professional services based on their previous work done and previous experience along the Rock Prairie Corridor.

Budget & Financial Summary: The contract amount for engineering is not to exceed \$452,900.00. This project was not included in the FY11 Approved Budget because the project was not defined when the FY11 Approved Budget was developed. Budget for the project in the amount of \$567,000 has been transferred from the Barron Road Widening Phase II project since that project is expected to cost significantly less than the amount authorized as part of the 2008 General Obligation Bond election. 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 next fiscal year.

Attachments:

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, SELECTING A PROFESSIONAL CONTRACTOR, APPROVING A PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE ROCK PRAIRIE ROAD BRIDGE IMPROVEMENTS.

WHEREAS, the City of College Station, Texas, solicited proposals for the design and construction phase services; and

WHEREAS, the selection of Kimley-Horn and Associates, Inc. is being recommended as the most highly qualified provider of the design and construction phase services; now, therefore,

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

PART 1: That the City Council hereby finds that Kimley-Horn and Associates, Inc. is the most highly qualified provider of the services for Rock Prairie Road Bridge Improvements Project on the basis of demonstrated competence and qualifications.

PART 2: That the City Council hereby approves the contract with Kimley-Horn and Associates, Inc. for an amount not to exceed \$452,900.00 for the design phase services related to the Rock Prairie Road Bridge Improvements Project.

PART 3: That the funding for this Contract shall be as budgeted from the Streets Fund in the amount of \$452,900.00.

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

ADOPTED this _____ day of _____, A.D. 2011.

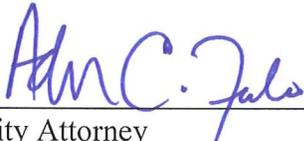
ATTEST:

APPROVED:

City Secretary

MAYOR

APPROVED:



City Attorney

Rock Prairie Road Bridge Improvements Project Area



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 \$575,000, 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 22nd DAY OF SEPTEMBER, 2011.

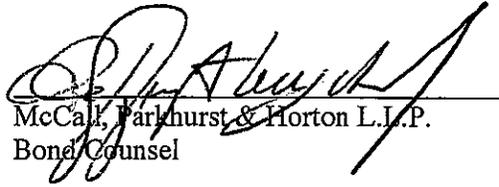
Nancy Berry, Mayor

ATTEST:

Sherry Mashburn, 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:

Rock Prairie Road Bridge Improvements - environmental clearance, design, bidding, and post-engineering construction phase services oversight of improvements to the Rock Prairie Road Bridge over State Highway 6

September 22, 2011
Consent Agenda Item No. 2f
Authorize Animal Shelter Funding Resolution

To: David Neeley, City Manager

From: Jeff Capps, Chief of Police

Agenda Caption: Presentation, possible action, and discussion approving a resolution authorizing expenditures for the Brazos Animal Shelter in the amount of \$169,512.90 for Fiscal Year 2012.

Relationship to Strategic Goals: Goal I.8 Evaluating Public Safety Needs. Goal I.1 Spending tax payer money efficiently.

Recommendation(s): Staff recommends approval of the resolution funding in the amount of \$169,512.90 to the Brazos Animal Shelter.

Summary: On March 10, 2011, Council approved an Interlocal agreement between the Brazos Animal Shelter and the City of College Station that took effect on July 1, 2011. The ILA indicates that the annual payment shall be adjusted annually for each year the agreement is in effect for the services performed by the shelter.

The FY 12 funding level was negotiated with the City based on the Animal Shelter and the City's determination of what they believe the cost is to the City of College Station for the Shelter to provide the contracted services. This year's Animal Shelter's budget will be different than years past as they are longer contracting services with the City of Bryan. Due to the uncertainty of the exact operating expenses of the Shelter's operations, the City has agreed to meet with their representatives on a quarterly basis during FY 12 and ensure the funding level agreed upon is appropriate.

Budget & Financial Summary: Funds are available and budgeted in the General Fund in the Police Department Uniform Patrol division budget. Payments are made in equal installments on a monthly basis.

Attachments:

- Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS AUTHORIZING ANNUAL EXPENDITURE TO THE BRAZOS ANIMAL SHELTER FOR ANIMAL SHELTER SERVICES PROVIDED TO THE CITY OF COLLEGE STATION BY THE BRAZOS ANIMAL SHELTER.

WHEREAS the City of College Station entered into an Agreement for Animal Shelter Services with the Brazos Animal Shelter on March 10, 2011.

WHEREAS Section 5 of the Agreement says the City shall pay a fee for Animal Shelter Services to be established annually by separate resolution; now, therefore,

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

- Part 1: That the City Council of the City of College Station authorize the expenditure for Fiscal Year 2011-2012 in the amount of \$169,512.90, to be payable in 12 equal installments of \$14,126.07.
- Part 2: That funds are budgeted and available in the Fiscal Year 2011-2012 Approved Budget in the General Fund Police Department Budget.
- Part 3: That this resolution is to be effective for the 2011-2012 Fiscal Year from October 1, 2011 – September 30, 2012.
- Part 4: The City and Brazos Animal Shelter representatives agree to meet quarterly during Fiscal Year 2011-2012 to ensure the funding level agreed upon is appropriate.
- Part 5: That this resolution shall take effect immediately from and after its passage.

ADOPTED this _____ day of _____, A.D. 2011.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:

Carla A Robinson

City Attorney

September 22, 2011
Consent Agenda Item No. 2g
Approval of Filing With the Federal Energy Regulatory Commission
Concerning Offer of Settlement With ETI (Entergy)
For Emergency Transmission Interconnection

To: David Neeley, City Manager

From: David Massey, Director of Electric Utilities

Agenda Caption: Presentation, possible action, and discussion regarding approval of the Offer of Settlement included in a filing with the Federal Energy Regulatory Commission (FERC) pertaining to an emergency transmission interconnection with ETI (Entergy). This approval must be given prior to the formal filing of the document at FERC.

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

Recommendation: Staff recommends approval of the Offer of Settlement for the filing with the Federal Energy Regulatory Commission (FERC).

Summary: Hurricane Ike in 2008 created numerous power outages after it hit Texas. One of the hardest hit power systems was the Entergy system where transmission lines were severed to a number of communities in the Brazos Valley area. The Texas Legislature in 1999 passed legislation directing the Public Utility Commission of Texas (PUCT) and the Electric Reliability Council of Texas (ERCOT) to study and recommend an interconnection between the ERCOT transmission grid and the Entergy transmission system, which is not part of ERCOT. This interconnection was to be located so that the Entergy transmission affected by Hurricane Ike would have an emergency backup if needed. The PUCT staff has recommended that College Station and Entergy Texas construct an interconnection that, while normally would be open, could be closed under declared emergencies to permit load transfer between ERCOT and the SERC region of which Entergy is a member. The proposed interconnection would allow Entergy Texas, during a declared emergency, to transfer approximately 170 MW of connected load in the SERC region, to the ERCOT system without negatively affecting the ERCOT system or the remainder of the Entergy Texas system.

The purpose of the Application to be filed at FERC is to obtain a FERC order (1) authorizing the construction of an interconnection between College Station and Entergy Texas to be used only upon a State of Emergency as declared by the Governor of Texas, and (2) authorizing the provision of transmission service by either College Station or Entergy Texas in the event of such a declared emergency, while, at the same time, (3) maintaining the jurisdictional status quo for entities in the ERCOT grid such that College Station, ERCOT and other entities in the ERCOT grid that are not otherwise subject to FERC jurisdiction, will not be subject to FERC jurisdiction for any purposes other than the purposes of ordering the interconnection and related transmission services. The Offer of Settlement which is to be approved by FERC as part of the filing was negotiated between the City and Entergy and sets out the terms and conditions under which Entergy would interconnect with College Station.

Budget & Financial Summary: Approval of the FERC filing will not have any direct budget considerations.

Attachment:

Resolution - A copy of the Offer of Settlement can be found in the City Secretary Office

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING THE OFFER OF SETTLEMENT BETWEEN THE CITY OF COLLEGE STATION (COLLEGE STATION) AND ETI (ENTERGY) INCLUDED IN A FILING WITH THE FEDERAL ENERGY REGULATORY COMMISSION (FERC) PERTAINING TO AN EMERGENCY TRANSMISSION INTERCONNECTION WITH ENTERGY.

WHEREAS, the Governor of Texas on June 19, 2009 signed into law Senate Bill 1492 and House Bill 1831 requiring the Public Utilities Commission of Texas (PUCT) to investigate areas prone to natural disasters and to recommend solutions; and

WHEREAS, the PUCT has issued an order approving the emergency transmission interconnection between College Station and Entergy as contained in PUCT Dockets 39383 and 39382; and

WHEREAS, FERC must approve all interconnections between ERCOT and other power pools; and

WHEREAS, College Station and Entergy have negotiated an Offer of Settlement setting out the terms and conditions under which Entergy will interconnect with the City; and

WHEREAS, College Station plans to make an interconnection filing at FERC in which the Offer of Settlement between College Station and Entergy is contained; 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 Offer of Settlement between College Station and Entergy as part of an interconnection filing with FERC.

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

ADOPTED this _____ day of _____, A.D. 2011.

ATTEST:

APPROVED:

City Secretary

MAYOR

APPROVED:

Carla A Robinson
City Attorney

**September 22, 2011
Consent Agenda Item No. 2h
Legal Expenses Related to Entergy Tie**

To: David Neeley, City Manager

From: David Massey, Director of Electric Utilities

Agenda Caption: Presentation, possible action, and discussion regarding the approval of additional legal expenses related to the emergency transmission interconnection with Entergy. Total expenses through FY11 are anticipated to be \$75,000 with Duncan, Weinberg, Genzer & Pembroke, P.C.

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

Recommendation: Staff recommends approval of the agreement.

Summary: In 2009, the Texas Legislature mandated an emergency transmission interconnection between the ERCOT grid and the Southwest Power Pool (SPP). In particular, the Entergy transmission system within SPP was required to have this interconnection to avoid another outage situation similar to the long transmission outage after Hurricane Ike. The College Station area was the best choice for this emergency interconnection. The target date for completion of this interconnection is May, 2012.

Legal expenses have been incurred at both the state and federal levels. Duncan, Weinberg, Genzer & Pembroke, P.C. (a Washington D.C. based firm) has had previous experience with the City of College Station and has handled the necessary filings at the Federal Energy Regulatory Commission (FERC) for this interconnection.

A purchase order for \$50,000 has been issued to cover legal expenses for the services in Washington, D.C. It has recently been brought to our attention that legal costs will actually total \$75,000 for FY11. Since anticipated expenses will now exceed City Manager's delegated authority of \$50,000, the additional funding request is being brought to Council for approval. Payments in the amount of \$49,881.50 have already been paid, and those funds are included in the \$75,000 amount. **Note: All legal fees associated with this project will be recovered through an anticipated Transmission Cost of Service (TCOS) filing in 2012 by College Station.**

Budget & Financial Summary:

Legal expenses for the Entergy Tie will be paid out of Electric Capital Funds (work order WF1396683/Job2).

Attachment:

Legal Services Agreement



Law Offices
Duncan, Weinberg, Genzer & Pembroke, P.C.

WALLACE L. DUNCAN (1937-2006)
EDWARD WEINBERG (1918-1995)
ROBERT WEINBERG
JEFFREY C. GENZER
THOMAS L. RUDEBUSCH
MICHAEL R. POSTAR
TANJA M. SHONKWILER
ELI D. EILBOTT*
LISA S. GAST
PETER J. SCANLON
KATHLEEN L. MAZURE
DEREK A. DYSON
BHAVEETA K. MODY
KRISTEN CONNOLLY McCULLOUGH
SETH T. LUCIA
JOSHUA E. ADRIAN
MATTHEW R. RUDOLPHI
JASON T. GRAY
NATALIE M. KARAS

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C. SUSIE BERLIN*

Northeast Regional Office
2700 BELLEVUE AVENUE
SYRACUSE, NY 13219
(315) 471-1318
THOMAS J. LYNCH*

*REGISTERED TO PRACTICE BEFORE U.S.
PATENT AND TRADEMARK OFFICE

*OF COUNSEL

RICHMOND F. ALLAN*
TERRY E. SINGER*
JAMES D. PEMBROKE*

April 28, 2011

David J. Massey
Director of Electric Utilities, City of College Station
P.O. Box 9960
1601 Graham Road
College Station, Texas 77842

RE: Legal Services Agreement

Dear Mr. Massey:

This Agreement is effective upon your execution and is between Duncan, Weinberg, Genzer & Pembroke, P.C. ("Firm"), a District of Columbia professional corporation, located at 1615 M Street, N.W., Suite 800, Washington, D.C. 20036, and the City of College Station, Texas ("Client" or "College Station"), located at 1601 Graham Road, College Station, Texas. The Client will be solely responsible for compensating the Firm for its fees and costs.

The Firm hereby agrees to perform legal services for and on behalf of Client and Client hereby authorizes the Firm to perform legal services with regard to matters as may be mutually agreed.

The Firm will be compensated for professional services at the following hourly rates, effective upon execution.

Principals/Of Counsel	\$385
Other Principals/Of Counsel	\$360
Senior Associates	\$345
Associates	\$305

Non-Attorney Staff	\$210
Senior Paralegals	\$175
Other Paralegal Staff and Law Clerks	\$145

The Firm may assign other attorneys at comparable hourly rates as set forth above. The Firm will submit monthly itemized bills, due upon receipt, for professional legal service fees at the above rates, and reimbursable expenses which may include, but are not limited to: travel expenses, long distance telephone charges, on-line computer research, photocopying charges, postage and delivery costs, filing fees, word processing charges, transcript costs, support staff overtime and notary fees, and the cost and expenses, if any, of consultants retained by the Firm with the approval of the Client.

Either Client or Firm may terminate this Agreement, with or without cause, by giving a written termination notice to the other, any such termination to be effective upon receipt of the notice. In the event of such termination, any unpaid amount due to the Firm for professional services rendered and expenses incurred prior to termination, shall remain due and payable. Further, the Firm may exercise such right of termination only to the extent and under terms and conditions consistent with the obligations of the Firm under the Code of Professional Responsibility applicable in the District of Columbia.

We appreciate the opportunity to work with College Station again. Please indicate your agreement by signing below. We request that you return one of the signed original Legal Services Agreements, and retain the other for your files. We have also attached our Standard Terms of Engagement for Legal Services, which are incorporated by reference herein.

Sincerely,



Agreed:

On behalf of: _____

Signature: _____

Printed Name: _____

Title: _____

Dated: _____

EXECUTED in duplicate originals this 22 day of July, 2011,
by CITY.

CITY OF COLLEGE STATION

BY: Kathleen Merida
City Manager
Date: 7-22-11

APPROVED:

Jeffrey Kerster
Chief Financial Officer
Date: 7-18-11

Carla A. Robinson
City Attorney
Date: 07/19/11

DUNCAN, WEINBERG, GENZER & PEMBROKE, P.C.

Standard Terms of Engagement for Legal Services

We appreciate your selection of Duncan, Weinberg, Genzer & Pembroke, P.C. ("DWGP" or "Firm"), to represent you. The purpose of this document is to provide you with important information about the scope of this engagement, our fees and billing policies, and other terms that will govern our relationship. It has been our experience that this document is helpful to both the client and the Firm as a way of clarifying our relationship. This agreement is with College Station ("Client"). The Client will be solely responsible for compensating the Firm for its fees, costs and expenses.

Unless modified by the Legal Services Agreement forwarded along with this enclosure, this document sets forth the standard terms of our engagement as your lawyers. We therefore ask that you carefully review it to ensure that you understand and agree to our respective responsibilities. If you have any questions concerning the matters discussed below, please contact us promptly so that we may address them with you. We suggest that you retain a copy of this document with your signed copy of the accompanying Legal Services Agreement, as these terms will be an integral part of our agreement with you.

Scope of Engagement

The Firm hereby agrees to perform legal services for and on behalf of Client and Client hereby authorizes the Firm to perform legal services with regard to matters as may be mutually agreed.

We will at all times act on your behalf to the best of our ability. The Firm provides personal attention to each client's needs, and maintains a flexible approach to achieving desired results in the most cost-effective manner. During the course of our representation, you may seek our professional opinion regarding the likely outcome of your legal matters. Any expressions (solicited or otherwise) on our part concerning such possible outcomes are expressions of our best professional judgment, but are not guarantees.

We continually evaluate whether there are any conflicts of interest that would interfere with our representation of a client's interests. Should we determine in the course of our representation that a conflict has arisen, we will promptly notify you. We similarly ask you to notify us if you become aware of any potential conflicts of interest. If either you or we conclude that our representation should or must be terminated, we will do our best to protect your interests by assisting in providing a smooth transition to new counsel.

We wish to emphasize that DWGP provides a wide array of legal services to many clients throughout the country. These services include legislative and administrative representation on matters that may directly or indirectly affect the Client's interests. Therefore, as a condition of our undertaking to represent any client on a particular matter as described in our accompanying Legal Services Agreement, our clients waive objection to any conflict of interest that might be deemed to be created by our representation of other clients in legislative or administrative policy

matters that are unrelated to the specific representation we have been asked to undertake on their behalf. Your waiver will permit us to represent another client in advocating a change in law or policy in areas such as environmental law, energy and utility law, communications law, municipal law, and intellectual property law, even if the policy we advocate would or might have a direct or indirect adverse impact upon your interests. It is also possible that some of our current or future clients will have disputes with you during the time we are representing you. We therefore also ask each of our clients to agree that we may continue to represent or may undertake in the future to represent existing or new clients in any matter that is not substantially related to our work for you, even if the interests of such clients in those unrelated matters are directly adverse to yours.

In the event the Client's interests and one or more of our other current clients' interests diverge, or at any time either our representation of the Client or one of our other current clients will be or is likely to be adversely affected because of a conflict of any kind, we reserve the right to withdraw as the Client's representative. In the event of such withdrawal, you consent on behalf of the Client to the Firm's continued representation of other clients in the capacity in which we currently represent them. The Client may experience possible extra expense, inconvenience, or other disadvantages if an actual conflict of position should later arise that requires the lawyer to terminate the representation. In all cases, we will preserve the confidentiality of all non-public information that the Client provides us. Your signature on the attached Legal Services Agreement will constitute the Client's agreement to the waivers requested in this and the prior paragraphs.

Who Will Provide the Legal Services

Your representation will be supervised by Lisa S. Gast. Michael Postar and/or Peter J. Scanlon may also perform work for the City. Subject to the principal attorney's supervision, other lawyers and/or legal assistants (paralegals) in the Firm may perform services on your behalf. The staffing decisions are made by the principal attorney with the objective of rendering timely and cost-effective services to you. Whenever practicable, we will advise you of the names of those attorneys who work on your matters.

How Fees Will Be Set

Fees for services rendered will be based on the reasonable value of those services as determined in accordance with the codes of professional responsibility for the jurisdictions in which we practice. Fees will be based primarily on our standard hourly billing rates in effect at the time the work is performed and the numbers of hours worked. Each attorney, legal assistant (paralegal) and law clerk is assigned a standard hourly billing rate, based on the person's experience, years of practice, special expertise, and professional achievement. The accompanying Legal Services Agreement details the current billing rates of the persons most likely to perform the primary services on your behalf. The Firm typically adjusts these rates on an annual basis to reflect current levels of legal experience, changes in overhead costs and other factors.

Time for which a client will be charged will include, but are not limited to: telephone and office conferences with the client, witnesses, consultants, court personnel and others; conferences among our legal personnel; factual investigations; legal research; preparation of responses to clients' requests for us to provide information to their auditors; drafting of letters, pleadings, briefs, memoranda and other documents; travel time; and time in depositions, other discovery proceedings and in court. We charge our time in units of one tenth of an hour.

Costs and Expenses

The Firm will submit monthly itemized bills, due upon receipt, for professional legal service fees at the above rates, and reimbursable expenses which may include, but are not limited to: travel expenses, long distance telephone charges, on-line computer research, photocopying charges, postage and delivery costs, filing fees, word processing charges, transcript costs, support staff overtime and notary fees, and the cost and expenses, if any, of consultants retained by the Firm with the approval of the Client.

The Firm does not accept liability for the fees, costs or expenses of any other consultants or contractors that Client may retain. However, as a convenience to the Client and as may be required for the representation the Firm undertakes, the Firm in certain circumstances may serve as a pass-through of such non-DWGP fees and payments on behalf of Client. Where the Firm serves as a conduit for the pass-through of the consultant's/contractor's fees, costs or expenses to the Client, the consultant/contractor must agree, in a separate written agreement between the Firm and the consultant/contractor, that the latter will be paid only when the Client pays the Firm's invoice in full, and that any failure to pay the consultant's/contractor's invoice will be a dispute solely between consultant/contractor and Client and not between the Firm and Client nor between the Firm and consultant/contractor.

In those situations where we agree to allow Client's outside consultant/contractor fees, costs and expenses to be passed through the Firm's invoices, such pass-through will be allowed only if (1) consistent with all applicable Bar rules, (2) expressly addressed in both a written agreement between the Firm and the Client and in a written agreement between the Firm and the consultant/contractor, and (3) the language of such agreements states that consultant's/contractor's passed-through fees, costs and expenses will be paid by our Firm only to the extent paid by the Client and that the Firm retains the right to withhold payment of such passed-through fees, costs and expenses until the Client pays 100% of the Firm's own fees, costs and expenses.

We reserve the right to make (at the Client's expense), and retain, copies of all documents generated or received by us in the course of our representation. When the Client requests documents from us, copies that we generate shall also be made at your expense, including both professional fees for time expended in reviewing files to be copied and reproduction costs.

Billing Arrangements and Terms of Payment

Our invoices are payable upon receipt, but in no event later than 30 days after the invoice date. Please be advised that the Firm will impose a service charge, at the rate of 1.5% per month (*i.e.*, an annual percentage rate of eighteen percent (18%)), on unpaid amounts that have been delinquent for thirty (30) days or longer. This service charge will be added to any balance due on the date of the next billing, and any payments made by you on this balance due will first be credited to any accrued service charges, then to the oldest outstanding principal balance.

We will notify you promptly if your account becomes delinquent, and you agree to bring current the amounts due when so notified. If the delinquency continues and you do not arrange satisfactory payment terms, we reserve the right to postpone or defer providing additional services or to withdraw from the representation and pursue collection of your account. If collection activities are necessary, you agree to pay to us any costs we may incur in collecting the debt, including court costs, filing fees and a reasonable attorney's fee.

Termination of Representation

Upon our notification, you may terminate our representation at any time, with or without cause. As a result of such termination, upon your request, we will promptly return to you any papers or property that you have given to us, subject to our rights, where permitted by applicable rules of professional conduct, to retain such papers or property as security for the payment of any outstanding fees, costs or expenses. We will retain our own work-product pertaining to the case for a reasonable period of time after such termination. Your termination of our services will not affect your responsibility for payment of legal services rendered and costs and expenses incurred before termination and in connection with an orderly transition of the matter.

We are subject to the rules of professional responsibility for the jurisdictions in which we practice, which list several types of conduct or circumstances that require or allow us to withdraw from representing a client, including for example: nonpayment of fees or costs, misrepresentation of, or failure to disclose, material facts, action contrary to our advice, conflict of interest with another client or, if in our judgment, any fact or circumstance would render our continuing representation unlawful or unethical. If withdrawal ever becomes necessary, we will take all reasonable measures to ensure a smooth transition to new counsel. Your signature on the Legal Service Agreement accompanying this document constitutes your agreement not to contest our motion to withdraw from any court or administrative proceeding in these circumstances.

September 22, 2011
Consent Agenda Item No. 2i
Fire Station No. 6 Guaranteed Maximum Price
Construction Contract Change Order No. 1

To: David Neeley, City Manager

From: Chuck Gilman, P.E., Public Works Director

Agenda Caption: Presentation, possible action, and discussion on a deductive change order in the amount of \$104,648.00 to set the guaranteed maximum price to \$5,895,352.00 for the construction of the Fire Station No. 6 Project.

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

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

Summary: On February 11, 2010, the City Council approved Staff's recommendation to utilize the Construction Manager at Risk (CMAR) alternative construction delivery method for Fire Station No. 6. Also in February 2010, staff finalized the contract negotiations with the architect, and on February 25, 2010 the City Council approved a design contract with BRW Architects for design and construction administration services on the new station. Then, on September 23, 2010 the City Council approved a CMAR contract with Bartlett Cocke for an amount not to exceed \$6,000,000, which was the Guaranteed Maximum Price (GMP) in the Request for Proposal.

This item reduces the contract with the CMAR to a guaranteed maximum price reflecting actual bids from subcontractors.

Budget & Financial Summary: The total budget for this project is \$6,990,000. Assuming this change order is approved; funds in the amount of \$6,535,777.45 will have been expended or committed to date leaving a project balance of \$454,222.55.

Attachments:

1. Change Order No. 1
2. Location Map

CHANGE ORDER NO. 1

Contract No. 10-252

DATE: 09/12/2011

P.O.# 110017 PROJECT: Fire Station No. 6 Project, Project No. GG-0903

OWNER:City of College Station
P.O. Box 9960
College Station, Texas 77842**CONTRACTOR:**Bartlett Cocke General Contractors
2028 E. Ben White Blvd., Ste. 200
Austin, TX 78741 Ph: (512) 326 - 4223**PURPOSE OF THIS CHANGE ORDER:**

Item 1-13. Set Guaranteed Maximum Price

ITEM NO	UNIT	DESCRIPTION	UNIT PRICE	ORIGINAL QUANTITY	REVISED QUANTITY	ADDED COST
1	LS	Difference in contract and base construction cost (\$6,000,000 - \$5,758,520)	(\$241,480.00)	0	1	(\$241,480.00)
2	LS	Standard sidewalk in lieu of pavers	(\$4,028.00)	0	0	\$0.00
3	LS	Replace designed wall along southern property line with FenceCrete Rock Style pre-cast wall system	(\$96,100.00)	0	1	(\$96,100.00)
4	LS	Deduct new fence along western property line	(\$29,154.00)	0	1	(\$29,154.00)
5	LS	Deduct emergency generator and sub-base fuel tank	(\$106,260.00)	0	0	\$0.00
6	LS	Deduct stamped concrete	(\$25,276.00)	0	0	\$0.00
7	LS	Alternate wall panel	(\$73,719.00)	0	1	(\$73,719.00)
8	LS	Alternate storm detention system	(\$21,000.00)	0	1	(\$21,000.00)
9	LS	Replace Epic Deck with drywall	(\$27,000.00)	0	0	\$0.00
10	LS	Deduct plywood from roof and use bearing plates and change roof to Galvalume MBCI "Superlock"	(\$27,000.00)	0	1	(\$27,000.00)
11	LS	Construction Manager At Risk Fee	\$67,792.00	1	1	\$67,792.00
12	LS	Construction Manager At Risk Pre-Construction Fee	\$3,000.00	1	1	\$3,000.00
13	LS	General Conditions Fee	\$313,013.00	1	1	\$313,013.00

					TOTAL	(\$104,648.00)
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THE NET AFFECT OF THIS CHANGE ORDER IS A 1.74% DECREASE.

ORIGINAL CONTRACT AMOUNT	\$6,000,000.00	
Change Order No. 1	(\$104,648.00)	-1.74% CHANGE
REVISED CONTRACT AMOUNT	\$5,895,352.00	-1.74% TOTAL CHANGE

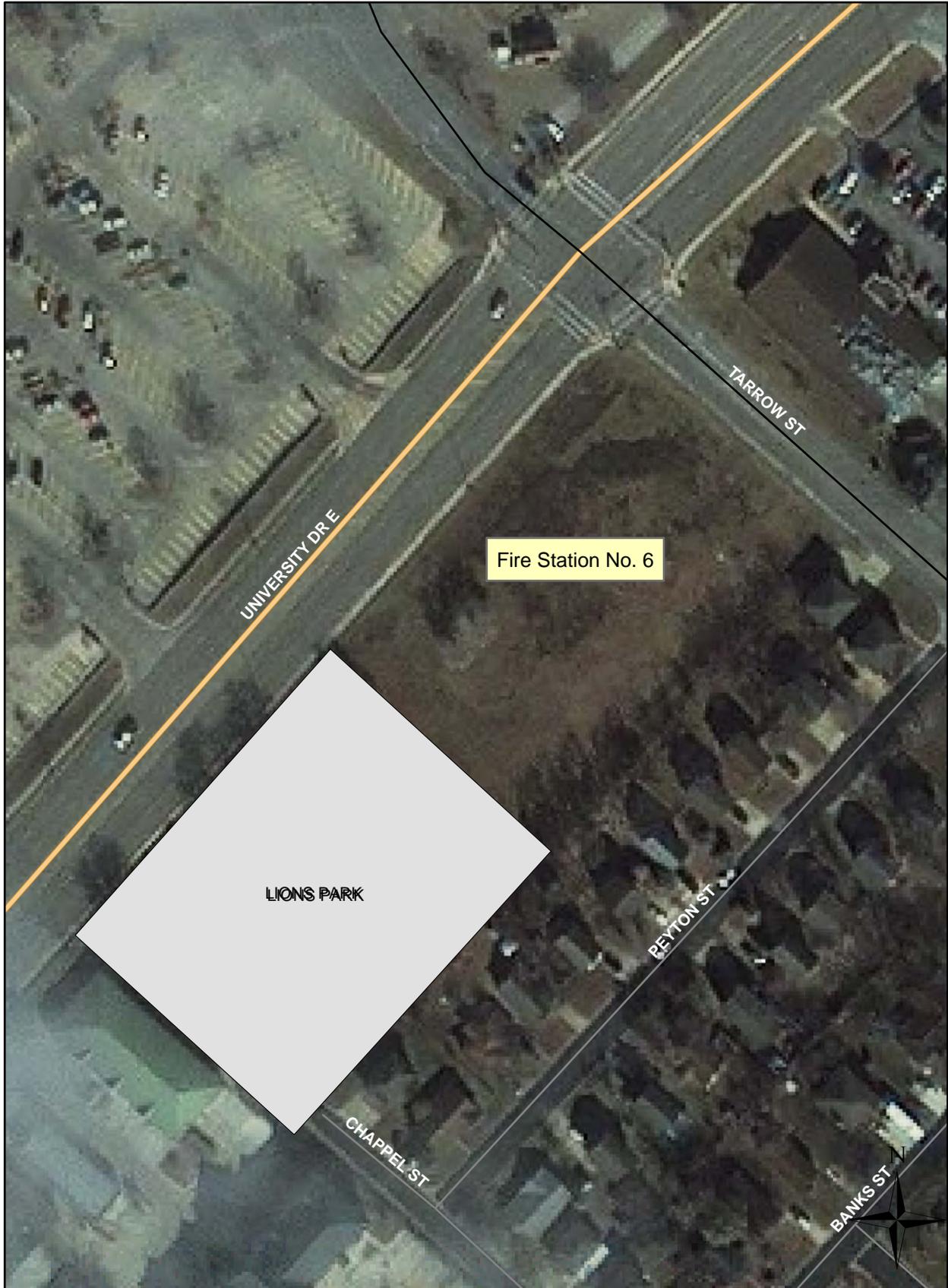
ORIGINAL CONTRACT TIME	365 Days
Rain Days	0 Days
Time Extension Change Order No. 1	0 Days
Revised Contract Time	365 Days

SUBSTANTIAL COMPLETION DATE	09/26/12
Revised Substantial Completion Date	09/26/12

APPROVED

<u><i>Kam Hedding</i></u>	<u>9/13/11</u>	<u><i>Alan C. Fabis</i></u>	_____
A/E CONTRACTOR		CITY ATTORNEY	
<u><i>Salvador Rodriguez</i></u>	<u>9/13/11</u>	_____	_____
CONSTRUCTION CONTRACTOR		DIRECTOR OF FISCAL SERVICES	
<u><i>Donald Krumm</i></u>	<u>9/14/11</u>	_____	_____
PROJECT MANAGER		MAYOR	
<u>n/a</u>	<u>n/a</u>	_____	_____
CITY ENGINEER		CITY SECRETARY	
<u><i>Charles R. Alb</i></u>	<u>14 Sept 2011</u>	_____	_____
DEPARTMENT DIRECTOR		CITY MANAGER	

Fire Station No. 6 Location Map



**September 22, 2011
Consent Agenda Item No. 2j
Annual Exemptions**

To: David Neeley, City Manager

From: Jeff Kersten, Executive Director of Business Services

Agenda Caption: Presentation, possible action and discussion to authorize expenditure of funds for FY'12, items exempt from competitive bidding as described more fully in Texas Local Government Code, Chapter 252.022; and other expenditures for interlocal contracts or fees mandated by state law that are greater than \$50,000.

Relationship to Strategic Goals: Goal I.1. Spending taxpayer money efficiently

Recommendation(s): Staff recommends approval of the purchase requests as listed.

Summary: The following are purchases that are exempt from competitive bidding in accordance with Local Government Code 252.022 (a) (7) (A); and other purchases greater than \$50,000 available from one source.

The following purchase requests are available from only one source and thereby exempt from competitive bidding in accordance with LGC 252.022 (a)(7) (A) Items that are available from only one source because of patents, copyrights, secret processes, or other natural monopolies:

U.S. Postmaster (postage - IT/Mail) FY12-\$70,000; FY11-\$70,000

The following purchase requests are available from one source and thereby exempt from competitive bidding in accordance with LGC 252.022 (a)(7) (D) captive replacement parts or components for equipment, computer software and hardware maintenance and equipment lease and maintenance:

Sungard Public Sector (H T E application maintenance) FY12-\$170,000; FY11-\$164,200

EnRoute Emergency System LLC (formerly GEAC) (application software upgrade/maintenance - Public Safety System) FY12-\$152,000; FY11-\$145,540

The following purchase requests are considered professional services and thereby exempt from competitive bidding in accordance with LGC 252.022 (a)(4) procurement for personal, professional, or planning services:

CME (geotechnical and construction testing services) FY12-\$65,000; FY11-\$65,000

Terracon (geotechnical and construction testing services) FY12-\$65,000; FY11-\$65,000

Joe Orr Surveying (land surveying) FY12-\$125,000; FY11-\$100,000

Duncan, Weinberg, Miller & Pembroke (Electric legal services related to Entergy transmission tie in): FY12-\$60,000; FY11-\$75,000

Bickerstaff, Heath, Delgado, Acosta (Electric legal services related transmission cost of service filings with PUCT): FY12-\$60,000

The following purchases are available from one source and thereby exempt from competitive bidding in accordance with LGC 252.022 (a) (7) (c) gas, water, and other utility service.

City of Bryan (utilities for Wells and Pump Station) FY12-\$1,300,000; FY11-\$1,200,000

Verizon (local phone services) FY12-\$100,000; FY11-\$100,000

Entergy (Well 8 electrical power) FY12-\$100,000; FY11=\$100,000

The following purchases are made pursuant to interlocal agreements with various agencies:

ILA with Brazos Valley Solid Waste Management Agency, Inc.:
BVSWMA (landfill disposal fees) FY12-\$1,322,185

ILA with City of Bryan for Library services:
Bryan Public Library (operational expenses for CS Public Library) FY12-\$1,014,480;
FY11-\$1,006,905

ILA with Brazos Valley Wide Area Communications System:
BV Council of Governments (managing entity for BVWACS) FY12-\$196,876; FY11-\$118,578

Collaborative Agreement between Texas A&M University and nine other entities for Brazos Valley Community Network (BVCNet) Project:
Texas A&M University FY12-\$13,000; FY11-\$13,000

ILA with Brazos County, City of Bryan and Texas A&M University for the Community Emergency Operations Center (CEOC) Lease,
City of Bryan FY12-\$59,115; FY11-\$57,672

ILA with the Texas Procurement and Support Services (State Contract):
AT&T Wireless (DIR)(wireless phone/data) FY12-\$100,000; FY11-\$100,000

ILA with the Texas Procurement and Support Services (State Contract):
Grainger (Maintenance, Repair, and Operational Supplies) FY12-\$75,000

ILA with Purchasing Solutions Alliance (Program of BVCOG)
Office Max (office supplies) FY12-\$75,000; FY11-\$85,000

The following purchase requests are for mandated state fees:

TCEQ (inspections/assessments, permitting fees - W/WW) FY12-\$135,000; FY11-\$135,000

BV Groundwater Conservation District: FY12-\$225,000; FY11-\$200,000

Texas Workforce Commission (unemployment claims) FY12-\$60,000; FY11-\$50,000

Budget & Financial Summary: Funds are either available and budgeted for each of the listed purchase requests in the fiscal year 2011-2012 budget in various funds of the City or if necessary will be made available by proposing an appropriate budget amendment or contingency transfer.

Attachments: None

September 22, 2011
Consent Agenda Item No. 2k
Lick Creek Wastewater Treatment Plant Miscellaneous Improvements
Professional Services Contract Change Order

To: David Neeley, City Manager

From: Chuck Gilman, P.E., Public Works Director

Agenda Caption: Presentation, possible action, and discussion regarding a change order to the professional services contract with HDR, Inc. (Contract # 10-152) in the amount of \$76,670 for the Lick Creek Wastewater Treatment Plant Miscellaneous Improvements Project.

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

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

Summary: Contract 10-152 was awarded to HDR Engineers in April 2010 to provide engineering design services for the Lick Creek Miscellaneous Improvements project consisting of:

- Return activated sludge improvements.
- Waste sludge holding tank improvements
- Process control improvements
- Clarifier catwalks
- Dewatered sludge conveyance system
- Influent pump station guide rails

Due to recent equipment failures, staff has requested one more item be added to this contract, namely the addition of a new centrifuge (A centrifuge reduces the amount of water in the sewage sludge prior to disposal). The existing centrifuge has presented staff with numerous maintenance challenges, and excessive down time has added significant operational costs.

On August 25, 2011, City Council approved a Budget Amendment for a capital improvement project to add a new centrifuge at the Lick Creek WWTP. The new centrifuge will serve as the primary centrifuge for Lick Creek Wastewater Treatment Plant, and the existing centrifuge will be kept and used as a backup for redundancy, and to prolong the service life of the capital investment.

Staff recommends this change order be approved. It is more cost effective to design and install this centrifuge as part of the overall project to make improvements to the Lick Creek Wastewater Treatment Plant. Additionally, with only one design firm and one construction contractor the contract administration and accountability will be much easier for staff to manage.

Budget & Financial Summary: Funds in the amount of \$2,867,500 are currently budget for these projects in the Wastewater Capital Improvement Projects Fund. Funds in the amount of \$280,365 have been expended or committed to date, leaving a balance of \$2,587,135 for this change order and future construction costs.

Attachments:

1. Change Order
2. Project Location Map

CHANGE ORDER NO. 2 DATE: 8/10/2011
 CONTRACT #10-152 PROJECT DESCRIPTION: Lick Creek Miscellaneous Improv
 P.O.# 100730 PROJECT #

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

CONTRACTOR: HDR Engineering, Inc.
 17111 Preston Rd
 Suite 200
 Dallas, Texas 75248

Ph: 972-960-4400
 Fax: 972-960-4471

PURPOSE OF THIS CHANGE ORDER:
 Item 1: Add Task G: Design, bidding and construction phase services to include the addition of a new centrifuge.
 Item 2:
 Item 3:

ITEM NO.	UNIT	DESCRIPTION	UNIT PRICE	ORIGINAL QUANTITY	REVISED QUANTITY	ADDED COST
1	LS	Professional Engineering Services for Task G	\$76,670	0	1	\$76,670
						NET INCREASE = \$76,670

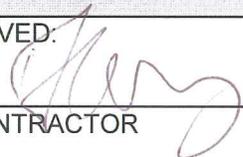
THE NET AFFECT OF THIS CHANGE ORDER IS A 33% (Increase or Decrease).

ORIGINAL CONTRACT AMOUNT	\$234,120.00	
Change Order No. 1	\$ 7,000.00	3 % of Original Contract Amount
Change Order No. 2	\$ 76,670.00	33 % of Original Contract Amount
Change Order No. 3	\$	% of Original Contract Amount
REVISED CONTRACT AMOUNT	\$317,790.00	

ORIGINAL CONTRACT TIME	355 Days
Change Order No. 1 Time Extension or Reduction	198 Days
Change Order No. 2 Time Extension or Reduction	427 Days
Change Order No. 3 Time Extension or Reduction	Days
REVISED CONTRACT TIME	980 Days

ORIGINAL SUBSTANTIAL COMPLETION DATE	May 1, 2011
REVISED SUBSTANTIAL COMPLETION DATE	Dec 28, 2012

APPROVED:

 A/E CONTRACTOR	<u>8/10/11</u> Date	CHIEF FINANCIAL OFFICER	Date
N/A CONSTRUCTION CONTRACTOR	Date	CITY ATTORNEY	Date
 PROJECT-ENGINEER MANAGER	<u>8/17/11</u> Date	CITY MANAGER	Date
N/A CITY ENGINEER	Date	MAYOR	Date
 DEPARTMENT DIRECTOR/ ADMINISTRATOR	<u>8/17/11</u> Date	CITY SECRETARY	Date

LICK CREEK WWTP MISCELLANEOUS IMPROVEMENTS



September 22, 2011
Consent Agenda Item No. 2L
Ratification of Carters Creek Centrifuge Repairs
and Approval of a Contingency Transfer

To: David Neeley, City Manager

From: David Coleman, Water Services Director

Agenda Caption: Presentation, possible action, and discussion regarding ratification of an increase in PO 110969 to a new total of \$54,823 for repairs to the Carters Creek centrifuge, and approval of a contingency transfer from the Wastewater Operating Fund in the amount of \$28,745.

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

Recommendation: Staff recommends approval of this ratification and approval of the contingency transfer.

Summary: The wastewater treatment process removes solids from the water, and the centrifuge is required to further de-water the sludge for more efficient treatment and disposal. The centrifuge at the Carters Creek treatment plant has been in service since 1985 and though it has been repaired many times, it has provided excellent service. We do not have a back-up centrifuge, so we must minimize the time it is down for repairs.

Recently, the centrifuge was due for periodic repairs, which was estimated to cost \$24,987. However, upon disassembly, an additional \$29,386 in repair needs was discovered, increasing the total cost to \$54,823. The Purchase Order was originally approved under the City Manager's authority and since delaying the start of repairs would threaten our ability to fully comply with our discharge permit, the decision was made to proceed with the additional repairs and seek ratification of this increase.

The centrifuge is currently in the shop in Houston, due for delivery back to Carters Creek on September 27th. Since timely repair of this critical equipment is essential for proper wastewater treatment, staff recommends approval of the ratification.

Budget & Financial Summary: The original contract amount for this repair has been accounted for in the Wastewater Operating Fund budget. If approved, an amount of \$28,745 will be transferred from contingency to cover the majority of the additional needed budget. This will deplete the contingency budget available in this fund for FY11, but will allow for the work to be done in order to stay in compliance with permitting requirements. Contingency transfers greater than \$15,000 must be approved by Council.

Attachments:

Revised Repair Quote



Doug Wallace
City of College Station
8/18/11

Repair of PM75000 Rotating Assy. with gearbox S/N 84-PM75000-149
RH371104

Our report describing the condition of this equipment and advising the cost to repair is attached for your review. Items marked as "Discovery" are those recommended repairs that were realized during the inspection of the equipment and are in addition to Tom Cegielski's original proposal.

At the end of this document you will find a work authorization form for your execution and return. If you have any questions, please do not hesitate to call me at 713-934-3166.

Regards,

Tom Cegielski



REPAIR SUMMARY

PM75000 Rotating Assy. with gearbox S/N 84-PM75000-149; RH371104

A/L ref.: 414054

Your ref.: 110969

ASSESSMENT

Your Rotating Assembly and Gearbox have been received. The Rotating Assembly has been disassembled, cleaned and inspected to determine their present condition. Based on current OEM dimensions and standards, we recommend the following repairs.

BASIC REPAIR

- At the Alfa Laval Houston Service Center the Rotating Assembly will be Disassembled, Cleaned and dimensionally inspected.
- Inspect gearbox pinion for oil leak. Drain Oil in Gearbox and inspect for contamination
- Remove end cover & pull stage to confirm there is no internal damage. If no issues are Found on gearbox re-install stage and end cover
- Replace up to 10 conveyor tile assemblies
- The Conveyor is assembled and computer balanced to OEM specifications
- Replace all Bearings, Seals, and o-rings in Rotating Assembly
- Re-Assemble Rotating Assembly
- Fill gearbox to proper operating level with your choice of either our recommended synthetic or petroleum based oil.
- Balance and Test Rotating Assembly with gearbox in Shop PM75000 Frame
 - 2mm p/p
 - 4 hour test run
 - Paint Rotating Assembly and Gearbox
- Written Inspection Report
 - Component and Abrasion Protection Evaluation
 - Vibration analysis
- 90 day Warranty

On arrival machine had a large amount of product in it and appeared to not have Been flushed properly prior to remove from customer's frame





Conveyor:

- 23 tiles damaged
 - Slight damage to pilot bore for tension bar
 - Slight wear to backer plates of tiles but acceptable at this time
 - Slight damage to hardsurfacing on flight supports in feed zone but acceptable at this time
- Replace 23 tiles *13 tiles Discovery
- Polish pilot bore for tension bar

Damaged Tile



Accelerator:

- Conveyor pilot diameter undersize
- Feed zone pilot diameter undersize
- Slight wear in I.D.
- Weld & machine conveyor pilot diameter to specifications *Discovery
- Machine feed zone pilot diameter to specifications *Discovery
- Re-hardsurface I.D. *Discovery

Feed Zone Liner:

- Slight wear at 4 nozzle ports
- Conveyor pilot diameter slight undersize
- Weld & machine wear at 4 nozzle ports
- Weld & machine conveyor pilot diameter to specifications
- Weld & machine other diameter as needed
- Hardsurface I.D., angle & 4 port holes

Nozzle Set (Straight through):

- Slight wear to all bodies
- Use as is turning worn area away from product flow when installing

Tension Bar:

- Slight damage to conveyor pilot diameter
- Slight etching to conveyor bearing diameter
- Slight damage to pulley bearing diameter
- Slight wear to conveyor seal diameter
- Weld & machine conveyor pilot diameter to specifications
- Chrome & grind conveyor bearing diameter to specifications *Discovery
- Chrome & grind pulley bearing diameter to specifications *Discovery
- Grind conveyor seal diameter to minimum to remove seal wear *Discovery
- Re-grind balance bands



Spline Bushing:

- Slight damage to spline hub near split ring area
Slight pitting to splines
Brass ring damaged
Slight damage throughout
- Replace brass ring *Discovery
Deburr & polish as needed

Note: Part has limited life and may require replacement in the future

Front Conveyor Seal Holder:

- Slight contact damage near seal area
Slight damage throughout part
Heavy damage on outboard face
- Deburr & polish area near seal diameter
Deburr & polish rest of part as needed

Rear Hub:

- Slight wear in at hub discharge area
Slight wear to casing seal diameter
Slight pitting near inboard pulley diameter but acceptable at this time
- Weld & machine wear at discharge area *Discovery
Weld & machine extension pilot diameter to specifications *Discovery
Chrome & grind casing seal diameter to specifications *Discovery

Rear Conveyor Bearing Seal Holder:

- Seal bore worn
Slight damage throughout part
- Chrome & grind seal bore to specifications *Discovery
Deburr & polish as needed

Front Hub:

- Bearing spun on pillow block bearing diameter & diameter undersize
Slight wear to casing seal diameter
Slight wear a plate dam ports
Slight hammer marks at noise ring pilot & throughout part
- Chrome & grind pillow block bearing diameter to specifications *Discovery
Chrome & grind casing seal diameter to specifications *Discovery
Weld & grind plate wear at plate dam ports *Discovery
Deburr & polish noise ring pilot diameter

Plate Dam:

- Slight damage
- Straighten plate dams

Plate Dam Retainer:

- Moderate wear
- Weld & grind to repair wear as deemed possible *Discovery

Front Conveyor Hub:

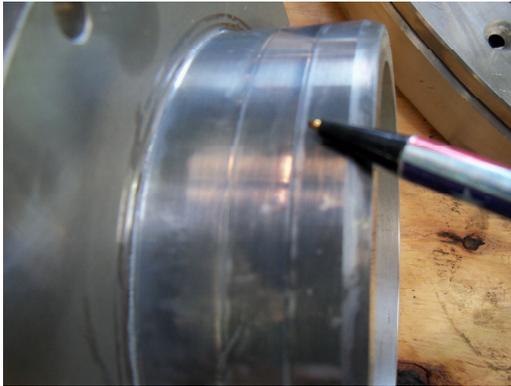
- Slight damage
- Deburr & polish as needed



Front Conveyor Hub Sleeve:

- Seal diameter worn
- Chrome & grind seal diameter to specifications *Discovery

Seal diameter worn



Extension:

- Slight wear in 45 area at hub pilot diameter
Slight wear to hardsurfacing O.D. of lugs
1 wear sleeve broken moderate wear to 7
Grooves in I.D. with minimal depth
- Weld & machine wear at 45 area *Discovery
Weld & machine hub pilot diameter to specifications *Discovery
Strip & re-hardsurface O.D. of lugs *Discovery
Replace 1 wear sleeve re-glueing all using PC-7 adhesive turning in direction of wear *Discovery
Apply metal filler to grooves on I.D. *Discovery

Wear in 45 area



Bowl Wear Ring:

- Old style non-tiled wear ring
Slight wear on face & to hardsurfacing
- Re-hardsurface face & O.D. & use as is *Discovery



Bowl Shell:

- Moderate damaged on O.D. of bowl shell
Front hub pilot bore undersize
- Weld & machine pilot diameter to specifications *Discovery

Bowl Liner:

- 1 caulk strip damaged
- Repair 1 caulk strip, check all welds & repair as needed *Discovery

Bowl Seal Holder:

- Moderate corrosion to one
- Apply metal filler to one & machine to specifications *Discovery

Noise Rings:

- Slight damage on large end ring
- Deburr & polish large end ring

Seal Rings

- Slight damage on 1 ring
- Deburr & polish 1 ring

Pillow Blocks:

- Slight damage to alignment holes but acceptable at this time
- Use as is

Pillow Block Covers:

- Oiler alignment pin bent on small end inboard cover
Slight damage to all covers
- Straighten oiler pin on small end inboard cover
Deburr & polish all covers

Flingers:

- Acceptable
- Use as is

Gearbox Adaptor:

- Slight corrosion on I.D.
Slight damage to jacking screw holes for hub
- Deburr/polish to remove surface corrosion & damage
Re-tap all jacking screws for from hub

Pulley:

- Slight damage throughout part
Slight damage to threads for grease fitting
- Deburr & polish throughout
Re-tap threads for grease fitting as needed

Rear Bowl Hub Nut:

- Slight damage
- Deburr & polish



Pulley Seal Holder:

- Acceptable
- Use as is

Tension Bar Nut:

- Slight polishing seal diameter but acceptable at this time
Slight corrosion
- Polish to remove corrosion

Feed Tube:

- Not sent

Lubrication System:

- Acceptable
- Use as is

Spline Shaft:

- Moderate corrosion at splines for spline bushing
Slight damage near spline bushing splines
- Deburr & polish to remove damage near spline bushing splines

Note: Part has limited life and may require replacement in the future

Gearbox

- Oil drained & inspected for contamination, appears to be acceptable
- Stage removed & internals visually inspected for damage, appear to be acceptable
Fill gearbox with natural oil 9CH35B to proper operating level & test run with
Rotating assembly



PM75000 Rotating Assy. with gearbox S/N 84-PM75000-149; RH371104
A/L ref.: 414054
Your ref.:110969

Standard Pre-Estimated Parts		
Part#	Description	Qty
7FC70P	O RING 1	4
9CE15	FITTING	1
7FE35BA	O RING	1
7FC62BA	O-RING	1
11BC68	BEARING	1
11BB16	BEARING	1
7FC64P	O RING	1
7BA199	SEAL	2
7BA207	SEAL	2
3DAJ15A	PLUG	3
11BC33	BEARING	1
PC10459-1	SPACER,	1
7FK24AT	QUAD RING	1
1DAA61A2	SCREW	3
1DAA59A1	SCREW	3
1BHA63A	SCREW	12
1BHA43A	SCREW	8
1BGA79A	SCREW	8
11BC61	BEARING	1
PC15445-2	SPACER	1
PC15575-1	RING, CASING SEAL	2
1BR67A	SCREW	4
PC15939-1	BUSHING,	1
7FC57BA	O-RING	1
PC18080-2	SEAL, BOWL HUB	2
9CE44	FITTING	1
1DAE2	SCREW	1
1DAB6B2	SCREW	3
7FE28BA	O RING	2
7FD16BA	O RING	8
1BGA54B	SCREW	24
PC14900-1	GASKET	6
7FG31BA	O RING	2
7FC61BA	O RING	1
7FC62BA	O-RING	1
11BC79	BEARING	1
12AB45	SPRING,BELLEVILLE	2
7BA338	SEAL	1
7FG28BA	O RING	1
6124004282	CONVEYOR TILE	10



Discovery Parts		
Part#	Description	Qty
1BHA63A	SCREW	8
1BGA71B	SCREW	6
1BHA63B	SCREW	12
1BR25B	SCREW	16
PC14312-1	WEAR SLEEVE	1
1BR45B	SCREW	12
6124004282	CONVEYOR TILE	13



AUTHORIZATION TO REPAIR

PM75000 Rotating Assy. with gearbox S/N 84-PM75000-149; RH371104
A/L ref.: 414054
Your ref.:110969

The total charge for parts, labor and expenses associated with this repair is:

Pre- Estimated Price	\$24,987.00
Additional Discovery Repairs	\$29,386.00
Freight	\$450.00
Total Repair with Freight	\$54,823.00

Above Price does not include applicable taxes

This repair has an estimated completion time of 5 weeks, after receipt of order.

Validity: 30
Payment Terms: NET 30 DAYS
Warranty:
Terms and conditions attached.

Please execute the work authorization below and fax it to the number shown below. The equipment not approved for repair is subject to a service charge to cover the cost of disassembly, cleaning, inspection, quoting and repackaging. On occasion, more extensive damage is revealed during the course of the repair, in which case you will be contacted and advised of the possible impact to delivery and pricing.

WORK AUTHORIZATION:

Signing below is an authorization to proceed with the work described in the accompanying quotation.

Authorized Signature: _____

Date: _____

Purchase order or Work order #: _____

-> Fax to the attention of Tom Cegielski at +1 713-896-9892

**September 22, 2011
Regular Agenda Item No. 1
Rock Prairie Road Bridge Improvements
Public Hearing
Project Number ST1118**

To: David Neeley, City Manager

From: Chuck Gilman, P.E., Public Works Director

Agenda Caption: Public Hearing, presentation, possible action and discussion concerning approval of a professional services contract for the Improvements to the Rock Prairie Road Bridge.

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

Recommendation(s): Staff recommends approval of the professional services contract.

Summary: The scope of the Rock Prairie Road Bridge Improvements project is for environmental clearance, design, bidding, and construction administration for the improvements to the existing bridge over State Highway 6. Kimley-Horn and Associates, Inc. prepared a traffic study of the Rock Prairie Road Corridor earlier this year to collect traffic data and make infrastructure improvement recommendations to alleviate existing traffic congestion. The corridor limits were generally bounded by Normand Drive to the west, Ponderosa Road to the north, Graham Road to the south, and Stonebrook Drive to the east. The report concluded that the Rock Prairie Road Bridge will be operating at an unacceptable Level of Service by 2016 if the bridge is not expanded.

The Bryan-College Station Metropolitan Planning Organization (BCSMPO) identified this project as the number one priority project in their Metropolitan Transportation Plan. The BCSMPO received \$4.6 million in State Proposition 12 funds from TxDOT. The BCSMPO voted to allocate those funds toward the construction of the Rock Prairie Road Bridge. As a condition, the City is responsible for funding the engineering design and environmental work on this project and TxDOT will manage the construction of the project. The City is obligated to deliver final plans and specifications including environmental clearance by April of 2013.

Budget & Financial Summary: The contract amount for engineering is not to exceed \$452,900.00. This project was not included in the FY11 Approved Budget because the project was not defined when the FY11 Approved Budget was developed. Budget for the project in the amount of \$567,000 has been transferred from the Barron Road Widening Phase II project since that project is expected to cost significantly less than the amount authorized as part of the 2008 General Obligation Bond election. 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 next fiscal year.

Attachments:

- 1.) Location Map

September 22, 2011
Regular Agenda Item No. 2
Fiscal Year 2011 - 2012 Budget Adoption

To: David Neeley, City Manager

From: Jeff Kersten, Executive Director, Business Services

Agenda Caption: Presentation, possible action, and discussion on an ordinance adopting the City of College Station 2011-2012 Budget; and presentation, possible action and discussion ratifying the property tax revenue increase reflected in the budget.

Recommendation(s): Staff recommends the City Council approve the ordinance adopting the proposed 2011-2012 budget with any changes the Council wishes to include. A summary of changes the City Council has discussed will be presented to the Council for consideration.

Staff also recommends the City Council ratify the property tax revenue increase reflected in the budget.

Summary: There are two actions in this agenda item.

First is the consideration of the 2011 - 2012 proposed budget. The City Council received the proposed budget on August 11th, 2011 and held budget workshops on August 15th, August 16th, August 17th, and August 18th. The City Council held a public hearing on the proposed budget on September 8th. The charter requires that the City Council adopt a budget no later than September 27th.

The City Council will need to include any proposed revisions to the budget in the motion to adopt the budget.

The second action is ratification of the property tax revenue increase reflected in the budget. This action is required due to recently enacted legislation. House Bill 3195 amends the local government code to say the following:

"(c) Adoption of a budget that will require raising more revenue from property taxes than in the previous year requires a separate vote of the governing body to ratify the property tax increase reflected in the budget. A vote under this subsection is in addition to and separate from the vote to adopt the budget or a vote to set the tax rate as required by Chapter 26, Tax Code, or other law."

The proposed budget will result in additional property tax revenues over last year totaling \$738,343, or 3%, and of that amount \$646,832 is tax revenue to be raised from new property added to the tax roll this year.

The proposed tax rate is \$0.437995 per \$100 assessed valuation which is the effective tax rate.

Budgetary and Financial Summary: The following is an overall summary of the proposed budget.

Subtotal Operation and Maintenance:	\$209,313,406
<u>Subtotal Capital:</u>	<u>37,349,793</u>
Total Proposed Budget:	\$246,663,199

Attachments:

1. FY 12 Budget Ordinance

ORDINANCE NO. _____

AN ORDINANCE ADOPTING A BUDGET FOR THE 2011-12 FISCAL YEAR AND AUTHORIZING EXPENDITURES AS THEREIN PROVIDED.

WHEREAS, a proposed budget for the fiscal year October 1, 2011, to September 30, 2012, 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, notice of said hearing having first been duly given; and

WHEREAS, the City Council has reviewed and amended the proposed budget and changes as approved by the City Council have been identified and their effect included in the budget; now therefore,

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

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.

PART 2: That authorization is hereby granted for the expenditure of the same under the respective items contained in said budget with the approved fiscal procedures of the City.

PART 3: That the City Manager and his authorized and designated employees, at his discretion, be, and are hereby authorized to sign or release utility easements; to negotiate and sign documents related to the settlement of disputed assessments for paving, weed mowing, demolition, and other disputes based on legal questions of whether the assessments are enforceable or other extenuating circumstances; to sign contracts and documents authorizing the payment of funds and to expend public funds for expenditures that are \$50,000 or less; to sign change orders authorizing the expenditure of funds pursuant to the TEXAS LOCAL GOVERNMENT CODE or as provided in the original contract document. The intent of this section is to provide the ability to conduct daily affairs of the City which involve numerous decisions of a routine nature.

PART 4: That the City Manager and his authorized and designated employees, at his discretion, be, and are hereby, authorized to provide for transfers of any unexpended or unencumbered appropriation balance within each of the various departments in the General Fund and within any other fund of the City and to authorize transfers of Contingent Appropriations within a fund up to an amount equal to expenditures that are \$15,000 or less.

ORDINANCE NO. _____

PART 5: That the City Council hereby approves the funding for the outside agencies and organizations in this budget and authorizes the City Manager and his authorized and designated employees, at his discretion, to sign contracts and documents authorizing the payment of funds, and to expend public funds for expenditures that are \$50,000 or less that have been expressly approved and appropriated in this budget, as set out in Appendix J of the 2011-12 Fiscal Year Budget.

PART 6: That the City Council hereby approves the funding and the purchases that are made pursuant to interlocal agreements as provided by CHAPTER 271, SUBCHAPTERS (D) AND (F) of the TEXAS LOCAL GOVERNMENT CODE, in this budget and authorizes the City Manager and his authorized and designated employees, at his discretion, to sign contracts and documents authorizing the payment of funds, and to expend public funds that have been expressly designated, approved, and appropriated in this budget, as set out in the 2011-12 Fiscal Year Equipment Replacement Fund, and Attachment "A" to this Ordinance.

PART 7: That this ordinance shall become effective immediately after passage and approval.

PASSED AND APPROVED THIS 22 DAY OF SEPTEMBER, 2011.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED:

Carla A Robinson

City Attorney

ORDINANCE NO. _____

**Potential FY10 Technology Purchases through GSA Schedule 70,
HGAC, TXMAS, Texas Department of Information Resources, TCPN or Buy Board Purchases**

ITEM	Quantity	Estimated Unit Cost	Projected Total
Scheduled Replacement/Repair/Additions			
Replacement PCs	74	1,000	74,000
Replacement Monitors	50	160	8,000
Replacement Printers	8	2,200	17,600
Replacement Laptops	20	1,200	24,000
Replacement Copiers			65,000
Replacement Scanners			15,000
Printer replacement Parts			20,000
PC Replacement Parts (Video Cards, Hard Drive & Memory)			25,000
Replace 3servers	3	7,500	22,500
Server replacement parts			20,000
Server OS replacement/upgrade			10,000
Replacement UPS battery/units			35,000
Estimated Additional Desktop Software			60,000
Includes but not limited to New & Upgrade versions of Adobe Acrobat, PageMaker, Photoshop Illustrator, Premier, Audition, Microsoft Publisher, Windows XP, Frontpage, Project, Visio, Vstudio.net, AutoCAD, ESRI ArcGIS, Crystal, Corel Draw, Cognos, Novell			
Replace Fire ESO Toughbooks			45,461
Exchange and Windows File Server Licenses			41,500
Computer Network Maint and Equipment Replacement			30,000
Motorola Radio Repair/Replacement			20,000
Telephone Repair/Replacement			25,000
Fiber ring expansion			50,000
SCADA Man Machine Upgrade - Wastewater			89,000
Communications Infrastructure Improvements - Wastewater			30,000
Fiber to Lift Stations and Well 7 -Wastewater			64,000
Dowling Road High Service Improvements - Wastewater			388,250
Sandy Point Cooling Tower Expansion - Wastewater			76,000
Professional Services - Wastewater			14,400
Carters Creek Lab SCADA Building - Wastewater			40,600
Subtotal - Scheduled Replacement			1,310,311
Service Level Adjustments			
SLA - new position equipment includes desktop pc, extended warranty, network card, added memory, monitor, laptop, printer, standard software, additional phones and radios			
Subtotal - Service Level Adjustments			-

ORDINANCE NO.

**Potential FY10 Technology Purchases through GSA Schedule 70,
HGAC, TXMAS, Texas Department of Information Resources, TCPN or Buy Board Purchases**

ITEM	Quantity	Estimated Unit Cost	Projected Total
Unscheduled Replacements/Additions			
Estimated Additional PC setups not identified specifically in budget includes but not limited to: Monitor, network card, extended warranty, added memory	10	2,100	21,000
Estimated Standard Desktop Software not identified specifically in budget Includes but not limited to: Microsoft Office 2010, Vipre, Microsoft Windows client access license, Novell	10	604	6,040
Estimated Additional Desktop Software Includes but not limited to New & Upgrade versions of Adobe Acrobat, PageMaker, Photoshop Illustrator, Premier, Audition Microsoft Publisher, Windows 7 Frontpage, Project, Visio, Vstudio.net AutoCAD, ESRI ArcGIS, Crystal Corel Draw, Cognos, Novell			45,000
Estimated Additional Printers/Plotters			20,000
Estimated Memory upgrades includes: desktop pcs, printers laptops	350	100	35,000
Estimated PC misc parts includes: CD Burners, harddrives modems, network cards, DVD Burner mice, network cables			10,000
Estimated Monitor upgrades includes: Flat Panel and larger than 19" monitor			20,000
Estimated Additional Scanners	5	1,200	6,000
Estimated Additional Laptops/Toughbooks	10	4,000	40,000
Estimated Network Upgrades			40,000
Sub-Total Unscheduled Replacement/Additions			243,040
Phone System Maintenance			
Cisco_Datavox			45,000
Subtotal - Phone System Maintenance			45,000

ORDINANCE NO. _____

Potential FY10 Technology Purchases through GSA Schedule 70,
HGAC, TXMIAS, Texas Department of Information Resources, TCPN or Buy Board Purchases

ITEM	Quantity	Estimated Unit Cost	Projected Total
Network Software on Master License Agreement (MLA)			
Novell Open Workgroup Suite (1Zen/1Groupwise/1 ODS) -927			65,000
CommVault			16,000
Novell Sentinel			10,060
ZenWorks Asset Management -904 nodes			4,500
ZenWorks Patch Management - 904 nodes			8,000
Subtotal - Network Software on MLA			103,560
PC Hardware and Software Maintenance			
HP Printer Maintenance			2,818
AutoCAD			15,225
Barracuda Spam/Spyware			4,275
Subtotal - PC Software Maintenance			22,318
IBM Hardware and Software Maintenance			
Hardware Maintenance (2 power 7's)			-
Power 7 Software Subscription and Support	2		2,000
Subtotal - IBM Hardware and Software Maintenance			2,000
GIS Software Maintenance			
Enterprise Maintenance for ESRI software			
Subtotal - GIS Software Maintenance			44,000
		Grand Total	1,770,229

**September 22, 2011
Regular Agenda Item No. 3
Ad Valorem Tax Rate Adoption**

To: David Neeley, City Manager

From: Jeff Kersten, Executive Director, Business Services

Agenda Caption: Presentation, possible action, and discussion on approval of an ordinance adopting the City of College Station 2011-2012 ad valorem tax rate of \$0.437995 per \$100 assessed valuation, the debt service portion being \$0.201536 per \$100 assessed valuation and the operations and maintenance portion being \$0.236459 per \$100 assessed valuation.

Recommendation(s): Adopt proposed tax rate of \$0.437995 per \$100 assessed valuation.

Summary: On August 18th, the City Council discussed the tax rate and decided not to consider a rate higher than the effective rate of \$0.437995. As a result, no additional public hearings or notices were required. The highest tax rate the City Council can consider is the effective tax rate of \$0.437995.

The tax rate must be adopted as two separate components – one for Maintenance and Operations and one for debt service.

\$0.236459	M&O
<u>\$0.201536</u>	Debt Service
\$0.437995	Total Tax Rate

The effective tax rate of \$0.437995 per \$100 assessed valuation was used to prepare the proposed budget. If the City Council adopts a tax rate lower than the effective rate, the budget will have to be amended and reduced.

Budgetary and Financial Summary: The effective tax rate of \$0.437995 per \$100 assessed valuation will generate approximately \$25 million. The property taxes are used to fund the general debt service of the City as well as a portion of the operations and maintenance costs of the General Fund.

Attachments:

1. Tax Rate Ordinance - \$0.437995 per \$100 assessed valuation

ORDINANCE NO. _____

AN ORDINANCE LEVYING THE AD VALOREM TAXES FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF COLLEGE STATION, TEXAS, AND PROVIDING FOR THE GENERAL DEBT SERVICE FUND FOR THE YEAR 2011-12 AND APPORTIONING EACH LEVY FOR THE SPECIFIC PURPOSES.

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

SECTION 1. That there is hereby levied and there shall be collected for the use and support of the municipal government of the City of College Station, Texas, and to provide General Debt Service for the 2011-12 fiscal year upon all property, real, personal and mixed within the corporate limits of said city subject to taxation, a tax of forty three and seventy nine hundredths and ninety five thousandths cents (\$0.437995) on each one hundred dollar (\$100.00) valuation of property, and said tax being so levied and apportioned to the specific purpose herein set forth:

1. For the maintenance and support of the general government (General Fund), twenty three and sixty four hundredths and fifty nine thousandths cents (\$0.236459) on each one hundred dollar (\$100.00) valuation of property; and
2. For the general obligation debt service (Debt Service Fund), twenty and fifteen hundredths and thirty six thousandths cents (\$0.201536) on each one hundred dollars (\$100.00) valuation of property to be used for principal and interest payments on bonds and other obligations of the fund.

SECTION II. All moneys collected under this ordinance for the specific items therein named, shall be and the same are hereby appropriated and set apart for the specific purpose indicated in each item and the Assessor and Collector of Taxes and the Chief Financial Officer shall keep these accounts so as to readily and distinctly show the amount collected, the amounts expended and the amount on hand at any time, belonging to such funds. It is hereby made the duty of the Tax Assessor and Collector to deliver a statement at the time of depositing any money, showing from what source such taxes were received and to what account (General Fund or General Debt Service Fund) the funds were deposited.

Section III. THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

SECTION IV. That this ordinance shall take effect and be in force from and after its passage.

PASSED AND APPROVED THIS 22nd DAY OF SEPTEMBER, 2011.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED:

Carla A. Robinson

City Attorney

September 22, 2011
Regular Agenda Item No. 4
Wastewater Utility Rate Increases

To: David Neeley, City Manager

From: Dave Coleman, Director of Water Services

Agenda Caption: Presentation, possible action, and discussion regarding an ordinance amending Chapter 11, "Utilities" Section 2, "Water and Sewer Services," of the Code of Ordinances of the City of College Station, Texas having the effect of raising rates for wastewater service, with effective date of January 1, 2012.

Relationship to Strategic Goals: Financially sustainable city providing response to core services and infrastructure.

Recommendation: Staff recommends approval of the ordinance.

Summary: The attached ordinance implements the sewer rates discussed with Council at the August 15, 2011 Budget Workshop, and will generate the revenue required for the FY-12 Budget that is being considered by City Council today. The proposed rates will increase the Service Charges and Usage Charges as follows:

Sewer Service Fees and Volume Rates: 5% increase effective January 1, 2012

This rate increase is required to keep up with the increased cost of operating the wastewater systems. In addition to general inflation and increased operating costs, funds are required to support the capital requirements described in the Wastewater Master Plan that was approved by City Council on June 23, 2011.

A service fee of \$50 has been added, to be applied in cases of non-payment, when a College Station sewer customer is on Wellborn water, and we must have Wellborn SUD disconnect their water service in order to get their sewer account brought up to date. The Wellborn water service will not be restored until the \$50 fee and back charges are paid. The Inter-Local agreement with Wellborn SUD to enable this arrangement was approved by City Council on June 9th, 2011 and this Ordinance will enable the City to collect the fee that is then paid to Wellborn SUD for disconnect services.

Budget & Financial Summary: The proposed rate increases are estimated to generate approximately \$12.7 million in sewer revenues. This increase is needed to continue meeting financial policies and bond covenants.

Attachment:
Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 11, "UTILITIES" OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING SECTIONS 2(D)(3) AND 1(K)(2)(a) AS SET OUT BELOW; PROVIDING FOR AN INCREASE IN SEWER SERVICE FEES AND VOLUME RATES; PROVIDING FOR AN ADDITIONAL SERVICE DISCONNECT FEE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

- PART 1: That Chapter 11, "Utilities" Sections 2(D)(3) and 1(K)(2)(a) 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 all previous ordinances in direct conflict with this ordinance are hereby superseded and repealed.
- PART 3: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.
- PART 4: New rates are effective January 1, 2012.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2011.

APPROVED:

Nancy Berry, Mayor

ATTEST:

Sherry Mashburn, City Secretary

APPROVED:

A handwritten signature in blue ink, appearing to read "Melolanta", written over a horizontal line.

City Attorney

Ordinance number _____

EXHIBIT "A"

That Chapter 11, "Utilities", Section 2, "Water and Sewer Services", Subsection D(3) "Rates for Sewerage Service" is hereby amended to read as follows:

**"CHAPTER 11
UTILITIES**

SECTION 2 "WATER AND SEWER SERVICES"

....

(D) WATER AND SEWER RATES, USAGE CHARGES AND FEES

....

(3) Rates for Sewerage Service

(a) For customers using sewerage service for household purposes, where City water service is provided with a meter for each residential unit:

Service Charge: \$17.89 for first 4,000 gallons of water metered

Usage Charge: \$3.58 per 1,000 gallons of water usage for the next 6,000 gallons of water metered.

Maximum Billing: \$39.37 cap for metered water is 10,000 gallons

(b) For customers using sewerage service for household purposes, multi-family residences with kitchen facilities in each residential unit where water service is provided without a meter for each residential unit:

Monthly Charge per Household Unit: \$22.75

(c) For customers using sewerage service for household purposes, multi-family residences with more than 50 units without kitchen facilities in each unit

Monthly Charge per Household Unit: \$14.20

(d) For customers using sewerage service for household purposes, multi-family residences having 50 residential units or less without kitchen facilities in each residential unit, where water service is provided without a meter for each residential unit such as but not limited to Fraternity houses, Sorority houses, Boarding houses and Privately Owned Student Dorms:

Service Charge: \$15.34 per month

Usage Charge: \$3.58 per 1,000 gallons of water usage.

(e) For customers using sewerage service for commercial and/or industrial business establishments:

Service Charge: \$15.34 per month
Usage Charge: \$4.26 per 1,000 gallons of water usage.

(f) For customers outside the City water service area (where City water meters do not exist), using City sewerage service for household purposes, the customer will be charged the monthly rate as set out in Subsection (a) herein for 10,000 gallons per month, unless the customer establishes, as determined by the City Manager, that the average rounded water usage is less than 9,001 gallons per month in which case the customer will be charged the following:

9,001 - 10,000 > gallons per month \$39.37
7,001 - 9,000 gallons per month \$32.20
5,001 - 7,000 gallons per month \$25.04
0 - 5,000 gallons per month \$17.89

(g) For customers where sewerage service is provided through a satellite wastewater treatment plant not connected to the City's main sewer collection and treatment system (typically outside the corporate limits of the City):

Monthly Charge per Residential Unit: \$43.26

(h) Subject to available capacity under present City demand requirements, present system capability, anticipated demand requirements, and anticipated system capability, the City Council may enter into contracts for the sale of sanitary sewer service to wholesale customers outside the City's corporate limits.

(i) All customers receiving sewer service under contract where the sewer rates are not addressed in the contract shall pay 1.15 times the amounts set forth above.

(j) A service restoration fee of \$50.00 will be charged to a customer whose account required disconnection of Wellborn SUD water service, for non-payment of College Station sewer bills. Wellborn SUD water service will not be restored until this fee is paid in full."

And that Chapter 11, "Utilities", Section 1 "General Provisions", Subsection K, Paragraph (2)(a) "Restoration of Services" is hereby amended to read as follows:

**"CHAPTER 11
UTILITIES**

SECTION 1 "GENERAL PROVISIONS"

....

(K) DISCONNECTION AND RECONNECTIONS

....

(2) Restoration of Services

(a) When connections for services have been severed, or are considered to be severed, the same shall be restored only when all amounts past due to the City have been paid in full. A \$25.00 fee for the reconnection of service will be charged on each account. An additional fee of \$50.00 (or, adjusted accordingly to reflect the maximum amount allowed by law) will be charged to the customer's account when service is disconnected by another service provider on behalf of the City."